



New Albany Board of Zoning Appeals Meeting Agenda
August 24, 2026, 6:30 p.m.

Members of the public must attend the meeting in-person to participate and provide comments at New Albany Village Hall, 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 July 27, 2026

IV. Additions or corrections to the 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-54-2026 4678 Cavendish Court Garage Setback Variance

Variance from C.O. 1133.05 to allow an extension of the garage to encroach 1 foot into the required 10-foot side yard setback and 7.5 feet into the required 30-foot rear yard setback on an approximately 0.24-acre single-family residential lot at 4678 Cavendish Court (PID: 222-001244).

Applicant: Kyle Kocheran (Ras Construction)

Motion of acceptance of staff reports and related documents into the record for VAR-54-2026.

Motion of approval for application VAR-54-2026 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-55-2026 6839 Cedar Brook Place Setback Variance

Variance from C.O. 1131.05 to allow a portion of a house addition to encroach approximately 6 inches into a required 20-foot side yard building setback on an approximately 0.76-acre single-family residential lot at 6829 Cedar Brook Place (PID: 222-000764).

Applicant: WSA c/o Kurt Miller

Motion of acceptance of staff reports and related documents into the record for VAR-55-2026.

Motion of approval for application VAR-55-2026 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-56-2026 6905 Central College Road Setback Variance

Variance from C.O. 1133.05(c) to allow a portion of a new home to encroach approximately 9 feet into a required 50-foot front-yard setback on an approximately 3.63-acre single-family residential lot at 6905 Central College Road (PID: 222-000349).

Applicant: Old World Custom Homes

Motion of acceptance of staff reports and related documents into the record for VAR-56-2026.

Motion of approval for application VAR-56-2026 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
July 27, 2026 Meeting Minutes - DRAFT

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Monday, July 27, 2026 in the New Albany Village Hall. Vice Chair Jacob called the meeting to order at 6:30 p.m. and asked to hear the roll.

II. Roll call

Those answering the roll:

Mr. Shaun LaJeunesse	absent
Mr. Abe Jacob	present
Ms. Tiana Samuels	present
Mr. Jeremiah Wood	present
Ms. Sarah Briggs	present
Council Member Matt Shull	present

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

Staff members present: Planner I Javon Henderson, Planning Manager Chris Christian, and Acting Law Director Ian Bigalk (on behalf of Law Director Ben Albrecht).

III. Action on minutes June 22, 2026

Vice Chair Jacob asked if there were any corrections to the minutes.

Hearing none, Board Member Wood moved to accept the June 22, 2026 meeting minutes. Board Member Briggs seconded the motion.

Upon roll call: Mr. Wood yes, Ms. Briggs yes, Mr. Jacob yes. Having three yes votes, the motion passed and the June 22, 2026 meeting minutes were approved as submitted.

IV. Additions or corrections to the agenda

Vice Chair Jacob asked if there were any additions or corrections to the agenda. Planner I Henderson stated that there were none.

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

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

Vice Chair Jacob asked if there were any visitors present who wished to speak on an item not on the agenda. Donna Larkin stated that she submitted a letter to Planner I Henderson via email and hoped that the board received the letter in advance of the meeting. Donna Larkin stated that she did not plan on addressing the board unless needed. Vice Chair Jacob swore in Donna Larkin in the event she wanted to address the board later in the meeting.

Vice Chair Jacob introduced the first case and asked to hear from staff.

VI. Cases

VAR-43-2026 3676 Farley Court Setback Variance

Variance from C.O. 1133.05 to allow a portion of an attached covered porch to encroach 5 feet and 8 inches into a required 30-foot rear yard building setback on an approximately 0.37-acre single-family residential lot at 3676 Farley Court (PID: 222-001789).

Applicant: The Cleary Company

Planner I Henderson delivered the staff report.

Vice Chair Jacob asked whether the board had any questions for staff.

Board Member Wood asked staff to clarify what the board was being asked to decide, and whether the variance applied to the covered porch, the paver patio, or both. Planner I Henderson stated that the uncovered paver patio is permitted to encroach up to 5 feet from the rear property line, and that the encroachment under consideration is the attached covered porch.

Vice Chair Jacob asked staff to explain how a detached structure would be treated differently. Planner I Henderson stated that a detached gazebo or pergola is categorized as a recreational amenity, which the code permits to encroach up to 10 feet from the rear property line.

Board Member Wood asked whether the code sets a minimum separation for a structure to be considered detached. Planner I Henderson stated that there would need to be a gap so that the structure does not connect to the primary structure of the house. Board Member Briggs asked whether a specific distance is required. Planner I Henderson stated that no specific distance is required. Board Member Wood asked whether a structure separated by as little as one inch would comply with the code without a variance. Planner I Henderson stated that it would.

Vice Chair Jacob asked what similar requests the board had considered previously, setting aside the case heard the prior month, and when those cases were decided. Planning Manager Christian stated that he could not recall a similar case before this board, but that the Planning Commission had approved a small number of them, including one in Nottingham Trace approximately a year and a half earlier.

Vice Chair Jacob asked why that case went before the Planning Commission rather than the Board of Zoning Appeals. Planning Manager Christian stated that variances in a planned unit development with a development text default to the Planning Commission, and that this property is straight zoned, which places variances of this type before the Board of Zoning Appeals.

Board Member Briggs asked whether the city had heard from any neighbors other than the resident who had submitted an email. Planner I Henderson stated that the city had not. Board Member Briggs asked whether the city had provided notice to surrounding property owners as it typically does. Planner I Henderson stated he had.

Vice Chair Jacob moved to accept the staff reports and related documents into the record. Board Member Wood seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Wood yes, Ms. Briggs yes. Having three yes votes, the motion passed and the staff reports and related documents were admitted to the record for VAR-43-2026.

Vice Chair Jacob asked whether the applicant wished to comment further on the application. Mr. George Cleary of The Cleary Company declined to add to what had been presented. Vice Chair Jacob asked whether the board had any questions for the applicant.

Board Member Wood asked staff to return to the side elevation, and asked the applicant how much of the structure would need to be removed to bring the porch within the required setback. Mr. Cleary stated that

it would be the 5 feet and 8 inches at issue. Mr. Cleary stated that the design had been in progress with the homeowner since December 2025, and that an earlier layout ran the structure to the south, which left insufficient room for a dining table. He stated that the homeowner wished to keep the porch attached to the house because the fireplace is existing, and that covering the area would address moisture buildup and the failing steps in that location.

Board Member Briggs asked staff to display the diagram showing the location of the home on Farley Court. Planner I Henderson displayed the site plan. Mr. Cleary identified the rear yard on the plan and noted that the lot is irregularly shaped, with a detached garage structure and the home shown.

Vice Chair Jacob asked whether the applicant and the owner had agreed to the recommended condition requiring landscape screening on the southern and northern sides of the improvement. Mr. Cleary stated that they had.

Board Member Wood asked whether any landscape plans had been prepared. Mr. Cleary stated that the contract includes an allowance along with recommendations from the landscape company, but that the firm's rendering platform does not depict landscaping in detail. He stated that there are a number of trees and shrubs on the south side, that the north side is heavily wooded and already provides coverage, and that screening is proposed in the same location on the south side because the improvement does not encroach further in that direction.

Board Member Wood asked what size and type of plantings were proposed. Mr. Cleary stated that the existing plantings are approximately 10 feet tall, roughly the height of the first floor ceiling, and that the new screening would be comparable.

Vice Chair Jacob asked whether the applicant would be required to work with city staff on the landscaping. Planner I Henderson stated that staff would want the applicant to work with staff. Planning Manager Christian stated that screening in the Country Club is typically installed using tall evergreens such as sea green juniper.

Vice Chair Jacob asked what timeline the city typically requires for installation. Planning Manager Christian stated that the city requires a landscape plan in place before a permit is issued, and that staff inspects the installation before the project is finalized.

Board Member Briggs asked whether the requirement to work with city staff should be added as a condition of approval. Vice Chair Jacob stated that he would be open to including it if the motion moved forward.

Board Member Briggs asked about the wall shown in the renderings, which appeared to be a cultured stone veneer, and noted her understanding that the Country Club requires brick. Mr. Cleary stated that the design had been through two rounds of New Albany Country Club architectural review, that the material was changed to brick to match the home, and that the rendering does not reflect that change. Planner I Henderson stated that city code permits stone, and that the brick requirement is a separate Country Club standard.

Vice Chair Jacob asked whether anyone present from the public wished to speak. Donna Larkin came forward.

Donna Larkin stated that she believed the application was premature because it had not received final approval from the homeowners association. She stated that she had been told the project had received only conceptual approval and had not gone through preliminary or final review. She stated that only four or five neighbors fall within the notification area, and that she had not been able to reach all of them.

Donna Larkin stated that the city's definition of a recreational amenity differs from the definition used in the Country Club community, and that the New Albany design guidelines do not permit a permanent structure detached from the home. She stated that the choice before the board is not between an attached structure and a detached one, because a detached structure would not be permitted by the association.

Vice Chair Jacob asked Planning Manager Christian to clarify the relationship between the city process and the homeowners association process. Planning Manager Christian stated that they are two separate processes, and that staff advises applicants at the time of permit submittal that the city conducts a zoning review only and that the association has its own approval process.

Donna Larkin stated that recreational amenities under the association's guidelines refer to items such as a basketball court, swing set, or soccer net that can be moved easily, and that the term does not apply to permanent structures. She stated that the application should be finalized by the association before the board acts on it.

Council Member Shull stated that city and association requirements are frequently confused, that association guidelines vary across communities, and that the board does not apply association guidelines in its review.

Donna Larkin stated that her primary concern is the precedent the approval would set. She stated that Planters Grove has been characterized by large open yards, green space, and an absence of fences, and that building into the setbacks would erode that character over time if other property owners followed.

Board Member Briggs stated for the record that the board had received documentation that day indicating that the proposed design had been reviewed and approved by the New Albany Country Club Communities architectural review committee as consistent with the architectural character and standards of the community. She noted the difference between the applicant's account and Ms. Larkin's.

Donna Larkin stated that the association had told her the project had gone through conceptual review only, which she described as a high level review confirming agreement in concept. Board Member Briggs asked when that conversation took place. Donna Larkin stated that she had spoken with the association the previous Friday.

Planner I Henderson stated for the record that staff sent notification letters to 12 residents in the area. Donna Larkin stated that she did not believe there were 12 properties within the notification area.

Donna Larkin stated that the Nottingham Trace approvals referenced earlier are governed by a different set of guidelines and are not comparable. She stated that the property on the other side of her home had attempted a similar improvement 10 to 15 years earlier and was not permitted to proceed. Vice Chair Jacob asked whether the association or the board had denied that request. Donna Larkin stated that she did not know, and that the improvement was ultimately built at a smaller size that did not require a variance.

Board Member Wood asked whether the proposed screening would address her concerns. Donna Larkin stated that it would not, because the screening would further obstruct her view. She stated that the roof height is greater than that of most porches in Planters Grove and already obstructs her view toward the green space at the north end of the court, and that additional tall plantings along the north lot line would leave her enclosed on both sides. She stated that she has lived in the neighborhood for 27 years.

Vice Chair Jacob asked whether the applicant had additional comments. Mr. Cleary stated that the applicant has a second approval from the New Albany Country Club architectural review committee and offered to provide it to the board or to the neighbor. He stated that the first submittal was approved on June 2 and that the second review was dated July 7, both for the same structure size, and that the only outstanding item noted by the committee is city approval. Vice Chair Jacob noted that the matter before the board is the 5 foot 8 inch encroachment.

Planner I Henderson stated that the document the board received was included in the digital packet but not in the physical packet, which is why it was placed on the desk at the meeting, and that it was part of the original submittal.

Board Member Briggs asked whether the association approvals could be entered into the record. Council Member Shull stated that the board should confirm what it would be entering, because the June 2 review may have been conceptual only. Board Member Wood stated that the board would need the actual approval documents.

Mr. Cleary stated that the approval is listed on the association's website under approved projects and is shown as approved with conditions, and that the conditions relate to trim column detail and a potential roof over the front door. He stated that the association raised no conditions regarding setback, size, or encroachment in either submittal.

Planning Manager Christian stated that, in order to keep the two processes separate, the board could instead add a condition requiring the applicant to provide proof of association approval at the time of permitting, as the board has done in the past.

Council Member Shull asked whether the homeowner was aware of the 30-foot rear yard setback at the time of purchase. Planner I Henderson reviewed the applicant submittal and confirmed that the resident had prior knowledge of the setback requirement.

Hearing no further questions, Vice Chair moved for approval of VAR-43-2026 subject to the findings in the staff report with the two conditions listed below, subject to staff approval. Board Member Wood seconded the motion.

1. The applicant shall add landscape screening on the southern and northern sides of the improvement, in consultation with city staff.
2. The applicant must submit proof of the HOA approval to city staff at the time of permitting.

Upon roll call: Mr. Jacob yes, Mr. Wood yes, Ms. Briggs, yes. Having three yes votes, the motion passed and the variance was granted.

VIII. Adjournment

Vice Chair Jacob asked whether there was any other business to come before the board, or whether any board member had a comment.

