

STAFF REPORT

#1

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

LOCATION: 10031 Dixie Highway, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: January 15, 2025

PROPOSAL

1. The applicant is requesting a Variance reducing the corner side yard setback along an arterial street from fifty (50) feet to zero (0) feet.
2. The applicant is requesting a Variance reducing the Buffer Yard A width in the corner side yard along an arterial street from ten (10) feet to zero (0) 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.
- 2022 On May 11, 2022, the Boone Board of Adjustment approved Variances: (1) reducing the corner side yard setback from fifty (50) feet to twenty-five (25) feet; (2) reducing the rear yard setback from fifty (50) feet to twenty-eight (28) feet; and (3) increasing the height of a fence within the corner side yard from four (4) feet to six (6) feet, subject to the condition that 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 (BCBOA-22-017).
- 2022 On December 1, 2024, the Boone County Planning Commission approved a Major Site Plan allowing the construction of a 1,440 square foot storage building and a six (6) foot high fence.

APPLICABLE REGULATIONS

- A. Section 202.C 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 4000 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 204.D and 204.E of the Boone County Zoning Regulations.
1. Findings listed in Section 204.D and 204.E:
 - 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 1003.A 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.A 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 3620.A of the Boone County Zoning Regulations states that a Buffer Yard A shall be provided along all streets, public or private. Section 3645 states that a Buffer yard A shall have a minimum width of ten (10) feet.

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. Retention of all previously approved buildings and fences.
 2. Construction of a 705 square foot (30' x 423'-6") storage building.

STAFF COMMENTS

- A. The Kentucky Transportation Cabinet (KYTC) recently widened Mt. Zion Road. This construction project included 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 the 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 Plans, the site is/will be occupied by a 2,604 square foot principal structure, a 616 square foot accessory structure and a proposed 1,440 square foot structure. If the proposed 705 square foot structure were to be classified as an accessory structure, the total area of accessory structures would exceed the square footage of the original principal structure, 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 Mt. Zion Road.
- E. Within the vicinity of the location of the proposed structure, the distance between the edge of pavement of Dixie Highway and the east property line of the site in question is approximately fifty-five (55) feet.
- F. It is the intent of Section 3408.1 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 facing Old Mt. Zion Road; (2) the east façade of the existing principal structure facing Dixie Highway; and (3) the north façade of the existing accessory structure facing Mt. Zion Road.

- G. Should the Board take action to approve the submitted request, Staff is suggesting the following condition to be considered as part of that action (this is the same condition that the Board placed on the previous application BCBOA 22-017):
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. Sections 204.D and 204.E 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

