



New Albany Board of Zoning Appeals Meeting Agenda
June 26, 2023 at 7:00pm

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

I. Call to order

II. Roll call

III. Action on minutes March 27, 2023

IV. Additions or corrections to agenda

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

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

VI. Cases

VAR-61-2023 Variance

Variance to allow a detached garage to encroach almost 12 feet into the rear yard setback of 30 feet based on the city codified ordinance Chapter 1165.04(a)(2)(e) at 4433 Olmsted Road (PID: 222-01442-00).

Applicant: Todd M. Parker, F5 Design/Architecture Inc.

Motion of acceptance of staff reports and related documents into the record for - VAR-61-2023.

Motion of approval for application VAR-61-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

VIII. Poll members for comment

IX. Adjournment



New Albany Board of Zoning Appeals
March 27, 2023 DRAFT Meeting Minutes

I. Call to order

The New Albany Board of Zoning Appeals met in regular session on March 27, 2023 at the New Albany Village Hall. Chair LaJeunesse called the meeting to order at 7:02 p.m. He recognized that Council Member Shull was at the meeting and would be serving as the council liaison.

The board welcomed Council Member Shull

II. Roll call

Those answering roll call:

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

Staff members present: Law Director Ben Albrecht; Planner II, Chris Christian; Deputy Clerk Christina Madriguera.

III. Action on minutes February 27, 2023

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

Board Member Jacob moved to approve the meeting minutes from the February 27, 2023 meeting. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Jacob, yes; Mr. LaJeunesse, yes; Mr. Schell, yes. Having 3 yes votes; 0 no votes; and 0 abstentions, the February 27, 2023 meeting minutes were approved as submitted.

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

There were no visitors for items not on the agenda.

Chair LaJeunesse administered the oath to applicant, Jim Knox of Suncraft.

V. Cases

VAR-32-2023 Variance

Variance to codified ordinance 1165.04(b)(3)(b) to allow an extension of a deck to encroach 6 feet into a drainage easement at 7034 Dean Farm Road (PID: 222-002246).

Applicant: Suncraft Construction Company

Planner II Christian delivered the staff report.

He explained that the applicant requested a variance from Codified Ordinance 1165.04(b)(3)(b) to allow a deck expansion of an existing patio to encroach 6 feet into an easement with a width of 10 feet for a total encroachment area of 60 square feet. The rear lot is 75 +/- feet long. The subject property was granted a variance in July 2021 for the existing patio and approval of this variance

would permit additional encroachment into the easement. He noted that there are no public utilities installed in the easement and that the proposed deck, if the variance is approved, would sit 3 feet above grade on posts in order to avoid negatively impacting stormwater drainage. And further, that 9 feet of open space would remain to allow for stormwater drainage.

Planner II Christian stated that, just as it had in July 2021, staff recommended a condition that the homeowner enter into and record 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 deck 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 is the responsibility of the homeowner to address.

Chair LaJeunesse asked if there were any questions.

Board Member Jacob asked what property backed up to the subject property.

Planner Christian answered that it was a reserve area owned by the city that buffers the golf course.

Chair LaJeunesse asked whether the neighbors were notified and whether there had been any responses.

Planner Christian responded yes, and that there have not been any responses.

Chair LaJeunesse invited Mr. Fox to offer any further remarks in support of the application.

Mr. Fox responded that Planner II Christian's presentation and the staff report were sufficient.

Board Member Schell noted that the approval of the existing variance predated current board membership and asked Planner II Christian if he knew why the existing deck was approved.

Planner Christian responded that he reviewed the prior minutes and the existing deck was approved because it did not impede drainage as it was an elevated deck, because it was not built over any utilities, and because of the hold harmless provision.

Council Member Shull asked Law Director Albrecht whether this was deemed substantial the first time around and whether that was one of the main reasons for the indemnification contract.

Planner Christian responded in the affirmative and stated that staff has done hold harmless agreements for similar variance requests.

Law Director Albrecht stated that in this type of situation it is appropriate, but it might not be appropriate and sufficient for all areas.

Council Member Shull recalled that the layout of this particular neighborhood with properties so close to the easement necessitated variance requests from many of the properties.

Chair LaJeunesse moved to accept the staff report and related documents into the record for VAR-32-2023. Board Member Schell seconded the motion.

Upon roll call: Mr. LaJeunesse, yes; Mr. Schell, yes; Mr. Jacob, yes. Having 3 yes votes; 0 no votes; and 0 abstentions, the staff reports and related documents were accepted into the record.

