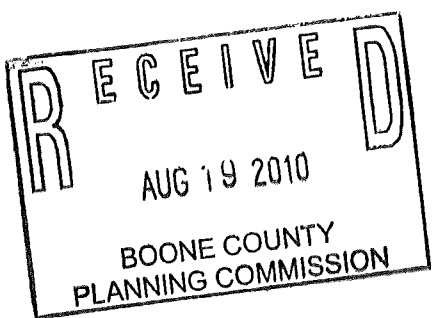


10-BOBWA 011-A



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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 Shire LLC
Phone Number 859-664-8478 Fax No. 859-282-6519
Applicant's Address 9200 Brookfield Court Suite 108
Florence KY 41042
City State Zip
- 4. Description of Request: 39 foot setback for a security fence
- 5. Name of Development _____
- 6. Location of Development 9200 Brookfield Ct
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Brookfield Court Properties LLC
Address of Property Owner 53 STATE ST. Floor 38 Phone No. _____
Boston, MA 02109
City State Zip
- 10. Proposed Use(s) on Site Security Fence
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property I-2
- 14. Deed Book 929 Page No. 949 Group No. 2049B
- 15. Is the site subject to a zone change? _____
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? _____
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 8/19/10 Fee Received \$9350 RA#61394
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/13/16 **Approved**
_____ **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: NONE

7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

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

STAFF REPORT

APPLICANT: Shire, LLC

LOCATION: 9200 Brookfield Court, Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: October 13, 2010

Proposal

The applicant is requesting a variance to allow 8 foot tall aluminum fencing to be installed in the 50' front yard setback. The submitted plan and Boone County G.I.S. exhibit shows that fencing is being proposed approximately 39' from the Brookfield Court right-of-way line. The fencing is being proposed to secure a pharmaceutical tenant space in a 176,000 square foot office/warehouse.

Applicable Regulations

Section 3655 (4) of the Boone County Zoning Regulations states that fences shall be permitted within the front yard and corner side yard (Unincorporated Boone County, City of Union, and City of Walton only) according to the following standards:

- a. No fence can be taller than four (4) feet. The maximum height for fences in front yard and corner side yard areas in the I-1 and I-2 zones is eight (8) feet provided the fence meets the minimum required front yard or corner side yard building setback as applicable.
- b. Fences shall be of a decorative design, (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted) and shall be designed to have an opacity of fifty (50) percent or less.
- c. No fence can be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 32.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

- B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Site Characteristics

The 11.663 acre parcel is located in Florence Commerce Center Subdivision and is zoned Industrial Two (I-2). The site contains a 176,000 square foot office/warehouse which is accessed from Brookfield Court.

Staff Comments

1. The applicant submitted a Minor Site Plan application to install the security fence to the Boone County Planning Commission on July 26, 2010. Planning Commission Staff immediately made the applicant aware that the fence had to meet the 50 foot front yard setback requirement and decorative fencing standards per the Zoning Regulations in order to be permitted.

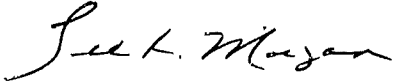
On August 3, 2010, Staff met with the applicant to discuss the Variance process to reduce the 50 foot front yard setback requirement for the proposed fence. During this meeting, the applicant made Staff aware that an 8 foot tall vinyl coated chain link fence had been installed in the front yard of the site. Staff made the applicant aware that they could proceed with the setback Variance but would need to change the fencing to a decorative design. Section 250 of the Zoning Regulations states that Variances can only be approved for dimensional standards pertaining to the height, width, or location of structures, and the size of yards and open spaces.

2. Staff does not believe that the request to reduce the front yard setback requirement for the proposed fencing will alter the essential character of the general area. Similar fences have been constructed in Park West Subdivision and are aesthetically pleasing.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

