



New Albany Board of Zoning Appeals
Meeting Minutes, October 28, 2024 - Approved

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Monday, October 28, 2024 in the New Albany Village Hall. Chair LaJeunesse called the meeting to order at 6:28 p.m. and asked to hear the roll.

II. Roll call

Those answering the roll:

Chair LaJeunesse	present
Mr. Schell	present
Mr. Jacob	present
Ms. Samuels	present
Mr. Smith	present
Council Member Wiltout	present

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

Staff members present: Planner Blackburn, Planning Manager Mayer, Deputy Clerk Madriguera.

III. Action on minutes August 26, 2024

Chair LaJeunesse asked if there were any corrections to the August 26, 2024 minutes.

Hearing none, Board Member Jacob moved to approve the minutes from the August 26, 2024 meeting. Board Member Schell seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Schell yes, Ms. Samuels yes, Mr. Smith yes, Mr. LaJeunesse yes. Having five yes votes, the August 26, 2024 meeting minutes were approved as submitted.

IV. Additions or corrections to the agenda

Chair LaJeunesse administered the following oath to Applicant Rebecca Green, "Do you swear to tell the truth and nothing but the truth."

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

Planning Manager Mayer answered none from staff.

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

VI. Cases

VAR-74-2024 Variance

Variance to codified ordinance 1169.16(d) relating to the size of signage and sign relief for Pharmavite located at 13700 Jug Street (095-111756-00.012).

Applicant: Zoning Resources c/o Rebecca Green

Planner Blackburn delivered the staff report.

Chair LaJeunesse asked for questions from the board. Hearing none, he invited the applicant to address the board on the application.

Applicant Green spoke in support of the requested variances. She explained that the size of the building was the reason for the request to increase the size of the sign, and that there was plenty of precedent in the business park for a sign of this size and proportion. She further explained that because of the building's distance from the road the sign relief request was minimal, that the metallic finish would provide visual contrast, and sourcing materials for 1-inch relief is more complex and costly. And regarding the size request, there was plenty of precedent in the business park and the proposed sign, if approved, would be less than 1% of the size of the building.

Chair LaJeunesse asked staff whether this request was in line with prior requests.

Planning Manager Mayer answered that it absolutely was. He further explained that this request falls within the range proposed in the sign-code update which was scheduled for discussion under Other business.

Chair LaJeunesse asked staff for the size of the largest sign request.

Planner Saumenig responded that it was Amazon. The requested sign was 297 square feet, which was approved.

Council Member Wiltout asked about the relief request. More specifically whether there had been precedent for requests for changes in materials and relief. She further asked why the applicant could not provide the materials required by the code.

Planning Manager Mayer responded that staff could not find precedent for a reduction of relief request and had nonetheless determined that this is not a substantial request. He deferred to the applicant regarding acquisition of the materials required by code.

Ms. Green responded that the materials are difficult to acquire and in lieu of them they would like to use aluminum on the letters.

Board Member Samuels asked staff about the materials used to achieve the relief requirement, and asked the applicant why compliant materials could not be used.

Planning Manager Mayer responded that it was usually a mixture of materials and that typically pegs are used.

Ms. Green responded that she was unsure why pegs could not be used but was willing to find out.

Board Member Smith asked the applicant what the primary use for the sign was, was it for building identification and/or for trucks?

Ms. Green responded that the sign was intended to mark the front of the building.

Board Member Schell asked whether thickness/relief was an issue that would be addressed in the City Code Amendment Workshop.

Planning Manager Mayer answered that there have been relatively few requests to change the thickness of the signs and as a result, staff was not proposing any changes to the relief provisions.

Chair LaJeunesse asked if there were any further questions on the application.

Hearing none, Board Member Smith moved to accept the staff reports and related documents into the record for VAR-74-2024. Board Member Samuels seconded the motion.

Upon roll call: Mr. Smith yes, Ms. Samuels yes, Mr. Jacob yes, Mr. LaJeunesse yes, Mr. Schell yes. Having five yes votes, the motion passed and the staff reports and related documents were accepted into the record for VAR-74-2024.

Board Member Samuels requested that the variances, A and B, be voted upon separately.

Chair LaJeunesse and the board agreed with this request.

Chair LaJeunesse moved for approval of VAR-74-2024A based on the findings in the staff report with the conditions in the staff report, subject to staff approval. Board Member Smith seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Smith yes, Mr. Jacob yes, Ms. Samuels yes, Mr. Schell yes. Having five yes votes, the motion passed and VAR-74-2024A was approved.

Board Member Schell moved for approval of VAR-74-2024B based on the findings in the staff report with the conditions in the staff report, subject to staff approval. Board Member Smith seconded the motion.

Upon roll call: Mr. Schell yes, Mr. Smith yes, Mr. Jacob no, Ms. Samuels no, Mr. LaJeunesse yes. Having three yes votes and two no votes, the motion passed 3-2, and VAR-74-2024B was approved.

