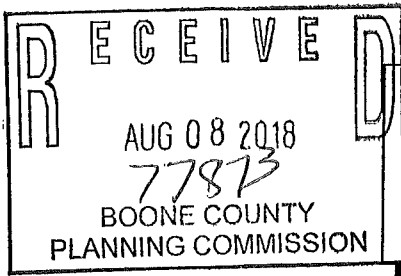


2nd Wed of  
September

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 \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One)  Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name TOBY J. FROHLICH  
Applicant's Address 3677 HATHAWAY Rd Union KY  
Union Ky 41091  
City State Zip
- 4. Phone Number 859 653 9060 Fax No. \_\_\_\_\_ E-Mail toby@ASIMACHINGTOOL.COM  
Description of Request: TO ALLOW AN EVENT CENTER (WEDDINGS, RECEPTIONS) AND CAMPING.
- 5. Name of Development \_\_\_\_\_
- 6. Location of Development 12226 KITE LN, UNION KY
- 7. Acreage Under Review 142
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property TOBY FROHLICH  
Address of Property Owner 3677 HATHAWAY Rd.  
Union Ky 41091  
City State Zip
- 10. Phone Number 859 653 9060 Fax No. \_\_\_\_\_ E-Mail toby@ASIMACHINGTOOL.COM
- 11. Proposed Use(s) on Site EVENT BARN + CABINS / TREE HOUSES
- 12. Total Square Footage of Existing and/or Proposed Buildings 6000 sq ft
- 13. Current Zoning on Property AGRICULTURE ESTATE A2
- 14. Deed Book 271 1040 Page No. 33 331 Group No. 2067
- 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? 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: Toby J. Frohlich  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Toby J. Frohlich  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 8-8-18 Fee Received \$732.00 Receipt # 77873
2. Is application complete?  Yes  No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 9/12/18
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: Insufficient information has been submitted to determine compliance with Sections 262 and 623 of the Boone County Zoning Regulations.

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](http://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

#1

APPLICANT: Toby J. Frohlich

LOCATION: 12226 Kite Lane, Unincorporated Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: September 12, 2018

### PROPOSAL

- A. The applicant is requesting a Conditional Use Permit for the purpose of constructing an event center, off-street parking area, and small cabins/treehouses on an approximate 143 acre property located at 12226 Kite Lane. Of the total property, approximately 20 acres will be used for the proposed Conditional Use.
- B. The preliminary plan shows the following:
1. Construction of a detached single-family residential dwelling.
  2. Maintenance of the existing barn.
  3. Construction of an approximate 6,000 square foot event barn (maximum capacity of 250 people) with an outdoor amphitheater.
  4. Construction of three pergolas.
  5. Construction of a fire pit.
  6. Construction of a shower house.
  7. Construction of eight cabins/tree houses.
  8. Construction of a minimum 20 foot gravel driveway, utilizing the existing curb cut onto Kite Lane.
  9. Continued use of an existing approximate 14 foot wide concrete stream crossing.
  10. Construction of 125 gravel and paved off-street parking spaces.

### APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. Section 623 of the Boone County Zoning Regulations identifies: (1) camping, picnicking, hiking areas, trails and other recreational uses for non-motorized activities; and (2) eating and drinking establishments including alcoholic beverages as Conditional Uses within the Agricultural Estate (A-2) district.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 623 of the Boone County Zoning Regulations.

1. Findings listed in Section 262 (Findings for all Conditional Uses):
    - a. 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;
    - b. 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;
    - c. Will not be hazardous to existing or future neighboring uses;
    - d. 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;
    - e. 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;
    - f. 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;
    - g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
  2. Criteria listed in Section 623 of the Boone County Zoning Regulations (A-2 district):
    - a. The activity is an integral part of the agricultural 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 services 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.
- D. Section 620 of the Boone County Zoning Regulations states that "The purpose of the Agricultural estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural

environment.”

