



Board of Zoning Appeals

Meeting Minutes

October 28, 2019

7:00 p.m.

New Albany Board of Zoning Appeals met in the Council Chamber of Village Hall, 99 W. Main Street and was called to order by Board of Zoning Appeals Chair, Mr. Gallagher, at 7:00 p.m.

Those answering roll call:

Mr. Everett Gallagher	Present
Mr. Kirk Smith	Present
Ms. Andrea Wilttrout	Present
Ms. Kerri Mollard	Present
Mr. Shaun LaJeunesse	Present
Ms. Marlene Brisk (council liaison)	Absent

Staff members present: Steven Mayer, Development Services Manager; Chris Christian, Planner; and Josie Taylor, Clerk.

Mr. Gallagher stated a correction to the July 22, 2019 meeting minutes.

Ms. Taylor stated she would make that change.

Moved by Ms. Wilttrout to approve the July 22, 2019 meeting minutes, as corrected, seconded by Mr. Smith. Upon roll call: Ms. Wilttrout, yea; Mr. Smith, yea; Mr. Gallagher, yea; Ms. Mollard, yea; Mr. LaJeunesse, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Gallagher asked for any corrections or additions to the agenda.

Mr. Christian stated none from staff.

Mr. Gallagher swore to truth those wishing to speak before the Board of Zoning Appeals (hereafter, "BZA").

V-79-2019 Variance

Variance request to C.O. 1169.12(f) to allow a monument sign to have six colors where city code allows a maximum of four for Google at 1101 Beech Road (PID: 094-106896-00.000).

Applicant: Michael Brinker

Mr. Christian presented the staff report.

Mr. Smith asked how big the sign was.

Mr. Michael Brinker, with the applicant, stated it was 10 feet by 4 feet 10.

Ms. Mollard asked how this compared to the Facebook sign.

Mr. Mayer stated Facebook had not proposed any monument signage on their site, but if they did, like this user, they would need to match the sign plan adopted by the Planning Commission.

Mr. Gallagher asked if other variances on color had previously been granted.

Mr. Mayer stated yes, adding this met the intent and matched other variance requests throughout the City.

Moved by Ms. Wiltrout to accept the staff report and related documents into the record, seconded by Mr. LaJeunesse. Upon roll call vote: Ms. Wiltrout, yea; Mr. LaJeunesse, yea; Ms. Mollard, yea; Mr. Gallagher, yea; Mr. Smith, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Moved by Mr. Smith to approve application V-79-2019, seconded by Ms. Mollard. Upon roll call vote: Mr. Smith, yea; Ms. Mollard, yea; Ms. Wiltrout, yea; Mr. LaJeunesse, yea; Mr. Gallagher, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

V-83-2019 Variance

Variance request to Harrison East Zoning Text section VII(B)(1) to not require the installation of 10 trees per 100 feet along the Harrison Road frontage for Alene Candles at 9485 Innovation Campus Way (PID: 093-106422-00.001).

Applicant: The Daimler Group

Mr. Christian presented the staff report.

Mr. Franco Manno, with the applicant, stated he could answer any questions on the application.

Ms. Wiltrout asked if the owner of the property that looked into this property had been contacted and asked about the reduced screening.

Mr. Mayer asked if that was the property across the street.

Ms. Wiltrout stated yes.

Mr. Mayer stated a neighbor notification letter regarding the variance had been sent but there had been no response.

Ms. Wiltrout asked if there was a rough estimate of the change in the number of trees that would be on the property now versus the number of trees that would have been on the site without the variance.

Mr. Mayer replied it was ten (10) trees per 100 feet, so one tree about every ten (10) feet just along Harrison Road and now along Innovation Campus Way and Harrison Road there would be about one (1) tree every twenty (20) or 25 feet.

Ms. Wiltrout asked if that was within the Code requirement.

Mr. Mayer stated yes, that was the standard.

Ms. Mollard asked if there was a different definition between buffer trees and street trees and what species of trees would be planted.

Mr. Mayer stated there was a difference, adding that street trees were between the street and the leisure path and buffer trees were behind the leisure path but within the setback area.

Mr. Manno stated he could not recall the variety of trees.

Mr. Mayer stated they had been reviewed with the City landscape architect.

Mr. Gallagher noted there was an oak wilt currently that could be problematic to oaks.

Moved by Mr. Smith to accept the staff report and related documents into the record, seconded by Mr. LaJeunesse. Upon roll call vote: Mr. Smith, yea; Mr. LaJeunesse, yea; Ms. Mollard, yea; Mr. Gallagher, yea; Ms. Wiltrout, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Moved by Ms. Wiltrout to approve application V-83-2019, seconded by Mr. LaJeunesse. Upon roll call vote: Ms. Wiltrout, yea; Mr. LaJeunesse, yea; Ms. Mollard, yea; Mr. Gallagher, yea; Mr. Smith, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

V-85-2019 Variance

Variance request to Harrison East Zoning Text section VII(C) to not require the installation of landscaping and/or mounding along a side property line adjacent to a residentially owned and used property for the Northeast 302 development at 9750 Innovation Campus Way (PID: 093-106422-00.002).

Applicant: Van Trust Real Estate

Mr. Christian presented the staff report.

Mr. Gallagher asked if anyone was present to speak for the applicant. (No response).

Mr. LaJeunesse asked why there would not be a requirement to build landscaping to the west side of the American Electric Power (hereafter, "AEP") easement rather than where AEP could rip it out.

Mr. Mayer stated the warehouse use and the need to safely maneuver on the site meant screening could not be accommodated.

Mr. LaJeunesse asked if they encroached on AEP land on the driveway.

Mr. Mayer stated yes.

Mr. Gallagher asked if the homeowner next door had been notified.

Mr. Christian stated yes.

Mr. Gallagher asked if the homeowner could build a house or other structure on the wooded area.

Mr. Mayer stated he was not sure, that was Jersey Township.

Mr. Gallagher asked how many acres.

Mr. Mayer stated he thought it was thirty (30).

Mr. Gallagher stated that was over the five (5) acre requirement for a lot.

Mr. Mayer stated he was not sure of the minimum.

Mr. LaJeunesse stated they could conceptually subdivide that property.

Mr. Mayer said potentially but could not speak to what could be allowed on the property.

Mr. Gallagher stated the homeowner had been notified.

Moved by Ms. Mollard to accept the staff report and related documents into the record, seconded by Mr. Smith. Upon roll call vote: Ms. Mollard, yea; Mr. Smith, yea; Mr. Gallagher, yea; Ms. Wilttrout, yea; Mr. LaJeunesse, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Moved by Ms. Wilttrout to approve application V-85-2019, seconded by Mr. LaJeunesse. Upon roll call vote: Ms. Wilttrout, yea; Mr. LaJeunesse, yea; Ms. Mollard, yea; Mr. Gallagher, yea; Mr. Smith, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

V-88-2019 Variance

Variance requests to C.O. 1169.18(c)(a) to allow an address sign to be greater than 4 feet wide and have an area greater than 15 square feet for the Pizutti Multi-Tenant I & II buildings at 8860 and 8820 Smith's Mill Road (PIDs: 093-107-00400.005 & 093-107-00400.008).

Applicant: Signcom c/o Jim Hartley

Mr. Christian presented the staff report.

Mr. Bruce Summerville, speaking for Mr. Hartley, stated this was a functional variance to help a multiple tenant building with visibility.

Mr. LaJeunesse asked where the sign would go.

Mr. Summerville stated it would be on the north end of the western elevation.

Mr. LaJeunesse asked if there would be street signage as well.

Mr. Summerville stated it would be very minimal and provided an exhibit.

Ms. Mollard asked if the tenants were already identified.

Mr. Summerville stated they were.

Mr. LaJeunesse asked if the intent of this huge sign was to assist truckers in finding the building.

Mr. Mayer stated that was right.

Mr. Summerville stated that was true but also to keep individual tenants from self branding on the building.

Mr. Gallagher asked if, with the 110 foot setback, the sign would look smaller than a sign closer to the street.

Mr. Mayer stated he believed each of the buildings were approximately 45 feet tall so the sign would be a small proportion of the building.

Moved by Mr. Smith to accept the staff report and related documents into the record, seconded by Ms. Wiltrout. Upon roll call vote: Mr. Smith, yea; Ms. Wiltrout, yea; Mr. Gallagher, yea; Mr. LaJeunesse, yea; Ms. Mollard, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Moved by Mr. LaJeunesse to approve application V-88-2019, seconded by Ms. Wiltrout. Upon roll call vote: Mr. LaJeunesse, yea; Ms. Wiltrout, yea; Mr. Smith, yea; Mr. Gallagher, yea; Ms. Mollard, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Moved by Mr. Smith, seconded by Ms. Mollard, to adjourn the meeting. Upon roll call vote: Mr. Smith, yea; Ms. Mollard, yea; Mr. Gallagher, yea; Ms. Wiltrout, yea; Mr. LaJeunesse, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Meeting adjourned at 7:37 pm.

Submitted by Josie Taylor.

APPENDIX



Board of Zoning Appeals Staff Report October 28, 2019 Meeting

GOOGLE SIGN VARIANCE

LOCATION: 1101 Beech Road (PID: 094-106896-00.000)
APPLICANT: Michael Brinker
REQUEST: Variance to C.O. 1169.12(f) to allow a monument sign to have six colors where city code allows a maximum of four colors.
STRATEGIC PLAN: Office Campus
ZONING: Limited General Employment: County Line Zoning District
APPLICATION: V-79-2019

Review based on: Application materials received on September 26, 2019.

Staff Report prepared by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to C.O. 1169.12(f) to allow a monument sign to have six colors where city code allows a maximum of four colors to be used.

II. SITE DESCRIPTION & USE

The property is zoned Limited General Employment and is located within the Office Campus district of the 2014 New Albany Strategic Plan.

The site is approximately 219.25 acres and is currently under construction. There are no existing permanent signs on the property.

III. EVALUATION

The application complies with C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

Criteria

The standard for granting of an area variance is set forth in the case of *Duncan v. Village of Middlefield*, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner an area variance:

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties”

standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
2. *Whether the variance is substantial.*
3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
4. *Whether the variance would adversely affect the delivery of government services.*
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

Plus, the following criteria as established in the zoning code (*Section 1113.06*):

8. *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
9. *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
10. *That the special conditions and circumstances do not result from the action of the applicant.*
11. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.*
12. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variance to C.O. 1169.12 (f) to allow a monument sign to have six colors where city code allows a maximum of four colors to be used.

The following should be considered in the Board’s decision:

1. C.O. 1169.12(f) states signs shall be limited to four (4) colors.
2. The applicant is proposing a monument sign for the Google development with a total of six colors: blue, red, yellow, green, white and black. The applicant proposes to have a white border and black background as recommended by the Beech Road South Sign and Landscape Master Plan that was endorsed by the New Albany Planning Commission. The business logo contains the majority of the colors.
3. The proposed sign meets all other Beech Road South Sign and Landscape Master Plan and city sign code requirements.
4. By increasing the number of colors permitted while coordinating other elements such as sign size, letter coverage, dark background color, sign borders, etc., more visual interest may be added to the site while still meeting the intent of the code.
5. The additional sign colors will substantially meet the spirit and intent of the standard that the applicant is attempting to seek a variance from and fit within the city’s goal of

achieving well-designed signage throughout the city. Although there are more colors than allowed, none of the proposed colors are jarring or overly bright. The sign's colors are appropriate for the area.

6. The variance request does not appear to be substantial. The applicant is seeking the variance to allow the company logo to be displayed on the monument sign. The company logo consists of four different colors, the remainder of the sign is just two colors, black and white.
7. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
8. It appears that granting the variance will not adversely affect the delivery of government services.

In summary, staff recommends approval of the requested variance should the Board of Zoning Appeals find that the application has sufficient basis for approval. The sign is well designed and appropriate for the location. The sign is consistent with other signs existing in the Licking County portion of the business park. Most of the colors are incorporated into the company logo with only two additional colors are used outside of the logo, black and white, therefore it staff does not believe that the variance is substantial. The sign meets all other Beech Road South master sign plan and city code requirements.

IV. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motions would be appropriate:

Move to approve application V-79-2019 (conditions of approval may be added)

Approximate Site Location:



Source: Google Earth



**Board of Zoning Appeals Staff Report
October 28, 2019 Meeting**

**ALENE CANDLES
LANDSCAPE VARIANCE**

LOCATION: 9485 Innovation Campus Way (PID: 093-106422-00.001)
APPLICANT: The Daimler Group
REQUEST: Variance to Harrison East zoning text section VII(B)(1) to not require the installation of 10 trees per 100 feet along the Harrison Road frontage.
STRATEGIC PLAN: Office Campus
ZONING: Limited General Employment District: Harrison East Limitation Text
APPLICATION: V-83-2019

Review based on: Application materials received on September 27, 2019.

Staff Report prepared by Chris Christian, Planner.

III. REQUEST AND BACKGROUND

The applicant requests a variance to Harrison East zoning text section VII(B)(1) to not require the installation of 10 trees per 100 feet along the Harrison Road frontage and instead use the typical New Albany Business Park standard of 4 trees for every 100 feet of frontage. The applicant proposes to evenly distribute the total number of required trees along Harrison Road and Innovation Campus Way to achieve the desired streetscape for the area.

IV. SITE DESCRIPTION & USE

The property is zoned Limited General Employment and is located within the Office Campus district of the 2014 New Albany Strategic Plan.

The site is approximately 18.07 acres and is currently under construction. The site is surrounded by both undeveloped, commercially zoned properties to the west and residentially owned properties to the south.

III. EVALUATION

The application complies with C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

Criteria

The standard for granting of an area variance is set forth in the case of *Duncan v. Village of Middlefield*, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner an area variance:

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties” standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

13. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
14. *Whether the variance is substantial.*
15. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
16. *Whether the variance would adversely affect the delivery of government services.*
17. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
18. *Whether the problem can be solved by some manner other than the granting of a variance.*
19. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

Plus, the following criteria as established in the zoning code (*Section 1113.06*):

20. *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
21. *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
22. *That the special conditions and circumstances do not result from the action of the applicant.*
23. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.*
24. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variance to Harrison East zoning text section VII (B)(1) to not require the installation of 10 trees per 100 feet along the Harrison Road frontage.

The following should be considered in the Board’s decision:

9. Harrison East zoning text section VII(B)(2) states that a minimum of ten deciduous trees shall be installed for every 100 feet of frontage on the public right-of-way.
10. The applicant has approximately 1080+/- feet of frontage along Harrison Road, therefore 108 trees are required in addition to the 41 required street trees to be installed along Harrison Road. The typical requirement for the rest of the New Albany Business Park is 4 trees per 100 feet of road frontage. Because Innovation Campus Way did not exist at the time that this area was rezoned, there are no additional buffer area tree requirements for the Innovation Campus Way frontage for this site. The city believes that it is important to achieve the same treatment along both Harrison Road and Innovation Campus Way, therefore the applicant is requesting a variance to allow them to spread the trees that are required along just Harrison Road out along Innovation Campus Way.
11. The landscape plan shows 4 trees per 100 feet being installed along the Harrison Road

frontage, which matches the typical buffer landscaping in the rest of the New Albany Business Park however, the applicant has indicated that they would like to spread the remaining required trees along Innovation Campus Way to achieve the desired streetscape along both Harrison Road and Innovation Campus Way.

12. The variance request does not appear to be substantial. The applicant is not requesting to plant less than the overall required amount of trees on the site, they are simply requesting a variance to not install them all along the Harrison Road frontage.
13. At the time that this property was rezoned, there were still residentially used properties across the street along Harrison Road. The extra planting requirement was established to provide additional screening for these residential neighbors on the west side of Harrison Road. Since this property was rezoned, L Brands purchased and developed the property across the street along Harrison. Therefore the property is not residentially used negating the need for this amount of landscaping. Due to this, staff believes that the variance request is appropriate due to the fact that no residentially used properties exist across the street along Harrison Road.
14. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
15. It appears that granting the variance will not adversely affect the delivery of government services.

In summary, staff recommends approval of the requested variance should the Board of Zoning Appeals find that the application has sufficient basis for approval. The intent of zoning requirement when it was written was to provide screening for residential homes from commercial development sites across the street from this site along Harrison Road. Since the site was rezoned, the properties across the street have been purchased and developed by L Brands, therefore staff believes that the additional plantings are not necessary along this one roadway. Additionally, the variance request does not appear to be substantial as the applicant is not requesting to plant less trees but simply to allow the same number of trees to be planted throughout the site rather than along Harrison Road.

IV. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motions would be appropriate:

Move to approve application V-83-2019 (conditions of approval may be added)

Approximate Site Location:



Source: Google Earth



**Board of Zoning Appeals Staff Report
October 28, 2019 Meeting**

**NORTHEAST 302
LANDSCAPE VARIANCE**

LOCATION: 9750 Innovation Campus Way (PID: 093-106422-00.002)
APPLICANT: Van Trust Real Estate
REQUEST: Variance to Harrison East Zoning Text section VII(C) to not require the installation of landscaping and/or mounding along a side property line adjacent to a residentially zoned and used property
STRATEGIC PLAN: Office Campus
ZONING: Limited General Employment District Limitation Text: Harrison East
APPLICATION: V-85-2019

Review based on: Application materials received on September 27, 2019.

Staff Report prepared by Chris Christian, Planner.

V. REQUEST AND BACKGROUND

The applicant is requesting a variance to Harrison East zoning text section VII(C) to not require the installation of landscaping and/or mounding along a side property line adjacent to a residentially zoned and used property.

During the engineering approval process, city staff and the applicant discovered that a 125 foot wide AEP easement existed along the eastern property boundary. Because the neighboring property is residentially zoned and used, the zoning text states that the applicant must provide a buffer of landscaping and/or mounding along their property line. Due to the AEP easement, this landscaping could be torn out by AEP at any time therefore the applicant is requesting a variance to the zoning requirement. Additionally, mounding cannot be accommodated since it would prohibit service vehicles from access to the entire easement area.

VI. SITE DESCRIPTION & USE

The property is zoned Limited General Employment and is located within the Office Campus district of the 2014 New Albany Strategic Plan.

The site is approximately 21.34 acres and there is currently a warehouse structure under construction on the site. The site is surrounded by both undeveloped, commercially zoned properties and residentially owned properties.

III. EVALUATION

The application complies with C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

Criteria

The standard for granting of an area variance is set forth in the case of *Duncan v. Village of Middlefield*, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner an area variance:

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties” standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

25. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
26. *Whether the variance is substantial.*
27. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
28. *Whether the variance would adversely affect the delivery of government services.*
29. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
30. *Whether the problem can be solved by some manner other than the granting of a variance.*
31. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

Plus, the following criteria as established in the zoning code (*Section 1113.06*):

32. *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
33. *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
34. *That the special conditions and circumstances do not result from the action of the applicant.*
35. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.*
36. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variance to Harrison East zoning text section VII(C) to not require the installation of landscaping and/or mounding along a side property line adjacent to a residentially owned and used property.

The following should be considered in the Board’s decision:

16. Harrison East zoning text section VII(C) states that for property perimeter boundaries which abut residentially zoned and used properties that are not owned by the developer, then the required landscaping and/or mounding within the minimum required

pavement setback areas shall be enhanced to provide an opacity of 75%.

17. The applicant is requesting a variance to not require the installation of the required landscaping or mounding along their east property line which abuts a residentially zoned and owned property.
18. The variance request does not appear to be substantial. The residential property has an existing 700+/- foot wide tree stand at the location where these two properties meet.
19. Even though the neighboring property is a residentially zoned and used property, it is a flag lot that extends from Innovation Campus Way to Jug Street. The residential structure on this property is along Jug Street, approximately 1, 455+/- feet away from this development.
20. It does not appear that the essential character of the existing neighborhood would be altered nor adjoining properties suffer a substantial detriment as a result of granting the variance. The applicant is requesting to not install the required side yard landscaping along a property line where there is already a very wide existing tree stand.
21. The spirit and intent of the zoning requirement appears to still be met as a result of granting the variance request. The intent of the requirement is to provide screening for residential homes that abut commercial development. Due to the size of the lot, the location of the home on the property and the presence of the existing tree stand, staff believes that this requirement is being met.
22. There is a 125 foot wide AEP easement that runs along this portion of the property. AEP has the right, at any time, to take out any and all landscaping provided in this area. AEP also limits the type of landscaping and grading on the site to ensure there is sufficient access to the site. Additionally, due to natural slope of the site, a stormwater swale has been installed on the east side of the site, limiting the area to install mounding and landscaping. Due to this special circumstance, outside of the developer's control, staff believes that the variance is appropriate in this case.
23. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
24. It appears that granting the variance will not adversely affect the delivery of government services.

In summary, staff recommends approval of the requested variance should the Board of Zoning Appeals find that the application has sufficient basis for approval. The intent of zoning requirement is to provide screening for residential homes from commercial development sites. Due to the large size of the residential property, the location of the closest residential home to the commercial property and the existing large tree stand, staff believes that the spirit and intent of the zoning requirement is being met. In addition, due to the AEP easement that exists along the eastern property line, staff believes that this variance request is appropriate.

IV. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motions would be appropriate:

Move to approve application V-85-2019 (conditions of approval may be added).

Approximate Site Location:



Source: Google Earth



**Board of Zoning Appeals Staff Report
October 28, 2019 Meeting**

**PIZZUTI MULTI TENANT I & II
ADDRESS SIGN VARIANCES**

LOCATION: 8860 and 8820 Smith's Mill Road (PIDs: 093-107-00400.005 & 093-107-00400.008)
APPLICANT: SignCom Inc. c/o Jim Hartley
REQUEST: Variance request to 1169.18(c)(a) to allow two address signs to be greater than 4 feet wide and have an area greater than 15 square feet.
STRATEGIC PLAN: Office Campus
ZONING: Limited General Employment District Limitation Text: Innovation District: Subarea A and B
APPLICATION: V-88-2019

Review based on: Application materials received on October 9, 2019.

Staff Report prepared by Chris Christian, Planner.

VII. REQUEST AND BACKGROUND

The applicant requests variances to C.O. 1169.18(c)(a) to allow two address signs for the Pizzuti Multi-Tenant I & II buildings to be greater than 4 feet wide and have an area greater than 15 square feet.

The applicant is proposing to install two address signs, one for each building, that each have an approximate area of 30 square feet and are 10.10 feet wide.

VIII. SITE DESCRIPTION & USE

The property is zoned Limited General Employment and is located within the Office Campus district of the 2014 New Albany Strategic Plan.

The 8860 Smith's Mill Road is approximately 15.05 acres and the 8820 property is approximately 17.05 acres in size. The buildings are multi-tenant and are currently occupied by businesses such as Veepak, Aromair and Jeyes.

III. EVALUATION

The application complies with C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

Criteria

The standard for granting of an area variance is set forth in the case of *Duncan v. Village of Middlefield*, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner an area variance:

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties” standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

37. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
38. *Whether the variance is substantial.*
39. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
40. *Whether the variance would adversely affect the delivery of government services.*
41. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
42. *Whether the problem can be solved by some manner other than the granting of a variance.*
43. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

Plus, the following criteria as established in the zoning code (*Section 1113.06*):

44. *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
45. *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
46. *That the special conditions and circumstances do not result from the action of the applicant.*
47. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.*
48. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

III. RECOMMENDATION

Considerations and Basis for Decision

(A) Variances to C.O. 1169.18(c)(a) to allow two address signs at 8820 and 8860 Smith’s Mill Road to be greater than 4 feet wide and have an area greater than 15 square feet.

The following should be considered in the Board’s decision:

25. C.O. 1169.18(C)(a) states that address signs shall have a maximum width of 4 feet and a maximum area of 15 square feet.
26. The applicant is proposing to install two identical address signs at 8860 and 8820 Smith’s Mill Road with the following dimensions:
 - a. Area: 30.3 square feet [**does not meet code, variance requested**]
 - b. Location: both along the west elevation [meets code]
 - c. Lighting: none [meets code].
 - d. Relief: 1.5 inches [meets code].

e. Width: 10.10 feet [**does not meet code, variance requested**]

27. The variance request does not appear to be substantial. Due to the size of the buildings, the proposed address signs appear to be appropriately scaled. If the applicant were to install signs that met code requirements staff believes that the sign would appear to be under-scaled as compared to the size of the building.
28. The city sign code provides a maximum sign size but does not take into account the size of the structures. The Pizzuti Multi-Tenant I & II buildings are large warehouses and larger than a typical commercial building which the sign code likely contemplated.
29. The Board of Zoning Appeals has approved a similar variance to allow for larger signs for other warehouse users that have similar sized buildings. The Board of Zoning Appeals approved a sign area variance for KDC on July 23, 2012 via application V-4-2012.
30. The spirit and intent of the zoning requirement still appears to be met by granting the variance. The city sign code encourages well designed signs that are appropriately scaled for the buildings that they are on. The proposed sign meets this important city goal by being well designed and appropriately scaled, therefore staff believes that the variance request is appropriate in this case.
31. It does not appear that the essential character of the neighborhood would be altered by granting the variance request. The buildings are set back at least 110 feet from the road therefore the signs it will not be obvious that the signs are as large as they are and will blend in with the rest of the building. Additionally, the buildings are located within the New Albany Business Park and are surrounded by buildings of similar scale.
32. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
33. It appears that granting the variance will not adversely affect the delivery of government services.

In summary, staff recommends approval of the requested variance should the Board of Zoning Appeals find that the application has sufficient basis for approval. The intent of the city sign code is to ensure that signs are appropriately scaled for the buildings that they are located on. The proposed sign, while not meeting the width and area requirements that are found in city code, are well designed and are appropriate for the larger buildings on which they are located.

IV. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motions would be appropriate:

Move to approve application V-88-2019 (conditions of approval may be added)

Approximate Site Location:



Source: Google Earth