




Installation of Fence

10. Proposed Use(s) on Site: \_\_\_\_\_
11. Total Square Footage of Existing and/or Proposed Buildings: 1,950s/f
12. Current Zoning: C3
13. 306 215 \_\_\_\_\_  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. 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)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 4/18/22 Fee Received: \$2,266.<sup>00</sup> Receipt #: 85994

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 5/11/2022

5. Board Action: 5/11/2022

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: See Attached, Minutes, & CLUR

---

---

---

---

7. Reasons for Denial: \_\_\_\_\_

---

---

---

---

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## **CONDITION OF APPROVAL**

APPLICANT: Bob Shehan, on behalf of William and Faye Shehan

LOCATION: 10031 Dixie Highway, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: May 11, 2022

1. Building mounted signage shall be limited to one (1) sign oriented towards Old Mt. Zion Road, one (1) sign oriented towards Dixie Highway, and one (1) sign oriented towards Mt. Zion Road, regardless of which buildings such signs are placed on.

## STAFF REPORT

#2

APPLICANT: Bob Shehan, on behalf of William and Faye Shehan

LOCATION: 10031 Dixie Highway, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: July 8, 2020

### PROPOSAL

1. The applicant is requesting a Variance reducing the corner side yard setback along an arterial street from fifty (50) feet to twenty-five (25) feet.
2. The applicant is requesting a Variance reducing the rear yard setback along an arterial street from fifty (50) feet to twenty-eight (28) feet.
3. The applicant is requesting a Variance to increase the height of a fence within the corner side yard from four (4) feet to six (6) feet.

### SITE HISTORY

- 1980 Based on information contained in the Boone County GIS, the site has been zoned C-3 since 1980.
- 1981-1985 Based on information contained in the Boone County GIS, the site was initially developed.
- 2020 On October 16, 2020, the Boone County Planning Commission staff approved a Major Site Plan allowing the construction of a 616 square foot storage building on the site.
- 2021 On January 21, 2021, the Boone County Planning Commission approved a Sign Permit allowing a 138.38 square foot building mounted sign to be installed on the north building façade of the new storage building.

### APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from 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.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.

1. Findings listed in Section 251:
  - a. 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:
    - (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
    - (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
    - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
  - b. 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.
- D. Section 1030 of the Boone County Zoning Regulations states that ‘the purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in ARTICLE 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.”
- E. Section 3122 of the Boone County Zoning Regulations states that the setback for a rear yard or corner side yard which adjoins an arterial street shall be a minimum of fifty (50) feet.
- F. Section 3655.4.a of the Boone County Zoning Regulations states that fences within front or corner side yards shall not exceed four (4) feet in height.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “ Commercial” uses, which are defined as Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

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

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Development policies shall not discriminate against any person (demographics Goal A, Objective 1).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

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

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

Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

C. Mt. Zion Road and Dixie Highway are state maintained arterial streets providing for two way traffic. Currently, there are no sidewalks along these roadways.

SURROUNDING LAND USES AND ZONING

North: Prestige Auto Body (C-3) and Kubota Tractor of the Tri-State (I-2)

South: Local market (C-1)

East: The Secret Garden (C-3)

West: Shining Stars Learning Center (C-3)

PROPOSED DEVELOPMENT

- A. The submitted Concept Development Plan indicates the following:
1. Construction of a 1,440 square foot (30' x 48') storage building.
  2. Installation of a six (6) foot high decorative fence within the rear and corner side yard.
  3. Installation of a gate at the existing driveway on Dixie Highway.
  4. Construction of a maximum four (4) foot high retaining wall.

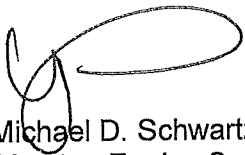
STAFF COMMENTS

- A. The Kentucky Transportation Cabinet (KYTC) is currently widening Mt. Zion Road. This construction project includes widening the intersection of Mt. Zion Road with Dixie Highway. To accommodate this roadway project, KYTC has acquired some of the current owner's property, making his lot smaller in area.
- B. By definition, accessory structures are to be subordinate in area to the principal structure. Based upon Boone County PVA information and the previously approved Site Plan, the site is currently occupied by a 2,604, square foot principal structure and a 616 square foot accessory structure. If the proposed 1,440 square foot structure were to be classified as an accessory structure, the total area of accessory structures would be 2,056 square feet, which is not subordinate to the area of the principal structure. Therefore, the proposed structure must be classified as a principal structure.
- C. The existing principal structure has a corner side yard setback of twenty-five (25) feet.
- D. Topographically, the southern half of the site sits higher than the northern half of the site. Additionally, the northern half of the site sits approximately eight (8) feet below the pavement of Mount Zion Road.
- E. It is the intent of Section 3413.1 of the zoning regulations to limit building mounted signage to a maximum of three sides of a building. The site currently has a building mounted signs on: (1) the south façade of the existing principal structure; (2) the east façade of the existing principal structure; and (3) the north façade of the existing accessory structure. The construction of the proposed building will block the view of the existing sign on the existing accessory structure from the view of Mt. Zion Road.
- F. Should the Board take action to approve the submitted request, Staff is suggesting the following condition to be considered as part of that action:
1. Building mounted signage shall be limited to one (1) sign oriented towards Old Mt. Zion Road, one (1) sign oriented towards Dixie Highway, and one (1) sign oriented towards Mt. Zion Road, regardless of which buildings such signs are placed on.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,



