

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

APR 26 2007

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

(Check One)

1. Boone Florence Walton X Union

(Check One)

2. X Conditional Use Permit Variance Appeal Change in Non-Conforming Use

3. Applicant's Name FLORENCE CHRISTIAN CHURCH Phone Number 859-647-5000 Fax No. 859-647-5004 Applicant's Address 300 MAIN ST FLORENCE Ky 41042

4. Description of Request: MODIFY CONDITIONS OF APPROVAL FROM 2/2/06 UBOA APPROVAL (SEE ATTACHED LETTER)

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

10. Address of Property Owner 211 GRANDVIEW DR Phone No. 859-578-9200 RAYMOND KOPSEK 3531 HATHAWAY 384-3337 FT. MITCHELL Ky 41017 Boone City, Ky

11. Proposed Use(s) on Site WORSHIP OF 80 PEOPLE + DAYCARE 49 KIDS 5 DAYS PER WEEK

12. Total Square Footage of Existing and/or Proposed Buildings 8000

13. Current Zoning on Property RSE/LTO

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: [Signature]

Property Owner's Signature: [Signature] - The Drees Co. Jaeger Kopse 4-26-07 (over)

835 4036

**BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2**

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

1. Date Received 4-26-07 Fee Received 621.00 PA 53239
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
5/22/07 **Approved**  
\_\_\_\_\_ **Approved with Conditions** (See #6)  
\_\_\_\_\_ **Denial** (See #7)
6. Conditions of Approval: NONE  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://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: May 22, 2007

### Proposal

The applicant is requesting modifications to a Conditional Use Permit that was approved by the Union Board of Adjustment on February 21, 2006. The request is to allow the following changes:

- (1) Extend the time limit that the church and day care can operate on the property from September 2007 to December 2008;
- (2) Increase the number of children that the Monday to Friday day care can care for at any given time from 20 to 49; and
- (3) Extend the hours of operation of the Monday to Friday day care from 9:00 AM through 4:00 PM to 6:30 AM through 6:00 PM

### 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 church and day care site (former Kasper House) is located in area which is planned for apartment buildings (see attachments).
- 01/24/06 – The Union Board of Adjustment approves a Conditional Use Permit and a Variance. The Conditional Use Permit application allows an existing single-family residence to be converted into a church (80 people at Sunday Worship), a Monday to Friday day care (up to 20 children), and 25 parking stalls to be constructed on the property. The Variance reduces the 500 foot road frontage requirement to allow two curb cuts on Old Union Road.

The following conditions were imposed on the Conditional Use Permit:

- (1) The Conditional Use Permit is effective until September 30, 2007;
- (2) The day care can be operate Monday through Friday from 9:00 AM to 4:00 PM; and

- (3) There are to be no activities on the site after 9:30 PM.

04/03/06 – The Boone County Planning Commission approves a Major Site Plan allowing the driveway width to be expanded to 20 feet and 25 parking spaces to be constructed.

#### 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.

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 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. Day cares are required to provide two spaces per classroom.

#### 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: Union Emergency Services (Under Construction) and Undeveloped Property Owned by Florence Christian Church (RSE/UTO)
- South: Farm (UTC)
- East: U.S. 42 & Harmony Subdivision (RSE/UTO)
- West: Old Union Road & Future Westbrook Estates Subdivision (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 an approximate 8,000 square foot church and daycare with 25 parking spaces (former Kospers house). 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 foot blacktop driveway which runs between the church 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 church and day care are currently using a septic system.

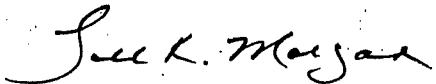
Staff Comments

1. The applicant has provided a letter outlining the request and approval letters from the State Fire Marshall and Northern Kentucky Independent Health District.
2. Staff would like the applicant to address if the play area will need to be expanded to accommodate 49 children.
3. Staff would like the Applicant to address when they are planning to start the approval process for their permanent facility.
4. The Board of Adjustment needs to analyze the findings listed in 262 and 913 of the Boone County Zoning Regulations before acting on the request.

Conclusion

KRS 100.237 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.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/pr

Attachments

Site Vicinity Map  
Letter From Applicant  
N. KY Health District Inspection Report  
Fire Marshall Inspection Report  
04/03/06 Site Plan  
Aerial Map  
Zoning Map  
Future Land Use Map  
Union Town Plan Map  
Harmony Subdivision (Preliminary Plan)  
01/24/06 UBOA Meeting Minutes  
02/21/06 UBOA Meeting Minutes  
Application

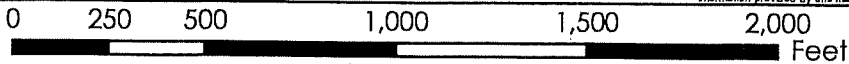
# Florence Christian Church

www.boonecountygis.com



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1 Inch equals 501 feet

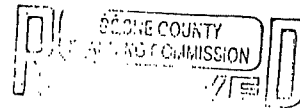


**Boone County GIS - Putting Northern Kentucky on the Map**





Florence Christian Church  
*Believe, Belong, Become.*



April 25, 2007

APR 26 2007

Kevin T Wall, AICP, CDT  
Director of Zoning Services  
Boone County Planning Commission  
2950 Washington Street, Room 317  
Burlington, Ky 41005

Dear Mr. Wall,

We appreciate the help you gave us last year with our plans for Harmony Place, a ministry of Florence Christian Church.

We would like to request a change to our Conditional Use Permit and Variance attained on 2/21/06. We would like to extend the hours of our Daycare from 9:00am/4:00pm to 6:30am to 6:00pm. Also increase the quantity from 20 to 49 children and extend the use from 09/01/07 to 12/31/08.

We have received approval from the State Fire Marshall and the Northern Kentucky Independent District Health Department. Both reports are attached.

We will be awaiting the date for the Variance Meeting.

Sincerely,

Bob Smith  
Business Manager  
Florence Christian Church

NORTHERN KENTUCKY INDEPENDENT DISTRICT HEALTH DEPARTMENT  
EXISTING SUBSURFACE SEWAGE DISPOSAL SYSTEM  
INSPECTION REPORT

#: Courtesy

Date: 3/12/2007

Owner: Florence Christian Church /Drees Co. Phone#: 647-5000 ext 551

Address Inspected: 9779 Old Union Rd.

City: Union State: KY Zip: 41091 County: Boone

Number of Bedrooms: \_\_\_\_\_ Lot size: \_\_\_\_\_ Home occupied: yes \_\_\_\_\_ no x

Type of tank: Septic: x Aerobic: \_\_\_\_\_ Fiberglass: \_\_\_\_\_

Concrete: x Metal: \_\_\_\_\_ Concrete block: \_\_\_\_\_

If aerobic, was motor operating? yes \_\_\_\_\_ no \_\_\_\_\_ unknown \_\_\_\_\_

Capacity of tank: ~1500 gallons

Was tank located? yes x no \_\_\_\_\_ Observations: \_\_\_\_\_

Was lateral field located? yes x no \_\_\_\_\_ Length of total lateral field: ~500' Ft.

Visual Indications: \_\_\_\_\_

Repair area available if needed? yes \_\_\_\_\_ x no \_\_\_\_\_

Type of water supply: City: x Cistern: \_\_\_\_\_ Well: \_\_\_\_\_ Other: \_\_\_\_\_

Distance between sewage system and water supply? \_\_\_\_\_ Ft. (unless city water)

Other tests performed and results: \_\_\_\_\_

A yes answer to any of the following questions can be considered a health and/or environmental nuisance.

Evidence of surface discharge? yes \_\_\_\_\_ no x maybe \_\_\_\_\_

Evidence of off lot surface discharge? yes \_\_\_\_\_ no x maybe \_\_\_\_\_

Evidence of discharge into ponds, creeks, drainage ditches, etc.? yes \_\_\_\_\_ no x maybe \_\_\_\_\_

Explain: \_\_\_\_\_

Comments: No evidence of system failure on day of inspection. Existing system may be used for proposed facility. If problems occur, owners will be responsible to have corrected.

(NOTE: Any repairs involving component installation may require a permit from the Health Department)

These findings were observed on the above date and were based partly on information provided to this department. This inspection does not constitute either a written or implied warranty or guarantee that the subsurface disposal system in question is installed as stated herein or is in compliance with any prevailing code at the time of installation nor that the system will operate in a satisfactory manner in the future. This report is not a pass or fail inspection.

