

APPLICATION FORM

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) X Boone Florence Walton Union
2. (Check One) X Conditional Use Permit Variance Appeal
3. Applicant's Name Janet Campbell, Phone Number 525-9993, Fax No., Applicant's Address 10179 Tiburon Florence Ky 41042
4. Description of Request: single family expand day care
5. Name of Development N/A
6. Location of Development Southampton Subdivision
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot # 5
9. Owner of Property Janet + Joseph Campbell, Phone Number of Owner 525-9993, Address of Property Owner 10179 Tiburon Florence Ky 41042
11. Proposed Use(s) on Site Child Care
12. Total Square Footage of Existing and/or Proposed Buildings 4600 sq ft
13. Current Zoning on Property SR1
14. Deed Book 336 Page No. 102 Group No. 2057
15. Is the site subject to a zone change? no
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: Janet Campbell

Property Owner's Signature: Janet Campbell

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

712076  
STUDY OF  
10/12/98

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 3-2-98 Fee Received \$482.00 R#16082
2. Is application complete? X Yes \_\_\_\_\_ No \_\_\_\_\_
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 4/8/98
5. Board Action:  
 Approved  
 **Approved with Conditions** (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE MINUTES FROM BCBOA DATED 4/8/98
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

**APPLICANT:** Janet Campbell  
**LOCATION:** 10179 Tiburon Drive, Boone County, Kentucky  
**ZONING:** Suburban Residential One (SR-1)  
**DATE:** April 8, 1998

### Proposal

The applicant is requesting a Conditional Use Permit to allow an expansion of a family day care at 10179 Tiburon Drive in Southampton Estates off of Mt. Zion Road. The property currently operates a family day care within the residence which is permitted in a Suburban Residential One (SR-1) zoning district as an accessory use. The 1996 Boone County Zoning Regulations defines a family day care as: "A home that regularly cares for six or less unrelated (unrelated to the operator) children or adults for the purpose of child care or adult care on a non-residential basis. A family day care must be accessory to a residential use." The property owner currently cares for up to six children on a regular basis. The applicant is requesting that the number of children be increased from a total of six children to twelve children. No alterations to the house are proposed. No signage is permitted.

Article 9, Section 933 of the Boone County Zoning Regulations permits a day care as conditional uses in Suburban Residential One (SR-1) zoning districts. The Boone County Zoning Regulations defines a day care as : "Any facility or home that cares for more than six unrelated (unrelated to the operator) children or adults on a regular basis for the purpose of child care or adult care." The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 933 of the Boone County Zoning Regulations:

The requested use and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals 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.

Surrounding Land Uses and Zoning

The property is surrounded to the south, east, and west by other residences of Southampton Estates. The other residences are zoned Suburban Residential One (SR-1). North of the site are residences that front onto Mt. Zion Road. These residences are also zoned Suburban Residential One (SR-1). The lots within Southampton Estates average approximately 80,000 square feet, which is just under 2 acres.

Staff Concerns/Comments

1. Staff has been told by the applicant that the children average between one and four years in age and that accommodations for the children take place in the basement of the residence. Staff would like to know if the children go outside on a regular basis? If so, during what hours of the day and where?
2. If the applicant's request is approved, the increased number of trips generated to the residence could be as much as 24, if all 12 children were dropped off in the morning and picked up in the evening separately. This number would be offset by the number of average daily trips (10) that would not be generated by the home owner, due to staying at home throughout the day with the children. The average number of trips generated would be 14 or 4 more than the average number of trips generated on a daily basis at a single family detached residence. These numbers are based on studies by the Institute of Transportation Engineers, 1991, 5th Edition.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit to allow an expansion of a family day care at 10179 Tiburon Drive, Boone County, Kentucky. It is Staffs' opinion that the Conditional Use will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations, if no physical changes are made to the property and if the children are inside for most of the day.

