



**New Albany Board of Zoning Appeals**  
June 24, 2024 Meeting Minutes - Approved

**I. Call to order**

The New Albany Board of Zoning appeals held a regular meeting on Monday, June 24, 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**

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

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

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

**III. Action on minutes May 29, 2024**

Chair LaJeunesse asked if there were any corrections to the minutes.

Deputy Clerk Madriguera noted that Chair LaJeunesse's name had been misspelled in the minutes. She let the board know that the misspelling had been corrected in the electronic version.

Chair LaJeunesse asked if there were any further corrections.

Hearing none, Board Member Jacob moved for approval of the May 29, 2024 meeting minutes as corrected. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. LaJeunesse yes, Mr. Schell yes, Ms. Samuels yes. Having four yes votes, the motion passed and the May 29, 2024 meeting minutes were approved as corrected.

**IV. Additions or corrections to agenda**

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

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

**VI. Cases**

**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 moved for acceptance of staff reports and related documents into the record for VAR-30-2024. Board Member Samuels seconded the motion.

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

Chair LaJeunesse asked if the board members had any questions.

Board Member Schell asked whether staff had heard anything more from the neighbor.

Planning Manager Mayer responded that the neighbor that originally called has sold their property. The new neighbor has not submitted anything and has elected not to attend the hearing. He explained that the original call was to report ponding, which they suspected was occurring because of the turf. Upon investigation by staff, it was determined that the ponding was not caused by the turf. However, the property was nonetheless in violation of code because usage of turf is specifically prohibited by code.

Applicant and property owner Charlotte Beran explained that she bought the house in 2020 and it was a swamp as was the neighboring property. She continued that she undertook substantial mitigation of the water flow, but the neighboring property owner did not. The contractor recommended installation of French drains, which helped immensely. The artificial turf was recommended by a contractor and she had no idea that it was prohibited by code. She explained that she only wanted the turf temporarily, she planned to remove it when her children got older. She further stated that she was willing to install a row of arborvitae or some other screening for the neighbors, but it would likely have to be on their property.

Board Member Schell stated that he knew mulch was allowed and asked whether black rubber was allowed.

Planning Manager Mayer responded that it is allowed. He continued that the turf grass is specifically not allowed.

Chair LaJeunesse asked who the contractor was who installed the turf.

Ms. Beran responded that H Design installed it. She acknowledged that the mulch is more attractive but explained that it would be a disaster with the pool and with the dog.

Board Member Samuels remarked that it sounds like the ponding is a known issue in this neighborhood.

Planning Manager Mayer agreed and stated that most standing water concerns are mitigated by grading, and installation of French drains.

Board Member Samuels asked the applicant whether the ponding was still an issue.

Ms. Beran responded no. She shared that she and her husband spent a lot of money to mitigate the drainage. The neighbor did not and their ponding issues remained. She reiterated that she is willing to pay for a row of arborvitae to screen the neighbor's property.

Board Member Schell thanked Ms. Beran for her testimony and further stated that the neighbor had an opportunity to attend the hearing and the fact that they did not take advantage of that opportunity shows where their priorities are.

Ms. Beran thanked the board and reiterated her willingness to pay for screening.

Hearing no further questions, Chair LaJeunesse moved for approval for application VAR-30-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval. Board Member Schell seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Schell yes, Mr. Jacob yes, Ms. Samuels yes. Having four yes votes, VAR-30-2024 was approved.

The board thanked Ms. Beran and wished her good luck.

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

**VAR-44-2024 Variance**

Variance to codified ordinance 1153.04(b) to allow the creation of a lot that does not front on a public or private street located at 8111 Smith's Mill Road.

**Applicant: Thirty-One Real Estate LLC c/o Aaron Underhill**

Planner Cratic-Smith delivered the staff report.

Board Member Jacob moved to accept the staff reports and related documents into the record for VAR-44-2024. Board Member Samuels seconded the motion.

Upon roll call: Mr. Jacob yes, Ms. Samuels yes, Mr. LaJeunesse yes, Mr. Schell yes. Having four yes votes, the motion passed and the staff reports and related documents were admitted into the record for VAR-44-2024.

Board Member Jacob remarked that the staff report indicates that this would create economic opportunity. He asked the applicant to elaborate on that.

Applicant and Attorney Aaron Underhill responded that land in New Albany, whether improved or unimproved is expensive. Dividing these lots will improve the price point and maintain the value. He explained that the reason they did not opt to create a flag lot is that it was unclear what the end user will want. This organization maintains the flexibility to have any kind of user.

Board Member Jacob asked whether Mr. Underhill agreed with the conditions in the staff report.

Mr. Underhill responded yes.

Board Member Schell asked what kind of user Mr. Underhill expected.

Mr. Underhill responded that he expected office uses and light manufacturing.

Chair LaJeunesse asked staff whether the report indicated that a curb cut along Smith's Mill Road was not authorized.

Planning Manager Mayer responded that the city is requiring utilization of the shared drive and limiting curb cuts on Smith's Mill Road.

Chair LaJeunesse asked what a flag lot would look like.

Planning Manager Mayer indicated it on the site plan. He acknowledged that a flag lot would limit the usefulness because it would potentially eat up some valuable space. Keeping the lots as proposed by the applicant maintains the campus feel.

Board Member Samuels remarked that currently the only entrance is the northern entrance and asked whether that arrangement would be acceptable to the northern and southern parcel inhabitants.

Planning Manager Mayer responded that staff has recommended a condition that the cross-access easement be recorded. This will clarify and ensure access to the southern parcel.

Chair LaJeunesse asked if there were further questions from the board.

Hearing none, Board Member Schell moved for approval of VAR-44-2024 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. Schell yes, Mr. LaJeunesse yes, Ms. Samuels yes, Mr. Jacob yes. Having four yes votes, the motion passed and VAR-44-2024 was approved.

The board congratulated the applicant.

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

**VAR-46-2024 Variance**

Variances to codified ordinance 1169.16(d) to the quantity and size of signage for AmplifyBio located at 9885 Innovation Campus Way.

**Applicant: Zoning Resources c/o Jim McFarland**

Planner Saumenig delivered the staff report.

Board Member Jacob moved to accept the staff reports and related documents into the record for VAR-46-2024. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. LaJeunesse yes, Mr. Schell yes, Ms. Samuels yes. Having four yes votes, the motion passed and the staff reports and related documents were admitted into the record for VAR-46-2024.

Chair LaJeunesse asked to hear from the applicant.

Applicant Jim McFarland spoke in support of the application. He explained that the overall graphics comprised a very small percentage of the structure, were consistent with similar buildings in general and in New Albany's business park.

Chair LaJeunesse remarked to staff that the board had seen an increasing number of similar requests.

Planning Manager Mayer agreed and responded that staff is researching an update to the code.

Chair LaJeunesse asked if there were further questions from the board.

Hearing none, Board Member Jacob moved for approval of VAR-46-2024 based on the findings in the staff report with the conditions listed 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, Ms. Samuel yes. Having four yes votes, the motion passed and VAR-46-2024 was approved.



The board congratulated the applicant.

**VII. Other business**

Chair LaJeunesse asked whether there was any further business before the board.

Planning Manager Mayer responded, none from staff.

**VIII. Poll members for comment and adjournment**

Chair LaJeunesse asked whether the board members had any comment.

Hearing none, Chair LaJeunesse moved to adjourn the June 24, 2024 meeting of the New Albany Board of Zoning Appeals. Board Member Schell seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Schell yes, Ms. Samuels yes, Mr. Jacob yes. Having four yes votes, the motion passed and the meeting was adjourned at 7:05 p.m.

Submitted by: Deputy Clerk Madriguera, Esq.

**Appendix**

**VAR-30-2024**

**Staff Report**

**Record of Action**

**VAR-44-2024**

**Staff Report**

**Record of Action**

**VAR-46-2024**

**Staff Report**

**Record of Action**



**Board of Zoning Appeals Staff Report  
June 24, 2024 Meeting**

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**29 WIVELISCOMBE  
ARTIFICIAL LANDSCAPE VARIANCE**

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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.

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*Staff report prepared by Sierra Cratic-Smith, Planner.*

**I. REQUEST AND BACKGROUND**

The application was tabled on May 29, 2024, because the property owner did not attend the meeting. There are no changes to the staff report or application.

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 clean 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

Permit # \_\_\_\_\_  
Board \_\_\_\_\_  
Mtg. Date \_\_\_\_\_

# NEW ALBANY

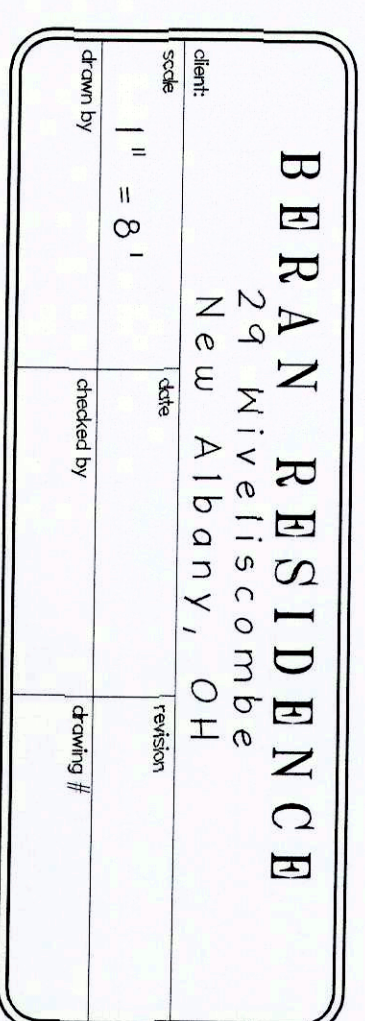
## Community Development Planning Application

Project Information	Site Address <u>29 Wiveliscombe New Albany, OH 43054</u>				
	Parcel Numbers <u>222-001910-00</u>				
	Acres <u>.64</u> # of lots created <u>1</u>				
Choose Application Type	Circle all Details that Apply				
	<input type="checkbox"/> Appeal				
<input type="checkbox"/> Certificate of Appropriateness					
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment	
<input type="checkbox"/> Plat	Preliminary	Final			
<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment		
<input type="checkbox"/> Minor Commercial Subdivision					
<input type="checkbox"/> Vacation	Easement		Street		
<input checked="" type="checkbox"/> Variance					
<input type="checkbox"/> Extension Request					
<input type="checkbox"/> Zoning	Amendment (rezoning)	Text Modification			
Description of Request:	<u>Request variance for existing faux turf. The space is right next to our pool. Mulch would be a mess and constantly get into pool. Grass under trampoline and playset was there previously and was a muddy mess. only weeds grew under trampoline. This is a much cleaner solution.</u>				
Contacts	Property Owner's Name: <u>Kegan + Charlotte Beran</u>				
	Address: <u>29 Wiveliscombe</u>				
	City, State, Zip: <u>New Albany OH 43054</u>				
	Phone number: <u>614.558.7443</u> Fax: _____				
	Email: <u>CharlotteBeran@icloud.com</u>				
Applicant's Name:	<u>SAME AS OWNERS</u>				
	Address: _____				
City, State, Zip:	_____				
Phone number:	_____ Fax: _____				
Email:	_____				
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.				
	Signature of Owner	<u>Charlotte Beran</u>			Date: <u>4/26/24</u>
Signature of Applicant	<u>Charlotte Beran</u>			Date: <u>4/26/24</u>	











## 29 Wiveliscombe Artificial Turfgrass Variance Narrative

This variance request is for an existing faux turf. The space is right next to our pool. Mulch would be a mess and constantly get into the pool. The grass under the trampoline and playset was there previously and was a muddy mess. There were only weeds that grew under the trampoline. This is a much cleaner solution.

