



New Albany Board of Zoning Appeals
May 29, 2024 Meeting Minutes - Approved
May 29, 2024

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Wednesday, May 29, 2024 in the New Albany Village Hall. Chair LaJeunesse called the meeting to order at 6:30 p.m. and asked to hear the roll.

II. Roll call

Those answering roll call:

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

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

Staff present: Planner Cratic-Smith, Planning Manager Mayer, Planner Saumenig, Deputy Clerk Madriguera.

III. Action on minutes March 25, 2024

Chair LaJeunesse asked if there were any changes to the March 25, 2024 meeting minutes.

Hearing none, Board Member Jacob moved to accept the March 25, 2024 meeting minutes. Board Member Schell seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Schell yes, Mr. LaJeunesse yes. Having three yes votes, the motion passed and the March 25, 2024 meeting minutes were approved as submitted.

IV. Additions or corrections to agenda

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

Planning Manager Mayer answered none from staff.

Chair LaJeunesse administered the oath to all present who wished to address the board.

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

Chair LaJeunesse asked if there were any visitors present who wished to address the board for an item not on the agenda. Hearing none, he introduced the first case and asked to hear the staff report.

VI. Cases

VAR-26-2024 Variance

Variances to codified ordinance 1169.16(d) and the Beech Road North District Design Guidelines to the quantity, size, lettering height, and design of signage for Crown Lift Trucks located at 3450 Horizon Court.

Applicant: Signcom c/o Kylie Cochran and Bruce Sommerfelt

Planner Saumenig delivered the staff report.

Board Member Jacob moved to accept the staff report and related documents into the record for VAR-26-2024. Board Member Schell seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Schell yes, Mr. LaJeunesse yes. Having three yes votes, the staff reports and related documents for VAR-26-2024 were admitted into the record.

Chair LaJeunesse asked the applicant if he had anything to add.

Applicant on behalf of Amgen Bruce Sommerfelt thanked staff and stated he was available to answer any questions. He stated that he did not believe the first three variances were substantial. With variance D, they were trying to fall within the Crown branding package. He explained Crown's branding design specifics.

Chair LaJeunesse asked why the D variance proposed sign did not adhere to the code, and asked whether there was a picture of the proposed sign in comparison with a typical way-finding sign.

Planner Saumenig showed the images.

Planning Manager Mayer explained that proposed sign did not exceed the maximum size permitted by the code. The content fit within the code standards, but the design was inconsistent with surrounding property signs and it did not conform to way-finding standards in the Licking County portion of the business park.

Board Member Schell asked whether the city had received any responses from the neighbors.

Planner Saumenig responded no.

Board Member Schell stated that the board seemed to be hearing a lot of requests for sign variances for larger facilities. He asked whether there had been any thought to changing the code to permit these types of signs.

Planning Manager Mayer responded that it was a good question and that staff is examining the variance requests for consistency, but at this point it remained appropriate to submit the requests for review.

Board Member Jacob asked whether these signs would be consistent with other signs in the business park, beyond the size.

Planning Manager Mayer responded that as observed already, the size of the sign was consistent, but the font and other design aspects were inconsistent. Staff had consulted with the city's law director and had concluded that requiring adherence to the code was not the regulating the sign's content in an impermissible way.

Board Member Schell asked Mr. Sommerfelt whether he would like to pull Variance D and work with staff on it, and limit the board's vote to Variances A-C.

Chair LaJeunesse added that he was not comfortable with Variance D.

Mr. Sommerfelt responded yes, he would like to withdraw Variance D and work with staff on a design that meets code.

Board Member Schell made a motion to withdraw Variance D at the applicant's request. Board Member Jacob seconded the motion.

Upon roll call: Mr. Schell yes, Mr. Jacob yes, Mr. LaJeunesse yes. Having three yes votes, the motion passed and Variance D was withdrawn at the applicant's request.

Board Member Jacob moved to approve VAR-26-2024 A-C based on the findings in the staff report with the conditions in the staff report, subject to staff approval. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. LaJeunesse yes, Mr. Schell yes. Having three yes votes, the motion passed and VAR-26-2024 A-C were approved.

Chair LaJeunesse and the board wished the applicant good luck.

Chair LaJeunesse introduced the next case and asked to hear the staff report.

