



**May 19, 2023**

**Campbell County and Municipal Board of Adjustments**

Staff Comments, Findings, and Recommendations

Issue to be heard: Tuesday, May 30, 2023, 6:30 PM  
Campbell County Fiscal Court  
1098 Monmouth Street  
Newport, KY 41071

Information concerning these cases is available for review at the Campbell County & Municipal Planning & Zoning Office, 1098 Monmouth Street, Suite 343, Newport, KY. Monday-Friday during normal business hours. A staff report for the case is available on the county website at <https://campbellcountyky.gov/meetings/>.

We invite persons interested in these cases to be present and/or submit their comments in advance by emailing [pzadmin@campbellcountyky.gov](mailto:pzadmin@campbellcountyky.gov) or calling 859-292-3880 no later than noon (EST) 05/26/2023. For record keeping purposes, comments should also include the name and address of the person(s) commenting.

**FILE NUMBER:** PZ-23-001

**APPLICANT:** Ben Neltner / Heather

**LOCATION:** 12001 Pond Creek Rd. Unincorporated Campbell County

**REQUEST:** Variance for structures located within the Special Flood Hazard Area; Appeal of Stop Work Order on existing structures; and Conditional Use Permit (CUP) for an event facility to be used for church, family and other gatherings. This CUP may require additional variances and/or waivers.

Per Section 18, notice of public hearing was placed in the Campbell County Enquirer. Notice was sent to adjoining and neighboring property owners.

Staff report was also published on Campbell County Website

Kentucky Revised Statutes (KRS) of note include:

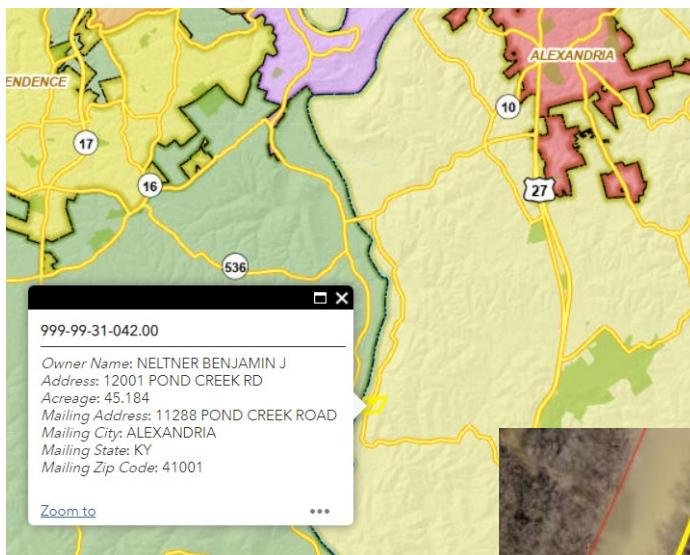
- KRS 100.241 provides that the Board shall have the power to hear and decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.
- KRS 100.243 states that before any variance is granted, the board must find that the granting 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

#### Ordinances of note:

- Flood Damage Prevention Ordinance for Campbell County
- Campbell County Zoning Ordinance
  - Section 9.14 Conditional Use
  - Section 9.19 Site Plan
  - Section 18.7 Conditional Use Permits
  - Section 11.0 Item N) Paving of New Off-Street Parking: All new off-street parking facilities shall be paved with asphalt concrete or Portland cement concrete.

#### Site Location:



The Site (PIDN 999-99-31-042.00) is located at 12001 Pond Creek Road (State Route 1936). Pond Creek Road is accessed via Creektrace Road (SR 536) and Kenton Station Road (SR 1936).



The site is located south and east of Alexandria KY. The site is along the Licking River.

The site is Zoned Agricultural One (A-1). The adjacent parcels are also zoned A-1.



The Comprehensive Plan Future Land Use Map identifies the area as both *Agricultural* and *Licking and Ohio River Corridors*



-  Licking and Ohio River Corridors
-  Agricultural



**Agricultural** – The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage. Accessory uses such as the sale, processing, drying, and storage of agricultural products when those activities are conducted in conjunction with, but are secondary to, the primary agricultural activity may be present also.

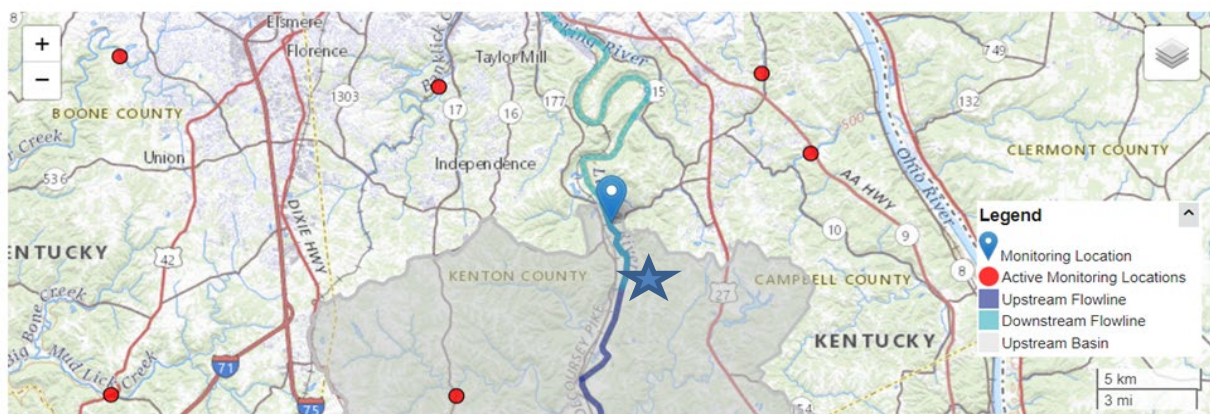


**Licking and Ohio River Corridors** – Land reserved along the banks of the major river corridors in Campbell County to preserve its scenic, recreational, cultural, historic, economic and environmental value to the community. Public access to the rivers should be integrated with open space/natural areas to improve and enhance the green infrastructure of the county. Development and redevelopment of these areas must be carefully managed to maintain the environmental integrity of the watershed and interconnections of land uses throughout the entire length of the corridor.



The property spans three Special Flood Hazard Areas: Floodway, AE Zone and Zone X. The primary structures related to this case are located in the Regulatory Floodway of the Licking River.

The site is approximately 3 miles upstream from a Super Gauge on the Licking River. This gauge measures both water quantity and quality.



## Available Data



Station ID: 03254520

Stream Data: Gage height, discharge, stream velocity

Water-Quality Data: Water temperature, specific conductance at 25°C, pH, dissolved oxygen, turbidity, nitrate plus nitrite

Atmospheric Data: Precipitation

[View the data](#)

## Station Description



Latitude: 38°55'13"

Longitude: 84°26'53"

Hydrologic Unit Code (HUC): 05100101

Datum: 448.82 feet above NAVD88

Drainage Area: 3,593 square miles

County in which site is located: Campbell

Site managed by: Louisville District Office

This super gauge is maintained by Sanitation District #1 in cooperation with the USGS.

“Hydrologic Conditions - The Licking River at Highway 536 near Alexandria, Kentucky is the most downstream site on the Licking River before the confluence with Ohio River. More than 250,000 Kentuckians rely on the Licking River for drinking water. The Licking River at Highway 536 near Alexandria, Kentucky site is 18.8 miles upstream of the Ohio River. **The mouth of the Licking River is located in the mountains of Eastern Kentucky and meanders northwest until it meets the Ohio River near Newport, Kentucky. Flow is regulated by Cave Run Lake since 1973. Watershed is highly dissected plateau with steep hillsides. Runoff can lead to a swift rise in gage height.** Stream gradient is minimal between gage and Ohio River 18.8 miles downstream leading to some backwater conditions.”

# Site Development History:

## February 2021 – Application for Conditional Use Permit

**Zoning Review, Conditional Use, Request for Variance or Waiver**

Campbell County Planning, Zoning and Building Inspection  
1098 Monmouth Street, Suite 348  
Newport, Kentucky 41071  
Phone: (859) 232-3880  
Fax: (859) 547-3868  
www.campbellcountyny.gov

**1. Project Located in:**  
☒ Unincorporated Campbell County  
☐ Bellevue ☐ Dayton ☐ Southgate  
☐ Cold Spring ☐ Mebaume ☐ Woodlawn  
☐ Cresview ☐ Silver Grove

**2. Project Address:** 12001 Pond Creek Rd  
 City: Alexandria State: Kentucky Zip: 41001

**3. PIDN:** 899-99-31-042-00 Zone: \_\_\_\_\_

**4. Applicant:** ☒ Property Owner ☐ Other: \_\_\_\_\_  
 Applicant: Ben Neltner Contact: \_\_\_\_\_  
 Address: 11288 Pond Creek Rd  
 City: Alexandria State: Kentucky Zip: 41001  
 Phone: 859-816-0228 Email: ben@neltner.com

Property Owner: Ben Neltner  
 Address: 11288 Pond Creek Rd  
 City: Alexandria State: Kentucky Zip: 41001  
 Phone: 859-816-0228 Email: \_\_\_\_\_

**5. Did you complete a pre-application meeting with Staff?** ☒ Yes ☐ No

**6. Request for Review:**  
 Describe Request: Want to get a conditional use for an event space

☐ Zoning review or a specific property. Attached information requested.  
☒ Conditional Use Permit: (Per KRS, uses not listed for the zone cannot be granted)  
 Use Requested: event space

☐ Change from one Non-Conforming use to another lesser Non-Conforming use  
 Current use: \_\_\_\_\_ Is this use conforming: ☐ Yes ☐ No  
 Proposed use: \_\_\_\_\_ Is this use conforming: ☐ Yes ☐ No

☐ Zoning Variance (Per KRS, density variances cannot be granted)

☐ Waiver of Subdivision Regulations

**6. Supporting Information for Conditional Uses, Changes for Non-Conforming Uses, Variances or Waivers.** Each applicant shall submit a statement in their own words to reflecting the following: (attach additional sheets if needed)  
 A. That the proposed use at this location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood or community.  
 B. That the proposed use will NOT be detrimental to the health, safety or overall welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.  
 C. That such use will comply with any regulations in the Zoning Ordinance and Subdivision Regulations for such use.  
 Variance and Waiver request must also submit a statement in their own words to reflecting the following:  
 D. That the requested variance/waiver arises from special existing circumstance, which does not generally apply to land in the general vicinity.  
 E. That the manner in which the application of the provisions of the Zoning Ordinance would deprive the applicant of a reasonable use of the land, or would create unnecessary hardship for the applicant.  
 - or -  
 That the circumstance is the result of actions taken following the adoption of the zoning regulation from which relief is sought.  
 F. That the variance will not allow unreasonable conditions of the requirements of zoning regulations and will not alter the essential character of the neighborhood.  
 G. That granting the variance/waiver will not confer on the applicant any special privilege that is not conferred by this ordinance to other land, structures or buildings in the same zone.

