

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

MAY 21 1997  
BOONE COUNTY  
PLANNING COMMISSION

See Boone County Zoning Regulations  
**SECTION A** (To be completed by applicant)

- (Check One)
1.  Boone  Florence  Walton  Union
  2. (Check One)  
 Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
  3. Applicant's Name Fellowship of Believers Church  
Phone Number (606) 371-9988 Fax No. (606) 283-6820  
Applicant's Address 6800 Hazel Court  
Florence, KY 41042  
City State Zip
  4. Description of Request: Request a new Conditional Use Permit to increase approved area of buildings from 25,760 square feet to 37,000 square feet.
  5. Name of Development \_\_\_\_\_
  6. Location of Development Property is off of Highridge Ave. in Florence, adjacent to I-75 and Hazel Court.
  7. Acreage Under Review 7.62
  8. Lot Number and Name of Subdivision (if part of a subdivision)  
N/A (606) 371-8349  
\*Olive Irene Whaley
  9. Owner of Property Fellowship of Believers 6712 Highridge Ave.  
Phone Number of Owner (606) 371-9988 Florence, KY 41042
  10. Address of Property Owner 6800 Hazel Ct. Florence, KY 41042  
City State Zip
  11. Proposed Use(s) on Site Church Services
  12. Total Square Footage of Existing and/or Proposed Buildings Approx. 37,000
  13. Current Zoning on Property SR-2
  14. Deed Book 317 Page No. 290-293 Group No. 127-130, 92 2034 A
  15. Is the site subject to a zone change? N/A  
If yes, give date of approval \_\_\_\_\_
  16. Have you submitted a Site Plan with this request? Yes
  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 James Steaver

Property Owner's Signature James Steaver Olive Irene Whaley

\* It is believed that the backyard of this owner's land (6712 Highridge  
(over)  
juts into the general triangle of our property. Therefore, this  
owner has requested approval for that land to potentially be used  
as part of our new parking lot.

BOARD OF ADJUSTMENT AND  
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PAGE 2

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

1. Date Received 5/21/97 Fee Received \$ 566.00 RA# 13592
2. Is application complete? Yes Yes \_\_\_\_\_ No \_\_\_\_\_
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 6/11/97
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE MINUTES & CLUR
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:** The Fellowship of Believers Church

**APPLICANT:** The Fellowship of Believers Church

**LOCATION:** 6800 Hazel Court, Florence, Kentucky

**ZONING:** Suburban Residential Two (SR-2)

**DATE:** June 11, 1997

### Proposal

The applicant is requesting a Conditional Use Permit to allow the expansion of the existing Fellowship of Believers Church on a 7.62 acre tract, located at 6800 Hazel Court, Florence, Kentucky. The property is zoned Suburban Residential Two (SR-2). The church has previously been approved for 25,760 square feet of building area on the site. The applicant is requesting that the permitted building area be increased from 25,760 square feet to 37,000 square feet. The applicant has provided a two-page letter, which is included in this staff report, that describes the intent and scope of the proposed project. Also included is a copy of a letter to the applicant, dated May 19, 1997, by Kevin T. Wall, Director of Zoning Services, with his determination that the church would need to obtain a Conditional Use Permit in order to facilitate the request.

### Site History

- 1984 Approval of a Conditional Use Permit for the Fellowship of Believers church to construct a church in a Suburban Residential Two (SR-2) zoning district. The application indicated an approximate 5,760 square foot building with a future 20,000 square foot sanctuary to be constructed at a later time.
- 1989 Approval of a Conditional Use Permit to use the residence at the corner of Highridge Avenue and Hazel Court as an office for the Fellowship of Believers church with conditions.
- 1993 Approval for the extension of a Conditional Use Permit that was originally granted in 1989 to use the residence at the corner of Highridge Avenue and Hazel Court as an office for the Fellowship of Believers church.

Article 2

Article 2, Section 220 of the Boone County Zoning Regulations, states that the Board of Adjustments and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted.

