

REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION
(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 Richard A. Sadoff, Attorney-at-Law
Phone Number 606-586-5300
Applicant's Address 1871 Petersberg Road
Hebron KY 41048
City State Zip
- 4. Description of Request: Conditional Use Permit
for offices; Law and Accounting Office
- 5. Name of Development N/A
- 6. Location of Development 5958 N. Jefferson
Burlington, KY
- 7. Acreage Under Review 118 1/2 X 55
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
17 & 18
- 9. Owner of Property Universal Business Services, Inc.
Phone Number 606-291-8300
- 10. Address of Property Owner 812 Madison Ave.
Covington, KY 41011
City State Zip
- 11. Proposed Use(s) On Site Law & Accounting Office
- 12. Total Square Footage of Existing and/or Proposed Buildings
1,900
- 13. Current Zoning on Property SR2/SC
- 14. Deed Book 435 Page No. 226 Group No. 194
- 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? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. Applicant's Signature: _____
- 19. Property Owner's Signature: _____

Universal Business Services, Inc.

SECTION B

(To be completed by Boone County Planning Commission Staff)

- 1. Date Received 8-9-91
- 2. Fee Received \$ 266.00 R6905
- 3. Is application complete? Yes _____ No
- 4. Staff Reviewer Andy Moore
- 5. Scheduled Board Action Date 9/11/91
- 6. Board Action:
 - _____ Approval
 - Approved with Conditions (See #7)
 - _____ Disapproved (See #8)
- 7. Conditions: (1) the applicant must obtain a permit from the Health Dept. to pave rear yard (2) site plan review, (3) landscaping in planted in front of the house and (4) a minimum of 16 parking spaces.
- 8. Reasons for Disapproval: _____

STAFF REPORT

#2

DEVELOPMENT: law and accounting offices
APPLICANT: Universal Business Services, Inc. (owner)
LOCATION: 5958 N. Jefferson, Burlington, Kentucky
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)
DATE: September 11, 1991

REMARKS:

The applicant is seeking a Conditional Use Permit to allow law and accounting offices to be placed in an existing single-family dwelling unit. The offices would be located at 5958 N. Jefferson, Burlington, Kentucky. The property is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC) and is currently owned by Universal Business Services, Inc.

Article 6, Section 613 of the Boone County Zoning Regulations states that two Conditional Use permitted in any SR-2/SC zoning district are "Accounting, auditing and bookkeeping services" and "Legal services, engineering and architectural services."

The following reviews the criteria that the Board must use to judge all Conditional Use Permit requests:

1. The activity will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or zoning order.

One Objective of the Business Activity Element of the Boone County Comprehensive Plan is:

1. "Commercial uses shall be limited to strategic locations relative to their trade areas with direct access and ample parking space." (p. 5)

The Business Activity Element also discusses the Areas of Future Commercial Activity:

"The various Small Communities should continue to serve the commercial needs of their surrounding areas. New businesses, as they are constructed or as existing businesses are remodeled, should be developed with sensitivity to the historical character of the area.... The Small Community of Burlington, for example, should be revitalized in terms of its commercial opportunities, especially those daytime services which would be available to the many users of the county seat. However, this redevelopment should be done with attention paid to existing traffic, parking, and pedestrian patterns." (p. 95)

2. The activity 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 area.

At this time, the applicant has indicated that the exterior of the existing structure will not be altered but that the entire rear yard will be paved to provide parking for the proposed offices.

3. The activity will not be hazardous to existing or future neighboring uses.
4. The activity be adequately served by essential public facilities and services.

Presently the site is served by a private individual septic system.

5. Excessive additional requirements at the public cost for public facilities and services will not be created or be detrimental to the economic welfare of the community.
6. The proposed use and operation will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor.
7. The vehicular approaches to the property will be designed so as not to create an interference with traffic on surrounding public streets.

At this time, the applicant has not indicated where the access point to the proposed parking lot will be located.

The Board must also consider specific criteria which apply to Conditional Uses in SC zoning districts:

- a. The activity is an integral part of the area's function as a small community center, and is not of the scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center; and
- 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.

