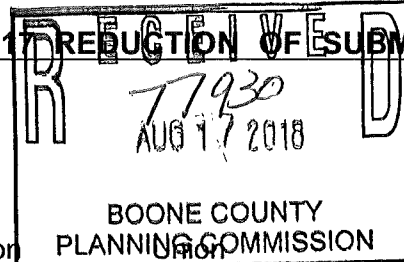


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence ___ Walton ___
2. (Check One) Conditional Use Permit [X] Variance ___ Appeal ___
3. Applicant's Name M&A Schmidt Investments, LLC
Applicant's Address 10221 HUMPHREY RD. CINCINNATI, OH 45242
4. Description of Request: VARIANCE TO REDUCE SET-BACK FOR NEW BARN
5. Name of Development NEW DAY RANCH
6. Location of Development EAST SIDE OF ROSENSTIEL RD. VERONA, KY 41092
9. Owner of Property M&A Schmidt Investments, LLC
Address of Property Owner 10221 HUMPHREY RD. CINCINNATI, OH 45242
11. Proposed Use(s) on Site BARN
12. Total Square Footage of Existing and/or Proposed Buildings 3000 sq ft
13. Current Zoning on Property A-2
14. Deed Book 1102 Page No. 368 Group No. 2085
15. Is the site subject to a zone change? No
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.

ORIGINAL Property Owner's Signature: [Signature]

ORIGINAL Applicant's Signature: [Signature]

(over)

**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 8-17-15 Fee Received 632.00 Receipt # 77930
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
9/12/18 **Approved**
_____ **Approved with Conditions (See #6)**
_____ **Denial (See #7)**
6. Conditions of Approval: NONE

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: M&A Schmidt Investments, LLC

LOCATION: Northeast corner of the Verona Mudlick Road/Rosensteil Road intersection and directly across from the Verona Mudlick Road/Porter Road intersection, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE) and Agricultural Estate (A-2)

DATE: September 12, 2018

PROPOSAL

The applicant has requested a Variance so a 30' x 100' barn/pavilion can be constructed near the terminus of Rosensteil Lane. The submitted plans show the structure would be located 15' from the right-of-way line. The request is to reduce the 30' corner side yard setback requirement from 30' to 15'.

The property owner has submitted letters indicating that the property is currently being leased by New Day Ranch. An outline of their operation and vision is included in these letters. The proposed barn/pavilion would be used as part of the operation.

APPLICABLE REGULATIONS

Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance 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 requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Section 621 of the Boone County Zoning Regulations list horse farms and riding and boarding stables as principally permitted uses in the Agricultural Estate (A-2) zoning district. Riding and boarding stables are subject to Site Plan review.

Table 31.1 of the Boone County Zoning Regulations lists the front yard setback requirement as 60' for structures located in the A-2 zone.

Section 3121 of the Boone County Zoning Regulations states that the front yard on a corner lot shall be determined by the orientation of the building on that site. The corner side setback from the side yard right-of-way shall be a minimum of one-half (½) the required front yard setback.

Section 3153 of the Boone County Zoning Regulations states accessory structures or uses may be located in the front yard or corner side yard areas in agricultural zones provided the respective front yard setback or corner side yard setback is met.

SITE CHARACTERISTICS

The 124.77 acre site is located on the northeast corner of the Verona Mudlick Road/Rosensteil Road intersection and contains an active horse farm with numerous paddocks. Access to the property is provided from Rosensteil Road. The road is gated about 830' from the intersection and can only be accessed beyond that point by entering an access code. There are a couple of existing barns that are located in or in very close proximity to the Rosensteil right-of-way. Another barn is located in the southeast portion of the property, near Verona Mudlick Road. Boone County GIS shows the topography of the parcel is rolling to severe and a perennial blue line stream is located in the central portion of the property.

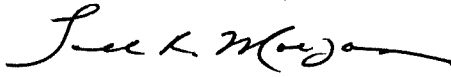
STAFF COMMENTS

1. The application indicates the proposed structure is a barn and the plan indicates it's a pavilion. Staff would like the applicant to clarify this for the record.
2. Rosensteil Road is a county road. The road was allowed to be gated off per a Memorandum that written by the County Engineer on March 19, 2002 (see attachment).
3. The Board needs to analyze the Variance criteria before acting on the request.
4. Staff has the following comments:
 - A. Staff does not believe the request will alter the essential character of the area. There are several barns located in closer proximity to Rosensteil Road than the proposed structure.
 - B. The strict application of the regulations could also pose a hardship of the applicant because the topography of the property falls of considerably to the southeast near the terminus of Rosensteil Road

