

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE CITY BUILDING
ON TUESDAY, MARCH 26, 2019
AT 6:00 P.M.**

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

ABSENT: Tom Fernandez, Vice Chairman
Steve Kowolonek

Also Present: Kevin Barbian, Building Inspector/Zoning Administrator

Jim Beineke presided and called the meeting to order at 6:00 p.m.

MINUTES – February 26, 2019

Members reviewed the minutes from the February 26, 2019 meeting. A motion was made by Steve Dauer and seconded by Carla Austin to approve the minutes as written. Motion carried 5-0.

PUBLIC HEARING

CASE NO. 19-1507

**38 Sherman Avenue
Carmen & Lauren Sarge, Owners
Rear & 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 an addition on the rear/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 7.3' from the right side property line and therefore, the request is for a .7' right side yard variance. This proposed addition will continue the plane of the existing home, which is nonconforming. A driveway serves as a bit of a buffer in this instance. A sanitary sewer runs between the homes on the other side. SD1 has granted permission for the addition, despite the fact that it may be on an easement associated with a storm line.

Carmen Sarge, 38 Sherman Avenue, was sworn in and asked to give a brief description of the request. Mr. Sarge stated that they are proposing an addition which would follow the same line as the existing house with a deck off of the rear. The addition will be finished using products that match the existing house.

Mr. Beineke opened the floor for public comment.

Linda Klembara of 34 Sherman Avenue stated her concerns about the stability of the hillside. Mr. Barbian assured Ms. Klembara that if there are any concerns with the soil, he will require a soil engineer for the footing inspection.

Mr. Barbian added that he received an email from SD1 with regard to the storm line that runs to the left of 38 Sherman Avenue. The email states that SD1 has no issues with the proposed construction of the building addition and its proximity to the storm line.

Mr. Klembara of 34 Sherman Avenue also stated his concerns regarding potential slippage of the hill due to the construction.

Mr. Sarge added that it is their intention to have a soil engineer involved with the project. Brad Ramey of Bluegrass Commercial Group also stated that they will have a geotechnical engineer evaluate the site before construction begins.

Mr. Sarge stated that they are planning on beginning work by the 1st of May and the project will take approximately 6 months.

With no further discussion, a motion was made by Steve Dauer and seconded by Susan Wingard to approve the request as submitted finding no reason that this would be a detriment to the area.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mrs. Dixon, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 5-0.

CASE NO. 18-1508

**551 Highland Avenue
Jay & Kristie Dierig, Owners
Right Side Yard Dimensional Variance
Covered Deck**

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 covered deck on the rear/side of a single family home. The site is currently zoned R-1B, which allows for single family homes and covered deck with a minimum side yard setback of 9'. The addition is proposed to be 2'-6" from the right side property line and therefore, the request is for a 6'-6" right side yard variance. In 2017, the same applicant asked for two 2.5' side yard variances for a pool. The proposed addition will continue the with the plane of the existing home, which is nonconforming. This is also relatively close to the property line; a driveway serves as a bit of a buffer. The new deck will be replacing an older deck and have a roof covering, not expanding upon the footprint of the existing deck.

Kristie Dierig, 551 Highland Avenue, was sworn in and asked to give a brief description of the request. Mrs. Dierig explained that they would like to replace with existing deck which is in need of repair, with a covered deck the same width as the existing, but lengthen it 6-8 feet. The new deck would not be any closer to the side property line than the existing house and deck.

Mr. Beineke asked if the roof of the deck would have an overhang. Mr. Barbian explained that it would have an overhang which is slightly less than what the house has.

Mrs. Dierig confirmed that the neighbor which would be most affected, has no issues with the covered deck.

The floor was opened for public comment at this time. There was none.

With no further comments or concerns, a motion was made by Susan Wingard and seconded by Steve Dauer to approve the 6'6" right side yard variance to permit the property owners to replace an existing deck with a larger covered deck.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mrs. Dixon, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 5-0.

CASE NO. 18-1509

**48 N. Crescent Avenue
Ralph & Jenny Tincher, Owners
Right 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 an addition on the rear/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 2'-5.5" from the right side property line and therefore, the request is for a 6'-6.5" side yard variance. This proposed addition will continue with the plane of the existing home, which is nonconforming. It is relatively close to the property line but there is currently a 6' privacy fence that creates a bit of a barrier.

