



New Albany Architectural Review Board  
April 12, 2021 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 7:04 p.m.

Those answering roll call:

|                        |                         |
|------------------------|-------------------------|
| Mr. Alan Hinson, Chair | Present                 |
| Mr. Francis Strahler   | Present                 |
| Mr. Jonathan Iten      | Present                 |
| Mr. Jim Brown          | Present (joined latter) |
| Mr. E.J. Thomas        | Present                 |
| Mr. Andrew Maletz      | Present                 |
| Ms. Sarah Briggs       | Present                 |
| Mr. Michael Durik      | Present                 |

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

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

Moved by Mr. Thomas to approve the February 24, 2021 meeting minutes, seconded by Mr. Iten. Upon roll call: Mr. Thomas, yea; Mr. Iten, yea; Mr. Maletz, yea; Ms. Briggs, yea; Mr. Strahler, yea; Mr. Hinson, yea. Yea, 6; Nay, 0; Abstain, 0. Motion passed by a 6-0 vote.

Moved by Mr. Hinson to table the March 8, 2021 meeting minutes, seconded by Mr. Thomas. Upon roll call: Mr. Hinson, yea; Mr. Thomas, yea; Mr. Maletz, yea; Ms. Briggs, yea; Mr. Iten, yea; Mr. Strahler, yea. Yea, 6; Nay, 0; Abstain, 0. Motion passed by a 6-0 vote.

Mr. Hinson asked if there were any additions or corrections to the Agenda.

Mr. Christian stated none from staff.

Mr. Hinson swore those wishing to speak before the Architectural Review Board (hereafter, "ARB") this evening to tell the truth and nothing but the truth.

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

**ARB-26-2021 Certificate of Appropriateness & Waiver  
Certificate of Appropriateness and waivers for new window signs at 160 West Main Street for  
The W Nail Bar (PID: 222-004559).**

**Applicant: Doug Provost**

Mr. Christian presented the staff report.

Mr. Hinson asked if Mr. Provost was present.

Mr. Jim Garrison, with the architect for the applicant, stated Mr. Provost was not available this evening, but said he could answer any questions from the ARB.

Mr. Maletz asked whether there was any intention to use the wall sign above the door.

Mr. Garrison stated there was no intention to use the plaque sign over the entry door.

Mr. Maletz asked staff what discretion the ARB had to require the treatment of the plaque sign if it was not going to be used. Mr. Maletz stated he was concerned about over-signing the street space and the failure to use the plaque sign. Mr. Maletz said he could not support this. Mr. Maletz noted he felt there was no hardship and four (4) signs were not appropriate for the area.

Mr. Garrison stated he appreciated that, but the brand was important and should be recognizable. Mr. Garrison said the signs were 4 feet x3 feet (HxW) but noted they had transparency through the letters and were appropriately scaled for pedestrians and in line with other stores in the area.

Mr. Iten asked if the plaque sign would be blank.

Mr. Garrison stated that was correct.

Mr. Iten stated he was open to persuasion. Mr. Iten stated Mr. Maletz's argument was cogent. Mr. Iten said that if the ARB headed down this route, if neighbors would then want window signs also, then what could be done based on precedent in an integrated development. Mr. Iten stated that prior to this, and excluding BrewDog, the largest sign coverage percentage granted had been less than 49%.

Mr. Garrison asked to share his screen to show samples of the proposed signs in use.

Mr. Iten stated he had no objection, but noted his concern was the precedent.

Mr. Thomas stated he believed the branding and lettering could be used horizontally on the plaque sign above the door. Mr. Thomas noted the building involved was part of an integrated development and he felt granting this waiver would be a problem.

Mr. Garrison showed and discussed some of the applicant's other sites and how the window signs looked in those locations. Mr. Garrison noted the transparency of the window signs being used.

Mr. Iten stated that if it were not an integrated development this would be more persuasive.

Mr. Garrison stated that future applicants wishing to do this would also seek waivers and that would act to limit them.

Mr. Thomas stated it would be more difficult to say no if there was a precedent already. Mr. Thomas stated one of the reasons for the sign over the door was to create a uniform look.

