

07-BCBOA-005-A

APPLICATION FORM

MAR 21 2007

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 In-X-Terior Remodeling Inc. Phone Number 586-4300 Fax No. 586-2000
4. Description of Request Adding on 1036 sq ft & converting existing porch to useable space with sq ft increasing # of children above 70
5. Name of Development Penguin Playschool
6. Location of Development 7189 Hopful Church Rd Florence, KY 41042
7. Acreage Under Review 1 + 0.2
8. Lot Number and Name of Subdivision
9. Owner of Property Bonnie Gowick Phone Number 746-2005
10. Address of Property Owner Florence KY 41042
11. Proposed Use(s) on Site Day Care
12. Total Square Footage of Existing and/or Proposed Buildings 1529 + 612
13. Current Zoning on Property SR1
14. Deed Book 747 Page No. 24 Group No. 2039
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: John Walhoff 393-7179

Property Owner's Signature: Bonnie Gowick

John Walhoff

**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 3-21-07 Fee Received \$621⁰⁰ P#52785
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
5/9/07 **Approved**

Approved with Conditions (See #6)

Denial (See #7)
6. Conditions of Approval: SEE 5/9/07 BCBOA
MEETING MINUTES

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 - 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: In-X-terior Remodeling Inc. for Penguin Playschool
LOCATION: 7109 Hopeful Church Road, Boone County, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: May 9, 2007

Proposal

The applicant is requesting Conditional Use Permit to allow Penguin Playschool to allow:

- (1) The construction of a 1,036 square foot (37' x 14' x 2) building addition on the northern building facade. The building addition is a one-story structure with a basement;
- (2) The conversion an approximate 150 square foot porch (6' x 25') into occupiable floor space;
- (3) The construction of a new parking lot in the southern portion of the site; and
- (4) Modification of the Conditional Use Permit which was approved by the Boone County Board of Adjustment on May 12, 1999. The approval allowed 70 children to be cared for at any given time (48 children in the house and 22 in the former garage).

The submitted elevation drawings show that front building additions will be constructed vinyl siding. The proposed roofing materials have not been defined.

Board of Adjustment History

- 08/11/93 – The Boone County Board of Adjustment approved a Conditional Use Permit to allow a daycare to operate out of an existing house and detached garage. A condition was imposed on the approval which limited care to 30 children at any given time.
- 05/12/99 – The Boone County Board of Adjustment approved a Conditional Use Permit which allowed the daycare to care for 70 children at any given time.

Applicable Regulations

Article 9, Section 933 of the Boone County Zoning Regulations permits "nursery or day care centers" as a conditional use within a Suburban Residential One (SR-1) district.

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 act on Conditional Use Permit applications.

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 933 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 933 of the Boone County Zoning Regulations allows nursery or day care centers as a conditional use in the SR-1 district provided:

- A. The activity is an integral and subordinate function of a permitted use; or
- B. The activity will not contradict the low density character of the district; and
- C. 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 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

Article 33, Section 3325 of the Boone County Zoning Regulations states that day care centers are required to provide two parking stalls per classroom and one space per company vehicle that is kept on site. A minimum of 6 parking stalls is required.

Relationship to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 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 does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element (Pleasant Valley - West Florence Area, pp. 145-146) makes the following statements regarding the general area:

- A. "Hopeful Church Road should continue to serve as a residential corridor . Some small scale neighborhood commercial services may be appropriate at a strategic location in the corridor. It should be scaled to serve the Hopeful Church Road and Cayton Road areas, designed with a residential-compatible look to the buildings and site, and without freestanding signage. Access management is important to avoid turning movement conflicts on Hopeful Church Road, and some road improvements may be necessary to support this development."

The Future Land Use Development Guidelines contains the following passage which relates to the request:

- 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," pg. 141).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways...

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Landscaping, pg. 141).

- C. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site... (Stormwater Management and Erosion Control, pg. 141).

The following Goals and Objectives relate to the request:

- A. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- B. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial, and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, Objectives).
- C. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objectives).

Surrounding Land Uses and Zoning

North: Single-Family Residential Dwelling Fronting on Hopeful Church Road (SR-1)

South: Single-Family Residential Dwellings Fronting on Surrey Court (SR-1)

East: Hopeful Church Road, Single-Family Dwellings, and Kingdom Hall of Jehovah's Witnesses (SR-1)

West: Single-Family Residential Dwellings Fronting on Surrey Court (SR-1)

Site Characteristics

The approximate 0.76 acre site fronts on Hopeful Church Road and has two access points. The existing day care is run out of former single-family dwelling and a detached garage which are constructed of brick and asphalt shingles. Play areas are located behind the buildings and northern parking lot and are enclosed by a 6 foot tall wood fence. The site currently has 8 parking spaces in the northern parking lot, 5 parallel spaces in front of the principal building, and 4 spaces in front of the former garage (total of 17). A one-way driveway connects the parking areas and the access points to one another. The southern tip of the property is currently undeveloped and contains some mature evergreen and deciduous trees. The topography of the site ranges from approximately 896 feet above sea level at Hopeful Church Road to approximately 882 feet above sea level at the northwest property line (see topographical map). The buildings are tied into the City of Florence's public sewer system.

Staff Comments

1. The owner has provided a letter indicating that new parking lot will provide parking for four additional vehicles and that the number of classrooms will be increased from 7 to 9. She also indicates that up to 12 employees could work from the premises at any given time.
2. Staff has the following concerns regarding the request:

- A. Although the proposed parking on site would meet code (2 spaces per classroom and one space per company vehicle kept on site), Staff is concerned about the adequacy of parking for a 100 student day care. Staff believes that the 12 employees working at the site would use the majority of the parking and that there would be insufficient parking for the parents that are picking up their children. Staff found that the parking lot was full to capacity and that illegal parking was taking place when visiting the site at 4:00 P.M.

Staff is considering changing the parking formula for day cares in the next zoning update to account for the number of employees that work from the premises at any given time.

- B. The proposed parking lot has the potential to cause storm water problems because the site sits substantially higher than the adjoining properties to the west and the site currently has no storm water management system (see topographical map). Construction of this parking will also cause some mature evergreen and deciduous trees to be removed.
- C. The elevation drawings show that the proposed additions are going to be constructed with vinyl siding, while the existing building is all brick. Staff would like the applicant to address if the bottom halves of the additions (at a minimum) could be constructed with brick or stone which correlates with the existing brick. Staff would also like to know if the proposed roofing material will match those on the existing building.
- D. Is any exterior lighting being proposed?
- E. Staff questions if the use has outgrown the site.

