

CITY OF ERLANGER
BOARD OF ADJUSTMENTS MINUTES
June 24, 2024

Chairman Bob Whelan called the Erlanger Board of Adjustment Meeting to order at 7:00 pm on Monday, June 24, 2024 in the Erlanger Council Chambers.

Board members: Bob Whelan, John McVay, Terry Farrow, and Eric Rolf were present. Noah Osterhage was not present.

Also present: PDS Senior Planner Patrick Denbow, PDS Planning Intern Celeste Leonard, Attorney Oliver Wilhite, and Director of Economic Development Mark Collier.

APPROVAL OF MINUTES: Motion by Mr. Rolf, that the Minutes of the meeting held on May 20, 2024 be approved as read. All ayes, no nays. Motion carried.

POSTPONEMENT OF ANY SCHEDULED BUSINESS ITEM: None

PUBLIC HEARINGS: 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 77 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.

Mr. Denbow confirmed the following:

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

Mr. Denbow presented the PDS Staff Report:

- A. Conditional use request for phased building and parking expansions for an existing church. Staff provided a favorable recommendation for this request.
- B. A variance to increase the maximum permitted front yard impervious surface area in Phase 1. Staff a favorable recommendation for this request.

- C. A variance to increase the maximum permitted front yard impervious surface area in Phase 2. Staff provided a favorable recommendation for this request.
- D. A variance to decrease the required front yard depth for Phase 2. Staff provided a favorable recommendation for this request.
- E. A variance to decrease the perimeter landscaping requirements in Phase 2. Staff provided a favorable recommendation for this request.
- F. An appeal of the zoning ordinance requiring curb installation for Phase 1. Staff recommendation was to uphold the interpretation of zoning ordinance.
- G. An appeal of the zoning ordinance requiring curb installation for Phase 2. Staff recommendation was to uphold the interpretation of zoning ordinance.
- H. A traffic impact study would be required by the applicant at the time of permits for Phase 2.

Applicant Mark Kinman addressed the Board.

- A. Mr. Kinman was given the testimonial oath.
- B. Mr. Kinman clarified there would be a maximum of 210 parking spaces once the project was completed.
- C. Mr. Kinman discussed the growth of the church as the reason for expanding the parking lot, to accommodate the parishioners and for community events.
- D. Mr. Kinman stated they would like to expand the size of the building to add more fellowship areas and double the amount of seating in the auditorium.

Architect Allen Childress addressed the Board.

- A. Mr. Childress was given the testimonial oath.
- B. Mr. Childress explained the submitted site plan.
- C. Mr. Childress explained the improvements of water runoff, landscaping, and the curbs around the building.

Comments from proponents.

- A. Kevin Dressman took the testimonial oath and stated he didn't believe the additions to the church would cause a traffic problem.
- B. Randy Szabo took the testimonial oath and stated there were no traffic issues and supports the church's plans to expand.
- C. Stephanie Hughes took the testimonial oath and stated she supports the project and believes it would bring more people to church services and church activities.
- D. Gary Mitchell took the testimonial oath and stated he was in favor of the church expansion.
- E. Nick Kentrup took the testimonial oath and stated he was in favor of the expansion because it would allow the church to have more community events.
- F. Chris Penn took the testimonial oath and stated he was in favor of the expansion, but addressed his concerns about what the church could become in the future, the size of the parking lot, and the size of the building.

Comments from opponents.

- A. Veronica Lubbe took the testimonial oath and stated she lived next to the church and is concerned about the water runoff and the overall impact of the church's expansion to the community.
- B. Beth Penn took the testimonial oath and stated she was neutral to this because she does not have enough information to be for or against the project but was

concerned that the expansion could cause traffic problems.

Mr. Kinman addressed the Board and answered the questions and concerns that were brought up by the residents.

Mr. Childress addressed the Board and discussed the parking and drainage concerns and the design of the building.

Mr. Whelan closed the public comment portion of the hearing and opened discussion for Board Members.

Discussion by Board Members:

Mr. Farro questioned Mr. Childress about water flow and curbs on the west side of the property.

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0012, a conditional use request for phased parking and building expansions for an existing church.

M/S, Whelan-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 conditional use permit is essential to or would promote the public health, safety, or welfare and will be properly integrated into the community of uses which are specifically named in the zoning regulations and will be suitable in this specific location. All ayes, no nays, motion carried.

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0012, a variance request to increase the maximum front yard impervious surface area for Phase 1.

M/S, Rolf-Farrow, 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 regulations. All ayes, no nays, motion carried.

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0012, a variance request to increase the maximum front yard impervious surface area for Phase 2.

M/S, Farrow-Rolf, 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 regulations. All ayes, no nays, motion carried.

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0012, a variance request to decrease the required front yard depth for Phase 2.

M/S, Rolf-Farrow, 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 regulations. All ayes, no nays, motion carried.

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0012, a variance request to decrease the perimeter landscaping requirements for Phase 2.

M/S, Farrow-Rolf, 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 regulations. All ayes, no nays, motion carried.

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0012, an appeal of the zoning ordinance requiring curb installation for Phase 1.

M/S, Whelan-Furrow, to uphold the decision of the zoning administrator 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. All ayes, no nays, motion carried.

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0012, an appeal of the zoning ordinance requiring curb installation for Phase 2.

M/S, Whelan-Furrow, to uphold the decision of the zoning administrator 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. All ayes, no nays, motion carried.

M/S, Rolf-Whelan, to take a five minute recess.

Chairman Whelan opened the following hearing:

BOA-24-0013: 508 Commonwealth Avenue. Applicant Quality Signs & Service Co., Inc. per David W. Fellinginger on behalf of Jay Bhavani, Inc.

- A. REQUEST: A variance request to increase the maximum square footage for a drive-thru sign in the MU (Mixed Use) Zone of the Erlanger Zoning Ordinance.
- B. SUMMARY: The applicant is proposing to install a 19.98 square foot menu board where the maximum size for drive-thru signs allowed without a permit is 12 square feet.

Ms. Leonard 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.

Ms. Leonard presented the PDS Staff Report:

- A. A variance request to increase the maximum square footage for a drive-thru sign.
- B. Staff was providing a favorable recommendation for this request.

Applicant David W. Fellinginger addressed the Board.

- A. Mr. Fellinginger took the testimonial oath.
- B. Clarified the location of the new menu board.
- C. Discussed how the larger sign would benefit the customer.

D. Discussed the brightness of the sign.

Comments from proponents: None

Comments from opponents: None

Mr. Whelan closed the public comment portion of the hearing and opened discussion for Board Members.

Discussion by Board Members: None

Mr. Whelan asked if there was a motion for FILE NUMBER: BOA-24-0013, a variance request to increase the maximum square footage for a drive-thru sign in the MU (Mixed Use) Zone of the Erlanger Zoning Ordinance.

M/S, McVay-Rolf, 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 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. All ayes, no nays, motion carried.

PRELIMINARY HEARINGS: None

REHEARING APPEALS: None

BOARD ITEMS: M/S, Whelan-Rolf, to elect Mr. McVay as Vice Chairman. All ayes, no nays. Motion carried.

STAFF ITEMS: There is a meeting next month on July 22, 2024.

AUDIENCE ITEMS: None

NEXT MEETING DATE: July 22, 2024

ADJOURNMENT: M/S, Rolf-Farrow, to adjourn at 9:05pm. All ayes, no nays. Motion carried.

Respectfully Submitted:

Steve Canfield
Office Technician

Bob Whelan
Chairman

Attest: _____
Sherry Hoffman
City Clerk