

**MINUTES OF A SPECIAL MEETING OF THE  
FORT THOMAS BOARD OF ADJUSTMENT  
HELD AT THE CITY BUILDING  
ON TUESDAY, JUNE 11, 2020  
AT 6:00 P.M.**

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

**ABSENT:**

**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 – February 25, 2020**

Members reviewed the minutes from the February 25, 2020 meeting. A motion was made by Steve Dauer and seconded by Carol Dixon to approve the minutes as written. Motion carried 6-0.

**PUBLIC HEARING**

**CASE NO. 20-1545**

**14 Fischer Lane  
James Hilgefert, Owner  
Rear Yard Variance  
Cover for Existing Patio**

Kevin Barbian reported that the applicant is requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for a covered porch to a single family home. The site is currently zoned R-1B, which allows for single family homes and porches and requires rear setbacks of 35'. The screened porch at the home is proposed to be 19' from the rear property line and therefore, the request will be for a 16' rear yard variance. The proposed fireplace for the covered porch is permitted to encroach into the minimum setback on the side.

James and Clara Hilgefert, 14 Fischer Lane, were present to address the board. They were sworn in and asked to give a brief description of the request. Mr. Hilgefert stated that they wish to build a roof over an existing patio. He believes that there are several other property owners in their subdivision who have received a variance to do the same thing.

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

Following minor discussion, a motion was made by Tom Fernandez and seconded by Susan Wingard to approve the 16' rear yard variance as requested finding the roof to be a nice addition to the home.

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

**CASE NO. 20-1546**

**6 Timberwood Court  
Joe Ewald, Owner  
Rear Yard Variance  
Pool and Deck**

Kevin Barbian reported that the applicant is requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for a pool and deck at a single family home site. The site is currently zoned R-1B, which allows for pools and decks associated with single family homes and requires rear setbacks of 35'. A pool and deck can encroach 10' into the minimum setback, so therefore, the required rear yard is 25'. The pool and deck at the home are proposed to be 10' from the rear property line and therefore, the request will be for a 15' rear yard variance.

Joe Ewald, 6 Timberwood Court, was present to address the board. Mr. Ewald was sworn in and ask to give an explanation of his request.

Mr. Ewald stated that they would like to install a semi-in ground pool which will be set a little into the hillside. The property is about a quarter of an acre but it is an extremely irregularly shaped lot. Anywhere you place a pool in the back yard would be encroaching into the setback requirement. Mr. Ewald added that he has spoken to all of his adjoining neighbors and no one has any objections to the pool.

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

A lengthy discussion ensued regarding the proposed size of the deck and the possibility of adjusting the location of the pool to reduce the size of the variance request. Some members were not comfortable with the size of the deck and the size of the variance being requested.

Following discussion, a motion was made by Carol Dixon and seconded by Tom Fernandez to approve the 15' rear yard variance for the installation of a pool and deck, due to the topography of the land and unique angles of the lot, and finding the proposed location of the pool to be the most reasonable.

Upon call of the roll, the following voted "aye", Ms. Dixon, Mr. Fernandez, Mr. Beineke, Ms. Austin. Voting "no", Ms. Wingard, Mr. Dauer. Motion carried 4-2.

**CASE NO. 20-1547**

**13 Glenway Avenue  
John Brossart, Owner  
Right Side Yard Variance  
Addition**

Kevin Barbian reported that the applicant is requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for an addition to a single family home site. The site is currently zoned R-1B, which allows for additions associated with single family homes and requires side setbacks of 9'. The addition on the home is proposed to be 7.37' from the right side property line and therefore, the request will be for a 1.63' right side yard variance. It does not appear that the proposed covered porch will adversely affect the public health, safety or welfare and will not alter the essential character of the general vicinity. The addition is in line with the existing home.

John Brossart, 13 Glenway Avenue, was present to address the board. Mr. Brossart was sworn in and asked to give a brief explanation of the request.

Mr. Brossart stated they would like to add a master bedroom/bath, a laundry room and mud room with a full basement under the addition. The addition will follow the existing line of the house. There is currently a 4'x'6' bump out on the rear of the home which will be removed and become the entry way into the new addition. Mr. Brossart added that he has spoken to all of the adjoining neighbors about the addition and they have no objections.

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

Following a brief discussion on the exterior finish for the addition, a motion was made by Steve Dauer and seconded by Carla Austin to approve the 1.63' right side yard variance for a building addition finding that the addition will improve the property value and there are no objections from the adjoining property owners.

