



BOARD OF ZONING APPEALS STAFF REPORT

To: Board of Zoning Appeals Members

From: Elizabeth Fields, AICP, Planner

Meeting Date: May 11, 2026

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

Property Information: Location: 1276, 1288, 1296 E. 2nd Street (Route 73) Parcels #0426452005, 0426452006, and 0426452007

Zoning: C-1 General Commercial District

Property Use: Restaurant, Quick Service (Dutch Bros)

Proposed : 40 feet

Pole Sign Signage Area: 257 square feet

Variance Request: The applicant, OH Franklin East 2nd, 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.

Comments: The proposed loudspeaker is set back approximately 69 feet from the adjacent residential district.

Table 1111.08-5: Menu Board Sign Regulations

District/Use	Quantity	Maximum Area	Maximum Height	Minimum Setbacks	Illumination/Other
Commercial Districts (uses that include a permitted drive-through)	2 per drive-through	48 square feet	6 feet	75 feet from a Residential District or use	Internally or externally illumination permitted

Comments: The proposed menu board sign is set back approximately 69 feet from the adjacent residential district.

Project Overview:

The applicant, OH Franklin East 2nd, LLC c/o John Whitson, is requesting variances regarding the location of the loudspeaker and menu board sign for the proposed Dutch Bros development on the corner of E. 2nd Street and East Lawn Drive (1276, 1288, 1296 E. 2nd 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.

Comments:

Variance General Standards for Approval:

Standards for Approval: Unless other standards are provided in this UDO for variances from a particular set of design/development standards or regulations, the following Standards for Approval shall apply. Approval of a variances shall only be granted if the Appeals Board finds that all of the following standards are met:

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. (Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, etc.).

The subject property’s lot depth is less than other properties within the C-1 District which constrains the ability to establish a permitted use such as a quick service restaurant without a variance.

2. The special conditions or circumstances that exist did not result from the actions of the applicant.

The special conditions did not result from the actions of the applicant.

3. There cannot be any beneficial use of the property without the variance.
Without the variance, the property owner's intended use of the property would be diminished as moving the location of the sign would impair the functional use of the property.
4. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.
The variance is not substantial and is the minimum relief necessary to accommodate the site design and intended use.
5. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.
A variance is the minimum relief necessary to allow for the location of the loudspeaker and menu board.
6. The essential character of the neighborhood will not be substantially altered nor will adjoining properties would suffer substantial detriment as a result of the variance.
The essential character of the neighborhood will not be substantially impacted.
7. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.
Governmental services will not be impacted.
8. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.
Granting the variance would be in harmony with the intent of the setback requirement, which is to protect adjacent residential properties from potential impacts of nearby commercial uses. The requested variance is not substantial, and 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.
9. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.
Granting the variance would not confer a special privilege that is denied by the UDO to other properties within the C-1 Zoning District.

