

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



SEP 12 2007

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name CARL DOMASCHKO JR
Phone Number 859 393-2315 Fax No. 859 371-0100
Applicant's Address 14553 WALTON VERONA RD
VERONA KY 41092
City State Zip
4. Description of Request: SEE ATTACHED
5. Name of Development N/A
6. Location of Development 14553 WALTON VERONA RD
VERONA KY 41092
7. Acreage Under Review 1.43 +/-
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property DOMASCHKO TRUST
Address of Property Owner 14553 WALTON VERONA Phone No. 859 485-7505
10. VERONA KY 41092
City State Zip
11. Proposed Use(s) on Site SEE ATTACHED
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property RSE + A-2
14. Deed Book 208 Page No. 416 Group No. 2085
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. 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: [Handwritten Signature]

Property Owner's Signature: Catherine Domaschko Trustee

**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 9-12-07 Fee Received \$621.00 (A) 541609
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/10/07 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 10/10/07 BCBOA
MEETING MINUTES + CLKR
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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: Carl Domaschko, Jr.
LOCATION: 14553 Walton Verona Road, Boone County, Kentucky
ZONING: Rural Suburban Estates (RSE) & Agricultural Estate (A-2)
DATE: October 10, 2007

Proposal

The Applicant is requesting a Conditional Use Permit to allow seasonal agricultural sales and a haunted hayride with concession sales at the above referenced location (see attachments). These activities are already occurring on the property in some capacity.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order.

Article 6, Section 623 of the Boone County Zoning Regulations permits "roadside stands, farmers mart and similar sales uses of agricultural and related products including specialty crafts and foods (Site Plan Review required)" and "botanical gardens and arboretums, nature preserves, wildlife habitats and other natural exhibitions (Site Plan Review required)" as Conditional Uses in the A-2 zone.

Article 9, Section 913 of the Boone County Zoning Regulations permits "country clubs, clubhouses, lodges, and similar places of assembly entertainment including the operation of eating and drinking establishments with alcoholic beverages (Site Plan Review required)" as Conditional Uses in the RSE zone.

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

Article 33, Section 3312 of the Boone County Zoning Regulations states that "all parking areas shall be striped to facilitate movement into and out of the parking stalls."

Article 33, Section 3314 of the Boone County Zoning Regulations states that "all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface."

The Board shall evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262, 623, and 913 of the Boone County Zoning Regulations.

The "general standards" listed in Section 262 include:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective 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 not be hazardous to existing or future neighboring uses;
4. Will be served adequately 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 such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not 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 designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 6, Section 623 of the Boone County Zoning Regulations allows the proposed uses in the A-2 zone as Conditional Uses provided:

- A) The activity is an integral part of the agricultural or residential use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or
- B) The activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district; and
- C) Provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Article 6, Section 913 of the Boone County Zoning Regulations allows the proposed uses in the RSE zone as Conditional Uses 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.

Relationship to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Map" designates the vast majority of the site for Rural Lands (RL) uses, areas along the Walton Verona frontage for Rural Density Residential (RD) uses, and areas along the southwest boundary of the site for Developmentally Sensitive (DS). The designations are defined as follows:

Rural Lands (RL): Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision.

Rural Density Residential (RD): Low density residential uses of up to one dwelling unit per acre.

Developmentally Sensitive (DS): Areas that have an existing slope of twenty percent or greater for a height of 20 meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project...

The Land Use Element (Stephenson Mill Area, pg. 149) states the following regarding the overall area:

This section of Boone County contains the majority of the land between I-71 and I-75. There has been discussion regarding a possible future interchange on I-75 south of Walton, most likely to be located in Kenton County. Much of the land around Mud Lick Creek and its tributaries is Developmentally Sensitive and should experience limited single family construction.

Site Characteristics

The site is approximately 143 acres in area and has approximately 545 feet of road frontage along Walton Verona Road. An approximate 20' wide gravel driveway provides access to a single-family residence and several farm structures which are located on the property. The topography of the site is rolling to severe, with the high point (approximately 920' above sea level) located near Walton Verona Road and the low point (approximately 820' above sea level) located along the southwest property line.

Surrounding Land Uses and Zoning

North: Single-Family Residential Dwellings and Farms Fronting on Walton Verona Road and Stephenson Mill Road (A-2 & RSE).

South: Single-Family Residential Dwellings and Farms Fronting on Walton Verona Road (A-2, RSE, and SR-1/SC).