**9. Acknowledgement:**  
 I hereby certify that I am requesting this review on behalf of all owners of this property. All fees are due at the time of application and are not refundable, regardless of the decision of the Planning Commission, Board of Adjustment and/or their authorized agent.  
 Signature: \_\_\_\_\_ Date: 1/28/2021  
 Applicant Signature: \_\_\_\_\_

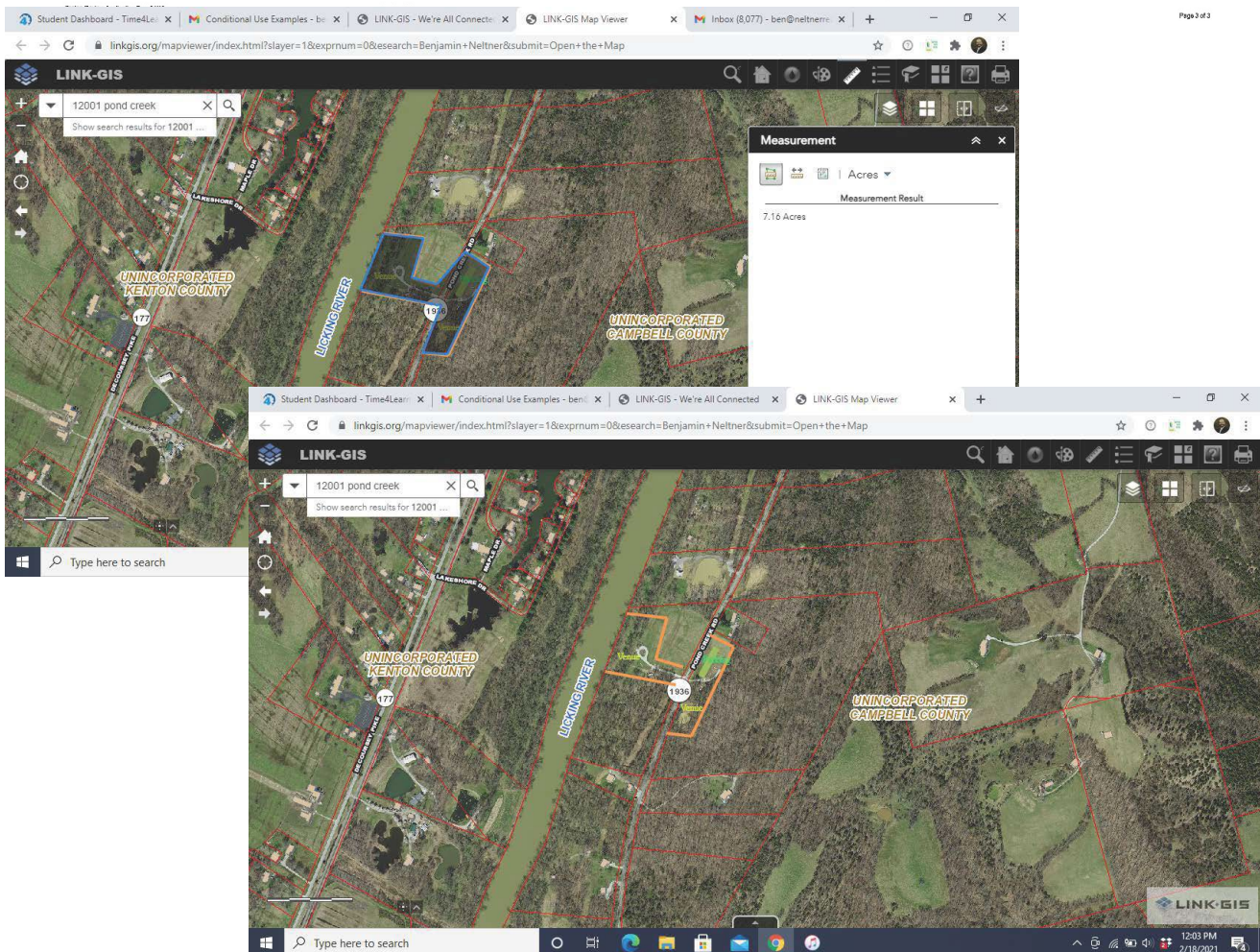
**Attachments:** (An electronic copy may be submitted in lieu of one original)  
☐ Two copies of the draft plans and all supporting plans  
☐ Two copies of the revised plans upon approval  
☐ Fees

**INFORMATION BELOW TO BE COMPLETED BY STAFF:**

PZ - \_\_\_\_\_

Fees Recd.	Date Recd.
\$ _____ Waiver	<input type="checkbox"/> Credit Card
\$ _____ Variance	<input type="checkbox"/> Cash
\$ _____ Conditional Use	<input type="checkbox"/> Check (#) _____
\$ _____ Non-Conforming Use	
\$ _____ Appeal	
\$ _____ Other	
\$ _____ Total	

Page 2 of 3



A survey was requested and provided by the applicant.

501

MAG NAIL SET  
 BUILDING  
 OR ELEV = 509.00  
 ELEV = 519.00

IRON PIN SET  
 PLS 3046

L71  
 L72

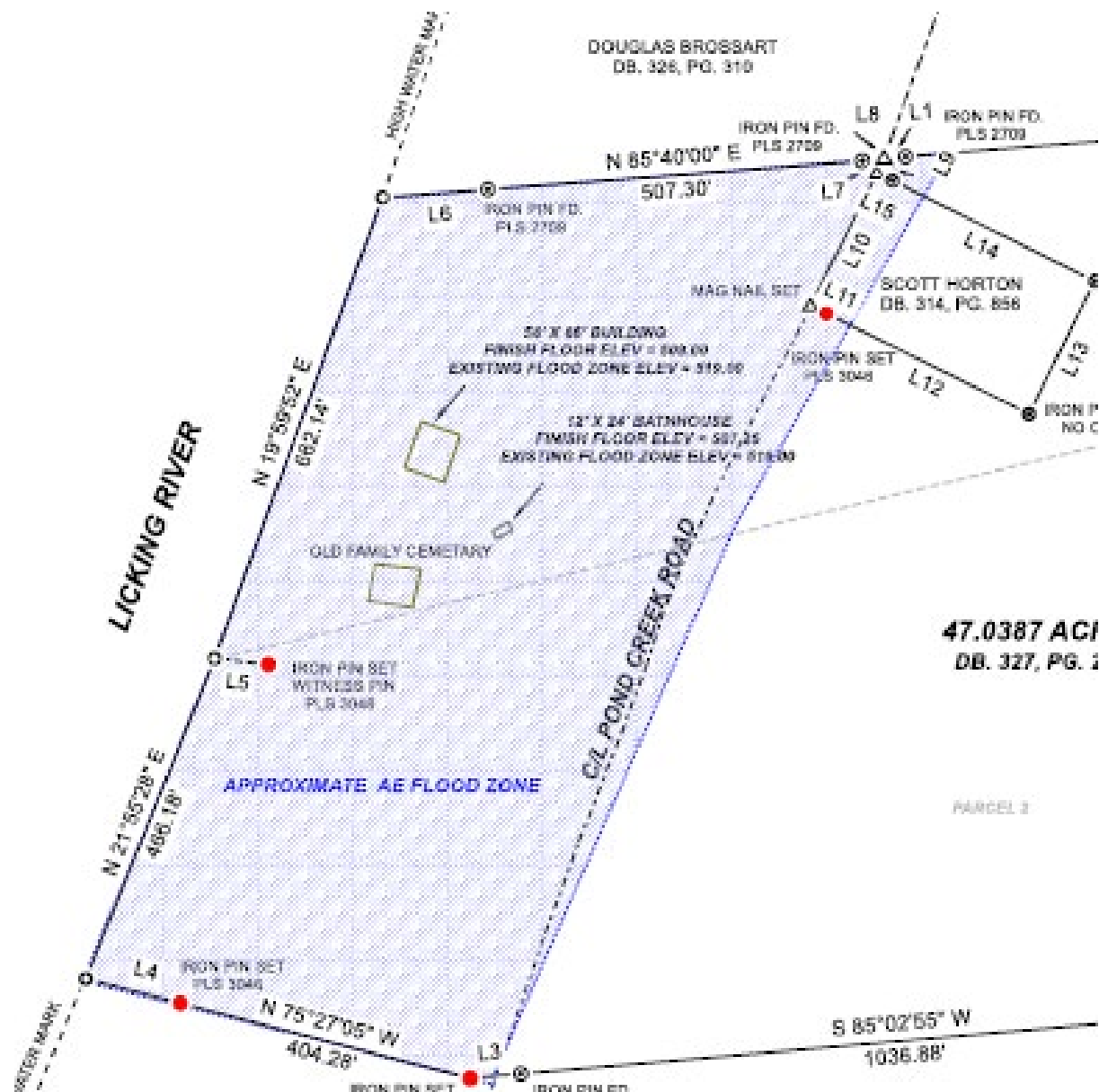
12' X 24' BATHHOUSE  
 FINISH FLOOR ELEV = 507.25  
 FLOOD ZONE ELEV = 519.00

REEK ROAD

POUND ROAD  
 RIVER ROAD

VICINITY MAP  
 NOT TO SCALE  
 PROPERTY LOCATION  
 ON THE EAST & WEST SIDE OF POND CREEK  
 (SCALE APPROX. ONE MILE NORTH OF POOL)





An amended survey was provided indicating the AE Zone and that the structures were existing.

Note: The Floodway was not indicated on the amended survey.

At that point the case was tabled, and a stop work order was issued. The Kentucky Division of Water (KDOW) was informed of construction within the regulatory floodway.

KDOW subsequently issued a notice of violation.

# National Flood Hazard Layer FIRMette



84°27'3"W 38°52'50"N





February 26, 2021

Ben Neltner  
11288 Pond Creek Rd  
Alexandria, KY 41001

**RE: Stop Work Order at 12001 Pond Creek Rd, Alexandria, KY 41001**

Dear Mr. Neltner

Pursuant to National Flood Insurance Program Requirements, the Kentucky Building Code, and the Zoning Ordinance of Unincorporated Campbell County, notice is hereby given to all persons to immediately STOP ALL WORK on this property located at 12001 Pond Creek Road for the following reason(s):

1. Two (2) structures have been constructed within a flood hazard area. Neither a permit from the Kentucky Division of Water nor a zoning permit has been issued.
2. The two (2) structures have not been issued building permits.

Prior to obtaining building permits, a zoning permit and stream construction permits must be obtained. No occupancy permit has been approved.

A request has been made for a full survey and elevation certificate.

Should you have any questions regarding this issue, please feel free to call Campbell County Planning and Zoning at 859-292-3880.

