



New Albany Board of Zoning Appeals Meeting Agenda
June 24, 2024 at 6:30 pm

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

I. Call to order

II. Roll call

III. Action on minutes May 29, 2024

IV. Additions or corrections to agenda

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

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

VI. Cases

VAR-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

Motion of acceptance of staff reports and related documents into the record for - VAR-30-2024.

Motion of 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.

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

Motion of acceptance of staff reports and related documents into the record for - VAR-44-2024.

Motion of approval for application VAR-44-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

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

*Motion of acceptance of staff reports and related documents into the record for -
VAR-46-2024.*

*Motion of approval for application VAR-46-2024 based on the findings in the staff report with the
conditions listed in the staff report, subject to staff approval.*

VII. Other business

VIII. Poll members for comment

IX. Adjournment



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

I. Call to order

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

II. Roll call

Those answering roll call:

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

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

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

III. Action on minutes March 25, 2024

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

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

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

IV. Additions or corrections to agenda

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

Planning Manager Mayer answered none from staff.

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

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

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

VI. Cases

VAR-26-2024 Variance

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

Applicant: Signcom c/o Kylie Cochran and Bruce Sommerfelt

Planner Saumenig delivered the staff report.

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

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

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

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

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

Planner Saumenig showed the images.

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

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

Planner Saumenig responded no.

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

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

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

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

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

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

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

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

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

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

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

Chair LaJeunesse and the board wished the applicant good luck.

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

VAR-27-2024 Variance

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

Applicant: Kokosing Industrial, Inc.

Planner Saumenig delivered the staff report.

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

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

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

Chair LaJeunesse asked whether the solar array was an afterthought.

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

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

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

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

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

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

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

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

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

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

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

Planner Saumenig responded that they had not.

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

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

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

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

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

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

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

VAR-30-2024 Variance

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

Applicant: Kegan & Charlotte Beran

Planner Cratic-Smith delivered the staff report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VII. Other business

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

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

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

VIII. Adjournment

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

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

Submitted by: Deputy Clerk Madriguera, Esq.

Appendix

VAR-26-2024

Staff Report

Record of Action

VAR-27-2024

Staff Report

Record of Action

VAR-30-2024

Staff Report

Record of Action



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

**CROWN LIFT TRUCKS
SIGN VARIANCE**

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

Review based on: Application materials received April 26, 2024

Staff report prepared by Sierra Saumenig, Planner

I. REQUEST AND BACKGROUND

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

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

II. SITE DESCRIPTION & USE

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

III. EVALUATION

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

Criteria

The standard for granting of an area variance is set forth in the case of *Duncan v. Village of Middlefield*, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner an area variance:

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties” standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
2. *Whether the variance is substantial.*
3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
4. *Whether the variance would adversely affect the delivery of government services.*
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

Plus, the following criteria as established in the zoning code (*Section 1113.06*):

8. *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
9. *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
10. *That the special conditions and circumstances do not result from the action of the applicant.*
11. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.*
12. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

III. ASSESSMENT

Considerations and Basis for Decision

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

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

1. A variance request to C.O. 1169.16(d) to allow the size of a wall sign to be 142 square feet where code permits a maximum of 75 square feet.
2. C.O. 1169.16(d) states that one wall sign, up to 75 sq.ft. in size is permitted to be installed per

building frontage. The building has one frontage: Horizon Court, therefore one wall sign is allowed. The applicant proposes to install two wall signs. One of the signs will be mounted on the south elevation facing Horizon Court while the other sign is on the east elevation. However, one of the signs exceeds the permitted 75 square feet.

- a. Sign 1: features the company name and logo. This first sign is 142 +/- square feet. This exceeds the maximum area requirement according to the city sign code and is what the Board of Zoning Appeals is evaluating.
 - b. The second sign will be 24 +/- square feet. Sign 2: says “parts & services.” This sign meets all of the city sign code requirements.
3. The variance request does not appear to be substantial due to the large size of the building. The Horizon Court building elevation is approximately 725 feet long with Crown Life Truck’s tenant space occupies 512 feet of the total frontage. Due to this large size, the proposed wall sign appears to be appropriately scaled in relation to the size of the building. If the applicant were to install a wall sign that met code requirements, it may appear under scaled and out of place on the larger building.
 4. It appears that there are special conditions and circumstances that justify the variance request. The city sign code provides a maximum sign size but does not consider the size of structures that are typically constructed in the Licking County portion of the New Albany Business Park. The building is roughly 175,000 square feet. The permitted sign sizes are based on use categories and there is one size allowance for all commercial/warehousing buildings within the entire Business Park. This building is a larger warehouse building and larger than a typical commercial building which the sign code likely contemplated when it was written.
 5. The Board of Zoning Appeals has approved similar variance requests to allow for larger signs on larger buildings. The BZA approved sign area variances for Amazon distribution center on April 26, 2021 (VAR-35-2021), the Pizutti Multi-tenant Building on October 28, 2019 (VAR-88-19) and for KDC on July 23, 2012 (VAR-4-2012).
 6. Granting the variance appears to meet the spirit and intent of the zoning requirement because it ensures that the sign is appropriately scaled and designed for the building that they are located on. The city sign code requires signs to “integrate with the building/site on which they are located and adjacent development in scale, design, and intensity. For example, large signs are best suited for buildings with larger massing.” The proposed sign meets this intent as it is well designed and appropriately scaled in relation to the large warehouse building thereby making the size appropriate in this case.
 7. It does not appear that the essential character of the immediate area will be altered if the variance is granted. The site is located in the New Albany Business Park and is at the end of Horizon Court making the site not visible from Jug Street.
 8. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
 9. Granting the variance will not adversely affect the delivery of government services.

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

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

1. C.O. 1169.16(d) states that the maximum lettering height for wall signs at this location is 36 inches. The applicant proposes to install one wall sign with a lettering height of 42 inches, therefore a variance is required.
2. The spirit and intent of the zoning requirement is to ensure that letters are appropriately scaled in relation to the building. Due to the large size of this warehouse building, larger signs with larger lettering are appropriate as they are designed to scale appropriately in relation to the large building they are located on. In addition, a similar variance under VAR-35-2021 was approved in April 2021 by the board for Amazon’s signs just south of Ganton Parkway.
3. The variance requests do not appear to be substantial due to the large size of the building. The Horizon Court building elevation is approximately 725 feet long with Crown Life Truck’s tenant space occupies 512 feet of the total frontage. The maximum building height is 44 feet at the top of the parapet wall. Due to this large size, the proposed wall sign appears to be

appropriately scaled in relation to the size of the building. If the applicant were to install a wall sign that met code requirements, it may appear under scaled and out of place on the larger building.

4. It appears that there are special conditions and circumstances that justify the variance request. The city sign code provides a maximum lettering height size but does not consider the size of structures that are typically constructed in the New Albany Business Park. This building is a larger warehouse building and larger than a typical commercial building which the sign code likely contemplated when it was written.
5. It does not appear that the essential character of the immediate area will be altered if the variance is granted. The site is located in the New Albany Business Park and is completely surrounded by commercially zoned properties or undeveloped land with planned commercial buildings. Additionally, the building is located at the end of Horizon Court, minimizing their visual impact.
6. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
7. Granting the variance will not adversely affect the delivery of government services.

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

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

1. C.O. 1169.16(d) states that one wall sign is allowed per building frontage. The building has one frontage: Horizon Court, therefore one wall sign is allowed. The applicant proposes to install two wall signs. As mentioned, one of the signs will be mounted on the south elevation facing Horizon Court while the other is on the east elevation.
 - a. The second sign on the east elevation will be 24 +/- square feet. Sign 2: says “parts & services.” This sign meets all of the city sign code requirements.
2. The variance request does not appear to be substantial and meet the spirit and intent of the zoning text requirement. The city sign code permits one wall sign per building frontage, with an area of up to 75 sq. ft. based on the building linear frontage. While the applicant proposes to allow more wall signs than permitted by right, the “parts and services” sign is 24 +/- square feet which is substantially lower than the permitted 75 square feet. In addition, a similar variance under VAR-16-2022 was approved in February 2022 by the board for Axium Packaging signs south of Jug Street.
3. It appears that there are special conditions and circumstances that justify the variance request. The city sign code provides a maximum number allowable size of single wall signs but does not consider multiple, smaller sized wall signs. The sign regulations do not take into account the size of building when determining the allowable number of signs. This is a larger warehouse building where additional wall signs are most appropriate and the proposed signs will provide additional wayfinding.
4. The spirit and intent of the zoning requirement still appears to be met by granting the variance which is to ensure that buildings are not “over signed.” Due to smaller size of one of the proposed signs, the additional wall sign is appropriate and the building does not appear to be “over signed.” Even if the second tenant were to propose a wall sign, the Horizon Court elevation is 725 +/- feet in length and it does not appear the building would look “over-signed” with an additional tenant wall sign. The additional sign meets the context and compatibility requirements of the city sign code which states that signs must not create an appearance of competition between adjacent signs.
5. It does not appear that the essential character of the immediate area will be altered if the variance is granted. This variance request does not eliminate the architectural, screening, and landscaping requirements for this property.
6. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
7. Granting the variance will not adversely affect the delivery of government services.