Article 2, Section 262 of the Boone County Zoning Regulations, outlines the general standards applicable to all Conditional Uses. The Board should consider whether or not, the intended use:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and school; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately and such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will not be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

### Article 9

Article 9, Section 943 of the Boone County Zoning Regulations, permits churches and other places of religious assembly for worship as a Conditional Use in a Suburban Residential Two (SR-2) zoning district provided the Board finds the following:

- a) The activity is an integral and subordinate function of a permitted use; or
- b) the activity will not contradict the compact, but single family character of the district; and
- c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

### Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's future land use classification as "Public/Institutional" which is defined as government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.

### Surrounding Land Uses and Zoning

North of the site is the Erlanger Lions Park, which is zoned Recreation (R). Immediately adjoining the property to the west is Interstate 75. West of the interstate is the Bigg's store and complex which are zoned Commercial Two Planned Development (C-2/PD). East of the site are residences along Highridge Avenue that are zoned Suburban Residential Two (SR-2). The Turfway Ridge Office Park is located immediately south of the site and is zoned Office Two Planned Development (O-2/PD).

### Staff Concerns/Comments

1. The applicant is required to abide by all conditions that were previously placed on the site, including all conditions pertaining to the house, which received a Conditional Use Permit to allow office uses that are subservient to the church. A copy of Conditions of Approval for the preceding hearings accompanies this staff report.

2. If the Conditional Use Permit is approved by the Board, a Site Plan will have to be reviewed and approved by the Boone County Planning Commission Staff before construction shall occur. This includes the newly adopted landscaping regulations for the City of Florence in Article 36 of the Boone County Zoning Regulations. Because of the residential zoning classification, the church is not required to provide any landscaping buffer between the church property and the residences other than around the parking lot. Staff suggests that the church be required to provide at least a buffer yard "A" between the church property and the residences where otherwise landscaping is not required. Bufferyard "A" includes a 10-foot green space width with the following landscaping materials per 100 linear feet:

5 small trees, and either 3 large, medium, or evergreen trees, (or a combination of), and 30 shrubs.

All existing vegetation along the property boundary of the church and the residences should remain in addition to the suggested landscaping.

3. Staff is concerned about additional traffic along Highridge Avenue and Curtis Avenue that would be generated by the church.
4. Staff is also concerned about the lighting of parking lots and the potential impact the lighting may have on the residents. Lighting should not exceed a height of 15 feet and if located around the parking area perimeters, should shine straight down or inwards.

### Conclusion

K.R.S. 100.237 gives the Florence Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow the expansion of the existing Fellowship of Believers Church. It is Staff's opinion that the proposed Conditional Use Permit will not adversely affect the Public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations, if the Staff concerns can be adequately addressed.

Respectfully Submitted,



Edward Coleman  
Planner  
EC\par

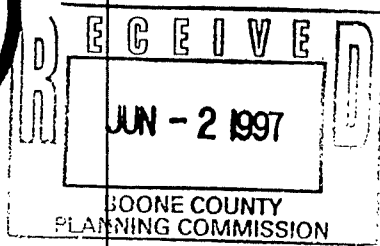
Attachments

- Location Map
- Applicant's Letter of Intent
- Zoning Administrator's Letter
- 1984 Conditions of Approval
- 1993 Conditions of Approval
- Site Plan
- Building Elevations
- Zoning Map



# FELLOWSHIP of BELIEVERS

*LOVE, ACCEPTANCE & FORGIVENESS*



**BO WEAVER**  
*Senior Pastor*

May 30, 1997

**MARK MURPHY**  
*Associate Pastor*  
*Administration and Development*

Kevin T. Wall, AICP CDT  
Director, Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

**CHARLIE CARPENTER**  
**TONY WOLD**  
*Music Pastors*

Dear Mr. Wall,

**J.T. SCHULZE**  
*Youth Pastor*

Please find enclosed an evaluation of our proposed facility expansion in relation to SECTION 262, "General Standards Applicable to Conditional Uses", to support our recent request for a Conditional Use Permit. While we realize that this was not a solicited evaluation, we felt it may help facilitate the review and approval of our CUP request.