Charlotte Beran



04/03/2024



AUDITOR OFFICE

SEARCH

ONLINE TOOLS

REFERENCE

CONTACT MICHAEL

Summary

Land Profile

Residential

Commercial

Improvements

Permits

Mapping

Sketch

Photo

StreetSmart

Aerial Photos

Transfers

BOR Status

CAUV Status

Tax & Payments

Tax Distribution

Tax Calculators

Value History

Rental Contact

Incentive Details

Quick Links

Parcel ID: 222-001910-00

BERAN CHARLOTTE J

Map Routing: 222-N052GGB -003-00

29 WIVELISCOMBE

OWNER

Owner

BERAN CHARLOTTE J

BERAN KEGAN R

29 WIVELISCOMBE

Owner Mailing /

Contact Address

NEW ALBANY OH 43054

[Submit Mailing Address Correction Request](#)

Site (Property) Address

29 WIVELISCOMBE

[Submit Site Address Correction Request](#)

Legal Description

NEW ALBANY  
COUNTRY CLUB  
SECTION 6B LOT 29

Calculated Acres

.64

Legal Acres

0

Tax Bill Mailing

[View or Change on the Treasurer's Website](#)

If you have recently satisfied or refinanced your mortgage, please visit the above link to review your tax mailing address to ensure you receive your tax bill and other important mailings.

Parcel Permalink

<https://audr-apps.franklincountyohio.gov/redir/Link/Parcel/222-001910-00>

eAlerts

[Sign Up for or Manage Property eAlerts](#)

The Auditor's office provides a Property eAlerts tool through which a property owner can sign up to receive an automated email alert whenever a change in owner or value is made to their property record. Click on the above button to sign up for or manage your Property eAlerts.

Tools

[View Google Map](#)

[Print Parcel Summary](#)

MOST RECENT TRANSFER

Transfer Date

JUL-07-2020

Transfer Price

\$1,049,000

Instrument Type

FD

Parcel Count

1

2023 TAX STATUS

Property Class

R - Residential

Land Use

510 - ONE-FAMILY DWLG ON PLATTED LOT

Tax District

222 - PLAIN TWP-NEW ALBANY CORP

School District

2508 - NEW ALBANY-PLAIN LSD [SD Income Tax]

City/Village

NEW ALBANY CORP

Township

PLAIN TWP

Appraisal Neighborhood

05102000

Tax Lien

No

CAUV Property

No

Owner Occ. Credit

2023: Yes 2024: Yes

Homestead Credit

2023: No 2024: No

Rental Registration

Rental Exception

Board of Revision

No

Zip Code

43054

Pending Exemption

No

COMPARE YOUR HOME VALUE

Value Comparison

[Compare Your Home Value](#)

Compare your property value to other properties in your neighborhood. View statistics comparing values in Franklin County taxing districts, school districts, municipalities, and to other regions.

Record Navigator

1 of 1

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Actions



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Reports

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2023 AUDITOR'S APPRAISED VALUE

	Land	Improvements	Total
Base	220,000	1,125,300	1,345,300
TIF			
Exempt			
Total	220,000	1,125,300	1,345,300
CAUV	0		

2023 TAXABLE VALUE

	Land	Improvements	Total
Base	77,000	393,860	470,860
TIF			
Exempt			
Total	77,000	393,860	470,860

2023 TAXES

Net Annual Tax	Total Paid	CDQ
27,027.64	13,829.48	

DWELLING DATA

Yr Built	Tot Fin Area	Rooms	Bedrooms	Full Baths	Half Baths
2001	5,192	10	4	5	1

SITE DATA

Frontage	Depth	Acres	Historic District

Disclaimer:

The information on this web site is prepared from the real property inventory maintained by the Franklin County Auditor's Office. Users of this data are notified that the primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.

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## **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

Tuesday, June 25, 2024

The New Albany Board of Zoning Appeals took the following action on 06/24/2024 .

#### 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 Approve

**Commission Vote:** Motion Approved, 4-0

**Result:** Variance, PLVARI20240030 was Approved, by a vote of 4-0.

Recorded in the Official Journal this June 25, 2024

#### Condition(s) of Approval:

Staff Certification:

*Sierra Cratic-Smith*

Sierra Cratic-Smith  
Planner



**Board of Zoning Appeals Staff Report  
June 24, 2024 Meeting**

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**8111 SMITH'S MILL ROAD  
LOT FRONTAGE VARIANCE**

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LOCATION: 8111 Smith's Mill Road (PID: 222-001949)  
APPLICANT: Thirty-One Real Estate LLC c/o Aaron Underhill  
REQUEST: Variance to codified ordinance 1153.04(b) to allow the creation of a lot that does not front on a public or private street.  
ZONING: L-GE Limited General Employment District Blacklick Subarea D Zoning Text  
STRATEGIC PLAN: Employment Center  
APPLICATION: VAR-44-2024

Review based on: Application materials received on May 29, 2024.

*Staff report prepared by Sierra Cratic-Smith, Planner.*

## **I. REQUEST AND BACKGROUND**

The applicant requests a variance to allow for the creation of a lot that does not abut on a public or private street. The city codified ordinance 1153.04(b) states all lots shall abut a public or private street and have adequate lot width to provide for yards and distances.

The applicant states they are requesting this variance in order to split and sell a portion of the property to a new owner.

## **II. SITE DESCRIPTION & USE**

The property is 40.7 acres in size and contains the former Bob Evans headquarters. The property is within the Franklin County Business Park. The property is located north of the State Route 161, west of Beech Road, and south of Smith's Mill Road. The property is surrounded by similar commercial and office spaces.

## **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**

##### **A variance to allow the creation of a lot that does not abut on a public or private street.**

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

1. The city codified ordinance 1153.04(b) states all lots shall abut a public or private street and have adequate lot width to provide for yards and distances. The applicant requests a variance in order to allow the creation of a new lot that does not front (i.e. abut) on a public or private street.
2. The property owner requests the variance to parcel off a portion of the property to sell. The first new proposed parcel would be the southern portion of the property at 25.53 +/- acres and consists of the existing buildings. The second new proposed parcel would be the northern portion of the property at 15.41 +/- acres and consists of an undeveloped area.
3. The proposed variance meets the "spirit and intent" of the zoning requirement. The property owner states they commit to a permanent access easement running in favor of the "southern" parcel to provide it with direct access to and from Smith's Mill Road. The city staff recommends a condition of approval requiring that the permanent access easement is recorded by the applicant prior to the lot being split (condition #1).
4. The variance does not appear to be substantial since the applicant is providing a cross-access easement between the north and south property. This will allow the properties to share the existing driveway.
5. The city staff also recommends that the two new "northern" parcels are not permitted to have additional curb cuts onto Smith's Mill Road and must use the existing shared drive for access (condition #2).



- a. With this condition it does not appear the essential character of the neighborhood would be substantially altered since this condition eliminates the addition of multiple curb cuts on the street. The Bob Evans, and now Lower.com site, is designed as a campus layout with one point of access to the overall site. The reduction of curb cuts keeps a consistent character and design of the area while allowing new development on the property.
6. It appears the variance could be solved in another manner. The variance would not be necessary if the property owners were to separate the lot in a “flag” site design instead of separating the existing development from the undeveloped area. Also, the property owner could sell the entire property and redevelop the entire site.
7. The granting of the variance would not adversely affect the delivery of government services.
8. 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. SUMMARY**

According to the property owners, the purpose of the lot split is to use the land to expand economic growth and opportunity. Although the city zoning code requires all properties to have access to public or private streets, the cross-access easement meets the spirit and intent of the code since it provides all of the properties access to a public street. If the new parcels use the existing curb cut this will ensure the campus design of the overall site is still achieved and therefore does not appear to be substantial.

#### **V. ACTION**

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

**Move to approve application VAR-44-2024 based on the findings in the staff report all subject to staff approval (conditions of approval may be added).**

1. A permanent access easement providing the “southern” parcel with direct access to and from Smith’s Mill Road is recorded by the applicant before the lot is split.
2. The two new parcels are not permitted to have additional curb cuts on Smith’s Mill Road and must use the existing shared drive for access.

**Approximate Site Location:**




Source: NearMap

Permit # \_\_\_\_\_  
Board \_\_\_\_\_  
Mtg. Date \_\_\_\_\_



### Community Development Planning Application

Project Information	Site Address <u>8111 Smith's Mill Road</u>																																																												
	Parcel Numbers <u>222-001949</u>																																																												
	Acres <u>40.941 +/-</u> # of lots created _____																																																												
Project Information	<table border="1"><thead><tr><th>Choose Application Type</th><th colspan="4">Circle all Details that Apply</th></tr></thead><tbody><tr><td><input type="checkbox"/> Appeal</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Certificate of Appropriateness</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Conditional Use</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Development Plan</td><td>Preliminary</td><td>Final</td><td>Comprehensive</td><td>Amendment</td></tr><tr><td><input type="checkbox"/> Plat</td><td>Preliminary</td><td>Final</td><td></td><td></td></tr><tr><td><input type="checkbox"/> Lot Changes</td><td>Combination</td><td>Split</td><td>Adjustment</td><td></td></tr><tr><td><input type="checkbox"/> Minor Commercial Subdivision</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Vacation</td><td>Easement</td><td></td><td>Street</td><td></td></tr><tr><td><input checked="" type="checkbox"/> Variance</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Extension Request</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Zoning</td><td>Amendment (rezoning)</td><td></td><td>Text Modification</td><td></td></tr></tbody></table>	Choose Application Type	Circle all Details that Apply				<input type="checkbox"/> Appeal					<input type="checkbox"/> Certificate of Appropriateness					<input type="checkbox"/> Conditional Use					<input type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment	<input type="checkbox"/> Plat	Preliminary	Final			<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment		<input type="checkbox"/> Minor Commercial Subdivision					<input type="checkbox"/> Vacation	Easement		Street		<input checked="" type="checkbox"/> Variance					<input type="checkbox"/> Extension Request					<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification	
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<input type="checkbox"/> Extension Request																																																													
<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification																																																										
Project Information	Description of Request: _____ <u>Variance to Codified Ordinances Section 1153.04 (b) to allow a parcel</u> <u>to be created on the subject property which does not have frontage on</u> <u>a public street or private road.</u>																																																												
Contacts	Property Owner's Name: <u>Thirty- One Real Estate LLC</u> Address: <u>c/o Underhill and Hodge LLC, Attn: Aaron Underhill, Esq.</u> City, State, Zip: <u>8000 Walton Pkwy, Suite 260, New Albany, Oh 43054</u> Phone number: <u>(614)335-9320</u> Fax: _____ Email: <u>aaron@uhlfirm.com</u>																																																												
	Applicant's Name: <u>Same as Owner</u> Address: _____ City, State, Zip: _____ Phone number: _____ Fax: _____ Email: _____																																																												
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.																																																												
	Signature of Owner _____ By:  Date: <u>5/24/24</u> Signature of Applicant _____ By: _____ Date: <u>5/24/24</u> <u>Aaron Underhill, attorney for owner/ applicant</u>																																																												


### **AFFIDAVIT OF FACTS**

I, Aaron L. Underhill, in my capacity as attorney for the applicant, Thirty-One Real Estate LLC, which seeks a variance from the zoning regulations of the City of New Albany Codified Ordinances for real property located at 8111 Smith's Mill Road and known as Franklin County Auditor Parcel Number 222-001949, do hereby state and depose the following:

That accompanying this affidavit is a list of all property owners located within two hundred (200) feet of the parcel(s) that are the subject of the application and their addresses as appearing on the Franklin County Auditor's current tax list; and

That said list is based solely on the records of the Office of the Auditor of Franklin County, Ohio, as provided on its website on or about the date of this affidavit.

