



BOARD OF ZONING APPEALS

Monday, February 9, 2026, 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 5:36 PM.

2. ROLL CALL

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

Staff: Jonathan Westendorf, Liz Fields, Eric Damian, Cindi Chibis

Guests: Ron Heitfield, Christian Stone, Josh Agricola, Gary Green, Matt Turrell, Susan Stewart

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 December 8, 2025, meeting.

Motion made by West, Seconded by Bencsik

Voting Yea: West, Bricking, Bencsik, Freeland

Motion carried

5. OATH OR AFFIRMATION

The Oath was issued to all guests.

6. ELECTION OF OFFCIERS

Vice Chair Matt Bricking called for nominations for the position of BZA Chair for the 2026 term.

Jacob Freeland nominated Matt Bricking, Seconded by Ron Bencsik.

The Chair then called for further nominations. Hearing none, he closed the nominations for Chair and requested a roll call.

Voting Yea: West, Bricking, Bencsik, Freeland

Motion carried

The Chair then called for nominations for the position of BZA Vice Chair for the 2026 term.

Dennis West nominated Ron Bencsik for Vice Chair, Seconded by Jacob Freeland.

The Chair then called for further nominations. Hearing none, he closed the nominations for Vice Chair and requested a roll call.

Voting Yea: West, Bricking, Bencsik, Freeland
Motion carried

7. OLD BUSINESS

8. NEW BUSINESS

A. BZA 26-01 Variance Application - 765 Tibbals Street

The applicant, Ron Heitfield, is requesting a variance from the following section of the City's Unified Development Ordinance (UDO): 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.

Fields introduced BZA 26-01 explaining that the applicant, Ron Heitfield is requesting a variance to exceed the maximum allowable size for accessory storage structures for the property located at 765 Tibbals Street in the TN-2 Transitional Mixed Use District.

Fields stated that the proposed variance stems from the applicant's removal of the existing 640 square foot storage structure and replacement with a new 308 square foot storage structure on the same foundation. The applicant stated that the existing storage structure was dilapidated, overgrown, and dangerous, which necessitated the replacement. She explained that the proposed size of the storage structure is 308 square feet and there is an existing 120 square foot storage structure on the property. A maximum size of 262 square feet is permitted (variance for 166 square feet). The new storage structure meets all requirements except for the total size.

Fields then reviewed the Variance General Standards for Approval noting that the property is larger than others in the TN-2 District as it encompasses two lots. She stated that a variance is the minimum relief necessary to allow for the storage structures to exceed the maximum size requirement; and that the essential character of the neighborhood will not be substantially impacted. She concluded the review by saying that granting the variance will be in harmony with the general purpose and intent of the zoning requirement, and would not allow a special privilege to be conferred upon the applicant.

Ron Bencsik asked if the structure that was replaced was built prior to the current square footage limitations under the UDO.

Fields responded that she did not have ready access to records to confirm the date on which the previous structure was built.

The Chair opened the floor for public hearing on BZA 26-01 at 5:49 PM.

Ron Heitfield approached the podium, stated his address, identified himself as the property owner, and confirmed that he had been sworn in. He stated that he had received notice from his homeowner's insurance company that due to the state of disrepair of the old storage structure, he was at risk of losing coverage. Realizing the project urgency, he purchased a prefabricated storage shed, removed the old shed, and upgraded it to a smaller structurally-sound replacement unit. He did not realize that replacing an existing structure would require a building permit or that size restrictions would apply.

Receiving no further requests for public comment, the Chair closed the floor for comment on BZA 26-01 at 5:52 PM and opened Board discussion.

The Board reached a quick consensus that all Variance General Standards for Approval were substantially met.

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

Motion to approve made by Bencsik, Seconded by Freeland
Voting Yea: West, Bricking, Bencsik, Freeland
Motion carried, Variance approved

B. BZA 26-02 3601 Commerce Center Drive – Variance Requests to Exceed the Maximum Allowable Sign Area for a Pole Sign

The applicant, Cincinnati Commercial Contracting c/o Christian Stone is requesting a variance to exceed the maximum allowable sign area for a pole sign for the property located at 3601 Commerce Center Drive in the I-1 Light Industrial District.

Fields introduced BZA 26-02 explaining that the property which is being developed as an Interstate Utility Trailer facility is located within the Highway Sign Overlay District which allows for increased signage and the placement of signage that would not normally be permitted for properties that border Interstate 75. Properties that contain a building over 10,000 square feet or more which are located within the Overlay District are permitted a pole sign subject to the regulations of Section 1109.07(e)(4) which dictate the dimensional requirements for said signs.

