

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Union Board of Adjustment
- City of Florence Board of Adjustment
- City of Walton Board of Adjustment
- Boone County Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Zoning Map Amendment
- Comprehensive Plan Change
- Planned Development Overlay Change
- Preliminary Plat Review
- Improvement Plat Review
- Conditional Use Permit
- Final or Deed Plat Review
- Concept Development Plan Change
- Site Plan Review
- Preliminary Development Plan
- Historic District Overlay
- Change of Non-Conforming Use
- Appeal or Variance
- Design Review Board and Certificate of Appropriateness
- Sign or Zoning Permit

Applicant: Pam Hartman and Bonita Bucher Owner
 Address: 9063 River Rd. Hebron, Ky. 41048 Agent
 Telephone: 586-8894-586-5967

Location: 4999 Limaburg Rd.

Name of Property Owner: Pam Hartman *wanting to buy property at 4999 Limaburg Rd. Hebron*

Address of Property Owner: 4999 Limaburg Rd. Hebron *(property being)*

Zoning District: RS Area in Acres: 1.91 acres

Deed Book: 236 Page Number: 118 Group Number: 366

Description of Request: to use as day care

Applicant's Signature: Pam Hartman Bonita Bucher

Property Owner's Signature: Barbara Swinford Amy Swinford

FOR PLANNING COMMISSION USE ONLY
 Application Fee: 173.00 Date Received: 5-16-88 By: MB to Jom

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANTS: Pam Hartman and Bonita Buckler

DEVELOPMENT: day care center

LOCATION: 4999 Limaburg Road

ZONE: Rural Suburban (RS)

DATE: June 8, 1988

REMARKS:

The applicants are requesting a Conditional Use Permit to convert an existing single family residence into a day care center. The 1.91 acre site, located on the west side of Limaburg Road across from the Mid Valley Pipeline holding tanks, is zoned Rural Suburban (RS). The property is owned by Gary and Barbara Swinford.

Surrounding Land Uses and Zoning

North: RS, single-family residences
South: RS, single-family residences
East: I-1, Mid Valley Pipeline property
West: RS, undeveloped, wooded

The following reviews the general standards applicable to all Conditional Uses in the County:

1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Medium Density Residential (3 to 8 dwelling units/acre). The Land Use Element of the text makes the following statements about the general area:

"This section will be one of the fastest growing areas in the county. Generally, subdivision growth will occur around all roads radiating from Burlington except to the east. This phenomenon is known as rururbia and will eventually occur in Union, Hebron and other small communities of the county. KY 18 will become a corridor with a planned mixture of all types of development. KY 237 will emerge as a development center for residential, commercial and warehouse development. The airport growth as an international center will continue to cause this area to develop while at the same time containing residential development to specific areas. Limaburg Road will continue its transformation into a small scale manufacturing area... More specifically, the land between KY 237 and Limaburg Road should continue to develop in light industrial land uses. All land south of the airport's clear zone and between Limaburg Road and KY 237 should be developed in a medium density residential

character... Most of the growth in this area will be the result of a new school complex near the intersection of KY 18 and KY 237. Development of this site as a learning center should integrate with the neighboring county park. With proper design this intersection could become a key focal center between the employment centers and residential developments." (pp. L-13, L-14)

2. The operation of a day care center would be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and would not change the area's essential character.
3. Day care use of the property would not be hazardous to existing or future neighboring uses.
4. The site is adequately served by essential public services except sewage. The existing sewage system on the site currently directs sewage to the backyard for dispersal.
5. Excessive additional requirements at public cost for public facilities and services will not be created.
6. The proposed day care center will not involve uses, activities, processes or conditions of operation which will be detrimental to any persons, property, or to the general welfare.
7. Vehicular approaches to the site will have to be improved by paving and creation of parking and turn around space so as not to create an interference with traffic on Limaburg Road.

The Board must also consider more specific criteria applicable to Conditional Use Permits in Rural Suburban districts:

- a. The proposed day care center will not contradict the semi-rural character of the district.
- b. The day care will not require or contribute to infrastructure needs above those common to the permitted uses of the district.
- c. The proposed use is of direct relation to and in support of the purpose of the district.
- d. The arrangement of the day care will be compatible with the organization of permitted and accessory uses to be protected in the district.

The Staff has the following concerns and recommended conditions of approval:

1. Currently, sewage from the house is directed to the back yard for dispersal. The applicants have been

informed that this problem must be addressed to the satisfaction of the Kentucky Department of Health.

2. There are two sizable piles of construction debris located in the back yard of the property which should be removed in order to assure safe conditions for children at the day care.
3. Staff recommends a formal Site Plan be submitted addressing access concerns. Paved access driveway, parking, and sufficient space for vehicle turn around should be provided.
4. Article 19 of the Boone County Zoning Regulations allows a sign size of 16 square feet in residential zones. Should the applicant desire a larger sign, they must apply for a Variance through this Board.

Respectfully submitted,

Paul R. Miller
Plans Examiner/ Planner

BOONE COUNTY
BOARD OF ADJUSTMENT

June 8, 1988 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton called the meeting to order at 6:30 P.M. and noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of May 11, 1988 and asked if there were any comments or corrections.