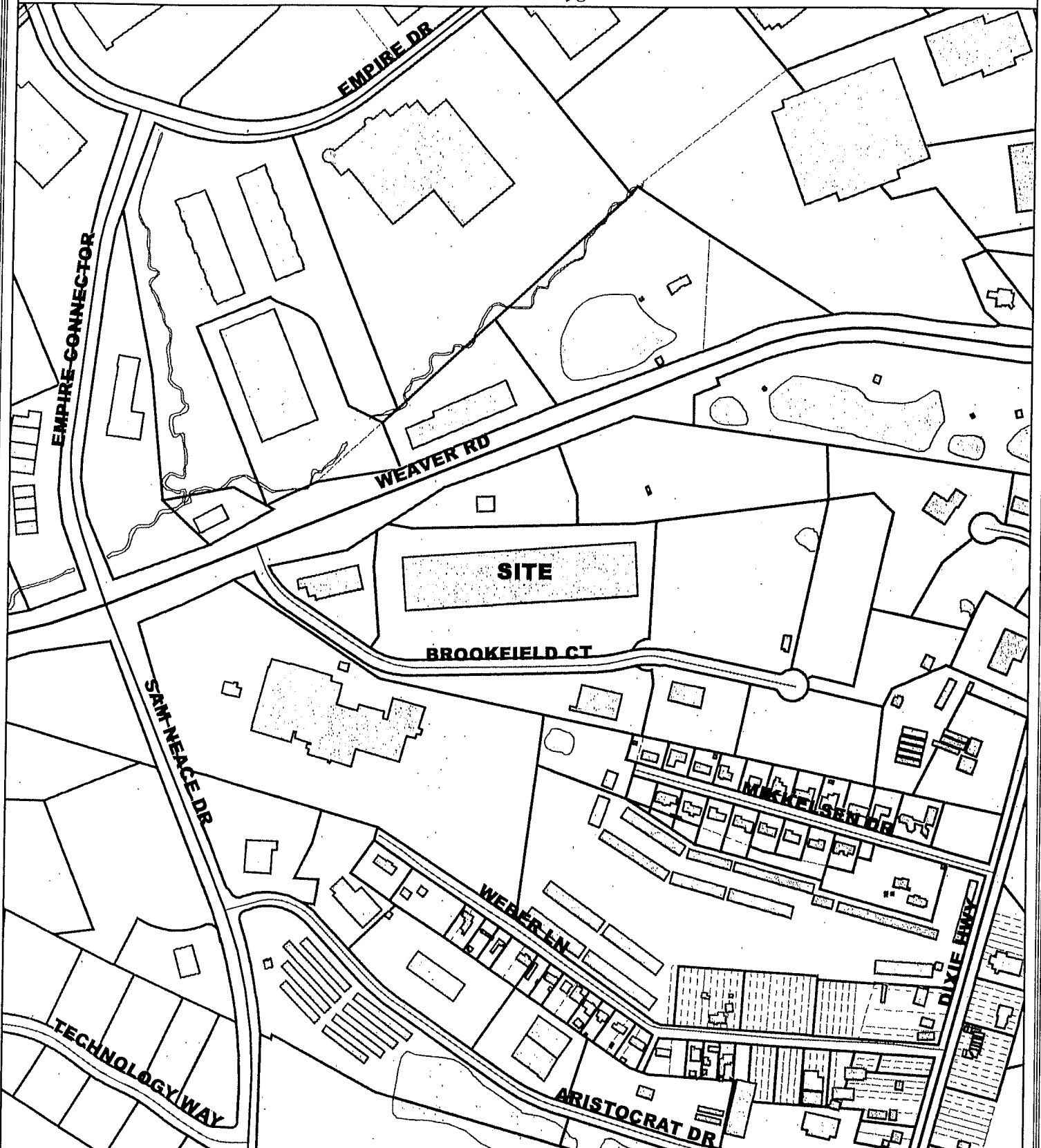
TKM/pr

Attachments

- *Site Vicinity Map
- *Fence Location Exhibit Submitted by Applicant
- *Fencing Options Submitted by Applicant
- *2009 Aerial Map with Fence Location and Setback
- *2009 Aerial Map (Adjoining Properties)
- *Zoning Map
- *Application