Architect, Ashli Slawter, 33 N. Ft. Thomas Avenue, was present on behalf of the property owners. Ms. Slawter was sworn in and asked to give a description of the request. Ms. Slawter stated that this is a unique, pie shaped property. The proposal is for a one story addition to the main house which includes an additional bedroom and bathroom and it will be finished to match the architecture of the existing home. The neighbor's driveway is directly adjacent to the side of the property that the variance request is for which provides some separation. The existing privacy fence between 48 N. Crescent and 66 S. Crescent Avenue will be removed.

Mr. Beineke asked if other options were explored to reduce the size of the variance request.

Ms. Slawter stated that three different options were considered for the addition. The submitted design was selected due to existing restrictions such as window locations, unique roofline, and access from the inside of the existing house.

Property owner, James Tincher, stated that he spoke with the neighbors who will be most affected by the addition and they had no objections to the addition or to the removal of the privacy fence.

Mr. Beineke stated his concerns regarding limited access that the most affected neighbor will have to their home for potential maintenance if an addition is built so close to the property line.

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

Following additional discussion, a motion was made by Carol Dixon and seconded by Carla Austin to approve the 6'-6.5" right side yard variance as requested due to the unique shape and restrictions of the lot and finding that the variance will not be a detriment to the surrounding neighborhood.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mrs. Dixon, Mr. Beineke, Mr. Dauer, Ms. Austin. Voting "no", none. Motion carried 5-0.

CASE NO. 18-1510

**3 Riverside Parkway
Brian & Jenny Sand, Owners
Left Side & Rear Yard Dimensional Variance
Left Side Yard – Covered Porch
Rear Yard – Covered Porch**

The applicants are requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for an addition and covered porch on the rear/side of a single family home. The site is currently zoned R-1B, which allows for single family homes and additions with a minimum side yard setback of 9'. The addition is proposed to be 2'-3.5" from the left side property line and therefore, the request is for a 6'-8.5" side yard variance. Also, a rear yard variance is being requested for a covered porch on an existing detached garage. The rear setback requirement is 35'. The proposed covered porch is 6'-8.5" from the rear property line. Therefore, the request is for a 28'-3.5" rear yard variance.

Architect, Ashli Slawter, 33 N. Ft. Thomas Avenue, was present of behalf of the property owners. Ms. Slawter was sworn in and asked to give a description of the request. Ms. Slawter stated that this project is similar to the previous case in that it is also a tight lot and multiple design options were considered in order to give the owners a garage with a master suite on top. Locating the garage on the side of the house was ultimately chosen due to the access points to the main house. This location allows the owners to use the rear of the existing house for storage and creates the opportunity for outdoor living space. Placing the garage on the rear of the home would eliminate the usable space for outdoor living in the rear yard.

Property owner, Brian Sand, stated that he spoke with the neighbors on both sides of his property and they are fine with the addition. He shared the plans with the neighbor which would be most impacted by the addition and she had no objections.

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

Mr. Beineke stated the same concerns with this variance request as he had with the last case.

Mr. Dauer asked if the existing attached garage would remain.

Mr. Sand stated that it would be converted into a single unit used for storage. They are very cognoscente of the historic nature of the homes in his neighborhood and the addition will be finished with materials similar to the existing home.

Discussion ensued regarding the design and size of the covered porch addition proposed for the existing detached garage.

With no further discussion, a motion was made by Steve Dauer and seconded by Susan Wingard to approve the 6'-8.5" left side yard and 28'-3.5" rear yard variances despite the size of the variance finding that the constraints of the lot do not lend themselves to a better option than what has been proposed and not adversely affect the neighbors.

Upon call of the roll, the following voted "aye", Ms. Wingard, Mr. Dauer, Ms. Austin. Voting "no", Ms. Dixon, Mr. Beineke. Motion carried 3-2.

ADJOURNMENT

With no further business to address, a motion was made by Susan Wingard and seconded by Carla Austin to adjourn the meeting at this time. Motion carried 5-0.

APPROVED: _____
Chair

ATTEST: _____
Secretary