East: Walton Verona Road and Single-Family Residential Dwellings (RSE & A-2)

West: 125 Acre Farm Fronting on Rosenteil Road (RSE & A-2)

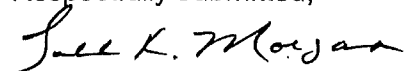
Staff Comments

1. Staff would like the Applicant to answer the following questions:
 - A. How many weeks a year is the haunted hayride run?
 - B. What are the hours of operation?
 - C. How many visitors have they ever had in an evening?
 - D. Is or will the parking area covered with gravel or mulch?
 - E. Have any neighbors ever complained about the guests or lighting?
 - F. Do other seasonal activities or sales take place on the farm? Do all sales occur from the barn?
2. Staff would like to make the Board and Applicant aware that the portable sign that has been placed near the right-of-way is an illegal sign. Section 3408 of the Boone County Zoning Regulations prohibits these type of signs in all zoning districts.
3. Staff has attached a GIS Map showing that the hayride trail is more than 200 feet from all adjoining properties. The parking area, lighting, and signage are located in closer proximity to Walton Verona Road.
4. The Board needs to consider if the request will have any unreasonable impacts on the adjoining property owners.

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

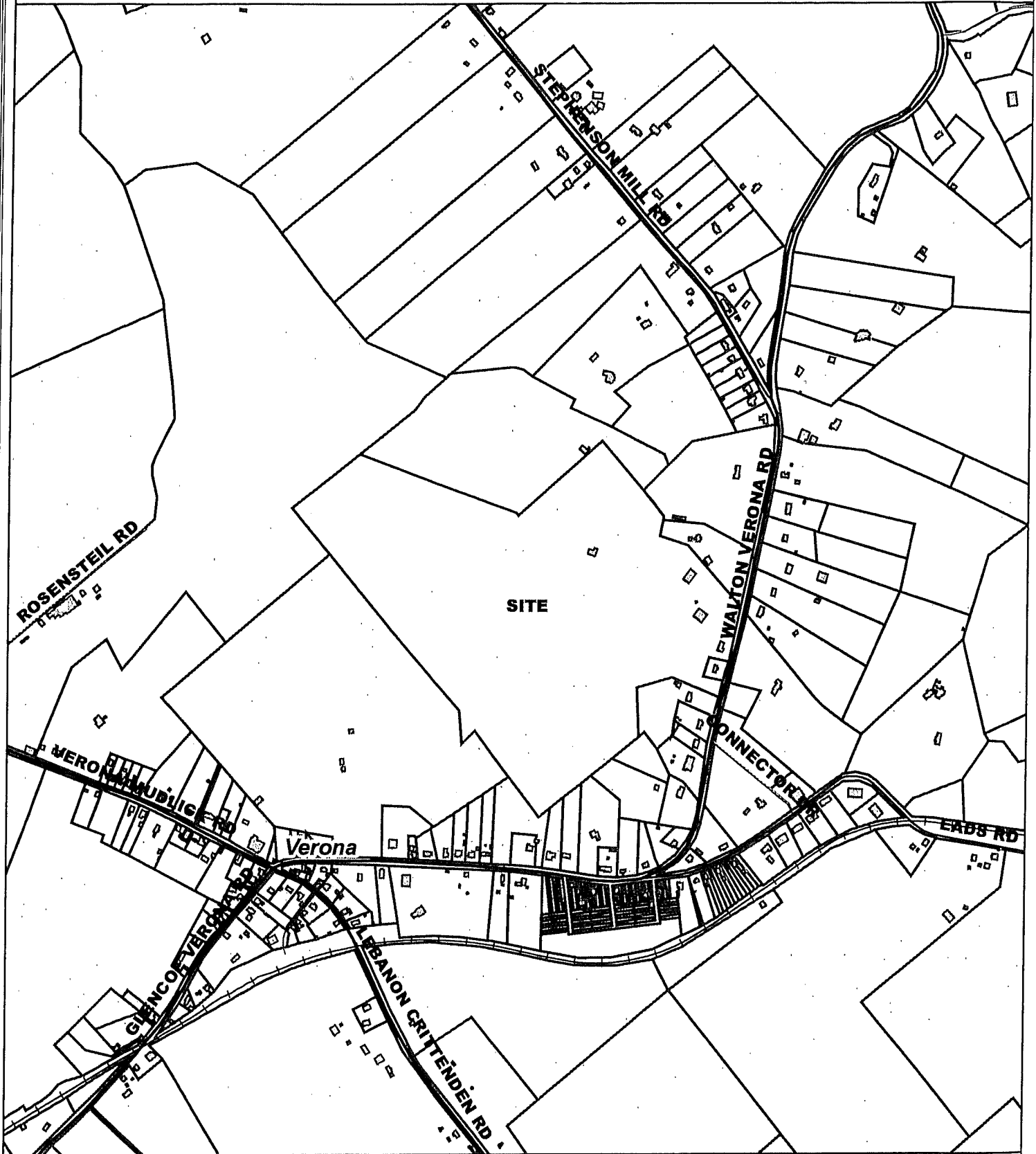
TKM/pr

attachments:

- *Site Vicinity
- *Letter From Applicant
- *Concept Plan
- *Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *Measurements From Hayride Trail to Adjoining Properties
- *Application

