



CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers
621 West Broad Street
Pataskala, Ohio 43062

STAFF REPORT

January 9, 2024

Variance Application VA-23-028 (REMOVE FROM TABLE)

Applicant:	April Koenig, Kessler Sign Co.
Owner:	TrueCore Federal Credit Union
Location:	997 N. Oxford Drive, Pataskala, OH 43062 (PID: 064-307680-00.000)
Acreage:	+/- 3.91-acres
Zoning:	PRO – Professional Research-Office
Request:	Requesting a total of seven (7) Variances in order to allow for the installation of a combined free-standing ground sign and electronic message center sign that will exceed the maximum allowable: number of signs, size of sign area, and height of sign; as well as the function and color of the electronic message center sign.

Description of the Request:

Requesting approval of six (6) Variances, all within Chapter 1295 – Signs, to allow for the installation of a combined free-standing ground sign and electronic message center (EMC) sign that will exceed: the maximum allowable number of signs, maximum sign area, sign area of an electronic message center sign, and the function and color of the electronic message center sign.

Staff Summary:

The 3.91-acre property located at 997 N. Oxford Drive is currently occupied by a 3,073-square foot commercial building operating as a bank and built in 2019, along with approximately 10,000-square feet of paved parking and maneuvering area. The developed area of the lot is in the east of the parcel, along N Oxford Drive, with a stormwater management pond to the west of the structure, followed by a secondary frontage to the south onto E Broad Street. Access to the property is from a two-way entrance onto North Oxford Drive, and a separate two-way entrance to the south via a shared entrance with AutoZone to North Oxford Drive.

In 2018, the lot was rezoned from PDD – Planned Development District to PRO - Professional Research-Office to allow for the construction of the bank. Prior to 2011, it was rezoned to PDD – Planned Development District as part of a two (2) phase commercial development, with the AutoZone located at the corner of Broad Street and North Oxford Drive constituting the first phase. The second phase, being the subject lot, was never constructed.

As part of the construction of the building in 2018-2020, the property owners applied for and received Variances regarding signage on November 12, 2019 (VA-19-025). These were to allow for the total wall signage area to exceed the maximum, and to allow for an increase in the number of allowable wall signs from three (3) to five (5). In total, there are three (3) existing wall signs: a 43.85-square foot sign on the South face of the building, a 43.85-square foot sign on the East face of the building, and a 22.56-square foot “star” logo on the North face of the building. There are also two (2) existing ground signs, both 24.74-square feet and co-located with signage for AutoZone in the multi-tenant signs that existed prior to the

construction of the bank. These are located on N Oxford Drive, between AutoZone and the TrueCore Bank, and on E Broad Street, at the west end of AutoZone's parking lot.

The Applicant has proposed installing a new combined dual-sided free-standing ground sign with integrated electronic message center (EMC) sign at their secondary frontage on E Broad Street, to the west of the existing multi-tenant sign. As proposed, the sign will be 10-feet in height, and 10' – 6 ¾" wide. It will contain two (2) sign faces, a 14.48-square foot "TrueCore" logo, and a 28.16-square foot full-color LED EMC sign. The total sign area is proposed at 42.22-square feet. The proposed EMC sign will also utilize animation techniques and change more than once in a three (3) minute period. There are several aspects of the proposed sign that will not meet Pataskala Code, which have been outlined in the Staff Review below.

The Applicant had previously requested several Variances, VA-23-017, for the proposed signage. This application was heard at the August 8, 2023, hearing, and the Board of Zoning Appeals denied the Applicant's request. The Board, at that time, had concerns with the size and number of signs, and recommended that the Applicant approach the neighboring property owner in which there are shared signs to discuss a potential change in those.

According to the Narrative Statement as submitted by the Applicant, they believe the Variance(s) are necessary as there is no current way to properly identify the location of TrueCore from State Route 16 (E Broad Street). They have stated that they are asking for an additional 10.22-square feet for a total area of 42.22-square feet of sign area. Furthermore, the Applicant believes the requests are substantial but necessary and cannot be obviated through any other method. The Applicant has also stated that they tried to contact the ownership of the neighboring AutoZone but did not receive a response, that they are willing to completely turn off the EMC sign during certain hours, and that they could be willing to remove the existing sign panel in the Broad Street sign shared with AutoZone.