Michael D. Schwartz  
Director, Zoning Services

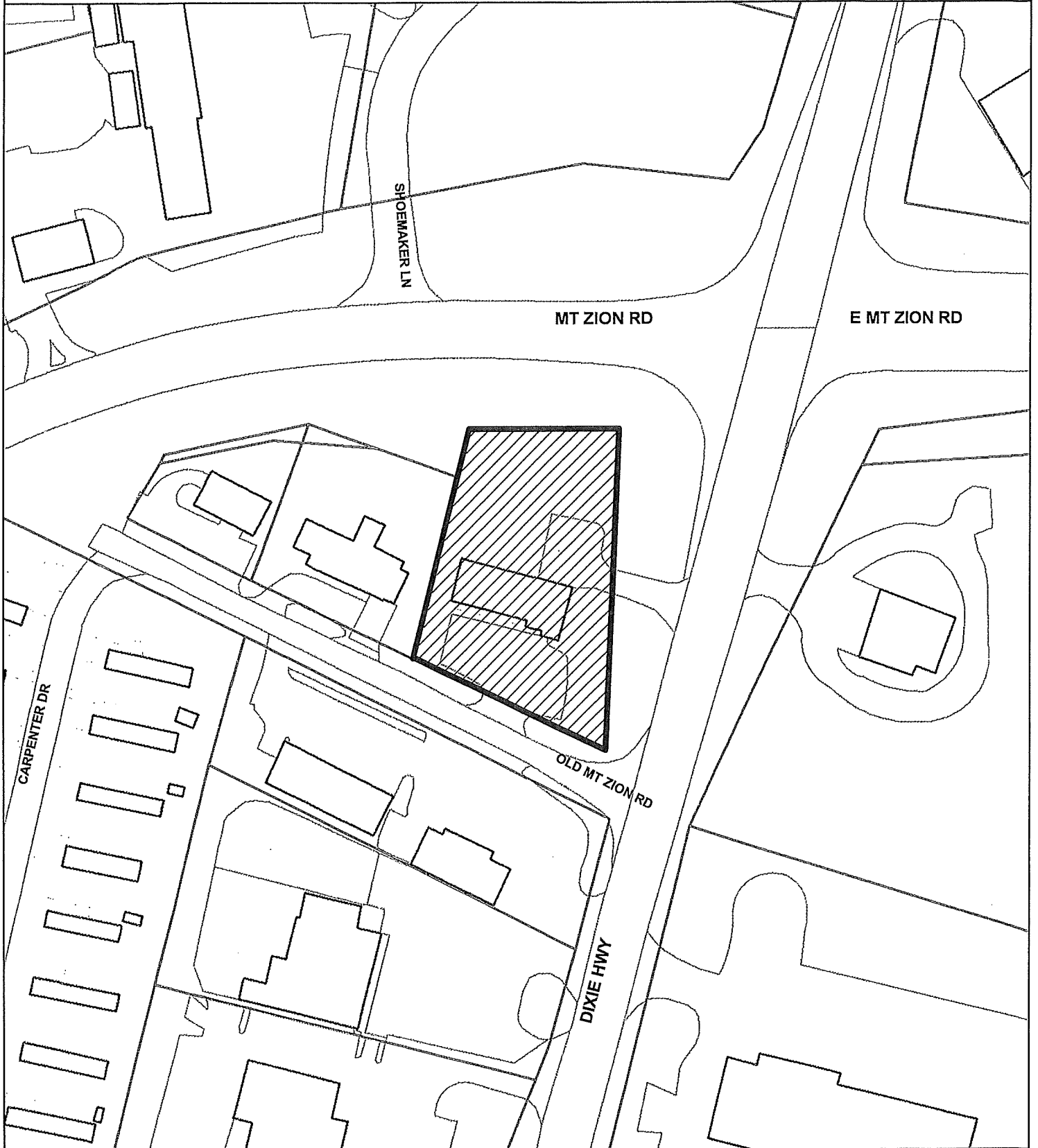
MDS/ss

Attachments

- \*Vicinity Map
- \*Previous Lot Boundary Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Development Plan

