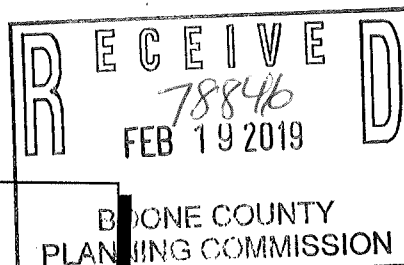


APPLICATION FORM



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)

- (Check One)
1. X Boone Florence Walton Union
2. X Conditional Use Permit Variance Appeal
3. Applicant's Name Viox & Viox, Inc.
Applicant's Address 466 Erlanger Road
Erlanger KY 41018
City State Zip
Phone Number 859 727-3293 Fax No. 859 727-8452 E-Mail mbollman@vioxinc.com
4. Description of Request: To construct a new building for boat storage & sales of boats and other marine items.
5. Name of Development New building at Knot Marina
6. Location of Development 4895 Beaver Road, Union, KY 41091
7. Acreage Under Review 0.5 Ac Total Site Area 4.61 Ac
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Max Outdoor Recreation LLC
Address of Property Owner J. Eric Walden, Manager, 5145 Rabbit Hash Road.
10. Union KY 41091
City State Zip
Phone Number 859 445-3684 Fax No. 859 647-0634 E-Mail nkyendo@gmail.com
11. Proposed Use(s) on Site Existing uses-marina, boat storage, sales of boats & other marine items & restaurant Proposed new building for boat storage & sales of boats & other marine items.
12. Total Square Footage of Existing and/or Proposed Buildings Ex. 12080 * Prop. 7500*
13. Current Zoning on Property R
14. Deed Book 1014 Page No. 211 Group No. 2059
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.

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

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

(over)

* 3 Ex. buildings-Restaurant - 68 x 45, Boat Shop - 83 x 46, & Boat Storage - 65 X 80 1 Prop. building 60 x 125

**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 2-9-19 Fee Received \$132.00 Receipt # 78846
2. Is application complete? 7 Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 3/27/19
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: That a Site Plan, meeting the requirements of the Boone County Zoning Regulations, be submitted to the Boone County Planning Commission for review and approval prior to any construction on the site.
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

#3

APPLICANT: Viox and Viox, Inc., on behalf of Max Outdoor Recreation, LLC

LOCATION: 4895 Beaver Road, Unincorporated Boone County, Kentucky

ZONING: Recreation (R)

DATE: March 13, 2019

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit for the purpose of constructing a 6,000 square foot building to be used for boat storage and the sale of boats and other marine items on an approximate 4.6 acre property located at 4895 Beaver Road.

SITE HISTORY

- 1993 On February 10, 1993, the Boone Board of Adjustment approved a Conditional Use Permit for the site in question, allowing for the retail sales of fuel for marine craft and a snack shop for a proposed marina, subject to the following conditions: (1) that the applicant obtain all of the following permits, and any other permits that he may need: Division of Water, Corps of Engineers, State Fire Marshall, Northern Kentucky Health District, and Boone County Health Department, and that these permits be filed with the Planning Commission; (2) that the applicant understands that he needs to secure Site Plan or other approvals from the Planning Commission; and (3) that the property be cleaned up and maintained (BCBOA-93-006).
- 1993 On October 20, 1993, the Boone County Planning Commission staff approved a Major Site Plan for the site in question, for a marina and other functions.
- 1997 On May 21, 1997, the Boone County Planning Commission recommended disapproval of a zoning map amendment for an approximate 5.8 acre area located to the northwest of the site in question, from A-1 to R (R-97-007-D). On March 31, 1998, the Boone County Fiscal Court adopted Ordinance Number 03-98-01, approving the zoning map amendment from A-1 to R.
- 2009 On November 10, 2009, the Boone County Planning Commission staff approved a Minor Site Plan for the site in question, for a 3,200 square foot, three-sided, metal storage building.
- 2016 On May 4, 2016, the Boone County Planning Commission staff approved a Minor Site Plan for the site in question, for a 61' x 16' foot deck.
- 2016 On November 3, 2016, the Boone County Planning Commission staff approved a Minor Site Plan for the site in question, for a 100' x 60' post and truss roof/pavilion.