Further Affiant sayeth not.

By:   
Aaron L. Underhill  
Attorney, Underhill & Hodge LLC

STATE OF OHIO  
COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the 24<sup>th</sup> day of May 2024, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.

**Eric J. Zartman, Attorney At Law**  
**NOTARY PUBLIC-STATE OF OHIO**  
**My Commission Has No Expiration Date**  
**Sec. 147.03.R.C.**

  
Notary Public

My Commission Expires: NA



**EXHIBIT "A"**  
**"BEF HQ - New Albany, Ohio"**

Situated in the State of Ohio, County of Franklin, City of New Albany, Quarter Township 4, Township 2, Range 16, United States Military District, and being part the residueum of that 79.065 acre tract conveyed to The New Albany Company of record in Official Record 12772119, see Official Record 21236801 and Instrument Number 19981120289607 for merger information, (Franklin) and described as follows:

Beginning an iron pin set marking a current northwest corner of said 79.065 acre tract, the same being the northeast corner of that 41.295 acre tract conveyed to Abercrombie & Fitch Management Co. of record in Instrument Number 200612150248879 (Franklin), in the south right-of-way line for Smith's Mill Road as recorded in Plat Book 95, Page 91 (Franklin), said iron pin set being N 86°23'10" W, along said south right-of-way line, 285.42 feet from the west terminus of the south right-of-way line for said Smith's Mill Road as recorded in Plat Book 190, Page 92 (Franklin);

Thence S 86° 23' 10" E, along a current north line of said 79.065 acre tract, the same being said south right-of-way line per Plat Book 95, Page 91 and Plat Book 106, Page 92 (both Franklin) 1349.84 feet to an iron pin set marking a current northeast corner of said 79.065 acre tract, the same being a current northwest corner of the remainder of that 117.964 acre tract conveyed to The New Albany Company LLC of record in Instrument Number 199812020046414 (Licking), in a common line to Franklin County and Licking County;

Thence S 03° 41' 47" W along the original east line of said 79.065 acre tract, the same being the original west line of said 117.964 acre tract, being a common line to said Franklin County and Licking County, 1303.94 feet to a 3/4" iron pipe found (capped ODOT) marking a current southeast corner of said 79.065 acre tract, the same being a current southwest corner of said 117.964 acre tract, northeast corner of that 1.234 acre tract conveyed to State of Ohio of record in Instrument Number 200510280227581 (Franklin), and the northwest corner of that 3.424 acre tract conveyed to State of Ohio of record in Instrument Number 200510280034305 (Licking), in the north limited access right-of-way line for State Route 161;

Thence along a current south perimeter of said 79.065 acre tract, the same being the north perimeter of said 1.234 acre tract, and said north limited access right-of-way line, the following courses,

N 88° 18' 04" W, 478.19 feet to an iron pin set;

N 87° 41' 53" W, 92.61 feet to an iron pin set.

N 86° 32' 55" W, 783.49 feet to a 3/4" iron pipe found (capped ODOT);

N 80° 20' 45" W, 0.20 feet to a current southwest corner of said 79.065 acre tract, the same being the southeast corner of said 41.295 acre tract;

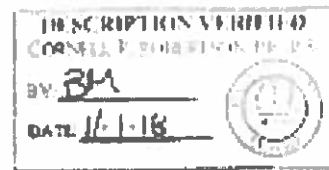
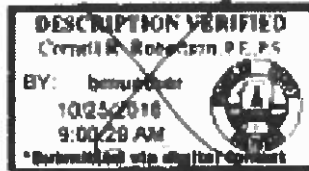
Thence N 03° 53' 01" E, along the original west line of said 79.063 acre tract, the same being the east line of said 41.295 acre tract, 1324.27 feet to the Point of Beginning.

Containing 40.940 acres of land, more or less. Subject, however, to all legal highways, easements, and restrictions, the above description was prepared by John C. Ladgion, P.S. 8069 on September 07, 2010 and is based on existing records and an actual field survey performed in August 2010. A drawing of the above description is attached hereto and made a part thereof.

All iron pins set are 3/4" diameter, 30" long iron pipe with plastic cap inscribed "Advanced 7661".

Bearings are based S 86° 23' 10" E for the north line of that 41.295 acre tract as shown in Instrument Number 200612130248879 (Franklin).

Parcel ID: 222-001949-00



All of  
(222)  
001949

## VARIANCE APPLICATION SUPPORTING STATEMENT

### **APPLICANT: THIRTY-ONE REAL ESTATE LLC**

#### Variance Request

This variance request is to eliminate the requirement for a parcel to have a frontage on a public street. The subject property consists of 40.941+/- acres located at 8111 Smith's Mill Road in New Albany, known on the date of this application as Franklin County Auditor tax parcel number 222-001949. The property contains a Class A office building, related accessory structures, and associated improvements which originally served as the headquarters for the Bob Evans restaurant and retail food businesses.

The property owner/applicant, Thirty-One Real Estate LLC, has received interest from a third party that desires to purchase the existing buildings and related improvements on the site. The purchaser does not seek to purchase the entire parcel, which has a sizable amount of acreage that is undeveloped. The applicant desires to split the property into two parcels to facilitate the sale. The first new parcel will consist of 25.528+/- acres covering roughly the southern two-thirds of the existing parcel (the "Southern New Parcel"). The second new parcel will consist of 15.413+/- acres consisting of roughly the northern one-third of the site (the "Northern New Parcel"). Following the anticipated lot split, the Southern New Parcel will not have frontage on a public street, while the Northern New Parcel will have significant frontage along Smith's Mill Road.

The subject site is zoned L-GE, Limited General Employment. The development standards for the underlying GE, General Employment District provide the following in Codified Ordinances Section 1153.04(b): "Lot Width. All lots shall abut a public or private street and have adequate lot width to provide for yards and distances as required by the Zoning Code." The applicant seeks a variance from this provision to allow the new proposed southern parcel to exist without having frontage on a public street or private road. As part of the variance request, the applicant commits to subject the Northern New Parcel to a permanent access easement running in favor of the Southern New Parcel to provide the latter parcel with direct access to and from a public street, namely Smith's Mill Road. The granting of the variance will help to facilitate the sale of an important office building and strengthen the possibilities for its occupancy in a manner to enhance its economic benefit to the community.

The Codified Ordinances provide the factors to be considered by the Board of Zoning Appeals when reviewing a variance application. Section 1113.06 provides that the Board of Zoning Appeals shall approve a variance if all of the findings are made which are detailed in subsections (a) through (e) thereof (detailed below). Additionally, in *Duncan v. Middlefield* (1986), 23 Ohio St.3d 83, the Ohio Supreme Court provided factors to be weighed in addition to that required by local code. It should be noted that the case provides for a weighing of factors. Not all of them must be met and no single factor controls. The test is described as being a determination of the existence of a "practical difficulty."

### **Codified Ordinance Factors**

The factors that are to be considered by the BZA when reviewing a variance request pursuant to Code Sections 1113.06(a)-(e) are in bold below, with each being followed by an analysis of that factor in the context of this variance request.

**(a) 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.**

The property was developed with all improvements located nearest to State Route 161, with the exception of a private access drive system that connects to Smith's Mill Road. At the time the property was developed, it was the headquarters for Bob Evans and the location of buildings and parking was intentionally compacted to the southern two-thirds of the site to set aside room for future expansion, which is typical when planning an office headquarters location. Different aspects of the business have since been spun off and sold as separate components, and the original occupant has left. Since the original development of the property, the office market has been turned on its head as a result of the Covid pandemic and the trend of increasing numbers of employees working from home. The special conditions that apply here relate to the way the original site was developed, the circumstances that led the original owner and building occupant to relocate, and the change in market conditions.

**(b) 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.**

The pattern of development on the site was planned to occur southward with room to expand northward if and when expansion needs arose. With the events that have occurred since the original development, it is unlikely that the vacant portions of the property will ever develop as an extension of the existing campus. If the property had been developed with improvements consolidated on its west or east sides, the undeveloped portion could be split off with its own street frontage. The actual development of the property prevents the southern two-thirds of the property from having its own frontage without creating a "flag lot" condition (although technically it does have frontage on, but no access to, State Route 161). This type of lot configuration is unusual for properties that have developed in the GE or L-GE zoning districts. Given the fact that only a single vehicular access point on Smith's Mill Road exists, if a flag lot were created there would either still be a need for an access easement between parcels or each parcel would need its own access on Smith's Mill Road if a lot split were to occur. Completing the lot split as proposed provides for one less access point on the street and allows for a more efficiently shaped site for future development on the Northern New Parcel than would be the case if a flag lot configuration were to be used instead.



**(c) That the special conditions and circumstances do not result from the action of the applicant.**

The applicant purchased the property from the previous owner well after it was developed. The condition causing the need for the variance is not the result of the actions of the applicant.

**(d) 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.**

No special privileges will be granted to the applicant as a result of this variance. Rather, it will place it in a similar position as other property owners in the area with partially developed properties that are able to sell off or develop vacant portions of their land to put them to a higher economic use.

**(e) 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.**

The variance will have no adverse effects on health and safety. If the variance is approved and a lot split is completed, the Southern New Parcel will continue to have the same route of vehicular ingress and egress as it always has had. By allowing for shared access to and from Smith's Mill Road for both the Northern New Parcel and the Southern New Parcel, it eliminates the possibility and need for two separate access points and therefore minimizes curbcuts and the impact on traffic.

#### **Duncan v. Middlefield Factors**

The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of its property include, according to the Ohio Supreme Court in *Duncan v. Middlefield*, those which are bolded below (analysis of this variance is provided after each). Again, the case provides for a weighing of factors. Not all of them must be met and no single factor controls.

**(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;**

There can be beneficial use of the property without the variance. It may also yield a reasonable return without one. However, by creating two regularly shaped rectangular parcels on the site, it maximizes the opportunity to plan for and attract development that will not be impacted by unusual lot configurations.

**(2) Whether the variance is substantial;**

This variance is not substantial. It merely accommodates the continued use of an existing vehicular access route to and from the public street system, while opening up an opportunity to develop a vacant portion of the property in a manner that further the City's economic and development goals. So long as a parcel has perpetual access to and from a public street, whether through an easement or street frontage, there is no practical difference.

**(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;**

In the near term, the variance will have no effect on the character of the area, as the variance and subsequent parcel split merely will be lines on a map with no visual impact from on or off of the site. In the future, the variance will not change the character either, as the creation of the Northern New Parcel will facilitate the possibility of additional development that is consistent with existing development patterns in the area.

**(1) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);**

The variance will not adversely affect the delivery of governmental services, as it merely maintains the status quo in terms of vehicular access.

**(5) Whether the property owner purchased the property with knowledge of the zoning restriction;**

Thirty-One Real Estate LLC purchased the property in early November 2018. While it would have had knowledge of the zoning restriction, it could not have predicted the impact from the pandemic and its resulting effect on the office market.

