

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 DR. STEWART BIEDERMAN, Ed. D.  
Phone Number 513-922-5552  
Applicant's Address 3274 Westbourne Ave  
Cincinnati Ohio 45248  
City State Zip

4. Description of Request: To Build A Child Care Center  
which is A Conditional Use of Oz.

5. Name of Development Biederman Educational Center

6. Location of Development Dream St.

7. Acreage Under Review 1.10 Acre

8. Lot Number and Name of Subdivision (if part of a subdivision)

✓ 9. Owner of Property Monahan Development Co.  
Phone Number 283-1140

✓ 10. Address of Property Owner 7711 Tanners Lane  
Florence, Ky 41042  
City State Zip

11. Proposed Use(s) On Site Child Care Center

12. Total Square Footage of Existing and/or Proposed Buildings  
6000 Sq Ft

13. Current Zoning on Property Oz

14. Deed Book 197 Page No. 631 Group No. Lot 6

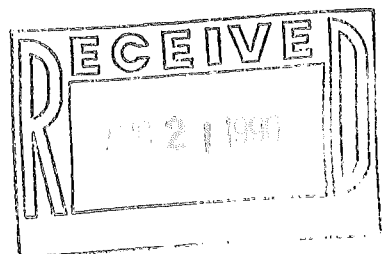
15. Is the site subject to a zone change? no  
If yes, give date of approval \_\_\_\_\_

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. Applicant's Signature: Stewart Biederman

✓ 19. Property Owner's Signature: Edward S. Monahan



SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 8/21/90
2. Fee Received \$516.00
3. Is application complete?  Yes  No
4. Staff Reviewer Clay Moore
5. Scheduled Board Action Date 9/12/90
6. Board Action:  
 Approval  
 Approved With Conditions (See #7)  
 Disapproved (See #8)
7. Conditions: 6 ft. high chain link fence will be erected around the proposed play area
8. Reasons For Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## STAFF REPORT

#2

DEVELOPMENT: child day care center  
APPLICANT: Dr. Steward Biederman, Ed. D.  
LOCATION: northwest side of Dream Street in Florence, Kentucky  
ZONING: Office Two (O-2)  
DATE: September 12, 1990  
REMARKS:

The applicant is seeking a Conditional Use Permit to allow the construction of a child day care center. The center is to be located on the northwest side of Dream Street in Florence, Kentucky. The property is zoned Office Two (O-2) and is presently owned by Edward S. Monohan.

Article 10, Section 1020 of the Boone County Zoning Regulations states that one conditional use permitted on any site zoned Office Two (O-2) is "nursery and child care centers."

The following reviews the criteria that the Board must use to judge all Conditional Use Permit requests:

1. The activity will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or zoning order.

The 1990 Boone County Comprehensive Plan makes two references to commercial and service activities in this area of Florence.

Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate.  
(p. 220)

The area east of I-75, north of U.S. 42 and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence. A mixture of office, retail, commercial, recreational, and residential development is the goal.  
(p. 221)

2. The activity, as illustrated on the attached Site Plan, 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 area.

3. The child day care center will not be hazardous to existing or future neighboring uses.
4. The activity will be adequately served by essential public facilities and services.
5. Excessive additional requirements at the public cost for public facilities and services will not be created or be detrimental to the economic welfare of the community.
6. The proposed use and operation will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor.
7. The vehicular approaches to the property will be designed so as not to create an interference with traffic on surrounding public streets. Although there is currently a traffic problem in this vicinity, the applicant plans to construct only one additional access point on Dream Street.

The Board must also consider specific criteria which apply to Conditional Uses in O-2 zoning districts:

- a. The activity is provided for primarily and obtains the bulk of its trade from the use and support of the public employed in the district, or the activity is of integral relation to the purposes of the district.
- b. 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.
- c. The arrangement of uses, buildings or structures is mutually compatible with the organization of permitted accessory uses to be protected in the district.

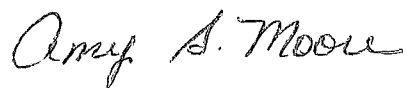
Staff Concerns:

1. Staff is concerned with the noise that is generated by activities around this site. The 1994 Noise Exposure Map indicates that this site is located within the 70 Ldn Noise Exposure Contours. The rear of the property also abuts Interstate 75 and the entrance ramp onto Interstate 75 that is presently under construction.
2. A second concern is for the safety of the children at the day care center. Since the site is located adjacent to Interstate 75, the Board may want to consider requiring the applicant to construct a specific type of fence around the proposed play areas to prevent the possibility of children leaving the property. An approximately

8 foot high chain link fence also runs along the east side of Interstate 75.

Attached to this report is a drawing of the facility that the applicant proposes to construct on this site and a letter with some additional information regarding his plans.