CONCLUSION

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

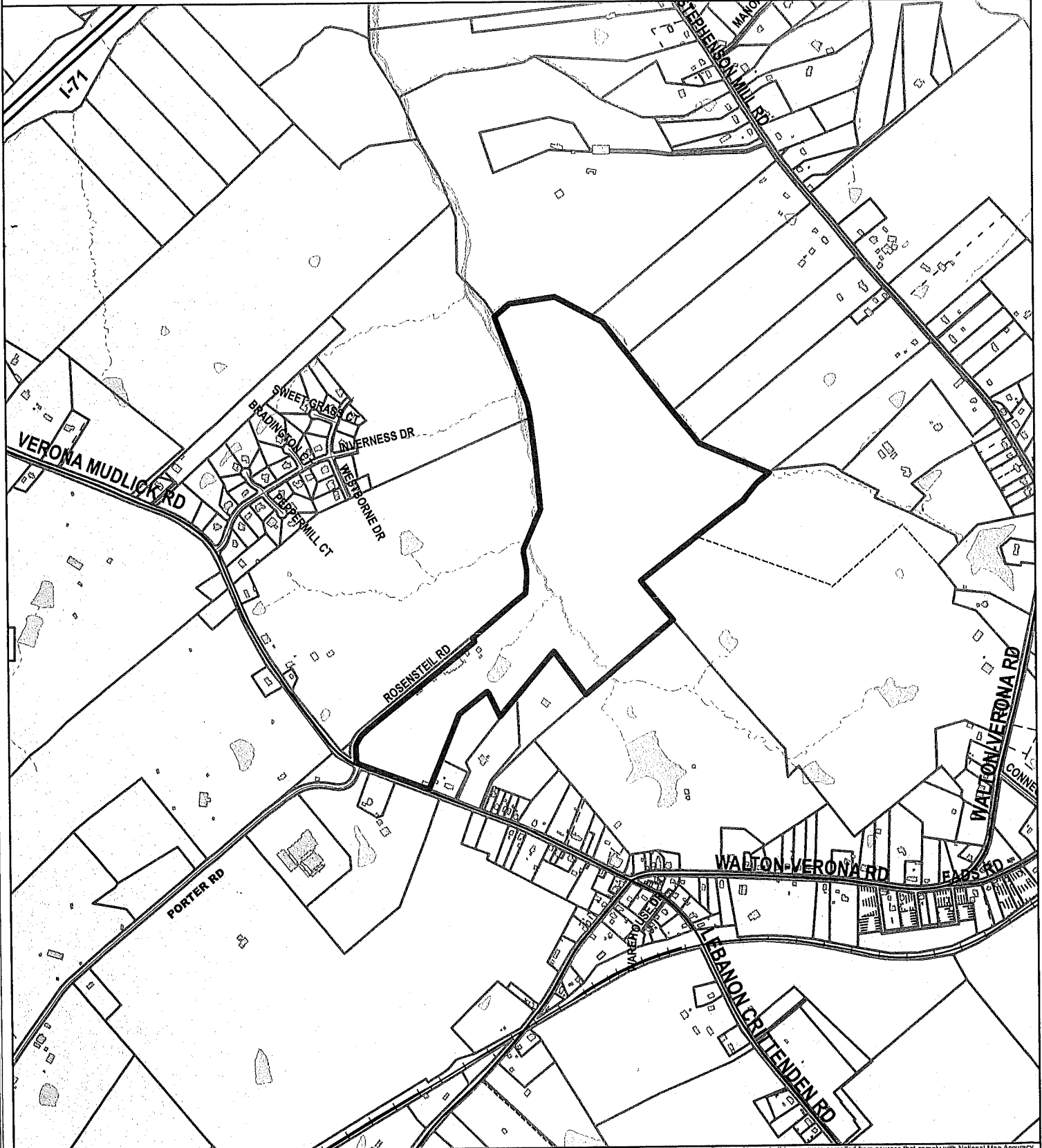
TKM/ss

Attachments

- *Site Vicinity Map
- *Plat of Property
- *7/24/18 Letter From Tony Schmidt (Property Owner)
- *7/24/18 Letter Outlining New Day Ranch
- *8/10/18 Letter from Tony Schmidt Outlining His Discussion with Adjoining Property Owner
- *Applicants Map and Plans (Vicinity Map, Base Plan, Site Plan)
- *2016 Aerial Maps (Entire Site and Blow Up of Southwestern Portion of Site)
- *Zoning Map
- *Topographical Map
- *3/19/02 Memorandum from County Engineer
- *Application

SITE VICINITY MAP

www.boonecountygis.com



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0 600 1,200 2,400 3,600 4,800 Feet

1 Inch = 1,200 feet

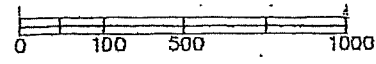


Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013
ArcMap Document: BooneMap (lite).mxd

RECORD BEARING



- EXISTING POST
- SET 1/2" REBAR AND CAP STAMPED "PLS 2030 & 3357"
- ▲ SET R.R. SPIKE

CLIENT & OWNER:
 JOHN GOERING
 813 SQUIRE HILL DR.
 COVINGTON, KY 41011

KREKE CONSTRUCTION
 & DEVELOPMENT CORPORATION
 D.B. 372, PG. 7

OLD STEPHENSON
 MILL ROAD
 (ABANDONED)

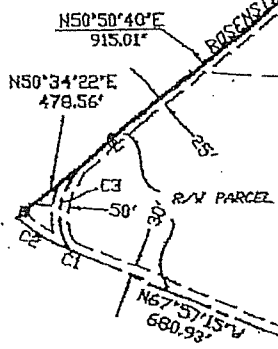
GOERING, JOHN
 D.B. 299, PG. 287

126.4039 ACRES
 1.6315 ACS. R/W
 124.7724 ACRES

DOMASCHKO, ELSA A.
 D.B. 208, PG. 116

OVERBAY, DEWARD
 D.B. 294, PG. 12

END OF
 PAVEMENT



ROSENSTIEL, HAROLD
 D.B. 212, PG. 574

A-2 | RSE
 6-6-01
 615

PLAT OF 124.7724 ACRES
 TO BE CONVEYED BY
 JOHN GOERING

BOONE COUNTY KENTUCKY
 NORTHEAST-SIDE OF KENTUCKY HIGHWAY 14
 SOUTHEAST SIDE OF ROSENSTIEL ROAD

MAY 21, 2001 SCALE 1" = 100'