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

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

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

IV. SUMMARY

The variance requests to allow two wall signs per business frontage where code allows one, to allow one wall sign to have a larger area than code permits, and to allow a taller lettering height than permitted by the city code are not substantial. This site is located within the Licking County Business Park and is completely surrounded by commercially zoned properties that are also developed with large scaled buildings. Due to the larger size of this warehouse building and its location adjacent to similar structures, a larger sign appears to be appropriate in addition to two signs on the business frontage. The variance to allow an inconsistent wayfinding sign is substantial as it will alter the surrounding area and cause inconsistency among the street frontage.

V. ACTION

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

Move to approve application VAR-26-2024.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Signcom, Inc.,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Thursday, May 30, 2024

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

Variance

Location: 3450 Horizon Ct.

Applicant: Signcom, Inc.,

Application: PLVARI20240026

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

Motion: Move to approve

Commission Vote: Motion Approved, 3-0

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

Recorded in the Official Journal this May 29, 2024

Condition(s) of Approval: None.

Staff Certification:

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

Sierra Saumenig
Planner



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

**AMGEN
UTILITY VARIANCE**

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

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

Staff report prepared by Sierra Saumenig, Planner.

I. REQUEST AND BACKGROUND

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

II. SITE DESCRIPTION & USE

The site is located in Licking County, south of State Route 161 and west of Beech Road and north of Ganton Parkway. The property is zoned L-GE, Limited General Residential. The overall site is 131.45 acres in size and surrounded by commercially zoned and used properties. The property is owned by Amgen and is developed with a biomedical facility.

III. EVALUATION

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

Criteria

The standard for granting of an area variance is set forth in the case of *Duncan v. Village of Middlefield*, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner an area variance:

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties” standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
2. *Whether the variance is substantial.*

3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
4. *Whether the variance would adversely affect the delivery of government services.*
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

Plus, the following criteria as established in the zoning code (*Section 1113.06*):

8. *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
9. *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
10. *That the special conditions and circumstances do not result from the action of the applicant.*
11. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.*
12. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

III. ASSESSMENT

Considerations and Basis for Decision

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

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

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

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

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

IV. SUMMARY

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

V. ACTION

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

Move to approve application VAR-27-2024 (conditions of approval may be added).

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Kokosing Industrial Inc,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Thursday, May 30, 2024

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

Variance

Location: 4150 Ganton Parkway

Applicant: Kokosing Industrial Inc.

Application: PLVARI20240027

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

Motion: To approve

Commission Vote: Motion Approved, 3-0

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

Recorded in the Official Journal this May 29, 2024

Condition(s) of Approval: None.

Staff Certification:

Sierra Saumenig
Planner



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

**29 WIVELISCOMBE
ARTIFICIAL LANDSCAPE VARIANCE**

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

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

Staff report prepared by Sierra Cratic-Smith, Planner.

I. REQUEST AND BACKGROUND

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

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

II. SITE DESCRIPTION & USE

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

III. ASSESSMENT

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

Criteria

The standard for granting of an area variance is set forth in the case of *Duncan v. Village of Middlefield*, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner an area variance:

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the “practical difficulties” standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
2. *Whether the variance is substantial.*
3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
4. *Whether the variance would adversely affect the delivery of government services.*
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

Plus, the following criteria as established in the zoning code (*Section 1113.06*):

8. *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
9. *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
10. *That the special conditions and circumstances do not result from the action of the applicant.*
11. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.*
12. *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*

IV. EVALUATION

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

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

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

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

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

IV. SUMMARY

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

V. ACTION

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

Move to approve application VAR-30-2024 based on the findings in the staff report (conditions of approval may be added).

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Charlotte & Kegan Beran

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Thursday, May 30, 2024

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

Variance

Location: 29 WIVELISCOMBE
Applicant: Charlotte & Kegan Beran

Application: PLVARI20240030

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

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

Commission Vote: Motion Tabled, 3-0

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

Recorded in the Official Journal this May 30, 2024

Condition(s) of Approval: N/A.

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith
Planner



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

**29 WIVELISCOMBE
ARTIFICIAL LANDSCAPE VARIANCE**

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

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

Staff report prepared by Sierra Cratic-Smith, Planner.

I. REQUEST AND BACKGROUND

The 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

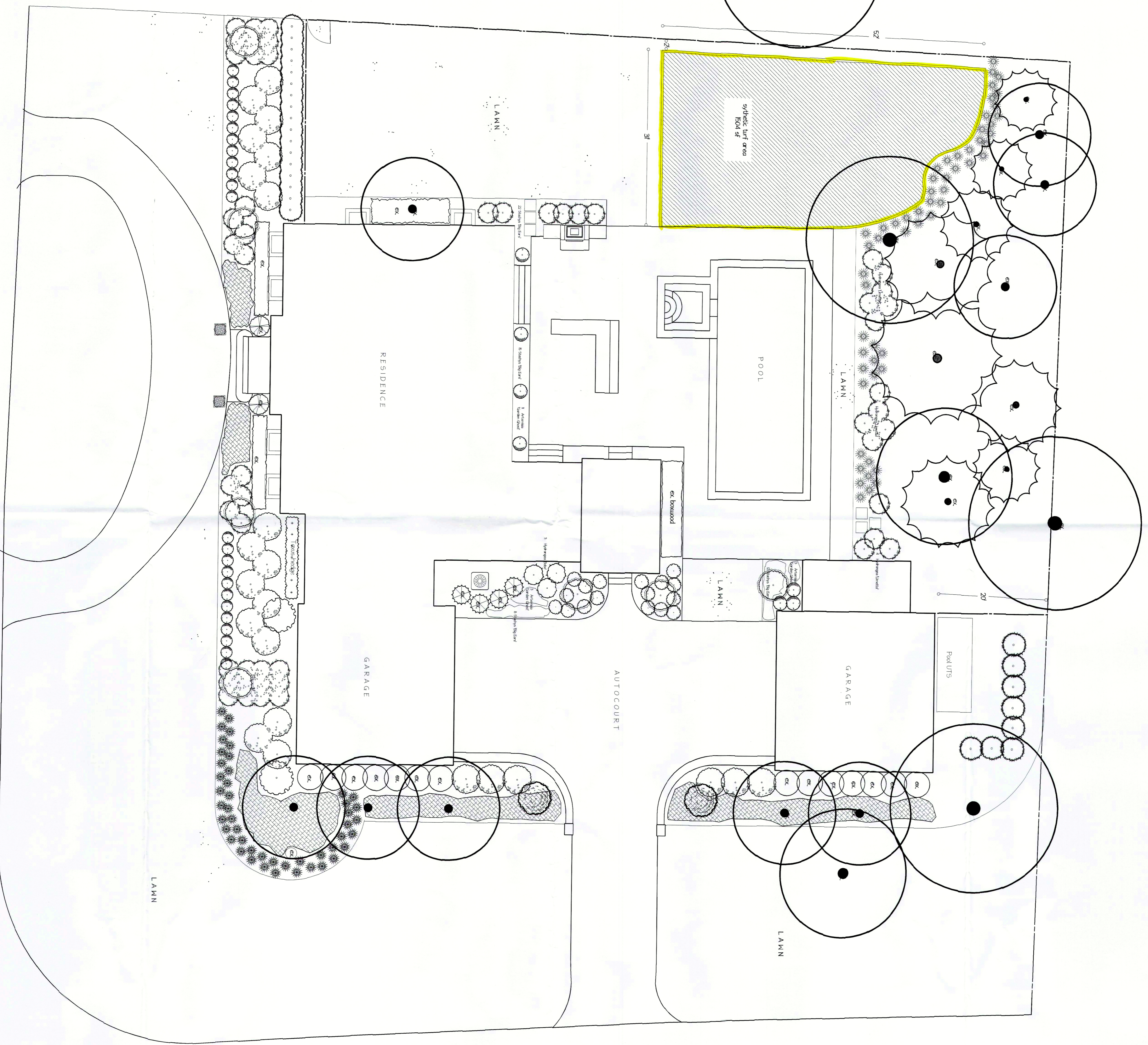
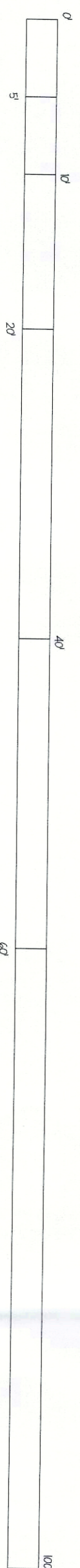
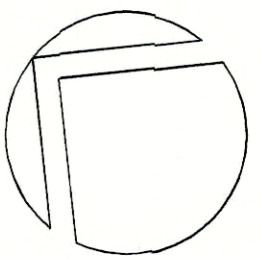
Permit # _____
 Board _____
 Mtg. Date _____