**(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;**

A lot split could be pursued without the variance, but would result in the creation of a flag lot which would serve no purpose other than to "check a box" in the Code. It would make for an inefficient set of property boundaries for both of the resulting parcels after a split is complete. Given the location of the existing access drive, it would make little sense to merely include that drive as part of the Southern New Parcel. This would serve to create a situation where two parcels would need to be created covering the undeveloped portions of the site in addition to the Southern New Parcel, one to east of the access drive and one to the west. This would provide some limitations on potential developments of those sites, especially on the east side.

**(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**

The spirit and intent of the underlying zoning requirement will be observed and substantial justice will be done by granting the variance. Again, so long as a permanent route of ingress and egress for the Southern New Parcel to and from Smith's Mill Road is memorialized in a recorded easement, there will be no change to access for the site. The intent of a requirement for a parcel to have public street frontage is to ensure that every property can benefit from the use of the public street system. This variance, coupled with a commitment to record a permanent access easement in favor of the Southern New Parcel, will meet this intent.

STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF NEW ALBANY,  
LOT 7, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16, UNITED STATES MILITARY LANDS.



SCALE IN FEET

0 150' 300'

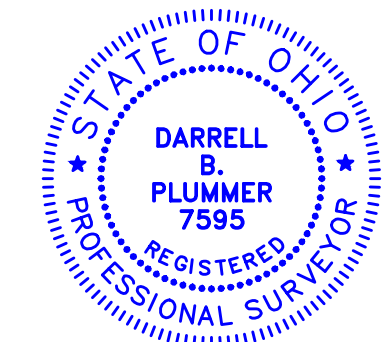
- ▲ MAG NAIL OR SPIKE FOUND
- △ MAG SPIKE SET
- IRON PIN OR PIPE FOUND
- REBAR SET & CAP  
(SEE IRON PINS NOTE)
- C/L OR R/W MONUMENT FOUND
- IMPERVIOUS AREA

15.413 ACRES OUT OF LOT 7.  
15.413 ACRES OUT OF 40.940 ACRE TRACT.  
15.413 ACRES OUT OF PARCEL NO. 222-001949.

ALL IRON PINS SET ARE 5/8" SOLID REBAR, 30" IN LENGTH WITH A YELLOW PLASTIC CAP BEARING THE NAME "CEC INC".


THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE BEARING OF SOUTH 86°23'10" EAST FOR THE SOUTH RIGHT-OF-WAY LINE OF SMITH'S MILL ROAD, BASED ON FIELD OBSERVATIONS PERFORMED IN MARCH 2024, AND BASED ON NAD 83 (NSRS 2011 ADJUSTMENT), OHIO STATE PLANE SOUTH ZONE.

DEEDS OF RECORD, ON FILE AT THE FRANKLIN COUNTY AND  
LICKING COUNTY RECORDER'S OFFICES, EXISTING CEC SURVEYS,  
SURVEYS OF RECORD & TAX MAPS ON FILE AT FRANKLIN COUNTY  
AND LICKING COUNTY.



**CERTIFICATION:**  
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PREPARED FROM AN ACTUAL FIELD SURVEY PERFORMED IN MARCH 2024 BY OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH CHAPTER 4733-37 OHIO ADMINISTRATIVE CODE.

Darrell B. Plummer 4/23/2024  
 DARRELL B. PLUMMER DATE  
 PROFESSIONAL LAND SURVEYOR NO. 7595

[illegible]

**Civil & Environmental Consultants, Inc.**  
 250 Old Wilson Bridge Road · Suite 250 · Worthington, OH 43085  
 614-540-6633 · 888-598-6808  
[www.gecinc.com](http://www.gecinc.com)

**PLAT OF SURVEY  
CITY OF NEW ALBANY  
FRANKLIN COUNTY, OHIO**

**15.413 ACRE TRACT**

DATE:	APRIL 2024	DRAWN BY:	DBP
DWG SCALE:	1" = 150'	CHECKED BY:	JLV
PROJECT NO:			337-547
APPROVED BY:			DBP

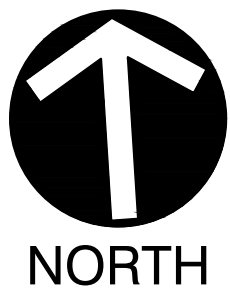
DRAWING NO.:  
**SRV**  
SHEET 1 OF 1



PLAT OF SURVEY

STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF NEW ALBANY,  
LOT 7, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16, UNITED STATES MILITARY LANDS.

Proposed Southern New Parcel



LEGEND:

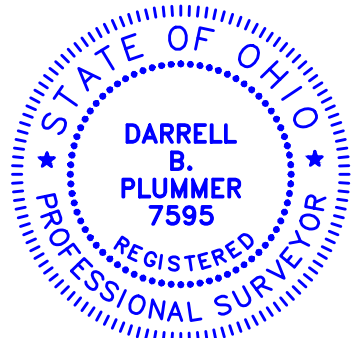
- MAG NAIL OR SPIKE FOUND
- MAG SPIKE SET
- IRON PIN OR PIPE FOUND
- REBAR SET & CAP (SEE IRON PINS NOTE)
- C/L OR R/W MONUMENT FOUND
- IMPERVIOUS AREA

ACREAGE BREAKDOWN 25.528 ACRE TRACT  
25.528 ACRES OUT OF LOT 7.  
25.528 ACRES OUT OF 40.940 ACRE TRACT.  
25.528 ACRES OUT OF PARCEL NO. 222-001949.

IRON PINS:  
ALL IRON PINS SET ARE 5/8" SOLID REBAR, 30" IN LENGTH  
WITH A YELLOW PLASTIC CAP BEARING THE NAME "CEC INC".

BASIS OF BEARINGS:  
THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON  
THE BEARING OF SOUTH 86°23'10" EAST FOR THE SOUTH  
RIGHT-OF-WAY LINE OF SMITH'S MILL ROAD, BASED ON  
FIELD OBSERVATIONS PERFORMED IN MARCH 2024,  
AND BASED ON NAD 83 (NSRS 2011 ADJUSTMENT),  
OHIO STATE PLANE SOUTH ZONE.

PERTINENT DOCUMENTS:  
DEEDS OF RECORD, ON FILE AT THE FRANKLIN COUNTY AND  
LICKING COUNTY RECORDER'S OFFICES, EXISTING CEC SURVEYS,  
SURVEYS OF RECORD & TAX MAPS ON FILE AT FRANKLIN COUNTY  
AND LICKING COUNTY.



CERTIFICATION:  
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY  
SURVEY WAS PREPARED FROM AN ACTUAL FIELD SURVEY  
PERFORMED IN MARCH 2024 BY OR UNDER MY DIRECT  
SUPERVISION IN ACCORDANCE WITH CHAPTER 4733-37  
OHIO ADMINISTRATIVE CODE.

Darrell B. Plummer 4/23/2024  
DARRELL B. PLUMMER DATE  
PROFESSIONAL LAND SURVEYOR NO. 7595

REVISION RECORD	
NO	DATE



Civil & Environmental Consultants, Inc.  
250 Old Wilson Bridge Road · Suite 250 · Worthington, OH 43085  
614-540-6633 · 888-598-6808  
www.cecinc.com

PLAT OF SURVEY  
CITY OF NEW ALBANY  
FRANKLIN COUNTY, OHIO

25.528 ACRE TRACT

DATE:	APRIL 2024	DRAWN BY:	DBP
DWG SCALE:	1" = 150'	CHECKED BY:	JLV
PROJECT NO.:	337-547	APPROVED BY:	DBP

DRAWING NO.:

**SRV**

SHEET 1 OF 1

C:\Users\plummer\Documents\8111 Smith's Mill Road (337-547)\337547-SM-Road-25.528 Acreage\8111 LS\4/23/2024 - dbplummer - LP: 4/23/2024 10:23 AM



## **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

Tuesday, June 25, 2024

The New Albany Board of Zoning Appeals took the following action on 06/24/2024 .

#### 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 Approve

**Commission Vote:** Motion Approved, 4-0

**Result:** Variance, PLVARI20240030 was Approved, by a vote of 4-0.

Recorded in the Official Journal this June 25, 2024

#### Condition(s) of Approval:

Staff Certification:

*Sierra Cratic-Smith*

Sierra Cratic-Smith  
Planner



**Board of Zoning Appeals Staff Report  
June 24, 2024 Meeting**

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**AMPLIFYBIO  
SIGN VARIANCES**

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LOCATION: 9885 Innovation Campus Way (PID: 093-107490-00.001)  
APPLICANT: Zoning Resources c/o Jim McFarland  
REQUEST: (A) Variance to C.O. 1169.16(d) to allow the size of wall signs to be 215 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 39” where code permits a maximum of 36”.  
(C) Variance to C.O. 1169.16(d) to allow three signs per business frontage whereas code permits one wall sign per building frontage.  
ZONING: Infilled Planned Unit Development (I-PUD) and Limited General Employment (L-GE).  
STRATEGIC PLAN: Employment Center  
APPLICATION: VAR-46-2024

Review based on: Application materials received May 31, 2024

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*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 AmplifyBio building located in the Licking County portion of the New Albany Business Park and accessed off Innovation Campus Way.

- (A) Variance to C.O. 1169.16(d) to allow the size of wall signs to be 215 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 39” where code permits a maximum of 36”.
- (C) Variance to C.O. 1169.16(d) to allow three signs per business frontage whereas code permits one wall sign per building frontage.

The site is zoned in two different zoning districts including I-PUD and L-GE. The I-PUD development text indicates that variances shall be heard by the Planning Commission. However, the Board of Zoning Appeals hears variances to L-GE development texts. The intent of the code is to send all variances to one board and due to the unique circumstance of the parcel being under two zoning districts, the staff received consent from the property owner that all of the variance requests can be heard by the BZA.

**II. SITE DESCRIPTION & USE**

The AmplifyBio building is generally located at the southeast corner intersection of Newson Court and Innovation Campus Way. The property is 33.05 +/- acres. It is part of the New Albany Business Park within Licking County. There are several other businesses located north and south of the building. The residential parcels adjacent to the west of the site are not within New Albany’s jurisdiction.



### 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) A variance request to C.O. 1169.16(d) to allow the size of the wall signs to be 215 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 the wall signs to be 215 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: Innovation Campus Way, therefore a total of one wall sign is allowed. The applicant proposes to install three wall signs. The three wall signs will be mounted on the eastern elevation facing Innovation Campus Way. All three signs are identical in content, color, and size.
  - a. Signs: features the company name and logo. It is 215 +/- square feet. This exceeds the maximum area requirement according to the city sign code and is what the Board of Zoning Appeals is evaluating.
3. The wall sign at the southern entrance is approximately 548 feet from Innovation Campus Way. The wall sign at the northern entrance will be approximately 170 feet from Innovation Campus Way. Lastly, the wall sign at the center entrance will be approximately 310 feet from Innovation Campus Way.
4. The variance request does not appear to be substantial due to the large size of the building. The building is approximately 1,140 feet long on its front façade (where the signs are to be located) and 310 feet long on the side façade facing north. 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 a wall sign that met code requirements, it may appear under scaled and out of place on the larger building.
5. The spirit and intent of the zoning code is preserved 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 the signs are faced away from the residential properties. In addition, the building maintains large setbacks from the public road minimizing their visual impact.
7. The granting of the variance will not confer on the applicant any special privileges because the city Board of Zoning Appeals (BZA) has approved similar variances. There have been a wide range of approvals for sign variances for size:
  - a. The largest variance sign size was approved by the board in April 2021. Amazon requested a wall sign at 297 square feet for a building at approximately 1,271 feet long and about 50 +/- feet in height. Therefore, the square footage for the façade is 63,550 square feet making the sign less than 1% of the façade.
  - b. The lowest sign size variances request was approved by the board in August 2023. Amgen requested a wall sign at 98 square feet for a building 540 feet long and 35 feet in height. The building façade’s area is 18,900 square feet making the sign area about 1% of the façade’s area.
8. The variance request does not appear to be substantial because the sign is an appropriate size for the large warehouse façade.
  - a. The building frontage that the signs are located on is about 1,140 feet long and the building is 42 feet in height. The building façade’s area is 47,880 square feet making the total of the three signs just 1.35% of the building facade.
  - b. 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, the signs would be under scaled and appear out of place on the larger building.
9. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
10. Granting the variance will not adversely affect the delivery of government services.

