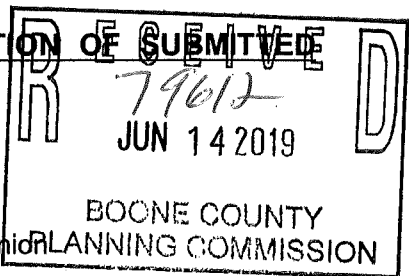


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

- 1. (Check One) X Boone Florence Walton Union
2. (Check One) X Conditional Use Permit Variance Appeal
3. Applicant's Name Jessica Banish on behalf of Three Keys Distillery
4. Description of Request: Restore historic store to be open as a gift shop, local museum, with a whiskey tasting bar in the store space.
5. Name of Development Three Keys Distillery Gift Shop & Tasting Room
6. Location of Development 8800 East Bend Road Burlington, KY 41005
7. Acreage Under Review 1
8. Lot Number and Name of Subdivision (if part of a subdivision) Not applicable
9. Owner of Property Tim & Jessica Banish
10. Address of Property Owner 8802 East Bend Road Burlington KY 41005
11. Proposed Use(s) on Site Open store as a gift shop and bourbon & whiskey tasting room, while preserving building and local history.
12. Total Square Footage of Existing and/or Proposed Buildings 1,600 square feet
13. Current Zoning on Property A1-SC
14. Deed Book 1072 Page No. 627 Group No. 2045
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] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (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 6-14-19 Fee Received \$782.00 Receipt # 79612
2. Is application complete?  Yes  No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 9/11/19
5. Board Action:  
 **Approved**  
 **Approved with Conditions** (See #6)  
 **Denial** (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: Based on the testimony of the public hearing, the area is not necessarily zoned for that kind of a business, and a more appropriate location would be closer to Rabbit Hash.

**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

#3

APPLICANT: Jessica Banish, on behalf of Three Keys Distillery

LOCATION: 8802 East Bend Road, Boone County, Kentucky

ZONING: Agriculture/Small Community Overlay (A-1/SC)

DATE: July 10, 2019

### PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow a gift shop, museum, and bourbon/whiskey tasting room on an approximate 1 acre property located at 8802 East Bend Road.

### SITE HISTORY

1870's Kite's Grocery/Waterloo Store was built.

2005 Permit issued for single family residential dwelling.

### 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. 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 1133 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 1133 of the Boone County Zoning Regulations (I-1 district):
- a. The activity is provided primarily in support of and obtains its trade from the employees of the district, or
  - b. The activity is of integral relation to the purpose of the district;
  - c. The use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
  - d. Provided the arrangement of uses, buildings or structures is mutually compatible with the organization or permitted and accessory uses to be protected in the district.
- C. Section 2010 of the Boone County Zoning Regulations identifies eating and drinking paces, general merchandise, and art and craft galleries and similar exhibit space as a permitted use within the SC Zone, provided that the uses are located within an existing building which is 2,500 square feet or smaller and requires ten or less parking spaces. Section 2012 of the Boone County Zoning Regulations states that the above uses shall be conditional uses if there will be major exterior alterations.
- D. Section 2000 of the Boone County Zoning Regulations states that "The intent of this article is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well. The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers."

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Rural Land” and “Rural Density Residential” 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. Residential construction in Rural Lands does not occur in a formal subdivision.

Rural Density Residential – Low density residential uses of up to one dwelling unit per acre.

- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).

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).

Tourist oriented commercial facilities should be encouraged provided that the impacts on other land uses are minimal (Natural and Cultural Resources Goal A, Objective 4).

Education and recreation facilities shall be combined to provide the mutual benefits of service, safety, convenience, economy, and neighborhood scale (Natural and Cultural Resources Goal A, Objective 6).

Inventories shall be maintained of natural and cultural features including historic, architectural, archaeological sites, cemeteries, documents, and traditions (Natural and Cultural Resources Goal C, Objective 1).

Priorities shall be established for the conservation, restoration, preservation, and protection of natural and cultural features using land use regulatory tools and incentives as well as consideration for inclusion in potential park land development to serve as educational and recreational resources for the community (Natural and Cultural Resources Goal C, Objective 3).

