



# BOARD OF ZONING APPEALS

Monday, May 11, 2026, 5:30 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

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## CLERK'S JOURNAL

### 1. CALL TO ORDER

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

### 2. ROLL CALL

Present: Jacob Freeland, Ron Bencsik, Matthew Bricking, Matt Wilcher  
Staff: Jonathan Westendorf, Brodi Conover, Eric Damian, Liz Fields, Cindi Chibis  
Guests: Kelly Schweiterman, Jane Fiehrer

### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Matt 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 February 9, 2026, meeting.

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

### 5. OATH OR AFFIRMATION

The Oath was issued to all guests.

### 6. OLD BUSINESS

### 7. NEW BUSINESS

**BZA 26-04 1276, 1288, 1296 E. 2<sup>nd</sup> Street (Route 73) Parcels #0426452005, 0426452006, 0426452007 – Variance Requests for Location of a Menu Board Sign and Audible Electronic Device**

The applicant, OH Franklin East 2<sup>nd</sup>, LLC c/o John Whitson, is requesting variances from the following section of the City's Unified Development Ordinance (UDO):

**Section 1107.11(g)(2):** Audible electronic devices such as loudspeakers and similar instruments shall be set back a minimum of 75 feet from any residential district and shall not be audible beyond the property line.

Requested variances include the location of the loudspeaker and menu board sign for the proposed Dutch Bros development on the corner of E. 2<sup>nd</sup> Street and East Lawn Drive (1276, 1288, 1296 E. 2<sup>nd</sup> Street) in the C-1 General Commercial District.

The property is proposed to be developed as a Dutch Bros coffee shop which is classified as a quick service restaurant under the UDO. As part of the development, two drive-thru lanes are proposed along the rear of the building, each containing menu board signs with loudspeakers for orders. As the menu board with associated loudspeaker is not set back 75 feet from the residential district adjacent to the rear of the property, variances are required.

The applicant notes that the site layout, access requirements, and building placement limit the feasible location of the menu board and speaker while maintaining safe circulation and operational functionality. Accordingly, the applicant is requesting a variance to locate the loudspeaker at a setback distance of approximately 69 feet from the adjacent residential district.

Fields summarized the Variance General Standards for Approval noting no significant compliance issues. She stated that granting the variance would be in harmony with the intent of the setback requirement to protect adjacent residential properties from potential impacts of nearby commercial uses. Fields explained that the requested variance is not substantial, as the applicant has proposed additional mitigation measures, including a six-foot fence and required landscaping along the property line to further minimize any potential adverse effects. As such, the variance will not be detrimental to the public's health, safety, or welfare, and would not confer a special privilege that is denied by the UDO to other properties within the C-1 Zoning District.

Fields concluded by affirming that staff has no objection to the requested variance request.

Freeland asked whether the City was aware of any approvals for similar variances.

Westendorf cited the recently approved variance for Lee's Famous Recipe Chicken as a comparable example.

The Chair requested and received clarification regarding the 75-foot clearance requirement, specifically that measurement applies to the property line, not to the neighboring residential structure.

The Chair opened public comment at 5:38 PM.

Representing the applicant, Kelly Schweiterman, Civil Engineer with project developer for Ceso, approached the podium, stated her address, and confirmed that she had been sworn in. Schweiterman provided information related to typical noise levels for a drive-through window and confirmed that the business model for Dutch Bros supports car-side ordering, limiting use of the drive through window speaker, further reducing noise levels. She thanked the Board for their time and offered to answer any questions.

Hearing no further discussion, the Chair closed public hearing at 5:40 PM and moved to deliberation.

Ron Bencsik stated that the Variance General Standards for Approval have been met and voiced support for the request.

Freeland concurred.

Hearing no further discussion, the Chair called for a motion on BZA 26-04.

Motion to approve made by Bencsik, Seconded by Freeland.

