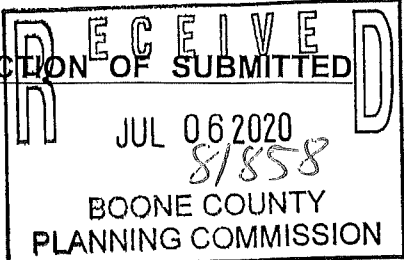


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [2] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name PAUL M MICHELS (PMM PROPERTIES LLC) Applicant's Address 5661 SNYDER LN, PETERSBURG Ky 41088
4. Phone Number 859-240-1029 Fax No. 859 586 5659 E-Mail PAUL.M.0074@GMAIL.COM Description of Request: Reduce Front + Rear Yard Building Setbacks
5. Name of Development \_\_\_\_\_
6. Location of Development Southwest side of Darcine ave. South side of Morris St. FLORENCE KY
7. Acreage Under Review \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property PAUL M MICHELS Address of Property Owner 5661 Snyder Ln, PETERSBURG Ky 41080
10. Phone Number 859240-1029 Fax No. 859 586 5659 E-Mail \_\_\_\_\_
11. Proposed Use(s) on Site SINGLE FAMILY HOUSE
12. Total Square Footage of Existing and/or Proposed Buildings 1300 sq ft
13. Current Zoning on Property SR 2
14. Deed Book 939 Page No. 682 Group No. 2034B
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?
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: Paul M Michels (Faxed, Photocopied or Scanned Signatures will NOT be Accepted) ORIGINAL Applicant's Signature: Paul M Michels (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)



## STAFF REPORT

APPLICANT: Paul M. Michels

LOCATION: South side of Morris Street. The property is located to the northeast of 38 and 40 Bustetter Drive, south of 128 and 132 Morris Street, and southwest of 5 Dorcas Avenue, Florence, KY.

ZONING: Suburban Residential Two (SR-2)

DATE: August 12, 2020

### PROPOSAL

*SEE Exhibit 1 for updated plan*  
The applicant is requesting two variances to reduce the required 30 foot front and rear yard building setbacks so a single-family residential dwelling can be constructed on the 0.175 acre lot. The submitted plot plan shows the house will be set back 21.9 feet from the front property line and 14.4 feet from the rear property line.

### APPLICABLE REGULATIONS

Section 250 of the Boone County Zoning Regulations states the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on variance applications. 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 needs to evaluate the requests as they relate to the criteria necessary for granting variances as listed 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.

Table 31.1 of the Boone County Zoning Regulations requires a detached single-family residential dwelling to meet the following building setbacks in a Suburban Residential Two (SR) zone:

Front: 30' Minimum  
Rear: 30' Minimum  
Sides: 5' Minimum/15' Total

### PERTINENT SITE HISTORY

On August 1, 2007, Boone County Planning Commission approved a Conveyance Plat for the 0.175 acre property (see attachment).

### SITE CHARACTERISTICS

The subject property has 85.43' of road frontage on the south side of Morris Street. The property contains an overhead utility line across the street frontage, a garden shed near the southwest property line, fencing along the side and rear property lines, and two substantial deciduous trees. Boone County G.I.S. shows the topography of the parcel falls from 906' above sea level at the Morris Street right-of-way line to 898' above sea level at the rear property line. Single-family residential homes are located to the north, south, east, and west of the subject site.

### STAFF COMMENTS

1. Staff would like the applicant to address the following:
  - A. The variance criteria.
  - B. The submitted site plan appears to have a building footprint that is out of scale to the size of the lot. Would the future home owner be willing to build a smaller house on the lot that meets or better meets the building setback requirements?
  - C. Will the large deciduous trees located on site be able to be saved?
2. The applicant did submit elevation drawings and a floor plan with the request.

Staff recommends a condition which would require the house to be built per these plans if the variances are approved.
3. Comments have been received from Josh Hunt pertaining to the submitted request: (1) stating that the proposed building will be in close proximity to the accessory structure in the rear yard of property located at 38 Bustetter; and (2) stating concerns of storm water drainage (see attached email dated August 4, 2020).

CONCLUSION

KRS 100.241 and Section 250 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