Plans for new or redeveloped commercial, industrial, institutional, and residential sites shall be reviewed and reasonable measures taken to ensure identification and protection of significant cultural resources (Natural and Cultural Resources Goal C, Objective 8).

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

Tourism (including agri-tourism and heritage tourism), telecommuting, and virtual employment shall be encouraged as an economic resource while minimizing potential impacts (Economy Goal A, Objective 7).

Compact, efficient development patterns shall be encouraged for industrial, commercial,

and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems (Economy Goal B, Objective 2).

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. East Bend 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 East Bend Road. Waterloo Road is identified as a collector roadway providing for two-way traffic within two driving lanes (one lane in each direction). There are no sidewalks along Waterloo Road.

SITE CHARACTERISTICS

- A. The approximate 1 acre property is located along the east side East Bend Road, at its intersection with Waterloo Road.
- B. The site is currently occupied by a detached single family residential dwelling, an historic structure containing approximately 1,600 square feet, and a telephone utility box.
  - 1. The historic structure was known as the Kite Store and was built in the late 1870's.
  - 2. The structure is on the Kentucky Heritage Council list of historic structures and is listed on the National Register of Historic Structures.
  - 3. The structure extends approximately 10 – 15 feet into the right-of-way of East Bend Road.
- C. Access to the existing house is provided by a curb cut onto East Bend Road, approximately 190 feet southwest of Waterloo Road. There appears to be a curb cut onto East Bend Road serving the utility box structure. This curb cut is slightly offset from Waterloo Road.

SURROUNDING LAND USES AND ZONING

North: Single family residential and vacant/undeveloped land (A-1/SC and A-1)

South: Single family residential and vacant/undeveloped land (A-1/SC and A-1)

East: Single family residential and vacant/undeveloped land (A-1/SC and A-1)

West: Single family residential and vacant/undeveloped land (A-1/SC and A-2)


STAFF COMMENTS

- A. The submitted site plan indicates the following:
1. Relocation of the historic structure to meet the minimum front yard setback.
  2. Restore the porch of the historic structure.
  3. Add a restroom, air conditioning, and a wood burning stove to the historic structure.
  4. Provide the following uses in the historic structure: package liquor sales; bourbon/whiskey tasting room; gift shop; and museum.
  5. Use of an existing gravel parking lot adjacent to the historic structure.
- B. Article 33 of the Boone County Zoning Regulations provides regulations for the design of off-street parking areas (i.e., paving, curbs, wheel blocks, striping, etc.). The submitted concept plan does not meet these requirements.
- C. Should the Board take action to approve the submitted request, the following conditions should be part of that action:
1. That the proposed off-street parking area meet the requirements of Article 33 of the Boone County Zoning Regulations, unless a waiver is granted by the Zoning Administrator.
  2. That any curb cut onto East Bend Road be aligned with Waterloo Road, subject to approval/modification by the Kentucky Department of Highways.