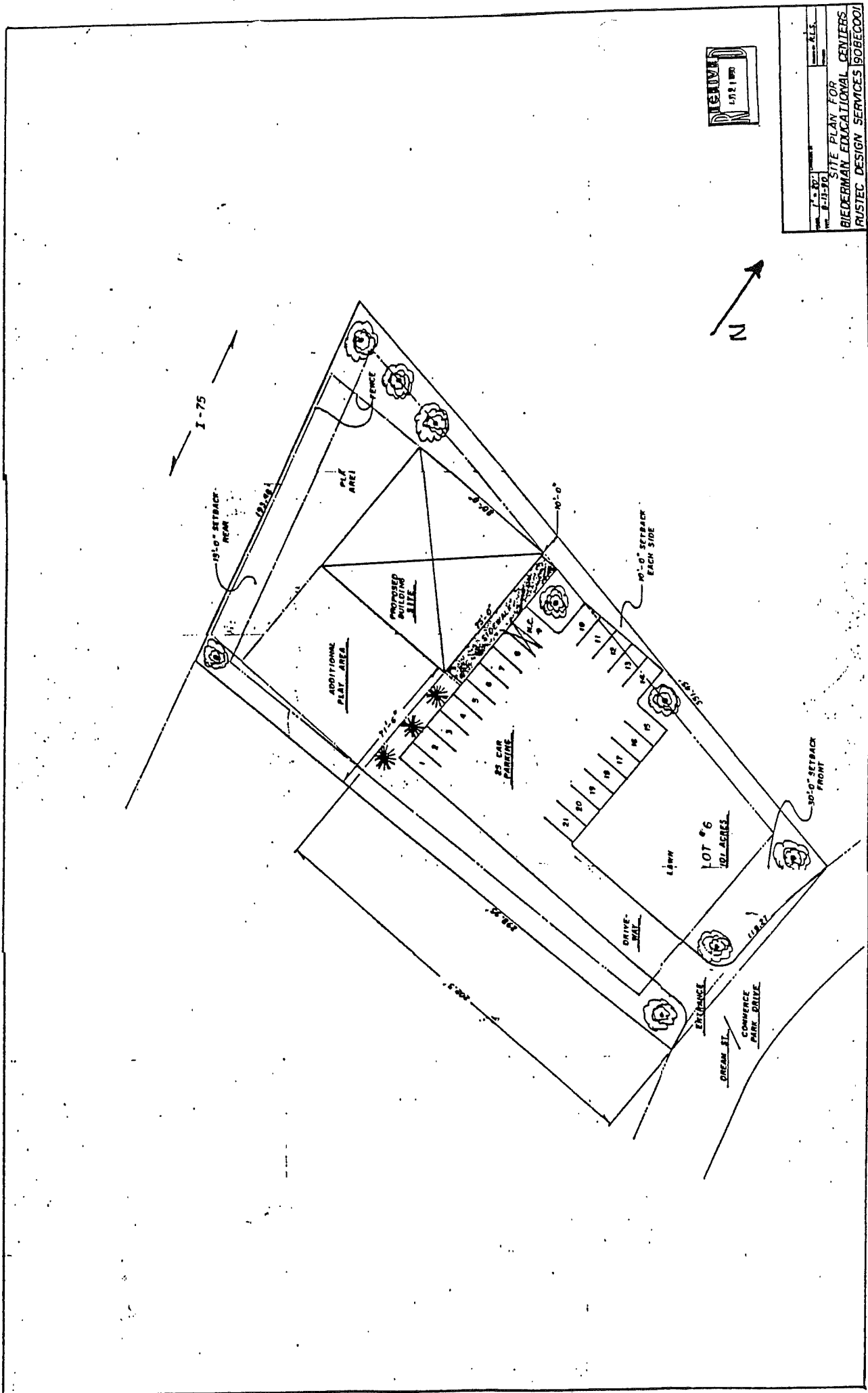
Respectfully Submitted,

A handwritten signature in cursive script that reads "Amy S. Moore".

Amy S. Moore  
Plans Examiner/Planner I

ASM:kat

# Biederman Educational Center Conditional Use Permit



# Biederman Educational Centers

8/20/90

Dear Ms. Moore,

We believe the plan we are submitting demonstrates that this site is very appropriate for a child care center.

We will have twenty one parking spaces when only ten are required. We will also have 5,000 sq. ft. of play area while only 1400 sq. ft. (50 sq. ft. per child using the play area at same time) is required. We have shown a large "additional play area" that will be used until such time that future expansion is justified.

Most of our rooms are filled with a waiting list at our Turfway Rd. location and we believe that this new location will better serve some of our customers who are driving past Dream St. to reach our Turfway location. Our new location will create openings for new customers in the Turfway area as well as provide much needed child care to the Dream St. area.

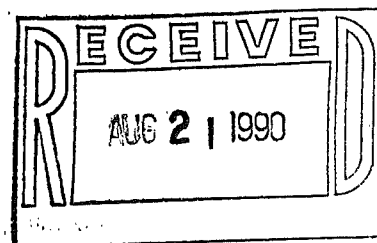
We have been in business for over eleven years and believe that this new location will greatly benefit the community.

Please feel free to contact me if you have any questions.