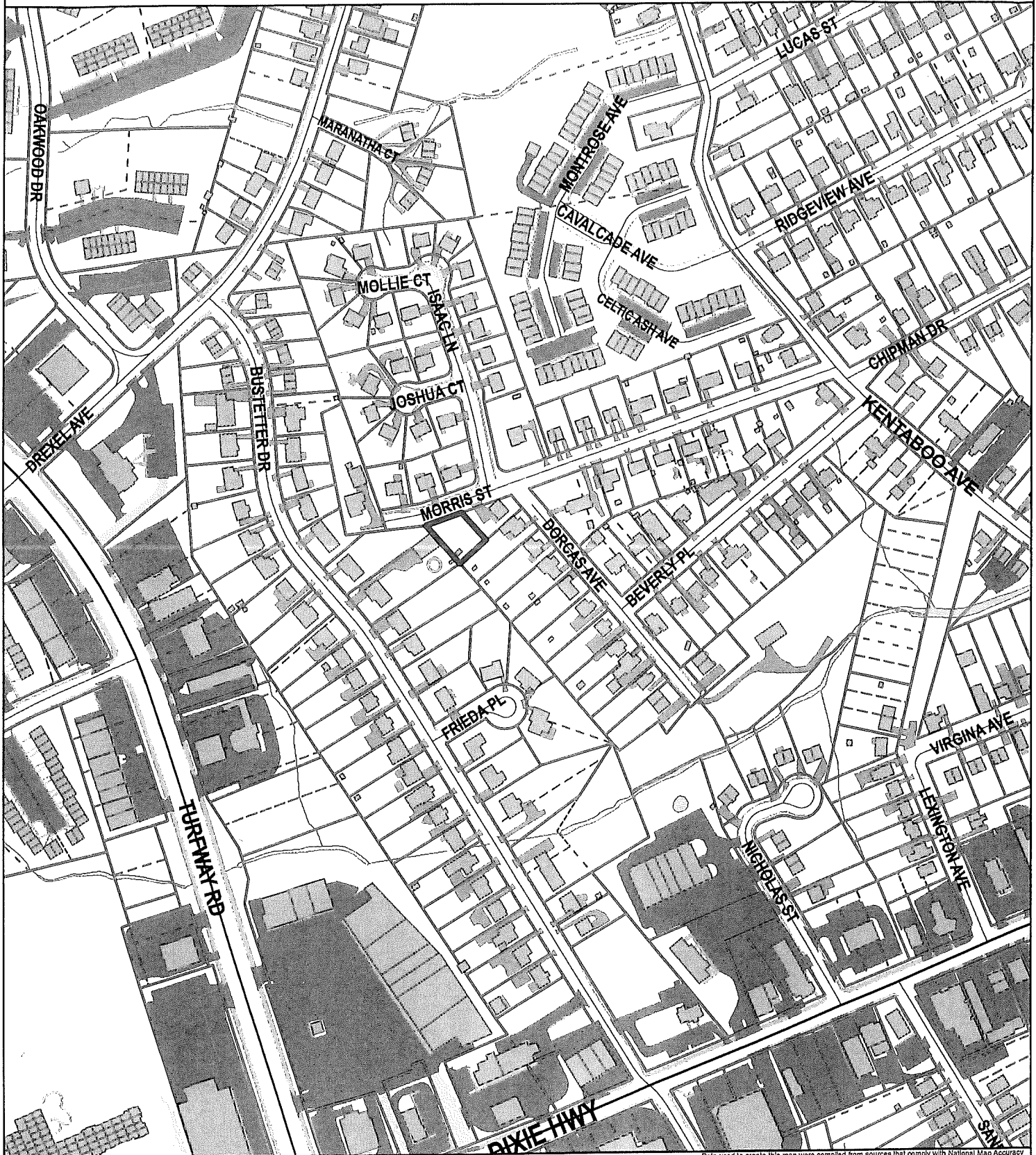
TKM/ss

Attachments

- \*Site Vicinity Map
- \*Proposed Plot Plan
- \*Front and Rear Building Elevations
- \*Floor Plan
- \*2007 Conveyance Plat
- \*2016 Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*Application
- \*Josh Hunt email dated August 4, 2020

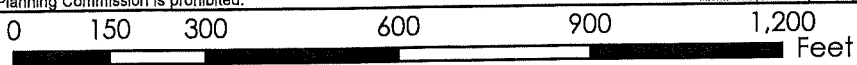
# SITE VICINITY MAP

www.boonecountygis.com



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



Map Created: xx/xx/2020

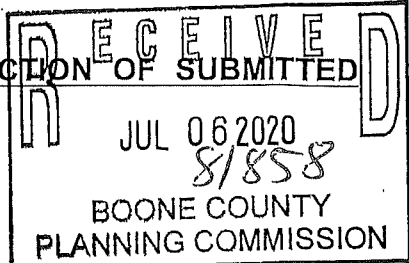
Boone County GIS  
ArcMap Document: \*.mxd

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [2] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name PAUL M MICHELS (PMM PROPERTIES LLC)
Applicant's Address 5661 SNYDER LN. PETERSBURG Ky 41088
4. Description of Request: Reduce Front + Rear Yard Building Setbacks
5. Name of Development \_\_\_\_\_
6. Location of Development Southwest side of Dancona Ave. South side of Marria St. FLORENCE KY 8
7. Acreage Under Review \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property PAUL M MICHELS
Address of Property Owner 5661 Snyder Ln PETERSBURG Ky 41080
10. Proposed Use(s) on Site SINGLE FAMILY HOUSE
11. Total Square Footage of Existing and/or Proposed Buildings 1300 sq ft
12. Current Zoning on Property SR 2
13. Deed Book 939 Page No. 682 Group No. 2034 B
14. Is the site subject to a zone change? No
15. 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: Paul M Michels (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

## Todd Morgan

---

**From:** Joshua Hunt <Joshua.Hunt@Florence-KY.gov>  
**Sent:** Tuesday, August 04, 2020 9:26 AM  
**To:** Todd Morgan  
**Subject:** FW: Paul Michels Variance Applications - Morris Street, Florence, KY  
**Attachments:** Morris Street Florence-ortho.pdf; Morris Street Florence-Layout1.pdf

### EXTERNAL MESSAGE

I have reviewed this, the variance request, as submitted, would put the proposed building right on top of the building located in the rear of 38 Bustetter. I also have concerns with how storm water would be directed.

**From:** Todd Morgan <TMorgan@boonecountyky.org>  
**Sent:** Tuesday, August 4, 2020 8:56 AM  
**To:** Joshua Hunt <Joshua.Hunt@Florence-KY.gov>  
**Subject:** FW: Paul Michels Variance Applications - Morris Street, Florence, KY

Josh,

These are the updated plans. The request is to reduce the front yard building setback from 30' to 21.9' and the rear yard setback from 30' to 14.4'. Let me know if you have any comments. I need to finalize my Staff Report by Friday.

Thanks,

Todd

**From:** Greg Larison [<mailto:glarison@vioxinc.com>]  
**Sent:** Tuesday, August 04, 2020 7:13 AM  
**To:** Todd Morgan  
**Cc:** [paulm0074@gmail.com](mailto:paulm0074@gmail.com)  
**Subject:** RE: Paul Michels Variance Applications - Morris Street, Florence, KY

### EXTERNAL MESSAGE

Todd -please see attached.

