

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE CITY BUILDING
ON TUESDAY, APRIL 23, 2019
AT 6:00 P.M.**

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

ABSENT: Tom Fernandez, Vice Chairman

Also Present: Kevin Barbian, Building Inspector/Zoning Administrator
Julie Rice, Administrative Assistant

Jim Beineke presided and called the meeting to order at 6:00 p.m. and Julie Rice called the roll. A copy of the Board of Adjustment Bylaws (11/23/2010) were distributed to members of the board.

MINUTES – March 26, 2019

Members reviewed the minutes from the March 26 26, 2019 meeting. A motion was made by Steve Dauer and seconded by Susan Wingard to approve the minutes as written. Motion carried 6-0.

PUBLIC HEARING

CASE NO. 19-1510

**49 West Villa Place
Patrick & Shelly Hagerty, Owners
Left Side Yard Dimensional Variance
Building Addition**

Mr. Barbian reported that the applicants are requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for a porch on the right side of a single family home. The site is currently zoned R-1C, which allows for single family homes and additions with a minimum side yard setback of 8'. The addition is proposed to be 6' from the right side property line and therefore, the request is for a 2' right side yard variance. It appears that the property to the west has similar enhancements and the most closely affected property has a driveway that serves as somewhat of a buffer.

Patrick Hagerty, 49 West Villa Place, was sworn in and asked to give a brief explanation of his request. Mr. Hagerty stated that they would like to add on a family room with a porch addition off of that. Mr. Hagerty added that he has spoken to the neighbor most affected by the proposed addition and he has no objections.

Discussion ensued with regard to the placement of the porch steps off the side of the addition. Mr. Hagerty stated that the bump out for the outdoor fireplace and the steps are located on the side of addition to preserve the view garden at the rear of the property.

Mr. Beineke opened the floor for public comment at this time. There was none.

Mr. Dauer asked why the roofline of the proposed addition runs opposite of the existing home. Mr. Hagerty stated that he originally designed the addition with the roofline matching the existing home which worked from a visual standpoint, but created an issue with the second floor windows on the back of the existing house.

Mrs. Wingard recused herself from voting on this case because of her relationship with the applicant.

With no further discussion, a motion was made by Steve Kowolonek and seconded by Carla Austin to approve the 4'-2" left side yard variance for the construction of a building addition finding no reason this would have a negative impact on the general vicinity and that this would be a nice addition to the home.

Upon call of the roll, the following voted "aye", Mr. Kowolonek, Mrs. Dixon, Mr. Beineke, Ms. Austin. Voting "no", Mr. Dauer. Mrs. Wingard recused herself. Motion carried 4-1.

CASE NO. 19-1511

**221 Military Parkway
Vince and Christa Gillen, Owners
N. Chip Brown, Applicant
Right Side Yard Dimensional Variance
Open 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 an open porch on the right side of a single family home. The applicant began construction but stopped the porch portion of the project when they discovered that the house is 2 feet closer to the right side property line than they thought.

The site is currently zoned R-1C, which allows for single family homes and additions with a minimum side yard setback of 8'. The addition is proposed to be 6' from the right side property line and therefore, the request is for a 2' right side yard variance.

Architect, Chip Brown, 30 E. Southgate Ave., Fort Thomas, was present on behalf of Mr. and Mrs. Gillen. Mr. Brown was sworn in and asked to give an explanation of the request.

Mr. Brown stated that he obtained a copy of plans from an addition previously done on this home which indicated the house is centered on the lot. During the construction process it was discovered that the home sits 2'0" closer to the east property line than was originally thought. Work was stopped on the covered porch portion of the project and a survey was performed which verified that a 2'-0" side yard variance is necessary. Mr. Brown added that the property owner spoke with the neighbor most affected by the addition and he has no issues. The distance between the addition and the nearest home is approximately 35'.

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

Following minor discussion, a motion was made by Carol Dixon and seconded by Susan Wingard to approve the 2' right side yard variance finding this to be a simple request which will enhance the use of the home for the property owners and have little if no impact from the street and will not be detrimental to the surrounding neighborhood.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mr. Kowolonek, Mrs. Dixon, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 6-0.