**(B) A variance request to C.O. 1169.16(d) to allow three 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: Innovation Campus Way, therefore one wall sign is allowed. The applicant proposes to install three wall signs. All three signs will be mounted on the east elevation facing Innovation Campus Way.
  - a. The three identical signs on the east elevation will be 215 +/- square feet and state “AmplifyBio” with the company’s logo.
2. The variance request does not appear to be substantial and meets 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 east façade is 1,140 feet in length and three wall signs above each entrance does not appear to be substantial given the size of the building. They are appropriately and symmetrically positioned on the building. Additionally, the building is not a shared tenant space and therefore, no other company signs would be added to the eastern façade. 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 for the three entrances.
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 the size of the building, the additional wall signs are appropriate and the building does not appear to be “oversigned.” Additionally, the southern entrance is 500 feet away from the public right of way and has a tree buffer in front of it making that sign a challenge to see from Innovation Campus Way.
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.

**(C) Variance to C.O. 1169.16(d) to allow three wall signs to have a lettering height of 39 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 three identical wall signs with a lettering height of 39 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. Additionally, the board has approved similar variances, such as VAR-35-2021 for Amazon’s signs in April 2021 and VAR-26-2024 for Crown Lift Truck’s wall sign in May 2024.
3. The variance requests do not appear to be substantial due to the large size of the building. The Innovation Campus Way building elevation is approximately 1,140 feet long. The maximum building height is 42 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. Additionally, not all letters on the wall signs are 39”. Most of the letters are 27.47” which meets the code requirement.
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 farther back on Innovation Campus Way with a parking lot and a tree buffer minimizing its 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

Even though the signs are larger than code allows they are still appropriately integrated with the building/site on which it is located and the adjacent development in scale, design, and intensity. The larger signs do not create an appearance of competition between adjacent signs. Therefore, the request does not appear to be substantial.

#### 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-46-2024.**

**Approximate Site Location:**



Source: NearMap

DATE: June 13, 2024  
TO: Sierra Saumenig, New Albany Planning  
FROM: Ian Dyer, owners representative for Amplify Bio  
SUBJECT: Board review

Understanding that this site falls within two zoning districts – I-PUD and Limited General Employment (L-GE) and that the intent of the code is to send all variances to one board and due to this unique circumstance of the parcel being under two zoning districts, the owners of Amplify Bio consent to authorize one board reviewing all the signs at once.

Therefore, we approved of the scheduled variance appeal for all variances relative to graphics be heard by the Board of Appeals on June 24<sup>th</sup> 2024.

Regards,

A handwritten signature in cursive script that reads "Ian Dyer".

Ian Dyer, owners representative Amplify Bio



Permit # \_\_\_\_\_  
Board \_\_\_\_\_  
Mtg. Date \_\_\_\_\_



### Community Development Planning Application

<b>Project Information</b>	Site Address <u>9885 Innovation Campus Way</u>																																																																							
	Parcel Numbers <u>093-107490-00.001</u>																																																																							
	Acres <u>33.05</u> # of lots created _____																																																																							
	<table border="1"><thead><tr><th>Choose Application Type</th><th colspan="5">Circle all Details that Apply</th></tr></thead><tbody><tr><td><input type="checkbox"/> Appeal</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Certificate of Appropriateness</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Conditional Use</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Development Plan</td><td>Preliminary</td><td>Final</td><td>Comprehensive</td><td>Amendment</td><td></td></tr><tr><td><input type="checkbox"/> Plat</td><td>Preliminary</td><td>Final</td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Lot Changes</td><td>Combination</td><td>Split</td><td>Adjustment</td><td></td><td></td></tr><tr><td><input type="checkbox"/> Minor Commercial Subdivision</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Vacation</td><td>Easement</td><td></td><td>Street</td><td></td><td></td></tr><tr><td><input checked="" type="checkbox"/> Variance</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Extension Request</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Zoning</td><td>Amendment (rezoning)</td><td></td><td>Text Modification</td><td></td><td></td></tr></tbody></table>	Choose Application Type	Circle all Details that Apply					<input type="checkbox"/> Appeal						<input type="checkbox"/> Certificate of Appropriateness						<input type="checkbox"/> Conditional Use						<input type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment		<input type="checkbox"/> Plat	Preliminary	Final				<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment			<input type="checkbox"/> Minor Commercial Subdivision						<input type="checkbox"/> Vacation	Easement		Street			<input checked="" type="checkbox"/> Variance						<input type="checkbox"/> Extension Request						<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification	
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<input type="checkbox"/> Extension Request																																																																								
<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification																																																																					
<b>Contacts</b>	Description of Request: <u>1 - To increase the allowable number of wall signs from 1 to 3 signs, a variance of 2 signs.</u> <u>2 - To increase the allowable wall sign area from a total area of 75sf to a total of 645sf, a variance of total wall sign area of 570sf.</u> <u>3 - To increase the maximum letter height of a wall sign letter from 36" to 39", for a variance of 3".</u>																																																																							
	Property Owner's Name: <u>Scannell Properties #538 LLC</u> Address: <u>9885 Innovation Campus Way</u> City, State, Zip: <u>New Albany Ohio 43054</u> Phone number: _____ Fax: _____ Email: _____																																																																							
	Applicant's Name: <u>Zoning Resources - Jim McFarland</u> Address: <u>84 Skyline Dr South Bloomfield OH 43103</u> City, State, Zip: _____ Phone number: <u>614.674.1956</u> Fax: _____ Email: <u>JMcFarland@zoningresources.com</u>																																																																							
<b>Signature</b>	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.																																																																							
	Signature of Owner <u>[Signature]</u> Signature of Applicant <u>[Signature]</u>	Date: <u>5/30/24</u> Date: <u>6-7-24</u>																																																																						

**9885 Innovation Campus Way**  
**Narrative Statement in Support of Request for Variance**  
**June 11, 2024**

A - 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.

The parcel is situated south of a 90-degree bend in Innovation Campus Way. The building consists of a large warehouse, being 341,846sf. According to the auditor's records, the front façade, facing east, is 1135ft in length and its side façade, facing north, is 310ft in length. Elevations provided by the builder show the length as: east façade being 1140ft and north façade being 313ft wide. The building's height is 42ft. The east elevation is approximately 47,880sf in area. The north elevation is approximately 13,146sf in area. The building sits on 33 acres. It has three public entrances. Since the building is so large and has such significant frontage on two sides facing a public street, an increase in the number of allowable signs, sign area, and letter height is appropriate.

Applicant asks that it be allowed:

- Three (3) wall signs, one over each public entrance on the front façade. A variance of 2 wall signs is requested.
- More than a total of 75sf of total wall sign area. Each proposed wall sign is 215sf, for a total wall sign area of 645sf. A variance of 579sf of total wall sign area is requested.
- Letter height that exceeds 36inches. Some of the letters identifying the name of the business are 39inches. A variance of 3inches is requested.

Since the building is so large and has such significant frontage on two sides facing a public street that these allowances are appropriate.

The proposed wall signs will face 225,000 sf of an asphalt parking lot which is between the building and Innovation Campus Way. The wall sign at the southern entrance will be approximately 548ft from the adjoining public street. The wall sign at the northern entrance will be approximately 170ft from the adjoining public street. The large area of the façade and the distance of the building from Innovation Campus Way make the proposed signage appropriate. According to the International Sign Association's readability standards, letters sized 36in in height are visible to drivers approximately 300ft away, which is approximately the distance from the middle entrance sign to the adjoining road. The large façade and the distance from the road are special conditions and circumstances that are peculiar to the site and structure.

B – That a literal interpretation of the provisions of 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.

Other properties in the district enjoy more than two wall signs. Staff indicated that the Amazon building was allowed two wall signs on its large commercial building. The proposed wall signs will cover only 1.3% of the east façade.

C – That the special conditions and circumstances do not result from the action of the applicant.

Applicant did not cause the special conditions and circumstances. This large building exists at a bend on Innovation Campus Way. The bend in the road provides circumstance that impact signage on the building. The east facade is 548ft to 170ft from the road and has a mass of 47,880sf. Larger signage is needed to identify the building from the public road.

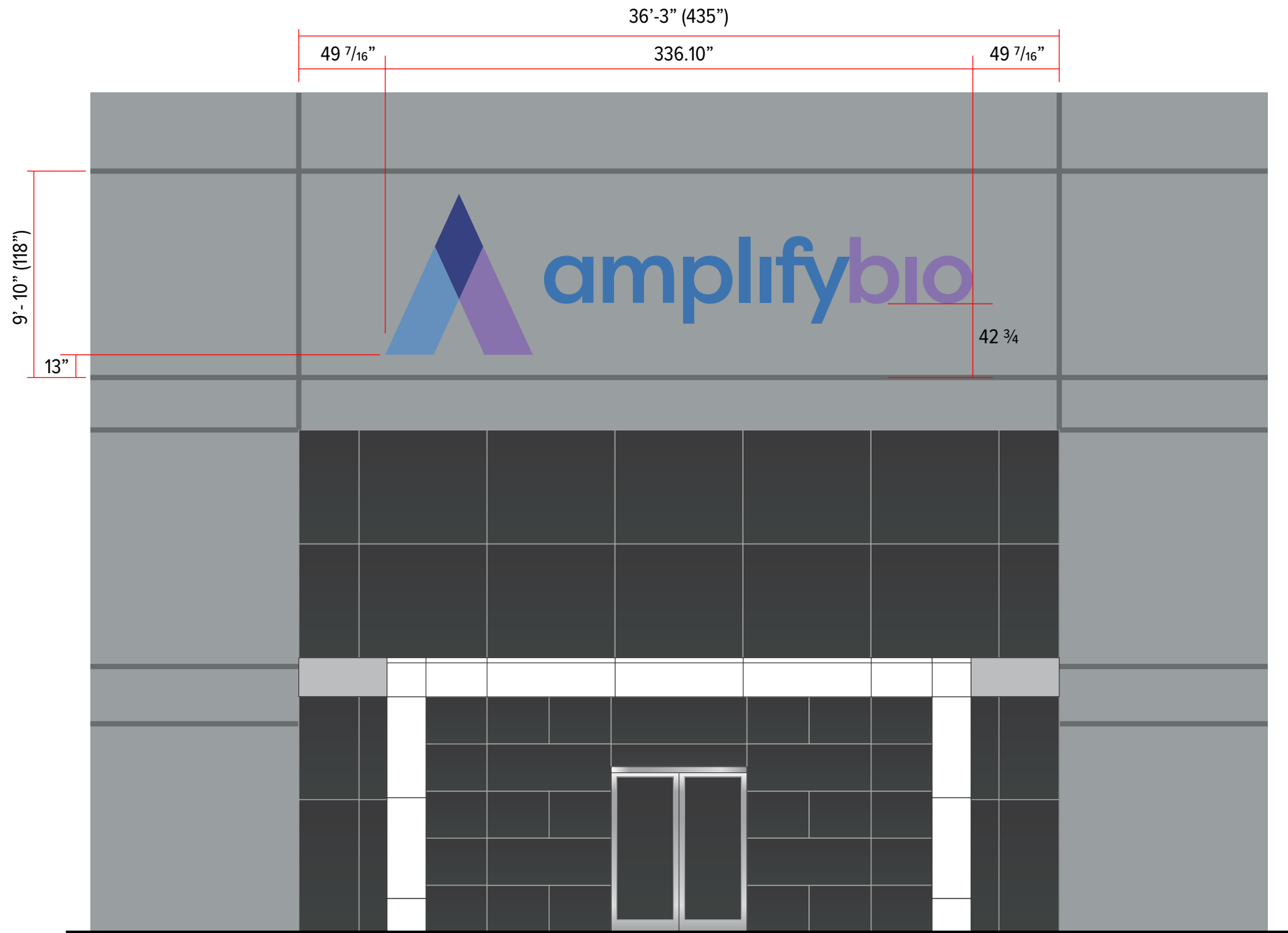
D – That granting the variance request will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same district.