Inspected by: Bob McCuller R.S. Date: 3/27/07

Comment if repair installation inspected: \_\_\_\_\_ Date: \_\_\_\_\_



COMMONWEALTH OF KENTUCKY  
 OFFICE OF HOUSING, BUILDINGS & CONSTRUCTION  
 DIVISION OF FIRE PREVENTION - GENERAL SECTION  
 101 Sen Hero Road, Suite 100 Frankfort, KY 40601-5405  
 (502) 573-0382 FAX (502) 573-1004  
 FORM FM-E, REVISED 2006  
 REPORT OF INSPECTION



CASE NUMBER: Pending FACILITY: Discover Zone II BUILDING: \_\_\_\_\_  
 ADDRESS: 9779 Oldham Rd. CITY: Union  
 INSPECTOR: Oliver DATE: 4-2-07 USE GROUP: EDUCATION - DAYCARE  
 FIRE DEPT.: Un- COUNTY: Boone INSPECTION TYPE: following

\*\*FOR DAYCARE USE ONLY\*\*

SQUARE FT: \_\_\_\_\_ RECOMMENDED OCCUPANCY: 49 NIGHT TIME CARE: \_\_\_\_\_

THIS FACILITY WAS FOUND TO HAVE DEFICIENCIES AT THE TIME OF INSPECTION  
 THIS FACILITY WAS FOUND TO BE SATISFACTORY AT THE TIME OF INSPECTION

RECEIVED BY (SIGNATURE): X Bob Smith TITLE: Business Mgr  
 PRINT NAME: \_\_\_\_\_ PHONE NUMBER: 479-5000

EXITS AND DOORS		GENERAL	
___ E01	MAKE NECESSARY REPAIRS TO DOOR(S), INCLUDING HARDWARE TO ENSURE PROPER OPERATION AT _____ (14.4.1, 2006 NFPA 1, UFC)	___ G01	REMOVE COMBUSTIBLE WASTE AND MAINTAIN BETTER HOUSEKEEPING AT _____ (10.1.1, 19.1.2, 2006 NFPA 1, UFC)
___ E02	DISCONTINUE USE OF MANUAL HOLD OPEN DEVICE ON THE _____ DOOR OR INSTALL AN APPROVED AUTOMATIC HOLD OPEN DEVICE. (14.5.4.1, 2006 NFPA 1, UFC)	___ G03	MAINTAIN A MINIMUM OF 36" CLEARANCE BETWEEN HEATING EQUIPMENT AND STORAGE. (34.4.2.4, 2006 NFPA 1, UFC)
___ E03	EXITS MUST BE KEPT VISIBLE, UNOBSTRUCTED & AVAILABLE FOR IMMEDIATE USE AT ALL TIMES DURING OCCUPANCY HOURS. (14.4.1, 2006 NFPA 1, UFC)	___ G04	REMOVE ACCUMULATION OF GREASE FROM KITCHEN HOOD. (60.5.4, 2006 NFPA 1, UFC)
___ E05	MAKE THE EXIT DOOR OPENABLE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT AND/OR REMOVE UNAPPROVED LOCK FROM DOOR AT _____ (14.5.2, 2006 NFPA 1, UFC)	___ G08	HAVE BOILER # _____ INSPECTED BY THE KENTUCKY BOILER BUREAU AND POST CERTIFICATE UNDER GLASS NEAR BOILER. (KRS 236.110)
___ E08	MAINTAIN A CLEAR WIDTH OF _____ IN ALL EXIT ACCESS AISLES OR CORRIDORS. (14.8.3.3, 2006 NFPA 1, UFC)	___ G08	DISCONTINUE PRACTICE OF STORING CLOTHING AND PERSONAL EFFECTS IN CORRIDORS IN DAYCARE AND EDUCATIONAL FACILITIES. (20.1.4.11, 20.2.3.4.5, 20.3.3.2.3.4.3, 2006 NFPA 1, UFC)
___ E09	INSTALL AN APPROVED POSITIVE LATCHING DEVICE ON THE _____ DOOR. (14.2, 2006 NFPA 1, UFC, 8.3.3 2006 NFPA 101)	___ G09	LIMIT THE AMOUNT OF ARTWORK AND TEACHING MATERIALS TO NOT MORE THAN 20 PERCENT OF THE WALL AREA. (20.2.3.4.6, 20.3.3.2.3.4.4, 2006 NFPA 1, UFC)
___ E10	INSTALL APPROVED SELF CLOSING DEVICE(S) ON _____ DOOR(S) (14.2, 12.7.3, 14.3.1, 2006 NFPA 1, UFC)	___ G12	DISCONTINUE USE OF UNAPPROVED, UNLISTED AND/OR UNVENTED FUEL FIRED HEATING DEVICES. (11.5, 2006 NFPA 1, UFC)
___ E12	SEAL HOLES IN WALLS AND/OR CEILINGS WITH MATERIAL EQUAL TO EXISTING CONSTRUCTION AT _____ (12.3.2, 2006 NFPA 1)	___ G18	DISCONTINUE STORAGE OF GASOLINE POWERED EQUIPMENT AND STORE FLAMMABLE LIQUIDS IN APPROVED CONTAINERS OR STORAGE CABINETS AT _____ (10.19, 66.4.4.3, 2006 NFPA 1, UFC)
___ E14	REPLACE EXISTING CLASSROOM DOORS WITH DOORS HAVING A MINIMUM 20 MINUTE FIRE RESISTANCE RATING (OR 1 3/4" SOLID BONDED WOOD CORE DOORS). (15.3.6, 17.3.6, 2006 NFPA 101)	___ G19	SECURE COMPRESSED GAS CYLINDERS LOCATED AT _____ (63.3.1.4.3, 2006 NFPA 1, UFC)
___ E16	IN DAY CARE FACILITIES, CLOSET DOORS MUST BE OPENABLE FROM THE INSIDE AND BATHROOM DOORS OPENABLE FROM THE EXTERIOR IN AN EMERGENCY (17.2.2.2.4, 17.2.2.2.5, 33.2.2.5.4, 33.2.2.5.5, 2006 NFPA 101)	___ G20	CLEAN ACCUMULATION OF LINT FROM THE CLOTHES DRYER. (11.5.1.8, 2006 NFPA 1, UFC)
		___ G22	REPLACE MISSING OR BROKEN CEILING TILES AT _____ (13.7.4.3.10, 13.3.3.3, 2006 NFPA 1, UFC)
SIGNS AND LIGHTING		ELECTRICAL	
___ S02	INSTALL APPROVED EMERGENCY LIGHTING AT _____ (14.13.1, 2006 NFPA 1, UFC)	___ EL1	MAINTAIN A MINIMUM OF 38 INCH CLEARANCE BETWEEN ELECTRICAL SERVICE EQUIPMENT AND STORAGE AT _____ (11.1, 2006 NFPA 1, UFC & 2005 NFPA 70)
___ S03	INSTALL AN APPROVED ILLUMINATED/PLACARD EXIT SIGN AT _____ (14.14.1.2, 2006 NFPA 1, UFC)	___ EL2	REMOVE UNAPPROVED MULTIPLE PLUG ADAPTERS AT _____ (11.1.5.1, 2006 NFPA 1, UFC & 2005 NFPA 70)
___ S04	REMOVE OBSTRUCTIONS FROM EXIT SIGN(S). (14.14.1.8, 2006 NFPA 1, UFC)	___ EL3	DISCONTINUE USE OF UNAPPROVED EXTENSION CORDS AT _____ (11.1.5.3, 2006 NFPA 1, UFC & 2005 NFPA 70)
___ S05	REPAIR EXIT SIGN(S) AT _____ (10.4, 2006 NFPA 1, UFC)	___ EL4	PROTECT EXTENSION CORD AT _____ FROM POSSIBLE PHYSICAL DAMAGE. (11.1.5.3, 2006 NFPA 1, UFC & 2005 NFPA 70)
___ S06	MARK _____ DOOR 'NOT AN EXIT' OR APPLY OTHER APPROPRIATE SIGNAGE. (14.14.6.5.3, 2006 NFPA 1, UFC)	___ EL5	REPLACE MISSING OR BROKEN OUTLET, JUNCTION BOX OR PANEL BOX COVERS AT _____ (11.1, 2006 NFPA 1, UFC & 2005 NFPA 70)
___ S09	TEST EMERGENCY LIGHTING MONTHLY FOR 30 SECONDS AND ANNUALLY FOR 1 1/2 HOURS & MAKE NECESSARY REPAIRS. MAINTAIN WRITTEN RECORDS OF TESTS. (14.13.2, 2006 NFPA 1, UFC)	___ EL6	SPliced WIRING AT _____ SHALL BE PROTECTED BY AN APPROVED JUNCTION BOX. (11.1, 2006 NFPA 1, UFC & 2005 NFPA 70)
FIRE PROTECTION EQUIPMENT		HAZARDOUS AREAS	
___ F01	MAKE NECESSARY REPAIRS TO THE _____ SYSTEM TO ENSURE PROPER OPERATION. (13.1.2, 13.1.7, 2006 NFPA 1, UFC)	___ EL7	PROTECT WIRING AT _____ FROM POSSIBLE PHYSICAL DAMAGE. (11.1, 2006 NFPA 1, UFC & 2005 NFPA 70)
___ F02	HAVE _____ SYSTEM INSPECTED BY A KENTUCKY CERTIFIED INSPECTOR & MAINTAIN A WRITTEN REPORT. (10.4, 13.1.2, 13.1.5, 50.5.2, 2006 NFPA 1, UFC)	___ EL8	INSTALL PROTECTIVE COVERS ON ALL ELECTRICAL RECEPTACLES IN AREAS OCCUPIED BY DAYCARE CLIENTS UNDER 5 YEARS OF AGE. (17.5.1.2, 2006 NFPA 101)
___ F03	HAVE _____ INSPECTOR VERIFY SPACING OF _____ (13.3.1.1, 2006 NFPA 1, UFC, 8.1, 2002 NFPA 13 & 5.6.5, 2002 NFPA 72)	___ HA2	SEAL ALL HOLES IN WALLS AND CEILINGS WITH MATERIALS EQUAL TO EXISTING CONSTRUCTION AT _____ (12.3.2, 2006 NFPA 1, UFC)
___ F04	INSPECT AND/OR RECHARGE FIRE EXTINGUISHER(S) AND TAG WITH DATE OF WORK. (13.6.6.8, 2006 NFPA 1, UFC)	___ HA3	INSTALL AN APPROVED SELF CLOSING DEVICE ON THE _____ DOOR. (12.7.3.3, 2006 NFPA 1, UFC)
___ F05	REMOVE OBSTRUCTIONS FROM FIRE EXTINGUISHER/STANDPIPE. (13.2.3.2, 13.6.3.3, 13.6.3.6, 2006 NFPA 1, UFC & 2003 NFPA 14)	___ HA8	PROVIDE AN APPROVED METHOD OF PROTECTION TO PREVENT DAYCARE CLIENTS FROM COMING INTO CONTACT WITH HEATING EQUIPMENT. (17.5.2.3, 2006 NFPA 101)
___ F07	REPAIR OR REPLACE SMOKE OR HEAT DETECTOR LOCATED AT _____ (13.1.7, 2006 NFPA 1, UFC)		
___ F14	TEST EMERGENCY GENERATOR AND/OR MAKE NECESSARY REPAIRS. (11.7.4, 2006 NFPA 1, UFC)	PLANNING AND PREPAREDNESS	
___ F15	MAINTAIN A MINIMUM 18" CLEARANCE BETWEEN STORAGE AND SPRINKLER HEADS. (10.19.3.2, 2006 NFPA 1, UFC)	___ P01	A FIRE SAFETY PLAN SHALL BE DEVELOPED WHICH SHALL INCLUDE EXIT REQUIREMENTS AND THE DUTIES TO BE PERFORMED IN THE EVENT OF AN EMERGENCY. EMPLOYEES SHALL BE TRAINED IN THE PLAN FEATURES AND IN THE USE OF AVAILABLE FIRE PROTECTION EQUIPMENT. RECORDS OF TRAINING SHALL BE MAINTAINED. (20.1.4.8, 2006 NFPA 1, UFC)
___ F16	REMOVE OBSTRUCTIONS FROM THE FD CONNECTION AND/OR THE SPRINKLER RISER. (13.1.3, 13.1.4, 2006 NFPA 1, UFC)	___ P04	TWO FIRE DRILLS SHALL BE HELD WITHIN THE FIRST 30 DAYS OF THE SCHOOL YEAR, WITH ONE ADDITIONAL DRILL HELD EACH MONTH. DRILL NOTIFICATION SHALL BE BY MEANS OF THE BUILDING FIRE ALARM SYSTEM. IN DAYCARE FACILITIES, DRILLS SHALL BE HELD MONTHLY. WRITTEN RECORD SHALL BE MAINTAINED. (20.2.3.2, 20.3.3.2.2, 2006 NFPA 1, UFC)
___ F22	IN DAYCARE FACILITIES WITH OVER 100 CLIENTS, THE FIRE ALARM SYSTEM SHALL BE PROVIDED WITH AN APPROVED METHOD TRANSMISSION OF AN ALARM TO THE LOCAL FIRE DEPARTMENT. (13.3.4.4, 2006 NFPA 101)	___ P12	IN DAYCARE FACILITIES, A FIRE SAFETY PLAN SHALL BE DEVELOPED AND A SENIOR STAFF MEMBER SHALL CONDUCT A FIRE PREVENTION INSPECTION MONTHLY. THE INSPECTION SHALL INCLUDE TESTING OF THE SMOKE DETECTORS AND/OR THE FIRE ALARM SYSTEM, EMERGENCY LIGHTING AND OTHER FIRE PROTECTION EQUIPMENT. A COPY OF THE INSPECTION REPORT SHALL BE POSTED IN A CONSPICUOUS LOCATION. (20.3.3.2.3, 2006 NFPA 1, UFC)
___ F23	INSTALL _____ APPROVED AC POWERED SINGLE STATION SMOKE DETECTORS IN AREAS USED BY DAYCARE CLIENTS. (13.7.2.24, 2006 NFPA 101)		

