



New Albany Board of Zoning Appeals
July 28, 2025, Meeting Minutes - Approved

I. Call to order

The New Albany Board of Zoning appeals held a regular meeting on Monday, July 28, 2025 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 the roll:

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

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

Staff members present: Planner Blackburn, Planning Manager Christian, Planner Saumenig, Planner Sauter, Deputy Clerk Madriguera.

III. Action on minutes June 23, 2025

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

Hearing none, Board Member Jacob moved for approval of the June 23 meeting minutes. Chair LaJeunesse seconded the motion. Upon roll call: Mr. Jacob yes, Mr. Schell yes, Ms. Samuels yes, Mr. LaJeunesse yes. Having four yes votes, the motion passed and the June 23, 2025 meeting minutes were approved as submitted.

IV. Additions or corrections to the agenda

Chair LaJeunesse asked if there were any additions or corrections to the agenda. Planning Manager Christian answered none from staff.

Chair LaJeunesse administered the oath to all present who would be addressing 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-41-2025 Amgen Sign Variance

Variance to codified ordinance 1169.16(d) to exceed sign area requirements for Amgen located at 4150 Ganton Parkway (PID: 094-106644-00.000).

Applicant: CRB Group c/o Jon Ficken

Planner Sauter delivered the staff report.

Board Member Jacob recalled the prior discussions on this application. He noted that it was not unlikely that the board will be asked to consider a similar request in this and other locations and asked whether there was discussion related to future signs.

Planner Sauter responded yes. She continued that staff planned to address that issue later on the agenda in the sign code workshop under Other business.

Board Member Jacob asked whether the options the applicant is exploring are in the realm of the possible changes to the code.

Planning Manager Christian responded that staff took an extensive look around this area and beyond and discovered that 200 feet, the current sign limit, is generous. For that reason, and considering the setback requirements, staff believes the variance path is the right path for this application.

Board Member Schell remarked that it was helpful to know that staff would be recommending sticking with the 200 foot limit, and confirmed with staff that the 9-ft sought by the applicant would exceed anything previously approved by the board.

Board Member Jacob moved to admit the staff reports and related documents into the record for VAR-41-2025. Board Member Schell seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Schell yes, Ms. Samuels yes, Mr. Jacob yes. Having four yes votes, the motion passed and the staff reports and related documents were admitted to the record for VAR-41-2025.

Chair LaJeunesse asked the applicant whether he would like to speak.

Applicant Jon Ficken stated they would like the 9-ft, but they want to be in New Albany and the 8-ft is tolerable.

Board Member Samuels confirmed the setback

Chair LaJeunesse moved to approve the 8-foot sign which fits within precedent. Board Member Jacob seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Jacob yes, Ms. Samuels yes and she noted that the setback was the reason for her approval, Mr. Schell yes. Having four yes votes, the motion passed and VAR-41-2025 permitting an 8-ft sign was approved.

The board thanked the applicant and staff for improving the application and wished the applicant good luck.

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

VAR-53-2025 6994 Kindler Drive Easement Variance

Variance to codified ordinance 1165.04(b)(3)(b) to allow a deck to encroach into a platted easement located at 6994 Kindler Drive (PID: 222-002830).

Applicant: PDF Builders

Planner Blackburn delivered the staff report.

Board Member Jacob noted that the applicants have indicated they are willing to execute a hold harmless agreement and to accept liability for any damage.

Chair LaJeunesse confirmed that staff complied with neighbor notice requirements.

Applicant Brandon Meckly, PDF Builders, spoke in support of the application. He explained that this is not a deck it is a paver patio on a gravel base. It is sloped away from the house to give proper drainage.

There was discussion of the size of the patio and the location of the drainage pipe underneath the patio.

Planner Blackburn stated that engineer and architect stated that it is likely that part of the line is under the patio.

There was discussion of the plantings. The applicant agreed that the plantings would go away if the patio was permitted.

Board Member Samuels discussed the spirit and intent of the code and asked whether the neighbors would be affected if the patio is permitted.

Planner Blackburn responded that the line runs through other yards but the applicant's yard is the endcap of the pipe.

There was discussion of the location of the pipe.

Planning Manager Christian remarked that the city engineer said the drawings were not clear; the application proposed a longer but smaller overall encroachment.

