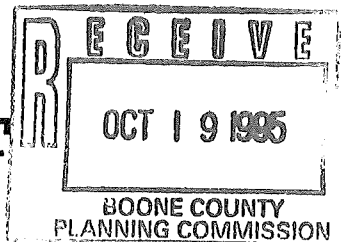


APPLICATION FORM  
**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION**



(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

- (Check One)
1.        Boone   x   Florence        Walton        Union  
(Check One)
2.   x   Conditional Use Permit        Variance        Appeal  
       Change in Non-Conforming Use
3. Applicant's Name Thomas W. Breidenstein  
Phone Number 341-1881 Fax No. 341-1469  
Applicant's Address 2701 Turkeyfoot Road  
Covington, Kentucky 41017  
City State Zip
4. Description of Request: Permit to allow church services
5. Name of Development Boone Post No. 4, American Legion
6. Location of Development 8385 U. S. 42, Florence, KY
7. Acreage Under Review 1.051
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Boone Post No. 4, American Legion  
Phone Number of Owner 371-7024
10. Address of Property Owner 8385 U. S. 42  
Florence KY 41042  
City State Zip
11. Proposed Use(s) on Site church, worship services and related activities
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C-2
14. Deed Book 258 Page No. 152 Group No. 928 and 2048
15. Is the site subject to a zone change? no  
If yes, give date of approval
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request? yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.  
Applicant's Signature: Thomas W. Breidenstein  
Property Owner's Signature: Marcus F. Boyd

(over)

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

**SECTION B** (To be completed by the Boone County Planning  
Commission Staff)

1. Date Received OCT 19, 1995 Fee Received 644.<sup>00</sup> RF# 8307
2. Is application complete?  Yes  No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date Nov 8 95
5. Board Action:  
 **Approved**  
 **Approved with Conditions** (See #6)  
 **Denial** (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

## STAFF REPORT

DEVELOPMENT:           **Church**

APPLICANT:             Thomas Breidenstein

LOCATION:                8385 US. 42, Florence, Kentucky

ZONING:                 Commercial Two (C-2)

DATE:                    November 8, 1995

The applicant is requesting a Conditional Use Permit to allow a church to locate within the existing American Legion building. The church would be leasing the existing building for worship services on Sunday and Wednesday. The site is located off of U.S. 42 across the street from the Board of Education building (See Map #1). The existing building is 10,000 square feet in size and has enough parking for 35 cars (See Map #2). The zoning regulations require that one parking space be provided for every five seats of assembly area. This would enable the building to house up to 175 people based on the existing parking spaces.

Article 10 of the Boone County Zoning Regulations permits the development of churches, synagogues, temples and other places of religious assembly for worship with a Conditional Use Permit. The Board must use the following criteria in addition to the seven criteria used to judge a Conditional Use Permit:

- a) the activity is an integral and subordinate function of a permitted commercial use, professional service;
- b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center;
- c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

### Surrounding Land Uses and Zoning (See Sheet # 3)

North:           Boone County Board of Education zoned Public Facilities (PF)

South:           Single family residences zoned Suburban Residential One (SR-1)

East:            A-A Auto Sales zoned Commercial Two (C-2)

West:            Delightful Days zoned Commercial Two (C-2)

Conclusion

Staff believes that because the building was designed for assemblies the proposed use would be appropriate. In addition, there will be no alterations to the existing building or site. The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the three criteria for a Conditional Use within an Commercial Two zoning district.