VAR-27-2024 Variance

Variance to allow above ground utilities whereas the Beech Interchange L-GE zoning text section II(I) states all new utilities to be installed underground.

Applicant: Kokosing Industrial, Inc.

Planner Saumenig delivered the staff report.

Board Member Jacob moved for acceptance of the staff reports and related documents into the record for VAR-27-2024. Board Member Schell seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Jacob yes, Mr. Schell yes. Having three yes votes, the staff reports and related documents for VAR-27-2024 were admitted into the record.

Applicant BJ Wolfgang on behalf of Amgen, spoke in support of the application. He recounted Amgen's desire to implement solar power and the resultant discussions and negotiations with AEP.

Chair LaJeunesse asked whether the solar array was an afterthought.

Mr. Wolfgang responded no, but it was discovered during the utility placement process that underground placement was not really an option.

Planning Manager Mayer responded that the applicant could speak to that.

Applicant and Project Engineer Ms. Goins responded that in regard to the campus, these solar panels were not an afterthought but when Amgen and other structures were built, solar was not available.

Board Member Schell asked Mr. Goins to discuss why these utilities could not be positioned underground.

Mr. Goins indicated the location of a wetland buffer area, a creek, and the location of the ductbank. She explained that for safety purposes, the business would have to shut down for weeks if the utilities were placed underground because they would have to drill under the road.

Board Member Jacob observed that AEP has said there is a regulator issue, but this case also presents infrastructure issues. Thus, there are multiple issues at play to prevent these utilities from being placed underground.

Chair LaJeunesse asked whether a shut down would have a significant impact on Amgen, and further asked staff whether there was precedent for accommodating this kind of request.

Ms. Goins responded that Amgen is a manufacturer of life-saving medicines and it is very possible that a shut down would have a significant impact on the company.

Planning Manager Mayer stated there was precedent to accommodate this request. He added that the applicant has done everything right. There is an underground duct, but AEP has said it cannot be used for this purpose. There is just not sufficient space here. Solar energy is a feel-good product and above ground positioning demonstrates use and confidence. Further, it does not undermine the aesthetic of the area. Staff feels like this is a win-win application.

Board Member Jacob further added that clean and sustainable power is consistent with New Albany's Strategic Plan.

Board Member Schell asked whether any of the neighbors had reached out.

Planner Saumenig responded that they had not.

Council Member Shull stated that he was concerned about temporary poles being used and wanted to be sure that permanent meter poles would be used.

Board Member Schell asked how much power would be produced what the benefit to the city was.

Mr. Sommerfelt responded that there was only about a 20% offset. It was unique because it was directly feeding into AEP.

Planning Manager Mayer said that the city is seeing more commercial interest in usage of solar energy.

Board Member Jacob moved for approval of VAR-27-2024 based on the findings in the staff reports with the conditions in the staff report, subject to staff approval. Board Member Schell seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Schell yes, Mr. LaJeunesse yes. Having three yes votes the motion passed and VAR-27-2024 was approved.

Chair LaJeunesse and the board wished the applicant good luck. Chair LaJeunesse introduced the next case and asked to hear the staff report.

VAR-30-2024 Variance

Variance to codified ordinance 1171.01 to allow the use of artificial turfgrass within a portion of the backyard at 29 Wiveliscombe where code requires living turf grass.

Applicant: Kegan & Charlotte Beran

Planner Cratic-Smith delivered the staff report.

Board Member Jacob made a motion to accept the staff reports and related documents into the record for VAR-30-2024. Board Member Schell seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Schell yes, Mr. LaJeunesse yes. Having three yes votes, the motion passed and the staff reports and related documents for VAR-30-2024 were admitted to the record.

Board Members Schell and Jacob asked whether any neighbors had contacted the city and how the city learned about this.

Planner Cratic-Smith responded that this was reported by a neighbor and that it was a code violation.

Board Member Jacob noted that Planner Cratic-Smith listed several precedents and asked whether they were all businesses, or whether any residences had been approved.

Planner Cratic-Smith responded and explained that a few residences have been approved.

Board Member Schell stated that the approvals, commercial and residential, have been obscured from view, and that this was the first case the board had considered that resulted from the complaint of a neighbor. He further remarked that he would be inclined to ask them to plant trees but was concerned about how the neighbor would feel about that.