Board Member Jacob moved to accept the staff reports and related documents into the record for VAR-53-2025. Board Member Schell seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Schell yes, Ms. Samuels yes, Mr. LaJeunesse yes. Having four yes votes the motion passed and the staff reports and related documents were admitted into the record for VAR-53-2025.

Board Member Schell remarked that the letter indicated that other properties are encroaching.

Planning Manager Christian responded that, unfortunately that is the case. He explained that people build patios without permission. Code enforcement proceedings in New Albany are complaint driven. Staff does not seek out code violations. He continued that, if this application is approved, staff recommends a condition of approval that it not be on the line.

The applicant, Noelle Hertline, stated she was comfortable with that condition.

Mr. Meckly, architect for the project, said he was not sure what the pipe was that was being discussed.

Planning Manager Christian reiterated that the rendering were unclear regarding the location of the drainage pipe and clarified that prior to building the applicant must show that the patio will not be installed over the drainage pipe.

Chair LaJeunesse stated that it is a reasonable request to be sure that the new patio is not built over the pipe.

Council Member Shull remarked that this board has traditionally heard many applications for decks and patios in the Links. It is very challenging. He noted that utility box is off to the left. When the city is indemnified any future owner will know because it will be noted on the deed. Hopefully you will never need it but you never know. The flow of the water seemed to indicate

that there will not be an issue, however prudence dictates that these conditions are imposed. He expressed his understanding to the applicants and acknowledged that this is a tough neighborhood and always has been.

Board Member Schell confirmed that the applicant was comfortable with the conditions in the staff report.

Chair LaJeunesse administered the oath to Ms. Hertline.

Ms. Hertline agreed to the conditions in the staff report and the additional condition that nothing shall be installed over the drainage pipe.

There was further discussion of the condition of approval – that the applicant is responsible for demonstrating that no part of the patio is constructed over the drainage pipe.

Board Member Schell moved to approve VAR-53-2025 subject to the findings in the staff report with the conditions in the staff report and the following additional condition:

4. The applicant cannot install any part of the patio over the drainage pipe.

Chair LaJeunesse seconded the motion. Upon roll call: Mr. Schell yes, Mr. LaJeunesse yes, Jacob yes, Ms. Samuels yes. Having four yes votes the motion passed and VAR-53-2025 was approved.

The board wished the applicants good luck.

Chair LaJeunesse introduced the first and only item of other business and asked to hear from staff.

VII. Other business

1. City Code Amendment: C.O.1169 Display Signs and Outdoor Advertising—Commercial Wall Sign Workshop
Planner Saumenig delivered the staff report.

Board Member Samuels stated that she appreciated staff's work and stated that she thought this was a much improved approach.

Board Members agreed.

Boad Member Jacob asked when this would be presented to the Planning Commission.

Planner Saumenig answered August 18th.

Hearing no further questions, Chair LaJuenesse thanked staff and polled the members for comment.

VIII. Poll members for comment and adjournment

Hearing no comment from the members, and having completed their agenda, Chair LaJeunesse moved to adjourn the July 28, 2025 meeting of the New Albany Board of Zoning Appeals. Board Member Schell seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Schell yes, Ms. Samuels yes, Mr. Jacob yes. Having four yes votes, the meeting was adjourned at 7:15 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

VAR-41-2025

Staff Report

Record of Action

VAR-53-2025

Staff Report

Record of Action



**Board of Zoning Appeals Staff Report
June 23, 2025 Meeting**

**AMGEN
SIGN VARIANCE**

LOCATION: 4150 Ganton Parkway (PID: 094-106644-00.000)
APPLICANT: CRB Group c/o Jon Ficken
REQUEST: Variance to C.O. 1169.16(d) to allow the size of a wall sign to be 522.5 square feet where code permits a maximum of 200 square feet.
ZONING: Limited General Employment (L-GE)
STRATEGIC PLAN: Mixed Use
APPLICATION: VAR-41-2025

Review based on: Application materials received May 20, 2025, and updated June 2, 2025.

Staff report prepared by Lauren Sauter, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance to C.O. 1169.16(d) to allow the size of an illuminated wall sign to be 522.5 square feet where code permits a maximum of 200 square feet. The sign is proposed for the Amgen building located at 4150 Ganton Parkway in the Licking County portion of the New Albany International Business Park.

The property received variances in August of 2023 via VAR-81-2023 for two wall signs to exceed area and lettering height requirements. The signs are identical in appearance and size, which were approved to be 98 square feet when code allowed a maximum of 75 square feet. The signs are located on the south building façade and the west building façade.

