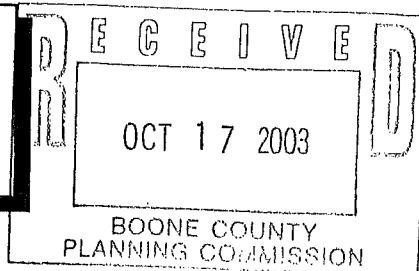


03-BC/BOA-022-1

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name JIM HILGEFORT
Phone Number 859-907-9797 Fax No. 859-442-8843
Applicant's Address 14 FISCHER LANE FT. THOMAS KY 41075
4. Description of Request: CONSTRUCT A CHAIN LINK - APPROX 31' X 87' FENCE IN THE REAR OF THE BUILDING - ADD PARKING SPACES
5. Name of Development DAYCARE USE
6. Location of Development 6024 ROGERS ROAD
7. Acreage Under Review .5 ACRE
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property LARRY SCHWALBACK
Phone Number of Owner 859-525-8131
10. Address of Property Owner 1411 FLINTRIDGE FLORENCE KY 41042
11. Proposed Use(s) on Site MIXED USE - OFFICE / PRESCHOOL EXISTING - OFFICE NEW USE - PRESCHOOL
12. Total Square Footage of Existing and/or Proposed Buildings 2 STORY - 2000 SF / FLOOR
13. Current Zoning on Property SR-2 / SC
14. Deed Book 582 Page No. 211 Group No. 2030
15. Is the site subject to a zone change? NO
16. If yes, give date of approval
17. Have you submitted a Site Plan with this request? YES
18. Have you submitted a list of adjoining property owners with this request? YES
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: Jim Hilgefart

Property Owner's Signature: Larry Schwalback RPL MANAGEMENT INC. PRESIDENT

(over)

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

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

1. Date Received 10-17-03 Fee Received \$569.00 Ref 36937
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11-12-03 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 11-12-03 B.C.B.O.A.
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: Jim Hilgefert

LOCATION: 6024 Rogers Lane, Boone County, KY

ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)

DATE: November 12, 2003

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a daycare to operate in the Crigler Building. The applicant has explained to Staff that the daycare will start out in a portion of the first floor and may expand over time to occupy the entire first floor. The second floor of the building is proposed to remain as office space. Each floor of the building is approximately 2,000 square feet in area. The only exterior improvements being proposed are five (5) additional parking stalls and the installation of 31' x 87' foot chain link fence play area which will run between the northeast corner of the building and the parking lot (see attachments).

SITE CHARACTERISTICS

The half acre site is fairly level, except for the area where the play area is proposed. The building is approximately 4,000 square feet in area and there are 18 existing parking stalls.

APPLICABLE REGULATIONS

Article 20, Section 2012 of the Boone County Zoning Regulations permits "nursery and daycare centers" as conditional uses in the Small Community Overlay District (SC) under the following cases:

1. When the operation is locating in a building which is larger than 2,500 square feet;
2. When major exterior alterations or additions are proposed which increase the size of use or structure;
3. When the operation requires more than ten (10) parking spaces, or
4. The proposal requires the construction of a new building on a vacant lot.

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 2012 of the Boone County Zoning Regulations.

Findings listed in Section 262 (General Standards Applicable to 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 20, Section 2012 of the Boone County Zoning Regulations allows nursery and daycare centers as conditional uses in the SC district provided that:

- a. the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b. the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and
- c. historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The following Goals and Objectives from the 2000 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity - Goal).
- B. "Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space" (Business Activity – Commercial Objective #1).

The following Future Land Use Development Guideline from the 2000 Boone County Comprehensive Plan applies to the application:

- A. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects ..." (Buffering, p. 159).

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Suburban Residential" uses. This designation is described as "single-family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element (Burlington Area, p. 169) states the following regarding this area:

- A. "A comprehensive Burlington Plan should be finalized that addresses the unique transportation, parking, public facilities, historic preservation, and subdivision characteristics of the area."

RELATIONSHIP TO THE BURLINGTON TOWN STRATEGIC PLAN

The Burlington Town Strategic Plan recommends several improvements within the study area. The following passages relate to this proposal:

- A. Complete grid street pattern for Torrid Street, past Rogers Lane and Orient Street to KY 18, east of downtown. (Transportation recommendations, p. 6).

