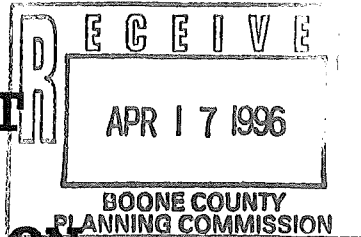


APPLICATION FORM  
**BOARD OF ADJUSTMENT  
 AND  
 ZONING APPEALS ACTION**



(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 Karen M. Forman / Lana J. Albin  
 Phone Number 647-6368 Fax No. \_\_\_\_\_  
 Applicant's Address 8837 Valley Circle Dr.  
Florence Ky 41042  
City State Zip
4. Description of Request: Childcare Center Zoning -  
request for change from current zoning Use 1 to  
Child Care Zoning Use. 40 children
5. Name of Development Building Blocks
6. Location of Development  
5 Bentley Ct. Florence, Ky 41042
7. Acreage Under Review NA
8. Lot Number and Name of Subdivision (if part of a subdivision)  
Dilcrest Manor Lots 7, 9 & pt 11
9. Owner of Property Garcia  
 Phone Number of Owner 371-0111
10. Address of Property Owner Same as above.  
City State Zip
11. Proposed Use(s) on Site Child Care Center  
City State Zip
12. Total Square Footage of Existing and/or Proposed Buildings  
Approx. 1600 sq ft
13. Current Zoning on Property residential
14. Deed Book 210 Page No. 557 Group No. 711
15. Is the site subject to a zone change? not currently  
 If yes, give date of approval \_\_\_\_\_
16. Have you submitted a Site Plan with this request? \_\_\_\_\_
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: Karen M. Forman / Lana J. Albin  
 Property Owner's Signature: Richard J. Garcia, Charlene Garcia

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 April 17, 1996 Fee Received 433.00 R#9834
2. Is application complete?  Yes  No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 5-8-96
5. Board Action:  
 **Approved**  
 **Approved with Conditions (See #6)**  
 **Denial (See #7)**
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: See Minutes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:** Building Blocks

**APPLICANT:** Karen M. Forman and Lana J. Albin

**LOCATION:** 5 Bentley Ct., Boone County, Kentucky

**ZONING:** Suburban Residential One (SR-1)

**DATE:** May 8, 1996

The applicant is requesting a Conditional Use Permit to allow the development of a day care facility within an existing single family home. The site is located on the west side of Bentley Court at the intersection with North Dilcrest (See Sheet #1). The home is approximately 1,600 square feet in size and is currently on a septic system. The home is situated on an approximate .5 acre site. There is currently only enough parking on the site for two vehicles. No parking is permitted on any of the subdivision streets. The residents within the subdivision have expressed a problem with traffic using Bentley Ct. and North Dilcrest as a cut thru to avoid the traffic signal at U.S. 42 and Mall Road during peak times. The applicant's site is situated approximately 300 feet from U.S. 42.

Article 9, of the Boone County Zoning Regulations, permits the development of nursery or day care centers within a Suburban Residential One (SR-1) zoning district with a Conditional Use Permit. The Board must use the following criteria in addition to the seven criteria used to judge a Conditional Use Permit.

- a) the activity is an integral and subordinate function of a permitted use;
- 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.

### Surrounding Land Uses and Zoning (See Sheet #2)

North: Vacant lot zoned Suburban Residential One (SR-1)

South: Single family homes zoned Suburban Residential One (SR-1)

- East:           Single family homes and vacant lot zoned Suburban Residential One (SR-1)
- West:           Michael Tire and Workout America zoned Commercial Two (C-2)

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as Suburban Density Residential. The Land Use Text makes no specific mention to the applicant's site.

### Staff Concerns

1.     The Boone County Zoning Regulations require that a day care facility have a minimum of 6 parking spaces. The parking indicated on Map #3 would not comply with the zoning regulations. The pavement necessary to develop these parking spaces will essentially utilize the majority of the front yard of the house. Staff believes that without substantial landscaping to screen the parking lot area the visual impact to the neighborhood will be significant. Site Plan Review will be required for the development of the site if the Board approves the Conditional Use Permit.
2.     The applicant does not currently have public sanitary sewer for the site. The site is served by a septic system which staff is unaware whether the system is adequate to handle the additional waste produced by the day care facility. Staff believes that verification should be provided from the appropriate State agency for the septic system.
3.     Staff believes that the home should remain a home in appearance rather than take on the appearance of a day care. Therefore, staff would recommend that no exterior changes be made to the home and that no signage be used for the site. If signage is permitted staff believes that only a small free-standing sign of six (6) square feet or less is necessary.
4.     Staff believes that the hours of operation should be established as well as the size of the facility. The applicant has indicated intention of a maximum size of 40 children. The State agency that licences day care facilities will ultimately determine the maximum size of the day care facility which may allow more or less than the 40 children indicated by the applicant.