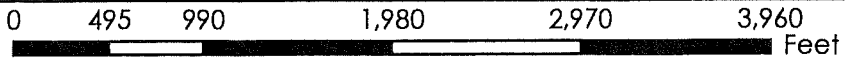
SITE VICINITY MAP

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1-inch equals 1,000 feet



Boone County GIS - Putting Northern Kentucky on the Map





DOMASCHKO EXCAVATION CONTRACTORS

14553 Walton-Verona Road
Verona, Kentucky 41092
Office: 859-525-6581
Fax: 859-525-6582

September 10, 2007

Boone Co. Planning Commission
2950 Washington Street
Burlington, Ky. 41005

SEP 12 2007

Letter of Intent

Objective

To secure a permit for Domaschko Excavation Contractors L.L.C. to host a "Haunted Hayride" on our farm in Verona, Ky.

In addition to the hayride the permit should cover sales of:

1. Pumpkins
2. Fodder shocks
3. Straw bales
4. Limited concessions to include
 - A. Non alcoholic drinks
 - B. Snacks
 - C. Chips

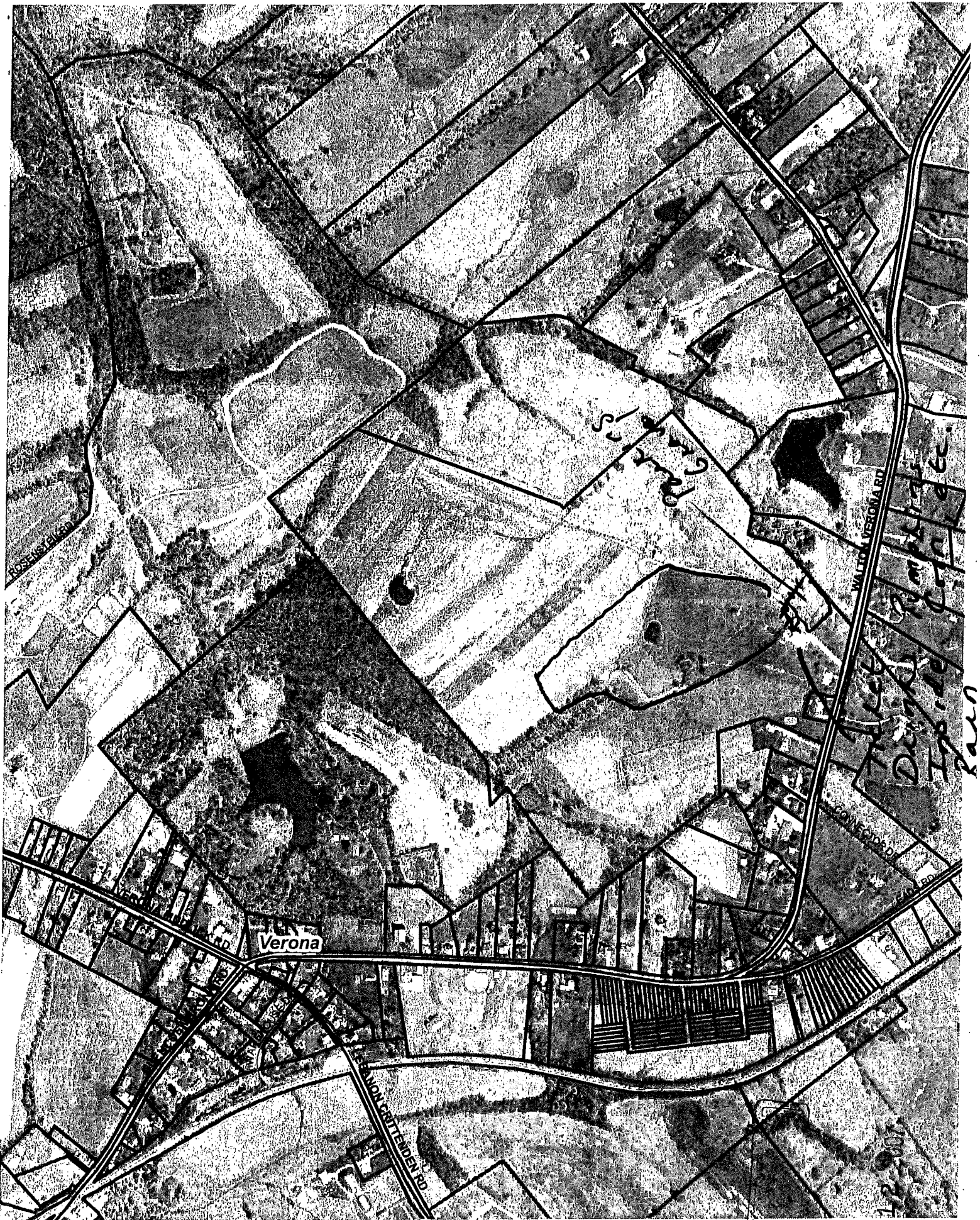
To Whom It May Concern:

If I may please let me introduce myself. I am Carl Domaschko Jr. I am a Boone County business man in good standing. I have owned and operated Domaschko Excavation Contractors L.L.C. since 2002. I am a member of the Northern Ky. Chamber of Commerce and the Northern Ky. Home Builders Association. My company is small but growing with nine employees on payroll, four of which have been with me since start up. I run a safe operation with my main concern being my crew and their welfare.