**PAULA WOLD**  
*Interim Director*  
*Children's Ministries*

Please contact me if you have any questions.

**LISA TYLER**  
*Office Manager*

Thank you again for your time and assistance.

**CHRISTY GILLSTRAP**  
*Executive Assistant to Senior Pastor*

Sincerely,

*Our vision is to impact the  
Tri-State and the World with  
the Gospel of Jesus Christ, to  
nurture God's people unto love  
and maturity and to equip the  
saints for works of service in  
the power of the Holy Spirit.*

Mark J. Murphy  
Associate Pastor

Enclosure

6800 Hazel Court  
Florence, KY 41042-1399  
(At I-75 and Kentoo)  
606-371-9988 voice  
606-283-6820 fax

## **Fellowship of Believers Facility Expansion Response to Section 262**

### **General Comments:**

This facility expansion will include a new multi-use auditorium with adjacent foyer, eight classrooms, and an administrative wing.

The new building will be made of brick and stucco in earth-tone colors and the exterior of the existing building will be refaced to match. The design of this project will be consistent with our original design for which we received a Conditional Use Permit in 1984. The only significant difference in this application is that we are asking to increase the approved area of building from 25,760 square feet (reference 1) to 37,000 square feet. Hence, the scope of this facility expansion involves mainly a change in size, not in design or purpose.

The primary purpose of this facility will continue to be religious worship. Currently, we have worship services scheduled for Sunday morning and Wednesday night. A variety of activities are being planned for the new building during evenings throughout the week. These activities shall include religious training such as Bible studies, small group fellowships, and youth meetings as well as recreation such as volleyball, basketball and aerobics. Future activities such as "Mother's Day Out" and after-school care for children are also being discussed. Our goal is that this facility will be used to meet a variety of the needs of families in over community. Two local churches, Florence Baptist and Erlanger Baptist, are experiencing great success using similar facilities in this way.

### **Standard Applications:**

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order.

**The facility expansion will be consistent with our original design and should, therefore, be harmonious with the County's comprehensive plan for this area.**

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.

**The finished appearance of this new project will be an aesthetic improvement and therefore, shall be harmonious with the character of the general vicinity.**

3. Will be hazardous to existing or future neighboring uses.

**The facility expansion poses no hazards to existing or future uses in our area. On the contrary, it is hoped that this facility will address some of the needs of the local neighborhood and surrounding community.**

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

**All essential public facilities and services shall be provided in the same manner as with our existing building. Any increased demand for facilities or services shall be evaluated and designed accordingly by licensed professionals.**

5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.

**This CUP will allow for approximately a 44% increase in approved area of building (25,760 to 37,000 square feet). Any additional requirements for public facilities and services will not be excessive or detrimental.**

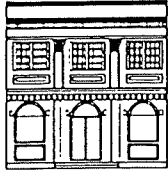
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors.

**The facility expansion will not involve any new activities that would introduce any new source of traffic, noise, smoke, dust, fumes, glare or odors. It is expected that traffic to this expanded facility will see a gradual increase in the years to come. However, our peak traffic times currently occur on Sunday morning and Wednesday evening after 6:30 PM and last for about fifteen minutes before and after each service. Since these short peak times do not coincide with the normal peak times of commuter traffic in this area, we believe that the small increase in traffic will not be a problem.**

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

**The church is currently investigating the option of adding a vehicular approach to the property on the north side of the campus, adjacent to Highridge Avenue. This would help facilitate our peak traffic times before and after services and minimize the effect on traffic on surrounding public thoroughfares.**

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

May 19, 1997

Mr. Mark J. Murphy, Associate Pastor  
Fellowship of Believers  
6800 Hazel Court  
Florence, KY 41042-1399

FAX: 283-6820

RE: Expansion of Fellowship of Believers Church Facility, 6800 Hazel Court, Florence, Kentucky - Suburban Residential Two (SR-2) Zone

Dear Mr. Murphy:

Pursuant to our meeting last week, which was also attended by Reverend Weaver, I am providing the following information.