Sincerely,

Cynthia Minter, AICP CFM  
Director of Planning and Zoning, Campbell County



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

May 12, 2022

Benjamin Neltner  
11288 Pond Creek Road  
Alexandria, KY 41001

RE: Benjamin Neltner Property CIV/20220001, AI: 173115: RE: Construction of open sided pole barn and bath house facility with utilities in the floodway of Licking River (FEMA effective map- 21037C0089E, March 3, 2014) without a floodplain construction permit, site general coordinates 37.210416, -83.131769, in Campbell County.

Dear Mr. Neltner:

Above construction without a permit is a violation of 401 KAR 4:060. This office requires you to complete one of the following actions in order to be in compliance with above regulations:

1. Remove all structures constructed in the floodway. Floodway limits are identified in the FEMA map # 21193C0310D, August 2, 2006. Above remedial action need to be certified by a KY licensed surveyor/engineer and must be verified by the local floodplain coordinator and Div of Water Florence Regional Office personnel. Above certification shall be submitted to this office by June 30, 2022.
2. If you want to keep the structures constructed in the floodway as it is, then you need to submit no-rise/no-impact certification to this office by a professional engineer supported by a hydraulic analysis model and a report by June 30, 2022.

Failure to act on one of the above options by the specified date(s) may result in further enforcement, including the assessment of civil penalties. If you have any questions concerning the above, please contact Solitha Dharman at 502-782-6936 or me at 502-782-6296.

Sincerely,

David Coe, P.E., Supervisor  
Floodplain Management Section  
Water Resources Branch/KY Div. of Water

SD

pc: Div of Water, Florence Regional Office  
Cynthia Minter, Campbell County Floodplain Coordinator  
Director of Planning and Zoning, Campbell County  
Donald T. Roenker, P.E., Agent  
File



As requested, the applicant provided an elevation certificate for the 3,696 square foot Pole Barn Structure. Materials records indicated that the materials were purchased on 9-18-2020 for \$43K.

An elevation certificate was also provided for a 288 square foot bath house.

While the elevation certificates, did not reference the correct FIRM map and omitted elevation of machinery supporting, we are able to ascertain that the elevation between the Base Flood Elevation and the lowest adjacent grade is over 11 feet.

The applicant also provided a stamped engineer review regarding the potential buoyance and potential influence of the 100-year flow related to the open-sided pavilion and the bathhouse.

## ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
A1. Building Owner's Name <u>BENJAMIN J. HORTON HETNER</u>		Policy Number:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. <u>12001 Pond Creek Rd.</u>		Company NAIC Number:
City <u>ALEXANDRIA</u>	State <u>KY</u>	ZIP Code <u>41001</u>
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) <u>99-99-31-042.00 DB 327 Pg. 286</u>		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Non Residential</u>		
A5. Latitude/Longitude: Lat. <u>38° 52' 34.44"</u> Long. <u>-84° 26' 45.54"</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983		
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.		
A7. Building Diagram Number <u>1A</u>		
A8. For a building with a crawlspace or enclosure(s):		
a) Square footage of crawlspace or enclosure(s) <u>N/A</u> sq ft <u>36 sq ft (Pond Creek structure)</u>		
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade		
c) Total net area of flood openings in A8.b sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		
A9. For a building with an attached garage:		
a) Square footage of attached garage <u>N/A</u> sq ft		
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade		
c) Total net area of flood openings in A9.b sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION		
B1. NFIP Community Name & Community Number <u>Campbell County 210034</u>	B2. County Name <u>Campbell County</u>	B3. State <u>KY</u>
B4. Map/Panel Number <u>0152</u>	B5. Suffix <u>E</u>	B6. FIRM Panel Date <u>6/9/83</u>
B7. FIRM Panel Effective/Revised Date <u>March 3, 2004</u>	B8. Flood Zone(s) <u>AE</u>	B9. Base Flood Elevation (Depth) <u>519.00</u>
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source:		
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source:		
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input type="checkbox"/> No Designation Date: <input type="checkbox"/> CBRS <input type="checkbox"/> OPA		

FEMA Form 086-0-33 (12/19)

Replaces all previous editions.

Form Page 1 of 6

## ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
A1. Building Owner's Name <u>BENJAMIN J. HORTON HETNER</u>		Policy Number:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. <u>12001 Pond Creek Rd.</u>		Company NAIC Number:
City <u>ALEXANDRIA</u>	State <u>KY</u>	ZIP Code <u>41001</u>
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) <u>99-99-31-042.00 DB 327 Pg. 286</u>		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Non Residential</u>		
A5. Latitude/Longitude: Lat. <u>38° 52' 34.20"</u> Long. <u>-84° 26' 43.81"</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983		
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.		
A7. Building Diagram Number <u>1A</u>		
A8. For a building with a crawlspace or enclosure(s):		
a) Square footage of crawlspace or enclosure(s) <u>1986</u> sq ft <u>BATH HOUSE</u>		
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade		
c) Total net area of flood openings in A8.b sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		
A9. For a building with an attached garage:		
a) Square footage of attached garage <u>N/A</u> sq ft		
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade		
c) Total net area of flood openings in A9.b sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION		
B1. NFIP Community Name & Community Number <u>Campbell County 210034</u>	B2. County Name <u>Campbell</u>	B3. State <u>KY</u>
B4. Map/Panel Number <u>0152</u>	B5. Suffix <u>E</u>	B6. FIRM Panel Date <u>6/9/83</u>
B7. FIRM Panel Effective/Revised Date <u>March 3, 2004</u>	B8. Flood Zone(s) <u>AE</u>	B9. Base Flood Elevation (Depth) <u>519.00</u>
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source:		
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source:		
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input type="checkbox"/> No Designation Date: <input type="checkbox"/> CBRS <input type="checkbox"/> OPA		

FEMA Form 086-0-33 (12/19)

Replaces all previous editions.

Form Page 1 of 6

## ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. <u>12001 Pond Creek Rd.</u>	Policy Number:
City <u>ALEXANDRIA</u>	State <u>KY</u>
ZIP Code <u>41001</u>	Company NAIC Number

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)	
C1. Building elevations are based on: <input type="checkbox"/> Construction Drawings* <input type="checkbox"/> Building Under Construction* <input type="checkbox"/> Finished Construction	
*A new Elevation Certificate will be required when construction of the building is complete.	
C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.	
Benchmark Utilized: <u>GPS</u> Vertical Datum: <u>NAVD 88</u>	
Indicate elevation datum used for the elevations in items a) through h) below. <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source:	
Datum used for building elevations must be the same as that used for the BFE.	
Check the measurement used.	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>508.00</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab)	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>507.3</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>508.20</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION	
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.	
Were latitude and longitude in Section A provided by a licensed land surveyor? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Check here if attachments.	
Certificator Name <u>Patrick C. McLaugherty</u>	License Number <u>RES 3046</u>
Title	
Company Name	
Address <u>P.O. Box 132</u>	
City <u>Williamstown</u>	State <u>KY</u>
ZIP Code <u>41097</u>	
Signature <u>Patrick C. McLaugherty</u>	Date <u>Oct. 30, 2021</u>
Telephone <u>859-801-7424</u>	Ext.
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.	
Comments (including type of equipment and location, per C2(e), if applicable)	

FEMA Form 086-0-33 (12/19)

Replaces all previous editions.

Form Page 2 of 6

## ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

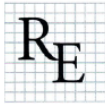
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c) Total net area of flood openings in A8.b sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		
A9. For a building with an attached garage:		
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b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade		
c) Total net area of flood openings in A9.b sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION		
B1. NFIP Community Name & Community Number <u>Campbell County 210034</u>	B2. County Name <u>Campbell</u>	B3. State <u>KY</u>
B4. Map/Panel Number <u>0152</u>	B5. Suffix <u>E</u>	B6. FIRM Panel Date <u>6/9/83</u>
B7. FIRM Panel Effective/Revised Date <u>March 3, 2004</u>	B8. Flood Zone(s) <u>AE</u>	B9. Base Flood Elevation (Depth) <u>519.00</u>
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source:		
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source:		
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input type="checkbox"/> No Designation Date: <input type="checkbox"/> CBRS <input type="checkbox"/> OPA		
SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)		
C1. Building elevations are based on: <input type="checkbox"/> Construction Drawings* <input type="checkbox"/> Building Under Construction* <input type="checkbox"/> Finished Construction		
*A new Elevation Certificate will be required when construction of the building is complete.		
C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.		
Benchmark Utilized: <u>GPS</u> Vertical Datum: <u>NAVD 88</u>		
Indicate elevation datum used for the elevations in items a) through h) below. <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source:		
Datum used for building elevations must be the same as that used for the BFE.		
Check the measurement used.		
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>508.00</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
b) Top of the next higher floor	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters	
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters	
d) Attached garage (top of slab)	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters	
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters	
f) Lowest adjacent (finished) grade next to building (LAG)	<u>507.3</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
g) Highest adjacent (finished) grade next to building (HAG)	<u>508.20</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>-</u> <input type="checkbox"/> feet <input type="checkbox"/> meters	
SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION		
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.		
Were latitude and longitude in Section A provided by a licensed land surveyor? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Check here if attachments.		
Certificator Name <u>Patrick C. McLaugherty</u>	License Number <u>RES 3046</u>	
Title		
Company Name		
Address <u>P.O. Box 132</u>		
City <u>Williamstown</u>	State <u>KY</u>	ZIP Code <u>41097</u>
Signature <u>Patrick C. McLaugherty</u>	Date <u>Oct. 30, 2021</u>	Telephone <u>859-801-7424</u>
Ext.		
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.		
Comments (including type of equipment and location, per C2(e), if applicable)		

FEMA Form 086-0-33 (12/19)

Replaces all previous editions.

Form Page 2 of 6



# Roenker Engineering, Inc.

Structural Consultants  
3276 Highridge Drive  
Taylor Mill, Kentucky 41015

June 9th, 2022

Mr. Ben Neltner  
12001 Pond Creek Road  
Alexandria, Kentucky 41001

Subject: Review of New Structures at 12001 Pond Creek Road;

Alexandria, Kentucky

Roenker Engineering Comm. No. 2021656

Dear Mr. Neltner:

Pursuant to your request I visited the above referenced site and met with you. The intent of the visit was to review the two existing wood framed structures that were constructed in the floodway of the Licking River and determine if the as-built construction was suitable to resist the buoyancy forces resulting from a 100-year flood event. The first structure was a 65'-9" by 55'-9" open sided pavilion supported on a series of wood posts embedded in concrete pier footings. The second structure was a single-story bathroom building framed with 2 X 4 stud walls and wood roof structure supported on a 4" (minimum) thick concrete slab. The existing ground surface at the pavilion was 508 feet. The existing ground surface at the bathroom building was 507 feet. Based on the FEMA National Flood Hazard information the 100-year recurrence interval flood elevation at this site is 519 feet.