I, of course have a Boone Co. Occupational License as well as a Kenton Co. Occupational License. I carry all necessary insurance through Roeding Group Companies Inc. (Certificates attached)

Along with my family, I have been working diligently for over two months to get the farm ready for this community event. The following is a list of steps taken:

1. Additional insurance to cover event.
2. Additional transformer from Owen Electric to assure adequate electricity for the event.
3. Rental of high sodium lights for the public and parking areas.
4. Prepared all wagons with safety rails and steps, with one wagon equipped for handicap.
5. Tractors gone over to assure top working order.
6. Strict attention to safety on the trail the tractors will follow.
7. Port A Lets for guests.
8. Orange safety fence in all public areas.
9. Safety meeting with all people working the event.



Verona

S. 100

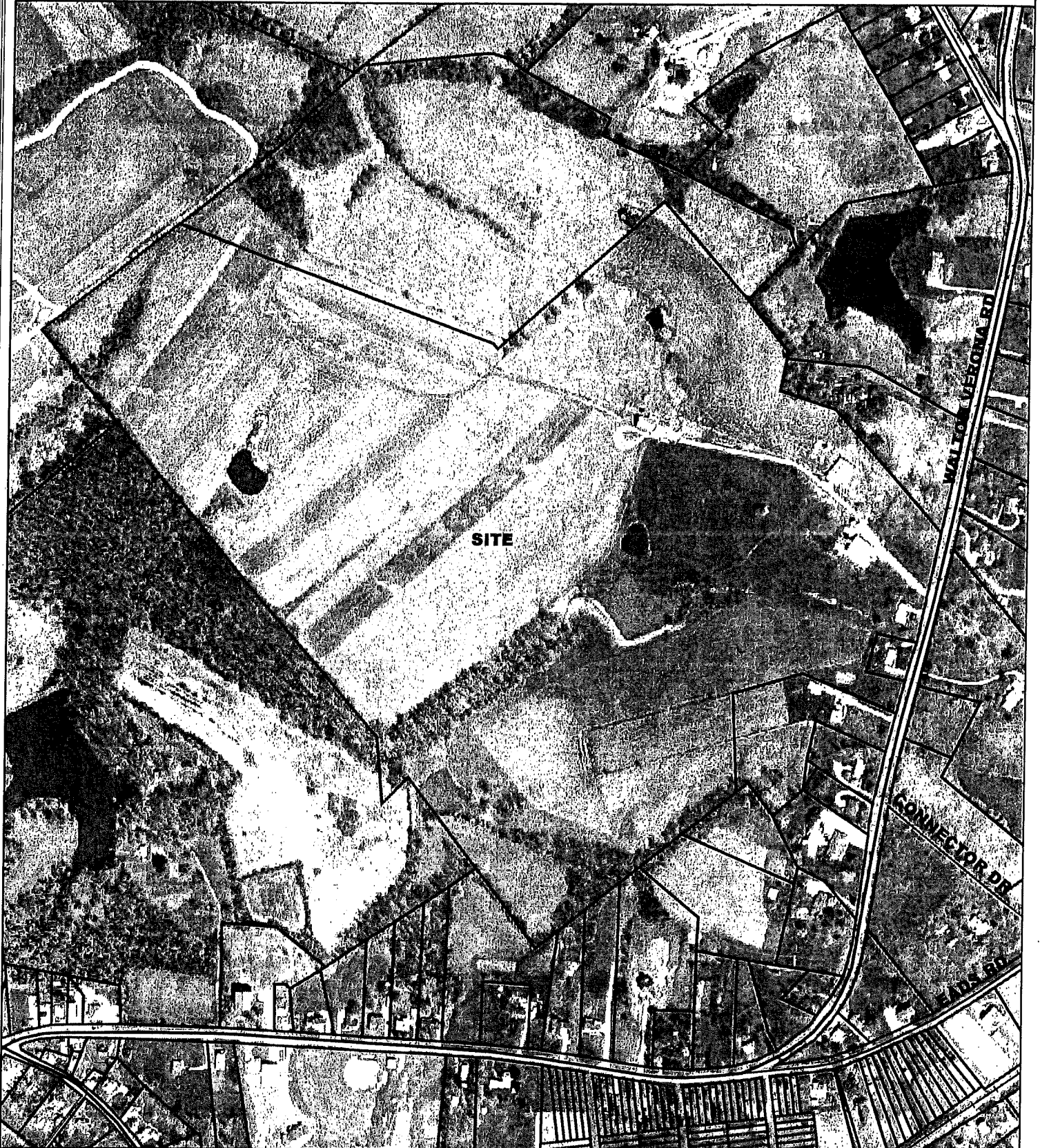
Market Properties
Truitt & Co. Inc.

