

AGENDA
FRANKLIN BOARD OF ZONING APPEALS

May 23, 2022
5:30 P.M.

- I. CALL TO ORDER
- II. ROLL CALL
- III. ELECTION OF CHAIRMAN AND VICE CHAIRMAN
- IV. MINUTES FROM OCTOBER 25, 2021 MEETING
- V. SWEARING IN – ALL PROPOSED SPEAKERS
- VI. OLD BUSINESS: BZA 21-03 CONTINUED, APPLICANT WITHDREW APPEAL
- VII. NEW BUSINESS:
 1. BZA 22-01- James Weaver, VP of Lake Erie Electric, Inc. requests a variance to the height of an accessory structure from 15 feet to 26 feet for a proposed storage structure located at 360 Industrial Drive, Franklin, Ohio 45005. The property is in the I-2, General Industrial District.
 2. BZA 22-02 Vanessa Stickel of Permit Solutions requests a variance to the size and height of directional signage and to the number of drive through menu boards for the McDonalds located at 6810 Franklin Lebanon Road, Franklin, Ohio 45005. The property is in the C-1, General Commercial District.
 3. BZA 22-03 Jon Cowell of Select Signs, LLC requests a variance to the number, size and allowable signage for Kettering Health Emergency Facility located at 100 Kettering Way, Franklin, Ohio 45005. The property is in the C-1, General Commercial District.
- VIII. DISCUSSION:
- IX. 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, October 25, 2021, and called to order at 5:31 p.m. by Chairman, Tony Trammell.

Roll Call:

Mr. Kenneth Gibson	present	Mr. Bruce Stewart	present
Ms. Julie Wiebusch	present	Mr. Darrell Hunt	absent
Mr. Tony Trammell	present		

Also present: Jonathan Westendorf, City Manager; Barry Conway, City Engineer; Kyle Lovelace, Fire Marshall; Rachel Runge, Secretary; Dave Shannon; Mansuo "Jenny" Hayashi; Gary Green; Susan Stewart; Chris Evans

Rachel Runge administered the oath to proposed speakers, Dave Shannon, Jenny Hayashi, and Chris Evans.

OLD BUSINESS: NONE

NEW BUSINESS:

BZA21-03

Dave Shannon, representing Mansuo "Jenny" Hayashi, applied for an Administrative Appeal due to a denied Accessory Use Permit Application at her property located at 9414 Deardoff Road, Franklin, Ohio. The property is in the R-1A, Estate Residential District. Barry Conway stated this was originally a variance, but use variances are not permitted under the UDO. Dave Shannon stated under the accessory use code, fences are covered under the original code but fences have now been included. Mr. Conway stated the code Mr. Shannon used was from 2014. Mr. Shannon insisted this was the code that was listed on the City's webpage. Mr. Shannon stated he was installing and repairing the fence due to break-ins at his barn where he stores his expensive equipment. Mr. Shannon continued that his neighbors love the fence and he is waiting to build a residence until after the fence is fixed/completed. Mr. Westendorf stated the reason for the meeting is to determine if Kyle Lovelace's interpretation of the law is correct, being that if there is a principal structure on the property. There is no principal use, so accessory permits are not allowed. Mr. Conway stated that even if the land is rezone, there is not principal structure, therefore the still cannot have an accessory use permit. Mr. Stewart asked how the board could make this happen. Mr. Westendorf stated there would need to be a principal structure on the property that conforms to the zoning. Mr. Westendorf stated the code requires a principal use and again stated the reason for the meeting was to decide if Kyle made the interpretation correctly. If there is a principal structure, they owners can apply for a fence permit. Since there is no principal structure, is Kyle correct in denying the permit? Mr. Shannon again insisted that wasn't what the City's website stated. Mr. Westendorf stated the law changed when it was voted on, not when the webpage was

updated. Mr. Stewart asked what would happen if they changed the zoning. Mr. Westendorf explained it still doesn't change because there is no principal building. Mr. Westendorf stated there is a right order in which things should happen, which is the principal needs to be on the property prior to a fence permit. Mr. Shannon stated the barn is the principal building. Mr. Westendorf asked if they were constructing a new fence and Mr. Shannon stated 80% of the fence is just being repaired. Mr. Westendorf again stated there is not principal use structure on the parcel. Mr. Stewart asked how the land owner is supposed to protect his property. Mr. Westendorf stated to use local law enforcement and to submit plans to the City so it is understood what is happening. Mr. Shannon said there is no building design. Mr. Westendorf stated that is the problem because his intent is not known and he wants to focus on the administrative process to go through the process correctly. Mr. Stewart asked how they could meet common ground. Mr. Westendorf stated, again, that the question posed today is whether Kyle Lovelace acted appropriately, bound by the laws. Mr. Stewart asked if this could be tabled because he wasn't comfortable. Mr. Westendorf stated it could be continued rather than tabled. Bruce Stewart made a motion to continue BZA 21-03, seconded by Julie Wiebusch.

The Vote:

Julie Wiebusch	yes	Bruce Stewart	yes
Tony Trammell	yes	Kenneth Gibson	yes

Motion Passed

With nothing else on the agenda, at 6:27 a Motion to adjourn was made by Bruce Stewart; Seconded by Julie Wiebusch.

The Vote:

Tony Trammell	yes	Kenneth Gibson	yes
Bruce Stewart	yes	Julie Wiebusch	yes

Motion passed

Chairman

Rachel Runge, Secretary

The UDO stipulates that:

1115.10(b) **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.

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, May 23, 2022, 5:30 P.M.

BZA Case: 22-01

GENERAL INFORMATION:

Applicant: James Weaver, VP of Lake Erie Electric, Inc.
360 Industrial Drive
Franklin, Ohio 45005

Location of Request: 360 Industrial Drive, Franklin, Ohio 45005 (see attached map).

Existing Zoning: I-2, General Industrial District.

Subdivision and Lot#: N/A.

Case Request: James Weaver, VP of Lake Erie Electric, Inc. requests a variance to the height of an Accessory Structure they wish to construct on their lot located at 360 Industrial Drive, Franklin, Ohio 45005. The property is in the I-2, General Industrial District. Chapter 1113.05(d)(3)(A) stipulate the "No storage accessory structure shall exceed fifteen feet (15') in height". The proposed 5760 square foot building would be approximately 26 feet in height.

Reason for Request: The owner would like to construct a storage structure to store his vehicles to help stop vandalism and theft.

1115.10(b) 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: 360 Industrial Drive, Franklin, Ohio 45005 (see attached map).

Existing Zoning: I-2, General Industrial District.

Subdivision and Lot#: N/A.

The TRC discussed this variance and voted 5-0 to approve.

City of Franklin, Ohio
VARIANCE APPLICATION
UDO Section 1115.10

Application No. BZA 22-01

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

1. Name of Applicant(s): Lake Erie Electric, Inc. James Weaver VP
2. Mailing Address: 360 Industrial Dr Franklin OH 45005
3. Phone Number: 937-743-1220 (home) 513-267-2203 cell (work)
4. Address of the property where variance is requested: 360 Industrial Dr. Franklin OH
5. Lot No. of the property where variance is requested: _____
6. Current Zoning District: I2 Current Use: _____
7. Requesting variance from the following regulation: UDO Section _____
8. Description/Nature of Variance requested: Requesting variance on the maximum height of accessory building to above 15 ft.

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.

____ F. The Application Fee.

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.



Signature of Applicant(s)

DATE: 4-7-22

OFFICE USE ONLY

Received Date: 4/7/22

TRC Meeting: 5/10/22

Legal Notice: 5/18/22

Mailings: 5/16/22

BZA Meeting: 5/23/22

Approved

Approved with Modifications: _____

Denied because: _____

Date of Approval or Denial: _____

Date Notice Mailed to Applicant: _____

Expiration Date of Variance: _____

Extensions: _____



Lake Erie Electric, Inc.

Contractors and Engineers • Dayton Office

OH Lic. # 26769

360 Industrial Drive, Franklin, Ohio 45005 Phone: 937-743-1220 Fax: 937-743-1227

Established 1952

5/10/2022

1:13 PM

To whom it may concern,

Lake Erie Electric (LEE) is seeking a variance from the Building and Zoning Administration.

In the past year or two LEE has experienced some theft and vandalism in the rear of our property and in the lay down yard. While theft of some items in the lay down yard is inevitable, we are able to mitigate that with responsible storage practices, additional lighting and some planning. However, at one point several of our vehicles that are parked in the rear lot had their catalytic convertors stolen off of them. As you well know this is an expensive and time consuming endeavor to have replacement convertors installed. We discussed it internally and decided that the logical solution was to develop our additional lot next door. This would allow for an additional storage building and also remove the eye sore of the overgrown lot adjacent to our office.

We immediately went to work cleaning up the overgrown foliage and improving the lot layout and landscape. We decided to build a building and I initially received approval from the home office in Cleveland. Unfortunately, the cost of materials provided a bit of sticker shock so the idea was postponed. Recently however, in an effort to grow our business we have purchased a new bucket truck, excavator and skid steer. In order to protect these new items Cleveland has approved the construction of a new building.

The lot isn't great but it will accommodate a 60x96 structure. In order to get the bucket truck and the excavator stored safely we decided on a building that is 16 feet to the bottom of the truss. I was unaware of any height limitations in our zone so I proceeded to have the drawings submitted. LEE does not believe that this structure is out of line with the character of the industrial park. The lot has been improved, a berm constructed that will minimize the curb view of the building, and the finished product should be a great improvement to our property. It will allow us to place many of the unsightly items that are out in the lay down area indoors as well the ability to get the vehicles secured and out of sight. Most importantly the bucket truck, skid steer, and excavator, at a combined cost of \$320,000, can be stored and protected inside the new building.

I am sorry for any inconvenience my building design request has caused. It is my responsibility entirely for not knowing the zoning regulation of our location. We will continue to work with Mr. Lovelace and Mr. Conway to ensure that they are satisfied with the final product if approved.

Please consider our request for a zoning variance for our building. Thank you

Respectfully,

Lake Erie Electric, Inc.

James A. Weaver III
Vice President

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

Meeting Date: Monday, May 23, 2022, 5:30 P.M.

BZA Case: 22-02

GENERAL INFORMATION:

Applicant: Vanessa Stickel, Permit Solutions
100 North Avenue, Suite 130
Tallmadge, Ohio 44278

Location of Request: 6810 Franklin Lebanon Road, Franklin, Ohio 45005 (see attached map).

Existing Zoning: C-1, General Commercial District.

Subdivision and Lot#: N/A.

Case Request: Vanessa Stickel of Permit Solutions requests a variance to the size and height of directional signage and to the number of drive through menu boards for the McDonalds located at 6810 Franklin Lebanon Road, Franklin, Ohio 45005. The property is in the C-1, General Commercial District.

Chapter 1111.08(g)(10) stipulates "On-site directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to a maximum of two square feet in area and three feet in height and do not interfere with safe vehicular or pedestrian traffic circulation and are not located within the clear sight distance triangle. No more than two such signs are allowed per vehicular access point. Such signs may contain information such as "In," "Enter," "entrance," "Out," "Exit," "Do Not Enter," or similar language as approved by the Zoning Official or his designee or arrows indicating desired traffic movement. Such signs may not contain advertising, including logos, and must be of a rectangular shape. Such signs must be on the property to which they refer and may not be placed within a public right-of-way. Private traffic and on-site Directional Signs are excluded from total sign count."

Chapter 1111.08(g)(10) stipulates "One drive-through menu board sign and one preview board is permitted".

Reason for Request: The owner would like to construct a second drive-through service lane to help minimize stacking and delays. The directional signage for the drive through lanes would be overhead and approximately 3.33 square feet each.

1115.10(b) 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: 6810 Franklin Lebanon Road, Franklin, Ohio 45005 (see attached map).

Existing Zoning: C-1, General Commercial.

Subdivision and Lot#: N/A.

The TRC discussed this variance and voted 5-0 to approve.

City of Franklin, Ohio
VARIANCE APPLICATION
UDO Section 1115.10

Application No. 32A 22-02

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

1. Name of Applicant(s): McDonald's Corporation - Permit Solutions - Vanessa Stickel - Owners Representative
2. Mailing Address: 100 North Ave Ste 130 Tallmadge, Ohio 44278
3. Phone Number: 330-571-3315 (home) _____ (work)
4. Address of the property where variance is requested: 6810 Franklin Lebanon Rd Franklin, Ohio
5. Lot No. of the property where variance is requested: 08301020140
6. Current Zoning District: C-1 Current Use: Commercial Restaurant
7. Requesting variance from the following regulation: UDO Section Section 1111.08 (g) (10)
8. Description/Nature of Variance requested: McDonald's is seeking a variance to allow for a second drive-thru menu board and pre-browse board to allow for a second drive-thru lane.

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.

X 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.

X F. **The Application Fee.**

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.****

Vanessa Stickel

Signature of Applicant(s)

DATE: 5/12/2022

OFFICE USE ONLY

Received Date: 5/12/22

TRC Meeting: 5/10/22

Legal Notice: 5/18/22

Mailings: 5/14/22

BZA Meeting: 5/23/22

Approved

Approved with Modifications: _____

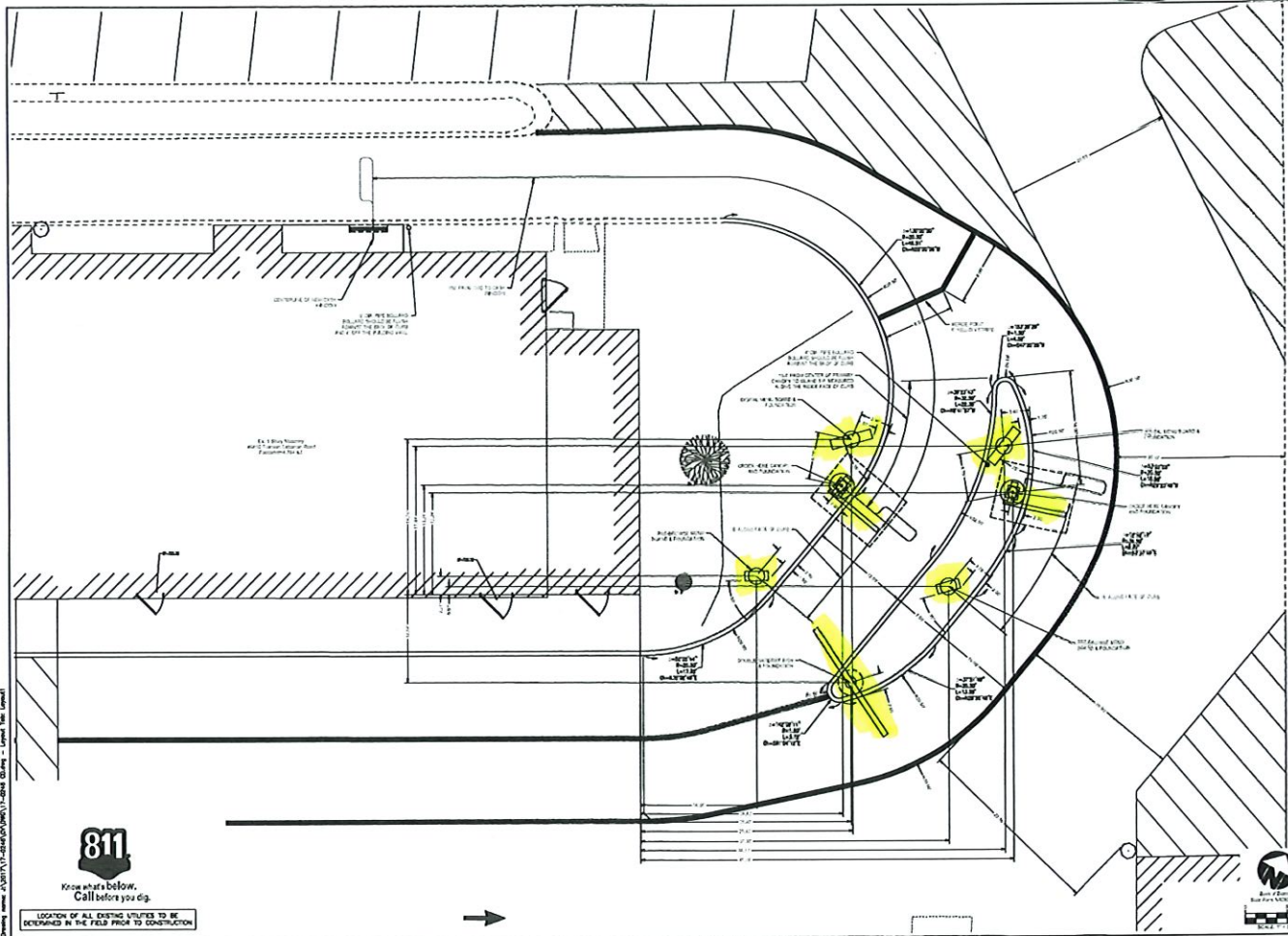
Denied because: _____

Date of Approval or Denial: _____

Date Notice Mailed to Applicant: _____

Expiration Date of Variance: _____

Extensions: _____



DATE: 03/10/18
SCALE: 1/8" = 1'-0"
DRIVE THRU DETAIL

<p>McDonald's EXISTING McDONALD'S RESTAURANT AT: 10000 W. STATE ST., FRANKLIN TOWNSHIP CITY OF FRANKLIN, WARREN COUNTY, OHIO</p>	<p>bayer becker ARCHITECTS 10000 W. STATE ST., FRANKLIN, OHIO 45002</p>	
<p>PROJECT NO. 17-004</p> <p>DATE: 03/10/18</p> <p>SCALE: 1/8" = 1'-0"</p> <p>DRIVE THRU DETAIL</p>	<p>DATE: 03/10/18</p> <p>SCALE: 1/8" = 1'-0"</p> <p>DRIVE THRU DETAIL</p>	<p>DATE: 03/10/18</p> <p>SCALE: 1/8" = 1'-0"</p> <p>DRIVE THRU DETAIL</p>

McDonald's
6810 Franklin Lebanon Rd.
Franklin, Ohio
BZA Narrative
May 12, 2022

The Applicant is proposing to renovate the McDonald's Restaurant located at 6810 Franklin Lebanon Rd. Franklin, Ohio. The site is zoned C-1 and a restaurant with a drive thru is a permitted use in the zoning district. All site access to the McDonald's is from the driveway along Franklin Lebanon Rd. In order to provide better service to its customers in motor vehicles, the Applicant will be updating the drive-thru to provide two on-site drive-thru lanes for customers placing orders that will merge into a single lane to pay for and pick-up orders. Providing two drive through lanes will facilitate the efficient movement through the drive-thru and reduction of on-site stacking.

The interior on-site circulation includes a traffic pattern directs motor vehicles into the appropriate two lanes to order drive-through service on the west side of the building then merge into a single lane, circle the building to pay for and pick up their order, then exit the site. Two drive through lanes will minimize on-site stacking and delays, but will require additional signage to accommodate the internal traffic flow and efficiency in the operation of the drive-thru facilities. Identification and directional signage is also necessary for the safety of the all customers and the operation of the site.

To permit two lanes for stacking and ordering as proposed on this site, the Applicant is requesting variances from Section 1111.08 (g) (10).

“such signs are oriented solely for the use of patrons utilizing the drive-thru and are not visible from adjacent property or right-of-way. Drive-thru menu board signs may include freestanding, pylon, and monument signs. One drive-thru menu board sign and one preview board is permitted, but only when all of the following conditions are fulfilled: the sign is located on the property to which it refers; the sign is not visible from the public right-of-way; the sign does not exceed six feet in height; and the sign is located at least 75' from a Residential District”.

1. The menu boards and pre-browse boards are not visible from the right-of-way as they are located in the rear of the property.
2. There are two menu board signs, and two pre-browse boards being proposed. The additional menu board and pre-browse board would require approval of a variance from the city's Board of Zoning Appeals.
3. The menu board signs meet the height requirement as they are 5' 11" tall.
4. The pre-browse boards meet the height requirement as they are 5.95 feet tall.
5. The signs meet the residential setback requirement.

The Applicant is requesting variances to permit two (2) of each of the following signs, one for each drive thru order lane:

1. Two free standing mounted double screen “menu board” signs, that are each internally illuminated, 4’6” x 4’, have a sign area of 18.4 sf and are 5’ 11” in height. The two signs have a total area of 36.8 sf.
2. Two free standing mounted single screen pre-browse “menu board” signs, that are each internally illuminated, 26.8” x 47.7”, have a sign area of 8.87 sf and are 71.5” in height. The two signs have a total area of 17.74 sf.

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.

This site is in close proximity to Interstate 75 which creates an increase of traffic coming to the site. The current configuration of the site creates an issue with vehicles stacking into the public road. This variance is being requested by the Applicant to maximize the functionality of the site, the efficiency of its drive-thru service which is a permitted use in the zoning classification and to provide sufficient on-site stacking, efficient ordering, and safe, convenient and efficient order pick-up. This efficiency is designed to maximize the number of drive-through customers that can be stacked and served on-site. The signage is necessary to support the dual drive-thru ordering which is necessary for the use and operation of the site.

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

The special conditions and circumstances are not a result of any actions of the Applicant. The variance is need due to site and surrounding area that are unique to this lot, its necessary driveways and access, and the operational needs of the proposed, permitted use of a restaurant with a significant drive-thru and carry out business. The additional signs are the minimum necessary to permit two drive-thru lanes to operate for carry-out customers to place their orders.

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

Two drive through lanes will minimize on-site stacking and delays, but will require additional signage to accommodate the internal traffic flow and efficiency in the operation of the drive-thru facilities. Identification and directional signage is also necessary for the safety of the all customers and the operation of the site.

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

The applicant feels the request is the minimum relief necessary to make reasonable use of the land and structures.

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

The applicant believes there is no other method that could resolve the on/off site stacking issues on the site.

(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;

In addition to signage and site improvements, The McDonalds reinvestment provides incentives to our owner/operators to invest their own finances to allow for greater access for those with disabilities at the same time as modernizing the brand of McDonalds.

In addition, based on the surrounding area, these changes will not alter the character of the neighborhood and should be considered an enhancement to the character of the neighborhood.

Overall, it will help support the traffic flow along Franklin Lebanon Rd.

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

Granting of the variance will not adversely affect the delivery of governmental services. The proposed addition of the SBS drive-thru will improve the access to the site.

(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;

The applicant believes the request to allow for (2) additional drive thru menu boards supports the general intent of the zoning requirements from an onsite stacking perspective and will aide in supporting the public's health safety and welfare.

(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 believes the variance request will not result in any special privilege.

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

Meeting Date: Monday, May 23, 2022, 5:30 P.M.

BZA Case: 22-03

GENERAL INFORMATION:

Applicant: Jon Cowell, Select Signs, LLC
1755 Spaulding Rd.
Kettering, Ohio 45432

Location of Request: 100 Kettering Way, Franklin, Ohio 45005 (see attached map).

Existing Zoning: C-1, General Commercial District.

Subdivision and Lot#: N/A.

Case Request: Jon Cowell of Select Signs, LLC requests a variance to the number, size and allowable signage for Kettering Health Emergency Facility located at 100 Kettering Way, Franklin, Ohio 45005. The property is in the C-1, General Commercial District.

Chapter 1111.08(g)(10) stipulates "On-site directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to a maximum of two square feet in area and three feet in height and do not interfere with safe vehicular or pedestrian traffic circulation and are not located within the clear sight distance triangle. No more than two such signs are allowed per vehicular access point. Such signs may contain information such as "In," "Enter," "entrance," "Out," "Exit," "Do Not Enter," or similar language as approved by the Zoning Official or his designee or arrows indicating desired traffic movement. Such signs may not contain advertising, including logos, and must be of a rectangular shape. Such signs must be on the property to which they refer and may not be placed within a public right-of-way. Private traffic and on-site Directional Signs are excluded from total sign count."

Chapter 1111.08(j) Table 24: Signs in Commercial Districts stipulates that for an individual uses one wall sign is permitted per street front. The maximum sign area is "Two square feet per lineal foot of building frontage, or a maximum of 200 SF total, whichever is less".

Reason for Request: The owner would like to install additional signage with the construction of the new 24,000 SF addition.

1115.10(b) 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: 100 Kettering Way, Franklin, Ohio 45005 (see attached map).

Existing Zoning: C-1, General Commercial.

Subdivision and Lot#: N/A.

The TRC discussed this variance and voted 5-0 to approve one additional directional sign but not to approve the additional wall signs. The monument signs appear to be just face changes.

Kettering Health

Wall Signs

SF	Sign	SF
188.9	1A	206 Allow face change
0	1B	112.4 Deny wall sign
	1C	
188.9	1D	144.6 Deny wall sign
0	2A	49.4 Deny wall sign
0	2B	49.4 Deny wall sign
52.4	2C	49.6 Allow face change
52.4	2D	0
0	4	61 Deny wall sign
83.2	5	77.9 Allow face change
45.8	5	27 Allow face change
Total	611.6	777.3

Directional Signs

SF	Sign	SF
0	3A	31 Allow
151.2	3B	151.2 No change
50.4	3C	50.4 No change
45.75	5A	30 Allow
64	5B	30 Deny
Total	311.35	292.6

Monument Signs

SF	Sign	SF
52	6A	47.3 Face Change
52	6B	47.3 Face Change
Total	104	94.6
Total	1026.95	1164.5

City of Franklin, Ohio
VARIANCE APPLICATION
UDO Section 1115.10

Application No. 37A 22-03

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

1. Name of Applicant(s): Jon Cowell, Select Signs, LLC
2. Mailing Address: 1755 Spaulding Rd Kettering, OH 45432
3. Phone Number: 937-608-6479 (home) 937-262-7095 (work)
4. Address of the property where variance is requested: 100 Kettering Way
5. Lot No. of the property where variance is requested: _____
6. Current Zoning District: C-1 Current Use: Emergency Health Facility
7. Requesting variance from the following regulation: UDO Section C-1 General Commercial District with the Highway Signage Overlay District
8. Description/Nature of Variance requested: The Highway Overlay District allows 1 wall sign face I-75 and either 1 monument or one pole signs facing I-75

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.

____ F. The Application Fee.

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.



Signature of Applicant(s)

DATE: 5/13/22

OFFICE USE ONLY

Received Date: 5/13/22

TRC Meeting: 5/10/22

Legal Notice: 5/18/22

Mailings: 5/14/22

BZA Meeting: 5/23/22

Approved

Approved with Modifications: _____

Denied because: _____

Date of Approval or Denial: _____

Date Notice Mailed to Applicant: _____

Expiration Date of Variance: _____

Extensions: _____

C-1 General Commercial District with the Highway Signage Overlay District

The Highway Overlay District allows 1 wall sign face I-75 and either 1 monument or one pole signs facing I-75

1) The location of the facility is close to the rise in the elevation along the highway at the exit 38 ramp and a lower elevation of the site. Therefore, traveling south on I-75, there is no distance visibility gained by being located along the highway that other lands or structures in the area might benefit from. Kettering Health is requesting 1 additional sign than it currently has on the highway side of the building. This additional sign is just the representative "K" of the brand, which is easily recognizable in its simplicity, perfect for traffic traveling at a high rate of speed. All other signs facing the highway are updates to existing or not changing.

Kettering Health is not going to install a pole or monument sign intended to be visible from the highway, rather the South facing wall on the additional building will function like a pole or monument sign.

2) The special conditions, the exit ramp and lower site elevation, are not the result from any actions by Kettering Health

3) The building addition to the Kettering Health Emergency Center located at 100 Kettering Way will change this facility into a Medical Center. The additional signage that is being requested for this building will aid in clarifying the updated function and usage of this building. This is beneficial to the surrounding community and others traveling along I-75. Without the signage, especially the Emergency signage, the function of the building may not be clear otherwise.

4) Most of the requested signage is an update of existing, updating the Kettering Health branded signage to the new logo, and therefore is not substantial. Any additional signage being added is in relation to the new medical building. This signage aids in the use of the new building by identifying its address, function, and entrance which make possible the reasonable use of this building on campus.

5) Kettering Health is seeking this variance because the site location next to the exit ramp does not make possible other options. Since this is a healthcare facility, the allowable pole sign is not in keeping with the function of the building, which is not commercial. The proposed signage is more aesthetically pleasing than a pole sign option and enhances rather than detracting from the frontage along the highway.

6) Most of the signage visible from the neighborhood side of the building is an update, so will not effect the character of the neighborhood or the surrounding properties. Other additional signage is designed and located so as to be visible either from the highway or after you have arrived on site.

7) The variance has not effect on the delivery of governmental services and may aid in the mail delivery because of the addition of the address on the building.

8) The general purpose and intent of zoning requirement is for the general welfare of the community. Kettering Health is providing a service to the surrounding community and wants to be a good partner to the community by providing good, quality healthcare. We feel the proposed signage is appropriate to the EMERGENCY service and healthcare provider function of the campus as well as meeting compliance requirements for these kind of services. All signage requested is to achieve these goals and not to expect or request any special privilege from the City of Franklin.