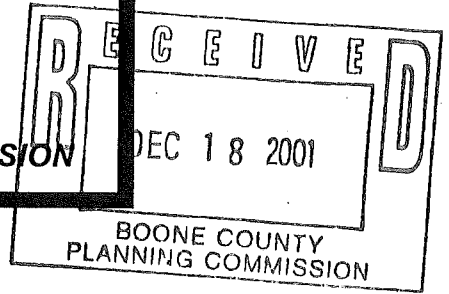


APPLICATION FORM

02-15-BOA-001-A

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 [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name MAXINE AND MARK MICHELS Phone Number 859-371-5424 Fax No. \_\_\_\_\_ Applicant's Address 26 WOODLAND AVE FLORENCE, KY 41042
4. Description of Request: VARIANCE FOR FRONT PORCH 32 1/2 FEET FROM THE CENTER OF WOODLAND AVE. (30' To 22')
5. Name of Development GRAND VIEW HEIGHTS SUBDIVISION
6. Location of Development OFF OF U.S. 42 BETWEEN HOLLYWOOD AND GRAND AVE ON WOODLAND AVE LAST HOUSE END OF STREET ON THE LEFT HAND SIDE
7. Acreage Under Review ALL OF LOT 48 AND PART OF LOT 47 GRANDVIEW HEIGHTS SUB.
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property MAXINE AND MARK MICHELS Phone Number of Owner 859-371-5424 10. Address of Property Owner 26 WOODLAND AVE, FLORENCE, KY. 41042
11. Proposed Use(s) on Site TO IMPROVE THE LOOKS AND VALUE OF THE PROPERTY
12. Total Square Footage of Existing and/or Proposed Buildings 8FT WIDE 32 FT LONG
13. Current Zoning on Property RESIDENTIAL (SR-1)
14. Deed Book 2603 Page No. 285 Group No. 2042
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Maxine M. Michels

Property Owner's Signature: Mark Michels + Maxine Michels

**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 12-18-01 Fee Received \$418.00 R# 29934
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date 1-9-02
5. Board Action:  
 **Approved**  
 **Approved with Conditions (See #6)**  
 **Denial (See #7)**
6. Conditions of Approval: NONE
7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org)**

**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

APPLICANTS: Maxine and Mark Michels  
LOCATION: 26 Woodland Avenue, Florence, Kentucky  
ZONING: Suburban Residential One (SR-1)  
DATE: January 9, 2002

### Proposal

The property owners have requested a variance to allow a covered porch, located at 26 Woodland Avenue, to encroach 8 feet into the 30 foot front yard setback.

### Applicable Regulations

Article 31, Section 3123 of the Boone County Zoning Regulations states that open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

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.

Surrounding Land Uses

North: Single-Family Residential (SR-1)  
South: Single-Family Residential and Multi-Family Residential (SR-1)  
East: Vacant City Property (SR-1)  
West: Single-Family Residential (SR-1)

Site History

On August 13, 2001, the property owners received a Zoning Permit to build a new deck onto the front of their single-family dwelling. The deck and railing were shown to be less than 36 inches above grade, thus making them exempt from meeting the front yard setback requirement. During the construction process a roof was installed over the deck.

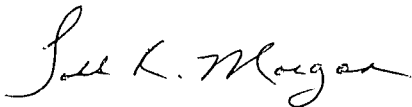
Staff Comments

The variance sought by the applicant is an 8 foot departure from the required 30 foot front yard setback requirement. Although Staff believes that the request will make the residence more aesthetically pleasing and will not alter the essential character of the general vicinity, the Board needs to consider if the property owners willingly constructed the roof while knowing they needed a variance.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a front yard setback variance from 30 feet to 22 feet. The Board must consider if the property owners willingly violated the zoning code.