Chair LaJeunesse continued that this is a situation involving a request for permission after the fact.

Planning Manager Mayer agreed and explained that the city received a call from a neighbor about storm water. During the stormwater investigation staff learned that artificial turf was being used. There were no permitting requirements that were missed here. He further noted that playgrounds are unregulated by the City of New Albany.

Council Member Shull asked whether the applicant was aware of the hearing.

Planner Cratic-Smith responded yes. She further explained that the neighbor who called in was concerned about stormwater run-off.

Chair LaJeunesse asked staff if they could provide more details about the stormwater complaint and whether staff knew the name of the neighbor.

Planning Manager Mayer answered that the turf did not contribute to the stormwater run-off, and that staff could locate the name of the neighbor who called. He further added that since the applicant was not present, staff would recommend tabling the application for one month. Neighbor letters would be sent out again.

Chair LaJeunesse asked what would happen now, and whether the property owner would be fined. He further stated that it would be helpful for the board to hear from the property owner and from the neighbor who had called the city.

Planning Manager Mayer explained that the city could levy fines through the Municipal Court, but the city has always treated that as a last step.

Board Member Schell confirmed with staff that if the board votes now, and the application fails, the property owner has no choice but to tear it out.

Planning Manager Mayer agreed. He continued and stated that was the reason he recommended tabling for one month, and that staff would reach out to the property owners directly.

Board Member Schell moved to table VAR-30-2024 for one month. Board Member Jacob seconded the motion.

Upon roll call: Mr. Schell yes, Mr. Jacob yes, Mr. LaJeunesse yes. Having three yes votes, the motion passed and VAR-30-2024 was laid upon the table for one month.

Chair LaJeunesse asked staff to reach out to the neighbor and advise them of the tabling.

VII. Other business

Chair LaJeunesse asked if there was any other business before the board.

Planning Manager Mayer answered that the next meeting was June 24th and there was at least one application to consider.

Everyone congratulated Board Member Jacob on the birth of his son.

VIII. Adjournment

Having no further business, Mr. Jacob Chair moved to adjourn the May 29, 2024 New Albany Board of Zoning Appeals meeting. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. LaJeunesse yes. Mr. Schell yes. Having three yes votes, the May 29, 2024 meeting of the New Albany Board of Zoning Appeals was adjourned at 7:20 p.m.

Submitted by: Deputy Clerk Madriguera, Esq.

Appendix

VAR-26-2024

Staff Report

Record of Action

VAR-27-2024

Staff Report

Record of Action

VAR-30-2024

Staff Report

Record of Action



**Board of Zoning Appeals Staff Report
May 29, 2024 Meeting**

**CROWN LIFT TRUCKS
SIGN VARIANCE**

LOCATION: 3450 Horizon Court (PID: 095-111756-00.010)
APPLICANT: Signcom, Inc. c/o Kyle Cochran and Bruce Sommerfelt
REQUEST: (A) Variance to C.O. 1169.16(d) to allow the size of a wall sign to be 139 square feet where code permits a maximum of 75 square feet.
(B) Variance to C.O. 1169.16(d) to allow lettering height to be 42” where code permitted a maximum of 36”.
(C) Variance to C.O. 1169.16(d) to allow two signs per business frontage whereas code permits one wall sign per building frontage.
(D) Variance to the Beech Road North District Framework and Landscape Design Standards to allow a non-conforming wayfinding sign.
ZONING: Limited General Employment (L-GE): Jug Street North Zoning Text
STRATEGIC PLAN: Employment Center
APPLICATION: VAR-26-2024

Review based on: Application materials received April 26, 2024

Staff report prepared by Sierra Saumenig, Planner

I. REQUEST AND BACKGROUND

The applicant requests the following variances related to a new sign package for the Crown Life Trucks building located in the Licking County portion of the New Albany Business Park and accessed off of Horizon Court.

- (A) Variance to C.O. 1169.16(d) to allow the size of a wall sign to be 142 square feet where code permits a maximum of 75 square feet
- (B) Variance to C.O. 1169.16(d) to allow lettering height to be 42” where code permitted a maximum of 36”.
- (C) Variance to C.O. 1169.16(d) to allow two signs per business frontage whereas code permits one wall sign per building frontage.
- (D) Variance to the Beech Road North District Framework and Landscape Design Standards to allow a non-conforming wayfinding sign.