### 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

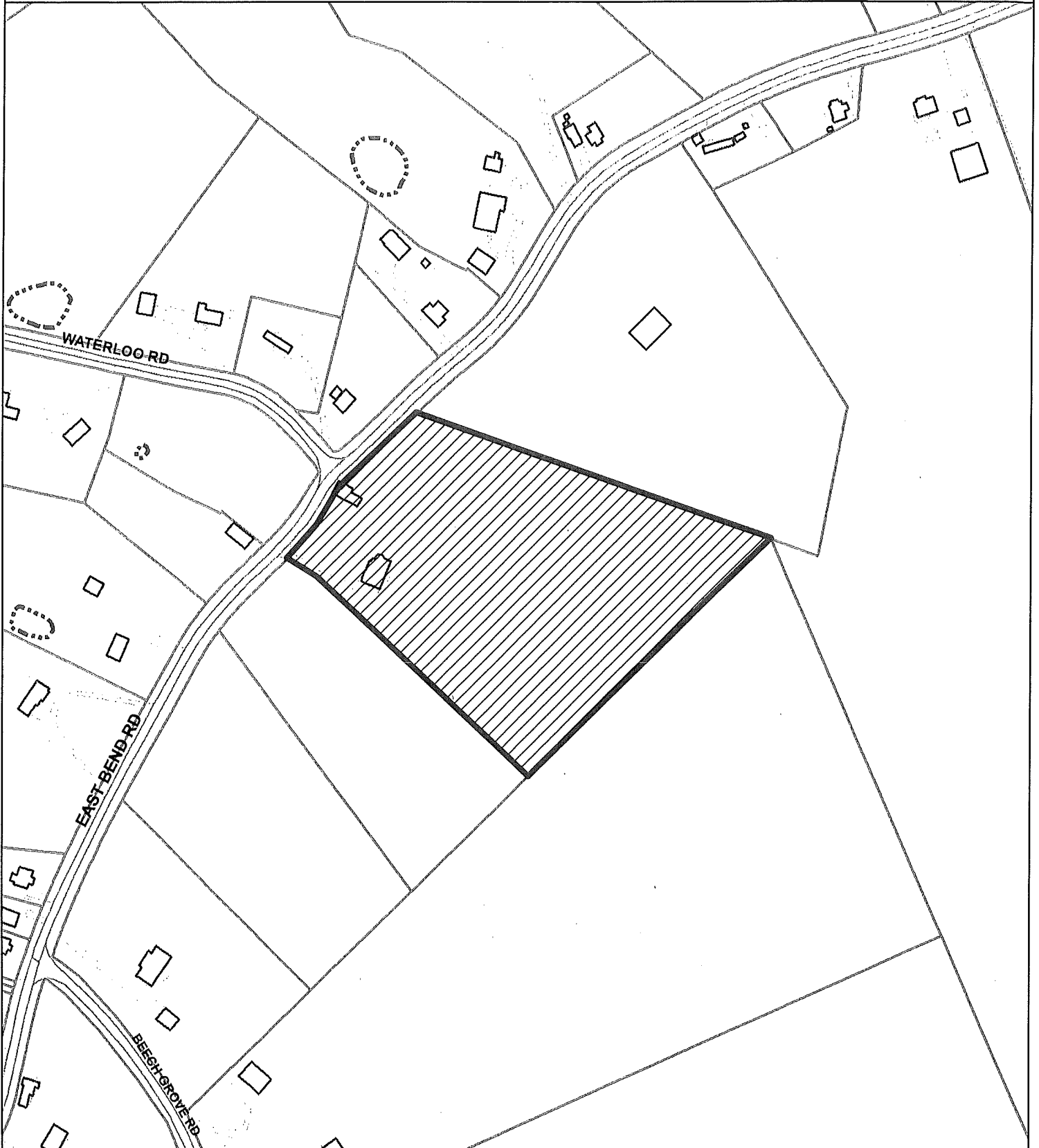
MDS/ss

### Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Concept Development Plan

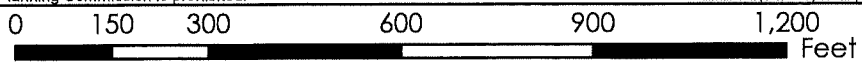
# Vicinity Map

www.boonecountygis.com



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1 Inch = 300 feet



Map Created: 01/01/2018

**Boone County GIS - Putting Northern Kentucky on the Map**



Boone County GIS  
ArcMap Document: \*.mxd

# Aerial Map

www.boonecountygis.com



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0 150 300 600 900 1,200 Feet

