

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE FORT THOMAS COMMUNITY CENTER
ON TUESDAY, SEPTEMBER 28, 2021
AT 6:00 P.M.**

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

ABSENT: Carla Austin

Also Present: Kevin Barbian, Building Inspector/Zoning Administrator
Cheri Scherpenberg, Administrative Assistant
Jeff Bezold, Owner 45 W. Kimberly Dr.
Kaitlyn Stephens, Neighbor & Owner 509 Rossford Ave.
Scott Martin, Owner 154 N. Ft. Thomas Ave.
Austen Comfort, Owner 269 Military Pkwy.

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

MINUTES – July 27, 2021

Members reviewed the minutes of the July 27, 2021 meeting. A motion was made by Susan Wingard and seconded by Tom Duckworth to approve the minutes as written. Motion carried 6-0.

PUBLIC HEARING

CASE NO. 21-1586

**45 W. Kimberly Dr.
Jeff Bezold - Owner/Applicant
Left Side Yard Variance
And Rear Yard Variance
Deck**

Kevin Barbian reported the applicant is requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for a deck on a single family home site. The site is currently zoned R-1B, which allows for decks and requires setbacks of 9' on sides and 25' on the rear, 35' if covered. The proposed deck/porch will be 6" from the left property line and as little as 6' from the rear property line and therefore, the request will be for an 8'-6" side yard variance. The neighbor closest to the affected side submitted a letter of support. The lot sits at an angle and has a slope that does not affect the neighbors by much. The property is a short and stubby lot.

Mr. Bezold was sworn in and stated that he recently put in a paved patio behind the house. He would like to extend the patio and put a cantilevered deck into a wooded area that extends behind the house.

This would be a continuation of the patio. Mr. Bezold is requesting 14ft. The deck elevation would be 6ft. to 6.6 ft. as the yard slopes away per drawing provided.

Susan Wingard expressed concern about water affecting the rear neighbor's yard with composite decking creating a hard surface that may cause run off and erosion to that neighbor. Mr. Bezold addressed the water issue stating that the lot slopes to the left as well as down and currently the water is diverted between the left and rear. Mr. Bezold added that the patio also has PVC through it for a future downspout option. Mr. Bezold stated that directing downspouts to the front of his home is also a viable option.

Kaitlyn Stephens Gunther, the rear neighbor at 509 Rossford appeared before the board to ask questions regarding how the deck will affect slope stability in the hillside, as well as drainage and who the final inspection will be done by.

Kevin Barbian stated that addressing the issue is an unknown at this time, however code will require a depth that ensures stability. Mr. Barbian reiterated that the steps Mr. Bezold is taking for water drainage will be sufficient and informed the resident that he will be doing the inspections and permit approval for the project.

The Board of Adjustment discussed the proposal being a straight forward request even though it is unusual to be that close to the property line, however with the grade level the BOA does not see it being an issue.

Susan Wingard was hesitant to vote yay to the variance that offers so much space to a deck. She ultimately decided a variance should be granted for the owner to be able to enjoy their own home and property. Tom Fernandez proposed having a meeting and open line of communication with the owner, contractor, and affected neighbors prior to construction to address any concerns.

After minimal discussion Tom Fernandez made a motion to approve, Carol Dixon 2nd the motion. Vote of approval 5-0 (Steve Dauer Abstained)

CASE NO. 21-1587

**154 N. Ft. Thomas Avenue
Scott Martin, Owner/Applicant
Left Side Yard Variance
Deck**

Kevin Barbian reported the applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for a deck on a single family home site. The site is currently zoned R-1C, which allows for decks and requires side setbacks of 8'. The proposed deck will be 3.1' from the left property line and therefore, the request will be for a 4.9" side yard variance. The new deck would be built in the exact location of an existing deck. The contractor did not realize the regulations in Ft. Thomas and the need to address the BOA. A permit was granted for a portion that was in regulation, and they are waiting on approval of the variance for the rest. The most closely affected property owner provided a letter of support.

The owner, Scott Martin was in attendance and sworn in. Scott Martin informed the Board of Adjustments he is wanting to replace the existing footprint with a new deck constructed of updated materials due to the structure being in dire need of repair. Carol Dixon inquired about a possible

existing variance due to the structure that was already built. Kevin Barbian responded stating there was no prior variance on record and that the structure seemed very old and was probably built before the ordinances were in place. There were no further questions or comments.

After minimal discussion a motion to approve the variance was made by Carol Dixon and 2nd by Susan Wingard. All others in favor with a vote of 6-0

CASE NO. 21-1588

**269 Military Parkway
Austen & Erin Comfort, Owners/Applicants
Right Side Yard Variance
Garage**

The applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for a detached garage on a single family home site. The site is currently zoned R-1C, which allows for detached garages and requires side setbacks of 8'. The proposed garage will be 3' from the right side property line and therefore, the request will be for a 5' right side yard variance. The intention is to keep the existing garage space and move it back and enlarge it slightly but no closer.

The owner Austen Comfort was in attendance and sworn in. Austen Comfort relayed that his family recently moved to Ft. Thomas and they are currently renovating the home. The garage itself has foundation issues with collapsing walls. They would like to tear down the existing garage and rebuild a little bigger on the exact same property line. The structure is currently about 20'x20' and they would like it to be around 20'x30'. The garage would be a bit further back and even less visible from the street. Carol Dixon inquired about the facade and was informed the garage esthetic would be matching the house.

After minimal discussion a motion to approve the variance was made by Tom Duckworth and 2nd by Steve Dauer. All were in favor 6-0

Kevin Barbian informed the Board about the upcoming zoning code update. He invited the Board of Adjustments to be involved to help alleviate some of the requests that come to the BOA. An example would be the flexibility of building a structure in line with a house or replacing existing structures.

Adjournment

With no further business to address, a motion was made by Mr. Duckworth and seconded by Ms. Wingard to adjourn the meeting at 6:37 p.m. Motion carried 6-0.

APPROVED: _____
Chair

ATTEST: _____
Secretary