McNEELY SURVEYING, INC.
 466 ERLANGER ROAD
 ERLANGER, KY. 41018
 (859) 727-3293



BOONE COUNTY
 D805 PG 275

P & Z Code No. 3775

1" = 770'

Mr. Kevin Costello
Boone County Planning & Zoning

7/24/18

Hello Kevin,

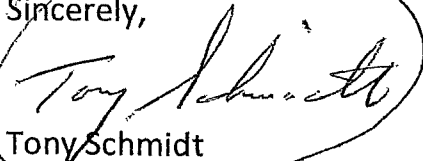
As an introduction, my name is Tony Schmidt owner of the property at 14838 Rosenstiel Rd., Verona, KY. Our team had a meeting last week with Todd Morgan of your office and he requested that we answer a few questions related to our request for zoning approval (location) for the attached proposed building. My wife and I currently lease this property to New Day Ranch, a non-profit trying to do some great things here in Boone County. Beth Long, the founder and CEO, has amazing energy and vision in helping those in need in our community.

Kevin, placing the building where we propose would:

- Provide the best access for those handicaped, children and elderly, not to mention being relatively close to the activity area, arena, stalls etc.
- **Our request is for 15' set-backs each way**, much better than the current structures existing on our property.
- Topography is also a concern, the greater the set-backs the steeper and more difficult the terrain for New Day's clients.
- The last concern would be hardship in the way of costs.

My wife and I would like to help Beth and her program, as we believe in her mission, by investing in a small structure to allow meetings, possible lunches and "a place to get warm before heading back out". Your consideration and help are much appreciated.

Sincerely,



Tony Schmidt

Cc: Kevin Wall, Todd Morgan, Beth Long, Bill Boyle & Rick Soper

New Day Ranch

7/24/18

Follow up questions & responses requested by Todd Morgan at the meeting held on 7/19/18

Currently New Day Ranch leases the property at 14838 Rosenstiel Rd., Verona, KY 41092 – current lease is for 2 years, for the entire approximate 125 acres, from M&A Schmidt Investment, Inc. (Tony & Mary Jo Schmidt), 10221 Humphrey Rd., Cincinnati, OH 45242

Note: All of the following answers were conferred and agreed to by:

1. Beth Long – New Day founder & CEO (859-814-6740)
beth@newdaynky.org
2. Tony Schmidt – Owner of the land at 14838 Rosenstiel, (859-760-1624)
bluegrassmetals57@gmail.com
3. Bill Boyle – Retired Superintendent of Walton-Verona School District, (859-816-5855) billboyle57@gmail.com
4. Rick Soper – Land Planner – (859-743-0227) richardpsoper@gmail.com

➤ **How many participants are there per day?**

- Everyday there will be between 1 to 3 people at the farm to care for the animals & facility (grass cutting etc.), most are volunteers, with Beth being the only steady paid person. Multiple weeks (estimated between 9 to 12 weeks) during the 'high' season (spring, summer and into fall) there can be groups numbering between 8 – 10 clients (kids and/or adults) along with volunteers (ratio is normally 1:4) and instructors (ratio of 1:4) with classes running for 5 hours maximum & 4 days/wk. New Day also offers private lessons, where between 3 to 5 people might be at the farm.
 - Currently we have only one heated office 10'x12' & one bathroom.

➤ **What is the program about?**

- Vision New Day Ranch strives to enrich the community by improving the quality of life and the health of the children and adults with special physical, cognitive, emotional and social needs through therapeutic activities with horses and vocational learning throughout the farm.

- Mission To enhance the lives of individuals and their families by offering innovative opportunities for the educational and social development through therapeutic activities with horses and within the farm environment.
- **Do buses drive onto the property and how do they turn around?**
 - The simple answer is yes. Buses turn around the same way they did when previously picking up school children, with a turn around developed by the county for the school. Works well
- **Is there parking?**
 - Plenty for the needs of this program, same parking as historically used by previous owners – see attachment!
- **How does the facility operate?**
 - Participants are dropped off depending on type of instructions, whether it be for a one-hour experience or 5-hour group. The groups normally arrive in a small van or bus and the individual come in cars. Volunteers and instructors are present.
- **Indicate on a map the general location of the proposed new building.**
 - See attached.
- **Provide an outline of the New Day Ranch.**
 - The attached shows current property at 14838 Rosenstiel as well as the proposed new structure.
- **Is this a seasonal use?**
 - With activities in a non-heated arena and stalls being very difficult in the cold weather – we are certainly limited by the seasons, including inclement weather (hard rain). The proposed space would provide a nice meeting area, shelter and warming space as it is intended.
- **What is the quantity breakdown of attendee's & workers?**
 - This varies, when New Day has groups of 8 – 10, see first answer. However when personal lessons are in session, there would be one instructor to one client – plus on any given day volunteers to care for the animals and facility.

To Whom it may concern:

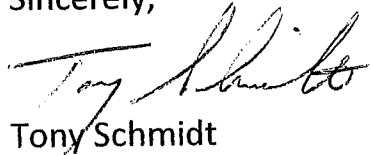
8/10/18

I had a discussion with Buddy Overbay (also present were Rhonda, his girlfriend and Steve Cauthen, neighbor and previous property owner) at the farm to discuss the potential location of the proposed building in question. Buddy is the neighbor (adjacent property) who shares Rosenstiel Rd. --- therefore I felt it important to discuss this with Buddy personally.