Hearing none, and having completed their agenda, Vice Chair Jacob moved to adjourn the July 27, 2026 meeting. Board Member Wood seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Wood yes, Ms. Briggs yes. Having all yes votes, the meeting was adjourned at 7:05 p.m.

Submitted by Chris Christian, Planning Manager.

Appendix

VAR-43-2026

Staff Report

Record of Action



**Board of Zoning Appeals Staff Report
July 27, 2026 Meeting**

**3676 FARLEY COURT
REAR YARD SETBACK VARIANCE**

LOCATION: 3676 Farley Court (PID: 222-001789)
APPLICANT: The Cleary Company
REQUEST: Variance
ZONING: Single-Family Residential District (R-3)
STRATEGIC PLAN: Residential
APPLICATION: VAR-43-2026

Review based on application materials received June 9, 2026.

Staff report prepared by Javon Henderson, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance from C.O. Section 1133.05 to allow part of an attached covered porch to encroach 5 feet and 8 inches into the required 30-foot rear yard setback. The associated patio pavers are proposed to encroach 9 feet into the setback, which is permitted by code. The proposed porch is an extension of the existing patio that currently meets the setback requirements. The total area of the covered porch is approximately 108 square feet.

II. SITE DESCRIPTION & USE

The property is located south of the Village Center, generally in the area west of Johnstown Road and north of Morse Road. The property comprises approximately 0.37 acres in Section 13 of the New Albany Country Club subdivision. The area is zoned for Medium-Density Single-Family Residential (R-3) development and is surrounded by similar single-family residential uses. The site includes a 5-foot-wide drainage easement along the south (side) property line.

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 subject property 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 (C.O. 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.*

Planning and Zoning Code

C.O. Section 1133.05 provides standards for the arrangement and development of buildings in the R-3 zoning district. The encroachment is regulated by Section 1133.05 rather than the codified ordinance for detached structures (C.O. 1165.04(a)) because it is attached to the primary building.

IV. EVALUATION

Considerations and Basis for Decision

Variance from C.O. Section 1133.05 to allow part of a covered porch to encroach approximately 6 feet into the required 30-foot rear yard setback.

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

1. C.O. Section 1133.05 outlines setbacks and other development standards for single-family residential zoning districts. The Medium-Density Single-Family Residential (R-3) zoning district imposes a minimum 30-foot rear yard building setback, as well as a minimum 30-foot front yard depth and 10-foot side yard depth.
2. The applicant requests a variance to allow part of a new covered porch to encroach 5 feet and 8 inches into the required 30-foot rear yard setback. The applicant has stated that the structure will be attached to the main home and is open on all four sides, which makes it part of the primary structure, and shows this in site plans. Additionally, the site plan shows a patio extension of 9 feet and associated improvements for the outdoor living space.
3. The portion of the building proposed to encroach is approximately 18 feet in total length; approximately 6 feet will encroach into the setback.
4. The applicant has submitted proof of review and approval from the New Albany Country Club Architectural Review Committee, ensuring that the architectural character is consistent with that of the surrounding area.
5. Only a small portion (less than half) of the covered patio is proposed to encroach into the setback as opposed to the entire structure. The applicant has stated that the variance enables a reasonable improvement consistent with other homes in the neighborhood.

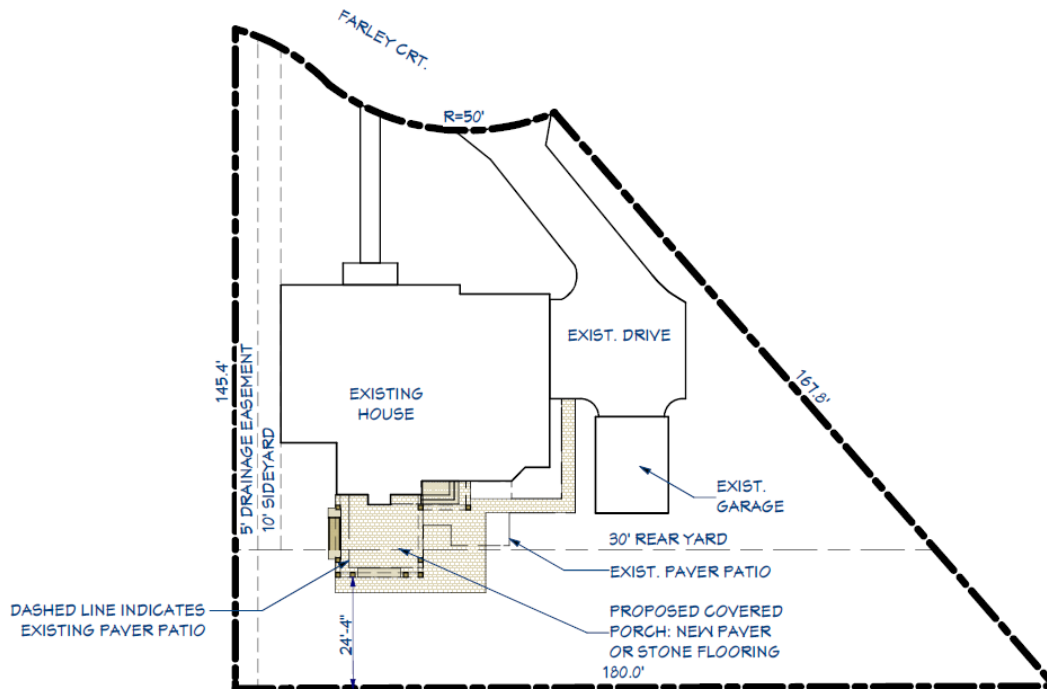


Image: Site Plan

6. The rear yard encroachment will cause a varying rear yard setback between nearby properties concerning attached structures. However, the site is surrounded by mature trees on the eastern property line that will help screen it from the adjacent property and ensure the visual impact of the encroachment will be reduced. Additionally, the applicant has stated that the improvement is approximately 155 feet from the neighboring property that shares the rear lot line.
 - a. Staff recommends a condition of approval that additional landscape screening be added on the southern and northern sides of the improvement (condition #1).
7. There can be beneficial use of the property without the variance. Compliance with the zoning code would still permit development and continued viable residential use of the property without the requested encroachment. An uncovered porch/paved patio can encroach up to 5 feet from the rear property line or a detached covered porch could encroach up to 10 feet from the rear property line.
8. The request seems to have a minimal impact; however, there are no previous precedents of a covered porch being approved to encroach into a rear yard setback. There have been numerous variances approved for detached structures, and uncovered porches and patios to encroach into a rear or side yard setback. Additionally, the request appears to be minimal due to the encroachment distance of the structure as part of the house and the small square footage that it is encroaching into the setback.
9. The essential character of the neighborhood would not be substantially altered if this request were approved, but it could set a precedent for future variance requests for attached structures to encroach into the rear yard. It appears that throughout the neighborhood, there are several paver patios and/or decks constructed in the rear yards, which visually match the area. However, none of the improvements appear to have a covered portion to the addition, therefore allowing it to encroach into the rear yard at a greater distance than a covered porch.
10. It does not appear that the variance would adversely affect the delivery of government services.
11. The problem can be solved by some manner other than the granting of a variance. The covered porch could be reduced to comply with the required rear yard setback, while the adjacent uncovered patio could continue to extend into the rear yard setback as permitted. Alternatively, the porch could

be redesigned as a detached structure, which would also allow it to extend into the rear yard setback. The variance does not preserve the spirit and intent of the zoning requirement, which is to ensure a consistent pattern of development between lots in a zoning district and maintain adequate separation of homes to preserve visual harmony. Allowing the covered porch to encroach into the rear yard setback has the potential to disrupt visual cohesion with other lots in the subdivision that adhere to the setback requirement for covered porches or patios.

12. There are no unique conditions or circumstances that are not applicable to other lands or structures in the same zoning district, and granting the variance would likely confer special privilege upon the applicant that is denied to other properties in the same zoning district. While the subject site is left with a slightly smaller buildable area relative to other parcels in the area, many other parcels with similar or smaller areas meet the same setback requirements. The 30-foot rear yard setback applies to all lots in the zoning district, and any such encroachment is not permitted in any area of the city without approval of a variance.
13. Granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, nor will it be injurious to private property or public improvements in the vicinity.

V. SUMMARY

The applicant requests approval of a variance to allow a portion of a covered porch to encroach 5 feet and 8 inches into a required 30-foot-wide rear yard setback, effectively placing it approximately 24 feet from the rear lot line. Setbacks are intended to maintain consistent density and patterns of development between lots in an area. Similar variances have been requested for encroachments into setbacks, but a majority of such requests have had unique site constraints, such as being on a corner lot. The request does not appear to be substantial as if it was detached, it could encroach up to 10 feet. It does not preserve the intent of the zoning requirement, though it is not anticipated to substantially affect the neighborhood's character and quality of life.

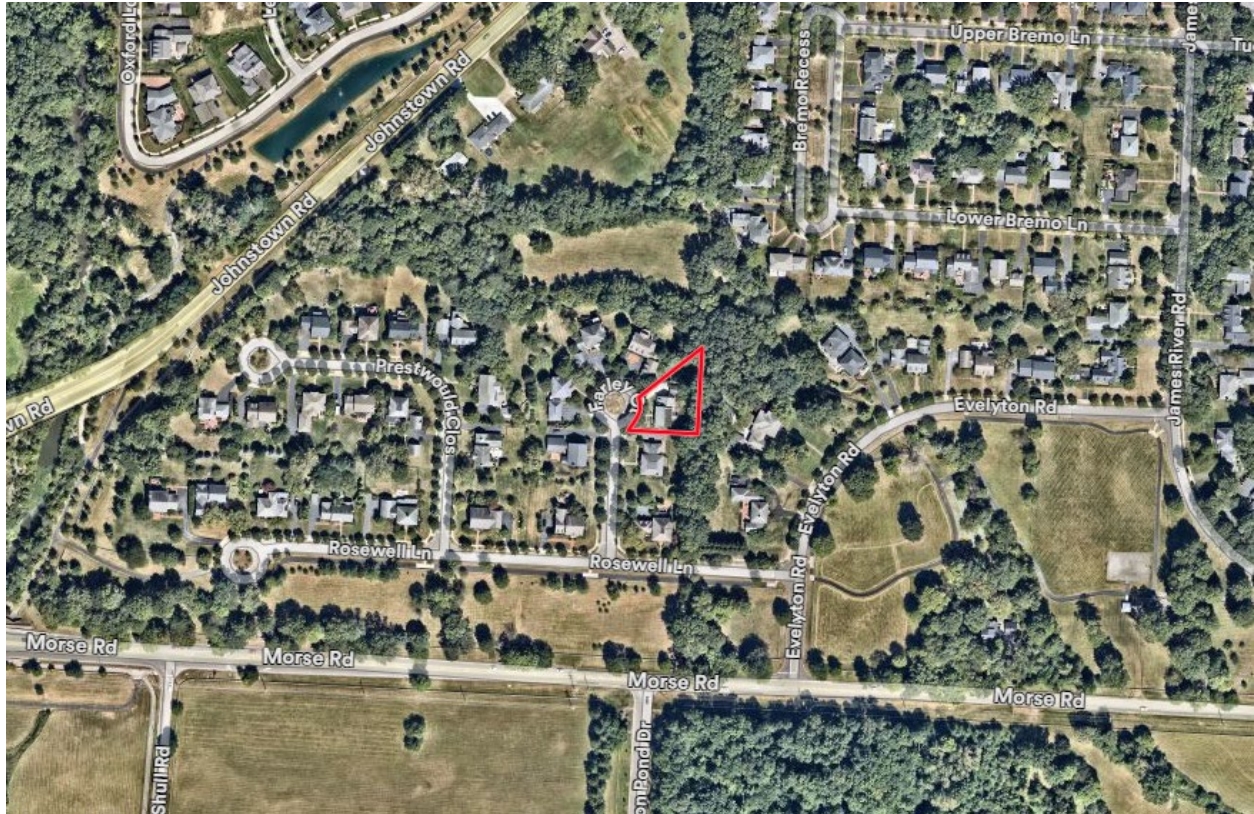
VI. ACTION

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

Move to approve variance application VAR-43-2026 based on the findings in the staff report with the following condition:

1. The applicant shall add landscape screening on the southern and northern sides of the improvement.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear The Cleary Company,

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 28, 2026

The New Albany Board of Zoning Appeals took the following action on 07/27/2026 .

Variance

Location: 3676 FARLEY CT

Applicant: The Cleary Company,

Application: PLVARI20260043

Request: Variance from C.O. 1133.05 to allow a portion of an attached covered porch to encroach 5 feet and 8 inches into a required 30-foot rear yard building setback on an approximately 0.37-acre single-family residential lot at 3676 Farley Court (PID: 222-001789).

Motion: To approve

Commission Vote: Motion Approved with Conditions, 3-0

Result: Variance, PLVARI20260043 was Approved with Conditions, by a vote of 3-0.

Recorded in the Official Journal this

Condition(s) of Approval:

1. The applicant shall add landscape screening on the southern and northern sides of the improvement, in consultation with city staff.
2. The applicant must submit proof of the HOA approval to city staff at the time of permitting.