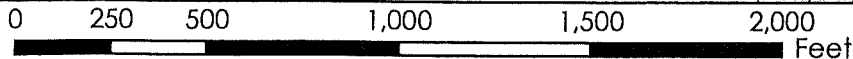
SITE VICINITY MAP

www.boonecountygis.com



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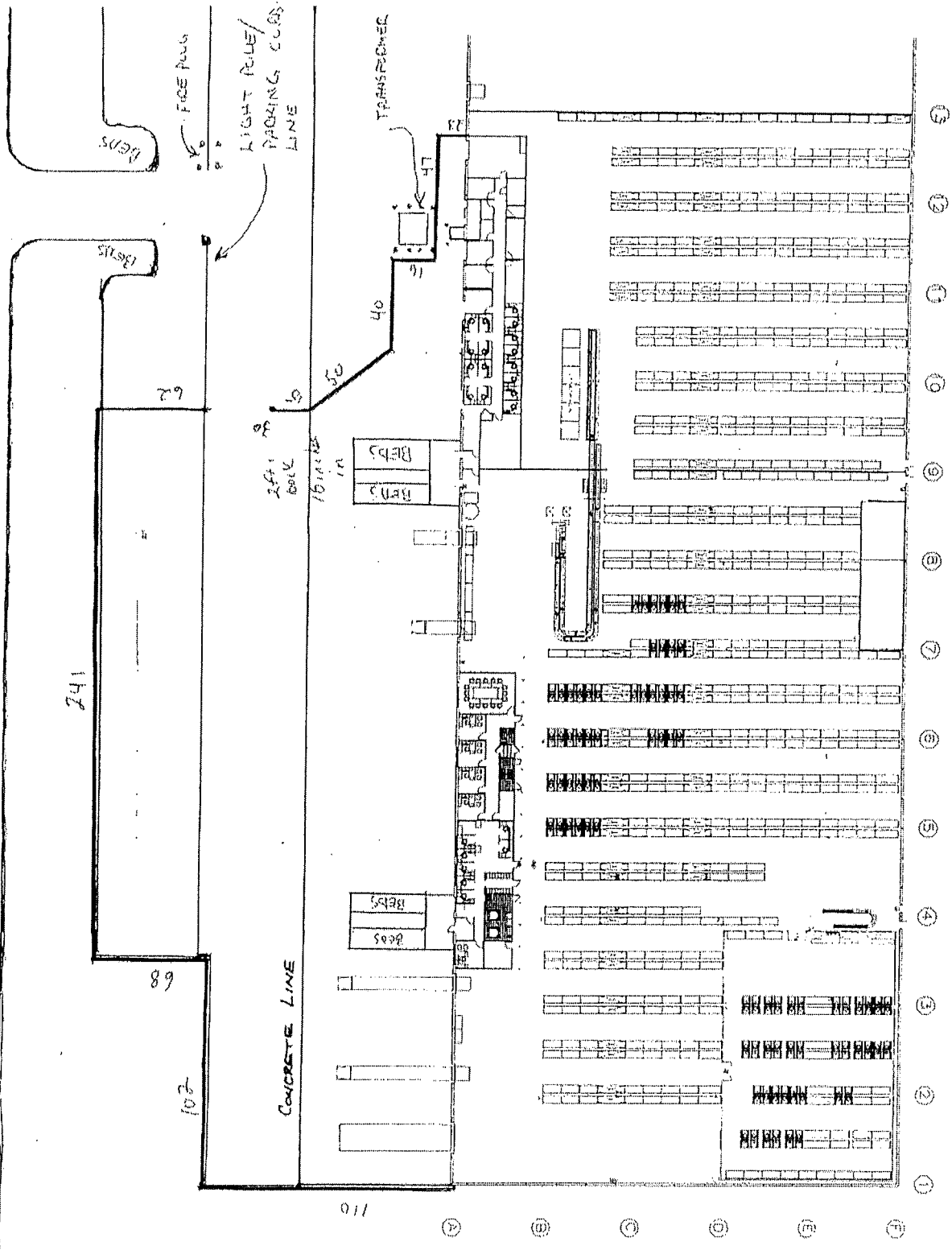


1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

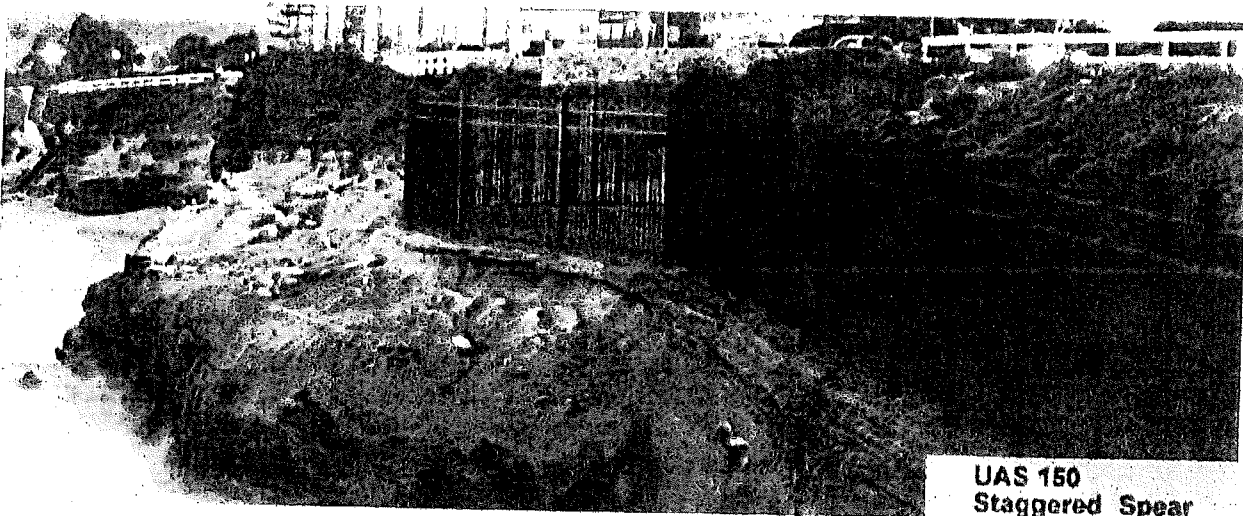
BROOKFIELD CT.





