



BOARD OF ZONING APPEALS

Monday, December 8, 2025, 5:30 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

www.FranklinOhio.org

CLERK'S JOURNAL

1. CALL TO ORDER

The meeting was called to order at 5:30 PM.

2. ROLL CALL

Present: Matthew Bricking, Dennis West, Ron Bencsik, Jacob Freeland

Absent: Garret Heaney

Staff: Jonathan Westendorf, Keeghan Stitt-White, Eric Damian, Cindi Chibis

Guests: Matthew Preston, Christian Stone

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bricking.

4. APPROVE THE CLERK'S JOURNAL AND ACCEPT THE TAPES AS THE OFFICIAL MINUTES

The Clerk's Journal was approved, and the tapes were accepted as the official minutes of the October 15, 2025 meeting.

Motion made by West, Seconded by Bencsik

Voting Yea: Bricking, West, Bencsik, Freeland

Motion carried

5. OATH OR AFFIRMATION

The Oath was issued to all guests.

7. OLD BUSINESS

8. NEW BUSINESS

A. BZA 25-06 Variance Application - 125 N. River Street

The applicant, Matthew Preston is requesting variances from the accessory use standards for fences and walls in order to construct a 6-foot chain link fence in the front yard. The fence is intended to provide security for the Atlas Roofing plant facility located at 125 N. River Street in the I-1 Light Industrial District.

Stitt-White introduced BZA 25-06 explaining that the applicant wants to replace approximately 83 feet of current chain link fencing along Jackson Street which is in a state of disrepair and is overgrown with vegetation. In order to do so, the applicant must receive variances from the following section of the City's Unified Development Ordinance (UDO):

- **Section 1107.11(j)(2)(A)(i)(1):** Fences and walls located in any front yard shall be a maximum height of four feet and contain a minimum of 40 percent transparency, unless specifically authorized herein.

Such fences and walls shall be constructed out of wood, iron, aluminum, vinyl, stone, block, or other similar material if approved by the Zoning Official or their designee. (*Comments: The proposed fence in the front yard is 6 feet.*)

- **Section 1107.11(j)(2)(A)(i)(4):** Chain link fences, construction fences, wire fencing (not including Kentucky Board fencing), and pallets are not permitted in the front yard. (*Comments: The proposed fence in the front yard is chain link.*)

Stitt-White reviewed the **Variance General Standards for Approval** recognizing that the property is irregularly shaped and as such has three front yards along Van Horne Avenue, River Street, and Jackson Street respectively. Stitt-White noted that the requested additional two feet in height would allow for increased security of the property.

The Chair opened the floor for public hearing at 5:36 PM and invited the applicant to speak first.

Matthew Preston, representing Atlas Roofing, approached the podium, stated his address, and confirmed that he had been sworn in. Preston described the current fence as an eyesore, in poor condition, and surrounded by overgrown brush. He stated that with the requested variance, Atlas Roofing intends to both improve aesthetics of the property and increase security.

Receiving no further requests for public comment, the Vice Chair closed the floor for comment on BZA 25-06 at 5:38 PM and opened Board discussion.

The Board reached a quick consensus that all **Variance General Standards for Approval** were met except Standard #3, noting that without the variance the applicant could still install a four-foot fence of a permitted material. Members agreed that the requested additional two feet in height would provide increased security.

Hearing no further discussion, the Vice Chair called for a motion.

Motion made by West to approve variance request BZA 25-06, Seconded by Bencsik

Voting Yea: Bricking, West, Bencsik, Freeland

Motion carried

BZA 25-07 3601 Commerce Center Drive – Variance Requests to Construct an 8-foot Black Vinyl Coated Chain Link Fence in the Front, Side, and Rear Yards

The applicant, Cincinnati Commercial Contracting c/o Christian Stone, is requesting to construct an 8-foot Black Vinyl Coated Chain Link Fence in the Front and Rear Yards at 3601 Commerce Center located in the I-1 Light Industrial District.

Stitt-White stated that the fence is intended to provide security for the Interstate Utility Trailer facility and that to be approved, the request would require variances from In order to do so, the applicant must receive variances from the following section of the City's Unified Development Ordinance (UDO):

- **Section 1107.11(j)(2)(A)(i)(1):** Fences and walls located in any front yard shall be a maximum height of four feet and contain a minimum of 40 percent transparency, unless specifically authorized herein. Such fences and walls shall be constructed out of wood, iron, aluminum, vinyl, stone, block, or other similar material if approved by the Zoning Official or their designee. (*Comments: The proposed fence in the front yard is 8 feet.*)
- **Section 1107.11(j)(2)(A)(i)(4):** Chain link fences, construction fences, wire fencing (not including Kentucky Board fencing), and pallets are not permitted in the front yard. Comments: The proposed fence in the front yard is chain link. Section 1107.11(j)(2)(A)(ii): Side and Rear Yards: A fence or wall may be located in a rear or side yard if the fence does not exceed at any point, six feet in height above the elevation of the surface of the ground at such point. (*Comments: The proposed fence in the rear yard is 8 feet.*)

- **Section 1107.11(j)(2)(A)(ii):** Side and Rear Yards: A fence or wall may be located in a rear or side yard if the fence does not exceed at any point, six feet in height above the elevation of the surface of the ground at such point. (*Comments: The proposed fence in the rear yard is 8 feet*).