Based on the above elevations and construction of the two structures I have calculated the buoyancy forces on each structure resulting from a flood elevation of 519 feet. Based on my calculations each structure has sufficient concrete footing dead load to exceed the buoyancy forces resulting from the submerged wood structures during a 100-year flood event. Neither structure has a net upward buoyancy in a 100-year floor at elevation 519 feet.

Subsequent to my original letter, dated March 9<sup>th</sup>, 2022, a concern was raised that the newly constructed buildings would affect or impede the flow of water during a 100-year flood event. Specifically, the concern was centered on Kentucky's Division of Water's floodplain management regulation 401 KAR 4:060 which requires that any new construction not result in an obstruction to the 100-year flood flow and would not cause the Base Flood Elevation (BFE) to rise locally around the new construction. Both buildings were located on the essentially flat broad East bank of the northward flowing Licking River. The buildings were located at the southern end of a large open clearing directly

against the tree line to the South. The stand of mature trees to the South extended for at least several hundred yards. The open sided pavilion building would present an obstruction to the water flow that is less than the current stand of mature trees located immediately upstream from the building. The 100-year flood flow would already be impeded by the stand of mature trees upstream before the flow reached the newly constructed buildings. Based on this fact, along with the broad width of the East bank of the Licking River, it is my professional opinion that the two newly constructed buildings would have a negligible effect on the 100-year floor flow through and around the buildings.

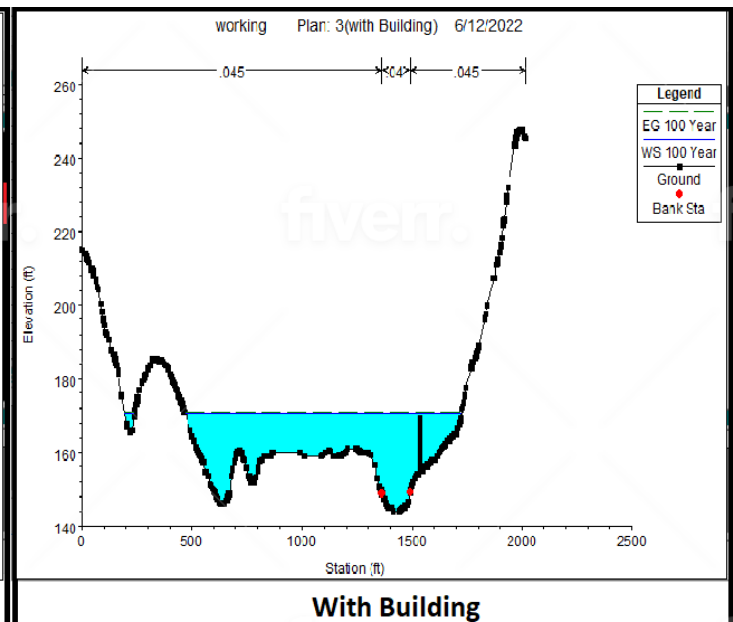
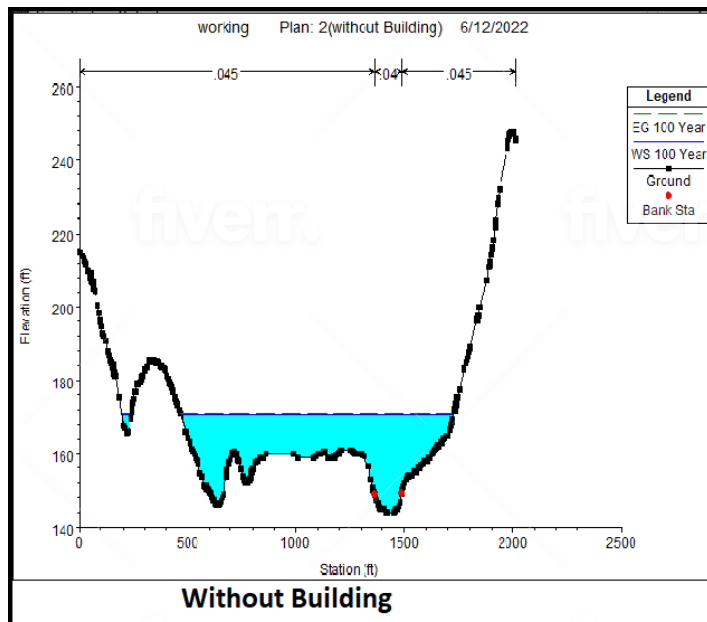
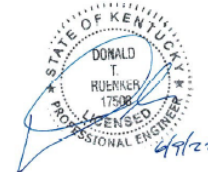
Additionally, I have performed a cross sectional analysis of the Licking River and the flood plains on each side at the location of the new buildings. Based on LINK-GIS data the obstructed area of the new buildings is less than 2 percent of the cross-sectional flow area of the 100 year floor event (elevation 519.0').

I trust this meets with your needs. Thank you for this opportunity to be of service. If you have any questions or need further assistance, please contact me.

Very truly yours,

ROENKER ENGINEERING, INC.

Donald T. Roenker, PE; Principal



Cross Section Output

File Type Options Help

River: Licking River Profile: 100 Year

Reach: Reach 1 RS: 1110 Plan: 100 year (WOB)

	Element	Left OB	Channel	Right OB
E.G. Elev (ft)	170.72			
Vel Head (ft)	0.32	Wt. n-Val.	0.045	0.040
W.S. Elev (ft)	170.40	Reach Len. (ft)	150.70	150.70
Crit W.S. (ft)		Flow Area (sq ft)	11471.45	3099.67
E.G. Slope (ft/ft)	0.000411	Area (sq ft)	11471.45	3099.67
Q Total (cfs)	70000.00	Flow (cfs)	11471.45	3099.67
Top Width (ft)	1298.72	Top Width (ft)	41141.11	19953.23
Vel Total (ft/s)	4.06	Avg. Vel. (ft/s)	940.96	123.30
Max Ch Depth (ft)	26.40	Hydr. Depth (ft)	3.59	6.44
Conv. Total (cfs)	3451074.0	Conv. (cfs)	12.19	25.14
Length Wtd. (ft)	150.70	Wetted Per. (ft)	940.32	983715.6
Min Ch El (ft)	144.00	Shear (lb/ft)	0.31	0.64
Alpha	1.26	Stream Power (ft/ft/s)	1.11	4.13
Fri Fr Loss (ft)	0.06	Cum Volume (acre-ft)	200.40	57.59
C & E Loss (ft)	0.01	Cum SA (acres)	15.86	2.30

Errors, Warnings and Notes

Warning: Divided flow computed for this cross-section.

Select Profile

Without Building

Cross Section Output

File Type Options Help

River: Licking River Profile: 100 Year

Reach: Reach 1 RS: 1110 Plan: 100 year (WOB)

	Element	Left OB	Channel	Right OB
E.G. Elev (ft)	170.73			
Vel Head (ft)	0.35	Wt. n-Val.	0.045	0.040
W.S. Elev (ft)	170.38	Reach Len. (ft)	150.70	150.70
Crit W.S. (ft)		Flow Area (sq ft)	11458.20	3097.93
E.G. Slope (ft/ft)	0.000440	Area (sq ft)	11458.20	3097.93
Q Total (cfs)	70000.00	Flow (cfs)	11458.20	3097.93
Top Width (ft)	1298.53	Top Width (ft)	42180.37	20621.30
Vel Total (ft/s)	4.14	Avg. Vel. (ft/s)	940.91	123.30
Max Ch Depth (ft)	26.38	Hydr. Depth (ft)	3.71	6.66
Conv. Total (cfs)	3336153.0	Conv. (cfs)	12.18	25.13
Length Wtd. (ft)	150.70	Wetted Per. (ft)	2024586.0	982797.6
Min Ch El (ft)	144.00	Shear (lb/ft)	940.16	124.13
Alpha	1.30	Stream Power (ft/ft/s)	0.33	0.69
Fri Fr Loss (ft)	0.06	Cum Volume (acre-ft)	1.23	4.57
C & E Loss (ft)	0.02	Cum SA (acres)	200.38	57.59

Errors, Warnings and Notes

Warning: Divided flow computed for this cross-section.

Select Profile

With Building

These updated records were submitted to the KDOW.

On May 11, 2022, Mr. Neltner provided drawings of the bath house, and shelter for "farm equipment and hay to be stored".

On June 13, 2022, the KDOW confirmed that the structures would have an insignificant rise to the base flood elevation and directed the applicant to obtain the necessary local permits.

From: Ben Neltner  
 To: Minter, Cindy; Woodward, Emily  
 Subject: 12001Pond Creek Building permit drawings and reports  
 Date: Friday, March 11, 2022 4:30:56 PM  
 Attachments: Bath House Plumbino Drawing - Mar 11 2022 - 3-19 PM.pdf  
 Bath House Electric Drawing - Mar 11 2022 - 3-18 PM.pdf  
 Bath House Electric Drawing - Mar 11 2022 - 3-18 PM (1).pdf  
 Site plan.pdf  
 11-5-17Neltner-Drawing1.pdf  
 Net zero official .pdf  
 Heather Neltner 10-22-2021 (1).pdf


**[Caution]** This email originated from outside of the organization. Do not click links or open attachments unless you verify with the sender and know the content is safe.

Thank you both so much with all your help with this process!

We applied for and received a permit to construct a platform to put an electric panel on to gain an electric permit to install a panel. That was completed and inspected by a state certified electric inspector in 2018.

In 2019 I built a bath house and installed a concrete holding tank to collect any waste from the bath house. I also installed a concrete tank so I could have water delivered to the site for the bath house. I ran electric under ground from the platform to a panel I installed in the bathhouse for the water pump and lights in the bathroom. I poured a 4" slab that the structure sits on and fastened with concrete ram nails. There are 2 sink stations, 2 urinals and 2 toilets. The back side was going to have showers but were not completed.

2020 I built a 50x60 shelter for my farm equipment and hay to be stored.

--  
  
 Thank You,  
 Ben Neltner  
 Broker/Realtor  
 859-816-0228  
[neltnerrealty.com](mailto:neltnerrealty.com)

ANDY BESHEAR  
GOVERNOR



REBECCA W. GOODMAN  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

June 13, 2022

Benjamin Neltner Property  
12001 Pond Creek Rd  
Alexandria (Campbell), Kentucky 41001

RE: Benjamin Neltner Property CIV20220001 AI: 173115; RE: Construction of open sided pole barn and bath house facility with utilities in the floodway of Licking River (FEMA effective map- 21037C0089E, March 3, 2014) without a floodplain construction permit, site general coordinates 37.210416, -83.131769, in Campbell County.

Dear Mr. Neltner:

Personnel from the Division of Water have reviewed the information submitted for the above referenced activity that was completed without receiving approval from the Division of Water. Kentucky Revised Statutes (KRS) 151.250 and associated regulations (401 KAR 4:060) prohibit any structure/improvements in or along a stream without a permit having first been obtained from this office.