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 713 of the Boone County Zoning Regulations identifies: Retail sales or service incidental to other permitted uses on the premises including gasoline, oil marine craft and

accessories, grocery items, confectionery, drug and proprietary, art and craft products, books and stationery, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, cigars and cigarettes, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products as a Conditional Use within the Recreation (R) 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 713 of the Boone County Zoning Regulations (R district):

- a. The activity is of integral relation to and directly in support of the recreation activity, or
- b. The use, building or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district;

- c. The activity is necessary to serve the specified public or membership engaged in the principal purpose 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 or immediate environs surrounding; and
 - d. Provided the arrangement of use, building or structure is mutually compatible with the organization or permitted and accessory uses to be protected in the district.
- D. Section 700 of the Boone County Zoning Regulations states that "The purpose of the Recreation district is to identify, protect, and provide for the use of lands and structures for recreation activities. The purpose is further to ensure compatibility between the scale, extent, character, and location of these uses, surrounding development, local needs for recreation facilities, environmental suitabilities, and the limits of supporting infrastructure."
- E. Section 3186 of the Boone County Zoning Regulations states that no development shall occur which is not in conformance with local flood protection control regulations adopted pursuant to the U.S. Department of Housing and Urban Development federal Flood Insurance Program.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

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

Recreation - Public and commercial outdoor recreation including golf courses, parks, race tracks, private reserves, wooded areas that serve an established recreation use, etc.

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.

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

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).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics 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).

Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

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

This section of Boone County is characterized by several rural roadways, including KY 338 (Beaver Road), Riddles Run Road, and Big Bone Church Road. Even with the rural water line program, residential development will be slow and of a large-lot nature. Large lot subdivisions should provide for connections where appropriate to stream valleys and the future public recreation potential that they provide. It also contains the mouth of Gunpowder Creek. Due to the major creeks and tributaries, much of the land in this section is Developmentally Sensitive, and should be protected from development. Most of the growth in this area should be of a Rural Density residential nature, located predominately along Beaver Road. Some recreational uses may develop based on the amenities of Gunpowder Creek.

The area of KY 338 from Riddles Run Road to Big Bone Church Road may see the development of some seasonal homes as well as seasonal camping at Big Bone Lick State Park and Boone's Landing. Land between Ryle Road and Boat Dock Road should not be developed due to steep slopes and poor soil conditions. Big Bone State Park should be expanded in size and in quality. The property adjacent to Boone's Landing (known as Jane's Saddlebag) was recently rezoned to Recreation for recreation and tourism uses. KY 338 from U.S. 42 to Boat Dock Road could develop some limited commercial uses, consistent with recreation uses in the area. This possible development is not shown on the Future Land Use Map. Any requests for such uses should be examined carefully in order to ensure that they fit in with the rural and recreational character of the area as well as maintaining safety along KY 338.

This section of Boone County is dominated by several creeks, including Big Bone Creek, Mud Lick Creek, and the Big South Fork Creek along the Boone County/Gallatin County border. Most of the acreage in this section is Developmentally Sensitive, and should remain wooded. Residential development in this area is concentrated on Ryle Road, along the Ohio River. Ryle Road is subject to frequent slippage along the steep river banks; the resulting poor condition of the road limits future residential growth. The existing residential uses along Ryle Road limit potential public access to the river in this area. An effort should be made to connect Big Bone Lick State Park to the Big Bone Boat Dock. A possible future bridge to Gallatin County would provide an incentive for additional river-related recreation facilities. It could also increase usage of Big Bone Lick State Park, making expansion of the park and connection to the riverfront area feasible. Overall, this section should experience very limited residential growth and be oriented towards river access and river recreation activities.

D. Beaver Road is identified as an arterial roadway providing for two-way traffic within two

driving lanes (one lane in each direction). There are no sidewalks along Beaver Road.

SITE CHARACTERISTICS

- A. The approximate 4.6 acre property is located along the southwest side of Beaver Road, at its intersection with Riddles Run Road.
- B. The site is currently occupied by:
 - 1. A boat ramp/marina
 - 2. Gravel parking areas
 - 3. A restaurant
 - 4. Marine item sales building
 - 5. Boat storage building
 - 6. Boat lift
- C. A fifty (50) foot wide easement bisects the site, providing access from Beaver Road to the adjacent property to the south.
- D. Access to the site is from two curb cuts onto Beaver Road.
- E. Within the proposed development area, the site slopes down from Beaver Road toward the southwest. Along Beaver Road, the site is at an elevation of 482 MSL, sloping to an elevation of 472 MSL, a grade change of 10 feet (3.5%).
- F. The site is located within the 100 Year and 500 Year Floodplains of Gunpowder Creek.