Staff Certification:

Javon Henderson
Planner



**Board of Zoning Appeals Staff Report
August 24, 2026 Meeting**

**4678 CAVENDISH COURT
GARAGE SETBACK VARIANCE**

LOCATION: 4678 Cavendish Court (PID: 222-001244)
APPLICANT: Kyle Kocheran (Ras Construction)
REQUEST: Variance
ZONING: Single-Family Residential District (R-4)
STRATEGIC PLAN: Residential
APPLICATION: VAR-54-2026

Review based on application materials received July 27, 2026.

Staff report prepared by Javon Henderson, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance from C.O. Section 1133.05 to allow an approximately 240-square-foot extension to the rear of the existing garage, encroaching 1 foot into the required 10-foot side yard setback and 7.5 feet into the required 30-foot rear yard setback. Because the garage extension would be part of the primary structure, the encroachments into the required setbacks constitute a variance from the residential development standards applicable to the R-2, R-3, and R-4 districts. The proposed addition is intended to provide space for an electric vehicle and landscape equipment storage.

The applicant states that the additional garage space is needed due to medical circumstances, noting that the homeowner's spouse has a verified vision impairment and requires a vehicle equipped with advanced driver assistance and automated features. The homeowner has purchased an electric vehicle and seeks safe, weather-protected parking with access to home charging to support the spouse's continued independence; according to the applicant, the existing garage cannot reasonably accommodate the electric vehicle while retaining space for other vehicles and equipment.

II. SITE DESCRIPTION & USE

The property is located south of the Village Center, generally in the area west of Johnstown Road and north of Ogden Woods Boulevard. The property comprises approximately 0.24 acres in Section 6 of the New Albany Country Club subdivision. The area is zoned for Medium-Density Single-Family Residential (R-3) development and is surrounded by similar single-family residential uses.

III. EVALUATION

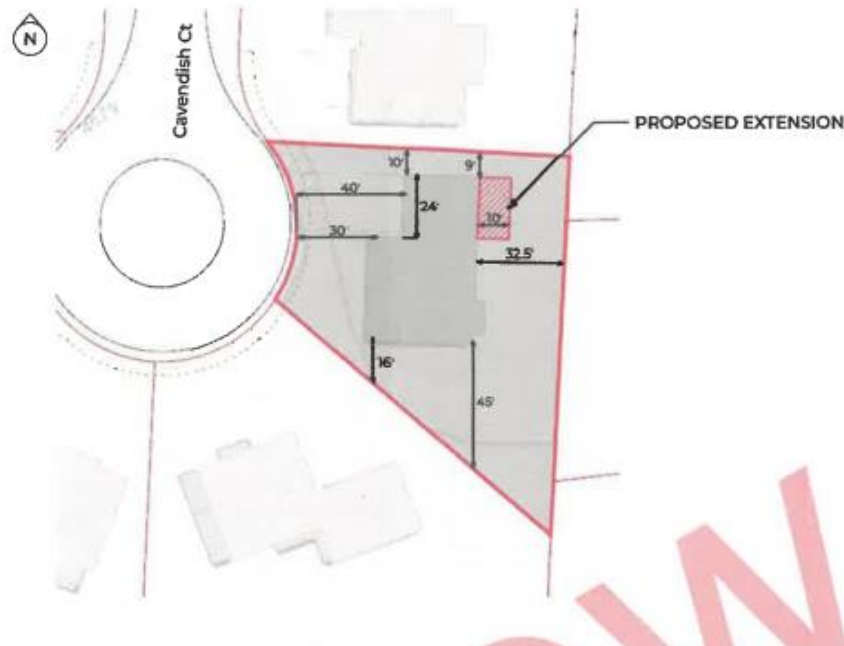
The application complies with application submittal requirements in C.O. 1113.03 and is considered complete. The property owners within 200 feet of the property in question have been notified.

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 these factors when deciding whether to grant a landowner an area variance, as well as the criteria established in C.O. Section 1113.06.

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.

The applicant requests the following variance:

(A) Variance from C.O. 1133.05 to allow a portion of a garage extension to encroach into the required 10-foot side yard setback and the required 30-foot rear yard setback.



The following should be considered in the Board of Zoning Appeals' decision:

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
 - The property contains an existing single-family dwelling and remains usable for residential purposes without the variance. As the property currently stands, the homeowner would not be able to extend or add a new garage on their property without the request of a variance. The existing home is approximately 2-3 feet from the rear yard setback. Although the lot may have an irregular shape, the size of the lot is similar to those in the surrounding area. The property can be of beneficial use as it currently stands with the existing house and garage.
2. *Whether the variance is substantial.*
 - The request seems to have a minimal impact; however, there are no previous precedents of a garage extension in the immediate area being approved to encroach into a rear yard or side yard setback with the same zoning restrictions. There have been a few variances approved for attached structures and a new home to encroach into a rear yard setback. Additionally, the request appears to be minimal due to the size of the garage addition (240 square feet).
 - Similar variances have been heard by the Planning Commission and/or Board of Zoning Appeals in the past:
 - i. Variance to allow part of a new home to encroach 20 feet into the required 30-foot rear yard setback at 4326 Olmstead Road. Approved by BZA in 2026.

- ii. Variance to allow a portion of an attached porch to encroach 5 feet 8 inches into the required 30-foot rear yard setback at 3676 Farley Court. Approved by BZA in 2026.
3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
 - The essential character of the neighborhood would not substantially be altered if this request were approved. However, it could create impacts on adjoining properties including building separation, visibility, or the relationship of the addition to neighboring rear or side yards. The garage extension is in the rear of the home which does not alter the character of the street. However, this request could set a precedent for future variance requests for attached structures to encroach into the side or rear yard.
4. *Whether the variance would adversely affect the delivery of government services.*
 - The variance is not anticipated to adversely affect the delivery of government services.
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
 - The applicant has stated that the homeowner had prior knowledge of the zoning restrictions before the purchase of the property. However, they are seeking relief due to unforeseen medical and functional needs.
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
 - The applicant has stated that consideration for a detached garage, off-site parking, or major reconfiguration was evaluated and was found to be more disruptive, less practical, or more impactful to the site and neighbors. The applicant could reconfigure the placement of vehicles by utilizing their existing driveway to park a car and place the new electric vehicle in the garage. Additionally, the applicant could build an accessory structure to store any landscaping equipment in the backyard that could meet the setbacks. Staff has evaluated the site, and it appears that the existing home is set back approximately 32 feet from the rear yard and is approximately 10 feet from both side yards. The applicant could install an addition to the garage to meet this standard in the rear yard by 2 feet; however, this would not allow the applicant to successfully use the space as requested.
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*
 - The variance does not preserve the spirit and intent of the zoning requirement, which is to ensure a consistent pattern of development between lots in a zoning district and maintain adequate separation of homes to preserve visual harmony. Allowing the garage addition to encroach into the rear and side yard setback has the potential to disrupt visual cohesion with other lots in the subdivision that adhere to the setback requirement for their homes.
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.*
 - There are no unique conditions or circumstances that are not applicable to other lands or structures in the same zoning district, and granting the variance would likely confer special privilege upon the applicant that is denied to other properties in the same zoning district. While the subject site is left with a slightly smaller buildable area relative to other parcels in the area, many other parcels with similar or smaller areas meet the same setback requirements. The 10-foot side yard and 30-foot rear yard setback applies to all lots in the zoning district, and any such encroachment is not permitted in any area of the city without approval of a variance.

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.*
 - It appears that throughout the neighborhood, there are homes that have constructed improvements on their lot, but none have obtained a variance based on staff's records. However, the improvements consist of uncovered porch/paved terraces, which are permitted to encroach up to 5 feet from the rear property line.
10. *That the special conditions and circumstances do not result from the action of the applicant.*
 - There are no special conditions or circumstances that exist which are particular to this lot, and which do not apply to other lots in the same neighborhood.
 - . Staff has evaluated the applicants request and believes that there are other actions that can be taken to park an additional car on the property. However, it would appear that the applicant purchased the home after the construction; therefore, they did not create the situation of the house being approximately 2 feet from the rear setback.
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.*
 - Granting of the variance could confer on the applicant a special privilege that is denied by the zoning ordinance to other land in the same zoning district. The homeowner, along with other houses in the area, has a home and garage that meet all setback requirements.
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.*
 - Granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed improvement, nor will it be injurious to private property or public improvements in the vicinity.

IV. SUMMARY

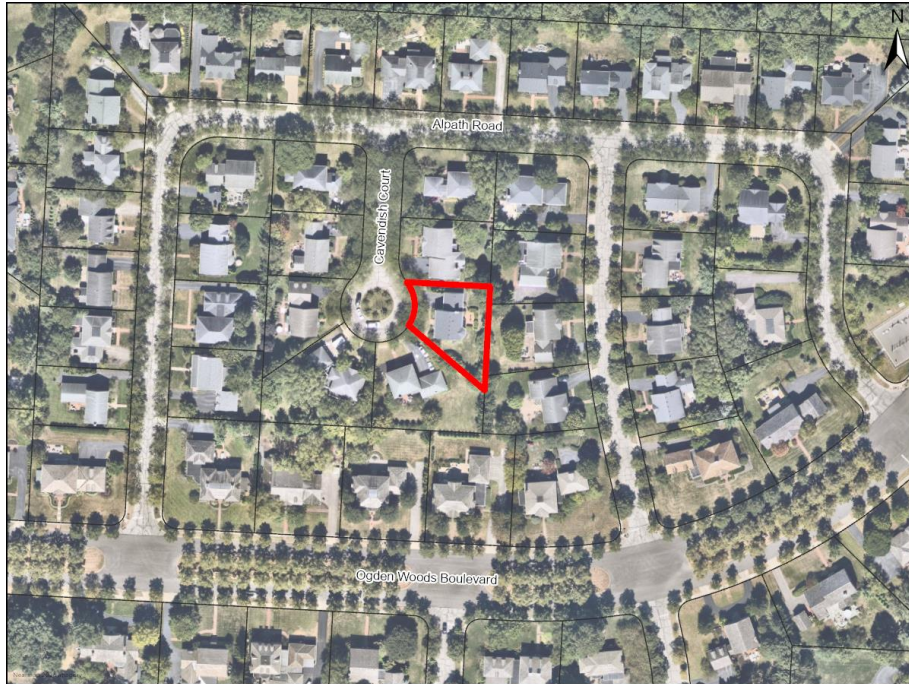
The applicant requests approval of a variance to allow a portion of a garage extension to encroach into the required 10-foot side yard and required 30-foot rear yard setback, effectively placing it approximately 22.5 feet from the rear lot line and 9 feet from the side yard lot line. Setbacks are intended to maintain consistent density and patterns of development between lots in an area. Similar variances have been requested for encroachments into setbacks, but a majority of such requests have had unique site constraints, such as being on a corner lot. The request does not appear to be substantial; however, the variance request could set a precedent in the immediate area for similar requests. Additionally, the request can be resolved by other means as stated in the report. The variance request does not preserve the intent of the zoning requirement, though it is not anticipated to substantially affect the neighborhood's character.

V. ACTION

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

Move to approve variance application VAR-54-2026 based on the findings in the staff report:

Approximate site location:



Source: NearMap



Community Development Planning Application

Submission	Submit planning applications and all required materials via email to planning@newalbanyohio.org			
	Paper copies are not required at this time however, 12 paper copies of the entire submission will be required ahead of a board hearing date. The planner assigned to your case will inform you when the paper copies need to be delivered to our offices.			
Project Information	Site Address <u>4678 Cavendish CT</u>			
	Parcel Numbers <u>222-001244</u>			
	Acres _____		# of lots created _____	
Project Information	Choose Application Type		Description of Request:	
	☐ Appeal ☐ Certificate of Appropriateness ☐ Conditional Use ☐ Development Plan ☐ Plat ☐ Lot Changes ☐ Minor Commercial Subdivision ☐ Zoning Amendment (Rezoning) ☐ Zoning Text Modification		☐ Extension Request ☒ Variance ☐ Vacation <u>Rear Side yard Variance</u> <u>Of 9 feet and Rear</u> <u>yard Variance of</u> <u>22.5 feet for garage</u> <u>Extension</u>	
Contacts	Applicant Information		Property Owner Information	
	Name	<u>Kyle Kocher (RAS Construction)</u>	Name	<u>Michael Evans</u>
	Address		Address	
	City, State, Zip		City, State, Zip	
	Phone Number		Phone Number	
	Email		Email	
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.			
	Signature of Owner Signature of Applicant		Date: _____ Date: <u>7/13/16</u>	

Department Address: 7815 Walton Parkway • New Albany, Ohio 43054 • Phone 614.939.2254

Mailing Address: 99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054

Applicant: Kyle Kocheran (President of RAS Construction), 351 W South St, Worthington, Ohio, 43085, [REDACTED]

Property Owner: Michael Evans and Kimberly Evans

Property Description: 4678 CAVENDISH CT

NEW ALBANY COUNTRY CLUB SEC 6 LOT 80

New Albany Ordinance That Applies: Ord. C.O 1133.05

Existing Garage Square Footage: 576sqft

New Garage Total Square Footage: 816sqft

Garage Addition Square Footage: 240sqft

Garage Addition Dimensions: 10ftx24ft

Property Owners Within 200 Feet:

Owner [JERWERS MARTIN](#)