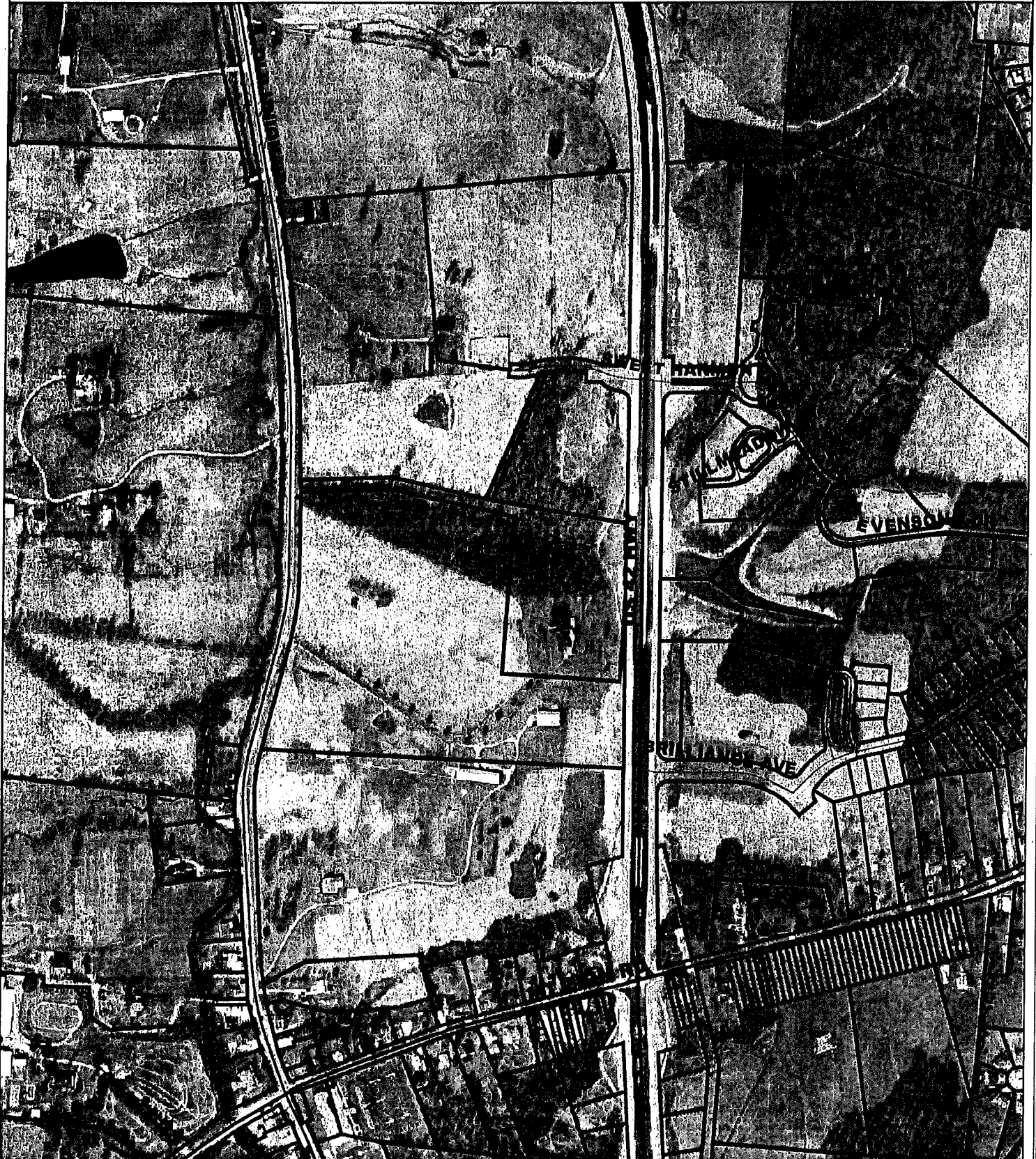
COMPLIANCE DATE: 4/2/07 SEE REVERSE SIDE FOR IMPORTANT INFORMATION