1 inch = 300 feet



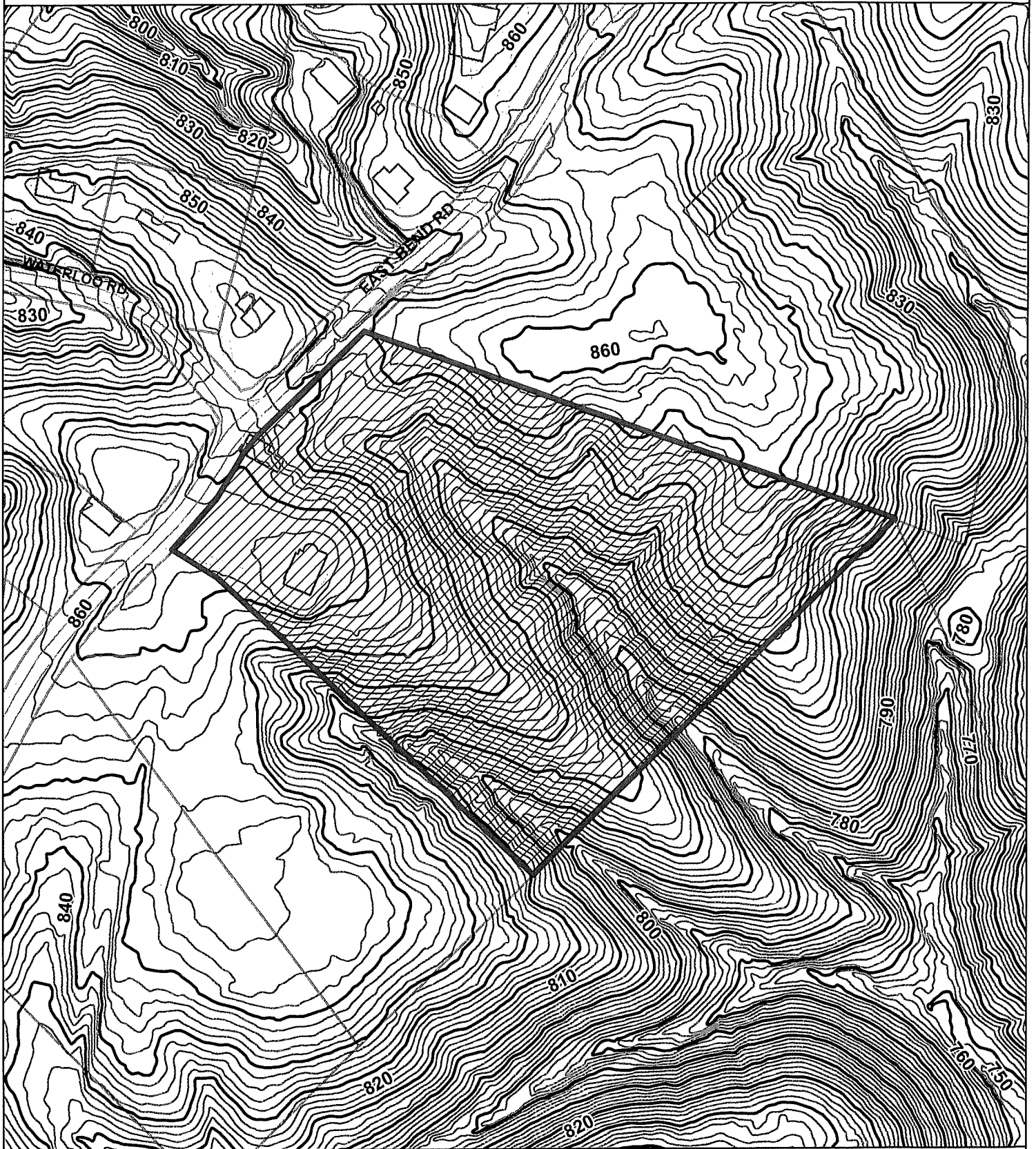
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: ".mxd"

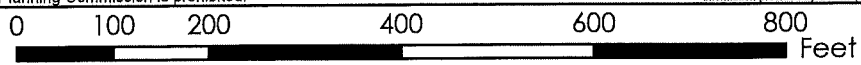
# Topographical Map

www.boonecountygis.com



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1 Inch = 200 feet



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Map Created: 01/01/2018

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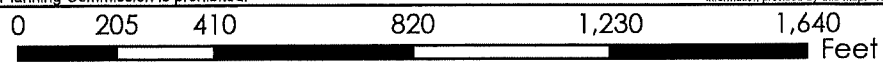
# Zoning Map

www.boonecountygis.com



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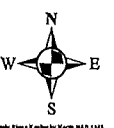
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1 Inch = 400 feet



