

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

PRESENT: Jim Beineke, Chair
Carol Dixon, Secretary
Carla Austin
Tom Duckworth

ABSENT: Tom Fernandez, Vice Chairman
Susan Wingard
Steve Dauer

Also Present: Kevin Barbian, Building Inspector/Zoning Administrator
Cheri Scherpenberg, Administrative Assistant

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

MINUTES – October 26, 2021

Members reviewed the minutes of the October 26, 2021 meeting. A motion was made by Carla Austin and seconded by Tom Duckworth to approve the minutes as written. Motion carried 4-0.

PUBLIC HEARING

CASE NO. 21-1590

**7 E. Vernon Ln.
John and Amanda Rhea, Owners
Rear and Side Yard Variance
Addition and Shed**

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 addition and shed on a single family home site. The site is currently zoned R-1C, which allows for additions to single family homes and requires rear setbacks of 30'. The proposed addition will be 22' from the rear property line and therefore, the request will be for an 8' rear yard variance.

The applicant is also asking for a variance of 1' side and 1' rear for a shed that is to be placed in the right rear of the property. The setback will be 4' from the side and rear as standard setbacks for a small shed are 5'. Mr. Barbian also noted, as part of the proposed addition, the current deck and detached garage will be removed. The addition will be immediately behind the existing home and the proposed shed will be placed in the right rear of the property. This is noted on two separate site plans.

Mr. Barbian updated the Board with new information received from a neighbor's survey that instead of the former assumption of 10ft. off the property line, the house is actually 4.2 ft. from the left side of the property line. The R-1C zone states that setbacks must be 8 ft. in distance from the side. With the modification there is also a 3.8 ft. left side yard variance request.

John and Amanda Rhea, 7 E. Vernon Ln., were present to address the Board. Amanda Rhea was sworn in and asked to give a brief explanation of their request. She stated that currently there is a deck and detached garage in the location of the space for which they are requesting the variance. She stated that the current structure will be removed and replaced with a two story addition with no footprint change.

Mark McCormack, 130 Highland Ave, was present to address the Board. Mr. McCormack was sworn in and gave a brief summary of his concerns. He stated that he recently had a survey completed for work he was interested in doing on their own home. He noted that the previous assumption was the neighboring house was 10 ft. in distance from the property line, however it is only 4.2 ft. per the survey. He stated he has no objections to what they are proposing as it aligns with the rest of the house. He is concerned with access to be able to keep each property maintained.

Carol Dixon agreed that with AC units also being on the left side and in need of regular maintenance that an agreement or easement should be discussed or put in place.

Following a brief discussion, members agreed that this is a reasonable request and that the variance should be granted for the addition as well as the shed. A motion was made by Tom Duckworth and seconded by Carla Austin to approve the side and rear yard variance being in line with the house. As it will increase the viability of the home and not be a detriment to health and safety.

Upon call of the roll, the following voted “aye”, Mr. Duckworth, Mr. Beineke, Carla Austin, Carol Dixon. Voting “no”, none. Motion carried 4-0.

CASE NO. 21-1591

**1513 Alexandria Pk.
Bradford Pittman, Owner
Nonconforming Use Change**

Kevin Barbian reported that the applicant is requesting a change from one nonconforming use from an auto repair business to a pool installation contractor. The proposed business will utilize the garage bays for storing of equipment/vehicles. The site is currently zoned PO which allows for professional offices and similar uses. Mr. Barbian added that the business would not be a retail location and more of a storage facility for Mr. Pittman’s business. He stated that based on the criteria for a use change in creating less air pollution, noise, traffic, etc. that the proposed use would meet those conditions.

Brad Pittman, owner of 1513 Alexandria Pk, was present to address the Board. Mr. Pittman was sworn in and asked to give a brief explanation of his request. He stated that previously there was an auto repair garage in the location of the space for which he is requesting the variance. He stated that the previous owner let the structure fall into disrepair. He plans on fixing up the building for storage of equipment associated with his pool business and potentially renting out the living space in the future.

Andrew Uhl, 14 Crowell Ave, was present to address the Board. Mr. Uhl was sworn in and gave a brief summary of his concerns. He stated that he had questions about future business possibilities if the nonconforming use is granted.

Mr. Beineke asked if there were any further questions or comments. Carla Austin asked about the parking, number of bays available for the equipment and the entry around the back, she also discussed the appeal that landscaping would add to the business. Carol Dixon requested information about the depth of the building, the number of trucks that would need to be stored as well as the parking that would be needed for the two rental units. Mr. Duckworth addressed the signing and asked if that would be updated.

Mr. Beineke clarified that Mr. Pittman already had ownership of the property and that the space would not be used for retail. The questions were addressed. Mr. Pittman's plans include updating the concrete parking area and landscaping. He has smaller equipment able to be kept inside the building and that eventually the outdated signage will be removed. Kevin Barbian stated that this use could not be expanded upon and is different from the General Commercial Zone across the street.

Following a brief discussion, members agreed that this is a reasonable request and since the use change would be less impactful than the previous business, that the nonconforming use change should be granted. A motion was made by Carol Dixon and seconded by Carla Austin to approve the nonconforming use change finding that the applicant would repair and create more attractive area than is currently there as well as have less of an impact than the previous business to that area.

Upon call of the roll, the following voted "aye", Mr. Duckworth, Mr. Beineke, Carla Austin, Carol Dixon. Voting "no", none. Motion carried 4-0.

Adjournment

With no further business to address, a motion was made by Tom Duckworth and seconded by Carla Austin to adjourn the meeting at 6:43 p.m. Motion carried 4-0.

APPROVED: _____
Chair

ATTEST: _____
Secretary