ADDITIONAL REMARKS BY INSPECTOR:



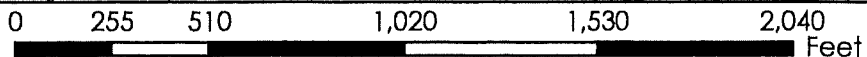
# Florence Christian Church

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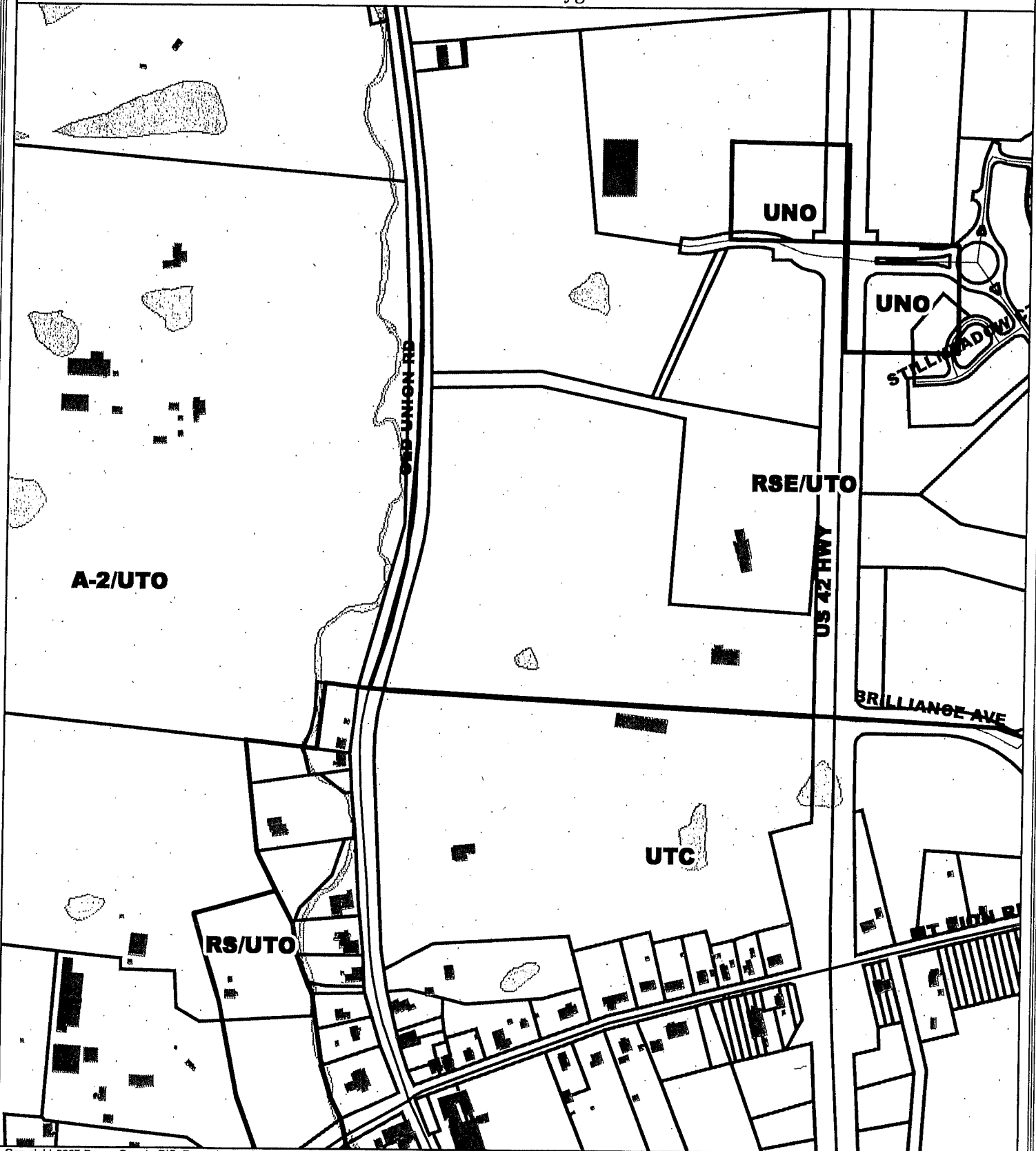


**Boone County GIS - Putting Northern Kentucky on the Map**



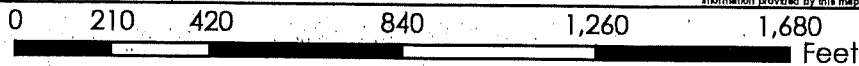
# Florence Christian Church

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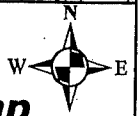
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1 Inch equals 417 feet