SURROUNDING LAND USES AND ZONING

North: Vacant land and a residential dwelling(R/CD and A-1)

South: Private campsites (Camp Turn-A-Bout) (R)

East: Union Fire Station (PF and A-1)

West: Gunpowder Creek (A-1 and R)

STAFF COMMENTS

- A. The submitted site plan indicates the following:
 - 1. Construction of a 6,000 square foot (100' x 60') building
 - 2. A concrete pad
 - 3. Covered open area
 - 4. Gravel circulation/parking area
- B. The submitted site plan meets the minimum requirements of the Boone County Zoning Regulations, except for the following:
 - 1. Section 3111 prohibits structures from exceeding forty-five (45) feet in height.

Insufficient information has been submitted to determine compliance.

2. Section 3154 provides regulations for outside storage, display, and loading areas. Insufficient information has been submitted to determine compliance.
3. Article 33 provides regulations for off-street parking and loading facilities. Insufficient information has been submitted to determine compliance.
4. Article 36 provides regulations for landscaping. Landscaping will be required along Beaver Road and along the east property line. The applicant has provided information that a Buffer Yard A will be provided between the proposed building and the east property line. However, insufficient information has been submitted to determine compliance.

C. The applicant should address the following issues/concerns:

1. Will there be any office space in the proposed building.
2. Will there be any bathroom facilities in the proposed building and how will that affect the on-site septic system.

D. Should the Board take action to approve the submitted request, the following condition should be part of that action:

1. That a Site Plan, meeting the requirements of the Boone County Zoning Regulations, be submitted to the Boone County Planning Commission for review and approval prior to any construction on the site.