Rain

SEP 1980

AERIAL MAP

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0 250 500 1,000 1,500 2,000 Feet

1 Inch equals 500 feet

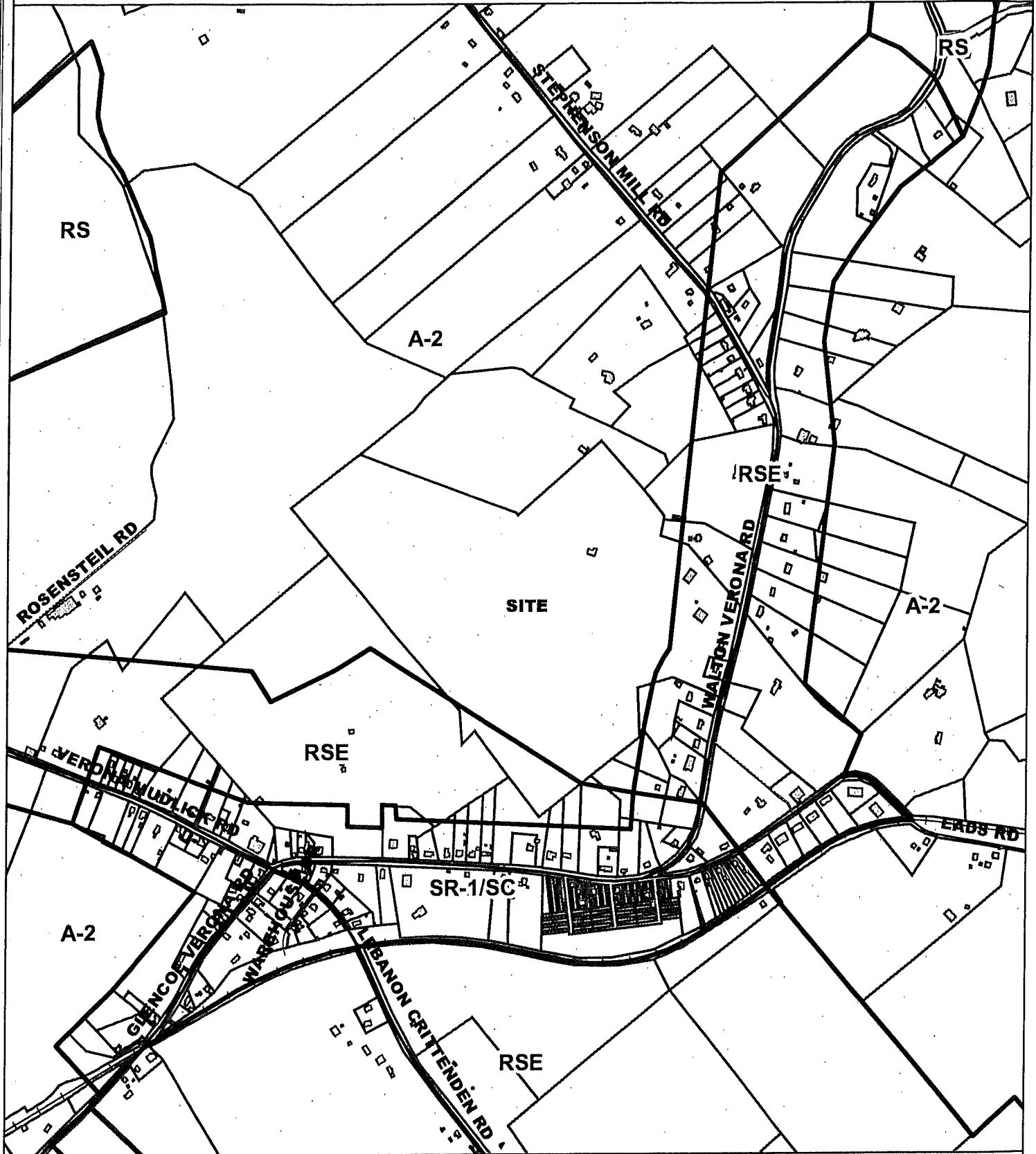


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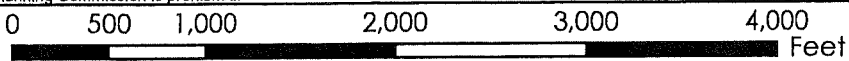
ZONING MAP