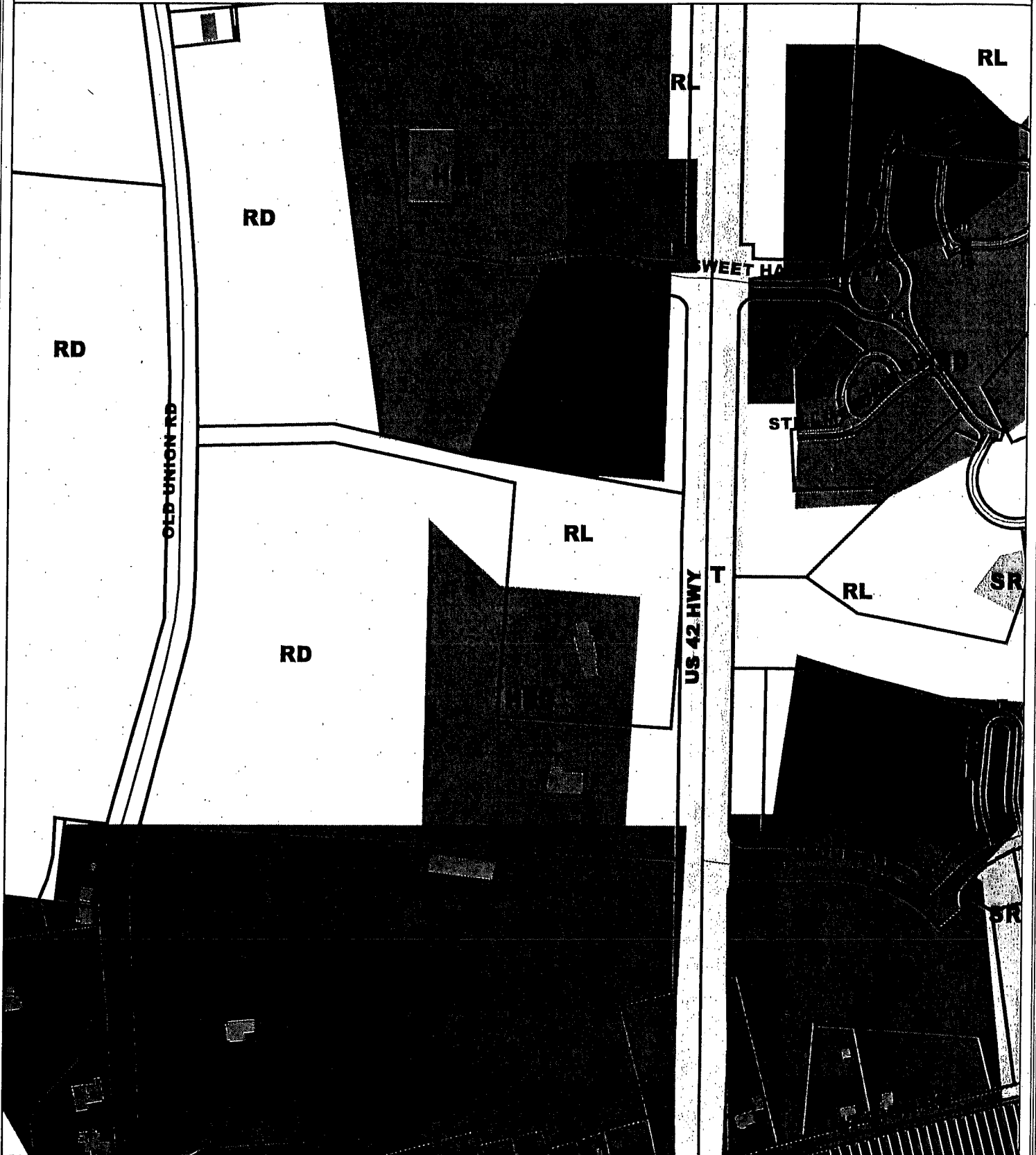


**Boone County GIS - Putting Northern Kentucky on the Map**



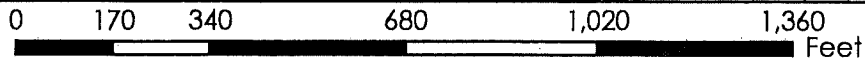
# Florence Christian Church

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1 Inch equals 333 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