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

MDS/ss

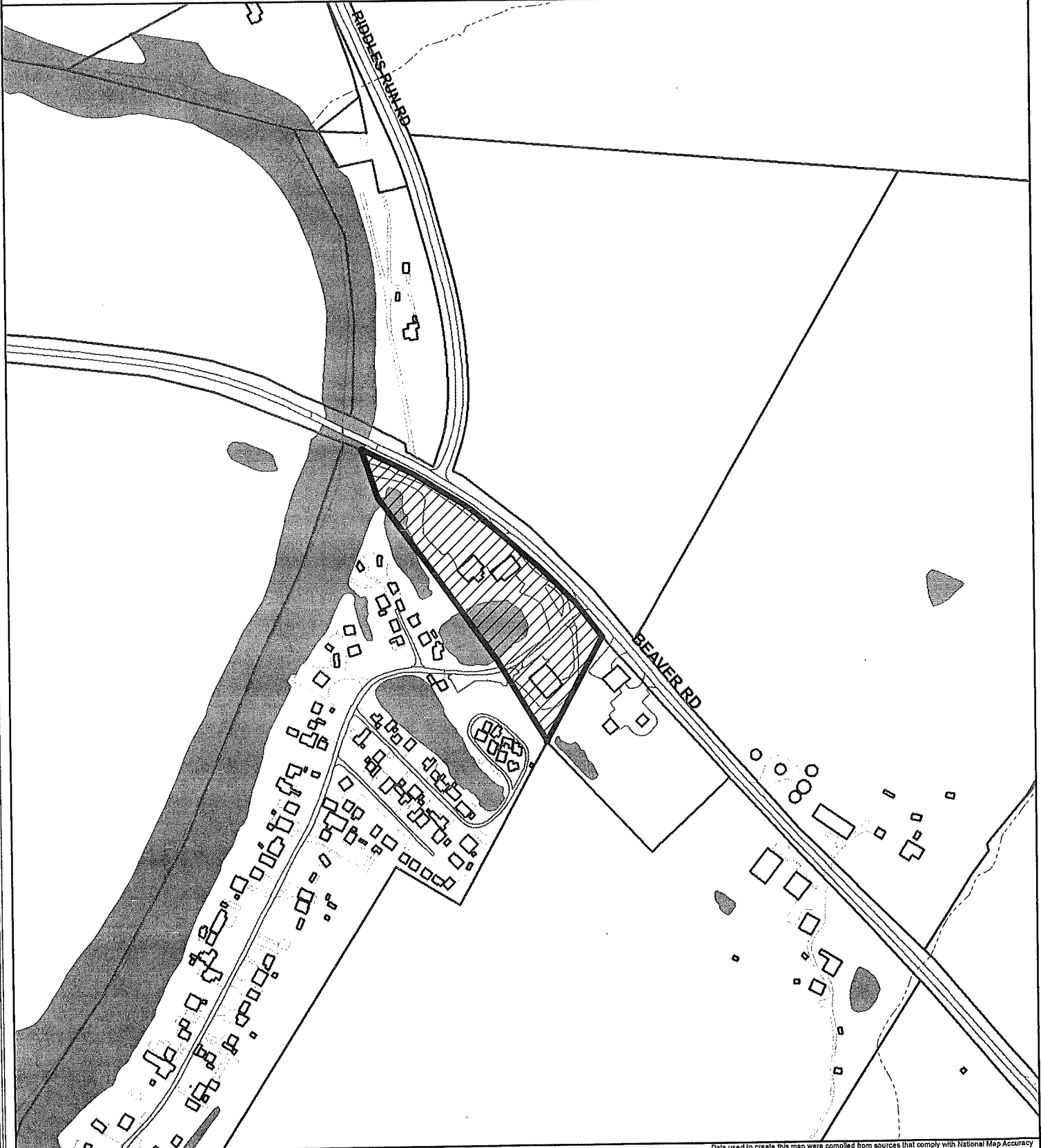
Attachments

- *Vicinity Map
- *Aerial Map
- *Zoning Map
- *Topographical Map

- *2035 Future Land Use Map
- *Floodplain Map
- *Application
- *1993 Concept Development Plan
- *Concept Development Plan

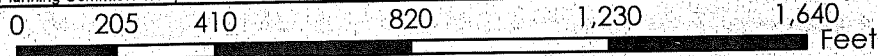
Vicinity Map

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1 inch = 400 feet



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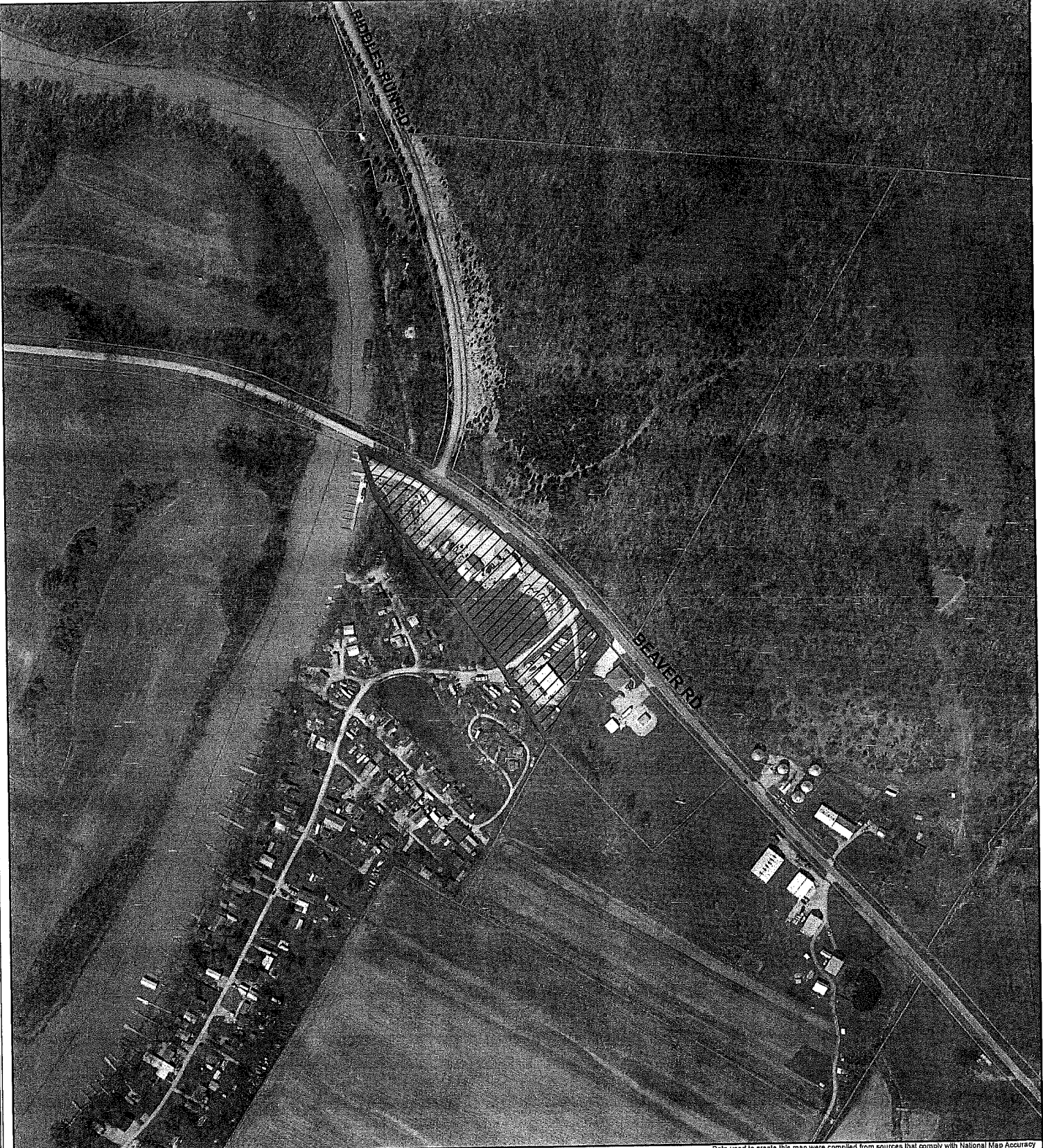
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document (*.mxd)

