

CITY OF ERLANGER
BOARD OF ADJUSTMENTS

Chairman Steve Conley called the Erlanger Board of Adjustment Meeting to order at 7:00 pm on Monday, April 24, 2023 in the Erlanger Council Chambers.

Chairman, Steve Conley, George Betas, John McVay, and Bob Whelan were present. Economic Development Director, Emi Randall was also in attendance. Cody Sheets, Planner with Planning and Development Services of Kenton County, was also present.

Approval of Minutes: M/S, Whelan-Betas, that the Minutes of the meeting held on March 27, 2023 be approved with the noted correction. All ayes, no nays, motion carried.

Public Hearing:

19 Sagebrush Lane - Mr. Conley asked Mr. Sheets to state the request for the evening. Mr. Sheets stated that the applicant, Clarence Millican, made an application for a to increase the cumulative floor area of an accessory structure in the R-CPS (Residential Compact Subdivision) Zone. The applicant proposes to construct a 480 square foot private workshop where 352 square feet is the maximum allowed.

Mr. Sheets stated that proper notification was made on the request. He then asked if there were any conflicts of interest. There were none. Mr. Sheets asked if there were any site visits. There were none. Mr. Sheets submitted a written copy of the PDS staff report and recommendation to Chairman Conley for the record. He then provided a verbal and visual presentation of the staff report and recommendation, which was favorable to granting the variance. The basis provided was that the 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. The property is located on a corner lot which reduces the total amount of rear yard when calculating the allowed size of an accessory structure. The proposed accessory structure is only a 36% increase beyond the allowed amount but if the property was not located on a corner lot the rear yard would be 4,550 square feet and the applicant could build a 455 square foot accessory structure or ask for a variance which would be a 6% increase.

Mr. Conley swore in Mr. Millican who planned on speaking for this request. Mr. Millican stated that he is planning to retire soon and would like the garage to work on motorcycles. He stated that he had spoken with all the surrounding neighbors and no one is opposed to the garage. He provided a signed petition along with his application that has been signed by the surrounding neighbors.

The board raised some questions and discussed the issue. Once discussion ceased, Mr. Whelan made the motion to grant the variance request based on the facts presented in the staff report and testimony.

Mr. Conley asked if there was a second motion and Mr. Betas seconded the motion.

Mr. Conley asked Mrs. Randall to read the roll call: Mr. Whelan - "yes", Mr. McVay - "yes", Mr. Conley - "yes", Mr. Betas - "yes". Motion carried unanimously.

Public Hearing:

602 Atlas Air Way - Mr. Sheets stated the request. Mr. Sheets stated that the applicant, Atlantic Sign Company, made an application for an appeal to the requirements of the zoning ordinance to increase the number of wall signs permitted within the HC (Highway Commercial) Zone. The applicant is proposing

to install a total of three wall signs on a proposed structure with one building street frontage where one wall sign is permitted per building street frontage.

Mr. Sheets submitted a written copy of the PDS staff report and recommendation to Chairman Conley for the record. He then provided a verbal and visual presentation of the staff report and recommendation, which was to uphold the zoning administrator's decision to not allow a total of three wall signs on a proposed structure with one building frontage where one wall sign is permitted per building street frontage in the HC Zone. The basis provided was that there was no error in the zoning administrator's decision to not allow additional wall signs where one wall sign is permitted per building street frontage. The zoning administrator's interpretation is based on the literal language of the zoning ordinance which allows for one wall sign per building street frontage.

Mr. Conley swore in Ms. Brooke Alini, with Atlantic Sign Company, who planned on speaking for this request. Ms. Alini stated that the new hotel on Atlas Air Way, which will be a Candlewood Suites, would like to install three wall signs, on the north, south and east sides of the building to provide visibility for motorists traveling I-75. She believes there was an error in only allowing one wall sign because the frontage of Atlas Air Way wraps around the building. She stated the company does not plan to install pole sign, as other hotels have done, so one of the wall signs could be considered a replacement to a pole sign.

The board raised some questions and discussed the issue. Several board members noted they could see how the shape of Atlas Air way could possibly be considered as two road frontages. If there were two streets and an intersection, rather than a continuous road, they would have been allowed two signs since two sides of the building face the road. Once discussion ceased, Mr. Whelan made the motion to overturn the zoning administrators decision based on the facts and considerations presented and the staff report by finding there are two street frontages which allows for two wall signs.

Mr. Conley asked if there was a second motion and Mr. McVay seconded the motion.

Mr. Conley asked Mrs. Randall to read the roll call: Mr. Whelan - "yes", Mr. McVay - "yes", Mr. Conley - "yes", Mr. Betas - "yes". Motion carried unanimously.

Board Items:

There were no board items.

Staff Items:

Mr. Sheets stated that the deadline for the June meeting will be extended by a day due to the timing of the Memorial Day holiday.

Adjournment:

Mr. Conley then stated a motion to adjourn was in order. Mr. Whelan made the motion and Mr. Betas second the motion. Mr. Conley stated all in favor say "aye" and the motion carried unanimously.

Respectfully Submitted:

Bob Whelan, Secretary

Mr. Steve Conley
Chairman

Attest: _____
Sherry Hoffman
City Clerk