3. Staff recommends the following conditions if the request is approved:

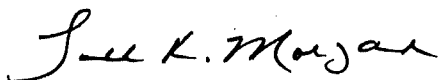
- A. A Major Site Plan prepared by an Professional Engineer will need to be submitted to the Boone County Planning Commission if the southern parking lot is constructed. The Site Plan shall address grading, compliance with the storm water and detention regulations for the entire site, dimensional requirements for the parking lot, and landscaping.
- B. A 6' tall privacy fence shall be required between the proposed parking lot and the adjoining properties to the west. Buffer Yard A plantings shall be planted on the outer side of the fence.
- C. At a minimum, the bottom halves of the building additions shall be constructed with brick or stone which correlates with the existing building. Any siding used in the additions shall be Hardi-plank or another lap siding which has a natural appearance. Matching asphaltic roofing materials are required on the entire building.

- D. The dumpster which is located on site shall be brought into conformance with Section 3151 of the Boone County Zoning Regulations.
- E. Directional signs shall be required at both access points.
- F. Two additional parking spaces shall be constructed in the northern parking lot if it is determined that all zoning code requirements are met.

Conclusion

KRS 100.237 and 100.241 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.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

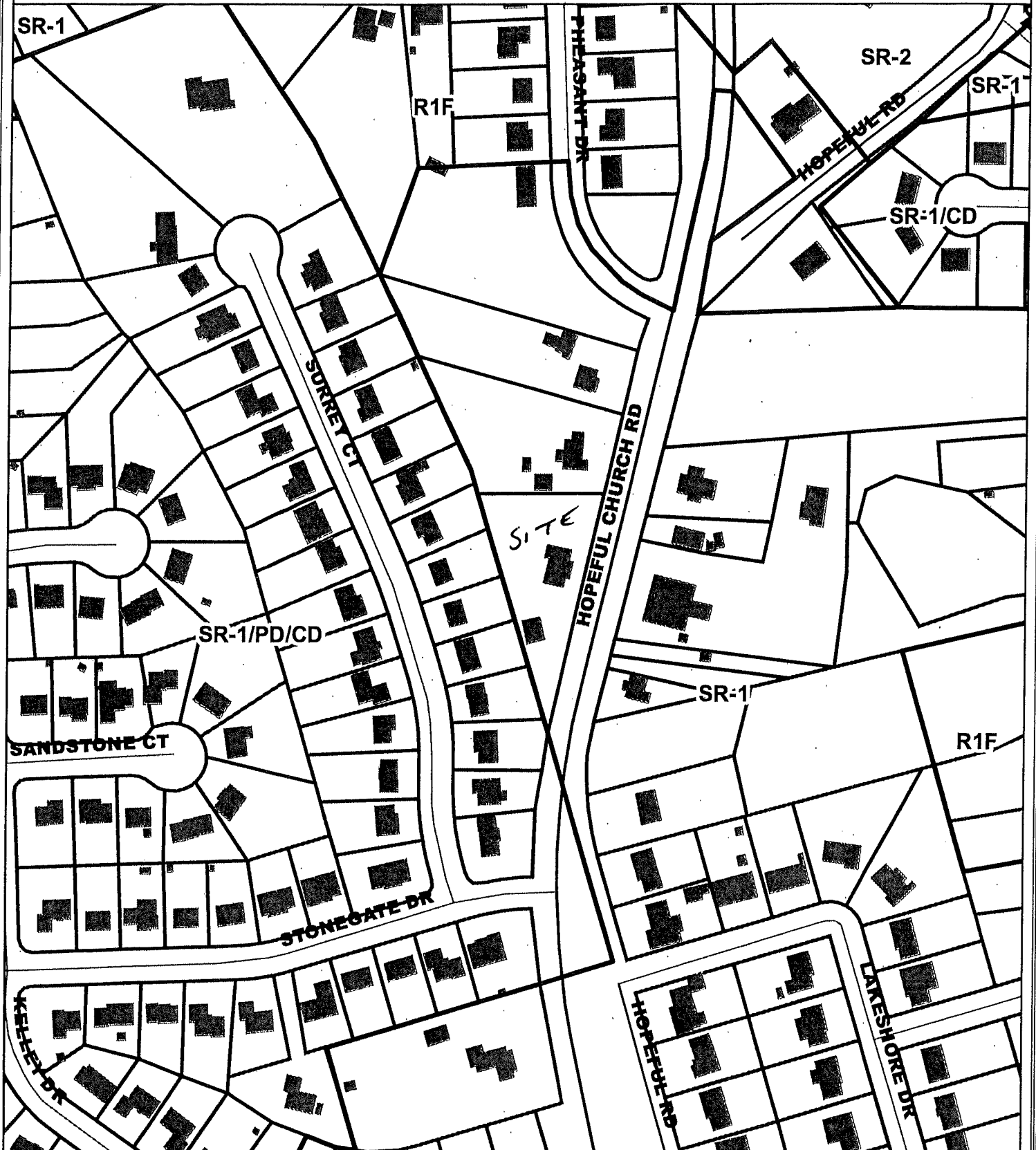
TKM/dw

Attachments

- *Site Vicinity Map/Zoning Map
- *Letter From Owner
- *Concept Development Plan
- *Elevation Drawings
- *Floor Plans
- *Topographical Map
- *Future Land Use Map
- *Aerial Map
- *08/11/93 Meeting Minutes
- *05/12/99 Meeting Minutes
- *Application

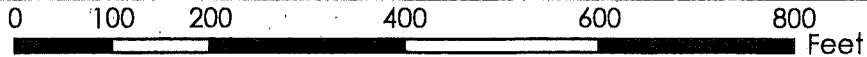
Penguin Playschool

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1 inch equals 196 feet



Boone County GIS - Putting Northern Kentucky on the Map



PENGUIN PLAYSCHOOL, LLP
7109 HOPEFUL CHURCH ROAD
FLORENCE, KY 4142
859-746-2005
859-746-2011 (FAX)

March 28, 2007

Dear Todd;

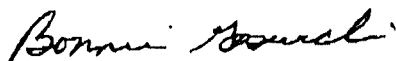
Attached is a rough drawing of our proposed new parking lot. This will increase our parking capacity from 17 to 21 spaces. Also, to answer your question, our office is upstairs and the measurement is 14'2" x 13'9".

Currently, we have 7 classrooms. We are wanting to put on a 32' x 14' addition with a full basement. This will give us 2 more classrooms for a total of 9 classrooms. Part of the addition will be used to expand an already existing room. We are also wanting to close in the front porch. This will also expand an existing room.