Stitt-White explained that the Major Site Plan application for Interstate Utility Trailer was approved by the Planning Commission during their September 10, 2025, meeting. The site plan presented to Planning Commission indicated that trailer parking spaces located along the proposed fence were to be separated by wooden railroad tie wheel stops. The Commission expressed concern that the wheel stops would be insufficient to prevent trailers from potentially hitting the fence. Since Planning Commission is not able to modify the regulations to permit the fence, the suggested variance was referred to the Board of Zoning Appeals.

During the October 15th Board of Zoning Appeals meeting, the original variance was approved conditionally upon the installation of guard rails (in lieu of railroad tie wheel stops) and in compliance with comments from the City of Franklin Fire Department.

Although the proposed fence has not changed since the original variance was approved with these conditions, the applicant is now stating that the addition of the guard rail does not help the project and is an unnecessary cost and has resubmitted for the Board of Zoning Appeals to consider approving the variance without the guard rail condition.

The Vice Chair opened the floor for public hearing at 5:43 PM and invited the applicant to speak first.

Christian Stone, Cincinnati Commercial Contracting, approached the podium, stated his address, and confirmed that he had been sworn in. Stone stated that site costs are already over budget and that the requirement for additional guard rails is costly and unnecessary. He noted that Interstate Utility Trailer is a first-class company that takes good care of their property and he reassured the Board that any fence repairs needed would be addressed promptly, eliminating the need for guard rails.

West asked for an estimated cost of both the guard rails and the road ties.

Stone responded, "I'm not an estimator, but regardless of the exact cost, it is an unnecessary additional expense, as railroad ties have worked well at other facilities". He clarified that the request is to retain the railroad ties and not install additional stretches of guard rail.

Bricking asked how railroad ties are affixed to the ground and what portion of the property is visible from the street

Using the map provided, Stone noted that visibility from public vantage points is limited.

Damian confirmed that the original site plans did not address if or how the railroad ties are affixed to the ground. He stated that a quick materials estimate indicates the average cost for a guard rail is approximately \$22.00 per foot.

Bricking asked what recourse the City would have to ensure that fencing on the property remains in good repair.

Stite-White responded that on-going City Property Maintenance efforts would address such concerns.

Westendorf added that damaged fencing could also be brought to the attention of the Fire Department, as bent fencing along the drive could interfere with access and hinder emergency services.

Hearing no additional requests for public comment, the Chair closed public comment on BZA 25-07 at 5:53 PM and opened Board discussion. He expressed concern that the City may be overstepping by requiring the guard rail, as the area is not visible to the public and the guard would be costly. He said that

the railroad ties serve the same purpose and noted that the City has recourse through the UDO to enforce necessary repairs.

Damian clarified that unhindered access is the priority, explaining that guard rails at the front of the property, specifically along the access drive, is the primary concern.

As encouraged by Stite-White, the Vice Chair reviewed the **Variance General Standards for Approval** recognizing concern with Standard #3 only, acknowledging that the requested additional four feet in height would allow for increased security. Bricking added that the variance is not substantial, the essential character of the neighborhood would not be substantially impacted and granting the variance would be in harmony with the general purpose and intent of the zoning requirement.

Hearing no additional discussion, Bricking invited a motion.

Bencsik made motion to approve the variance request with the following conditions:

1. The applicant shall install a guard rail along all trailer parking spaces that border the driveway.
2. The applicant shall comply with the comments from the City of Franklin Fire Department.
3. The applicant shall submit plans for securing the wooden railroad tie wheel stops to the City Engineer for approval

Christian Stone requested an opportunity to approach and comment.

Westendorf reminded him that the floor for public comment had been closed.

Hearing no second, the motion died.

Bricking reopened the floor for public comment at 6:05 PM.

Stone approached and requested consideration of placement of the guard rail the access road only.

Board members reassured him that his request was consistent with the motion as presented.

Bricking closed public comment at 6:06 PM.

Bencsik reiterated his motion to approve the variance request with the following conditions:

1. The applicant shall install a guard rail along all trailer parking spaces that border the driveway.
2. The applicant shall comply with the comments from the City of Franklin Fire Department.
3. The applicant shall submit plans for securing the wooden railroad tie wheel stops to the City Engineer for approval.

Motion made by Bencsik, Seconded by Freeland
Voting Yea: Bricking, West, Bencsik, Freeland
Motion carried

9. DISCUSSION

Westendorf confirmed that the next BZA meeting is scheduled for Monday, January 12, 2026. He requested support from BZA members to reply promptly to requests of availability to attend upcoming meetings and thank them for their service and cooperation.

10. ADJOURNMENT

Motion made by West, Seconded by Freeland
Voting Yea: Bricking, West, Bencsik, Freeland

The meeting was adjourned at 6:21 PM.