The granting of this variance will not confer any special privilege. The site is unusually situated at a 90-degree bend on a public street. The building has two frontages on a public street, totaling 1445 linear feet. The unusual nature of the parcel, building setback, and the extensive building frontage are special circumstances that do not confer a special privilege on the site/building.

E – 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 the private property or public improvements in the vicinity.

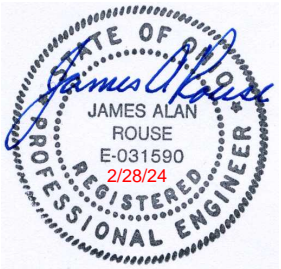
The granting of this variance will not adversely affect the vicinity or the people living or working in the area or the improvements in the vicinity. The proposed signage will provide the appropriate visual cues to individuals seeking to find AmplifyBio so that they can safely access the site without causing any disturbance along Innovation Campus Way.





**Exterior wall mounted non-illuminated channel letters**

- Qty (3) sets
- custom fabricated aluminum lettering
  - letter depth: 4"
  - flush mounted to concrete wall panel surface via aluminum angle brackets & mechanical anchoring fasteners
  - painted specified project colors - returns to match face - see page 2



**2024 OBC - ASCE 7-16**  
\* Wind Load - Risk Category II:  
Speed - V = 107 mph  
Exposure B



**Amplify Bio  
Exterior Signage**  
1/25/23

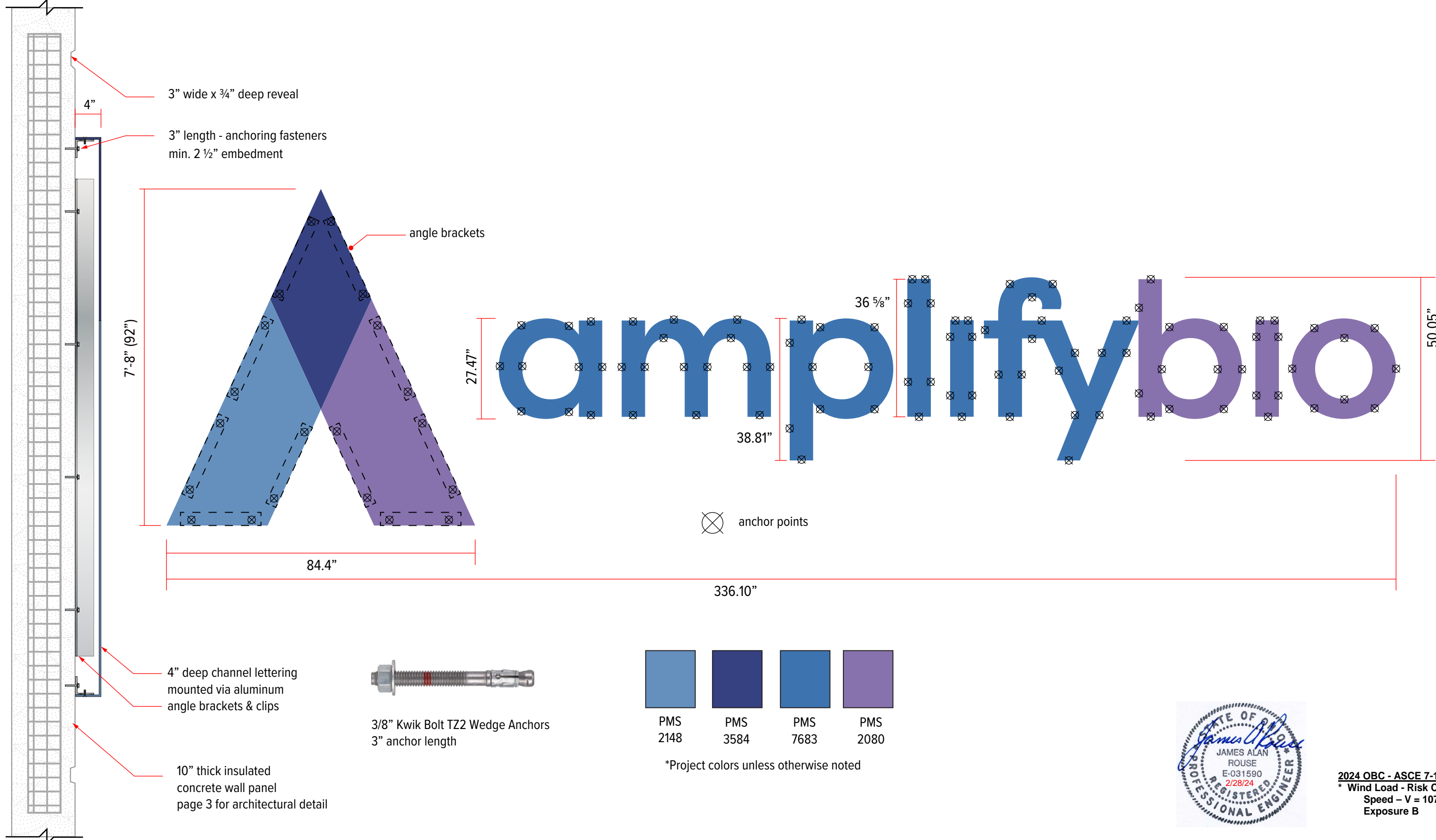
**Project address:**  
9885 Innovation Campus Way  
Johnstown, OH 43031

**Project Layout**  
☐ Approved  
☐ Approved as Noted

Approval Signature

**UL** Yes ☐ No ☐  
Install per NEC 600  
- Grounding  
- Bonding

Sales: ID  
Design: BT  
Dwg: #24-010



**Amplify Bio  
Exterior Signage**

1/25/23  
revised 2/28/23

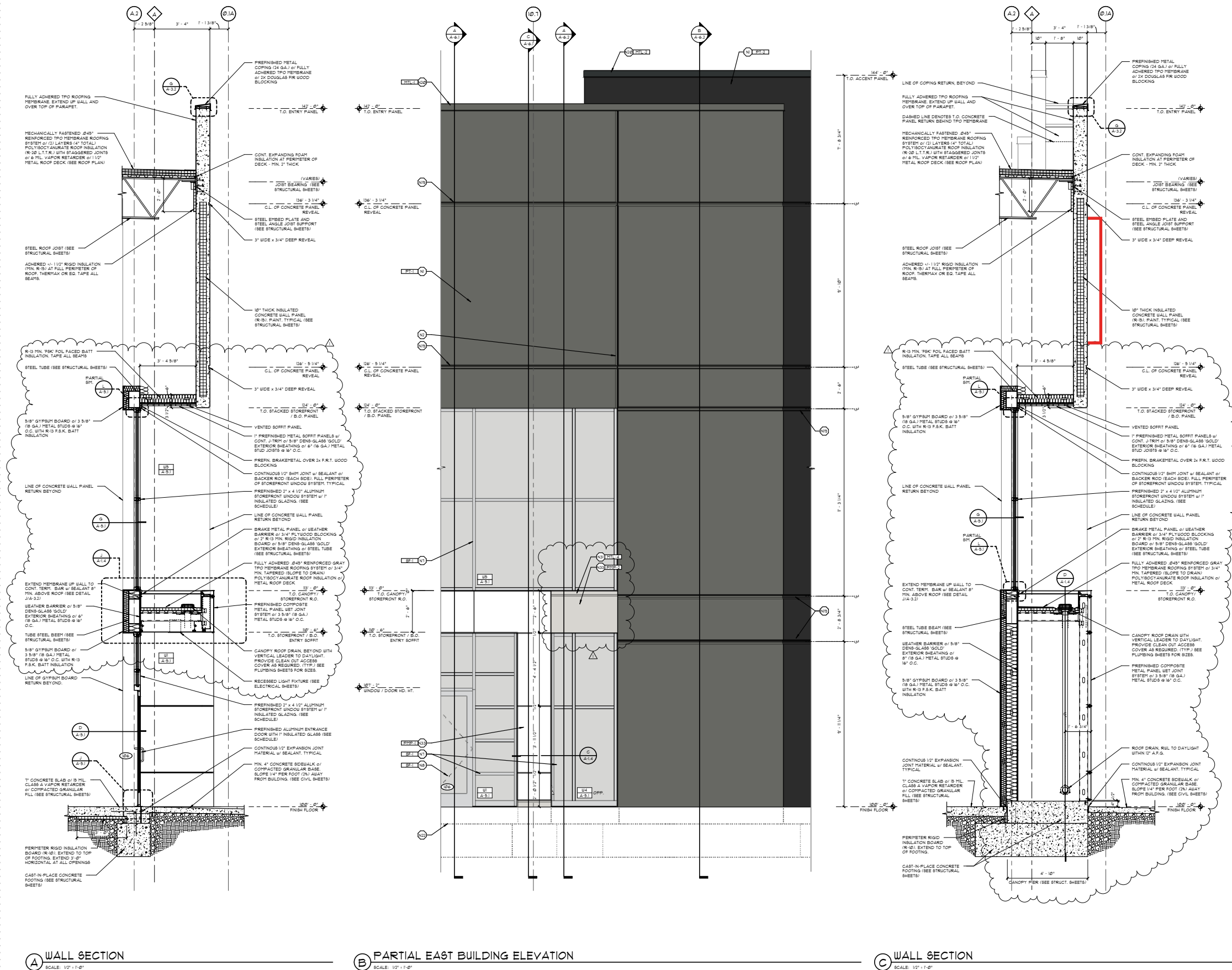
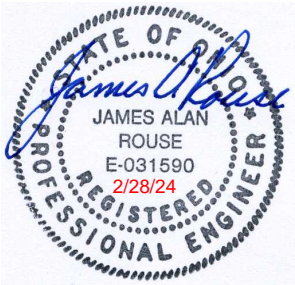
**Project address:**  
9885 Innovation Campus Way  
Johnstown, OH 43031

**Project Layout**  
☐ Approved  
☐ Approved as Noted

Approval Signature \_\_\_\_\_

Yes ☐ No ☐  
Install per NEC 600  
- Grounding  
- Bonding

Sales: ID  
Design: BT  
Dwg: #24-010



FORD & ASSOCIATES

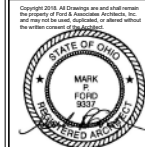
1500 West First Avenue  
Columbus, Ohio 43212  
P: 614.488.6252  
F: 614.488.9963

ARCHITECTS

# PROJECT BRIGHT - SHELL BUILDING

9885 Innovation Campus Way  
New Albany, Ohio 43054

For  
Scannell Properties  
8801 River Crossing Blvd., Suite 300, Indianapolis, Indiana 46240