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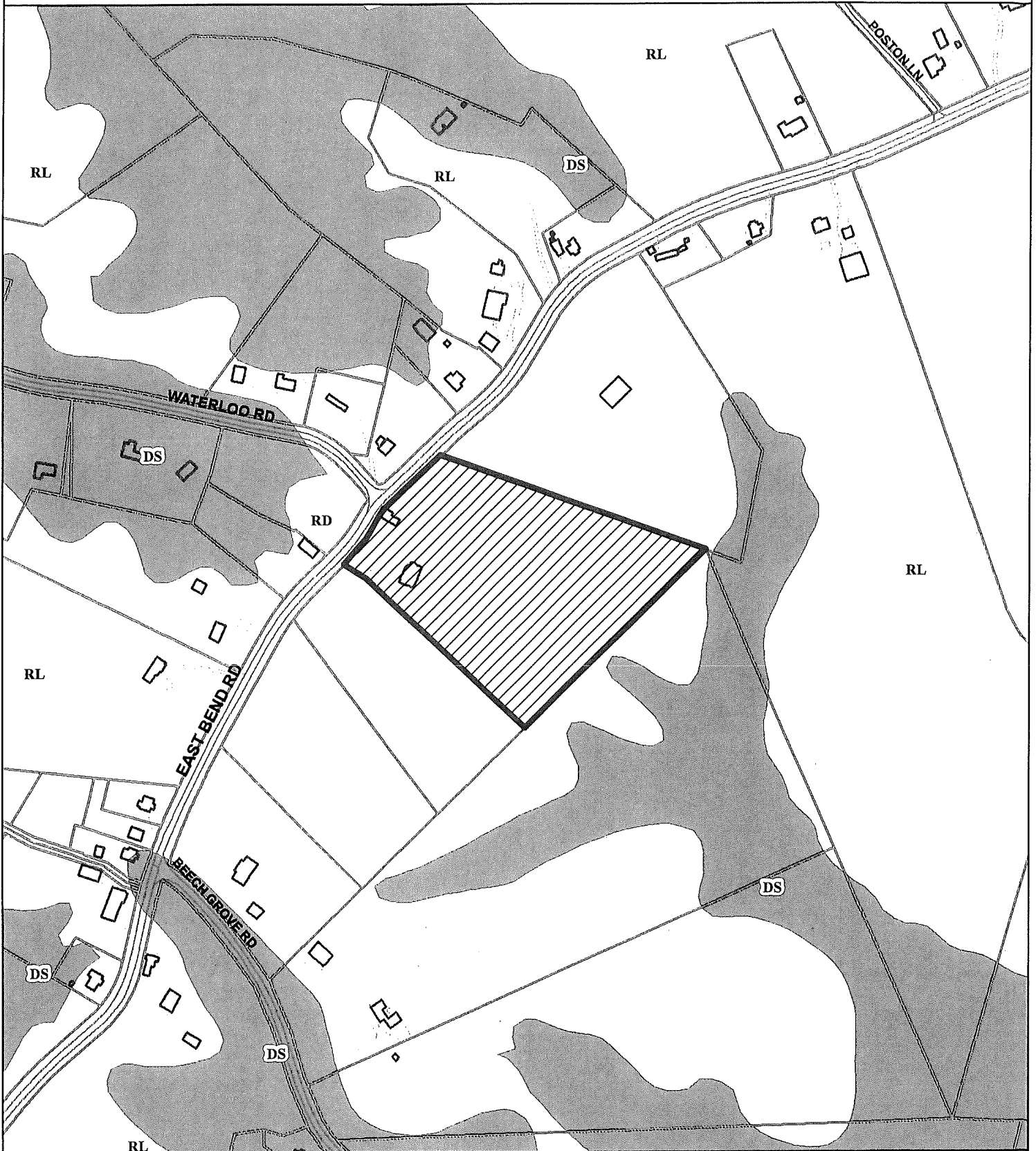