First, we discussed the possibility of an informal review of the project by the Florence Board of Adjustment in order to clarify the original Conditional Use Permit approval from 1984. I discussed this matter with our attorney, Dale Wilson. We agreed that this was not an appropriate course of action because it would basically circumvent the public notification and involvement aspect of the BOA's review as required by statute. When comparing your proposal to the one informal review that I am aware of (by the Boone County Board of Adjustment in 1990), I have noticed a number of differences between the two projects, including: the previous informal clarification was only two months after the original decision and involved all of the same BOA members; no part of the project had been constructed at the time of the clarifications; and, the clarification involved precisely the same proposal that was presented at the original Public Hearing (i.e., not one that was being completed in phases, some of which evolved after needs and circumstances had changed over time).

Second, based on the available record, it is my interpretation that the Fellowship of Believers site has Conditional Use Permit approval for 25,760 square feet of building area for a church use. This interpretation is based on the following facts:

- A. The original CUP application listed a proposed building area of "around 5,760 square feet." In addition, the minutes of the original Public Hearing report that the applicant confirmed that the current proposal (i.e., as of 1984) was for a 5,760 square foot building.

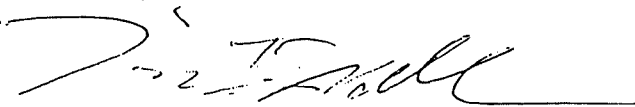
Mr. Mark J. Murphy, Associate Pastor  
May 19, 1997  
Page 2

- B. The plan submitted with the CUP application also showed a future 20,000 square foot sanctuary in addition to the initial 5,760 square foot building. The minutes do not discuss this future addition nor was there any condition of approval which restricted or prohibited this expansion.
- C. The building that was constructed pursuant to the CUP approval contains between approximately 9,800 square feet and 10,000 square feet. When considering that this structure tangibly exceeds the 5,760 square feet discussed in the hearing but does not exceed the total possible 25,760 square feet shown on the plan, I can only reasonably assume that the site plan was approved with the knowledge that the total square footage shown on the plan approved by the Board of Adjustment can be constructed without further action by the Board.
- D. Board of Adjustment approvals are typically done in a "plan certain" manner. This means that a proposal as outlined in the application form, shown on a plan drawing, or qualified by a condition of approval or oral statement made at a Public Hearing, represent the scope of the approved project. Based on the rationale outlined above, I have concluded that the Board approved a total of 25,760 square feet of building area for your site.

Therefore, due to the determination provided herein, it is necessary to have a new Conditional Use Permit approved for any building square footage that exceeds 25,760 square feet. The proposal that has been presented informally exceeds this amount by approximately 8,000 to 9,000 square feet for a total of approximately 34,000 to 35,000 square feet.

You can contact Ed Coleman, a Planner in our office, regarding the specifics of the Board of Adjustment process. In addition, as we did not discuss specific site plan requirements at our meeting the other day, you should contact Mr. Coleman regarding general parking, landscaping, and other site plan requirements.

Sincerely,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm

cc: Ed Coleman, Planner

A Conditional Use Permit is hereby granted to Reverend James M. Weaver, Agent for Todd A. Fischer & Richard Fischer for 7.62 acres located at off Highridge with one line running parallel to I-75 and zoned SR-2 for the purpose of the Fellowship of Believers building a church

in accordance with article 8, Section 843 of the Florence Zoning (Order) (Ordinance) subject to the following special conditions:

- 1) There be a minimum of seventy-four (74) 10' X 20' parking spaces
- 2) If future use warrants, the Board receive a letter from the owner of the undesignated road stating his permission for use of the road for the record.

Failure to comply with the above cited Zoning regulations and special conditions or to activate this permitted use within two years after date of approval shall render this permit null and void and to no effect.

Approved in accordance with the minutes of the Florence Board of Adjutment dated February 8, 1984.

Attest:

Sandra H. Ryan  
CLERK

Charles L. Holland  
CHAIRMAN

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of May 12th, 1993, (Certificate of Land Use Restriction # 93-FBOA-001 ), for Fellowship of Believers, property owner.