We had the building site staked out using a 15' set-back off the right-of-way at the end of Rosenstiel and Buddy said "he would have no issue with the 15 ft set-back as shown." His only concern was keeping Rosenstiel Rd a county road and that he could still access the back of his farm. As we showed him the proposed site – he now understands that we (New Day and M&A Schmidt Investments, LLC) have no intention of closing or limiting any access to the back of either of our farms. All roads (county) and/or gravel that were previously in play will remain open.

Buddy seemed very satisfied and acceptable – saying "then I see no issues where you want to build the new facility".

Sincerely,

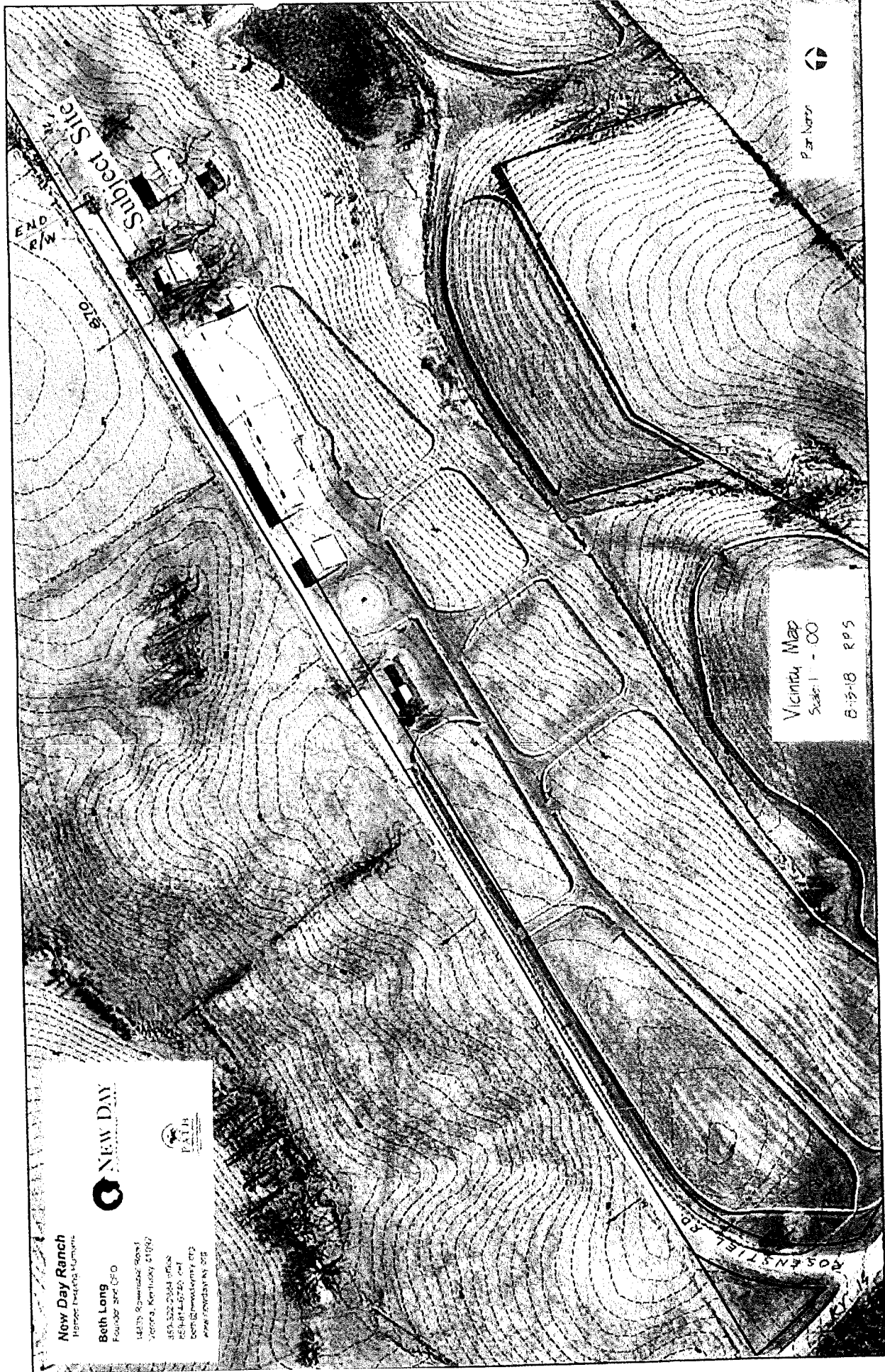


Tony Schmidt

Owner (M&A Schmidt Investments, LLC)

Personal Note from the property owners:

While my wife and I own the land at 14838 Rosenstiel Rd, we currently lease it to New Day Ranch for Beth Long's continuing good work as a non-profit, helping handicap, underprivileged, and special needs groups of the Greater Cincinnati area. The intention of this proposed structure (which we plan to build & donating) is to simply accommodate Beth's groups in case of inclement weather, brief downtimes, and more toilet facilities. The further this building moves down the hill, away from the road, the harder it will be for her clients to access; hence the variance request. Thanks for your consideration.