Respectfully submitted,



Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

Exhibit A – Site Vicinity Map

Exhibit B – Zoning Map

Exhibit C – Mortgage Survey

Exhibit D – Approved 8-13-01 Zoning Permit

Exhibit E – Application



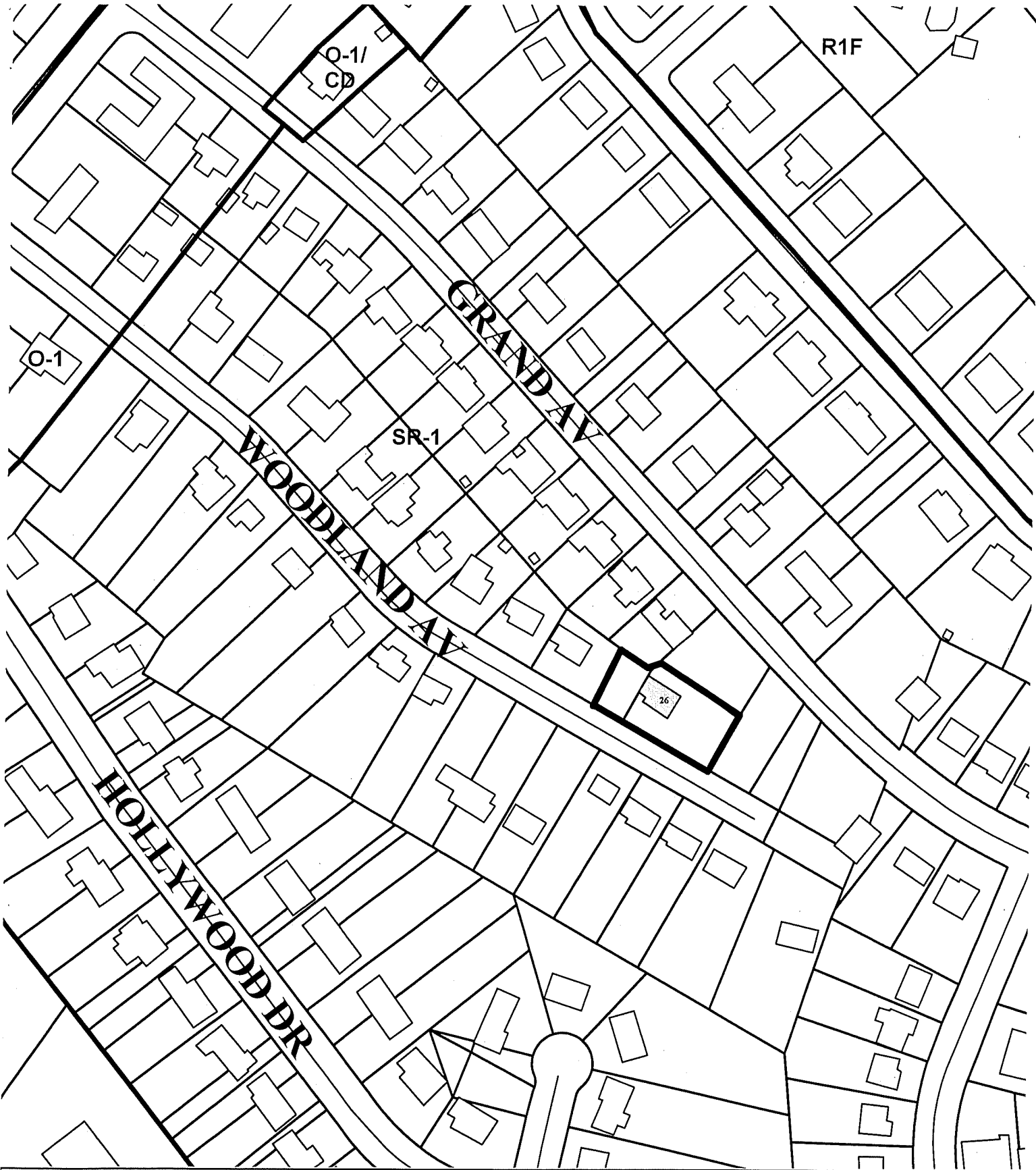
# Michels Property Site Vicinity Map

150 0 150 Feet

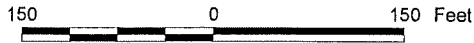


1 inch equals 150 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 20, 2001





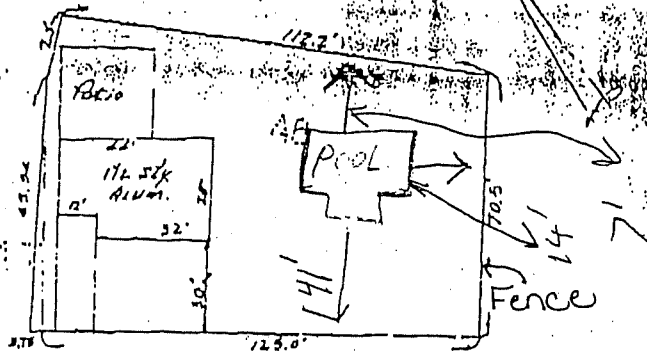
# Michels Property Zoning Map



1 inch equals 150 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 20, 2001

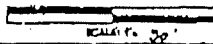


MORTGAGE LOCATION SERVICE



WOODLAND AVE

PAUL BYRANDE  
REGISTERED SURVEYOR  
1453  
CINCINNATI, OHIO



*Mark Nichols*

This is a mortgage location and is not a readable document and was prepared for identification purposes for the mortgage in connection with a loan. It is not intended or represented to be a deed or property description. No warranty is made. Do not use for anything else. No responsibility is assumed in the hands of or acceptor. It does not affect the relation of the mortgage to the State of Kentucky.

By *Paul Byrnde* Date *May 4, 1976*

Paul Byrnde Registered Surveyor 7484 Clough Road Cincinnati, Ohio 231-9359 45244		
SCALE 1/8" = 10'	DRAWN BY <i>PS</i>	INSPECTED BY <input checked="" type="checkbox"/>
DATE <i>5-4-76</i>	JOB NO. <i>6-10A-70</i>	

NAME OF APPLICANT AND ADDRESS: Mark Michels 26 woodland ave

NAME OF PROPERTY OWNER AND ADDRESS: " SAME AS ABOVE "

**NOTICE**

I, or we, understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

APPLICANT'S SIGNATURE: Mark Michels