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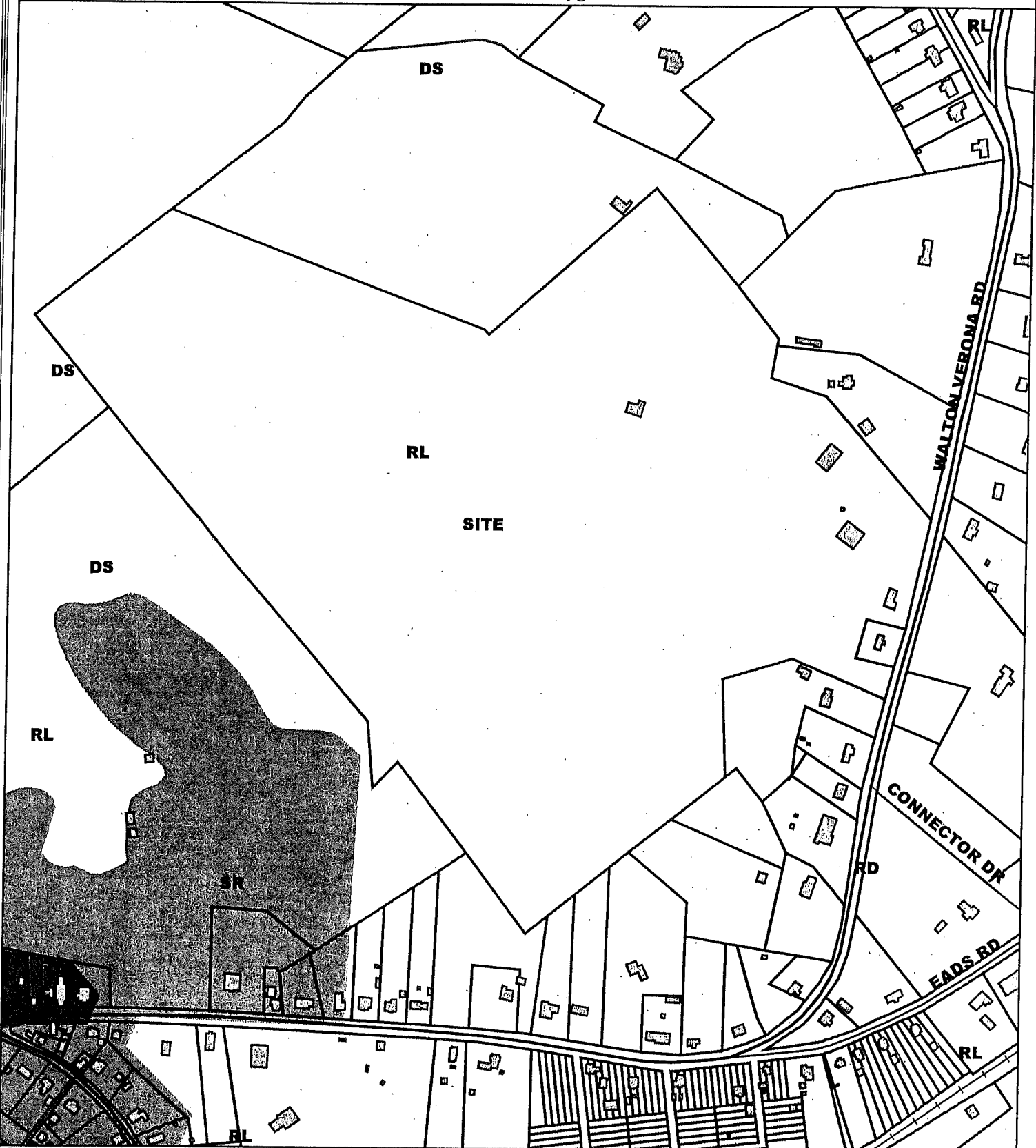