Mark P. Ford, License #9337  
Expiration Date 12/31/2021

REVISION	DATE
1	NOV. 17, 2021

WALL SECTIONS  
& PARTIAL  
ELEVATION

FAA 821024.00

A-6.1  
PROJECT BRIGHT  
- SHELL BUILDING



Amplify Bio  
Exterior Signage  
1/25/23

Project address:  
9885 Innovation Campus Way  
Johnstown, OH 43031

Project Layout  
☐ Approved  
☐ Approved as Noted

Approval Signature

☒ Yes ☐ No  
Install per NEC 600  
- Grounding  
- Bonding

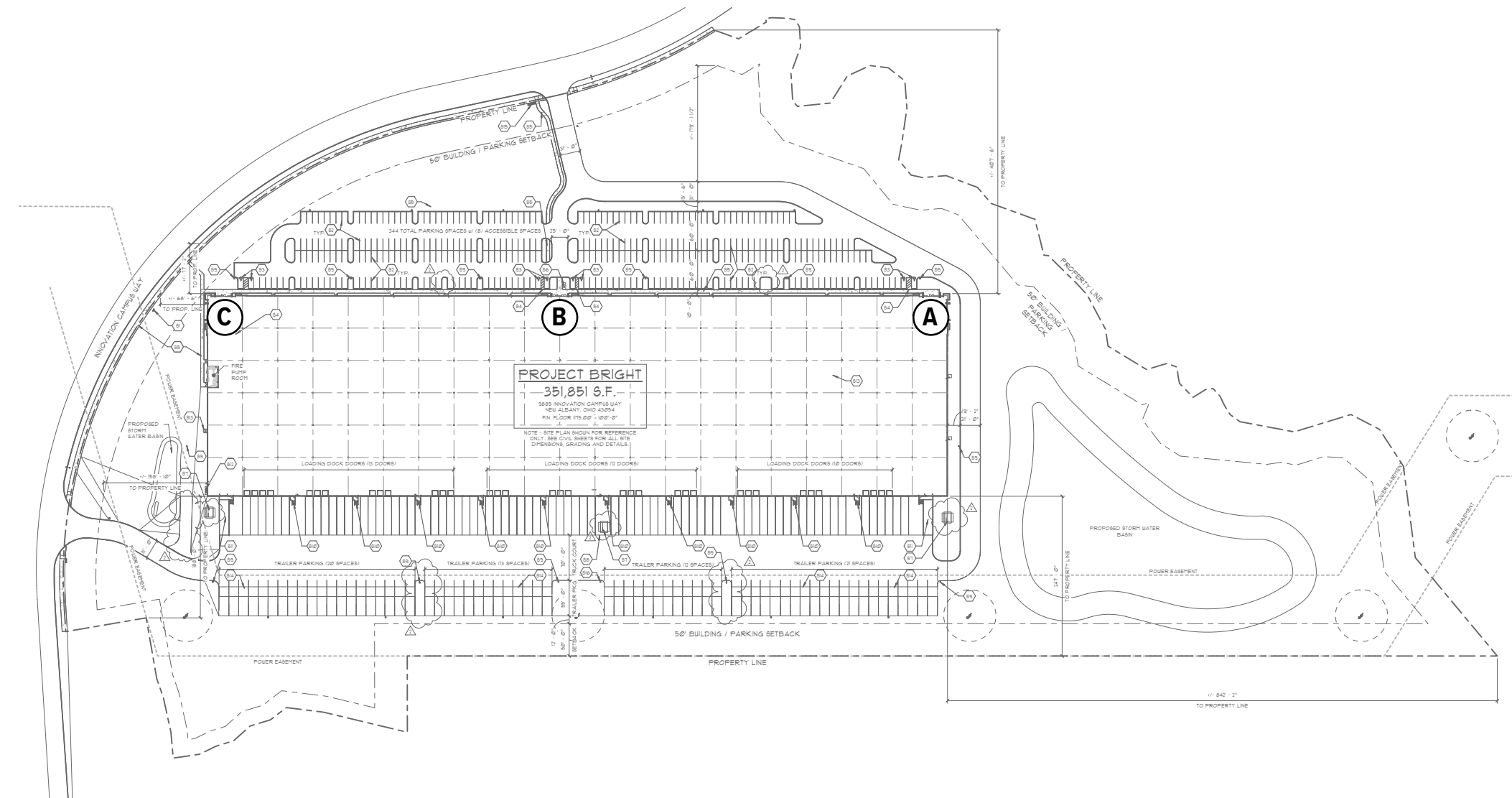
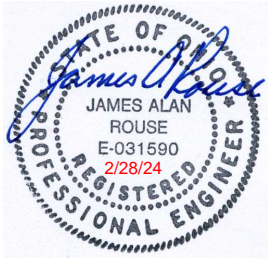
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Design: BT  
Dwg: #24-010

3

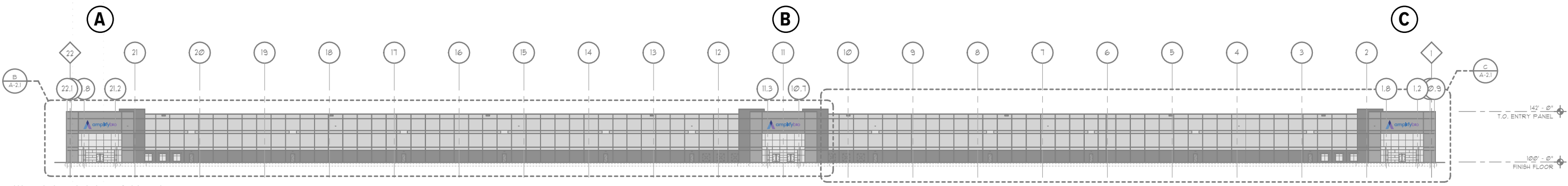
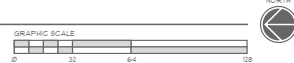
COLUMBUS SIGN COMPANY

1515 E. Fifth Ave. Columbus, OH 43219 P: (614)252-3133 F: (614)252-2494 WWW.COLUMBUSSIGN.COM





A OVERALL SITE PLAN - FOR REFERENCE ONLY



A EAST BUILDING ELEVATION



**Amplify Bio  
Exterior Signage**  
1/25/23

**Project address:**  
9885 Innovation Campus Way  
Johnstown, OH 43031

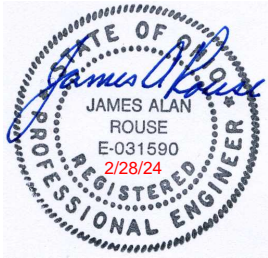
**Project Layout**  
☐ Approved  
☐ Approved as Noted

Approval Signature \_\_\_\_\_

**UL** Yes ☐ No ☐  
Install per NEC 600  
- Grounding  
- Bonding

Sales: ID  
Design: BT  
Dwg: #24-010

**FORD & ASSOCIATES**  
1500 West First Avenue  
Columbus, Ohio 43212  
P: 614.488.6212  
F: 614.488.9963  
**ARCHITECTS**  
  
**PROJECT BRIGHT - SHELL BUILDING**  
9885 Innovation Campus Way  
New Albany, Ohio 43054  
For Scannell Properties  
8801 River Crossing Blvd., Suite 300, Indianapolis, Indiana 46240



Commercial

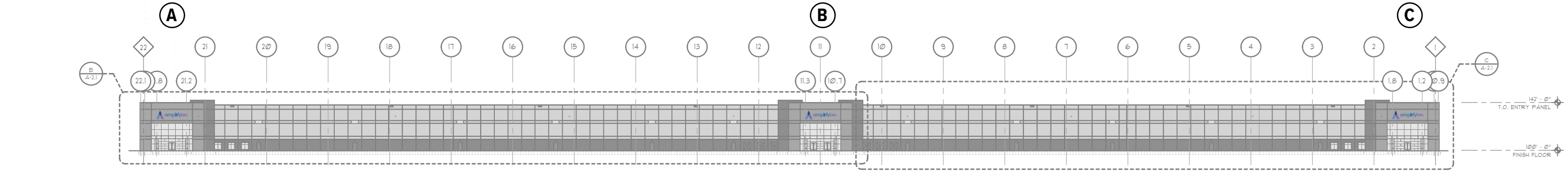
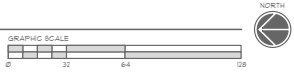
Commercial

Commercial

vacant

Vacant

A OVERALL SITE PLAN - FOR REFERENCE ONLY



A EAST BUILDING ELEVATION



**Amplify Bio  
Exterior Signage**  
1/25/23

**Project address:**  
9885 Innovation Campus Way  
Johnstown, OH 43031

**Project Layout**  
☐ Approved  
☐ Approved as Noted

**UL** Yes ☐ No ☐  
Install per NEC 600  
- Grounding  
- Bonding

Sales: ID  
Design: BT  
Dwg: #24-010

Approval Signature

COLUMBUS SIGN COMPANY

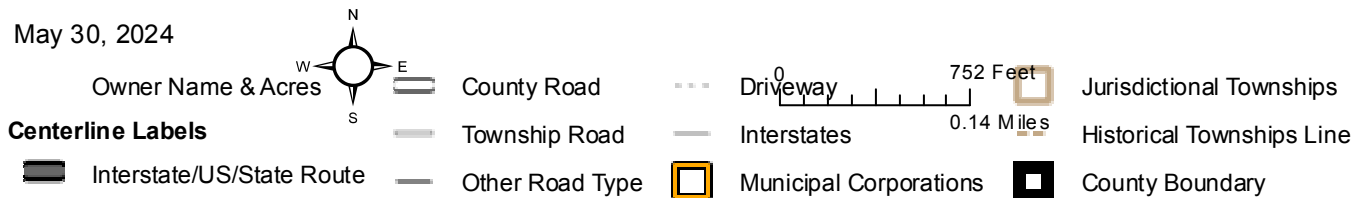
1515 E. Fifth Ave. Columbus, OH 43219 P: (614)252-3133 F: (614)252-2494 WWW.COLUMBUSSIGN.COM



# OnTrac Property Map



May 30, 2024



LICKING COUNTY TAX MAP

DESCRIPTION APPROVED  
JARED N. KNERR  
LICKING COUNTY ENGINEER  
APPROVED BY  
B-4.21 JW

TRANSFERRED  
Date Aug 4 2021  
m. l. Smith  
Licking County Auditor  
SEC. 319.202 COMPLIED WITH  
MICHAEL L. SMITH AUDITOR  
BY: JAE 1501320

202108040023453  
Pgs: 6 \$66.00 T20210022750  
8/4/2021 2:29 PM MEPSTEWART TI  
Bryan A. Long Licking County Recorder

**LIMITED WARRANTY DEED**

344 1004066 Stewart T. He Boy Jr  
MBJ HOLDINGS, LLC, a Delaware limited liability company ("Grantor"), for valuable consideration paid, grants, with limited warranty covenants, to SCANNELL PROPERTIES #538, LLC, an Indiana limited liability company ("Grantee"), whose tax mailing address is 8801 River Crossing Boulevard, Suite 300, Indianapolis, Indiana 46240, the real property more particularly described as follows:

**Property:** That certain 33.055± acre tract situated in the City of New Albany, Licking County, Ohio and being more particularly described on Exhibit A attached hereto and incorporated herein (the "Property").