JERWERS WHITNEY

Owner Mailing / 7551 ALPATH RD

Contact Address NEW ALBANY OH 43054

Owner [CLAPPIER JOHN A](#)

LUND-CLAPPIER LYNDA L

Owner Mailing / 7527 ALPATH RD

Contact Address NEW ALBANY OH 43054

Owner [GASLIN RYAN](#)

Owner Mailing / 4689 CAVENDISH CT

Contact Address NEW ALBANY OH 43054

Owner [TAYLOR AMY R](#)

TAYLOR DAVID C

Owner Mailing /	4679 CAVENDISH CT
Contact Address	NEW ALBANY OH 43054
Owner	PULERI THOMAS C
	PULERI SUZANNE W
Owner Mailing /	4671 CAVENDISH CT
Contact Address	NEW ALBANY OH 43054 9632
Owner	HIGGINS MICHELLE
	HIGGINS JOHN
Owner Mailing /	7518 OGDEN WOODS BLVD
Contact Address	NEW ALBANY OH 43054 9634
Owner	AKLILU KIRUBEL
	FEASEL SARAH
Owner Mailing /	7532 OGDEN WOODS BLVD
Contact Address	NEW ALBANY OH 43054
Owner	SEVEY RYAN
	SEVEY LEAH
Owner Mailing /	7548 OGDEN WOODS BLVD
Contact Address	NEW ALBANY OH 43054
Owner	THORNTON JESSE
	THORNTON LEAH C
Owner Mailing /	7566 OGDEN WOODS BLVD
Contact Address	NEW ALBANY OH 43054
Owner	MORAN SHANE M
	MORAN AMY S

Owner Mailing / 6335 LAKE MATHIAS DR
Contact Address NEW ALBANY OH 43054
Owner [MOSS ETHAN S](#)

PEARLMAN RACHEL S

Owner Mailing / 4688 CAVENDISH CT
Contact Address NEW ALBANY OH 43054
Owner [JERWERS MARTIN](#)

JERWERS WHITNEY

Owner Mailing / 7551 ALPATH RD
Contact Address NEW ALBANY OH 43054
Owner [GREER EDWARD B](#)

CONROY SARAH E

Owner Mailing / 4653 MCCURDY DR
Contact Address NEW ALBANY OH 43054 9631
Owner [GRAYFER EDIT](#)

ANDERSON MARC J

Owner Mailing / 4665 MCCURDY DR
Contact Address NEW ALBANY OH 43054
Owner [HAMRICK BRIAN A](#)

HAMRICK KRISTEN

Owner Mailing / 4677 MCCURDY DR
Contact Address NEW ALBANY OH 43054
Owner [RECZEK JOSEPH J](#)

RECZEK REBECCA W

Owner Mailing /

7567 ALPATH RD

Contact Address

NEW ALBANY OH 43054

Narrative Statement:

Project: 10-ft rear extension to existing attached garage **Location:** Rear of existing garage will be 22.5 ft from rear property line (after addition); side of garage will remain 9 ft from side property line. **Requested relief:** Rear yard variance of **7.5 ft** (required 30 ft; proposed 22.5 ft); side yard variance of **1 ft** (required 10 ft; existing 9 ft maintained).

The homeowners request a modest, rearward 10-foot extension to the existing attached garage to provide enclosed parking and storage for an additional electric vehicle and existing household vehicles and landscaping equipment. The extension preserves the existing side yard line (9 ft) and aligns with the current garage massing so the front streetscape and neighborhood character remain unchanged.

Practical hardship and necessity The need for additional enclosed garage space is driven by a documented medical necessity: the homeowner's spouse has a clinically verified vision impairment and requires a vehicle equipped with advanced driver assistance and automated features. The family recently acquired an electric vehicle (Tesla) to meet this mobility and safety need. Safe, weather-protected parking and access to home charging are essential for the vehicle's operation and for the spouse's continued independence. Without the proposed extension, the household cannot reasonably accommodate the EV inside the garage while retaining space for other vehicles and essential equipment.

Why the variance is minimal and reasonable The rear variance requested (7.5 ft) and the side variance (1 ft) are modest in scope. The extension is limited to the rear, will match existing materials and roofline, and will not alter the home's front elevation or public view. The proposal maintains the existing nonconforming side yard rather than creating a new encroachment. Given these factors, the requested relief is proportional to the demonstrated need and will not confer an undue special privilege.

Response to Board considerations

- *Reasonableness and practicality:* Strict application of the setback would prevent reasonable, safe accommodation of an essential vehicle and equipment; the proposed solution is the least intrusive means to meet that need.
- *Beneficial use without variance:* The property remains a functional residence, but denial would prevent reasonable internal parking and charging for the EV.
- *Substantiality:* The variances are modest relative to typical lot dimensions and existing conditions.
- *Neighborhood character and detriment:* The addition is to the rear, consistent in scale and materials, and will not materially affect neighboring properties, sunlight, or views.
- *Government services:* No impact to emergency access, utilities, or public infrastructure is anticipated.
- *Prior knowledge of restriction:* The homeowners acknowledge zoning rules and seek relief for a changed, unforeseen medical and functional need.
- *Alternatives considered:* Detached garages, off-site parking, or major reconfiguration were evaluated and found to be more disruptive, less practical, or more impactful to the site and neighbors.

Consistency with C.O. 1113.06 Special conditions exist (preexisting garage placement and the household's medical mobility needs) that are not the result of the applicant's actions and are peculiar to this property. A literal enforcement of the ordinance would deprive the homeowners of rights commonly enjoyed by similarly sized properties—namely, the ability to park and charge an EV within an attached garage. Granting the variance will not adversely affect public health, safety, or welfare and will not materially injure neighboring properties.

IFGC - IS; INTERNATIONAL FUEL GAS CODE
(COMMERCIAL ONLY) ICC AT17.1-17; ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES.

BUILDING CODE NOTES

ALLOWABLE DEFLECTIONS:	
ROOF	L/180 TL, L/240 LL
INTERIOR WALLS & PARTITIONS	H/180
FLOORS	L/360
CEILINGS WITH FLEXIBLE FINISH, DRYWALL	L/360
EXTERIOR WALLS WITH PLASTERED FINISH	H/360
ALL OTHER MEMBERS	L/240

ALL HABITABLE ROOMS SHALL BE PROVIDED WITH AGGREGATE GLAZING AREA OF SUCH ROOMS ONE HALF OF THE REQUIRED AREA OF SUCH ROOMS ONE HALF OF THE REQUIRED AREA OF GLAZING SHALL BE OPENABLE . TEMPERED GLASS SHALL BE PROVIDED FOR ALL HAZARDOUS LOCATIONS AS IDENTIFIED IN RCO 308.4.

ALL INTERIOR AND EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH MEANS TO ILLUMINATE THE STAIRS, INCLUDING THE LANDINGS AND THE TREADS. INTERIOR STAIRWAYS SHALL BE PROVIDED WITH ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF EACH LANDING OF THE STAIRWAY PER RCO 303.7

FOUNDATION BOLTS: 1/2" BOLTS MUST BE EMBEDDED 7" INTO CONCRETE BLOCK OR POURED CONCRETE, BOLTS SHALL BE SPACED 6' ON CENTER, AND WITHIN 12" OF CORNERS. ANCHOR STRAPS MUST BE INSTALLED PER THE MANUFACTURER'S SPECS & RCO 403.1.6

GRADE THE LOT AWAY FROM THE BUILDING WALLS A MINIMUM OF 6" IN THE FIRST 10' AWAY FROM THE STRUCTURE (5%) PER RCO 401.3

CONCRETE SLABS SHALL MEET CONSTRUCTION REQUIREMENT OF RCO 506,
INCLUDING A 4" THICK GRAVEL BASE AND A 0.006" VAPOR BARRIER

WATER RESISTIVE BARRIER (Tyvek OR EQUIVALENT) SHALL BE PROVIDED AT THE EXTERIOR OF THE BUILDING ENVELOPE PER RCO 703.2

DRYWALL PROVIDED AT WALLS AND CEILINGS PER RCO 705.2.3

ROOF TRUSSES SHALL COMPLY WITH RCO 802.10. ROOF FRAMING SIZED PER REGISTERED ENGINEER'S DESIGN. ROOF TRUSS LAYOUT AND TRUSS DRAWINGS SHALL BE PROVIDED BY THE CONTRACTOR. ROOF TRUSS DESIGN REQUIRES ENGINEER OF RECORD EVALUATION. HURRICANE CLIPS OR SIMPSON RAFTER SCREWS PROVIDED AT ALL TRUSS CONNECTIONS.

ATTIC ACCESS PROVIDED PER RCO 807

THE STRUCTURE SHALL MEET ENERGY EFFICIENCY GUIDELINES PER RCO CHAPTER 11

INSULATION PROVIDED PER PRESCRIPTIVE COMPLIANCE PATH CHOSEN IN RCO 1101.2



DIMENSIONS ON THIS DRAWING CAN BE ROUNDED TO NEAREST 1/4"

BEFORE EXCAVATION, THE CONTRACTOR SHALL EXAMINE ALL DRAWINGS, MAPS AND BUILDING SITE TO DETERMINE THE ROUTES OF ALL UNDERGROUND UTILITIES. BEFORE DIGGING COMMENCES IT IS REQUIRED THAT THE OWNER AND OR CONTRACTOR CALL 811 FOR MARKING SERVICE ROUTES. RATING TO DETERMINE FOUNDATION AND FOOTING DESIGN. CONCRETE FOUNDATIONS AND FOOTING DESIGN SHALL BE IN ACCORDANCE TO CHAPTER 4 OF THE I.R.C. CODE

Sheets labeled with the engineering seal have been prepared under the direction and supervision of a Licensed Professional Engineer in the State of Ohio and are sealed accordingly. These sheets represent the structural design and are intended for permitting and construction.

All other sheets (non-stamped) are provided for coordination or reference only. These may be revised by the builder, owner, or other design professionals as needed, provided no structural elements are modified without engineer review and approval.

2 x 4 WALLS: R-15 BATTING
2 x 6 WALLS: R-19 BATTING
ATTIC: R-38 MIN BLOWN FIBERGLASS
BASEMENT: R-10 DRAPE TO 42" BELOW SILL

INSULATION AND FACINGS EXPOSED IN ATTIC, DWELLING UNIT OR CRAWL SPACES SHALL HAVE A FLAME SPREAD RATING NOT TO EXCEED 75 AND SMOKE DEVELOPED FACTOR NOT TO EXCEED 450

INSULATION BATTING ON KNEE WALLS TO REQUIRE DRYWALL ON BACKSIDE

RIDGE VENT AND SOFFIT VENTS TO BE INSTALLED. INSULATION FAIRINGS TO BE INSTALLED TO ALLOW SOFFIT VENTILATION. THE MINIMUM NET FREE VENTILATING AREA SHALL BE 1/150 OF THE AREA OF THE VENTED SPACE. ANGLED ROOF SHALL INCORPORATE MAXIMUM USE OF SOFFIT VENTS, WHERE SOFFITS ARE PERPENDICULAR TO TRUSSES, ROOF DECK SHALL BE OFFSET BY 2x2 PURLINS TO ALLOW VENTILATION

IN ALL FRAME WALLS AND FLOORS, AND CEILINGS, NOT VENTILATED TO ALLOW MOISTURE TO ESCAPE, AN APPROVED VAPOR RETARDER (NOT BARRIER) SHALL BE INSTALLED ON THE WARM-IN-WINTER SIDE OF THE THERMAL INSULATION

SMOKE DETECTORS: SMOKE DETECTORS SHALL BE INSTALLED IN ALL SLEEPING ROOMS, AREA OUTSIDE, ADJACENT AND WITHIN 21 FT. OF EACH SLEEPING ROOM. THEY SHALL ALSO BE LOCATED ON EACH STORY INCLUDING BASEMENT AND CELLARS AND ALL DETECTORS SHALL BE HARDWIRED AND INTERCONNECTED.

ALL SMOKE ALARMS SHALL BE LISTED IN ACCORDANCE WITH UL 217 AND INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE CODE AND THE HOUSEHOLD FIRE WARNING EQUIPMENT OF THE NFPA 72. ON EACH LEVEL WITHIN EACH DWELLING UNIT SMOKE ALARMS UTILIZING PHOTOELECTRIC AND IONIZATION TECHNOLOGIES SHALL BE INSTALLED. SEPARATE OR DUAL- SENSING SMOKE ALARMS MAY BE USED. A SMOKE ALARM LOCATED IN ACCORDANCE WITH ORC SECTION 314.3(2) SHALL INCLUDE PHOTOELECTRIC TECHNOLOGY.