Fields noted that while the proposed pole sign meets the majority of the sign requirements, it exceeds the maximum allowable signage area which requires variance approval. Accordingly, the candidate is requesting variances from Section 1109.07(e)(4)(G) of the City's Unified Development Ordinance (UDO) which states that the total area of the sign, including any electronic changeable copy area, shall not exceed two hundred square feet (200 sq. ft.) per side; provided, however, that pole signs in excess of seventy feet (70') in height may have a larger sign area, as approved by the Zoning Official or the Planning Commission, as set forth in Section 1109.07(c)(3).

Fields referred to the Variance General Standards for Approval. She noted that without the variance the applicant maintains the ability to install a 200 square foot sign and that the variance is substantial as the property is within the Highway Sign Overlay District which allows for additional signage above and beyond what is normally permitted in the I-1 Zoning District. Additionally, Fields noted that granting the variance would not be in harmony with the intent of the Highway Sign Overlay District, which is to reasonably regulate the size, location, and design of signs along Interstate 75. She said that the proposed sign exceeds the maximum sign area permitted by the UDO and is therefore contrary to the District's stated objectives. She concluded by stating that granting the variance would confer a special privilege that is denied by the UDO to other properties within the I-1 Zoning District.

The Chair opened the floor for public hearing on BZA 26-02 at 5:58 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. He stated that the need for the extended size is a result of the partnership with CargoBull requiring additional signage.

Freeland asked if there was a risk that the sign size would cause potential obstruction to neighboring properties.

Stone reassured him that the sign would not create a visual barrier.

Bencsik asked if the proposed 257 square feet includes just the sign itself or also includes the space between each of the three signs on the pole.

Fields confirmed that the square footage does not include the space between the proposed signs.

Hearing no additional requests for public comment, the Chair closed public comment on at 6:04 PM and opened Board discussion.

Bencsik revisited the Variance General Standards for Approval, noting that the variance request does not meet at least three criteria and is therefore not reasonable. He stated that the proposed sign exceeds the maximum sign area permitted by the UDO, and that granting the variance would not be in harmony with the intent of the Highway Sign Overlay District, and would confer a special privilege to the applicant.

Freeland and West concurred.

Hearing no additional discussion, the Chair called for a motion.

Motion to deny BZA 26-02 made by Bencsik, Seconded by Freeland
Voting Yea (to deny): West, Bricking, Bencsik, Freeland
Motion carried, Variance denied

C. BZA 26-03 9414 Deardoff Road – Variance Requests Pertaining to Existing and Proposed Accessory Structures on the Property and Driveway Material

Fields introduced BZA 26-03 explaining that the applicant, Justin Doyl Homes c/o Josh Agricola, is requesting the following variances for the property located at 9414 Deardoff Road in the R-1A Estate Residential District:

1. A variance to exceed the total number of poultry/domestic fowl permitted on a property in the R-1A Estate Residential District.
2. A variance to allow accessory structures in the front yard of the property;
3. A variance to exceed the maximum height and 40 percent transparency requirement of the fence located in the front yard.
4. A variance to exceed the maximum height of an accessory storage structure;
5. A variance to exceed the maximum number of storage structures permitted per property;
6. A variance to allow for a swimming pool in the front yard;
7. A variance to not enclose the swimming pool with a fence or barrier no less than 48 inches in height; and
8. A variance to allow for a gravel driveway.

Fields stated that each Variance Request would be addressed and voted on separately.

- 1. Variance Request #1: Section 1107.06(a)(5)(C):** Regardless of acreage, in no case shall the total number of poultry/domestic fowl exceed 12 such animals. Land acreage shall be measured exclusive of road or street right-of-way.

Fields introduced Variance Request #1 explaining that outside of the agricultural zoning district, the UDO allows for limited agricultural uses on properties located in the R-1A Estate Residential District. Included in these agricultural uses is the keeping of poultry/domestic fowl which is limited to a maximum of 12 animals regardless of property size. The applicant noted that there are approximately 80 birds on the property which are assumed to be contained in the 6'x20' chicken coop. Fields said that without the absolute cap on the number of allowed animals, the property due to its size would be able to meet the density requirement in Section 1107.06(a)(5)(B) which limits the number of birds to five per acre (48 acres then would allow approximately 240 birds without the cap).