After review of your hydraulic impact justification submitted by your agent, we have determined that the constructed structures in the floodway and floodplain have insignificant impact to base flood elevation and floodway widths of Licking River. As you have no previous violations, no enforcement action is deemed necessary at this time. This letter may be treated as an approval of the project in lieu of a permit. You may complete the remaining part of the project after obtaining all local permits required from Campbell County.

Therefore, it is considered this case will be closed. In the future, please note that this incident will be made part of your record. Any future deviations from the above requirements could result in enforcement actions/civil penalties initiate against you. Should you have any questions in this matter, please contact DOW regional office or this office at 502-564-3410.

Sincerely,

David Ray Coe

David Coe, P.E., Supervisor  
Floodplain Management Section  
Water Resources Branch/KY Div. of Water

pc: Div. of Water, Florence Regional Office  
Cindy Minter, Campbell County Floodplain Coordinator  
Donald T. Roenker, PE., Agent  
Shawn Hokanson, Manager, Water Resources Branch, KYDOW  
File

## July 2022 – Farm Exempt Permit Application



Farm  
Production  
and  
Conservation  
  
Farm  
Service  
Agency

Burlington Service  
Center  
Boone/Campbell/  
Kenton Counties  
6028 Camp Ernst  
Road  
Burlington, KY  
41005-8369

Voice: 859-586-6175  
Fax: 855-541-8630



United States Department of Agriculture

July 14, 2022

Benjamin Neltner  
Heather Neltner  
11288 Pond Creek Road  
Alexandria, KY 41001

The Boone/Kenton/Campbell County Farm Service Agency Office has completed the request for a Farm Serial Number for your land in **Campbell County**. Your Farm Serial Number is as follows:

**Farm Serial Number 1821 and Tracts 235, 8260, 8590, & 8711**

This is effective beginning with crop year 2022. Enclosed is the current map and an Abbreviated 156 Farm Record, please keep this information for your records. If you plan to row crop your farm you will need to complete a farm plan with Natural Resources Conservation Service (NRCS). To maintain your agriculture status, we suggest you file a crop report each year, even if you will be using your land for hay or pasture.

If you have any questions, please contact this office at 859-586-6175, option 2. More information on the Farm Service Agency can be found at [www.farmers.gov](http://www.farmers.gov).

Any affected person who is not satisfied with this initial determination may file a written request for reconsideration with the Boone/Campbell/Kenton County FSA Committee within 30 days of the date of this letter.

Sincerely,

/s/Mike Benton

Michael C. Benton  
County Executive Director

Cc: file

## Additional Requests after Acknowledgment by KDOW

- ▶ June 16, 2022 – Staff was notified about phone/internet service requested for the site. Mr. Neltner was reminded that he was still under a STOP WORK ORDER.
- ▶ June 17, 2022 - Mr. Neltner withdrew his application for *BA-21-001 A Request for a Conditional Use Permit for an Event Facility*.
- ▶ July 14, 2022 – Mr. Neltner registered the farm with the USDA.
- ▶ July 18, 2022 – Mr. Neltner submitted a FARM EXEMPT Building Permit application for 10,000 sq. ft gravel driveway and a 3,600 sq. ft pool barn that had already been constructed.
- ▶ August 9, 2022 - Mr. Neltner emailed, “Is it possible for you to release the stop work order so I can have my plumber and electrician apply for the permits please? Also need the release for Cincinnati Bell so we can get security set up please.”
- ▶ October 2022 – Informed by an agent for Mr. Neltner, that he wanted to again apply for *A Request for a Conditional Use Permit for an Event Facility*.



## Flood Damage Prevention Ordinance for Campbell County Campbell County Zoning Ordinance

- Section 9.14 Conditional Use
- Section 9.19 Site Plan
- Section 18.7

## Flood Damage Prevention Ordinance for Campbell County

- Based upon Code of Federal Regulations (CFR) for the National Flood Insurance Program: 44 CFR Parts 59, 60, 64, 65, and 70
- Kentucky Administrative Regulations (KAR) for Stream Construction Criteria: 401 KAR4:060 (also see KRS 151)

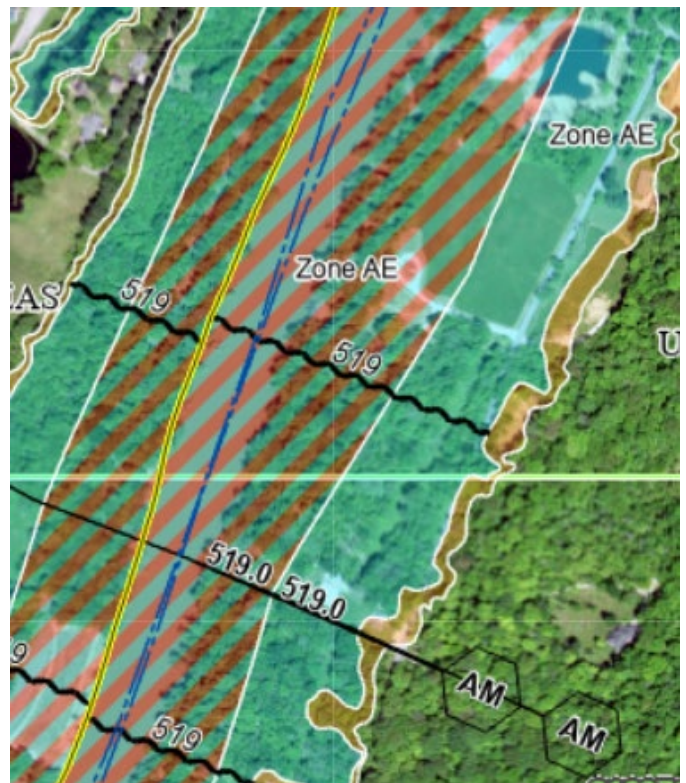
Unincorporated Campbell County participates in FEMA's Community Rating System. Significant improvements and new structures built within a Special Flood Hazard must be reported annually.

### Flood Hazard Areas:

- Initial Identification December 27, 1975
- Initial Flood Hazard Boundary Map August 5, 1975
- Initial Countywide FIS Effective Date: September 30, 2004
- Revised Countywide FIS Date: March 03, 2014
- Second Revised Countywide FIS Date(s): August 10, 2021

Table 8 and Chart 18P from the Flood Insurance Study depict details on the Licking River.

The nearest cross section to the site as reference in the Flood Insurance Study is "AM".



FLOODING SOURCE		FLOODWAY			BASE FLOOD WATER SURFACE ELEVATION (FEET NAVD)			
CROSS SECTION	DISTANCE <sup>1</sup>	WIDTH <sup>2</sup> (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY (NAVD)	WITHOUT FLOODWAY (NAVD)	WITH FLOODWAY (NAVD)	DIFFERENCE
<b>LICKING RIVER</b> (continued)								
Y	50,010	401 / 548	24,260	4.4	505.6	505.6	506.6	1.0
Z	55,282	125 / 604	23,924	4.5	506.9	506.9	507.9	1.0
AA	60,554	399 / 617	25,773	4.2	508.3	508.3	509.3	1.0
AB	66,353	390 / 610	24,841	4.3	509.5	509.5	510.4	1.0
AC	71,625	303 / 1,013	30,125	3.6	510.6	510.6	511.6	1.0
AD	77,472	571 / 778	29,478	3.6	511.6	511.6	512.6	1.0
AE	81,955	396 / 609	27,454	3.9	512.4	512.4	513.4	1.0
AF	86,648	447 / 636	26,112	4.1	513.3	513.3	514.3	1.0
AG	87,690	324 / 551	23,425	4.6	513.5	513.5	514.5	1.0
AH	93,236	604 / 866	33,143	3.2	514.7	514.7	515.7	1.0
AI	98,508	699 / 860	29,630	3.6	515.5	515.5	516.5	1.0
AJ	103,554	903 / 1,046	37,684	2.8	516.6	516.6	517.6	1.0
AK	108,271	525 / 838	28,940	3.7	517.2	517.2	518.2	1.0
AL	113,495	440 / 695	25,821	4.2	518.0	518.0	519.0	1.0
AM	118,518	385 / 675	26,916	4.0	519.0	519.0	519.9	0.9
AN	123,539	345 / 1,576	40,781	2.6	520.2	520.2	521.1	0.9
AO	131,170	414 / 522	22,043	4.9	521.2	521.2	522.2	1.0
AP	136,040	394 / 705	25,541	4.2	522.5	522.5	523.5	1.0
AQ	141,012	332 / 490	22,535	4.8	523.8	523.8	524.7	1.0
AR	145,402	1,362 / 1,481	40,479	2.7	524.7	524.7	525.6	0.9
AS	149,619	315 / 441	20,809	5.2	525.2	525.2	526.2	1.0
AT	157,862	273 / 883	36,409	2.9	527.3	527.3	528.3	1.0
AU	158,838	292 / 854	38,024	2.8	527.4	527.4	528.4	1.0