Staff Review: *The following review does not constitute recommendations but merely conclusions and suggestions from staff.*

As mentioned above, there are several aspects of the proposed sign that will not meet Pataskala Code, and in total there are six (6) required Variances that would be needed to allow the Applicant to construct the sign as proposed. Following the tabling of this application at the December 12, 2023 Board of Zoning Appeals hearing, the following changes have been made:

- Overall height of sign reduced 2'-6" for a total height of 10'.
- Bottommost "ATM" and "Co-Op Shared Branch" sign faces removed.
- Overall sign area reduced from 59.97-square feet to 42.22-square feet.

1. Variance from Section 1295.09(b)(2)(D) to allow for the total number of permitted signs on a single business lot to exceed the maximum of five (5).
 - a. Normally this would have been two (2), however, a bonus ground sign is permitted by Section 1295.09(b)(2)(D)(3) as the property has frontage on multiple public rights-of-way (North Oxford Drive and E Broad Street).
 - b. Additionally, a previous Variance (VA-19-025) was approved by the Board of Zoning Appeals to allow for an increase of total number of signs on a single business lot from three (3) to five (5).

- c. Because VA-19-025 was approved for an increase from three (3) to five (5) signs, the request of this Variance is to further increase that number from five (5) to six (6), or a 20% increase from their current maximum.
 - I. Should the Applicant remove the existing sign panel from the shared sign on Broad Street, the need for this Variance could be eliminated. The submitted Narrative Statement stated that the Applicant “is willing to remove the existing sign” but Staff is unclear as to whether this is a committal to doing so.
2. Variance from Section 1295.09(b)(2)(C) to allow for a free-standing ground sign to exceed the maximum allowable sign area of 32-square feet.
 - a. There are four (4) sign faces as part of the overall sign. From top to bottom they are:
 - I. 14.06-square foot “TrueCore” sign face.
 - II. 28.16-square foot full-color LED EMC sign face.
 - b. The total square footage of the sign is 42.22-square feet (down from 59.97-square feet) Variance request is for an increase in allowable square footage of 10.22-square feet, or an 31.94% increase.
3. Variance from Section 1295.10(b)(7)(A)(3) to allow for a changeable copy sign to exceed the maximum allowable square footage of 30% of the sign face, or 24-square feet, whichever is less.
 - a. In this case, the proposed sign area is 42.22-square feet, of which 30% is 12.66-square feet, which would be less than 24-square feet. Therefore, the maximum allowable area for a changeable copy sign is 12.66-square feet.
 - I. The proposed EMC sign is 28.16-square feet, the Variance request is for an increase in the allowable area by 15.5-square feet, or a 122.43% increase.
4. Variance from Section 1295.10(b)(7)(B)(4) to allow for an Electronic Message Center sign to change more than once in a three (3) minute period.
 - a. Per the Applicant’s Narrative Statement: most EMC signs have a hold of at least 8 seconds before changing to the next message, however, they were not specific on what time frame they would employ with the proposed sign.
 - I. Staff would recommend that the Board of Zoning Appeals set a minimum hold time.
5. Variance from Section 1295.10(b)(7)(B)(5) to allow for an Electronic Message Center sign to employ flash, roll, scroll, and other motion and/or animation techniques during display.
6. Variance from Section 1295.10(b)(7)(B)(6): to allow for an EMC sign to utilize a full color display.
 - a. Per Section 1295.10(b)(7)(B)(6), EMC signs are limited to dark backgrounds with a single color employed at any one time.

Section 1295.10(b)(7)(B)(7) requires that all EMC signs have automatic dimming capabilities that adjust brightness to the ambient light at all times of day and night. Light emitted shall not be unreasonably bright, shall not create confusion with traffic signals, nor create a hazard to drivers and pedestrians, and should be shielded to prevent noticeable glow around the sign structure. Per the Applicant’s Narrative Statement, the sign will have an automatic dimming feature.