Voting Yea: Freeland, Bencsik, Bricking, Wilcher

Motion carried

## **BZA 26-05 400 Commerce Center Drive – Administrative Appeal Regarding the Definition of a Roof Sign**

The applicant, Jane Fiehrer, Sign Connection, has submitted an administrative appeal pursuant to Section 1115.10(e), challenging Staff's interpretation of the City's UDO regarding the definition and classification of "roof sign".

Fields provided a brief history of what led to the administrative appeal stating that a sign permit application was submitted to the City on behalf of Lee's Chicken. That application included multiple wall and freestanding signs for the fast-food restaurant that is being constructed at 400 Commerce Center Drive.

Staff issued a review letter for that sign permit application on January 19, 2026, stating the following:

*The "canopy/awning" sign is proposed to be constructed on top of the roof of the structure and would be considered a "roof sign" under the UDO. Roof signs are not permitted.*

In response to the decision the applicant then submitted the Administrative Appeal application on February 13, 2026, stating the following:

*The sign referred to as a "roof sign" is, based on the definitions in the Franklin, OH UDO, correctly defined as a "canopy sign". The sign rests on a projection from the building made from a material that is supported on columns intended only for shelter. The sign is not erected on a roof which is supported by the building. The sign is attached to a canopy. The sign does not exceed the maximum height of the principal structure when mounted on top of the canopy. The canopy sign is internally illuminated.*

Fields reviewed the following definitions from the Franklin UDO:

- Canopy Sign: A sign that is mounted on or painted on an attached canopy;
- Sign, Roof: A sign erected upon or above a roof or parapet wall of a building, which sign is wholly or partially supported by such building. Roof signs are prohibited under this UDO.
- Canopy: A projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.

Fields stated that it is staff's determination that the proposed sign is a "roof sign" per the City's UDO as the sign is proposed to be erected on the roof, above the canopy roof plane, and on its own framing system. She explained that the presence of a canopy beneath the sign does not change the classification. Per the UDO, roof signs are prohibited per the City's UDO, accordingly, the sign is not permitted.

Referencing Section 1115.10(e)(4) of the UDO, Attorney Brodi Conover explained that the Appeals Board may, by a vote of at least four (4) members, reverse or affirm the decision denying the requested sign. He further explained that if the Board's vote did not result in a majority decision, the appeal would fail and the existing denial would remain in effect.

The Chair noted differences in sign placement between the building plan and the rendering, and requested clarification regarding which depiction accurately reflects the proposed installation.

The question was deferred to the applicant.

The Chair opened public comment at 5:51 PM.

Jane Fiehrer, Sign Connection agent for Lees Chicken, approached the podium, stated her address, and confirmed that she had been sworn in. Fiehrer opined that the proposed sign qualifies as a "canopy sign" because it is attached to a canopy structure. She asserted that the staff interpretation classifying the sign

as a “roof sign” is inaccurate. Fiehrer also provided definitions and explanations of “roof signs” and “canopy signs” from neighboring jurisdictions in support of her position. Revisiting Bricking’s earlier question, Freeland again asked and received clarification on the accuracy of the rendering versus the building plan.

After a brief discussion the Board concluded that the signage plans submitted by the applicant demonstrate that the canopy functions as a roof over the outdoor seating area and cannot reasonably be interpreted as serving solely for “shelter or ornamentation.” Based on this understanding, together with the Board’s clear understanding of the proposed sign’s location and method of construction, the Board reached a consensus that the sign meets the definition of a “roof sign” and is therefore prohibited under the UDO.

Hearing no further discussion, the Chair closed the public hearing at 6:00 PM and called for a motion.

Motion to affirm the initial denial made by Freeland, Seconded by Wilcher.  
Voting Yea: Freeland, Bencsik, Bricking, Wilcher  
Motion carried

## **9. DISCUSSION**

## **10. ADJOURNMENT**

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

The meeting was adjourned at 6:02 PM.