

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)

DEC - 8 2005

(Check One) 1. Boone Florence Walton X Union

(Check One) 2. X Conditional Use Permit X Variance Appeal Change in Non-Conforming Use

3. Applicant's Name FLORENCE CHRISTIAN CHURCH Phone Number 859-647-5000 Fax No. 647-5004 Applicant's Address 300 main st Florence KY 41092

4. Description of Request: to allow zoning for small group bible study during the week + worship-sundays 80 people

5. Name of Development

6. Location of Development 9779 Old Union Rd

7. Acreage Under Review 6.286 ac + 21.47

8. Lot Number and Name of Subdivision (if part of a subdivision) N.A.

9. Owner of Property The Drees Co

Phone Number of Owner 859-578-4200

10. Address of Property Owner 211 Grandview Dr Ft Mitchell KY 41017

11. Proposed Use(s) on Site Bible study of small group 10-15 people worship-80 people + daycare

12. Total Square Footage of Existing and/or Proposed Buildings 8,000

13. Current Zoning on Property RSE/UTO

14. Deed Book 894/677 Page No. 922/180 Group No. 2047

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: Rev. Jerry Zeln - Florence Christian Church

Property Owner's Signature: Michael Schoettel The Drees Co

**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 12-8-05 Fee Received \$ 903.00 REF 44502
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
_____ **Approved**
2/21/06 **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
- 6. Conditions of Approval: SEE 2/21/06 UBOA
MEETING MINUTES
- 7. Reasons for Denial: _____

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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

APPLICANT: Florence Christian Church
LOCATION: 9779 Old Union Road, Union, Kentucky
ZONING: Rural Suburban Estates/Union Town Overlay (RSE/UTO)
DATE: January 24, 2006

Proposal

The applicant is requesting a Conditional Use Permit and a Variance. The Conditional Use Permit application is to allow an existing single-family residence to be converted into a church and day care facility. The Variance is to reduce the width of a two-way driveway from 20 feet to approximately 11 feet. The approximate 27.7 acre property is located at 9779 Old Union Road and is zoned Rural Suburban Estates/Union Town Overlay (RSE/UTO).

The applicant has submitted a letter (see attachments) which indicates that the church is seeking to use the property until September 2007. The operation would consist of a Monday to Friday daycare (up to 20 children), evening bible study (approximately 10 to 15 people), and Sunday worship service (up to 80 people). The submitted Concept Development Plan (see attachments) shows that applicant is proposing to add two parking areas near the existing single-family residence.

Site History

12/17/03 – The Boone County Planning Commission approves a 772 unit residential development (Harmony Subdivision) under the Union Town Plan's short review process. The overall development is located on approximately 140 acres of land. The proposed church site (former Kasper House) is located in area which is planned for apartment buildings (see attachments).

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to grant conditional use permits as specified in the zoning order, with such additional safeguards as will uphold the intent of the order.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's variance request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance 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 contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The Board should evaluate the applicant's Conditional Use Permit request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 913 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

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 not 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 schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;

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

Article 9, Section 913 of the Boone County Zoning Regulations allows churches as a conditional use in the RSE district if the proposed facility the following requirements:

- a. the activity is an integral and subordinate function of a permitted agricultural, recreational, or residential use; or
- b. the activity will not contradict the semi-suburban, open space character of the district;
- c. require or contribute to infrastructure need above that common of the district's permitted uses;
- d. is of direct relation to and in support of the purpose of the district; and
- e. the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Article 9, Section 913 of the Boone County Zoning Regulations permits "churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within a Rural Suburban Estates (RSE) district.

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

Article 30, Section 3314 of the Boone County Zoning Regulations states that "all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface."

Article 33, Section 3323 of the Boone County Zoning Regulations states that the minimum width of a two-way driveway shall be twenty (20) feet.

Article 33, Section 3325 of the Boone County Zoning Regulations states that churches are required to provide one parking stall for every 5 seats that are used simultaneously.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site for "Rural Lands", "Rural Density Residential", and "High Suburban Density Residential" uses. These designations are described as follows:

Rural Lands – "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

Rural Density Residential – "Low density residential uses of up to one dwelling unit per acre."

High Suburban Density Residential – "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."

The Land Use Element (Union Area, pg. 146) states that this section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown in the 2030 Future Land Use Map and also affect the Boone County Zoning Regulations.

Relationship to the Union Town Plan

The text of the Union Town Plan ("Relationship to the Boone County Comprehensive Plan," pg. 2) states that it was "drafted to help further define the Comprehensive Plan for this important Study Area. It does not replace the Comprehensive Plan, but is designed to be a furtherance of the Comprehensive Plan's recommendations."

The 2000 Union Town Plan is "based on the establishment of a formal Town Center, and contains incentives to developers and property owners to develop in a well designed manner that creates a distinct character for Union, and combats certain characteristic features of suburban sprawl (pg. 4)."

The 2000 Union Town Land Use Plan Map (see attachments) designates the site for two different land uses. Approximately half of the site (Old Union Road side) is designated for single-family detached uses at a density of 1 dwelling unit per acre and the other half of the site (U.S. 42 side) is designated for town homes at a density of 6 dwelling units per acre.

Surrounding Land Uses and Zoning

North: Farm (RSE/UTO)

South: Farm (UTC)
East U.S. 42 & Farm (RSE/UTO)
West: Old Union Road & Farm (A-2/UTO)

Site Characteristics

The approximate 27.7 acre site is comprised of two legal lots of record. The first lot is an approximate 6.286 acre flag lot which contains a single-family residence. The flag lot panhandle is not being utilized for access. The second lot of record is approximately 21.47 acres in area and contains a barn. This lot has an approximate 1,400 blacktop driveway which runs between the single-family residence and Old Union Road. The topography of the lots range from 890 feet above sea level near U.S. 42 to 820 feet above sea level at the Old Union Road right-of-way. The single-family residence is currently using a septic tank.

Staff Comments

1. The applicant's letter indicates that they are only seeking to use the property until September 2007. They are hoping to build their "permanent" facility on a 12.3 acre portion of the Collett Farm which is located to the north of this site.
2. The applicant asked the Zoning Administrator's opinion on granting a driveway width waiver to reduce the width of a required two-way driveway beneath the 20' standard. The Zoning Administrator indicated that he did not foresee granting such a waiver because of traffic safety issues (see attachments).

Staff recommends that the Board should analyze whether the reduced width of a required two-way driveway from 20 feet in width to approximately 11 feet in width will jeopardize public safety.