Boone County GIS - Putting Northern Kentucky on the Map



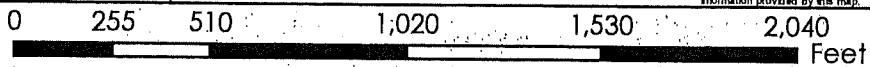
FUTURE LAND USE MAP

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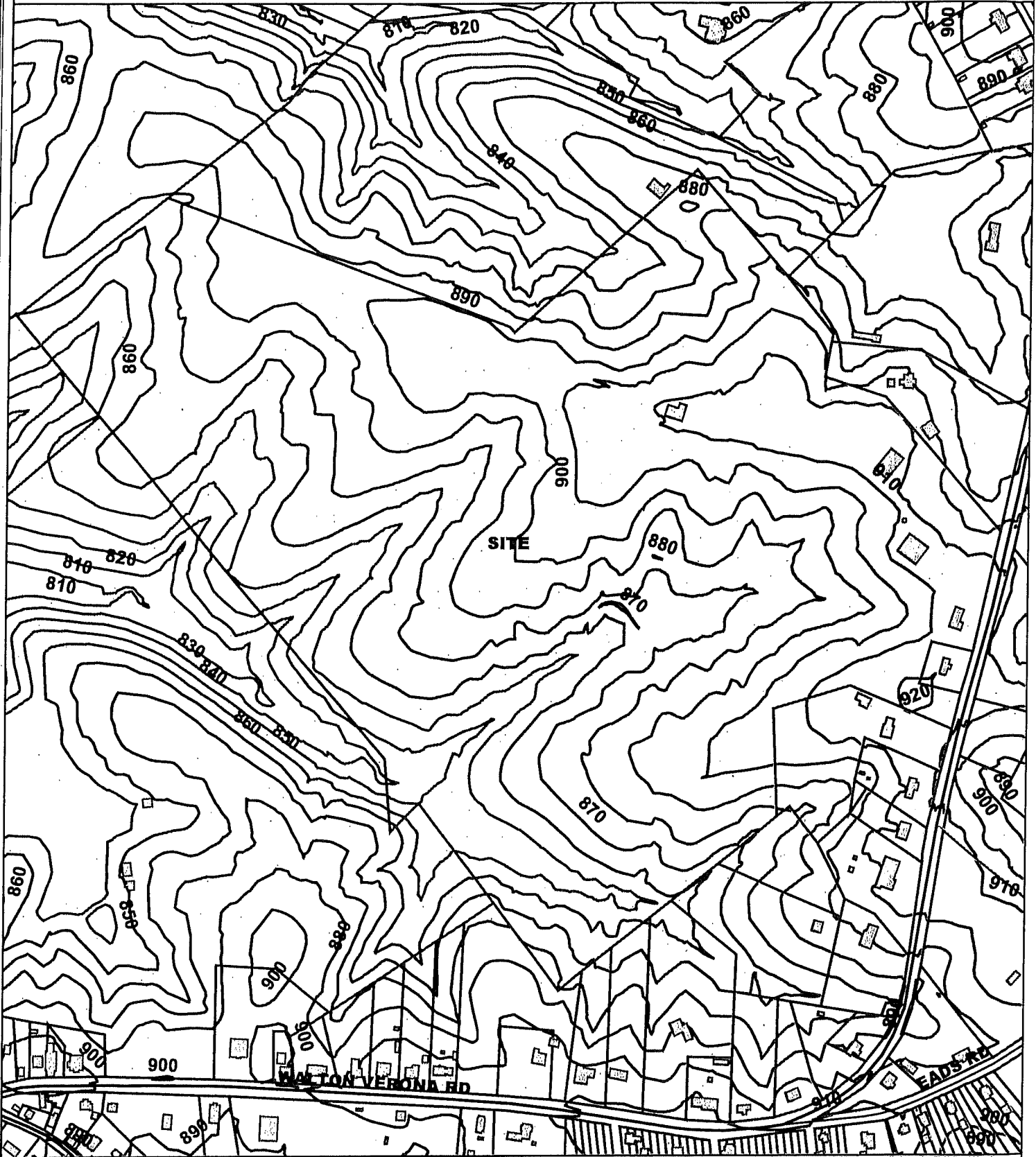


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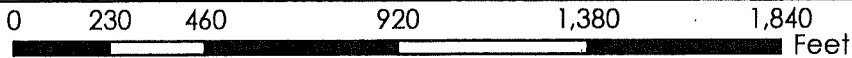
TOPOGRAPHICAL MAP

