



BOARD OF ZONING APPEALS

Monday, September 17, 2025, 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 5:48 PM.

2. ROLL CALL

Present: Ron Bencsik, Matthew Bricking, Jacob Freeland

Absent: Garret Heaney, Dennis West

Staff: Jonathan Westendorf, Keeghan White, Cindi Chibis

Guests: Ken Riddle, Whitney Locker, Kevin Filbrun

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 May 12, 2025 meeting.

Motion made by Bricking, Seconded by Freeland.

Voting Yea: Bricking, Bencsik, Freeland

Motion carried

5. OATH OR AFFIRMATION

The Oath was issued to all guests.

7. OLD BUSINESS

8. NEW BUSINESS

BZA 25-03 400 Commerce Center Drive (Parcel 0426426034) – Variance Request to Utilize EIFS as a Building Material on the Pedestrian Level.

Keeghan White introduced BZA 25-03 stating the property, Lee's Famous Recipe Chicken (Quick Service Restaurant), located in Zoning District C-1 General Commercial District, is requesting a variance from Section 1115.08(h)(3)(C) of the City's Unified Development Ordinance (UDO) which only permits the following building materials for use at the pedestrian level.

- (i) Residential-scale brick using non-glazed finishes;
- (ii) Natural stone material;
- (iii) Natural and natural-based wood materials, excluding T-111 or similar materials;
- (iv) Exterior insulation and finish systems (EIFS) above the pedestrian level;

- (v) Split-face concrete masonry unit (CMU) on exposed foundations and using colors embedded into the material;
- (vi) Unless specifically modified by Planning Commission: (Glass only for doors and windows. Curtain walls are not permitted);
- (vii) Metal cladding for use as roofing material; and
- (viii) Concrete siding designed to share an appearance of wood siding such as Hardiboard or Hardiplank.

The applicant, Whitney Locker c/o Alliance Engineering LLC, is requesting a variance from the Major Site Plan exterior façade design standards in order to utilize exterior insulation and finish systems (EIFS) on the pedestrian level.

White explained that the Major Site Plan application for Lee's Famous Recipe restaurant was approved by the Planning Commission during their July 9, 2025, meeting. While the Planning Commission is able to modify the exterior façade design standards for manufacturing uses in the I-2 and I-2 Districts (as well as in the PAR District), the Planning Commission does not have the power to modify the design standards in any other district. As such, a variance is necessary in order to provide relief from these standards.

White explained that the applicant has noted that the variance request to use EIFS is based on the fact that the new Lee's Famous Recipe Chicken design is derived from a prototype design that was commissioned for the new restaurants. Since any new construction of Lee's Famous Recipe will utilize this design, Lee's would not like to stray from the prototype design.

White reviewed the **Variance General Standards for Approval:**

- 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 property has a significant grade compared to other properties located in the C-1 District.
- 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.
- There cannot be any beneficial use of the property without the variance.
Without the variance, the applicant will be able to construct a Lee's Famous Recipe Chicken utilizing the building materials in Section 1115.08(h)(3)(C).
- 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 substantial as it would allow for a building material that is otherwise not permitted on the pedestrian elevation.
- 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 use of EIFS on the pedestrian level.
- 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.
- 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 will not be in harmony with the general purpose and intent of the zoning requirements.

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.

The applicant will be conferred a special privilege that is denied to other lands, structures, or buildings in the C-1 Zoning District.

Vice Chair Bricking asked if use of EIFS on the lower level would present a safety issue.

Westendorf responded that EIFS is subject to damage but can be repaired easily damaged subject to wear and tear in a way that brick and stone aren't however there are no known safety issues

White concurred stating that use of EIFS was an aesthetic issue only.

The Chair opened the floor for public hearing at 5:55 PM and invited the applicant to speak first.

Whitney Locker, Alliance Engineering, approached the podium and confirmed she had been sworn in. She addressed potential concerns about vehicle damage to the EIFS, by confirming that the applicant has proposed the installation of protective bollards.

Ms. Locker stated that the proposed drawings are based on a corporate prototype design being used for all new restaurant locations, and the applicant prefers to remain consistent with that design. She pointed out that in order to comply with Franklin's Building Code some modifications have already been incorporated, (e.g. addition of a masonry base along the exterior). Additional modifications such as removal of EIFS on the lower level would result in further stray from the prototype. Ms. Locker expressed concern that removal would also diminish the building's visual appeal and prevent it from meeting the variation of materials requirement under the UDO.

Hearing no additional requests for public comment, the Chair closed public comment on BZA 25-03 at 6:01 PM.

Bricking reviewed the **Variance General Standards for Approval** stating that the application BZA 25-03 does not meet the following Standards.

- Standard #2 There cannot be any beneficial use of the property without the variance.
Bricking commented that the applicant could construct the building using materials approved in Section 1115.08(h)(3)(C).
- Standard #3: The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.
Bricking commented that the variance is substantial as it would allow for a building material that is otherwise not permitted on the pedestrian elevation.

After minimal discussion, Board members reached a consensus that all **Variance General Standards for Approval** were not met. Vice Chair Bricking called for a motion to reject on BZA 25-03.

Motion made by Bricking, Seconded by Bencsik.

Voting Yea: Bricking, Bencsik, Freeland

Motion carried; application denied.

9. DISCUSSION

Westendorf confirmed that BZA will likely have a meeting next Month (October 13, 2025).

10. ADJOURNMENT

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

The meeting was adjourned at 6:04 PM