Board Member Jacob moved for approval for application VAR-32-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval. Chair LaJeunesse seconded the motion.

Law Director Albrecht clarified that the motion included the condition in the staff report that the homeowner enter into a hold harmless agreement.

The board agreed.

Upon roll call: Mr. Jacob, yes; Mr. LaJeunesse, yes; Mr. Schell, yes. Having 3 yes votes; 0 no votes; and 0 abstentions, the application was approved with the condition listed in the staff report.

VII. Other business

1. Annual Organizational Meeting

- Swear in new members
- Elect Chairperson
- Elect Vice-Chairperson
- Elect Secretary
- Establish date, time, and location for 2023 regular meetings

**Attendance is defined as in-person presence during the hearing and consideration of applications without a conflict of interest before that commission/board at that meeting. Attendance of all current serving members of the commission/board is encouraged, and three (3) consecutive absences by any member or four (4) absences in any 12-month period shall be considered a forfeiture of the membership to the commission/board. The forfeiture would occur regardless of the reason for the absences. The applicable department designee would then notify the clerk of council so that they can inform council that a new appointment needs to be made.*

Chair LaJeunesse noted that only 3 of the 5 board members were present and raised the issue of tabling the organizational meeting until the next regularly scheduled meeting.

Law Director Albrecht indicated that tabling would be appropriate if that is what the board wanted to do.

Chair LaJeunesse opened the issue for discussion and reviewed the current positions on the board.

Board Member Jacob agreed that tabling was appropriate.

Board Member Schell agreed that tabling was appropriate.

Planner II Christian recommended tabling until the next regularly scheduled meeting and noted that pursuant to recent code updates, that boards and commissions had until July to conduct their organizational meetings.

Board Member Schell moved to table the organizational meeting until the next regularly scheduled meeting. Board Member Jacob seconded.

Upon roll call: Mr. Schell, yes; Mr. Jacob, yes; Mr. LaJeunesse, yes. Having 3 yes votes; 0 no votes; and 0 abstentions, the organizational meeting was tabled until the next regularly scheduled meeting.

VIII. Adjournment

Chair LaJeunesse moved to adjourn. Board Member Jacob seconded the motion.

Upon roll call: Mr. LaJeunesse, yes; Mr. Jacob, yes; Mr. Schell, yes. Having 3 yes votes; 0 no votes; and 0 abstentions, the meeting was adjourned at 7:15 p.m.

Submitted by Christina Madriguera, Esq., Deputy Clerk.

Appendix
VAR-32-2023
Staff Report
Record of Action

DRAFT



COMMUNITY CONNECTS US

Board of Zoning Appeals Staff Report
March 27, 2023 Meeting

**7034 DEAN FARM ROAD
EASEMENT VARIANCE**

LOCATION: 7034 Dean Farm Road (PID: 222-002246)
APPLICANT: Suncraft Corporation Inc.
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-32-2023

Review based on: Application materials received on February 13, 2023

Staff report prepared by Sierra Cratic-Smith, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to C.O. 1165.04(b)(3)(b) to allow an expansion of a deck to encroach 6 feet into a platted easement. The property has an existing deck with the same encroachment.

A similar request was approved in 2021 to allow a screened porch and deck within this easement. Given the substantial improvements, the application was approved by BZA with a condition of approval 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 0.21-acre property is located in section 1 of the New Albany Links subdivision and contains a single-family residential home that was built in 1999. The property is surrounded by single family residential homes and backs onto open space that is owned by the city.