- E. Section 3162 of the Boone County Zoning Regulations identifies development guidelines for the construction of any type of structure on hillsides. The site in question contains a significant amount of developmentally sensitive areas.
- F. Section 3325 of the Boone County Zoning Regulations requires off-street parking spaces to be provided as follows:
- |                                |  |
|--------------------------------|--|
| 1. Banquet and reception halls | 1.00 space for every 4 seats based on maximum seated occupancy |
| 2. Hotels and motels           | 1.00 space per sleeping room plus 1.00 space per 2 employees   |
- G. Section 3326 of the Boone County Zoning Regulations states that parking spaces for conditional uses not listed in Section 3325 shall be determined by the Zoning Administrator.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The 2010 Boone County Comprehensive Plan's 2035 Future Land Use Plan designates the site in question for “Rural Land” and “Developmentally Sensitive” uses. These designations are defined as follows:

Rural Land - 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.

Developmentally Sensitive - Areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), 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.

- B. The following 2017 Boone County Comprehensive Plan's Goals & Objectives apply to the application:

Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 1).

Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).

Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).

Developmentally Sensitive and scenic areas shall be identified, mapped, and stabilized. Developments proposed in any of these areas shall be carefully designed and reviewed to minimize environmental impacts (Environment Goal A, Objective 3).

Developmentally Sensitive hillsides in Boone County must be given special consideration. Any proposed development on hillsides designated as such shall be reviewed and monitored to maintain the environmental and structural integrity of the hillsides (Environment Goal A, Objective 4).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

Adequate Active Recreation facilities and programs are provided to meet changing demographics and significant natural features, cultural resources, and open spaces are preserved (Natural and Cultural Resources Goal A).

C. The following passage from the Land Use Plan Element applies to the general area:

This section of Boone County is characterized by a substantial portion of U.S. 42, Richwood Road, Hicks Pike, and Rice Pike area. This section will also be greatly affected by the reconstruction of U.S. 42. Suburban Residential Development of this section of the county is dependent upon the provision of water and sewer, and should not negatively impact the Big Bone Creek and Mud Lick Creek watersheds. The water and sanitary sewer services should not commit these two watersheds to extensive development. Even with the rural water line program, residential development will be slow and of a large-lot nature. It is important that residential subdivisions construct internal roadway systems rather than using the existing roads for primary access; these existing roads should serve as corridors to move traffic through the area. Substantial residential growth will compound crowded conditions at the New Haven Elementary School and will require expansion of school facilities. Beaverlick should remain as a small community with little growth. Any commercial development in this area should locate at the intersection of U.S. 42 and Beaver Road in Beaverlick.

#### SITE CHARACTERISTICS

The 143 acre property is located along the east side of Kite Lane, approximately 1,400 feet south of Beaver Road. Approximately 20 acres of the northern portion of the property is proposed to be developed. The property is currently undeveloped, with the exception of a barn. Access to the property is from Kite Lane, a two-way local road, within an approximate 14 foot pavement width. An overhead electric transmission line, running in a north-south direction, crosses through the property, approximately 800 feet east of Kite Lane. Boone County GIS shows that the topography of the site is lowest at Kite Lane, being 500 feet above mean sea level, and rises to 790 feet above mean sea level at the northeast portion of the property.

#### SURROUNDING LAND USES AND ZONING

North: Undeveloped, agricultural, and single-family residential (A-2)

South: Undeveloped, agricultural, and single-family residential (A-2)

East: Undeveloped, agricultural, and single-family residential (A-2)

West: Undeveloped, agricultural, single-family residential, and Big Bone Lick State Park (A-1, R, and RSE/SC)

The area immediately to the north of the property, along Kite Lane, is located within the 100-Year floodplain.

The area immediately to the west of the property, fronting on the west side of Kite Lane, is located within an Agricultural District. Agricultural Districts are administered by the Boone County Conservation District, under the Kentucky Division of Conservation, and allow farmers to form special areas where commercial agriculture is encouraged and protected.