Mr. Durik stated that brands are significant but should not require that a certain size and scale be used and they should be in compliance. Mr. Durik noted that precedents can create a dangerous slope. Mr. Durik stated the plaque sign above the door was meant to create consistency and the applicant could find a way to incorporate their logo there.

Mr. Garrison asked if the letters and space taken up by the sign were measured as 23%, would that work better.

Mr. Thomas asked if the applicant had considered a horizontal logo design.

Mr. Garrison stated the owners had specific directions on the orientation of the brand. Mr. Garrison stated he had proposed a horizontal view but the owners wanted to maintain the same look in all locations.

Mr. Iten asked staff if the sign dimension's measurements were specified by Code or staff's interpretation of Code.

Mr. Christian stated it was specified by Code.

Mr. Iten stated then it was set by Code. Mr. Iten asked Mr. Maletz if his comments also meant he would object to a waiver on the number of signs. Mr. Iten asked if three (3) were fine, but not four (4).

Mr. Maletz stated correct.

Mr. Garrison stated the business would be open to a conversation of three (3) versus four (4) if they could keep the scale of the sign copy used in other locations.

Mr. Hinson stated he could be persuaded. Mr. Hinson noted that he was concerned about the number, the blank plaque sign, and the size of the signs. Mr. Hinson noted that the brand could be shown inside and they could use a horizontal version on the plaque.

Mr. Garrison asked if the ARB was open to a conditional approval for the number of signs with the intent that a new application be submitted later for the installation of a horizontal implementation.

Mr. Thomas stated using the plaque sign made a lot of sense for the reasons discussed. Mr. Thomas said he could support something that was about one (1) square foot on the windows, such as the "W." Mr. Thomas stated all the letters would then be on the plaque sign above.

Mr. Iten stated that Code said something smaller could be in the windows, with something that was just under two (2) feet by two (2) feet. Mr. Iten asked if, given that this sign was not solid, would a sign that was 20% of the area be okay.

Mr. Maletz stated that ideally, if two (2) signs were being proposed which conformed with the current Code he would support that. Mr. Maletz said that if the applicant later requested to use the plaque sign in a subsequent meeting on both parking lot and street sides, that would still require a waiver as that would be four (4) signs, but he would look more favorably on that. Mr. Maletz stated, however, that he was hearing that it was important to use the plaque for signage and adhere to the Code.

Mr. Iten asked staff if wall signs counted in the total number of approved signs.

Mr. Christian stated that the three (3) count was only for window signs.

Mr. Iten asked how many total signs, window and wall, could an applicant have in this space.

Mr. Christian stated an applicant could have three (3) window signs and one wall sign per business entrance.

Mr. Maletz stated he still thought that, whether there were two (2) or three (3) signs, a roughly 4x4 foot area per Code was reasonable and he did not see a reason to increase the signage.

Mr. Iten stated what he heard was a "no" on the waiver for the number of signs and a "no" on the waiver to the size of the signs, but fine with the certificate of appropriateness for the sign.

Mr. Thomas stated he thought the plaque signs should be used as it was important and would look odd if it was not used.

Mr. Garrison asked if the sign was being reviewed in terms of the amount of space it took up or in terms of its transparency on the store front.

Mr. Iten stated transparency was an argument used by staff to justify the waiver, it was not in the Code.

Mr. Christian stated that was correct.

Mr. Iten stated that was an argument, not a Code issue. Mr. Iten said he could understand the argument but it came back to size for him as that was the will of Council.

Mr. Garrison stated the Code specified window area but this signage and its transparency were also factors to consider.

Mr. Durik stated that when speaking about window size it was the glass that people looked at.

Mr. Garrison stated he understood, but he was not familiar with the New Albany Code and wanted to know the expectations.

Mr. Hinson stated he agreed with Mr. Durik, the glass was the glass. Mr. Hinson stated he struggled with the size and the number of signs and he could not approve this as presented.

Mr. Strahler stated he agreed, it was too large of a sign per Code and the sign should be over the entrance.

Ms. Briggs stated she agreed with what had been said and was concerned about the precedent that could be set and the overall size.

Mr. Brown stated he agreed with the argument regarding consistency.