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>																																																											
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left;">Choose Application Type</th> <th colspan="4" style="text-align: left;">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
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																																																									
Contacts	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>																																																											
	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>																																																											
Signature	Applicant's Name: <u>SAME AS OWNERS</u> Address: _____ City, State, Zip: _____ Phone number: _____ Fax: _____ Email: _____																																																											
	<p>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.</p>																																																											
<table style="width: 100%;"> <tr> <td style="width: 60%;">Signature of Owner</td> <td style="width: 20%;"><u>Charlotte Beran</u></td> <td style="width: 20%;">Date: <u>4/26/24</u></td> </tr> <tr> <td>Signature of Applicant</td> <td><u>Charlotte Beran</u></td> <td>Date: <u>4/26/24</u></td> </tr> </table>		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>																																																					
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>																																																										





BERAN RESIDENCE	
29 Wivelitscombe New Albany, OH	
client	scale
1" = 8'	
drawn by	checked by
	revision #

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





AUDITOR OFFICE

SEARCH

ONLINE TOOLS

REFERENCE

CONTACT MICHAEL

Summary

Land Profile

Parcel ID: 222-001910-00
BERAN CHARLOTTE J

Map Routing: 222-N052GGB -003-00
29 WIVELISCOMBE

Residential

Commercial

OWNER

Improvements

Owner BERAN CHARLOTTE J
BERAN KEGAN R
Owner Mailing / 29 WIVELISCOMBE
Contact Address NEW ALBANY OH 43054
[Submit Mailing Address Correction Request](#)

Permits

Mapping

Sketch

Photo

Site (Property) Address 29 WIVELISCOMBE
[Submit Site Address Correction Request](#)

StreetSmart

Aerial Photos

Legal Description NEW ALBANY
COUNTRY CLUB
SECTION 6B LOT 29

Transfers

BOR Status

Calculated Acres .64
Legal Acres 0

CAUV Status

Tax & Payments

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.

Tax Distribution

Tax Calculators

Value History

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

Rental Contact

Incentive Details

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.

Quick Links

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

[Return to Search Results](#)

Actions

- [Neighborhood Sales](#)
- [Proximity Search](#)
- [Printable Version](#)
- [Custom Report Builder](#)

Reports

- [Proximity Report](#)
- [Map Report](#)
- [Parcel Summary](#)
- [Parcel Detail](#)

[Go](#)

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.

Powered by iasWorld Public Access™. All rights reserved.



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

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

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 _____
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>Variance to Codified Ordinances Section 1153.04 (b) to allow a parcel to be created on the subject property which does not have frontage on 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> Aaron Underhill, attorney for owner/ applicant


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 Parel 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 24th 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"
"BLF 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 residuum of that 79.065 acre tract conveyed to The New Albany Company of record in Official Record 12772119, see Official Record 21236201 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 199812026046414 (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 79.065 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. Ludwig, P.S. 3069 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.

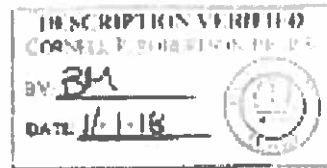
All iron pins set are 3/4" diameter, 30" long iron pipe with plastic cap inscribed "Advanced 7661".

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.

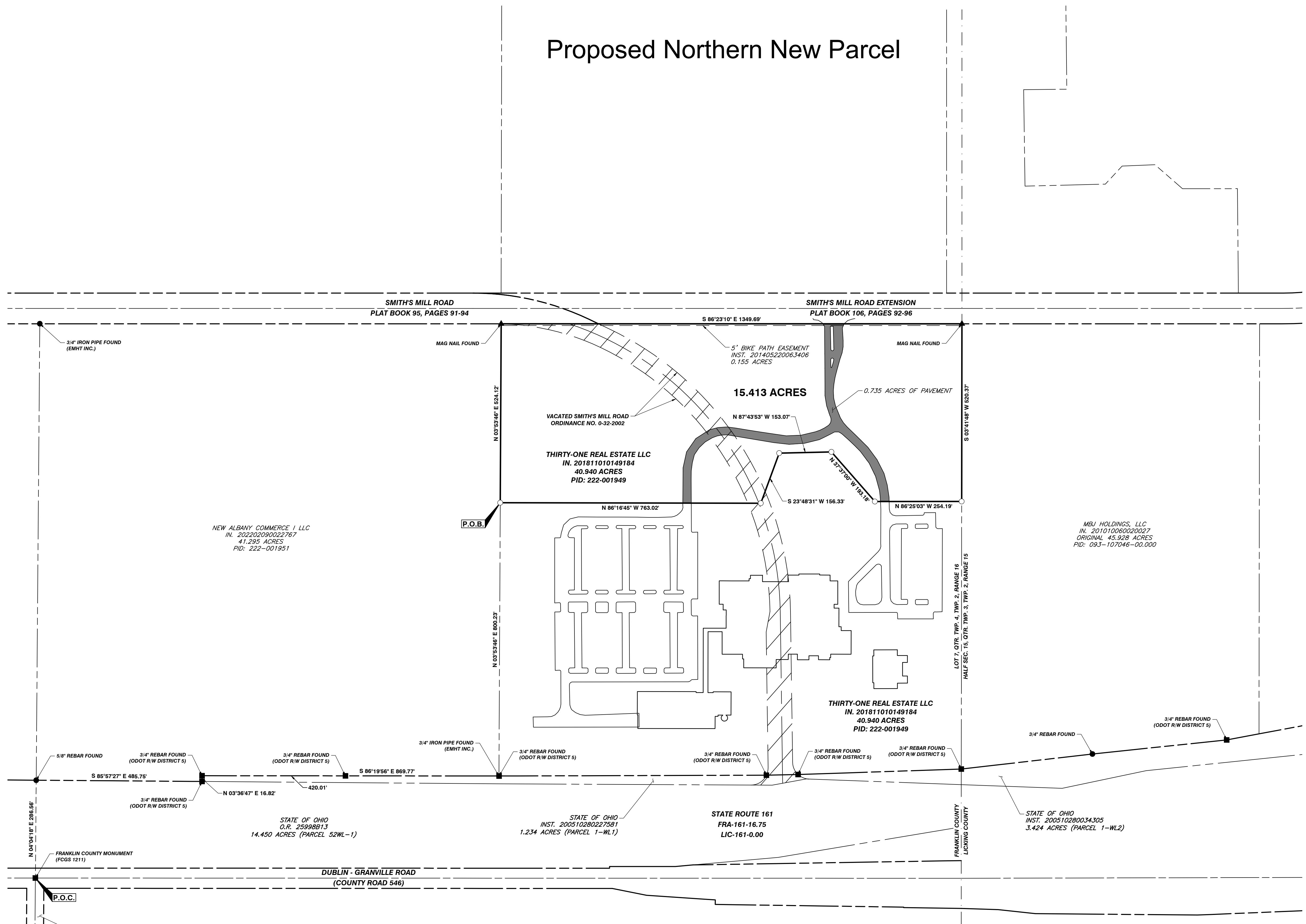
(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

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.