#### STAFF COMMENTS

- A. Section 262 of the Boone County Zoning Regulations identifies criteria necessary for granting a Conditional Use. The applicant needs to provide information as to how their application meets this criteria.
- B. Section 623 of the Boone County Zoning Regulations identifies criteria necessary for granting a Conditional Use permit within the A-2 district. The applicant needs to provide information as to how their application meets this criteria.
- C. Section 3162 of the Boone County Zoning Regulations identifies guidelines on how to best develop on slopes of 20% or greater. The applicant needs to provide information as how they intend to meet these guidelines.
- D. Section 3230 of the Boone County Zoning Regulations identifies design requirements for driveways. The applicant needs to provide information as how they intend to meet these requirements.
- E. Article 33 of the Boone County Zoning Regulations identifies requirements for the provision and construction of off-street parking facilities. The applicant needs to provide information as how they intend to meet these requirements.
- F. Article 34 of the Boone County Zoning Regulations identifies requirements for signage. The applicant needs to provide information regarding if they intend to have signage, and, if so, how they intend to meet these requirements.
- G. In determining if the proposed use meets the requirements of Section 262 of the Boone County Zoning Regulations, issues relating to traffic, noise, hours of operation, and sound amplification must be addressed by the applicant.

#### OTHER AGENCY COMMENTS:

- A. The Kentucky Division of Water has raised the following issues: (1) septic systems fall within the scope of the Health department; (2) A package wastewater treatment plan may be necessary to serve the site; (3) the use of a cistern or a private well to supply water

would most likely require the facility to operate as a public water supply; and (4) any construction that disturbs one acre or more must apply for a General Stormwater Construction permit (see attached email).

- B. Boone County Public Works has raised the following issues: (1) Kite Lane should be widened to support two-way traffic; (2) the site could be land-locked during a flash flood event; and (3) the widening of Kite Lane may require approvals from the Kentucky Division of Water and/or the Corps of Engineers (see attached email).
- C. The Northern Kentucky Health department has raised the following issues: (1) EPA Division of Water approval may be necessary for a water source; (2) the owner will need to submit pat/plans to the health department for sewage disposal; (3) Kentucky Food Code requirements may need to be met; and (4) Kentucky State Plumbing Office should be contacted about possible requirements (see attached email).

