

**MINUTES OF A MEETING OF THE
FORT THOMAS BOARD OF ADJUSTMENT
HELD AT THE FORT THOMAS CITY BUILDING
ON TUESDAY, NOVEMBER 28, 2023
AT 6:00 P.M.**

PRESENT: James Beineke
Carol Dixon
Tom Duckworth
Susan Wingard
Steve Dauer
Chris Buchert
Randall Voet

ABSENT:

ALSO PRESENT: Mark Stewart, 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. Mr. Beineke also welcomed and introduced two new Board of Adjustment members Mr. Chris Buchert and Mr. Randall Voet.

MINUTES – October 24, 2023

Members reviewed the minutes of the October 24, 2023 meeting. A motion was made by Tom Duckworth and seconded by Susan Wingard to approve the minutes as written. Motion carried 7-0.

NEW BUSINESS

CASE NO. 23-1640

**104 Tower Pl.
Michael Kessler, Applicant/Owner
Right Side & Rear Setback
Dimensional Variance
Garage, Deck & Covered Patio**

Michael Kessler was in attendance to address the Board. Mr. Kessler informed the Board that he is asking for a variance to compliment the remodel that was done inside the house, granting access outside from the main level of the home adding space and value to the property.

Mark Stewart reported that the applicant is requesting two (2) variances from the provisions of Section 10.3, D. of the Zoning Ordinance to allow for the construction of an attached garage addition with a covered deck above at a single family home site on a corner lot. The site is currently zoned R-1A, which allows for attached garages and decks as a part of the primary structure and requires a

minimum rear setback of forty (40) feet and a minimum side yard setback of ten (10) feet. The applicant is proposing to construct the garage and deck that will be approximately twenty-one (21) feet from the rear property line and three (3) feet from the right side property line. Therefore, the request is for a nineteen (19) feet rear yard variance and seven (7) feet right side yard variance. The addition is on the rear of the existing residence so the front yard setback is not affected and is proposed to be approximately fifty-three (53) feet from the side street (Cherry Lane) right-of-way (a minimum setback of fifteen (15) feet is required).

Mr. Stewart also said the proposed rear addition will not affect the general public health, safety or welfare and it will not alter the essential character of the general vicinity because there are multiple properties in this neighborhood that have garages for more than one car. Granting the variances 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. The existing residence is setback approximately three (3) feet from the right side property line and the proposed addition will continue that building line.

Minimal discussion ensued.

Steve Dauer made a motion and Tom Duckworth seconded a motion to approve a nineteen (19) feet rear yard variance and seven (7) feet right side yard variance for the construction of a garage, deck and covered patio, citing that due to the nature of the corner lot there is sufficient distance between homes that should not cause a disadvantage in property value or enjoyment of the neighboring property while enhancing the neighborhood with the improvements. Motion carried 7-0.

CASE NO. 23-1641

**152 Sherman Ave.
Eric & Holly Specht, Applicants/Owners
Right Side Setback Dimensional Variance
Deck**

Eric Specht was in attendance to address the Board. Mr. Specht informed the Board that he is asking for a variance to construct a deck that would be in line with the house. Eric Specht also noted that the neighbor at 164 Sherman Ave. called the Building Inspector/Zoning Administrator Mr. Mark Stewart to express support of the deck to be built in line with the house at 6ft. from the property line.

Mark Stewart reported that the applicant is requesting a variance from the provisions of Section 10.5, D. of the Zoning Ordinance to allow for the construction of a deck at a single family home site. The site is currently zoned R-1C, which allows for attached decks as a part of the primary structure and requires a minimum side yard setback of eight (8) feet. The applicant is proposing to construct the deck that will be approximately six (6) feet from the right side property line. Therefore, the request is for a two (2) feet right side yard variance. The deck is on the rear of the existing residence so the front yard setback is not affected and is proposed to be approximately nineteen (19) feet from the left side property line.

Mr. Stewart also said the proposed deck will not affect the general public health, safety or welfare and it will not alter the essential character of the general vicinity because most of the residences in this neighborhood do not meet the minimum side yard setback requirements. Granting the variance 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. The existing residence is setback approximately six (6) feet from the right side property line and the proposed deck will continue that building line.

Minimal discussion ensued.

Susan Wingard made a motion and Tom Duckworth seconded a motion to approve a two (2) feet right side yard variance for the construction of a deck, citing that it will add to the residents enjoyment of their home and property and is simply continuing a contiguous line with the existing home. Motion carried 7-0.

CASE NO. 23-1642

**118 N. Ft. Thomas Ave.
Dave & Lacey Mulcahy, Applicants/Owners
Dimensional Variance for Size of Sign
Signage**

David Mulcahy was in attendance to address the Board. Mr. Mulcahy informed the Board that he is asking for a variance for approval of a sign that is already in place. Mr. Mulcahy explained that he is a new business owner and was unaware of the zoning requirements for signage. The owner said that he used the sign previously in place from a former business for a frame of reference and sized the new sign to cover lettering and damage on the existing awning.

Mark Stewart reported that the applicant is requesting a variance from the provisions of Section 15.5, A., 3. of the Zoning Ordinance to allow for the installation of awning/canopy signs. The site is currently zoned CBD, which allows for signs as an accessory use. The sign regulations require that the maximum area of an awning sign is 0.5 square feet of sign for each horizontal linear foot of width of the tenant space. The tenant space is approximately 19 feet wide which makes the maximum sign area 9.5 square feet. The applicant is proposing to install a sign with an area of 16.67 square feet. Therefore, the request is for a 7.17 square feet variance. The previous awning sign (Just Sew) was approximately 14.44 square feet, so the new sign is 2.23 square feet larger than the previous sign.

Mr. Stewart relayed that the proposed sign will not affect the general public health, safety or welfare and it will not alter the essential character of the general vicinity because it fits in with the rest of the district in scale and colors. Granting the variance 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. The new sign is larger to cover over the painted sign underneath and since the awning is in good shape, the applicants did not want to replace the awning yet.

Carol Dixon drew attention to the need for information to be communicated to new business owners as well as the difference between the requirements for temporary vs permanent signage and the parameters.

Minimal discussion ensued.

Carol Dixon made a motion and Susan Wingard seconded a motion to approve a 7.17 square feet variance for the sign, citing that the sign is already in place and the owner is taking the proper steps to cover a problem and make it more aesthetically pleasing. Motion carried 7-0.