CARBON MONOXIDE ALARMS IN DWELLING UNITS SHALL BE INSTALLED OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS. WHERE A FUEL BURNING APPLIANCE IS LOCATED WITHIN A BEDROOM OR ITS ATTACHED BATHROOM, A CARBON MONOXIDE ALARM SHALL BE INSTALLED WITHIN THE BEDROOM

COMBINATION CARBON MONOXIDE AND SMOKE DETECTORS
INSTALLED IN CARBON MONOXIDE DETECTION SYSTEMS IN LIEU OF
CARBON MONOXIDE DETECTORS SHALL BE LISTED AND LABELED IN
ACCORDANCE WITH UL 2075 AND UL 268

REV	DESCRIPTION	BY	DATE
	INITIAL RELEASE	CV	04-24-2026

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Evans Garage
4678 Cavendish Ct
New Albany, OH 43054



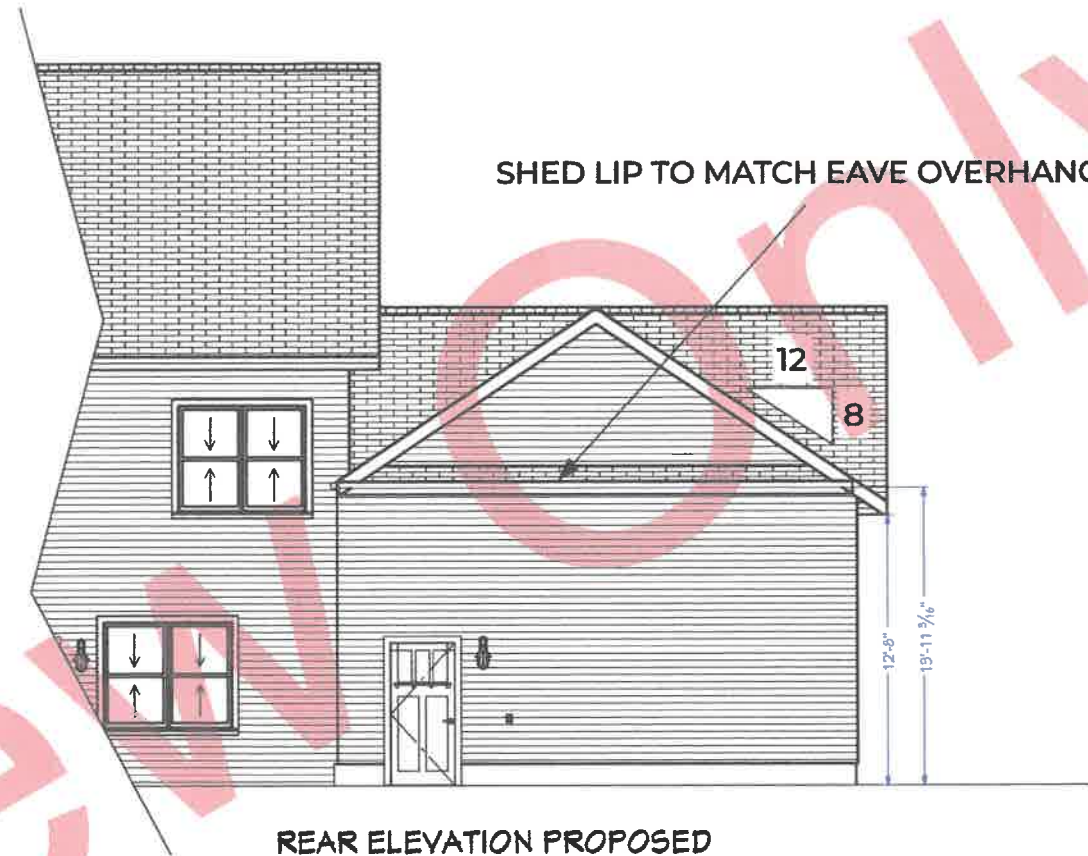
SITE PLAN

SHT
S-1

SCALE 1/4" = 1 FOOT



REAR ELEVATION - EXISTING

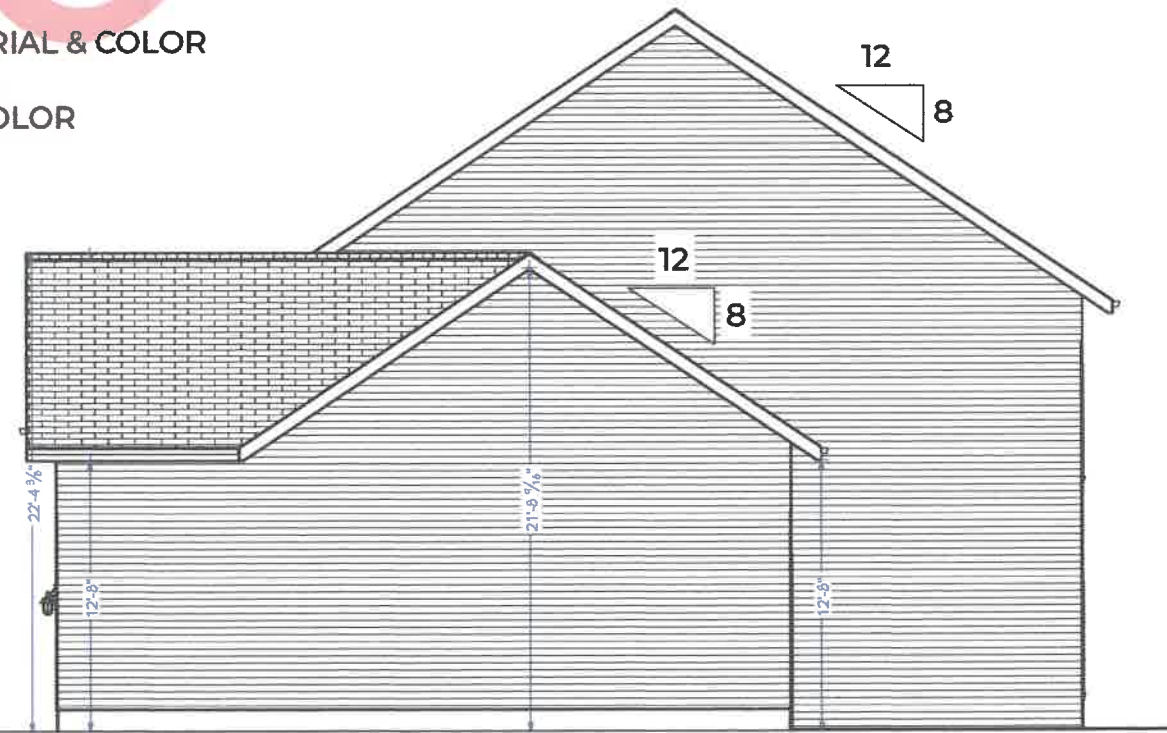


REAR ELEVATION PROPOSED

MATCH EXISTING TYPE AND STYLE:
SOFFIT OVERHANG
EXTERIOR SIDING MATERIAL & COLOR
ROOF SHINGLES
FACIA MATERIAL AND COLOR



LEFT ELEVATION - EXISTING



LEFT ELEVATION PROPOSED

SCALE 1/4" = 1 FOOT

REV	DESCRIPTION	BY	DATE
1	INITIAL LAYOUT	CV	04-24-2026

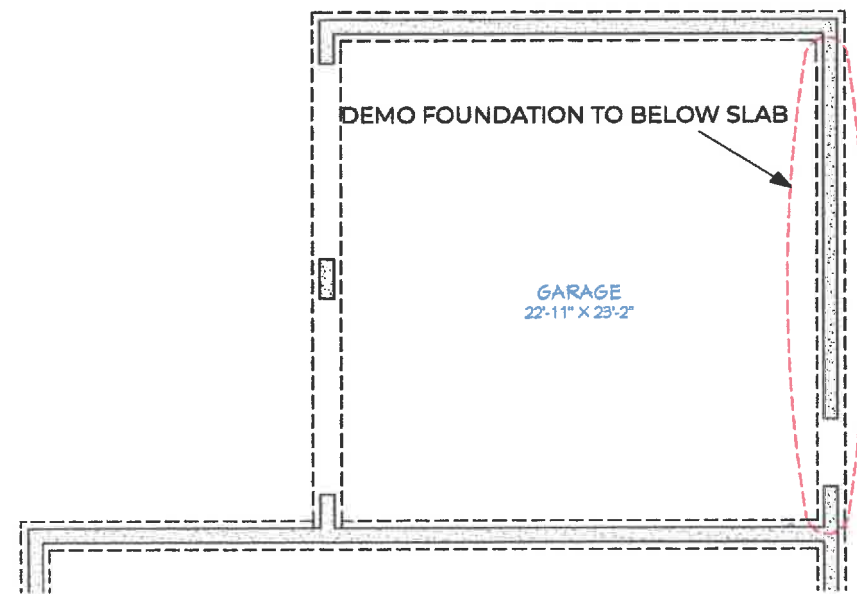
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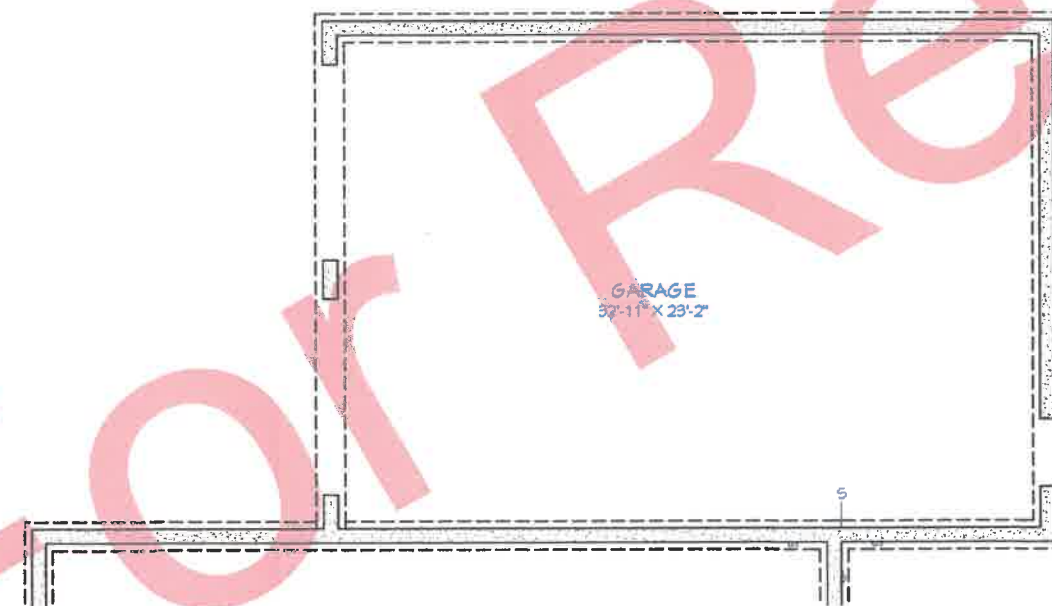