SURROUNDING LAND USES & ZONING

North: Metts Lane, Single-Family Dwelling (SR-2/SC)

South: Right-of-Way, Single-Family Dwelling (SR-2/SC)

East: Barn, Garage, and Garden (SR-2/SC)

West: Rogers Lane & Boone County Justice Center (SR-2/SC)

STAFF COMMENTS

1. Staff would like the applicant to explain the hours of operation, number of classrooms, number of teachers, and maximum child enrollment.
2. Although the applicant has indicated that he would like to add five parking spaces to the existing 18 stall lot, Staff remains concerned about the adequacy of the parking. The parking requirement for the 2,000 square feet of office space is eight stalls (one stall per 250 square feet). The parking requirement for the daycare is two spaces per classroom (classrooms are calculated by the presence of a teacher that instructs or supervises a class) and one stall for any company vehicle that is kept on site. Staff believes that there could be a parking shortage during the daycare's peak hours. The applicant's explanation of the number of classrooms, number of teachers, and maximum enrollment should help to Board determine if there will be a parking shortage.

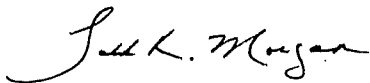
In addition Staff isn't sure if the applicant's proposal to add five parking stalls is feasible due to the proximity of these new stalls to the rear property line and Rogers Lane right-of-way. In addition, the striped pedestrian aisles in the parking lot must remain because there are sidewalks which connect the parking lot to the building. The striped pedestrian aisles must be as wide as the sidewalks.

3. Staff is concerned that the proposed play area could generate noise which would impact the adjoining residential areas to the north, south, and east.
4. If the Board grants the request, Staff recommends the following conditions:
 - A. The proposed play area must be minimally enclosed with vinyl coated chainlink fencing. The applicant may also select picket or solid fencing. The maximum fence height cannot exceed six (6) feet.
 - B. The play area cannot extend into the corner side yard (area between Metts Lane right-of-way and the northernmost building line).
 - C. The entire rear property line and north and south sides of the play area must be screened with a five (5) foot wide hedge row.