II. SITE DESCRIPTION & USE

The site is generally located north of Ganton Parkway, west of Beech Road SW, and south of State Route 161 and Worthington Road SW. The site can be accessed from both Ganton Parkway and Worthington Road SW, with its primary façade oriented south toward Ganton Parkway. The property is located on 63.69 +/- acres, and it is located in the New Albany International Business Park and 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

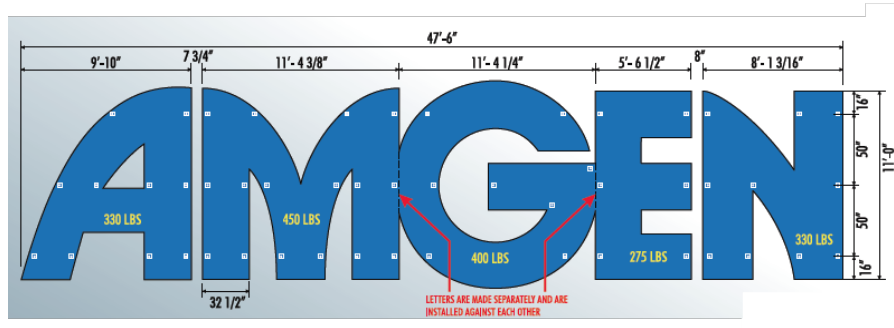
Considerations and Basis for Decision

Variance to C.O. 1169.16(d) to allow the size of a wall sign to be 522.5 square feet where code permits a maximum of 200 square feet.

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

1. C.O. 1169.16(d) states that wall signs in commercial and warehousing sub-districts may have an area of one square foot per linear foot of building frontage, not to exceed 200 square feet. The linear footage of the building’s frontage exceeds 200 square feet, so the 200-square-foot maximum applies. The proposed 522.5-square-foot wall sign will exceed code by 322.5 square feet. Additionally, the building has two existing wall signs that are 98 square feet and identical in appearance to the proposed wall sign. The applicant proposes to install one wall sign on the north elevation, facing Worthington Road SW and State Route 161.
2. 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 District, where many buildings with similar uses have large signs. The building’s approximately 1,000-foot setback from State Route 161 and 800-foot setback from Worthington Road SW reduces the visual impact of the wall sign.

3. Granting of the variance would result in a sign significantly larger than any previously approved by the Board of Zoning Appeals. The largest variance to sign size previously approved by the board was approved in April 2021. Amazon requested a wall sign at 297 square feet for a building approximately 1,271 feet long and approximately 50 feet in height. The square footage for the façade was 63,550 square feet, and the sign was less than 1% of the façade.



Proposed signage.

4. The variance request may be substantial because of the sign's size relative to the building façade. The square footage of the north building face is approximately 23,542 square feet. The 522.5-square-foot wall sign would comprise 2.22% of the building façade, which is a larger sign-to-façade ratio than any previously approved by the Board of Zoning Appeals.
 - a. Sign variances have historically been approved for wall signs with areas up to and around 1% of the façade area. A 1% sign-to-façade ratio on this building façade would result in a wall sign with an area of 235.42 square feet, which will still require a variance but may not be a substantial request.
 - b. One of the largest ratios of a wall sign to its building façade previously approved by the board was approved in 2024. AmplifyBio requested a wall sign that comprised 1.35% of the building façade. The sign was 215 square feet on an elevation that was 47,880 square feet. For the proposed Amgen sign, a 1.35% sign-to-façade ratio would result in a wall sign with an area of 317.82 square feet, which will still require a variance but may not be a substantial request.
 - c. If the wall sign were to meet code requirements with an area of 200 square feet, the sign-to-façade ratio would be 0.85%.
 - d. The north elevation of the building is approximately 415 feet in width and 59 feet at its tallest point. The building is 239,572 square feet in total area. 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. A large sign would appear to be appropriately scaled in relation to the size of the building, but the board should consider the size and scale of signs that it has historically approved or denied.
5. The spirit and intent of the zoning code is preserved when a sign is appropriately scaled and designed for the building on which it is 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." Based on sign sizes and scales that have historically been approved by the board for wall signs on adjacent and nearby buildings, an appropriately scaled sign may be closer to a 1.35% sign-to-façade ratio.
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

This site is located in the New Albany Business Park and surrounded by similarly zoned and used properties, many of which use largely scaled signage as well. The large size of the structure and

the large setback of the elevation on which the sign is proposed may warrant a larger sign than permitted by city code. However, the proposed sign is significantly larger in square footage and sign-to-façade ratio than any previously approved by the board. The applicant may be able to reduce the size of the wall sign while still meeting its original purpose and functionality.