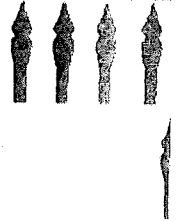
FENCING RAILING GATES SPECS & QUALITY ASSURANCE WHY ULTRA DESIGN STUDIO

Home » Fencing » Industrial Fences



UAS 150 Staggered Spear

What's New



UAS 150 Staggered Spear
UAF 200 Flat Top
UAF 200 Flat Top
UAF 200 Flat Top
UAF 200 Flat Top

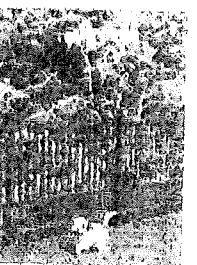


PHOTO GALLERY

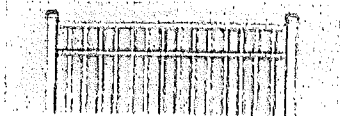
Industrial Aluminum Security Fences

For applications where a strong aluminum security fence is required, Ultra offers Industrial Series featuring Industrial Ultra Fence™ components and the size and strength for maximum security. Posts are 1" and rails are 1/2"

We use only the strongest aluminum alloys, and incorporate more of it in all our rails than most of our competitors. All the components of our Industrial Fences are individually designed and factory assembled with patented, sealed end-caps to ensure structural integrity. The entire assembly is protected with our Powercoat™ finish, a durable finish that is virtually tear-resistant, as most other types of paints and enamels.

Industrial Series includes custom factory pre-assembly in 6' lengths x 6', 6' x 60', and 6' x 90' heights. Custom lengths and heights are also available. Each component is fully finished, including end-caps, gaskets, and end-caps. The factory designed to conform to most international and US codes. A full line of styles, shapes, and heights are available in the Ultra Fencing Series and Ultra Series. Please call them for more information and a quote. We will be happy to help.

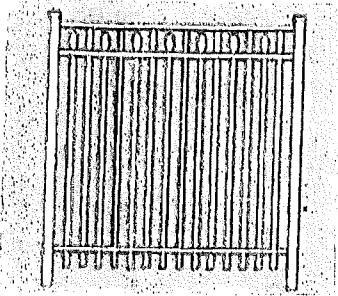
Ultra's Industrial Fence Styles



UAF 200 Flat Top

A flat aluminum fence with flat top rail

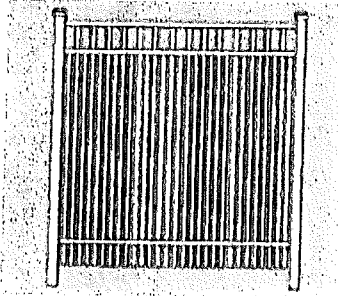
Detailed Information: UAF 200 Flat Top



UAF 250 Flat Top w/Spear

3-Rail fence with spear top pickets between mid and top rail

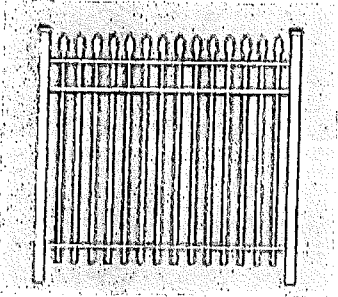
Detailed Information: UAF 250 Flat Top w/Spear