Board Member Samuels explained that she voted no because the code was created with the intent for uniformity and rationale behind it. and hearing the applicant's reasons for the request – cost and lack of materials without further details and with insufficient precedent supporting the request, she could not make the findings required to grant this variance.

Board Member Jacob agreed with Board Member Samuels' reasons and further explained that he voted no because he is not comfortable establishing this precedent at this time in the business park at this time. He would be happy to revisit this issue down the road, but he could not make the findings required to grant this variance.

Chair LaJeunesse and the board thanked the applicant and wished her good luck.

VII. Other business

City Code Amendment Workshop: C.O. 1169 Sign Regulations Update

Planner Saumenig discussed the proposed amendments to C.O. 1169, New Albany's sign regulations provisions.

Chair LaJeunesse asked who was part of the discussion and development of this recommended update, whether it was staff only or whether others were involved.

Planning Manager Mayer responded that it was staff only and it arose as a result of numerous requests over recent years. This update would not address all requests in the business park but would be more on par with the current users.

Chair LaJeunesse remarked that what he did not see were code provisions regarding color and he asked whether the city has such code provisions.

Planning Manager Mayer answered yes, the provisions regarding color are in a separate area of the code. The code puts the maximum amount of colors at four, including black and white.

Board Member Samuels noted that there was no specification for logos and asked whether included in the maximum lettering height. Further, she whether this proposed increase would address all prior variance requests.

Planner Saumenig explained that staff concluded that keeping the current language, which is silent on logos, was best. She further explained that staff interprets the current language so as to permit separate evaluation of logos and would continue to do so under this new language, if approved.

Board Member Smith remarked that even with this update, there are still two sign size increase requests the board would have heard over the past five years.

Planner Saumenig agreed.

Board Member Samuels asked how the board can formally and informally support future board members in terms of consistency [regarding 1% of the building size] in their consideration of such requests.

Planning Manager Mayer responded that staff will track requests internally and provide support by including some history of the surrounding area and similar requests to future board members.

Chair LaJeunesse discussed the sign relief issue. He noted that the proposed code update did not include amendments to the relief provisions, and he and asked for the reasons supporting code provisions regarding sign relief.

Planning Manager Mayer responded that the 1-inch relief provisions are intended to add more dimension and visual quality to the building. They are intended to encourage unique and vibrant signage. He added that the city does not have many aluminum signs, and for that reason they did not view the request as substantial.

Board Member Samuels remarked that she would be in favor of an amendment permitting a range of relief from ½ - 1-inch relief, but was concerned about requests to simply paint the building and make the sign flush with the building.

Attendance of Members Rule Update – Amendments to C.O. 159.02(d)

Planning Manager Mayer presented the update. He explained that this is intended to provide city council with the discretion to determine whether the board member has forfeited their board appointment.

Board Member Jacob confirmed that the notification would be to the Clerk of Council, and not the Deputy Clerk.

Planning Manager Mayer confirmed Board Member Jacob's understanding. The applicable department designee would notify Jennifer Mason, the Clerk of Council.

Chair LaJeunesse asked for further comments or questions. Hearing none, he thanked staff for the update.

VIII. Adjournment

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

Hearing none, Board Member Smith moved to adjourn the October 28, 2024 meeting of the New Albany Board of Zoning Appeals. Board Member Jacob seconded the motion.

Upon roll call: Mr. Smith yes, Mr. Jacob yes, Mr. LaJeunesse yes, Mr. Schell yes, Ms. Samuels yes. Having five yes votes, the motion passed and the October 28, 2024 meeting was adjourned.

Submitted by: Deputy Clerk Madriguera, Esq.

Appendix
VAR-74-2024
Staff Report
Record of Action



**Board of Zoning Appeals Staff Report
October 28, 2024 Meeting**

**PHARMAVITE
SIGN VARIANCE**

LOCATION: 13700 Jug Street (PID: 095-111756-00.012)
APPLICANT: Columbus Sign Company / Zoning Resources c/o Rebecca Green
REQUEST: (A) Variance to C.O. 1169.16(d) to allow the size of a wall sign to be 143.6 square feet where code permits a maximum of 75 square feet.
(B) Variance to C.O. 1169.16(d) to allow the sign relief to be at ½ inch where code requires a minimum of 1 inch.
ZONING: Limited General Employment (L-GE) Jug Street North Limitation Text
STRATEGIC PLAN: Employment Center
APPLICATION: VAR-74-2024

Review based on: Application materials received September 14, 2024.

Staff report prepared by Kylie Blackburn, Planner

I. REQUEST AND BACKGROUND

The applicant requests the following variances related to a new sign for the Pharmavite building located in the New Albany International Business Park.

