

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE CITY BUILDING
ON TUESDAY, JULY 28, 2020
AT 6:00 P.M.**

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

ABSENT: Carol Dixon, Secretary

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 – June 11, 2020

Members reviewed the minutes of the June 11, 2020 meeting. A motion was made by Susan Wingard and seconded by Carla Austin to approve the minutes as written. Motion carried 5-0.

PUBLIC HEARING

CASE NO. 20-1515

**103 North Fort Thomas Avenue
David Hosea, Owner
Caileen Tallant, Applicant
Change in Conditional Use
Music Instruction**

Kevin Barbian reported that the applicant is requesting a Conditional Use permit from the provisions of Section 10.11.C.8 of the Zoning Ordinance to allow for a "studio for professional work or teaching of any form of fine arts, photography, music, drama, and dance". The site is currently zoned CBD, which allows for a wide variety of uses, of which the proposed is not one. The proposal includes minor interior modifications, but no changes in exterior appearance or function. The prior occupancy was Framed NKY and prior to that, Bowman Framing.

A "studio for professional work or teaching of any form of fine arts, photography, music, drama, and dance" was granted at 143 N. Ft. Thomas Avenue, approximately 1 block north of the proposed site. Many of the characteristics associated with this site, are already present at the proposed site, as it was used for commercial purposes. Most relevant would be parking associated with the site. There is a similar amount of parking and ample screening for the proposed business. This site would be permitted for a wide variety of commercial uses including department store, eating or drinking establishment, sporting goods store, and music studio; all of which would likely be more of an imposition than what is proposed. This will be the sole use of the structure, and therefore, would not seem to be an imposition as it relates to noise. The adjacent properties are the Masonic Lodge and Rawlings Real Estate.

Caileen Tallant, 580 Walnut St., Cincinnati, Ohio, was present to address the board. Ms. Tallant was sworn in and asked to give a brief explanation of the request.

Ms. Tallant explained that she is requesting a Conditional Use permit to operate a music studio which provides private music instruction at this location. This includes voice, piano, and multiple string instruments. The hours of

operation will be 9 a.m. – 9 p.m., seven days a week. The maximum number of clients in the building at any one time would be 8. The existing parking lot can accommodate 10-12 vehicles so parking will not be an issue.

Ms. Tallant asked if she would be permitted to conduct some lessons on the front porch or in the front yard. Mr. Fernandez recommended speaking with the adjoining neighbors. It was noted that the applicant would likely have to return to the Board of Adjustment if desired.

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

Following discussion, a motion was made by Tom Fernandez and seconded by Carla Austin to approve a Conditional Use permit for 103 N. Fort Thomas Avenue for the purpose of providing private music instruction finding it to be a good addition to the Central Business District.

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

CASE NO. 20-1552

**33 Earnscliff Court
Richard Geibel, Owner
Rear Yard Variance
Screened Porch**

Kevin Barbian reported that the applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for a screened porch to a single family home site. The site is currently zoned R-1C, which allows for screened porches associated with single family homes and requires rear setbacks of 30'. The addition at the home is proposed to be 9' from the rear property line and therefore, the request will be for a 21' rear yard variance.

Richard Geibel, 33 Earnscliff Court, was present to address the board. Mr. Geibel was sworn in and asked to give a brief explanation of his request.

Mr. Geibel stated that they would like to construct a screened porch on an existing concrete pad at the rear of their home. The posts that support the roof truss' will be installed on concrete footers at the rear edge of the existing concrete pad and will be approximately 9' from the rear property line. The eaves of the porch roof would extend approximately 2' beyond the posts. Downspouts will be added and tied into the existing downspouts.

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

Following a brief discussion related to the downspouts, a motion was made by Susan Wingard and seconded by Carla Austin to approve the 21' rear yard variance for the construction of a screened porch finding that this will allow the homeowners to have better use of their rear yard.

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

CASE NO. 20-1553

**54 Miller Lane
Shawn and Jessica Knauer, Owners
Right Side Yard Variance
Deck with Privacy Fence**

Kevin Barbian reported that the applicants are requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for deck on a single family home site. The site is currently zoned R-1C, which allows for decks associated with single family homes and requires side setbacks of 8'. The deck at the home is proposed to be 0' from the right side property line and therefore, the request will be for an 8' side yard variance.

In the area in question, there is an existing small rear porch, approximately 4' x 8', that leads from a door in the rear corner of the home to the property line and a set of steps runs away from the home, parallel and on the property line. The proposal is to increase the size of the deck to a 12' x 20'. Therefore, a portion of the footprint of the new deck, will replace the existing footprint of the porch and steps. The elevation of the deck would be at approximately the elevation of the top of the fence that divides the property, similar to now. The applicant would like a fence associated with the guardrail of the deck at the property line, as high as possible. The higher the fence, the more imposition might be perceived by the adjoining property.

Jessica Knauer, 54 Miller Lane, was present to address the board. Ms. Knauer was sworn in and asked to give a brief explanation of the request.

Ms. Knauer stated that they currently have a 7'5"x4' porch off of the rear of their home which is no longer safe to use and needs to be removed and replaced. They are requesting a variance to construct a 12'x20' deck at this location which would have a 6' privacy fence attached to the side of the deck adjacent to 50 Miller Lane. Ms. Knauer spoke to the most affected neighbor and she had no problem with the deck. Exact details were not discussed with the neighbor.

Ms. Knauer stated that she does not know exactly where the property line is. Mr. Beineke recommended that a survey be completed for accuracy.

Discussion ensued regarding the proposed privacy fence on the deck. Mr. Barbian noted that there are no provisions in the zoning ordinance regulating a privacy fence as part of a guard rail on a deck. He would not approve a fence any taller than 6 feet.

Mr. Beineke opened the floor for public comment. A resident of Miller Lane had general questions related to the variance request.

Discussion ensued related to the difficulty in performing maintenance on a property/structure constructed with no setback from the property line. It was the consensus of the board that a minimum of a 2' setback is necessary.

With no further discussion, a motion was made by Tom Fernandez and seconded by Susan Wingard to approve a 6' right side yard variance for the construction of a deck with a privacy fence not to exceed 6' in height. The 2' setback will allow for maintenance to the deck and home.

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

ADJOURNMENT

With no further business to address, a motion was made Tom Fernandez and seconded by Carla Austin to adjourn the meeting at 6:50 p.m. Motion carried 5-0.

APPROVED: _____
Chair

ATTEST: _____
Secretary