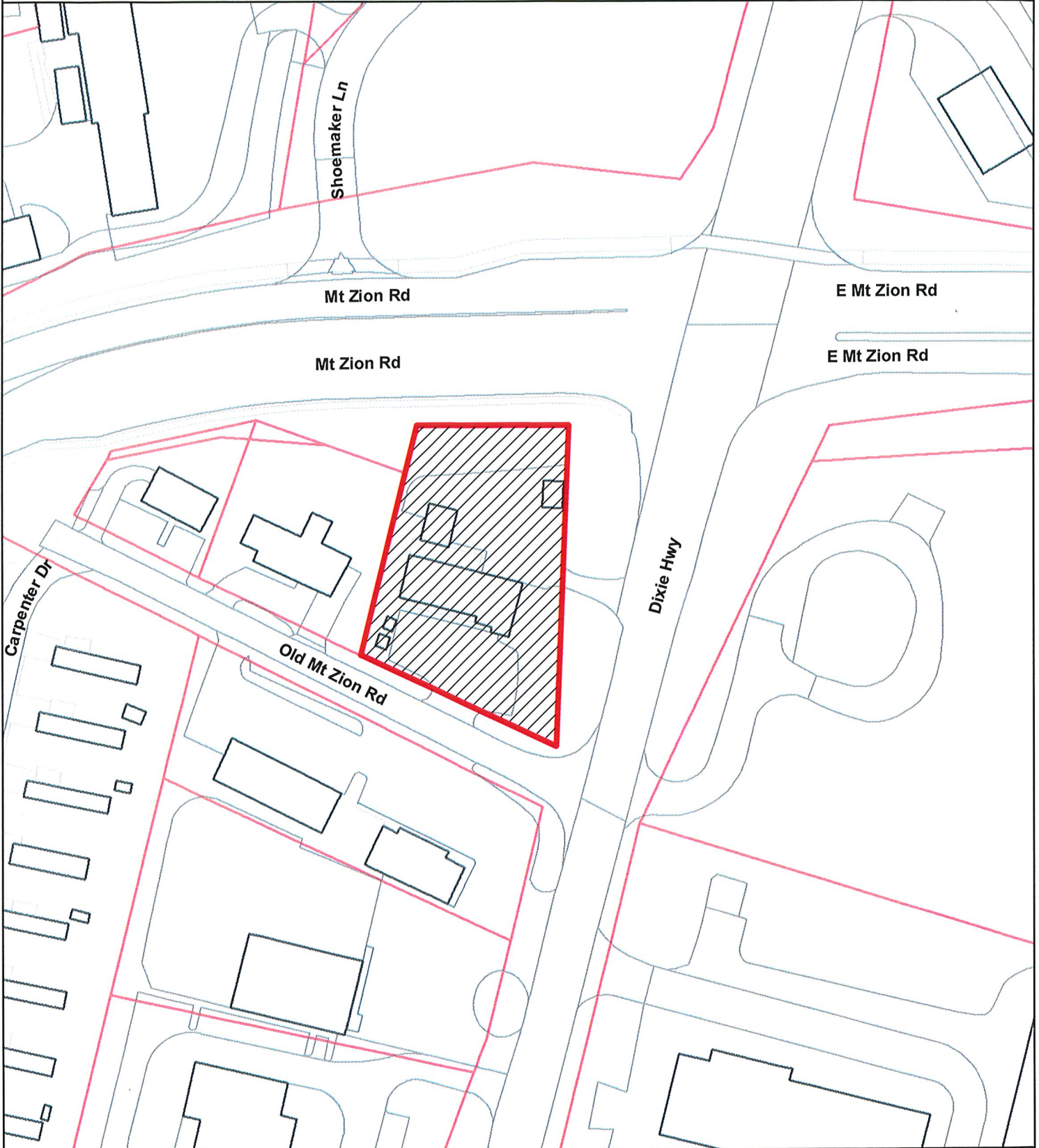
MDS/ss

Attachments

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

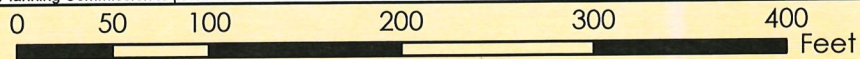
Vicinity Map

www.boonecountygis.com



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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Boone County GIS
ArcMap Document (*.mxd)