- (A) Variance to C.O. 1169.16(d) to allow the size of the wall sign to be 143.6 square feet where code permits a maximum of 75 square feet.
- (B) Variance to C.O. 1169.16(d) to allow the sign relief to be at ½ inch where code requires a minimum of 1 inch.

II. SITE DESCRIPTION & USE

The Pharmavite building is located northwest of the Jug Street and Harrison Road intersection. The structure spans approximately 720 feet in width and reaches a height of 30 feet, with its primary facade oriented towards Jug Street. It encompasses a total floor area of 219,968 square feet and is setback approximately 550 feet from the public right-of-way. The property is 41.7 +/- acres, located in the New Albany International Business Park, and is surrounded by similarly zoned and used properties.

III. EVALUATION

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

Criteria

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

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

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

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

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

III. ASSESSMENT

Considerations and Basis for Decision

(A) Variance to C.O. 1169.16(d) to allow the size of a wall sign to be 143.6 square feet where code permits a maximum of 75 square feet.

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

1. 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 and a total of one wall sign is allowed. The applicant proposes to install one wall sign. On the south elevation (facing Jug Street).
 - a. Sign: features the company logo, the text “Pharmavite”, and is 143.6 sq. ft. in size and is non-illuminated. This exceeds the maximum area requirement according to the city sign code.
2. The variance request does not appear to be substantial due to the large size of the building which is 219,968 square feet. The building is approximately 720 feet in width and 30 feet in height on its south façade. Due to the 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.

3. The spirit and intent of the zoning code is preserved since the signs are appropriately scaled and designed for the building on which they are located. 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. It is well designed and appropriately scaled in relation to the large warehouse building thereby making the size appropriate in this case.
4. 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 Business Park District and the building’s 550-foot setback from the public road reduces the visual impact of the wall sign.
5. 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 smallest 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.
6. The variance request does not appear to be substantial because the sign is an appropriate size for the large warehouse façade.
 - a. The square footage of the building face is approximately 21,600 square feet making the total of wall sign just 0.66% of the building façade.
 - 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.
7. Granting the variance will not adversely affect the health, safety, or general welfare of persons living in the immediate vicinity.
8. Granting the variance will not adversely affect the delivery of government services.

(B) Variance to C.O. 1169.16(d) to allow the sign relief to be at ½ inch where code requires a minimum of 1 inch.

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

1. C.O. 1169.16(d) states that wall signs must have a relief (depth) of no less than 1 inch and no more than 18 inches.
 - a. Sign: The logo and text are proposed to have a ½ inch relief. This is less than the minimum depth requirement according to the city sign code so a variance is required.
2. The problem may be solved by some manner other than the granting of a variance if the applicant made the sign deeper, projected the sign from the building with mounts or brackets, or used another sign material. The applicant indicates that sourcing materials for solid 1-inch letters is challenging and that production requires a specialty sign shop.
3. The variance request does not appear to be substantial. The applicant states that, due to the sign’s distance of over 550 feet from the right-of-way, the difference in appearance between 1-inch and ½-inch relief is negligible.
4. The city staff could not find any other cases when the city board and commissions have approved a variance for sign relief historically.
5. The “spirit and intent” of the zoning requirement is to add more visual interest and help to make it stand out from the building. While the sign is not meeting the relief requirements to help the sign stand out from the building, the sign is silver metallic aluminum which helps it stand out from the building and adds visual interest. Granting the variance will not alter the essential character of the immediate area. The property is located in the Business Park District, with substantial setbacks (550 feet from public roads). Granting the variance will not

adversely affect the health, safety, or general welfare of persons living in the immediate vicinity.

6. Granting the variance will not adversely affect the delivery of government services.

IV. SUMMARY

Even though the proposed wall sign is larger than the code allows it is still appropriately integrated with the building/site on which it is located and the adjacent development in scale, design, and intensity. The proposed sign is below 1% of the applicable building facades which will minimize the visual impact. Even though the sign relief is smaller than the code allows it would not impede the visual impact. However, an alternative mounting method may be considered to ensure compliance with the minimum sign relief requirements. 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-74-2024.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Columbus Sign Company/Zoning Resources c/o Rebecca Green,

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

Wednesday, October 30, 2024

The New Albany Board of Zoning Appeals took the following action on 10/28/2024 .

Variance

Location: 13700 Jug St., New Albany, OH 43031

Applicant: Columbus Sign Company/Zoning Resources c/o Rebecca Green,

Application: PLVARI20240074

Request: Variance to codified ordinance 1169.16(d) relating to the size of signage and sign relief for Pharmavite located at 13700 Jug Street (095-111756-00.012).

Motion: To Approve

Commission Vote: Motion Approved, Variance A 5-0
Motion Approved, Variance B 3-2

Result: Variance, PLVARI20240074 was Approved, by a vote of Variance A 5-0 and Variance B 3-2.

Recorded in the Official Journal this October 30, 2024

Condition(s) of Approval:

Staff Certification:

Kylie Blackburn
Planner