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-41-2025.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Jon Ficken,

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, June 26, 2025

The New Albany Board of Zoning Appeals took the following action on 05/28/2025 .

Variance

Location: 4150 Ganton Parkway

Applicant: Jon Ficken,

Application: PLVARI20250041

Request: Variance to codified ordinance 1169.16(d) to exceed sign area requirements for Amgen located at 4150 Ganton Parkway (PID: 094-106644-00.000).

Motion: To Approve

Commission Vote: Motion Tabled, 5-0

Result: Variance, PLVARI20250041 was Tabled, by a vote of 5-0.

Recorded in the Official Journal this June 26, 2025

Condition(s) of Approval:

Staff Certification:

Sierra L Saumenig

Sierra Saumenig
Planner



**Board of Zoning Appeals Staff Report
July 28, 2025 Meeting**

**AMGEN
SIGN VARIANCE**

LOCATION: 4150 Ganton Parkway (PID: 094-106644-00.000)
APPLICANT: CRB Group c/o Jon Ficken
REQUEST: Variance to C.O. 1169.16(d) to allow the size of a wall sign to be 522.5 square feet where code permits a maximum of 200 square feet.
ZONING: Limited General Employment (L-GE)
STRATEGIC PLAN: Mixed Use
APPLICATION: VAR-41-2025

Review based on: Tabled application materials received May 20, 2025, and June 2, 2025.
New application materials received June 30, 2025, and July 8, 2025.

Staff report prepared by Lauren Sauter, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance to C.O. 1169.16(d) to allow the size of an illuminated wall sign to be 522.5 square feet where code permits a maximum of 200 square feet. The sign is proposed for the Amgen building located at 4150 Ganton Parkway in the Licking County portion of the New Albany International Business Park.

The property received variances in August of 2023 via VAR-81-2023 for two wall signs to exceed area and lettering height requirements. The signs are identical in appearance and size, which were approved to be 98 square feet when code allowed a maximum of 75 square feet. The signs are located on the south building façade and the west building façade.

This application was tabled at the Board of Zoning Appeals meeting on June 23rd, 2025. This is the second hearing for VAR-41-2025. The applicant has provided alternative sign dimensions for the Board's consideration, which can be found in the Assessment section of this staff report. Changes to this staff report from the June 23rd hearing are underlined.

II. SITE DESCRIPTION & USE

The site is generally located north of Ganton Parkway, west of Beech Road SW, and south of State Route 161 and Worthington Road SW. The site can be accessed from both Ganton Parkway and Worthington Road SW, with its primary façade oriented south toward Ganton Parkway. The property is located on 63.69 +/- acres, and it is located in the New Albany International Business Park and 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

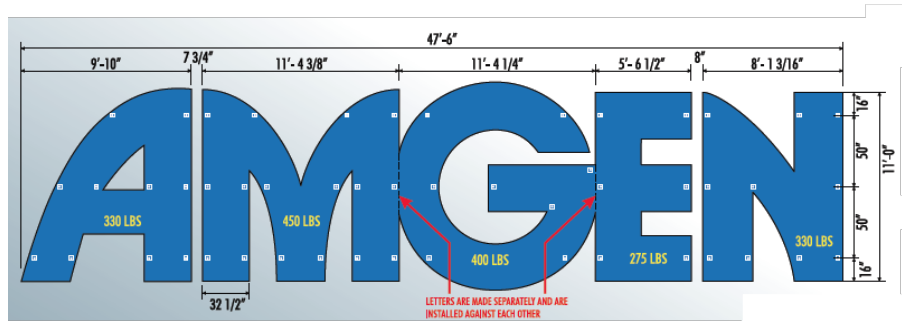
Variance to C.O. 1169.16(d) to allow the size of a wall sign to be 522.5 square feet where code permits a maximum of 200 square feet.