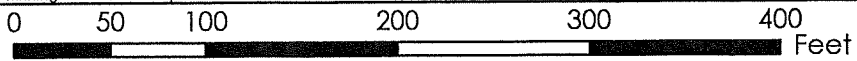
# Vicinity Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 100 feet



Map Created: 01/01/2018

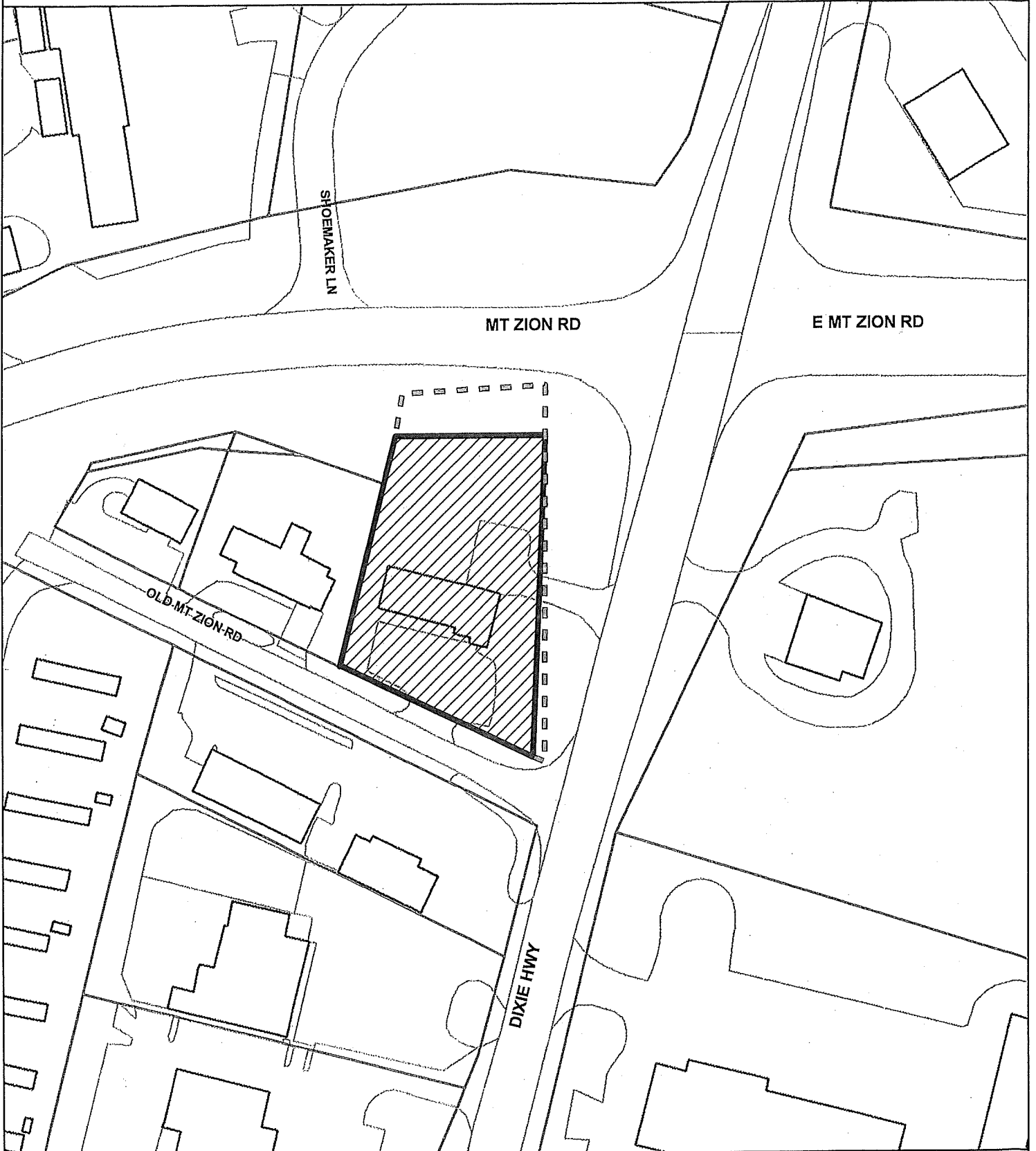
**Boone County GIS - Putting Northern Kentucky on the Map**



Map File: County GIS 2018 101  
ArcMap Document: \*.mxd

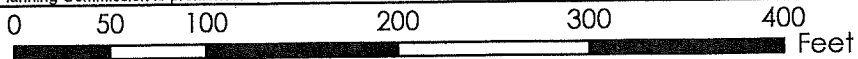
# Previous Lot Boundary Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 100 feet