III. ASSESSMENT

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.*

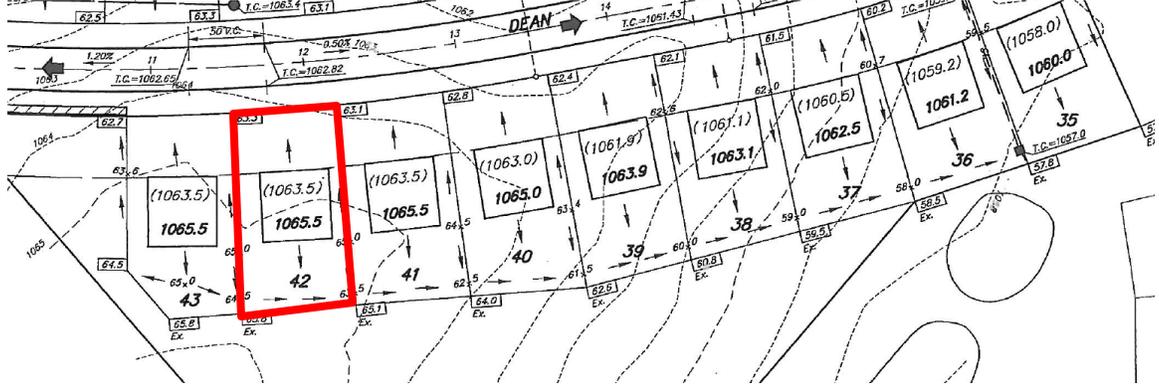
IV. EVALUATION

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

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

1. A similar request was approved in 2021 to allow a screened porch and deck within the easement. The prior request was to install the current screened porch and deck as accessory structures to the home. The existing deck and screened porch is 14 feet (depth) by 28 feet (width) for 396 square feet in total. It encroaches 6 feet into the easement for a total encroachment area of 148 square feet.
2. The applicant is requesting a variance to allow a deck expansion to encroach the same 6 feet (depth) into the easement with a total width of 10 feet for a total encroachment area of 60 square feet. The rear lot line is 75 +/- feet long and this variance means with the additional encroachment that 38 feet of deck and screened-in porch area would encroach into the easement.
3. Codified Ordinance Section 1165.04(b)(3)(b) states that decks and other recreational amenities are not permitted to be located in an easement. According to the final plat for the subdivision, there is an existing 15-foot easement that extends from the rear and side property lines. According to the engineering plans for the subdivision, the easement is for general utilities. In addition, it provides a route for surface stormwater drainage.
4. The variance request does not appear to be substantial. The city’s engineering staff reviewed the application and confirmed that there are no public utilities installed in the easement. According to the approved engineering plans for the subdivision, this easement runs along the rear property line of 9 homes along this section of Dean Farm Road and provides stormwater drainage for the properties north into an inlet as shown in the picture

below.



- According to these plans, a portion of the stormwater (surface runoff) on neighboring lot 43 drains into this site which then drains into the next and so on until it reaches a stormwater inlet located on further north on the property lines between lots 36 and 35.
 - The applicant states that the deck will sit 3 feet above grade on posts in order to not negatively impact stormwater drainage. C.O. 1165.04 also requires the area under decks to be screened if they are more than 2 feet above grade to provide additional screening from offsite view. The screening will match the existing as crossed skirting under the deck. The applicant proposes to use the same skirting as the existing deck. The deck utilizes Timbertech terrain skirting with 1.5” spaces. The spacing appears to accommodate surface runoff under the deck.
5. The variance request appears 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 expand the deck within the easement, it will not be installed above any existing public utility lines. 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 deck 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.
 6. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
 7. Granting the variance would not adversely affect the delivery of government services. The city’s engineering staff reviewed the application and determined that there are no public utilities installed in the easement area. 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 extend the current deck within a platted easement by the same 6 foot encroachment with an additional span of 10 feet. There are no public utilities installed in the easement. In addition, there is still 9 feet of open space to allow for the conveyance of stormwater. The property contains the same factors and conditions as the original variance request and approval. The deck is being raised above the ground which allows for stormwater to flow offsite. And the hold harmless agreement ensures that the applicant is aware that the city is not responsible for any damages to the deck in the event that the easement area has to be accessed

in the future. However, the additional span of the deck, while 10 feet, results in additional improvements that could hinder access to buried private utilities.

