



New Albany Board of Zoning Appeals  
February 28, 2022 Minutes

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 Vice Chair, Mr. Gallagher, at 7:00 p.m.

Those answering roll call:

Mr. Everett Gallagher	Present
Mr. Kirk Smith	Present
Ms. Kerri Mollard	Present
Mr. Shaun LaJeunesse	Present
Mr. Hans Schell	Present
Ms. Andrea Wiltrout (Council Rep)	Present

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

Moved by Ms. Mollard to approve the December 20, 2021 meeting minutes, seconded by Mr. LaJeunesse. Upon roll call: Ms. Mollard, yea; Mr. LaJeunesse, yea; Mr. Smith, yea; Mr. Gallagher, yea; Mr. Schell, abstain. Yea, 4; Nay, 0; Abstain, 1. Motion carried by a 4-0-1 vote.

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

Mr. Christian stated none from staff.

Mr. Gallagher asked if anyone wanted to discuss items not on tonight's Agenda. (No response).

Mr. Gallagher swore all who would be speaking before the Board of Zoning Appeals (hereafter, "BZA") to tell the truth and nothing but the truth.

Mr. Eric Zartman agreed to tell the truth and nothing but the truth.

**VAR-16-2022 Variance**

**Variance to C.O. 1169.16(d) to allow two wall signs to be installed on three buildings with one street frontage where code allows a maximum of one wall sign per frontage at 9005 and 8900 Smith's Mill Road and 8886 Innovation Campus Way for Axium Packaging (PIDs: 095-112104-00.005 and 095-111744-00.003).**

**Applicant: Axium Packaging, LLC c/o Saad Zaid**

Mr. Christian presented the staff report.

Mr. Gallagher stated Abercrombie and Fitch also had multiple buildings in the business park.

Mr. Christian stated yes.

Mr. Gallagher asked if anyone had any questions for staff before the applicant spoke or if any visitors had any comments to make. (No Response.)

Mr. Gallagher asked the applicant if he would like to speak on this variance application.

Mr. Eric Zartman, Underhill & Hodge, attorney for Axium Packaging, discussed the company and its need to have the plant numbers on the buildings.

Ms. Wiltrout asked if the size of the signs would be considerably smaller than others currently in the business park.

Mr. Zartman said they would be comparable.

Ms. Wiltrout stated she wanted to be sure they would be large enough to be functional as they were so far below the size currently permitted.

Mr. Zartman asked Mr. Christian to show the mock-ups for what the signs would look like and stated the signs were shown to scale.

Ms. Mollard stated she had wondered something similar to Ms. Wiltrout, were the signs big enough.

Mr. Schell asked if the Abercrombie & Fitch signs were similar.

Mr. Gallagher stated most of the Abercrombie & Fitch buildings were in one parcel and others in the back were small and not meant for visitors.

Ms. Wiltrout stated the applicant's buildings would have visitors.

Mr. Gallagher stated these would and noted that for emergency responders such signs were best.

Ms. Mollard stated it also made sense for deliveries and truckers.

Mr. Gallagher stated as long as they were reasonable.

Moved by Mr. Smith to accept the staff report for VAR-16-2022 into the record, seconded by Mr. LaJeunesse. Upon roll call vote: Mr. Smith, yea; Mr. LaJeunesse, yea; Mr. Schell, yea; Mr. Gallagher, yea; Ms. Mollard, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Moved by Mr. LaJeunesse to approve variance VAR-16-2022 with the conditions listed in the staff report, seconded by Mr. Smith. Upon roll call vote: Mr. LaJeunesse, yea; Mr. Smith, yea; Ms. Mollard, yea; Mr. Gallagher, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

### **Other Business**

Mr. Christian welcomed Mr. Schell to the BZA as the Planning Commission liaison.

Mr. Schell stated he was happy to serve.

Mr. Smith noted there had been at least two (2) or three (3) prior signage requests and they were being made more often. Mr. Smith stated a more comprehensive and consistent policy should be considered.

