

CITY OF ERLANGER  
BOARD OF ADJUSTMENTS MINUTES  
May 19, 2025

Chairman Bob Whelan called the Erlanger Board of Adjustment Special Meeting to order at 7:00 pm on Monday, May 19, 2025 in the Erlanger Council Chambers.

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

Also present: PDS Senior Planner Patrick Denbow, Director of Economic Development Mark Collier, and Attorney Brandon Voelker.

**APPROVAL OF MINUTES:** M/S, Rolf-McVay, that the Minutes of the meeting held on March 24, 2025 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-25-0013: 3208 Dixie Highway, Danial Woodward per Flower Power 5390, LLC on behalf of Jerome E. Henke.

- A. REQUEST: To change from one nonconforming use to another in the CC (Community Commercial) Zone of the Erlanger Zoning Ordinance.
- B. SUMMARY: The applicant proposes to convert the existing building from "light-fabrication" (existing nonconforming use) to Medical Cannabis Cultivation (another nonconforming use).

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. Denbow presented the PDS Staff Report:

- A. Mr. Denbow was given the testimonial oath.
- B. Request is to change from one nonconforming use to another in the CC (Community Commercial) Zone.
- C. The proposed use will follow state requirements and be less impactful on traffic, noise, and pollution.
- D. Staff provided a favorable recommendation for this request.
- E. Mr. Denbow answered Mr. Whelan's question as to why change from one non-conforming use to another non-conforming use.

Applicant Danial Woodward addressed the Board:

- A. Mr. Woodward was given the testimonial oath.
- B. Mr. Woodward is the CEO of the company.
- C. The business will not involve any signage or any drawing of attention.
- D. This location is well suited for this type of business.

- E. Mr. Woodward answered Mr. Whelan's question regarding why change from one non-conforming use to another non-conforming use.
- F. Mr. Woodward answered Mr. Farro's question regarding similar businesses in the state and well as the state requirements for security around the building.

List of proponents.

T. J. Schutte stated he was for the request, but chose not to speak.  
Mario Gadea stated he was for the request, but chose not to speak.  
Chintan Patel stated he was for the request, but chose not to speak.

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:

Mr. Whelan stated his main concern, which was addressed, was going from non-conforming to non-conforming that this is clearly more restricted.

Mr. Whelan asked if there was a motion for # BOA-25-0013, To change from one nonconforming use to another in the CC (Community Commercial) Zone of the Erlanger Zoning Ordinance.

M/S, Farro-Osterhage, I move to approve the change from one nonconforming use to another 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 new nonconforming use:  
1. Is in the same or a more restrictive classification of uses.

All ayes, no nays. Motion carried.

**PRELIMINARY HEARINGS:** None.

**REHEARING APPEALS:** None.

**BOARD ITEMS:** None.

**STAFF ITEMS:** None.

**AUDIENCE ITEMS:** None.

**NEXT MEETING DATE:** June 23, 2025, if a new application is received by PDS.

**ADJOURNMENT:** M/S, Osterhage-McVay to adjourn at 7:23pm. All ayes, no nays.

Respectfully Submitted:

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Steve Canfield  
Office Technician

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Bob Whelan  
Chairman

Attest: 

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Sherry Hoffman  
City Clerk