Moved by Mr. Iten to approve the certificate of appropriateness for ARB-26-2021, 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.

Moved by Mr. Iten to approve a waiver to C.O. 1169.16(e)(3) to allow four window signs to be installed where city code permits a maximum of three and to approve a waiver to C.O. 1169.16(e)(3) to

allow four window signs to be larger than 15% of the overall window area on which they are located, seconded by Mr. Hinson. Upon roll call vote: Mr. Iten, no; Mr. Hinson, no; Mr. Strahler, no; Mr. Brown, no; Mr. Thomas, no; Mr. Maletz, no; Ms. Briggs, no. Yea, 0; Nay, 7; Abstain, 0. Motion carried by a 0-7 vote.

Mr. Iten stated this was on the grounds that it was not an appropriate design or pattern of development given the building it was in and it did not substantially meet the intent of the standard the applicant was attempting to seek a waiver from.

Mr. Hinson stated it was on the grounds that it did not meet the standard.

Mr. Strahler stated it was because it did not meet the intent of the standard.

Mr. Thomas stated his vote was for the same reasons.

Mr. Maletz said his vote was based on his prior comments in the record.

Ms. Briggs stated it was based on the standard before the ARB.

Mr. Hinson asked if there was any other business.

Mr. Christian stated no.

Moved by Mr. Iten to adjourn the meeting, 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.

Meeting adjourned at 7:57 p.m.

Submitted by Josie Taylor.

# APPENDIX



## Architectural Review Board Staff Report April 12, 2021

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### THE W NAIL BAR —SIGNAGE CERTIFICATE OF APPROPRIATENESS & WAIVERS

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LOCATION: 160 West Main Street—Suite E  
APPLICANT: Doug Provost  
REQUEST: Certificate of Appropriateness and waivers for new window signage  
ZONING: Market Street Expansion I-PUD, developed under the Urban Center Code requirements  
STRATEGIC PLAN: Village Center  
APPLICATION: ARB-26-2021

Review based on: Application materials received March 12, 2021.

*Staff report prepared by Chris Christian, Development Intern*

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#### I. REQUEST AND BACKGROUND

The applicant requests review of a certificate of appropriateness application to allow a total of four identical window signs to be installed at the Market & Main II retail building for The W Nail Bar. Two of the proposed signs will be located on the Main Street elevation windows and two will be located on rear elevation windows. The applicant does not propose to utilize wall signs at this location.

The applicant also requests the following waivers:

- (A) Waiver to C.O. 1169.16(e)(3) to allow four window signs to be installed where city code permits a maximum of three.
- (B) Waiver to C.O. 1169.16(e)(3) to allow four window signs to be larger than 15% of the overall window area on which they are located.

The ARB previously approved three window signs to be installed at this tenant space for Board and Brush on October 8, 2018. The ARB also approved two wall signs for Board and Brush on September 11, 2017. All of the Board and Brush signage has been removed from the building.

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 I-PUD (Infill Planned Unit Development) under the Market Street Expansion zoning text, but was developed under the Urban Center Code requirements. Therefore, the city's sign code regulations apply to the site. The tenant space is centrally located on the first floor of the Market and Main Street II building and was previously occupied by Board and Brush.

### 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's sign code chapter 1169.14(a) each building or structure in the Village Core sub-district shall be allowed three sign types. Window signs are a permitted sign type within the Village Core sub-district.

#### **The W Nail Bar Window Signs**

- City sign code Chapter 1169.16(e) permits one sign per window, up to three windows with a maximum size of 15% of the window area. External illumination is allowed. There are no other regulations for measurements. Window signs are permitted on first floor windows and storefronts. The applicant proposes four identical window signs with the following dimensions:
  - a) Sign Dimensions: 48.5" x 36.25" [meets code].
  - b) Window Dimensions: 65" x 55"
  - c) Percentage of Window Area: 49% (12.21/24.87 sq ft) [does not meet code, waiver requested].
  - d) Locations: One sign in each storefront window (total of four) on the Main Street and parking lot building elevations. [location meets code but number of signs does not meet code, waiver requested].
  - e) Lighting: None [meets code].
  - f) Material: Vinyl [meets code].
  - g) Colors: White (total of one) [meets code].
- The proposed signs will read, "the W nail bar" and will be centrally located in each window.
- The signs appear to be appropriately scaled given the storefront's window size.

