

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE FORT THOMAS COMMUNITY CENTER
ON TUESDAY, AUGUST 23, 2022
AT 6:00 P.M.**

PRESENT: James Beineke
Carol Dixon, Secretary
Steve Dauer
Carla Austin
Tom Duckworth
Susan Wingard

ABSENT: Steve Kowolonek

ALSO PRESENT: Kevin Barbian, Building Inspector/Zoning Administrator
Cheri Scherpenberg, Administrative Assistant

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

MINUTES – July 26, 2022

Members reviewed the minutes of the July 26, 2022 meeting. A motion was made by Susan Wingard and seconded by Steve Dauer to approve the minutes as written. Motion carried 6-0.

CONTINUED BUSINESS

CASE NO. 22-1609

**29 Brittany Ln.
Suncatcher Corp., Applicant
Side Yard Variance
Addition & Garage**

Kevin Barbian reported that the applicant was unable to obtain the survey and updated information in time for the August meeting.

Steve Dauer made a motion and Susan Wingard seconded a motion to continue the variance request hearing for the construction of an addition/garage. Motion carried 6-0.

PUBLIC HEARINGS

CASE NO. 22-1614

**50 Highview Dr.
Jeffery Borden, Owner/Applicant
Side Yard Variance
Deck**

Jeffery Borden who currently resides at 50 Highview Dr. Fort Thomas, KY 41075 was in attendance and sworn in to address the Board.

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 deck around a pool at a single family home site. The site is currently zoned R-1B, which allows for decks and requires

setbacks of 9' in the side. The applicant is proposing to put the deck 0'-0" from the side property line, adjacent an existing pool. Therefore, the request is for a 9' side yard variance.

Mr. Barbian also mentioned that the lot in question is a rather large lot for Ft. Thomas standards, both in width and depth, so asking for a zero lot line seems as though it is a big request, despite a privacy fence being adjacent. The proposed deck will expand the area around the pool for better use. The pool was installed with the owner not knowing that the deck addition required the full side setback. We should consider water control from the existing home and pool.

Jeffery Borden, informed the board that the deck is to go around an existing pool with partial decking already. He stated that he received grant funding for the improvements to benefit his daughter who is disabled.

A letter was submitted by Brian and Suzanne Kocher who currently reside at 44 Highview Dr. and were unable to attend the meeting to voice their opposition of the variance request and proposed improvements.

Members of the board requested information on the age of the pool, the initial installment and placement of the pool, the material the deck would be made of, the elevation of the proposed deck, space to allow maintenance of the current neighboring fencing, any potential safety issues and what the minimum width of construction could be to accommodate their needs?

Questions were addressed and minimal discussion ensued.

Tom Duckworth made a motion and Susan Wingard seconded a motion to approve a 3.5ft. variance (allowing for a 48in. of decking located 5 ft. from the property line) for the construction of a deck, citing that it will help mirror the surrounding deck, increase usability and not encroach on the neighboring property at this distance. Motion carried 6-0.

CASE NO. 22-1615

**422 Newman Ave.
Edward Gonzalez, Applicant
Rear & Side Yard Variance
Deck**

Edward Gonzalez who currently resides at 447 Pickett Dr. Covington, KY 41011 was in attendance and sworn in to address the Board.

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 deck at a single family home site. The site is currently zoned R-1B, which allows for decks and requires setbacks of 9' in the side. The applicant is proposing to put the deck 2' from the side property line. Therefore, the request is for a 7' side yard variance.

Mr. Barbian also mentioned the lot is irregularly shaped and rather tight on the corner where the deck is located. The applicant was unaware a permit was necessary as there was a deck in a similar location that was removed, despite it being made larger. The adjacent property recently had a development plan approved with houses in the general vicinity; there still seems to be a good buffer.

Edward Gonzalez, informed the board that there was an existing deck that was torn down and replaced. Mr. Gonzalez stated he was unaware of the setbacks and building permit requirements associated with constructing the larger deck.

Members of the board requested information on the footprint of the former deck as well as the dimensions of the new deck, the natural screening between the neighboring lots, and the distance of the nonconforming lot to the property line.

Minimal discussion ensued.

Steve Dauer made a motion and Carla Austin seconded a motion to approve the variance for the construction of a deck, citing that there is natural screening for privacy and that it will not be intrusive in nature. Motion carried 6-0.