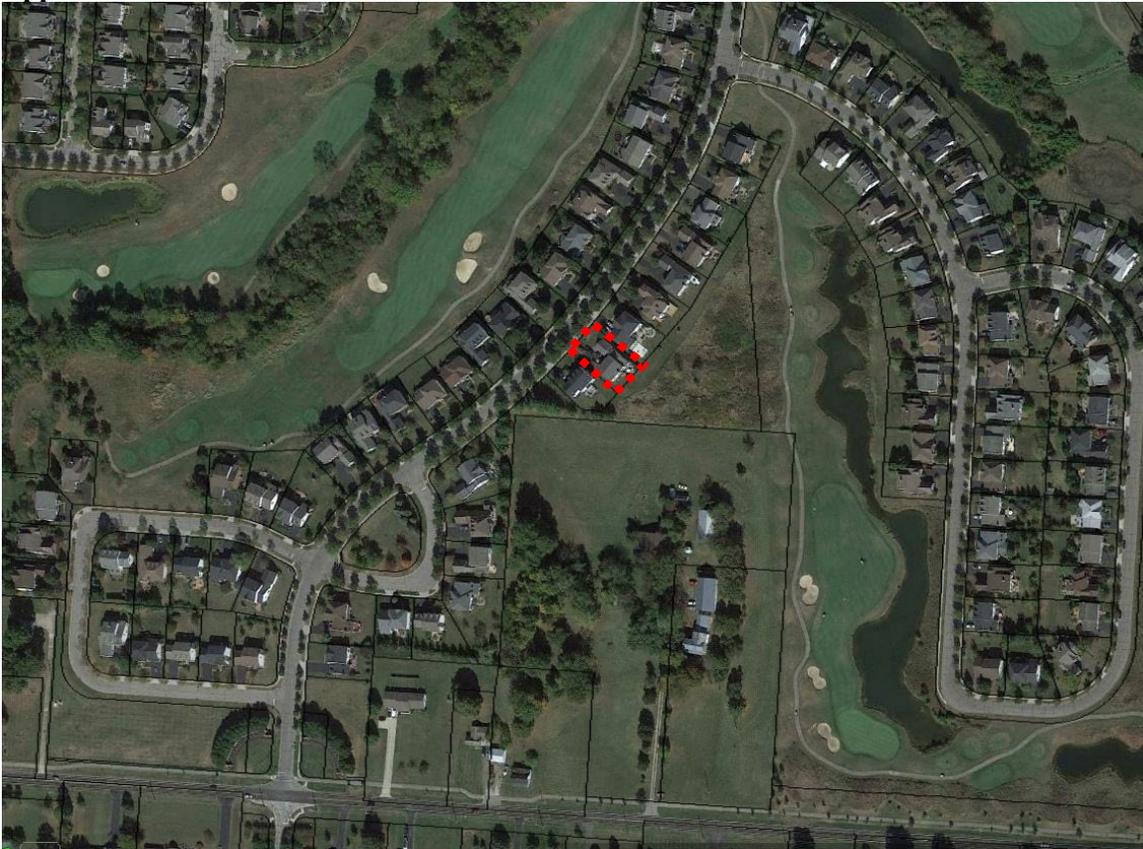
VI. ACTION

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-32-2023 with the following conditions (conditions of approval may be added).

1. 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 deck 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.

Approximate Site Location:



Source: Google Earth



Community Development Department

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

Dear Suncraft Corporation Inc.,

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

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

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

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

Thank you.



Community Development Department

Decision and Record of Action

Thursday, March 30, 2023

The New Albany Board of Zoning Appeals took the following action on 03/27/2023 .

Variance

Location: 7034 DEAN FARM RD

Applicant: Suncraft Corporation Inc.,

Application: PLVARI20230032

Request: Variance to codified ordinance 1165.04(b)(3)(b) to allow an extension of a deck to encroach 6 feet into a drainage easement at 7034 Dean Farm Road (PID: 222-002246).

Motion: Move to approve with conditions

Commission Vote: Motion Approved with Conditions, 3-0

Result: Variance, PLVARI20230032 was Approved with Conditions, by a vote of 3-0.

Recorded in the Official Journal this March 30, 2023

Condition(s) of Approval:

1. 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 deck 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.

Staff Certification:

Sierra Cratic-Smith

Sierra Cratic-Smith
Planner



**Board of Zoning Appeals Staff Report
June 26, 2023 Meeting**

**4433 OLMSTED ROAD
DETACHED GARAGE SETBACK VARIANCE**

LOCATION: 4433 Olmsted Road (PID: 222-01442-00)
APPLICANT: Todd M. Parker, F5 Design/Architecture Inc.
REQUEST: Variance to allow a detached garage to encroach the rear setback.
ZONING: R-4 (Single Family Residential District)
STRATEGIC PLAN: Residential
APPLICATION: VAR-61-2023

Review based on: Application materials received on May 25, 2023.

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance to allow a detached garage to encroach approximately 12 feet into the 30 foot required rear yard setback that's required by city codified ordinance Chapter 1165.04(a)(2)(e) at 4433 Olmsted Road.

II. SITE DESCRIPTION & USE

According to the Franklin County Auditor the property is 0.38 acres and contains a single-family home. The lot is located within the New Albany Country Club section 5 and zoned under the R-4 district. All the neighboring properties are zoned residential under the R-4 district.

III. ASSESSMENT

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

Criteria

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

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

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
2. *Whether the variance is substantial.*
3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."*
4. *Whether the variance would adversely affect the delivery of government services.*

5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

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

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

IV. EVALUATION

A variance to codified ordinance Chapter 1165.04(a)(2)(e) to allow a detached garage to encroach approximately 12 feet into the 30 foot rear yard setback.