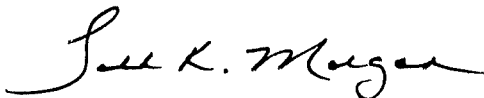
3. Staff would like the applicant to indicate the square footage of the house and indicate where the church activities and daycare operation are proposed. In addition, Staff would like the hours of operation for the daycare, Bible Study classes, and Sunday church services to be defined.
4. Other than the parking lot improvements shown on the Concept Plan, Staff would like the applicant to address if any exterior improvements (playground equipment, fencing, parking lot lighting, etc.) are being proposed on the site.
5. Staff is concerned about the adequacy of the parking lot improvements which are shown on the Concept Plan. Staff would like to make the applicant and Board aware that an 80 seat church needs to provide at least 16 hard surfaced parking stalls. All parking stalls and driveway aisles need to meet the minimum requirements of the Boone County Zoning Regulations.

6. Staff received a letter from Union Emergency Services Alliance regarding the request (see attachments).
7. If the Board grants approval of the requests, a Site Plan application will need to be submitted to the Boone County Planning Commission. This plan will need to address driveway and parking requirements and storm water management if more than 12 parking spaces are proposed.
8. If the Board grants the Conditional Use Permit, Staff recommends a Condition which states that the Conditional Use Permit will expire on September 30, 2007.

Conclusion

KRS 100.237 and 100.241 and Sections 220 of the Boone County Zoning Regulations gives the Union Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit and Variance.

Respectfully submitted,

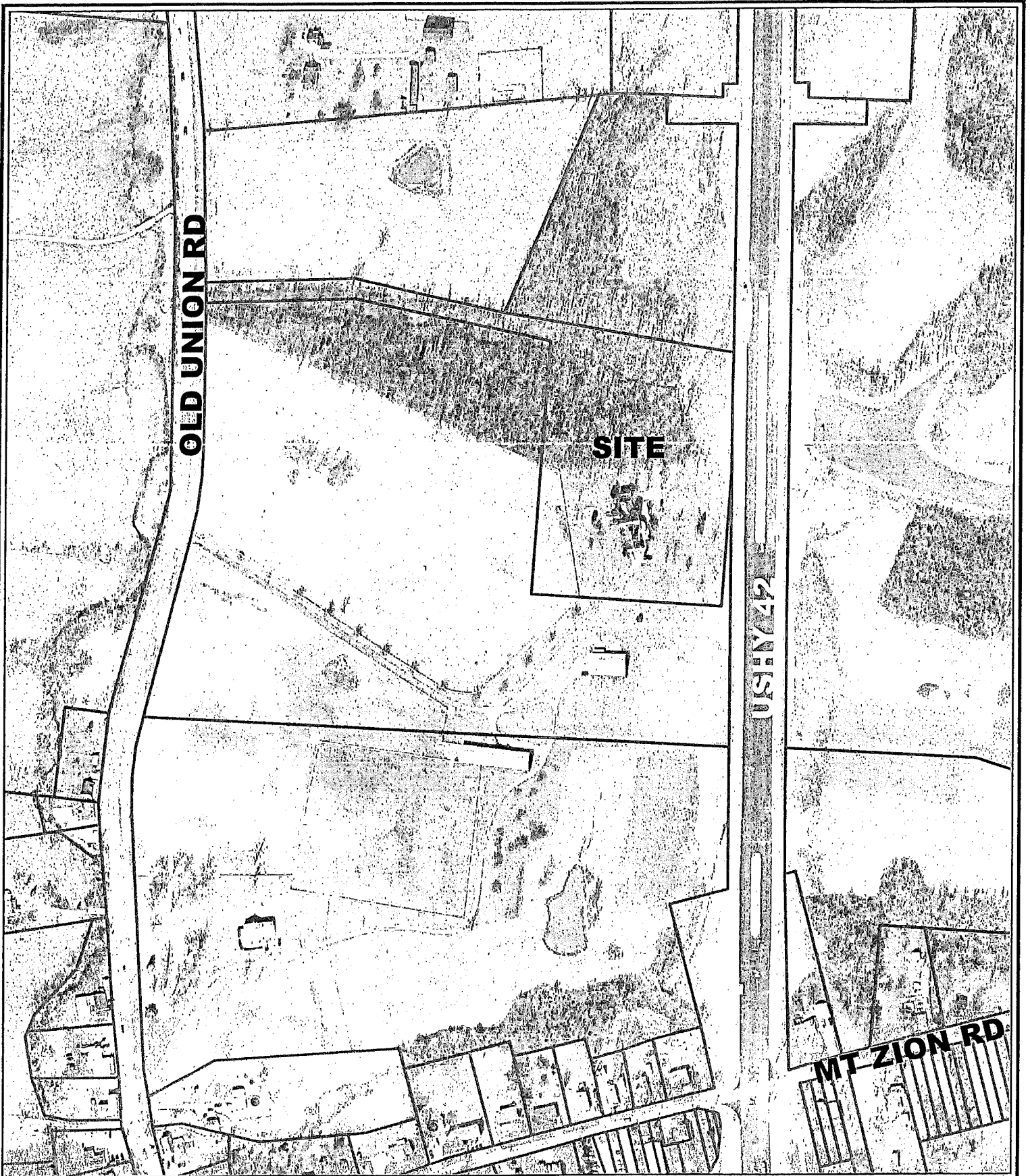


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Aerial Map
- Exhibit B – Letter From Applicant
- Exhibit C – Concept Development Plan
- Exhibit D – Topographical Map
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Union Town Plan Map
- Exhibit H – Harmony Subdivision (Preliminary Plan)
- Exhibit I – 11/17/05 Letter With Attachments From Kevin Wall to Rev. Jerry Zehr
- Exhibit J – 1/17/06 Letter From Union Emergency Services Alliance
- Exhibit K – Application



Florence Christian Aerial Map

300 0 300 Feet



0

300

Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 16, 2006



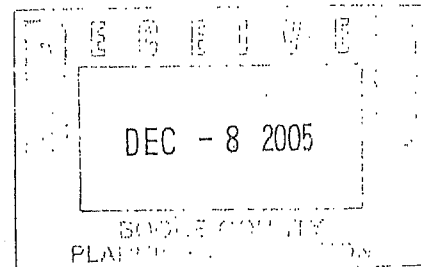


Florence Christian Church

Believe, Belong, Become.

December 7, 2005

Board of Adjustments
Boone County Planning Commission



From Florence Christian Church

We are requesting a Conditional Use Permit and a variance to that permit for the Kopser Home, 9779 Old Union Road, Union, KY.

Florence Christian Church has been given the opportunity to lease this home from The Drees Corporation to use as a place for bible study and worship for the next year as we are preparing the piece of property beside them, The Collett Farm, to build a new worship center.


We would like to begin a worship service on Sunday mornings beginning in July and pre school with no more than 20 children during the week starting in September 2006 until September 2007. We would see approximately no more than 80 people worshipping there over the next year, beginning with only probably 10-15 people, and hopefully growing up to 80 throughout the year. We are in the process of closing on the Collett property and plan to build a multi-purpose facility there. We plan on being able to worship in that facility in September 2007.

