



New Albany Architectural Review Board
November 14, 2022 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 7:01 p.m.

Those answering roll call:

Mr. Alan Hinson, Chair	Present
Mr. Francis Strahler	Present
Mr. Jonathan Iten	Present
Mr. Jim Brown	Absent
Mr. E.J. Thomas	Absent
Mr. Andrew Maletz	Present
Ms. Traci Moore	Present
Mr. Michael Durik	Present

Staff members present: Mayer, Development Services Coordinator; Chris Christian, Planner; Chelsea Nichols, Planner; Christina Madriguera, Deputy Clerk of Council; and Josie Taylor, Clerk.

Moved by Mr. Maletz to approve the October 10, 2022 meeting minutes, seconded by Mr. Iten. Upon roll call: Mr. Maletz, yea; Mr. Iten, yea; Mr. Strahler, abstain; Ms. Moore, yea; Mr. Hinson, yea. Yea, 4; Nay, 0; Abstain, 1. Motion passed by a 4-0-1 vote.

Mr. Hinson asked if there were any additions or corrections to the agenda this evening.

Ms. Nichols stated no.

Mr. Hinson asked if anyone who would be speaking before the Architectural Review Board (hereafter, "ARB") tonight needed to be sworn in. (No response).

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

**ARB-127-2022 Certificate of Appropriateness
Certificate of Appropriateness for new signage at 14 South High Street (PID: 222 000001).
Applicant: Keiser Design Group c/o Ethan Fraizer**

Ms. Nichols presented the staff report.

Mr. Iten stated that a new step, the permit application, had been introduced here. Mr. Iten stated that while the certificate of appropriateness was here the applicant apparently also needed to do something else.

Ms. Nichols stated right, once the ARB approved a sign application the applicant still needed to get a permit through the City.

Mr. Iten asked if the ARB would not just approve the sign subject to it being flush and having the exact height of the proposed letters, per Code, at six (6) inches.

Ms. Nichols stated that the maximum size per Code was six (6) inches for letters.

Mr. Iten stated it could then be up to six (6) inches or less. Mr. Iten stated that he felt the ARB would then be approving a sign that was flush with letters that were six (6) inches or less, subject to staff approval.

Ms. Nichols stated the suggested conditions of approval on the staff report were based on their proposed sign meeting Code in all aspects except for the two items that were not clear and staff wanted it to be clear when the applicant submitted the request for the permit.

Mr. Iten asked why would the ARB begin to deal with the permits now.

Mr. Durik stated that he believed Mr. Iten meant that if the ARB approved this proposal with the conditions that it met the six (6) inch letter height, color standards, and all requirements, then it would be approved only if they come back with a proposal for permit that met those conditions.

Mr. Iten stated he did not care for this and the permit should be issued or not based on what the ARB approved.

Mr. Mayer stated that was true and noted this was a new practice to provide them with additional information when these were reviewed.

Mr. Iten stated that he felt that if an applicant submitted a permit that did not meet the required conditions staff could require the applicant to do so.

Mr. Mayer stated that was right.

Mr. Iten stated he did not know why the ARB needed to tell the applicant to do that.

Mr. Maletz asked how this was any different than something being subject to staff approval. Mr. Maletz stated the ARB approval should not be hitched to the wagon of permits.

Mr. Iten stated staff issued the permit or not based on whether it was in line with the ARB approval and that was what he proposed to do.

Mr. Mayer stated that was fine too.

Mr. Iten stated he resisted this new way. Getting into (operational) details such as permits seemed to Mr. Iten to be at a level of distraction too detailed for the board level. The board needed to stay at a higher level.

Mr. Mayer stated subject to staff approval was also acceptable.

Mr. Iten stated one criticism of this was that the plans must clearly show the exact height of proposed letters. Mr. Iten said that they could then return with letters of eight (8) inches, yet the ARB had not approved that.

Mr. Strahler asked if staff recommended that the existing ground sign come back before they could install it or was that independent.

