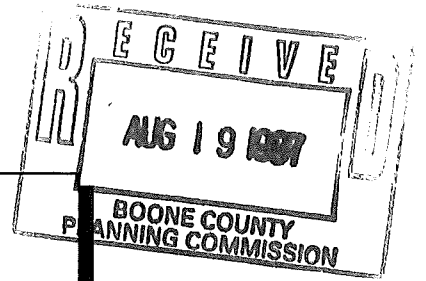


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

- 1. (Check One) Boone [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
[X] Change in Non-Conforming Use
3. Applicant's Name FLORENCE ELKS Lodge #314
Phone Number 746-3557 Fax No.
Applicant's Address 7704 DIXIE Highway
Florence Ky. 41042
City State Zip
4. Description of Request:
5. Name of Development Florence ELKS Lodge #314
6. Location of Development 7704 DIXIE Highway
Florence, Ky. 41042
7. Acreage Under Review 1.25
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT # 40, 41 & 43 ORCHARD ACRES Subdivision
9. Owner of Property FLORENCE ELKS Lodge #314
Phone Number of Owner 746-3557
10. Address of Property Owner 7704 DIXIE Highway Florence, Ky. 41042
City State Zip
11. Proposed Use(s) on Site ELKS Lodge
12. Total Square Footage of Existing and/or Proposed Buildings 5,712
13. Current Zoning on Property C-1
14. Deed Book 189/555 Page No. 151/160 Group No. 219 2043 A
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? NO
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 E. Minick Secretary

Property Owner's Signature: James E. Minick - 342-8800

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 Aug 19 1997 Fee Received 550.00 R# 14449
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 9/10/97
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE FBOA PUBLIC HEARING
MINUTES DATED 9/10/97
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: Florence Elks Lodge # 314

APPLICANT: Florence Elks Lodge # 314

LOCATION: 7704 Dixie Highway, Florence, Kentucky

ZONING: Commercial One (C-1)

DATE: September 10, 1997

Proposal

The applicant is requesting a Change in Non-Conforming Use to allow the Florence Elks Lodge # 314 to occupy an existing building on 7704 Dixie Highway in Florence. The building, which is currently owned by the Florence Elks, is the former location of the Cincinnati Bell Telephone Company garage for the Florence area. The existing building is approximately 2,650 square feet in size and is located on a 1.25 acre lot.

The applicant's use is described in the Boone County Zoning Regulations in a Commercial Two (C-2) district as "Business associations and/or professional membership organizations including civic, social, and fraternal organizations". The applicant's proposed use is not included in a Commercial One (C-1) zoning district as a principally permitted or conditional use.

Surrounding Land Uses and Zoning

North of the site is a parking lot (presumably to be used by the Elks) and residences zoned Commercial One (C-1). East of the site, across Dixie Highway, is a vacant lot between the Remke supermarket and a small strip center. The east side of Dixie Highway is zoned Commercial Two (C-2). South of the site is Domino's Pizza and a residence, both zoned Commercial One (C-1). West of the site are residences along Orchard Drive that back up to the site. These residences are zoned Suburban Residential One (SR-1).

Staff Concerns

1. The Property Plat indicates a 16' easement between Domino's and the first residence on the north side of Rogers Lane. This easement was not used as an access when occupied by the Cincinnati Bell Telephone Company. Because of the easement's proximity with the residence, it should remain unused as an access from Rogers Lane into or out of the site. It is Staffs' opinion that using this easement as an access would constitute an expansion of the site's pre-existing non-conforming status.

Conclusion

The Board of Adjustments and Zoning Appeals has the power to hear and render decisions on applications to permit a change from one non-conforming use to another. The Board shall not permit such a change unless the new non-conforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing non-conforming use. The Board shall not allow any changed non-conforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original non-conforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accordance with other provisions of this order.

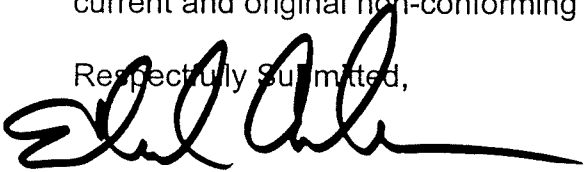
It is Staffs' opinion that the requested Change in Non-Conforming Use to permit the Florence Elks Lodge to occupy the former Cincinnati Bell Telephone building is appropriate considering the following facts:

The proposed non-conforming use will not be increased, enlarged, or extended to occupy a greater area of land than was occupied by the original non-conforming use.