Mr. Mayer stated that consistency had normally been sought for ground signs but, historically, there had not been a lot of wall sign requests. Mr. Mayer stated they would monitor this going forward.

Ms. Mollard noted that due to her new role she would need to step out of the BZA, but could serve until a replacement was found.

Ms. Wilttrout thanked Ms. Mollard for her service.

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

Meeting adjourned at 7:12 p.m.

Submitted by Josie Taylor.



**Board of Zoning Appeals Staff Report  
February 28, 2022 Meeting**

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**AXIUM PACKAGING  
CAMPUS SIGN VARIANCE**

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LOCATION: 9005, 8900 Smith’s Mill Road and 8886 Innovation Campus Way (PIDs: 095-112104-00.005 and 095-111744-00.003)  
APPLICANT: Axiom Packaging, LLC c/o Saad Zaidi  
REQUEST: (A) Variance to C.O. 1169.16(d) to allow each building (total of three) to have two wall signs where code allows a maximum of one wall sign for each building.  
ZONING: Limited General Employment (L-GE)  
STRATEGIC PLAN: Employment Center  
APPLICATION: VAR-16-2022

Review based on: Application materials received January 27 and February 11, 2022

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*Staff report prepared by Chris Christian, Planner*

**I. REQUEST AND BACKGROUND**

The applicant requests the following variance related to a new sign package for all of the Axiom buildings in the New Albany Business Park.

The city sign code allows a maximum of one wall sign per street frontage for each building. Each building fronts onto a single street so each building is permitted one wall sign. The applicant requests to allow two wall signs on each of the three buildings.

**II. SITE DESCRIPTION & USE**

The three Axiom buildings are located on two commercially zoned and used properties in the Licking County portion of the New Albany Business Park. The city sign code regulations are based on buildings, not sites.

**III. EVALUATION**

The application complies with application submittal requirements in 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. ASSESSMENT**

#### ***Considerations and Basis for Decision***

##### **(A) Variance to C.O. 1169.16(d) to allow a second wall sign to be installed on the Beech Road building elevation where code allows one per building frontage.**

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

1. C.O. 1169.16(d) states that one wall sign, up to 75 sq.ft. in size is permitted to be installed per building frontage. The applicant submitted a new sign package plan for all of the operating Axium plants in the New Albany Business Park (see Exhibit A). The applicant proposes to install two wall signs and one address sign on each plant. Address signs are permitted by city code as a by-right sign, not as a wall sign and therefore are approvable by city staff. Plants 1, 2 and 5 all have one building frontage therefore only one wall sign is permitted for each building. This variance application is required to allow a second wall sign on plants 1, 2 and 5.
2. The variance requests do not appear to be substantial and meet the spirit and intent of the zoning text requirement. The city sign code permits one wall sign per building frontage, with an area of up to 75 sq. ft. based on the building linear frontage. While the applicant proposes to allow more wall signs than permitted by right, the combined area of both signs on each plant is far below what is permitted by right for just one wall sign.  
**Plant 1 (two wall signs):** combined area of 14+/- sq. ft.  
**Plant 2 (two wall signs):** combined area of 16+/- sq.ft.  
**Plant 3 (two wall signs):** combined area of 14+/- sq. ft.
3. It appears that there are special conditions and circumstances that justify the variance request. The city sign code provides a maximum number allowable size of single wall signs but does not

consider multiple, smaller sized wall signs. The sign regulations do not take into account the size of building when determining the allowable number of signs. These plants are larger warehouse buildings where additional wall signs are most appropriate and the proposed signs will provide additional wayfinding between the multiple Axiom plants in the business park.