Mr. Mayer stated it was independent.

Mr. Durik stated that in the proposal it was to go from one (1) entry door to two (2) French doors, and asked if there was going to be a logo on this door.

Ms. Nichols stated no.

Mr. Mayer stated the signage was on the canopy itself above the door.

Moved by Mr. Iten to approve the certificate of appropriateness for ARB-127-2022, with the following conditions:

1. That the existing ground sign come back before the Board at a later date, as a separate application; and
 2. That at the time of submitting a permit application, the plans must clearly show the exact height of the proposed letters at six (6) inches or less and that the sign face is flush with the canopy face.
- seconded by Mr. Hinson. Upon roll call vote: Mr. Iten, yea; Mr. Hinson, yea; Mr. Strahler, yea; Mr. Maletz, yea; Ms. Moore, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Other Business

- **Waivers Code Updates**

Mr. Christian reviewed the proposed update and the options available for it. Mr. Christian also provided a list of previously reviewed applications the ARB could use as case studies to help them determine how the options available for the Waiver Code update would function.

Mr. Iten stated he thought they could work on any refinements to option 2, assuming the ARB still liked it. Mr. Iten stated he would like to use that to kick the tires. Mr. Iten stated that in §1157 there were two (2) terms used back and forth, structure and building. Mr. Iten asked if a building was always a structure but not all structures were buildings.

Mr. Maletz stated he agreed, and he had a similar question about site versus building because a site can include a building but a building would sit on a site.

Mr. Iten asked staff if an applicant wanted to build a New Albany mini-Stonehenge, would that go before the ARB.

Mr. Christian stated it would depend.

Mr. Iten asked if it was in the Village Center and was a religious structure like a church, although not a building, the ARB would still need to approve it.

Mr. Christian stated he believed that would fall under a minor improvement and staff could approve it. Mr. Christian stated the City Code defined structures as including, among other things walls, buildings, or patios but not fences.

Mr. Iten asked if there was a definition of the word 'site' in the Code.

Mr. Christian stated not one that specifically included buildings in §1157.

Mr. Iten stated that in §1157 the phrase 'building, structure, or site' was used. Mr. Iten stated that at least suggested that the word 'site' meant more than land.

Mr. Maletz stated that was fair enough. Mr. Maletz stated that he thought they had discussed the notion of an unusual building constraint versus an unusual site constraint.

Mr. Iten stated that if the ARB said here "unusual building, structure, or site-specific conditions" it would use the same phrase from §1157.09 and also include the Stonehenge example he had discussed. Mr. Iten noted Stonehenge would go back to the ARB if it required a waiver.

Mr. Christian stated correct.

Mr. Iten asked if there was any concern with using "site" in that it could be either too narrow or too wide a term. Mr. Iten asked if they could make it existing building or existing structure so applicants could not generate their own "unusual" condition.

Mr. Maletz stated it should only be applied to existing conditions.

Mr. Iten asked if that was self evident.

Mr. Mayer stated that in the past the assumption by staff had been that it would be under existing, but he thought they would also keep it open for new design as well.

Mr. Iten stated they wanted to leave it open for review but it would still need to meet the other Waiver Code requirements.

Mr. Maletz stated the whole question about this Code section was how broad it needed to be to allow discretion but yet not be so broad that it became too subjective.

Mr. Mayer stated that if there were unusual site or building constraints that, in and of itself, would need a waiver. Mr. Mayer stated that, at the same time, they also wanted to allow for flexibility and creativity for good design.

Mr. Maletz stated it made sense.

Mr. Iten stated that option 3 had the or circumstances and included that it specified the conditions did not result from the applicant's actions. Mr. Iten stated that, other than that, he would leave it and evaluate the provided examples using "necessary for reasons of fairness due to unusual building, structure, or site specific conditions."

Mr. Durik stated he believed that covered it.

Mr. Christian provided a discussion of the first of the case studies staff had found for the ARB members to review, Brew Dog.