Vicinity Map
 Scale: 1" = 100'
 6-5-18 RPS

New Day Ranch
 Higher Quality Horses

Both Long
 Founder and CEO

1427N. Spaworth Road
 Verona, Kentucky 41097

859.322.2504 (fax)
 859.846.7261 (cell)
 both@newdayranch.com
 www.newdayranch.com

NEW DAY
 RANCH

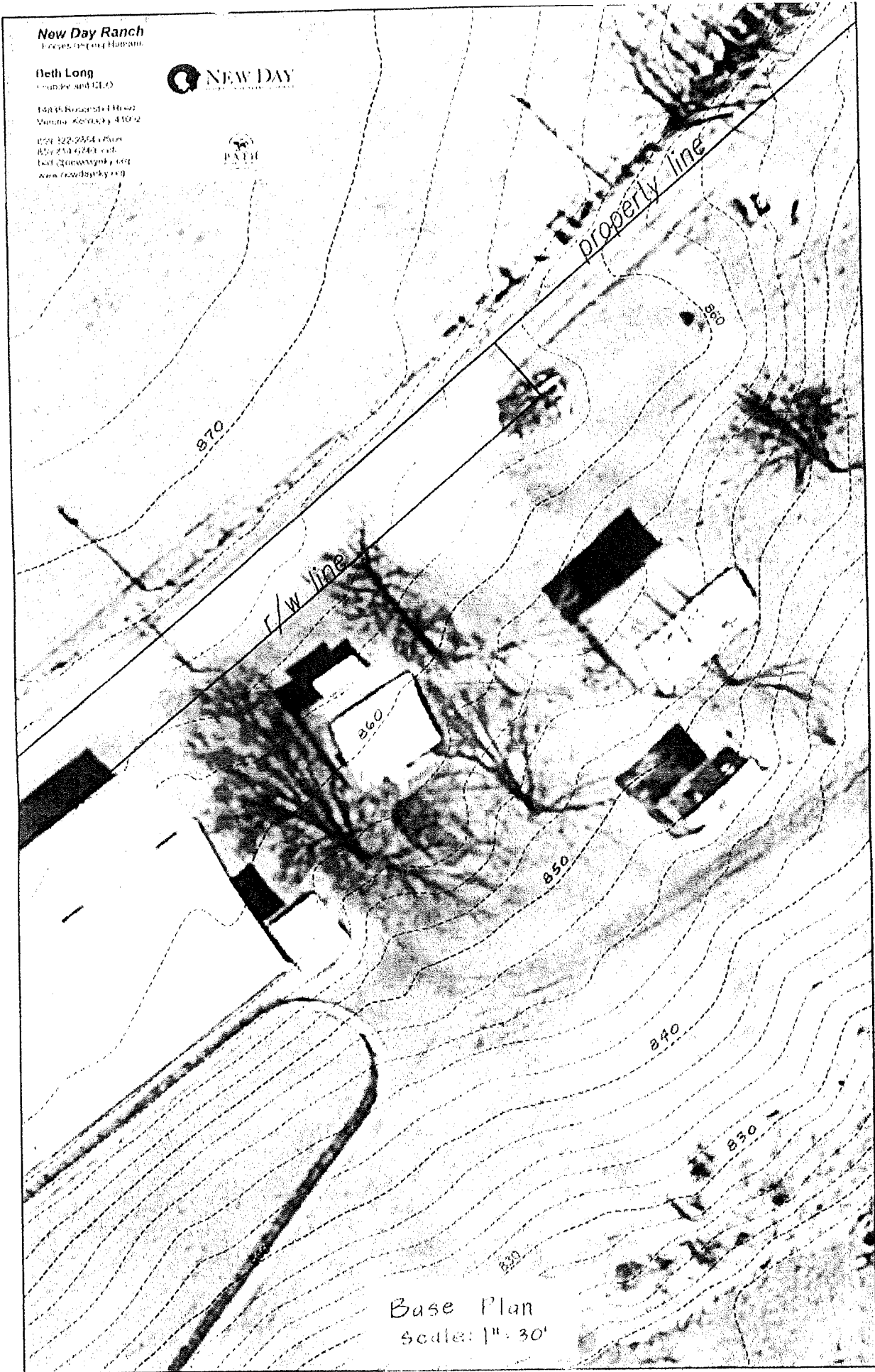
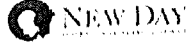
PATLIS
 ARCHITECTURE