### 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 act on the request.

Respectfully submitted,

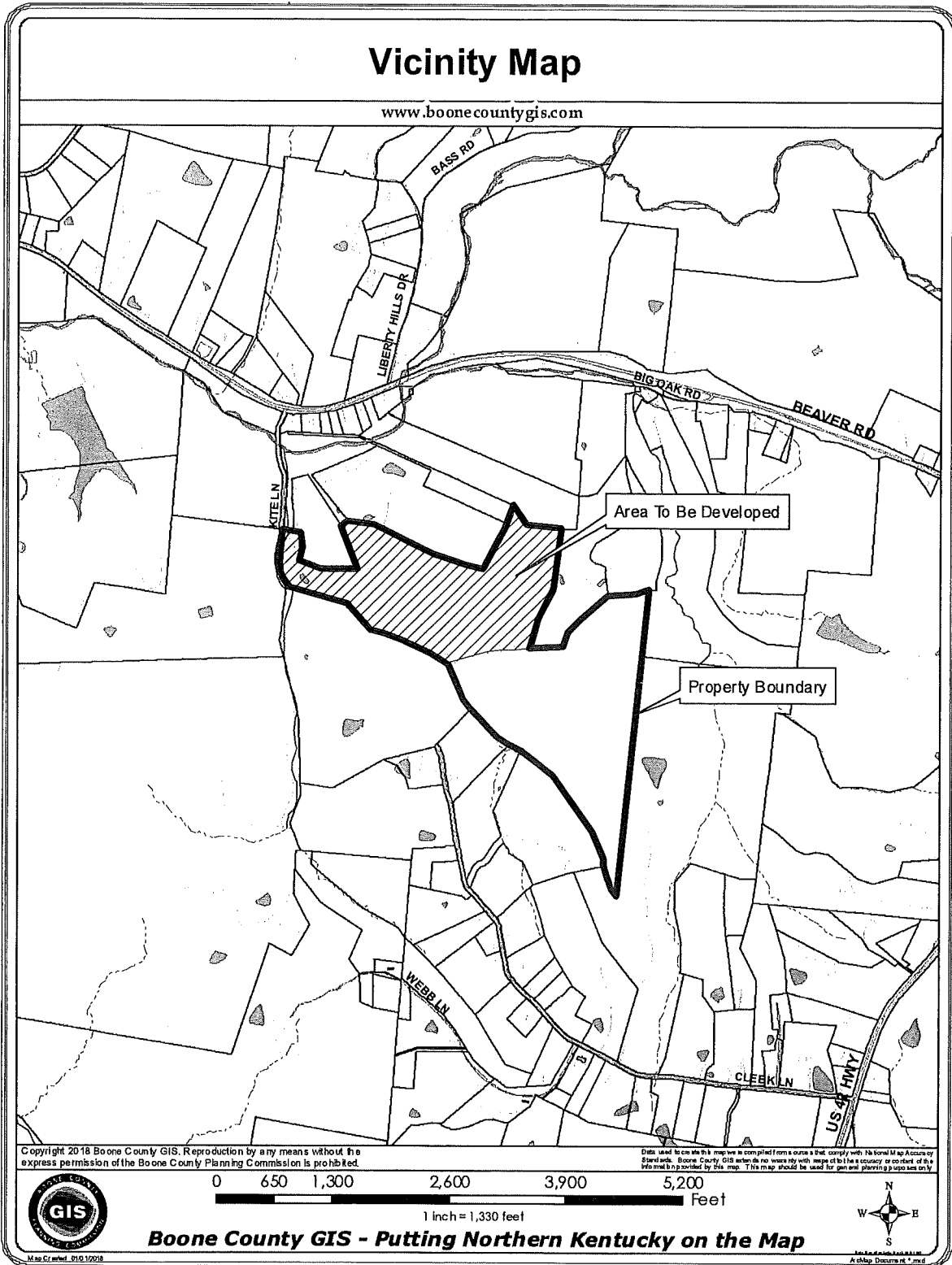