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

1. C.O. 1169.16(d) states that wall signs in commercial and warehousing sub-districts may have an area of one square foot per linear foot of building frontage, not to exceed 200 square feet. The linear footage of the building’s frontage exceeds 200 square feet, so the 200-square-foot

maximum applies. The proposed 522.5-square-foot wall sign will exceed code by 322.5 square feet. Additionally, the building has two existing wall signs that are 98 square feet and identical in appearance to the proposed wall sign. The applicant proposes to install one wall sign on the north elevation, facing Worthington Road SW and State Route 161.

2. 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 District, where many buildings with similar uses have large signs. The building's approximately 1,000-foot setback from State Route 161 and 800-foot setback from Worthington Road SW reduces the visual impact of the wall sign.
3. Granting of the variance would result in a sign significantly larger than any previously approved by the Board of Zoning Appeals. The largest variance to sign size previously approved by the board was approved in April 2021. Amazon requested a wall sign at 297 square feet for a building approximately 1,271 feet long and approximately 50 feet in height. The square footage for the façade was 63,550 square feet, and the sign was less than 1% of the façade.



Proposed signage.

4. The variance request may be substantial because of the sign's size relative to the building façade. The square footage of the north building face is approximately 23,542 square feet. The 522.5-square-foot wall sign would comprise 2.22% of the building façade, which is a larger sign-to-façade ratio than any previously approved by the Board of Zoning Appeals.
 - a. Sign variances have historically been approved for wall signs with areas up to and around 1% of the façade area. A 1% sign-to-façade ratio on this building façade would result in a wall sign with an area of 235.42 square feet, which will still require a variance but may not be a substantial request.
 - b. One of the largest ratios of a wall sign to its building façade previously approved by the board was approved in 2024. AmplifyBio requested a wall sign that comprised 1.35% of the building façade. The sign was 215 square feet on an elevation that was 47,880 square feet. For the proposed Amgen sign, a 1.35% sign-to-façade ratio would result in a wall sign with an area of 317.82 square feet, which will still require a variance but may not be a substantial request.
 - c. If the wall sign were to meet code requirements with an area of 200 square feet, the sign-to-façade ratio would be 0.85%.
 - d. The north elevation of the building is approximately 415 feet in width and 59 feet at its tallest point. The building is 239,572 square feet in total area. 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. A large sign would appear to be appropriately scaled in relation to the size of the building, but the board should consider the size and scale of signs that it has historically approved or denied.
5. The spirit and intent of the zoning code is preserved when a sign is appropriately scaled and designed for the building on which it is 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.” Based on sign sizes and scales that have historically been approved by the board

for wall signs on adjacent and nearby buildings, an appropriately scaled sign may be closer to a 1.35% sign-to-façade ratio.

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.
8. The applicant has provided alternatives to the 11-foot-tall, 522.5-square-foot sign for the Board's consideration:
 - a. A 9-foot-tall sign. This option is 349 square feet and comprises 1.48% of the building façade. This option exceeds the size of the largest sign variance approved by the board, which is 297 square feet, and exceeds the largest known sign-to-façade ratio approved by the board, which is 1.35%.
 - b. An 8-foot-tall sign. This option is 283 square feet and comprises 1.20% of the building façade. This option does not exceed the size of the largest sign variance approved by the board, which is 297 square feet, and does not exceed the largest known sign-to-façade ratio approved by the board, which is 1.35%.
 - c. A 7-foot-tall sign. This option is 199 square feet and comprises 0.84% of the building façade. This option would meet zoning code requirements and would not necessitate a variance.

IV. SUMMARY

This site is located in the New Albany Business Park and surrounded by similarly zoned and used properties, many of which use largely scaled signage as well. The large size of the structure and the large setback of the elevation on which the sign is proposed may warrant a larger sign than permitted by city code. However, the proposed sign is significantly larger in square footage and sign-to-façade ratio than any previously approved by the board. The applicant may be able to reduce the size of the wall sign while still meeting its original purpose and functionality. The alternative versions of the proposed sign may allow a less substantial variance that fits the spirit and intent of the zoning code.

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-41-2025.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Jon Ficken,

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, July 31, 2025

The New Albany Board of Zoning Appeals took the following action on 07/28/2025.

Variance

Location: 4150 Ganton Parkway

Applicant: Jon Ficken

Application: PLVARI20250041

Request: Variance to codified ordinance 1169.16(d) to exceed sign area requirements for Amgen located at 4150 Ganton Parkway (PID: 094-106644-00.000).

Motion: To approve

Commission Vote: Motion Approval with Conditions, 4-0

Result: Variance PLVARI20250041 was Approval with Conditions by a vote of 4-0.