<sup>1</sup> Feet above confluence with Ohio River

<sup>2</sup> Width within Campbell County / Total width of floodway

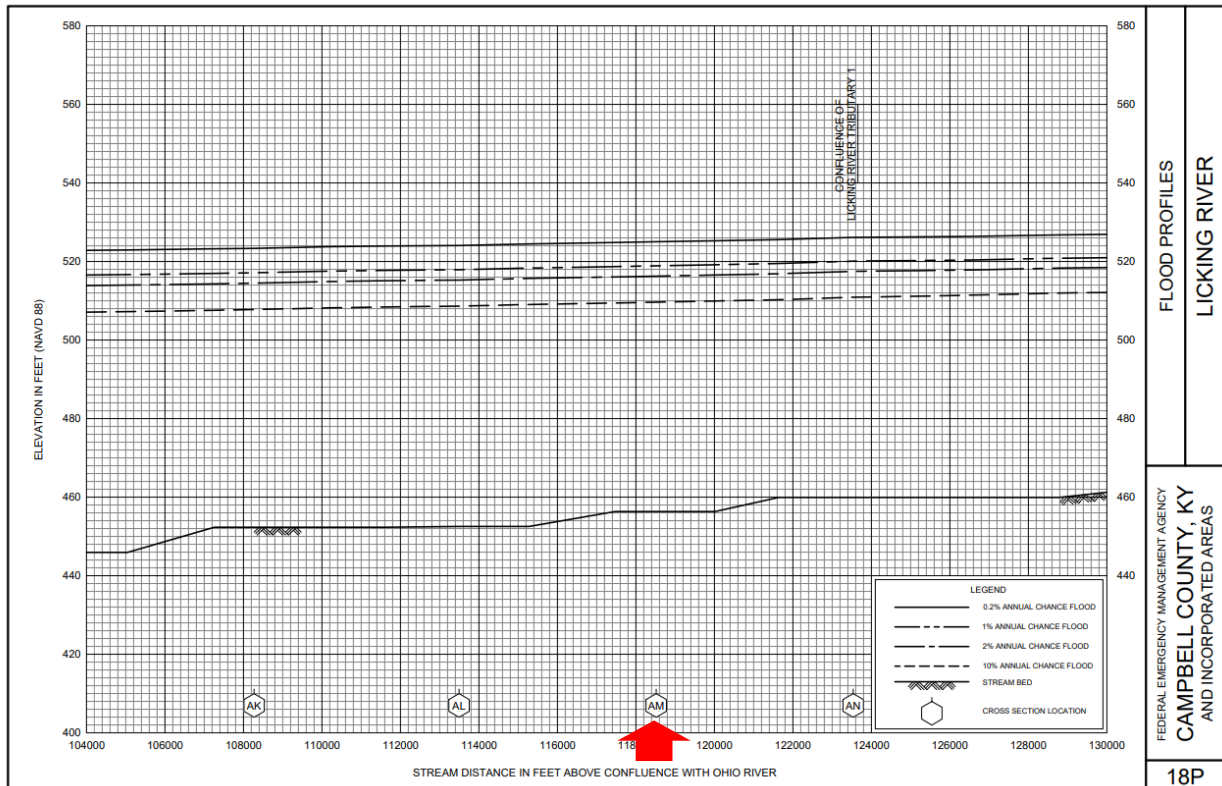
**TABLE 8**

FEDERAL EMERGENCY MANAGEMENT AGENCY

**CAMPBELL COUNTY, KY  
AND INCORPORATED AREAS**

**FLOODWAY DATA**

**LICKING RIVER**



The Flood Damage Prevention Ordinance for Campbell County defines the following:

## **ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **SECTION A. GENERAL CONSTRUCTION STANDARDS**

In all **Special Flood Hazard Areas** the following provisions are required:

- 1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- 3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- 4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- 5) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
- 6) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- 7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- 9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- 10) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;
- 11) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

## **SECTION B. SPECIFIC STANDARDS**

2) **Non-residential Construction.** New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Article 5, Section B (1) or together with attendant utility and sanitary facilities:

- a) Be floodproofed below an elevation one foot above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and debris;
- c) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification along with the design and operational maintenance plans shall be provided to the Floodplain Administrator.
- d) All new construction and substantial improvement with fully enclosed areas below the lowest floor (including basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation one foot above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes for meeting this requirement must meet or exceed the standards of Article 5, Section B (3).

5) **Floodways.** Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;
- b) If Article 5, Section B (5) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Article 5.

## **SECTION F. STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'**

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

- 1) Must be non-habitable;
- 2) Must be anchored to resist floatation and lateral movement;
- 3) Must be provided with flood openings in accordance with the standards of Article 5, Section B (3);
- 4) Must be built of flood resistant materials below a level one foot above the base flood elevation;
- 5) Must elevate utilities one foot above the base flood elevation;
- 6) Can only be used for storage or parking;
- 7) Must not be modified for a different use after permitting.

## **ARTICLE 6. APPEALS AND VARIANCE PROCEDURES**

### **1) Nature of Variances**

- a) The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.
- b) It is the duty of the Campbell County Fiscal Court to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

### **2) Designation of Variance and Appeal Board**

- a) The Campbell County Fiscal Court shall establish a Variance and Appeal Board consisting of Campbell County & Municipal Board of Adjustment.

### **3) Duties of Variance and Appeal Board**

- a) The Variance and Appeal Board shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this ordinance.
  - b) Any person aggrieved by the decision of the Variance and Appeal Board or any taxpayer may appeal such decision to the Circuit Court, as provided in Kentucky Revised Statutes.
- 4) **Variance Procedures** - In passing upon such applications, the Variance and Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:
- a) Danger that materials may be swept onto other lands to the injury of others;
  - b) Danger to life and property due to flooding or erosion damage;
  - c) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - d) Importance to the community of the services provided by the proposed facility;
  - e) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
  - f) Availability of alternative locations which are not subject to flooding or erosion damage;
  - g) Compatibility of the proposed use with existing and anticipated development;
  - h) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i) Safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - k) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, bridges, and culverts.
- 5) **Conditions for Variances** - Upon consideration of the factors listed above and the purposes of this ordinance, the Variance and Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- a) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - b) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Campbell County & Municipal Board of Adjustment need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Campbell County & Municipal Board of Adjustment believes will both provide relief and preserve the integrity of the local ordinance.
  - c) Variances shall only be issued upon:
    - (i) A showing of good and sufficient cause;
    - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - (iii) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.
  - d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
  - e) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
  - f) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6 (4) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- 6) **Variance Notification** - Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- a) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
- b) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Campbell County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- c) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

## Current Request:

- ▶ *Variance* for structures located within the Special Flood Hazard Area.
- ▶ *Appeal* of Stop Work Order on existing structures.
- ▶ *Conditional Use Permit* (CUP) for an event facility to be used for church, family and other gatherings. This CUP may require additional variances and/or waivers.



## Current Completed Construction:

1. Electrical platform - Permitted\*.
2. Bathhouse – Fam Exemption requested. No electric permit provided. No record of plumbing permit provided.
3. Barn/Pavilion – Farm Exemption requested. No electric permit provided.
4. Below Ground Water Supply and Sanitary Holding Tanks – No information provided by the applicant.



*\*Final elevation has not been verified by a surveyor to be above the base flood elevation. Nor is the structure indicated on the site map.*

## **ACTIONS REQUESTED:**

**LOCAL VARIANCE TO ALLOW UNPERMITTED STRUCTURES INCLUDING AN OPEN SIDED BARN, BATH HOUSE WITHOUT SHOWERS AND UTILITIES TO REMAIN WITHIN THE SPECIAL FLOOD HAZARD AREA.**

- ▶ Staff acknowledges the determination by KDOW stating an insignificant impact to the floodway and floodway widths of the Licking River and recommends that the structures be permitted to remain in the condition as submitted to the KDOW, and reviewed by the applicant's surveyor and engineer as farm exempt structures to be used for agricultural purposes.

**APPEAL OF STOP WORK ORDER ON EXISTING STRUCTURES AND ACTION REQUESTED: REMOVAL OF STOP WORK ORDER TO ABLE TO SECURE, IMPROVE AND EXPAND THE SITE AND ITS USE.**

- ▶ Staff rejects repeated attempts to expand the utilities, bath house, enclose the open sided barn or add other features. These were not identified nor analyzed as part of the approved Stream Construction Permit.
- ▶ Additional local and state permitting is required to expand and/or improve the site.
- ▶ Information has not been supplied concerning the floodproofing or use of flood resistant materials.

**REQUEST FOR CONDITIONAL USE PERMIT FOR AN EVENT FACILITY INCLUDING CHURCH, FAMILY AND OTHER GATHERINGS**

Event facilities are listed as a conditional use in the Agricultural-One (A-1) zone.

CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following-nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Article IX, Section 9.14

If a Conditional Use Permit is granted, a variance for construction within a Special Flood Hazard Area will also need to be granted due to the changes in use and desired improvements to the site.

*A CONDITIONAL USE PERMIT SHALL NOT BE GRANTED BY THE BOARD OF ADJUSTMENT UNLESS AND UNTIL IT IS DETERMINED:*

- 1. THAT THE PROPOSED USE AT THE PARTICULAR LOCATION IS NECESSARY OR DESIRABLE TO PROVIDE A SERVICE OR FACILITY WHICH WILL CONTRIBUTE TO THE GENERAL WELL-BEING OF THE NEIGHBORHOOD OR THE COMMUNITY;*
- 2. THAT SUCH USE WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE VICINITY, OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY;*
- 3. THAT SUCH USE WILL COMPLY WITH ANY REGULATIONS AND CONDITIONS IN THIS ORDINANCE FOR SUCH USE.*

*SECTION 18.7 CONDITIONAL USE PERMITS OF THE CAMPBELL COUNTY ZONING ORDINANCE REQUIRES A SITE PLAN SUBJECT TO THE APPLICABLE REQUIREMENTS OF SECTION 9.19.*

The full application is attached to the staff report.

In general, staff finds the Site Plan and supporting documentation to be lacking in sufficient detail to make an accurate determination of the plan.

SECTION 9.19 SITE PLAN REQUIREMENTS: The site plan shall be at a scale no smaller than one (1) inch to one hundred (100) feet and included the following: Site Plan was not at a sufficient scale to determine many details.

- A. The existing and proposed finished topography at 5 feet intervals. Topography was not provided.
- B. All housing units. Not Applicable – No Housing is proposed.
- C. Location, height, arrangement and identification of all nonresidential buildings and uses with exact lot dimensions. Dimensions and accurate locations were not able to be determined from the Site Plan.
- D. All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities. Not Applicable – open space or recreational facilities are proposed.
- E. Landscaping features. Fencing proposed but not indicated on Site Plan.
- F. Locations of signs indicating their orientation, size and height. Entrance sign proposed but not indicated on Site Plan.
- G. All utility lines and easements: Dimensions and accurate locations could not be to be determined from the Site Plan.
  - Water distribution systems
  - Sanitary sewer system,

- Storm sewer and natural drainage system
  - Other utilities (e.g., electric, telephone, etc.)
- H. Location and details of off-street parking, loading and/or unloading, and driveway areas – **Parking areas were identified but lack detail.**
- I. Circulation System for pedestrian walkways & streets. **Not provided.**
- J. Provisions for control of erosion, hillside slippage and sedimentation. **Not provided.**
- K. A schedule of development. **Not provided.**

The information required by items A through K of this section, may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

## SUPPORTING INFORMATION FROM APPLICANT

- ▶ **Conditional Use** - *While this application is being submitted for an event facility, the Neltner's intend for the **primary use of this property** to be for gatherings of family, and friends, and church related functions. Additionally, the pavilion/barn also serves as storage for their farm equipment. Additionally, hay has been and will continue to be grown on this property and harvested for horses the Neltner's have at their twenty-acre farm located north of this site at 11288 Pond Creek Road.*
- ▶ ***That the proposed use at this location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood or community*** - *Uses proposed in this application are enhancements to or extensions of generally accepted activities within agricultural zones. As noted above one land use that will be maintained is the continued growing/harvesting of hay to provide feed for horses owned by the Neltner's. Furthermore, along the Licking River and Ohio River within Campbell County and adjoining Kenton County, many properties identified for agricultural use utilize access to the river for recreational uses, including some that have gatherings such as those commonly associated with "event facilities". Isn't it feasible that on some of this land, owners invite friends and family to gather and even perhaps there have been events/weddings? The Neltner's therefore consider the proposed and existing activities be contributing land uses within the Pond Creek area.*
- ▶ ***That the proposed use will NOT be detrimental to the health, safety or overall welfare of persons residing or working in the vicinity. or injurious to property or improvements in the vicinity.*** - *The Neltner's, as described in the following information, have or will be providing necessary improvements to and/or operational procedures to ensure that use of their property will not be detrimental to health, safety, or welfare of adjoining or nearby residents. Examples, described in more detail on following pages, include a*

restroom/bathhouse currently in place that handles sewerage waste per health department standards; location of primary activities are in the vicinity of the pavilion that sits over 150 feet from Pond Creek Road and the property lines of the two nearest properties (11909 Pond Creek Rd. and 11955 Pond Creek Rd.). The Neltner property contains over 45 acres. The amount of land being proposed as part of this activity is approximately 8.44 acres. Remaining land is forest/woodlands that create a natural buffer between adjoining properties all of which are significantly further away than the two properties previously described.