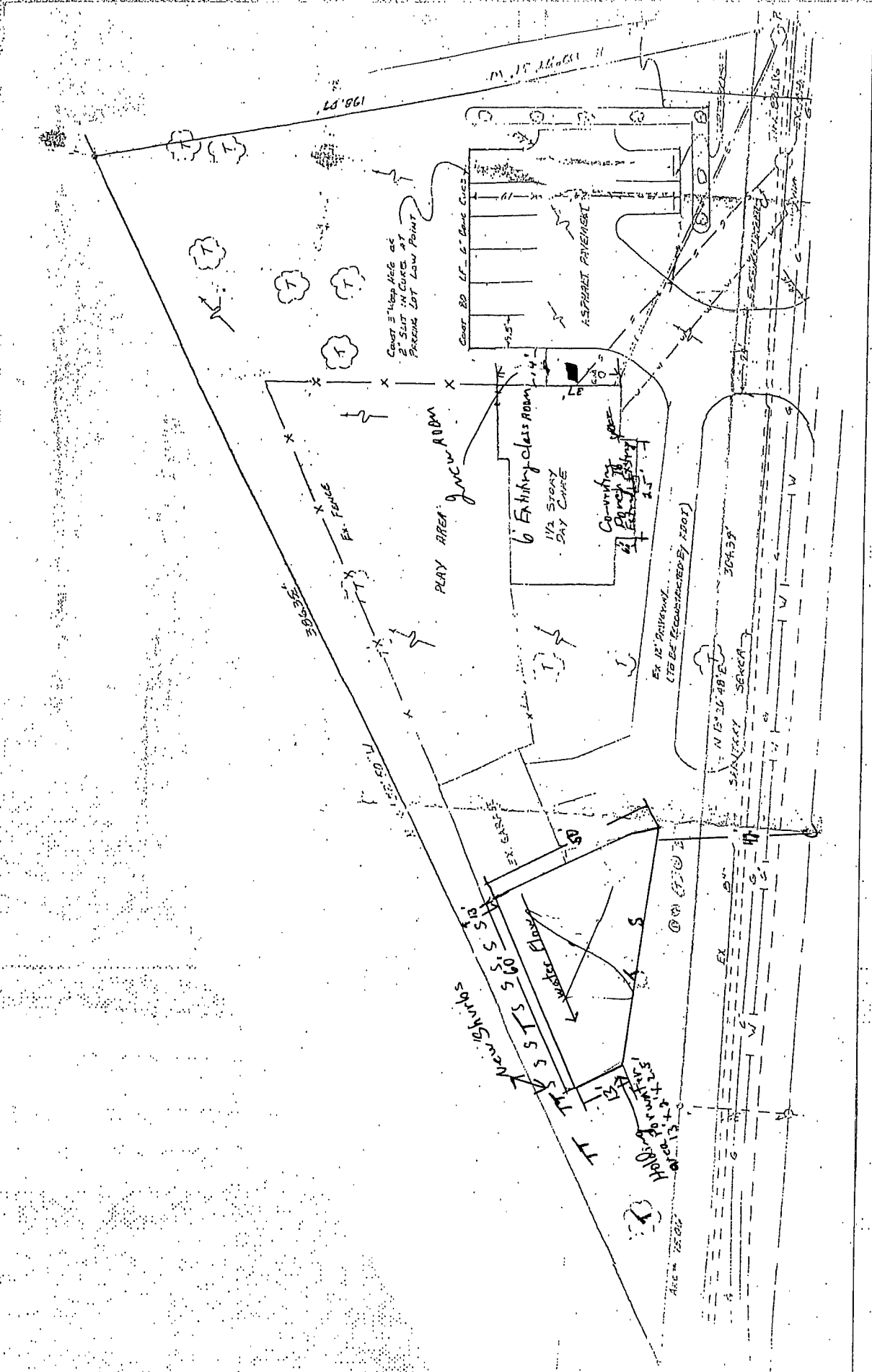
Counting myself, we have a total of 23 employees. We usually have 10 employees here at a time plus myself. With the new addition, we would need to have an additional 2 employees here making it a total of 12 employees here at any given time.

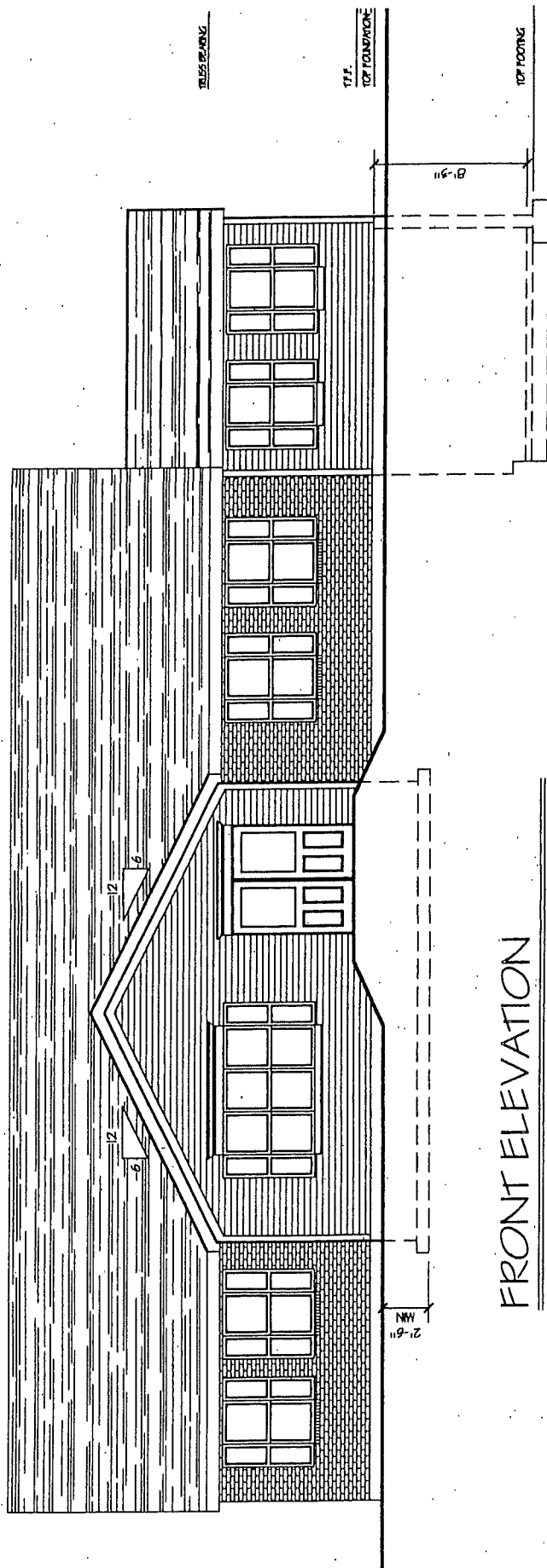
If you have any questions, please call me on my cell phone at 859-801-5087.