The proposed non-conforming use will be more compatible with the permitted uses in the Commercial One (C-1) district than when Cincinnati Bell Telephone used the building as a garage and used the site for storing telephone equipment and service vehicles outside.

The Board should review the applicant's request with regard to the compatibility of the proposed non-conforming use with the surrounding area compared to the existing non-conforming use and the surrounding area within this Commercial One (C-1) district. The Board shall not permit the increase or expansion of a non-conforming use and must determine if this proposed use is equally or more compatible with the district than the current and original non-conforming use.

Respectfully Submitted,

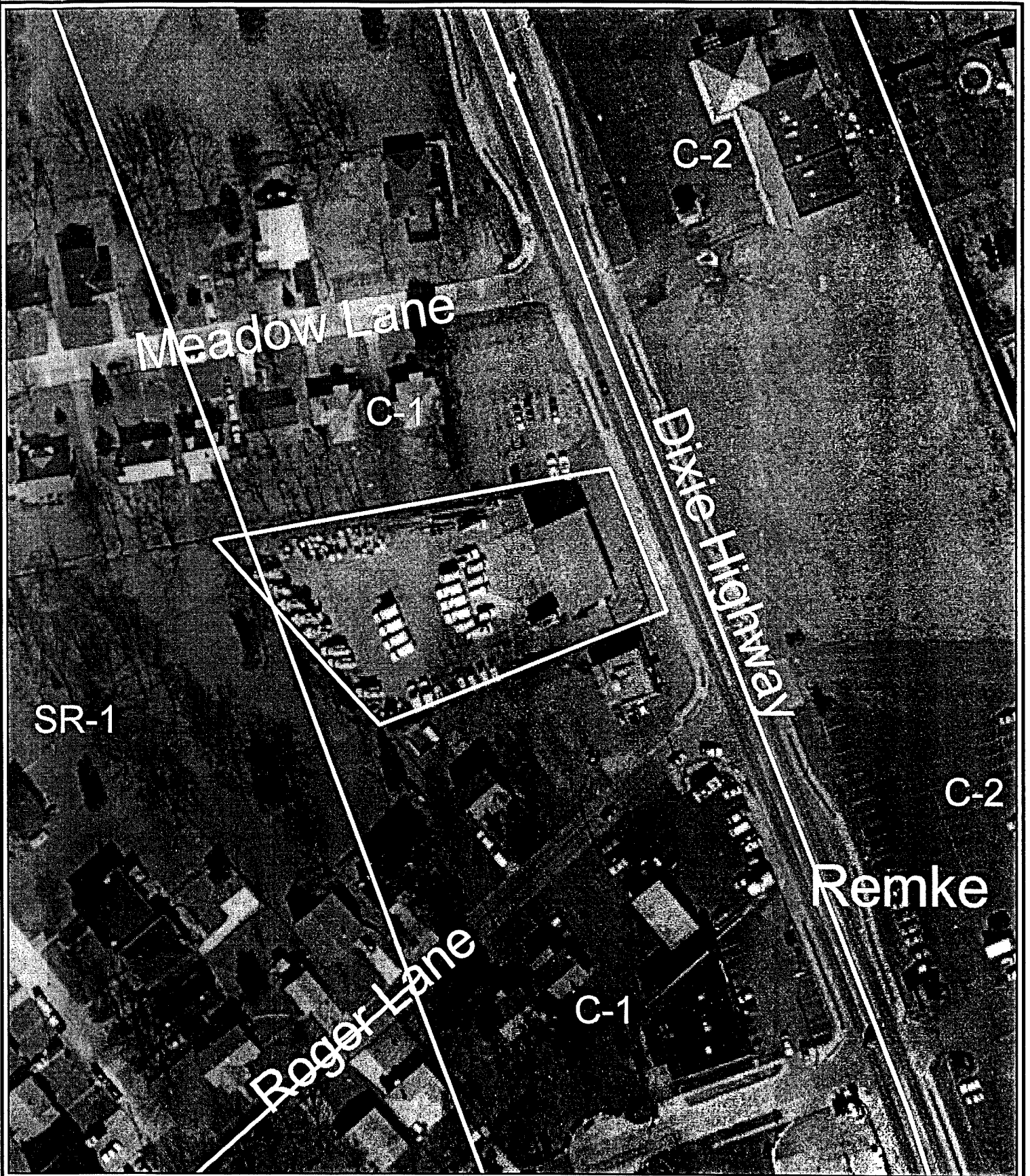


Edward Coleman
Planner

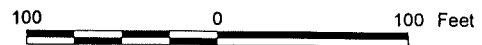
EC\par

Attachments

- Location Map
- Zoning Map
- Property Plat
- Letters to the Planning Commission supporting the proposal

