

**FLORENCE BOARD OF ADJUSTMENT  
FLORENCE GOVERNMENT CENTER  
BUSINESS MEETING  
AUGUST 12, 2020  
7:30 P.M.**

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Mr. Pieper called the meeting to order at 7:44 P.M.

**BOARD MEMBERS PRESENT**

Mr. Timothy Pieper, Chairman  
Ms. Dee Begley  
Mrs. Linda Schaffer  
Mr. Kenny Vaught

**BOARD MEMBERS NOT PRESENT**

Ms. Lois Evans, Vice-Chairwoman

**LEGAL COUNSEL PRESENT**

Dale Wilson

**APPROVAL OF THE MINUTES**

Mr. Pieper stated the Board members received copies of the minutes of the Florence Board of Adjustment meeting of February 12, 2020. He asked if there were any comments or corrections? Mr. Vaught made a motion to approve the minutes as written and Ms. Begley seconded the motion. Mr. Pieper called for a vote and it carried unanimously.

**AGENDA ITEMS**

1. Request of **Paul M. Michels** for two Variances. The Variances would allow a proposed single-family residential dwelling to encroach into the 30' front and rear yard building setbacks. The approximate 0.175 acre site fronts on Morris Street and is located northeast of 38 and 40 Bustetter Drive, south of 128 and 132 Morris Street, and southwest of 5 Dorcas Avenue, Florence, Kentucky and is zoned Suburban Residential Two (SR-2).

Mr. Pieper said he would like to make a statement before the Staff presentation is made. He lives at 17 Bustetter Drive and that in no way will effect his decision tonight.

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report). He added that he received a plan revision after the Staff Report was finalized and he shared this plan with Josh Hunt, with the City of Florence. The plan revision did not change Mr. Hunt's comments that are found in the Staff Report (see Exhibit 1).

Ms. Begley asked if the same setback requirements were in place when the property was subdivided back in 2007? Mr. Morgan said the setback requirements haven't changed since 2007.

Mr. Paul Michels said he is the owner of the property and Mr. Morgan covered things pretty well.

Ms. Begley said she is concerned that the house is bigger than what the lot can support.

She asked if there was any thought to making the house smaller? Mr. Michels said he has spoken with the couple that is looking to build the house and they have had a hard time finding a builder that would build a smaller ranch house. There are not many home builders that will build on a lot that they don't own. This is the smallest option that they have come up with.

Mr. Michels added that storm water runoff should not be a problem. The front of the property will be built up and everything from the front yard will drain towards the street. The rear of the property will continue to drain towards the rear property line. He does not believe any new storm lines or boxes will need to be put in.

Mr. Pieper asked if any thought had been given to moving the house closer to the front property line? Mr. Michels said different alternatives were looked at. Mr. Morgan said the Board could look at different options if they feel there is a layout that reduces impacts. The legal ad was written that the request was to reduce the 30' front and rear yard setbacks. The Board can analyze the aerial map and photos to see what makes sense in this area.

Ms. Begley asked if the trees will be saved? Mr. Michels said they plan on keeping them.

Ms. Begley asked if the house would be constructed as presented? Mr. Michels said the buyers have already signed off on those house plans.

Mrs. Schaffer asked Mr. Michels if he owned the property back in 2007? He indicated that he bought the lot right after it was created. She asked if any thought had been given to building a two-story house with a smaller building footprint? Mr. Michels said that would be up to the buyers. Mrs. Schaffer said the subject lot was conveyed off from a larger lot and the setback requirements have not changed. She has not heard a reason why the request should be approved.

Ms. Begley asked what is typical for the area? She said most of the pictures seem to show ranch style houses. Mr. Michels said most of the houses in the area are bi-levels and ranches. He added that he did not create the lot. A friend of his created it and he bought it approximately 6 months later. He bought the house at the corner later.

Mr. Vaught asked if any other houses in the area violate the setback? Mr. Morgan said if there were they would be grandfathered. Mr. Morgan reviewed the slides of the area again for the Board. Mr. Michels said the houses on Dorcas probably date back to the 40s and do not meet a 30' front yard setback.

Ms. Begley asked if the house that is being shown is what the buyers want to construct? Mr. Michels said it was. The house is only a 2 bedroom with a den. Ms. Begley said she was asking because a bi-level would have a smaller footprint than a ranch.

Mrs. Schaffer said she feels the house that is proposed is too close to the rear yard. Another house could be built on the lot which meets the setbacks.

Mr. Michels said the garage on the adjoining lot is only 5 to 6 feet away from his lot. Mr. Morgan said there are different setback requirements for principal and accessory

structures. Accessory structures, such as detached garages or garden sheds, can be in the side and rear yard and have to meet a 5 foot setback from the property line.

Ms. Begley said none of the adjoining property owners are here tonight and Staff did not receive any phone calls or emails from them. They all should have received notification regarding the request. Mr. Morgan said that was correct. Mrs. Schaffer said a lot of people are not concerned until something is built and feels like it's the Board's job to enforce the regulations.

Mr. Michels said he spoke to the people that own the property to the side of him and they actually wanted to buy the subject lot from him a couple of times over the years. They wanted to build a house for a parent. He thinks they would know what is going on.

Mrs. Schaffer asked if the proposed house would have a crawl space and not a basement? Mr. Joseph Houseman, the potential buyer, said the house would have a crawl space.

Mr. Pieper said he had an issue earlier because he did not think a special circumstance existed. He thinks the fact that an attractive house is being built will add value to the neighborhood.

Mrs. Schaffer said she still feels the house is too big for the lot and that a special circumstance does not exist.

**Ms. Begley made a motion to approve the request with the following conditions:**

- 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.**

**Mr. Vaught seconded the motion. Mr. Pieper called for a roll call vote. Mr. Pieper - "yes", Ms. Begley - "yes", Mr. Vaught - "yes", Mrs. Schaffer - "no". The motion carried 3 to 1.**

### **OTHER**

Ms. Begley asked if there will be anymore training opportunities this year? Mr. Morgan said he would take that up with Kevin Costello.

### **ADJOURNMENT**

Mr. Pieper asked for a motion to adjourn. Ms. Begley so moved and Mr. Vaught seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 8:20 P.M.

**APPROVED**

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**Timothy L. Pieper, Chairman**

**ATTEST:**

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**Todd K. Morgan, AICP**  
**Senior Planner, Zoning Services**

**Exhibits**

- 1. Revised Plot Plan and Comments From Josh Hunt**