400' Setback

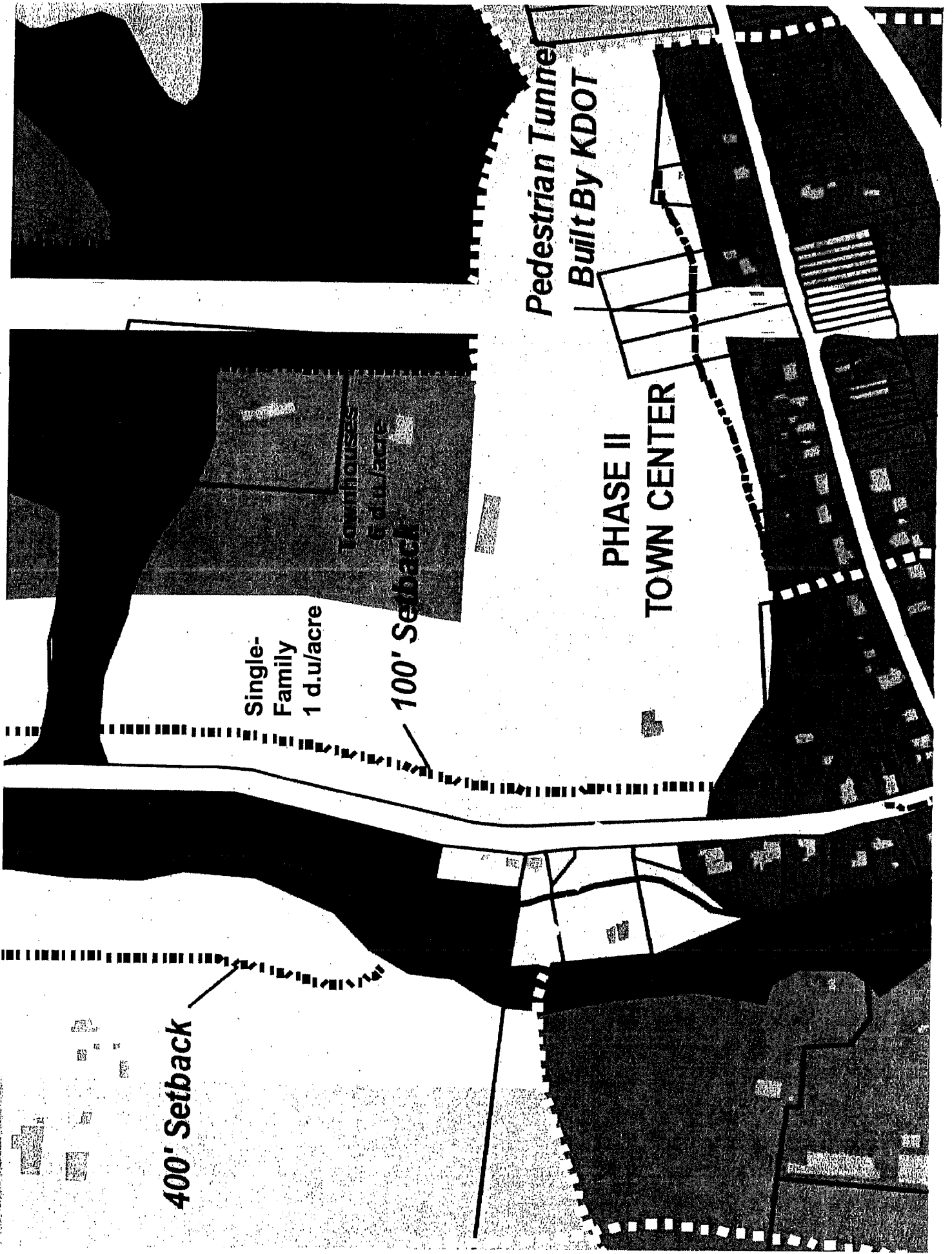
Single-Family  
1 d.u./acre

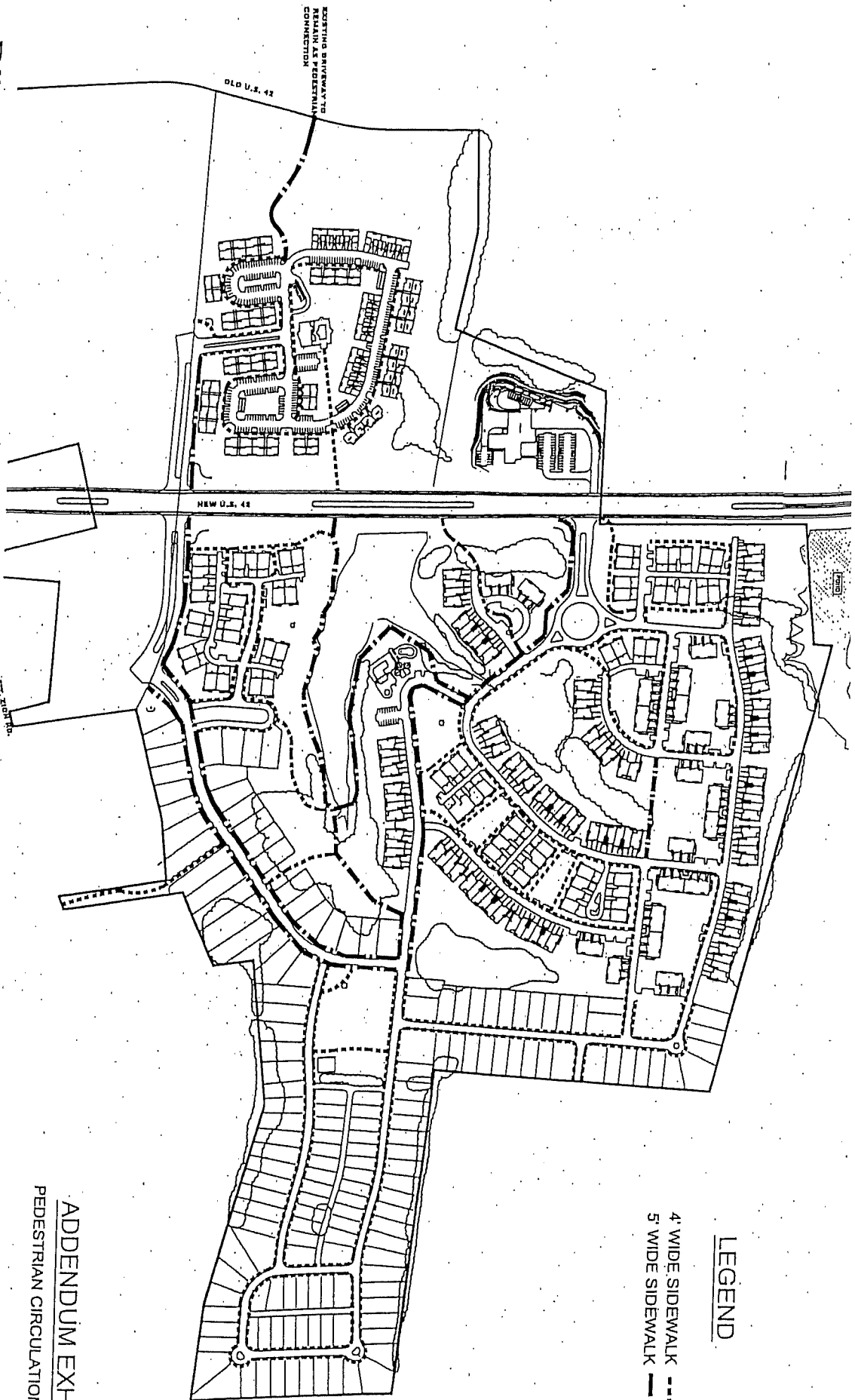
Townhouses  
6 d.u./acre

100' Setback

Pedestrian Tunnel  
Built By KDOT

PHASE II  
TOWN CENTER





ADDENDUM EXHIBIT 1  
PEDESTRIAN CIRCULATION SYSTEM

**UNION BOARD OF ADJUSTMENT  
BUSINESS MEETING  
UNION CITY BUILDING  
January 24, 2006  
6:30 P.M.**

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**BOARD MEMBERS PRESENT:**

Mr. Terrill Kidwell, Chair  
Ms. Sharon Bellan, Vice Chair  
Mr. Andy Rosen, Secretary/Treasurer

All members were present

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

Chairman Kidwell called the meeting to order at 6:32 PM.

**Approval of the Minutes:**

Chairman Kidwell stated that the Board members received copies of the Minutes of the Union Board of Adjustment Meeting of June 20, 2005. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Rosen moved that they be approved as mailed. Ms. Bellan seconded the motion and it carried unanimously.

**Agenda Item:**

1. **The request of Florence Christian Church for a Conditional Use Permit and Variance. The Conditional Use Permit is to allow a single-family residence to be converted into a church and daycare facility. The Variance is to reduce the width of a two-way driveway beneath the 20-foot standard. The property is located at 9779 Old Union Road, Union, Kentucky and is currently zoned Rural Suburban Estates/Union Town Overlay (RSE/UTO).**

Staff Member Todd Morgan, AICP, presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. John Reed, moderator of the Christian Churches in Kentucky and an elder of Florence Christian Church, introduced Reverend Diane Zehr, co-pastor, and Bob Smith, Business Manger of Florence Christian Church. Reverend Jerry Zehr is on sabbatical at this time. Ken Lucas, an elder in the church, is out of town on vacation. Mr. Reed stated that Florence Christian Church is celebrating its 175<sup>th</sup> anniversary. The church wants to maintain its existence in Florence, but demographics are shifting to areas like Union. In the last year, they sold their assisted senior living facility for a profit of \$3 million. They are still managing and operating a daycare center. They were offered this residential site by the Drees Company for a short period of time to get established in the Union area and grow the new congregation. Their offer on the Collett property has been accepted and that is where the permanent church will be located. They are requesting a temporary facility on the subject site with a pre-school, Sunday worship, and gatherings during the week. They request a Variance in order to operate on a short-term basis. They currently refer to this facility as Harmony Christian Church.

The Chairman asked if there was anyone else present who wished to speak in favor of the request.

City Commissioner Warren Moore stated that he spoke with Ken Lucas, the Mayor, and other Council members about this request. They had no problem with a church going on this site. He stated that it appears from the Staff Report that the only item in question is the driveway. He stated that if this were going to be a permanent site, he would agree with those concerns, but since it is a temporary use he does not feel that it is necessary to force the church to pay money for a driveway that will be taken out. The house is going to be demolished. The Mayor and the majority of the City Commission feel that the Variances should be granted.

Reverend Diane Zehr stated that the house is approximately 8,000 square feet. They had a retreat there and used the lower level and were easily able to seat 80 people. She stated that there would be a pre-school on the site. The State Fire Marshall told them they would need another safety exit. The pre-school will be Monday - Friday and there would never be more than 20 children in the building. There would be a 2 - 2 ½ hour morning session (9 AM - 11:30 AM) and an afternoon session (1 PM - 3:30 PM), or possibly just one session, depending on how many children register. There would be Bible Study one or two nights a week, probably on Wednesday from 7 PM to 9 PM. Sunday church services would be from about 9 AM until 2 PM. Because of the pre-school, they will add fencing and a playground unit. They may add twenty parking spaces instead of sixteen parking spaces. They do not want to leave Florence, but they also want to be in Union. They are proposing a multi-site church and will

have services and activities in both locations. This concluded the applicant's presentation.

The Chairman asked if there was anyone present who wished to speak in opposition.

Karen Morgan questioned why the church does not just wait and construct a permanent facility so that there would not be a question about widening the driveway. Rev. Zehr responded that they want to start in a smaller place and build enthusiasm for the church and get people who want to make the investment in the permanent structure. They are leasing the property from Drees. They tried to buy the property but Drees does not want to sell it.

Mr. Kevin Costello, AICP, Executive Director, stated that the Board of Adjustment is looking at the temporary nature of the use. The church will have to come back before the Board to build the permanent facility on the property next door.

Counselor Wilson advised that the letter dated November 15, 2005 from Florence Christian Church to Kevin Wall (attached to the Staff Report) talks about the cost to meet the requirements without a Variance for the driveway. The letter indicates that it would be helpful if they could reduce the cost and get approval – possibly by installing pull-offs along the driveway. In the letter dated November 17, 2005 from Kevin Wall to Rev. Jerry Zehr (attached to the Staff Report), Mr. Wall says that a one-way driveway is required to be 14 feet wide and what is there now does not even meet that standard. Counselor Wilson advised that if the Board grants the Conditional Use Permit, then the next question is whether the Variance, or something less than the full Variance, should be granted.

The Chairman asked if there were any questions or comments from the Board.

Ms. Bellan asked if the pre-school sessions would have a definite starting and closing time. Rev. Zehr responded "yes". Ms. Bellan stated that, assuming one child per car, approximately 20 cars would need to come in at opening time and leave and then come back at closing time and leave for each pre-school session. She stated that daycare has a wider window for picking up and dropping off children.

Mr. Rosen questioned fire and medical emergency access to the site. Mr. Morgan indicated a gravel road that branches off the driveway and goes onto the adjacent farm. He stated that the Fire Department asked if the church could explore using that driveway as a secondary access into the site. Mr. Morgan stated that he is not sure a fire truck could navigate that driveway.

In response to a question from Ms. Bellan, Mr. Morgan explained that there are two requests in front of the Board – a Conditional Use Permit and a Variance. Counselor Wilson advised that the Board could decide to grant the Conditional Use Permit and may then find that the Variance should not be granted. They are two different

requests. Chairman Kidwell stated that the Board will consider the requests separately.

In response to a question from Chairman Kidwell, Rev. Zehr stated that there will never be more than 20 children on the site at one time. Chairman Kidwell expressed concern that there would be twenty cars coming in and out at the same time. Rev. Zehr agreed, but stated that they did that at the retreat and they navigated the driveway successfully. Ms. Bellan questioned the weather at that time. Rev. Zehr responded that it was in August and it was dry. Ms. Bellan stated that it could be a different situation in different weather conditions. Rev. Zehr agreed and that is the reason they are talking about putting in pull-offs.

Mr. Rosen noted the width of the driveway (approximately 12 feet) and the distance to the fence (approximately 5 or 6 feet) and the distance to the trees on the opposite side and stated that they could not make the driveway 20 feet wide if required. Mr. Costello stated that there is a detention pond on the right side beyond the fence and there is a dip there. In order to meet the requirements, they would have to take the fence down and deal with the detention area, which would be a major cost. He stated that the Board could look at the pull-offs near the fence. He stated that they would have to put up signs to tell people to drive slowly and that it is a one-lane road. They would need to do a lot to warn people who are not familiar with the situation. Chairman Kidwell commented that new members would not be familiar with it.

