

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) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name CALVARY CHAPEL OF NORTHERN KENTUCKY, INC. Phone Number (606) 586-4769 Fax No. Applicant's Address 2566 BETHLEHEM LANE HEbron KY 41018
4. Description of Request: SEE ATTACHED LETTER
5. Name of Development N/A
6. Location of Development N/A
7. Acreage Under Review N/A
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property LEARNING TREE DAYCARE CENTER Phone Number of Owner (606) 282-8355
10. Address of Property Owner 4144 OLYMPIC BLVD, ERRLAND, KY 41018
11. Proposed Use(s) on Site SEE ATTACHED LETTER
12. Total Square Footage of Existing and/or Proposed Buildings 4,000 Sq. Ft.
13. Current Zoning on Property I-2
14. Deed Book 415 Page No. 306 Group No. 2014 B
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? NO
17. Have you submitted a list of adjoining property owners with this request? NO
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: Randy Kendall Woodard Pastor

X Property Owner's Signature: Jean McHuan Director - Learning Tree Daycare

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ZONING APPEALS ACTION  
APPLICATION  
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**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 12-26-97 3/23/98 Fee Received \$300.00 R# 16052  
2. Is application complete? Yes Yes \_\_\_\_\_ No \_\_\_\_\_  
3. Staff Reviewer [Signature]  
4. Scheduled Board Action Date 7/8/98  
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)  
6. Conditions of Approval: See Minutes From 7/8/98 meeting  
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:** Calvary Chapel of Northern Kentucky  
**LOCATION:** 4144 Olympic Boulevard, Boone County, Kentucky  
**ZONING:** Industrial One (I-1)  
**DATE:** July 8, 1998

### Proposal

The Applicant is requesting a Conditional Use Permit to allow church services at the Learning Tree Day Care Center, located at 4144 Olympic Boulevard, Boone County, Kentucky. Olympic Boulevard is located within the Circleport Industrial Office Park. No building additions or site alterations are proposed on the property. The site contains 20 parking spaces. The minimum parking requirement for a church type facility is 1 parking space for every 5 seats.

Article 11, Section 1133 of the Boone County Zoning Regulations permits churches, synagogues, temples and other places of religious assembly for worship within Industrial One (I-1) zoning districts as Conditional Uses. 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 1133 of the Boone County Zoning Regulations:

The following uses and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d. provided the arrangement of uses, buildings, or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Staff Comments

1. Based on the number of existing parking spaces, additional parking would only be required if the number of seats needed within the building for church services exceeded 100. Staff has been informed that the average number of members in attendance on a Sunday is approximately 50. If the request is approved by the Board, and through the growth of the church, the existing available parking becomes exhausted, the property owner should submit a Site Plan to the Planning Commission for additional parking spaces. Parking on Olympic Boulevard is not an alternative.

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 church services within an existing day care facility. It is Staff's opinion that the proposed 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.

