



BOARD OF ZONING APPEALS

Monday, September 17, 2025, 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 5:30 PM.

2. ROLL CALL

Present: Garret Heaney, Dennis West, Ron Bencsik

Absent: Matthew Bricking, Jacob Freeland

Staff: Jonathan Westendorf, Keeghan Stitt-White, Eric Damian, Cindi Chibis

Guests: Nathan Carmack, Rob Quillen, Tim Carmack, Carley Carmack, Casey Wagers, Christian Stone, Michele Gorsuch, Robert Milby

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Garret Heaney.

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 September 17, 2025 meeting.

Motion made by Heaney, Seconded by West

Voting Yea: Heaney, West, Bencsik

Motion carried

5. OATH OR AFFIRMATION

The Oath was issued to all guests.

7. OLD BUSINESS

8. NEW BUSINESS

BZA 25-04 91 Clearview Lane – Variance Request to Permit a Six-Foot Privacy Fence Along the Property Line in the Secondary Front Yard

Location: 91 Clearview Lane (Parcel: 0425325004)

Zoning: R-2 Metropolitan Residential District Variance Request:

Stitt-White introduced BZA 25-04 explaining that the applicants, Tim and Carly Carmack, are requesting a variance from the accessory use standards for fences and walls to permit a 6-foot wooden privacy fence along the property line in the secondary front yard on the property located at 91 Clearview Lane in the R-2 Metropolitan Residential District.

The proposed variance stems from the applicant's recent repair and replacement of a six-foot privacy fence which was existing on the property when the applicants purchased the property in 2014. The applicants stated that due to the deterioration of the existing fence panels and posts, they repaired and replaced damaged sections over the period of a couple weeks.

Stitt-White noted that the property is a corner lot which contains two front yards. The six-foot fence in the secondary front yard located along the property line. He explained that in order to retain the existing fence, a variance from Section 1107.11(j)(2)(B)(ii) of the City's Unified Development Ordinance (UDO) is requested.

Section 1107.11(j)(2)(B)(ii): For corner lots, fences located in the secondary front yard (between the secondary front property line and the side building line of the structure) may be up to six feet in height and opaque if the fence is set back from the secondary front property line a minimum distance that is equal to the required front yard setback or one-half the distance between the secondary front property line and the side building line, whichever is less.

Stitt-White explained that without the variance, the applicant would have to demolish the fence and either construct a four-foot, 40 percent transparent fence or move the existing shed on the property and construct a six foot privacy fence half the distance between the property line and building. Stitt-White then referred Board members to the **Variance General Standards for Approval**.

The Chair opened the floor for public hearing at 5:36 PM and invited the applicant to speak first.

Tim Carmack approached the podium, stated his address, and confirmed that he had been sworn in. He introduced himself as the owner of the property in question and explained that he did not realize that a permit was needed to repair/replace an existing fence on his property. He offered to answer any questions.

Robert Milby approached the podium, stated his address, and confirmed that he had been sworn in. He introduced himself as the owner of the property at 110 Clearview Lane directly across the street from the property under review. He expressed support of the requested variance and presented letters from two neighbors also in support of the request.

The Chair read into the record letters of support from neighboring property owners Kenneth and Brenda Moore, Jodi Hines, and Lisa Bagley.

Ron Bencsik expressed support recognizing that the fence is an improved replacement of an older deteriorating fence that uses the same footprint.

Dennis West concurred, stating that he drove past the property, saw the fence, and opined that the fence is in harmony with the neighboring properties.

Hearing no additional discussion, the Chair closed public comment on BZA 25-04 at 5:45 PM and called for a motion.

Motion to approve made by West, Seconded by Bencsik
Voting Yea: Heaney, West, Bencsik
Motion carried

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

Stitt-White introduced BZA 25-05 stating that 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.

Stitt-White explained that 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. Accordingly, the applicant is requesting variances from the following section of the City's Unified Development Ordinance (UDO):

- 1) *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.)
- 2) *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.)
- 3) *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).

Stitt-White then reviewed the **Variance General Standards for Approval** stating that the variance is not substantial, the essential character of the neighborhood will not be substantially impacted if approved, and that it is in harmony with the general purpose and intent of the zoning requirement.

Stitt-White explained that should the Board of Zoning Appeals approve the proposed variances, staff recommends the following conditions be considered:

- 1) The applicant shall install a guard rail along all trailer parking spaces that border the proposed fence (to replace the proposed wooden railroad tie wheel stops).
- 2) The applicant shall comply with the comments from the City of Franklin Fire Department (e.g. proposed Knox box).

The Chair opened the floor for public hearing at 5:53 PM and invited the applicant to speak first.

Christian Stone approached the podium, stated his address, and confirmed that he had been sworn in. He reiterated the importance of perimeter fencing to the security of the property and confirmed that the fence will not obscure the building from the road. He then responded to concerns regarding the proposed use of wooden railroad tie parking stops, stating that the wooden blocks have been utilized at existing facilities and work well.

Bencsik asked why a black vinyl chain link fence was being suggested as the preferred fence material.

The applicant responded that the fencing material will provide a sleek modern aesthetic that protects against rust and corrosion.

Westendorf added that a black vinyl chain link is visually appealing and will blend in beautifully on the wooded lot.

Hearing no additional requests for public comment, the Chair closed public comment on BZA 25-05 at 5:55 PM and called for a motion.

Bencsik made a motion to approve, conditional upon the installation of guard rails as designated and in compliance with all comments from the City of Franklin Fire Department.

Motion made by Bencsik, Seconded by West.
Voting Yea: Heaney, West, Bencsik
Motion carried

9. DISCUSSION

10. ADJOURNMENT

Motion to adjourn made by Heaney, Seconded by West
Voting Yea: Heaney, West Bencsik

The meeting was adjourned at 6:07 PM