Conclusion

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

Respectfully submitted,

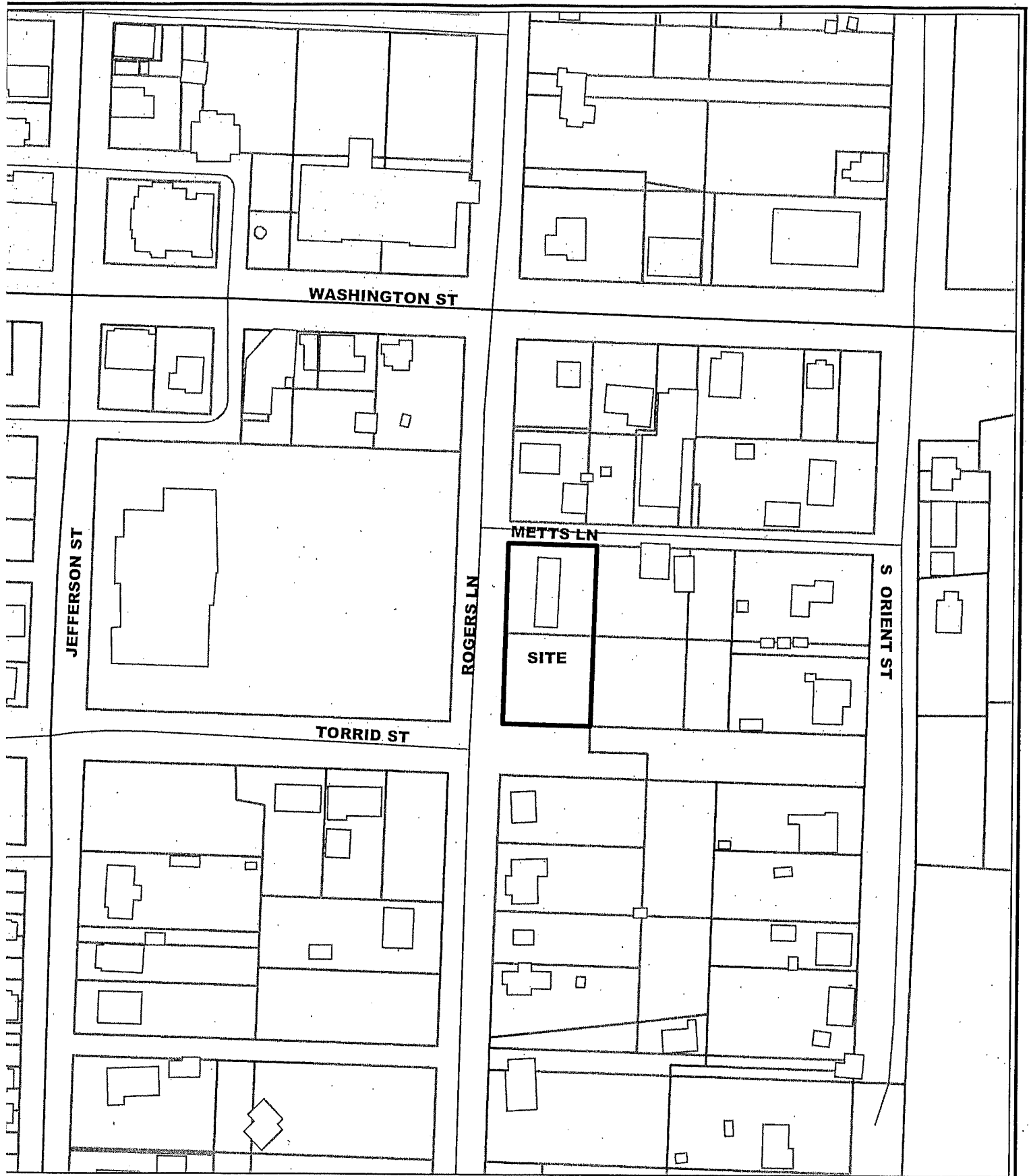


Todd K. Morgan, AICP
Planner, Zoning Services

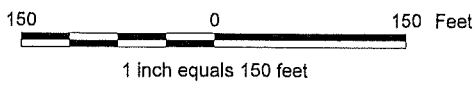
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Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Concept Development Plans
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Aerial Map
- Exhibit G – Exhibit From Burlington Town Strategic Plan
- Exhibit H – Application



6024 Rogers Lane Site Vicinity Map



Produced by the
Boone County Planning Commission
GIS Services Division
November 3, 2003



6024 Rogers Road Application for Fence and Parking

There are no planned alterations to the exterior of the building. It will remain exactly as it is now. Only maintenance items will be addressed like the shingles on the side of the building. The preschool name (to be determined) will be added to sign in front of the building.

Fencing

A chain link fence will be erected in a rectangular shape directly behind the building. It will start at the northeast corner of the building and extend eastwardly approximately 31' toward the common property line with Kirkpatrick. Its length will extend from the northeast corner of the building and extend south approximately 87' to the existing parking lot. Please see the attached site plan and GIS picture.

Parking

Our long term plans are to make some improvements to the parking lot to add five additional spaces as follows (see attached calculations and site plan).

The existing parking is a double stack with parking on the left and right. The current length of the parking spaces is 18' and will remain unchanged. The isle in the between the spaces is 24' and will remain unchanged. There is an additional 9' of grass between the east end of the parking lot and the common property line with Kirkpatrick.

The width of the parking spaces with the current striping varies between 9' and 11'2". There are also two walking spaces that range up to 6' in width. We plan to re-stripe the parking lot to make all of the spaces an even 9' in width. In addition, we plan to add an additional 8' onto the east end of the parking lot. Also, we will add another 13' to the front, southwest corner of the parking lot. The combination of adding to the parking lot and re-striping will add an additional five parking spaces.