She stated that the property is approximately 48 acres, which is significantly larger than other properties located in the R-1A District. She explained that while the variance request is significant, the size of the property supports the number of birds on the property. Fields said that although the essential character of the neighborhood will not be substantially impacted, granting the variance would not be in harmony with the general purpose and intent of the zoning requirement which specifically limits the permitted agricultural uses for properties in the R-1A Zoning District, and would confer upon the applicant a special privilege.

Freeland asked what would happen to the poultry on the property if the variance request was denied.

Fields responded that the chickens would have to be removed.

Bencsik asked if there had been any consideration to rezone the property.

Fields stated that she was not aware of any discussion to rezone the property in question.

The Chair opened the floor for public comment at 6:09 PM.

Josh Agricola, Division Manager, Justin Doyle Homes, approached the podium, stated his address, and confirmed that he had been sworn in. He said that that owner would prefer to retain the 80 chickens that came with the property. Agricola stated that the owner does not intend to sell the eggs but plans to donate excess to charity such as a homeless shelter.

Hearing no additional requests for public comment, the Chair closed public comment at 6:13 PM and opened Board discussion.

West complimented the property owner's generosity to donate unneeded eggs and recognized the expanded lot size. However, he stated that having 80 chickens is unreasonable in a residential area.

Bricking offered a dissenting opinion, stating that without the absolute cap the large lot would easily meet the density requirement of five birds per acre.

Freeland recognized the density requirement, but stated that the language in the UDO "is black and white and includes a cap regardless of lot size".

Bricking asked for clarification on the intended use of the property.

Fields explained that the property owner intends to build a large home on the property. She explained that details on the positioning of the home on the parcel of land will be reviewed as discussions progress through the additional variance requests.

Bencsik reiterated that 80 chickens are prohibited under Franklin's zoning restrictions. Saying that we need to either rezone the property to agriculture or adhere to the 12 chicken limit.

Bencsik then made a motion to deny BZA 26-03 Variance Request #1, Seconded by West
Voting Yea (to deny): West, Bricking, Bencsik, Freeland
Motion carried, Variance denied

2. Variance Request #2: Section 1107.11(a)(3)(B): No accessory structure shall be erected in any front yard or court, unless specifically permitted herein.

Fields explained that the property contains four accessory structures including a 10'x10' rain collector, a 5'x30'x8' wood storage structure, a 6'x20' chicken coop, and a 40'x65' barn. Due to the location of the proposed single-family dwelling, the existing accessory structures are considered to be located in the front yard of the property. Since the barn has been existing on the property for a number of years, it is considered a pre-existing nonconforming use which does not require a variance, however the other three accessory structures require a variance for the location as they were constructed more recently and without permits.

She provided an aerial view of the lot that included a view of the proposed single family dwelling, the proposed accessory structure, existing accessory structures, proposed fencing, and the proposed swimming pool. She stated that the property is approximately 48 acres and due to the location of home on the lot it is considered to contain two expansive front yards along both Deardoff Road and Pennyroyal Road. She explained that without the variance the applicant's use of the property would be diminished due to the size of the front yard, and that the variance is the minimum relief necessary to make possible

the reasonable use of the structures. Fields stated that the essential character of the neighborhood will not be substantially impacted but recognized that Variance Request #2 would grant the applicant a special privilege that is denied by the UDO to all other properties in the R-1A District.

The Chair opened the floor for public comment at 6:20 PM.

Josh Agricola approached the podium, stated his address, and confirmed that he had been sworn in. He confirmed that the four accessory structures under question were preexisting. He confirmed that the property owner plans to build the single family home at the rear of the parcel, facing away from both Deardoff and Pennyroyal and wishes to retain the four current accessory structures. He explained that positioning the home at the rear of the property effectively turns the entirety of the property into a front yard as defined under the City's UDO. Agricola stated that the lot is wooded and views of the home from the surrounding properties and roads will be shielded. He called attention to signed notices in support of seven of the requested variances.

Bencsik inquired as to the condition and use of the current accessory structures on the property.

Agricola briefly reviewed usage and reassured him that although the structures are older, they are structurally sound.

The Chair closed public comment 6:26 PM.

Bricking recognized that the need for several of the requested variances is due to the lot shape and alignment of the proposed dwelling to the surrounding streets, defining most of the property as a "front yard" under the Code.

Freeland asked if the property was divided in the future what impact that might have on the Board's decision.

In response, Fields briefly reviewed UDO restrictions prohibiting accessory structures to serve as the principal structures on a parcel of land.