Pataskala Utilities (Full comments attached)

Existing water and sanitary lines running E-W along the north side of Broad Street. Will need to see a survey showing the location of the proposed sign in relation to these lines, including the dimension between the two, to ensure that proposed location will not conflict.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-15 – Medium-High Density Residential R-20 – Medium Density Residential	Single-Family Homes
East	PDD – Planned Development District GB – General Business	AutoZone Hazelwood Plaza
South	R-15 – Medium High Density Residential R-7 – Village-Single Family Residential	Single-Family Homes
West	PRO – Professional Research-Office	Vacant

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- b) *Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
- c) *Whether the variance requested is substantial;*
- d) *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
- e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- f) *Whether the variance, if granted, will be detrimental to the public welfare;*
- g) *Whether the variance, if granted, would adversely affect the delivery of government services;*
- h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- i) *Whether the property owner's predicament can be obviated through some other method than variance;*
- j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-23-028:

- 1211.07(2)(g): To increase the maximum allowable height or area of signs on a lot (it is suggested that the same should not be increased more than 25%).

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – No comments.
- Pataskala Utilities– See attached.
- Police Department – No comments.
- West Licking Joint Fire District – No comments.
- Southwest Licking School District – No comments.

Conditions:

Should the Board choose to approve the applicant's request, the following conditions may be considered:

1. Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code Department within one (1) year of the date of approval.
2. The Applicant shall submit a surveyed site plan showing the location of the sign and the distance from any water and/or sanitary lines.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve the six Variances from the Pataskala Code for variance application VA-23-028 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Trent Howell](#)
To: [Scott Haines](#); [Jack Kuntzman](#); [Felix Dellibovi](#); [Jim Roberts](#); [Bruce Brooks](#); [Doug White](#); [kperkins@laca.org](#); [Alan Haines](#); [Antonio Anzalone](#); [Jim Roberts](#)
Cc: [Sam Eppley](#); [Scott Fulton](#); [Lisa Paxton](#)
Subject: RE: Pataskala BZA Review Memo for 08-08-2023
Date: Monday, July 31, 2023 3:05:24 PM

Jack,

Utility Department Comments.

VA-23-017 Pending a survey to show that the sign will not conflict with water and sewer lines existing in the area.

VA-23-018 No Comment

Thank you,

Trent Howell
City of Pataskala
Utility Director
430 S Main Street
thowell@ci.pataskala.oh.us
Office: (740) 927-4134

From: Scott Haines <shaines@hullinc.com>
Sent: Monday, July 31, 2023 1:17 PM
To: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>; Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Trent Howell <thowell@ci.pataskala.oh.us>; Jim Roberts <jroberts@verdantas.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>; Jim Roberts <jroberts@verdantas.com>
Cc: Sam Eppley <seppley@verdantas.com>; Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Subject: RE: Pataskala BZA Review Memo for 08-08-2023

CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.

Jack

Verdantas has reviewed the August BZA applications and offer the following comments.



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		Staff Use
Address: 997 N. Oxford Dr. Pataskala OH 43062		Application Number: VA-23028
Parcel Number: 064-307680-00.000		Fee: 300
Zoning: PRO	Acres: 3.91	Filing Date: 11-17-23
Water Supply: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Hearing Date: 12-12-23
Wastewater Treatment: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Receipt Number: 001411
Applicant Information		Documents
Name: Kessler Sign Company (April Koenig)		<input checked="" type="checkbox"/> Application
Address: 21609 National Rd.		<input type="checkbox"/> Fee
City: Zanesville	State: OH	<input checked="" type="checkbox"/> Narrative
Phone: 740-463-0668	Zip: 43701	<input checked="" type="checkbox"/> Site Plan
Email: April@KesslerSignco.com		<input checked="" type="checkbox"/> Deed
Property Owner Information		<input checked="" type="checkbox"/> Area Map
Name: TrueCore Federal Credit Union		
Address: 215 Deo Dr.		
City: Newark	State: OH	
Phone: N/A	Zip: 43065	
Email: N/A		
Variance Information		
Request (Include Section of Code): 1215.09(b)(2)(C): Asking for an additional 10.22SF for a total of 42.22		
Asking for more than 30% of changeable copy - 1215.10(b)(7)(A)(3) 1215.10(b)(7)(B)(4)		
to allow a EMC to change more than once in (3) minutes. 1215.10(b)(7)(B)(5) - to allow		
Describe the Project: the EMC to have motion 1215.10(b)(7)(B)(6) to allow EMC to have full color.		
We are asking to install a message center. This is needed for the business		
to grow. The way the location & building is set up it is needed		
for visibility purposes.		