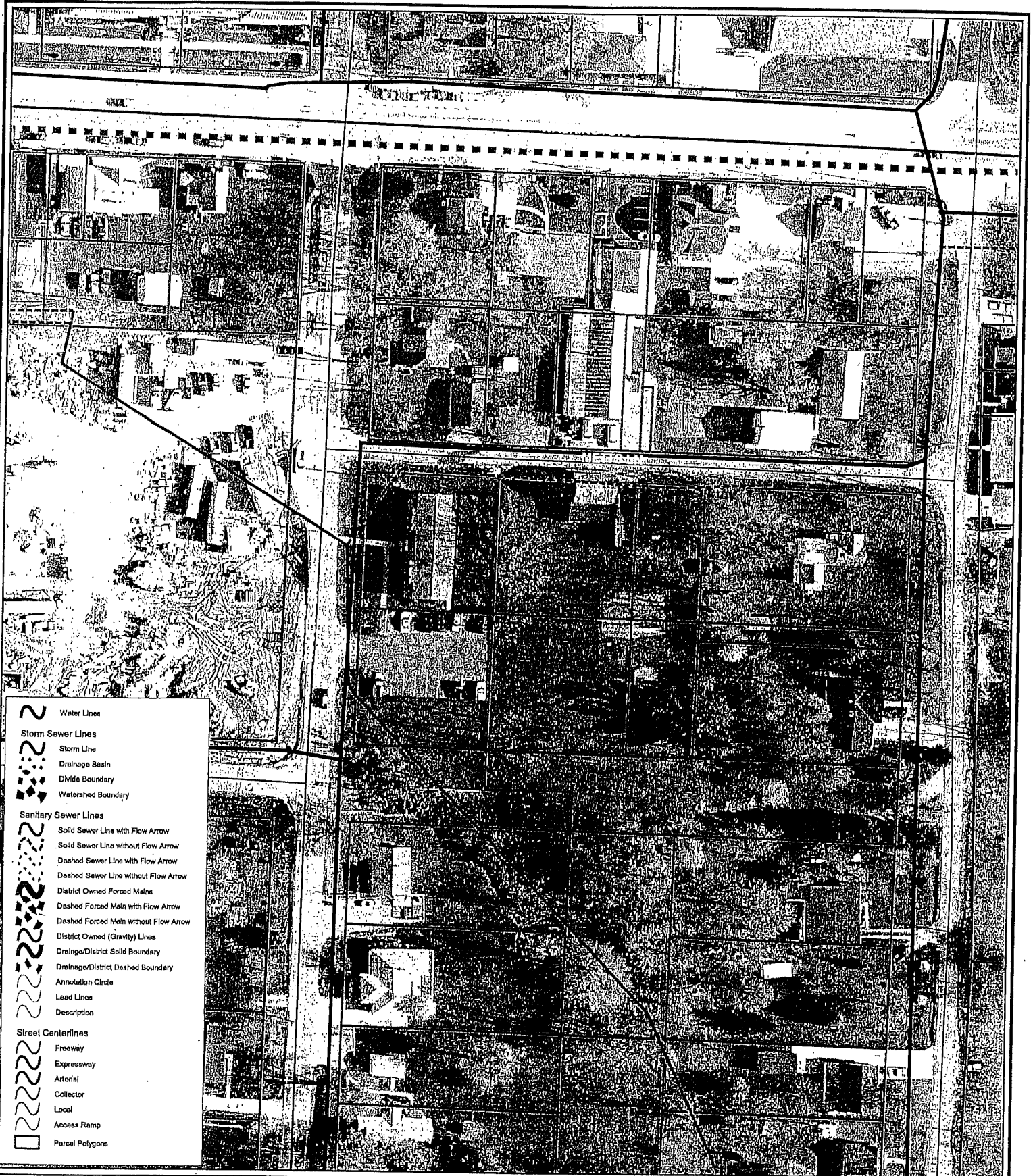
Submitted by:

Jim Hilgefert and Nancy Wefer

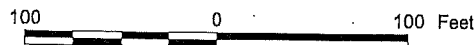
14 Fischer Lane

Ft. Thomas, KY 41075

859-907-9797



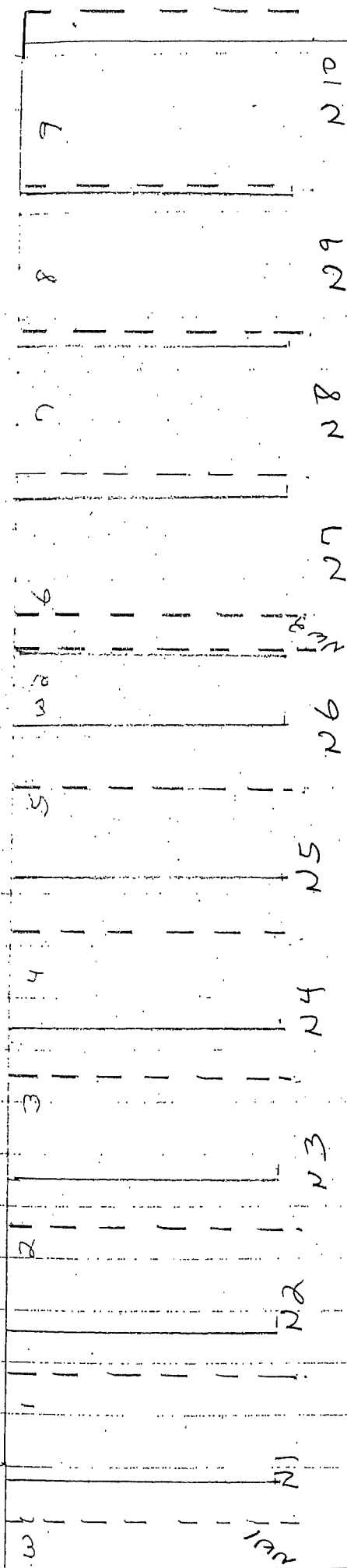
	Water Lines
Storm Sewer Lines	
	Storm Line
	Drainage Basin
	Divide Boundary
	Watershed Boundary
Sanitary Sewer Lines	
	Solid Sewer Line with Flow Arrow
	Solid Sewer Line without Flow Arrow
	Dashed Sewer Line with Flow Arrow
	Dashed Sewer Line without Flow Arrow
	District Owned Forced Mains
	Dashed Forced Main with Flow Arrow
	Dashed Forced Main without Flow Arrow
	District Owned (Gravity) Lines
	Drainage/District Solid Boundary
	Drainage/District Dashed Boundary
	Annotation Circle
	Lead Lines
	Description
Street Centerlines	
	Freeway
	Expressway
	Arterial
	Collector
	Local
	Access Ramp
	Parcel Polygons