West asked if the owner wants to replace a current accessory structure, if replacement would require another variance.

Fields responded that the owner could remove a structure and rebuild it as long as the new structure meets Code requirements.

Hearing no further discussion the Chair called for a motion.

Motion to approve BZA 26.03 Variance Request #2 made by Freeland, Seconded by Bencsik.

Voting Yea: West, Bricking, Bencsik, Freeland

Motion passed, Variance approved

3. Variance Request #3: 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.

Using the aerial view, Fields explained that the applicant proposes two types of fencing along the western and northern property lines. Along Deardoff Road and Pennyroyal Road, a four-foot Kentucky Board fence is proposed, which meets the requirements of the UDO. In addition, to provide increased privacy for adjacent property owners, the applicant proposes a six-foot "Good Neighbor" opaque fence in the front yard along Deardoff Road which generally complies with the UDO based on the setback requirements in Section 1107.11(j)(2)(B)(iii). Fields stated that under the UDO, a portion of the six-foot fence would be required to be limited to a maximum height of four feet and include a minimum of 40 percent transparency.

Fields summarized the Variance General Standards for Approval noting no significant compliance issues. The Chair opened public comment at 6:33 PM.

Josh Agricola approached the podium, stated his address, and confirmed that he had been sworn in. Referencing the arial view, he clarified the exact location of where the higher fencing is proposed to be located. He stated that the fencing is intended to provide additional privacy at the rear of the neighbor's yards, saying that these areas are also shielded by landscaping.

Neighbor Susan Stewart requested to approach the arial map to more closely view the areas in question. No concerns were noted.

Hearing no additional request for public comment, the Chair closed public comment 6:38 PM.

Bencsik asked why Variance Request #3 was not included on the Zoning Department notice signed by neighbors in support of the other variance requests. He stated that he would be comfortable with a motion to approve if supported by the neighbors whose properties would be directly impacted.

West, Bencsik and Bricking concurred.

Bencsik made a motion to approve BZA 26-03 Variance Request #3 conditional upon written support from the two neighbors directly impacted by the requested fence variance, Seconded by Freeland.

Voting Yea: West, Bricking, Bencsik, Freeland

Motion passed, Conditional variance approved

4. Variance Request #4: 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.

Fields introduced Variance Request #4 stating that the proposed outbuilding requires a variance for height as a height of 20 feet is the maximum allowed for an accessory storage structure for a residential property. She stated that the proposed structure is 29 feet and 4 inches tall. The applicant stated that a 20-foot height restriction would limit the interior clear height to roughly 9 or 10 feet which would be insufficient to properly store property maintenance equipment, recreational vehicles, or larger pickup trucks and SUVs. The applicant has noted that due to the size of the property and location of the proposed outbuilding (900 feet from Deardoff Road and 320 feet from the side lot lines), the structure will be entirely screened from view.

Fields briefly reviewed the Variance General Standards for Approval noting that if approved, the applicant will be conferred a special privilege that is denied to other lands, structures, or buildings in the R-1A Zoning District.

The Chair opened public comment at 6:48 PM.

Josh Agricola approached the podium, stated his address, and confirmed that he had been sworn in. He stated that the proposed storage structure will have a complementary architectural style to the principal structure, including matching roof styles. He stated that the structure will be completely screened from the neighbors and the road. He explained that the property owner purchased building materials for the project before he was aware of the height restriction.

Bencsik asked for information on the pitch of the roof for both the proposed accessory structure and the principal structure. He also inquired about the proposed square footage and footprint of the principal structure.

Agricola provided the requested information and reassured Board members that it will blend in nicely on the property and will not look like a large commercial building.

Hearing no further discussion, the Chair closed public comment at 6:53 PM and invited Board discussion. Bencsik stated that the proposed structure is in-scale to the proposed home, and that the variance does not seem substantial.

Freeland agreed, emphasizing that this is a special circumstance.

Motion to approve BZA 26-03 Variance Request #4 made by Bencsik, Seconded by Freeland

Voting Yea: West, Bricking, Bencsik, Freeland

Motion passed, Variance approved

5. Variance Request #5: Section 1107.11(w)(1)(C): A maximum of two storage structures are permitted per lot.

Fields introduced Variance Request #5 explaining that there are two existing storage structures on the property (wood storage structure and barn), the construction of the proposed second barn would result in the property containing three storage structures, over the maximum allowable, requiring a variance for the total number of storage structures. The applicant noted that due to the size of the property, the inclusion of a third storage structure is necessary for additional storage for equipment, vehicles, and materials essential to maintaining the land, supporting hobbies, or rural living activities.

