



BOARD OF ZONING APPEALS STAFF REPORT

To: Board of Zoning Appeals Members

From: Elizabeth Fields, AICP, Planner

Meeting Date: October 15, 2025

BZA 25-05 0 Commerce Center Drive – Variance Requests to Construct an 8-foot Black Vinyl Coated Chain Link Fence in the Front and Rear Yards

Property Information: Location: 0 Commerce Center Drive (Parcels: 0420101014, 0420201002)
 Zoning: I-1 Light Industrial District
 Property Use: Large Equipment and Truck Retail, Rental, and Repair

Variance Request: The applicant, Cincinnati Commercial Contracting c/o Christian Stone, is requesting variances from the following section of the City's Unified Development Ordinance (UDO):

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. Such fences and walls shall be constructed out of wood, iron, aluminum, vinyl, stone, block, or other similar material if approved by the Zoning Official or their designee.

Comments: The proposed fence in the front yard is 8 feet.

Section 1107.11(j)(2)(A)(i)(4): Chain link fences, construction fences, wire fencing (not including Kentucky Board fencing), and pallets are not permitted in the front yard.

Comments: The proposed fence in the front yard is chain link.

Section 1107.11(j)(2)(A)(ii): Side and Rear Yards: A fence or wall may be located in a rear or side yard if the fence does not exceed at any point, six feet in height above the elevation of the surface of the ground at such point.

Comments: The proposed fence in the rear yard is 8 feet.

Project Overview:

The applicant, Cincinnati Commercial Contracting c/o Christian Stone is requesting variances from the accessory use standards for fences and walls in order to construct an 8-foot black vinyl coated chain link fence in the front and rear yards. The fence is intended to provide security for the Interstate Utility Trailer facility located on parcels 0420101014 and 0420201002 in the I-1 Light Industrial District.

The Major Site Plan application for Interstate Utility Trailer was approved by the Planning Commission during their September 10, 2025 meeting. As Planning Commission is not able to modify the regulations to permit the fence, variances are required to be approved by the Board of Zoning Appeals.

The proposed fence is to be located along the perimeter of the site and will provide security for the facility. Three gates are proposed which will allow access to the interior of the site from the southern entrance, northern entrance, and from the west parking lot. The site plan indicates that trailer parking spaces are proposed to be located along the proposed fence and will be separated by wooden railroad tie wheel stops. Staff is concerned that these wheel stops will not be enough to prevent trailers from potentially hitting the fence so should the BZA approved the proposed variance, staff recommends that a guard rail be installed along all trailer parking spaces that border the proposed fence.

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 property is heavily wooded compared to other nearby properties in the I-1 District.
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 applicant would not be able to provide substantial security for the property as the UDO requires a maximum fence height of four feet in the front yard.
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 make possible the reasonable use of the land.
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 8 foot fence.
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 will be in harmony with the general purpose and intent of the zoning requirement.
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 will not allow a special privilege to be conferred upon the applicant.

Considerations:

Should the Board of Zoning Appeals approve the proposed variances, staff recommends the following condition be considered:

- 1) The applicant shall install a guard rail along all trailer parking spaces that border the proposed fence.
- 2) The applicant shall comply with the comments from the City of Franklin Fire Department.