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 Northern New Parcel



SCALE IN FEET
0 150' 300'

LEGEND:

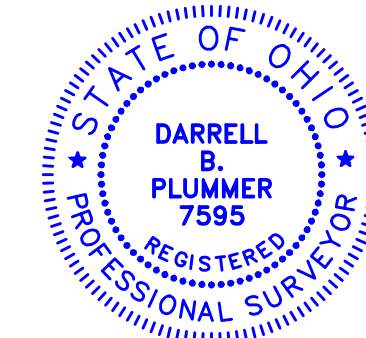
- ▲ MAG NAIL OR SPIKE FOUND
- △ MAG SPIKE SET
- IRON PIN OR PIPE FOUND
- REBAR SET & CAP (SEE IRON PINS NOTE)
- C/L OR R/W MONUMENT FOUND
- IMPERVIOUS AREA

ACREAGE BREAKDOWN 15.413 ACRE TRACT
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.

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

NO.	DATE	DESCRIPTION

CEC
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

15.413 ACRE TRACT

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

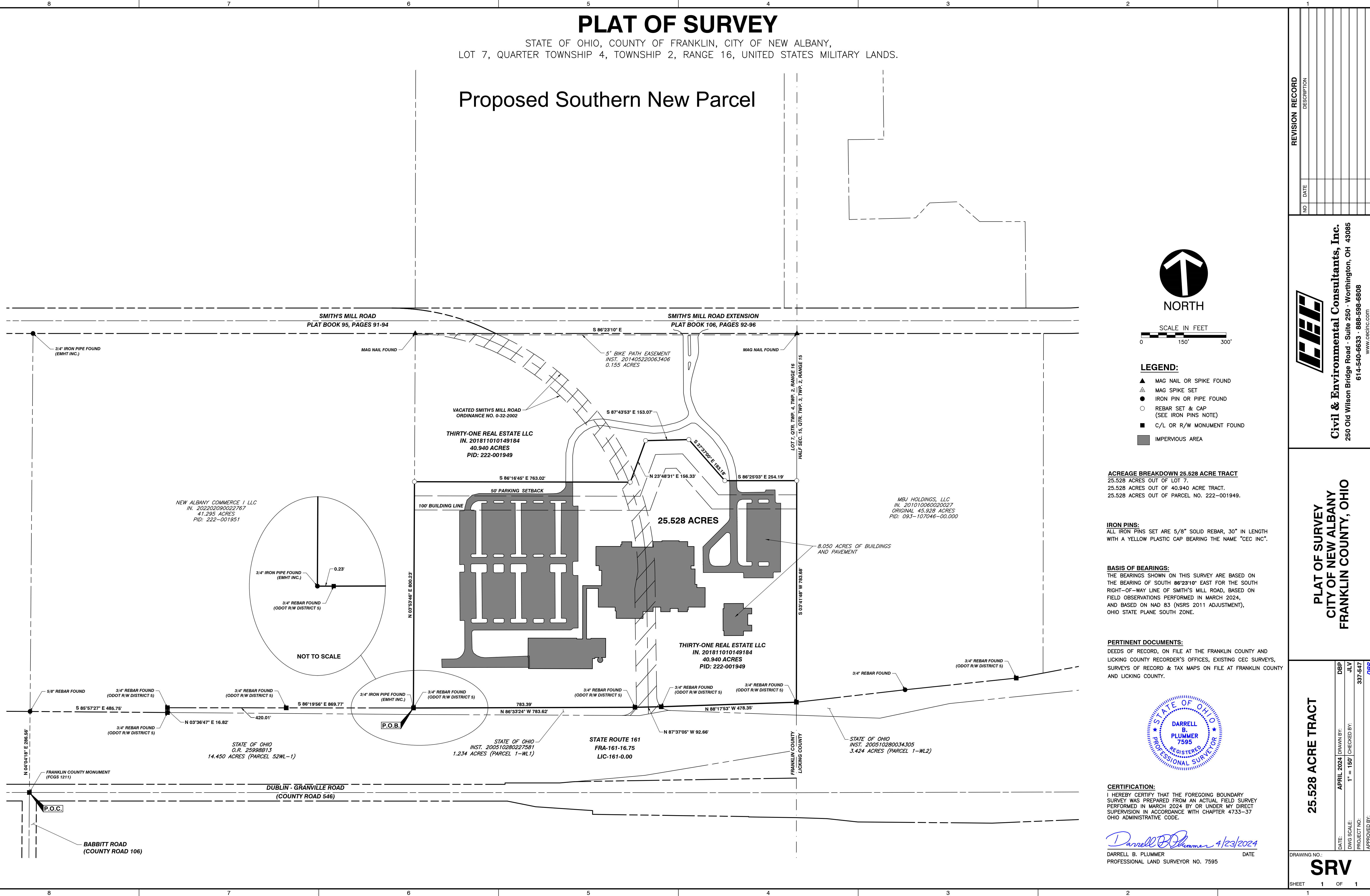
DRAWING NO. **SRV**
SHEET 1 OF 1

C:\Users\plummer\Documents\8111 Smith's Mill Road (337-547)\337-547-SRV-15.413 ACRES\PLAT 15.413 ACRES\PLAT 15.413 ACRES.dwg (4/23/2024 10:25 AM) - LP: 4/23/2024 10:25 AM

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



SCALE IN FEET
0 150' 300'

LEGEND:

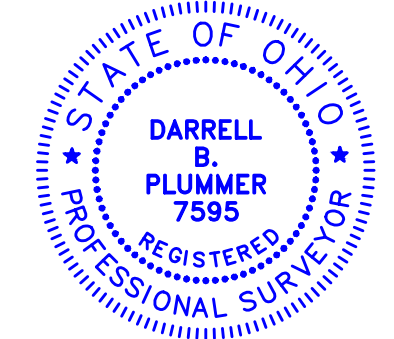
- ▲ MAG NAIL OR SPIKE FOUND
- △ MAG SPIKE SET
- IRON PIN OR PIPE FOUND
- REBAR SET & CAP (SEE IRON PINS NOTE)
- C/L OR R/W MONUMENT FOUND
- IMPERVIOUS AREA

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

NO.	DATE	DESCRIPTION

CEC
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:	JULY
PROJECT NO.:	337-547	APPROVED BY:	DBP

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

C:\Users\jplummer\Documents\B111 Smith's Mill Road (337-547)\337547-Srv-25.528 Acre Tract\B111 LS(4/23/2024 - @plummer) - LP: 4/23/2024 10:23 AM



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

**AMPLIFYBIO
SIGN VARIANCES**

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

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 minimalizing 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 bring 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 24th 2024.

Regards,

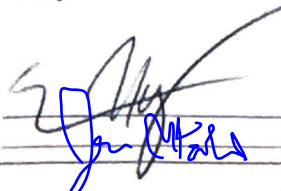
A handwritten signature in cursive script that reads "Ian Dyer".

Ian Dyer, owners representative Amplify Bio

Permit # _____
 Board _____
 Mtg. Date _____



Community Development Planning Application

Project Information	Site Address <u>9885 Innovation Campus Way</u>																																																																								
	Parcel Numbers <u>093-107490-00.001</u>																																																																								
	Acres <u>33.05</u> # of lots created _____																																																																								
Contacts	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Choose Application Type</th> <th colspan="5" style="text-align: left;">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 colspan="2">Amendment</td> </tr> <tr> <td><input type="checkbox"/> Plat</td> <td>Preliminary</td> <td>Final</td> <td colspan="3"></td> </tr> <tr> <td><input type="checkbox"/> Lot Changes</td> <td>Combination</td> <td>Split</td> <td colspan="3">Adjustment</td> </tr> <tr> <td><input type="checkbox"/> Minor Commercial Subdivision</td> <td colspan="2"></td> <td colspan="3"></td> </tr> <tr> <td><input type="checkbox"/> Vacation</td> <td>Easement</td> <td colspan="2">Street</td> <td colspan="2"></td> </tr> <tr> <td><input checked="" type="checkbox"/> Variance</td> <td colspan="5"></td> </tr> <tr> <td><input type="checkbox"/> Extension Request</td> <td colspan="5"></td> </tr> <tr> <td><input type="checkbox"/> Zoning</td> <td colspan="2">Amendment (rezoning)</td> <td colspan="3">Text Modification</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		
	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>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>																																																																									
Signature	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>																																																																								
	<p>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.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> <p>Signature of Owner _____</p> <p>Signature of Applicant <u></u></p> </div> <div style="width: 35%;"> <p>Date: <u>5/30/24</u></p> <p>Date: <u>6-7-24</u></p> </div> </div>																																																																								

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.

