

**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

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

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 to allow for new footers to be dug without cutting into the existing driveway.

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

Following discussion regarding the exterior finish of the proposed carport, a motion was made by Carol Dixon and seconded by Susan Wingard to approve the 3'-6" left side yard variance for the construction of a carport to replace a much inferior carport structured. The new structure will be an enhancement to the property as well as the surrounding area.

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. 19-1520

**141 Casagrande Street
Richard Ritz, Applicant/Owner
Left Side Yard Variance
Deck**

Mr. Barbian reported that the homes in this subdivision are relative new and compliant. The applicant is requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for a deck on a single family home. The site is currently zoned R-1B, which allows for single family homes and decks and requires a side setback of 9'. The deck attached to the home is proposed to be 7' from the left property line and therefore, the request will be for a 2' left side yard variance. These homes are newly built and are currently conforming structures.

Richard Ritz, 141 Casagrande Street, was sworn in and asked to give an explanation of the request. Mr. Ritz stated that he is requesting a variance to extend his deck 2' into the side yard setback. The 2' would be an overhang/cantilever over the footers which are within the required setback. A 13'x16' section of the deck on the right side will be enclosed. The right side of the deck is compliant.

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

With no further discussion, a motion was made by Tom Fernandez and seconded by Carol Dixon to approve the 2' left side yard variance finding no reason that this will have a negative impact on the area.

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. 19-1521

**71 Bonnie Lane
John Graszus, Applicant/Owner
Left Side Yard Variance
Attached Shed**

Mr. Barbian reported that the applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for a shed on single family home. The site is currently zoned R-1C, which allows for single family homes and attached sheds and requires a side setback of 8'. The shed attached to the home is proposed to be 3' from the left property line and therefore, the request will be for a 5' left side yard variance. Since the shed is in the side yard and attached to the home, the 8' setback is applicable and not the typical 5' for a shed, as if it were in the rear yard. The home most closely affected is approximately 20' from the current proposal.

John Graszus, 71 Bonnie Lane, was sworn in and asked to give an explanation of the request. Mr. Graszus stated that the shed would *not* be attached to the house but rather right up against the existing deck.

Discussion ensued regarding the placement of the shed, whether the shed is attached or detached, and the setback requirements for both. Mr. Barbian explained that the variance request may need to be modified if the shed is not attached to the house. If detached, the shed would be considered an accessory structure and the setback requirement for accessory structures of this nature is 5' from the rear and side property lines and therefore, the request would be changed to a 2' left side yard variance.

Mr. Barbian asked the applicant if he planned to cover the deck at any point.

Mr. Graszus confirmed that his future plans include covering a portion of the deck.

Mr. Barbian explained that a covered deck is more imposing than an open deck and therefore must meet the minimum required side and rear yard setbacks for that zoning district. Mr. Barbian

recommended that the applicant attach the shed to the deck and request a 5' left side yard dimensional variance.

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

Following additional discussion regarding the location for the door to the proposed shed, a motion was made by Tom Fernandez and seconded by Steve Kowolonek to approve a 5' left side yard variance for a shed with the condition that the shed door does not open to the left side 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. 19-1522

**37 Linden Avenue
Scott Dupin, Applicant
Chris & Laura Tomlin, Owners
Left Side Yard Variance
Addition & Covered Deck**

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 on single family home. The site is currently zoned R-1C, which allows for single family homes and additions and requires a side setback of 8'. The addition to the home is proposed to be 4'-3" from the left property line and therefore, the request will be for a 3'-9" left side yard variance. The home is a typical nonconforming home and the homes are rather close in this area. The addition will step slightly in from the line of the existing home.

Architect, Steve Ginter, Lakeside Park, Kentucky, was sworn in and asked to give a brief explanation of the request. Mr. Ginter stated that the existing home is nonconforming and very tight to the property line on the left side. The proposed addition aligns with the existing interior wall of the house. Moving the exterior wall toward the center of the lot to achieve the setback would ruin the fluid flow of the house and require extreme engineering to open the existing plan by removing walls.

Mr. Barbian asked for clarification on the location of the HVAC unit. Mr. Ginter stated that it is located on the right side of the house tucked behind a living room bump out.

Mr. Beineke asked if the addition includes a covered deck. Mr. Ginter confirmed that the variance request is to construct a building addition and a covered deck.

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

Following additional discussion regarding the exterior finish of the addition, a motion was made by Carol Dixon and seconded by Susan Wingard to grant the 3'-9" left side yard variance finding that the addition will clean up the home from all different angles and make for much better utilization of the home as well as improve its appearance in the neighborhood.

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. 19-1523

**74 Canon Ridge
Dan Lickert, Applicant/Owner
Rear Yard Variance
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 increase in size of a screen patio and addition to a single family home. The site is currently zoned R-1B, which allows for single family homes and additions and requires a rear setback of 35'. The addition/screen patio to the home is proposed to be 25' from the rear property line and therefore, the request will be for a 10' rear yard variance. In the area of the requested variance, the addition is only slightly larger than what is existing, as it is intended to be replaced and added upon to the side. It is not clear how the existing home was approved in its current state without a variance. There is a small piece of land that may have been associated with the property when built that may have affected setbacks. City records are not clear if there was a land conveyance or other circumstance that may have rendered the existing home compliant.

The owner notified Mr. Barbian that he would not be able to attend the hearing, but provided a cell phone number in the event that the Board has questions regarding the request.

Mr. Beineke opened the floor for public comment.

Jennifer Rickard, 30 Canon Ridge, stated her concerns regarding potential runoff created by the building addition at 74 Canon Ridge. Ms. Rickard stated that she does not currently have any issues with water runoff and requested that the property owner/contractor ensure that the addition does not create any issues.

Mary Lepper, 20 Canon Ridge, stated her concerns about drainage. Ms. Lepper stated that she is already experiencing runoff and erosion issues on her property and inquired as to where the runoff from the addition will be directed.

Mr. Barbian noted that it is his understanding that the runoff will be directed to the rear of the property due to topography. It appears that there is already a concentration of water in the rear of the property from the existing porch. The Zoning Ordinance states that water should be directed to the gutter of the street or to the center of the rear yard. Mr. Barbian stated that he will speak with the applicant and request that they direct the water to the center of the yard and as far away from the property line as regulations allow. Mr. Barbian feels that there will be minimal additional runoff from the addition due to the fact that there is currently a driveway in this location which is an impervious surface. They will not be adding any additional impervious surface, only where the runoff will be concentrated versus sheeting.

Following additional discussion regarding the overall drainage problems on Canon Ridge, a motion was made by Steve Dauer and seconded by Tom Fernandez to approve the 10' rear yard variance finding that the addition does not create a hardship on the neighboring properties and is an improvement to the general neighborhood. Mr. Dauer also requested that the applicant and homeowner make every effort to avoid additional water runoff from the addition to the best of their ability.

Upon call of the roll, the following voted "aye", Mr. Kowolonek, Mrs. Dixon, Mr. Fernandez, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", Ms. Wingard. Motion carried 6-1.

ADJOURNMENT

With no further business to address, a motion was made by Carol Dixon and seconded by Susan Wingard to adjourn the meeting at 7:15 P.M. Motion carried 7-0.

APPROVED: _____
Chair

ATTEST: _____
Secretary