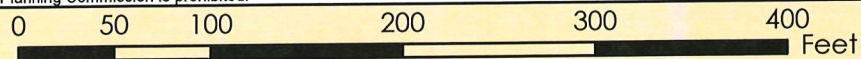
Aerial Map

www.boonecountygis.com

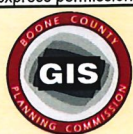


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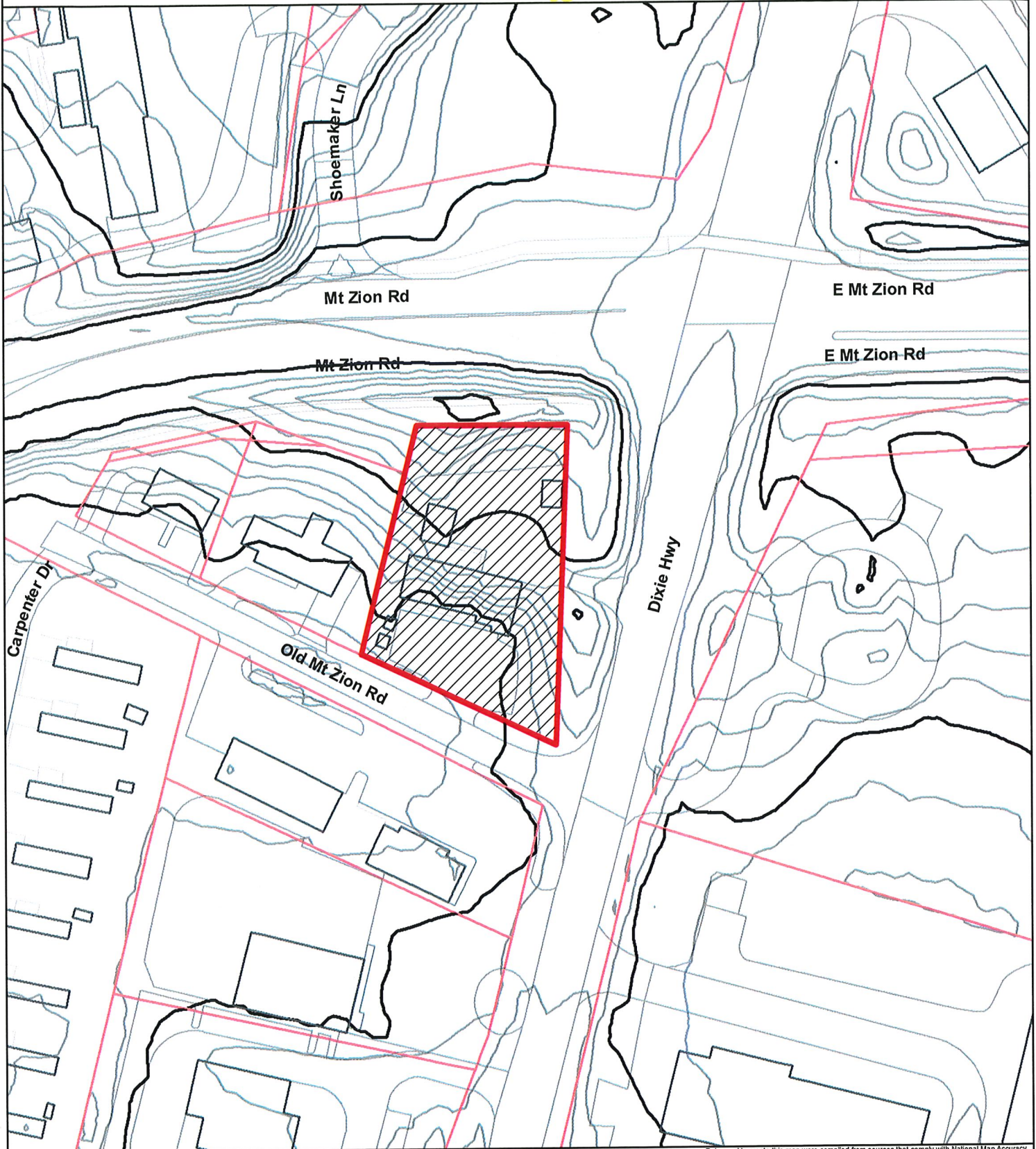


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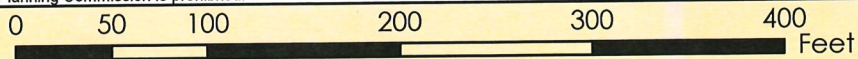
Topographic Map

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Boone County GIS - Putting Northern Kentucky on the Map



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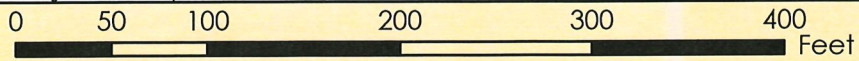
Zoning Map

