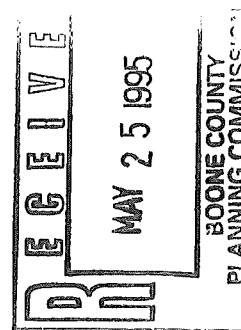


APPLICATION FORM
**BOARD OF ADJUSTMENT
 AND
 ZONING APPEALS ACTION**

(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 BRETT AND STACEY OESTING
 Phone Number 647-1388 Fax No. _____
 Applicant's Address 10439 TRAVIS ST
WALTON KY 41094
 City State Zip
4. Description of Request: PERMISSION TO USE BASEMENT
OF DWELLING FOR SMALL IN-HOME
PRESCHOOL
5. Name of Development _____
6. Location of Development _____
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT # 7 STACEY ACRES SUBDIVISION
9. Owner of Property BRETT AND STACEY OESTING
 Phone Number of Owner 647-1388
10. Address of Property Owner 10439 TRAVIS ST
WALTON KY 41094
 City State Zip
11. Proposed Use(s) on Site IN-HOME PRESCHOOL
12. Total Square Footage of Existing and/or Proposed Buildings
1020 SQ. FT. FOR BACK YARD + 600 SQ. FT. FOR BASEMENT = 1620 SQ. FT.
13. Current Zoning on Property ? R1 B
14. Deed Book 510 Page No. 138 Group No. ~~3058~~ 2058
15. Is the site subject to a zone change? _____
 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. 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: Brett Oesting Stacey Oesting
 Property Owner's Signature: Brett Oesting Stacey Oesting

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 5/25/98 Fee Received \$366.00 KC# 6830
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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

DEVELOPMENT: Day care
APPLICANT: Brett and Stacey Oesting
LOCATION: 10439 Travis Street, Boone County
ZONING: Rural Suburban (RS)
DATE: June 14, 1995

The applicant is requesting a Conditional Use Permit to allow the development of a day care facility within the basement of their existing home. The site is located on the north side of Maher Road near the county line in the Stacy Acres Subdivision (See Sheet #1). The basement level of the home would occupy approximately 1,620 square feet. The home is situated on a 1.70 acre site which drops dramatically to the rear of the home approximately 50 feet away (See Sheet #2). Currently there is enough parking area for three cars along the driveway to the home.

Article 9, Section 923, Item 1 permits nursery and day care centers with a Conditional Use Permit. In addition to the seven criteria the Board must use to determine the appropriateness of a Conditional Use Permit, the Board must also consider the following:

- a) the activity is an integral and subordinate function of a permitted recreational or residential use;
- b) the activity will not contradict the semi-rural character of the district;
- c) require or contribute to infrastructure needs above than common to the permitted uses of the district;
- d) is of direct relation to and in support of the purpose of the district;
- e) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

Surrounding Land Uses and Zoning (See Sheet # 3)

North: Vacant undeveloped land zoned RS
South: Stacy Acre Subdivision zoned RS
East: Stacy Acre Subdivision zoned RS
West: Undeveloped property zoned RS

The 1995 Boone County Comprehensive Plan indicates the future land use for the area as industrial. The text of the comprehensive plan does not make any specific reference to this site.


Staff Concerns

1. The State agency which licenses day care facilities also establishes the type of facility. The type of facility which the applicant is permitted to have is a Type II which permits a maximum number of 12 children. Staff believes that the Board should review this number to determine whether this is an appropriate number or should it be decreased.
2. The applicant does not have public water or sanitary sewer for the site. Therefore, the existing septic system may be inadequate to support the additional volume and may need to be upgraded. Staff believes that the applicant should provide verification which indicates that the system is adequate from the appropriate State agency.
3. Staff believes that the home should remain a home in appearance rather than take on the appearance of a day care/home. Therefore, staff would recommend that pavement area be kept to a minimum and that signage be vary minimal in size if permitted at all.
4. The hours of operation should be established.
5. If the Conditional Use is permitted the applicant would be required to undergo Site Plan Review.

