



New Albany Board of Zoning Appeals Meeting Agenda
September 25, 2023 at 6:30 p.m.

Members of the public must attend the meeting in-person to participate and provide comment at New Albany Village Hall at 99 West Main Street. The meeting will be streamed for viewing purposes only via the city's website at <https://newalbanyohio.org/answers/streaming-meetings/>

I. Call to order

II. Roll call

III. Action on minutes August 21, 2023

IV. Additions or corrections to agenda

Administer oath to all witnesses/applicants/staff who plan to speak regarding an application on tonight's agenda. "Do you swear to tell the truth and nothing but the truth."

V. Hearing of visitors for items not on tonight's agenda

VI. Cases

VAR-82-2023 Variance

Variances to allow a building and paver patio to encroach approximately 4½ feet into a drainage easement (PID: 222-003172).

Applicant: The City of New Albany

Motion of acceptance of staff reports and related documents into the record for - VAR-82-2023.

Motion of approval for application VAR-82-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

VIII. Poll members for comment

IX. Adjournment



**New Albany Board of Zoning Appeals
DRAFT Meeting Minutes
August 21, 2023**

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on August 21, 2023 in the New Albany Village Hall. Chair LaJeunesse called the meeting to order at 6:00 p.m.

II. Roll call

Those answering roll call:

Mr. LaJeunesse	present
Mr. Smith	present
Mr. Jacob	absent
Ms. Samuels	absent
Mr. Schell	present
Council Member Shull	present

With three voting members present, the board had a quorum to transact business.

Staff members present: Planner II Christian; Planner Cratic-Smith; Planning Manager Mayer; Deputy Clerk Madriguera.

III. Action on minutes

Chair LaJeunesse asked if there were any additions or corrections to the draft of the minutes from the meeting on June 26, 2023.

Hearing none Board Member Smith moved to approve the minutes from the meeting on June 26, 2023. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Smith yes; Mr. LaJeunesse yes; Mr. Schell yes. Having three votes in favor, the minutes from the June 26, 2023 meeting were approved as submitted.

IV. Additions or corrections to agenda and hearing of visitors for items not on tonight's agenda

Chair LaJeunesse asked if there were any additions or corrections to the agenda.

Planning Manager Mayer answered none from staff.

Chair LaJeunesse noted that there were no people present in the audience so there was no need to administer the oath, and likewise no one was present to speak on an item not on tonight's agenda.

V. Cases

VAR-81-2023 Variance

Variances to C.O. 1169.16(d) to allow two wall signs to have greater area and lettering height than permitted by the city sign code for Amgen located at 4150 Ganton Parkway (Parcel ID: 094-106404-00.004).

Applicant: Turner Construction c/o Bruce Carder

Planner Cratic-Smith delivered the staff report.

Board Member Schell confirmed that neighbor letters had been sent out and asked whether the city had received responses.

Planner Cratic Smith replied that yes, neighbor letters were sent out, and she further stated that the city had not received any responses.

Board Member Schell asked whether the code would be changed to permit larger signs for larger buildings.

Planning Manager Mayer answered not at this time, but it is on city staff's radar. He explained that requests such as this are made about once every two years so because of low frequency of demand there are no current plans to propose a change to the code. He agreed that the change made sense perhaps as a new category or a tiered approach, and could be included in the next round of proposed code updates.

Chair LaJeunesse confirmed with Planning Manager Mayer that the sign was 450-feet from the road. He asked if there were an additional questions or comments. Hearing none he asked whether there was a motion.

Board Member Smith moved to accept the staff reports and related documents into the record for VAR-81-2023. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Smith yes; Mr. LaJeunesse yes; Mr. Schell yes. Having three votes in favor, the staff reports and related documents were admitted into the record.

Board Member Schell moved to approve application VAR-81-2023. Board Member Smith seconded the motion.

