

**MINUTES OF A MEETING OF THE  
FORT THOMAS BOARD OF ADJUSTMENT  
SPECIAL MEETING HELD AT THE  
FORT THOMAS CITY BUILDING  
ON TUESDAY, MAY 30, 2023  
AT 6:00 P.M.**

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

**ABSENT:** Steve Kowolonek

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

James Beineke presided and called the special meeting to order at 6:05 p.m. and roll was taken.

**MINUTES – April 27, 2023**

Members reviewed the minutes of the April 27, 2023 meeting. A motion was made by Carla Austin and seconded by Susan Wingard to approve the minutes as written. Motion carried 6-0.

**NEW BUSINESS**

**CASE NO. 23-1626**

**111 N. Ft. Thomas Ave.  
Cintia Villalobos, Applicant  
Conditional Use Permit  
Photography Studio**

Cintia Villalobos Gonzalez was in attendance to address the Board. She said she would like to open a photography studio in the space. The clients would be by appointment only and that there is plenty of parking available.

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 (photography) is not one. The proposal includes minor interior modifications, but no changes in exterior appearance or function.

The leased space is approximately 1,000 square feet in area which requires 4 parking spaces. The parking lot to the rear of the building provides 5 parking spots and there are 2 more on the street in front of the business.

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 Carla Austin seconded a motion to approve the conditional use permit for the photography studio, citing that there are other uses that would be more disruptive than a photography studio. The business would add services to the city that are not currently available and would positively impact the general welfare of the community as a whole. Motion carried 6-0.

**CASE NO. 23-1627**

**42 Sheridan Ave.  
E. E. Wood Homes, Applicant  
Setback Dimensional Variance  
New Single Family Home**

Taylor Wood with E. E. Wood Homes was in attendance to address the Board. Mr. Wood drew attention to the application asking for a variance on both the left and right side. Mr. Wood said currently the plans are for a 28ft. wide x 46ft. deep home of 2,057 square ft. He is requesting a variance for both sides to accommodate possible adjustments to the home plans.

Mark Stewart reported that the applicant is requesting a variance from the provisions of Section 10.5 of the Zoning Ordinance to allow for the construction of a new single family residence, detached. The site is currently zoned R-1C, which allows single family residences, detached and requires a setback of 8' from the side property line. The applicant is proposing to construct the house 5.44 feet from the left side property line. Therefore, the request is for a 2.56 feet left side yard variance. The front, right side and rear setbacks all meet the minimum requirements for the zone.

Mr. Stewart also noted the lot is wider at the street than at the rear and in order to meet the minimum front yard setback and the minimum right side yard setback, the left rear corner of the house will need to be closer to the side property line than what is permitted. The house on the right (46 Sheridan Avenue) is approximately 6.5 feet from the side property line. The house on the left (36 Sheridan Avenue) is approximately 29 feet from the side property line. 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.

Members from the audience in attendance to address the Board:

Dale Cann, who resides at 36 Sheridan expressed his concern about a change in the current house plans.

Randy Bailey, who resides at 46 Sheridan wanted to clarify that the constructed home would not be closer than 5ft to the property line.

Moderate discussion ensued regarding what Board members were comfortable granting. Steve Dauer made a motion and Tom Duckworth seconded a motion to approve the 5ft. side setback. This is a variance of a 2.56 ft. left side yard variance only, citing that the conditions of the lot was known before the property was purchased and the plan put in place. Due to the size of the land on the left side it feels like it will not impinge upon the neighborhood quality or character which is also based upon the topography of the site that slopes back.

## **CONTINUED BUSINESS**

### **CASE NO. 23-1622**

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

Brian Dunham, Attorney with Dunham Law was in attendance representing S. L. Williams Homes. Mr. Dunham handed out a document to note as an exhibit. Mr. Dunham then updated the Board that the conflict with Anna Scott Mair, owner of the neighboring property has been resolved. He stated a settlement has been reached and all claims have been released. Mr. Dunham informed the Board that an exclusive easement has been granted and that Anna Scott Mair is in the process of having a portion of property released by the mortgage company to be conveyed to S. L. Williams Homes. Mr. Dunham drew attention to the topography of the lot. He noted that the portion being conveyed is above the property located at 112 Tower Hill and is in line with the property at 76 Tower Hill. The portion is elevated, going straight into a wooded hillside and would be difficult to access from the property below. With the unique structure of the lot Mr. Dunham feels it is appropriate for the Board to grant the additional .7ft. variance.

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.

