

CITY OF ERLANGER
BOARD OF ADJUSTMENTS MINUTES
May 20, 2024

Chairman Bob Whelan called the Erlanger Board of Adjustment Meeting to order at 7:01 p.m. on Monday, May 20, 2024 in the Erlanger Council Chambers.

Board members: Bob Whelan, John McVay, Eric Rolf, and Noah Osterhage were present.

Also present: PDS Senior Planner Patrick Denbow, PDS Associate Planner Cody Sheets, Attorney Sebastian Torres, and Erlanger Director of Economic Development Mark Collier.

APPROVAL OF MINUTES: M/S, McVay-Rolf, that the Minutes of the meeting held on April 22, 2024 be approved as read. All ayes, no nays. Motion carried.

POSTPONEMENT OF ANY SCHEDULED BUSINESS ITEM: None

PUBLIC HEARING: Chairman Whelan opened the following hearing:

BOA-24-0012: 3830 Narrows Road, applicant Faith Church, Inc. per Pastor Mark Kinman.

- A. REQUEST: (1) A conditional use request for phased parking and building expansions for an existing church, (2) variances to increase the maximum permitted front yard impervious surface area, (3) a variance to decrease the required front yard depth, (4) variances to decrease the perimeter landscaping requirements, and (5) appeals of the zoning ordinance requiring curb installation within the R-CVS (a single-family residential) Zone of the Erlanger Zoning Ordinance.

- B. SUMMARY: The applicant proposes two phases of expansion. The first phase would expand an existing parking lot by installing 54 new parking spaces and the second phase would add an 8,650 square foot church addition with a covered entrance and install an additional 131 parking spaces.

Mr. Whelan declared there were conflicts of interest with Board Members:

- A. Mr. McVay recused himself due to being a parishioner of Faith Church and because Mr. Kinman is his brother in law.
- B. Mr. Osterhage recused himself because his company has a business relationship with Faith Church.

M/S, Rolf-Whelan, to table this request until next month due to not having the proper quorum. All ayes, no nays. Motion passed.

Mr. Whelan opened the second hearing:

BOA-24-0008: 412 Hallam Avenue, applicant Brian O'Hara.

- A. REQUESTS: A (1) conditional use request for an accessory dwelling unit, (2) a variance request to reduce the required rear yard setback in the R-CPS (Residential Compact Subdivision), and (3) for the accessory

dwelling unit to exceed the height of the primary structure of the Erlanger Zoning Ordinance.

- B. SUMMARY: The applicant is proposing to build a 780 square foot detached garage with an (1) accessory dwelling unit (ADU). The garage will be (2) ten feet from the rear property line in common with 3227 Dixie Highway where 25 feet is required, (3) the proposed garage and accessory dwelling unit will be 23 feet 11 $\frac{7}{8}$ inches where the principal structure has an average height of 17 feet.

Mr. Sheets confirmed the following:

- A. PDS made the appropriate notifications per KRS 100.
- B. There were no conflicts of interest with Board Members.
- C. No Board Members visited the site.

Mr. Sheets presented the PDS Staff Report:

- A. Request to build a 780 square foot detached garage with an accessory dwelling unit on the second floor.
- B. Request for garage to be ten feet from the rear property line in common with 3227 Dixie Highway where twenty-five feet is required.
- C. Request for the proposed garage and accessory dwelling unit would be twenty-three feet 11 $\frac{7}{8}$ inches where the principal structure has an average height of 17 feet.

Mr. Sheets gave a brief history of last month's meeting that occurred on April 22, 2024. Mr. Sheets stated PDS Staff gave a favorable recommendation with one recommended condition, being that the applicant gives proof not to exceed one year from the date of the approval that they are residing in either the primary dwelling unit or the accessory dwelling unit.

Mr. Whelan clarified the residency requirements that the applicant must live in either the primary residence or the ADU permanently, which Mr. Sheets confirmed.

Applicant Brian O'Hara addressed the Board.

- A. Mr. O'Hara was given the testimonial oath.
- B. Mr. O'Hara gave the Board pictures of other nearby properties with garages and accessory buildings in the rear yards, which were put into the record as Exhibit E.
- C. Mr. O'Hara indicated he plans on living in the ADU on this property part time, while helping take care of his mother who lives out of town.
- D. Mr. O'Hara confirmed that he understood the requirements of having to live on the property and that he could be subject to fines and penalties.

There were no comments from proponents.

There were no comments from opponents.

Mr. Whelan closed the public comment portion of the hearing.

Discussion by Board members: None

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0008, the conditional use request for an accessory dwelling unit in the R-CPS zone.

M/S, McVay-Rolf, to approve the conditional use permit based on the facts and considerations contained in the staff report and based on the testimony of staff and witnesses present at the public hearing and find that the evidence presented by the applicant is such as to be established beyond any reasonable doubt. The proposal use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and that such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity. All ayes, no nays. Motion passed.

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0008, the variance request to reduce the required rear yard setback.

M/S, Rolf-Osterhage, to approve the variance based on the facts and considerations contained in the staff report and based on the testimony of staff and witnesses present at the public hearing and find that 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 regulation. All ayes, no nays. Motion passed.

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0008, the variance request for the accessory dwelling unit to exceed the height of the primary structure.

M/S, Rolf-McVay, to approve the variance based on the facts and considerations contained in the staff report and based on the testimony of staff and witnesses present at the public hearing and I will find that 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. All ayes, no nays. Motion passed.

PRELIMINARY HEARINGS: None

REHEARING APPEALS: None

BOARD ITEMS: Mr. Whelan welcomed Mr. Osterhage to the Board of Adjustment.

STAFF ITEMS: There is a meeting next month on June 24, 2024 for the tabled Faith Church request and a sign variance request for Dunkin Donuts.

AUDIENCE ITEMS: None

NEXT MEETING DATE: June 24, 2024

ADJOURNMENT: M/S, McVay-Rolf, to adjourn at 7:40 p.m. All ayes, no nays. Motion carried.

Respectfully Submitted:

Steve Canfield
Office Technician

Approved by:

Bob Whelan
Chairman

Attested by:

Sherry Hoffman
City Clerk