Mr. Maletz asked if in the Brew Dog roof sign there had not been language that made it difficult for the ARB to approve the waiver.

Mr. Iten stated yes, it failed because it did not meet the intent, as required in §1113.11(b), as the intent was not to have roof signs.

Mr. Christian noted that the other three criteria here still needed to be met.

Mr. Iten asked if the fact that it was a barn structure or building would make it a building specific condition. Mr. Iten stated that would not mean they would have to approve it, but they could consider it as a condition that merited approval.

Mr. Mayer stated yes, that was an unusual site-specific constraint.

Mr. Iten stated the term constraint should not be used.

Mr. Mayer stated right, it would be an unusual site-specific condition, but there would still be debate by the ARB about how fairness would be involved.

Mr. Maletz stated unusual conditions he normally evaluated by asking if these things could be addressed in some other way to see if the waiver would fail.

Mr. Christian stated correct.

Mr. Iten stated he believed it was also correct that while all wanted Brew Dog they were not also in favor of what a future sign in that location could then say on it.

Mr. Mayer stated that was a good point.

Mr. Christian discussed an applicant's request for a waiver to allow a concrete driveway on Kitzmiller Road.

Mr. Iten stated he thought the applicant had said it was a very steep driveway and concrete would be less slippery.

Mr. Maletz stated he had thought about what an unusual site constraint would be in terms of a driveway. Mr. Maletz stated it would be something where say asphalt was required but, as asphalt requires specific techniques be used where there is a high water table, then in a location with a high water table, this required the ARB to reconsider the material used due to an unusual site constraint.

Mr. Iten stated their review on this one could then still lead them to deny the waiver.

Mr. Maletz yes, he thought so.

Mr. Iten noted that in this case they would need to consider how much the slope of this driveway affected its use.

Mr. Maletz stated the Zoning Code limited the slope on a driveway anyway.

Mr. Iten asked if Code then meant one could not build one that was too steep.

Mr. Mayer stated right. Mr. Mayer said staff did not believe adding structure or building would change the ARB's ability to review these types of waiver requests.

Mr. Christian discussed the Richmond Square Flats waivers.

Mr. Iten stated he thought the third waiver request on this, for additional parking, was one he had carefully considered. Mr. Iten stated he believed using 'condition' would now create a

situation where the condition that permitted the approval had been one created by the applicant by opting to use underground parking.

Mr. Maletz stated he also questioned whether that parking condition, which was not mentioned in the Code, offered a creative way to meet that condition.

Mr. Mayer stated this was a perfect example of where a new condition, which met all DGR and Code requirements, would be supported.

Mr. Iten stated that was an excellent point.

Mr. Christian discussed the Infinite Church sign waiver request.

Mr. Maletz stated he remember discussing the appropriateness of scale with this one. Mr. Maletz stated that in this case the proposed language would have made it easier to review.

Mr. Iten stated he agreed. Mr. Iten asked if there were any other cases available for review.

Mr. Christian stated these were the ones he found which had required the most conversation.

Mr. Iten asked about the barn they had approved on Market Street.

Mr. Christian stated Mr. Kirby's barn was a unique condition and was also historical.

Mr. Iten thanked Mr. Christian for doing this.

Mr. Durik stated it made sense and provided enough latitude.

Moved by Mr. Iten to recommend to the Planning Commission that sub-condition (c) be modified to say:

(c) Be necessary for reasons of fairness due to unusual building, structure, or site-specific conditions; and

seconded by Mr. Strahler. Upon roll call vote: Mr. Iten, yea; Mr. Strahler, yea; Mr. Maletz, yea; Ms. Moore, yea; Mr. Hinson, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Poll Members for Comment

Mr. Iten thanked staff for their work on this and also said he was happy to serve with the ARB members who did such a fine job.

Mr. Mayer noted Ms. Taylor would remain until the end of the year and then Ms. Madriguera would be the new Deputy Clerk of Council at all Board and Commissions.