Aerial Map

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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



Map Created: 01/01/2018

Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

Zoning Map

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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/01/2018

Map File: 12.mxd
ArcMap Document: 12.mxd

Topographical Map

www.boonecountygis.com



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Map Created: 01/01/2018

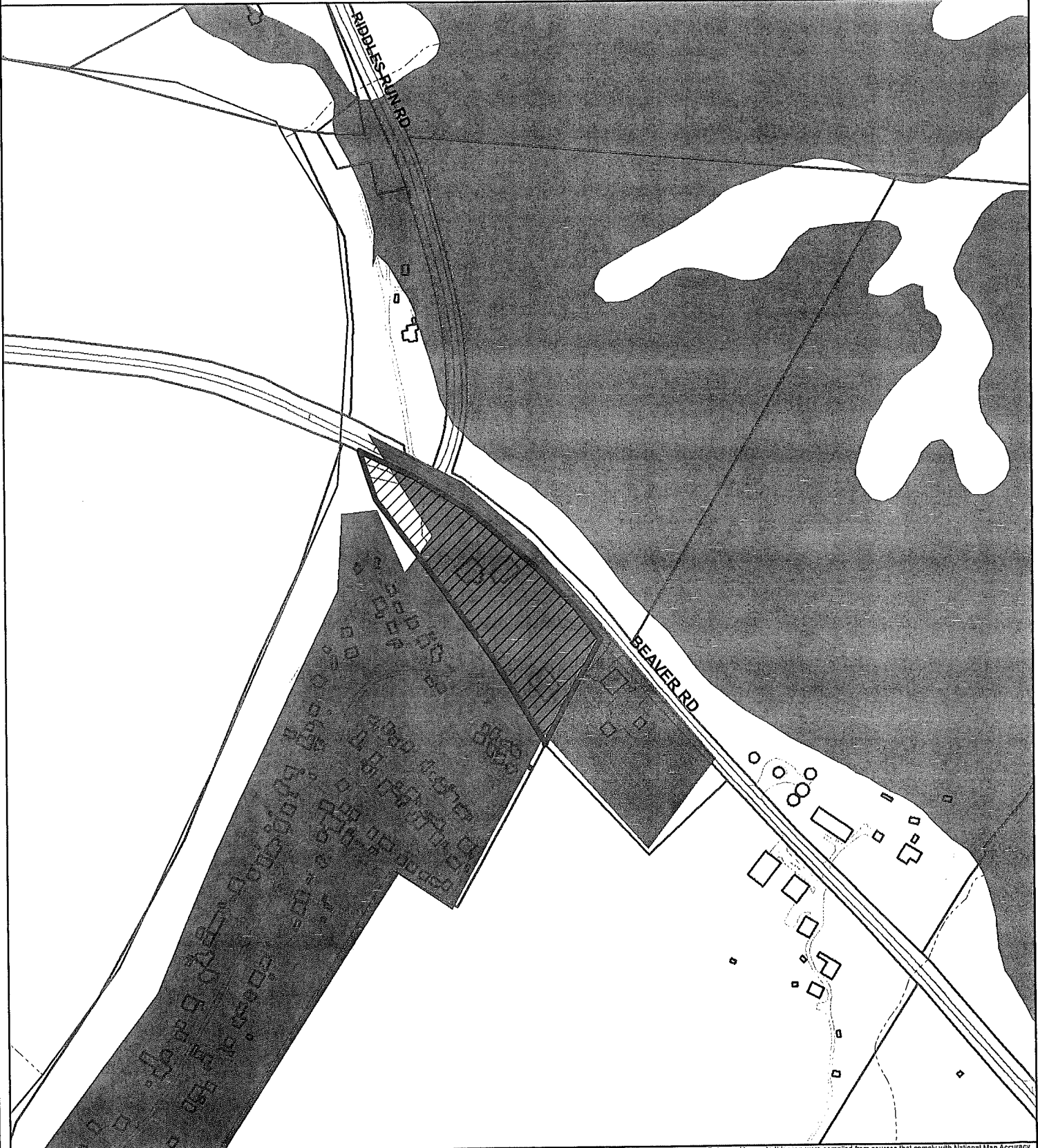
Boone County GIS - Putting Northern Kentucky on the Map