II. SITE DESCRIPTION & USE

The building is located in the Licking County portion of the New Albany Business Park and accessed off of Horizon Court. Two tenants are currently in the space which includes Crown Lift Trucks and Lansing Building Products. The property is zoned L-GE, General Employment and is 61.83+/- acres. There are several other businesses located around the site and the undeveloped parcels to the south of the site have planned commercial buildings to be developed.

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 request to C.O. 1169.16(d) to allow the size of a wall sign to be 142 square feet where code permits a maximum of 75 square feet.

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

1. A variance request to C.O. 1169.16(d) to allow the size of a wall sign to be 142 square feet where code permits a maximum of 75 square feet.
2. 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 building has one frontage: Horizon Court, therefore one wall sign is allowed. The applicant proposes to install two wall signs. One of the signs will be mounted on the south elevation facing Horizon Court while the other sign is on the east elevation. However, one of the signs exceeds the permitted 75 square feet.

- a. Sign 1: features the company name and logo. This first sign is 142 +/- square feet. This exceeds the maximum area requirement according to the city sign code and is what the Board of Zoning Appeals is evaluating.
 - b. The second sign will be 24 +/- square feet. Sign 2: says “parts & services.” This sign meets all of the city sign code requirements.
3. The variance request does not appear to be substantial due to the large size of the building. The Horizon Court building elevation is approximately 725 feet long with Crown Life Truck’s tenant space occupies 512 feet of the total frontage. Due to this large size, the proposed wall sign appears to be appropriately scaled in relation to the size of the building. If the applicant were to install a wall sign that met code requirements, it may appear under scaled and 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 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 building is roughly 175,000 square feet. 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.
 5. 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).
 6. Granting the variance appears to meet the spirit and intent of the zoning requirement because it ensures that the sign is 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 sign meets this intent as it is well designed and appropriately scaled in relation to the large warehouse building thereby making the size appropriate in this case.
 7. 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 New Albany Business Park and is at the end of Horizon Court making the site not visible from Jug Street.
 8. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
 9. Granting the variance will not adversely affect the delivery of government services.

(B) Variance to C.O. 1169.16(d) to allow one wall sign to have a lettering height of 42 inches where code allows a maximum of 36 inches.

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

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 one wall sign with a lettering height of 42 inches, 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 Horizon Court building elevation is approximately 725 feet long with Crown Life Truck’s tenant space occupies 512 feet of the total frontage. The maximum building height is 44 feet at the top of the parapet wall. Due to this large size, the proposed wall sign appears to be

appropriately scaled in relation to the size of the building. If the applicant were to install a wall sign that met code requirements, it may appear under scaled and 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 New Albany Business Park and is completely surrounded by commercially zoned properties or undeveloped land with planned commercial buildings. Additionally, the building is located at the end of Horizon Court, 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.

(C) A variance request to C.O. 1169.16(d) to allow two signs per business frontage whereas code permits one wall sign per building frontage.

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

1. C.O. 1169.16(d) states that one wall sign is allowed per building frontage. The building has one frontage: Horizon Court, therefore one wall sign is allowed. The applicant proposes to install two wall signs. As mentioned, one of the signs will be mounted on the south elevation facing Horizon Court while the other is on the east elevation.
 - a. The second sign on the east elevation will be 24 +/- square feet. Sign 2: says “parts & services.” This sign meets all of the city sign code requirements.
2. The variance request does 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 “parts and services” sign is 24 +/- square feet which is substantially lower than the permitted 75 square feet. In addition, a similar variance under VAR-16-2022 was approved in February 2022 by the board for Axium Packaging signs south of Jug Street.
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. This is a larger warehouse building where additional wall signs are most appropriate and the proposed signs will provide additional wayfinding.
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 one of the proposed signs, the additional wall sign is appropriate and the building does not appear to be “over signed.” Even if the second tenant were to propose a wall sign, the Horizon Court elevation is 725 +/- feet in length and it does not appear the building would look “over-signed” with an additional tenant wall sign. 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.
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.

(D) Variance to the Beech Road North District Framework and Landscape Design Standards to allow a non-conforming wayfinding sign.