CASE NO. 19-1512

**10 Majestic Drive
George and Megan Josten, Owners
Right Side Yard Dimensional Variance - Deck
Rear Yard Variance – Deck Roof**

Mr. 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 on the right rear of a single family home. The site is currently zoned R-1B, which allows for single family homes and decks with a minimum side yard setback of 9'. The deck is proposed to be 6' from the right side property line and therefore, the request will be for a 3' right side yard variance. The deck is proposed to be open air and therefore, can encroach 10' into the rear 35' setback. That being said, the rear setback is 32' and the applicant would like to reserve the right to cover the deck at some point in the future. To do so, they would also need a 3' rear yard variance. The proposed deck is in line with the existing house as it is nonconforming

Mr. Josten, 10 Majestic Drive, was sworn in and asked to give a brief explanation of the request. Mr. Josten stated that he and his wife would like to demo the current concrete deck, which is failing and replace it

with a pressure treated wood deck. The footprint of the deck will go from 8'x16' to 16'x24'. The deck will follow the side property line but extend out 8 ft. further than it does currently. They have spoken to their neighbor on the Scenic View side of their property and they have no problem with the proposed deck. They do not have plans to cover the deck at this time but wish to have that option in the future without returning for another variance.

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

It was the consensus of the Board that this is a simple and reasonable request and with no further discussion a motion was made by Steve Dauer and seconded by Steve Kowolonek to approve the 3' right side yard variance for an uncovered deck and a 3' rear yard setback to allow for the deck to be covered at any point in the future. The proposed deck maintains the same line as the existing deck and will not be a detriment to the neighbors.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mr. Kowolonek, Mrs. Dixon, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 6-0.

CASE NO. 19-1513

**1415 N. Ft. Thomas Avenue
Ben and Shanna Novosel, Owners
Right Side & Rear Yard Dimensional Variance
Building Addition**

Mr. Barbian reported that the applicants are requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for an addition to a single family home. The site is currently zoned R-1C, which allows for single family homes and additions with a minimum side yard setback of 8' and a minimum rear setback of 30'.

The proposed addition is 6'-7 1/4" from the right side property line and therefore, the request will be for a 1'-4 3/4" right side yard variance.

The addition is also 11'-7 1/4 from the rear property line. The lot could be considered a double frontage lot or a corner lot due to its configuration. For our purposes, I am considering the lot a double frontage lot and therefore, the rear setback must meet the average of the front setbacks for the homes on that street. The homes on this street are not particularly close, but they appear to be about 25' and for our purposes, we will use the rear setback of 25' as it is actually the front setback for homes on this street. Therefore, the request is for a 13'-4 3/4" rear setback.

It seems that the proposed addition will be most unique at its rear. The current nonconforming setback is approximately 18' which will be reduced to about 11 1/2' for a new mudroom. A portion of the garage will also extend into this area, but be over 16' from the property line. There is currently vegetation that conceals this portion of the yard and a good portion of it will remain. An existing shed is proposed to be removed

Ben Novosel, 1415 N. Ft. Thomas Avenue, was sworn in and ask to give an explanation of his request. Mr. Novosel stated that they are proposing the do an attached garage and mud room addition. The garage will be attached by a breezeway which will create a covered entrance from the garage into the mudroom at a rear entrance to the house. Currently, the entrance to the basement is on the exterior of the house. The addition will create the ability to add an entrance to the basement on the interior of the home allowing access to the basement without going outside. The garage addition will match the architecture and materials of the existing house.

Mr. Novosel spoke with the neighbors most affected by the addition and they have no objections.

Mr. Beineke opened the floor for public comment at this time. There was none.

Following brief discussion, a motion was made by Steve Dauer and seconded by Susan Wingard to approve the 1'-4 3/4" right side yard variance and 13'-4 3/4" rear yard variance for the addition of an attached garage and room addition finding this to be the best option considering the extremely unusual configuration of the lot and the restrictions it presents.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mr. Kowolonek, Mrs. Dixon, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 6-0.

CASE NO. 19-1514

**9 Highland Avenue and
3, 15, 19, 25 North Ft. Thomas Avenue
Greive Development, Applicant
Height Variance**

Application withdrawn at this time.

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