www.boonecountygis.com



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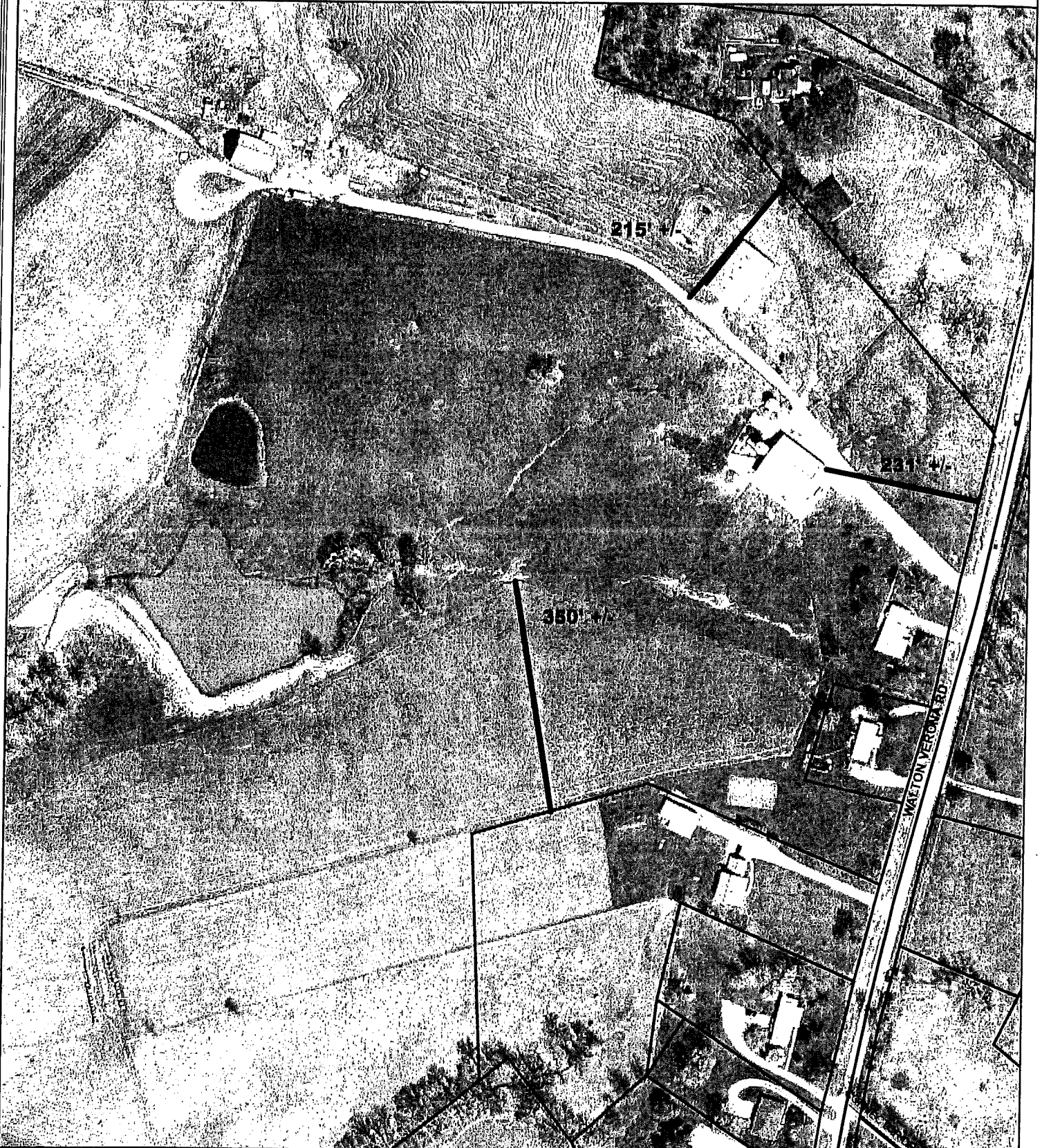


Boone County GIS - Putting Northern Kentucky on the Map



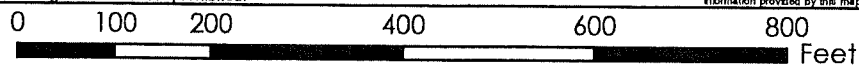
MEASUREMENTS

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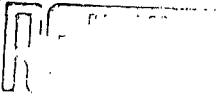
1 inch equals 199 feet

Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**



SEP 12 2007

See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

2. Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____

3. Applicant's Name CARL DOMASCHKO JR
Phone Number 859 393-2315 Fax No. 859 371-0100
Applicant's Address 14553 WALTON VERONA RD
VERONA KY 41092
City State Zip

4. Description of Request: SEE ATTACHED

5. Name of Development N/A

6. Location of Development 14553 WALTON VERONA RD.
VERONA KY 41092

7. Acreage Under Review 1.43 +/-

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

9. Owner of Property DOMASCHKO TRUST

10. Address of Property Owner 14553 WALTON VERONA Phone No. 859 485-7505
VERONA KY 41092
City State Zip

11. Proposed Use(s) on Site SEE ATTACHED

12. Total Square Footage of Existing and/or Proposed Buildings N/A

13. Current Zoning on Property RSE + A-2

14. Deed Book 208 Page No. 416 Group No. 2085

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. 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: *Carl Domaschko*

Property Owner's Signature: *Catherine Domaschko Trustee*

COPY

CLUR #07-BCBOA-014-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Domaschko Trust
14553 Walton Verona Road
Verona, KY 41092

2. ADDRESS OF PROPERTY
14553 Walton Verona Road
Verona, KY 41092
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 208 PAGE NO. 416 GROUP NO. 2085

5. 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

6. 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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

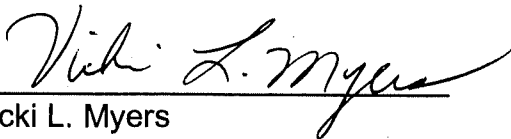
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of October, 2007.



Vicki L. Myers
Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
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 October 10, 2007 Certificate of Land Use Restriction (#07-BCBOA-014-A), for Domaschko Trust, Property Owner(s).

The following conditions will apply:

- 1) The operation is limited to the months of September and October each year.

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

DEED BOOK 208

PAGE NO. 416

GROUP NO. 2085