

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton Union
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use
- 3. Applicant's Name RANDALL L. DEITZ SR.
Phone Number 606 371 9015
Applicant's Address 8495 BEAVER RD
UNION Ky 41091
City State Zip
- 4. Description of Request: MARKING, DOCK, RAMP, MINI-GOLF, SHELFERS, GROCERY STORE, FOOD SALES, BOAT RENTAL, BOAT SALES, ASCYL, FUEL DOCK & GASOLINE SALES, BOAT STORAGE, CAMPING
- 5. Name of Development WATER GUN POWDER CREEK MARINE
- 6. Location of Development 4895 BEAVER RD UNION, KY (SR 338)
- 7. Acreage Under Review APPROX 5 ACRES
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property RANDALL DEITZ LEASE FROM HAROLD PALMER
Phone Number 606 384 3288 P.O. BOX 8075
- 10. Address of Property Owner 4895 BEAVER RD UNION Ky 41091 P.O. CHARLOTTE FL 33592
City State Zip
- 11. Proposed Use(s) On Site WATER DOCKS, RAMP, MINI-GOLF - GROCERY STORES, BOAT ASCYL, FUEL DOCK, BOAT STORAGE, CAMPING, SHELFERS, BOAT RENTAL, FOOD SALES.
- 12. Total Square Footage of Existing and/or Proposed Buildings
4653.75 SQ FT EXISTING
- 13. Current Zoning on Property ZONING R GROUP NO. 2059
- 14. Deed Book DS2 DB 205 Page No. 554 Group No. 27573 2059
- 15. Is the site subject to a zone change? NO
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? NO YES NO
- 17. Have you submitted a list of adjoining property owners with this request? yes
- 18. Applicant's Signature: Randall L. Deitz
- 19. Property Owner's Signature: Harold Palmer

SECTION B

(To be completed by Boone County Planning Commission Staff)

- 1. Date Received 1-21-93
- 2. Fee Received \$ 376.00
- 3. Is application complete? Yes No
- 4. Staff Reviewer Jeff Hayes
- 5. Scheduled Board Action Date Feb 10, 93
- 6. Board Action:
 - Approval
 - Approved with Conditions (See #7)
 - Disapproved (See #8)
- 7. Conditions: See Minutes
- 8. Reasons for Disapproval:

STAFF REPORT

DEVELOPMENT: Gunpowder Marina
APPLICANT: Randall Deitz, Sr.
LOCATION: 4895 Beaver Creek Road
ZONING: Recreation
DATE: February 10, 1993

The applicant is requesting a Conditional Use Permit for a retail sales of fuel for marine craft and snack shop for a proposed marina. The marina would be located at Gunpowder Creek off of Beaver Creek Road next to the Camp Turn About (See Sheet 1). The property is zoned Recreation and owned by Harold Palmer.

Article 7, principally permits marina activities but, requires the retail sales or service of gasoline, oil marine craft and accessories, grocery items, confectionery, drug and proprietary, art and craft products, books and stationery, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, cigars and cigarettes, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products to obtain a Conditional Use Permit.

The proposed use will consist of a boat dock for 16 boats, a miniature golf course, camping sites, a snack bar and fuel docks on approximately 5 acres (See Sheet 2). The use is located within the 100 year flood plain.

Surrounding Zoning and Land Uses (See Sheet 3)

North: Agricultural One (A-1) - Woodland
South: Recreation - Camp Turn About & Ohio River
East: Public Facilities & Agricultural One (A-1) - Hamilton School
West: Agricultural One (A-1) - Gunpowder Creek

The 1990 Boone County Comprehensive Plan indicates that some recreational uses may develop based on the amenities of Gunpowder Creek but, classifies this area as developmentally sensitive. Because this site is located within the 100 year flood plain the applicant would be required to obtain a Division of Water, Flood Plain Management Permit for any structures built within the flood plain. The proposed boat and fuel dock would require a permit from the Corp of Engineers and the State Fire Marshall Office. Camp Turn About does have several access points to Gunpowder Creek but, does not have any access to a fueling point on the water. Therefore, the area would benefit from the proposed fuel dock and snack bar. This request would require Site Plan Review.

The Board must also consider specific criteria which apply to Conditional Uses in a Recreation zone:

- a) The activity is of integral relation to and directly in support of the recreation activity or;
- b) The use, building or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district;
- c) The activity is necessary to serve the specified public or membership engaged in the principal purpose so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district or immediate environs surrounding;
- d). Provided the arrangement of uses, building or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

Staff Concerns

1. Staff is concerned with the appearance of the marina from Beaver Road.
2. The proposed use is located within the 100 year flood plain and therefore, is classified as developmentally sensitive. The applicant would need to obtain at a minimum permits from the Division of Water, Corp of Engineers State Fire Marshall, Northern Kentucky Health District and Boone County Health Center. Because all these permits would be required, Staff feels that if the Conditional Use Permit is granted that it be contingent on the applicant receiving all the necessary state and federal permits for the marina and the fuel and food sales.