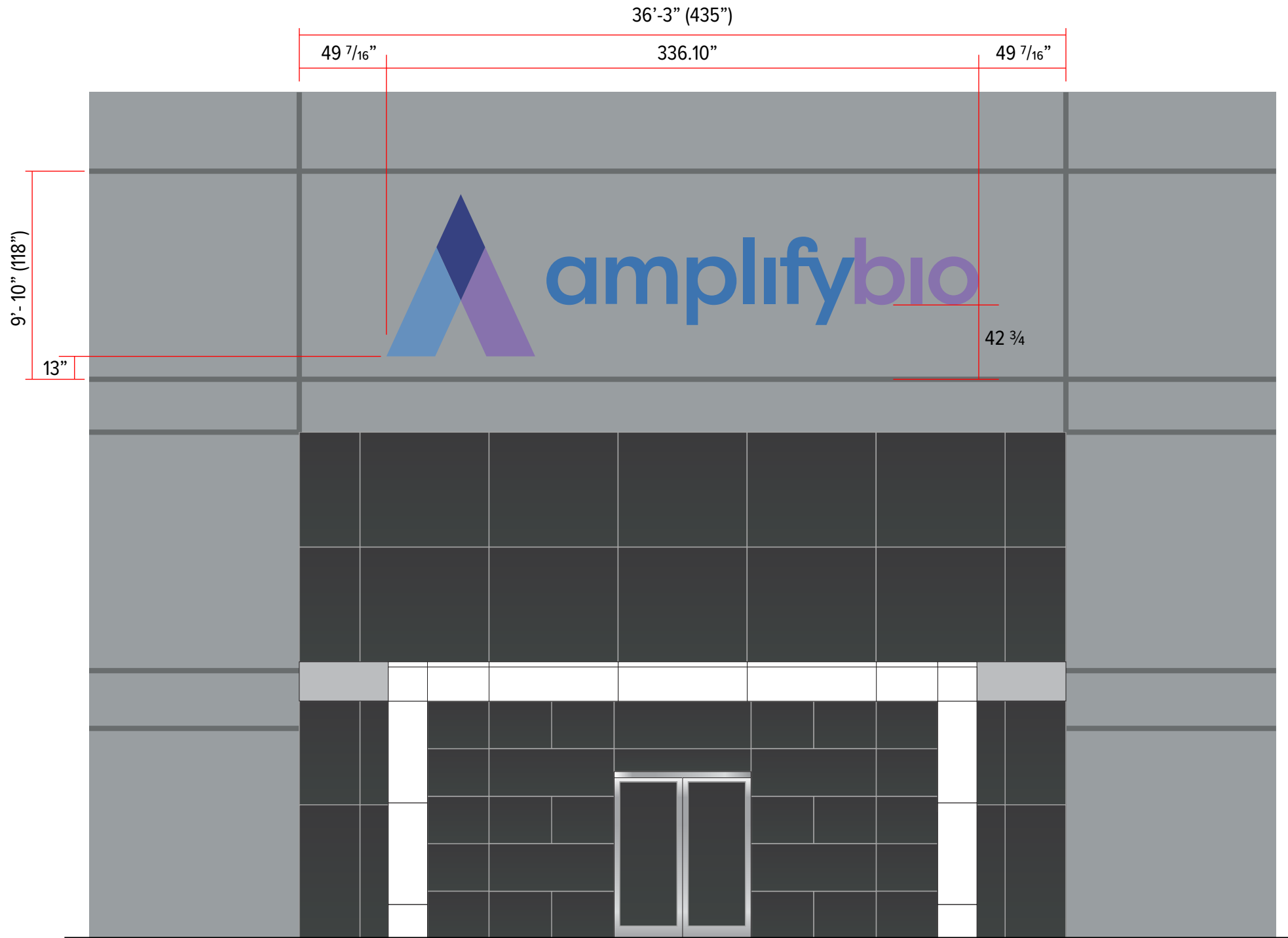
Applicant did not cause the special conditions and circumstances. This large building exists at a bend on Innovation Campus Way. The bend in the road provides circumstance that impact signage on the building. The east facade is 548ft to 170ft from the road and has a mass of 47,880sf. Larger signage is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

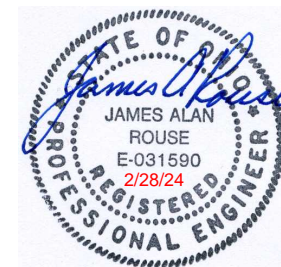
E – That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to the private property or public improvements in the vicinity.

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

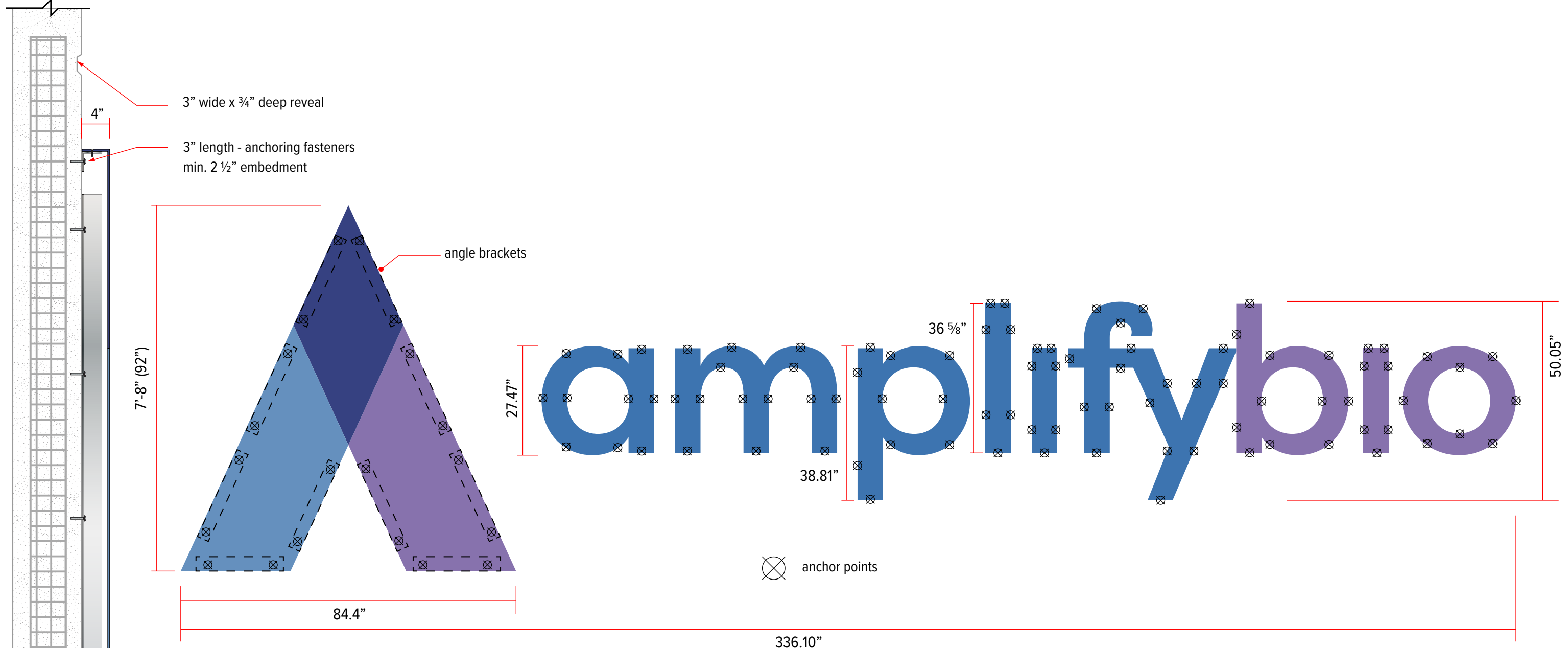
Project address:
 9885 Innovation Campus Way
 Johnstown, OH 43031