**Boone County GIS**

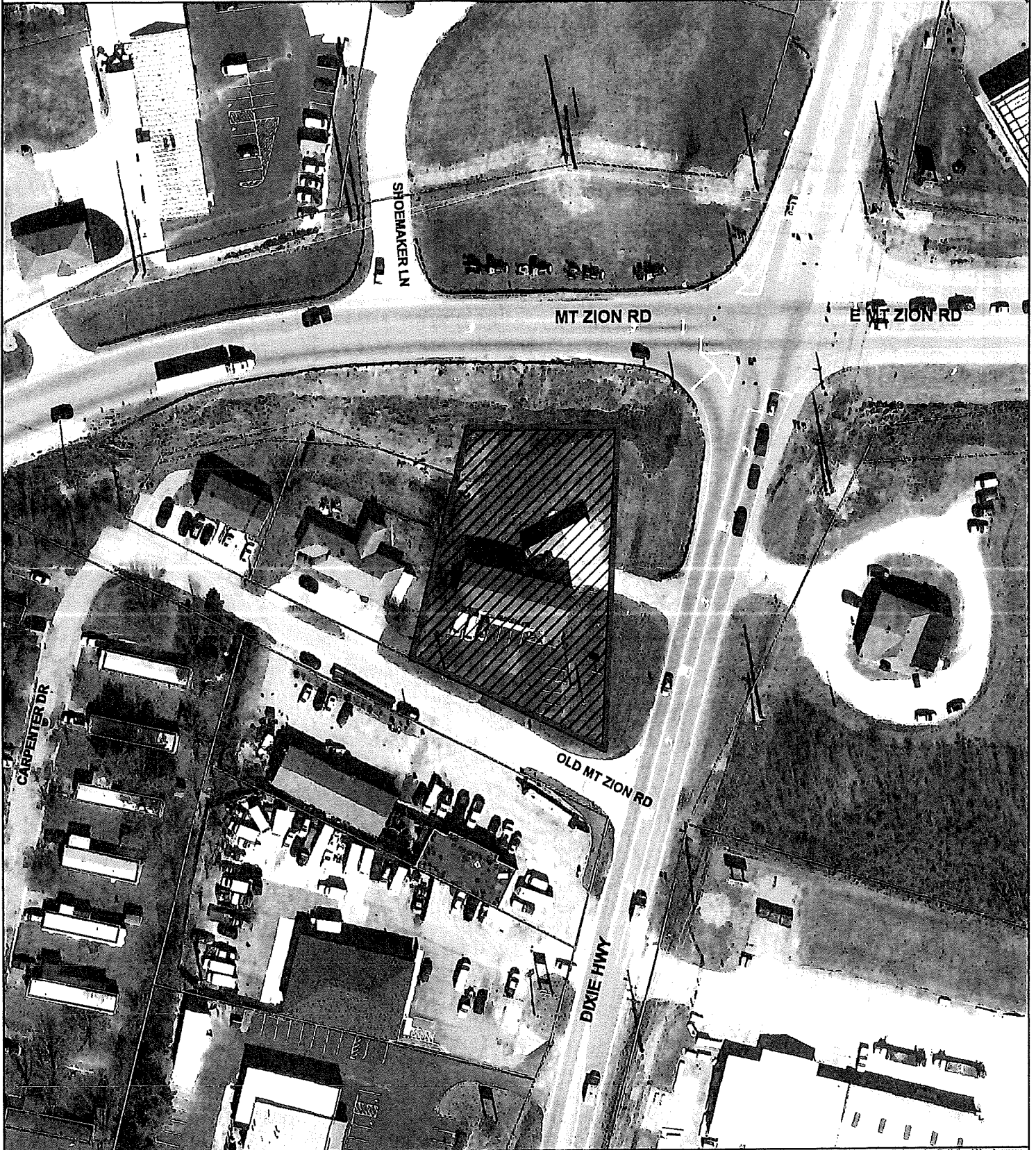
Map Created: 01/01/2018



Map File Path: \\gis\mxd\2018\GIS\GIS.mxd  
ArcMap Document \*.mxd

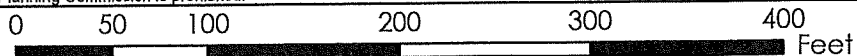
# Aerial Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

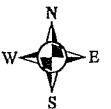
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 100 feet



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



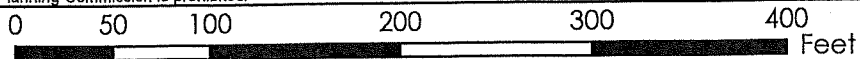
# Topographical Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 100 feet