Our request is to allow us to use the Kopser house and to have a variance on the driveway for this one year. We would certainly put parking spaces to meet the zoning requirement up by the Kopser house, but to expand the driveway would cost us over \$35,000, and to use this facility for only one year does not seem to be a wise stewardship of money.

We have talked with the people from sewer and health, and they have informed us that the sewers that are there would suffice for having up to 80 people there at one time.

We would sincerely appreciate any assistance you could lend in granting our request for this variance to the permit.

Respectfully,



Rev. Jerry Zehr

OLD U.S. 42

EXHIBIT 'A'
EXISTING HOME

850

850

830

850

848

850

880

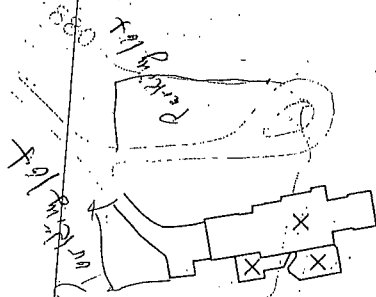
848

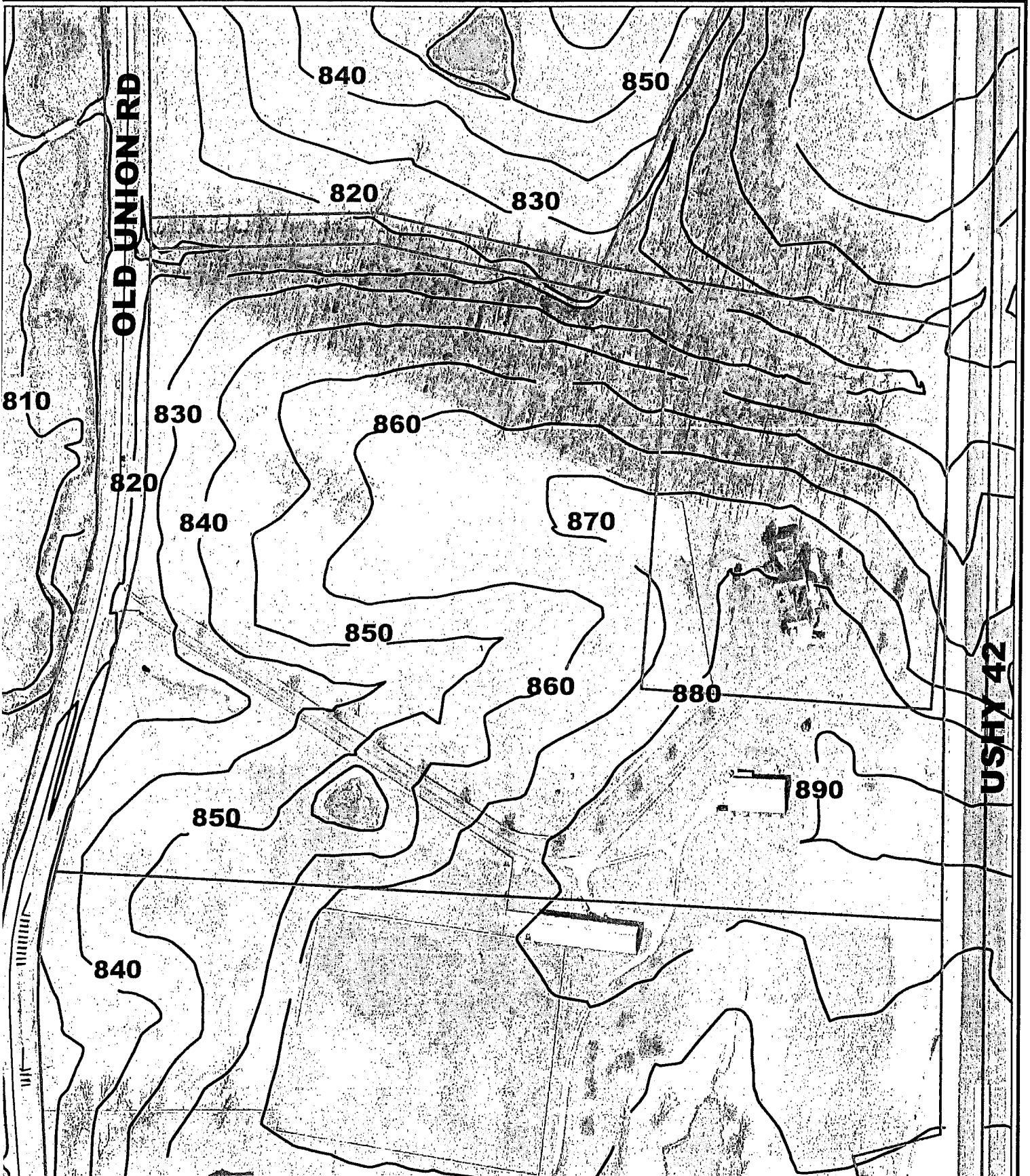
890

SCALE 1"=100'