Fields summarized the Variance General Standards for Approval noting no significant compliance issues.

Bencsik asked about the size and use of the wood storage building.

Fields encouraged him to refer the question to the applicant.

The Chair opened public comment at 6:59 PM.

Josh Agricola approached the podium, stated his address, and confirmed that he had been sworn in. He described the wood storage building in question as a small structure designed to keep rain and snow off of firewood. He further described the second storage unit as a historic barn, used now primarily to provide coverage and supplies for the chickens. He said that they are requesting approval for a third building to house recreational vehicles as well as landscaping equipment and supplies.

Hearing no further discussion, the Chair closed public comment at 7:02 PM.

Motion to approve BZA 26-03 Variance Request #5 made by Bencsik, Seconded by Freeland

Voting Yea: West, Bricking, Bencsik, Freeland

Motion passed, Variance approved

6. Variance Request #6: Section 1107.11(x)(1)(B): All swimming pools or parts thereof shall be located in the rear yard, shall be at least ten feet (10') from the side or rear line of the lot or parcel upon which it is situated, and shall be at a distance 10 feet greater than the building setback line as fixed by the UDO from any street on which such lot or parcel abuts. The area of the swimming pool proper, including decks, walks and other appurtenances, shall not exceed the percentage of lot area specified in Section 1107.19(a)(4).

Fields introduced Variance Request #6 stating that due to the proposed location of the principal single-family dwelling, the accessory swimming pool is considered to be located in the side yard. The applicant noted that due to the property's topography and layout, the single family dwelling was oriented in a manner to allow for a rear walkout basement that places the pool at the back of the dwelling.

The Variance General Standards for Approval were reviewed. No significant compliance issues were noted.

The Chair opened public comment at 7:07 PM.

Josh Agricola approached the podium, stated his address, and confirmed that he had been sworn in. Agricola stated that although considered the side yard under the City's UDO, the pool is proposed to be located behind the home. This allows the residents to walk out the rear of the home to access the pool. He stated that the pool is very far away from the adjacent properties

Bricking agreed that in this circumstance locating the pool in what is considered the "front yard" is justifiable.

Hearing no further discussion, public comment was closed at 7:09 PM.

Bricking said that this request falls squarely into the same category as the variance is due to the position of the home on the property. Saying that "it's a definition problem". Bricking then called for a motion.

Motion to approve BZA 26-03 Variance Request #6 made by Bencsik, Seconded by West

Voting Yea: West, Bricking, Bencsik, Freeland

Motion passed, Variance approved

7. Variance Request #7: Section 1107.11(x)(2)(A): Every swimming pool shall be completely enclosed by a fence or barrier of sturdy construction not less than 48 inches in height, measured from the level of the ground where located, which shall be of such design and construction as to effectually prevent a child from crawling or otherwise passing through or under such fence. Each gate in such fence or barrier shall be provided with a self-latching gate. Where the top of the pool structure is above grade, such as an above ground pool, the barrier shall be permitted to be at ground level, such as the pool structure, or mounted on top of the pool structure. No part of any fence shall be located between the building setback line and the street on which the lot or parcel abuts.

Fields introduced Variance request #7 saying that a variance is required as the in-ground swimming pool is proposed to have a cover and not be enclosed by a fence or barrier of not less than 48 inches in height as required.

Fields noted that Section 1107.11(x)(2)(B) of the UDO allows the BZA to make an exception to, or modifications of, the requirements for a fence if the Board determines such a requirement is not essential to safety and the enforcement of the regulations would place an undue hardship on the owners.

Fields referred to the Variance General Standards for Approval noting no issues.

Westendorf expressed safety concerns related to this request, particularly for first responders who are not familiar with the location of the pool on the parcel.

The Chair opened public comment at 7:14 PM.

Josh Agricola approached the podium, stated his address, and confirmed that he had been sworn in. He explained that the homeowners prefer to avoid fencing as they do not want a visual barrier between their home and the property. He stated that the proposed pool cover is quite sturdy and will easily hold a couple of people if walked on. He said that it is his understanding that municipalities will often waive the fencing requirements with the guarantee of a pool cover.

The Chair closed public comment at 7:16 PM.

Bricking expressed his support of the variance request if conditional upon the cover being a walkable hard surface.