Project Layout
 Approved
 Approved as Noted

Approval Signature _____

UL Yes No
 Install per NEC 600
 - Grounding
 - Bonding

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



3" wide x 3/4" deep reveal

3" length - anchoring fasteners
min. 2 1/2" embedment

angle brackets

7'-8" (92")

84.4"

⊗ anchor points

336.10"

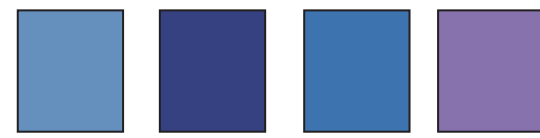
50.05"

4" deep channel lettering
mounted via aluminum
angle brackets & clips

10" thick insulated
concrete wall panel
page 3 for architectural detail

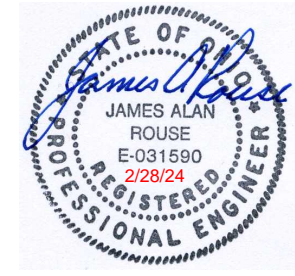


3/8" Kwik Bolt TZ2 Wedge Anchors
3" anchor length



PMS 2148 PMS 3584 PMS 7683 PMS 2080

*Project colors unless otherwise noted



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



**Amplify Bio
Exterior Signage**
1/25/23
revised 2/28/23

Project address:
9885 Innovation Campus Way
Johnstown, OH 43031

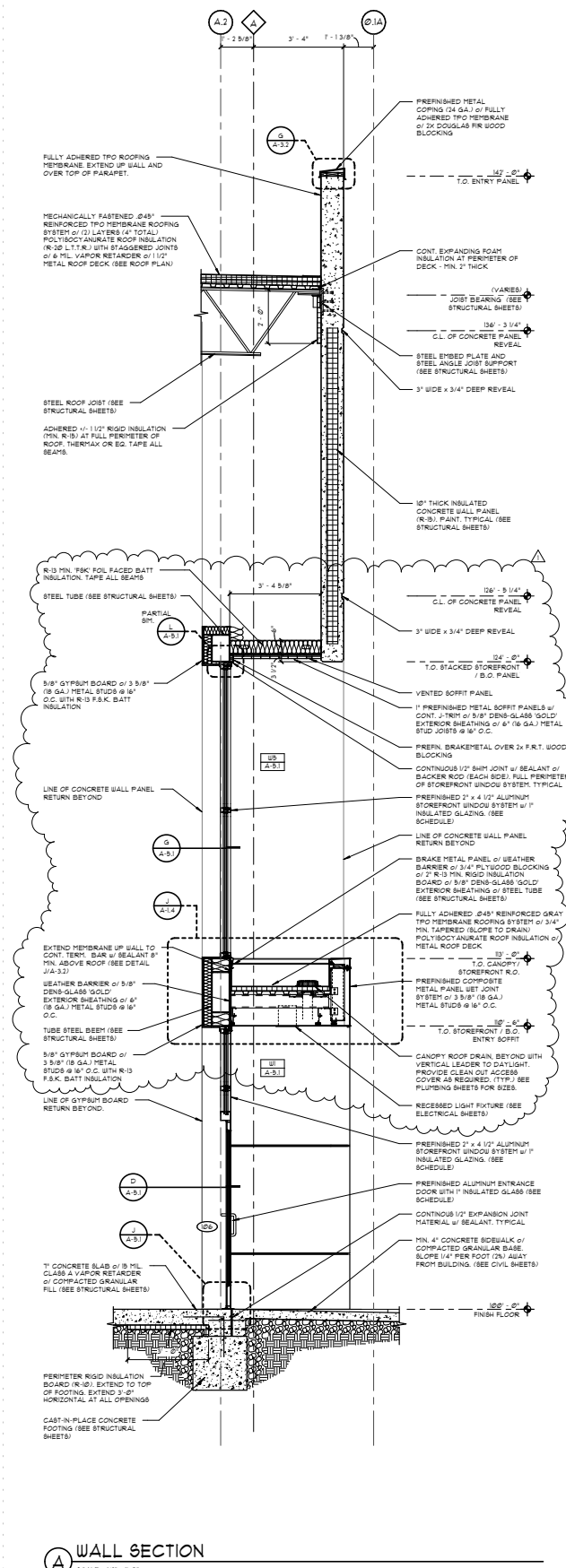
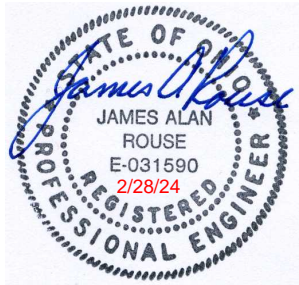
Project Layout
 Approved
 Approved as Noted

Approval Signature _____

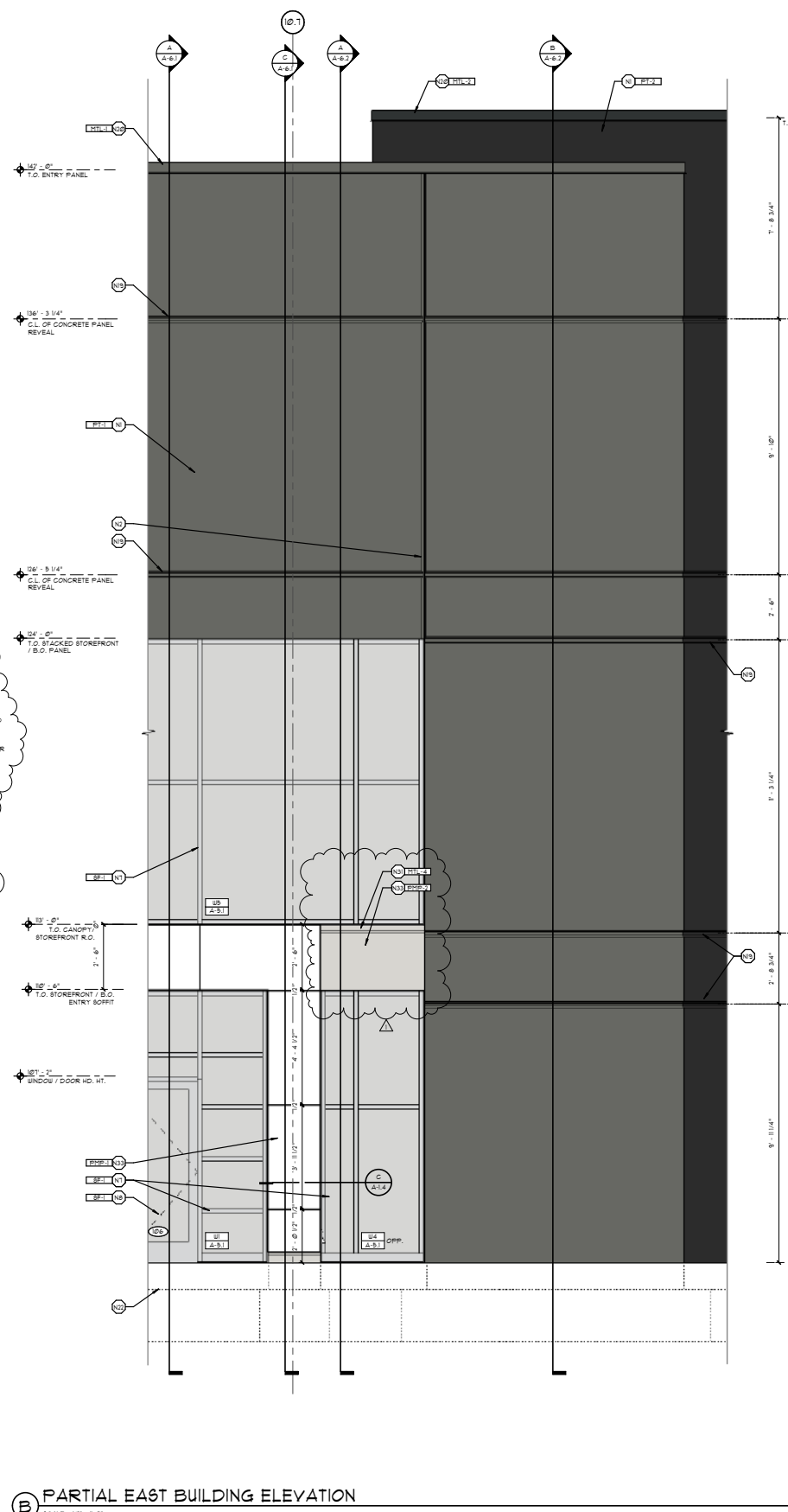
Yes No
Install per NEC 600
- Grounding
- Bonding