Gregory A. Larison, PLS  
Vice President, Land Surveying



T: 859.727.3293

M: 859.250.4026

[glarison@vioxinc.com](mailto:glarison@vioxinc.com) | [www.vioxinc.com](http://www.vioxinc.com)

466 Erlanger Road | Erlanger, KY 41018

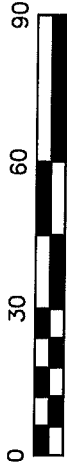
~Celebrating 75 years of business in Greater Cincinnati~

VARIANCE EXHIBIT  
 VACANT LOT  
 MORRIS STREET  
 FLORENCE, BOONE COUNTY, KENTUCKY  
 SOUTH SIDE OF MORRIS STREET  
 150' FEET SOUTHWEST OF DORCAS AVENUE

JULY 02, 2020 SCALE: 1"=30'



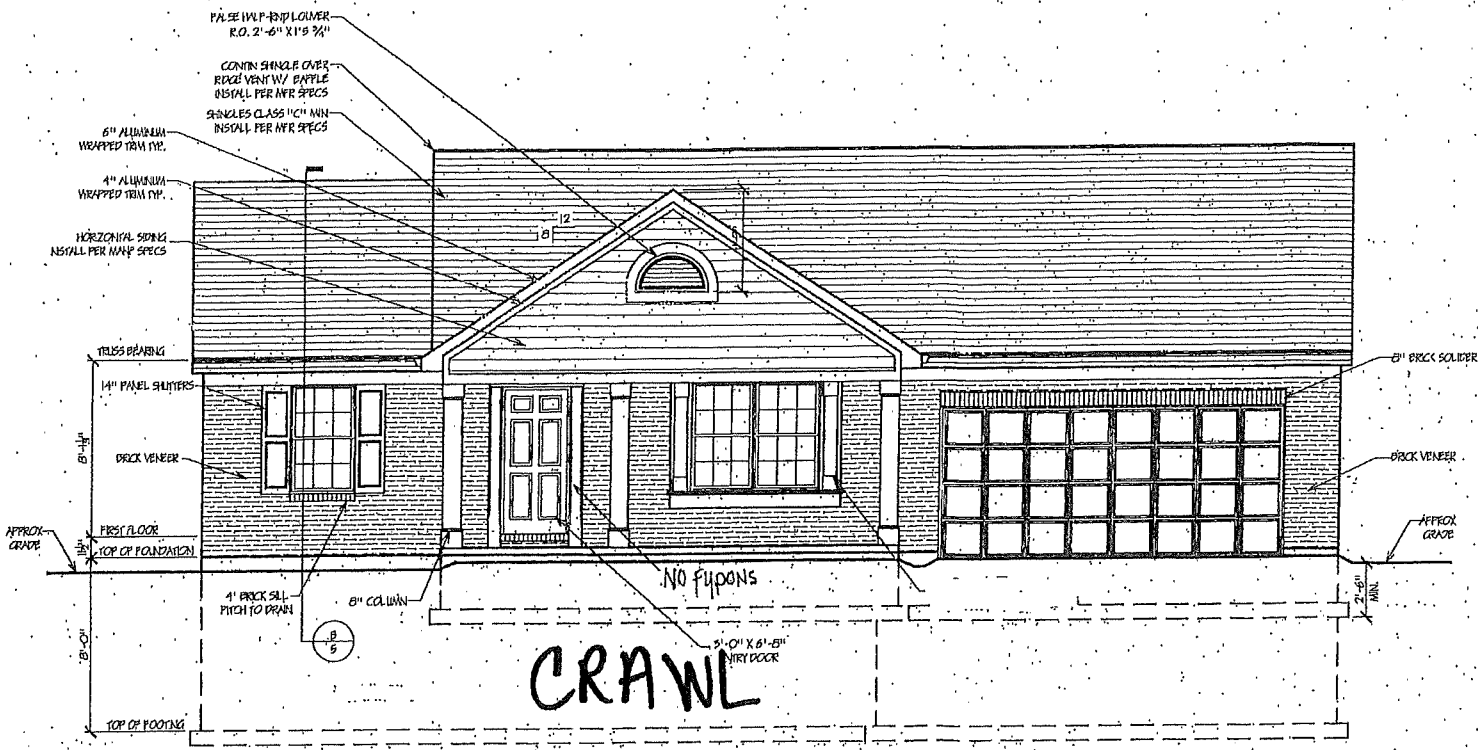
**VIOX & VIOX**  
 Civil Engineers, Surveyors, and Landscape Architects  
 488 Erlanger Road • Erlanger, Kentucky 41018  
 402 Lita Avenue • Milford, Ohio 45150  
 Ph Erlanger (658)727-3283 • Ph Milford (513)576-1000 • www.vioxva.com