STAFF CONCERNS:

1. The applicant has indicated to Staff that no landscaping will be planted around either the existing structure or the proposed parking lot. The

Boone County Zoning Regulations state that "Each site plan and preliminary development plan must contain information pertaining to existing and proposed landscaping, screening, and buffer yards." (p. 17-6) If the Conditional Use Permit is granted, the Board may want to consider making landscaping, such as a minimum of a 5 foot wide landscaped strip between the applicant's parking lot and the Boone County parking lot, a Condition of approval.

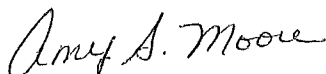
2. Strict application of the Boone County Zoning Regulations would require the applicant to construct eight parking spaces (including one handicapped accessible parking space) to serve the proposed office. The Zoning Regulations does give the Board the some flexibility in deciding upon parking requirements:

"Where there is adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon appeal from a decision of the Zoning Administrator." (p. 18-8)

3. Section 1731 of the Boone County Zoning Regulations state that "All surface runoff created by development of land must be adequately and safely handled by existing natural drainage channels, storm sewers, culverts, or other drainage improvements..." This requirement will be examined prior to the construction of the parking lot during Site Plan Review by the Boone County Planning Commission.
4. The applicant has indicated to Staff that the individual septic system on the site does not have a leach field located in the rear yard. The Board may want to require that the applicant submit documentation from the Northern Kentucky Health Department stating this fact and permitting the applicant to pave the rear portion of the lot.
5. Due to the impact of the proposed parking lot, Staff suggests that the Board require the applicant to receive Site Plan approval by the Boone County Planning Commission prior to construction.

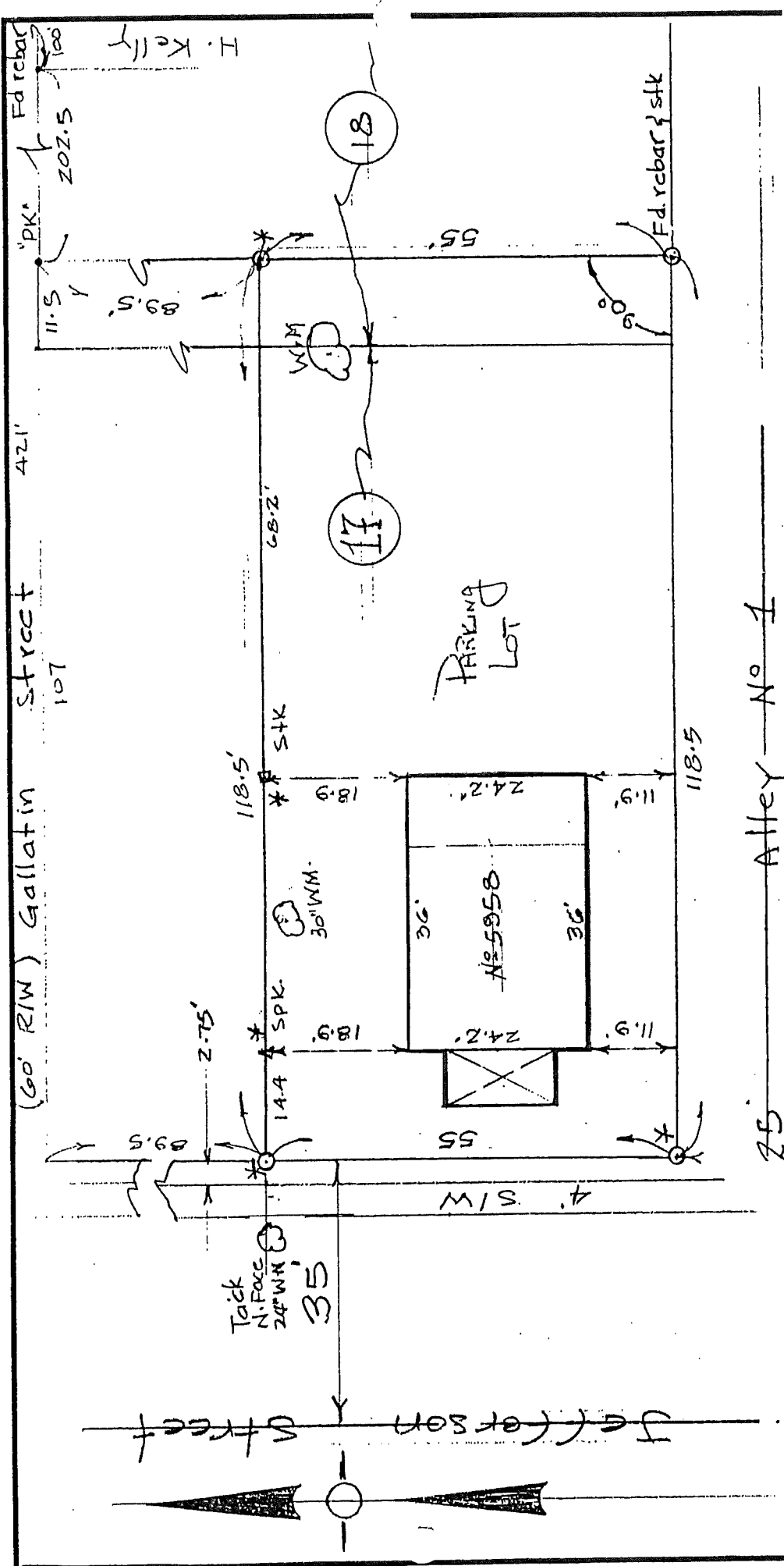
Attached to this Staff Report is a copy of plat survey of the site submitted by the applicant. The locations of the existing structure and the proposed parking lot have been illustrated on the plat.