6024 Rogers Ln

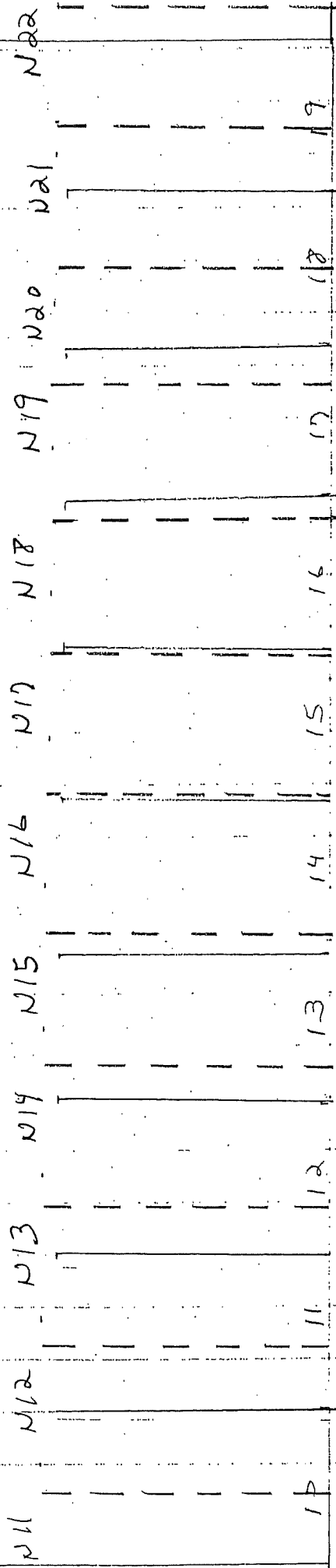
1 inch equals 100 feet
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 Boone County Planning Commission
 GIS Services Division
 October 8, 2003



