AGENDA
FRANKLIN BOARD OF ZONING APPEALS

July 13, 2020
5:30 P.M.

I. CALL TO ORDER

II. ROLL CALL

III. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

IV MINUTES FROM NOVEMBER 25, 2019 MEETING

V. SWEARING IN – ALL PROPOSED SPEAKERS

VI. NEW BUSINESS:

1. BZA 20-01- Paul and Sue Ruppert, 16 Highland Street, Franklin, Ohio 45005 requests a variance to Chapter 1113.04(a) Nonconformities. The Rupperts would like to remove their existing garage and carport and install a two-car garage. The property is in the R-3, Central Residential District.

2. BZA 20-02- Cynthia Evans, 505 Oxford Road, Franklin, Ohio 45005 requests a variance to Chapter 1107.05(c) Industrial Districts Development Standards for a lot width variance. The property is in an I-2, General Industrial District.

VII. DISCUSSION:

VIII. ADJOURNMENT
NOMINATION AND ELECTION OF CHAIRMAN

The process for election of Chairman is as follows:

1. **The Chairman calls for Nominations.** (Any number of nominations may be made).

   "I nominate ___________ for the position of Chairman for the 20__ term."

   "I second that nomination."

   The Chairman announces the name of the nominee.

   The Chairman then calls for further nominations, which are taken in the same manner.

   *NOTE THAT THERE IS NO VOTE ON A NOMINATION AFTER IT IS SECONDED*

2. **The Chairman Closes the Nominations.** After receiving no further nominations, the Chairman closes the nominations.

   CHAIRMAN: “Hearing no more nominations, I close the nominations for Chairman.”

   *NOTE THAT CLOSING NOMINATIONS IS AN ADMINISTRATIVE TASK – NO MOTION OR VOTE IS NEEDED*

3. **The Chairman Calls for the Vote on Each Nomination in the Order it was Received.**

   The nominations are voted upon in the order the names were announced by the Chairman, until one of the nominees receives a majority vote.

   CHAIRMAN: “Rachel, please call the roll on ___________ being appointed to the position of Chairman for the 20__ term.”

REMINDERS:

* The position of Chairman and Vice-Chairman shall be nominated and filled separately.
NOMINATION AND ELECTION OF VICE-CHAIRMAN

The process for election of vice-Chairman is as follows:

1. **The Chairman calls for Nominations.** (Any number of nominations may be made).

   "I nominate __________ for the position of Vice-Chairman for the 20__ term."

   "I second that nomination."

   The Chairman announces the name of the nominee.

   The Chairman then calls for further nominations, which are taken in the same manner.

   *NOTE THAT THERE IS NO VOTE ON A NOMINATION AFTER IT IS SECONDED*

2. **The Chairman Closes the Nominations.** After receiving no further nominations, the Chairman closes the nominations.

   CHAIRMAN: "Hearing no more nominations, I close the nominations for Vice-Chairman."

   *NOTE THAT CLOSING NOMINATIONS IS AN ADMINISTRATIVE TASK – NO MOTION OR VOTE IS NEEDED*

3. **The Chairman Calls for the Vote on Each Nomination in the Order it was Received.**

   The nominations are voted upon in the order the names were announced by the Chairman, until one of the nominees receives a majority vote.

   CHAIRMAN: "Rachel, please call the roll on __________ being appointed to the position of Vice-Chairman for the 20__ term."

REMINDERS:

* The position of Chairman and Vice-Chairman shall be nominated and filled separately.
EXAMPLE:

There are five Board of Zoning Appeals: Paul, John, George, Ringo and Chairman Q.

1. Nominations:
   - Chairman Q calls for nominations for the position of Chairman.
   - Ringo nominates Paul.
     - George seconds the motion.
   - Chairman Q announces Paul’s name, and calls for further nominations.
   - Chairman Q nominates John.
     - George seconds the motion.
   - Chairman Q announces John’s name, and calls for further nominations.

2. Closing Nominations:
   - No further nominations are given.
   - Chairman Q announces the nominations are closed.

3. Vote:
   - Chairman Q calls for a roll call vote on Paul being appointed to the position of Chairman.
   - Roll call vote taken, and Paul receives majority vote.
   - Paul is appointed Chairman, and the voting ceases – no vote is taken on John’s nomination.

(If Paul had not received a majority vote, then a roll call vote on John’s nomination would have been in order.)
BOARD OF ZONING APPEALS
FRANKLIN, OHIO

The meeting of the Board of Zoning Appeals was held on Monday, November 25, 2019, and called to order at 5:31 p.m. by Vice Chairman, Bruce Stewart.