Respectfully submitted,



Amy S. Moore
Planner I

ASM:kat



* set rebar 2/Jan/91

Alley No 1

PLAT SURVEY N° 5958 N. JEFFERSON ST., BURLINGTON, BOONE CO., KY. FOR RICHARD SADOFF, ATTY. FOR UNIVERSAL BUSINESS SERVICES, INC.	
SCALE: 1" = 20'	APPROVED BY: FB 176/13
DATE: 2/Jan/91	DRAWN BY
GROUP N° 194 PBT/112 - BK. Ref. DB 343/272	REVISED
BOONE CO. RECORDS at BURLINGTON, KY.	
WALTON & WALTON — Civil Engineers — Surveyors BURLINGTON, KY 41005 ••• Phone 555-6617	
DRAWING NUMBER	



COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Universal Business Services, Inc.
812 Madison Ave.
Covington, Kentucky 41011

2. ADDRESS OF PROPERTY
5958 N. Jefferson Street
Burlington, Kentucky 41005

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)
N/A/

DEED BOOK: 435

PAGE NO.: 226

GROUP NO.: 2025

4. TYPE OF RESTRICTION (S) (Check all that apply)

_____ Zoning Map Amendment X Conditional Use Permit
from _____ to _____

_____ Development Plan _____ Conditional Zoning
Condition

_____ Subdivision Plat _____ Other: (Specify)
(unrecorded)

_____ Variance

5. 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

Amy S. Moore

SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

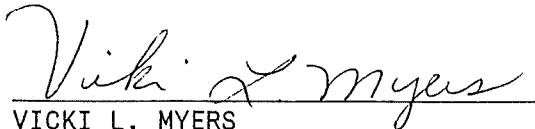
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore

on behalf of the Boone County Planning Commission this 14th day

of October, 1991.

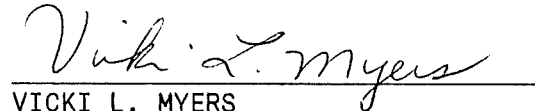


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
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.)

BCPC 01/89

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of September 11, 1991, (Certificate of Land Use Restriction #BCBOA-91-022-A), for Universal Business Services, Inc., property owner.

The above mentioned Conditional Use Permit is approved with the following conditions: 1) The applicant must obtain a permit from the Health Department to pave the rear yard. 2) Subject to Site Plan Review. 3) Landscaping must be planted in the front of the house. 4) There must be a minimum of six (6) parking spaces.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 435 PAGE NO. 226 Group No. 2025