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

1. A variance request to the Beech Road North District Framework and Landscape Design Standards to allow a non-conforming wayfinding sign.
2. The guidelines outlined in the Beech Road North District Framework and Landscape Design Standards prescribe specific materials and design elements for signage to ensure there is consistency throughout the entire business park. These include a steel tube structure with a powder-coated white finish, an aluminum sign panel measuring 36 inches by 36 inches, and a charcoal color scheme. Furthermore, the guidelines detail the required font type and size for the signage.
 - a. Proposed Sign: The applicant is proposing a 5.80 square foot wayfinding sign that is aluminum with vinyl lettering in an unspecified font type. The sign colors include gray, black, and brushed aluminum.
3. The variance request may be substantial as it will alter the visual landscape of the surrounding area. The intent of the Beech Road North District Framework and Landscape Design Standards was designed to preserve the city's rural character and to achieve uniformity throughout the New Albany Business Park. If the applicant were to install a wayfinding sign that met design requirements, it would be consistent with other business's in the surrounding area. Additionally, the applicant could still use the same content on the proposed signage and could even increase the size as the permitted size for wayfinding signage is 16.72 square feet.
4. It appears that there are no special conditions and circumstances that justify the variance request. Other properties that fall within the Beech Road North area also have to meet the design standards to ensure consistency which signals to visitors that they are within the New Albany Business Park.
5. Granting the variance may impact the essential character of the area. The city board and commissions have not approved any ground signs to deviate from the general standards established in the design guidelines. This would be the first and only ground sign to not match the general aesthetic of the area. Granting the variance may be precedent setting since there do not appear to be any special conditions or unique features of the lot.
6. Granting the variance does not appear to meet the spirit and intent of the zoning requirement because the applicant could achieve the required wayfinding signage without altering the intended content of the sign. It does appear that the essential character of the immediate area will be altered if the variance is granted. The site is located in the New Albany Business Park and the Beech Road North District Framework and Landscape Design Standards were designed to achieve a rural character within the business park with specified sign standards.
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.

IV. SUMMARY

The variance requests to allow two wall signs per business frontage where code allows one, to allow one wall sign to have a larger area than code permits, and to allow a taller lettering height than permitted by the city code are not substantial. 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, a larger sign appears to be appropriate in addition to two signs on the business frontage. The variance to allow an inconsistent wayfinding sign is substantial as it will alter the surrounding area and cause inconsistency among the street frontage.

V. ACTION

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

Move to approve application VAR-26-2024.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Signcom, Inc.,

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

Thursday, May 30, 2024

The New Albany Board of Zoning Appeals took the following action on 05/29/2024 .

Variance

Location: 3450 Horizon Ct.

Applicant: Signcom, Inc.,

Application: PLVARI20240026

Request: Variances to codified ordinance 1169.16(d) to the quantity, size, lettering height, and design of signage for Crown Lift Trucks located at 3450 Horizon Court.

Motion: Move to approve

Commission Vote: Motion Approved, 3-0

Result: Variance, PLVARI20240026 was Approved, by a vote of 3-0.

Recorded in the Official Journal this May 29, 2024

Condition(s) of Approval: None.

Staff Certification:

A handwritten signature in cursive script that reads "Sierra Saumenig".

Sierra Saumenig
Planner



**Board of Zoning Appeals Staff Report
May 29, 2024 Meeting**

**AMGEN
UTILITY VARIANCE**

LOCATION: 4150 Ganton Parkway Beech Road (PID: 094-106644-00.000)
APPLICANT: Kokosing Industrial, Inc.
REQUEST: Variance to allow above ground utilities whereas the Beech Interchange L-GE zoning text section II(I) states all new utilities are required to be installed underground.
ZONING: Limited General Employment (L-GE)
STRATEGIC PLAN: Employment Center
APPLICATION: VAR-27-2024

Review based on: Application materials received on April 26, 2024 and May 9, 2024

Staff report prepared by Sierra Saumenig, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to the Beech Interchange L-GE zoning text section II(I) to allow above ground utility poles when the zoning text requires all utilities to be installed underground.

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 property is zoned L-GE, Limited General Residential. The overall site is 131.45 acres in size and surrounded by commercially zoned and used properties. The property is owned by Amgen and is developed with a biomedical facility.