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
 - a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;*
 - b) *Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
 - c) *Whether the variance requested is substantial;*
 - d) *Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*
 - e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
 - f) *Whether the variance, if granted, will be detrimental to the public welfare;*
 - g) *Whether the variance, if granted, would adversely affect the delivery of governmental services;*
 - h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
 - i) *Whether the property owner's predicament can be obviated through some other method than variance;*
 - j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
 - k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*
- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.

Site Plan: Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Any other information deemed necessary for the variance request

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lccounty.com/recorder/recording-search/>

Area Map: Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

Signatures

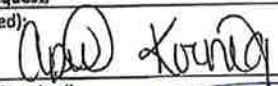
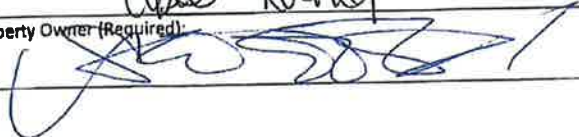
I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this variance request.

Applicant (Required):

Date:

Property Owner (Required):

Date:

11/13/23
11/16/23

Narrative Statement

The reason the variance is necessary at 997 N. Oxford Drive is to properly identify the location of TrueCore from state route 16. There is no signage visible to be able to locate the property until you are already at the property.

I believe this variance is justified in being able to properly locate the building. TrueCore would run as it is now without being granted this variance. However, with the granting of this variance it would not only help current clients to locate the building but also advertise for potential clients. The size of this sign is needed for its location. Code 1295.09 (C) limits the amount of square footage we are asking for on the sign and EMC. We are asking for an additional 10.22 square footage on the sign of the allowed 32 sf. Per code 1295.10 (B) we are asking to exceed the maximum of 30% of the sign face to be EMC.

The customer is willing to remove the existing sign on Broad Street, to be replaced with this message center.

This variance request is substantial again, to help build clientele and to locate the property. The refreshing sign with the electronic message center and classic colors will give an overall updated and professional look for this business. Code 1295.10 (B) 6 restricts the color that is needed for this sign.

The essential character of the neighborhood would not be a substantial detriment as a result of this business. Again, this sign has classy business colors with an updated message center that will not be flashing or distract any drivers. We are asking that this not be a static sign, code 1295.10 (B) 5 states it must be static. The auto diming will be there, so it is never too bright or distracting. We are asking to be able to change the message more frequently than every 3 minutes but are restricted per code 1295.10 (B) 4. Most Electronic message centers have a hold of at least 8 seconds before changing to the next message.

If the variance is granted it will not permanently impair the use or development of the adjacent properties.

If granted, the variance will not be detrimental to the public welfare. This will only help the public to locate the business in an updated fashion.

This variance would in no way adversely affect the delivery of any governmental services.

The property owner purchased the property without full detailed knowledge of the zoning restrictions when it comes to signage.

The owner's predicament cannot be obviated through any other method than a variance due to the zoning restrictions.

There are a few things we are asking for, the area, height and the EMC, all stated above that this variance would afford relief for.

The spirit and intent behind having this sign would be observed in a positive manner. This great-looking sign would enhance the overall look for this property.

The customer is willing to completely shut off the EMC during certain hours, if needed. Again, it will be auto dimming and will never be a distraction. They do not want to be flashy; they just want to advertise their location and to capture the Broad Street traffic.

The customer did try to reach out multiple times to the Auto Zone owners with no response, they are not local and seem not to be interested in this project, but the customer did try to get them involved.

