

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE CITY BUILDING
ON TUESDAY, OCTOBER 27, 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 – September 22, 2020

Members reviewed the minutes of the September 22, 2020 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. 20-1560

**38 Jennifer Court
Shawn & Lisa Smith, Owners
Rear Yard Variance
In-ground Pool**

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 in-ground pool. The site is currently zoned R-1B, which allows for in-ground pools at single family homes and requires a rear setback of 25'. The typical setback is 35' but pools can encroach into that setback 10'.

The pool is proposed to be 10' from the rear property line and therefore, the request will be for a 15' rear yard variance.

Shawn Smith, 38 Jennifer Court, was sworn in and asked to give a brief explanation of the request. Mr. Smith stated that they don't have an exact design of the pool yet, but they are set on the in-ground pool dimensions that have been submitted

Mr. Barbian noted that this is a non-conforming lot with a shallow rear yard and the adjacent neighbor currently has a pool.

The floor was open for public comments. There were none.

With minimal discussion, a motion was made by Tom Fernandez and seconded by Susan Wingard to approve the 15-foot rear yard variance due to the uniqueness of the lot.

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. 20-1561

**155 Brentwood Place
Todd & Desirae Jones, Owners
Front Yard Variance
Front Porch 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 a front porch on a single family home. The site is currently zoned R-1C, which allows for porches on single family homes and requires a front setback of 25'. In this situation, however, the front setback is determined by the average setback of the homes in the same block within 300'. The average front setback of the homes in the same block is 22'. Since the proposed porch is greater than 20% of the width and greater than 6' in depth, a variance is required. The owner is proposing a 25' x 7' porch and is at the average setback of 22' from the front property line. Therefore, the applicant is asking for a 7' front yard setback. The applicant provided several letters of support from surrounding neighbors.

Desarie Jones, 155 Brentwood Place, was present to address the board. Mrs. Jones was sworn in and asked to give a brief description of the request.

Mrs. Jones stated that they would like to add a 25'x7' front porch which is the same size as their existing front flower bed. The porch will be covered with a basic shed roof and a dormer over the front door.

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

With minimal questions or concerns of the board, a motion was made by Susan Wingard and seconded by Carla Austin to approve the variance request for a 7-foot front yard setback for the construction of a covered front porch finding that the addition will add to the owner's enjoyment of their 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.

CASE NO. 20-1562

**25 Dumfries Avenue
Patrician Egan, Owner
Front Yard Variance
Front Porch Addition**

Mr. Barbian reported that the applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for the replacement of an existing deck, while adding a covered roof, to a single family home. The site is currently zoned R-1C, which allows decks on single family homes and requires a side setback of 8'. The proposed deck is 1'-6" from the right side property line and therefore, the applicant is asking for a 6'-6" side yard setback. The proposed deck is in the same location. The prior deck was in poor condition and was removed. The new deck will be located in the same spot, but also have a roof. The most closely affected property has stated no opposition to the project.

The neighbors are helping the property owner with construction of the deck. They removed the old deck and began construction on the deck and then realized that they needed to obtain a building permit.

Tim O'Brien, 18 Dumfries Avenue, was present on behalf of the property owner. Mr. O'Brien was sworn in and asked to give a brief explanation of the request.

Mr. Obrien stated that old deck was in very bad shape and unusable. The old deck extended out from a concrete porch attached to the rear of the house. The plan is to construct a new deck the same size as the old deck and in the same location, but construct a roof over it. The roof is a gable roof with vinyl siding and the deck will be constructed using composite materials.

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

Following general discussion, a motion was made by Steve Dauer and seconded by Tom Fernandez to approve the variance request as submitted finding the new covered deck to be no greater an imposition to the adjoining properties than the old deck.

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. 20-1563

**208 Grant Street (Vacant Lot)
Landon Barnard, Owner
Front & Rear Yard Variance
New Single Family Home**

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 single family home. The site is currently zoned R-1C, which allows single family homes and requires a front setback of 25' and rear setback of 30'. There are very few homes within 300' to create an average setback, but the average setback has been determined to be 28.5'.

The proposed single family home is 17.9' from the front property line and therefore, the applicant is asking for a 10.6' front yard setback. The proposed rear setback is 21.2' and therefore, the owner is asking for an 8.8" rear yard setback.

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, 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.

This lot was recently subdivided and a Board of Adjustment (BOA) application was submitted by another applicant for another home in October of 2019. The primary concern of the BOA was the proximity to the street as a vehicle would likely not be able to fit in the driveway without extending over the public sidewalk. The owner at the time intended to adjust the garage and revisit the BOA, but instead, sold the lot. The architect for this application spoke of the challenges of this site as it relates not only to the setbacks, but the slope and did accommodate adequate parking to alleviate prior concerns of the BOA. The site slopes quickly from the road and also right to left.

Landon Barnard was present to address the Board. Mr. Barnard was sworn in and asked to give a brief explanation of his request.

Mr. Barnard stated that he would like to construct a 3 bedroom, 3 bath, single family home on a vacant lot which as presented, will require a front and rear yard variance. He understood the Board's concerns with the length of the driveway proposed by a previous owner seeking a variance and designed his home with a 25-foot driveway to eliminate the Board's concerns. The design of the actual home is similar what was presented by the previous owner.

Mr. Beineke noted that there was an issue with the property to the rear when a variance was requested by the previous owner of this lot.

Mr. Barbian stated that the previous issue was related to a discrepancy in surveys.

Mr. Beineke opened the floor for public comment at this time.

Kathy Murphy, 14 Sherman Avenue, was present to address the Board. Ms. Murphy's property abuts the rear of the vacant lot. Ms. Murphy stated that she has lived at this location for 31 years. There was an issue with a survey submitted by the previous owner. It conflicted with a survey she had done many years ago. The survey is no longer her concern. Her present concern is related to drainage from the proposed new home. She did meet with the current property owner and they assured her that additional runoff from their property will be directed to the adjacent paper street.

Mr. Barnard stated that they will probably install a temporary fence during construction to prohibit anything from rolling down the hill onto Ms. Murphy's property. They will be hiring a landscape professional to design the landscaping in the rear yard.

With no further comments from the public and following general discussion by the Board, a motion was made by Steve Dauer and seconded by Susan Wingard to grant both the front and rear yard variance as requested.

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 Susan Wingard and seconded by Tom Fernandez to adjourn the meeting at 7:00 p.m. Motion carried 5-0.

APPROVED: _____
Chair

ATTEST: _____
Secretary