West offered a consenting opinion, stating that due to safety concerns he is completely against it. He referenced personal experiences with near drowning survivors and stated strongly that he is not comfortable supporting the requested variance.

Bencsik concurred.

Motion to deny BZA 26-03 Variance Request #7 made by Bencsik, Seconded by West
Voting Yea (to deny): West, Bencsik
Voting Nay: Bricking, Freeland
Motion failed

At the request of a guest, public comment was reopened at 7:19 PM.

Matt Terrell approached the podium, stated his address, and confirmed that he had been sworn in. Terrell said that there is a pond on the property and that requiring a fence or physical barrier around the pool but not around the pond is illogical.

Agricola reapproached and stated that the pool is elevated and includes a retaining wall at the rear of the pool and a foundation wall along the back of the property, making the unfenced covered pool secure.

Freeland inquired about illumination around the pool.

Agricola responded that although he is confident that lighting will be proposed, the pool has not yet been designed.

Public comment was closed at 7:23 PM.

Freeland said that he would be more amenable to approval if approval was conditional upon specific lighting requirements.

West stated that although a secondary concern, an unfenced pool is also a risk to animals. He noted that if the cover broke, the pool would be left unsecured. He reiterated his concern about safety.

Bricking said that he believes that the cover would be just as safe as fencing but realizes that he is not an expert on the topic.

Bencsik made motion to deny Variance Request #7, Seconded by West.
Voting Yea (to deny): West, Freeland, Bencsik
Voting Nay (to approve): Bricking
Motion passed, Variance approved

8. Variance Request #8: Section 1111.07(d)(1)(A): All off-street parking and loading areas including spaces, driveways, aisles, circulation drives, and other vehicular maneuvering areas shall be paved with a hard surface and shall be adequately drained.

Fields introduced Variance Request #8 stating that the applicant is requesting a variance to keep the existing gravel driveway on the property which extends from Deardoff Road along the southern property line to the interior of the site. The UDO requires that all driveways outside of the agricultural zoning district be paved with blacktop, concrete, or pavers. The applicant notes that their intent is to construct a properly engineered and maintained compact gravel driveway, so it is assumed that the applicant intends to improve upon the existing driveway. The applicant also notes that gravel driveways are not uncommon in the surrounding area and along Deardoff Road.

The Variance General Standards for Approval were reviewed. Fields noted that although the variance will not adversely affect the delivery of governmental services, there is a concern from the City of Franklin Fire Department that the driveway width and location will be insufficient to meet the requirements of OFC 503. Fields concluded by recommending that if the BZA approves the proposed variance, approval should be conditional upon the applicant's compliance with all comments from the City of Franklin Fire Department.

Westendorf noted that the Fire Inspector provided comments to ensure that the access road meets all required specifications (e.g. width, vertical clearance, turning radius, grade, angle of approach, etc.) as well as all water supply requirements (e.g. fire hydrant, fire water supply flow etc.).

The Chair opened public comment at 7:31 PM.

Agricola approached the podium, stated his address, and confirmed that he had been sworn in. He stated that only a small horseshoe section of the drive in front of the house will be paved as paving the entire length of the drive would be cost prohibitive. He expressed the homeowner's commitment to maintain the gravel drive and to fully cooperate with the Franklin Fire Department to ensure compliance. Agricola said that he believes that the gravel drive characteristically fits in well with the parcel.

Eric Damian requested that a second condition - the addition of a concrete driveway apron/approach adjacent to the road in the right of way that complies with all City standards be considered.

Agricola asked if fencing around the entirety of the property would satisfy the pool fencing requirement.

Fields said that she will review the Code and provide additional direction to the applicant on fencing.

Hearing no further discussion, the Chair closed public hearing at 7:37 PM and called for a motion.

Freeland made a motion to approve BZA 26-03 Variance Request #8 conditional upon the applicant's compliance all comments from the City of Franklin Fire Chief and the creation of a concrete driveway approach as required by the Franklin City Engineer, Seconded by Bencsik.

Voting Yea: West, Bricking, Bencsik, Freeland

Motion passed, Conditional variance approved

9. DISCUSSION

Westendorf thanked BZA members for their work and recognized the time and effort they put into preparing for the meeting. He complimented the Board's ability to balance both the needs of the City and the needs of the applicants.

10. ADJOURNMENT

Motion made by West, Seconded by Bencsik

Voting Yea: West, Bricking, Bencsik, Freeland

The meeting was adjourned at 7:44 PM.