DEC - 8 2005

NEW U.S. 42



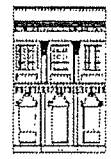


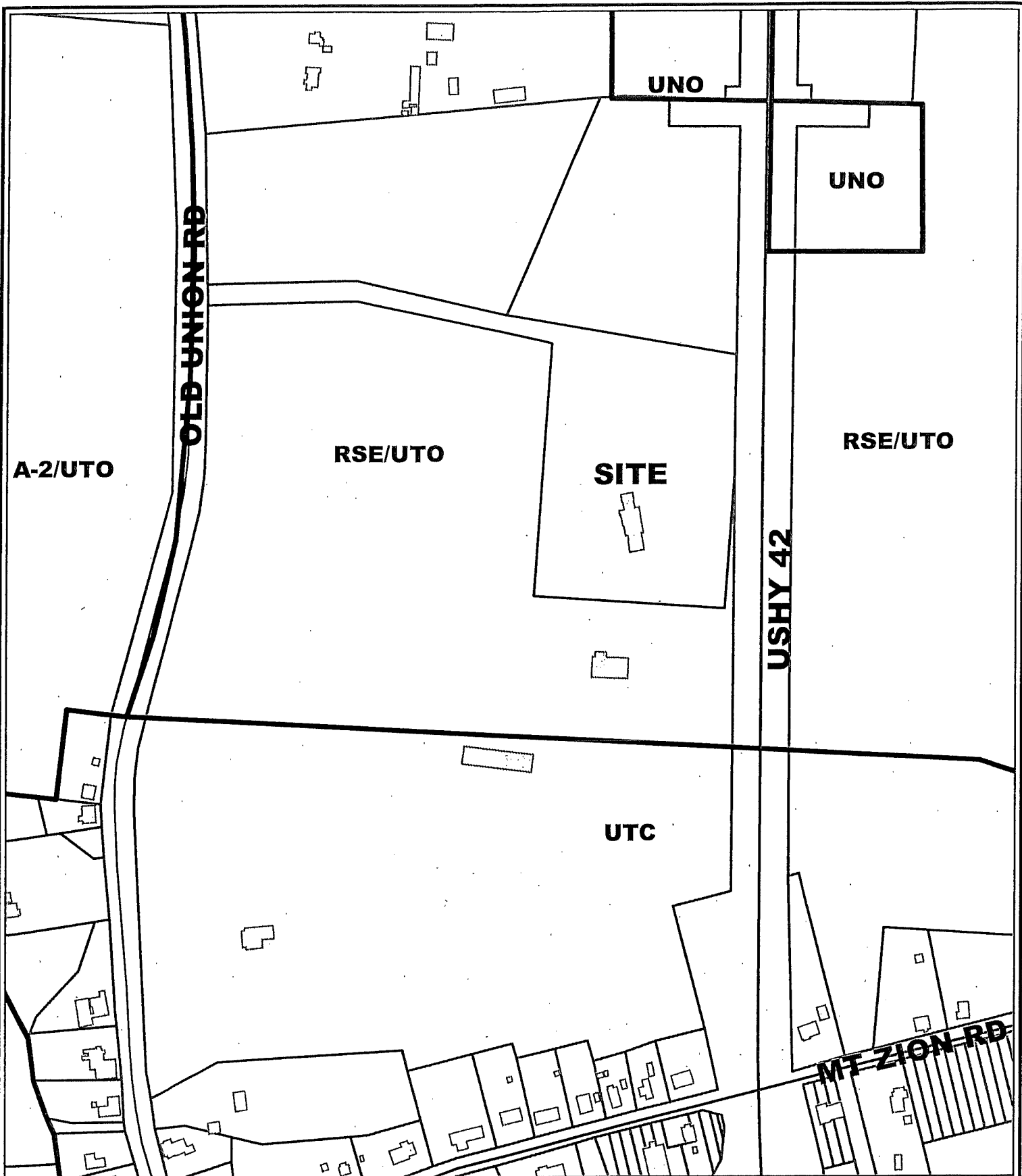
Florence Christian Topographical Map

200 0 200 Feet



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 16, 2006



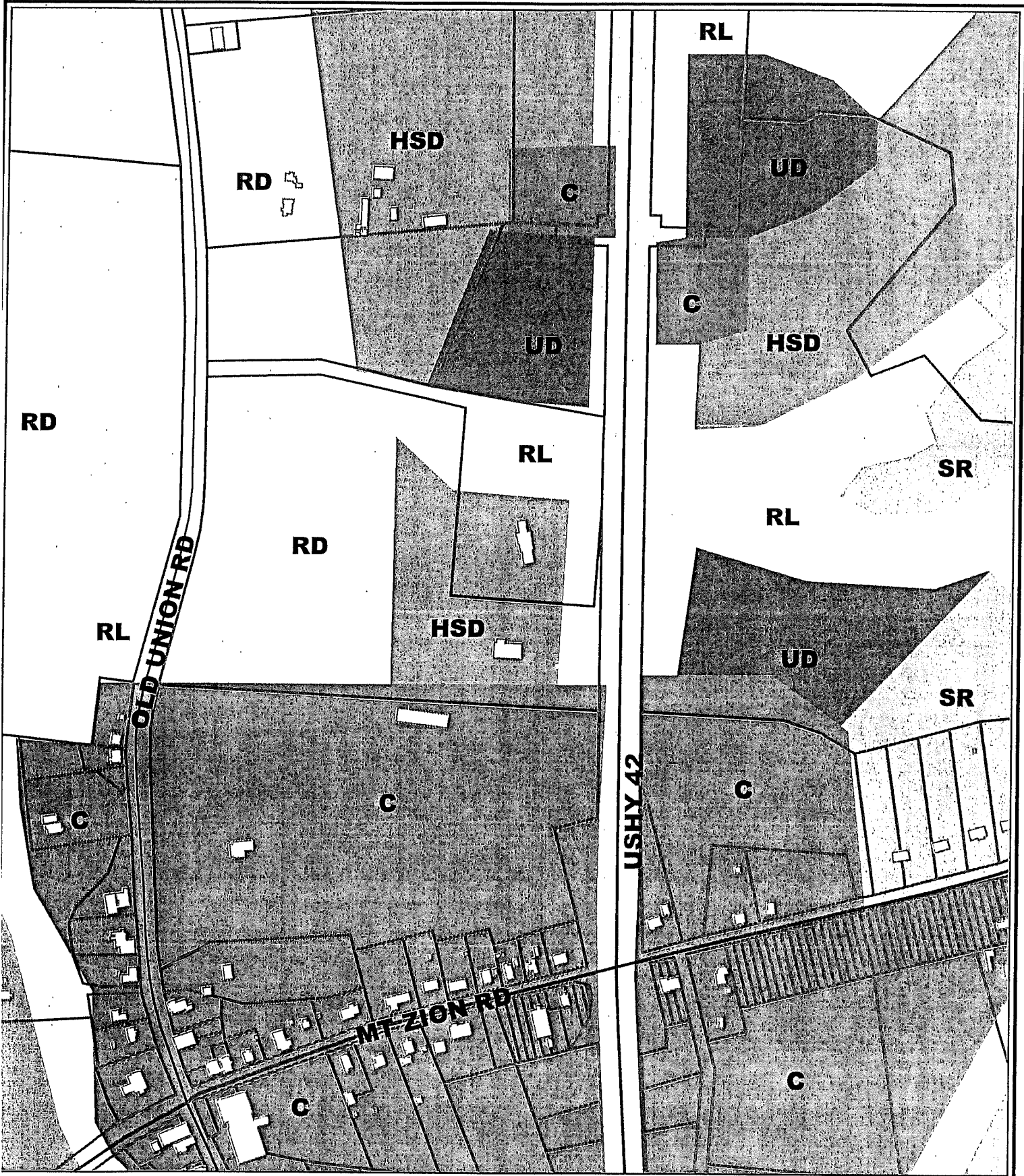


Florence Christian Zoning Map

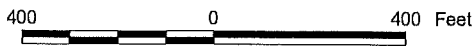
300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 16, 2006