Thank you!



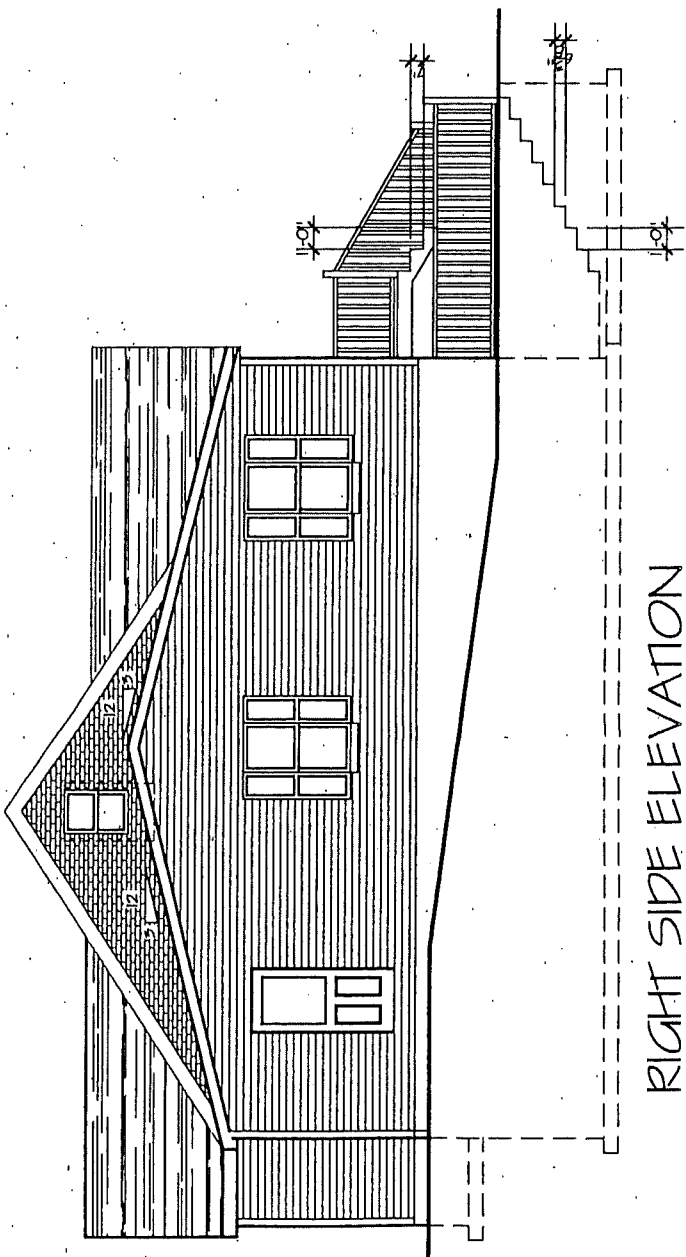
Bonnie Goswick
Owner/Director





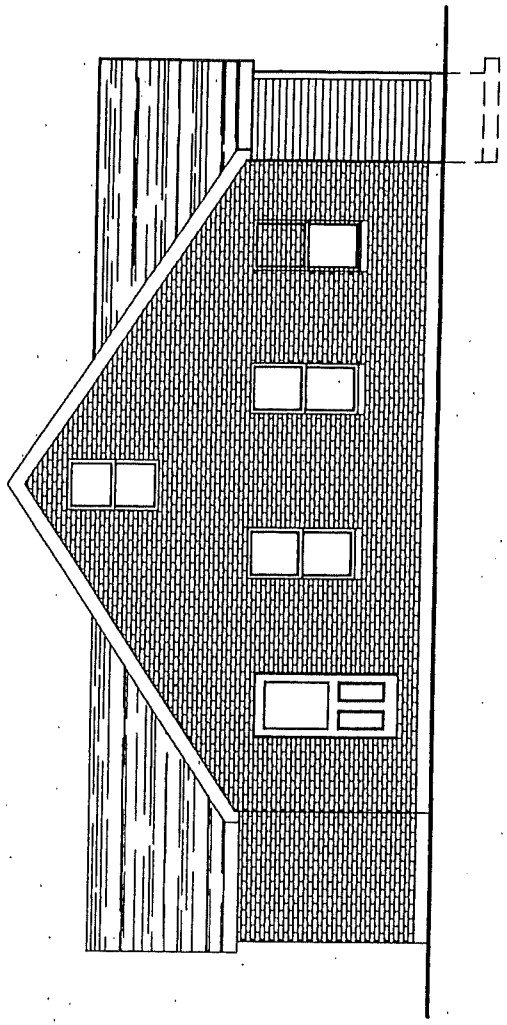
FRONT ELEVATION

Scale: 1/4" = 1'-0"