Moved by Mr. Hinson to adjourn, seconded by Mr. Iten. Upon roll call vote: Mr. Hinson, yea; Mr. Iten, yea; Ms. Moore, yea; Mr. Maletz, yea; Mr. Strahler, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Meeting adjourned at 7:50 p.m.

Submitted by Josie Taylor.

APPENDIX



Architectural Review Board Staff Report November 14, 2022

BUSCH TAX COMPANY ARCHITECTURAL CANOPY SIGN CERTIFICATE OF APPROPRIATENESS

LOCATION: 14 South High Street
APPLICANT: Keiser Design Group, c/o Ethan Frazier
REQUEST: Certificate of Appropriateness
ZONING: Urban Center, Historic Center Sub-District
STRATEGIC PLAN: Village Center
APPLICATION: ARB-127-2022

Review based on: Application materials received October 13, 2022 and October 31, 2022.

Staff report prepared by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a certificate of appropriateness to allow one architectural canopy sign to be installed at 14 South High Street, for Busch Tax Company LLC. The sign is proposed to be installed above the main entrance along South High Street.

The ARB reviewed and approved a new patio to be installed at this property at their June 13, 2022 meeting (ARB-55-2022). The ARB also reviewed and approved an expansion of the rear portion of the existing building at their August 8, 2022 meeting (ARB-84-2022). Construction on the patio and building expansion hasn't started.

The applicant also intends to replace the existing front door with a new "French style," double door. Per code, this improvement is considered a minor replacement and will be reviewed separately and administratively via a permit application.

The property currently has one existing ground mounted sign. This sign has not been approved for this property. Should the Board approve this application for the new architectural canopy sign, staff recommends a condition of approval that the existing ground mounted sign come back before the Board at a later date, as a separate application.

II. SITE DESCRIPTION & USE

The property is zoned Urban Center located within the Historic Center sub-district. Therefore, the city's sign code regulations apply to the site. The existing structure was built in 1910. Busch Tax Company owns and occupies the building.

III. EVALUATION

Certificate of Appropriateness:

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. 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 and 1169 City Sign Regulations**, 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 section 1169.14(a) each building or structure in the Historic Core sub-district shall be allowed three (3) sign types including, but not limited to, projecting, awning and wall signs. The applicant is proposing to install one architectural canopy sign with the following dimensions.

Architectural Canopy Sign

- City sign code Chapter 1169.16(c) allows one per canopy face, a maximum area of 75% of canopy face, maximum lettering height of 18". The sign face must be flush with the canopy face.
 - a. Area: 45% of the canopy face [meets code].
 - b. Location: the sign is proposed to be mounted directly to the canopy face [meets code].
 - c. Lighting: none proposed [meets code].
 - d. Relief: Not indicated on the plan [must meets code (sign face must be flush with the canopy face) at the time of submitting the sign permit application].
 - e. Colors: blue, beige/tan and white (total of 3) [meets code].
 - f. Lettering Height: Appears to be less than 6" [meets code if this is correct, staff to confirm with sign permit application]
- The sign reads "Busch Tax Company, LLC."
- The sign panel is made out of aluminum which is a permitted sign material.
- Should the Board approve the application, staff recommends a condition of approval that at the time of submitting a permit application, the plans must clearly show the exact height of the proposed letters and that the sign face is flush with the canopy face.

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 proposed sign is an appropriate sign-type for this tenant space.

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 in a suitable location and does 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 sign is designed and scaled appropriately for this tenant space.

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

IV. SUMMARY

The proposed architectural canopy sign appears to be consistent with the architectural character of the 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 motion would be appropriate.

Suggested Motion for ARB-127-2022:

Move to approve Certificate of Appropriateness for application ARB-127-2022 with the following conditions:

- 1) That the existing ground sign come back before the Board at a later date, as a separate application; and
- 2) That at the time of submitting a permit application, the plans must clearly show the exact height of the proposed letters and that the sign face is flush with the canopy face.

Approximate Site Location:



Source: Google Earth