Recorded in the Official Journal this July 31, 2025.


Condition(s) of Approval:

- The sign area is 283 square feet.

Staff Certification:

Lauren Sauter

Lauren Sauter
Planner


NEW ALBANY
COMMUNITY CONNECTS US
Board of Zoning Appeals Staff Report
July 28, 2025 Meeting

**6994 KINDLER DR
EASEMENT VARIANCE**

LOCATION: 6994 Kindler Dr (PID: 222-002830)
APPLICANT: PDF Builders
REQUEST: Variance to C.O. 1165.04(b)(3)(b) to allow a deck to encroach a platted easement.
ZONING: New Albany Links C-PUD
STRATEGIC PLAN: Residential
APPLICATION: VAR-53-2025

Review based on: Application materials received on June 23, 2025

Staff report prepared by Kylie Blackburn, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to C.O. 1165.04(b)(3)(b) to allow a replacement of a deck to encroach 10 feet into a platted easement and to be 39 feet along the easement. The property has an existing patio that encroaches 17 feet into the platted easement and about 20 feet along the utility easement.

A similar request was approved in 2023 for 7034 Dean Farms Rd to allow a deck to extend into an easement (VAR-32-2023). It was approved with conditions by BZA requiring the homeowner to enter into a hold harmless agreement (or other legal mechanism) specifying that the property owner, and not the city, is responsible for any damages to the screened porch or deck in the event that a public or private utility provider needs to access the easement area and any impacts to neighboring surface drainage must be the responsibility of the homeowner to address. The condition includes that the agreement must be recorded with the deed.

II. SITE DESCRIPTION & USE

The 0.29-acre property is in section 5 of the New Albany Links subdivision and contains a single-family residential home that was built in 2003. The property is surrounded by single-family residential homes.

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.*

IV. ASSESSMENT

Considerations and Basis for Decision

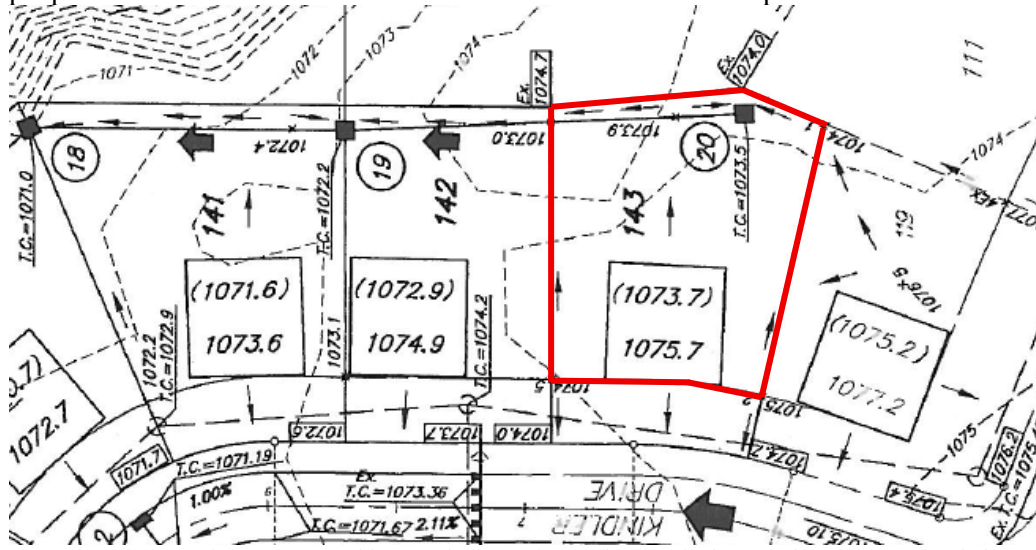
(A) Variance to C.O. 1165.04(b)(3)(b) to allow a patio to be located within a platted easement.