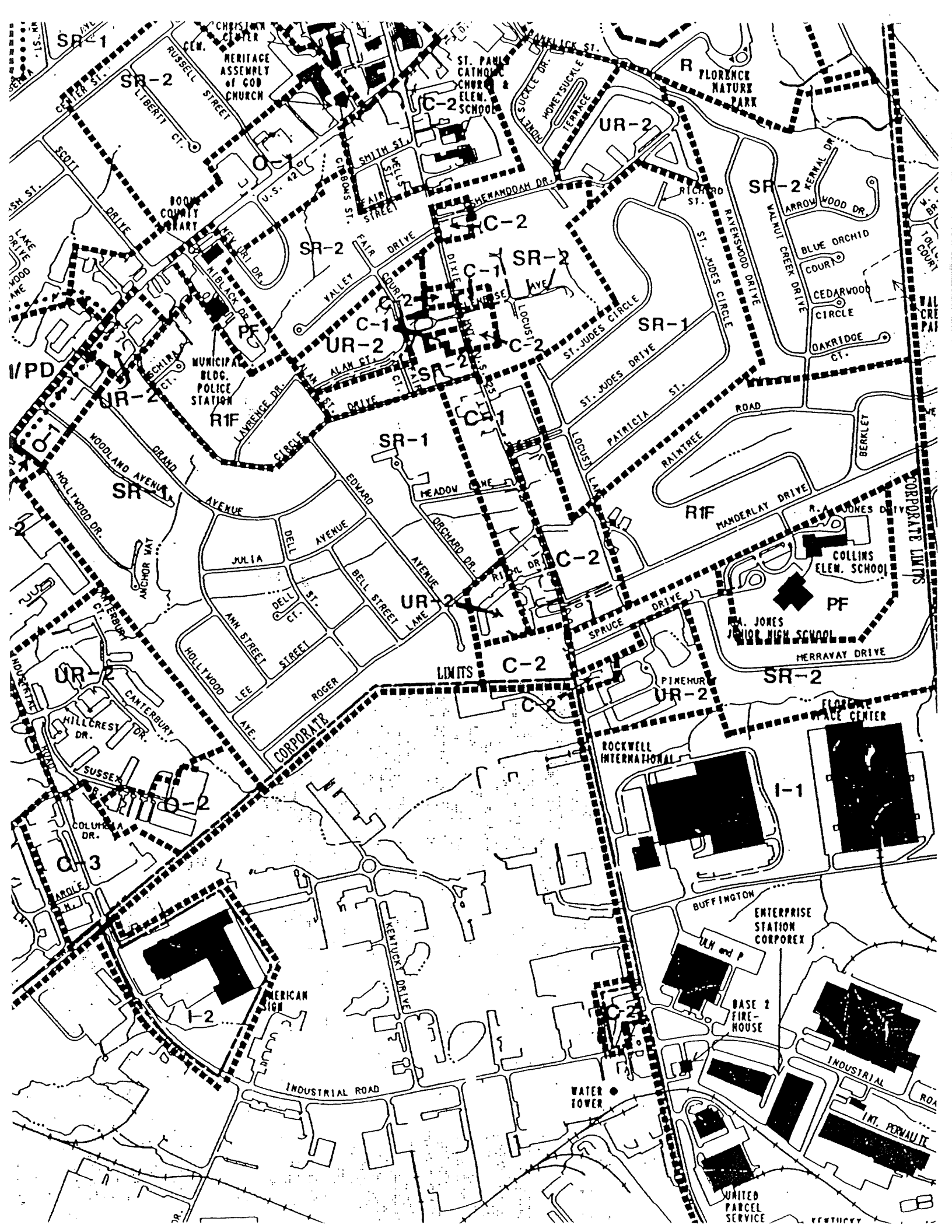


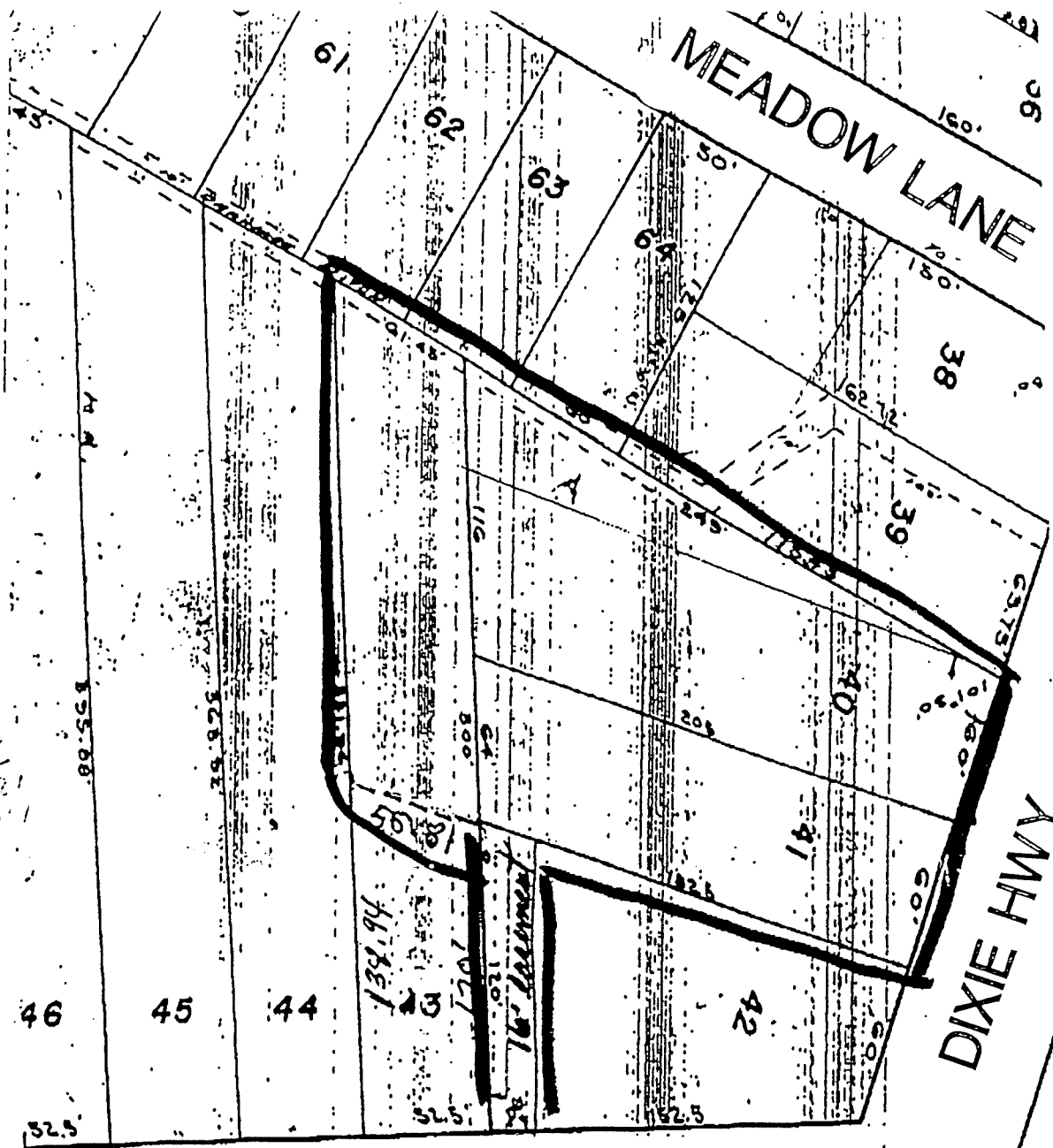
Florence Elks Lodge # 314



1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 4, 1997