ELEVATION VIEWS

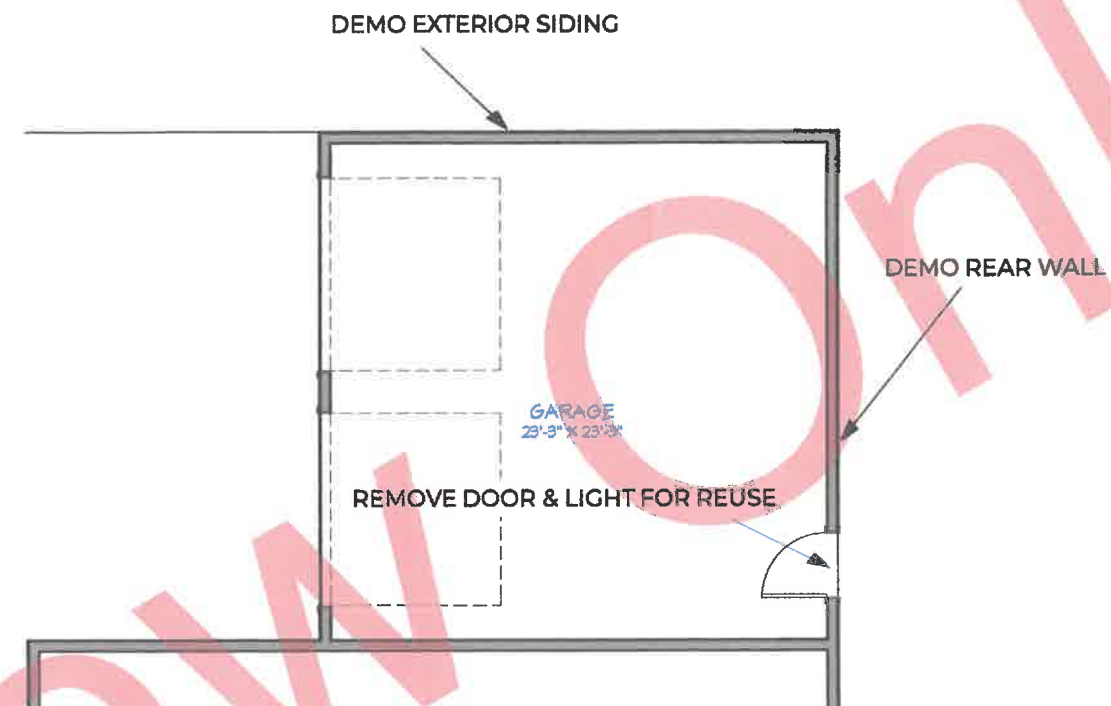
SHT
EL-1



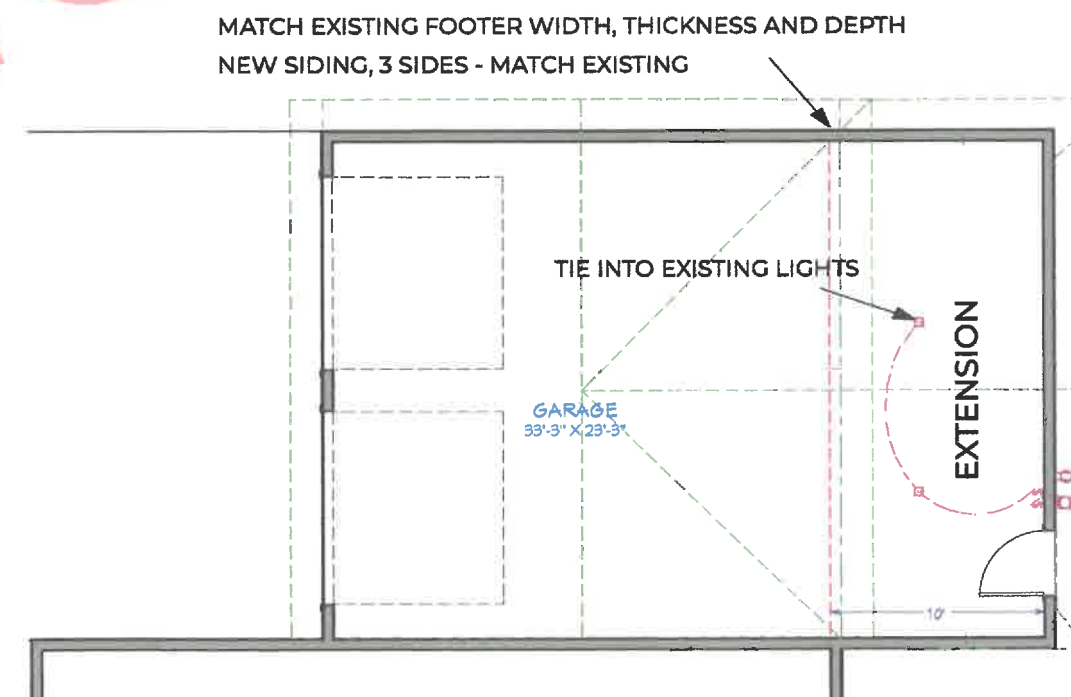
EXISTING FOUNDATION



PROPOSED FOUNDATION



EXISTING LAYOUT



PROPOSED LAYOUT

SCALE 1/4" = 1 FOOT

REV	DESCRIPTION	BY	DATE
01	INITIAL RELEASE	CV	04/24/2026

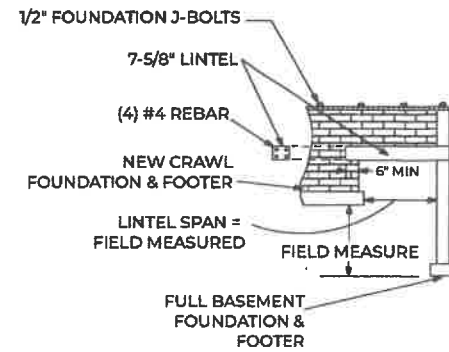
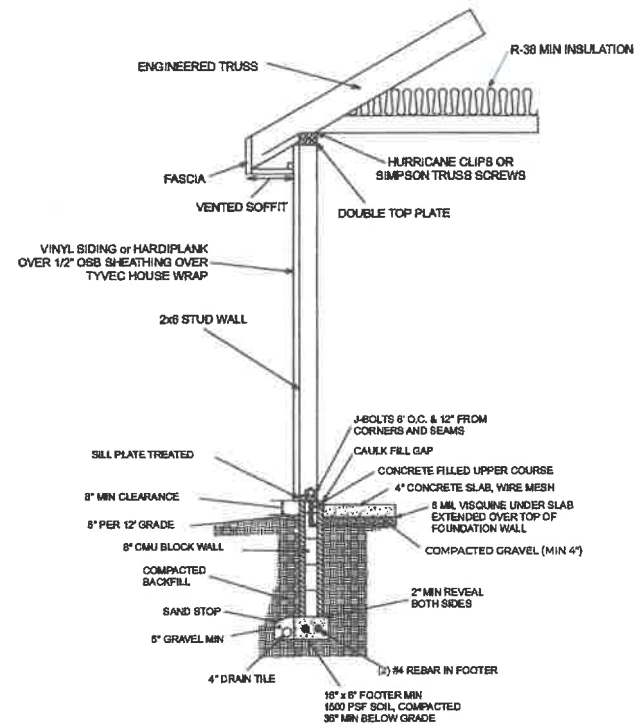
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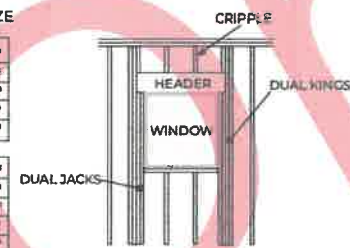


DESIGN LAYOUT

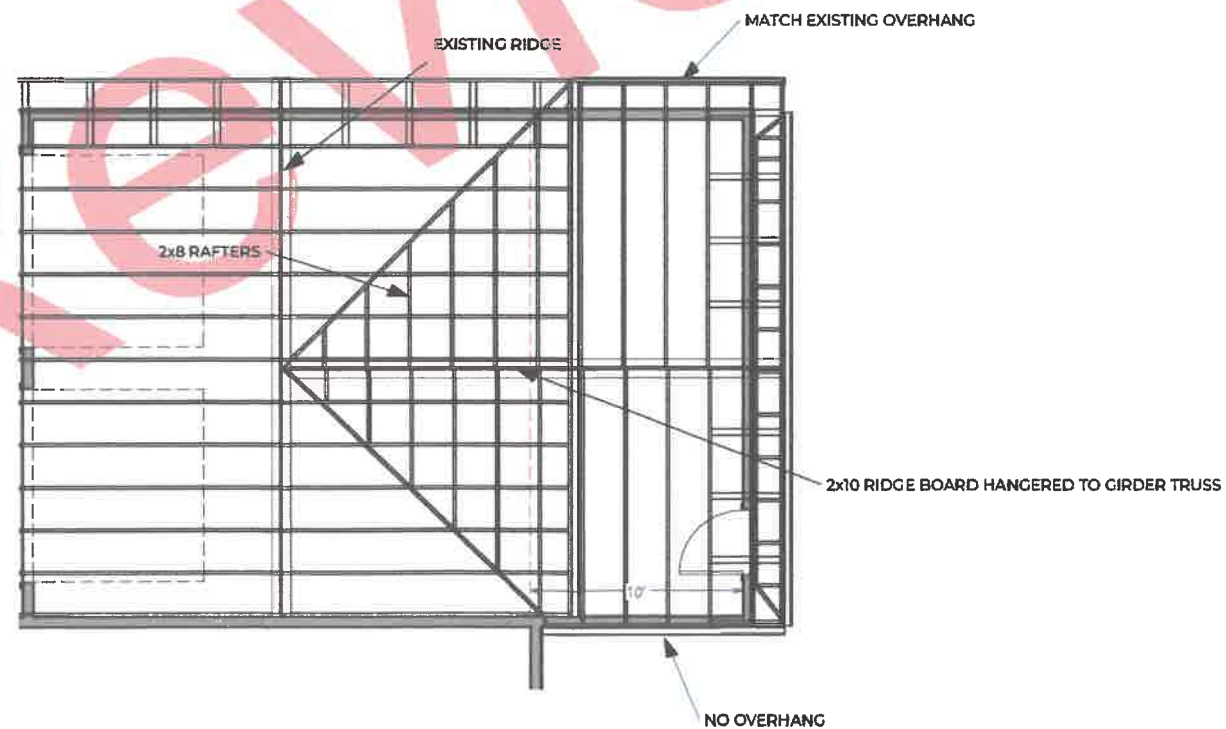
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D-1



STANDARD HEADER TABLE		HEADER SIZE
2 x 6 WALL	SINGLE DOORWAY	(3) 2" X 6"
2 x 6 WALL	DOUBLE DOORWAY (6' MAX)	(3) 2" X 8"
2 x 6 WALL	SLIDING GLASS DOOR	(3) 2" X 8"
2 x 6 WALL	SINGLE WINDOW (4' MAX)	(3) 2" X 6"
2 x 6 WALL	WINDOW 4' < 6'	(3) 2" X 8"
2 x 4 WALL	SINGLE DOORWAY	(2) 2" X 6"
2 x 4 WALL	DOUBLE DOORWAY (6' MAX)	(2) 2" X 8"
2 x 4 WALL	SLIDING GLASS DOOR	(2) 2" X 6"
2 x 4 WALL	SINGLE WINDOW (4' MAX)	(2) 2" X 6"
2 x 4 WALL	WINDOW 4' < 6'	(2) 2" X 8"



HEADERS REQUIRED FOR ALL THRESHOLDS
(INTERIOR AND EXTERIOR WALLS)



NOT TO SCALE

REV	DESCRIPTION	BY	DATE
01	INITIAL RELEASE	CV	04.24.2025

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Evans Garage
4678 Cavendish Ct
New Albany, OH 43054



ROOF FRAMING &
STANDARD
SECTIONS

SHT
SS-1

**Board of Zoning Appeals Staff Report
August 24, 2026 Meeting**

**6839 CEDAR BROOK PLACE
SIDE YARD SETBACK VARIANCE**

LOCATION: 6839 Cedar Brook Place (PID: 222-000764)
APPLICANT: WSA c/o Kurt Miller
REQUEST: Variance
ZONING: Residential Estate District (R-1)
STRATEGIC PLAN: Residential
APPLICATION: VAR-55-2026

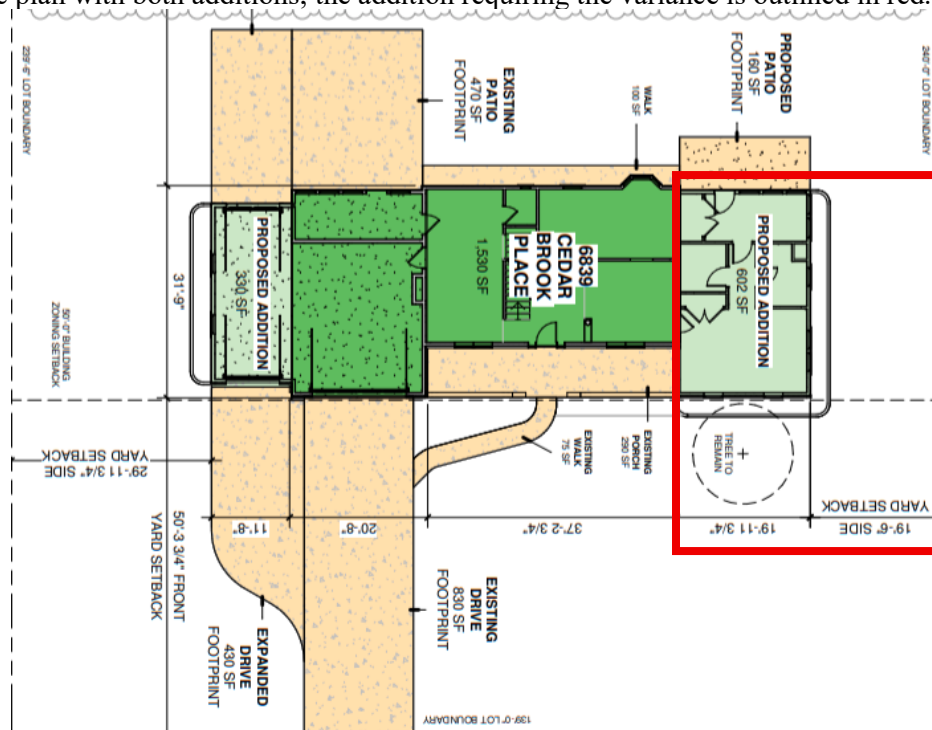
Review based on application materials received July 07, 2026.

Staff report prepared by Kylie Blackburn, Planner

I. REQUEST AND BACKGROUND

The applicant requests approval of a variance from C.O. Section 1131.05 to allow for a portion of a house addition to encroach approximately 6 inches into the required 20-foot side yard setback.

The existing house complies with the applicable side yard setback requirements. The applicant proposes additions to the east and west sides of the home to expand the garage and add a bedroom suite. The proposed garage expansion does not encroach into the required side yard setback. The requested variance applies only to the proposed bedroom addition on the west side of the home. The image below shows the proposed site plan with both additions; the addition requiring the variance is outlined in red.



II. SITE DESCRIPTION & USE

This 0.76-acre property is located within Section 4 of the Cedar Brook neighborhood. The house is directly north of Walton Parkway and east of 605. The lot is surrounded by similarly sized residential properties on three sides within the Cedar Brook neighborhood and backs onto a tree buffer before the 8000 Walton Parkway parking lot.

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.

The standard for granting 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 these factors when deciding whether to grant a landowner an area variance, as well as the criteria established in C.O. Section 1113.06.

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.

The applicant requests the following variance:

(A) Variance from C.O. Section 1131.05 to allow for a portion of a house addition to encroach approximately 6 inches into the required 20-foot side yard setback.

