

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE FORT THOMAS COMMUNITY CENTER
ON TUESDAY, MARCH 23, 2021
AT 6:00 P.M.**

PRESENT: Jim Beineke, Chair
Tom Fernandez, Vice Chairman
Carol Dixon, Secretary
Tom Duckworth
Susan Wingard

ABSENT: Carla Austin
Steve Dauer

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 23, 2021

Members reviewed the minutes of the February 23, 2021 meeting. A motion was made by Tom Fernandez and seconded by Susan Wingard to approve the minutes as written. Motion carried 5-0.

PUBLIC HEARING

CASE NO. 21-1573

**25 Porters Lane
Jeff Beiting, Owner
Rear Yard Variance
Shade Arbor**

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 patio on a single family home. The site is currently zoned R-1B, which allows for covered patios on single family home sites and requires a rear setback of 35'. The proposed roof structure will be 22' from the rear property line and therefore, the applicant is asking for a 13' rear yard variance.

Jeff Beiting, 25 Porters Lane, was present to address the Board. Mr. Beiting was sworn in and asked to give a brief explanation of his request.

Mr. Beiting stated that he would like to place a shade arbor over an existing patio in his rear yard. The patio gets full sun in the afternoon and an arbor would create needed shade. The arbor will be constructed using pressure treated lumber and cover all but the western side of the patio where there are steps leading to his back yard.

Mr. Beiting stated that he has not spoken to the most affected neighbor about the arbor. This neighbor recently moved in and he has not had an opportunity to see or speak with her.

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

Following a brief discussion, members agreed that this is a reasonable and straight forward request. A motion was made by Tom Fernandez and seconded by Tom Duckworth to approve the 13' rear yard variance

finding that the arbor will be a nice addition to the rear yard and will give the applicant greater use of his property.

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

CASE NO. 21-1541

**53 Henry Avenue
Lee and Diane Witte, Owners
Rear Yard Variance
Covered 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 a covered deck on a single family home. The site is currently zoned R-1B, which allows for covered decks on single family home sites and requires a rear setback of 35'. The proposed roof structure will be 12' from the rear property line and therefore, the applicant is asking for a 23' rear yard variance. As with most circumstances, the existing home is nonconforming. The lot is rather short in nature and actually has a paper street immediately behind the home. The applicant is proposing to install a typical deck at this time, which is considered an accessory structure, and technically only needs a 13' rear yard variance, but wanted to reserve the right to install a roof structure in the future.

There was no one present representing this case. Mr. Barbian called the applicant who stated that he misunderstood the directions to be present at the meeting. Because this is a relatively simple and straight forward request, the Board agreed to proceed with this case.

Mr. Barbian explained that there is a public right-of-way (undeveloped paper street) directly behind the applicant’s property. The City has no intention of any improvements to this right-of-way and therefore, has no objection to this variance request.

With a 13-foot public right-of-way located behind the property, the closest neighbor to the rear is quite a distance away from the proposed deck.

Mr. Barbian reiterated that the applicant does not intend to add a roof over the deck at this time but included the roof in the request so that if he wishes to do so in the future, the variance is already in place.

Following general discussion, a motion was made by Carol Dixon and seconded by Susan Wingard to approve the 23-foot rear yard variance for the construction of a covered deck finding this to be a reasonable request due to the narrow depth of the lot and finding that the deck would not be an imposition to the adjoining neighbors.

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

Adjournment

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

APPROVED: _____
Chair

ATTEST: _____
Secretary