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



Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: \*.arxd

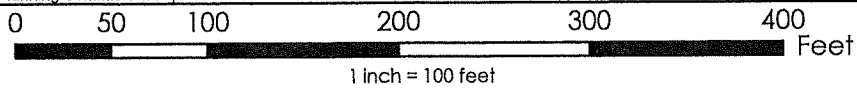
# Zoning Map

www.boonecountygis.com

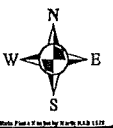


Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



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



Map Created: 01/01/2018

Map File Path: \\GIS\Map\2018\GIS 1117  
ArcMap Document: \*.mxd



**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

**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: Bob Shehan  
Address: 10031 Dixie Hwy  
Florence KY 41042  
City State Zip Code  
Phone Number: (859) 371-9193 Fax Number: \_\_\_\_\_  
Email: Bob@shehanpools.com
4. Description of Request:  
Fence Variance
5. Name of Development: N/A
6. Location of Development: 10031 Dixie Hwy  
Florence KY 41042  
City State Zip Code
7. Acreage Under Review: .574
8. Lot Number and Name of Subdivision (if part of a subdivision):  
N/A
9. Current Owner: William & Faye Shehan  
Address: 10031 Dixie Hwy  
Flornece KY 41042  
City State Zip Code  
Phone Number: (859) 371-9193 Fax Number: \_\_\_\_\_  
Email: bob@shehanpools.com

Installation of Fence

10. Proposed Use(s) on Site: \_\_\_\_\_
11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_ 1,950s/f
12. Current Zoning: \_\_\_\_\_ C3
13. \_\_\_\_\_ 306 \_\_\_\_\_ 215 \_\_\_\_\_  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. 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)