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 window signs appear to be appropriately located on the building. Similar window signs have been previously approved by the Architecture Review Board in other locations in the Market Square area. The proposed signs are pedestrian scaled and provide more visual interest along the Market and Main walkways.

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

- The signs are positioned in a suitable location and do not block any architectural features.

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. The proposed signs appear to match the style of the building.
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

## **B. Waiver Requests**

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 waiver.

### **(A) Waiver to C.O. 1169.16(e)(3) to allow four window signs to be installed where city code permits a maximum of three.**

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

1. C.O. 1169.16(e)(3) permits one window sign on up to three windows. The applicant proposes to install one window sign on four different windows, two on the Main Street elevation and two on the west elevation of the building therefore a waiver is required.
2. The intent of code requirement is to ensure that the number of window signs used on a building is appropriate and to encourage a variety of signage on a building. While the applicant proposes to exceed the maximum of three window signs, they are well designed and are appropriately located with one window sign in each window on the building providing an appropriate pattern of development considering the context in which the development is proposed and fits within the goals of the Village Center Strategic Plan.

3. The tenant space is located within a multi-tenant building. While the applicant proposes only window signs, it appears appropriate given the storefront design. Plus, the building itself has a variety of signage for all of its tenants including wall and projecting signs resulting in the building and site not feeling “over signed” with window signs.
4. The waiver substantially meets the intent of the standard that the applicant is attempting to seek a waiver from fits within City goals which includes ensure signs are appropriately located on a building. While the applicant is exceeding the maximum number permitted in the city sign code, each sign is located appropriately in each window space and the applicant only proposes to install one sign per window. Both tenant space entrances contain a prominent storefront entrance with large windows on both sides of the door where this sign type is appropriately located in order to make the entry way easily identifiable, accomplishing a goal of the Engage New Albany Strategic Plan to improve mobility in the Village Center with business signage.
5. It appears that granting the waiver is necessary for reasons of fairness due to unusual site-specific constraints and characteristics. The city sign code cannot contemplate every instance where additional window signs may be appropriate based on a building design. Most tenant spaces have entrances on the Main Street and west elevations of the building that include storefront windows where window signs are an appropriate. The applicant proposes to install window signs on each of the storefront window spaces for each tenant space entrance. Additional window signs are appropriate in this case due to the design of the building which was approved by the ARB (ARB-101-2015). Additionally, while the applicant proposes more window signs than are permitted by code, a total of 4 signs are proposed with two on each elevation so the tenant space windows will not appear to be “over signed”. The sign design is consistent with previously approved window signs at this location, meeting the context and compatibility requirements of C.O. 1169.12.
6. It does not appear that the lettering height waiver would detrimentally affect the public health, safety or general welfare.

**(B) Waiver to C.O. 1169.16(e)(3) to allow four window signs to be larger than 15% of the overall window area on which they are located.**

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

1. C.O. 1169.16(e) states that window signs are permitted to have an area that is no larger than 15% of the overall window area on which they are located. The applicant proposes to install four identical window signs, two on the Main Street elevation and two on the rear elevation of the building. Each sign will take up 49% of the total window area on which they are located therefore a waiver is required.
2. The intent of code requirement is to ensure window signs are appropriately scaled so that they do not block pedestrians’ views into the building. City sign code states that signs are to be measured by drawing an imaginary box around all graphics and lettering. While the signs are larger than what is permitted, the sign space as measured by city code is predominately clear space which does not block views in and out of the store, providing an appropriate pattern of development considering the context in which the development is proposed, and fits within the goals of the Village Center Strategic Plan.
3. The waiver substantially meets the intent of the standard that the applicant is attempting to seek a waiver from fits within City goals which include ensure signs are appropriately designed in order to not block architectural detailing, views into a building or doorways. The views within stores are important to add visual interest and vibrancy to the streetscape. While the applicant is exceeding the maximum area permitted by the city sign code, the larger size appears appropriate in this case as they are located on larger storefront windows where additional signage is appropriate.
4. It appears that granting the waiver is necessary for reasons of fairness due to unusual site-specific constraints and characteristics. The city sign code cannot contemplate every instance

where larger sign sizes may be appropriate based on the size of a window. The ARB approved the addition of larger storefront windows to be installed for all tenant spaces in the Market and Main II building (ARB-101-2015). Larger signage is appropriate in this case as they are designed to fit within a larger window area and do not limit views either in or out of the building.

5. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

#### **IV. RECOMMENDATION**

Staff recommends approval of the certificate of appropriateness and waivers application, provided that the ARB finds the proposal meets sufficient basis for approval. While the applicant proposes additional, larger window signs than city sign code permits, the signs are appropriately located and sized to fit within the design of the existing storefront tenant space entrances on each elevation of the building. The proposed signs accomplish the context and compatibility requirements of the city sign code and are consistent with window sign designs used in the Village Center. The signs do not block views in or out of the building and help ensure that the tenant space is easily identifiable to pedestrians, improving mobility in the Village Center which is an important goal of the Engage New Albany Strategic Plan for the Village Center.

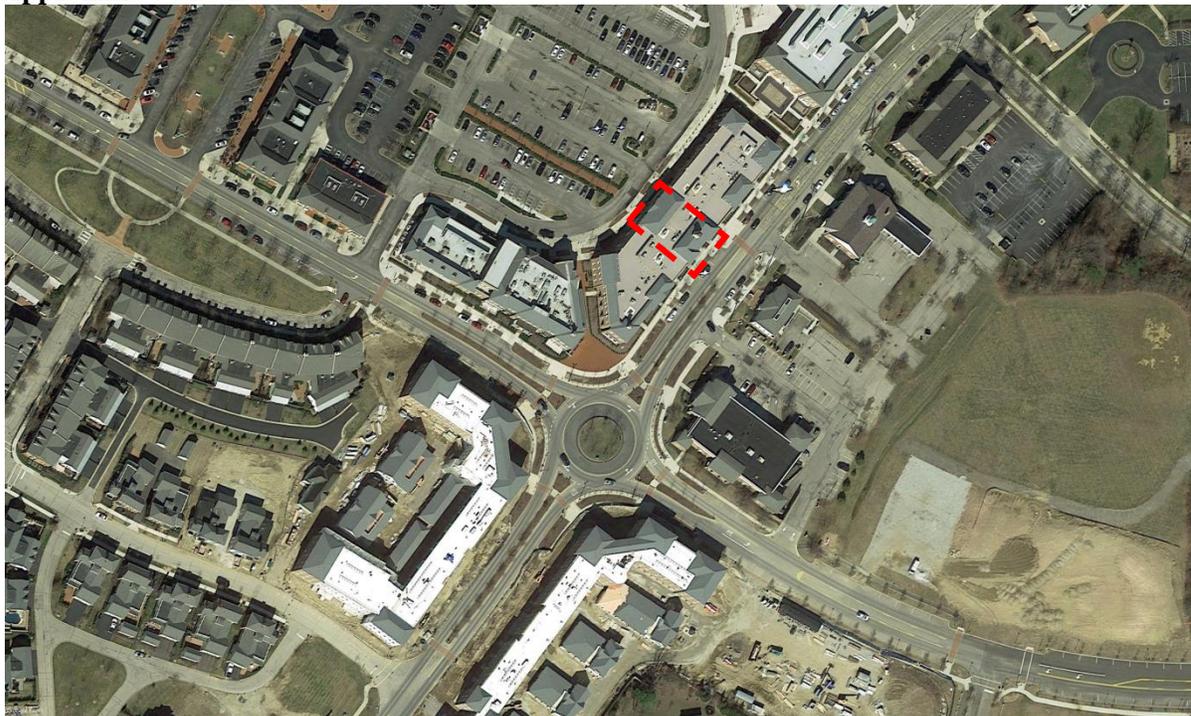
#### **V. ACTION**

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-26-2021:**

Move to approve Certificate of Appropriateness application ARB-26-2021 (conditions may be added).

#### **Approximate Site Location:**



Source: Google Earth