Six conditions as they were imposed in 1989:

1. No signs whatsoever.
2. No changes in the present driveway.
3. No changes in the interior walls or exterior appearance of the building.
4. No steps, sidewalks, or pathways leading from the present church property to this site.
5. No paving of the backyard.
6. The building is to be used specifically for offices and there is to be no uses such as nursery, classrooms, or meeting rooms, etc.

Mr. Ashcraft moved that the Conditional Use Permit be extended for 48 (forty-eight) months from today's date (May 12, 1993). Also included in his motion; that the Staff fee be Waived on the next application by this applicant for an extension of this Conditional Use Permit.

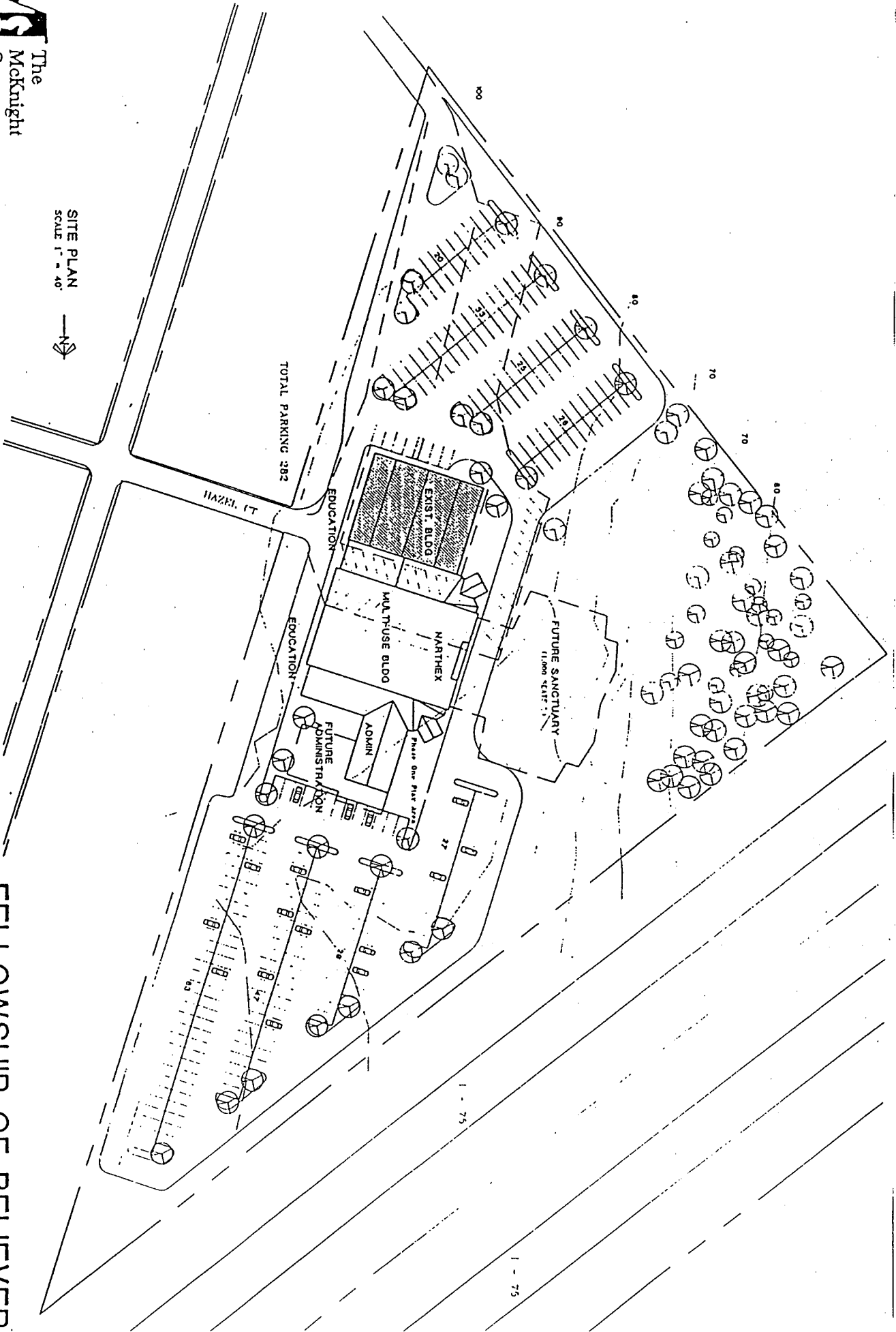
The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 384 PAGE NO. 97 Group No. 2034B