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

1. Codified Ordinance Section 1165.04(b)(3)(b) prohibits decks and other recreational amenities from being located in an easement. According to the subdivision’s final plat, there is an existing 20-foot easement that runs along the rear and side property lines. The engineering plans for the subdivision confirm that this easement is designated for general utilities and also serves as a surface stormwater drainage route.
2. The applicant is requesting a variance to allow a patio to encroach 10 feet (depth) into the easement with a total width of 39 feet. The easement is 20 feet deep and runs along the entire rear lot line, which is about 109 feet.
3. There is no special circumstance that exists with the property. The proposed patio will encroach less into the easement than the existing patio does. However, staff could not locate any records indicating that the existing patio was previously approved, and aerial imagery shows the patio has been in place since at least 2014. The applicant’s request seeks to bring the existing nonconforming patio into further compliance by requesting approval for a less intrusive patio.
 - In October 2019, modifications to section 1165 of the city’s Codified Ordinances were approved by City Council. The modifications included adding provisions to the city’s codified ordinances that patios and other recreational amenities are not permitted to be installed in easements. By adding this prohibition, a property

owner can now request a variance. Prior to the adoption of these code modifications city code was silent on easements, and patios and similar at-grade encroachments into easements were regulated only by plat notes, which typically state encroachments could only be approved by the city engineer. Plat notes provide no other mechanism for relief via a public process. The intent of this requirement is to protect property owners and to add an extra level of review for these types of encroachment requests.

4. The variance request does appear to be substantial. The city’s engineering staff reviewed the application and confirmed that there is a stormwater line installed within the easement at present. Surface runoff from this property drains into the drain on site as well as following the grade of this easement, which subsequently channels water into adjacent properties until it reaches a stormwater inlet as shown in the picture below.



- City engineering staff noted that, since the lot is located at the end of the stormwater line, any encroachment would primarily impact on this property rather than on neighboring properties. However, they remain opposed to any construction over the stormwater line. The city’s engineering staff also mentioned that no landscaping, especially trees, should be installed within the easement to ensure roots will not interfere with the underground lines and they do not disturb surface water flow on the site. Staff recommends a condition of approval that no landscaping shall be installed within the easement (condition #1).
5. The variance request does not appear to meet the spirit and intent of the zoning requirement, which is to provide protection for property owners in the event that the city or a private utility provider must gain access to the easement. While the applicant proposes to have the patio encroach less into the easement with the new patio design, it appears it will still be installed above existing public utility line. If a structure or other improvement is installed in an easement and the city or another utility provider needs to access the easement, those improvements may be taken down or partially removed in order to access utilities and the property owner is responsible for the expense of replacing or repairing the structure. Staff recommends a condition of approval that the homeowner enter into a hold harmless agreement (or similar legal mechanism to be determined by the city engineer and/or attorney) specifying that the property owner, and not the city, is responsible for any damages to the patio in the event that a public or private utility provider needs to access the easement area prior to the issuance of a building permit and any impacts to neighboring surface drainage must be the responsibility of the homeowner to address (condition #2).
 6. The proposed patio, as shown in the plans, does not include any elevated surfaces that would obstruct the flow of water beyond what is already obstructed by the patio pavers themselves. Given that the patio is designed with minimal impact on drainage, it does not appear to hinder the flow of stormwater drainage within the easement. Staff recommends

a condition of approval that no vertical additions can be added to the area of the patio within the easement (condition #3).

7. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
8. Granting the variance would not adversely affect the delivery of government services.
9. The city's engineering staff reviewed the application and determined that there are public utilities installed in the easement area as mentioned before. Additionally, the hold harmless agreement will ensure that the city bears no responsibility for any damages to the deck if utilities need to be installed within the easement area in the future.

V. SUMMARY

The applicant proposes to install a patio within a platted easement by a 10-foot-deep encroachment. There is a stormwater line installed in the easement that the proposed patio seems to be set over. Although the new proposed patio encroaches less into the easement than the existing patio, it still appears that the stormwater line will be built over, therefore not meeting the spirit and intent of the code. The hold harmless agreement ensures that the applicant is aware that the city is not responsible for any damage to the patio in the event that the easement area must be accessed in the future.