Mr. Rosen questioned access from U.S. 42. Mr. Morgan stated that the topography is severe and there is a drainage swale. Mr. Costello reviewed the Power Point slide with Mr. Rosen and explained that the access on U.S. 42 is predetermined and to cut the hill and build the road would be more expensive than widening the driveway. He reviewed the location of the existing access points on U.S. 42 and the location of the drainage easement.

Ms. Bellan questioned how they arrived at a maximum of 80 people for Sunday services. Rev. Zehr responded that if they have more than 80 people, they would have to look at being in a more permanent space sooner. Ms. Bellan stated that the church would be open to the public and they hope to draw as many people as possible. Rev. Zehr agreed. Ms. Bellan asked if the sanitation would be adequate. Mr. Morgan stated that when they add the parking lot, they will need to submit a Permit from the Health Department indicating that the septic system can handle eighty people.

Chairman Kidwell asked the Board to address the Conditional Use Permit at this time. Mr. Rosen moved to grant the Conditional Use Permit. Ms. Bellan seconded with conditions to be discussed. She questioned lighting and the Site Plan requirements. Mr. Morgan stated that if there is parking lot lighting, they will have to submit a Photometric Plan with the Site Plan. Rev. Zehr responded that they will do that. She believes they will add parking lot lighting.

Counselor Wilson stated that the letter (attached to the Staff Report) from Union Emergency Services Alliance talks about the gravel road as a means of secondary ingress/egress for fire protection and recommends that it be patched with gravel as needed and that trees be removed. Mr. Morgan stated that the property to the south is not owned by Drees and the church would have to check with the property owner of record to see if they would grant them permission to use the gravel road. Mr. Costello stated that he believes Grammas owns the property. Counselor Wilson advised that the Board could consider a condition that requires the applicant to contact the owner of the property to see if the gravel road could be maintained as a secondary access temporarily for the term of the Conditional Use Permit (September 2007). Rev. Zehr asked if the condition would mean that they are required to make that request, but it is not required that the request is granted. Mr. Rosen responded that from a public safety standpoint, they need to have the ability for fire and EMS to get to the site.

Ms. Bellan stated that the existing driveway is not even wide enough to meet the requirements for a single lane. She stated that people could get stuck in the pull-offs, making them useless. She stated that fire and EMS have to be able to get into a place with children and a congregation of 80 people. Mr. Rosen stated that people will be dropping off children for pre-school and there will be a consistent flow of traffic in and out at certain times. He believes the driveway access will be a problem. He stated that a lot of people have minivans. He noted an 8-inch drop off from the driveway on the south side.

Mr. Morgan stated that the Conditional Use Permit relates to the use of the property and the church operation occurring there. The Variance is specifically to reduce the width of the driveway below the 20-foot standard. He stated that conditions could be attached to the Conditional Use Permit dealing with the church use. He stated that there are two applications. Mr. Costello stated that the use is a temporary church facility with a pre-school and the Board needs to consider the appropriateness of that use on the property. The Board can vote on the Conditional Use Permit and then address the Variance. The issue of the Variance is the width of the road and whether it is safe for people going in and out of the site and for emergency services equipment. He stated that the Board could approve the Variance subject to the pull-offs or to the church seeking written agreement with the neighbor next door that they will upgrade the road and fill the potholes – and if they do not get that agreement, then the Variance is denied and they would have to bring the driveway up to the normal width as required.

Commissioner Moore stated that the letter from Union Emergency Services Alliances does not say “do this”, it says to check into it.

Mr. Rosen stated that his only concern is the access. He suggested tabling the request to allow the applicant time to contact the landowner to the south.

Mr. Morgan asked if anyone has walked that gravel road – it is very rough and needs work. Counselor Wilson asked if Mr. Morgan was saying that it should not be used. Mr. Morgan responded that he is not saying that it should not be used, but the Fire Department says in their letter that it should be patched.

Mr. Rosen withdrew his motion. Ms. Bellan withdrew the second.

Mr. Morgan stated that the Board has sixty days to act on the application, and if it is to be tabled, the applicant will need to waive the time limitations.

Counselor Wilson stated that secondary access for emergency vehicles is important to the Board and he asked the applicant how long it would take them to look into secondary access. Rev. Zehr responded “thirty days”. Mr. Morgan stated that the applicant would have to agree verbally to waive the time limitations and then to follow up with a letter to him. Rev. Zehr agreed to waive the time limitations.

Mr. Costello stated that during the thirty days they may be able to get something in writing regarding the sanitary sewer and they can contact Union Emergency Services to discuss the issues and make sure the safety issues are addressed. Mr. Rosen stated that the Fire Marshall will determine the occupancy and, depending on that decision, they may want to have more parking spaces and a stormwater management plan. He would like to know where the playground equipment and the fence would be located. He would like to see this information on a drawing. He would like the applicant to address parking lot lighting and signage. Mr. Costello stated that this information can be in the form of a drawing or descriptive in the form of a letter as long as it is clear. He stated that the final design will reviewed by Staff later.

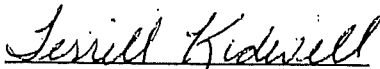
Ms. Bellan stated that the church’s goal is growth, but the driveway is very narrow even for a residence. She stated that they could have a thriving church and still be located in this building. She stated that they have an estimate in the range of \$40,000 for the driveway and parking, which is a small amount of money when they have a \$3 million profit. It is a small investment for a church of 80 people and it would take the pressure off of the church in case the new church is not ready in the agreed time period. She advised the applicant that getting written agreement for access via the gravel road does not solve the problem regarding the driveway.

Mr. Reed responded that if they agree to make that investment, it may be a longer period before they have enough funds to build the new church. He asked if there is a likelihood that the Conditional Use Permit could be extended. Mr. Morgan responded that the legal advertisement did not say “temporary church” and granting the Conditional Use Permit for a longer period of time would be up to the Board. Rev. Zehr stated that they can lease the property for up to two years. Commissioner Moore stated that they can use the property until 2008 if necessary.

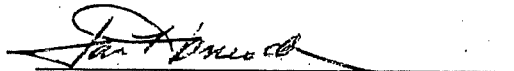
There being no further discussion, **Mr. Rosen moved to table the requests, both the Conditional Use Permit and the Variance, until February 21, 2006 at 6:30 PM. Ms. Bellan seconded the motion and it carried unanimously.**

There being no further business to come before the Board, Chairman Kidwell moved to adjourn. Mr. Rosen seconded the motion. The meeting was adjourned by unanimous consent at 7:45 PM.

**APPROVED:**

  
Terrill Kidwell  
Terrill Kidwell, Chairman

**Attest:**

  
Jan Hancock  
Jan Hancock, Recording Secretary

**UNION BOARD OF ADJUSTMENT  
BUSINESS MEETING  
UNION CITY BUILDING  
February 21, 2006  
6:30 P.M.**

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**BOARD MEMBERS PRESENT:**

Mr. Terrill Kidwell, Chair  
Ms. Sharon Bellan, Vice Chair  
Mr. Andy Rosen, Secretary/Treasurer

All members were present

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

Chairman Kidwell called the meeting to order at 6:32 PM.

**Approval of the Minutes:**

Chairman Kidwell stated that the Board members received copies of the Minutes of the Union Board of Adjustment Meeting of January 24, 2006. He asked if there were any comments or corrections.

There being no changes to the Minutes, Ms. Bellan moved that they be approved as mailed. Mr. Rosen seconded the motion and it carried unanimously.

**Agenda Item:**

1. The request of Florence Christian Church for a Conditional Use Permit and Variance. The Conditional Use Permit is to allow a single-family residence to be converted into a church and daycare facility. The Variance is to reduce the width of a two-way driveway beneath the 20-foot standard. The property is located at 9779 Old Union Road, Union, Kentucky and is currently zoned Rural Suburban Estates/Union Town Overlay (RSE/UTO). This item was tabled at the January 24, 2006 Meeting.

Counselor Wilson stated that at the last meeting there was discussion of safety issues with the driveway remaining at its current width and, if it is to stay at its current width, the Board wanted the applicant to see if they could get a second access for emergency vehicles. He stated that the applicant has submitted plans to Staff to widen the driveway to the standard required in the regulations, which would make it a two-lane 20-foot wide driveway. He stated that the current owner will agree to the widening of the driveway, but not to the removal of the pillars and, therefore, the applicant still needs a Variance for the access point on Old Union Road, but not for the width of the driveway going up to the house.

