

CITY OF ERLANGER
BOARD OF ADJUSTMENTS MINUTES
November 25, 2024

Chairman Bob Whelan called the Erlanger Board of Adjustment Meeting to order at 7:00 pm on Monday, November 25, 2024 in the Erlanger Council Chambers.

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

Also present: PDS Associate Planner Cody Sheets and Director of Economic Development Mark Collier.

APPROVAL OF MINUTES: M/S, Rolf-McVay, that the Minutes of the meeting held on July 22, 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-24-0043: 204 McAlpin Avenue, applicant Cincy Sunrooms, LLC per Kyle Redmond on behalf of Anthony P. and Connie R. Scheben.

- A. REQUEST: A variance request to reduce the required rear yard setback within the R-CPS (Residential Compact Subdivision) Zone of the Erlanger Zoning Ordinance.
- B. SUMMARY: The applicant is proposing to construct a 240 square foot sunroom onto an existing 360 square foot deck which currently has a 13-foot setback where 25 feet is required.

Mr. Whelan 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. Sheets presented the PDS Staff Report:

- A. Mr. Sheets was given the testimonial oath.
- B. A variance request to reduce the required rear yard setback within the R-CPS (Residential Compact Subdivision) Zone of the Erlanger Zoning Ordinance.
- C. Staff provided a favorable recommendation for this request.

Applicant Kyle Redmond addressed the Board.

- A. Mr. Redmond was given the testimonial oath.
- B. Mr. Redmond stated they will not be increasing the existing footprint.
- C. Mr. Redmond stated they will re-enforce the current deck and build the sunroom on top with the 13 foot setback to the rear.

There were no comments from proponents.

There were no comments from opponents.

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

Discussion by Board Members: None

Mr. Whelan asked if there was a motion for # BOA-24-0043, a variance request to reduce the required rear yard setback within the R-CPS (Residential Compact Subdivision) Zone of the Erlanger Zoning Ordinance.

M/S, Farro-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. 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.

BOA-24-0046: 595 Atlas Air Way, applicant Mardin Architecture,LLC per O'Sam Mardin on behalf of CTS Realty, LLC.

- A. REQUEST: Variance requests (four total) to the Erlanger Zoning Ordinance (1) & (2) reducing the required minimum lot width requirement., (3) reducing the required minimum side yard depth, and (4) reducing the required setback for vehicle display in an HC (Highway Commercial) Zone.
- B. SUMMARY: The applicant proposes to split the existing lot into two separate lots measuring (1) 125 feet and (2) 130 feet where 150 feet is the minimum required and (3) to construct a building that will be setback 11.5 feet from the proposed side yard property line where 20 feet is the minimum required with (4) vehicle display spaces 10 feet from the street right-of-way where 15 feet is required. The proposed use is for an automotive service center and used car showroom.

Mr. Whelan 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. Sheets presented the PDS Staff Report:

- A. Mr. Sheets was given the testimonial oath.
- B. Variance requests (four total) to the Erlanger Zoning Ordinance (1) & (2) reducing the required minimum lot width requirement., (3) reducing the required minimum side yard depth, and (4) reducing the required setback for vehicle display in an HC (Highway Commercial) Zone.
- C. Staff provided a favorable recommendation for all four variance requests.

There were no comments from proponents.

There were no comments from opponents.

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

Discussion by Board Members: None

Mr. Whelan asked if there was a motion for # BOA-24-0046, a variance (#1) reducing the required minimum lot width requirement within the HC (Highway Commercial) Zone of the Erlanger Zoning.

M/S, Osterhage-Farro, 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. 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.

Mr. Whelan asked if there was a motion for # BOA-24-0046, a variance (#2) reducing the required minimum lot width requirement within the HC (Highway Commercial) Zone of the Erlanger Zoning Ordinance.

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. 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.

Mr. Whelan asked if there was a motion for # BOA-24-0046, a variance (#3) reducing the required minimum side yard depth requirement within the HC (Highway Commercial) Zone of the Erlanger Zoning Ordinance.

M/S, Osterhage-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. 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.

Mr. Whelan asked if there was a motion for # BOA-24-0046, a variance (#4) reducing the required setback for vehicle display within the HC (Highway Commercial) Zone of the Erlanger Zoning Ordinance.

M/S, Farro-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. 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: None.

STAFF ITEMS: None

AUDIENCE ITEMS: None

NEXT MEETING DATE: December 23, 2024, if a new application is received by PDS.

ADJOURNMENT: M/S, Osterhage-Farro, to adjourn at 7:36pm. All ayes, no nays. Motion carried.

Respectfully Submitted:

Steve Canfield
Office Technician

Bob Whelan
Chairman

Attest:

Sherry Hoffman
City Clerk