

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE CITY BUILDING
ON TUESDAY, OCTOBER 22, 2019
AT 6:00 P.M.**

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

ABSENT: Carla Austin

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 roll was taken.

MINUTES – August 27, 2019 and September 24, 2019

Members reviewed the minutes from the August 27, 2019 meeting. A motion was made by Steve Dauer and seconded by Tom Fernandez to approve the minutes as written. Motion carried 6-0.

Members reviewed the minutes from the September 24, 2019 meeting. A motion was made by Steve Kowolonek and seconded by Carol Dixon to approve the minutes as written. Motion carried 6-0.

PUBLIC HEARINGS

CASE NO. 19-1538

**201 Highland Avenue
Charles and Sharon Thompson,
Applicants/Owners
Left Side Yard Variance
Building Addition**

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 screened deck. The site is currently zoned R-1B, which allows for single family homes and decks and requires a side setback of 9'. The newly constructed screened deck is proposed to be 0' from the side property line. Therefore, the applicant is asking for a 9' side yard variance. The applicant received approval from the BOA in 2014 for a deck that included the area for which the screened porch is located. The proposal at that time was for the same dimensional variance of 9' and despite being significantly more in area, was not covered. It is for this reason, that it is my interpretation that the applicant needed to come back before the board.

There is a flag lot adjacent to the home in this area that is used for access to the home behind the applicant. It is unlikely that anything would be constructed in the area adjacent to the proposed screened porch.

Shari and Chuck Thompson, 201 Highland Avenue, were sworn in and asked to give an explanation of their request. Mrs. Thompson noted a correction to Kevin's report. The structure that they wish to build is a room addition which will be fully enclosed and heated. Mrs. Thompson presented pictures of their home when they first purchased it in 2014 and turned it into a single family home, and pictures of their home today showing a porch addition and renovations. The proposed addition would

allow for a first floor laundry room and a dining room. The applicant also provided the Board with a copy of the plans for the proposed addition and a survey of their property.

Mrs. Thompson stated that they met with the adjoining property owners (flag stem lot) most affected by the variance request, and they have no problem with the proposed building addition. Mr. Thompson noted that their plans are to build 8 inches from their left side property line.

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

Mr. Beineke stated that the Board does not typically grant variances for additions that go right up to the property line, but he feels that this is a unique circumstance with the proposed addition being adjacent to the stem to two flag lots. There is not a greatly likelihood of anything ever being built on the flag stems.

Mr. Kowolonek noted that the addition will be 8 inches from the left side property line, therefore when you exit the home out of the addition, you will be stepping on to the neighbor's property.

Mrs. Thompson stated that they had contemplated bringing the steps straight out towards Highland Avenue, but the side direction seemed a better design.

Following additional discussion, a motion was made by Tom Fernandez and seconded by Steve Dauer to approve the 9' left side yard variance for the construction of a building addition finding that it will be a nice addition to the home, will not have an adverse effect on the adjoining property owners and add to the character of the home.

Mr. Kowolonek stated his concerns with the applicant stepping on to the neighbor's property when exiting the proposed addition.

Upon call of the roll, the following voted "aye", Ms. Wingard, Ms. Dixon, Mr. Fernandez, Mr. Beineke, Mr. Dauer. Voting "no", Mr. Kowolonek. Motion carried 5-1.

CASE NO. 19-1539

**706 N. Fort Thomas Avenue
Todd Lightner, Applicant/Owner
Left Side Yard Variance
Deck**

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 deck. The site is currently zoned R-1C, which allows for single family homes and decks and requires a side setback of 15' adjacent to a right of way. The newly constructed deck is proposed to be 4' from the side property line. Therefore, the applicant is asking for a 11' left side yard variance. The home is adjacent to a public right-of-way which is unimproved and not maintained by the City. The applicant uses this area as essentially a part of his yard. The owner was not aware that this right-of-way existed and maintains the yard as his own. The City has no immediate desire to improve this area. If, however, there was interest in the future, it would likely be an expansion of the existing drive, which is skewed toward the opposite side of the right-of-way and would not be tremendously impactful to this proposal.