DATE: 8/10/01 Phone Number: (859) 371-5424

\*\*\*\*\*

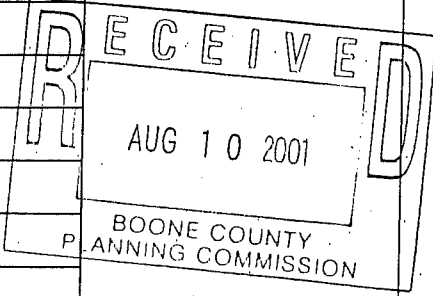
Review # \_\_\_\_\_

**This Portion of the Application to be Completed  
the Boone County Planning Commission**

Zoning District	<u>SRI</u>	Date	<u>13 Aug 01</u>	Fee	<u>\$40.00</u>	<u>\$35.00</u>
Approved	<input type="checkbox"/>	Denied	<input checked="" type="checkbox"/>	<u>PA</u>	<u>\$15.00</u>	None
Staff Reviewer	<u>M. Bradford</u>		Address/Location			
Subdivision	<u>Grandview Heights</u>					
Lot #	<u>16</u>	Section #		Block/Phase #		

Type of Improvement	
<input type="checkbox"/>	Single Family Residence
<input type="checkbox"/>	Detached Garage
<input type="checkbox"/>	Duplex
<input type="checkbox"/>	Garage Addition
<input checked="" type="checkbox"/>	Three Family
<input type="checkbox"/>	Porch or Deck
<input type="checkbox"/>	Apartment (# units _____)
<input type="checkbox"/>	Barn or Shed
<input type="checkbox"/>	Townhouse (# units _____)
<input type="checkbox"/>	Swimming Pool
<input type="checkbox"/>	Mobile Home
<input type="checkbox"/>	Tenant Finish
<input type="checkbox"/>	Residential Addition
<input type="checkbox"/>	Other:
Jurisdiction	
<input type="checkbox"/>	Boone County
<input checked="" type="checkbox"/>	Florence
<input type="checkbox"/>	Walton
<input type="checkbox"/>	Union
Post Office	
<input checked="" type="checkbox"/>	Burlington
<input type="checkbox"/>	Florence
<input type="checkbox"/>	Walton
<input type="checkbox"/>	Union
<input type="checkbox"/>	Hebron
<input type="checkbox"/>	Verona
<input type="checkbox"/>	Petersburg
<input type="checkbox"/>	Erlanger
<input type="checkbox"/>	Crittenden
Group #	<u>2042</u>
Reference Group #	_____
Census Tract #	<u>802.00</u>

