

R# 22459

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

RECEIVED  
NOV 17 1999

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 Deborah Eddington  
 Phone Number 606-586-4271 Fax No. \_\_\_\_\_  
 Applicant's Address 1741 NORTH BEND  
HEBRON KENTUCKY 40005  
City State Zip

4. Description of Request: permission to operate an  
in home certified daycare - caring for more  
than six children at a time. some stay 10PM-7AM

5. Name of Development \_\_\_\_\_  
 6. Location of Development 1741 North Bend

7. Acreage Under Review 1.36

8. Lot Number and Name of Subdivision (if part of a subdivision)  
Subdivision - JAMES AYLER #2 and #3

9. Owner of Property Robert Schwing  
 Phone Number of Owner 812-537-9722 10. \_\_\_\_\_  
 Address of Property Owner \_\_\_\_\_  
City State Zip

11. Proposed Use(s) on Site Childcare

12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_

13. Current Zoning on Property RSE

14. Deed Book DB-414 Page No. 70 Group No. 611 2004

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? \_\_\_\_\_

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: Deborah Eddington

Property Owner's Signature: Robert Schwing

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 1-17-99 Fee Received 464.00 RA 20459
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ Approved  
\_\_\_\_\_ Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: The Application was denied For  
the reasons outlined in the  
Dec. 8, 1999 Boone Co. B.O.A.  
and Zoning Appeal Meeting 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

**APPLICANT:** Deborah Eddington  
**LOCATION:** 1741 North Bend Road, Boone County, Kentucky  
**ZONING:** Rural Suburban Estates (RSE)  
**DATE:** December 8, 1999

### Proposal

The applicant is requesting a Conditional Use Permit to allow the operation of a 24-hour day care center, within her home, at 1741 North Bend Road, Boone County, Kentucky. No exterior alterations to the property have been proposed.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Article 2, Section 262 and Article 9, Section 913 of the Boone County Zoning Regulations.

### Article 2, Section 262

Article 2, Section 262 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted. The Board shall consider whether or not, the intended use:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. 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 same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;

6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

#### Article 9, Section 913

Article 9, Section 913 of the Boone County Zoning Regulations permits a day care as a Conditional Use in Rural Suburban Estates (RSE) zoning districts. The Boone County Zoning Regulations define a nursery school or daycare as: a "facility or home that cares for more than six unrelated (to the operator) children or adults on a regular basis for the purpose of child care or adult care." The requested day care 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 agricultural, recreational, or residential use; or
- b. the activity will not contradict the semi-suburban, open space character of the district;
- c. require or contribute to infrastructure need above that common of the district's permitted uses;
- d. is of direct relation to and in support of the purpose of the district; and
- 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

The property abuts single-family residences to the north and south. An open field is located on the east side of North Bend Road. All of the adjoining parcels are zoned Rural Suburban Estates (RSE).

#### Staff Comments

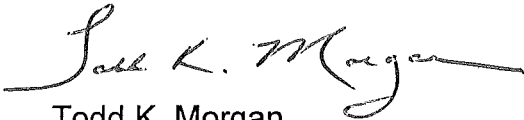
1. If the day care operation is approved, it will have to undergo minor site plan review. Staff will require the applicant to furnish six parking spaces (Section 3325), a 20' wide driveway (Section 3323), and a street frontage landscape buffer (Section 3720).

2. Staff is concerned about the number of traffic trips and times they will be generated. This is an issue because the surrounding area is all residentially zoned.
3. Staff recommends that a fence be installed around a designated play area. Staff received a phone call from a concerned citizen about the possibility of children wandering off the applicant's property.

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 a day care facility at 1741 North Bend Road, Boone County, Kentucky. It is Staff's opinion that the Conditional Use Permit, if granted with conditions, 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 nuisance to the public, and will not allow an unreasonable circumvention of the zoning regulations.