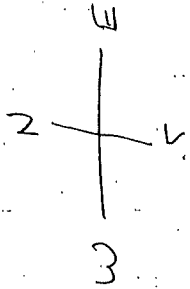


Dale = 24' - Remains Unchanged
 Space length = 18' - Remains Unchanged

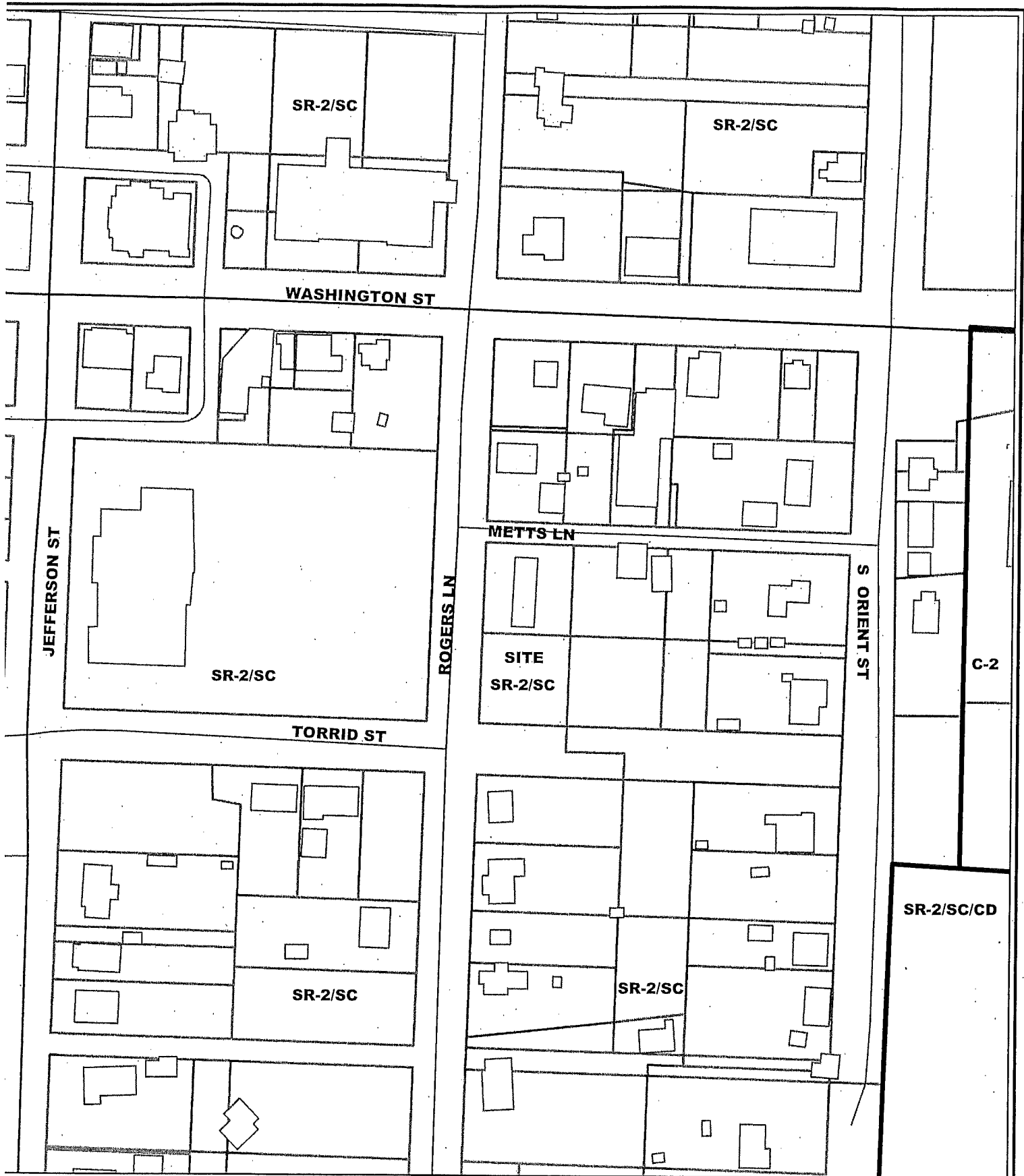
ROGERS LANE



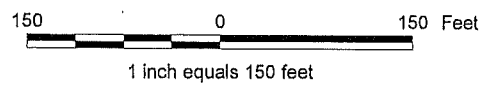
EXISTING ———
 PROPOSED - - -



1" = 10'