Roll Call:
Mr. Dave McDaniel present
Ms. Julie Wiebusch present
Mr. Tony Trammell absent
Also present: Barry Conway, City Engineer; Rachel Runge, Secretary; Jason Babinic; Ronal Temple; Roy Stone; Bonnie King; Steve King; Dennis Hudsel; and Jay Moore.

MINUTES OF THE OCTOBER 28, 2019 MEETING:
Motion to approve the minutes of the October 28, 2019, meeting, as written, was made by Julie Wiebusch; Seconded by Darrell Hunt.

The Vote:
Ms. Weibusch yes
Mr. Stewart yes
Mr. Hunt yes
Mr. McDaniel yes

Motion Passed.
Rachel Runge administered the oath to proposed speakers Jason Babinic and Ronal Temple.

OLD BUSINESS: NONE

NEW BUSINESS:

BZA19-03 SIGN VARIANCE
Mr. Conway stated Signarama Cincinnati, representing Modula Inc., requests a variance to increase the square footage of the allowable wall signage from 200 sf to 242 sf. They are permitted an additional 200 sf of signage as part of the Highway Sign Overlay District. The property is in the I-1, Light Industrial District. Modula, Inc. purchased the old Dayton Daily News building. Based on the Sign Permit application, the building is approximately 252,000 sf. The additional square footage is to add a “Welcome Modula” sign on an existing sign band on the front. They are also requesting a variance to install 19 banners on the existing streetlight poles along their driveway. The banners are 4’ by 10’. The code allows for one 150 sf banner for 60 days. TRC discussed this variance and had no opposition to it. Mr. Stewart asked if this was positioned at the same area Dayton Daily had their signs and Jason Babinic of Signarama Cincinnati stated the presentation showed where the signs would go. Mr. Hunt asked if this was just a little bigger than the current signage and Mr. Babinic stated yes, proposed. Mr. Stewart asked if the banners
were going on their road. Mr. Babiniec stated it was their driveway, yes. Bonnie and Steve King, 9280 Bruce Drive, Franklin asked if the lighting would affect them and Mr. Babiniec stated no, the lighting was backlights against the building as before.
Mr. McDaniel made a motion to approve BZA19-03; seconded by Mr. Hunt.
The Vote:
Mr. Stewart yes Mr. McDaniel yes
Mr. Hunt yes Ms. Wiebusch yes
Motion Passed.

BZA 19-04 SIGN VARIANCE
Barry Conway opened BZA19-04 stating Ron Temple, representing Freewill Baptist Church, 6194 State Route 123, requests a variance to increase the square footage of the allowable monument signage from 36 sf to 39 sf. They also request a variance to increase the size of the electronic messaging area from 24 sf to 31 sf. The property is in the R-1A, Estate Residential District. Freewill Baptist Church intends to install an electronic message board in place of the existing sign. Most of the existing sign will remain, including the base. The existing sign sits approximately 150 feet off the road. TRC members discussed this variance and had no opposition to it being inside the existing base. Mr. Hunt asked if the sign was any bigger. Mr. Conway stated yes. Mr. Stewart said he has a problem with flashing lights. Mr. Conway stated it would not be on all night. Mr. Temple stated it would not be on from 10:00 p.m. to 6:00 a.m. Mr. Stewart said larger sign with lights would be intrusive. Mr. McDaniel asked if they were going to move it and Mr. Temple said no, due to the zoning. Mr. Hunt asked if the message would change and Mr. Temple stated yes, times of services and events.
Julie Wiebusch made a Motion to pass BZA19-04; Seconded by Mr. McDaniel.
The Vote:
Mr. Hunt yes Ms. Wiebusch yes
Mr. McDaniel yes Mr. Stewart no
Motion Passed

With nothing else on the agenda, at 5:45 a Motion to adjourn was made by Ms. Wiebusch; Seconded by Mr. McDaniel.
The Vote:
Mr. Dave McDaniel yes Mr. Bruce Stewart yes
Ms. Julie Wiebusch yes Mr. Darrell Hunt yes
Motion passed

________________________
Chairman

Rachel Runge, Secretary
FRANKLIN BOARD OF ZONING APPEALS NOVEMBER 25, 2019
1115.10(b)(2) 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 variance shall only be granted if the Appeals Board finds that all of the following standards are met:

A. 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.);

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

C. There cannot be any beneficial use of the property without the variance;

D. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures;

E. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance;

F. 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;

G. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup;

H. 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; and

I. 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.
CITY OF FRANKLIN, OHIO
STAFF REPORT, BOARD OF ZONING APPEALS

Meeting Date: Monday, July 13, 2020, 5:30 P.M.