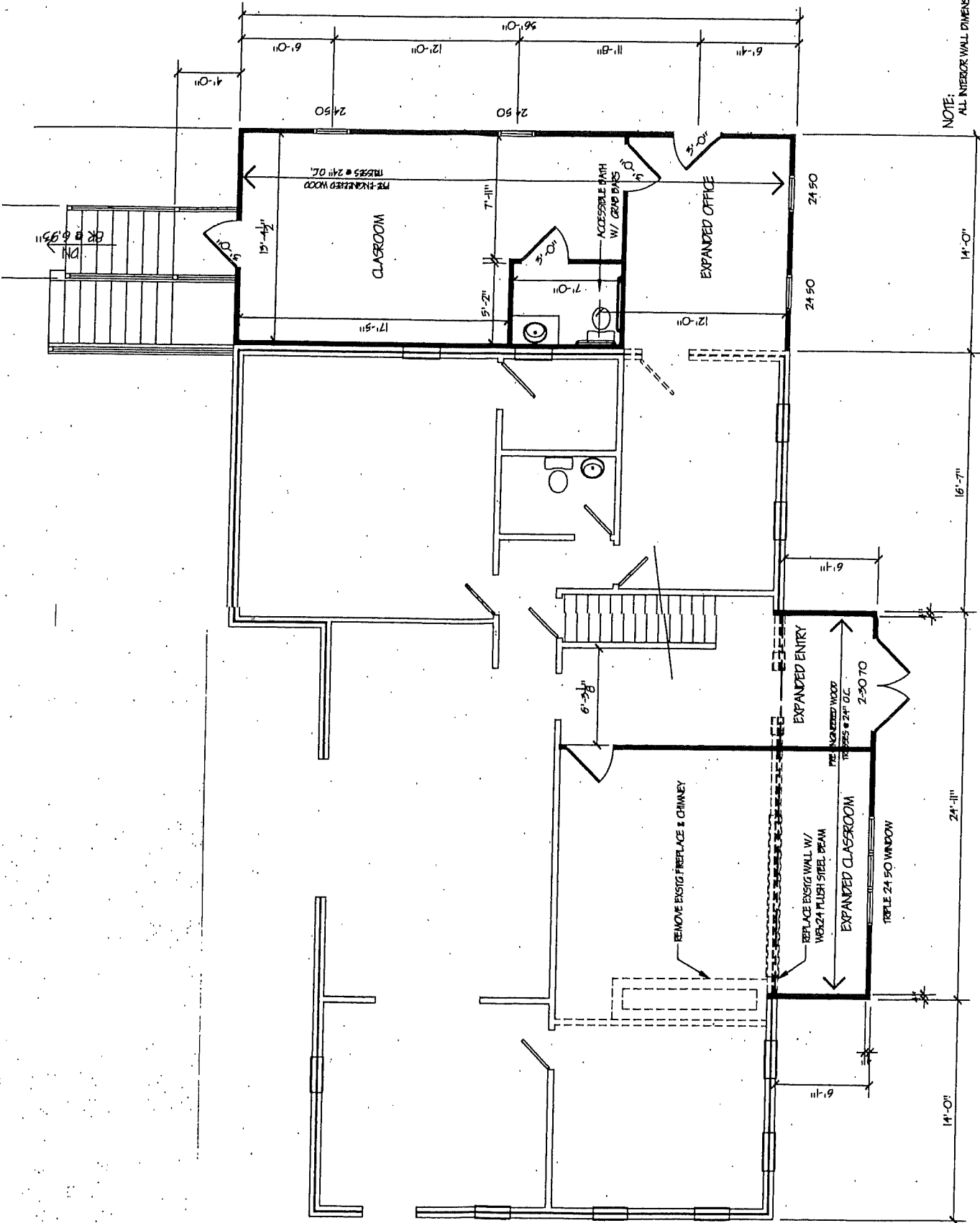
RIGHT SIDE ELEVATION

Scale: 1/4" = 1'-0"



LEFT SIDE ELEVATION

Scale: 1/4" = 1'-0"



NOTE:
 ALL INTERIOR WALL DIMENSIONS ARE 3/4" UNLESS OTHERWISE
 SPECIFIED.
 CONSTRUCTION METHODS AND ELECTRICAL/MECHANICAL INSTALLATIONS
 MAY VARY.
 ALL FEDERAL, STATE AND LOCAL CODES, ORDINANCES AND REGULATIONS
 SHALL BE CONSIDERED PART OF THE SPECIFICATIONS OF THESE DOCUMENTS.
 THESE DOCUMENTS ARE TO BE ADHERED TO EVEN IN THE EVENT OF A VARIANCE.

FIRST FLOOR

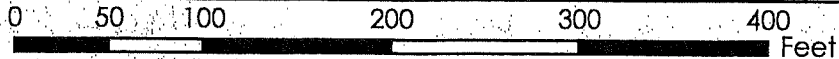
Penguin Playschool

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1 inch equals 101 feet.