UAF 201 Flat Top w/1-1/2" Spacing

3-Rail fence with tighter picket spacing between bottom and mid rail

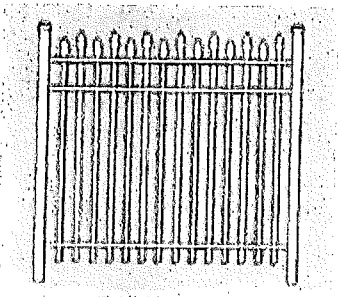
Detailed Information: UAF 201 Flat Top w/1-1/2" Spacing



UAS 100 Spear Top

3-Rail fence with spear top pickets above top rail

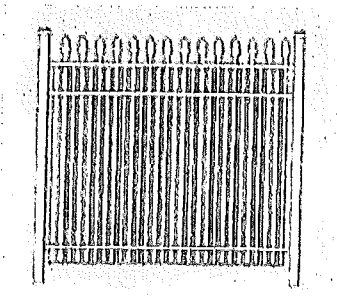
Detailed Information: UAS 100 Spear Top



UAS 150 Staggered Spear

3-Rail fence with staggered-height spear top pickets above top rail

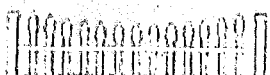
Detailed Information: UAS 150 Staggered Spear



UAS 101 Spear Top w/1-1/2" Spacing

3-Rail fence with spear pickets and tighter picket spacing between bottom and mid rail

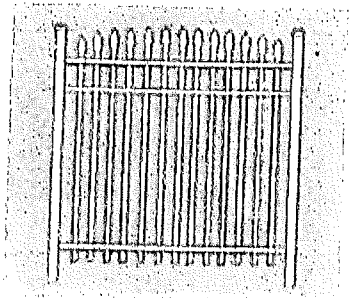
Detailed Information: UAS 101 Spear Top w/1-1/2" Spacing



UAS 300 Concave Spear Top

3-Rail fence with spear top pickets in concave formation above top rail

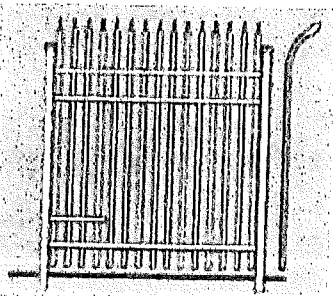
Detailed Information: [UAS 300 Concave Spear Top](#)



UAS 350 Convex Spear Top

3-Rail fence with spear top pickets in convex formation above top rail

Detailed Information: [UAS 350 Convex Spear Top](#)



UAD 100 Defender Spear Top

Defender security fence with angled spear top pickets

Detailed Information: [UAD 100 Defender Spear Top](#)

