

CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT

MINUTES OF THE AUGUST 17, 2010 MEETING

MEMBERS PRESENT:

Ms. Fran Reitman
Ms. Connie Schweitzer
Mr. Scott Bachmann
Mr. Roger Mason, TPO
Mr. Dave Schaber, Vice Chairman
Mr. Justin Verst, Chairman

STAFF PRESENT:

Mr. Peter Klear, AICP, Director
Mr. Michael Duncan, Legal Counsel
Ms. Stephanie Turner, Secretary

Mr. Verst called the meeting to order at 7:01 PM. Mr. Verst asked for a roll call. Following roll call, a quorum was found to be present. Mr. Verst asked if everyone had read the July 20, 2010 meeting minutes and if there were any questions or corrections. There being none, Mr. Verst called for a motion. Mr. Schaber made a motion to approve the minutes as submitted. Mr. Mason seconded the motion. A roll call vote found Mr. Bachmann, Mr. Mason and Mr. Schaber in favor. Ms. Reitman, Ms. Schweitzer and Mr. Verst abstained. Motion passed.

Mr. Verst introduced case BA-04-10-CUP, Main Street Baptist Church, a request for a conditional use permit to allow for the addition of a storage building. Mr. Verst asked Staff to present their report. Mr. Klear presented the staff report and staff's recommendations.

CASE NUMBER:	BA-04-10-CUP
APPLICANT:	Main Street Baptist Church
LOCATION:	11093 Alexandria Pike, Alexandria KY 41001
REQUEST:	To obtain a conditional use permit to allow for the addition of a 32' x 24' foot storage building for the placement of lawn and sports equipment.

Staff has reviewed the request and finds as follows:

DESCRIPTION OF REQUEST:

The request is to obtain a conditional use permit to allow for the addition of a 32' x 24' foot storage building for the placement of lawn and sports equipment.

RECENT HISTORY FOR THIS PROPERTY:

On December 11, 2002, the Campbell County Board of Adjustments approved case number BA-10-02, a conditional use permit for the Main Street Baptist Church to be constructed within the A-1 Zone with the following seven conditions; all of these conditions have been met:

1. That the applicant apply for and receive approval from the Campbell County Board of Adjustment for a variance from the required front yard setback, prior to the issuance of any zoning permit.
2. That screening, for the proposed lots, is placed around the entire perimeter along the property boundary lines. Trees will be spaced 15 feet apart with bushes intermittently planted. The types of trees and bushes proposed on the site plan shall be that which is utilized for planting, along the

- perimeter. The appropriateness for the screening shall be determined by the Zoning Administrator upon submission of application for a permit.
3. That recreational baseball and soccer fields not be utilized after 6pm.
 4. That the parking lot meets all design requirements of Section 11.0 and Section 9.17 of the Campbell County Zoning Ordinance.
 5. That access to Parkside Drive be clarified provided at the time of applications for the permit.
 6. That all development controls be met, as indicated in Section 10.5 of the Campbell County Zoning Ordinance.
 7. That the applicant obtains all necessary building and zoning permits.

On July 18, 2007, the Campbell County Board of Adjustments approved case number BA-07-07, a conditional use permit for the Main Street Baptist Church to operate a day care within the existing church facility with no conditions.

On October 13, 2009, the Campbell County Board of Adjustments approved case number BA-07-09, a conditional use permit for the Main Street Baptist Church to allow for a dwelling unit for religious purposes on the church premises with three conditions all these have conditions have been met.

CONSIDERATIONS:

1. The Recommended Future Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and general vicinity for Urban Mixed Use & Higher Density Single Family Residential. This is defined as the development of land, building or structures that includes a variety of complementary and integrated uses such as, but not limited to, higher density single family and multi-family residential, office, manufacturing, retail, public, or entertainment uses in a compact, dense form.
2. The existing land use, for 11093 Alexandria Pike, is a church set within a park like setting. The existing land use for the surrounding areas is mixed between single family residential and vacant land.
3. The property is currently zoned Agricultural One (A-1). Churches and other accessory buildings for the purpose of recognized religious worship are permitted under the conditional use of the A-1 Zone.
4. A review of the public records indicates there are three previous conditional uses granted by the Board of Adjustment for this site.
5. Per Campbell County Zoning Ordinance Section 9.14, A. DETERMINATION: Subject to the requirements of Section 18.7, the Board of Adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:
 - a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.