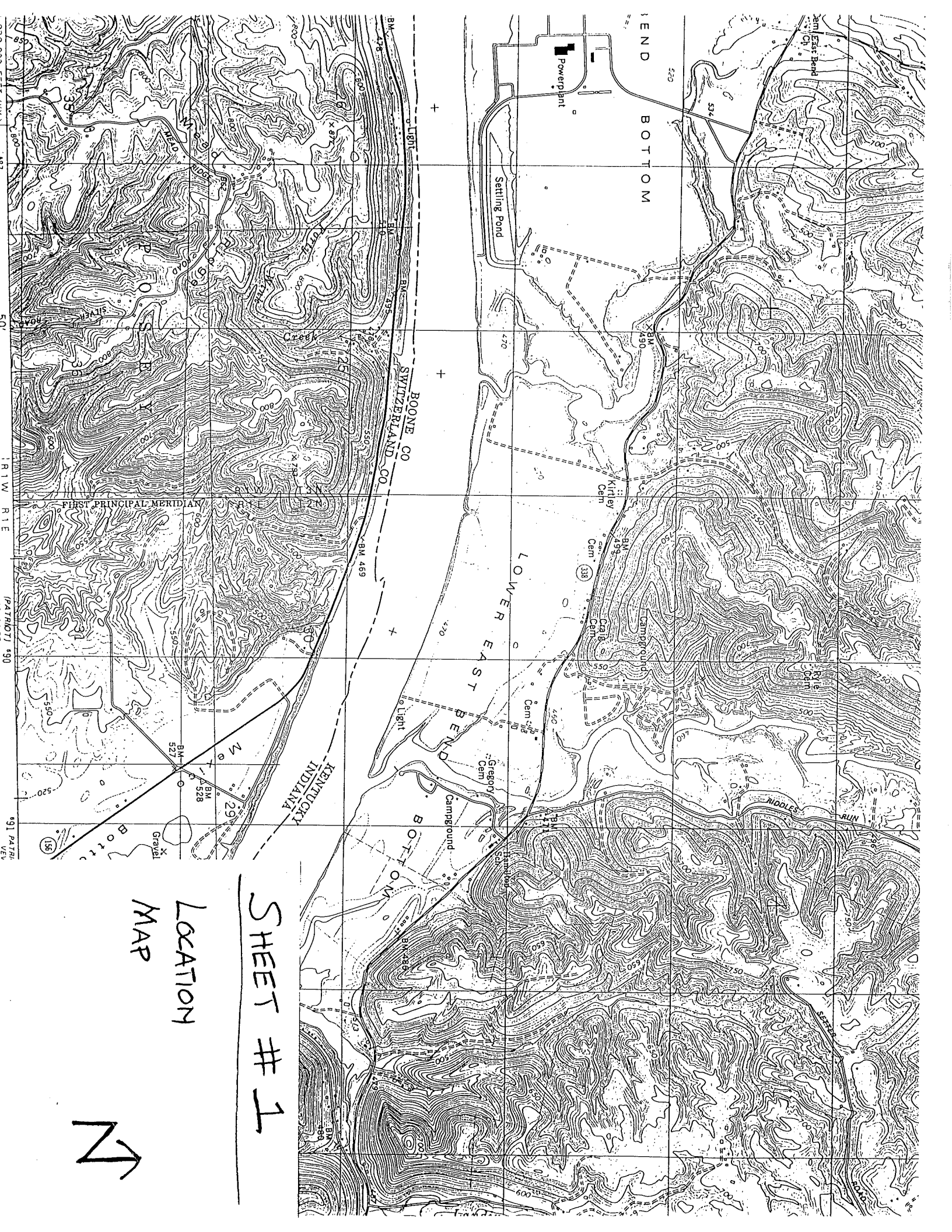
Conclusion

Staff feels that the proposed use will be compatible with the existing recreational uses and if all state and federal permits are received the impact to the developmentally sensitive area should be minimal.