- ▶ **That the use will comply with any regulations in the Zoning Ordinance and Subdivision Regulations for such use.** - Information provided herein describing specific usage of this property during event activities will confirm that all Zoning and Subdivision requirements will be met. For example, the previously mentioned setbacks from adjoining properties far exceed the minimums for the A-1 Agriculture Zone District.
- ▶ **Variance (Flood Zone)** - Buildings on this property were constructed absent necessary approvals from the KY Division of Water. Attached to this application is a copy of the letter from the KY Division of Water approving the project that had been built by the Neltner's on their property at 12001 Pond Creek Road.

#### HIGHLIGHTS FROM HISTORY OF PROPERTY USE FROM PURCHASE TO PRESENT (AS SUPPLIED BY APPLICANT)

- ▶ Purchased farm located a 12001 Pond Creek Road on December 1, 2017
- ▶ Former Baker family farm and includes Baker family cemetery.
- ▶ Active hay fields and recreational use for large extended family
- ▶ Property cleanup resulted in the Neltner's receiving requests for camping and private events
- ▶ In 2020, Grants Lick Community Church used site as gather space resulting in the dual space Pavilion/ Shelter being constructed in December 2020. A bathhouse was constructed with a cistern and holding tank.
- ▶ In 2022, KDOW documentation.

#### PROPOSED USE AS AN EVENT FACILITY

- ▶ Pavilion exceeds setback requirement for the A-1 Zone
- ▶ **EXISTING STRUCTURES:**
  - Pavilion/Shelter: Size 56' X 66', used for the general gathering space.
  - Bathhouse/Restrooms: Size 12' X 24' containing two matching private enclosed rest room stalls, measuring 5' X 6', with 36" entrance, each with both toilet and urinal for guest use. Centered between the stalls is a double sink common area, measuring 5' X 8'. On the far side is an unfinished storage

*room for cleaning supplies and refrigerator for food. The rear area is unfinished, but plumbed for 2 shower stalls for rinsing off after being in the river.*

- *Original Dry House: Size 10' X 9', used for storing chopped firewood for bonfires. (Located across Pond Creek Road in the Primary Parking area. See Exhibit 3A)*

► **PROPOSED STRUCTURES AND OFF-STREET PARKING**

- *Tent: A tent will be erected for events larger than what Pavilion/shelter can contain, and taken down after each event. Exhibit 2 identifies the area in which a tent or tents will be located adjacent to the circle driveway across from the Pavilion. (Note: Tent will be supplied by others via rental and set-up/take down agreement.)*
- *Primary Parking: Approximately 1 acre across Pond Creek Road. Estimated number of spaces is 120 based on dimensions from the County Zoning Ordinance (10X20ft. spaces/24ft wide aisles). There will be a 30-foot setback from the adjoining property and perpendicular parking facing the road and/or hillside to avoid lights shining in that direction.*
- *Overflow Parking: An area of approximately .36 acre, which can be expanded, if necessary, will be across Pond Creek and immediately adjacent to the driveway and fence along Pond Creek Road.*
- *Handicap Parking: Five to Six spaces will be provided adjacent to the Pavilion.*
- *Fencing and Gates: Fencing will be installed along Pond Creek Road (both sides) and around the primary parking area. Entrances on both sides of Pond Creek Road will be gated.*
- *Driveway aprons: Concrete or asphalt aprons will be installed at each driveway entrance to allow for easier entry/exit and to assist in decreasing the spread of gravel onto the roadway.*
- *Dumpster/Pad: Will be located next to the bath house, along the driveway. A concrete pad will be poured, and an 8' fence with a latched gate would surround the pad for visual purposes.*
- *Signage: One (1) Class 8 ground sign will be installed at the entrance per the A-1 zone district sign regulations.*
- *Additional Features: lighting/lighting control (reference pictures); sound control and time limitations.*

► **OPERATIONAL DETAILS**

- *Information provided above, especially regarding location of buildings and other structures, including those that will be temporary, shows that setback from adjoining property owners and Pond Creek Road is a component of both providing a quiet, secluded atmosphere for those attending gatherings as well as separation for nearby residents. The following information on operations is intended to continue that approach.*
- *Hours of Operation will vary for the seasons: (Note: The property is primarily for use by family and friends as well as farm equipment storage.) Larger activities/events will comply with the following schedule.*
- *Open: March - November for Event Facility Monday- Sunday 8am – 11 pm*
- *Closed December - February for personal events only, such as camp/bon fires and family/church groups.*
- *Event attendance will be limited to 300 people and may not include staff assisting with catering or others helping manage the property.*
- *Lighting and Sound: Lighting will be provided by the tent company under the tent. Lighting within the Pavilion/shelter is in place. Any additional lighting will be supplied by others.*
- *Appropriate outdoor lighting will also be installed on exterior posts of the Pavilion/shelter for safe walking for guests. Appropriate lighting and electricity for the restrooms will also be installed.*
- *Food and Drink: Food and drink will be provided by licensed caterers. The caterers will also carry the Alcohol license for the events. They will prep and clean up. The responsibility of alcohol consumption will be the party hosting the event.*

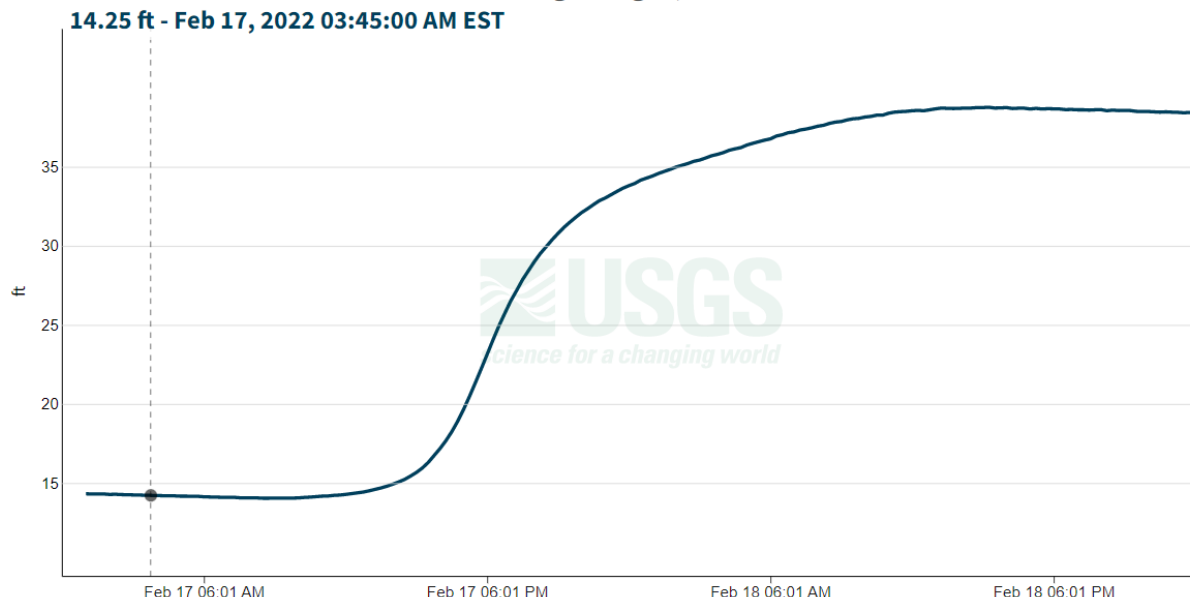
Staff notes that in reviewing the potential use of these structures as it relates to a Conditional Use Permit, one should reflect upon the known activity of the Licking River as measures by its nearest stream gage.

On February 17, 2022, the Licking River experienced a rapid rise of 25 feet within a 12-hour period. This is a screen capture of the gage data. Photos were supplied by the Applicant.

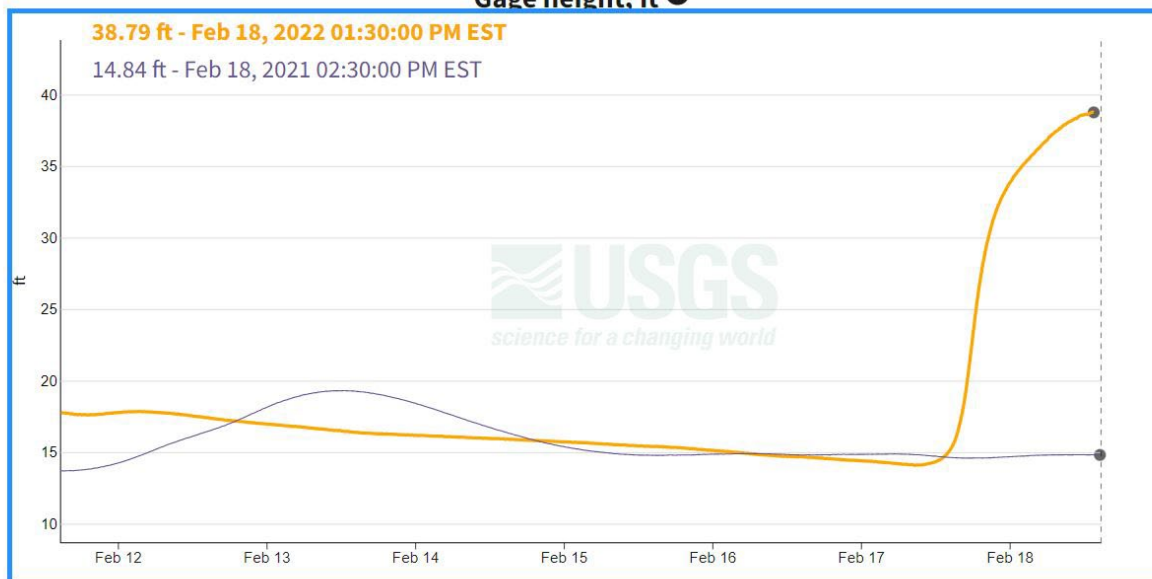
## Licking River at Hwy 536 Near Alexandria, KY - 03254520