Upon roll call: Mr. Schell yes; Mr. Smith yes; Mr. LaJeunesse yes. Having three votes in favor, the Board of Zoning appeals approved application VAR-81-2023.

VII. Other business

Chair LaJeunesse asked whether there was any other business.

Planning Manager Mayer answered none from staff.

VIII. Adjournment

Board Member Smith moved to adjourn the meeting. Board Member Schell seconded the motion.

Upon roll call: Mr. Smith yes; Mr. Schell yes; Mr. LaJeunesse yes. Having three yes votes the meeting was adjourned at 6:10 p.m.

Submitted by: Deputy Clerk Christina Madriguera, Esq.

Appendix

VAR-81-2023

Staff Report

Record of Action



**Board of Zoning Appeals Staff Report
August 21, 2023 Meeting**

**AMGEN
SIGN VARIANCES**

LOCATION: 4150 Ganton Parkway Beech Road (PID: 094-106404-00.004)
APPLICANT: Turner Construction c/o Bruce Carder
REQUEST: (A) Variance to C.O. 1169.16(d) to allow two wall signs to have an area of 98 sq. ft. where code allows a maximum of 75 sq. ft. based on building frontage.
(B) Variance to C.O. 1169.16(d) to allow two wall signs to have a lettering height of 5 feet where code allows a maximum of 3 feet.
ZONING: Limited General Employment (L-GE)
STRATEGIC PLAN: Employment Center
APPLICATION: VAR-81-2023

Review based on: Application materials received on August 3, 2023.

Staff report prepared by Sierra Cratic-Smith, Planner.

I. REQUEST AND BACKGROUND

The applicant requests the following variances to the city sign code for Amgen located at 4150 Ganton Parkway.

- (A) Variance to C.O. 1169.16(d) to allow two wall signs to have an area of 98 sq. ft. where code allows a maximum of 75 sq. ft. based on building frontage.
- (B) Variance to C.O. 1169.16(d) to allow two wall signs to have a lettering height of 5 feet where code allows a maximum of 3 feet.

II. SITE DESCRIPTION & USE

The site is located in Licking County, south of State Route 161 and west of Beech Road and north of Ganton Parkway. The overall site is 131.46 acres in size and surrounded by commercially zoned and used properties. The property is owned by Amgen and a biomedical facility is currently under construction on site.

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 two wall signs to have an area of 98 sq. ft. where code allows a maximum of 75 sq. ft. based on building frontage.

The following should be considered in the decision of the board:

1. C.O. 1169.16(d) states that wall signs are permitted to have one square foot for each linear foot of building frontage, up to 75 sq. ft. The applicant proposes to install two wall signs featuring the company name. One will be on the Ganton Parkway building elevation and the second on the western building elevation, interior to the site. Each sign has an area of 98 sq. ft. therefore a variance is required to allow them to be installed.
2. The variance requests do not appear to be substantial due to the large size of the building. The Ganton Parkway building elevation is approximately 540 feet long and the western elevation is 415 feet wide. Due to this large size, the proposed wall signs appear to be appropriately scaled in relation to the size of the building. If the applicant were to install wall signs that met code requirements, they would be under scaled and appear out of place on the larger building.
3. It appears that there are special conditions and circumstances that justify the variance request. The city sign code provides a maximum sign size but does not consider the size of structures that are typically constructed in the Licking County portion of the New Albany Business Park. The permitted sign sizes are based on use categories and there is one size allowance for all commercial/warehousing buildings within the entire Business Park. This building is a

larger warehouse building and larger than a typical commercial building which the sign code likely contemplated when it was written.