Conclusion

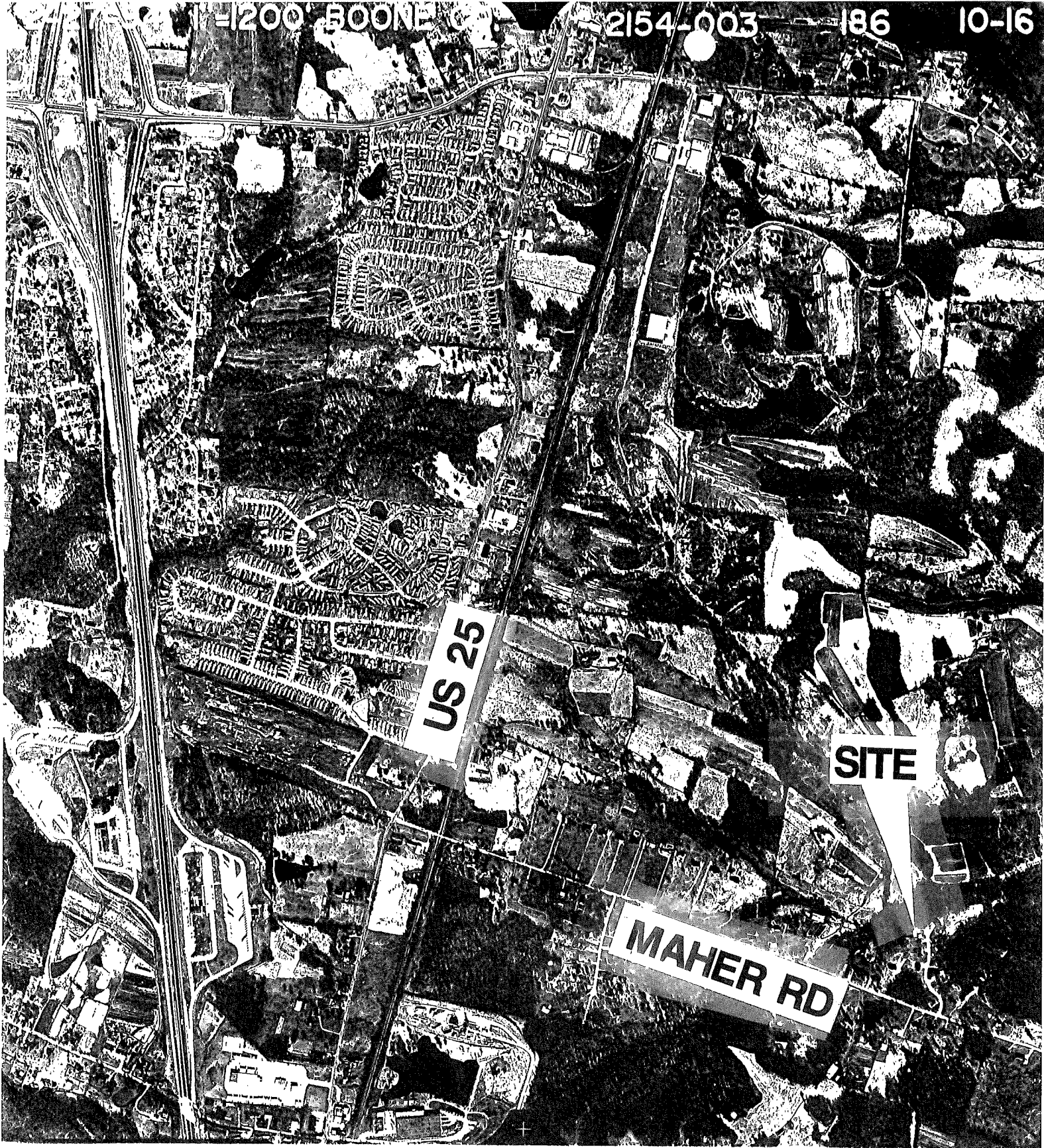
The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the five criteria for a Conditional Use within an RS zone. Staff believes that the proposed use could be compatible and appropriate with the character of the area if the appearance of the home is retained and the number of children is kept small.