Respectfully Submitted,

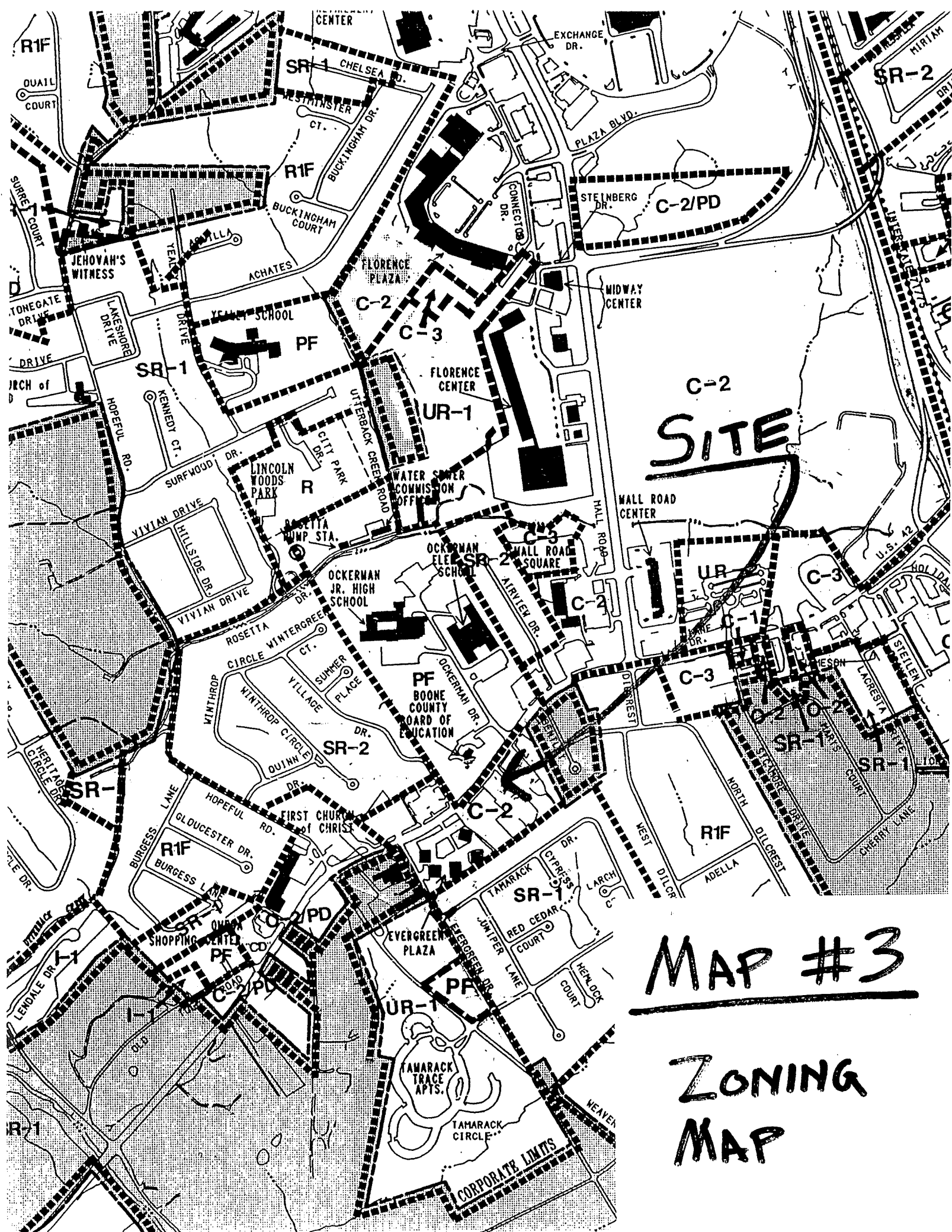
A handwritten signature in black ink, appearing to read "Jeffrey F. Hayes", written in a cursive style.

Jeffrey F. Hayes, AICP  
Planner

JFK\par







# MAP #3

# ZONING MAP

COPY

CLUR # 95-FBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Boone Post No. 4, American Legion  
8385 U.S. 42  
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY

8385 U.S. 42  
Florence, Kentucky

3. NAME OF SUBDIVISION OR  
DEVELOPMENT (if applicable)

\_\_\_\_\_

DEED BOOK: 258

PAGE NO.: 152

GROUP NO.: 2048

4. TYPE OF RESTRICTION (S) (Check all that apply)

Zoning Map Amendment  
from \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat  
(Unrecorded)

Other:

Variance

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT,  
LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL  
RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

  
SIGNATURE OF COMPLETING OFFICIAL

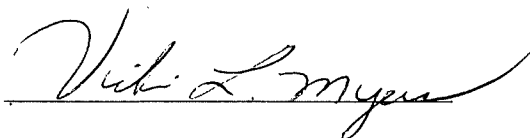
Jeffrey F. Hayes AICP/Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the Boone  
County Planning Commission this 20th day of December 1995.



NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Vicki L. Myers  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Florence County Board of Adjustments and in accordance with the current zoning in effect as of November 8, 1995 (Certificate of Land Use Restriction # 95-FBOA-007-A), for Boone Post No. 4, American Legion, property owner.

The following conditions will apply: (1).No external speakers on building to broadcast music or voice.(2) That if additional parking spaces are needed that Delightful Days parking lot can be used. (3) That the combination of two parking lots be used and no other parking lots be used.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 258 PAGE NO. 152 Group No. 2048