Map Created: 01/01/2018

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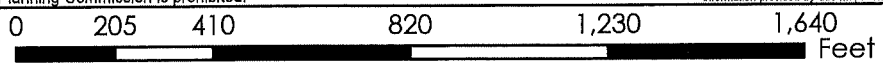
# 2040 Future Land Use Map

www.boonecountygis.com



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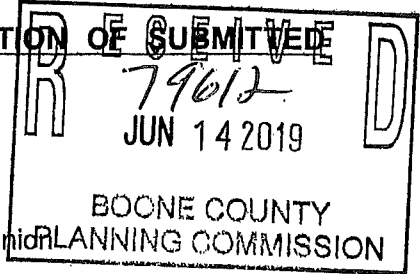


APPLICATION FORM

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.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- (Check One)
2.  Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name Jessica Banish on behalf of Three Keys Distillery  
Applicant's Address 8802 East Bend Road  
Burlington KY 41005  
City State Zip  
Phone Number 859.609.6026 Fax No. N/A E-Mail Jessica@Threekeysdistillery.com
4. Description of Request: Restore historic store to be open as a gift shop, local museum, with a whiskey tasting bar in the store space. Store will be moved back to adhere to setback.
5. Name of Development Three Keys Distillery Gift Shop & Tasting Room
6. Location of Development 8800 East Bend Road  
Burlington, KY 41005
7. Acreage Under Review 1
8. Lot Number and Name of Subdivision (if part of a subdivision)  
Not applicable
9. Owner of Property Tim & Jessica Banish  
Address of Property Owner 8802 East Bend Road  
Burlington KY 41005  
City State Zip  
Phone Number 859.609.6026 Fax No. N/A E-Mail Threekeysdistillery.com
11. Proposed Use(s) on Site Open store as a gift shop and bourbon & whiskey tasting room, while preserving building and local history.
12. Total Square Footage of Existing and/or Proposed Buildings 1,600 square feet
13. Current Zoning on Property A1-SC
14. Deed Book 1072 Page No. 627 Group No. 2045
15. Is the site subject to a zone change? No  
If yes, give date of approval N/A
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:** \_\_\_\_\_  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** \_\_\_\_\_  
(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 6-14-19 Fee Received \$782.00 Receipt # 7962
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](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.**

