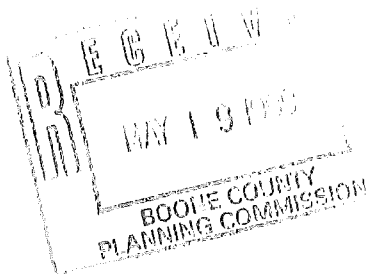


APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



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

5/19/99

- 1. (Check One)  
 Boone  Florence  Walton  Union
- 2. (Check One)  
 Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
- 3. Applicant's Name Victory Baptist Church  
 Phone Number 282-7130 Fax No. \_\_\_\_\_  
 Applicant's Address 213 Main Street  
Florence, Ky 41042  
 City State Zip
- 4. Description of Request: To erect a church on subject property
- 5. Name of Development Victory Baptist Church
- 6. Location of Development 7340 Burlington Pike  
Florence, Ky 41042
- 7. Acreage Under Review 8.42 Acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
Between Florence Manor & Cluffback & Colonial Estates S/Numerous
- 9. Owner of Property Schmidt Estate  
 Phone Number of Owner 606-331-8938 10. \_\_\_\_\_  
 Address of Property Owner 854 Willowdale Villa Hill Ky 41017  
 City State Zip
- 11. Proposed Use(s) on Site To erect a church on subject property 2nd Floor
- 12. Total Square Footage of Existing and/or Proposed Buildings 22,800 SF 100x60 = 6000  
15,400
- 13. Current Zoning on Property RIF
- 14. Deed Book 523 & 108 Page No. 52 & 460, Res. respectively Group No. 2039A X 2 FR
- 15. Is the site subject to a zone change? NO 22,800  
 If yes, give date of approval \_\_\_\_\_ with/land
- 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: Rev. Wayne Whaley  
Victory Baptist Church

Property Owner's Signature: Estate of Isabelle J. Schmidt  
by Jane Windhorn, Executrix

(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 5-19-99 Fee Received \$602.00 R# 1220
2. Is application complete?  Yes  No
3. Staff Reviewer Mark Jordan
4. Scheduled Board Action Date July 14, 1999
5. Board Action:  
 Approved  
 **Approved with Conditions (See #6)**  
 Denial (See #7)
6. Conditions of Approval: See Minutes
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:** Victory Baptist Church

**APPLICANT:** Victory Baptist Church (Reverend Wayne Whaley)

**LOCATION:** 7340 Burlington Pike, Florence, Kentucky

**ZONING:** Residential One Family (R-1F)

**DATE:** June 9, 1999

The applicant is requesting a Conditional Use Permit to allow the construction of a church on an 8.42 acre site located at 7340 Burlington Pike, Florence, Kentucky (See Site Location Map).

Article 2, Section 220 of the Boone County Zoning Regulations states that the Board of Adjustment 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 "Residential Districts", Section 993 of the Boone County Zoning Regulations, permits churches in a Residential One Family (R-1F) zoning district as a Conditional Use.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit, stated in Section 262 and the following criteria from Section 993 of the Boone County Zoning Regulations:

Section 993

- a.) the activity is an integral and subordinate function of a principally permitted use; or
- b.) the activity will not contradict the low density character of the district; and
- c.) the arrangement of the uses, buildings, and 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 Future Land Use Map indicates the site's Future Land Use Classification as "Suburban Residential" (SR) which is defined as Single Family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision.

Surrounding Land Uses and Zoning

The site is surrounded by Single Family residences and commercial businesses along Burlington Pike, along with Single Family residences along Wallace and Roberta Avenues. The subject site is zoned Residential One Family (R-1F), as are the surrounding and adjacent properties along the north portion of Burlington Pike. The site currently has one (1) driveway access off of Burlington Pike.

Staff Concerns/Comments:

1. If the request is approved by the Board, the applicant will be required to submit a Major Site Plan for review and approval by the Boone County Planning Commission Staff.
2. Staff is concerned with the possible demolition of the existing residential structure, and it's historic significance. Staff recommends the preservation and restoration of the structure for future use.
3. Staff is concerned with the removal of several mature deciduous hardwood and evergreen trees from the site. Staff recommends the preservation of all existing mature trees if possible.

Conclusion

K.R.S. 100.237 gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use to permit the development of a church in a Residential One Family (R-1F) zoning district. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Respectfully Submitted,