CLIENT | True Core

LOCATION | Pataskala, OH

SAVED AS |

True_Core_3_7_23

DATE | 3/7/23

REVISIONS | 9/11/23

SALESMAN | Michael Lynn

DESIGNER | Jared Faber

SALESMAN INITIAL OF APPROVAL |

X

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 ☐ SEMI-GLOSS

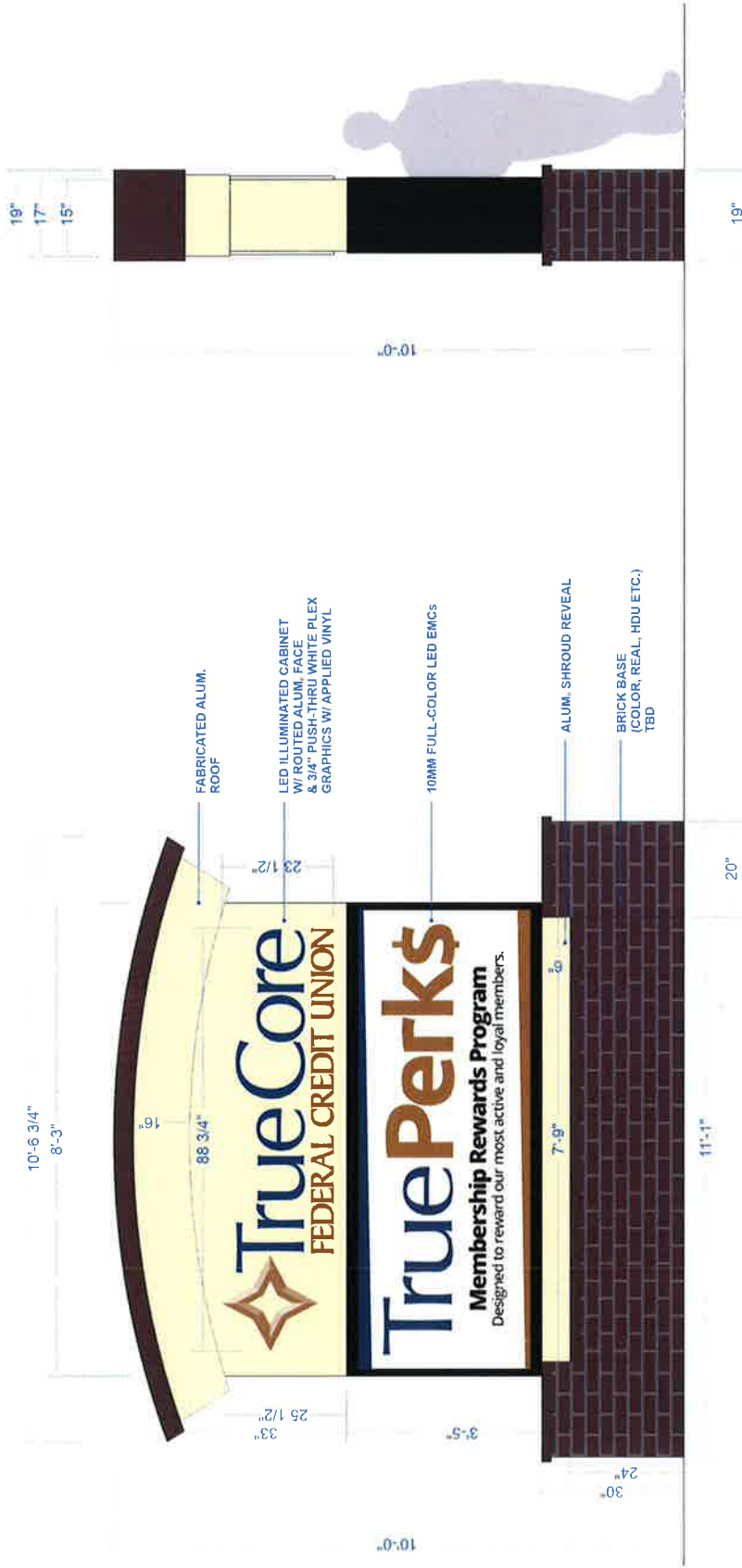


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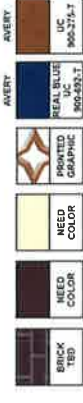
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PO BOX 0785
THE KESSLER
DESIGN GROUP
JAMESVILLE, OHIO 43101-0785
PH: 432-0558 F: 800-666-1670