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 the Beech Interchange L-GE zoning text section II(I) to allow above ground utilities.

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

1. Beech Interchange L-GE zoning text section (II)(I) states that all utilities shall be installed underground. The code applies to utilities on private property. The applicant proposes to install an electrical utility line overhead to connect to the existing AEP distribution lines along Worthington Road that are in the public right-of-way. The applicant installed solar panels on their site and wishes to connect the panels to the larger AEP power grid.
2. It appears that there are special conditions and circumstances that justify the variance request that do not result from the direct action of the property owner. All solar-generated power from this facility is immediately supplied to the AEP grid. During AEP's assessment of the initial plan for an underground duct, it was determined to be unfeasible because of the current system architecture. Therefore, AEP noted the site would need an alternative way to set up service.
3. The variance is not substantial as there are already existing AEP distribution lines along Worthington Road and the proposed private overhead electric lines will connect to the existing public lines. The proposed lines will be 40 feet in height above the ground, similar to the existing lines along Worthington Road. Additionally, the site has environmental features including a stream that cuts through the property and protected wetlands. The location of the proposed electric utility lines will provide minimal environmental disturbance as opposed to digging and trenching an underground duct.
4. It does not appear the applicant can solve the problem by some other manner other than the granting of the variance due to AEP's review and request for an alternative solution. As

mentioned above, burial of the lines requires digging and trenching an underground duct through environmentally sensitive areas which is not desirable.

5. The spirit and intent of the zoning requirement still appears to be met by granting the variance as the original design was to feed directly to the Amgen facility via an underground duct. AEP denied the connection of the solar based on the existing system architecture. Therefore, in order to meet AEP's requirements and provide energy to the solar array the utilities must be above ground. The proposed connection includes 5 poles, with two of the poles positioned outside the facility fence line. Additionally, the overhead line will cover 620 linear feet.
6. It does not appear that the essential character of the immediate area will be altered if the variance is granted. As mentioned, the site is located in the New Albany Business Park and is completely surrounded by commercially zoned and used properties. Additionally, the overhead electrical utility lines will only be visible at the Worthington Road entrance to Amgen.
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.

IV. SUMMARY

The proposed variance appears to be appropriate in this case. Granting the variance is necessary in order to connect the solar array and feed it back into the AEP grid. Additionally, the overhead electric lines will provide minimal disturbance to the existing wetland and stream on the site and provide clean and sustainable power. The lines will only be visible at the Amgen entrance and will connect to existing overhead lines along Worthington Road. Additionally, the Engage New Albany strategic plan recommends fostering and encouraging the adoption of alternative energy sources within the city and granting this variance accomplishes this goal since it relates to solar energy.

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-27-2024 (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 Kokosing Industrial Inc,

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

Thursday, May 30, 2024

The New Albany Board of Zoning Appeals took the following action on 05/29/2024 .

Variance

Location: 4150 Ganton Parkway

Applicant: Kokosing Industrial Inc.

Application: PLVARI20240027

Request: Variance to allow above ground utilities whereas the Beech Interchange L-GE zoning text section II(I) states all new utilities to be installed underground.

Motion: To approve

Commission Vote: Motion Approved, 3-0

Result: Variance, PLVARI20240027 was Approved by a vote of 3-0.

Recorded in the Official Journal this May 29, 2024

Condition(s) of Approval: None.

Staff Certification:

Sierra Saumenig
Planner



**Board of Zoning Appeals Staff Report
May 29, 2024 Meeting**

**29 WIVELISCOMBE
ARTIFICIAL LANDSCAPE VARIANCE**

LOCATION: 29 Wiveliscombe (PID: 222-001910)
APPLICANT: Charlotte & Kegan Beran
REQUEST: Variance to City Codified Ordinance Chapter 1171.07 to allow for artificial turfgrass.
ZONING: R-2 Single Family Residential District
STRATEGIC PLAN: Residential
APPLICATION: VAR-30-2024

Review based on: Application materials received on April 26, 2024.

Staff report prepared by Sierra Cratic-Smith, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to allow the use of artificial turfgrass, about 1,612 +/- square feet, within a portion of the backyard for a children’s play area where city code requires living turf grass. The city codified ordinance 1171.07 states artificial plants are prohibited and that all landscape materials shall be living plants for the landscaping material requirements for planting such as grass and ground cover, trees, shrubs and hedges.

