

**MINUTES OF A MEETING OF THE  
FORT THOMAS BOARD OF ADJUSTMENT  
HELD AT THE CITY BUILDING  
ON TUESDAY, AUGUST 25, 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 – July 28, 2020**

Members reviewed the minutes of the July 28, 2020 meeting. A motion was made by Susan Wingard and seconded by Steve Dauer to approve the minutes as written. Motion carried 5-0.

**PUBLIC HEARING**

**CASE NO. 20-1554**

**104 Tower Place – Withdrawn**

**CASE NO. 20-1555**

**46 Alpine Drive  
Jeff & Renee Rust, Owners  
Left Side Yard Variance  
Building Addition**

Kevin 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 to a single family home site. The site is currently zoned R-1C, which allows for additions associated with single family homes and requires side setbacks of 8'. The addition at the home is proposed to be 6' from the left side property line and therefore, the request will be for a 2' side yard variance.

Jeff Rust, 46 Alpine Drive, was present to address the Board. Mr. Rust was sworn in and asked to give a brief explanation of the request.

Mr. Rust stated that they would like to build a 16'x23' addition to the rear of their home. The addition will include a master bedroom, kitchen and eating area. This will be used as a mother-in-law suite. The addition is 2/3's the width of the rear of the home and the existing deck will be removed. Mr. Rust added that his neighbors have no objections to the addition.

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

Ms. Wingard asked the applicant if additional HVAC will be added and if so, where the compressor will be located.

Mr. Rust stated that they will probably just do a mini split and place it at the rear of the addition.

With no further discussion, a motion was made by Steve Dauer and seconded by Susan Wingard to approve the 2' left side yard variance as requested finding that the addition will not create a hardship on the adjoining neighbors and enhance +

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. 20-1556**

**40 Avenel Place  
Andrew Schweitzer, Owner  
Right Side Yard Variance  
Deck**

Mr. Barbian reported that the applicant is requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for a deck 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' side. The deck at the home is proposed to be 6' from the right side property line and therefore, the request will be for an 8'-6" right side yard variance. The deck is in line with the existing structure, but the property line is at an angle on the side. The Board of Adjustment recently approved a variance for an addition for which the deck is being added. The Board also approved a variance for a front porch at this location in recent years.

Andrew Schweitzer, 40 Avenel Place, was present. Mr. Schweitzer was sworn in and asked to give a brief explanation of his request.

Mr. Schweitzer stated that the Board previously approved a variance for the construction of an addition. A portion of the existing deck was removed at that time to accommodate the addition. Mr. Schweitzer would now like to replace a portion of the deck that was removed. Mr. Schweitzer spoke with the adjoining neighbors and they have no objection.

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

Following a brief discussion related to the odd configuration of the lot as well as grade difficulties between the adjoining property, a motion was made by Tom Fernandez and seconded by Carla Austin to approve an 8'6" right side yard variance for the construction of a deck finding a variance necessary due to the uniqueness of the property and the challenges that it presents.

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. 20-1557**

**142 Woodside Place  
Shanna Hayes, Owner  
Left Side Yard Variance  
Garage 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 a garage to a single family home site. The site is currently zoned R-1C, which allows for garages associated with single family homes and requires side setbacks of 8'. The garage at the home is proposed to be 5' from the left side property line and therefore, the request will be for a 3' left side yard variance.

This residence received a variance for a pool deck in recent years. Also, the home went through a recent fire and during the restoration process, the owner would like to add this to part of the restoration of the home. The proposed garage may feel somewhat constrained on the lot since it appears to already be relatively close to the property line on the other side of the property. As with recent Board of

Adjustment cases, a concern may be the length of driveway between the proposed garage and the public sidewalk. The right side of the property is also rather minimal. If this variance is considered, the Board may want to determine the distance from the garage to the sidewalk to ensure a vehicle parked in front of the garage will not block the public sidewalk.

Ms. Hayes was not present at this time. Mrs. Rice called Ms. Hayes but she could not be reached at this time. The Board agreed to continue with the next case and place this item last on the agenda.

**CASE NO. 20-1558**

**133 Hartweg Avenue  
Scott Harden, Owner  
Right, Left and Rear Yard Variances  
In Ground Pool**

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 in ground pool in the center of the backyard. The site is currently zoned R-1C, which allows for an in ground pool associated with single family homes and requires side setbacks of 8'. Since this is a corner lot, the left side minimum setback is 15'. The rear setback is 30', however, a pool can go 10' into the minimum rear setback.

The pool is proposed to be 7.5' from the right side property line and therefore, the request will be for a 6' right side yard variance. The pool is also proposed to be 5' from the left side property line and therefore, the request will be for a 10' left side yard variance. The pool is also proposed to be 14.5' from the rear property line and therefore, the request will be for a 5.5' rear yard variance.

The Board of Adjustment granted a left side variance for a deck in 2017. The lot is on a corner and is irregular. The rear yard currently has a shed that can assist in buffering the pool from the adjoining property. The proposed pool will be inset from the line of the home adjacent to Waterworks Road.

A letter from the adjoining property owner at 129 Hartweg Avenue was read for the record by Mr. Barbian.

*“The homeowners of 129 Hartweg Avenue disapprove of a Variance being given to 133 Hartweg Avenue on our side. There is a sanitation pipe entering 129 Hartweg Avenue that extends  $\frac{3}{4}$  of the length down the side. The sanitation pipe runs parallel on the side properties of 129 Hartweg Avenue and 133 Hartweg Avenue. Major excavation has been ongoing at the site of 133 Hartweg Avenue. Tons of soil have been removed. Particularly noteworthy is the soil that has been removed/disturbed the length/area of the sanitation pipe.”*

Scott Harden, 133 Hartweg Avenue, was present. Mr. Harden was sworn in and asked to give a brief explanation of his request.

Mr. Harden stated that he would like to install an 18'x32' in ground pool with a diving board and paver pool deck. The existing shed at the rear of the property will remain.

Ms. Wingard asked if the pool needs to be 32' in length.

Mr. Harden explained that in order for the depth of the pool to be appropriate for a diving board, the pool company has stated that the minimum dimensions of the pool must be 18'x32'.

Mr. Beineke opened the floor for public comment.

John Pearson, 129 Hartweg Avenue, stated that he initially was concerned about the construction of the pool harming the roots of a large tree located on his property. Reviewing the plans for the pool has alleviated his concerns.

Mr. Harden added that the equipment for the pool will be located on an existing concrete pad next to the shed at the rear of the property.

Following minor discussion, a motion was made by Steve Dauer and seconded by Tom Fernandez to approve the variances as requested for the construction of an in ground pool finding the variances necessary due to the severe angle of the property lines.

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. 20-1557**

**142 Woodside Place  
Shanna Hayes, Owner  
Left Side Yard Variance  
Garage Addition**

Neither Ms. Hayes or a representative were present. It was the consensus of the Board to postpone the review and vote on this request until the next public hearing to allow the applicant to be present.

Due to the inability of the applicant to be present, a motion was made by Ms. Wingard and seconded by Ms. Austin to defer this case until the next monthly meeting.

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