The Main Street Baptist Church has grown from a church into a community campus that includes the church, a school, a gymnasium facility, a Care Ministry, and a baseball/soccer facility. This campus is enjoyed not only by the church members but also the community. This growth and activity has created a need for more equipment and tools to

maintain the grounds and thus a facility to store this extra equipment is needed. A well maintained campus will make all of the Main Street facilities more desirable to the neighborhood and the community.

- b. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The construction of the storage building will have no adverse effect on the surrounding area. The building will enable Main Street Baptist Church to store equipment, presently kept outside, inside the new building. This will make for a safer environment for everyone on the campus.

- c. That such use will comply with any regulations and conditions in this Ordinance for such use.

It is the intent of Main Street Baptist Church to abide by the regulations and ordinances pertaining to the construction of this storage building.

STAFF RECOMMENDATION:

Staff recommends approval of the requested Conditional Use permit subject to the following conditions:

1. That the applicant receives a building permit from the Campbell County building department.
2. That no additional signage be displayed for this storage building.

Supporting Information/Bases for Recommendation

DETERMINATION: Subject to the requirements of Section 18.7 of the Campbell County Zoning Ordinance, the Board of Adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.

The proposed use at this particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.

2. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The storage building will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. That such use will comply with any regulations and conditions in this ordinance for such use.

The applicant has indicated that they will comply with all regulations and conditions.

Mr. Klear concluded his presentation by asking the Board if they had any questions he could answer for them. Mr. Schaber replied it appeared a straight forward request. Ms. Reitman asked Mr. Klear for the acreage of the property. Mr. Klear stated he did not have that information in front of him, but the Applicant should be able to provide that answer. Mr. Verst asked if the Board had any other questions for Staff. There being none, Mr. Verst recognized the Applicant asking he come forward and state his name and address for the record.

The Applicant identified himself as Mr. Barry Jolly, 1097 Racetrack Road, Alexandria, appearing as Trustee of Main Street Baptist Church. Mr. Jolly stated the property was originally 22 acres, but they had sold a few acres to the Department of Transportation. The community campus resides on 18 acres. Mr. Jolly asked the Board if they had any questions he could answer for them. Mr. Schaber asked Mr. Jolly if they intended to service their vehicles in the garage. Mr. Jolly replied they would not. The storage shed is strictly for storage of equipment that is currently left sitting outside. Mr. Duncan asked Mr. Jolly if he was in agreement with the conditions stated in the staff report. Mr. Jolly stated the Church agreed with all the conditions.

Mr. Verst asked the Board if they had any questions for Mr. Paul. There being none, Mr. Verst asked if the audience had any comments. Mr. Verst stated for the record that there were no audience members present. Mr. Verst asked the Board for comments, discussions or a motion. There being no comments by the Board. Mr. Schaber made a motion to approve case BA-04-10-CUP, Main Street Baptist Church, a request for a conditional use permit to allow for the addition of a storage building subject to the conditions listed in the staff report. Mr. Schaber stated that the granting of the conditional use will be in harmony with the general purpose and intent of the Ordinance as well as the adopted Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare, and that the applicant has indicated that they will comply with all regulations and conditions as his findings of fact and basis for his motion. Mr. Schaber further stated that this application for a conditional use permit met the requirements of Sections 9.14 and 18.7 of the Zoning Ordinance. Ms. Reitman seconded the motion. A roll call vote found Ms. Reitman, Ms. Schweitzer, Mr. Bachmann, Mr. Mason and Mr. Schaber in favor. Mr. Verst abstained. Motion passed.

There being no other items of action before the Board, Mr. Verst recognized Mr. Klear to present the Director's Report.

DIRECTOR'S REPORT

Mr. Klear indicated he had training available to the Board following the meeting this evening.

Mr. Verst asked if the Board had any others matters to discuss. There being none, Mr. Verst called for a motion to adjourn. Mr. Schaber made a motion to adjourn the meeting. Ms. Reitman seconded the motion. An oral vote found all in favor and none opposed. Motion passed. Meeting adjourned at 7:15 PM.

Prepared by:

Approved:

Peter J. Klear, AICP
Director, P&Z

Justin Verst
Chair