**Property Address:** 0 Innovation Campus Way East, New Albany, Ohio 43054

**Tax Parcel Numbers:** Portion of parcel number 093-106422-00.000 (8.078 acres); portion of Parcel Number 095-112080-02.001 (0.001 acre); portion of parcel number 093-107490-00.000 (4.211 acres); 9.768 acres are out portion of parcel number 093-107478-00.000 (9.768 acres); and portion of parcel number 093-107400-09.000 (10.997 acres).

**Prior Instrument Reference:** Instrument Numbers 201508210017779, 201511170024864, 201511050024177, 201603300006016 and 202102190005316, Recorder's Office, Licking County, Ohio.

The Property conveyed hereby is made subject to: (i) easements, conditions, restrictions and reservations of record, (ii) real property taxes and assessments which are a lien but not yet due and payable, (iii) applicable zoning and building laws, and (iv) rights of the public in legal highways.

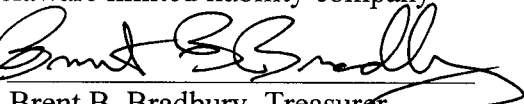
[Remainder of the page left intentionally blank; Signature page to follow]

02150000500000050400

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed as of the 3<sup>rd</sup> day of August, 2021.

GRANTOR:

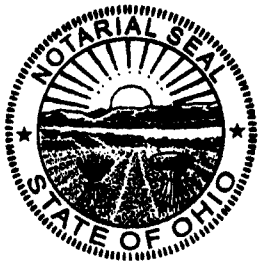
**MBJ HOLDINGS, LLC,**  
a Delaware limited liability company

By   
Brent B. Bradbury, Treasurer

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF FRANKLIN        )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of August, 2021, by Brent B. Bradbury, Treasurer of MBJ HOLDINGS, LLC, a Delaware limited liability company, on behalf of the limited liability company. No oath or affirmation was administered to the signer with regard to the notarial act.

[SEAL]



MARY PATRICIA IAMS  
Attorney At Law  
Notary Public, State of Ohio  
My commission has no expiration date  
Sec. 147.03 R.C.

  
NOTARY PUBLIC


My Commission Expires: no expiration

This instrument prepared by  
and after recording return to:  
MBJ Holdings, LLC  
8000 Walton Parkway, Suite 120  
New Albany, Ohio 43054



CITY OF NEW ALBANY  
NO PLAT REQUIRED  
APPROVED

Exhibit A  
33.055 ACRES

 5-19-21  
Signature Date  
LA 2021 0048

Situated in the State of Ohio, County of Licking, Township of Jersey and City of New Albany, in Lots 1 and 16 of Quarter Township 2 and Sections 13 and 14 of Quarter Township 3, Township 2, Range 15, United States Military District, being comprised of a part of each of those tracts of land conveyed to MBJ Holdings, LLC by deeds of record in Instrument Numbers 201603300006016, 202102190005316, 201508210017779, 201511170024864, and 201511050024177, (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street (County Road 41) and Innovation Campus Way;

Thence North 70° 06' 39" West, with the centerline of said Innovation Campus Way, a distance of 678.40 feet to a magnetic nail set at a point of curvature to the right;

Thence with said centerline and with the arc of said curve, having a central angle of 41° 09' 11", a radius of 750.00 feet, an arc length of 538.69 feet, a chord bearing of North 49° 32' 04" West and chord distance of 527.19 feet to a point;

Thence South 61° 02' 32" West, crossing said Innovation Campus Way, a distance of 30.00 feet an iron pin set in the southerly right-of-way line of said Innovation Campus Way, the TRUE POINT OF BEGINNING for this description;

Thence with said southerly right of way line the following courses and distances:

South 23° 26' 11" West, a distance of 40.00 feet to an iron pin set;

South 27° 51' 07" East, a distance of 50.00 feet to an iron pin set; and

North 80° 51' 51" East, a distance of 5.68 feet to an iron pin set at the northwesterly corner of that 22.400 acre tract conveyed to PJP Holdings, LLC by deed of record in Instrument Number 202011050029864;

Thence with boundary of said 22.400 acre tract and with the centerline of a stream, the following courses and distances:

South 03° 00' 30" West, a distance of 34.16 feet to a point;

South 15° 45' 57" West, a distance of 11.68 feet to a point;

South 63° 12' 30" West, a distance of 12.52 feet to a point;

North 89° 49' 49" West, a distance of 31.12 feet to a point;

North 66° 40' 21" West, a distance of 43.49 feet to a point;

South 82° 24' 13" West, a distance of 51.96 feet to a point;

South 02° 21' 22" East, a distance of 50.40 feet to a point;

South 54° 27' 16" East, a distance of 49.36 feet to a point;

South 21° 27' 42" East, a distance of 38.21 feet to a point;

South 10° 22' 02" West, a distance of 28.39 feet to a point;

South 42° 11' 35" West, a distance of 32.47 feet to a point;

South 89° 16' 41" West, a distance of 42.34 feet to a point;

CITY OF NEW ALBANY  
NO PLAT REQUIRED  
APPROVED

 5-19-21  
Signature Date

### 33.055 ACRES

LA 2021 0048

North 78° 18' 45" West, a distance of 51.38 feet to a point;

North 76° 04' 00" West, a distance of 29.51 feet to a point;

South 54° 25' 01" West, a distance of 30.23 feet to a point;

South 04° 21' 08" West, a distance of 53.78 feet to a point;

South 24° 18' 15" West, a distance of 51.36 feet to a point;

South 53° 03' 05" West, a distance of 32.66 feet to a point;

South 23° 34' 03" West, a distance of 71.10 feet to a point;

South 79° 30' 43" West, a distance of 57.16 feet to a point;

South 46° 17' 15" West, a distance of 90.06 feet to a point;

South 71° 24' 24" West, a distance of 85.81 feet to a point;

South 34° 57' 43" West, a distance of 69.20 feet to a point;

South 13° 32' 01" East, a distance of 32.62 feet to a point;

South 23° 48' 42" West, a distance of 16.24 feet to a point;

South 84° 36' 00" West, a distance of 25.44 feet to a point;

South 49° 38' 33" West, a distance of 29.98 feet to a point;

South 28° 28' 23" East, a distance of 22.59 feet to a point;

South 03° 59' 14" East, a distance of 11.72 feet to a point; and

South 59° 47' 50" West, a distance of 127.18 feet to a point (referenced by an iron pin set North 02° 58' 27" East, a distance of 50.00 feet);

Thence South 02° 58' 27" West, with the westerly line of said 22.400 tract, a distance of 94.91 feet to an iron pin set at the southwestern corner thereof;

Thence South 83° 36' 23" East, with the westerly line of said 22.400 acre tract, a distance of 31.69 feet to a ¾ inch iron pipe found at the northwesterly corner of that 6.255 acre tract conveyed to Mink Corner Holdings LLC by deed of record in Instrument Number 201406090010252;

Thence South 03° 26' 31" West, with the westerly line of said 6.255 acre tract, a distance of 94.32 feet to an iron pin set;

Thence crossing said 13.193 acre tract the following courses and distances:

South 60° 40' 35" West, a distance of 55.49 feet to an iron pin set;

South 86° 07' 05" West, a distance of 142.49 feet to an iron pin set; and

South 53° 56' 47" West, a distance of 197.34 feet to an iron pin set in the easterly line of that 15.894 acre tract conveyed to Mark L. Mayville, Geraldine Y. Mayville, Richard A. Needles and Theresa L. Love by deeds of record in Official Record 417, Page 537, Official Record 417, Page 535, Official Record 416, Page 209, and Deed Book 790, Page 643;

CITY OF NEW ALBANY  
NO PLAT REQUIRED  
APPROVED

  
Signature

5-19-21  
Date

33.055 ACRES

LA 2021 0048

Thence North 03° 28' 41" East, with the easterly line of said 15.894 acre tract, a distance of 1669.80 feet to a ¾ inch iron pipe found at the northeasterly corner thereof;

Thence North 86° 37' 29" West, with the northerly line of said 15.894 acre tracts, a distance of 117.89 feet to an iron pin set;

Thence crossing said MJB Holdings, LLC tracts the following courses and distances:

North 17° 03' 13" East, a distance of 132.33 feet to an iron pin set;

North 10° 36' 29" East, a distance of 57.15 feet to an iron pin set;

North 34° 27' 58" West, a distance of 30.70 feet to an iron pin set;

North 13° 35' 15" West, a distance of 32.58 feet to an iron pin set;

North 38° 32' 33" West, a distance of 34.27 feet to an iron pin set;

North 13° 36' 23" West, a distance of 27.61 feet to an iron pin set;

North 22° 42' 57" West, a distance of 28.51 feet to an iron pin set;

North 05° 09' 01" West, a distance of 28.39 feet to an iron pin set;

North 04° 18' 11" West, a distance of 12.64 feet to an iron pin set;

North 88° 37' 08" East, a distance of 39.97 feet to an iron pin set;

North 81° 12' 59" East, a distance of 54.50 feet to an iron pin set;

North 74° 33' 52" East, a distance of 31.24 feet to an iron pin set;

North 83° 39' 26" East, a distance of 95.52 feet to an iron pin set; and

North 06° 20' 34" West, a distance of 125.07 feet to an iron pin set in the southerly right-of-way line of said Innovation Campus Way;

Thence with said southerly right of way line the following courses and distances:

North 90° 00' 00" East, a distance of 40.82 feet to an iron pin set at a point of curvature to the right;

With the arc of said curve, having a central angle of 81° 15' 24", a radius of 720.00 feet, an arc length of 1021.10 feet, a chord bearing of South 49° 22' 18" East and chord distance of 937.66 feet to an iron pin set;


South 08° 44' 36" East, a distance of 180.02 feet to an iron pin set at a point of curvature to the left; and

With the arc of said curve, having a central angle of 20° 12' 53", a radius of 780.00 feet, an arc length of 275.19 feet, a chord bearing of South 18° 51' 02" East and chord distance of 273.77 feet to the TRUE POINT OF BEGINNING, containing 33.055 acres of land, more or less, of which 8.078 acres are out of Parcel Number 093-106422-00.000, 0.001 acre is out of Parcel Number 095-112080-02.001, 4.211 acres are out of Parcel Number 093-107490-00.000, 9.768 acres are out of Parcel Number 093-107478-00.000, and 10.997 acres are out of Parcel Number 095-107400-09.000.

093-

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.


CITY OF NEW ALBANY  
NO PLAT REQUIRED  
APPROVED

 5-19-21  
Signature Date  
LA 2021 0048

33.055 ACRES

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portions of the centerline of Beech Road, having a bearing of North 03° 25' 04" East, is designated the "basis of bearing" for this plat.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

 23 Feb 21  
Matthew A. Kirk Date  
Professional Surveyor No. 7865

MAK:jo  
33\_055 ac 20201168-VS-BNDY-01.doc





## **Community Development Department**

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

Dear Zoning Resources LLC/Jim McFarland,

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

Tuesday, June 25, 2024

The New Albany Board of Zoning Appeals took the following action on 06/24/2024 .

#### Variance

**Location:** 9885 Innovation Campus Way

**Applicant:** Zoning Resources LLC/Jim McFarland,

**Application:** PLVARI20240046

**Request:** Variances to codified ordinance 1169.16(d) to the quantity and size of signage for AmplifyBio located at 9885 Innovation Campus Way.

**Motion:** To approve

**Commission Vote:** Motion Approved, 4-0

**Result:** Variance, PLVARI20240046 was Approved, by a vote of 4-0.

Recorded in the Official Journal this June 25, 2024

**Condition(s) of Approval:** N/A

Staff Certification:

Sierra Saumenig  
Planner