

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE CITY BUILDING
ON TUESDAY, MAY 28, 2019
AT 6:00 P.M.**

PRESENT: Jim Beineke, Chair
Tom Fernandez, Vice Chairman
Carol Dixon, Secretary
Carla Austin
Steve Dauer
Steve Kowolonek
Susan Wingard

ABSENT: None

Also Present: Kevin Barbian, Building Inspector/Zoning Administrator
Julie Rice, Administrative Assistant
Debbie Buckley, Renaissance Manager/Economic Development Director

Mr. Beineke presided and called the meeting to order at 6:00 p.m. and rollcall was taken by Julie Rice.

MINUTES – April 23, 2019

Members reviewed the minutes from the April 23, 2019 meeting. A motion was made by Steve Dauer and seconded by Susan Wingard to approve the minutes as written. Motion carried 7-0.

PUBLIC HEARINGS

CASE NO. 19-1515

**96 Marian Drive
Brian Cox, Applicant
Estate of James Rolf, Owner
Multiple Variances
Deck and Deck/Shed**

Kevin Barbian reported that the applicants are requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for a deck and shed/deck to a single family property. The site is currently zoned R-1B, which allows for single family homes and accessory structures. The deck attached to the home must be 9' from the side property line. The shed/deck must be 5' from the side property line. Since the shed has a deck associated with it, it should be 25' from the rear property line.

The proposed deck attached to the home is 4'-7" from the right side property line and therefore, the request will be for a 4'-5" right side yard variance.

The shed is 1' from the side property line and therefore, the request is for a 4' side setback. Since there is a deck attached to the shed, it is required to be 25' from the rear property line, however it is 8.89', thus requiring a 16.11' rear yard setback.

The deck attached to the home appears to continue along the same line of the house. The property line most closely affected tapers in slightly, thus making it slightly closer to the property line, than the home.

The shed/deck is rather close to an adjacent homeowner to the left, however the deck associated with the shed adjoins the property of the apartments below and, at this distance, will likely not affect this property in the rear.

Brian Cox, 48 Clover Ridge, was sworn in and asked to give a brief explanation of the request. Mr. Cox stated that he and his wife will be purchasing the property which is currently owned by his brother-in-law who is the executor of the estate. Mr. Cox explained that the back 25' of the property drops off and he and his

wife would like to extend the yard by building a deck and a shed over this area in order to enjoy the wildlife and view. The deck attached to the house would be built above grade to allow for parking underneath.

Mr. Beineke open the floor for public comment. There was none.

Following brief discussion among members, a motion was made by Steve Dauer and seconded by Carla Austin to approve the three (3) variances as requested finding that the unique topography of this property does not lend itself to normal use of the property.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mr. Kowolonek, Mrs. Dixon, Mr. Fernandez, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 7-0.

CASE NO. 19-1516

**50 Taylor Avenue
Leann Weiss, Owner
Left Side Yard Variance
Building Addition**

Kevin Barbian reported that the applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for an addition to a single family property. The site is currently zoned R-1C, which allows for single family homes and additions. The addition attached to the home must be 8' from the side property line. The proposed addition is 2' from the left side property line and therefore, the request will be for a 6' left side yard variance. This is a relatively narrow lot at 35'.

Mr. Barbian noted that he made the applicant aware that there is a sanitary line in the rear of the property which may require approval from SD1. Also, the AC unit is proposed to be located in approximately the same location as an existing unit. There is currently a fence located in this area which will remain to create a buffer between houses.

Leann Weiss, 50 Taylor Avenue, was sworn in and asked to give a brief explanation of the request. Ms. Weiss stated that she is getting married in the near future, and she and her fiancé would like to have a first floor master bedroom and bath. The deck that is currently on the back of the house will be removed and in its place will be a 20'x20' addition with master bed/ bath and an oversized garage underneath. The existing AC unit will be relocated to the opposite side of the house which is approximately 10' from the property line.

Mr. Beineke opened the floor for public comment.

Michael Hill of 54 Taylor Avenue, asked for clarification on the variance request. Mr. Barbian explained that the existing home sits at or on the property line and the request is for the addition to be 2' from the property line. Mr. Hill had no further questions.