BZA Case: 20-01

GENERAL INFORMATION:
Applicant: Paul and Sue Ruppert
16 Highland Avenue
Franklin, Ohio 45005

Case Request: Variance to §1113.04(a) Nonconformities: The Rupperts would like to remove their existing one car garage and carport and install a two-car garage. The property is in the R-3, Central Residential District. The existing structure is non-conforming structure due to the setback requirements in R-3 (setbacks: front yard 15 feet, side yard 4:10 and rear yard 20 feet) and lot coverage of 35%.

Reason for Request: Improve the aesthetics of the structure and allowing additional personal property to be stored indoors.

Chapter 1113.04(a) states that it is the intent of this UDO that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the zoning district, except by appeals to the Appeals Board for approval of specific plans. This new garage will closely follow the existing footprint of the one car garage and attached carport. The new structure will be no closer to the right-of-way as is the existing house. The lot coverage will increase from 46% to 48% for the principle structure.

Variances: A variance may be granted by the Appeals Board, allowing deviations from the height, mass, setback, parking, or other dimensional requirements established by this UDO where practical difficulties unique to the property in question prevent full compliance with such provisions and whereas will not be contrary to the public interest. Use variances are not permitted under this UDO.

Location of Request: 16 Highland Avenue, Franklin, Ohio 45005 (see attached map).

Existing Zoning: R-3, Central Residential District.

Subdivision and Lot#: Longs Addition, lot 33 (approximately 0.0803 acres).

The TRC discussed this variance and had no opposition to it (5-0).
City of Franklin, Ohio
VARIANCE APPLICATION
UDO Section 1115.10

Application No. BZA 26-01

The undersigned owner(s) of the following property hereby submit this application requesting a variance, as specified below.

1. Name of Applicant(s): Paul M. Rupert Jr. & Sue A. Rupert

2. Mailing Address: 16 Highland St

3. Phone Number: 937-746-2237 (home) 937-903-1894 (cell) 937-903-1894 (work)

4. Address of the property where variance is requested: 16 Highland St

5. Lot No. of the property where variance is requested: Louns Addition Lot 33 (101)


7. Requesting variance from the following regulation: UDO Section

8. Description/Nature of Variance requested: Remove Old Garage & Carport
   Replace with 2 Car Garage Follow Current House Profile

The following items must be submitted with this Application:

N/A A. If the applicant is not the owner of the subject property, a notarized letter of authorization from the property owner(s), designating the applicant as his/her/their representative.

✓ B. Legal Description of the property where the variance is requested — either a deed or a drawing prepared by a surveyor registered in the State of Ohio.

✓ C. A List of all owners of property that are contiguous to the property where the variance is requested or that are across the street from it. (The list shall be based upon the Warren County Auditor’s current tax lists).

✓ D. A Vicinity Map showing property lines, thoroughfares and existing zoning.

✓ E. A Narrative Statement establishing and substantiating the justification for the variance, pursuant to the following Standards for Approval:

   (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.);

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

   (3) There cannot be any beneficial use of the property without the variance;

   (4) The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures;

   (5) The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance;

   (6) The essential character of the neighborhood will not be substantially altered nor will adjoining properties suffer substantial detriment as a result of the variance;

   (7) The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup;
(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; and

(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.

___ F. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance, as directed by the Zoning and Building Official.

___ F. The Application Fee $100

BE ADVISED THAT THE SUBMISSION OF ADDITIONAL SUPPORTING INFORMATION MAY BE REQUIRED.

*** Additional Conditions & Safeguards: In approving a request for a variance, the Appeals Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. If the applicant will not agree with such conditions, the Variance shall not be granted.

*** Expiration of the Variance: Variance approvals shall expire one (1) year from the date of approval, unless prior thereto the applicant applies for a building permit in accordance with the granted variance. There shall be no modification of any variance except upon further approval of Appeals Board.

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**The applicant should check with the City's Division of Building & Zoning in regards to any building code requirements or other permits required by the City. Acceptance and/or approval of this application is not a guarantee against a change in development requirements or standards due to unforeseeable circumstances once the project and/or construction begins. The applicant is advised to consult with specialists as needed.**

__________________________
Signature of Applicant(s)

DATE: 6/24/20
June 25, 2020

Paul M Ruppert
16 Highland St
937-903-1894 cell
937-746-2237 home.

Request for variance:

I am requesting a variance on the setback and lot coverage in order to build a 2 car garage. Currently I have a one car garage and a carport in this location. Both the garage and carport will be torn down. The area of lot coverage will basically be the same and the setback will be continued with the walls of the garage being equal to the north and south walls of the house. This will allow for improvement of the looks of the lot, of the house and housing for my cars.