Respectfully Submitted,



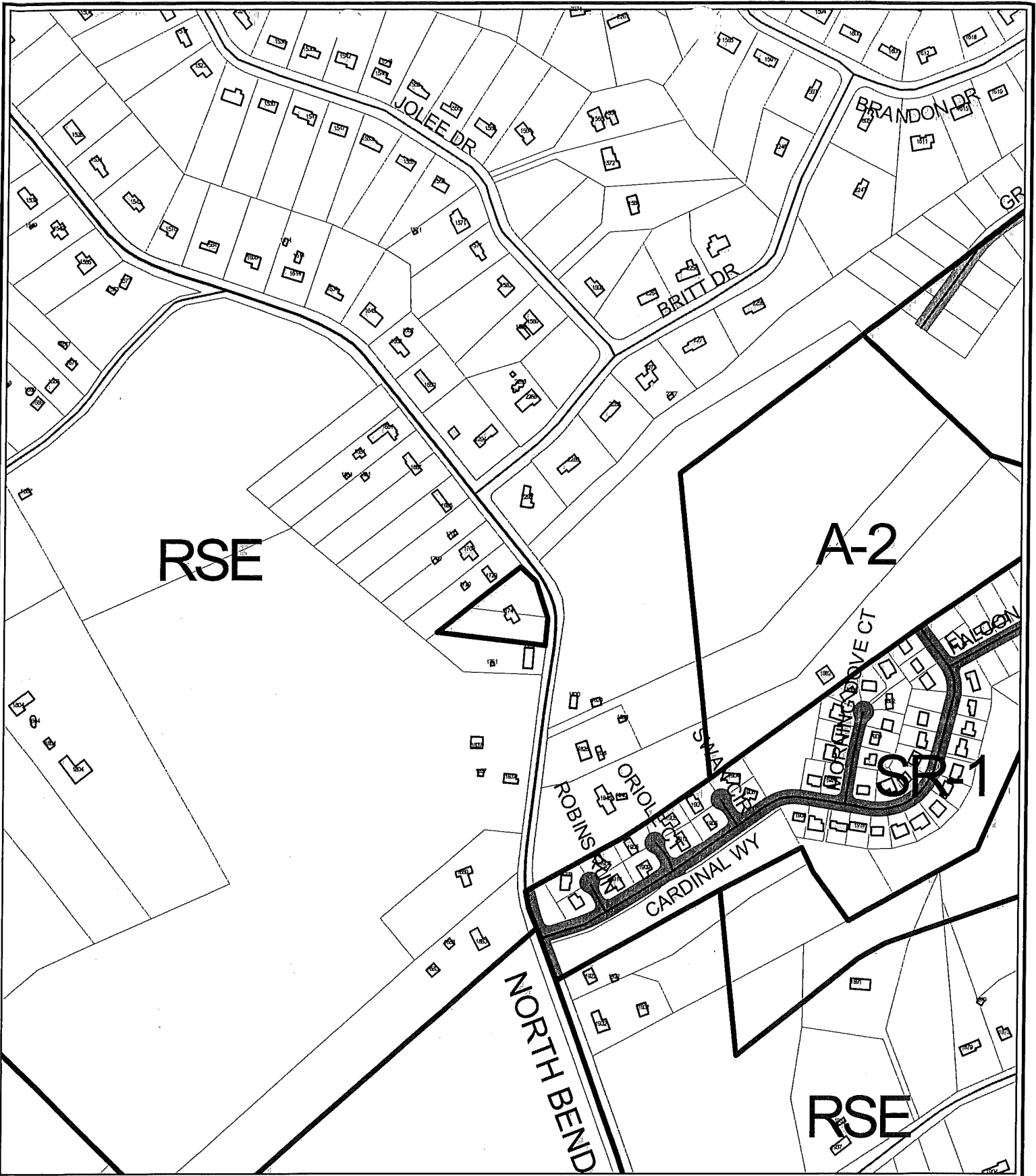
Todd K. Morgan  
Planner

TKM/pr

Attachments

- Site Vicinity Map
- Zoning Map





# Zoning Map

## 1741 North Bend Road

450 0 450 Feet



1 inch equals 450 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 December 1, 1999