## James William Kite Store Proposed Building Relocation

### Building & Parking Proposed Layout -

Move building out of right-of-way and restore porch

#### Main Building – Store & Gift Shop

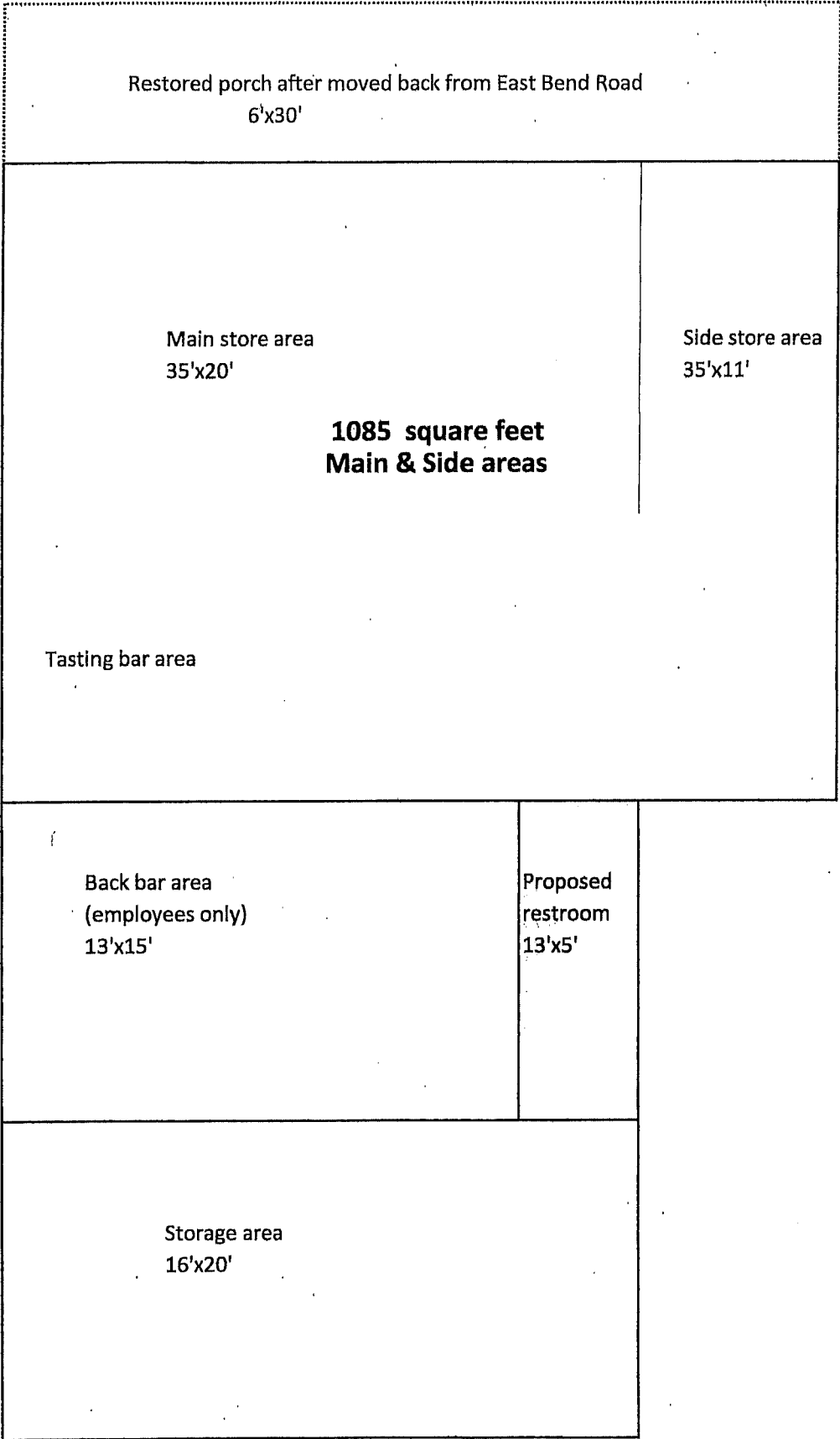
- Packaged liquor product
- Tasting Room
- Three Keys merchandise
- Local hand-made goods
- Add restroom in rear of store
- Add air conditioning & wood burning stove