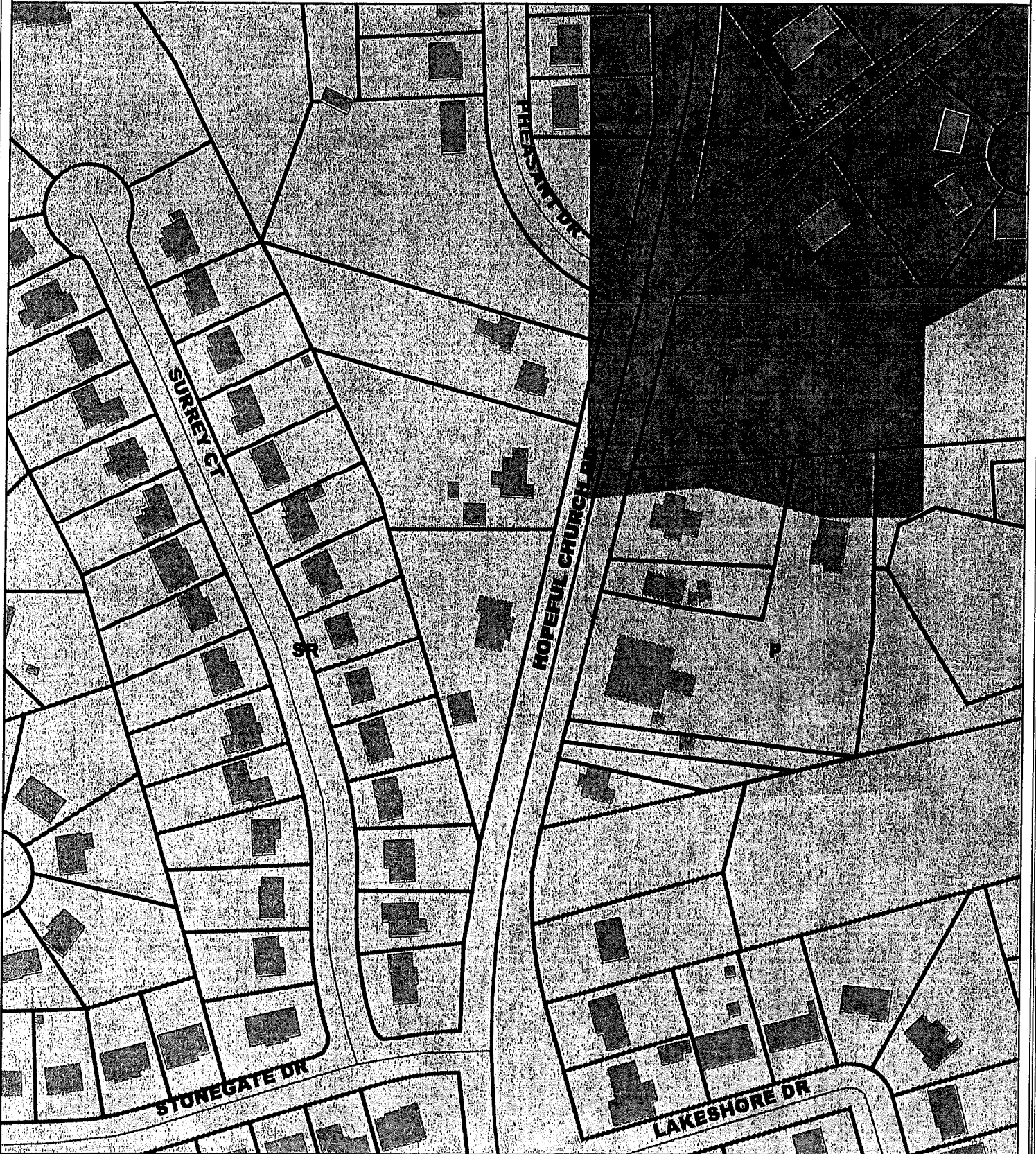


Boone County GIS - Putting Northern Kentucky on the Map



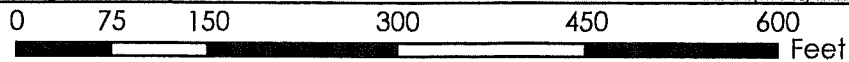
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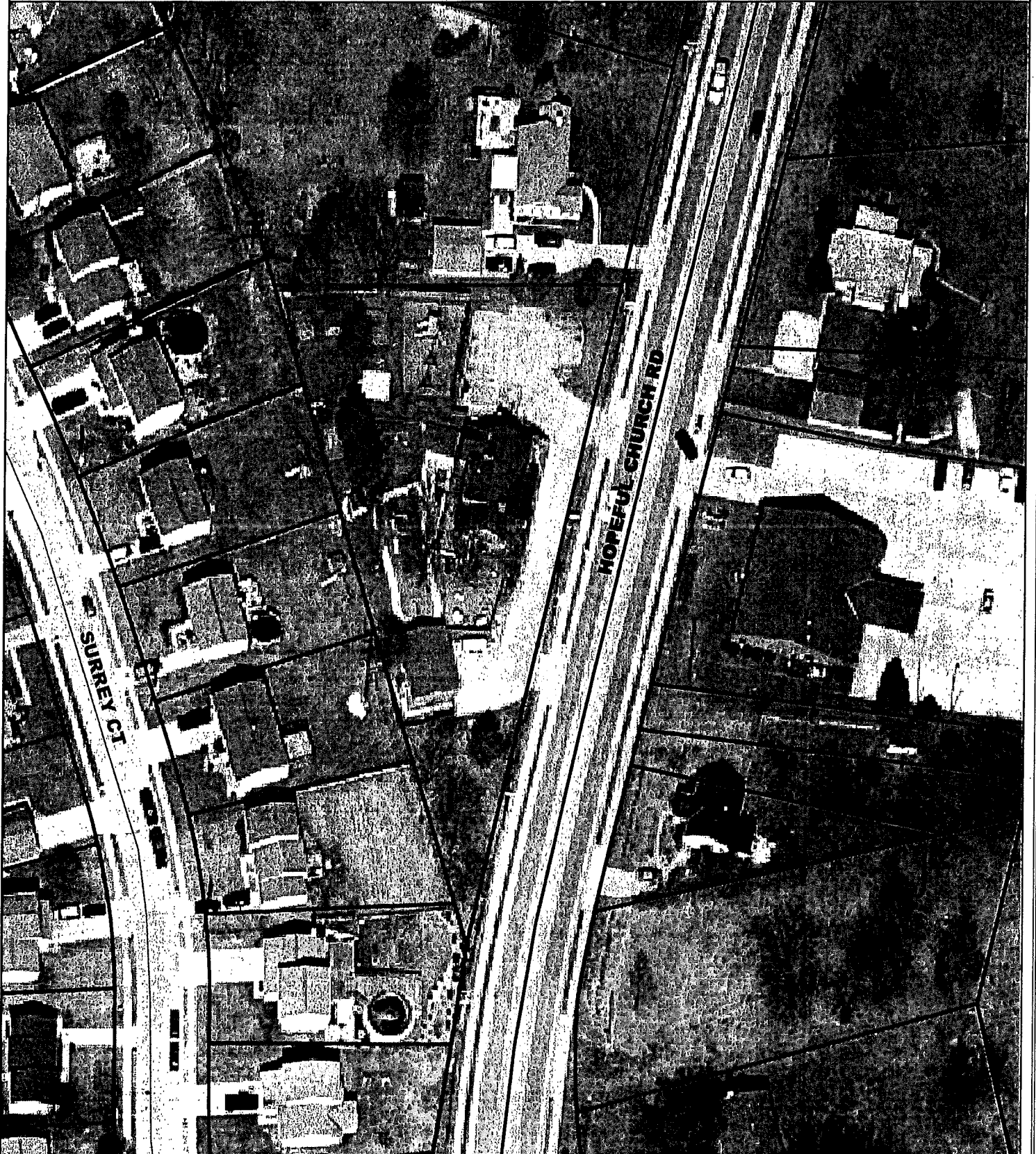


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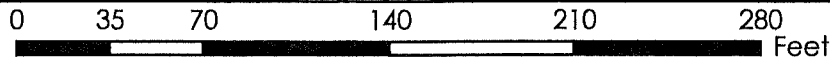
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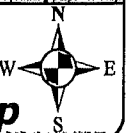


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Boone County GIS - Putting Northern Kentucky on the Map



Staff Member Dean Niemeyer stated that at last month's meeting it was left that the applicant would get an engineer's or surveyor's drawing of the existing site. Mr. Glass has made an attempt to do this, but was not able to get the drawings completed in time for this meeting.

Mr. Glass stated that Mr. Cahill advised him that he did not get the drawings finished and they would not be ready until tomorrow afternoon.

Counselor Wilson advised that the request would not have to be readvertised and there would not be any increase in cost to the applicant. He stated that it is important for the Board to have a plat drawing on which make a decision.

Mr. Houston moved that the request be deferred to the September 8, 1993 meeting of the Board of Adjustment. Mrs. Millar seconded the motion and it carried unanimously.

2. The request of Maria Boland and Lisa Schneider for a Conditional Use Permit to allow a day care center in an existing house at 7109 Hopeful Road, Boone County, Kentucky. The property is owned by Joseph and Kathie Schamer. The property is zoned Suburban Residential One/Planned Development (SR-1/PD).

Staff Member Dean Niemeyer advised that there was a misunderstanding as to whether this request should be before the Florence Board of Adjustment or the Boone County Board of Adjustment. The property is in the county and zoned SR-1. Mr. Niemeyer presented the Staff Report which included a slide presentation (see Staff Report).

Mrs. Millar questioned what it would be to the setback requirements in regard to the parking lot when the state approves the highway. Mr. Niemeyer advised that he would have to check on this question. Counselor Wilson stated that the question is "will relocation of Hopeful Road take some land from this site, reducing its area for parking spaces?".

Lisa Schneider showed the Board a set of plans for the proposed Hopeful Road. She stated that she talked to Interstate Asphalt and they designed a parking lot for them that has nothing to do with the circular drive that is there now. The parking lot is on the extra lot on the opposite side of the detached garage. They plan 8 to 10 parking spaces. She reviewed the plans with the Board and indicated the location of the house in relation to the new roadway and the existing roadway. She indicated the extra lot and the area that will be blacktopped. She stated that she has a letter from the Highway Department indicating that the sight distance will be increased as they will be taking out the dip.