February 17, 2022 - February 18, 2022

Gage height, ft ⓘ



Gage height, ft ⓘ







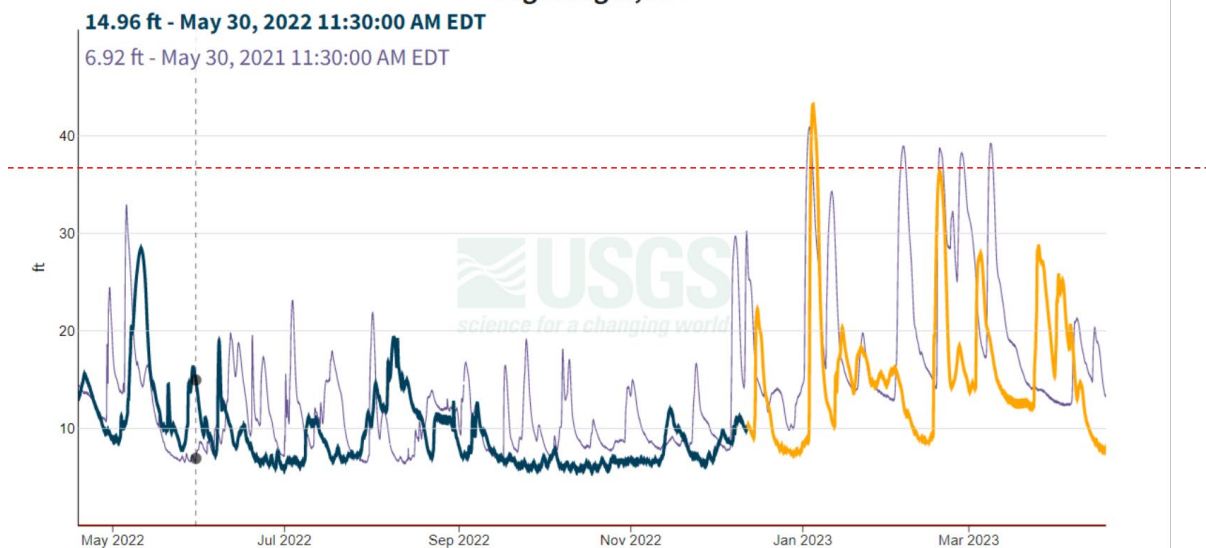
A broader review of the stream gage data indicated a history of peak occurrences which exceeded those observed on February 17-18, 2022. The earliest available data is from 2014.

○ 7 days ○ 30 days ● 1 year

## Licking River at Hwy 536 Near Alexandria, KY - 03254520

April 18, 2022 - April 18, 2023

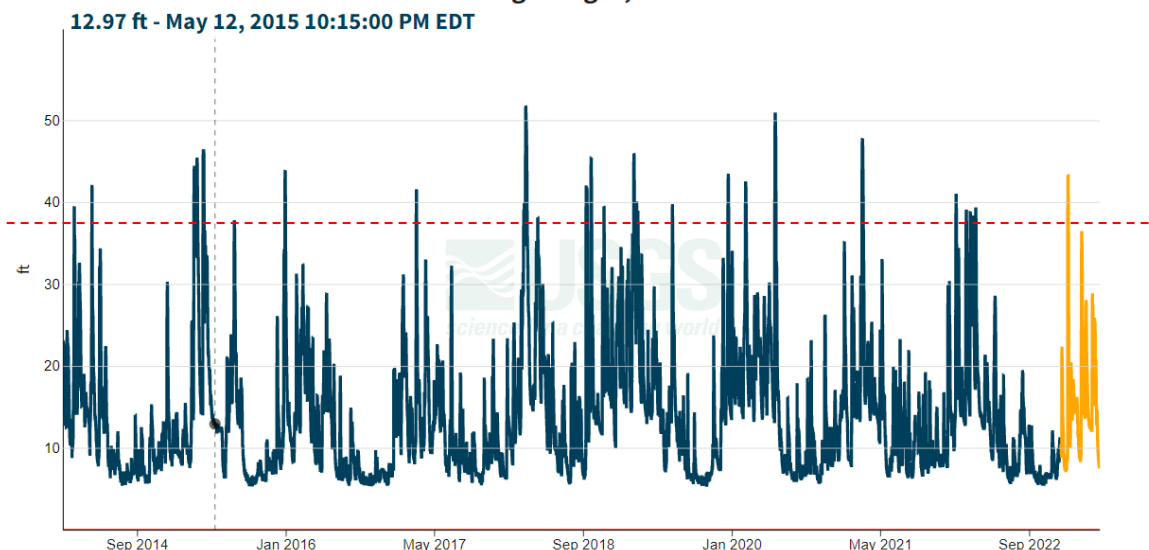
Gage height, ft ⓘ



## Licking River at Hwy 536 Near Alexandria, KY - 03254520

January 1, 2014 - April 18, 2023

Gage height, ft ⓘ



## RECAP OF ACTIONS REQUESTED:

- ▶ *Variance* for structures within a Special Flood Hazard Area
  - ▶ Variance for an Accessory Farm Structure (Barn) and Accessory Bath House located in the Special Flood Hazard Areas, including portions in the Regulatory Floodway
- ▶ *Appeal of Stop Work Order* on existing structures
  - ▶ Release of Stop Work Order on accessory farm structure and accessory bath house, and
  - ▶ Variance for additional improvements to an accessory farm structure and accessory bath house located in a Special Flood Hazard Area including the Regulatory Floodway
- ▶ *Conditional Use Permit* for an event facility including church, family and other gatherings
  - ▶ Conditional Use Permit for an event facility in the A-1 Zone
  - ▶ Variance for conversion of an accessory farm structure located in the Regulatory Floodway to a primary permitted use as an event facility with site and structure improvements
  - ▶ Variances for pavement related to driveway, parking and pedestrian ways

## Staff Recommendations:

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### Staff recommends approval for:

*Variance for an Accessory Farm Structure and Accessory Bath House located in the Regulatory Floodway, and Release of Stop Work Order on accessory farm structure and accessory bath house with conditions that:*

1. *No further improvements or expansions are made to the existing utilities or existing structure located in a Special Flood Hazard Area, including but not limited to the addition of internet service, addition of showers, additional toilets, expansion of the onsite sewer system or enclosure of the barn / pavilion.*
2. *The applicant provides evidence of permits and inspections for the installation of the existing utilities including flood proofing of utilities located within the Floodway.*
3. *No new structures be added in the Special Flood Hazard Area including the Regulatory Floodway.*
4. *No temporary structures, including commercial tents, be added to the site.*
5. *Should any structures within a Special Flood Hazard Area be damaged by more than 50% of their value, the structures must be removed within 30 days at the expense of the property owner.*

Staff recognizes that the gathering of family and friends on a large farm is customary but should not be misconstrued with an event venue.
--

6. *Property owner provide a corrected Elevation Certificate for all structures installed within a Special Flood Hazard Area after December 1, 2017 that complies with the County's required submittal to FEMA's Community Rating System.*

**Basis for Recommendation:**

- a. Farming is a common activity in flood prone areas due to soil conditions. A barn is a common accessory structure to farming activity.
  - b. The Kentucky Division of Water has concurred with the engineer's analysis and statement that the existing pavilion and bathhouse have an insignificant impact on the Base Flood Elevation. This is required under Campbell County Flood Damage Prevention Ordinance, Article 5 Section B.
  - c. The Campbell County Flood Damage Prevention Ordinance, Article 5 SECTION F. STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A' provides that for all accessory structures in Special Flood Hazard Areas designated 'A' the following provisions shall apply:
    - Must be non-habitable;
    - Must be anchored to resist floatation and lateral movement;
    - Must be provided with flood openings in accordance with the standards of Article 5, Section B (3);
    - Must be built of flood resistant materials below a level one foot above the base flood elevation;
    - Must elevate utilities one foot above the base flood elevation;
    - Can only be used for storage or parking;
    - Must not be modified for a different use after permitting.
- 

**Staff recommends denial for:**

*Variance for unspecified improvements to an accessory farm structure and accessory bath house located in a Special Flood Hazard Area.*

The applicant has continued to contact other agencies for installations which require one or more variances for improvements within the Special Flood Hazard Area, including portions in the Regulatory Floodway.

The applicant has expressed desires to expand the water source, expand the onsite sanitary system and possible conversion of the holding tank to a septic system, the addition of internet service, addition of showers, and enclosure of the barn / pavilion.

**Basis for Recommendation:**

- a. The site is located in a Special Flood Hazard Area with structures with the Regulatory Floodway, the proposed improvements are not the minimal required to utilize the site as a farm.
  - b. Increasing the use of the site for non-farm related activities increases the
    - a. Danger that materials may be swept onto other lands to the injury of others;
    - b. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - c. There is no necessity that the facility be located on a waterfront, nor is this a functionally dependent facility;
  - d. The proposed expanded use is not compatible with the comprehensive plan and floodplain management program for that area;
  - e. Costs of providing governmental services during and safety of access to the property in times of flood for ordinary and emergency vehicles is a concern; and
  - f. Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site is a concern.
- 

**Staff recommends denial for:**

*Conditional Use Permit for an event facility in the A-1 Zone including a Variance for conversion of an accessory farm structure located in the Regulatory Floodway to a primary permitted use as an event facility with site and structure improvements and Variances for pavement of the driveway, parking and pedestrian ways.*

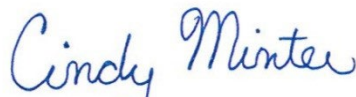
**Basis for Recommendation:**

- a. The conversion of the site into an event venue is not consistent with the Campbell County and Municipal Comprehensive Plan, Zoning Ordinance and Flood Damage Prevention Ordinance for Campbell County.
- b. The site is located in a Special Flood Hazard Area with structures with the Regulatory Floodway. Conversion of the site from a farm to an event venue is not the minimal necessary to use the site considering the flood hazard.
- c. The site plan and supporting documentation did not provide sufficient detail for the proposed Conditional Use Permit as required by the Zoning Ordinance.
- d. The site plan and supporting documentation did not provide sufficient detail for the proposed variances and or wavier of the Zoning Ordinance and/or Subdivision Regulations.

- e. As documented through the Campbell County Flood Insurance Study and verified through a review of the USGS stream gage at SR 536, the Licking River is subject to rapid rises which do encroach unto the proposed development area. This increases the
    - a. Danger that materials may be swept onto other lands to the injury of others;
    - b. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property.
  - f. There is no necessity that an event facility be located on a waterfront, nor is this proposed facility functionally dependent upon the river.
  - g. Costs of providing governmental services during and safety of access to the property in times of flood for ordinary and emergency vehicles is a concern.
- 

If you need additional information or clarification prior the meeting, you may contact us at 859-292-3880.

Report prepared by:



Cindy Minter AICP CFM  
Director of Planning & Zoning