STEEL SQ. TUBING: 5" x 5" x 0.25"
CONCRETE BASE: 3' x 6.5'
PAD: 3'D x 31"W x 12'1" L IF NEEDED



NEW D/F LED ILLUMINATED ROAD SIGN W/ EMC & BRICK BASE

SCALE:



NEW D/F LED ILLUMINATED ROAD SIGN W/ EMC & BRICK BASE

SCALE:



CLIENT | True Core

LOCATION | Petaskola, OH

SAVED AS |

True_Core_3_7_23

DATE | 3/7/23

REVISIONS | 9/11/23

SALESMAN | Michael Lynn

DESIGNER | Jared Faber

SALESMAN INITIAL OF APPROVAL |

X

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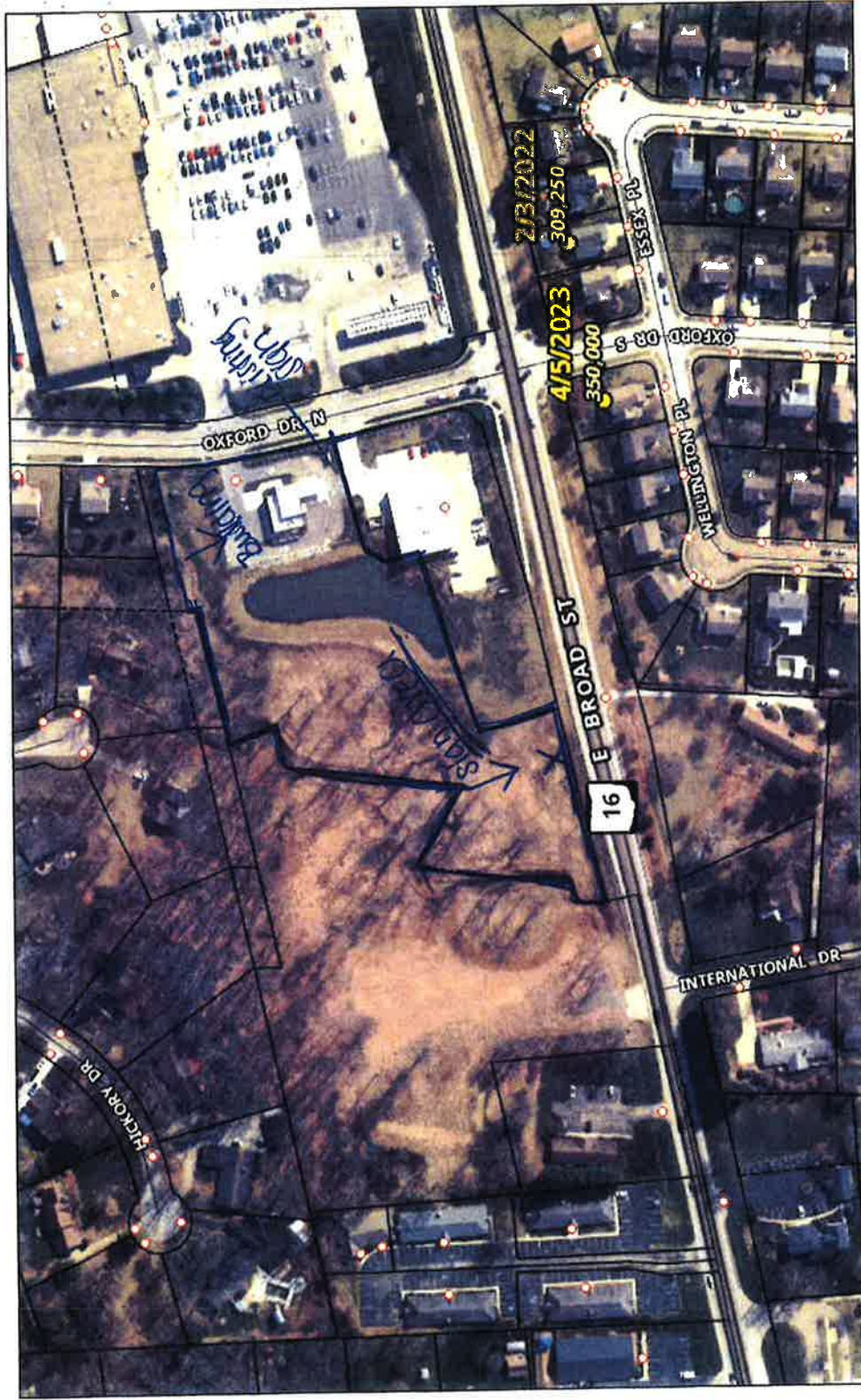
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2660 NATIONAL ROAD
PO BOX 0785
JAMESVILLE, OHIO 43081-0785
PH: 432-9688 | F: 603-586-1570