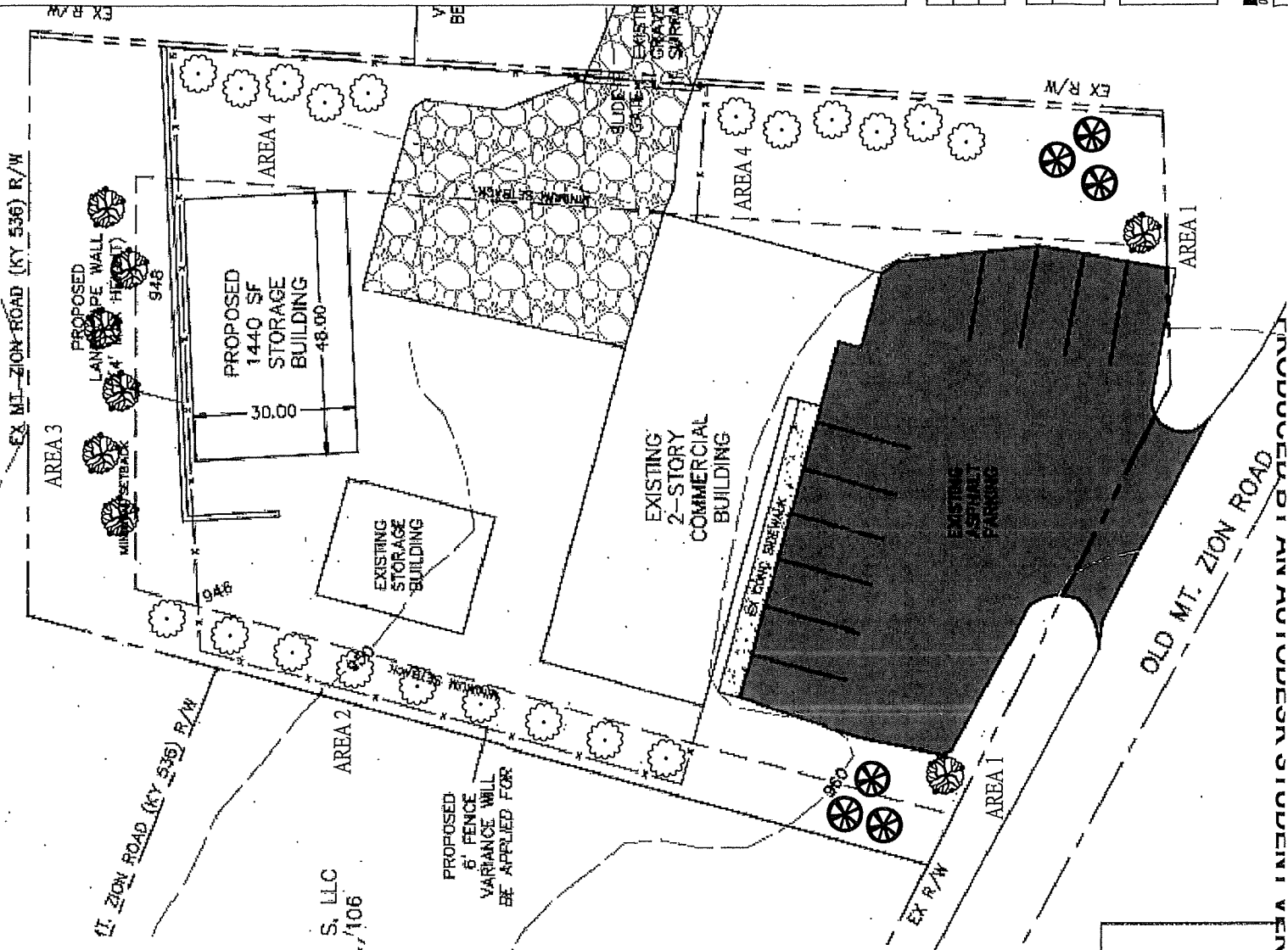


## Garden Center & Landscaping

S, LLC  
106

PLANT SCHEDULE	Area 1	Area 2	Area 3	Area 4
PLANT SCHEDULE Area 1	Butterfly A	Butterfly A	Butterfly A	Butterfly A
COMMON NAME	Small Trees Plant List C (150 Linear Foot)	Small Trees Plant List C (175 Linear Foot)	Small Trees Plant List C (107 Linear Foot)	Small Trees Plant List C (107 Linear Foot)
QTY	5	9	6	11
SIZE	4'-5"	8'-8"	1.75'-2"	5'-8"
CONDITION SPACING	8' O.C.	8' O.C.	8' O.C.	12' O.C.
PLANT SCHEDULE Area 2	Butterfly A	Butterfly A	Butterfly A	Butterfly A
COMMON NAME	Small Trees Plant List C (150 Linear Foot)	Small Trees Plant List C (175 Linear Foot)	Small Trees Plant List C (107 Linear Foot)	Small Trees Plant List C (107 Linear Foot)
QTY	5	9	6	11
SIZE	4'-5"	8'-8"	1.75'-2"	5'-8"
CONDITION SPACING	8' O.C.	8' O.C.	8' O.C.	12' O.C.
PLANT SCHEDULE Area 3	Butterfly A	Butterfly A	Butterfly A	Butterfly A
COMMON NAME	Small Trees Plant List C (150 Linear Foot)	Small Trees Plant List C (175 Linear Foot)	Small Trees Plant List C (107 Linear Foot)	Small Trees Plant List C (107 Linear Foot)
QTY	5	9	6	11
SIZE	4'-5"	8'-8"	1.75'-2"	5'-8"
CONDITION SPACING	8' O.C.	8' O.C.	8' O.C.	12' O.C.
PLANT SCHEDULE Area 4	Butterfly A	Butterfly A	Butterfly A	Butterfly A
COMMON NAME	Small Trees Plant List C (150 Linear Foot)	Small Trees Plant List C (175 Linear Foot)	Small Trees Plant List C (107 Linear Foot)	Small Trees Plant List C (107 Linear Foot)
QTY	5	9	6	11
SIZE	4'-5"	8'-8"	1.75'-2"	5'-8"
CONDITION SPACING	8' O.C.	8' O.C.	8' O.C.	12' O.C.