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

**CASE NO. 20-1548**

**8 Aqua Vista Court  
Craig and Kate Stephens, Owners  
Right Side Yard Variance  
Deck**

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 addition to a single family home site. The site is currently zoned R-1B, which allows for decks associated with single family homes and requires side setbacks of 9'. The deck is proposed to be 5' from the side property line and therefore, the request will be for a 4' right side yard variance. The main portion of the deck meets the setback requirements. The access to the deck from the side of the home requires a variance.

Craig Stephens, 8 Aqua Vista Court, was present to address the Board. Mr. Stephens was sworn in and asked to give a brief description of the request. Mr. Stephens explained that the variance will allow them access to the deck from their side door which is off of the kitchen. The access walkway will be 4' wide which is the same width as the existing porch. Mr. Stephens added that he has spoken to his neighbors most affected by the variance, and they have no objections.

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 Susan Wingard to approve the 4-foot right side yard variance as submitted finding that it will have minimal impact on the neighbor and provide access to the rear deck.

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

**CASE NO. 20-1549**

**93 Summit Avenue  
Joe and Charlene Roberts, Owners  
Right Side Yard Variance  
Deck**

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 addition to a single family home site. The site is currently zoned R-1B, which allows for decks associated with single family homes and requires side setbacks of 9'. The deck at the home is proposed to be 5' from the side property line and therefore, the request will be for a 4' right side yard variance. The deck is proposed to be in the same location as the current deck, as it is being replaced.

Barry Little, 19 Porters Lane, was present on behalf of the property owners. He was sworn in at this time.

Mr. Little stated that the homeowners would like to revise their variance request in order to make the deck 2 feet wider than the originally submitted plans indicate. They are requesting to make the deck 2 feet wider placing it 3 feet off the right side property line requiring a 6-foot side yard variance. The homeowner has a copy of a letter from the adjoining property owner dated 6/11/20 stating that he has no problem with the variance request.

Mr. Barbian noted that there was not a specific dimension listed in the legal advertisement for this case and therefore, it is at the Board's discretion whether to accept the revised request at this time. Mr. Barbian added that he did not receive any calls from neighbors related to this variance request.

Members agreed to hear the revised variance request. Discussion ensue regarding the width of the access walkway from the side door to the deck. The proposed walkway is 6 feet wide. Members expressed their concerns with the deck/walkway only being 3 feet from the property line. This would make access for maintenance, grass cutting, etc. difficult to do without going on to the adjoining property.

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

Discussion continued regarding the width of the proposed walkway. It was the consensus of the Board that reducing the width of the walkway from 6 feet to 5 feet (5-foot right side yard variance) would allow better

access along the right side of the property. This would place the walkway 4 feet from the right side yard property line.

With no further discussion, a motion was made by Tom Fernandez and seconded by Carla Austin to approve a 5-foot right side yard variance for the construction of a deck and walkway.

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

**CASE NO. 20-1550**

**135 Holiday Lane  
Christopher and Katherine Gallagher  
Right and Left Side Yard Variance  
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 an addition to a single family home. The site is currently zoned R-1B, which allows for additions associated with single family homes and requires side setbacks of 9'. The addition at the home is proposed to be 7' from the left side property line. The addition follows the line of the house on the right side which is nonconforming, and proposed to be 5.52' from the right side property line. Therefore, the request will be for a 2' left side yard variance and a 3.48' right side yard variance.

Chris and Katherine Gallagher, 135 Holiday, were present to address the board. Mr. Gallagher was sworn in and asked to give a brief explanation of the request.

Mr. Gallagher stated that he and his wife have lived at this location for 16 years and now have four children. They love the house and the neighborhood and do not wish to move but they have outgrown the space. They are also planning for their father-in-law to move in with them and they need more space to accommodate him. They are proposing to add a 3 story addition; basement, first, and second floor, which will match the existing home. A new HVAC system will be added and the exterior equipment will be located on the left side of the house toward the rear of the addition.

Mike Studer, Studer Residential Designs, was present and provided the Board with a site plan and colored design. Mr. Studer stated that only a 2'x6' section of the addition requires a variance on the left side of the property due to the angle of the lot. Angling the walls of the bedroom to meet the setback on the left side would have hindered the functionality of the bedroom.

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

Mr. Gallagher added that they spoke with the adjoining neighbors and none of them had any issues with the variance request.

Following a brief discussion, a motion was made by Susan Wingard and seconded by Tom Fernandez to approve the request for a variance at 135 Holiday Lane which includes a 2' left side yard variance and a 3.48' right side yard variance finding that the addition will greatly increase the square footage, use, and enjoyment of their home.

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

**ADJOURNMENT**

With no further business to address, a motion was made by Steve Dauer and seconded by Carla Austin to adjourn the meeting. Motion carried 6-0.

APPROVED: \_\_\_\_\_  
Chair

ATTEST: \_\_\_\_\_  
Secretary