Respectfully Submitted,



Jeffrey F. Hayes
Planner

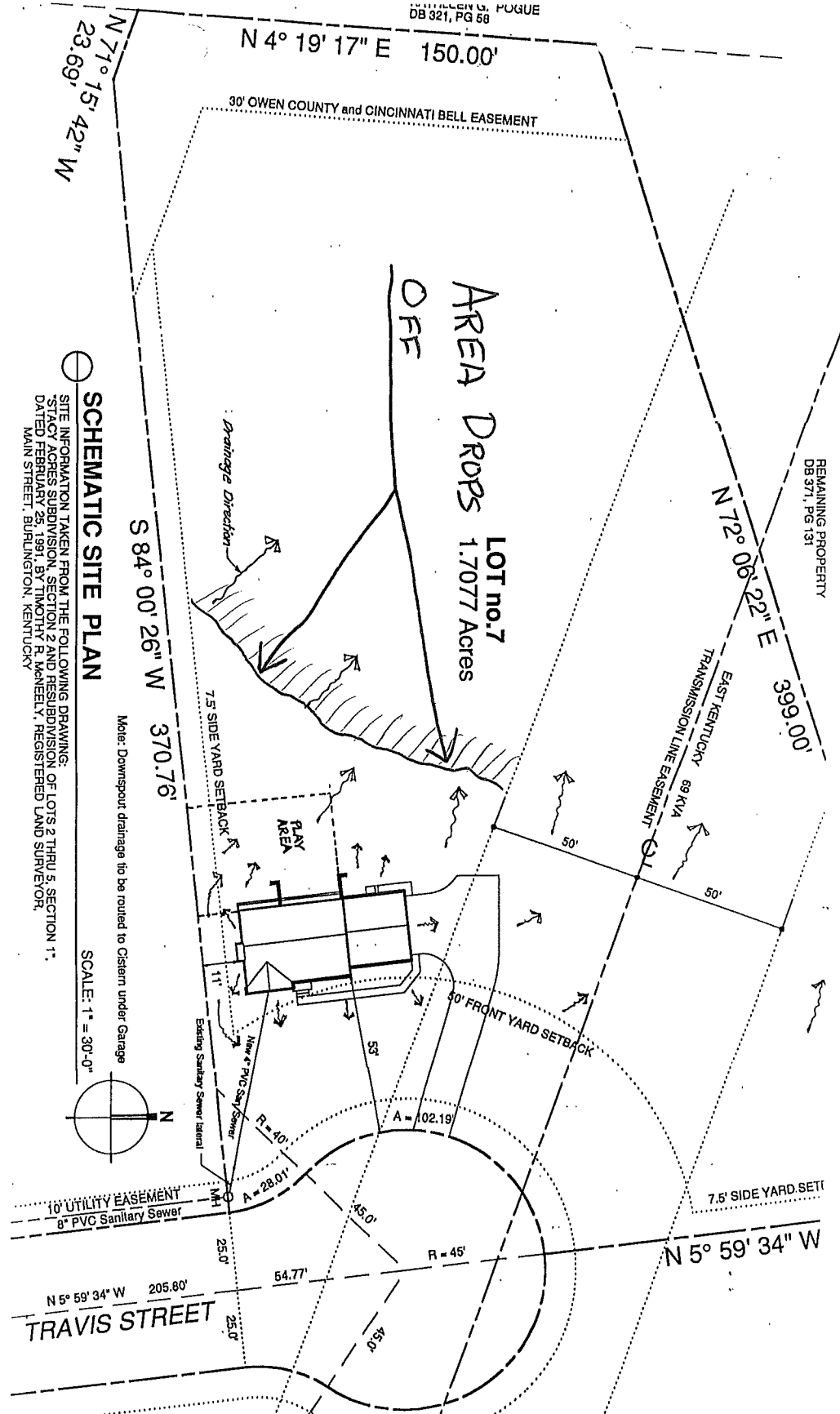
JFH\par



SHEET # 1

LOCATION MAP

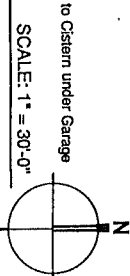




SCHEMATIC SITE PLAN

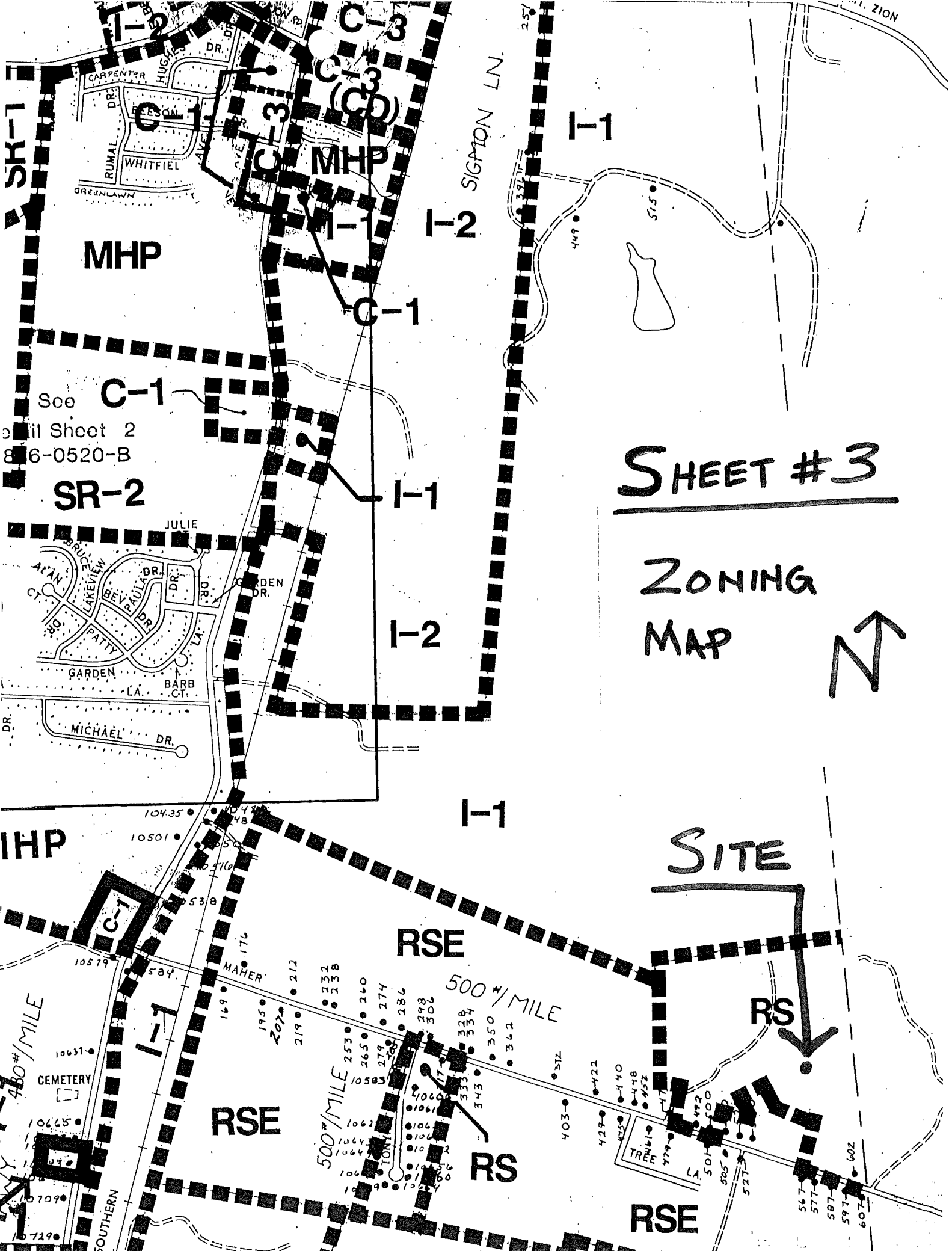
SITE INFORMATION TAKEN FROM THE FOLLOWING DRAWING:
 STACY ACRES SUBDIVISION, SECTION 2 AND RESUBDIVISION OF LOTS 2 THRU 5, SECTION 1,
 DATED FEBRUARY 25, 1991, BY TIMOTHY R. McNEELY, REGISTERED LAND SURVEYOR,
 MAIN STREET, BURLINGTON, KENTUCKY