New Day Ranch
Location: Gray Horse

Beth Long
Owner and CEO

1845 Kozarski Drive
Vernon, Kentucky 40372

cell: 322-9954 office:
859-234-6261 ext:
local: 206-559-9101
www.newdayky.com

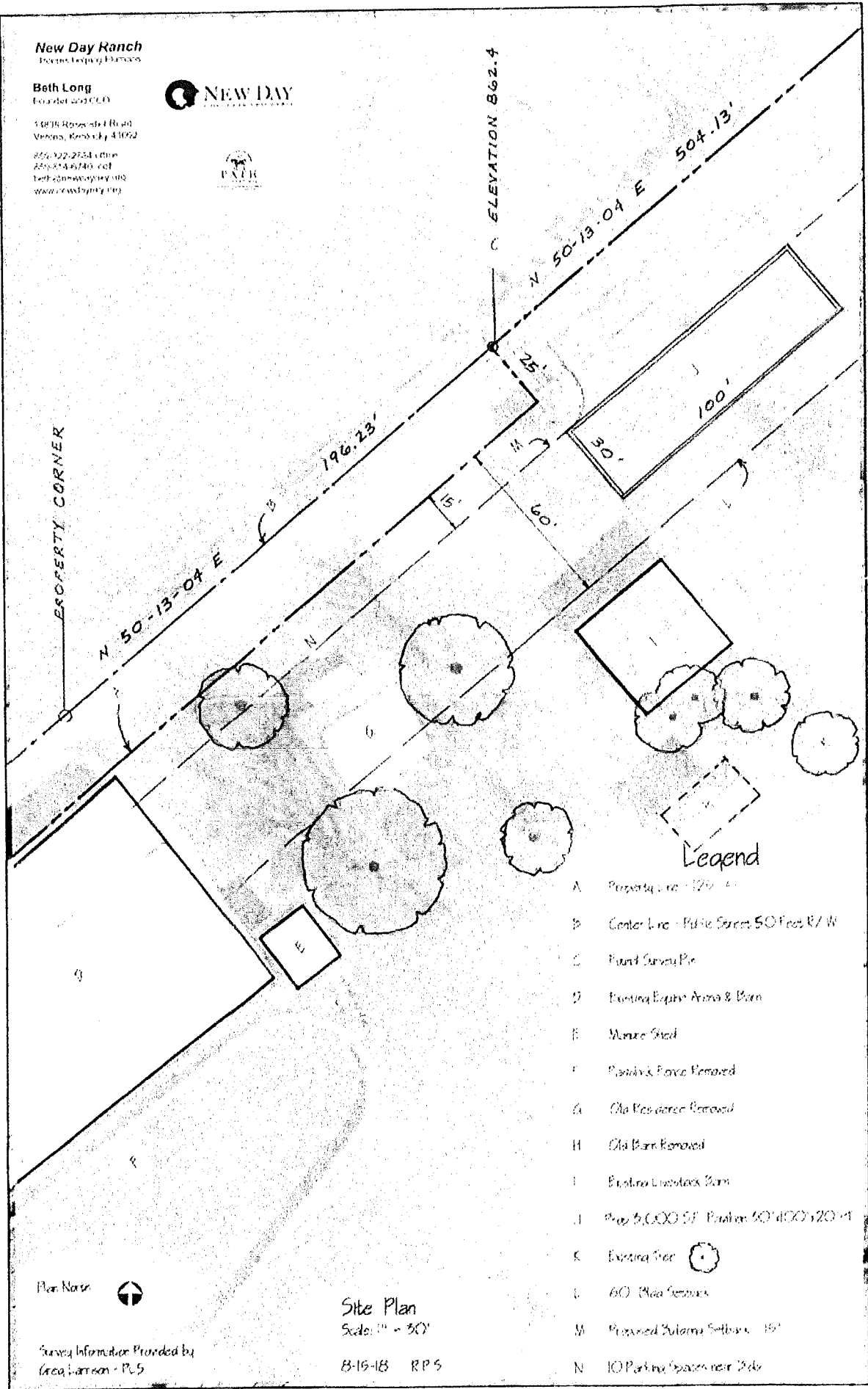


Base Plan
Scale: 1" = 30'

New Day Ranch
 Deeds, Leases, Easements

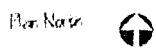
Beth Long
 Founder and CEO

5075 Roseville Road
 Vienna, Kentucky 40392
 252-322-2534 ext 225
 252-346-7400 ext 1
 info@newdayranch.com
 www.newdayranch.com



Legend

- A Property Line - 120' +/-
- B Center Line - Public Street 50 Feet R/W
- C Fund Survey Pin
- D Existing Equine Area & Barn
- E Manure Shed
- F Existing Fence Removed
- G Old Res area Removed
- H Old Barn Removed
- I Existing Livestock Barn
- J New 5,000 SF Pavilion 50'x100'x20'-4"
- K Existing Tree
- L 60' Plant Services
- M Proposed Solara Solar Panels - 15'
- N 10 Parking Spaces near 2nd



Survey Information Provided by
 Greg Harrison - PLS

Site Plan
 Scale: 1" = 30'

B-16-18 RPS

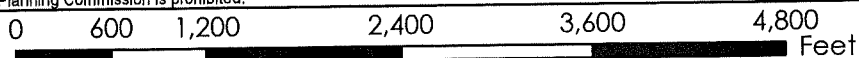
2016 AERIAL MAP

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1 inch = 1,200 feet



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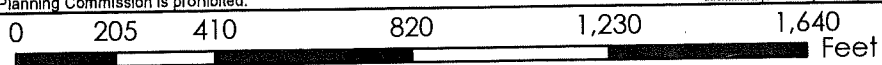
2016 AERIAL MAP