#### Parking – Existing Gravel Lot

- Existing gravel lot adjacent to store will be used for parking

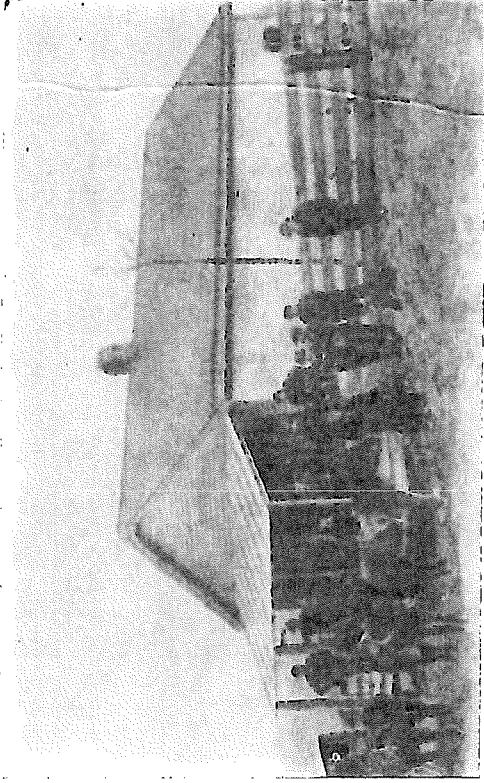


Three Keys Store Proposed Layout



**James William Kite Store  
Circa 1900 & 1940's**

National Historic Register  
nps.gov reference # 14000456



**Original Main Building**

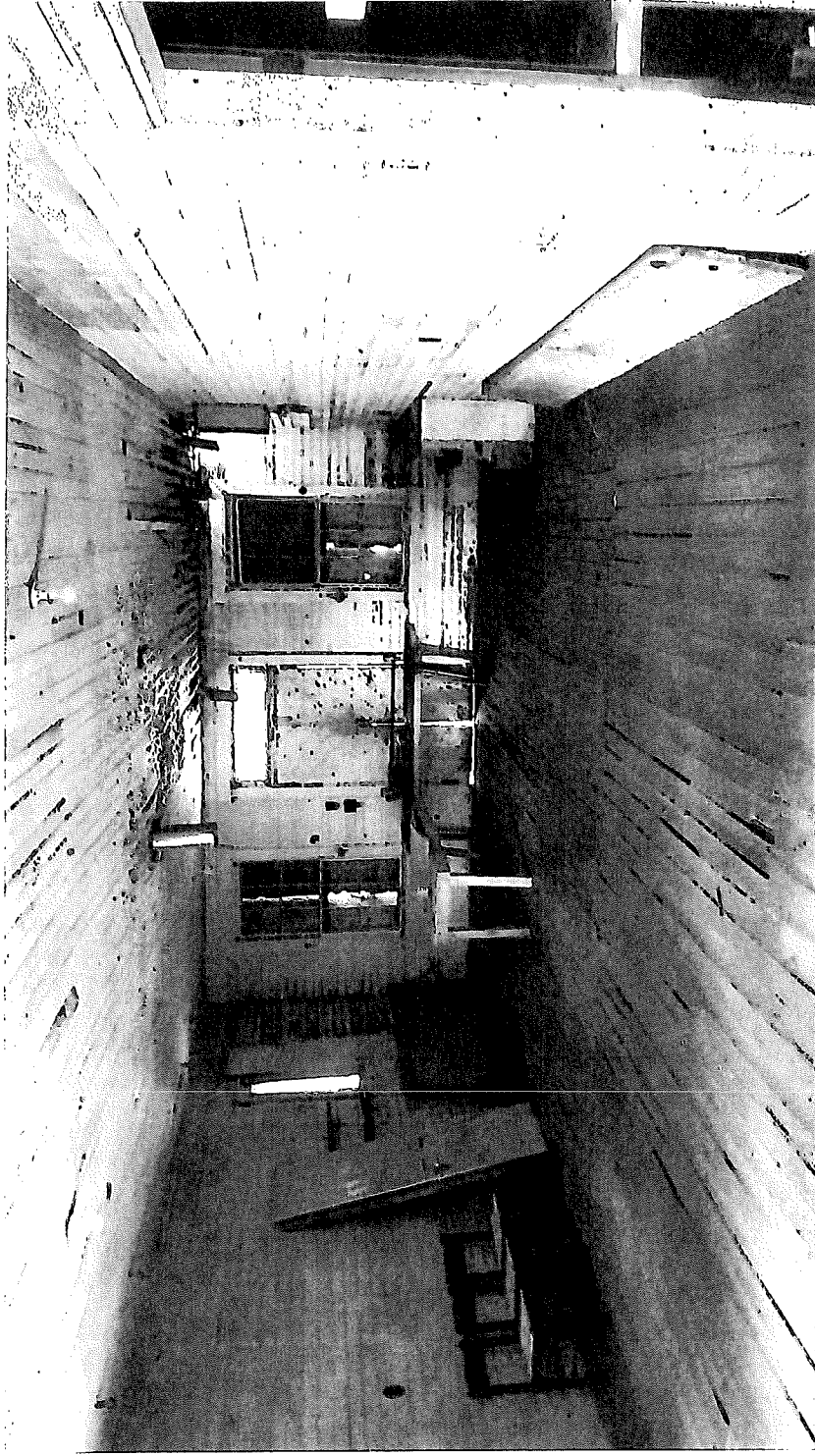
**General Store circa 1940's**

Same as current footprint

Approximately 1,600 ft<sup>2</sup>



James William Kite Store  
Current Day



Main Interior

James William Kite Store  
Current Day



Side Interior