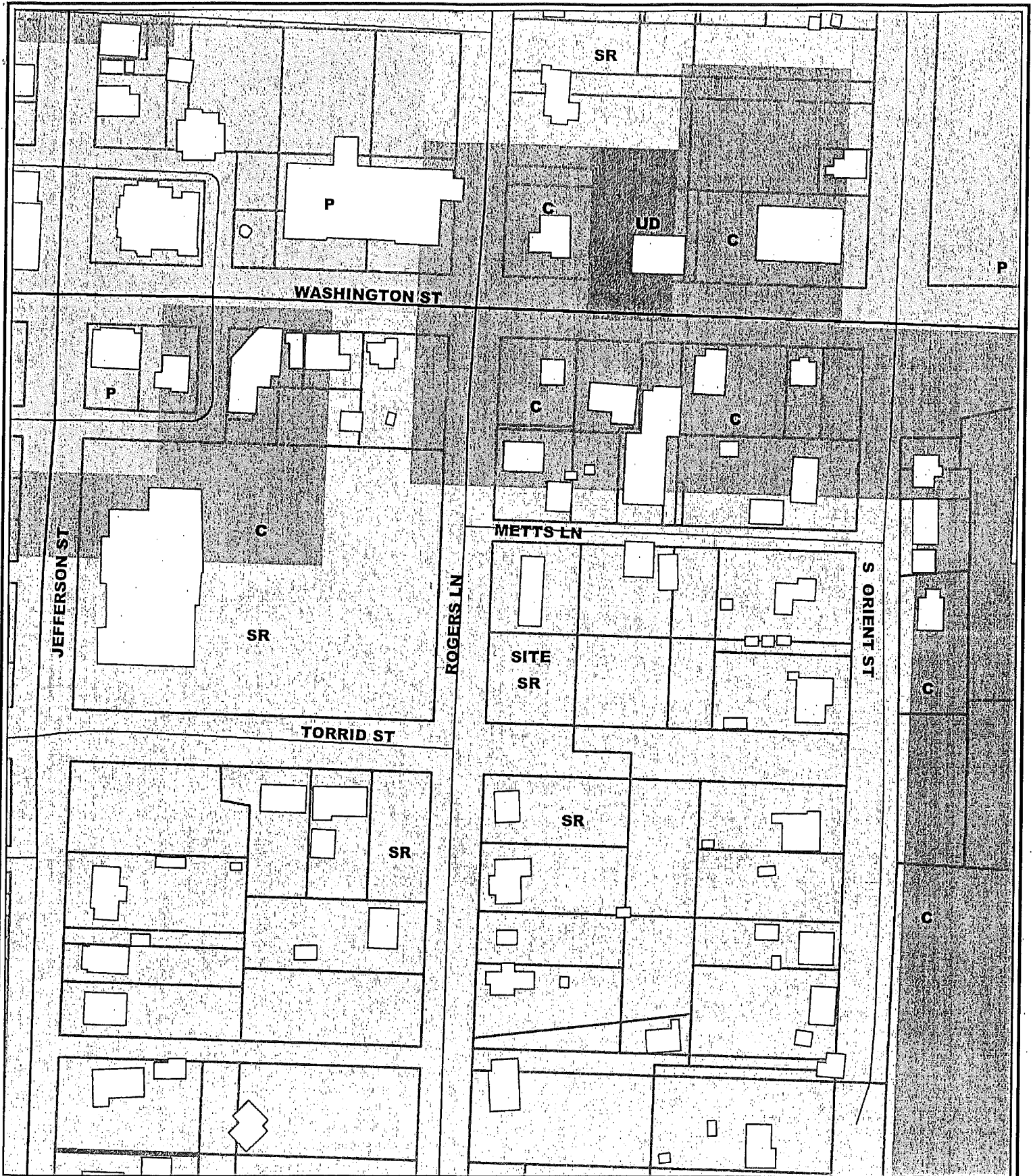


6024 Rogers Lane Zoning Map



Produced by the
Boone County Planning Commission
GIS Services Division
November 3, 2003





6024 Rogers Lane Future Land Use Map



1 inch equals 150 feet

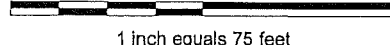
Produced by the
Boone County Planning Commission
GIS Services Division
November 3, 2003





6024 Rogers Lane Aerial Map

75 0 75 Feet



1 inch equals 75 feet

Produced by the
Boone County Planning Commission
GIS Services Division
November 3, 2003



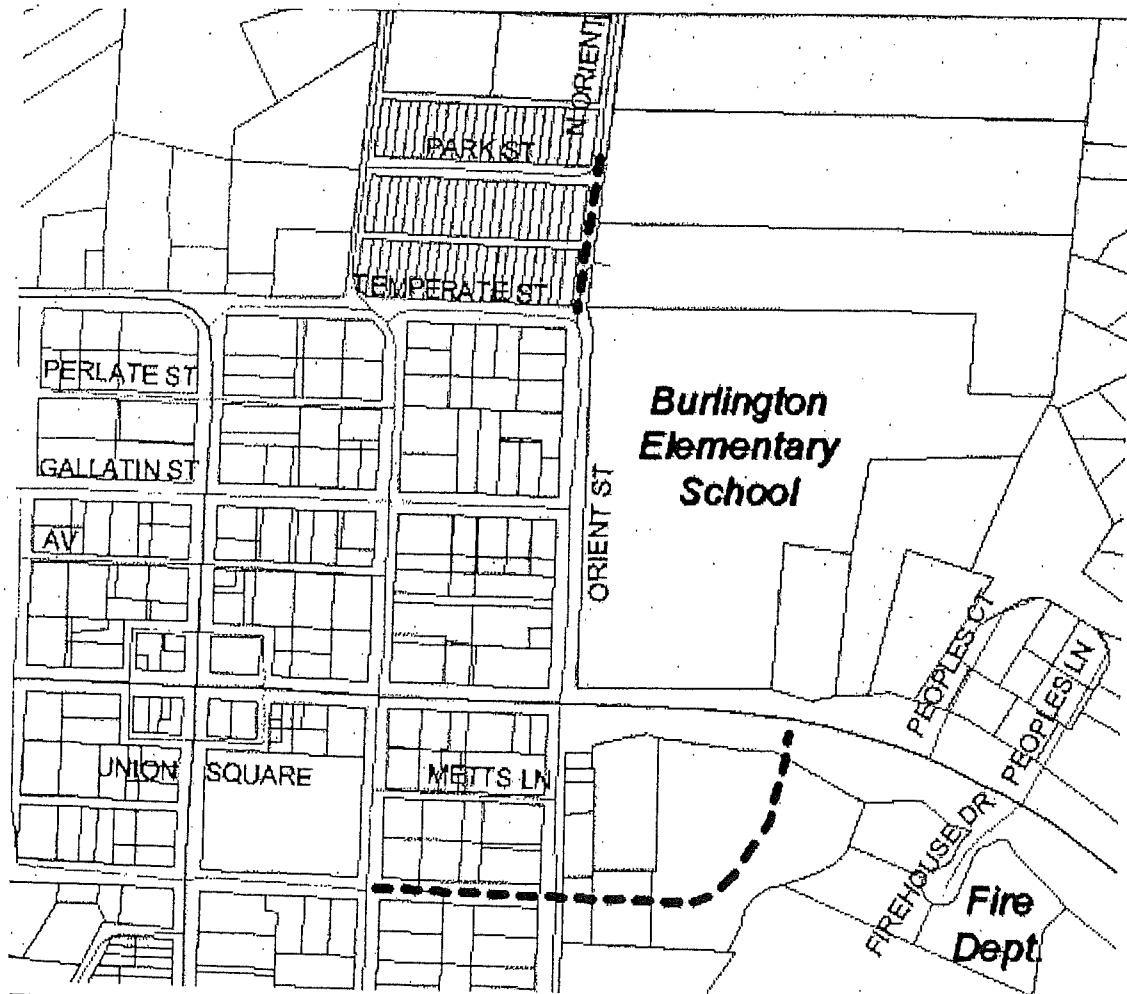
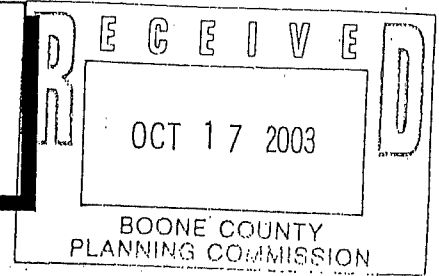