Note: Downspout drainage to be routed to Cistern under Garage



SHEET # 2

	<p>OESTING RESIDENCE</p> <p>TRAVIS STREET LOT no. 7 WALTON, KENTUCKY BOONE COUNTY</p> <p>OESTING, P.O. Box 18112, Erlanger, KY 41018</p>	<p>CHILDRESS & CUNNINGHAM, INC. ARCHITECTURE & PLANNING</p> <p>11111 STATE STREET, CINCINNATI, OH 45241-1111</p> <p>© 1991 CHILDRESS & CUNNINGHAM, INC.</p>	
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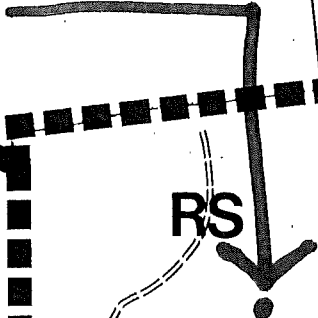


SHEET #3

ZONING MAP



SITE



See C-1
Sheet 2
6-0520-B

SR-2

IHP

RSE

500' / MILE

RSE

500' / MILE

RS

RS

RSE

480' / MILE

CEMETERY

SOUTHERN

ST. ZION

COPY

CLUR # 95-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Brett and Stacey Oesting
10439 Travis Street
Walton, Kentucky 41094

2. ADDRESS OF PROPERTY

10439 Travis Street
Boone County, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 510

PAGE NO.: 138

GROUP NO.: 2058

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

Zoning Map Amendment:: From _____ to _____ Conditional Use Permit

Development Plan Conditional Zoning

Subdivision Plat (Unrecorded) Other:

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



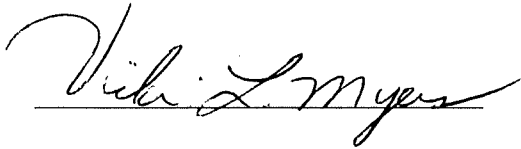
SIGNATURE OF COMPLETING OFFICIAL

Jeffrey F. Hayes, AICP/Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the Boone
County Planning Commission this 5th day of January 1996.

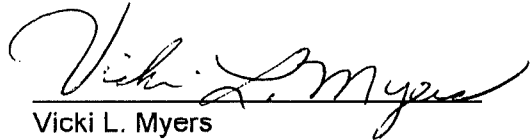


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

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.)

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 July 12, 1995 (Certificate of Land Use Restriction # 95-BCBOA-010-A), for Brett and Stacey Oesting; property owner.

The following conditions will apply: (1). There be a maximum of 20 children, (2), they have sanitary sewer and cistern, (3), there be no signage, other than a sign in the front window, (4), hours of operation are 6:30 A.M. to 6:30 P.M. and there is to be no Saturday, Sunday or holiday operation, and (5), a site plan review is required, which will address the paving of the driveway.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 510 PAGE NO. 138 Group No. 2058

This is a re-submittal, as recorded in Deed BK 520, Page 331.