

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE FORT THOMAS COMMUNITY CENTER
ON TUESDAY, MARCH 28, 2023
AT 6:00 P.M.**

PRESENT: James Beineke
Steve Dauer
Tom Duckworth
Susan Wingard

ABSENT: Steve Kowolonek
Carol Dixon
Carla Austin

ALSO PRESENT: Mark Stewart, Building Inspector/Zoning Administrator
Kevin Barbian, General Service Director
Cheri Scherpenberg, Administrative Assistant
Tim Schneider, City Attorney

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

MINUTES – February 28, 2023

Members reviewed the minutes of the February 28, 2023 meeting. A motion was made by Steve Dauer and seconded by Tom Duckworth to approve the minutes as written. Motion carried 4-0.

NEW BUSINESS

CASE NO. 23-1620

**38 W. Southgate Ave.
Ame Everman-Doty, Owner/Applicant
Side Yard Variance
Addition & Deck**

Ame Everman-Doty was in attendance to address the Board. She stated that she would like to add an addition and deck to the small bungalow style house. The applicant stated the sight lines would remain the same, going straight back in line with the existing home.

Mark Stewart reported that the applicant is requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for a rear addition and deck at a single-family home site. The site is currently zoned R-1B, which allows for additions and decks and requires setbacks of 9' on the side. The applicant is proposing to add a rear addition that will be 4.10' from the right side property line. The deck is proposed to be 4.50' from the right side property line. Therefore, the request is for a right side yard variance of 4.90' for the addition and 4.50' for the deck.

The proposed additions will not need a left yard variance. The proposed left side setback is 12.09' for the addition and 16.11' for the deck. The distance from the deck to the rear property line is approximately 104', which is well within the regulations.

The applicant is proposing to add space to the existing home to allow for aging in place and more room for family gatherings. The addition and deck are proposed to be located further from the left property line than the existing house. The proposed project will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not be an unreasonable circumvention of the requirements of the zoning regulations.

Minimal discussion ensued.

Steve Dauer made a motion and Susan Wingard seconded a motion to approve the variance for the construction of an addition and deck, citing that this request is similar to other requests for additions on the restrictive lots along the street and will not be an imposition to the neighbors. Motion carried 4-0.

CASE NO. 23-1621

**25 S. Shaw Ln.
Brett Geisler, Owner/Applicant
Side Yard Variance
Addition of AC Unit**

The applicant was unable to attend the meeting. Board members conversed about the distance from the house of the applicant to the location of the neighboring property on the lot, stating it does not appear that the AC unit will be an imposition.

Mark Stewart reported that the applicant is requesting a variance from the provisions of Section 10.3 of the Zoning Ordinance to allow for the installation of air conditioning units at a single-family home site. The site is currently zoned R-1A, which allows for exterior mechanical equipment and requires a setback of 10' on the side or 5' if equipment has screening and a sound barrier. The applicant is proposing to install two air conditioning units that will be 27.92" from the left side property line. Therefore, the request is for a 32.08" left side yard variance.

The left side of the house is the only location for the equipment. The right side is a driveway that wraps around the house, there is talk of a future addition on the rear of the house and the equipment is not permitted in the front. The house on the left of the referenced address is approximately 170 feet away. The proposed location will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and is not an unreasonable circumvention of the current requirements of the zoning regulations.

Minimal discussion ensued.

Tom Duckworth made a motion and Steve Dauer seconded a motion to approve the variance for the addition of an AC unit, citing that it will not adversely affect the neighboring property. Motion carried 4-0.

CASE NO. 23-1622

**76 Tower Hill Rd.
S. L. Williams, Owner/Applicant
Side Yard Variance
New Single Family Home**

Mark Stewart reported that the applicant is requesting a variance from the provisions of Section 10.4 of the Zoning Ordinance to allow for a single family home. The site is currently zoned R-1B, which allows for single family homes and requires a minimum side yard setback of 9' on each side. The applicant has built the residence 2' from the side property line on the left side of the house. Therefore, the request is for a 7' side yard variance.

The Ft. Thomas Board of Adjustments granted two variances for this property on November 27, 2018. One was 6.16' left side yard variance and the second was a 3.17' right side yard variance.

The lot in question received approval from the Planning Commission on November 18, 2018 to have a piece of the neighboring property to the southeast added to it. After the house began construction, it was noted that the additional piece of land had not been recorded at the courthouse and therefore not been added to the property. This variance would have been requested at the November 27, 2018 meeting if the property transfer had not been proposed. This variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Rob Adams with S. L. Williams Homes was in attendance to address the board. Mr. Adams stated that he purchased the property with the plat that he was given without knowing that the triangle portion shown was not part of this property. This was also not caught by the title company when reviewed. The original plat is still on file with Campbell County.

Anna Scott Mair, who resides at 112 Tower Hill Rd., was in attendance with representation from Lawyer Brandon Voelker. Mr. Voelker provided details on the clients lease option to purchase agreement for the property she now owns at 112 Tower Hill Rd. He stated Anna Scott Mair did not receive notice of the proposed variance request at the time due to her lease agreement with the owner. Mr. Voelker requested on behalf of his client that the board deny the application for a variance.

Tim Schneider, attorney for the City of Ft. Thomas clarified for the board that they are to consider the variance request as is, with the property lines of the current original plat.

A decision was made to table the discussion at the request of the applicant to be continued without objection of any party to be scheduled on April 27th 2023 at 7pm.

CASE NO. 23-1623

**18 N. Ft. Thomas Ave. Suite 305
Taylor Berling, Applicant
Conditional Use Permit
Inner Vision Pilates Studio**

Taylor Berling was in attendance to address the board. She stated that she would like to hold limited capacity Pilates classes in suite 305 at 18 N. Ft. Thomas Ave. Taylor Berling educated

the board about the equipment used for the classes, which she said is smooth and quiet. Taylor Berling said there would also be light music and a minimal need for parking.

Mark Stewart reported that the applicant is requesting a conditional use permit from the provisions of Section 10.11.C.8 of the Zoning Ordinance to allow for a "studio for professional work or teaching of any form of fine arts, photography, music, drama, and dance". The site is currently zoned CBD, which allows for a wide variety of uses, of which the proposed use (pilates) is not one. The proposal includes minor interior modifications, but no changes in exterior appearance or function.

The parking lot to the rear of the building provides enough parking to accommodate the few parking spots required for the proposed use, which is 1 parking spot for each 300 square feet of leased space.

This site would be permitted for a wide variety of commercial uses including department store, eating or drinking establishment, sporting goods store, and music studio; all of which would likely be more of an imposition than what is proposed.

Minimal discussion ensued.

Steve Dauer made a motion and Susan Wingard seconded a motion to approve the conditional use permit for a Pilates studio, citing that it will not be intrusive and there will be plenty of parking available in the lot at 18 N. Ft. Thomas. Motion carried 4-0.

MOTION TO ADJOURN – Steve Dauer made a motion to adjourn, Tom Duckworth seconded. Motion carried 4-0.

Approved: _____
Chair Date

Secretary: _____
Secretary Date