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

1. The applicant proposes to allow a detached garage to encroach approximately 12 feet into the rear yard setback. The city codified ordinance Chapter 1165.04(a)(2)(e) requires the setback “shall be located thirty (30) feet from any rear lot line.”
2. The design of the proposed garage is consistent with the existing conditions of the property. The proposed detached garage is designed to be parallel with the existing garage and paver driveway. It is located at a distance wide enough to allow adequate length/distance for a car to turn into the detached garage.
3. This variance request does not appear to be substantial because the new lot coverage is recorded at almost 15 +/- percent which is half of what code requires under city codified ordinance Chapter 1133.05 at 30 percent.
4. The proposed garage does not appear to alter the essential character of the neighborhood because the proposed materials mirror the existing materials of the home. The proposed exterior walls match the existing exterior with a white lap siding and a brick water table. In addition, the height of the proposed garage matches the current attached garage.
5. The detached garage is screened from the neighboring property by an existing, tall arborvitae wall. Even though the detached garage is closer to the property line than code allows, the existing landscaping provides a buffer between the properties. Additionally, the area where the garage encroaches the setback is where the neighboring property’s garage is located, so it is not adjacent to livable space.
6. The literal interpretation of the city codified ordinance deprives the applicant of rights commonly enjoyed by other properties because it is a corner lot. This property has a 30-foot rear yard setback. Since it is a corner lot, the 30-foot rear yard setback applies to the detached garage and not the 10-foot side yard setback. If the lot was not on a corner, this variance would not be necessary and the location would be permissible.

Permit # _____
 Board _____
 Mtg. Date _____



Community Development Planning Application

Project Information	Site Address <u>4433 Olmsted Road</u>																																																												
	Parcel Numbers <u>222-01442-00</u>																																																												
Acres <u>.38</u>	# of lots created _____																																																												
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Description of Request: <u>A variance for a detached garage of 620 s.f to encroach 11' 9" into the rear yard setback as req'd by section 1165.04(a)2.E.</u>																																																													
Contacts	Property Owner's Name: <u>Laura and Scott Harrold</u> Address: <u>4433 Olmsted Road</u> City, State, Zip: <u>New Albany, OH 43054</u> Phone number: <u>9374776497</u> Fax: _____ Email: <u>seharrold@gmail.com</u>																																																												
	Applicant's Name: <u>Todd M. Parker, F5 Design/Architecture Inc.</u> Address: <u>PO Box 86</u> City, State, Zip: <u>New Albany, OH 43054</u> Phone number: <u>614.937.4894</u> Fax: _____ Email: <u>tparker@f5design.com</u>																																																												
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.																																																												
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City of New Albany
Development Department
Planning Commission
5 June 2023

Applicant – Todd Parker, F5 Design/Architecture Inc.

On behalf of Scott and Laura Harrold

Address of subject Property: 4433 Olmsted Road

Type of Request: Variance for Garage encroachment into 30' Rear Yard Setback.

Applicant seeks the following variance to permit construction of a Detached Garage attached that would encroach into the rear yard setback on the Property at 4433 Olmsted Road, New Albany, OH 43054.

The request is for a rear yard setback encroachment of a detached garage and attached covered porch. The Design has been approved by the NACCC ARC and The encroachment would be a maximum of 11'-9" into the 30'-0" rear yard setback at the garage structure. The 30'-0" rear yard setback is dictated by section 1165.04(a)2.E of the Codified Ordinances.

The definition of the rear yard setback is as follows:

"Rear Yard" means that portion of ta lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

According to C.O. 1113.03 (e) A narrative/justification statement is needed explaining the following:

- (1)The use for which variance or appeal is sought.

The variance is being sought to allow the encroachment of the proposed detached garage and covered rear porch into the 30 foot rear yard setback. The garage will encroach at its furthest point 11'-9" with a total area is 246 s.f.

- (2) Details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

The variance should be approved as the nature of the structure is appropriately designed for the Community and approved by the NACCCARC. Additionally, the zoning text for 30' front yard setbacks with the 30' setback on a corner lot exacerbate the restrictions of this lot, amongst other site factors such as, lack of street parking, numerous easements on the lot and other Architectural Requirements.

- (3) The Specific Reasons why the variance is justified according to this chapter.

The variance should be approved as the nature of the structure is appropriately designed for the Community and approved by the NACCCARC. The Proposed garage will have minimal impact on the neighboring properties.

Other Factors to this variance:

1. *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance*
The proposed use is harmonious with the overall community and will have a negligible effect on any general objective.

(b)

2. The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

The proposed garage with porch structure will be harmonious with the main house and it will be similar to many other porch structures within the area.