4. The spirit and intent of the zoning requirement still appears to be met by granting the variance which is to ensure that buildings are not “over signed.” Due to smaller size of the proposed sign, the additional wall sign is appropriate and the building elevation does not appear to be “over signed.” The additional sign meets the context and compatibility requirements of the city sign code which states that signs must not create an appearance of competition between adjacent signs. All of the proposed wall signs have a similar scale, placement and proportions to create harmony.
5. It does not appear that the essential character of the immediate area will be altered if the variance is granted. This variance request does not eliminate the architectural, screening, and landscaping requirements for this property.
6. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
7. Granting the variance will not adversely affect the delivery of government services.

#### **IV. RECOMMENDATION**

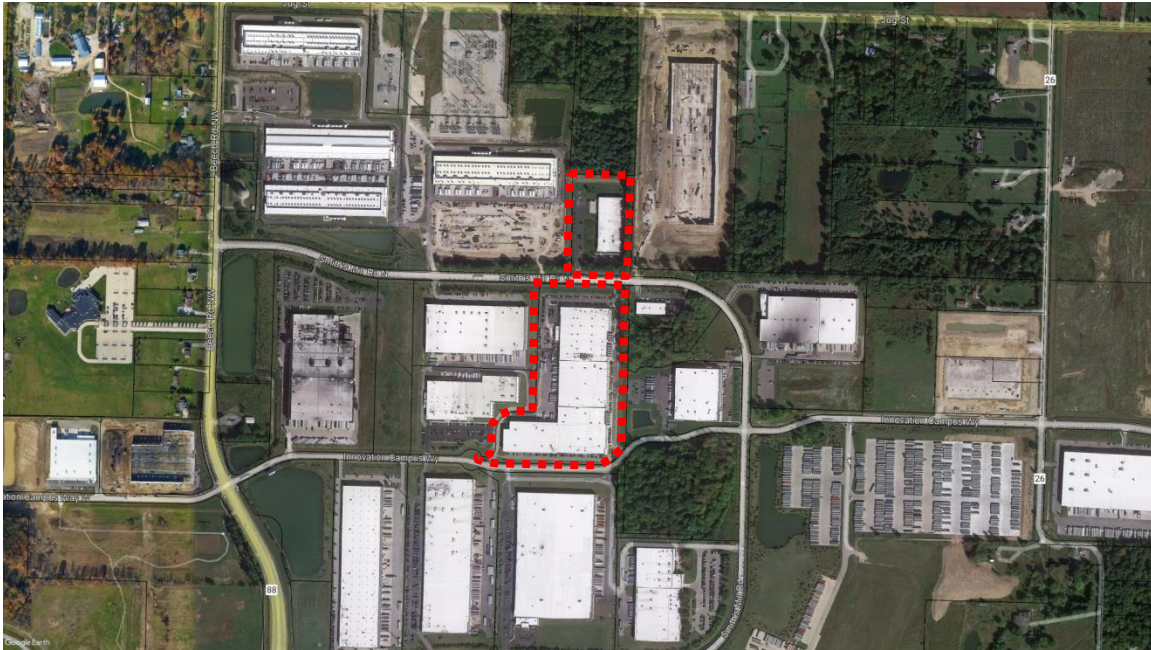
Staff recommends approval of the requested variances should the Board of Zoning Appeals find that the application has sufficient basis for approval. The city’s sign code contains context, compatibility, and execution requirements for all permanent signage in the city. In addition to these requirements, the city sign code contains “one-size fits all” number and height requirements for all commercial and warehouse developments that does not address unique situations. Axiom Plastics is the only company in the New Albany Business Park with multiple plants which is a unique condition. While the applicant proposes an additional wall sign on each plant, the combined total area of both signs is far below what is permitted for one wall sign by right for each site. All of the proposed signs are appropriate in this case as they are all scaled, located and designed appropriately on the building and provide additional wayfinding for users of each site.

#### **V. ACTION**

Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate (The Planning Commission can make one motion for all variances or separate motions for each variance request):

**Move to approve application V-16-2022.**

**Approximate Site Location:**



Source: Google Earth