Michael D. Schwartz  
Planner

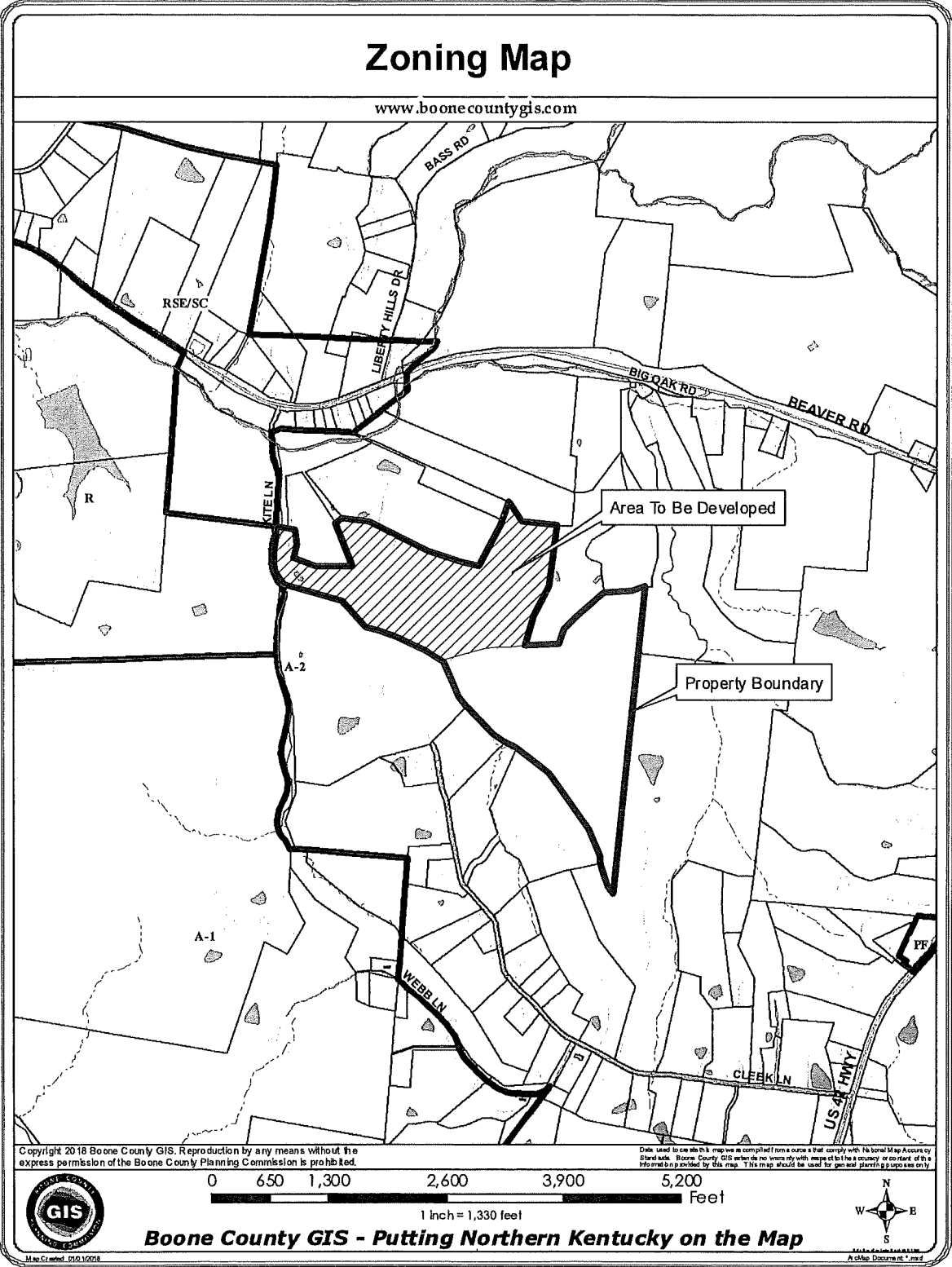
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### Attachments