STATE SERIES-A	10/20/2021
MUNICIPAL - PARKS	10/20/2021
DATE	10/20/2021
AREA	PARK
PROJECT	241150000000
DATE	10/20/2021



Shehan Pools  
10031 Dixie Highway  
Florence, KY 41042

Date  
Revision 1 xxxxxxx  
Revision 2 xxxxxxx  
Drawn By

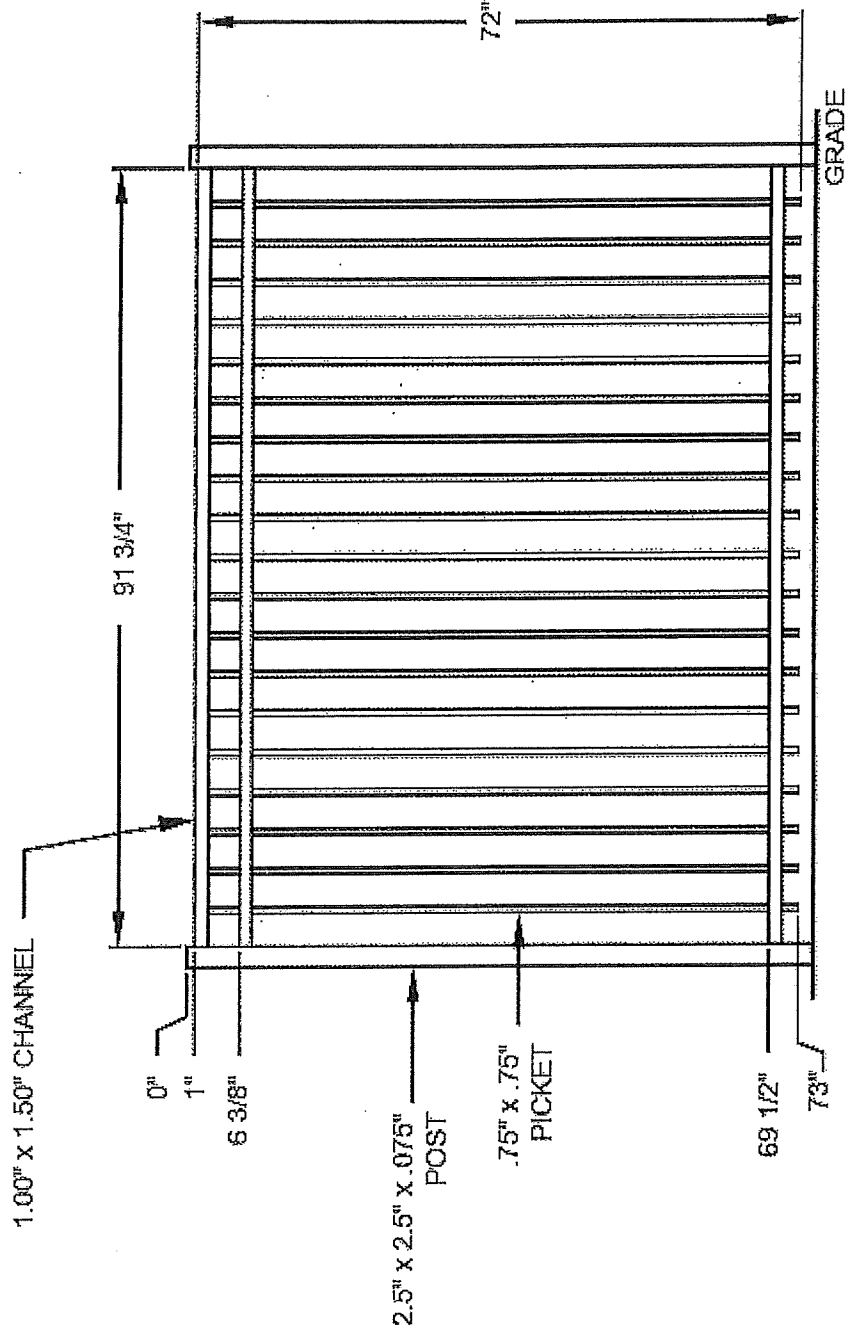


SCALE 1"=30'-0"  
0 5 30  
CHRT. 1 OF 1

91.75" PANEL SERIES-A  
3-CH 72" MUNICIPAL - RACKABLE

ALUMINUM FENCE SUPPLY	DATE: 05/06/2021
PO/JOB NAME:	ITEM: PANEL
QUOTE NO:	HINGE TYPE: --
COLOR: BLACK	DAYLIGHT OPENING: --

APPROVAL SIGNATURE (REQUIRED):





CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
William & Faye Shehan  
10031 Dixie Hwy  
Florence, KY 41042
- 2. ADDRESS OF PROPERTY  
10031 Dixie Hwy  
Florence, KY 41042
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Shehan Fence
- 4. DEED BOOK 306                      PAGE NO. 215                      GROUP NO. 2058
- 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 (3)
- 6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

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

\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Michael D. Schwartz, Director, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the  
Boone County Planning Commission this 16<sup>th</sup> day of May, 2022.

---

Treva L. Beagle  
Notary ID KYNP37603  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2025

This instrument was prepared for recording purposes only by:

Nicole Dierna  
Nicole Dierna  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of May 11, 2022, Certificate of Land Use Restriction (#22-BCBOA-017-A), for William & Faye Shehan, Property Owner(s).

The following conditions will apply:

1. Building mounted signage shall be limited to one (1) oriented toward Old Mt. Zion Road, one (1) sign oriented toward Dixie Highway, and one (1) sign oriented towards Mt. Zion Road, regardless of which buildings such signs are placed on.