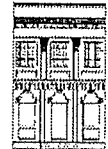


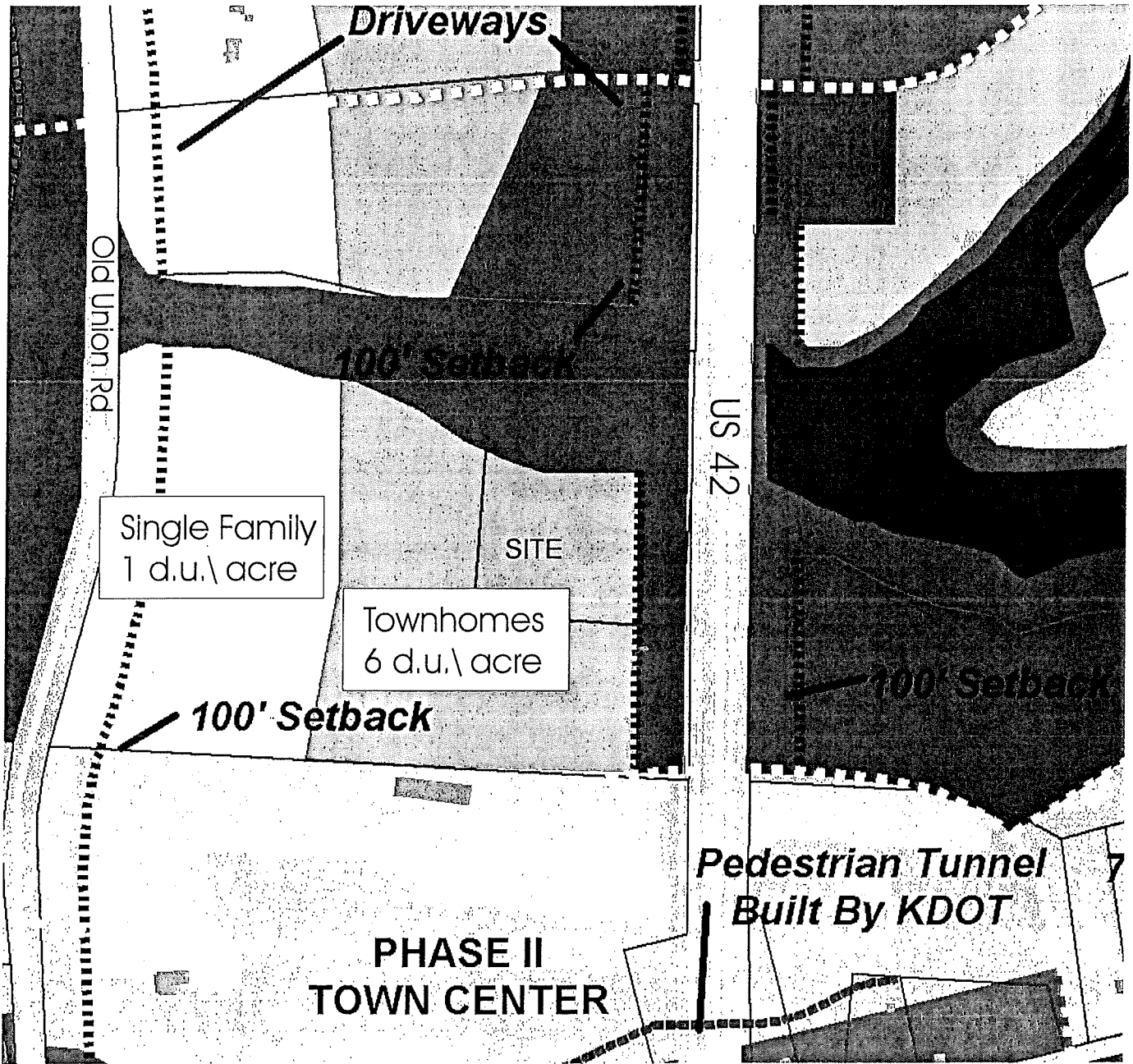


Florence Christian Future Land Use Map



1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 18, 2006

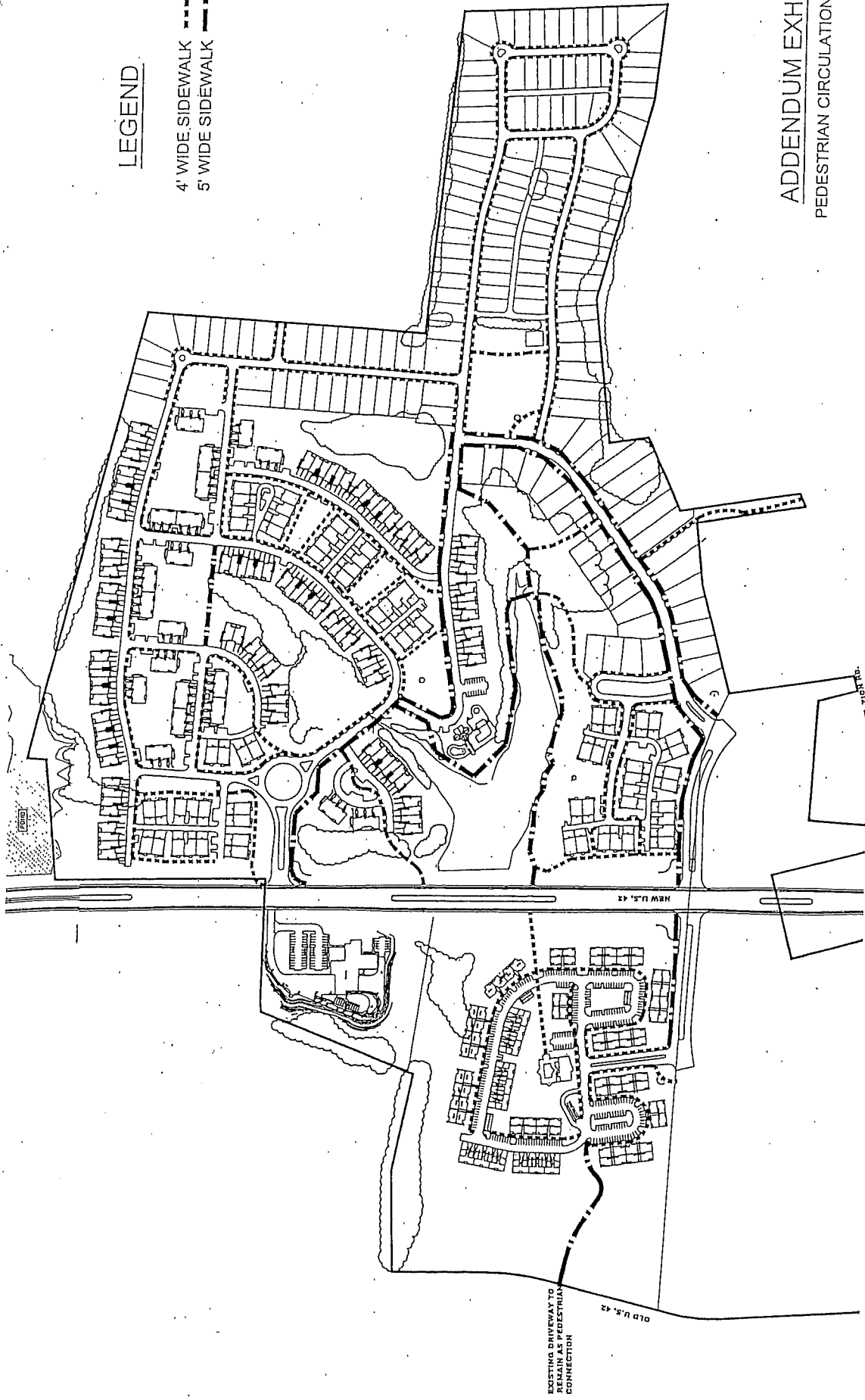




LEGEND

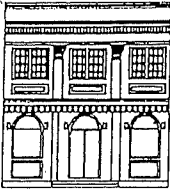
4' WIDE SIDEWALK - - - - -

5' WIDE SIDEWALK - - - - -



ADDENDUM EXHIBIT 1
PEDESTRIAN CIRCULATION SYSTEM

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

November 17, 2005

Rev. Jerry Zehr
Florence Christian Church
300 Main Street
Florence, KY 41042

RE: Driveway for Proposed Church on Kopser Farm Property, U.S. 42/Old Union Road,
Union, Kentucky