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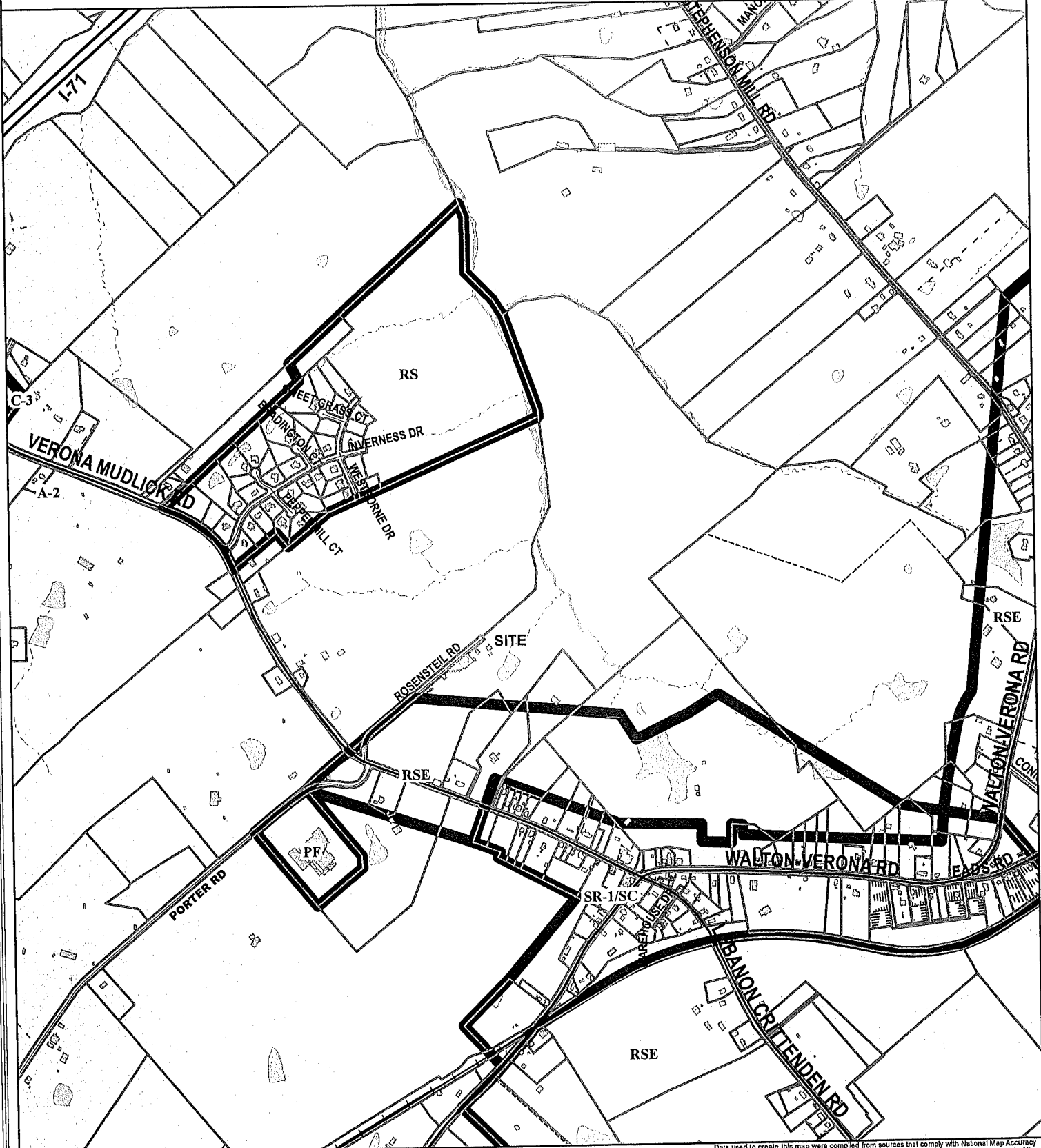


Boone County GIS - Putting Northern Kentucky on the Map



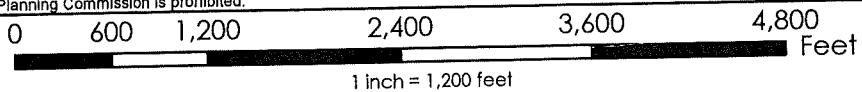
ZONING MAP

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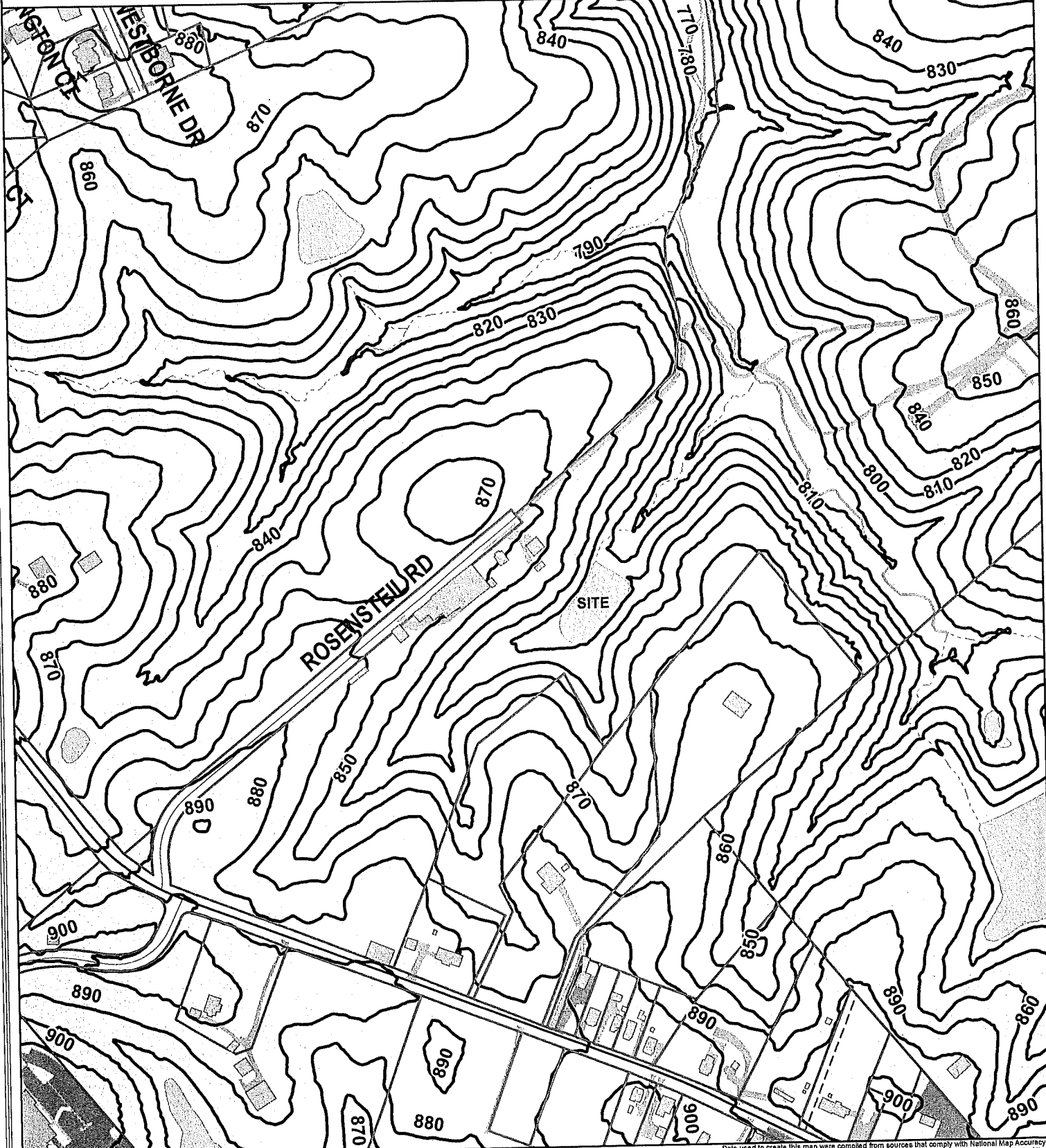
Boone County GIS - Putting Northern Kentucky on the Map