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

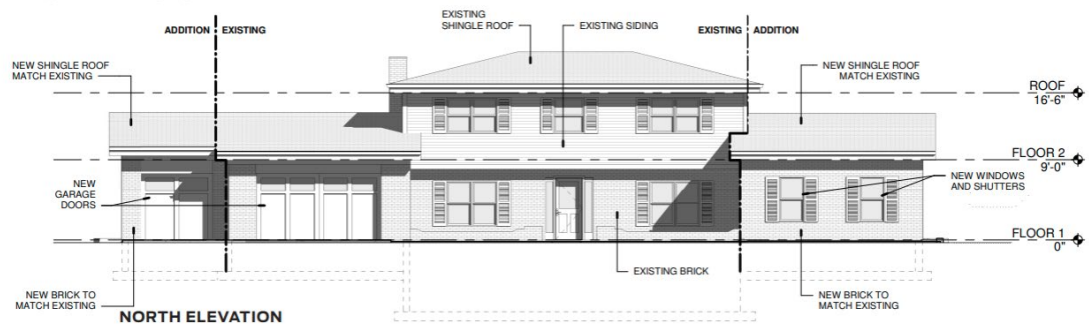
1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
 - There can be beneficial use of the property without the variance. This property already has a house on it that is meeting the setback requirements for the zoning district. The variance is being requested due to the proposed additions onto the home.

Whether the variance is substantial.

- The requested encroachment is minor in nature, however granting the variance to encroach into the required side yard setback, where the existing home currently complies and the encroachment appears avoidable through design modification, may create a precedent for similar requests in the Cedar Brook neighborhood. The surrounding lots are similarly sized and are also subject to the R-1 zoning classification.
 - As stated later in this report, there are ways the addition could be added to avoid the need for a variance, such as extending it further behind the house rather than to the side or reducing the addition by 6 inches to be outside of the setback.
 - Similar variances have been heard by the Board of Zoning Appeals in the past:
 - i. Variance to allow an attached garage to encroach within the required 20-foot side yard setback by 3 feet at 6248 Kitzmiller Rd. Approved by BZA in 2019. However, this case had special conditions due to the shape of the lot.
2. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
 - The essential character of the neighborhood would not be substantially altered if the variance is granted. Because the requested encroachment is limited to approximately 6 inches on the west side of the home, adequate separation would remain between the addition and the neighboring property.

- The applicant has shown that the addition will use the same design style and materials as the existing home.

EXTERIOR ELEVATIONS



3. *Whether the variance would adversely affect the delivery of government services.*
 - The variance would not adversely affect the delivery of government services.
4. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
 - The application does not indicate whether the property owner purchased the property with actual knowledge of the zoning restriction. However, the side yard setback requirement is an existing zoning standard applicable to the property.
5. *Whether the problem can be solved by some manner other than the granting of a variance.*
 - Yes, the problem could be solved by some other manner. The applicant could minimize the proposed design by a minimum of 6 inches in order to stay out of the required setback. The applicant could also extend to the rear of the property if the space was needed without going into the rear yard setback.
6. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*
 - The variance does preserve the spirit and intent of the zoning requirement, which is to ensure a consistent pattern of development between lots in a zoning district and maintain appropriate separation between homes. Due to the encroachment being 6 inches into the setback there would still be an appropriate separation between the neighboring home.
7. *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.*
 - There are no special conditions or circumstances to the land involved. The surrounding homes in the same neighborhood are all similar in size for both the houses and lots themselves. The neighborhood is also all within the same R-1 zoning district, meaning they all have the same regulations.
8. *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 provision would not deprive the applicant of rights commonly enjoyed by other properties within the same zoning district.
9. *That the special conditions and circumstances do not result from the action of the applicant.*

- There are no special conditions or circumstances that exist which are particular to this lot, and which do not apply to other lots in the same neighborhood. The requested variance appears to stem from the applicant's proposed home expansion and preferred site layout.
- The applicant has stated that the R-1 zoning text setbacks are for that of a slightly larger lot and that the ability to expand the home to the south (rear yard) would cause the project to possibly take out additional mature trees than the currently proposed design.
 - i. The subject property is located within the R-1 Residential Estate District and is subject to the R-1 setback requirements. While the R-1 district requires a minimum lot area of 40,000 square feet and a minimum lot width of 150 feet, the subject property is approximately 33,155 square feet with an approximate lot width of 139 feet. As a result, the lot is slightly smaller and narrower than the current R-1 lot standards. However, because the neighborhood is zoned R-1, the R-1 regulations and setbacks apply unless otherwise modified.

10. *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.*

- Granting the variance would allow the applicant to encroach within their side yard setback when others are not allowed to without also obtaining a variance.

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

- The variance would not adversely affect the health and safety of persons residing or working in the vicinity of the home.

IV. SUMMARY

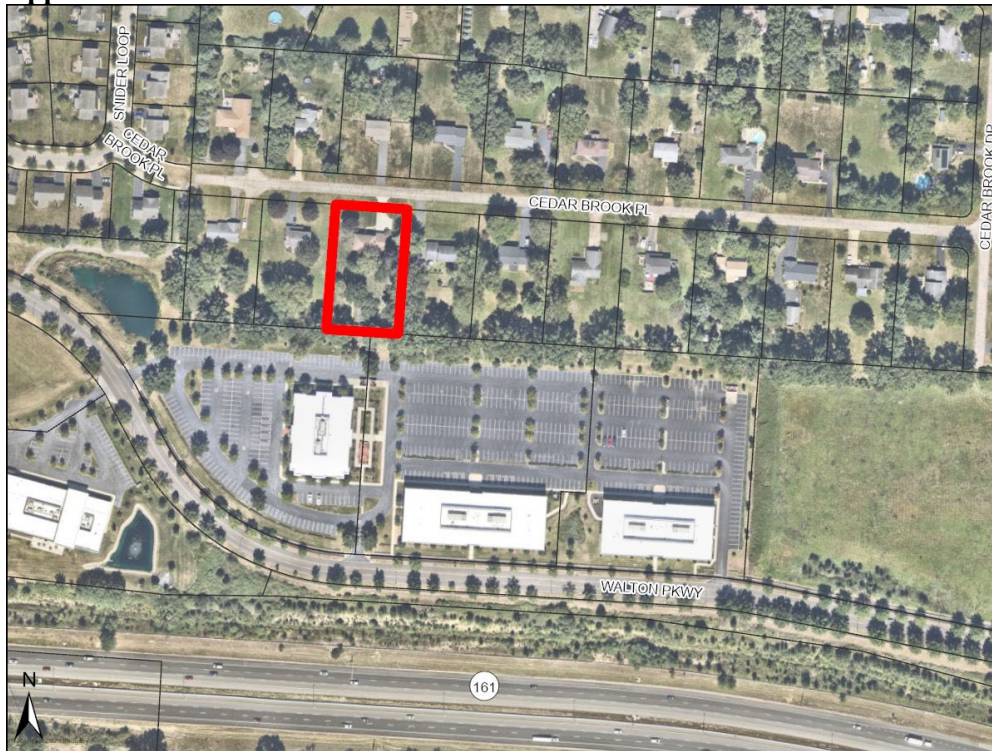
The applicant requests a variance for a 6-inch encroachment into their 20-foot side yard setback as required in C.O. Section 1131.05 within the Cedar Brook neighborhood. Approval of this variance could establish a precedent for other properties in the neighborhood, potentially resulting in an increase in similar variance requests. No special conditions appear to exist on the subject property that would necessitate the variance, and the proposed addition could be reconfigured or reduced to comply with the required setback.

V. ACTION

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

Move to approve variance application VAR-55-2026 based on the findings in the staff report (conditions of approval may be added).

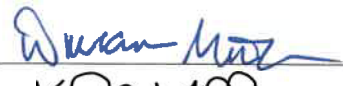
Approximate site location:



Source: NearMap



Community Development Planning Application

Submission	Submit planning applications and all required materials via email to planning@newalbanyohio.org Paper copies are not required at this time however, 12 paper copies of the entire submission will be required ahead of a board hearing date. The planner assigned to your case will inform you when the paper copies need to be delivered to our offices. Fee invoices will be issued to you once the application is entered.																				
Project Information	Site Address <u>6839 CEDAR BROOK PLACE, NEW ALBANY, OHIO 43054</u> Parcel Numbers <u>222-000764-00</u> Acres <u>.7626</u> # of lots created <u>N/A</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Choose Application Type</th><th style="width: 50%;">Description of Request:</th></tr> </thead> <tbody> <tr> <td>☐ Appeal</td><td>PROJECT INCLUDES A SINGLE STORY</td></tr> <tr> <td>☒ Certificate of Appropriateness</td><td>ADDITION WITH WALK-OUT BASEMENT</td></tr> <tr> <td>☐ Conditional Use</td><td>TO A TWO-STORY RESIDENCE.</td></tr> <tr> <td>☐ Development Plan</td><td>PROJECT WILL INCLUDE SITE, HARDSCAPE, AND</td></tr> <tr> <td>☐ Plat</td><td>LANDSCAPE UPDATES TO ACCOMMODATE ADDITION.</td></tr> <tr> <td>☐ Lot Changes</td><td>MINOR ZONING VARIANCES MAY BE REQUIRED</td></tr> <tr> <td>☐ Minor Commercial Subdivision</td><td>TO ADDRESS EXISTING LOT CONDITIONS THAT</td></tr> <tr> <td>☐ Zoning Amendment (Rezoning)</td><td>DO NOT MEET CURRENT NEW ALBANY ZONING</td></tr> <tr> <td>☐ Zoning Text Modification</td><td>CODE REQUIREMENTS.</td></tr> </tbody> </table>	Choose Application Type	Description of Request:	☐ Appeal	PROJECT INCLUDES A SINGLE STORY	☒ Certificate of Appropriateness	ADDITION WITH WALK-OUT BASEMENT	☐ Conditional Use	TO A TWO-STORY RESIDENCE.	☐ Development Plan	PROJECT WILL INCLUDE SITE, HARDSCAPE, AND	☐ Plat	LANDSCAPE UPDATES TO ACCOMMODATE ADDITION.	☐ Lot Changes	MINOR ZONING VARIANCES MAY BE REQUIRED	☐ Minor Commercial Subdivision	TO ADDRESS EXISTING LOT CONDITIONS THAT	☐ Zoning Amendment (Rezoning)	DO NOT MEET CURRENT NEW ALBANY ZONING	☐ Zoning Text Modification	CODE REQUIREMENTS.
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Name	KURT MILLER, WSA																				
Address																					
City, State, Zip																					
Phone Number																					
Email																					
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete. Signature of Owner <u></u> Date: <u>7/9/26</u> Signature of Applicant <u>K.A. Miller</u> Date: <u>7/9/26</u>																				

Department Address: 7815 Walton Parkway • New Albany, Ohio 43054 • Phone 614.939.2254

Mailing Address: 99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054



Please see the **Variance Narrative** for the **6839 Cedar Brook Pl. Residential Addition** project:

TO:
CITY OF NEW ALBANY
COMMUNITY DEPT.
BOARD OF ZONING
APPEALS
99 W. MAIN STREET
NEW ALBANY, OH 43054

—
DATE:
07.16.2026

RE:
6839 CEDAR BROOK PL.
NEW ALBANY, OH 43054
RESIDENTIAL ADDITION
VARIANCE NARRATIVE

1. Description of Request

The applicant is requesting a variance from the required 20-foot side yard setback, as established by the New Albany Code of Ordinances, to permit the addition to a single-family residence as shown on the submitted plans.

2. Nature of Conditions

The property is constrained by its relatively narrow lot width (considering the minimum lot width of the zoning district) and mature trees along the rear property line. These existing site conditions limit the available building area, in relation to the living spaces of the existing house, while preserving the property's established natural features.

3. Practical Difficulty

The proposed addition is designed to align with the existing layout and architecture of the home. It mirrors the footprint and scale of the existing garage, creating a balanced and cohesive design. The resulting 6-inch encroachment into the side setback is minimal and allows the addition to function as intended without unnecessary redesign.

The proposed layout:

- Preserves mature trees at the rear of the property.
- Maintains appropriate spacing between structures.
- Preserves usable outdoor space.
- Remains consistent with the scale and character of the surrounding neighborhood.

4. Not Self-Created

The need for the variance results from the property's lot width and mature tree placement, conditions that are inherent to the property and not created by the applicant.

5. Impact to Adjacent Properties

The requested variance will not substantially alter the essential character of the neighborhood or adversely affect adjacent properties. The addition is residential in scale and design and is compatible with surrounding homes.

6. Public Welfare and Services.

The requested variance will not adversely affect public health, safety, or welfare, nor will it interfere with the provision of public services or infrastructure. The project complies with all other applicable zoning requirements and will be served by existing utilities and access.

7. Relationship to Zoning Standards.

The request is a minor deviation from the required side yard setback. All other setbacks, building placement, lot coverage, and applicable zoning standards remain compliant.

8. Consistency with Code Criteria (C.O. 1113.06)

The requested variance satisfies the applicable approval criteria because:

- Special Conditions: The property's narrow width and existing mature trees limit the available building area.
- Practical Difficulty: Strict application of the side setback would require redesign of an otherwise well-balanced addition to address a minimal 6-inch encroachment.
- Not Self-Created: The conditions requiring the variance are inherent to the property.
- No Special Privilege: The request is limited in scope and allows reasonable improvement consistent with neighboring residential properties.
- No Adverse Impact: The variance will not negatively affect adjacent properties, public welfare, or the character of the neighborhood.