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

Chairman Whitton advised that Agenda Item #3, the request of Sign Systems and Services for Huntington Bank had been withdrawn.

AGENDA ITEMS:

1. The request of Pam Hartman and Bonita Buckler for a Conditional Use Permit to convert an existing single-family residence into a day care center. The 1.91-acre site, located on the west side of Limaburg Road across from the Mid Valley Pipeline holding tanks, is zoned Rural Suburban (RS). The property is owned by Gary and Barbara Swinford.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Celeste Gunther of Huff Realty, representing the sellers, Gary and Barbara Swinford, stated that they have contacted the Fort Mitchell Sewage Division and have obtained a written report recommending that they add thirty feet to the leach line to correct the sewage problem on the site. She submitted a copy of this letter to the Chairman.

Chairman Whitton reviewed the letter and asked if the Sewage Department had been advised that the use of the property was being changed from residential to a day care center. The agent stated that the Sewage Department had been advised.

Counselor Wilson stated that he believed a State agency must license day care centers. Mr. Breidenstein advised that the Department of Economic Resources must license the people who operate the facility, as well as the facility itself.

Chairman Whitton noted that the letter from the Sewage Department does not indicate that the facility will be used for a day care center.

Chairman Whitton asked if there was anyone else present who wished to speak in regard to this request. He noted that there is a problem with debris on the site.

Mr. Swinford stated that the debris is old roofing and gutters and will be removed. Bonita Buckler stated that her fiance will remove the debris.

There being no further comments, Chairman Whitton asked if there were any questions of the Board.

Mr. Archambault questioned the parking situation.

Mr. Paul Miller stated that Staff would recommend that parking be provided. He recommended that the driveway be paved, as well as sufficient area to turn around.

Ms. Buckler questioned why the paving was needed.

Mr. Breidenstein stated that Article 18 of the Zoning Regulations indicates that whenever there is a change in use, all the requirements of Article 18 must be met. It is a minimum requirement that the parking area be paved.

Chairman Whitton asked if there was anyone present in opposition to the request. There was no one present in opposition.

There being no further discussion, Mr. Ryan moved that the request be approved subject to Conditions #1 - #4 of the Staff Report. Mr. Archambault seconded the motion and it carried unanimously.

2. The request of Stephen J. Sallee for a rear yard Variance of six feet in order to place a single-family residence twenty-four (24) feet from the rear property line. The 0.35-acre site is located on the corner of Brandywine and Logans Run in the Ethans Glen subdivision and is zoned Suburban Residential One (SR-1). The property is owned by Garry Ramsey.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present in behalf of the request.

Mr. Sallee was present and stated that he had nothing to add to the Staff Report.

Chairman Whitton then asked if there was anyone present in opposition to the request or if there were any questions.

Mrs. Kathy Kellerman, an adjoining property owner, stated that she had recently moved to the subdivision and was attracted by the openness of the homes. She stated that if it is the builder's error that the home is too large, then it should be redone. Mrs. Kellerman stated that the Ramsey's knew there were setbacks when purchasing the property. She stated that the Ramsey's should build a smaller home.

Mr. Sallee stated that the home is too large to be moved on the lot and that a 50-foot setback is required. He stated that both he and the Ramsey's would be agreeable to requesting a front yard setback Variance, but all of the homes on Brandywine line up.

Mrs. Kellerman noted that the road curves and suggested that possibly the house could be moved so that there would be a three-foot Variance in the front and in the back. She stated that the adjoining homeowners should not have to absorb this problem. Mrs. Kellerman stated that they are putting in a bay window and the house would interfere with the view from the window. She then suggested that the six-foot Variance be in the front.

Mr. Sallee advised that the lot is elevated and if the house is moved forward six feet, it may cause the house to be too high.

Counselor Wilson stated that if the subdivision has private deed restrictions that say the front yard has to be 50', the Board does not have the authority to vary such restrictions.

Chairman Whitton asked if there were private deed restrictions applicable to the front yard. Mr. Sallee stated that he did not know.

Counselor Wilson stated that if the Variance is granted, it would be the applicant's responsibility to check the deed restrictions, and if they exist, the applicant would need to come back to the Board. Counselor Wilson noted that this request was not advertised as a front yard Variance.

Mr. Breidenstein advised that it would take a month to readvertise the request as a front yard Variance and to notify the adjoining property owners.

Mr. Ryan questioned whether the house could be built to be six feet smaller.

Mr. Sallee stated that they had not considered building a smaller house and noted that this is probably the largest lot in the subdivision.


Mr. Breidenstein suggested that the house may be able to be turned on the lot and noted the side yard requirements. He cautioned that there may also be deed restrictions in regard to side yard setbacks.

Chairman Whitton stated that if the Board is unable to determine whether this request represents an encumbrance on the neighborhood without seeing the site, then the Board may want to table the request and visit the site.

Mr. Ryan moved that the request be tabled to allow for the Board to visit the site and that the Board meet again on Wednesday, June 15, 1988 at 7:30 P.M. in regard to this issue. Mr. Archambault seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:30 P.M..

APPROVED:



George D. Whitton, Chairman

ATTEST:



Jan Hancock, Recording Secretary