4. The Board of Zoning Appeals has approved similar variance requests to allow for larger signs on larger buildings. The BZA approved sign area variances for Amazon distribution center on April 26, 2021 (VAR-35-2021), the Pizutti Multi-tenant Building on October 28, 2019 (VAR-88-19) and for KDC on July 23, 2012 (VAR-4-2012).
5. Granting the variance appears to meet the spirit and intent of the zoning requirement because it ensures that the signs are appropriately scaled and designed for the building that they are located on. The city sign code requires signs to “integrate with the building/site on which they are located and adjacent development in scale, design, and intensity. For example, large signs are best suited for buildings with larger massing.” The proposed signs meet this intent as they are well designed and appropriately scaled in relation to the large warehouse building thereby making the size appropriate in this case.
6. It does not appear that the essential character of the immediate area will be altered if the variance is granted. The site is located in the center of the New Albany Business Park and is completely surrounded by commercially zoned and used properties. Additionally, the building maintains large setbacks from both public roads, minimizing their visual impact. The building is setback approximately 470+/- feet from the future Ganton Parkway.
7. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
8. Granting the variance will not adversely affect the delivery of government services.

(B) Variance to C.O. 1169.16(d) to allow two wall signs to have a lettering height of 5 feet where code allows a maximum of 3 feet.

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

1. C.O. 1169.16(d) states that the maximum lettering height for wall signs at this location is 36 inches. The applicant proposes to install two wall signs with a lettering height of 5 feet, therefore a variance is required.
2. The spirit and intent of the zoning requirement is to ensure that letters are appropriately scaled in relation to the building. Due to the large size of this warehouse building, larger signs with larger lettering are appropriate as they are designed to scale appropriately in relation to the large building they are located on. In addition, a similar variance under VAR-35-2021 was approved in April 2021 by the board for Amazon’s signs just south of Ganton Parkway.
3. The variance requests do not appear to be substantial due to the large size of the building. The Ganton Parkway building elevation is approximately 540 feet long and the western elevation is 415 feet wide. The maximum building height is 59 feet at the top of the parapet wall. Due to this large size, the proposed wall signs appear to be appropriately scaled in relation to the size of the building. If the applicant were to install wall signs that met code requirements, they would be under scaled and appear out of place on the larger building.
4. It appears that there are special conditions and circumstances that justify the variance request. The city sign code provides a maximum lettering height size but does not consider the size of structures that are typically constructed in the New Albany Business Park. This building is a larger warehouse building and larger than a typical commercial building which the sign code likely contemplated when it was written.
5. It does not appear that the essential character of the immediate area will be altered if the variance is granted. The site is located in the center of the New Albany Business Park and is completely surrounded by commercially zoned and used properties. Additionally, the building maintains large setbacks from both public roads, minimizing their visual impact.
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. SUMMARY

The Board of Zoning Appeals should evaluate the request based on the factors listed above. This site is located within the Licking County Business Park and is completely surrounded by commercially zoned properties that are also developed with large scaled buildings. Due to the larger size of this warehouse building and its location adjacent to similar structures, larger signs appear to be appropriate. The building will be screened with mounds and landscaping, and maintains large setbacks along both public roads, reducing the visibility of these signs from public rights-of-way.

V. ACTION

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

Move to approve application VAR-81-2023 (conditions of approval may be added).

Approximate Site Location:



Source: NearMap



Community Development Department

RE: City of New Albany Board and Commission Record of Action

Dear Bruce Carder

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



Community Development Department

Decision and Record of Action

Friday, August 25, 2023

The New Albany Board of Zoning Appeals took the following action on 08/21/2023 .

Variance

Location: 4150 Ganton Parkway
Applicant: Turner Construction Company,

Application: PLVARI20230081

Request: (A) Variance to C.O. 1169.16(d) to allow two wall signs to have an area of 98 sq. ft. where code allows a maximum of 75 sq. ft. based on building frontage.
(B) Variance to C.O. 1169.16(d) to allow two wall signs to have a lettering height of 5 feet where code allows a maximum of 3 feet.

Motion: To approve

Commission Vote: Motion Approved, 3, 0

Result: Variance, PLVARI20230081 was Approved, by a vote of 3, 0.

Recorded in the Official Journal this August 25, 2023

Condition(s) of Approval: N/A

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith
Planner