Township 11 N

OnTrac Property Map



Setback 750'

June 20, 2023

Street Number Only

Sales - 2023

Sales - 2022

Centerline Labels

Interstate/US/State Route

County Road

Township Road

Other Road Type

Driveway

Interstates

Municipal Corporations

LICKING COUNTY TAX MAP

Untitled Map

Write a description for your map.

Legend

- 997 Oxford Dr N
- AutoZone Auto Parts
- Kroger
- Kroger Fuel Center
- TrueCore Federal Credit Union

Google Earth

100 ft

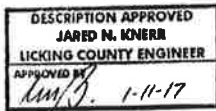
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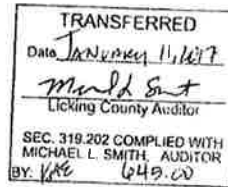
TrueCore Federal Credit Union

AutoZone Auto Parts

997 Oxford Dr N



201701110000798
Pgs: 2 \$28.00 T20170000761
01/11/2017 1:08PM BASTINSON HDU
Bryan R. Long
Licking County Recorder



GENERAL WARRANTY DEED

Know All By These Presents

That D.B.M. Enterprises LTD., an Ohio limited liability company, the Grantor, for valuable consideration paid, grant(s) with General Warranty Covenants to TrueCore Federal Credit Union, a federally chartered credit union, the Grantee, the following real property:

Situated in the State of Ohio, County of Licking and City of Pataskala and being Lot 2 in Broad & Oxford Subdivision as designated and delineated on the Recorded Plat thereof in Instrument #201203150005517, Recorder's Office, Licking County, Ohio.

Tax Parcel No.: 064-307680-00.000
Real Estate Address: 3.912 ac. E. Broad St., Pataskala, OH 43062
Prior Instrument Reference(s): Inst. #199809150035246

Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations.

EXCEPTED from the general warranty covenants are the real estate taxes and assessments which shall be prorated between the Grantor and the Grantee to the time of closing and those taxes and assessments due and payable thereafter.



01140760200000011000

Executed this 10th day of January, 2017.

D.B.M. Enterprises LTD.

By: Deborah A. Kohman
Deborah A. Kohman
Managing Member

STATE OF OHIO, COUNTY OF LICKING, ss:

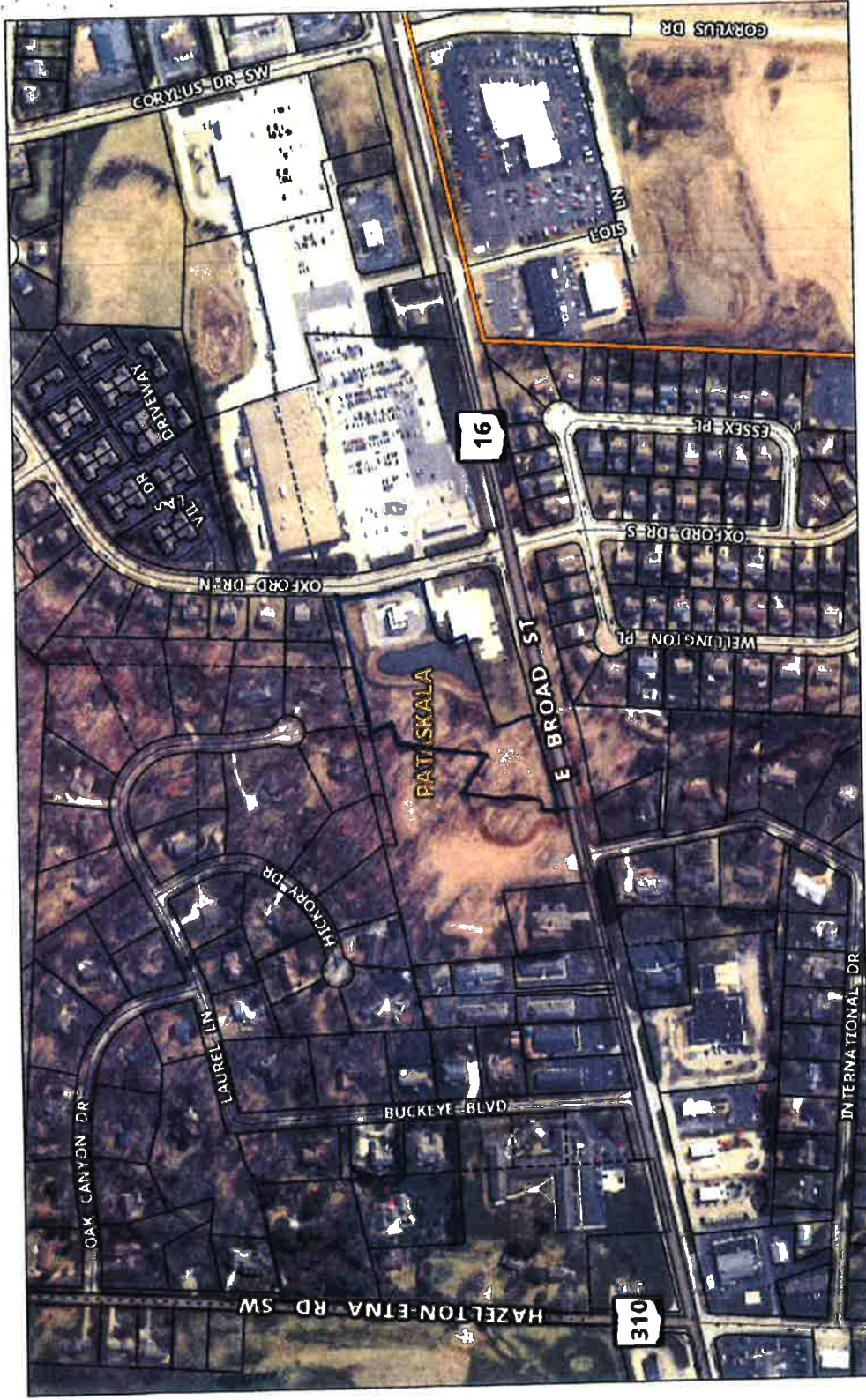
The foregoing instrument was acknowledged before me this 10th day of January, 2017 by Deborah A. Kohman, Managing Member of D.B.M. Enterprises LTD., on behalf of the company.



Gloria J. Kahrug
Notary Public

This Instrument Prepared By
Reese, Pyle, Drake & Meyer, P.L.L.
36 North Second Street - P.O. Box 919
Newark, Ohio 43058-0919

OnTrac Property Map



June 20, 2023

Owner Name & Acres

Centerline Labels

Interstate/US/State Route

County Road

Township Road

Other Road Type

376 Feet

0.07 Miles

Driveway

Interstates

Municipal Corporations

County Boundary

Jurisdictional Townships

Historical Townships Line

County Boundary

Licking County Auditor GIS

LICKING COUNTY TAX MAP