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 three criteria for a Conditional Use within a SR-1 zone. Staff believes that the proposed use could be compatible if the appearance of the home is retained, landscaping is installed and the number of children is kept small.

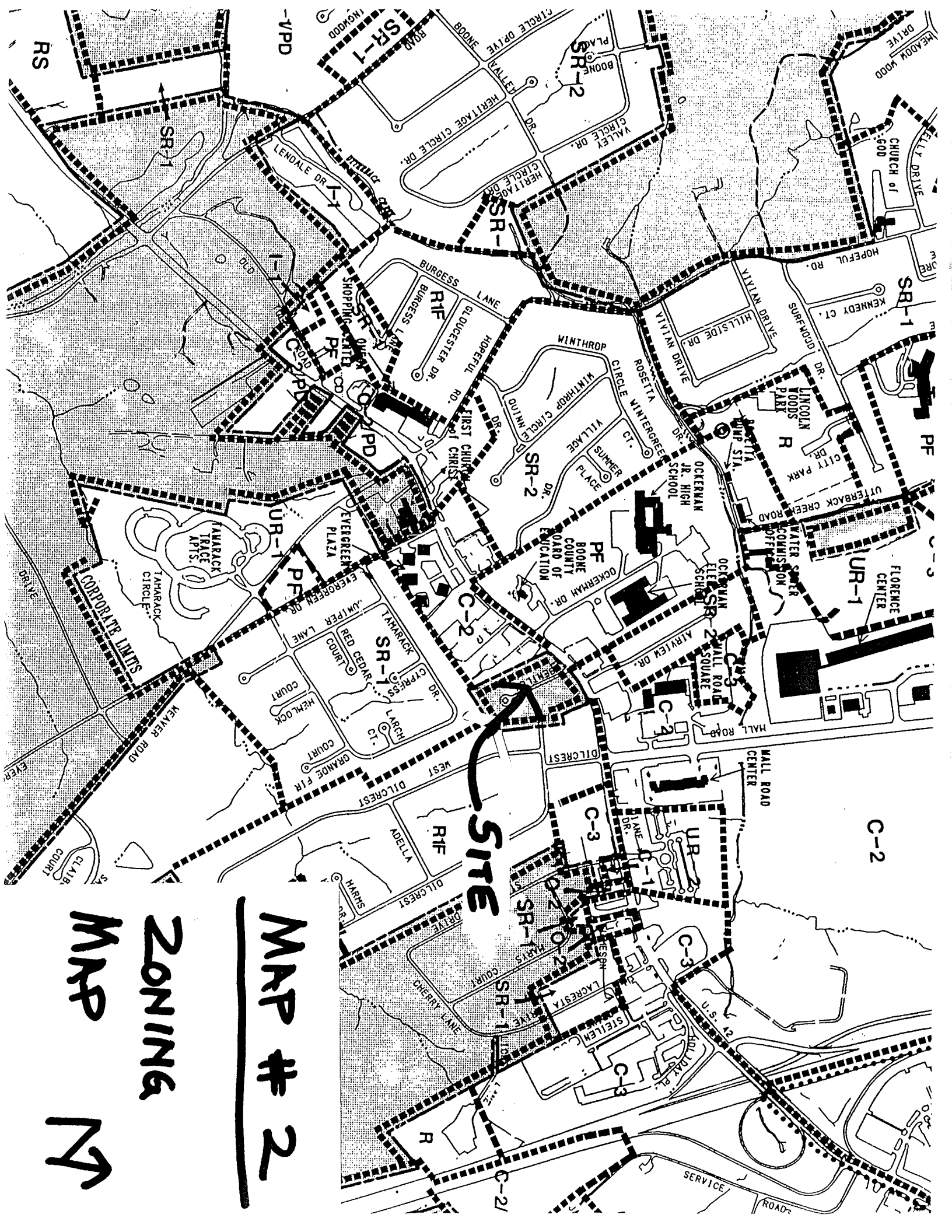
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeffrey F. Hayes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeffrey F. Hayes, AICP  
Planner