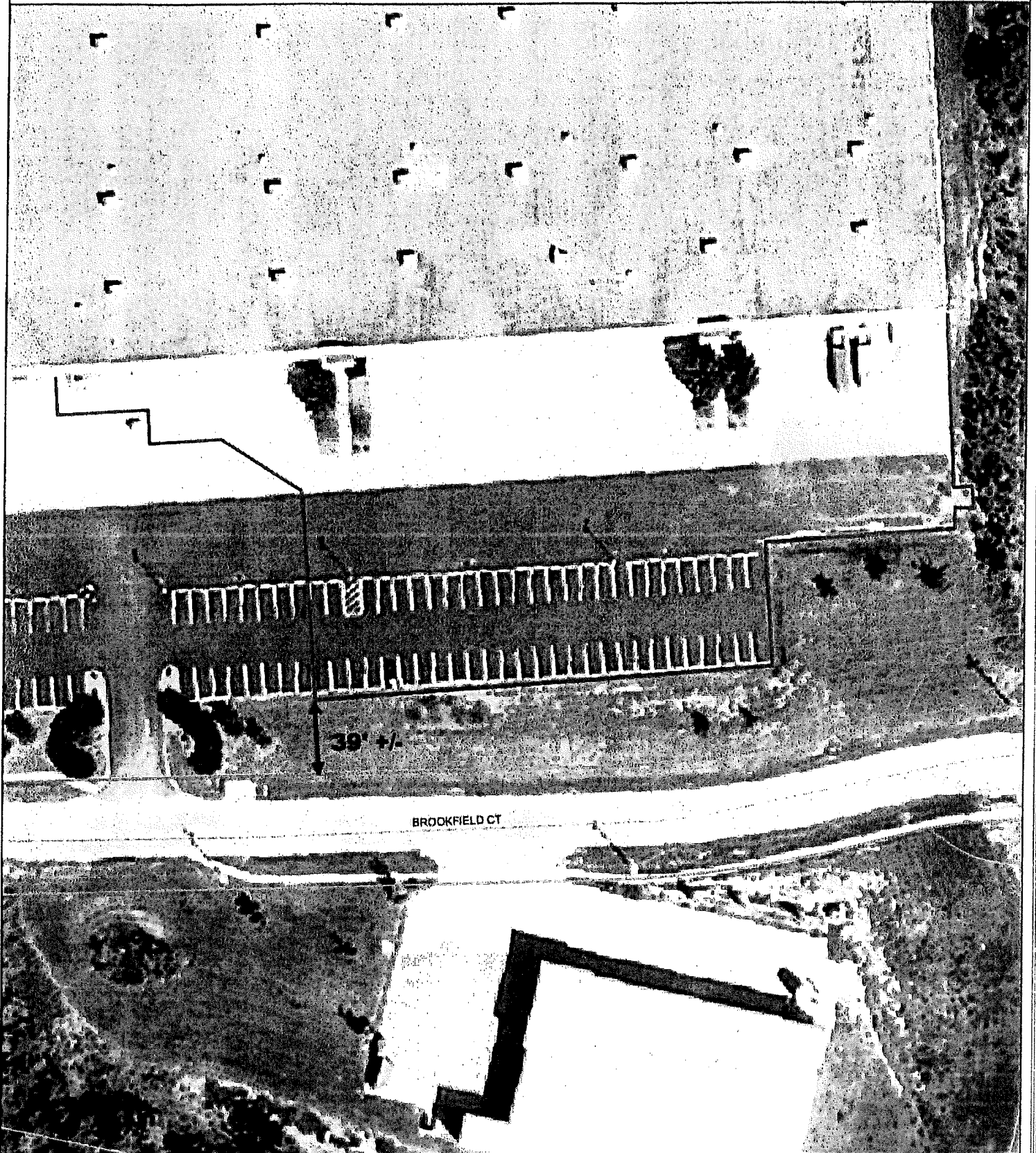
All Content ©

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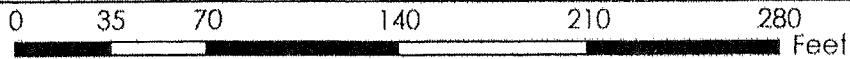
FENCE LOCATION AND SETBACK

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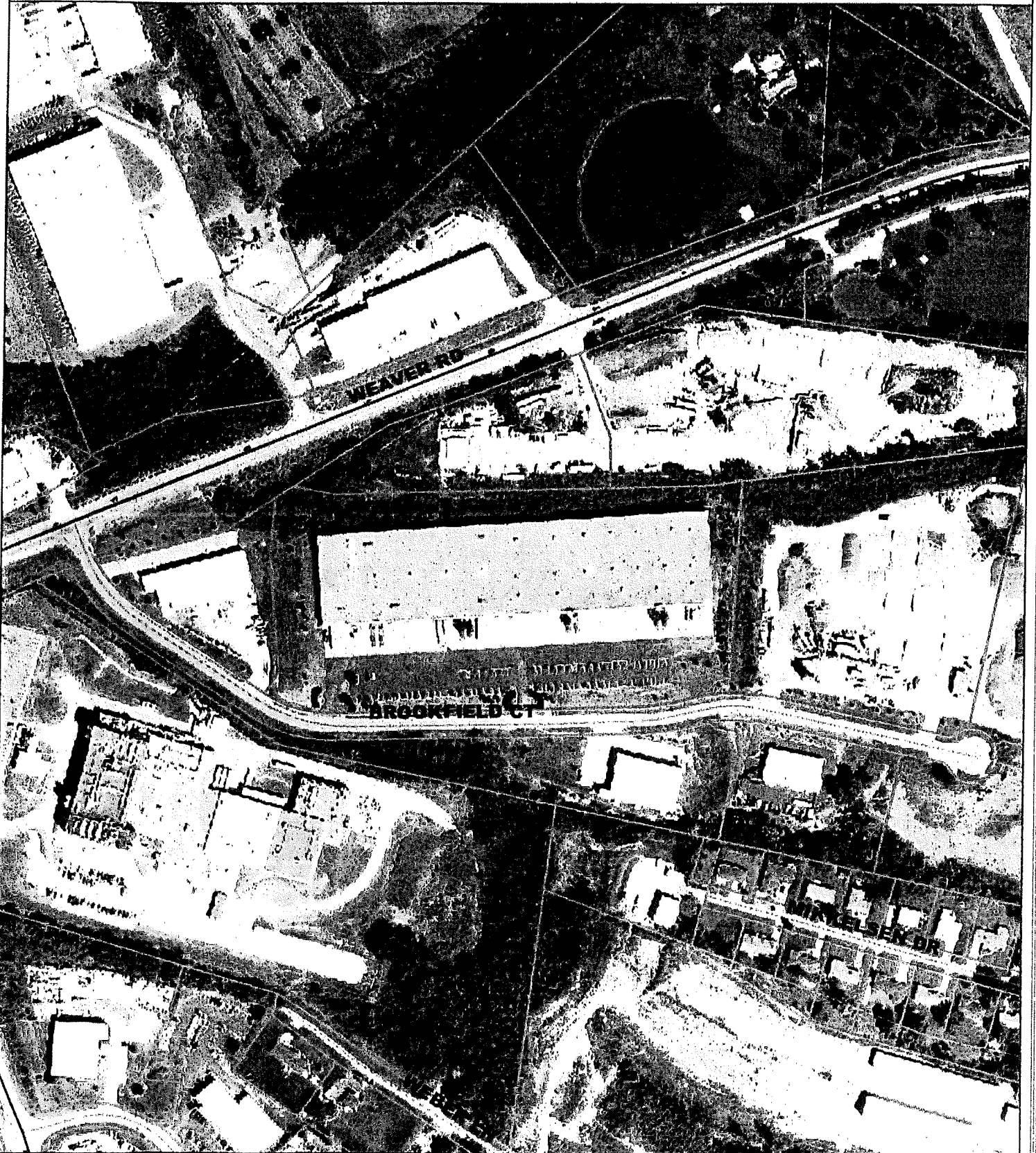
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/21/2009