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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xxjxx/2022

State Plane - Kentucky North AWP 1183
ArcMap Document: *.mxd

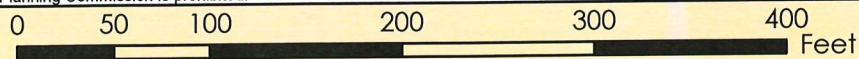
2040 Future Land Use Map

www.boonecountygis.com



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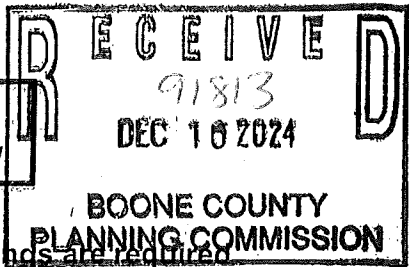
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022

Boone County GIS
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



One (1) scaled copy 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:
1) MIN setback VARIANCE Reduction TO ZERO
2) VARIANCE TO street Landscape Buffer FROM 10' TO 0'
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
Florence KY 41042
City State Zip Code
Phone Number: 859 371-9193 Fax Number: _____
Email: Bob@shehanpools.com

10. Proposed Use(s) on Site: Storage Buildings

11. Total Square Footage of Existing and/or Proposed Buildings: 705 S/A

12. Current Zoning: C3

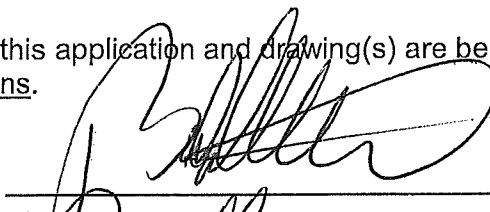
13. 306 215 2058
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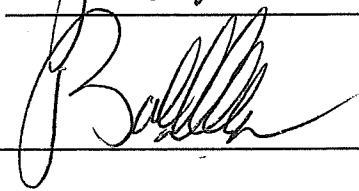
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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.

Property Owner's Signature: 

Applicant's Signature: 

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

1. Date Received: 12/16/24 Fee Received: \$1,016⁰⁰ Receipt #: 91813

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

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

6. Conditions of Approval: _____

7. Reasons for Denial: _____

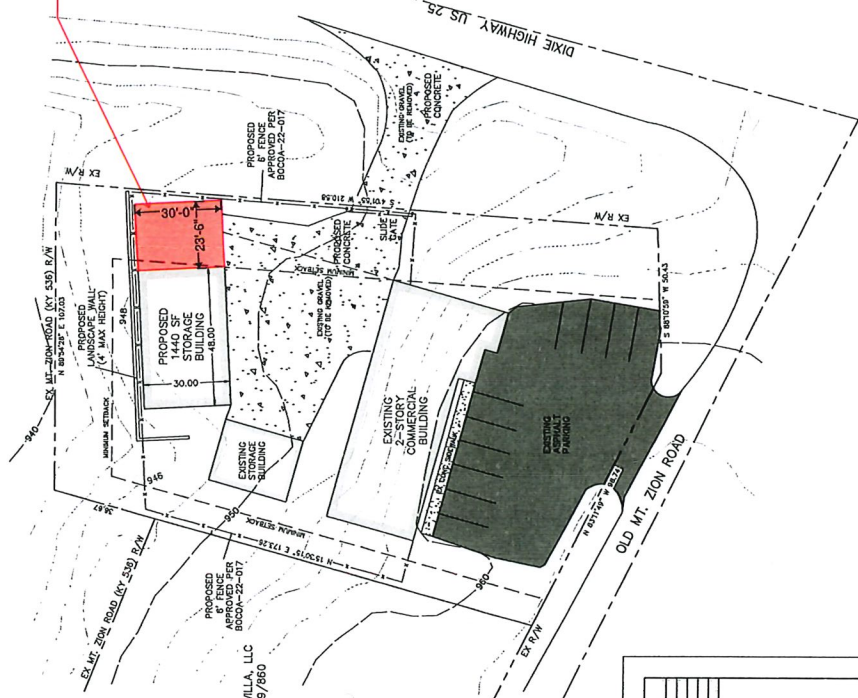
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196
plancom@boonecountyky.org
www.boonecountyky.org