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

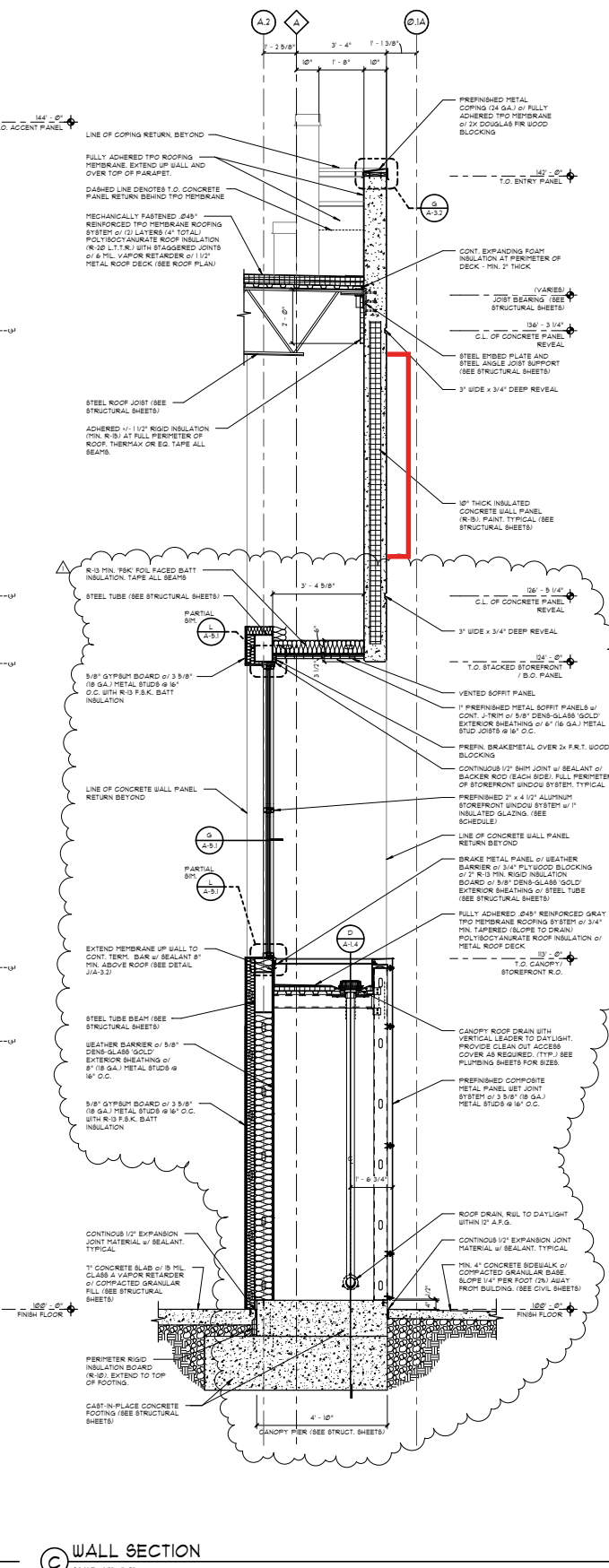
2



A WALL SECTION
SCALE: 1/2" = 1'-0"



B PARTIAL EAST BUILDING ELEVATION
SCALE: 1/2" = 1'-0"



C WALL SECTION
SCALE: 1/2" = 1'-0"

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

NO.	DATE	REVISION	BY
1	NOV. 17, 2021	ISSUE	MARK P. FORD

WALL SECTIONS & PARTIAL ELEVATION

FAA 2/20/24

A-6.1
PROJECT BRIGHT
- SHELL BUILDING



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

Project address:
9885 Innovation Campus Way
Johnstown, OH 43031

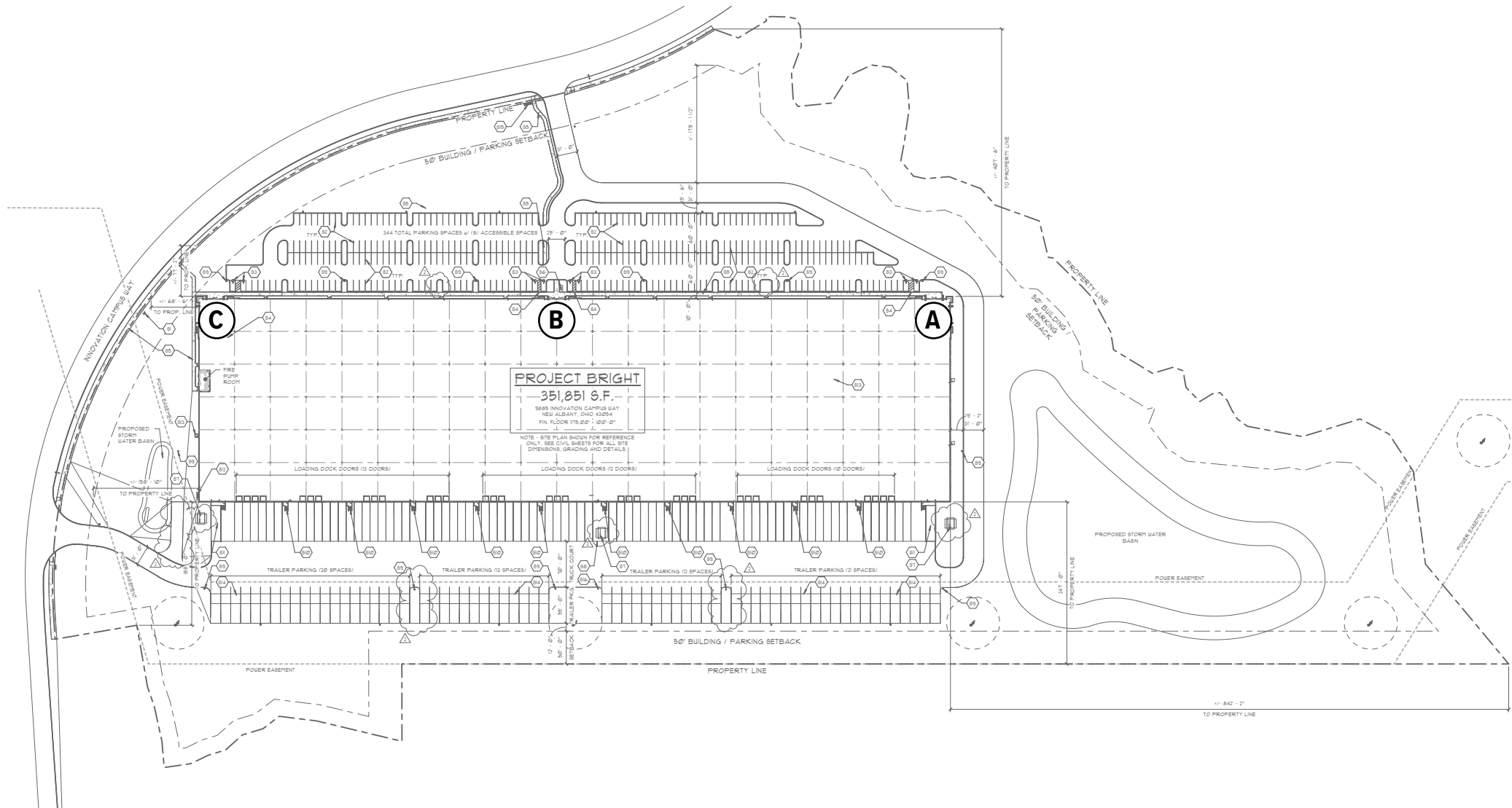
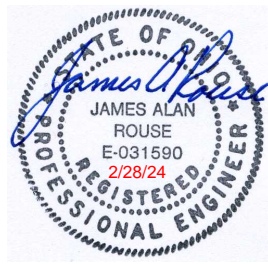
Project Layout
 Approved
 Approved as Noted