R#28698

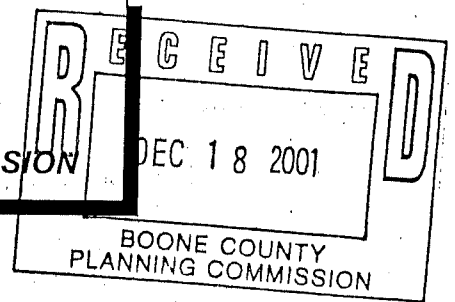


Street of 26 Woodland Ave. 40'-row



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)

(Check One)

1.  Boone  Florence  Walton  Union

(Check One)

2.  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant's Name MAXINE AND MARK MICHELS  
Phone Number 859-371-5424 Fax No. \_\_\_\_\_  
Applicant's Address 26 WOODLAND AVE  
FLORENCE, KY 41042  
City State Zip

4. Description of Request: VARIANCE FOR FRONT PORCH 32 1/2 FEET FROM THE CENTER OF WOODLAND AVE. (30' To 22')

5. Name of Development GRAND VIEW HEIGHTS SUBDIVISION

6. Location of Development OFF OF U.S. 42 BETWEEN HOLLYWOOD AND GRAND AVE ON WOODLAND AVE LAST HOUSE END OF STREET ON THE LEFT HAND SIDE

7. Acreage Under Review ALL OF LOT 48 AND PART OF LOT 47 GRANDVIEW HEIGHTS SUB.

8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_

9. Owner of Property MAXINE AND MARK MICHELS

Phone Number of Owner 859-371-5424 10.

Address of Property Owner 26 WOODLAND AVE, FLORENCE, KY. 41042  
City State Zip

11. Proposed Use(s) on Site TO IMPROVE THE LOOKS AND VALUE OF THE PROPERTY

12. Total Square Footage of Existing and/or Proposed Buildings 8FT WIDE 32 FT LONG

13. Current Zoning on Property RESIDENTIAL (SR-1)

14. Deed Book ~~2603~~ Page No. ~~285~~ Group No. 2042

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? YES

17. Have you submitted a list of adjoining property owners with this request? YES

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Maxine M. Michels

Property Owner's Signature: Mark Michels + Maxine Michels

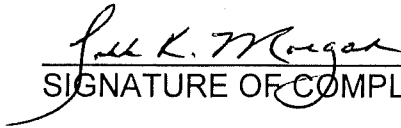
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CLUR #02-FBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Maxine and Mark Michels  
26 Woodland Avenue  
Florence, KY 41042
2. ADDRESS OF PROPERTY  
26 Woodland Avenue  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
\_\_\_\_\_
4. DEED BOOK 603      PAGE NO. 285      GROUP NO. 2042
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  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

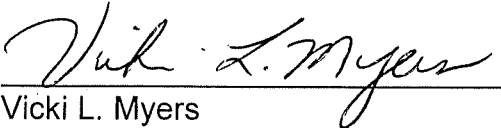
  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

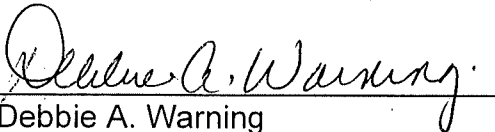
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 10 day of January, 2002.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
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 Variance approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of January 10, 2002 Certificate of Land Use Restriction (#02-FBOA-001-A), for Maxine and Mark Michels, 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 603

PAGE NO. 285

GROUP NO. 2042