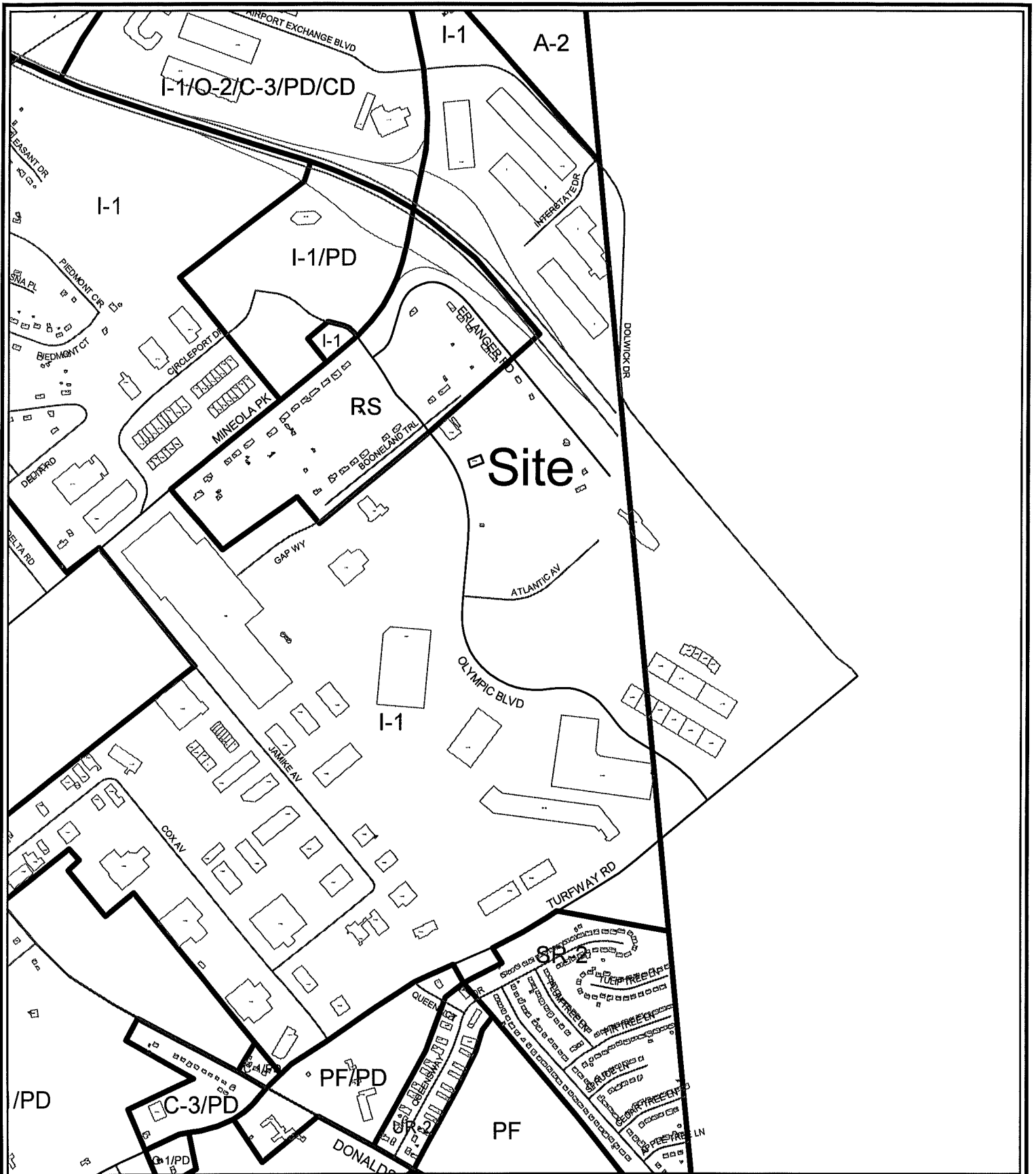
Respectfully submitted,

Edward Coleman  
Planner

EC\par

Attachments

- Location Map
- Aerial Photo



# Learning Tree Day Care 4144 Olympic Boulevard

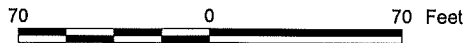
1000 0 1000 Feet

1 inch equals 1000 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
June 24, 1998





Learning Tree Day Care  
4144 Olympic Boulevard



1 inch equals 70 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
June 24, 1998



COPY

CLUR # 98-BCBOA-012-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Learning Tree Daycare Center  
4144 Olympic Blvd  
Erlanger, KY 41018

ADDRESS OF PROPERTY  
4144 Olympic Blvd  
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Learning Tree Daycare Center

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

Zoning Map Amendment:       Conditional Use Permit  
From \_\_\_\_\_ to \_\_\_\_\_

Development Plan       Conditional Zoning

Subdivision Plat       Other:  
(Not Recorded)

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

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 July 8, 1998 Certificate of Land Use Restriction (# 98 BCBOA -012-A), for Learning Tree Daycare Center, Property Owners

The following conditions will apply: 1). Conditional Use is granted with the condition that the use be limited to one hundred people and there is to be no parking on Olympic Boulevard. If attendance exceeds one hundred people they will need to come back and petition the Board to allow additional attendance.

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

described in: DEED BOOK 415

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