Dear Rev. Zehr:

I have reviewed the letter that you submitted regarding the driveway improvements for the "temporary" church facility contemplated for the former Kopser house before the property would be redeveloped by the Drees Company. Additionally, I have discussed your proposal with Todd Morgan, as well as the Planning Commission's engineer, and recall the project from our phone discussion a few months ago.

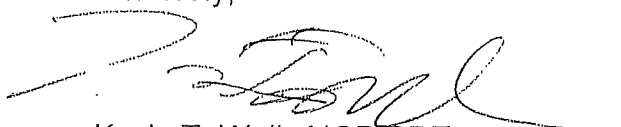
While I have a great deal of sympathy for your dilemma, I have very serious concerns about the traffic safety which may result from the proposal (i.e., adding two "pull-off" lanes on a driveway which is approximately 12' wide according to our air photo data). As you are likely aware, two-way driveways are required to be a minimum of 20 feet wide to accommodate vehicles passing one another. One-way drives that do not immediately serve parking spaces are required to be a minimum of 14 feet wide. In short, the existing drive would serve two way traffic although it by and large would not be wide enough for one way traffic under the zoning requirements. Additionally, the elevation of the driveway drops approximately 60 vertical feet over an approximate 780 foot distance, which along with the reduced width, compounds "drive-ability," especially in adverse weather with a slick surface. The straight horizontal alignment for most of the drive also lends itself to higher speeds. My safety concerns are heightened with the possibility of combining concentrated volumes of traffic with these physical conditions (i.e., services with up to eighty people).

Thus, based on the facts at my disposal, I am not inclined to grant a waiver to reduce the minimum driveway width for the proposal presented. However, I am open to entertaining creative solutions which may serve your needs. One suggestion is to reduce the depth of the pavement section - our regulations require driveways to be paved with concrete or

Rev. Jerry Zehr
November 17, 2005
Page 2

asphalt, but full depth asphalt with a substantial base is not required for a private driveway. As I mentioned to you before, it is my personal viewpoint that the Town Center area is a good location for a church from a land use perspective, and wish you well in this endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall', with a large, sweeping flourish extending to the right.

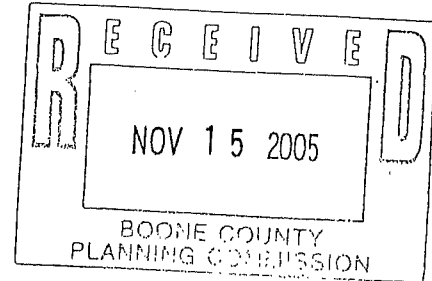
Kevin T. Wall, AICP CDT
Zoning Administrator
City of Union

KTW/vlm

cc: Todd Morgan, Planner



Florence Christian Church
Believe, Belong, Become.



November 15, 2005

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

Dear Mr. Wall,

We appreciate the opportunity to share with you our plans for Harmony Place, a ministry of Florence Christian Church.

We have a contract to purchase the Collett property in a joint venture with the Drees Company. Our portion of the purchase is 12.3 acres abutting the new US Highway 42, at a purchase price of \$1.265 million dollars (Exhibit 1).

We plan to build a multi-purpose building to serve as our sanctuary, with construction starting in the next couple of years. The Drees Company has graciously given us a lease contract at a nominal rate, so we might utilize the 8,000 square foot residence previously owned by the Kopser Farm (Exhibit 2).

Our intent is to establish a presence in that growing area prior to starting construction on the Collett property. We will have meetings of 8-10 or 10-12 persons for small groups and Bible study, once or twice weekly. Our interim plan, if it is financially feasible, is to start holding a Sunday Worship Service beginning in the fall of 2006. We envision a group of no more than 80 people, and in the beginning, less than that. We would also have a pre-school during the week, with no more than 10 children attending daily. If all goes as anticipated, construction on the Collett property will begin, and we would only be in the Kopser house for a couple of years, until we are well-established for the new building project.

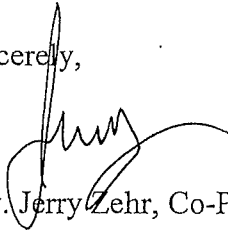
Our hope is to start our Sunday Service next fall with a minimum of expenditures on improvements that will satisfy your requirements. To widen the driveway to 20' and get the necessary parking places, we have a bid of \$47,000 from a contractor. If we could reduce that cost and still meet your approval, it would be very helpful. Our thought would be to install 2 pull-offs along the driveway of approximately 12' x 24', as shown on Exhibit 3, which would save us a substantial amount of money. We have no problem providing the necessary hard surface parking spaces near the building.

Therefore, we are asking for a waiver on that driveway situation. We have checked with the water and sewer people regarding the septic system, and we think that will be adequate since there are 6 bathrooms in the house used by 8-10 occupants on a full time basis. The use of up to 80 people for a 1-hour service would be much less demanding than the prior use.