Respectfully Submitted,

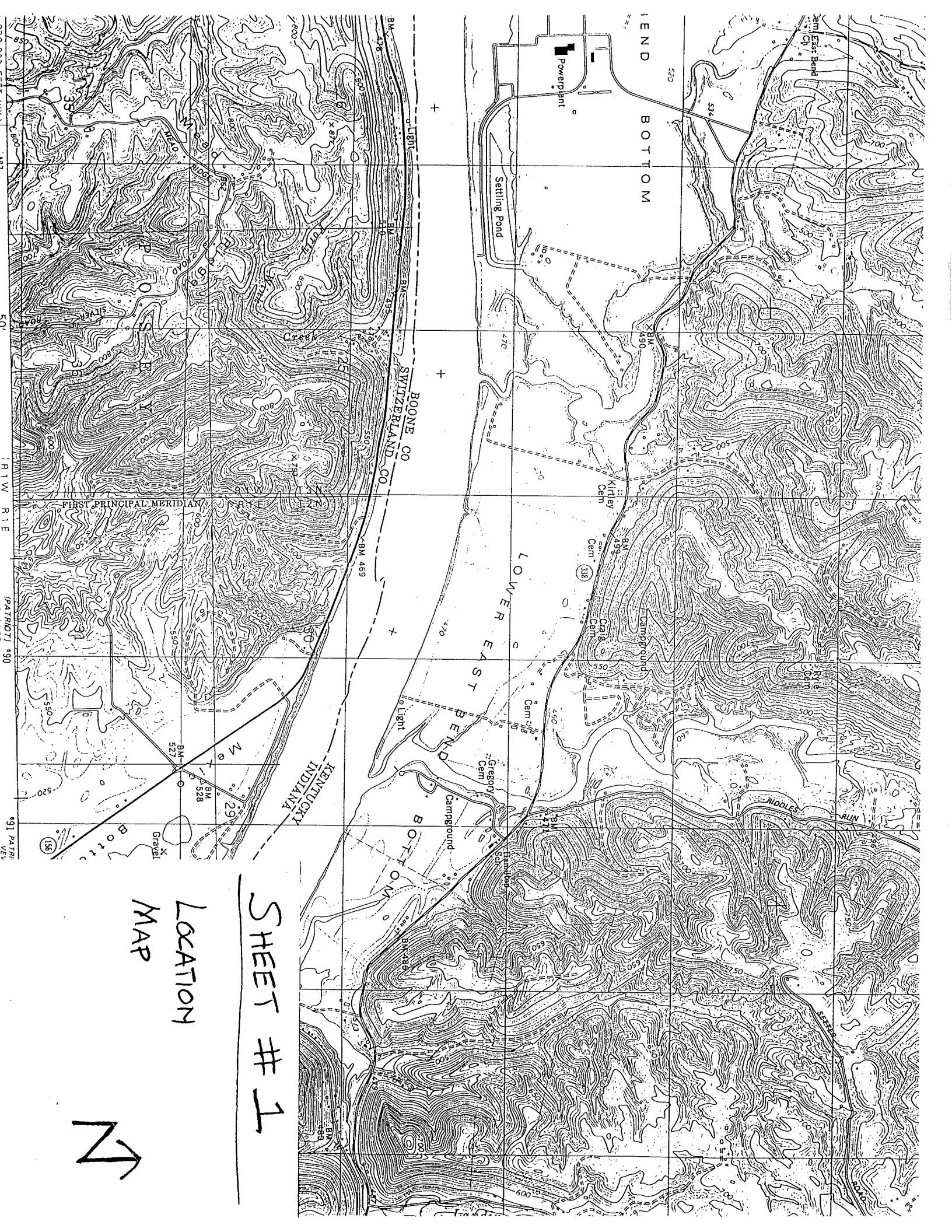


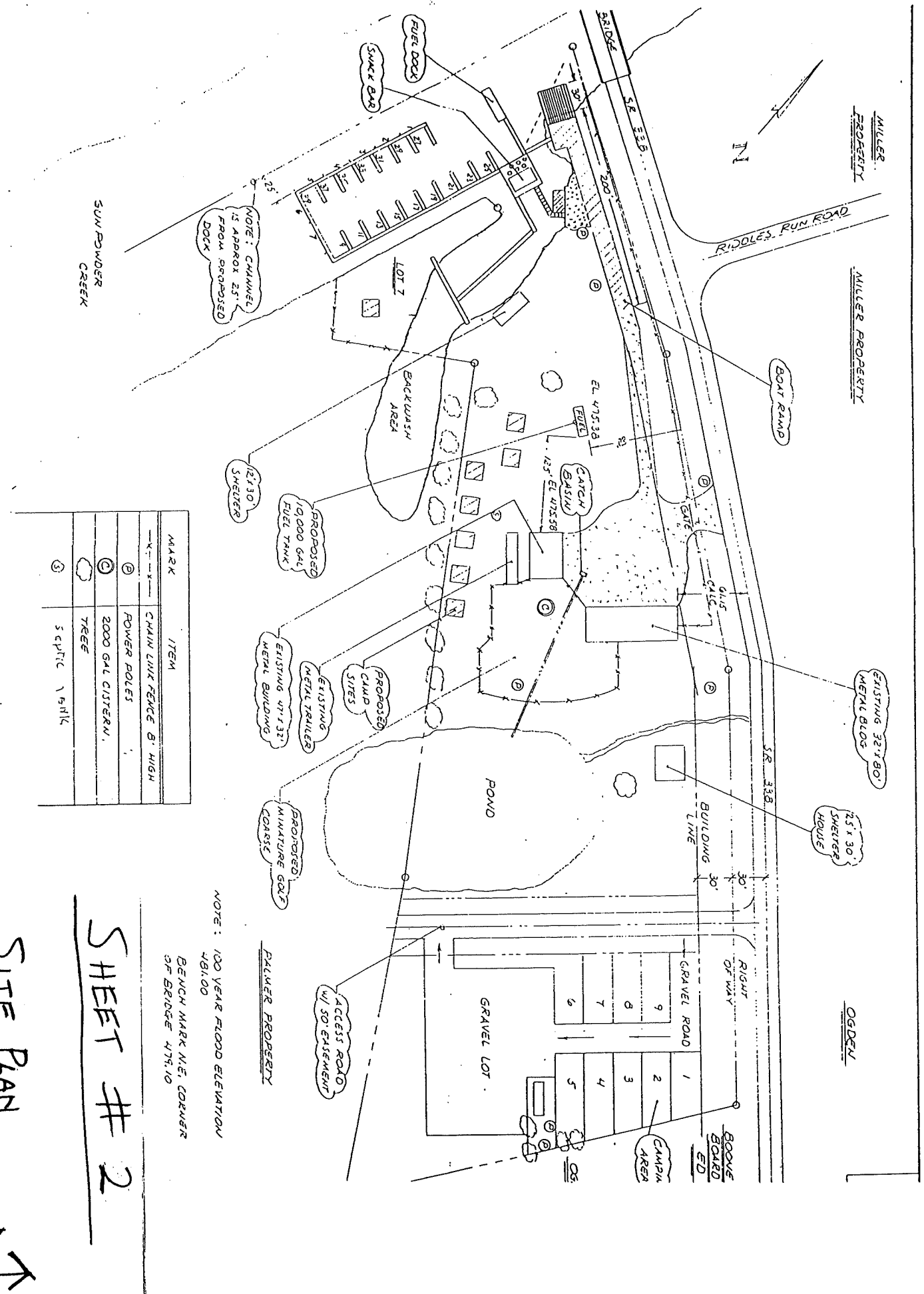
Jeffrey F. Hayes
Planner I



SHEET # 1

LOCATION
MAP



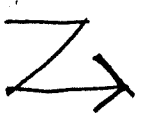


MARK	ITEM
①	CHAIN LINK FENCE 8' HIGH
②	POWER POLES
③	2000 GAL CISTERNA
④	TREE
⑤	SEPTIC TANK

NOTE: 100 YEAR FLOOD ELEVATION 481.00
 BENCH MARK N.E. CORNER OF BRIDGE 479.10

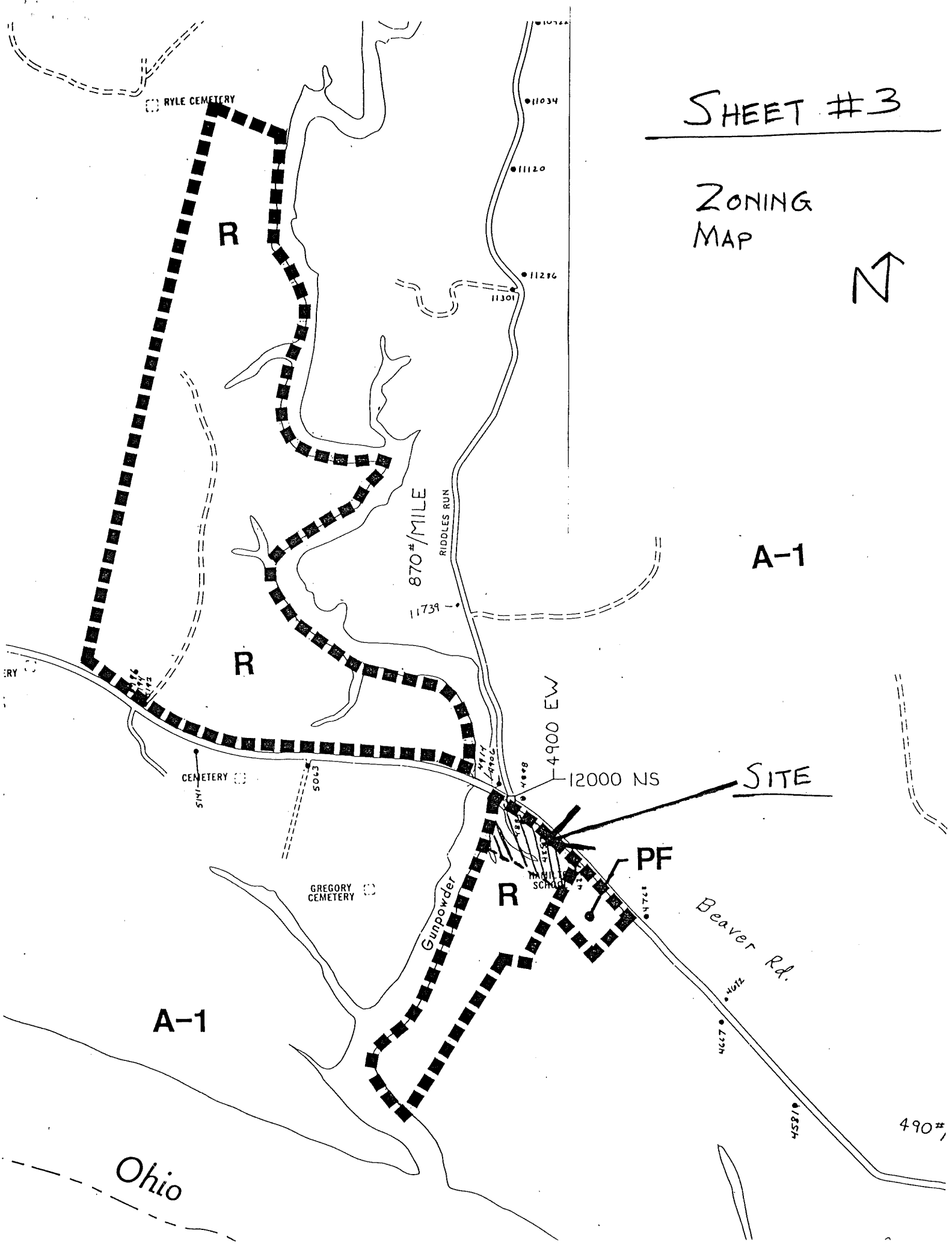
SITE PLAN

SHEET # 2



SHEET #3

ZONING MAP



COPY

NO. 93-BCBOA-006

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Harold Palmer
P.O. Box 8075
Port Charlotte, Florida 33592

2. ADDRESS OF PROPERTY
4895 Beaver Road
Union, Kentucky 41091

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

DEED BOOK: 205

PAGE NO.: 554

GROUP NO.: 2059