Mark E. Jordan  
Planner

MEJ\pr

Attachments

- Site Location Map
- Zoning Map
- Future Land Use Map



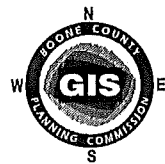
Site

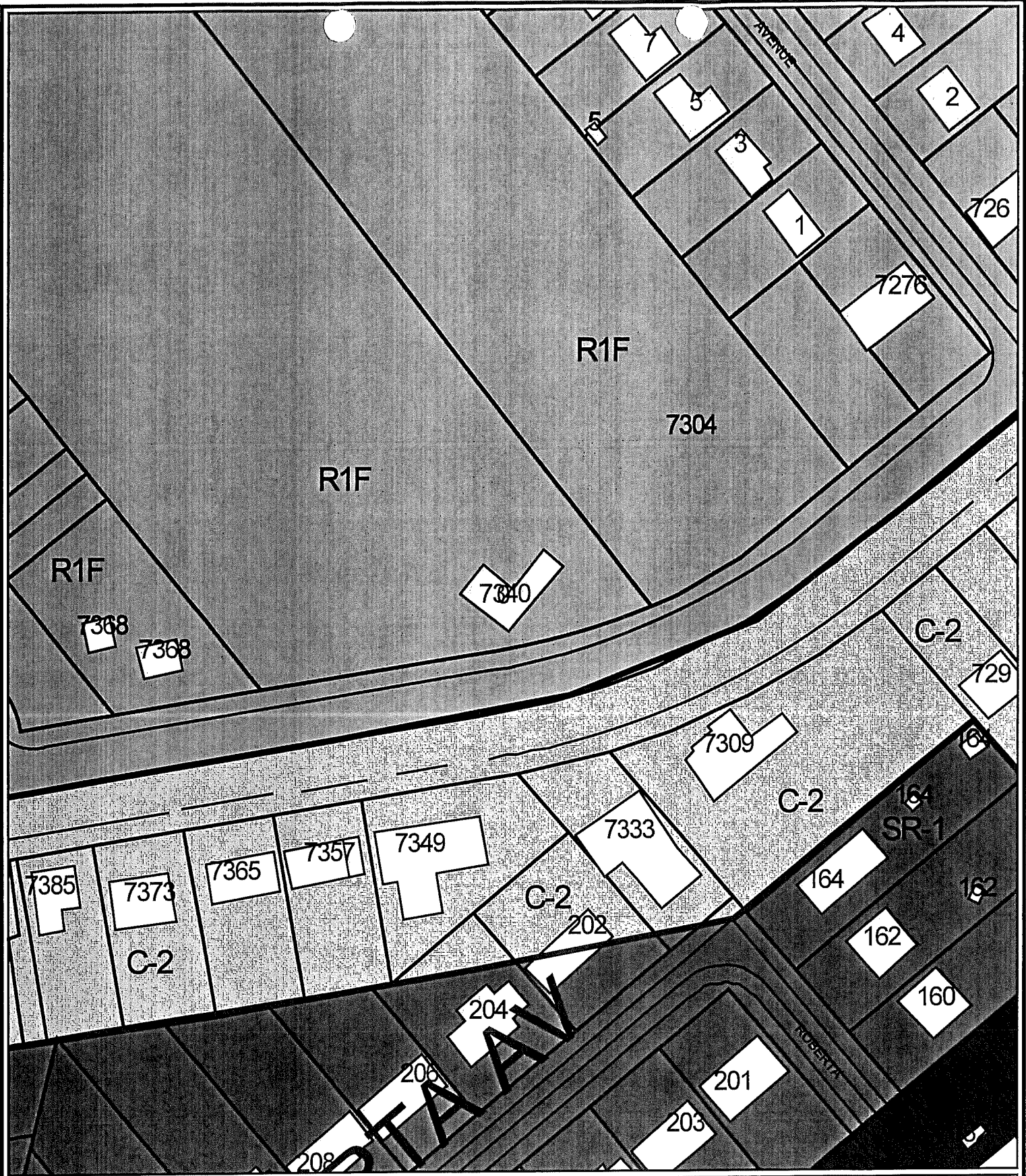
# Site Location Map 7340 Burlington Pike