With no further discussion, a motion was made by Steve Kowolonek and seconded by Tom Fernandez to approve the variance as requested due to the unusually narrow width of the lot and finding no reason that this would have a negative impact.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mr. Kowolonek, Mrs. Dixon, Mr. Fernandez, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 7-0.

CASE NO. 19-1517

**40 Avenel Place
Andrew and Tanya Schweitzer, Owners
Right Side Yard Variance
Building Addition**

Mr. Barbian reported that the applicants are requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for an addition to a single family home. The site is currently zoned R-1B, which allows for single family homes and additions. The addition attached to the home must be 9' from the side property line. The proposed addition is 4.4' from the right side property line and therefore, the request will be for a 4.6' right side yard variance. Mr. Barbian added that this property was previously granted a variance for a front porch addition.

Andrew Schweitzer, 40 Avenel Place, was sworn in and asked to give a description of the request. Mr. Schweitzer explained that their house is approximately 4,000 square feet with a 120 square foot kitchen. The addition will allow them to have a proper size kitchen off the back of the house. A portion of an existing deck on the rear of the home will be removed to accommodate the addition and will follow the line of the house.

Mr. Schweitzer provided a statement signed by all of his neighbors stating that they do not object to a variance.

Mr. Beineke opened the floor for public comment, there was none.

Following minor discussion, a motion was made by Tom Fernandez and seconded by Steve Dauer to approve the 4.6' right side yard variance finding this to be a nice enhancement to the house.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mr. Kowolonek, Mrs. Dixon, Mr. Fernandez, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 7-0.

CASE NO. 19-1518

**10 Broadview Place
Marcela Raska, Owner
Front Yard Variance
Enclosed Front Porch**

Mr. Barbian reported that the applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for enclosing a front porch on a single family home. The site is currently zoned R-1C, which allows for single family homes and additions. The addition attached to the home must be 22'-5' from the front property line based on average front yard setbacks from section 9.13.D of the zoning code. The proposed enclosure is 19'-4" from the front property line and therefore, the request will be for a 2'-1" front yard variance.

The proposed addition is generally in line with the existing homes on the street. It does not appear that it will affect the aesthetic nature of comparable houses within the block as many of the homes do not have porches. I do not feel that this particular application may set precedent for enclosing front porches on a regular basis, since not all of the homes on this street have porches. Concerns would possibly arise if all porches in a given block front were similar in nature and a proposal for an enclosed porch was submitted.

Marcela Raska was sworn in and ask to give a brief explanation of the request. Ms. Raska stated that this is a 3-bedroom home with only one bathroom which is located on the second floor. Enclosing the front porch will allow them to add a second bathroom on the first floor. They worked with an architect to come up with a design that maintains the historic feel of the house. The existing front porch columns will remain but the orientation of front steps will change.

Mr. Beineke opened the floor for public comment, there was none. It was the consensus of the Board that enclosing the porch would not negatively impact the streetscape.

With no further discussion, a motion was made by Carla Austin and seconded by Steve Kowolonek to approve the variance request as submitted finding it to be an enhancement to the property and it would not have a negative impact on the street.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mr. Kowolonek, Mrs. Dixon, Mr. Fernandez, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 7-0.

CASE NO. 19-1519

**19 VonZuben Court
Randall Voet, Applicant
Nan Genter, Owner
Left Side Yard Variance
Attached Carport**

Mr. Barbian reported that the applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for replacing a carport on a single family home. The site is currently zoned R-1C, which allows for single family homes and carports. The carport attached to the home is proposed to be 4'-6" from the left property line and therefore, the request will be for a 3'-6" left side yard variance. The carport is being placed in the same location after removal of an existing carport. The current structure is nonconforming and, after removal, must receive a variance to be placed in the same location.

Randall Voet, 16 Wilbers Lane, was sworn in and asked to give a brief explanation of the request. Mr. Voet stated that the existing carport is a rusty metal structure with a slight pitch and the proposal is to replace it with a wooden structure. The new carport will encroach a little further into the

side yard than the existing structure so that the new driveway does not have to be cut in order to dig the footers for the carport.

ADJOURNMENT

With no further business to address, a motion was made by Carol Dixon and seconded by Susan Wingard to adjourn the meeting at this time. Motion carried 6-0.

APPROVED: _____
Chair

ATTEST: _____
Secretary