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

- | | | | |
|-------|---|--------------|---------------------------------|
| _____ | Zoning Map Amendment
from _____ to _____ | <u> X </u> | Conditional Use Permit |
| _____ | Development Plan | _____ | Conditional Zoning
Condition |
| _____ | Subdivision Plat
(unrecorded) | _____ | Other: (Specify) |
| _____ | Variance | | |

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE
BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE
RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



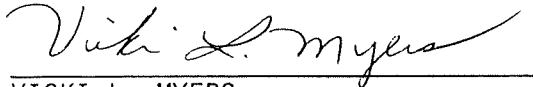
SIGNATURE OF COMPLETING OFFICIAL

Jeffrey F. Hayes/Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey F. Hayes on
behalf of the Boone County Planning Commission this 10th day
of June, 1993.

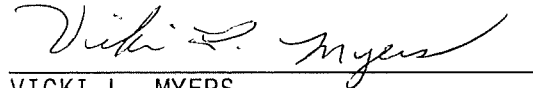


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 10, 1993, (Certificate of Land Use Restriction # 93-BCBOA-006), for Harold Palmer, property owner.

The following conditions apply: (1). That the applicant obtain all of the following permits, and any other permits that he may need: Division of Water, Corps of Engineers, State Fire Marshall, Northern Kentucky Health District, and Boone County Health Department, and that these permits be filed with the Planning Commission; (2) that the applicant understands that he needs to secure Site Plan or other approvals from the Planning Commission, and (3) that the property be cleaned up and maintained.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 205 PAGE NO. 554 Group No. 2059