



BOARD OF ZONING APPEALS

Monday, May 12, 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: Garret Heaney, Matthew Bricking, Dennis West, Ron Bencsik, Jacob Freeland

Staff: Jonathan Westendorf (arrived at 5:54), Keeghan White, Cindi Chibis

Guest: Chris Evans

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Garrett Heaney.

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 April 14, 2025, meeting.

Motion made by Bricking, Seconded by Freeland

Voting Yea: Heaney, Bricking, West, Bencsik, Freeland

5. OATH OR AFFIRMATION

The Oath was issued to all guests.

7. OLD BUSINESS

8. NEW BUSINESS

BZA 25-02 1100 N. Main Street – Variance Application for Location, Height & Size - to Construct an Accessory Storage Structure

Keeghan White introduced BZA 25-02 explaining that the applicant, is requesting three variances in order to construct an accessory storage structure at 1100 N. Main Street in the R-1A "One-Family Residential District" that is located in the side yard of the property, and which exceeds the maximum size and height requirements.

White explained that the applicant is requesting variances from the following sections of the City's Unified Development Ordinance (UDO):

1. Section 1107.11(w)(1)(A): Storage structures shall be located in the rear yard only and shall be set back a minimum of three feet from the side and rear property lines.
The proposed storage structure is located in the side yard, which is not permitted in the UDO.
2. Section 1107.11(w)(1)(B): Maximum height is 15 feet, except for lots over two acres where the maximum height is 20 feet. In no case shall a storage structure exceed the maximum height of the principal building.
The proposed height of the storage structure is 20.5 feet where a maximum height of 20 feet is permitted (variance request for 0.5 feet).
3. Section 1107.11(w)(1)(D): The cumulative size of the storage structures shall not exceed 20 percent of the footprint of the square footage of the principal building. For lots over two acres, the cumulative size of the storage structures shall not exceed the square footage of the footprint of the principal building.
The proposed size of the storage structure is 4,320 square feet where a maximum size of 3,040 square feet is permitted (variance request for 1,280 square feet).

White shared an aerial view of the site plan showing the proposed accessory storage structure to be located north of the principal building, with the current concrete drive extending to the structure. The proposed setback of the structure is 725 feet from the front property line, 65 feet from the side property line, and 715 feet from the rear property line. White noted that the principal building has a significant front yard setback of approximately 700 feet and is not visible from the road.

White then turned to the *Variance General Standards for Approval* as detailed in the Staff Report. He reminded Board members that approval can only be granted if the Appeals Board finds that all of the applicable *Standards* are met. White offered to answer any questions.

Hearing no questions, the Chair opened the floor for public hearing at 5:37 PM.

Chris Evans approached the podium, provided his address, and confirmed he had been sworn in. He identified himself as the property owner. He stated that there was previously a building at the back of the property that was leveled by a recent windstorm. He is proposing to use the previous building's concrete pad for the proposed structure. He confirmed that neither the house, nor the proposed structure, will be visible from the road. Evans said that with the exception of the driveway, the entirety of the property is surrounded by woods. He explained that to allow convenient access, he is proposing to build the structure in the side yard, directly across from the garage opening.

Bricking asked if the structure would include living space.

Evans reassured him that the structure would be used for storage only.

Hearing no additional questions or requests for public comment, the Chair closed public comment on BZA 25-02 at 5:42 PM.

Heaney stated that he had no issue with the variance requests.

Bricking interjected stating that allowing the structure to be placed in the side yard would be in direct conflict with the UDO. He reminded Board members that approving such variance would provide the applicant with a special privilege that is denied to other lands owners in the same Zoning District.

West expressed agreement with Bricking, adding that they should consider the implications before making a hasty decision.

The Chair expressed continued support for the variance requests since the property is large, and the proposed structure would not be visible by the neighbors, nor from the road. The Chair asked for a motion to approve or deny.

Freeland made a motion to approve all three variances.

White directed the Board to apply the *Variance General Standards for Approval* to each variance request, before making a motion. He advised that all *Standards* must be met in order to approve a variance and suggested that each variance request be considered and voted on separately.

Bricking acknowledged the importance of applying the *Standards* to each variance request – one variance request at a time.

Heaney indicated his desire to move forward with a motion without further consideration.

In response, Bricking made a motion to deny the variance request to build the storage structure in the side yard. Seconded by West.

Voting Yea: Bricking, West

Voting Nay: Heaney, Bencsik, Freeland

Motion denied.

The Chair called for motion to approve.

Bricking redirected the Board to the *Variance General Standards for Approval* and quickly reviewed the first four standards:

1. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district.
2. The special conditions or circumstances that exist did not result from the actions of the applicant.
3. There cannot be any beneficial use of the property without the variance.
4. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.

He noted no issues with Standard 1 and 2 but stated that we draw the line on Standards 3 and 4 if we permit the structure to be built in the side yard. Specifically, he noted that there is beneficial use of the property without the variance, and that the requested variance is substantial and in direct conflict with the UDO. Bricking opined that the proposed structure could easily be built in accordance with the Standards by reducing the size and locating the structure at the rear of the property.

Heaney reiterated his position to fully support all three variances and again called for a motion to approve.

Motion to approve made by Heaney, Seconded by Freeland

Voting Yea: Heaney, Bencsik, Freeland

Voting Nay: Bricking, West

Motion passed.

The Chair called for a motion on the height variance request.

Motion made by Bricking, Seconded by Bencsik.

Voting Yea: Heaney, Bricking, West, Bencsik, Freeland

Motion passed.

The Chair called for a motion on the size variance request.

Motion made by Freeland, Seconded by Heaney.

Voting Yea: Heaney, Bencsik, Freeland

Voting Nay: Bricking, West

Motion passed.

8. DISCUSSION

9. ADJOURNMENT

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

The meeting was adjourned at 5:56 PM.