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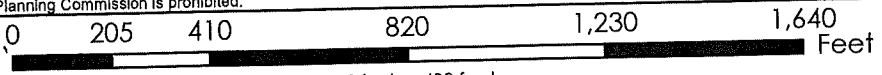
TOPOGRAPHICAL MAP

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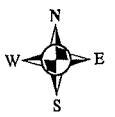
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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013

Boone County GIS
ArcMap Document: BooneMap (file).mxd



Boone County Public Works Department

5645 Idlewild Rd.
Burlington, KY 41005

Gary W. Moore
County Judge-Executive

Gregory V. Sketch, PE, PLS
County Engineer

Phone: (859) 334-3600
Fax: (859) 334-3598
www.boonecountyky.org

James E. Parsons
County Administrator

MEMORANDUM

TO: Steve Cauthen
15541 Porter Road
Verona, KY 41092

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: **Placing Gate Across Rosensteil Road**

DATE: March 19, 2002

This is to inform you that permission is granted for you and Mr. Buddy Overbay to place a gate across Rosensteil Road in the Verona Area. It is understood that you and Mr. Overbay are the only property owners adjoining the road. The location of the gate will be as we agreed during a meeting on February 27, 2002. All construction and installation cost will be your responsibility.

This permission is granted under the following conditions;

- Arrangements are made by you with the Verona Fire Department and EMS for access during emergencies.
- No other Boone County citizen objects to the gate. If an objection occurs, a formal hearing before the Boone County Fiscal Court must be held, and approval granted for continuance.

If you agree to the above conditions, please acknowledge to my office in writing prior to the installation of the gate. I hope this satisfies your needs. Please contact me with any questions:

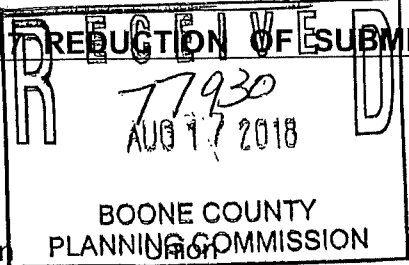
Thank you.

c: Jim Parsons, Boone County Administrator

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence _____ Walton _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name M&A SCHMIDT INVESTMENTS, LLC Applicant's Address 10221 HUMPHREY RD. CINCINNATI, OH 45242
4. Description of Request: VARIANCE TO REDUCE Set-Back for New BARN
5. Name of Development NEW DAY RANCH
6. Location of Development EAST SIDE OF ROSENSTIEL RD. VERONA, KY 41092
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property M&A SCHMIDT INVESTMENTS, LLC Address of Property Owner 10221 HUMPHREY RD. CINCINNATI, OH 45242
10. City State Zip Phone Number 859-760-1624 Fax No. _____ E-Mail bluegrassmetals57@gmail.com
11. Proposed Use(s) on Site BARN
12. Total Square Footage of Existing and/or Proposed Buildings 3000 ft^2
13. Current Zoning on Property A-2
14. Deed Book 1102 Page No. 368 Group No. 2085
15. Is the site subject to a zone change? No
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.

ORIGINAL Property Owner's Signature: [Signature] ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

M & A Schmidt Investments, LLC
10221 Humphrey Road
Cincinnati, OH 45242

2. ADDRESS OF PROPERTY
Verona Mudlick Road/Rosenteil Road
Verona, KY 41092

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
New Day Ranch

4. DEED BOOK 1102 PAGE NO. 368 GROUP NO. 2085

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

Zoning Map Amendment: From Conditional Use Permit
From To

Development Plan Conditional Zoning

Subdivision Plat (Not Recorded) Other:

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, AICP – Senior Planner
Name and Title of Completing Official

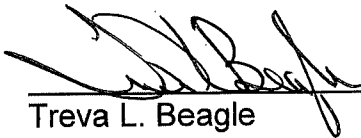
(Faint handwritten text)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

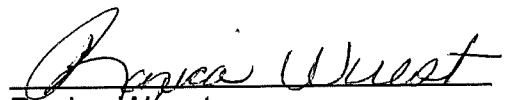
on behalf of the Boone County Planning Commission this 13 day of September, 2018.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
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.)