Owner:  
 PAM Properties LLC  
 5661 Snyder Lane  
 Petersburg, KY 41080

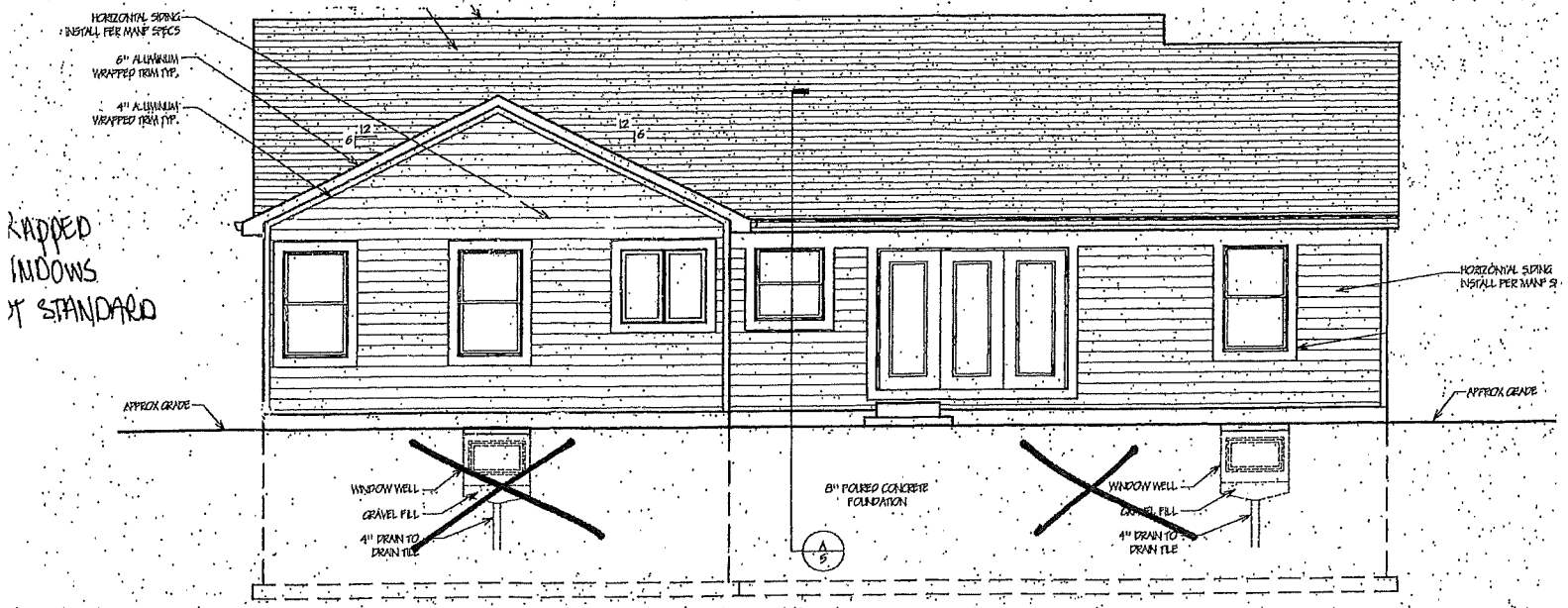






**CRAWL**

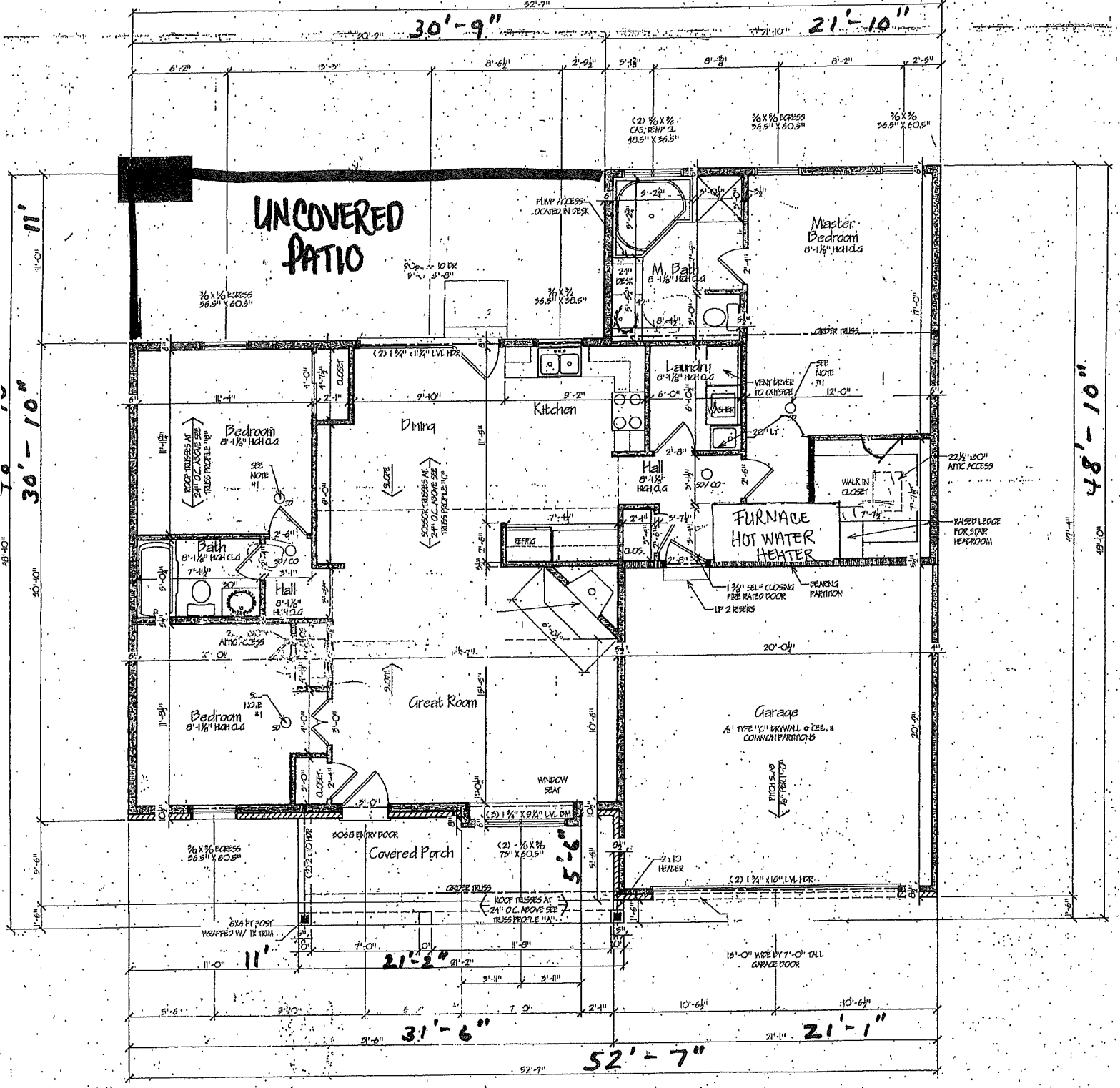
Front Elevation  
Scale 1/4" = 1'-0"