Map Document: 1.mxd

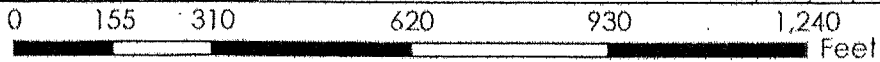
2009 AERIAL MAP

www.boonecountygis.com



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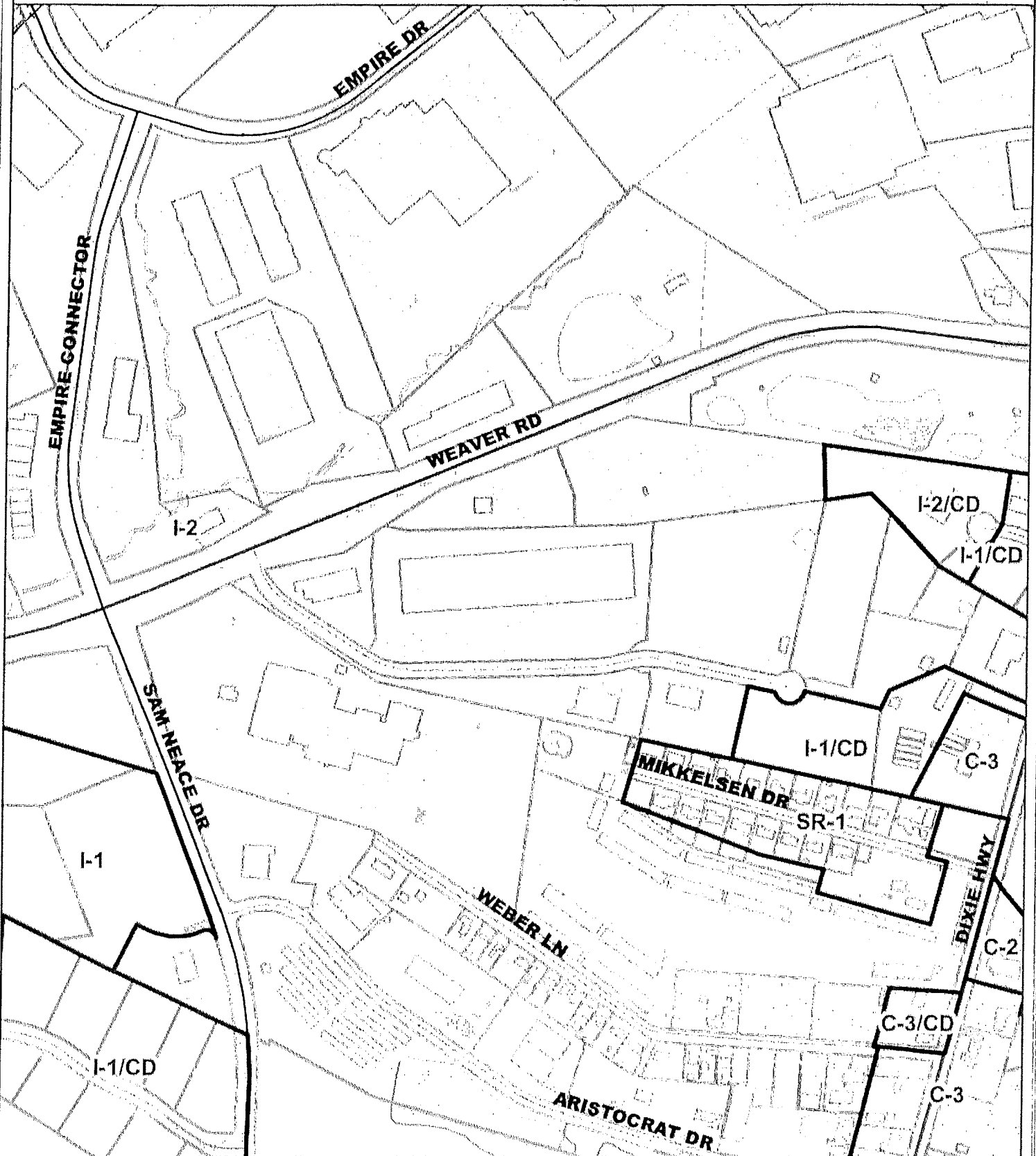


