

Staff Report

Bourbon County Joint Board of Adjustment
July 20, 2021

Case Number: CUP 21-03
Applicant: Shawn & Kennon Rose
Location: 259 Houston Ave
Request: Conditional Use Permit
Child Care Facility
Zoning: R-1 (Residential)
Application Date: June 29, 2021
Legal Ad Publication Date: July 8, 2021



Proposal:

Applicant requests a conditional use permit to increase the capacity of existing childcare facility to 23 children.

Background:

Currently, in-home child-care facilities are permissible by conditional use if over 5 children are present and approved by state review. On May 19, 2020, the applicant was approved for up to 12 children. Since this time, the applicant has invested in renovations to the first floor of the rear building and has applied for approval from the State Cabinet for Health and Family Services for up to 22 children.

Parcel 026-70-23-024.00

Owner: Shawn & Rose Kennon

Parcel Size: .5+ acres

Existing Structure(s): Primary single-family residence and rear detached garage/second story apartment space.

Surrounding Zoning: Residential (R-3 or R-1)

Floodplain: No

Parking: There is a 150 ft. length driveway to the rear building.



Ingress/Egress: There are two entrances to access the daycare space on the second level and one entrance on the first level.

Fire Safety: According to the applicant, monthly fire drills are conducted with the children. An exit sign marks the door to exits. There are fire extinguishers located in the kitchen area one each floor. A fire escape plan has been submitted to the Paris Fire Department.

State licensing information provided by applicant. Upon approval, applicant will seek state-approval from the Cabinet for Health and Family Services.

According to the City of Paris Zoning Ordinance, the following criteria shall be met for a home occupation:

- ✓ The operator must be a resident in the principal building on the property.
- ✓ No more than one person, not a resident on the premises may be employed regularly.
- ✓ The use will not occupy more than 25% of the total floor area of the dwelling.
- ✓ The use does not change the appearance of the residence.
- ✓ The use does not adversely affect the immediate neighborhood by excessive traffic generation, noise, or similar nuisance.

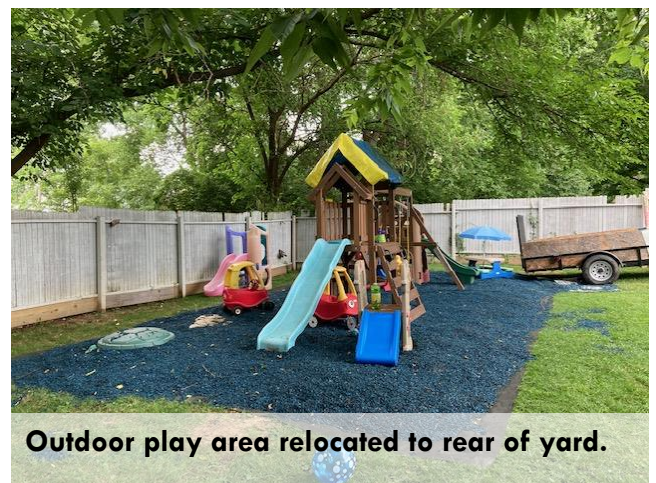
A “conditional use” is a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

A “conditional use permit” is the legal authorization to undertake a conditional use...as authorized by the board of adjustment, consisting of:

1. A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and
2. A statement of the specific conditions which must be met in order for the use to be permitted.



New staircase constructed in front.



Outdoor play area relocated to rear of yard.



View of parking area from front gate.

Based on staff review, Staff recommends APPROVAL of CUP 20-01 to allow a child care facility for a maximum of 22 children as the application meets the requirements of the City of Paris Zoning Ordinance. This property currently operates as a child care facility and the expansion of this within the existing structure would not negatively affect the health, safety, and welfare of the community. This approval is recommended with the following conditions:

- Applicant shall provide all approved state-licensing paperwork to the Bourbon County Joint Planning Office prior to operation of expanded facility.
- Applicant allocated 2 drop off/pick up times for families to control traffic.
- The Board shall have power to revoke the conditional use permit if non-compliance occurs.



SHOWN: INTERIOR FIRST FLOOR SPACE HAS BEEN INSPECTED AND APPROVED BY STATE INSPECTOR WITH CERTIFICATE OF OCCUPANCY. IN FUTURE, PLAN WOULD BE TO USE FIRST FLOOR SPACE FOR 24-36 MONTHS (UP TO 10) AND SECOND FLOOR SPACE FOR 3-5 YEAR OLDS (UP TO 12).