3. The use will not be hazardous to existing or future neighboring uses.

The proposed use will not be hazardous in any way to the existing or future neighboring uses.

4. The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

The Proposed use will not have any adverse effect on any public facilities or services.

5. The proposed use will not be detrimental to the economic welfare of the community.

The proposed use will not have any adverse effect on the economic welfare of the community.

6. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The proposed use will not involve any excessive traffic, noise, smoke, fumes, glare or odors.

7. Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.

The proposed use will not create any interference with traffic.

DUNCAN FACTORS -4433 OLMSTED ROAD

- *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.*
 - **The shape of the lot and development requirements create peculiar setback conditions compared to other homes in the area.**

- *That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.*
 - **The literal interpretation of the zoning code would indeed deprive the Homeowner from executing this project and there is precedent for some other detached structures in the neighborhood. In this case the corner of the garage in question would create roughly a 18'-3" setback.**

- *That the special conditions and circumstances do not result from the action of the applicant.*
 - **The special conditions and circumstances did not result from any actions of the homeowner.**

- *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.*
 - **It is not apparent that the granting of this variance will confer any special privilege that is denied by the zoning ordinance to other lands or structures in the same zoning district as there are numerous accessory structures within the district that have had variances.**

- *That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*
 - **The granting of the variance will not have any effect of the health and safety or materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity whatsoever.**



Instrument Number: 201703060030513
Recorded Date: 03/06/2017 1:20:11 PM



Daniel J. O'Connor
 Franklin County Recorder
 373 South High Street, 18th Floor
 Columbus, OH 43215
 (614) 525-3930
<http://Recorder.FranklinCountyOhio.gov>
Recorder@FranklinCountyOhio.gov

Transaction Number: T20170015493
Document Type: DEED
Document Page Count: 1

Submitted By (Walk-In):
 STEWART TITLE AGENCY OF COLS LTD

Walk-In

Return To (Box):
 STEWART TITLE AGENCY OF COLS LTD

Box

First Grantor:
 RHONDA L COMER

First Grantee:
 LAURA B HARROLD

Fees:
 Document Recording Fee: \$28.00
Total Fees: \$28.00
Amount Paid: \$28.00
Amount Due: \$0.00

Instrument Number: 201703060030513
Recorded Date: 03/06/2017 1:20:11 PM

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TRANSFERRED

MAR 06 2017

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO 3884

Conveyance
Mandatory- 568.00
Permissive- 568.00 none
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR

File No.: 01032-23172

GENERAL WARRANTY DEED

Rhonda L Comer and Vincent Day, wife and husband, for valuable consideration paid, grants with general warranty covenants to Laura B Harrold and Scott E Harrold,

for and during their joint lives, remainder in fee simple to the survivor of them, whose tax mailing address is: 4433 Olmsted Rd New Albany OH 43054, the following Real Property:

Situated in the State of Ohio, County of Franklin, and in the Village of New Albany:

Being Lot Number Ninety-Two (92) in THE NEW ALBANY COUNTRY CLUB SECTION 5, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 76, Page 82, Recorder's Office, Franklin County, Ohio.

Property Address: 4433 Olmsted Road, New Albany, OH 43054

Parcel Number: 222-001442-00

Prior Instrument Reference: Instrument # 200506130113266 of the Franklin County, Ohio Records.

Excepting from said general warranty covenants, all legal highways, restrictions, and easements of record, and taxes and assessments from the date of the closing.

Executed this 27th day of February, 2017.

Rhonda L Comer
Rhonda L Comer

Vincent Day
Vincent Day

State of Ohio, County of Franklin

The foregoing deed was acknowledged before me this 27 day of February, 2017, by Rhonda L Comer and Vincent Day.