Boone County GIS - Putting Northern Kentucky on the Map



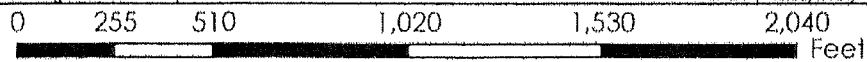
ZONING MAP

www.boonecountygis.com



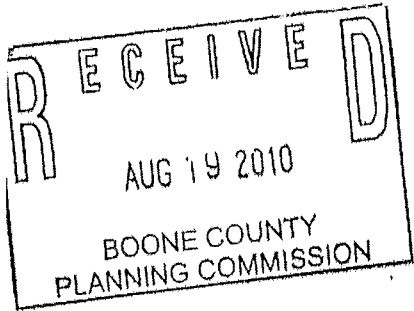
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Boone County GIS - Putting Northern Kentucky on the Map





APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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 Shire LLC
Phone Number 859-669-8478 Fax No. 859-282-6519
Applicant's Address 9200 Brookfield Court Suite 108
Florence KY 41042
City State Zip
- 4. Description of Request: 39 foot setback for a security fence
- 5. Name of Development _____
- 6. Location of Development 9200 Brookfield Ct
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Brookfield Court Properties LLC
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City State Zip
- 11. Proposed Use(s) on Site Security Fence
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property I-2
- 14. Deed Book 929 Page No. 949 Group No. 2049B
- 15. Is the site subject to a zone change? _____
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? _____
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

COPY

CLUR #10-BCBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Brookfield Court Properties, LLC
53 State Street, Floor 38
Boston, MA 02109

2. ADDRESS OF PROPERTY
9200 Brookfield Court
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Shire, LLC

4. DEED BOOK 929 PAGE NO. 949 GROUP NO. 2049B

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

 Zoning Map Amendment: Conditional Use Permit
 From _____ To _____

 Development Plan Conditional Zoning

 Subdivision Plat Other:
 (Not Recorded)

 Variance

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

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 13, 2010 Certificate of Land Use Restriction (#10-BCBOA-011-A), for Brookfield Court Properties, LLC, Property Owner(s).

The following conditions will apply:

No conditions.

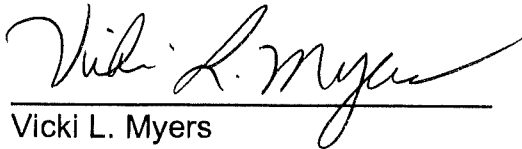
The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 929 PAGE NO. 949 GROUP NO. 2049B

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

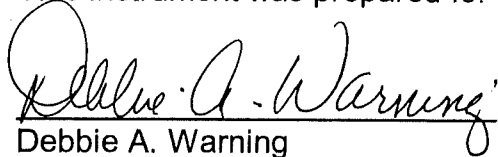
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 14 day of October, 2010.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

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