Mr. Dan Riegler with Riegler Engineering reviewed an exhibit and indicated the property owned by Drees. He indicated twenty-five angled parking spaces. He stated that they propose widening the entire length of the driveway to twenty feet. They will keep the existing rock wall at the entrance. There will be a two-way driveway turning in, but vehicles will have to go to the righthand side of the rock wall. He stated that an emergency door will be added to the building and there will a playground area in the rear. They will widen the existing loop driveway for two-way traffic. He indicated where the fence will be located.

Ms. Bellan asked for clarification regarding the traffic flow at the entrance. Mr. Riegler stated that the owner does not want to remove the rock walls for a temporary situation. The church will widen the driveway considerably at the entrance to allow for traffic on Old Union Road to turn in on the righthand side of the rock wall and exit the site on the other side of the rock wall. He believes the gates will be taken down or secured so that they cannot be closed. He spoke with Greg Sketch and was told that detention would not be required on the site. He stated that the existing drainage patterns will remain. He indicated the location of the pond and stated that the sheet flow goes into the swale. There is currently water going out onto Old Union Road, but they will keep the drainage down so that as much water as possible drains into the pond.

Mr. Morgan stated that he spoke with the Zoning Administrator today and was advised that since the ingress/egress is split by the wall, it would be two access points and a Variance would be required. Ms. Bellan asked if the applicant needs to get permission from the Highway Department for the additional access point. Mr. Riegler responded that he did not think so but, if necessary, they will apply for a permit. Commissioner Warren Moore stated that Old Union Road will soon be maintained by the City of Union. Mr. Morgan stated that at this time they would need an Encroachment Permit from the Kentucky Transportation Cabinet. If the improvement occurs after the road is maintained by the City of Union, they would need a permit from the City of Union. He stated that there is good sight distance at the access point. Mr. Riegler stated that the stone wall stops twenty feet off of the roadway and questioned if it is two access points. Mr. Morgan responded that the access point is split and widening the curb cut would require an Encroachment Permit. Chairman Kidwell stated that if they do not get the Encroachment Permit, they would not want to put the money into widening the

driveway. Mr. Riegler responded that they will look into the Encroachment Permit right away.

Mr. Morgan noted information submitted by the applicant including (1) a letter from Ray Kopsler giving permission to widen the driveway (see Exhibit 1); (2) a letter from Joseph Manning at Arc Electric regarding the installation of lighting fixtures (see Exhibit 2); a subsurface sewage disposal inspection report from Northern Kentucky Independent Health Department (see Exhibit 3); a cost estimate from Len Riegler Blacktop, Inc. (see Exhibit 4); a drawing of the site with proposed improvements (see Exhibit 5); a picture of the proposed playground equipment (see Exhibit 6); a letter from Diane Zehr, co past of Florence Christian Church, regarding the proposal for a pre-school on the site (see Exhibit 7); an e-mail from Lori Barrett, Fire Marshall (see Exhibit 8); an estimate for sign posts from Harlan Graphic Arts Services (see Exhibit 9); a rendering of the proposed sign (see Exhibit 10); and a drawing of the site and driveway (see Exhibit 11).

Bob Smith with Florence Christian Church stated that they were asked to go to twenty parking spaces, but they went to twenty-five. He stated that the driveway will be twenty feet wide all the way up. They have permission from Mr. Kopsler to widen the driveway. He stated that there will be post lights along the driveway. They will not have daycare or any food management issues. They will have a pre-school but they will not serve lunch. There will be a 4' x 8' monument type sign with the mailbox. Mr. Morgan responded that the maximum size allowed for the monument sign is 8 feet tall and 32 square feet in area. Mr. Smith stated that they will put in the additional door on the lower level as requested by the Fire Department and install smoke detectors. There will be a black wrought iron fence. There will be a light at the peak of the garage.

Reverend Zehr stated that the pre-school will only be three days a week. Mr. Smith stated that their license only permits three days a week.

Mr. Morgan stated that a photometric plan will have to be submitted with the Site Plan. He stated that the Board cannot approve the sign as shown and the area between the bottom of the sign and the ground must be solid. Reverend Zehr stated that they will not have the vinyl banner.

Counselor Wilson asked if there was anyone present who wished to comment on the revisions presented this evening.

Commissioner Warren Moore stated that this would be a wonderful addition to the neighborhood and he would like to see the project go ahead.

Counselor Wilson advised that there are two issues in front of the Board: (1) the Conditional Use Permit and (2) the Variance for the access point onto Old Union Road. He stated that the Zoning Administrator has interpreted it as two access

points and the standards say that there has to be 500 feet between access points. The applicant is saying that it will function as one access point. Mr. Morgan stated that there has to be 500 feet of road frontage for two access points. Mr. Riegler responded that they easily have 500 feet of road frontage. Mr. Morgan stated that the lot is a flag lot and typically the driveway would be in the panhandle, but in this case the access is via an easement through the adjoining lot, which is grandfathered. However, they are now adding what the Zoning Administrator has classified as a second curb cut on the adjoining property. Counselor Wilson advised that the Board can address it because the whole parcel, not just the flag lot, was given public notice.

Mr. Rosen questioned the width of the new entrance. Mr. Riegler responded that it is approximately 40 feet wide.

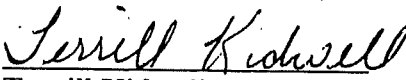
Reverend Zehr stated that they were originally talking about using the site for one year, but since they are spending the money on the driveway, they would like to use it for at least two years. Mr. Morgan responded that in their original letter they said it would be used until 2007.

There being no further discussion, **Mr. Rosen moved to grant a Conditional Use Permit effective until September 30, 2007 with the conditions that (1) the pre-school can be open Monday through Friday from 9:00 AM to 4:00 PM, and (2) there are to be no activities on the site after 9:30 PM. Mrs. Bellan seconded the motion and it carried unanimously.**

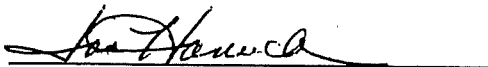
**Mr. Rosen moved to grant a Variance of the 500-foot frontage requirement, per the plan submitted this evening, if the Variance is needed. Mrs. Bellan seconded the motion and it carried unanimously.**

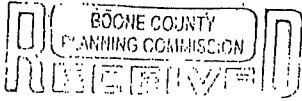
There being no further business to come before the Board, Mrs. Bellan moved to adjourn. Mr. Rosen seconded the motion. The meeting was adjourned by unanimous consent at 7:15 PM.

**APPROVED:**

  
Terrill Kidwell, Chairman

Attest:

  
Jan Hancock, Recording Secretary



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

APR 26 2007

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

- 1. (Check One) Boone Florence Walton X Union
2. (Check One) X Conditional Use Permit Variance Appeal
3. Applicant's Name FLORENCE CHRISTIAN CHURCH
4. Description of Request: MODIFY CONDITIONS OF APPROVAL FROM 2/21/06 UBOA APPROVAL...
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
10. Address of Property Owner 211 GRANDVIEW DR Phone No. 859-578-4200
11. Proposed Use(s) on Site WORSHIP OF 80 PEOPLE + DAYCARE 49 KIDS 5 DAYS PER WEEK
12. Total Square Footage of Existing and/or Proposed Buildings 8000
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
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: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature] - The Drees Co. (over)

COPY

CLUR #07-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  
DEED BOOK 894, PAGE NO. 922

Kopser Family Ltd. Partnership  
3531 Hathaway Road  
Union, KY 41091  
DEED BOOK 677, PAGE NO. 180

2. ADDRESS OF PROPERTY

9779 Old Union Road  
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Florence Christian Church

4. 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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

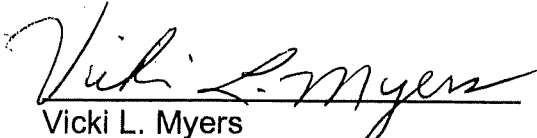
  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

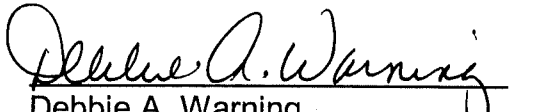
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 29 day of May, 2007.

  
Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2011

This instrument was prepared for recording purposes only by:

  
Debbie A. Warning  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
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 Union Board of Adjustments and in accordance with the current zoning in effect as of May 22, 2007 Certificate of Land Use Restriction (#07-UBOA-001-A), for The Drees Company and Kopser Family Ltd. Partnership, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOKS & PAGE NOS. 894/922, 677/180      GROUP NO. 2047