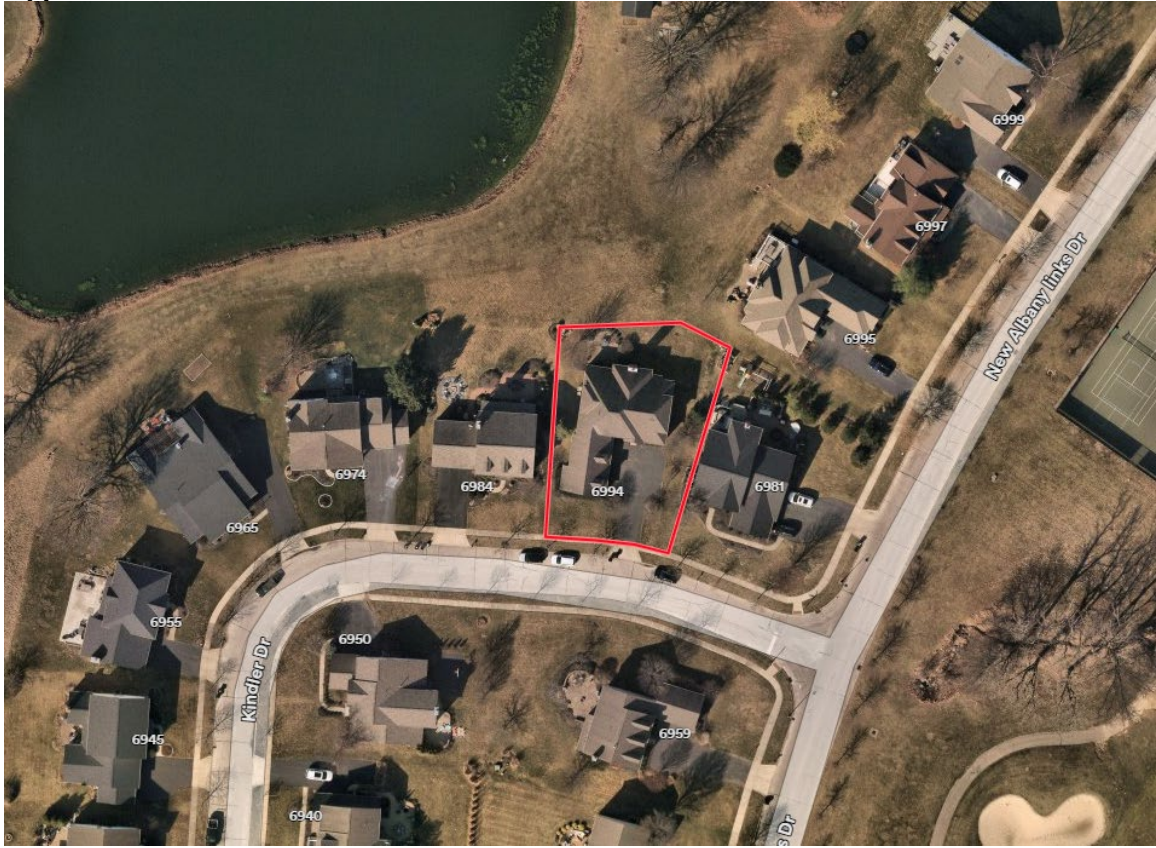
VI. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

Move to approve application VAR-53-2025 with the following conditions (conditions of approval may be added).

1. That no landscaping shall be installed within the easement
2. The homeowner enter into a hold harmless agreement (or similar legal mechanism to be determined by the city engineer and/or attorney) specifying that the property owner, and not the city, is responsible for any damages to the patio in the event that a public or private utility provider needs to access the easement area prior to the issuance of a building permit and any impacts to neighboring surface drainage must be the responsibility of the homeowner to address.
3. That no vertical additions can be added to the area of the patio within the easement.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear PDF Builders LLC,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Tuesday, July 29, 2025

The New Albany Board of Zoning Appeals took the following action on 07/28/2025 .

Variance

Location: 6994 KINDLER DR

Applicant: PDF Builders LLC,

Application: PLVARI20250053

Request: Variance to codified ordinance 1165.04(b)(3)(b) to allow a patio to encroach into a platted easement located at 6994 Kindler Drive (PID: 222-002830).

Motion: To Approve

Commission Vote: Motion Approval with Conditions, 4-0

Result: Variance, PLVARI20250053 was Approval with Conditions, by a vote of 4-0.

Recorded in the Official Journal this July 29, 2025

Condition(s) of Approval:

1. That no part of the patio can be built over the storm sewer line.
2. That no landscaping shall be installed within the easement.
3. The homeowner enter into a hold harmless agreement (or similar legal mechanism to be determined by the city engineer and/or attorney) specifying that the property owner, and not the city, is responsible for any damages to the patio in the event that a public or private utility provider needs to access the easement area prior to the issuance of a building permit and any impacts to neighboring surface drainage must be the responsibility of the homeowner to address.
4. That no vertical additions can be added to the area of the patio within the easement.

Staff Certification:

Kylie Blackburn
Planner