Sincerely,



Stewart Biederman, Ed.D.  
922-5552



5195 North Bend Road  
Cincinnati, Ohio 45211  
662-4080

3274 Westbourne  
Cincinnati, Ohio 45248  
922-5552

5314 Foley Road  
Cincinnati, Ohio 45238  
922-1147

7220 Turfway Road  
Florence, Kentucky 41042  
371-7575

FLORENCE BOARD OF ADJUSTMENT  
BUSINESS MEETING

September 12, 1990 - 7:30 P.M.

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Mr. Charles Holland, Chairman, called the meeting to order at 7:30 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Mr. Ewing  
Chairman Holland  
Mrs. Ward  
Mr. White

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Holland stated that the Board members had received a copy of the Minutes of the Board of Adjustment Meeting of August 8, 1990 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Ewing moved that they be approved as mailed. Chairman Holland seconded the motion and it carried unanimously.

Agenda Items:

1. The request of James T. Bowling for a Variance in the minimum front yard setback requirement. The 0.25-acre (approx.) site is located at 8467 Partridge Circle, Florence, Kentucky. The property is zoned Residential One Family (R1F) and is owned by James T. Bowling.

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland asked if there was anyone present who wished to speak in regard to this request.

Mr. James Bowling, the applicant, was present but stated that he had nothing to add to the Staff Report.

There being no discussion of the request, Mr. White moved that it be approved granting the 2½-foot Variance. Mr. Ashcraft seconded the motion and it carried unanimously.

2. The request of Dr. Stewart Biederman, Ed. D., for a Conditional Use Permit for a child day care center. The 1.10-acre site is zoned Office Two (O-2) and is located on the northwestern side of Dream Street, Florence. The property is owned by the Monohan Development Company.

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

In response to a question from the Chairman, Mrs. Moore advised that the Comprehensive Plan indicates that day care centers should be located in the area of an employment district so that the employees in the area can use the facility.

Chairman Holland asked if there was anyone present who wished to speak in regard to the request.

Mr. Ed Mulligan advised that based on the current zoning, the development will have to be all offices. It is not really a restaurant district.

Mr. Ashcraft questioned the affect of the noise of the airplanes on the facility, as well as the noise of I-75. He also asked about the ages of the children.

Dr. Biederman advised that the children will be from 18 months to Kindergarten age. He added that they have a 4-foot chainlink fence in all of their centers and they do not turn a lot of children loose at once. Their child/staff ratio is the same outside as it is inside. He stated that this part of the street is a quiet area. The location is close to the expressway exit and is set back from the traffic problems.

Chairman Holland questioned the hours of operation and Dr. Biederman advised that the facility is open from 6 A.M. to 6 P.M.. Chairman Holland asked that the applicant address the issue of the fence.

Mr. Ewing noted that there is an 8-foot chainlink fence on each side. Mr. Ashcraft noted that this fence belongs to the Highway Department.

Dr. Biederman stated that he is concerned about the safety of the children, but an 8-foot fence seems too high.

Chairman Holland asked if this building will look exactly like the one on Turfway. Dr. Biederman stated that it will be basically the same, but there will be some changes.

Chairman Holland asked if it would be a circular driveway, or pull-in and pull-out. Dr. Biederman advised that it is a pull-in and pull-out type of entrance.

Mrs. Moore advised that there is more parking on the site than the regulations require, which should help with the parents coming in. Mr. Ewing added that there are 21 parking spots and they only need ten.

Mr. White noted that when the new north/south runway opens, the flights will go right over this site. He advised that the airport will show people how to soundproof buildings in the flight path. Mr. White asked if the noise level is a proper consideration.

Counselor Wilson advised that it is a proper consideration in the overall question of whether the proposed use is suitable for the location. He noted that this is not a mandatory school for children.

Chairman Holland commented that he believes it would be better to soundproof the building now, rather than later. He noted that it may be a selling feature that the building is relatively soundproof.

Staff advised that the site is in the 70 LDN Zone. Counselor Wilson stated that he believes 70 LDN is not recommended for residential use. In the 70 LDN zone, you have to stop talking when you are outside and a flight goes over. Counselor Wilson advised that it is appropriate to let the applicant know the site is in the 70 LDN and he may want to take steps to make his business viable in this location.

Chairman Holland asked that the issue of the fence be resolved.

Dr. Biederman stated that the full-day program has children up to Kindergarten age, but the before and after school program has children up to age 8. He stated that a six-foot fence would be fine.

There being no further discussion, Chairman Holland moved that the Conditional Use Permit be granted, subject to the condition that there be a six-foot chainlink fence, and with a recommendation that they add soundproofing in consideration of the LDN and investigate the new regulations regarding noise. Mr. Ashcraft seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. White moved that the meeting be adjourned. Chairman Holland seconded the motion. The meeting was adjourned by unanimous consent at 8:40 P.M..

APPROVED:

  
Charles F. Holland, Chairman

Attest:

  
Jan Hancock, Recording Secretary

Jan Hancock, Recording Secretary