Maria Boland advised that the highway construction will not start until next year, but they want to start the day care center immediately.

Mr. Archambault questioned how they know the highway construction will start next year. Ms. Schneider asked the former owner of the property, Joe Schamer, to address this question.

Mr. Schamer stated that they would not guarantee when the construction would start, but he understands that it will be in 1994. Ms. Schneider stated that Jim Key of the Highway Department told them the road construction would start no later than August, 1994.

Mr. Archambault commented that they want to operate the day care center for a year before the road construction starts.

Ms. Boland stated that they feel they are going to draw from Hopeful Road already and to say that their customers will not live or go on Hopeful Road is not correct. Their customers are not going to be coming from new roads onto Hopeful Road. It is not fair to say that they are all going to be additional cars.

Ms. Schneider reviewed the drawings with the audience. She stated that if they are approved, they have to have city sewage and they will definitely tap in. She has a bid from James Stall. He knows the depth and checked with the city and he has it all in writing about changing over to the city sewage.

Ms. Boland stated that they will operate Monday thru Friday from 6:30 A.M. to 6 P.M.. They will not be open on the weekends or in the evening. It is structured day care -- not babysitting with the kids outside all day. There is a structured time in the morning, there will be a nap time, and free play in the afternoon outside. They have two other day care centers -- one in Villa Hills since 1984 with 148 children, and one in Fort Mitchell since 1986 with 101 children. They are at full capacity with a waiting list. She emphasized that they are experienced.

Mr. Schamer stated that he is the present owner of the house. Currently there are four churches, which are Conditional Uses, within one mile of his driveway. He has owned the house for ten years and there has been a zone change for the Colonial Heights Apartments and the Windridge Apartments. There is another day care center at the other end of Hopeful Road. All of these have traffic in and out well in excess of what the day care center would have. Hundreds of cars enter and exit all day long at Stonegate Meadows, which is the subdivision abutting his property. The reconstruction of the road will increase the sight distance. There will be a center turn lane, which will also alleviate traffic problems; and the speed limit will be reduced, according to the Highway Department. When he bought the house it was zoned Agricultural and there was farm land behind him. There are hundreds of houses back there now as a result of the zone change. The Jehovah's Witness Church is the result of a zone change since he has been there. There has never been an accident on his road frontage to his knowledge. The neighbors to the north have approached him about the rezoning of all of their lands to commercial. He stated that the state did a dye test and there are no signs of dye in any of the neighbor's yards. He stated that he has a letter from the Health Department in regard to the dye test.

Dennis Walter stated that his house will be directly behind the parking lot. He advised that he had brought up the septic tank issue and the fact that the house was in Boone County, not Florence. He stated that the Health Department told him the dye test may not surface for six months and

Water and Sewer told him to put in all the drainage pipes he wants to force the water in his yard out. He has been fighting water problems for six years. He had a test done and the fecal content of his yard is too numerous to count. The fluoride is .88. The result: Treated water/sewage contamination. If it is not Mr. Schamer's septic tank, it is something else. He questioned that if the count in his yard is that high, how high is the Schamer property. He stated that a pool company refused to put in an above ground pool because there was sewage in the ground. Another pool company put a pool in, but they also said there was sewage in the yard. He stated that the sewage has to be coming from behind his property. His youngest kid is 21 and he would not buy a house with a day care center in the back yard for property value purposes. He would prefer that a family move in. He does not want 30 kids in his back yard. They raised their own kids and want to relax in the back yard. He stated that he has been hearing for seven years that Hopeful Road is going to be done. He questioned the Hopeful Road improvements occurring.

Gary and Brenda Conyers stated that they are the adjoining neighbors on Hopeful Road to the north. He has a problem with the parking lot being next door. He is also not happy with having the children next door. Mrs. Conyers stated that originally there were to be 30 - 35 children and now they are saying 50; and a half-day school program, not a day care center.

Ms. Boland stated that they are hoping for 30 children and, if it works out, there would be 50 children maximum. There would be an after-school program for children going to other schools.

Mrs. Conyers stated that the traffic problem is horrendous.

Counselor Wilson explained that a day care center is a Conditional Use in the SR-1 Zone and requires special approval. It is not allowed automatically. The Board is here to determine if that particular location is suitable for the use.

Mrs. Conyers asked if it is a law that you have to have a fence for a day care center. Ms. Boland stated that the play area has to be fenced. She stated that they would like to work this out with the neighbors. They could put in a privacy fence.

Mrs. Conyers stated that they are concerned about property values.

Mr. Conyers stated that the traffic is a real drawback to the project. The road is dangerous. He stated that they are sandwiched between Pleasant Run and Stonegate. The Jehovah's Witnesses across the street are in and out all day long. There is a lot of traffic concentrated in the area.

Bonnie Carzolli stated that they are adjoining property owners to the rear about three doors to the south. Mr. Carzolli questioned how high the fence would be. Ms. Boland stated that she believes 4 feet is the low, but they have no problem with making the fence 5 feet or 6 feet.

Mr. Carzolli stated that their deck faces the garage and the fence. He gets home about 4:30 and goes out there to relax.

Ms. Boland stated that most parents start getting home after 2 P.M. and the kids have to be picked up by 6 P.M.. Some children have already gone home and some are inside. If it is too hot or too cold, the children are not out there.

Mr. Carzolli stated that he is opposed to the request because of the resale of his home. He stated that he would not buy a home that had a day care center behind it.

Mr. Walter questioned how they are going to direct the water from the parking lot so that there will not be more water in his yard. Mr. Houston stated that that depends on the contractor, and they have to drain it off properly.

Mr. Walter asked if there would be a privacy fence all across the back, including the parking area. Ms. Boland replied "yes, if need be".

Mr. Archambault questioned the sewage situation. Mr. Niemeyer stated that it is his understanding that they are trying to identify the problem using the dye test, but it has not been identified yet. Mr. Archambault stated that the sewage could be from some other place in the area.

Mr. Niemeyer completed the Staff Report in regard to Staff's concerns. He stated that if the request is approved, the number of children should be set. If they need to increase the number, they would have to come back.

Mr. Houston stated that they have to reapply for a license for 50 children. Ms. Boland stated that they have to get the Conditional Use Permit first, then they have to make sure they can annex into the city. She stated that she checked on the annexation and it should be fine. Then Mr. Doll puts in the city sewage. The the State Fire Marshall and the Health Department check the building, and indicate what needs to be changed. They they can apply for the license for 30 children. Mr. Houston stated that they would then have to reapply for 50 children. Ms. Boland agreed. Mr. Niemeyer stated that if they change to 50 children, they should have to come back before the Board and reapply.