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ArcMap Document: *.mxd

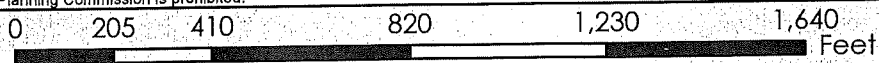
2035 Future land Use Map

www.boonecountygis.com



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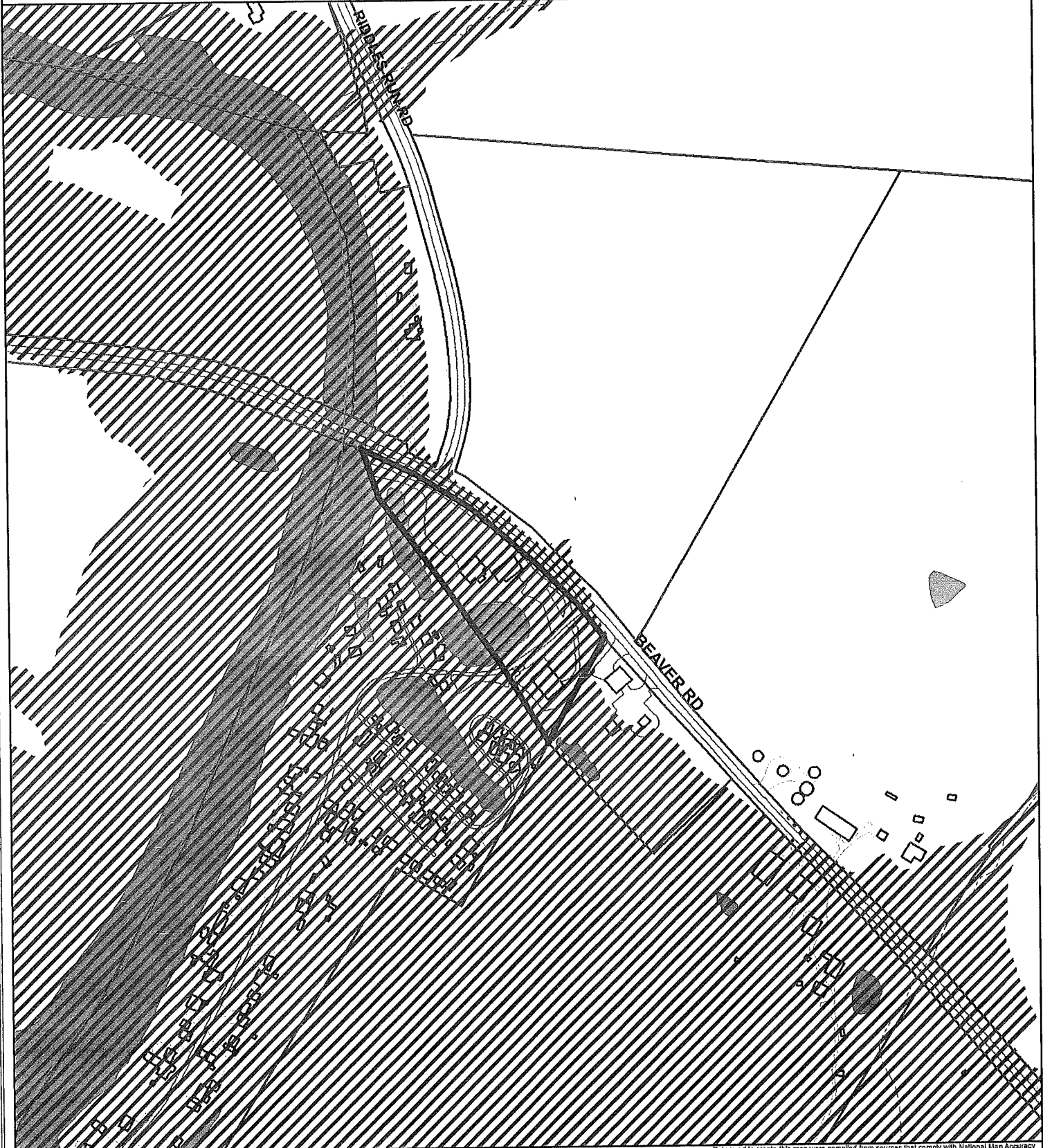