100 0 100 Feet



1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
June 4, 1999





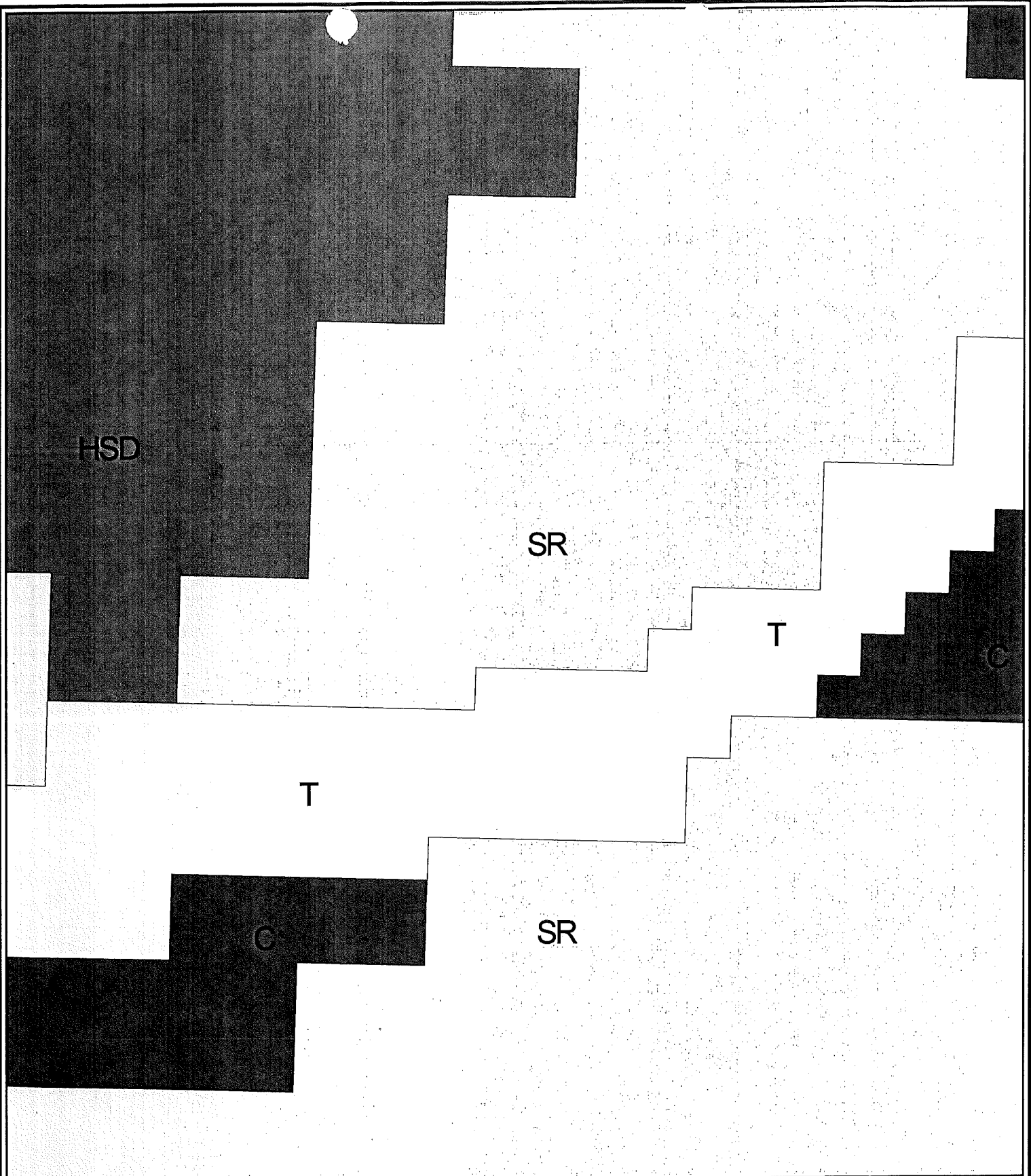
# Zoning Map

## 7340 Burlington Pike

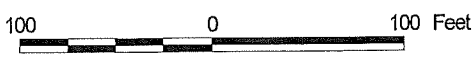
100 0 100 Feet

1 inch equals 100 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 June 2, 1999





# Future Land Use Map 7340 Burlington Pike



1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
June 2, 1999



7/14/99

COPY

CLUR # 99-FBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)  
Victory Baptist Church  
213 Main Street  
Florence, Kentucky 41042
  
- 2. ADDRESS OF PROPERTY  
7340 Burlington Pike  
Florence, Kentucky 41042
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Victory Baptist Church
  
- 3. DEED Bk# 523/108      PAGE # 52/460      GROUP # 2034 A
  
- 4. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment: From  To   
 Conditional Use Permit  
 Development Plan       Conditional Zoning  
 Subdivision Plat (Not Recorded)       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

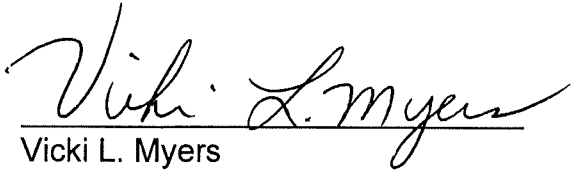
*Mark Jordan*  
SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

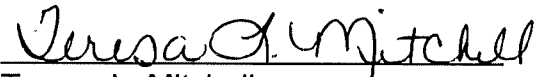
Subscribed, sworn to, and acknowledge before me by Mark Jordan, on behalf of the  
Boone County Planning Commission this 26th day of August 1999.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2003

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 Condition Use Permit approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of July 14, 1999 Certificate of Land Use Restriction (# 99-FBOA-006-A), for Victory Baptist Church, Property Owners.

The following conditions will apply: (1) That a Major Site Plan Review be submitted for review by Staff, (2) the historic structure is to be brought up to standards, and preserved in cooperation with the Historic Preservation Division of the Planning Commission. (3) brick wrap at least the first floor of the new structure and if possible the entire building. (4) the entrance to the parking lot is to be approved by the state and have maximum width to allow cars in and out, (5) the curb cut that was once a house on the east side of the property is to be blocked off and a curb put there so that no one can use it, (6) everything is to be at least fifty feet off the boundary lines, (7) all trees wherever possible are to remain on the property, (8) there is to be a buffer zone around the parking lot with trees, fencing, or screening, (9) there is to be a pond put in to catch all of the water and provide water retention, (10) there is to be a maximum of one hundred students in the school, (11) none of the extra five acres of land is to be sold and are to remain basically green space, (12) in regard to the existing water problems on Kathryn Drive and the water runoff, they are to get someone in there to tap in so that they can get their water running into the pond, and (13) The building is to be no higher than two stories.

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

described in: DEED BOOK 523/108 PAGE NO. 52/460 Group No. 2034 A