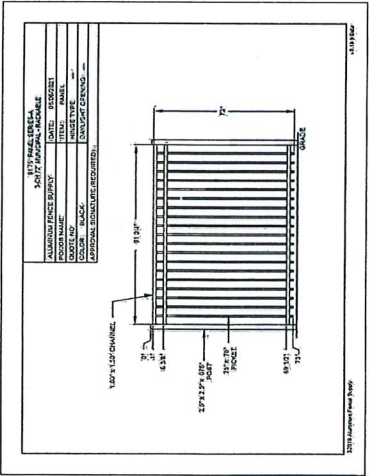
PARCEL INFO
 FAY & WILLIAM SHEHAN
 DB 306/215
 0.574 ACRES

SITE PLAN	
SHEHAN POOLS	
STEVEN A. BERLING KY ENGINEER 5745	Scale: 1" = 20'
10031 DIXIE HIGHWAY BOONE COUNTY, KENTUCKY	
11/26/22	Sheet: 1 of 1

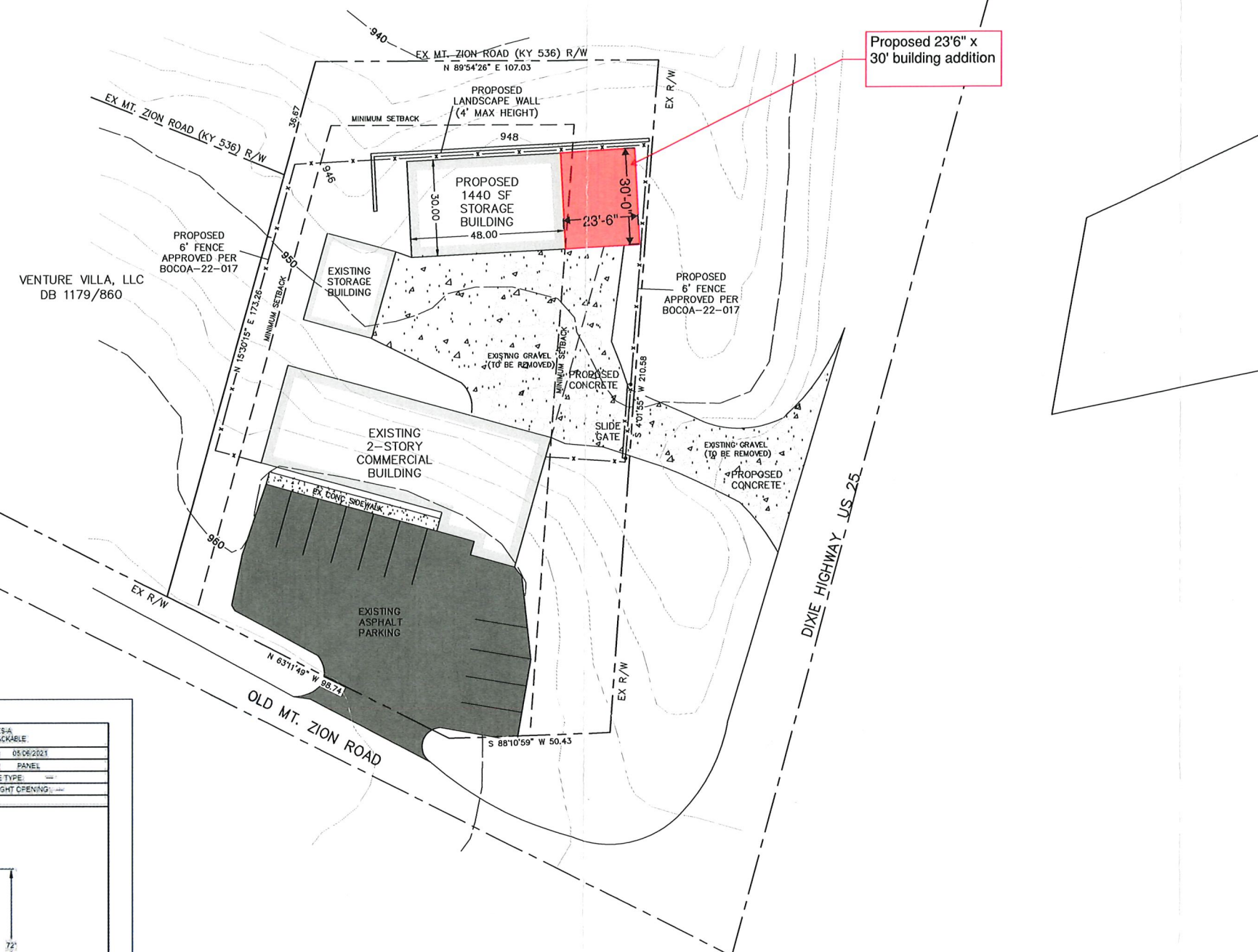
Proposed 23'6" x 30' building addition



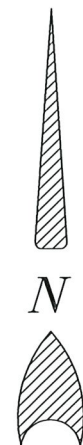
VENTURE VILLA, LLC
 DB 1179/660



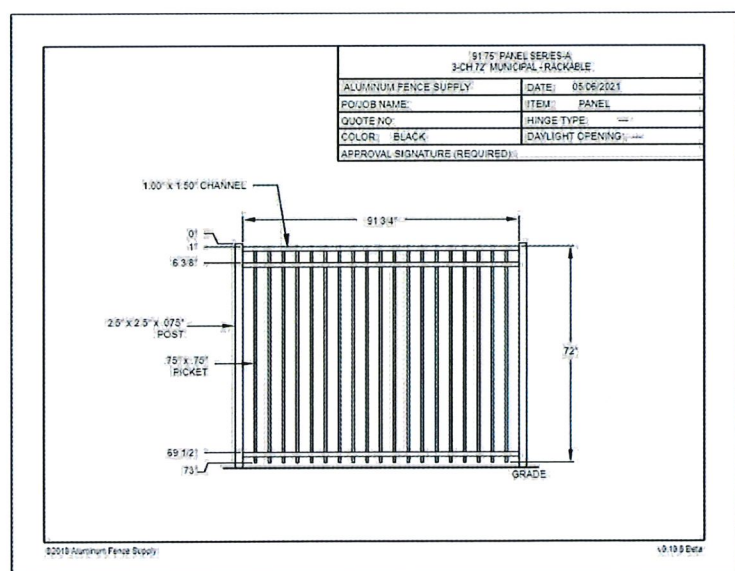
11/26/22
 2024 Landscape Plan 11/26/22



Proposed 23'6" x 30' building addition



PARCEL INFO
 FAY & WILLIAM SHEHAN
 DB 306/215
 0.574 ACRES



SITE PLAN			
SHEHAN POOLS			
STEVEN A. BERLING KY ENGINEER 5745	SCALE 1" = 20'	DRAWN BY Greg Sketch	REVISED
10031 DIXIE HIGHWAY BOONE COUNTY, KENTUCKY			
11/30/22	APPROVED BY	DRAWING NUMBER	

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
William and 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 Pools

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)

 X 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



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 16th day of January, 2025.

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 January 15, 2025, Certificate of Land Use Restriction (#25-BCBOA-001-A), for William and Faye Shehan, Property Owner(s).

The following conditions will apply:

1. Building mounted signage shall be limited to one (1) sign oriented towards Old Mount Zion Road, one (1) sign oriented towards Dixie Highway, and one (1) sign oriented towards Mount 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