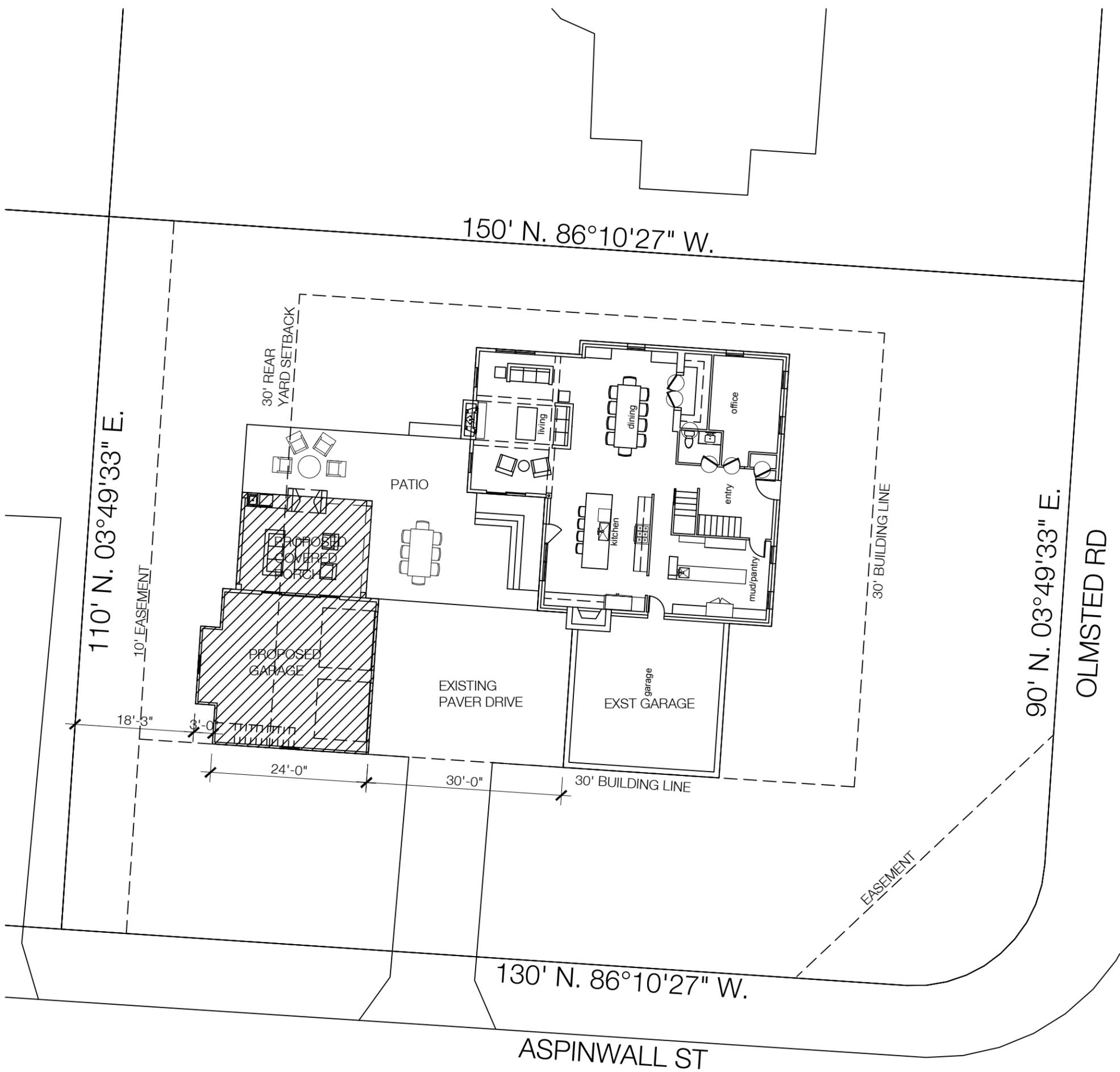
[Signature]
Notary Public
My Commission Expires:

This instrument was prepared by:
Joseph E. Budde
Attorney at Law
259 W. Schrock Road
Westerville, OH 43081