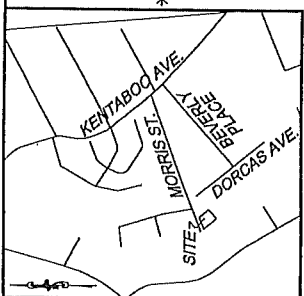
**RAPPED  
INDOORS  
STANDARD**

Rear Elevation  
Scale 1/4" = 1'-0"

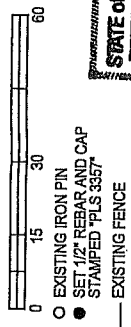
52'-7"



First Floor Plan  
Scale 1/4" = 1'-0"

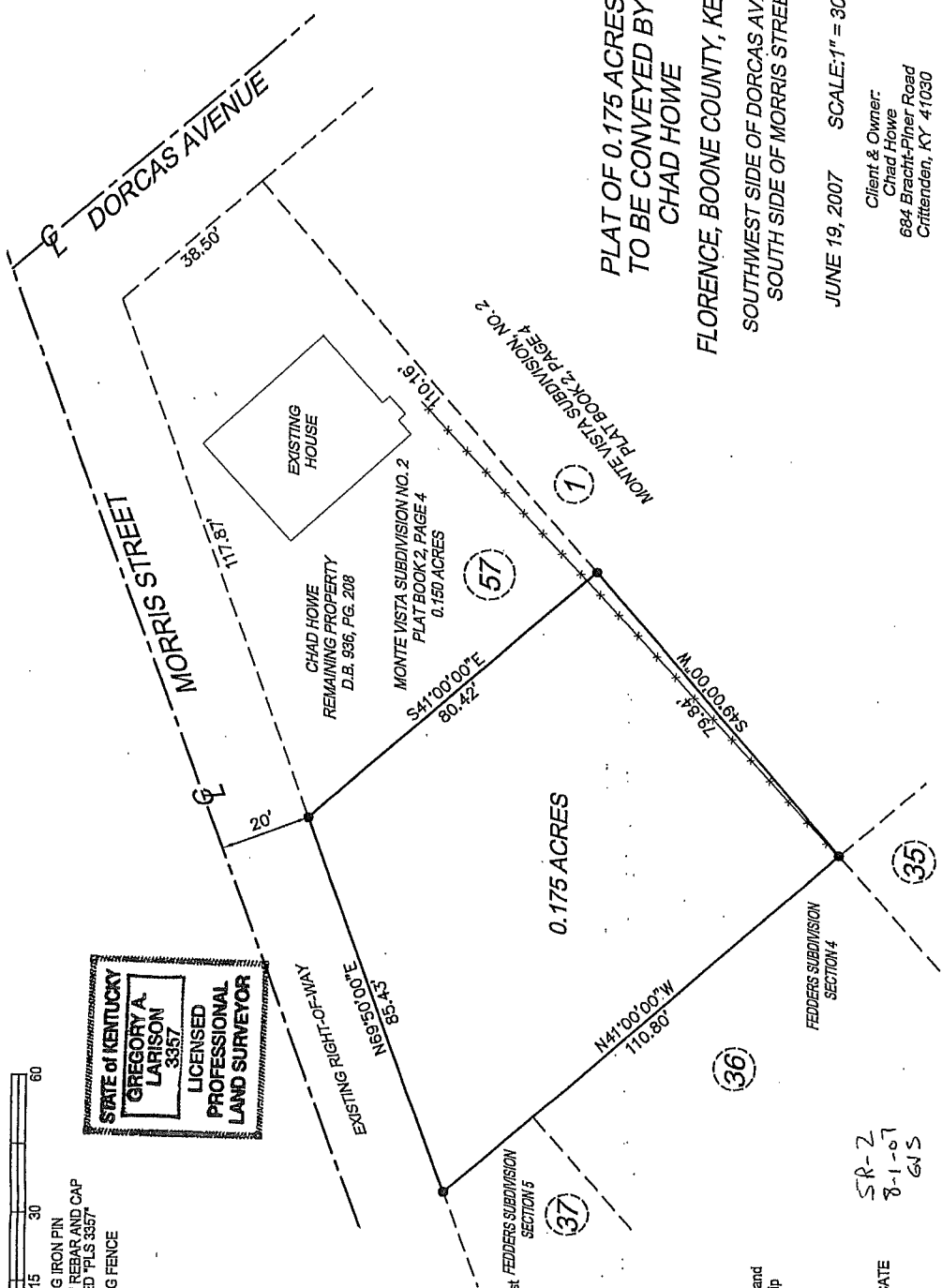


VICINITY MAP  
SCALE: 1"=1000'  
GROUP NO.: 241  
ZONE: SR-2



STATE OF KENTUCKY  
**GREGORY A. LARISON**  
3357  
LICENSED  
PROFESSIONAL  
LAND SURVEYOR

MONTE VISTA SUB. NO. 2  
PL. 2, PG. 4



**LAND SURVEYOR'S CERTIFICATE**  
I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted error of closure was at least 1:10,000 and was not adjusted. The survey as shown hereon is a Class A Survey and the accuracy and precision of said survey meets all the specifications of this class. I further certify this survey complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner.