Approval Signature _____

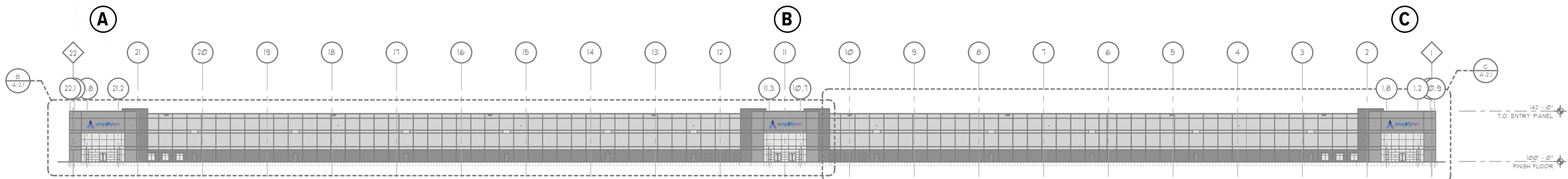
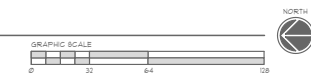
UL Yes No
Install per NEC 600
- Grounding
- Bonding

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

3



A OVERALL SITE PLAN - FOR REFERENCE ONLY



A EAST BUILDING ELEVATION

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



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

Project address:
 9885 Innovation Campus Way
 Johnstown, OH 43031

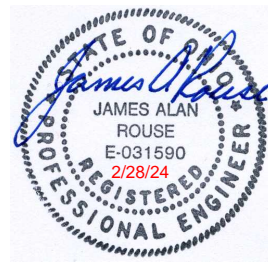
Project Layout
 Approved
 Approved as Noted

Approval Signature _____

Yes No
 Install per NEC 600
 - Grounding
 - Bonding

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

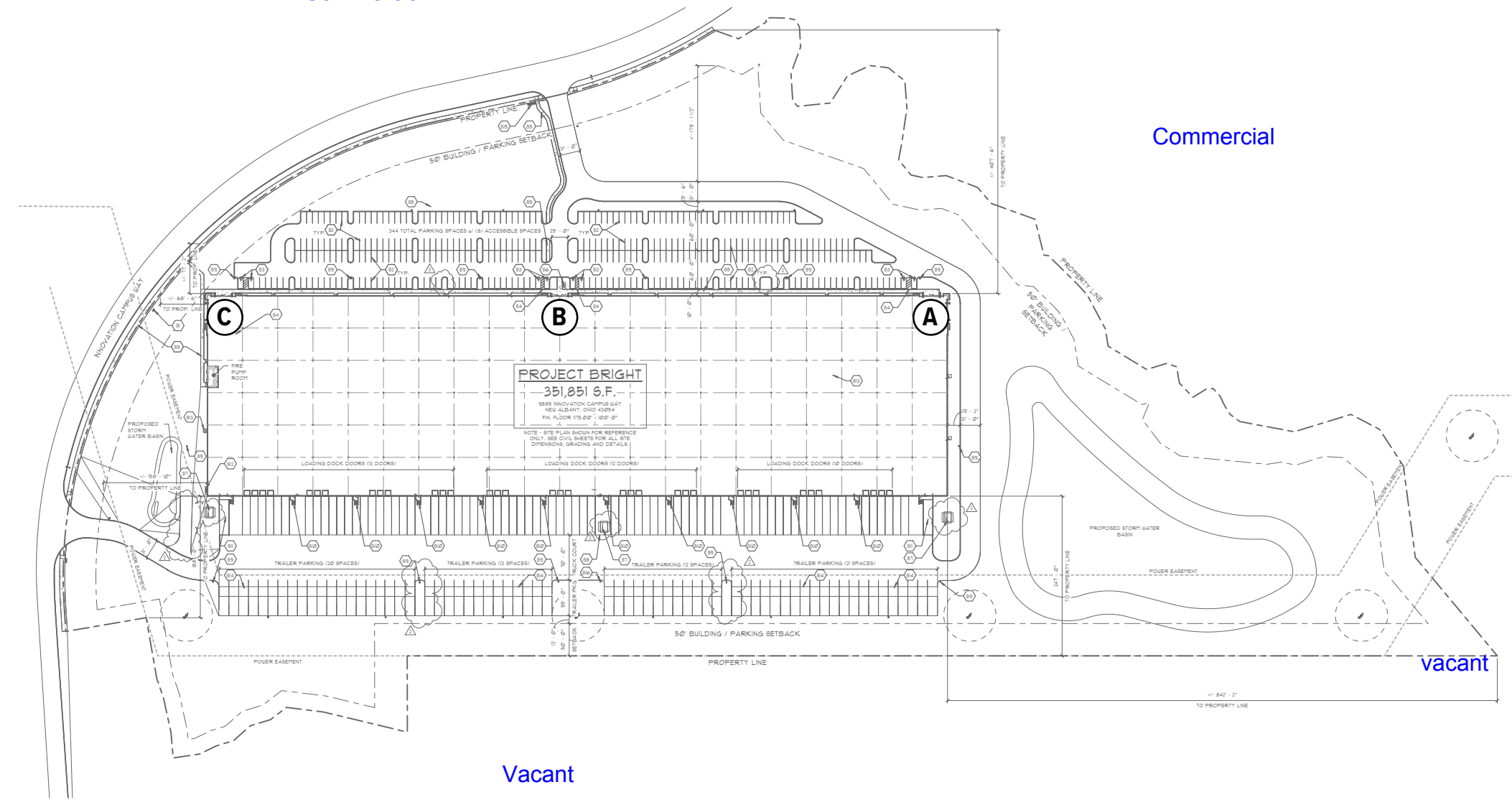




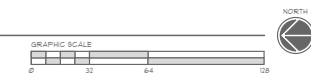
Commercial

Commercial

Commercial

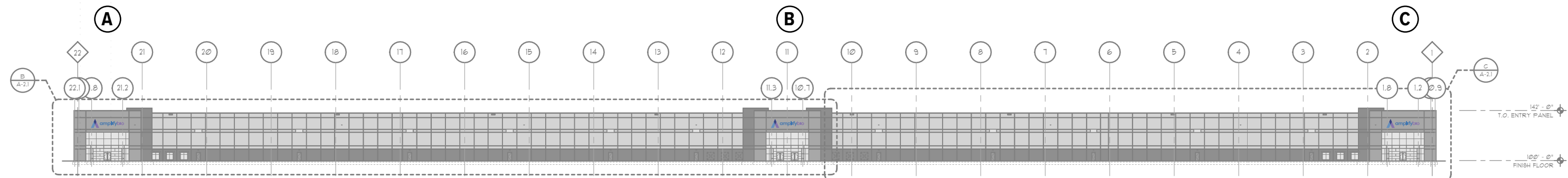


A OVERALL SITE PLAN - FOR REFERENCE ONLY



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



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 _____

Yes No
 Install per NEC 600
 - Grounding
 - Bonding

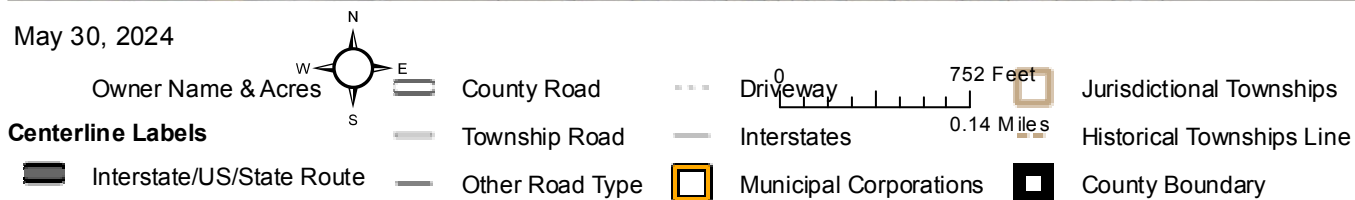
Sales: ID
 Design: BT
 Dwg: #24-010



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
Michael 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

384 1004066 Stewart T. Ho 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]



0215000050000050400

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

GRANTOR:

MBJ HOLDINGS, LLC,
a Delaware limited liability company

By *Brent B. Bradbury*
Brent B. Bradbury, Treasurer

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this 3rd 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]

Melissa
NOTARY PUBLIC



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

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


 5-19-21
Signature Date
LA 2021 0048

Exhibit A
33.055 ACRES

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;

STATE 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

LA 2021 0048

33.055 ACRES

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 MBJ 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
Professional Surveyor No. 7865

Date

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

