

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE CITY BUILDING
ON TUESDAY, FEBRUARY 23, 2021
AT 6:00 P.M.**

PRESENT: Tom Fernandez, Vice Chairman
Carol Dixon, Secretary
Steve Dauer
Tom Duckworth
Susan Wingard

ABSENT: Jim Beineke, Chair
Carla Austin

Also Present: Kevin Barbian, Building Inspector/Zoning Administrator
Julie Rice, Administrative Assistant

Mr. Fernandez presided and called the meeting to order at 6:00 p.m. and roll was taken.

MINUTES – January 26, 2021

Members reviewed the minutes of the January 26, 2021 meeting. A motion was made by Steve Dauer and seconded by Susan Wingard to approve the minutes as written. Motion carried 5-0.

PUBLIC HEARING

CASE NO. 21-1570

**119 Tremont Avenue
Matt and Kelly Olliges, Owners
Right, Left, and Rear Yard Variance
Pool and Decking**

Kevin Barbian reported that the applicants are requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for the addition of an above ground pool and deck to single family home site. The site is currently zoned R-1B, which allows for additions and decks on single family home sites and requires a side setback of 9' and rear setback of 35'. A pool and deck can encroach 10' into the minimum setback and therefore, the rear setback requirement for this application is 25'. The proposed pool and deck will be 2' from the right, left and rear property line and therefore, the applicant is asking for a 7' right side yard variance, a 7' left side yard variance, and a 23' rear yard variance.

The property is currently enclosed by a chain link fence. The home sits slightly lower than the property at 115 Tremont Avenue and somewhat higher than the property at 123 Tremont Avenue. The proposed deck will be elevated as the proposal is for an ABOVE ground pool. There is somewhat of a hedge at the fence line adjacent to the lower property line at 123 Tremont, creating a bit of a barrier. The rear is separated from the adjoining property by a brushy, mildly maintained area.

The lot is shorter than the adjacent property at 123 Tremont Avenue. With parking in the rear, there is limited room for any improvement in the rear yard. The deck is approximately 37' by 46' with a 21' diameter pool in the center, leaving approximately 8' of usable deck space to the front and rear of the pool and approximately 12.5' of usable deck space on each side of the pool. Despite this proposal seeming like a bit of an imposition; a letter from each adjoining property stating their support was provided.

Matt Olliges, 112 Tremont Avenue, was present to address the Board. Mr. Olliges was sworn in and asked to give a brief explanation of the request.

Mr. Olliges stated that they would like to install an above ground pool with decking around it. Their desire is to eliminate as much grass in their backyard as possible.

Prior to the meeting Mr. Olliges provided staff with a letter of support for the project from each of the adjoining property owners.

Discussion ensued regarding the grade of the rear yard and the size of the proposed decking and fencing requirements. Also discussed was the 2-foot distance from the proposed deck to the property line. It was the consensus of the Board that a 4-foot area around the pool decking would be less imposing than the proposed 2-foot area. Mr. Olliges agreed to this revision.

Mr. Fernandez opened the floor for public comments. There was none.

With no further discussion, a motion was made by Steve Dauer and seconded by Tom Duckworth to approve the variance request with the modification of reducing the right and left side yard variance to 5 feet and a 21-foot rear yard variance finding this to be a fair use of property with no objections from the adjoining property owners.

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

CASE NO. 21-1571

**115 Garden Way
Edward and Christi Sarge, Owners
Left Side Yard Variance
Building Addition and Deck**

Mr. 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 and deck on a single family home. The site is currently zoned R-1B, which allows for additions and decks on single family home sites and requires a side setback of 9'. The proposed addition will be 5'-6" from the left property line and therefore, the applicant is asking for a 3'-6" left side yard variance. It does not appear this would significantly impact the adjoining properties in a negative manner. A driveway on the most closely adjoining property acts as a bit of a buffer. Also, the applicant is proposing to continue the line of the existing home. A letter of support was submitted by the most closely affected property (119 Garden Way) owner as well as an email of support from 109 Holiday Lane.

Ed Sarge, 115 Garden Way, was present to address the Board. Mr. Sarge was sworn in and asked to give a brief explanation of his request.

Mr. Sarge stated that they are proposing to place an addition straight off the back of the house which will be for a living room to add living space to the front floor of the home. Immediately off the back of the addition will be a deck. They are also adding a dormer to the top of the back of the home which does not require a variance.

Ms. Wingard asked the applicant what will be done with the hot tub and pergola currently in the rear yard. Mr. Sarge stated that there is a pergola and a shed currently in the back yard which will be removed.

Ms. Wingard asked Mr. Sarge if a new HVAC system is going to be added to service the addition, where the outside compressor is to be placed.

Mr. Sarge stated that the existing HVAC unit will have to be moved because it sits directly behind the house. The new unit will be placed on the right side (driveway side) of the addition which will not be an imposition to the neighbor immediately adjacent and be in compliance with zoning setbacks.

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

With no further discussion, a motion was made by Ms. Wingard and seconded by Mr. Dauer to approve case number 21-1571 for a 3'-6" left side yard variance to allow for the expansion of the home to add more living space and finding no reason that this addition and deck would have a negative impact on the adjoining properties.

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

CASE NO. 21-1572
Withdrawn at this time.

1513 Alexandria Pike
James L. Cobb, Applicant
Change in Non-Conforming Use

Adjournment

With no further business to address, a motion was made by Steve Dauer and seconded by Carol Dixon to adjourn the meeting at 6:30 p.m. Motion carried 5-0.

APPROVED: _____
Chair

ATTEST: _____
Secretary