*Gregory A. Larison*  
PLS 3357  
DATE 7/16/07

FOR BUILDABLE LOTS  
I certify that I have examined the records of the Boone County Clerk and find that this is the 1st conveyance made under the present ownership and the parent tract since 1966 or the adoption of KRS-100.

*Gregory A. Larison*  
PLS 3357  
DATE 7/16/07

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE  
Approved for recording the transfer of property only by the Boone County Planning Commission this 15<sup>th</sup> day of August, 2007.

*Judy C. Carter*  
OFFICER Starkins DATE 8-1-07

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

PLAT OF 0.175 ACRES  
TO BE CONVEYED BY  
CHAD HOWE  
FLORENCE, BOONE COUNTY, KENTUCKY  
SOUTHWEST SIDE OF DORCAS AVENUE  
SOUTH SIDE OF MORRIS STREET

JUNE 19, 2007 SCALE: 1" = 30'

Client & Owner:  
Chad Howe  
684 Bracht-Piner Road  
Crittenden, KY 41030

**GREGORY A. LARISON, PLS**  
466 ERLANGER ROAD  
ERLANGER, KY 41018  
859.957.0081

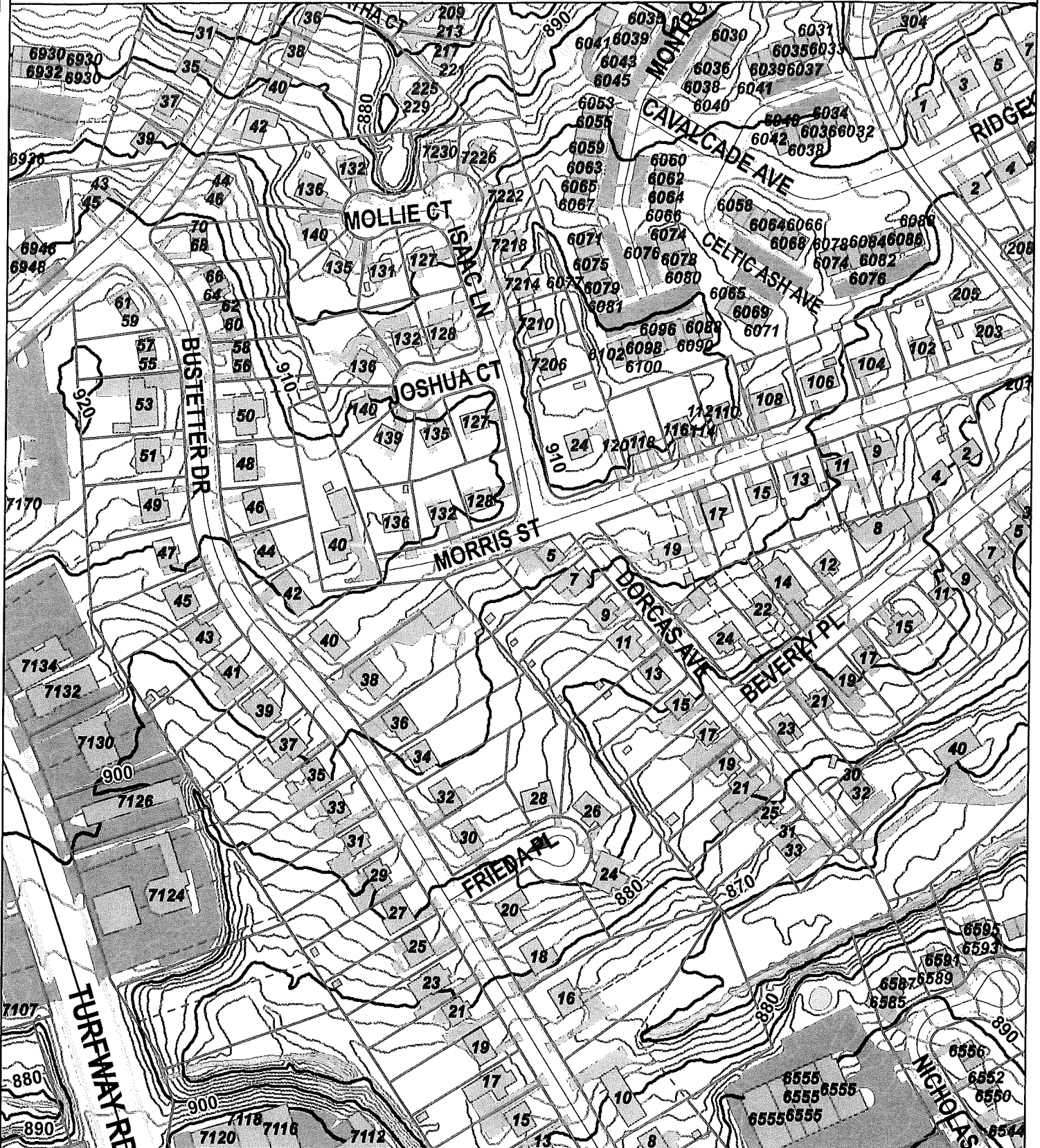
P & Z Code No. 4641

SR-2  
8-1-07  
GAS



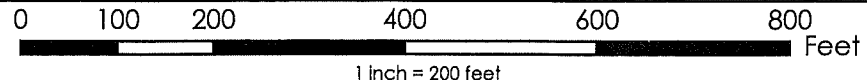
# Boone County GIS Map

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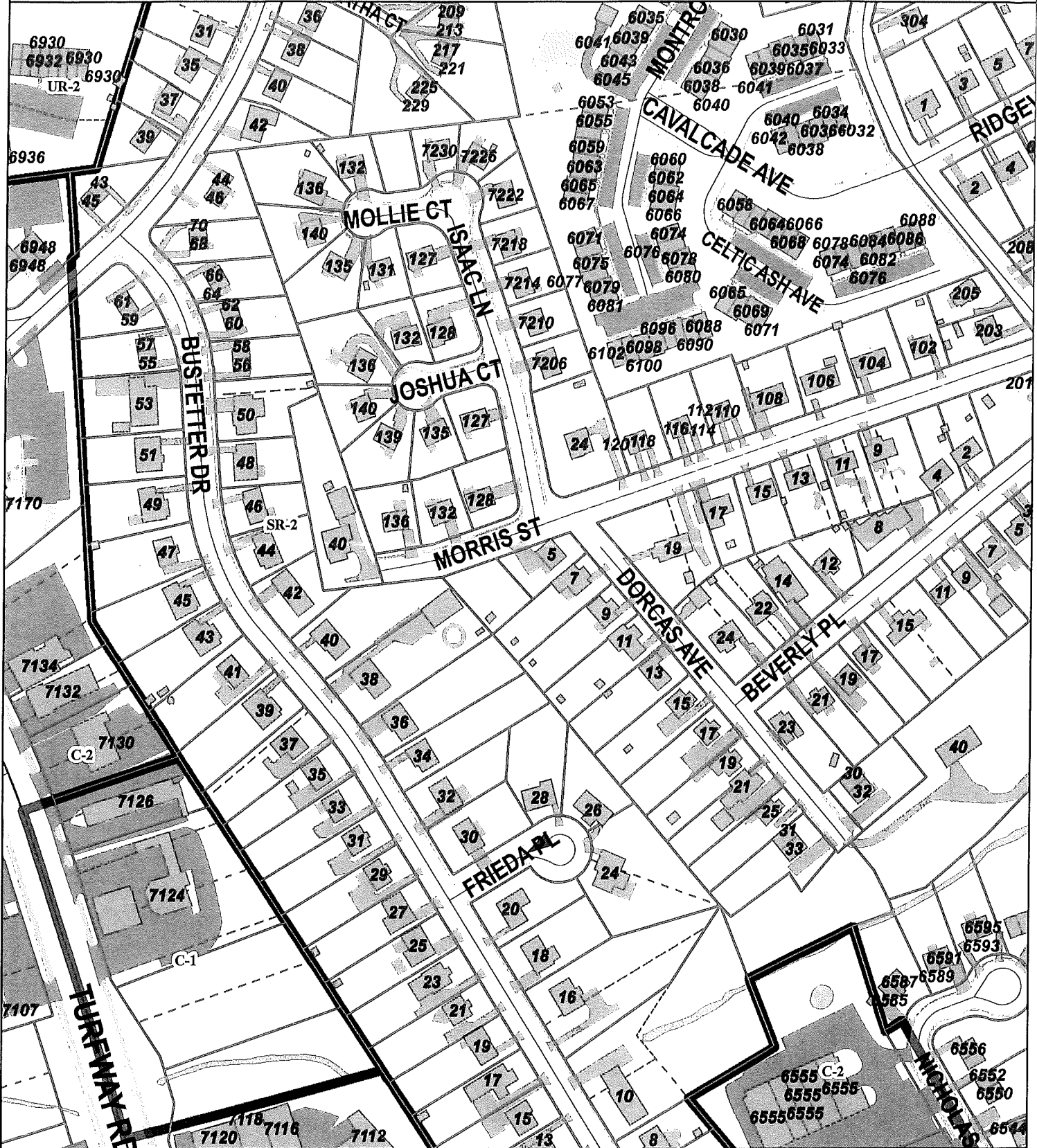
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2020

Map Document: \*mxd

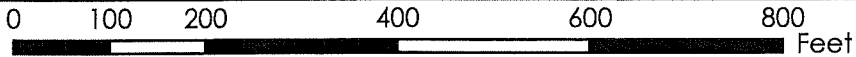
# Boone County GIS Map

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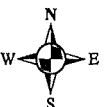