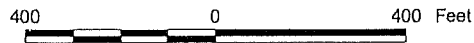
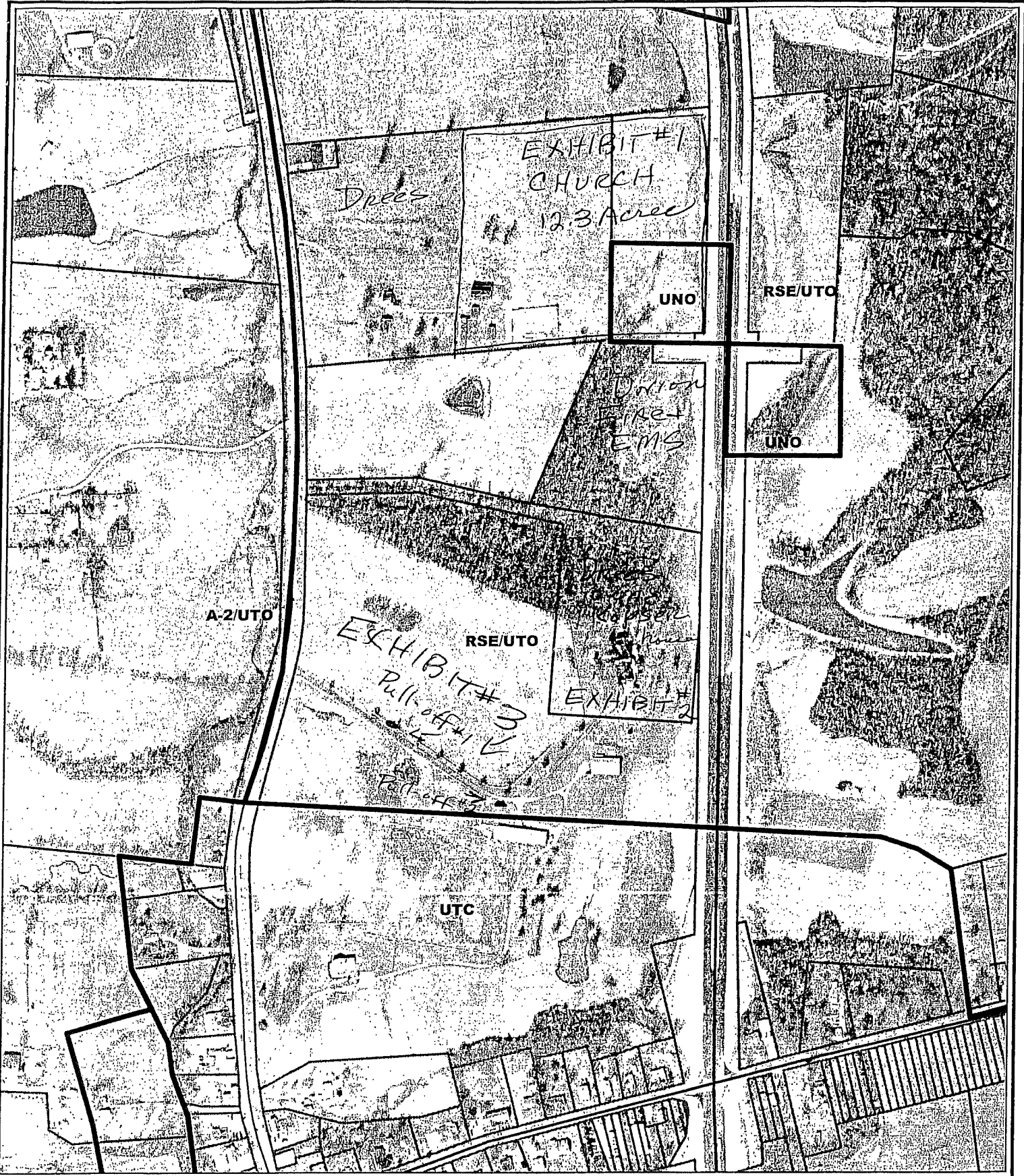
Also, the building department felt we were in good shape for handicap accessibility.

Kevin, if you could get back to us with your thoughts at your convenience, we would be most appreciative. You may contact us by calling 647-5000 (church office) or Rev. Jerry Zehr at 322-4882 (cell phone). Also, you could talk to Ken Lucas at 859-240-1179, if we are not available. He is very aware of the entire project.

Sincerely,

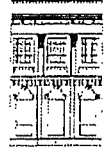
A handwritten signature in black ink, appearing to read "Jerry Zehr", with a long, sweeping horizontal stroke extending to the right.

Rev. Jerry Zehr, Co-Pastor



Old US 42

1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 15, 2005



OLD U.S. 42

Exhibit 3

~~EXHIBIT #3~~
EXISTING HOME

850

830

Pull off

850

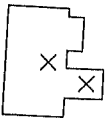
Pull off

850

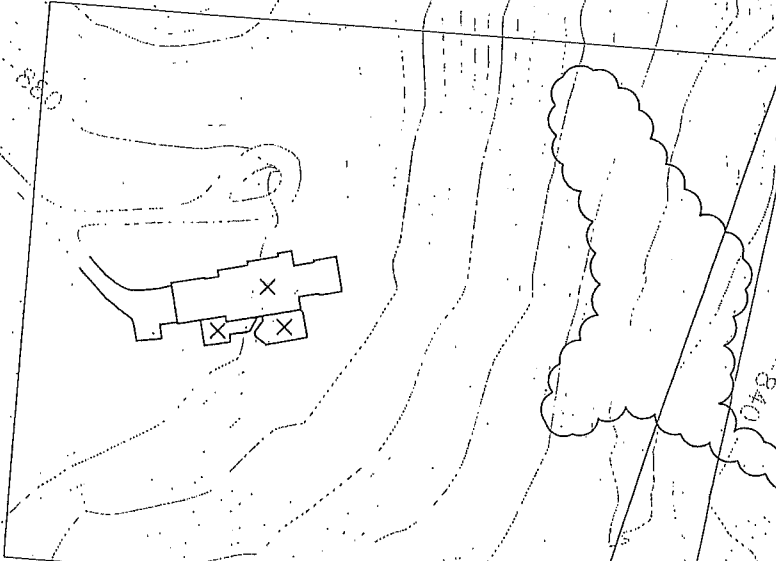
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810

SCALE 1"=100'