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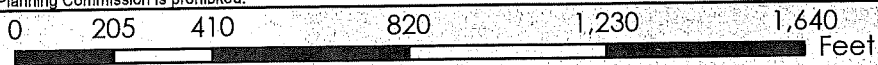
Floodplain Map

www.boonecountygis.com



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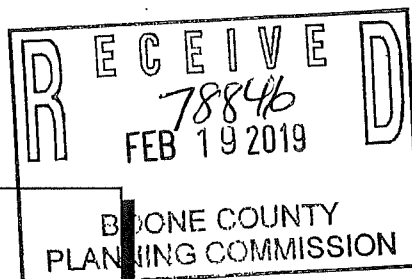
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Boone County GIS
ArcMap Document (*.mxd)

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)

(Check One)

- 1. [X] Boone [] Florence [] Walton [] Union

(Check One)

- 2. [X] Conditional Use Permit [] Variance [] Appeal [] Change in Non-Conforming Use

3. Applicant's Name [Viox & Viox, Inc.] Applicant's Address [466 Erlanger Road] Erlanger KY 41018

4. Description of Request: [To construct a new building for boat storage & sales of boats and other marine items.]

5. Name of Development [New building at Knot Marina]

6. Location of Development [4895 Beaver Road, Union, KY 41091]

7. Acreage Under Review [0.5 Ac] Total Site Area [4.61 Ac]

8. Lot Number and Name of Subdivision (if part of a subdivision) [N/A]

9. Owner of Property [Max Outdoor Recreation LLC] Address of Property Owner [J. Eric Walden, Manager, 5145 Rabbit Hash Road, Union KY 41091]

10. Phone Number [859 445-3684] Fax No. [859 647-0634] E-Mail [nkyendo@gmail.com]

11. Proposed Use(s) on Site [Existing uses-marina, boat storage, sales of boats & other marine items & restaurant Proposed new building for boat storage & sales of boats & other marine items.]

12. Total Square Footage of Existing and/or Proposed Buildings [Ex. 12080 * Prop. 7500*]

13. Current Zoning on Property [R]

14. Deed Book [1014] Page No. [211] Group No. [2059]

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.

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

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

(over)

* 3 Ex. buildings-Restaurant - 68 x 45, Boat Shop - 83 x 46, & Boat Storage - 65 X 80 1 Prop. building 60 x 125

**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 2-19-19 Fee Received \$72.00 Receipt # 78846
2. Is application complete? 7 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: _____