Respectfully submitted,

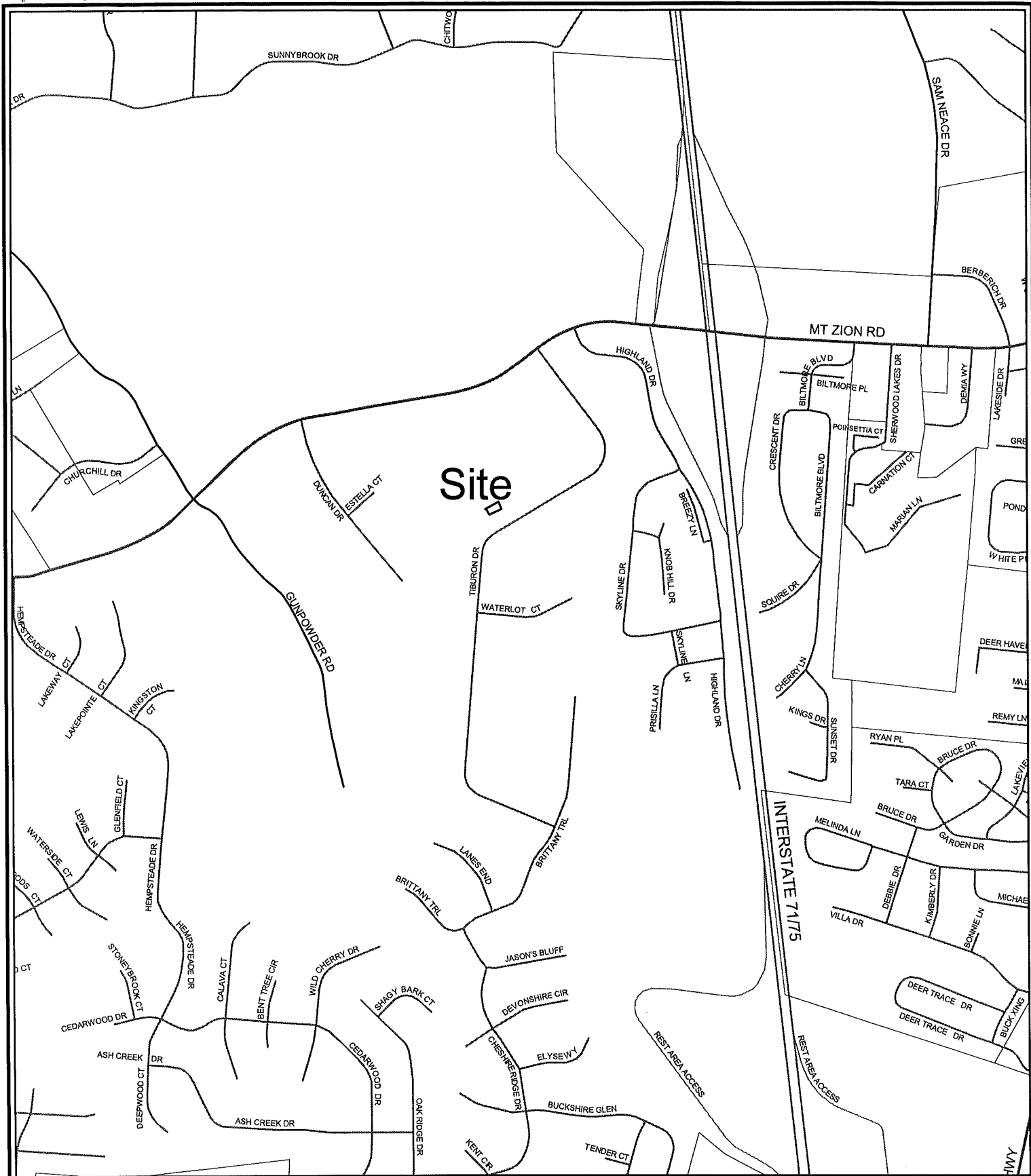


Edward Coleman  
Planner

EC\par

Attachments

- Location Map
- Aerial Photo



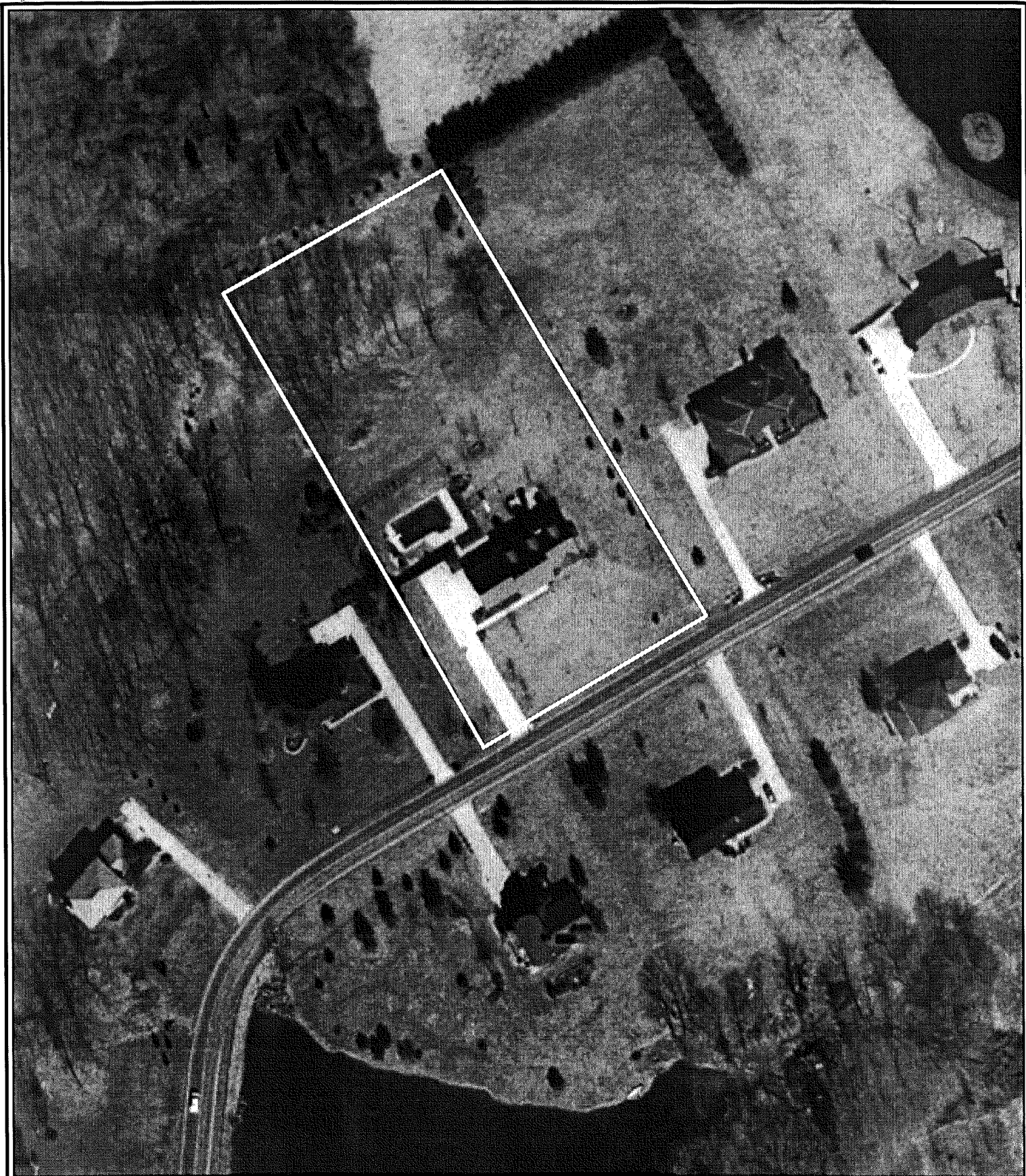
# Campbell Property

## 10179 Tiburon Drive

1100 0 1100 Feet

1 inch equals 1100 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 April 3, 1998

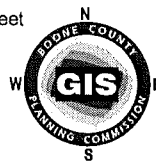




# Campbell Property 10179 Tiburon Drive

100 0 100 Feet

1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 3, 1998



COPY

4-8-98

CLUR # 98-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Janet and Joseph Campbell  
10179 Tiburon Drive  
Florence, Kentucky 41042

ADDRESS OF PROPERTY

10179 Tiburon Drive  
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

\_\_\_\_\_

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PAGE NO.:102

GROUP NO.:2057

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

\_\_\_ Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_

X Conditional Use Permit

\_\_\_ Development Plan

\_\_\_ Conditional Zoning

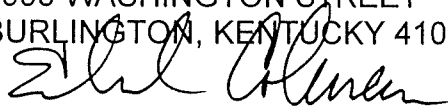
\_\_\_ Subdivision Plat

\_\_\_ 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

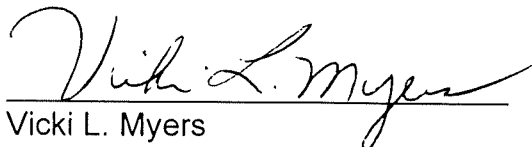
Edward Coleman, Planner

\_\_\_\_\_  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of  
the Boone County Planning Commission this 29th day of April 1998.

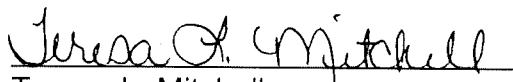


Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell  
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 approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of April 8, 1998 Certificate of Land Use Restriction (# 98-BCBOA -004-A), for Janet Campbell, property Owners

The following conditions will apply: 1). The Family Day Care at 10179 Tiburon Drive may have up to 8 children at any given time. (2) The hours of operation, 7:00 A.M. to 5:30 P.M., are not to change.

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

described in: DEED BOOK 336

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Group No. 2057