

BOARD OF ZONING APPEALS

FRANKLIN, OHIO

The meeting of the Board of Zoning Appeals was held on Monday, October 25, 2021, and called to order at 5:31 p.m. by Chairman, Tony Trammell.

Roll Call:

Mr. Kenneth Gibson	present	Mr. Bruce Stewart	present
Ms. Julie Wiebusch	present	Mr. Darrell Hunt	absent
Mr. Tony Trammell	present		

Also present: Jonathan Westendorf, City Manager; Barry Conway, City Engineer; Kyle Lovelace, Fire Marshall; Rachel Runge, Secretary; Dave Shannon; Mansuo "Jenny" Hayashi; Gary Green; Susan Stewart; Chris Evans

Rachel Runge administered the oath to proposed speakers, Dave Shannon, Jenny Hayashi, and Chris Evans.

OLD BUSINESS: NONE

NEW BUSINESS:

BZA21-03

Dave Shannon, representing Mansuo "Jenny" Hayashi, applied for an Administrative Appeal due to a denied Accessory Use Permit Application at her property located at 9414 Deardoff Road, Franklin, Ohio. The property is in the R-1A, Estate Residential District. Barry Conway stated this was originally a variance, but use variances are not permitted under the UDO. Dave Shannon stated under the accessory use code, fences are covered under the original code but fences have now been included. Mr. Conway stated the code Mr. Shannon used was from 2014. Mr. Shannon insisted this was the code that was listed on the City's webpage. Mr. Shannon stated he was installing and repairing the fence due to break-ins at his barn where he stores his expensive equipment. Mr. Shannon continued that his neighbors love the fence and he is waiting to build a residence until after the fence is fixed/completed. Mr. Westendorf stated the reason for the meeting is to determine if Kyle Lovelace's interpretation of the law is correct, being that if there is a principal structure on the property. There is no principal use, so accessory permits are not allowed. Mr. Conway stated that even if the land is rezone, there is not principal structure, therefore the still cannot have an accessory use permit. Mr. Stewart asked how the board could make this happen. Mr. Westendorf stated there would need to be a principal structure on the property that conforms to the zoning. Mr. Westendorf stated the code requires a principal use and again stated the reason for the meeting was to decide if Kyle made the interpretation correctly. If there is a principal structure, they owners can apply for a fence permit. Since there is no principal structure, is Kyle correct in denying the permit? Mr. Shannon again insisted that wasn't what the City's website stated. Mr. Westendorf stated the law changed when it was voted on, not when the webpage was

updated. Mr. Stewart asked what would happen if they changed the zoning. Mr. Westendorf explained it still doesn't change because there is no principal building. Mr. Westendorf stated there is a right order in which things should happen, which is the principal needs to be on the property prior to a fence permit. Mr. Shannon stated the barn is the principal building. Mr. Westendorf asked if they were constructing a new fence and Mr. Shannon stated 80% of the fence is just being repaired. Mr. Westendorf again stated there is not principal use structure on the parcel. Mr. Stewart asked how the land owner is supposed to protect his property. Mr. Westendorf stated to use local law enforcement and to submit plans to the City so it is understood what is happening. Mr. Shannon said there is no building design. Mr. Westendorf stated that is the problem because his intent is not known and he wants to focus on the administrative process to go through the process correctly. Mr. Stewart asked how they could meet common ground. Mr. Westendorf stated, again, that the question posed today is whether Kyle Lovelace acted appropriately, bound by the laws. Mr. Stewart asked if this could be tabled because he wasn't comfortable. Mr. Westendorf stated it could be continued rather than tabled. Bruce Stewart made a motion to continue BZA 21-03, seconded by Julie Wiebusch.

The Vote:

Julie Wiebusch	yes	Bruce Stewart	yes
Tony Trammell	yes	Kenneth Gibson	yes

Motion Passed

With nothing else on the agenda, at 6:27 a Motion to adjourn was made by Bruce Stewart; Seconded by Julie Wiebusch.

The Vote:

Tony Trammell	yes	Kenneth Gibson	yes
Bruce Stewart	yes	Julie Wiebusch	yes

Motion passed

Chairman

Rachel Runge, Secretary