JFH\par





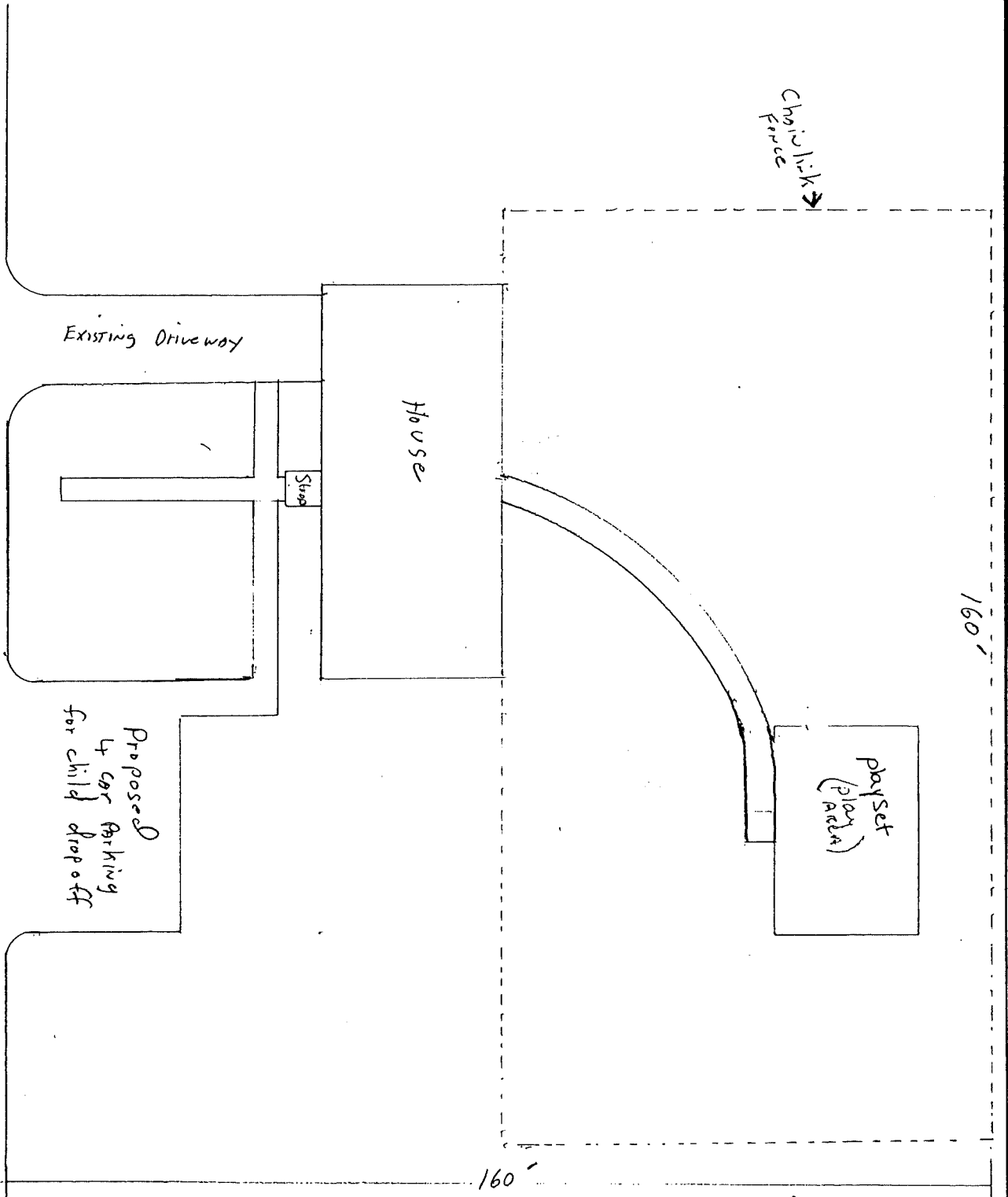
**SITE**

**MAP # 2**

**ZONING**

**MAP N**

Chain link  
Fence →



Existing Driveway

House

Shed

playset  
(play area)

Proposed  
↳ car parking  
for child dropoff

Beverly Court

TO U.S. 42 →

MAP  
#3