Mark Bachman
Notary Public-State of Ohio
My Commission Expires
December 5, 2017

Stewart Title Box
1072



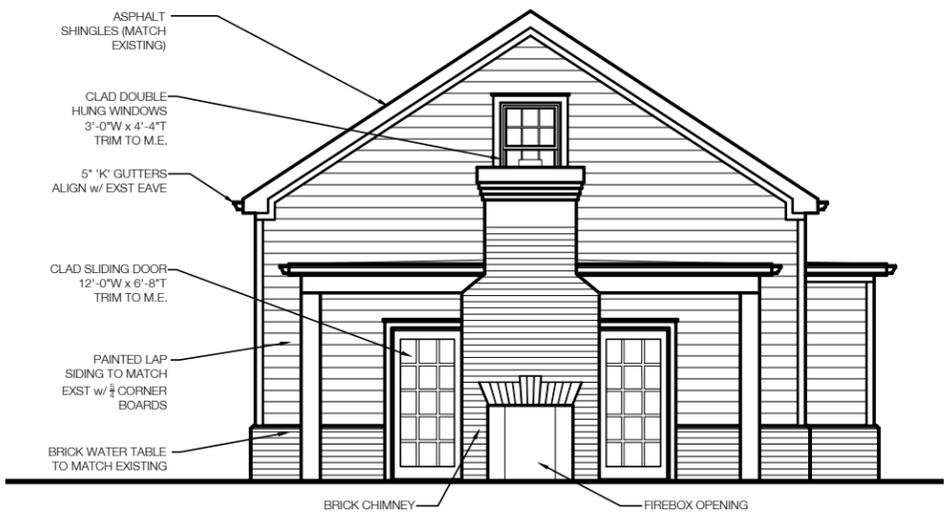
Site Plan



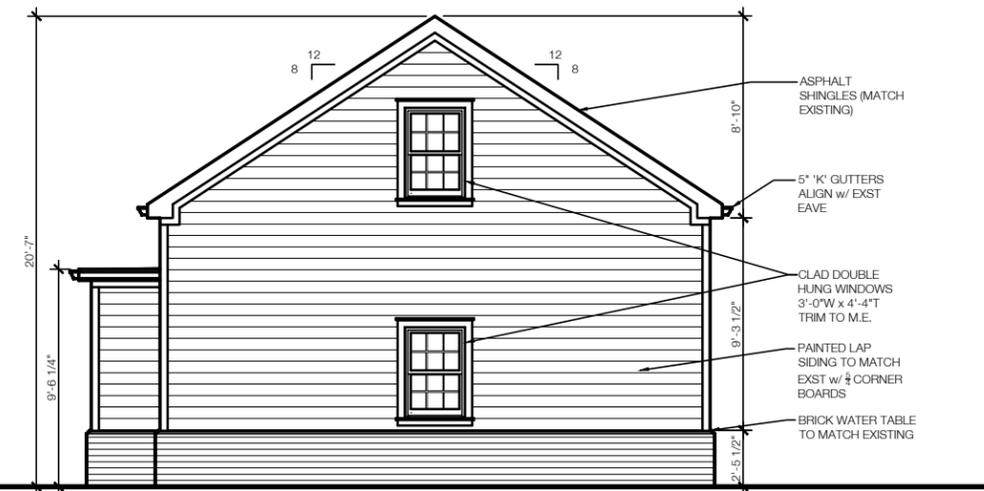
West Elevation



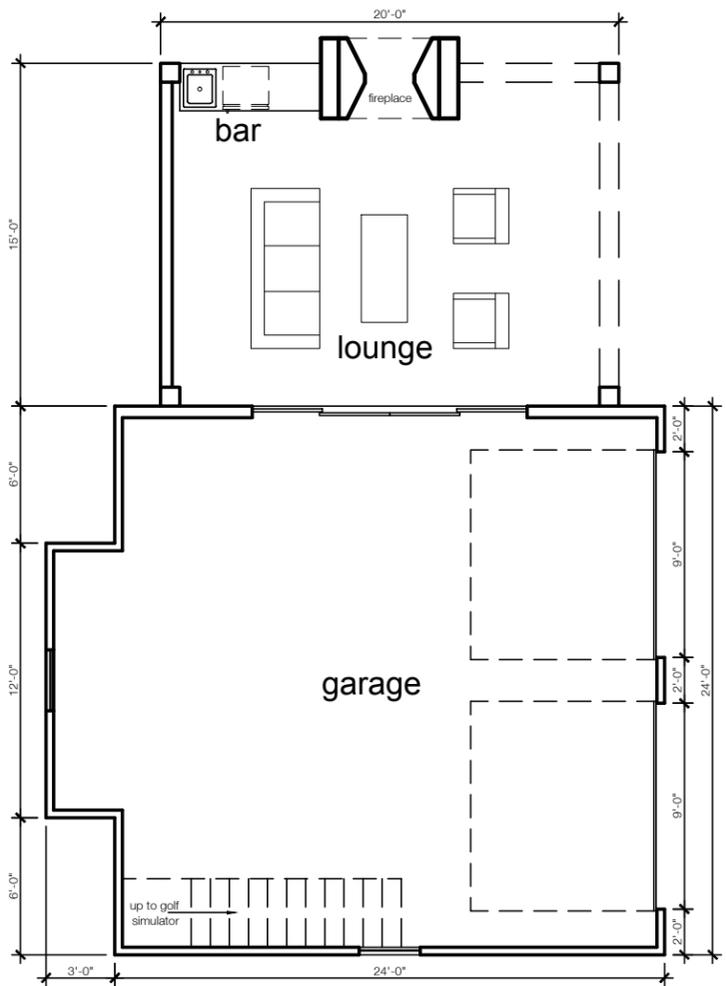
East Elevation



North Elevation



South Elevation



Detached Garage Floor Plan