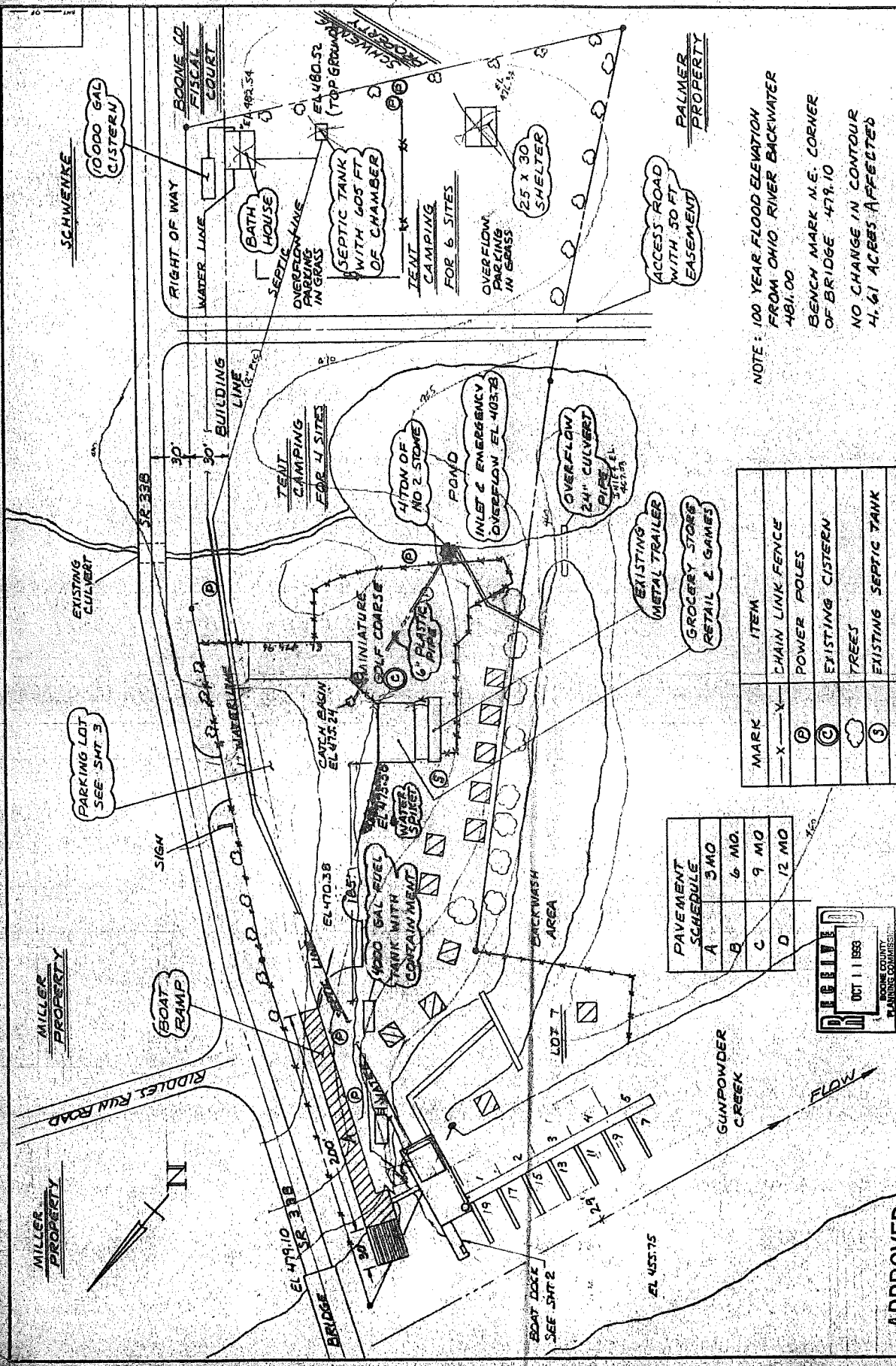
7. Reasons for Denial: _____

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.

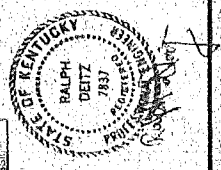
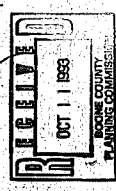
An application consists of all fees paid in full, submitted drawings and a completed application form.



NOTE: 100 YEAR FLOOD ELEVATION FROM OHIO RIVER BACKWATER 481.00
 BENCH MARK N.E. CORNER OF BRIDGE 479.10
 NO CHANGE IN CONTOUR 41.61 ACRES AFFECTED

MARK	ITEM
X	CHAIN LINK FENCE
Ⓚ	POWER POLES
Ⓞ	EXISTING CISTERN
Ⓢ	TREES
Ⓜ	EXISTING SEPTIC TANK
Ⓜ	WOODEN FENCE
Ⓞ	PINE TREES

PAVEMENT SCHEDULE	A	B	C	D
3 MO				
6 MO				
9 MO				
12 MO				



APPROVED
 Staff: *[Signature]*
 Date: 10-20-83
 Boone County Planning Commission
 PREPARED BY: RALPH DEITZ, CLS, DCA
 DRY RIDGE, KY
 1-606-864-4732

GUN POWDER CREEK MARINE
 4895 BEAVER ROAD
 UNION KY 41091 PH 384-3248

APPROPRIATE: DGR
 CHECKED: []
 DATE: []

RD-001 SHEET 1 OF 5

SCHWENKE

BOONE CO FISCAL COURT

MILLER PROPERTY

MILLER PROPERTY

MILLER PROPERTY

MILLER PROPERTY

MILLER PROPERTY

MILLER PROPERTY

MILLER PROPERTY

MILLER PROPERTY

MILLER PROPERTY

MILLER PROPERTY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Max Outdoor Recreation LLC
5145 Rabbit Hash Road
Union, KY 41091

2. ADDRESS OF PROPERTY

4895 Beaver Road
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Knot Marina

4. DEED BOOK 1014

PAGE NO. 211

GROUP NO. 2059

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

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

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



SIGNATURE OF COMPLETING OFFICIAL

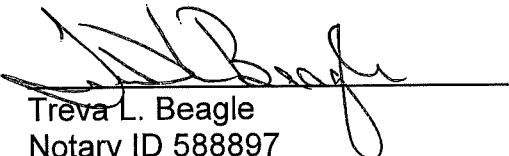
Michael D. Schwartz - Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

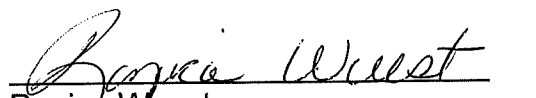
Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

on behalf of the Boone County Planning Commission this 28 day of March, 2019.


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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of March 27, 2019 Certificate of Land Use Restriction (#19-BCOBA-004 -A), for Max Outdoor Recreation LLC, Property Owner(s).

The following conditions will apply:

1. That a site plan, meeting the requirements of the Boone County Zoning Regulations, be submitted to the Boone County Planning Commission for review and approval prior to any construction on the site.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 1014

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GROUP NO. 2059