Todd Lightner, 706 N. Fort Thomas Avenue, was sworn in and asked to give a brief explanation of his request. Mr. Lightner stated that the existing deck is built over their garage which has a concrete, flat roof. They would like to demo the existing deck, giving them access to the concrete garage roof which is in need of repair. They would like to rebuild the deck in the same place but add an additional 9' to the depth of the deck making the total dimensions of the new deck 18'x20'. The steps to the existing deck are actually located on the public right-of-way adjacent to the left side of the property. The steps for the proposed deck will be moved to the other side and no longer be over the property line.

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

Following discussion, a motion was made by Carol Dixon and seconded by Susan Wingard to approve the 11 foot, left side yard variance finding this to be a unique property due to its proximity to a paper street. The proposed deck will be an asset to the property and not be a detriment to the adjoining properties.

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

CASE NO. 19-1540

**208 Grant Street (new vacant lot)
Christopher Gray, Owner
Front and Rear Yard Variance
New Single Family Home**

Kevin Barbian reported that this parcel was originally part of 216 Grant Street, but was recently subdivided into a second parcel. The applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for a new single family home. The site is currently zoned R-1C, which allows for single family homes and requires a front setback of 25' and rear setback of 30'. The newly constructed home is proposed to be 15' from the front property line and 20' from the rear property line. Based on section 9.13.D the average front yard is 28.5'. Therefore, the applicant is asking for a 13.5' front yard variance and a 10' rear yard variance. This is a unique lot in that there is a paper right-of-way to the immediate south of this lot. Many of the homes to the south of that right of way are closer to the street than the minimum setback, while the house to the north, is further than the minimum front setback (28.5') and the homes still north of that, still in close proximity, are at about the minimum setback. There is only one home for which to provide an average of the block front which creates the average.

Christopher Gray, 75 Cherry Lane, was sworn in. Mr. Gray stated that he is requesting the right side yard variance in order to move the garage closer to street level due to the drop off in grade and the rear yard variance is to accommodate a screened in porch. The proposed home is a ranch with a first floor master and on the lower level, additional bedrooms and living space. Discussion ensued related to other details of the proposed home.

Mr. Beineke opened the floor for public comment.

Kathy Murphy, stated that she has lived at 14 Sherman Avenue for 30 years and her property adjoins the rear of 208 Grant Street. Ms. Murphy stated her concerns regarding potential issues, particularly drainage, that will be created if a house is built on this very steep lot due to the fact that her property sits quite a bit lower than 216 Grant Street. She is also very concerned about her long standing viburnum shrubs that sit at the bottom of the hill from 216 Grant Street.

Ms. Murphy stated that the applicant recently had a survey completed by Cardinal Engineering for 216 Grant Street which conflicts with a survey done by John W. Ross, Jr. in 1994. The 1994 survey was based on surveys (also performed by Ross) and deeds going back to at least 1986. Ms. Murphy added that the recent survey done by Cardinal Engineering shows the rear property line of 216 Grant Street encroaching on to the east side of her property by approximately 15 inches.

Discussion continued regarding the proposed placement and design of the new home. Mr. Beineke noted that the Board can only make a judgement on a variance request based on what has been presented. If a variance is granted based on the presented survey, and subsequently corrections are made to the survey which alter the lot lines, the applicant may be required to reapply for an adjusted variance based on the corrected survey.

Mr. Gray stated that the front yard variance is the most critical variance for him to obtain. If the proposed screened in porch on the rear of the house was changed to an uncovered deck, he would not need a rear yard variance.

Mr. Fernandez noted that his main concern with a front yard variance is the distance from the garage to the sidewalk only being 20 feet. He asked the applicant if he would consider moving the garage back a little and making it a side entry garage.

Mr. Gray was agreeable to considering moving the garage back a little and changing the design to a side entry garage. He requested that the hearing to consider his front and rear yard variance be continued until the next meeting to allow time to have the survey discrepancies resolved and time to reconsider the design of the garage.

At this time, a motion was made by Steve Kowolonek and seconded by Steve Dauer to continue case number 19-1540 until next month, as requested by the applicant.

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

ADJOURNMENT

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

APPROVED: _____
Chair

ATTEST: _____
Secretary