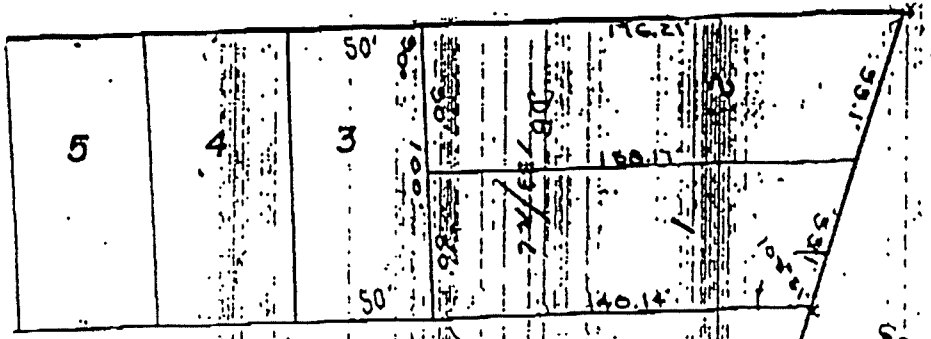






182.6
56.21
74.1

ROGER LANE



FOR POSSIBLE
SEWER EASEMENTS
SEE
SEWER PLAT BOOK

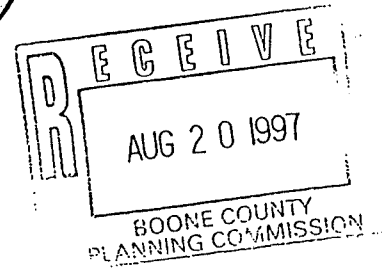
Scale 1" = 50'