There being no further discussion, Mr. Houston moved that the Conditional Use Permit be granted for 30 (thirty) children. If they want to increase the number they have to come back and apply for another Conditional Use Permit. He stated that it seems they will solve the sewer problem by going into the sanitary sewers. Water draining off the parking lot would be in the design of the lot and would be taken care of by the contractor. Mr. Archambault seconded the motion.

Mr. Archambault asked for a vote on the motion which found Mr. Houston and Mr. Archambault in favor. Mrs. Millar was opposed. The motion carried by a vote of 2 to 1.

The applicants did not have copies of the plans which were discussed and they agreed to provide copies to the Staff.

2. The request of Bonnie Goswick for a Conditional Use Permit to allow a daycare center for 70 children at 7109 Hopeful Church Road, Boone County, Kentucky. The property is currently zoned Suburban Residential One (SR-1).

Staff Member Mark Jordan presented the Staff Report which included a review of photographs of the site (see Staff Report).

Chairman Whitton asked if two additional parking spaces would satisfy Staff Concerns regarding parking. Mr. Jordan responded that that is what would be required under the zoning regulations. In response to a question from the Chairman, Mr. Jordan stated that if the request is approved, minor Site Plan Review is required.

The Chairman asked for the applicant's presentation.

Bonnie Goswick stated that she wants to open a day care at 7109 Hopeful Church Road. She reviewed the plans with the Board. She stated that there has been a day care on the site since 1993.

Chairman Whitton stated that if anyone in the audience wished to review the plans they could come forward. (No one came forward).

Ms. Goswick indicated the location of the garage and the existing parking area, which is paved. Chairman Whitton stated that the two additional parking spaces will be to the left of the garage. Ms. Goswick agreed. She added that she has to have 6-foot evergreen trees and four bushes, and she has plans to do that.

Chairman Whitton stated that they will rehab the garage and no other structures will be built. They will increase the parking by two spaces. Ms. Goswick noted the location of the privacy fence.

Mrs. Millar referred to the Minutes of the 1993 meeting and asked if they are connected to Florence sewer. Ms. Goswick responded "yes".

The Chairman asked if there was anyone else present who wished to speak. There was no response.

Mr. Archambault noted that there were a number of people in 1993 who objected to the request and none of them were present this evening.

Mrs. Millar questioned how many parking spaces there will be with the two additional spaces. Ms. Goswick responded "twelve".

Counselor Wilson stated that the notice requirements were by mail to the abutting property owners and a sign on the property. Mr. Jordan stated that letters were sent by Certified Mail and the property was posted. Counselor Wilson asked if there was newspaper notice. Mr. Jordan responded "yes". Counselor Wilson noted for the record that the notice requirements were met per KRS.

There being no further discussion, Mr. Archambault moved to grant the Conditional Use Permit to increase the number of children to seventy, with the conditions that a minor Site Plan be submitted to the Planning Commission, and that there be two additional parking spaces. Mr. Ryan seconded the motion and it carried unanimously.


Approval of the Minutes:

Chairman Whitton stated that the Board members had received copies of the Minutes of the Boone County Board of Adjustment Meeting of April 14, 1999. He asked if there were any comments or corrections.

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


There being no further business to come before the Board, Houston moved to adjourn. Mr. Ryan seconded the motion. The meeting was adjourned by unanimous consent at 7:15 P.M..

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Secretary



APPLICATION FORM

MAR 21 2007

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 In-K-Terior Remodeling Inc. Phone Number 586-4500 Fax No. 586-2000 Applicant's Address P.O. Box 746 Burlington Ky 41005
4. Description of Request: Adding on 1036 sq ft & converting existing porch to useable space with sq ft increasing # of children above 70
5. Name of Development Penguin Play school
6. Location of Development 7189 Hopful Church Rd Florence, KY 41042 Adding 30 kids
7. Acreage Under Review 1 + 1/2 - 1
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Bonnie Garnick Phone Number of Owner 746-2005
10. Address of Property Owner Florence Ky 41042
11. Proposed Use(s) on Site Day Care
12. Total Square Footage of Existing and/or Proposed Buildings 2529 + 612
13. Current Zoning on Property SR1
14. Deed Book 747 Page No. 24 Group No.
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: John Walhoff 393-7179

Property Owner's Signature: Bonnie Garnick

COPY

CLUR #07-BCBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Bonnie Goswick
7109 Hopeful Church Road
Florence, KY 41042
2. ADDRESS OF PROPERTY
7109 Hopeful Church Road
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Penguin Playschool
4. DEED BOOK 747 PAGE NO. 24 GROUP NO. 2039
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment: Conditional Use Permit
From _____ To _____
- Development Plan Conditional Zoning
- Subdivision Plat Other:
(Not Recorded)
- 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

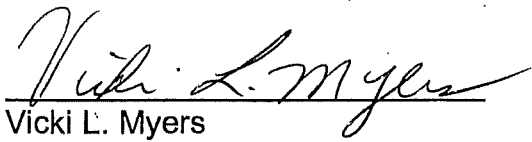
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

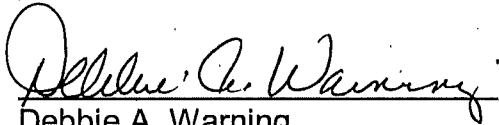
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 21 day of May, 2007.



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 Boone County Board of Adjustments and in accordance with the current zoning in effect as of May 9, 2007 Certificate of Land Use Restriction (#07-BCBOA-005-A), for Bonnie Goswick, Property Owner(s).

The following conditions will apply:

- 1) A Major Site Plan must be prepared by a Professional Engineer and submitted to the Boone County Planning Commission for approval.
- 2) A 6' tall privacy fence shall be required between the proposed parking lot and the adjoining properties to the west. Buffer Yard A plantings shall be planted on the outer side of the fence.
- 3) The existing privacy fence is to be maintained or replaced.
- 4) The bottom halves of the building additions shall be constructed with brick or stone which correlates with the existing building. Any siding used shall be Hardi-plank or another lap siding which has a natural appearance. Matching asphaltic roofing materials are required on the entire building.
- 5) The dumpster which is located on site shall be brought into conformance with Section 3151 of the Boone County Zoning Regulations.
- 6) Directional signs are required at both access points.
- 7) Two additional parking spaces are to be constructed in the northern parking lot if it is determined that they can meet all the zoning requirements.
- 8) Five parallel spaces in front of the building need to be reviewed for conformity with the regulations.
- 9) The hours of operation are to be Monday through Friday from 6:30 AM to 6:00 PM.
- 10) The dumpster is to be treated on a regular basis to reduce or eliminate odors.

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