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

DEED BOOK 306

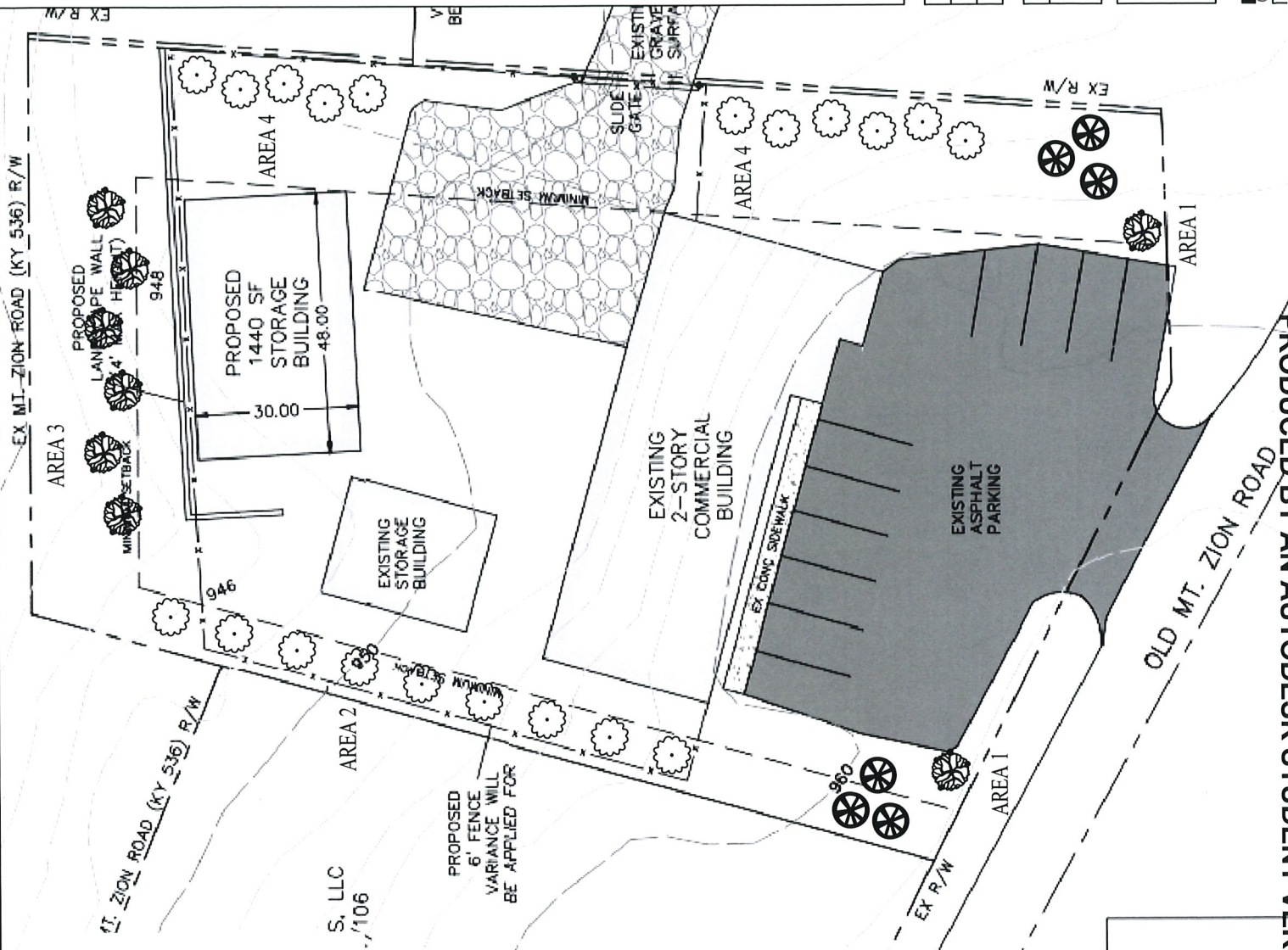
PAGE NO. 215

GROUP NO. 2058

# Maddox

## Garden Center & Landscaping

SYM	SCIENTIFIC NAME	COMMON NAME	QTY	SIZE	CONDITION	SPACING
1	Impatiens	Impatiens	6	4"-5"	B&B	8' O.C.
2	Crataegus	Eastern Redstart	2	1.75"-2"	B&B	8' O.C.
3	Juniperus	Juniperus	9	5'-8"	B&B	12' O.C.
4	Crataegus	Eastern Redstart	6	1.75"-2"	B&B	12' O.C.
5	Juniperus	Juniperus	11	5'-8"	B&B	12' O.C.



PROPOSED 6' FENCE VARIANCE WILL BE APPLIED FOR

S. LLC  
106

Shehan Pools  
10031 Dixie Highway  
Florence, KY 41042

SCALE 1"=30'-0"

0 15 30

SHEET. 1 OF 1

Date  
Revision 1 xxxxxxx  
Revision 2 xxxxxxx  
Drawn By

5' PANEL SERIES-A	MUNICIPAL - RACKABLE
DATE:	03/05/2021
ITEM:	PANEL
HINGE TYPE:	
DAYLIGHT OPENING:	

91.75" PANEL SERIES-A  
3-CH 72" MUNICIPAL - RACKABLE

ALUMINUM FENCE SUPPLY	DATE: 05/06/2021
PO/JOB NAME:	ITEM: PANEL
QUOTE NO:	HINGE TYPE: --
COLOR: BLACK	DAYLIGHT OPENING: --

APPROVAL SIGNATURE (REQUIRED):