Figure 3 - Right-of-way improvements

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use
- 3. Applicant's Name JIM HILGEFORT
Phone Number 859-907-9797 Fax No. 859-442-8843
Applicant's Address 14 FISCHER LANE
FT. THOMAS KY 41075
City State Zip
- 4. Description of Request: CONSTRUCT A CHAIN LINK - APPROX. 31' X 87'
FENCE IN THE REAR OF THE BUILDING - ADD PARKING
- 5. Name of Development _____
- 6. Location of Development 6024 ROGERS ROAD DAYCARE USE
SPACES
- 7. Acreage Under Review .5 ACRE
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property LARRY SCHWALBACK
- 10. Phone Number of Owner 859-525-8131
- 11. Address of Property Owner 141 FLINTRIDGE FLORENCE KY 41042
City State Zip
- 12. Proposed Use(s) on Site MIXED USE - OFFICE/PRESCHOOL
EXISTING - OFFICE NEW USE - PRESCHOOL
- 13. Total Square Footage of Existing and/or Proposed Buildings 2 STORY - 2000 SF/FLOOR
- 14. Current Zoning on Property SR-2/SC
- 15. Deed Book 582 Page No. 211 Group No. 2030
- 16. Is the site subject to a zone change? NO
- 17. If yes, give date of approval _____
- 18. Have you submitted a Site Plan with this request? YES
- 19. Have you submitted a list of adjoining property owners with this request? YES
- 20. 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: Jim Hilgefort

Property Owner's Signature: Larry Schwalback RPL MANAGEMENT INC.
PRESIDENT

COPY

CLUR #03-BCBOA-022-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Larry Schwalback
1411 Flintridge Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY

6024 Rogers Road
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 582

PAGE NO. 211

GROUP NO. 2030

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



SIGNATURE OF COMPLETING OFFICIAL

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of November 12, 2003 Certificate of Land Use Restriction (#03-BCBOA-022-A), for Larry Schwalback, Property Owner(s).

The following conditions will apply:

- 1) There will be at least four new parking spaces when the use expands beyond 1,000 square feet – this condition is triggered by approval of Building Department application.
- 2) The proposed play area must be minimally enclosed with vinyl coated chainlink fencing. The applicant may select picket or solid fencing. The maximum fence height cannot exceed six feet.
- 3) The play area cannot extend into the corner side yard (the area between Metts Lane right-of-way and the northernmost building line).
- 4) The striped pedestrian aisles in the parking lot must remain and must be as wide as the sidewalks.

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

DEED BOOK 582

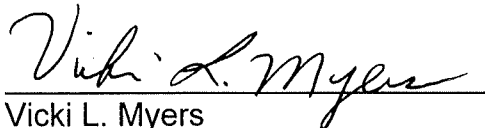
PAGE NO. 211

GROUP NO. 2030

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

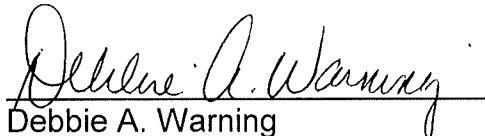
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 21 day of November, 2003.



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.)