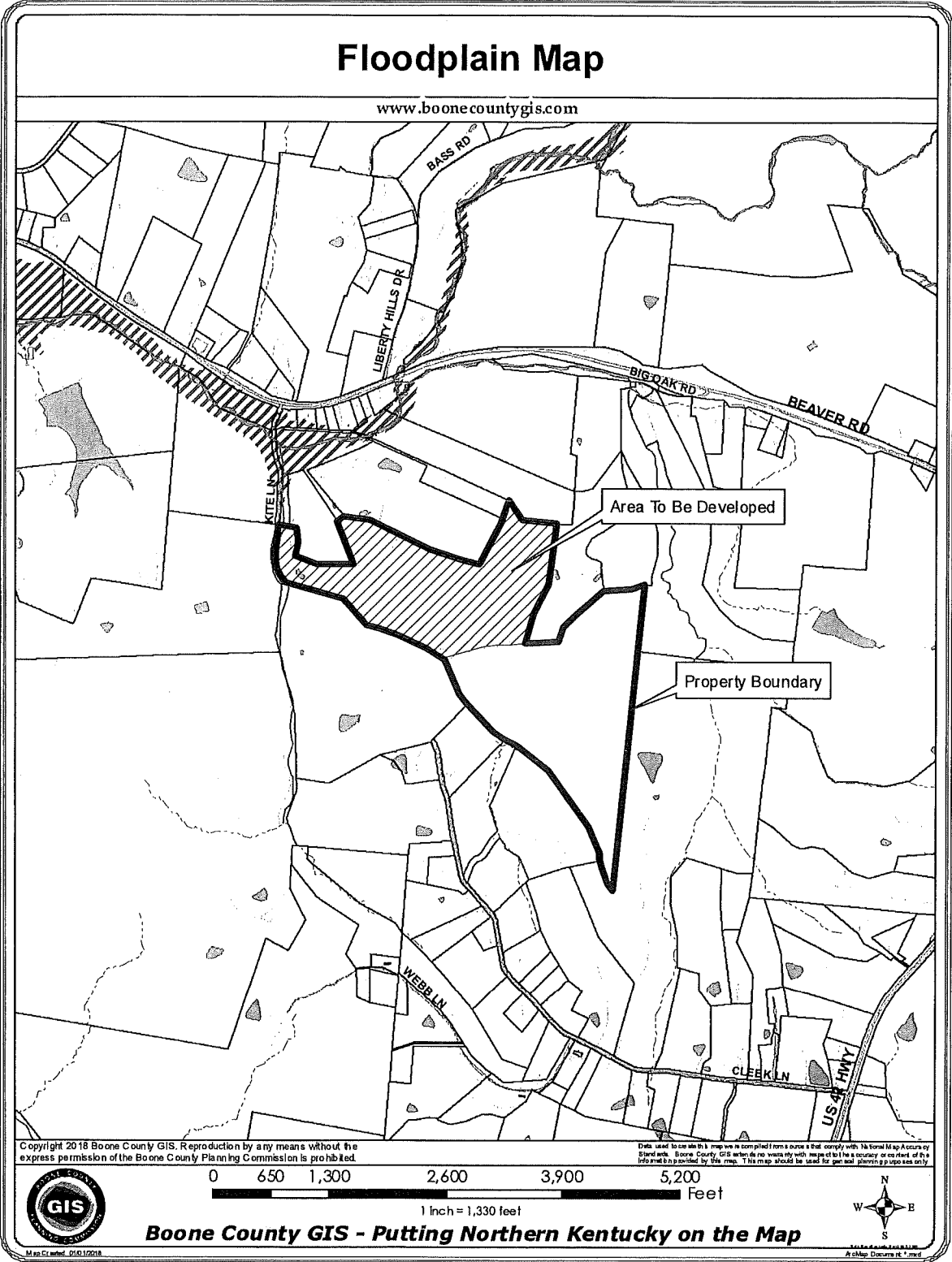
- \*Vicinity Map
- \*Aerial Map
- \*Zoning Map
- \*2035 Future Land Use Map
- \*Floodplain Map
- \*Application
- \*Applicant's Project Description
- \*Concept Development Plan
- \*Email(s) from Other Agencies



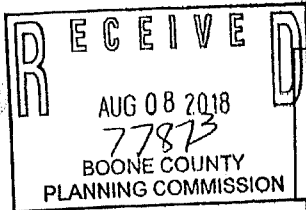








2nd Wed of  
September



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 \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One)  
 Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name TOBY J. FROHLICH  
Applicant's Address 3677 HATHAWAY Rd UNION KY  
UNION KY 41091  
City State Zip
4. Phone Number 859 653 9060 Fax No. \_\_\_\_\_ E-Mail toby@ASIMACHINGTOOL.COM  
Description of Request: TO ALLOW AN EVENT CENTER (WEDDINGS, RECEPTIONS) AND CAMPING.
5. Name of Development \_\_\_\_\_
6. Location of Development 12226 KITE LN, WALTON KY
7. Acreage Under Review 142
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property TOBY FROHLICH  
Address of Property Owner 3677 HATHAWAY Rd.
10. UNION KY 41091  
City State Zip  
Phone Number 859 653 9060 Fax No. \_\_\_\_\_ E-Mail toby@ASIMACHINGTOOL.COM
11. Proposed Use(s) on Site EVENT BARN + CABINS / TREE HOUSES
12. Total Square Footage of Existing and/or Proposed Buildings 6000 sq ft
13. Current Zoning on Property AGRICULTURE ESTATE A2
14. Deed Book 271040 Page No. 33331 Group No. 2067
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? 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: Toby J. Frohlich  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Toby J. Frohlich  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(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 8-8-18 Fee Received \$732.00 Receipt # 77873
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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.**

12226 Kite Lane Union, KY-Boone County

Toby J. Frohlich

#### APPLICATION

This constitutes formal conditional use permit for the following:

- (1) Banquet eating and drinking establishment
- (2) Short term rental cottages

#### OVERVIEW

(Final Name not Established) will be a family owned and ran operation. The initial concept is to have a place to have church related events such as retreats, and then grow into having weddings and other events such as family reunions. The undertaking will use around 20 acres of the 147 acre plot. This area will consist of an event barn, parking lot and small cabins and treehouses for visitors to stay. There are walking trails and a lake. The land is located approximately a half mile from Big Bone Park. The event barn will be able to be rented by the hour and the cabins/treehouses by the day (maximum one week). We look forward to the visitors enjoying the beautiful views and surrounding nature. We feel strongly that this will be an attribute to our county and community. We will be living on the property and will manage and maintain a peaceful and organized experience for our guest that will not disrupt the area and will be respectful to our surrounding neighbors and our family.

#### EVENTS

Up to 250 visitors will enjoy the event barn. The events if needed will be catered aby and outside provider. Events will not last past 11:45pm and music will stop at 11:30pm. The barn will be a wooden rustic atmosphere with a country feel. Access to the Event Barn will be a minimum of a twenty foot wide gravel driveway from Kite Lane to the parking lot.

PHASE ONE

EVENT BARN

The barn will be approximately 6000 square feet with finished floors. It will have multi-person handicap accessible bathrooms and a separate room for the caterer to set up. It will seat up to 250 people and will be equipped with all required safety necessities.

PARKING LOT

The parking lot will have 125 parking places. The handicap spaces will be of concrete and/or blacktop surface. There will be a paved sidewalk from the handicap parking to the building. The rest of the parking lot will be gravel to keep the rustic theme of the property.

PHASE TWO

CABINS/TREEHOUSES

It is planned to build up to eight treehouses and or small cabins. The treehouses will be approximately 400 square feet. Expectation is to have rented the units 150 days per year predominant use in the spring through summer months. Owner will be living on the premises close to the units. There will be one parking space near shower house for each unit. Additional parking will be at the event barn. The shower house will have facilities separate for women and men. It will be handicap accessible.

Guest can use existing hiking trails on the property, no additional trails are planned. There will be one fire pit located out of the woods between parking lot and shower house.

#### PROPERTY LAY-OUT

(SEE ATTACHED)

#### EMPLOYEES

This is going to be a family ran venture utilizing vendors for the particulars.

#### BUILDING DEPT.

We met with the Boone County Building Dept. The Even Barn falls under the use and occupancy classification Section 303.4 Assembly Group A-3, Community Halls. The Barn under 12,000 square feet will not need a sprinkler system. 903.2.1 Occupancy less than 300 people 907.2.1 with regards to fire alarms are not needed. Maximum floor area allowances per occupant is 15 square feet per person. The Barn size will exceed this requirement. The Event Barn and Shower House will abide by all Handicap regulations.

#### PUBLIC WORKS

We met with the Public Works Dept. We will not need an encroachment permit because we are using an existing drive. It was mentioned that 550ft of Kite Lane would possibly have to be widened from 16 feet to 20 feet.

#### HEALTH DEPT.

We talked to the Boone County Health Dept. and see no problems with regulations pertaining to holding water storage, cistern and septic system for the event barn and shower house.



**Michael Schwartz**

---

**From:** Gross, Matthew (EEC) <Matthew.Gross@ky.gov>  
**Sent:** Friday, August 17, 2018 11:18 AM  
**To:** Michael Schwartz  
**Cc:** Bailey, Jordan (EEC)  
**Subject:** RC: Conditional Use Permit Request by Toby Frohlich at 12226 Kite Lane

Michael,

I've reviewed the attached proposal for the banquet facility. From a Division of Water perspective, I see these potential issues:

- The septic systems fall firmly in the Health Department's scope. If traditional septic were not feasible or possible due to site conditions, I would assume a package WWTP would be the next logical step. That would require permit application submittal and approval from DOW prior to construction or operation of the WWTP. Operation would require a certified wastewater treatment operator and compliance with the operational permit and any associated statutes and regulations. The facility would be subject to regular compliance inspections by DOW staff.
- The use of a cistern or private well to supply water would most likely require the facility to operate as, and be regulated as a public water supply. Per the definition of a public water supply in 40 CFR 141.2 - "Public water system means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system." This would require approvals through the DOW, operation by a certified drinking water operator, and compliance with all associated drinking water standards and regulations. The facility would be subject to regular compliance inspections by DOW staff.
- Any construction that will disturb an acre or more must apply for and obtain a General Stormwater Construction permit from the DOW prior to the start of any construction, excavation, or clearing. This is in addition to any local permits that may be required. The permittee will have to comply with the terms of the permit and any associated statutes/regulations. The site would be subject to regular compliance inspections by DOW staff until construction is complete, the site is stabilized, and the construction permit is terminated.

Feel free to contact my office if you have any further questions or concerns.

**From:** Michael Schwartz [<mailto:mschwartz@boonecountyky.org>]  
**Sent:** Wednesday, August 15, 2018 10:39 AM  
**To:** 'm.morgan@union911.org' <[m.morgan@union911.org](mailto:m.morgan@union911.org)>; Gross, Matthew (EEC) <[Matthew.Gross@ky.gov](mailto:Matthew.Gross@ky.gov)>  
**Subject:** FW: Conditional Use Permit Request by Toby Frohlich at 12226 Kite Lane

The Boone County Board of Adjustment has received a request for a Conditional Use Permit at the above mentioned address. If your agency has any concerns and/or recommendations that the Board should be aware of, please forward them to me by September 3, 2018.

**Michael Schwartz**

---

**From:** Todd Morgan  
**Sent:** Monday, August 20, 2018 5:01 PM  
**To:** Michael Schwartz  
**Subject:** FW: Toby Frohlich Parcel Development - Kite Ln

**From:** Scott Pennington  
**Sent:** Monday, August 20, 2018 4:54 PM  
**To:** Todd Morgan  
**Subject:** Toby Frohlich Parcel Development - Kite Ln

Todd,

As a quick follow-up to the proposed development by Toby Frohlich on Kite Ln:

- To support the development of the parcel, we believe Kite Ln should be widened to support two-way traffic. We would recommend widening Kite Ln from the shared driveway on the east side of Kite Ln (approx 825' South of Beaver Rd) to the Frohlich driveway. The widened roadway should match the typical section for Kite Ln north of the shared driveway. We would ultimately require engineered drawings for the roadway design to ensure the proposed typical section would work within the existing R/W. Drainage and other safety features would need to be addressed.
- As the existing roadway falls within the recorded FEMA Flood Hazard Area, there are concerns about the development being land-locked during a flash flood event. I would defer to the local fire district and support their recommendations related to this issue.
- The widening of Kite Ln may require approvals from KY DOW and/or the Corps of Engineers b/c of the location in the Flood Hazard Area.

Thank you.

Scott D. Pennington, P.E.  
County Engineer/Director of Public Works  
Boone County Public Works  
[spennington@boonecountky.org](mailto:spennington@boonecountky.org)  
(O) 859-334-3600

**Michael Schwartz**

---

**From:** Ted Talley <ted.talley@nkyhealth.org>  
**Sent:** Tuesday, August 21, 2018 2:09 PM  
**To:** Michael Schwartz  
**Subject:** 12226 Kite Lane, Union

Mr. Schwartz,

Here is a list of health department considerations regarding the 12226 Kite Lane proposal that the board should be aware of -

- EPA Division of Water approval may be necessary for water source.
- Sewage Disposal (septic systems) - may be a challenging site.
  - Owners will need to submit plat/plans to health department for site evaluations - event barn and bath house.
- Kentucky Food Code requirements may need to be met depending on business operation and catering agreements.
- Kentucky State Plumbing Office should be contacted about possible requirements from that agency regarding all structures. Chris Stein or Matt Lewis. 859-341-8228. Office hours 8-9:30am.

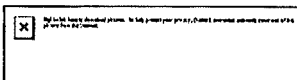
I hope this helps, and please let me know if you have any additional questions.

Ted

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Environmental Health Manager

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