The  
McKnight  
Group

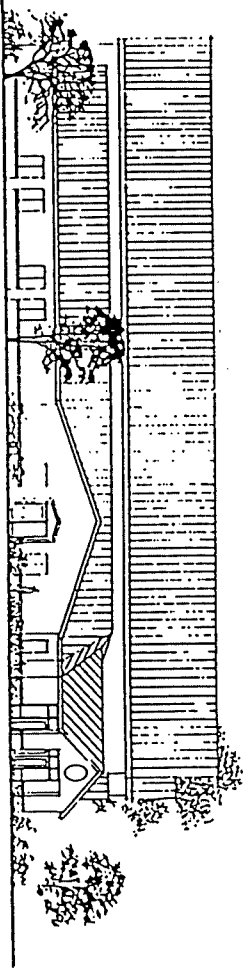
McKnight & Hosterman Architects, Inc.

SITE PLAN  
SCALE 1" = 40'

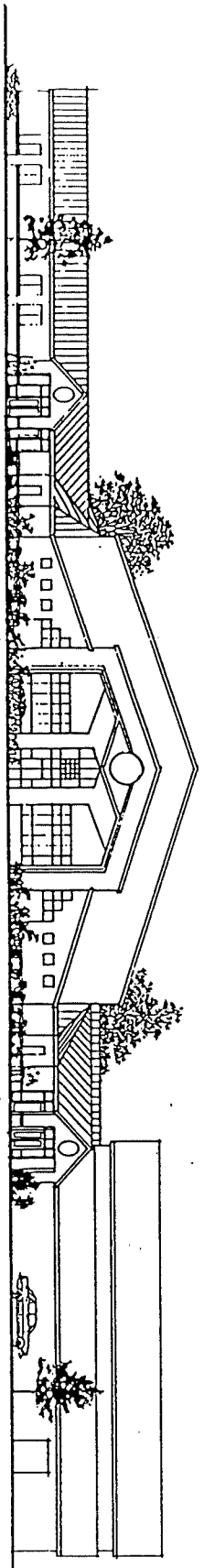


# FELLOWSHIP OF BELIEVER

COAK, 8713  
DATE: APR 11, 2007  
FLORENCE, K



NORTH ELEVATION



WEST ELEVATION

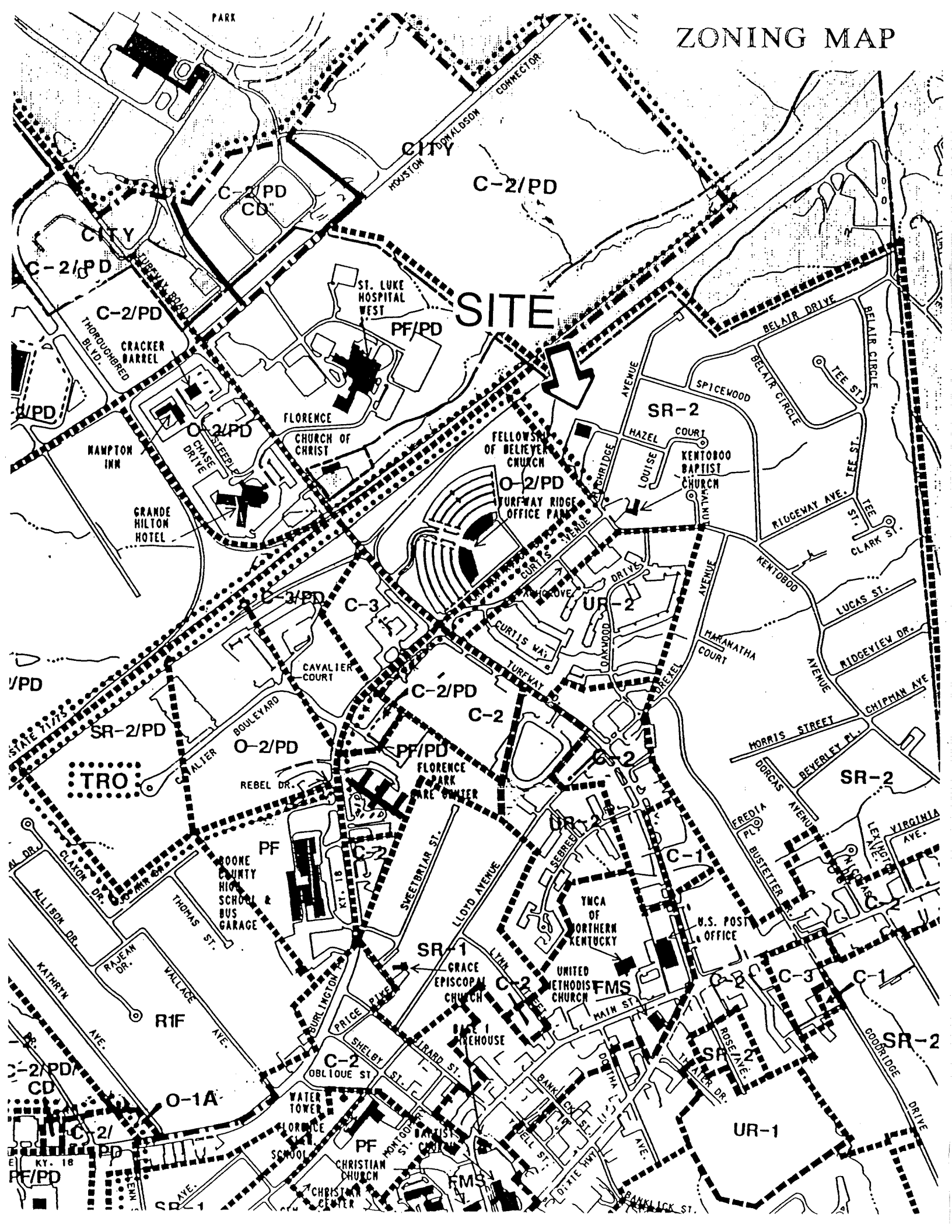
# FELLOWSHIP OF BELIEVERS

CONRAD, 97TH S  
DATE: APR 11, 1997

FLORENCE, KY



# ZONING MAP



COPY

CLUR # 97-FBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Fellowship of Believers Church  
6800 Hazel Court  
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY

6800 Hazel Court  
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Fellowship of Believers Church

DEED BOOK: 317

PAGE NO.:290

GROUP NO.: 2034A

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

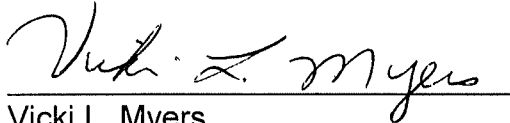
Edward Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of  
the Boone County Planning Commission this 27th day of June 1997.

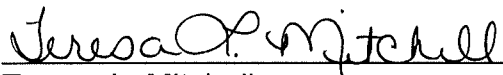


Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell  
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, approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of June 11, 1997 Certificate of Land Use Restriction (# 97-FBOA-006-A), for

Fellowship of Believers, Property Owners

The following conditions will apply: 1). There is to be a buffer yard between the church property and the residents, that contains the following: 5 small trees and either 3 medium, 3 large or 3 evergreen trees and 30 shrubs per 100 linear feet. 2). All lighting for the parking lot be directed and engineered inward so as not to interfere with the adjoining properties. 3). The church is to study and seek out better entrances and exits for the property for future use.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 317

PAGE NO. 290

Group No. 2034 A