During an inspection, the city staff found a portion of the rear yard was not natural landscape such as turfgrass or mulch. The property owner states that the artificial turfgrass was installed for improved cleanliness.

II. SITE DESCRIPTION & USE

The property is 0.64 acres in size and contains a residential home. The property is within the New Albany Country Club Section 6. The home is east of Harlem Road and south of East Dublin Granville Road. The surrounding properties are zoned Residential Estate District (R-2) and contain residential homes.

III. ASSESSMENT

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. In accordance with C.O. 1113.05(b), all property owners within 200 feet of the subject property in question have been notified of the request via mail.

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.*

IV. EVALUATION

Variance to allow artificial turf grass within a portion of the backyard where city code requires living turf grass.

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

1. The city codified ordinance Chapter 1171.07 states artificial plants are prohibited and that all landscape materials shall be living plants for the landscaping material requirements for planting such as grass and ground cover, trees, shrubs and hedges. The applicant requests a variance to allow for artificial turf within a portion of the backyard for a children’s play area with a trampoline and slide playset.
2. The variance does not appear to be substantial. The play area makes up 1,612 +/- square feet. The parcel is about 27,878 +/- square feet in size. This equates to about 5% of the entire property.
3. The artificial turfgrass is only located immediately around the play area within the rear yard. The remainder of the property uses natural turfgrass. The applicant states the purpose of the artificial turfgrass on the children’s play area is to maintain appearance. In addition, the turfgrass could endure the children’s use of the play area so it will not wither.
4. The variance appears to preserve the “spirit and intent” of the zoning requirement and “substantial justice” would be done by granting the variance. The use of alternative surface material for the children’s play area is consistent with other areas of the city. There are a few playgrounds within the city that use artificial turfgrass, mulch or pour-in-place rubber.

The artificial turf is used just where the playground is located is not being used to replace other areas of the yard.

5. It does not appear that the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.” The artificial turfgrass is screened from the public right-of-way. There is a row of green arborvitae along and shrubs in the side yard preventing visibility of the public right-of-way.
6. There are special conditions and circumstances exist that are peculiar since this used just for the play area. This is because the play area using artificial turfgrass is similar to other projects found in the city. Its ability to endure the use of child’s play would keep a consistent appearance of the landscape.
7. Historically, the city board and commissions have approved similar variances to this project.
 - a. In April 2020, the Planning Commission approved a variance at the Courtyards at New Albany subdivision allowing for artificial turf grass around the community pool.
 - b. In January 2024, the Planning Commission approved a variance for artificial turfgrass around a residential pool.
 - c. In March 2024, the Board of Zoning Appeals approved a variance for artificial turfgrass around a children’s play area at a church.
8. This variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed project.
9. This problem can be solved by some manner other than the granting of the variance. It appears that a natural landscape could be installed.
10. This variance does not negatively impact the delivery of government services.

IV. SUMMARY

According to the property owners, the children’s play area is designed with the intent of safety and cleanly appearance. The use of artificial turfgrass appears to be consistent with previously approved variances since it is being utilized as an alternative surface material for an active play area which is typical throughout the community. The artificial turfgrass in this case does not appear to be substantial due to its limited size and located within in the backyard. Therefore, it appears this variance does not alter the quality or the character of the community.

V. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for disapproval, finding the following motion is appropriate.

Move to approve application VAR-30-2024 based on the findings in the staff report (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 Charlotte & Kegan Beran

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

Thursday, May 30, 2024

The New Albany Board of Zoning Appeals took the following action on 05/29/2024 .

Variance

Location: 29 WIVELISCOMBE
Applicant: Charlotte & Kegan Beran

Application: PLVARI20240030

Request: To allow the use of artificial turfgrass, about 1,612 +/- square feet, within a portion of the backyard for a children's play area where city code requires living turf grass.

Motion: To table to the next scheduled Board of Zoning Appeals meeting on June 29, 2024

Commission Vote: Motion Tabled, 3-0

Result: Variance, PLVARI20240030 was Tabled, by a vote of 3-0.

Recorded in the Official Journal this May 30, 2024

Condition(s) of Approval: N/A.

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith
Planner