City of Florence



ROGER W. ROLFES
City Coordinator

August 14, 1997



Mr. Kevin T. Wall
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

RE: Florence Elks

Dear Kevin:

Members of the Florence Elks have made me aware of their recent property acquisition on Dixie Highway. They have acquired the old telephone company building and are intending to convert it to a facility for their civic club.

The Elks have been in the City of Florence for the last couple of years and have already had a positive impact on the community. They, much like some of the other fine civic organizations within our community, have been working to provide assistance to the young people in our community with things such as drug awareness programs.

We would hope that it would be possible for them to continue their fine work which benefits some of the citizens of our community.

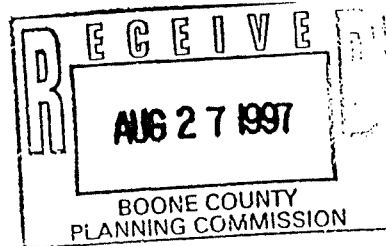
Sincerely,

Roger W. Rolfes
City Coordinator

RWR/keh



No one knows you better.



Robert W. Zapp
President

August 25, 1997

Boone County Planning Commission
c/o Board of Adjustments
2950 Washington Street
Burlington, KY 41005

Dear Sir or Madam:

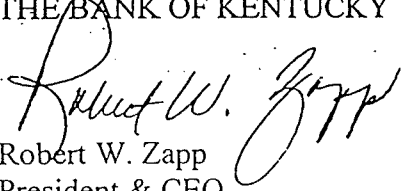
I am writing to encourage your support for the variance request submitted by the Florence Elks for 7704 Dixie Highway, Florence, KY. As I am sure you will agree, this vacant building has been on eyesore for some time. I see this as an opportunity for the Board of Adjustments to turn a negative situation into a positive one.

The Elks have a terrific track record of being community servants. Through their efforts they support many needy people in our community. The members of the Florence Elks are community leaders, who are interested in being a positive influence on our community. I can think of no reason to go against the variance request of this organization and I ask for your positive consideration of their request.

Thank you for your cooperation.

Sincerely,

THE BANK OF KENTUCKY


Robert W. Zapp
President & CEO

COPY

CLUR # 97-FBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Florence Elks Lodge #314
7704 Dixie Highway
Florence, Kentucky 41048
2. ADDRESS OF PROPERTY
7704 Dixie Highway
Florence, Kentucky
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Florence Elks Lodge #314

DEED BOOK: 189/555 PAGE NO.: 151/160 GROUP NO.: 2043 A

4. TYPE OF RESTRICTION (S) (Check all that apply)
- | | |
|---|--|
| <input type="checkbox"/> Zoning Map Amendment:
From <u> </u> to <u> </u> | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Development Plan | <input type="checkbox"/> Conditional Zoning |
| <input type="checkbox"/> Subdivision Plat
(Unrecorded) | <input checked="" type="checkbox"/> Other: Change In Non-Conforming
Use |
| <input type="checkbox"/> 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



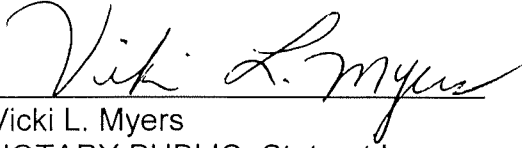
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

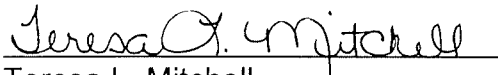
Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 26th day of September 1997.


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 Change In Non-Conforming Use approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of September 10, 1997 Certificate of Land Use Restriction (# 97-FBOA-010-A), for Florence Elks Lodge #314, Property Owners

The following conditions will apply: 1). The 16 foot easement not be used for any purpose without the approval of the Florence Board of Adjustment.

The approved Change In Non-Conforming Use, as well as the preceding conditions apply to the property

described in: DEED BOOK 189/555 PAGE NO. 151/160 Group No. 2043 A