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1 Inch = 200 feet



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

VARIANCE EXHIBIT  
VACANT LOT  
MORRIS STREET

FLORENCE, BOONE COUNTY, KENTUCKY  
SOUTH SIDE OF MORRIS STREET  
150' FEET SOUTHWEST OF DORCAS AVENUE

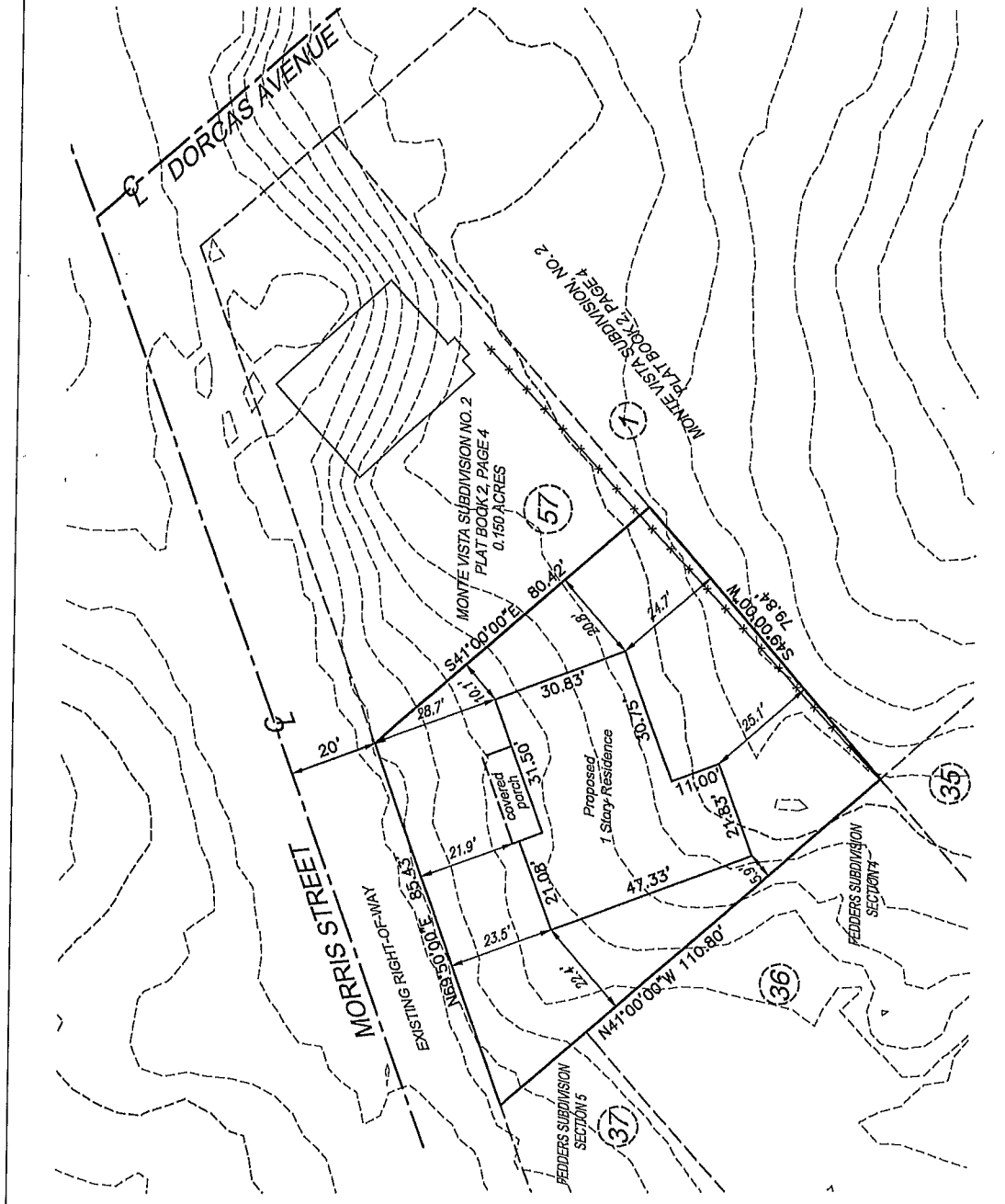
JULY 02, 2020 SCALE: 1"=30'



**VIOX & VIOX**  
Civil Engineers, Surveyors, and Landscape Architects  
466 Erlanger Road • Erlanger, Kentucky 41018  
402 Lila Avenue • Milford, Ohio 45150  
Ph Erlanger (859)727-3293 • Ph Milford (513)576-1000 • www.vioxinc.com



Owner:  
PMM Properties LLC  
5661 Snyder Lane  
Petersburg, KY 41080



## Todd Morgan

---

**From:** Joshua Hunt <Joshua.Hunt@Florence-KY.gov>  
**Sent:** Tuesday, August 11, 2020 4:37 PM  
**To:** Todd Morgan  
**Subject:** RE: 8/12/20 - Florence Board of Adjustment Application

### EXTERNAL MESSAGE

My concerns remain the same.

**From:** Todd Morgan <TMorgan@boonecountyky.org>  
**Sent:** Monday, August 10, 2020 2:39 PM  
**To:** Joshua Hunt <Joshua.Hunt@Florence-KY.gov>  
**Subject:** 8/12/20 - Florence Board of Adjustment Application

Josh,

I discovered the plot plan for the Michels variance application was drawn incorrectly and I asked Greg Larison to update it. The original plan showed that the uncovered patio was part of the house and was subject to the 30' rear yard setback requirement. The updated plan properly shows the proposed building footprint and setbacks. The proposal is to reduce the front yard setback from 30' to 21.9' and the rear yard setback from 30' to 24.7'. I have attached the original plan, updated plan, floor plan, and elevations for your review.

Please let me know if your comments from 8/4/20 remain the same based on this new information.

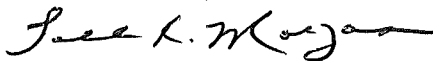
Thanks,

Todd K. Morgan, AICP  
Senior Planner, Zoning Services  
Boone County Planning Commission  
(859) 334-2196

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Paul Michels  
5661 Snyder Lane  
Petersburg, KY 41080
2. ADDRESS OF PROPERTY  
Morris Street  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Paul Michels
4. DEED BOOK 939 PAGE NO. 682 GROUP NO. 2034B
5. TYPE OF RESTRICTION(S) (Check all that apply)
- |   |   |
|---|---|
| <input type="checkbox"/> Zoning Map Amendment:<br>From _____ To _____ | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Development Plan                             | <input type="checkbox"/> Conditional Zoning     |
| <input type="checkbox"/> Subdivision Plat<br>(Not Recorded)           | <input type="checkbox"/> Other:                 |
- X Variances (2)
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

Todd K. Morgan, AICP – Senior Planner  
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 13 day of August,

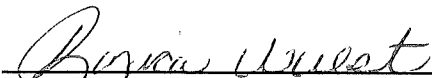
2020.



Treva L. Beagle  
Notary ID 588897  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest  
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 variances (2) approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of August 12, 2020 Certificate of Land Use Restriction (#20-FBOA-003-A), for Paul Michels, Property Owner(s).

The following conditions will apply:

1. The house shall be constructed per the submitted plot plan and building elevations.
2. Best efforts shall be made to save all the existing deciduous trees on the lot when the house is built.
3. Storm water from the lot shall not create any adverse impacts on adjoining properties once the house is built. Storm water from the front of the lot, driveway, and roof shall drain towards Morris Street.

The approved variances (2) as well as the preceding conditions apply to the property described in:

DEED BOOK 939

PAGE NO. 682

GROUP NO. 2034B