Thank you for your consideration. We have lived here since 1970 and hope this is our final major upgrade!
16 Highland

The provider makes no warranty or representation with respect to this information, its quality or suitability for a particular purpose. This information is provided AS IS, and the requester assumes the entire risk as to its quality and suitability. The provider will not be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information.

The provider shall have no liability for any other information, Programs or data used with or combined with the requested information, including the cost of recovering information, programs or data.
CITY OF FRANKLIN, OHIO
STAFF REPORT, BOARD OF ZONING APPEALS

Meeting Date: Monday, July 13, 2020, 5:30 P.M.

BZA Case: 20-02

GENERAL INFORMATION:
    Applicant: Cynthia Evans
    505 Oxford Road
    Franklin, Ohio 45005

Case Request: Cynthia Evans, 505 Oxford Road, Franklin, Ohio 45005 requests a variance to Chapter 1107.05(c) Industrial Districts Development Standards for a lot width variance.

Reason for Request: The lot width dimensional requirements for an I-2 lot is 300 feet. This property has always been used as a residential property with two houses on it. Ms. Evans would like to split the property so she can sell one of the properties. The resulting lot widths would be approximately 150 feet and 215 feet.

The UDO stipulates that: Variances: A variance may be granted by the Appeals Board, allowing deviations from the height, mass, setback, parking, or other dimensional requirements established by this UDO where practical difficulties unique to the property in question prevent full compliance with such provisions and whereas will not be contrary to the public interest. Use variances are not permitted under this UDO.

Location of Request: 505 Oxford Road, Franklin, Ohio 45005 (see attached map).

Existing Zoning: I-2, General Industrial District.

Subdivision and Lot#: N/A (approximately 2.103 acres).

The TRC discussed this variance and had no opposition to it (5-0).
City of Franklin, Ohio
VARIANCE APPLICATION
UDO Section 1115.10

Application No. 220-02

The undersigned owner(s) of the following property hereby submit this application requesting a variance, as specified below.

1. Name of Applicant(s): CYNTHIA EVANS

2. Mailing Address: 505 OXFORD ROAD, FRANKLIN OHIO 45005

3. Phone Number: 937 477 8086 (home) __________________________ (work)

4. Address of the property where variance is requested: 505 OXFORD ROAD

5. Lot No. of the property where variance is requested: N/A


7. Requesting variance from the following regulation: UDO Section 1115.05(C)

8. Description/Nature of Variance requested: VARIANCE TO LOT WIDTH REQUIREMENT OF 300 FEET TO APPROXIMATELY 150 AND 215 FEET.

The following items must be submitted with this Application:

☐ A. If the applicant is not the owner of the subject property, a notarized letter of authorization from the property owner(s), designating the applicant as his/her/their representative.

☒ B. Legal Description of the property where the variance is requested – either a deed or a drawing prepared by a surveyor registered in the State of Ohio.

☒ C. A List of all owners of property that are contiguous to the property where the variance is requested or that are across the street from it. (The list shall be based upon the Warren County Auditor’s current tax lists).

☒ D. A Vicinity Map showing property lines, thoroughfares and existing zoning.

☒ E. A Narrative Statement establishing and substantiating the justification for the variance, pursuant to the following Standards for Approval:

(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.);

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

(3) There cannot be any beneficial use of the property without the variance;

(4) The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures;

(5) The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance;

(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;

(7) The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup;

(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; and

(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.
F. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance, as directed by the Zoning and Building Official.

V. The Application Fee. $100

BE ADVISED THAT THE SUBMISSION OF ADDITIONAL SUPPORTING INFORMATION MAY BE REQUIRED.

*** Additional Conditions & Safeguards: In approving a request for a variance, the Appeals Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. If the applicant will not agree with such conditions, the Variance shall not be granted.

*** Expiration of the Variance: Variance approvals shall expire one (1) year from the date of approval, unless prior thereto the applicant applies for a building permit in accordance with the granted variance. There shall be no modification of any variance except upon further approval of Appeals Board.

**The applicant should check with the City’s Division of Building & Zoning in regards to any building code requirements or other permits required by the City. Acceptance and/or approval of this application is not a guarantee against a change in development requirements or standards due to unforeseeable circumstances once the project and/or construction begins. The applicant is advised to consult with specialists as needed.**

__________________________
Cynthia Evans
Signature of Applicant(s)

DATE: 6/19/20

OFFICE USE ONLY

Received Date: 6/19/20
TRC Meeting: 7/6/20
Legal Notice: 7/8/20
Mailings: 7/6/20
BZA Meeting: 7/13/20

[] Approved

[] Approved with Modifications:__________________________

[] Denied because:____________________________________

Date of Approval or Denial:__________________________ Date Notice Mailed to Applicant:____________________

Expiration Date of Variance:____________________

Extensions: