



New Albany Architectural Review Board
October 12, 2020 Minutes

New Albany Architectural Review Board met in regular session in the Council Chambers at Village Hall, 99 W Main Street and was called to order by Architectural Review Board Chair Mr. Alan Hinson at 7:00 p.m.

Those answering roll call:

Mr. Alan Hinson, Chair	Present
Mr. Francis Strahler	Present
Mr. Jonathan Iten	Present
Mr. Jim Brown	Present
Mr. E.J. Thomas	Present
Mr. Andrew Maletz	Present
Ms. Sarah Briggs	Present
Mr. Matt Shull	Present

(Mr. Hinson, Mr. Iten, Mr. Strahler, Mr. Brown, Mr. Thomas, Mr. Maletz, Ms. Briggs, and Mr. Shull present via GoToMeeting.com).

Staff members present: Steven Mayer, Development Services Coordinator (via GoToMeeting.com); Chris Christian, Planner; and Josie Taylor, Clerk (via GoToMeeting.com).

Moved by Mr. Iten to approve the September 14, 2020 meeting minutes, seconded by Ms. Briggs. Upon roll call: Mr. Iten, yea; Ms. Briggs, yea; Mr. Maletz, yea; Mr. Thomas, yea; Mr. Brown, yea; Mr. Strahler, yea; Mr. Hinson, yea. Yea, 7; Nay, 0; Abstain, 0. Motion passed by a 7-0 vote.

Mr. Hinson asked for any additions or corrections to the Agenda.

Mr. Christian replied none from staff.

Mr. Hinson swore in all those present wishing to speak before the Architectural Review Board (hereafter, "ARB").

Mr. Hinson asked if there was anyone who wanted to discuss any items not on tonight's Agenda. (No response).

ARB-71-2020 Certificate of Appropriateness
Certificate of Appropriateness for a new sign at 97 East Main Street for Prestige Driving Academy (PID: 222-000066).
Applicant: ProSign Studio

Mr. Christian presented the staff report.

Mr. Hinson asked for the applicant to speak.

Mr. Sean Alley, with ProSign Studio, discussed the application.

Mr. Hinson noted the sign was placed over a landscaping buffer and asked for confirmation there would not be any walkway underneath the sign.

Mr. Alley stated there should not be any traffic walking through that way.

Mr. Iten note the sign was also 84 inches above the ground.

Mr. Alley stated that was correct.

Mr. Brown asked if a border had been considered for the sign.

Mr. Alley stated the colors were those normally used by the company and asked if Mr. Brown would prefer to use a different color scheme.

Mr. Brown stated no, but indicated he believed the signs across the street were bordered and he thought a black border might be better.

Mr. Hinson asked if the Berkshire Hathaway sign had a border.

Mr. Alley stated no and added that the building posts had been painted black now so the sign's white color should make a nice contrast to it.

Mr. Brown stated it was a minor item, he just wanted to know the thoughts of the ARB members.

Mr. Iten asked if black were added would a waiver be needed.

Mr. Mayer stated that four (4) colors were permitted.

Mr. Hinson stated that because the signs were not attached to the building he did not hold them to the same architectural standard as he did the signs on the building across the street.

Mr. Brown stated that was fine.

Mr. Strahler stated that the Berkshire Hathaway sign did not have a border and this sign was on the same building and it should be kept consistent on this building.

Moved by Mr. Hinson to approve ARB-71-2020, seconded by Mr. Iten. Upon roll call vote: Mr. Hinson, yea; Mr. Iten, yea; Mr. Strahler, yea; Mr. Brown, yea; Mr. Maletz, yea; Mr. Thomas, yea Ms. Briggs, yea. Yea, 7; Nay, 0; Abstain, 0. Motion carried by a 7-0 vote.

**ARB-72-2020 Certificate of Appropriateness
Rezoning of 0.93 acres from the Village Core sub-district of the Urban Center Code to the Rural Residential sub-district of the Urban Center Code located at 4653 Reynoldsburg New Albany Road (PID: 222-000343).**

Applicant: Neil Kirby and Theresa Kempker

Mr. Christian presented the staff report.

Mr. Iten noted he had no issues with this application but might have an issue on the next application. Mr. Iten asked, when it came to the garage, were there any other options under the Village City Code that would allow the barn/garage under their classification.

Mr. Mayer stated that waivers were needed regardless of the zoning sub-district.

Mr. Iten asked if there were no other ways around the issue that they needed to get a waiver for this.

Mr. Mayer stated they needed to get a waiver.

Mr. Iten asked if the Planning Commission would also act on this.

Mr. Mayer stated the ARB would review and recommend to the Planning Commission for a re-zoning. Mr. Mayer stated the Planning Commission had separate criteria to evaluate this and then it would go to City Council for approval.

Mr. Iten asked how traffic would impact this decision, noting that was more of an issue for the Planning Commission. Mr. Iten noted he was fine with this from an architectural standpoint.

Mr. Hinson stated he was not uncomfortable with it from an architectural standpoint. Mr. Hinson stated he thought the issue of traffic would be for the Planning Commission to consider.

Mr. Hinson asked for any comments from the applicants.

Mr. Neil Kirby and Ms. Theresa Kempker, homeowners and applicants, stated they would like to continue to live there as they had been. Mr. Kirby noted that if either building on their property at this time burned down, they would not be able to rebuild them. Mr. Kirby stated that in case of loss they would like the ability to restore their property as others would be able to.

Moved by Mr. Iten to approve ARB-72-2020, seconded by Mr. Brown. Upon roll call vote: Mr. Iten, yea; Mr. Brown, yea; Mr. Hinson, yea; Mr. Strahler, yea; Mr. Thomas, yea; Mr. Maletz, yea; Ms. Briggs, yea. Yea, 7; Nay, 0; Abstain, 0. Motion carried by a 7-0 vote.

ARB-53-2020 Waivers

Waivers to the Urban Center Code section 3.28.2(d) to allow a detached garage to be greater than 25 feet in height , Urban Center Code section 3.28.2(e) to allow a garage to be greater than 800 square feet in size, C.O. 1165.04(a)(4) to allow a garage to be constructed of metal and to The New Albany Design Guidelines and Requirements

Section 2(II)(B)(3) to allow garage doors to be wider than 10 feet located at 4653 Reynoldsburg New Albany Road (PID: 222-000343). Applicant: Neil Kirby and Theresa Kempker

Mr. Christian presented the staff report.

Mr. Hinson asked for comments from the applicants.

Mr. Neil Kirby, homeowner and applicant, stated it was an uncommon barn structure that should not be treated as a garage. Mr. Kirby stated this was the issue that was causing them to ask for the waivers.

Ms. Kempker, homeowner and applicant, stated it was a large peg barn with historical significance and was used for community functions.

Mr. Iten asked staff if the structure had been documented to ensure it was, if needed, accurately reconstructed to match the current structure.

Mr. Mayer stated that through this application there was documentation of the outside of the building and they would do their best to try to document the structure so it could be restored as accurately as possible.

Mr. Iten stated four criteria needed to be met to provide a waiver. Mr. Iten noted that he struggled with the third criteria, which was that the waiver be necessary for reasons of fairness due to unusual, site specific constraints. Mr. Iten asked what the site specific constraints were here.

Mr. Mayer stated the constraint was that Code would not permit this historic structure to be rebuilt if it were destroyed because the Code required modern, typical construction be used. Mr. Mayer stated the location, historic nature of the structure, and other factors also contributed to the site specific constraints on this site.

Mr. Iten stated he struggled with this, but could understand Mr. Mayer's points. Mr. Iten stated he wondered if the Code section might be reworded to better accommodate issues like this.

Mr. Mayer stated he appreciated the feedback.

Mr. Hinson asked what the current condition of the barn was.

Mr. Kirby stated it was in good shape although it needed a new roof. Mr. Kirby noted the pegs, posts, and beams were good. Mr. Kirby said they also inspected for termites.

Ms. Kempker noted it had no problems with termites.

Mr. Hinson asked if there was a concrete floor.

Mr. Kirby stated in general it did not have a concrete floor and said parts of it had a dirt floor.

Mr. Hinson noted that when oak posts meet the ground they are difficult to maintain.

Ms. Kempker stated they had cement footers placed under the posts.

Mr. Hinson stated great.

Mr. Maletz asked if the waiver would survive transfer of the property.

Mr. Mayer stated it ran with the property and software should catch that in the future if needed.

Mr. Maletz asked if the waivers survived in perpetuity.

Mr. Mayer stated they did even if the property were sold to a different owner.

Moved by Mr. Iten to approve ARB-53-2020 with the condition that if the barn is rebuilt it must match the architecture and design of the existing barn, subject to staff approval, seconded by Mr. Hinson. Upon roll call vote: Mr. Iten, yea; Mr. Hinson, yea; Ms. Briggs, yea; Mr. Maletz, yea; Mr. Thomas, yea; Mr. Brown, yea; Mr. Strahler, yea. Yea, 7; Nay, 0; Abstain, 0. Motion carried by a 7-0 vote.

Mr. Hinson asked if there was any Other Business.

Mr. Christian stated none from staff.

Mr. Hinson asked ARB members for comments.

Mr. Shull stated he thanked Mr. Iten for his recommendation and noted he agreed with his wisdom.

Mr. Hinson stated he thought it was appropriate.

Mr. Iten stated he did not want to hold things up over his concern.

Mr. Shull stated it was a valid concern and they would look at it.

Mr. Hinson moved for adjournment, seconded by Ms. Briggs. Mr. Hinson yea; Ms. Briggs, yea; Mr. Maletz, yea; Mr. Thomas, yea; Mr. Brown, yea; Mr. Iten, yea; Mr. Strahler, yea. Yea, 7; Nay, 0; Abstain, 0. Motion carried by a 7-0 vote.

Meeting adjourned at 7:54 p.m.

Submitted by Josie Taylor.

APPENDIX



Architectural Review Board Staff Report October 12, 2020

PRESTIGE DRIVING ACADEMY—SIGNAGE CERTIFICATE OF APPROPRIATENESS

LOCATION: 97 E Main Street (PID: 222-000066)
APPLICANT: ProSign Studio
REQUEST: Certificate of Appropriateness
ZONING: Urban Center, Village Core Sub-District
STRATEGIC PLAN: Village Center
APPLICATION: ARB-71-2020

Review based on: Application materials received on September 17, 2020.

Staff report prepared by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a certificate of appropriateness to allow one hanging sign to be installed at 97 East Main Street for Prestige Driving Academy. On September 14, 2020, the ARB approved a similar sign at this building for Berkshire Hathaway.

Per Section 1157.07(b) any major environmental change to a property located within the Village Center requires a certificate of appropriateness issued by the Architectural Review Board. In considering this request for new signage in the Village Center, the Architectural Review Board is directed to evaluate the application based on criteria in Chapter 1157 and Chapter 1169.

II. SITE DESCRIPTION & USE

The property is zoned Urban Center located within the Village Core sub-district. Therefore, the city's sign code regulations apply to the site.

Prestige Driving Academy is located in the same building as Berkshire Hathaway. On September 14, 2020, the ARB approved a hanging sign for Berkshire Hathaway. The building was previously occupied by the 514 church.

III. EVALUATION

A. Certificate of Appropriateness

The ARB's review is pursuant to C.O. Section 1157.06. No environmental change shall be made to any property within the Village of New Albany until a Certificate of Appropriateness has been properly applied for and issued by staff or the Board. Per Section **1157.07 Design Appropriateness**, the modifications to the building and site should be evaluated on these criteria:

1. *The compliance of the application with the Design Guidelines and Requirements and Codified Ordinances.*

- Per the city sign code section 1169.14(a) each building or structure in the Village Core sub-district shall be allowed three (3) sign types including, but not limited to, hanging, awning and wall signs. The applicant is proposing to install one hanging sign with the following dimensions.

Hanging Sign

- City sign code Chapter 1169.16(b) permits a maximum area of 25 square feet, allows one hanging sign per business entrance and requires a minimum sign relief of one inch. External illumination is allowed. The applicant proposes one hanging sign with the following dimensions:
 - a. Size: 96”x 18” [meets code].
 - b. Area: 12 square feet [meets code].
 - c. Location: the sign is proposed to be installed near the tenant entrance along Main Street [meets code].
 - d. Lighting: none proposed [meets code].
 - e. Relief: one inch [meets code].
 - f. Colors: green, blue and white (total of 3) [meets code].
 - g. Lettering Height: less than 18 inches [meets code]
 - h. Maximum Length: 8.8% of available mounting width [meets code]
 - i. Minimum Sidewalk Clearance: 37+/- feet [meets code]
- The sign will read “Prestige Driving Academy”
- The sign panel is proposed to be made out of PVC which is a permitted sign material.

2. *The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.*

- The hanging sign is an appropriate sign-type for this tenant space. This tenant is located in the same building as Berkshire Hathaway. On September 14, 2020, the ARB a sign for Berkshire Hathaway with the exact same dimensions as the proposed sign for this tenant. This is the second sign that will be located on the building, it will not be symmetrical with the other sign on the building but it will be located near the tenant space entrance so it appears to be properly located for wayfinding purposes.

3. *The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed.*

- The sign appears to be positioned located next to the main tenant entrance and does not block any architectural features. The applicant states that there will be 84 inches of clearance from the ground to the bottom of the sign which meets the minimum requirements of the building code.

4. *All buildings, structures and sites shall be recognized as products of their own time.*

- The building is a product of its own time and as such should utilize signs appropriate to its scale and style, while considering its surroundings. It appears that this sign is scaled appropriately for this tenant space and is appropriately designed.

5. *Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.*

- Not Applicable

6. *The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials.*

- Not Applicable

7. *Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.*

- It does not appear that the sign will affect the original structure, if removed or altered in the future.

IV. RECOMMENDATION

Staff recommends approval of this application provided that the ARB finds that the proposal meets sufficient basis for approval. The proposed hanging sign is consistent with the existing signage on the building, with the architectural character of the existing site as well as the overall Village Center and is appropriate for this space.

V. ACTION

Should the Architectural Review Board find sufficient basis for approval the following motions would be appropriate. Conditions of approval may be added.

Suggested Motion for ARB-71-2020:

Move to approve Certificate of Appropriateness for application ARB-71-2020.

Approximate Site Location:



Source: Google Earth



**Architectural Review Board Staff Report
October 12, 2020 Meeting**

**CERTIFICATE OF APPROPRIATENESS
4653 REYNOLDSBURG NEW ALBANY ROAD
URBAN CENTER CODE REZONING**

LOCATION: 4653 Reynoldsburg New Albany Road (PID: 222-000343)
APPLICANT: Neil Kirby and Theresa Kempker
REQUEST: Certificate of Appropriateness
ZONING: Urban Center Code: Village Core Sub-District
STRATEGIC PLAN: Village Center
APPLICATION: ARB-72-2020

Review based on: Application materials received on September 9, 2020.

Staff report prepared by Chris Christian, Planner.

VI. REQUEST AND BACKGROUND

This application is a Certificate of Appropriateness for a rezoning of 0.93 acres located at 4653 Reynoldsburg New Albany Road. The site is currently zoned under the Urban Center Code Village Core sub-district. The applicant proposes to rezone the property from the Village Core sub-district to the Rural Residential sub-district of the Urban Center Code.

The property currently has a detached single family dwelling unit and is used as such. The Village Core sub-district does not allow for this type of building typology or single family uses, therefore the use and structure (building typology) are existing non-conforming. Due to the city's non-conforming use chapter (C.O. 1117), if the use should be discontinued or abandoned, or if more than fifty percent (50%) of the market value of the home is lost the property could not be continued to be used as a single family use or have a rural residential structure rebuilt on it.

The rezoning is to allow how the property is currently being used, for the detached single family residential use and rural residential building typology, to be permitted by-right. The rezoning will remove the non-conformities.

There is a Certificate of Appropriateness and waivers application for the historic barn on the October 12, 2020, ARB agenda (ARB-53-2020). This application will be evaluated in a separate staff report.

VII. SITE DESCRIPTION & USE

The 0.93 acre property is located within the Village Center and is zoned under the Urban Center Code within the Village Core sub-district. The site currently contains a single family home and a large historic barn. The Maplewood Cemetery is located directly south of this property, the estate property to the east, undeveloped land to the west and north as well as Market Street.

VIII. EVALUATION

A. Certificate of Appropriateness

Section 1.1.3 of the Urban Center Codes states that modifications to sub-district boundaries can be made through the amendment process which is found in Chapter 1111 of the Codified Ordinances. The ARB's review is pursuant to C.O. Section 1157.06 and C.O. Section 1157.08(b)(1). No environmental change, including a rezoning, shall be made to any property within the Village of New Albany until a Certificate of Appropriateness has been properly applied for and issued by staff or the Board. Per Section **1157.07 Design Appropriateness**, the modifications to the building and site should be evaluated on these criteria.

1. *The compliance of the application with the Design Guidelines and Requirements*
 - This application is for a rezoning of 0.93 acres from the Village Core sub-district of the Urban Center Code to the Rural Residential sub-district of the Urban Center Code. The intent of the application is to ensure that the detached single family residential use and rural residential building typology is permitted which is how the property is being used today. The standards of the New Albany Design Guidelines and Requirements still apply if any modifications are made to the property or the buildings on it in the future.
2. *The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.*
 - There are no proposed changes to the site or the buildings on it.
3. *The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed.*
 - a. C.O. 1117.06 states that if more than 50% of a structure is damaged or destroyed, it cannot be rebuilt in such a way to continue the nonconformities. The existing residential use and building typology are both nonconforming based on the permitted uses and building typologies for properties located within the Village Core sub-district of the Urban Center Code.
 - The intent of the rezoning is to allow the single family residential use and rural residential building typology to be permitted which is how the site is currently being used. The site is currently located within the Village Core sub-district of the Urban Center Code which does not permit detached single family residential uses or the rural residential building typology. The applicant is simply requesting that the property be reclassified to the Rural Residential sub-district to remove the non-conformity and better reflect how the site is being used and to ensure it can be used in the same manner in the future.
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4. *All buildings, structures and sites shall be recognized as products of their own time.*
 - Not applicable.
5. *Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.*
 - Not applicable.
6. *The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials.*
 - Not applicable.
7. *Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.*
 - Not Applicable.

Urban Center Code Compliance

1. Allowable Land Uses

This property, along with a large number of properties in the Village Center were rezoned by the city in 2011 into the Urban Center Code District. The Urban Center Code District is broken down into seven sub-districts in order to regulate future development as prescribed by the 2006 Village Center Strategic Plan. This property is currently located within the Village Core sub-district and the applicant proposes to rezone it to be in the Rural Residential sub-district in order to match how the property is currently used and ensure that it can continue to be used this way in the future.

Each sub-district allows for different permitted, conditional, and accessory uses and building typologies. A detailed list of current and proposed land uses are provided below. The Village Core sub-district permits significantly more commercial land uses compared to the Rural Residential sub-district which is primarily intended to permit only residential uses.

Urban Center Code Land Use	Current Permitted Land Uses (Village Core)	Proposed Permitted Land Uses (Rural Residential)
<u>Residential</u>		
Home Occupation	P	P
Live-Work / Joint living-working quarters	P	X
Single-Family detached	X	P
Multi-Family with two or more dwelling units	P	X
Convalescent / Congregate Care Centers	P	X
Coach House/Accessory dwelling	P	P
Residential model home / Temporary lot sales office	Conditional Use	X
<u>Services/Business/Professional/Financial</u>		
Administrative and business offices	P	X
Professional offices	P	X
Non-profit or for-profit membership organizations	P	X
Personal services	P	X
Business support services	P	X
Medical services - clinic, urgent care	P	X
General and special hospital and clinics	P	X
<u>General Services</u>		
Banquet Facilities	P	X
Lodging - hotel	P	X
Bed & Breakfast	X	Conditional Use
Day care centers	P	X
Veterinary offices and animal hospitals, not including outside facilities	P	X
New and used car sales and services, located completely within an enclosed facility	Conditional Use	X
<u>Recreation/Education/Institutional</u>		
Civic	P	X
Government facility	P	P

Educational facility	P	X
Religious exercise facility	P	X
Parks, playgrounds and open space	P	P
Recreational facility	X	P
Private health/fitness facility	P	X
Studio-art, dance, martial arts etc.	P	X
Cinema	P	X
<u>Retail</u>		
Restaurants	P	X
Retail stores	P	X
Drive-through facility	Conditional Use	X
Gas stations	Conditional Use	X

P = permitted use
X = prohibited use

The Urban Center Code states that these sub-districts were created in order to identify area of common building form based upon existing conditions and the recommended future conditions identified from the 2006 Village Center Plan. The existing single family home and accessory structure on this property are shown in both the 2006 Village Center Strategic Plan and the Urban Center Code conceptual renderings.

The Village Center Strategic Plan specifically identifies this property and immediate area to the south as the “South Village District”. The plan states that this district serves as a transition between the dense Village Center and some of the northern New Albany Country Club neighborhoods which are set back into more rural road corridors that are designed to maintain and pay homage to the pastoral character of the community. Market Street is located directly north of this site and is intended to serve as a transition from the dense Village Center to the more rural areas of the community where this type of rural residential development would be expected. Due to the existing relationship between this site and the immediate neighborhood as well as the broader vicinity, it appears that the existing rural residential development pattern is appropriate and fits within the goals of the Village Center Strategic Plan as the property is shown in the plan.

2. Lot and Building Standards

The existing lot and buildings on it are meeting the Urban Center Code Rural Residential building standards as detailed below.

Rural Residential Sub-District Development Standards Comparison

Standard	Minimum	Maximum	Proposed
Lot Area	20,000 sq. ft.	No max	40,510 +/- square feet (0.93 acres) [Meets requirement]
Lot Width	100 feet	No max	150 +/- feet [Meets requirement]
Lot Coverage	No min	50%	10.14% [Meets requirement]
Street Yard	20 feet	No max	25.8 +/- feet [Meets requirement]
Side Yard (South)	15 feet	No max	54 +/- feet [Meets requirement]
Side Yard (North)	15 feet	No max	26.4 +/- feet [Meets requirement]
Rear Yard	20 feet	No max	112 +/- feet [Meets requirement]
Building Width	No min	No max	Single family home—40 feet Accessory structure/barn—40 feet

			[Meets requirement]
Stories	1	2.5	2 stories
Height	No min	35 feet	Single family home—unknown Accessory structure/barn—30 feet

IX. RECOMMENDATION

Staff is supportive of the proposed rezoning application. The proposed zoning change from the Village Core sub-district to the Rural Residential sub-district will result in less dense development in the Village Center however, it is appropriate from both a use and development standpoint as it is consistent both with the existing conditions of the property and matches the future land use recommendations in the 2006 Village Center Strategic Plan.

The Village Center Strategic Plan specifically identifies this property and immediate area to the south as the “South Village District”. The plan states that this district serves as a transition between the dense Village Center and some of the northern New Albany Country Club neighborhoods which are set back into more rural road corridors that are designed to maintain and pay homage to the pastoral character of the community. Both of the existing structure on the site were built prior to a significant majority of the new buildings in the immediate area and are at least 100 years old. These existing rural residential buildings on the site and its current use promote and contribute to the historic pastoral character of New Albany which accomplishes an important development goal of the 2014 New Albany Strategic Plan.

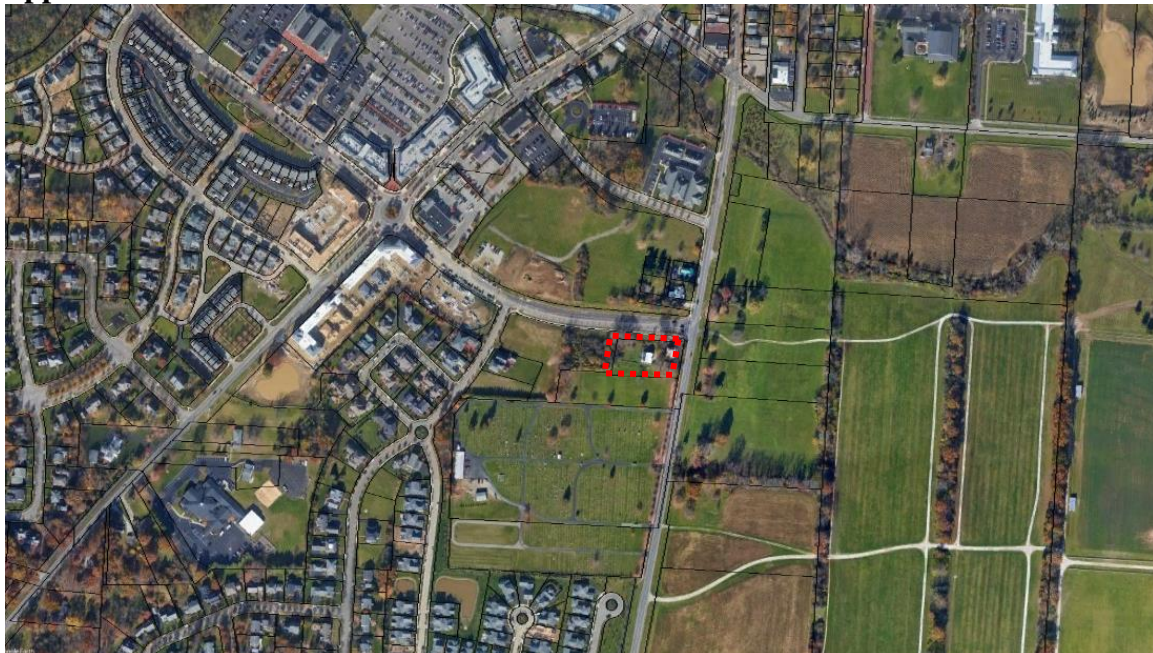
Staff recommends approval of the Certificate of Appropriateness provided that the ARB finds the proposal meets sufficient basis for approval.

X. ACTION

Should ARB find that the application has sufficient basis for approval, the following motion would be appropriate (conditions of approval may be added):

Move to approve certificate of appropriateness application ARB-72-2020.

Approximate Site Location:



Source: Google Earth



**Architectural Review Board Staff Report
October 12 2020 Meeting**

**HISTORIC BARN WAIVERS
4653 REYNOLDSBURG NEW ALBANY ROAD**

LOCATION: 4653 Reynoldsburg New Albany Road (PID: 222-000343)
APPLICANT: Neil Kirby and Theresa Kempker
REQUEST: Waivers
ZONING: Urban Center Code: Village Core Sub-District
STRATEGIC PLAN: Village Center
APPLICATION: ARB-53-2020

Review based on: Application materials received on September 9, 2020.

Staff report prepared by Chris Christian, Planner.

XI. REQUEST AND BACKGROUND

The applicant requests the following waivers for an existing, non-conforming historic barn on the property. The historic barn is an existing, non-conforming structure as defined in the city's non-conforming code chapter 1117. Since it is existing, non-conforming if more than fifty percent (50%) of the market value is lost the structure cannot be restored or rebuilt. This waiver request is to permit the barn be reconstructed if more than fifty percent (50%) of the market value is lost.

The applicant requests the following waivers:

- (A) Waiver to Urban Center Code section 3.28.2(d) to allow a detached rear, covered garage to be greater than 25 feet in height.
- (B) Waiver to Urban Center Code section 3.28.2(e) to allow a detached rear, covered garage to be greater than 800 square feet in size.
- (C) Waiver to C.O. 1165.04(a)(4) to allow a detached garage to be constructed of metal.
- (D) Waiver to the New Albany Design Guidelines and Requirements Section 2(II)(B)(3) to allow garage doors to be wider than 10 feet.

There is a Certificate of Appropriateness application to rezone this property from the Village Core sub-district to the Rural Residential sub-district of the Urban Center Code on the October 12, 2020, ARB agenda (ARB-72-2020). The requested waivers are still necessary regardless of which Urban Center Code sub-district the property is zoned.

XII. SITE DESCRIPTION & USE

The 0.93 acre property is located within the Village Center and is zoned under the Urban Center Code within the Village Core sub-district. The site currently contains a single family home and a large historic barn. The Maplewood Cemetery is located directly south of this property, the estate properties to the east, undeveloped land to the west and north.

XIII. EVALUATION

A. Certificate of Appropriateness

Codified Ordinance 1113.09 sets out that a waiver to the standards may be approved by the Architectural Review Board (ARB) upon the request of an applicant as part of a Certificate of Appropriateness application. In considering a request for a waiver, the ARB shall conduct a public meeting in conjunction with the certificate of appropriateness.

The ARB's review is pursuant to C.O. Section 1157.06. No environmental change shall be made to any property within the Village of New Albany until a Certificate of Appropriateness has been properly applied for and issued by staff or the ARB. Per Section **1157.07 Design Appropriateness**, the modifications to the building and site should be evaluated on these criteria:

8. *The compliance of the application with the Design Guidelines and Requirements and Codified Ordinances.*
 - Section 1 of the city's Design Guidelines and Requirements tells how Ohio has a rich tradition of barn design, as early settlers came to Ohio from New England, the Middle Atlantic states and Virginia and other southern states during its formative period. Barns are most commonly braced wood framed construction with exterior wood siding – vertical siding is the most common. Slate and standing seam metal were the most common roof materials. Openings were frequently louvered to allow air circulation or tended to be small if in the form of windows.
 - The applicant requests waivers to allow their 100 year old, post & beam barn to be rebuilt to its historic character in the event that more than fifty percent (50%) of the market value is lost as outlined in the city's non-conforming code chapter 1117.
 - The barn consists of standing seam metal roofing and vertically oriented metal siding. The city architect has reviewed the barn's architecture and material and comments that while he cannot discern the type siding pattern however, metal is appropriate siding material. The applicant has requested a waiver to allow for the continued use of metal siding.
9. *The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.*
 - There are no proposed changes to the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
 - The applicant is seeking waivers to allow this existing, historic barn to be rebuilt if more than fifty percent (50%) of the market value is lost as outlined in the city's non-conforming code chapter 1117. The applicant is not requesting waivers to add an addition or modify the structure in a way that would compromise the historic integrity of it or the site it is located on.
10. *The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed.*
 - The applicant is seeking waivers to allow this existing, historic barn to be rebuilt in its historic form if it is damaged. The applicant is not requesting waivers to add an addition or modify the structure in a way that would compromise the historic integrity of it or the site it is located on.
11. *All buildings, structures and sites shall be recognized as products of their own time.*

- The building is a product of its own time. The applicant is seeking waivers to allow this existing, historic barn to be rebuilt in its historic form if it is damaged.
12. *Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.*
 - Not Applicable
 13. *The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials.*
 - Not Applicable
 14. *Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.*
 - Not Applicable

B. Waivers

Codified Ordinance 1157.12 states “Any person or entity owning or having an interest in property that seeks to perform an environmental change may file an application to obtain a waiver from the requirements of this chapter in conformance with the criteria standards, and procedures set forth in Chapter 1113.” A waiver to the standards may be approved by the Architectural Review Board (ARB) upon the request of an applicant as part of a certificate of appropriateness application. In considering a request for a waiver, the ARB shall conduct a public meeting in conjunction with the certificate of appropriateness.

Therefore the ARB’s review is pursuant to C.O. Section **1113.11 Action by the Architectural Review Board for Waivers**, within thirty (30) days after the public meeting, the ARB shall either approve, approve with supplementary conditions, or disapprove the request for a waiver. The ARB shall only approve a waiver or approve a waiver with supplementary conditions if the ARB finds that the waiver, if granted, would:

1. *Provide an appropriate design or pattern of development considering the context in which the development is proposed and the purpose of the particular standard. In evaluating the context as it is used in the criteria, the ARB may consider the relationship of the proposed development with adjacent structures, the immediate neighborhood setting, or a broader vicinity to determine if the waiver is warranted.*
2. *Substantially meet the intent of the standard that the applicant is attempting to seek a waiver from, and fit within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirements.*
3. *Be necessary for reasons of fairness due to unusual site specific constraints.*
4. *Not detrimentally affect the public health, safety or general welfare.*

The applicant is requesting the following waivers.

(A) Waiver to Urban Center Code section 3.28.2(d) to allow a detached rear, covered garage to be greater than 25 feet in height.

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

1. There is an existing, historic barn on the property. The historic barn falls under the definition of a detached garage under the Urban Center Code’s use regulations. Therefore the structure is evaluated under the section 3.28 of the Urban Center Code for Detached Rear Covered Parking Standards. Urban Center Code (UCC) section 3.28.2(d) states that the maximum height for a detached rear garage is 25 feet. According to the applicant, the height of the existing structure is 30 feet therefore a waiver is needed.

2. This structure does not conform to several of the current development standards for the property. In the event that the barn is damaged or completely torn down, the applicant wishes to be able to rebuild the structure as it exists today.
3. It appears the request provides an appropriate design or pattern of development considering the context in which the development is proposed and the purpose of the particular standard. The surrounding area to the north and west is zoned Village Core sub-district which allows for buildings up to 55 feet in height. The Market and Main apartments are 48-49 feet in height. The UCC permits and encourages higher density and therefore taller buildings in the area. Additionally, the city architect states that barns are typically larger, taller structures used to store larger vehicles and equipment. The waiver to allow this barn to be 30 feet in height appears to be appropriate given the historic design of a barn, and the permitted size and scale of existing and future development in the immediate area.
4. The existing single family home and historic barn is shown in the 2006 Village Center Strategic Plan's future land use recommendations and conceptual plan. The 2006 Village Center Strategic Plan specifically identifies this property and immediate area to the south as the "South Village District". The plan states that this district serves as a transition between the dense Village Center and the northern New Albany Country Club neighborhoods which are set back into more rural road corridors that are designed to maintain and pay homage to the pastoral character of the community. Market Street is located directly north of this site and is intended to serve as a transition from the dense Village Center to the more rural areas of the community where these types of structures would historically exist. Due to the existing relationship between this site, the immediate area as well as the broader vicinity, the waiver request fits within the goals of the Village Center Strategic Plan and the Urban Center Code.
5. It appears that the granting the waivers is necessary for reasons of fairness. The applicant is seeking this and other waivers to simply allow this existing, historic structure to be rebuilt if it is damaged. The waiver requests are necessary due to the regulations Chapter 1117 of the Codified Ordinances for nonconforming uses and structures. C.O. 1117.06 states that if more than 50% of a structure is damaged or destroyed, it cannot be rebuilt in such a way to continue the nonconformities. The applicant is not requesting waivers to add an addition or modify the structure in a way that would compromise the historic integrity of it or the site it is located on.
6. It does not appear that the proposed waiver would detrimentally affect the public health, safety or general welfare.

(B) Waiver to Urban Center Code section 3.28.2(e) to allow a detached rear, covered garage to be greater than 800 square feet in size.

The following should be considered in the board's decision:

1. Urban Center Code section 3.28.2(e) states that the maximum area for a detached rear, covered garage is 800 square feet. According to the applicant, the historic barn has an area of 3,000 square feet therefore a waiver is needed.
2. It appears the request provides an appropriate design or pattern of development considering the context in which the development is proposed and the purpose of the particular standard. The city architect states that barns are typically larger, taller structures used to store larger vehicles and equipment. The waiver to allow this barn to be 3,000 square feet in size appears to be appropriate given the historic design of a barn.
3. The surrounding area to the north and west are zoned Village Core sub-district. This is the same sub-district that the Market and Main Apartments are located. This sub-district allows for and encourages large scaled buildings up to 55 feet in height and lot coverages up to 100%. While 3,000 square feet for this historic barn may sound large, it will still likely be clearly secondary to surrounding future development.
4. The existing single family home and historic barn is shown in the 2006 Village Center Strategic Plan's future land use recommendations and conceptual master plan map. The 2006 Village Center Strategic Plan specifically identifies this property and immediate area to the south as the

“South Village District”. The plan states that this district serves as a transition between the dense Village Center and the northern New Albany Country Club neighborhoods which are set back into more rural road corridors that are designed to maintain and pay homage to the pastoral character of the community. Market Street is located directly north of this site and is intended to serve as a transition from the dense Village Center to the more rural areas of the community where a larger barn would historically exist. Due to the existing relationship between this site, the immediate area as well as the broader vicinity, the waiver request fits within the goals of the Village Center Strategic Plan and the Urban Center Code to provide that transition of rural to urban areas.

5. It appears that the granting the waivers is necessary for reasons of fairness. The applicant is seeking this and other waivers to simply allow this existing, historic structure to be rebuilt if it is damaged. The waiver requests are necessary due to the regulations Chapter 1117 of the Codified Ordinances for nonconforming uses and structures. C.O. 1117.06 states that if more than 50% of a structure is damaged or destroyed, it cannot be rebuilt in such a way to continue the nonconformities. The applicant is not requesting waivers to add an addition or modify the structure in a way that would compromise the historic integrity of it or the site it is located on.
6. It does not appear that the proposed waiver would detrimentally affect the public health, safety or general welfare.

(C) Waiver to C.O. 1165.04(a)(4) to allow a detached garage to be constructed of metal.

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

1. C.O. 1165.04(a)(4) states that accessory structures that all finished surfaces of a detached accessory structure must be complementary to the primary structure and be wood, brick, composite siding or any combination thereof. The historic barn on the site is constructed of metal siding and in order to rebuild the barn to match its original character a waiver is needed.
2. It appears the request provides an appropriate design or pattern of development considering the context in which the development is proposed and the purpose of the particular standard. While the requested variances are separate, they are related to one another as they pertain to the same historic barn structure. The city architect states that metal is a common and appropriate building material for barns therefore the waiver request appears to be appropriate given the historic barn design.
3. The existing single family home and historic barn are identified in both the 2006 Village Center Strategic Plan and the Urban Center Code. The Village Center Strategic Plan specifically identifies this property and immediate area to the south as the “South Village District”. The plan states that this district serves as a transition between the dense Village Center and some of the northern New Albany Country Club neighborhoods which are set back into more rural road corridors that are designed to maintain and pay homage to the pastoral character of the community. Market Street is located directly north of this site and is intended to serve as a transition from the dense Village Center to the more rural areas of the community where a metal barn would historically exist. Due to the existing relationship between this site, the immediate area as well as the broader vicinity, the waiver request fits within the goals of the Village Center Strategic Plan and the Urban Center Code.
4. It appears that the granting the waivers is necessary for reasons of fairness. The applicant is seeking this and other waivers to simply allow this existing, historic structure to be rebuilt if it is damaged. The waiver requests are necessary due to the regulations Chapter 1117 of the Codified Ordinances for nonconforming uses and structures. C.O. 1117.06 states that if more than 50% of a structure is damaged or destroyed, it cannot be rebuilt in such a way to continue the nonconformities. The applicant is not requesting waivers to add an addition or modify the structure in a way that would compromise the historic integrity of it or the site it is located on.
5. It does not appear that the proposed waiver would detrimentally affect the public health, safety or general welfare.

(D) Waiver to The New Albany Design Guidelines and Requirements Section 2(II)(B)(3) to allow garage doors to be wider than 10 feet.

The following should be considered in the board's decision:

1. New Albany Design Guidelines and Requirements Section 2(II)(B)(3) states that garages may be attached or detached and must have single-bay doors no greater than ten feet in width. According to the applicant, the historic barn has doors that are 12 feet wide therefore a waiver is needed.
2. It appears the request provides an appropriate design or pattern of development considering the context in which the development is proposed and the purpose of the particular standard. While the requested variances are separate, they are related to one another as they pertain to the same historic barn structure. The city architect states that barns are typically larger, taller structures used to store larger vehicles and equipment. The waiver to allow this barn to be rebuilt with 12 foot wide doors appears to be appropriate given the historic use of these types of structures.
3. The existing single family home and historic barn are identified in both the 2006 Village Center Strategic Plan and the Urban Center Code. The Village Center Strategic Plan specifically identifies this property and immediate area to the south as the "South Village District". The plan states that this district serves as a transition between the dense Village Center and some of the northern New Albany Country Club neighborhoods which are set back into more rural road corridors that are designed to maintain and pay homage to the pastoral character of the community. Market Street is located directly north of this site and is intended to serve as a transition from the dense Village Center to the more rural areas of the community where these types of structures, with larger doors, would historically exist. Due to the existing relationship between this site, the immediate area as well as the broader vicinity, the waiver request fits within the goals of the Village Center Strategic Plan and the Urban Center Code.
4. It appears that the granting the waivers is necessary for reasons of fairness. The applicant is seeking this and other waivers to simply allow this existing, historic structure to be rebuilt if it is damaged. The waiver requests are necessary due to the regulations Chapter 1117 of the Codified Ordinances for nonconforming uses and structures. C.O. 1117.06 states that if more than 50% of a structure is damaged or destroyed, it cannot be rebuilt in such a way to continue the nonconformities. The applicant is not requesting waivers to add an addition or modify the structure in a way that would compromise the historic integrity of it or the site it is located on.
5. It does not appear that the proposed waiver would detrimentally affect the public health, safety or general welfare.

XIV. RECOMMENDATION

Staff is supportive of the Certificate of Appropriateness and waiver requests and recommends approval should the ARB find sufficient basis for approval.

The waiver requests are necessary due to the regulations Chapter 1117 of the Codified Ordinances for nonconforming uses and structures. C.O. 1117.06 states that if more than 50% of a structure is damaged or destroyed, it cannot be rebuilt in such a way to continue or restore the nonconformities. The applicant is not requesting waivers to add an addition or modify the structure in a way that would compromise the historic integrity of it or the site it is located on. For these reasons, it appears that the granting of these waiver requests is necessary for reasons of fairness.

The large, historic barn that exists on this site is appropriate due to its location within the Village Center. This site and the existing structures located on it are shown both in the Village Center Strategic Plan's conceptual plan. The current farmhouse and historic barn are at least 100 years old and the historic barn is one of only a few that still exist in New Albany. Allowing the historic barn to be rebuilt to its current form will maintain and pay homage to the pastoral character of the community which is an important goal of the 2014 New Albany Strategic Plan. Additionally, this area of the Village Center is identified as a transition area from the dense Village Center to some of the neighborhoods in the New

Albany Country Club which are set back into more rural road corridors. Market Street is located directly north of this site and is also intended to serve as a transition from the dense Village Center to the more rural areas of the community where these types of structures would historically exist.

Due to the existing relationship between this site and the immediate neighborhood as well as the broader vicinity, it appears that having this historic barn on this site is an appropriate development pattern and fits within the goals of the Village Center Strategic Plan and the Urban Center Code.

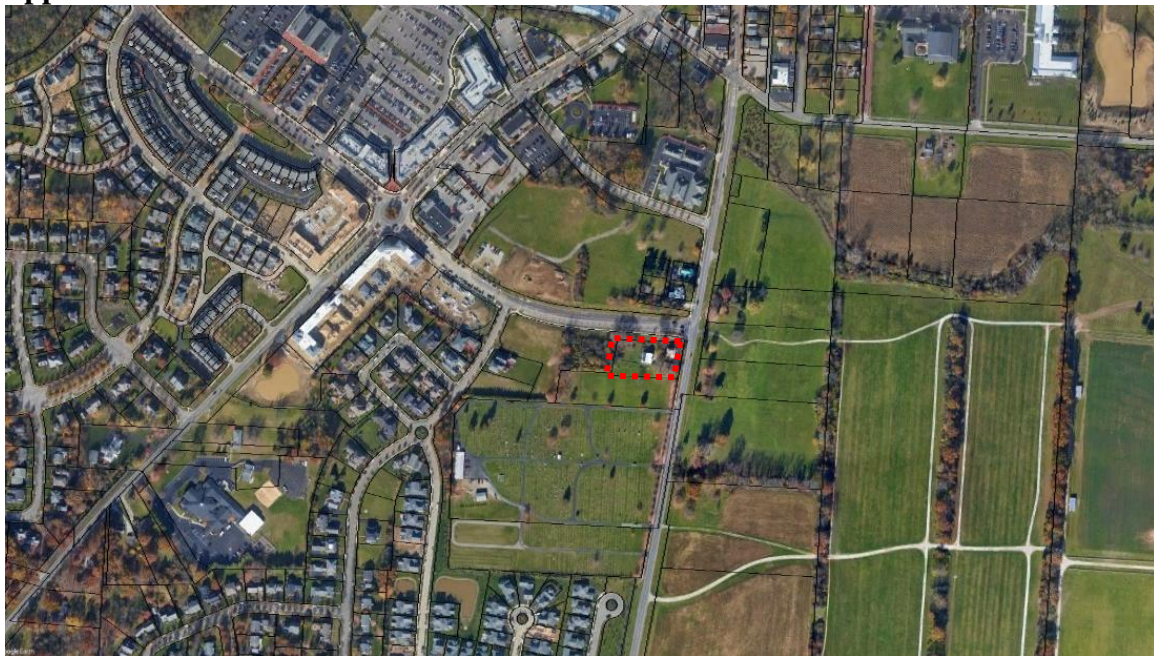
XV. ACTION

Should ARB find that the application has sufficient basis for approval, the following motion would be appropriate (conditions of approval may be added):

Move to approve certificate of appropriateness application ARB-53-2020 with the following condition.

1. If the barn is rebuilt, it must match the historic architecture and design of the existing barn, subject to staff approval.

Approximate Site Location:



Source: Google Earth