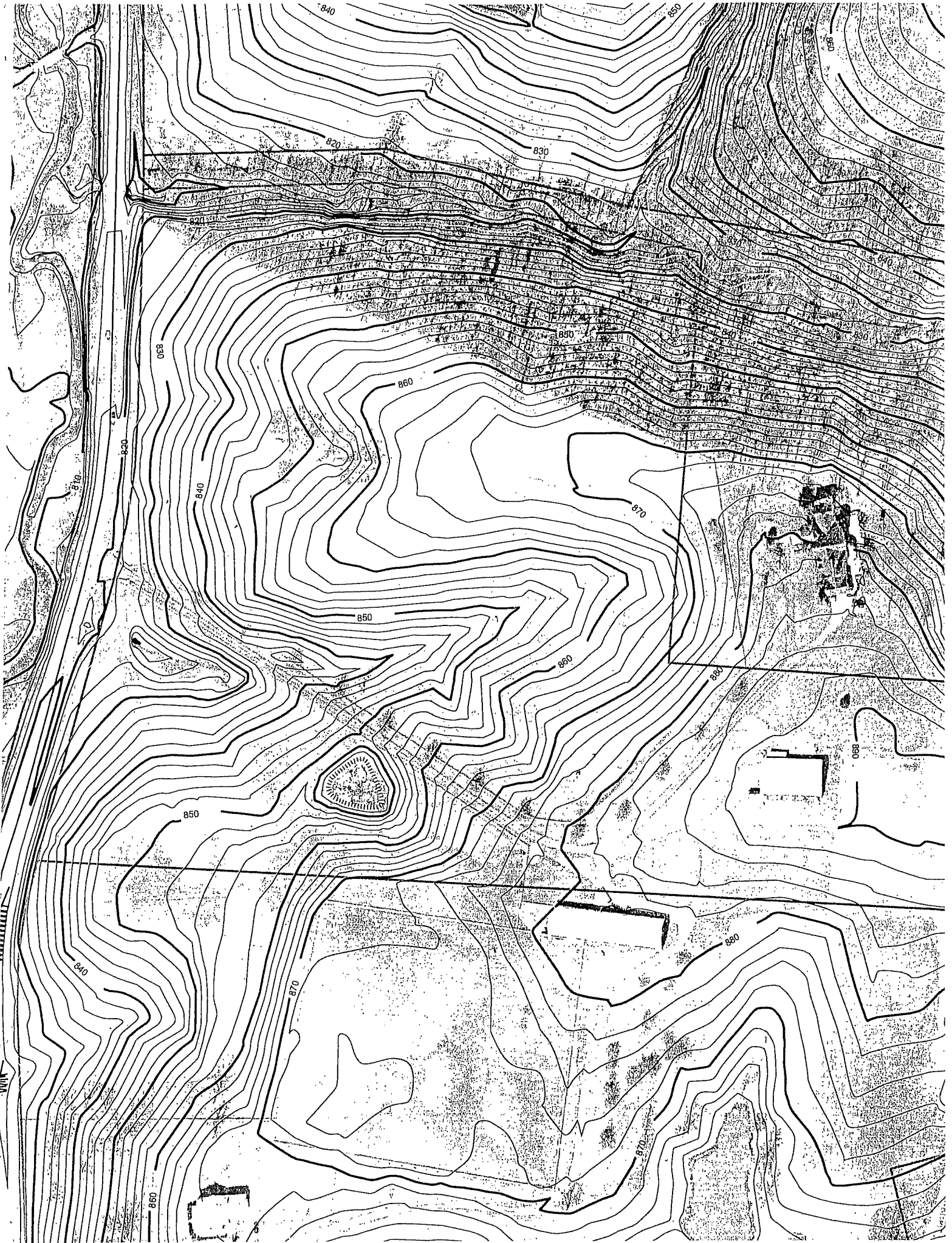
860



840

NEW U.S. 42

870





Union Emergency Services Alliance

P.O. Box 936 • 10087 US Hwy. 42
Union, Kentucky 41091

(859) 384-3342 Phone

(859) 384-5281 Fax

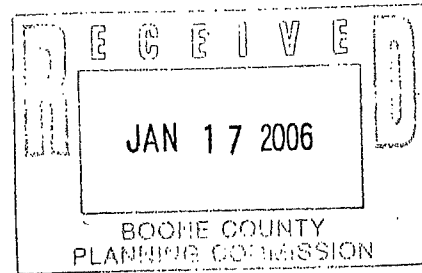


January 17, 2006

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

RE: Florence Christian Church

Dear Todd,



I have received a copy of a variance request by the Florence Christian Church for the property located at 9779 Old Union Road, the Kopser Property. I have reviewed this variance request with Chief Morgan, with the following recommendations and requirements as noted:

(1) Install parking sufficient to handle the vehicles that are expected to be parked, without blocking the main driveway into the property, or areas that would block fire department access in front of the building. Place "No Parking" signs along the main driveway into the property, and stress to visitors, congregation members, etc. about the importance of not blocking the driveway to allow for access of fire department vehicles, including life squads (required).

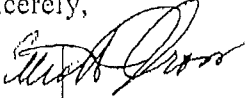
(2) Due to the distance from the closest fire hydrant, the occupant load that is expected, and the future request for a daycare/preschool facility on this location, install and maintain a monitored fire alarm system for this building. This will also be a requirement of the State Fire Marshal's Office as part of the licensing for the daycare facility (required).

(3) Recommend checking with the property owner to the south side, adjacent to this property, to see if the gravel road leading up to the property can be maintained as a means of secondary ingress and egress for fire department vehicles and church congregation. This road is currently covered in gravel, would need some patching of gravel in some areas, and have one, possibly two trees removed. This will allow for better fire department access with tankers should the need arise. This will also prevent a traffic issue should the fire department vehicles need access to the property while occupants of the building are trying to leave the area.

(4) Check with the State Fire Marshal's Office about other requirements that they may have in regards to the daycare facility in this location.

If I may be of further assistance, please feel free to contact myself or Chief Michael Morgan.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elliott Cross".

Elliott Cross
Fire Marshal
Union Emergency Services Alliance

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)

(Check One)

1. Boone Florence Walton Union

(Check One)

2. Conditional Use Permit Variance Appeal

Change in Non-Conforming Use

3. Applicant's Name FLORENCE CHRISTIAN CHURCH

Phone Number 859-647-5000 Fax No. 647-5004

Applicant's Address 300 Main St

Florence Ky 41092
City State Zip

4. Description of Request: to Allow Zoning For small

Group Bible Study during the week + worship - Sundays

5. Name of Development 80 people

6. Location of Development 9779 Old Union Rd

7. Acreage Under Review 6.286 ac + 21.47

8. Lot Number and Name of Subdivision (if part of a subdivision)

N.A.

9. Owner of Property The Drees Co

Phone Number of Owner 859-578-4200

10. Address of Property Owner 211 Grandview Dr Ft Mitchell Ky 41017

City State Zip

11. Proposed Use(s) on Site Bible study of small group 10-15 people

worship - 80 people + daycare

12. Total Square Footage of Existing and/or Proposed Buildings 8,000

13. Current Zoning on Property RSE/UTO

14. Deed Book 894/677 Page No. 922/180 Group No. 2047

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: Rev. Jerry Zeln - Florence Christian Church

Property Owner's Signature: Wendell Schoettelboetz The Drees Co

COPY

CLUR #06-UBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
The Drees Company
211 Grandview Drive
Ft. Mitchell, KY 41017
2. ADDRESS OF PROPERTY
9779 Old Union Road
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Florence Christian Church
4. DEED BOOKS & PAGES 894/922, 677/180 GROUP NO. 2047
5. 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
6. 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

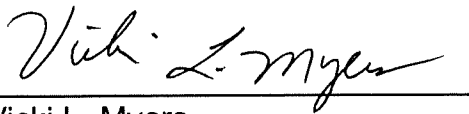
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

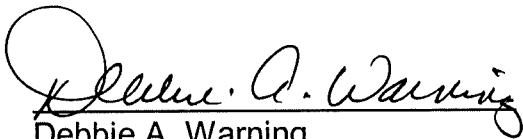
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 6th day of March, 2006.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

This instrument was prepared for recording purposes only by:



Debbie A. Warning
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 and Variance approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of February 21, 2006 Certificate of Land Use Restriction (#06-UBOA-001-A), for The Drees Company, Property Owner(s).

The following conditions will apply:

- 1) The pre-school can only be open Monday through Friday from 9:00 AM to 4:00 PM.
- 2) There can be no activities on the site after 9:30 PM

The approved Conditional Use Permit and Variance as well as the preceding conditions apply to the property described in:

DEED BOOKS & PAGES 894/922, 677/180

GROUP NO. 2047