9. Summary

The requested variance represents a minimal 6-inch encroachment into the required side yard setback. The addition has been thoughtfully designed to preserve mature trees, maintain a functional and balanced home layout, and remain compatible with the surrounding neighborhood. It is the applicant's belief that approval of the variance will allow a reasonable residential improvement while preserving the intent of the zoning code.

Please review and reach out with additional questions or concerns. We appreciate your assistance throughout the review process.

Thank you,

KURT MILLER, AIA, LEED GA
SENIOR ARCHITECT

—

██████████
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████████████████
██████████



Muter Residence
6839 Cedar Brook Pl, New Albany, OH 43054

RESIDENTIAL ADDITION NEW ALBANY REVIEW

JUNE 16, 2026 | Project No. 202634.00

PREPARED BY

WSA STUDIO
[Redacted]
[Redacted]
[Redacted]
[Redacted]

WSASTUDIO.COM

PREPARED FOR

NEW ALBANY COMMUNITY
DEVELOPMENT DEPARTMENT
BOARD OF ZONING APPEALS
99 WEST MAIN STREET
NEW ALBANY, OH, 43054

OVERVIEW

SITE CONTEXT

EXISTING EXTERIOR REFERENCES

EXISTING SITE PLAN

PROPOSED SITE PLAN

EXISTING FLOOR PLANS

EXISTING ELEVATIONS

EXISTING OVERALL 3D AXONS

FLOOR PLANS

EXTERIOR ELEVATIONS

OVERALL 3D AXONS

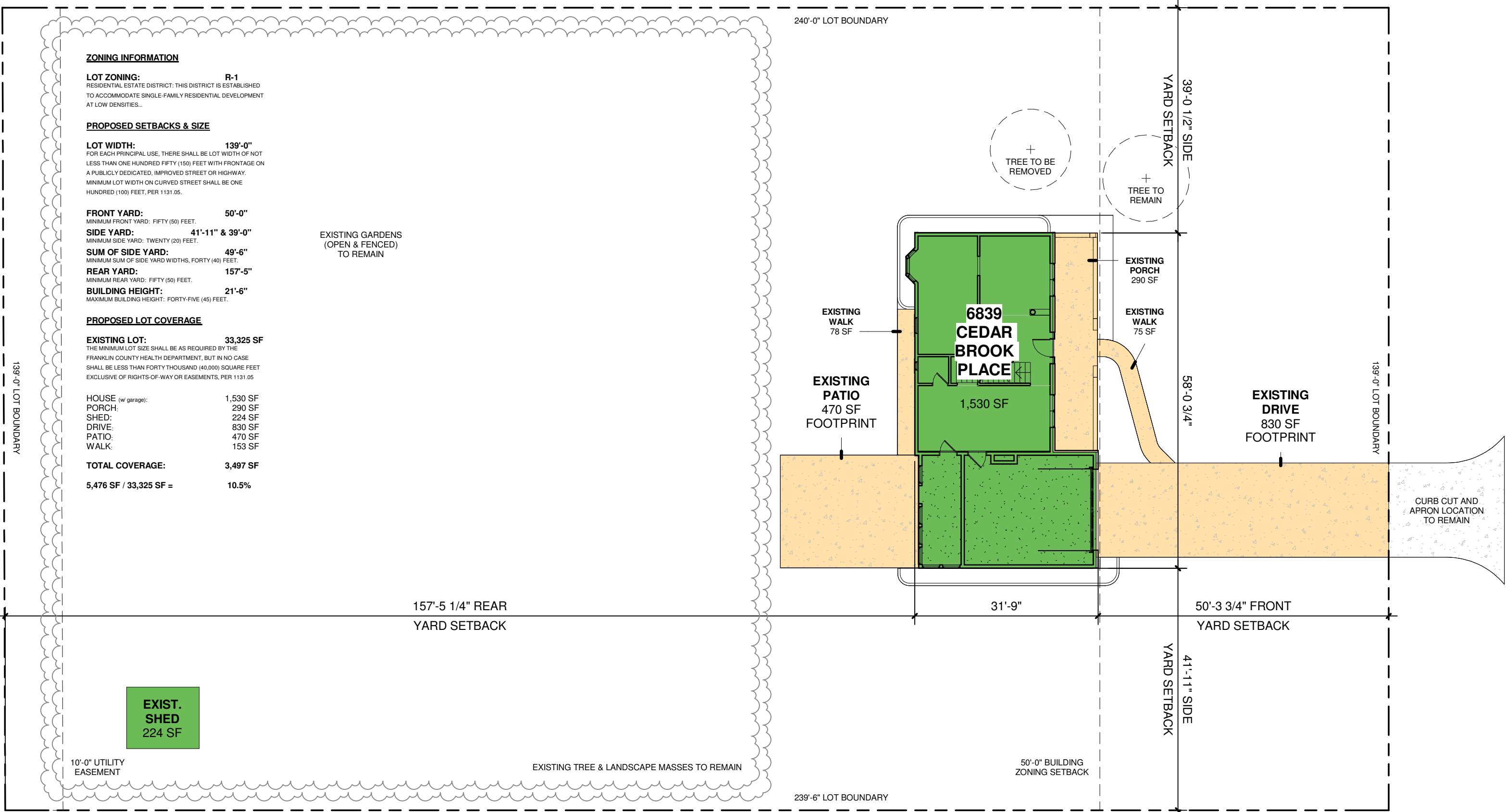
EXTERIOR PERSPECTIVE

SITE CONTEXT

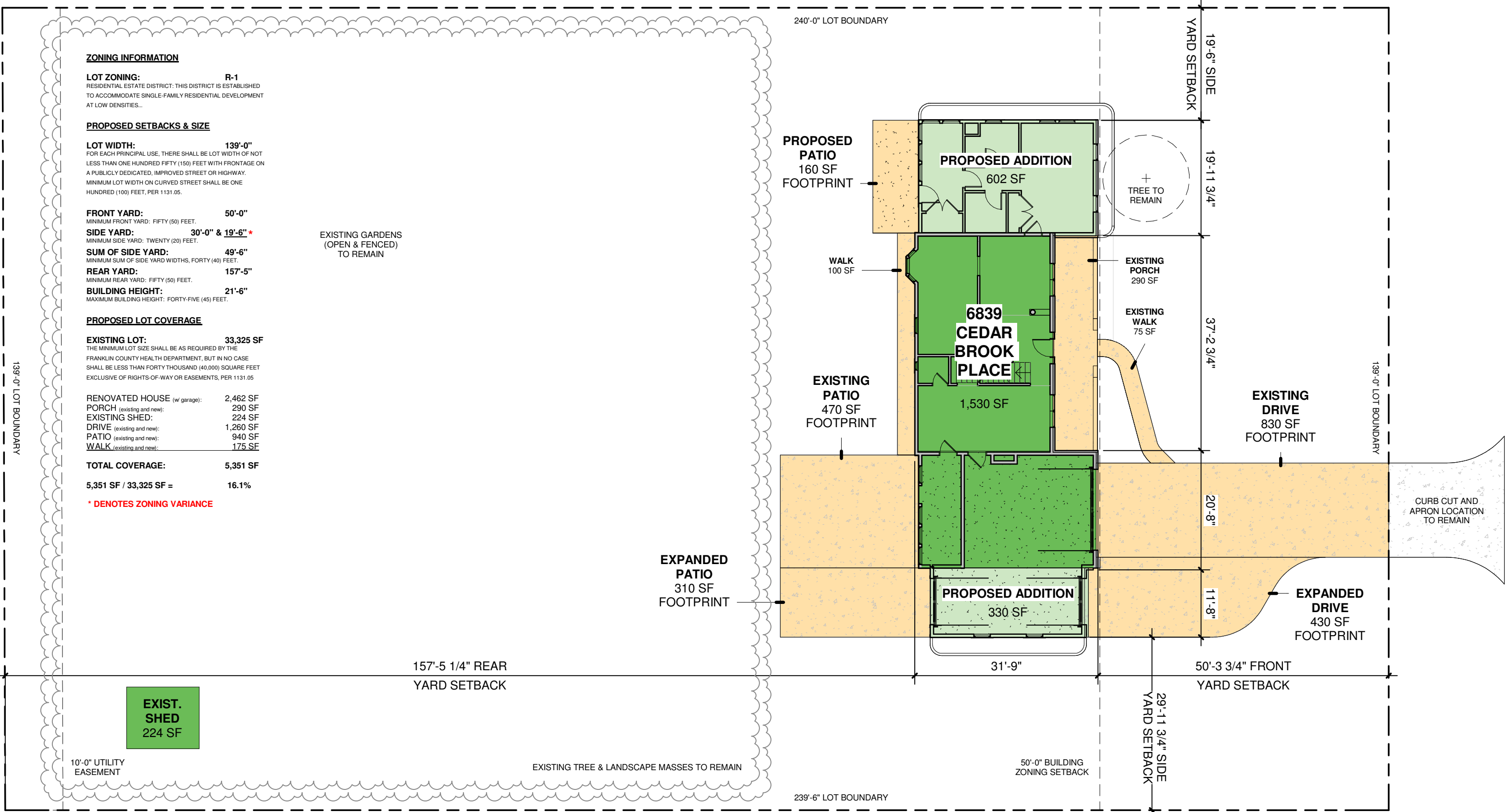


EXISTING EXTERIOR REFERENCES



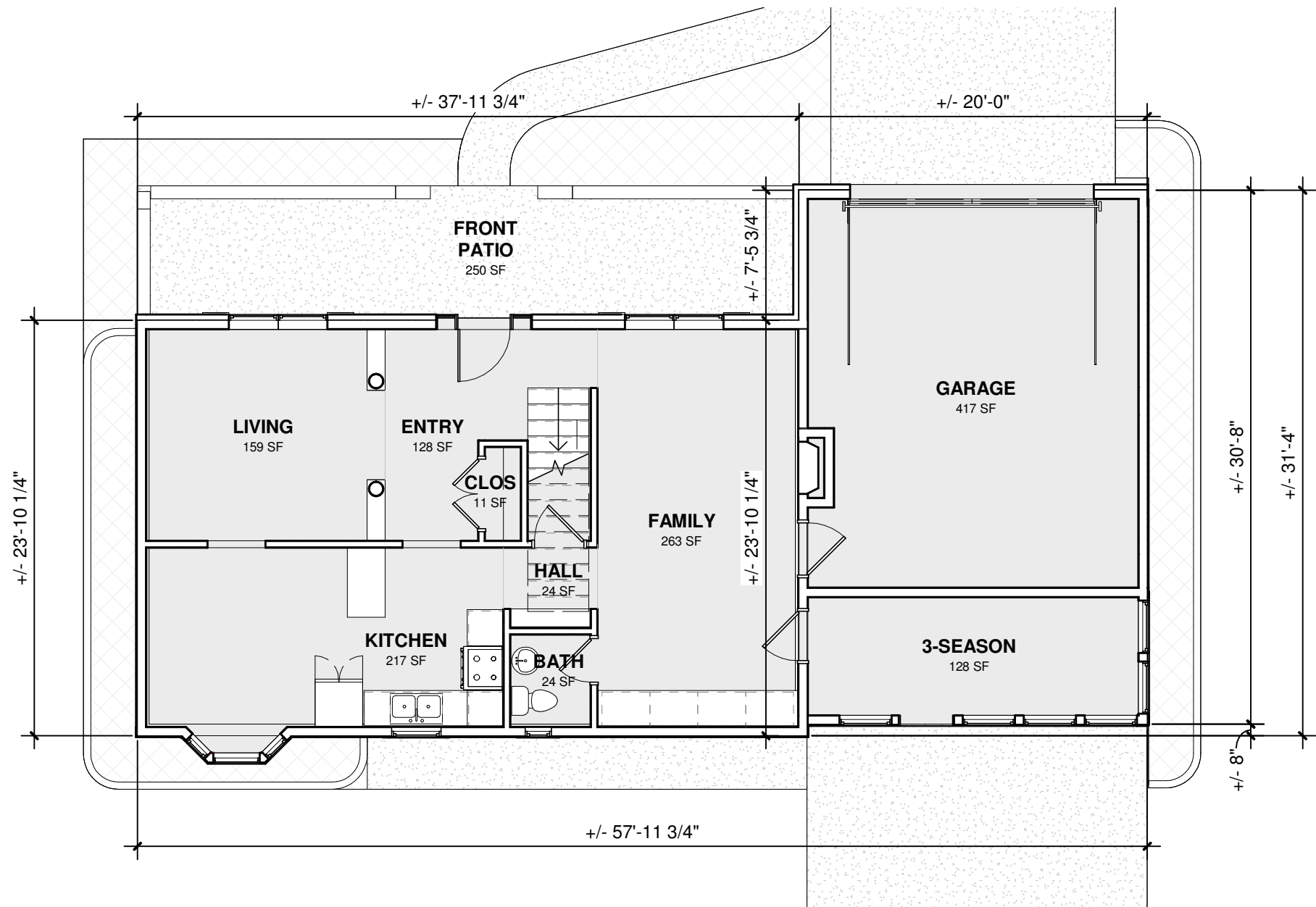


EXISTING SITE PLAN

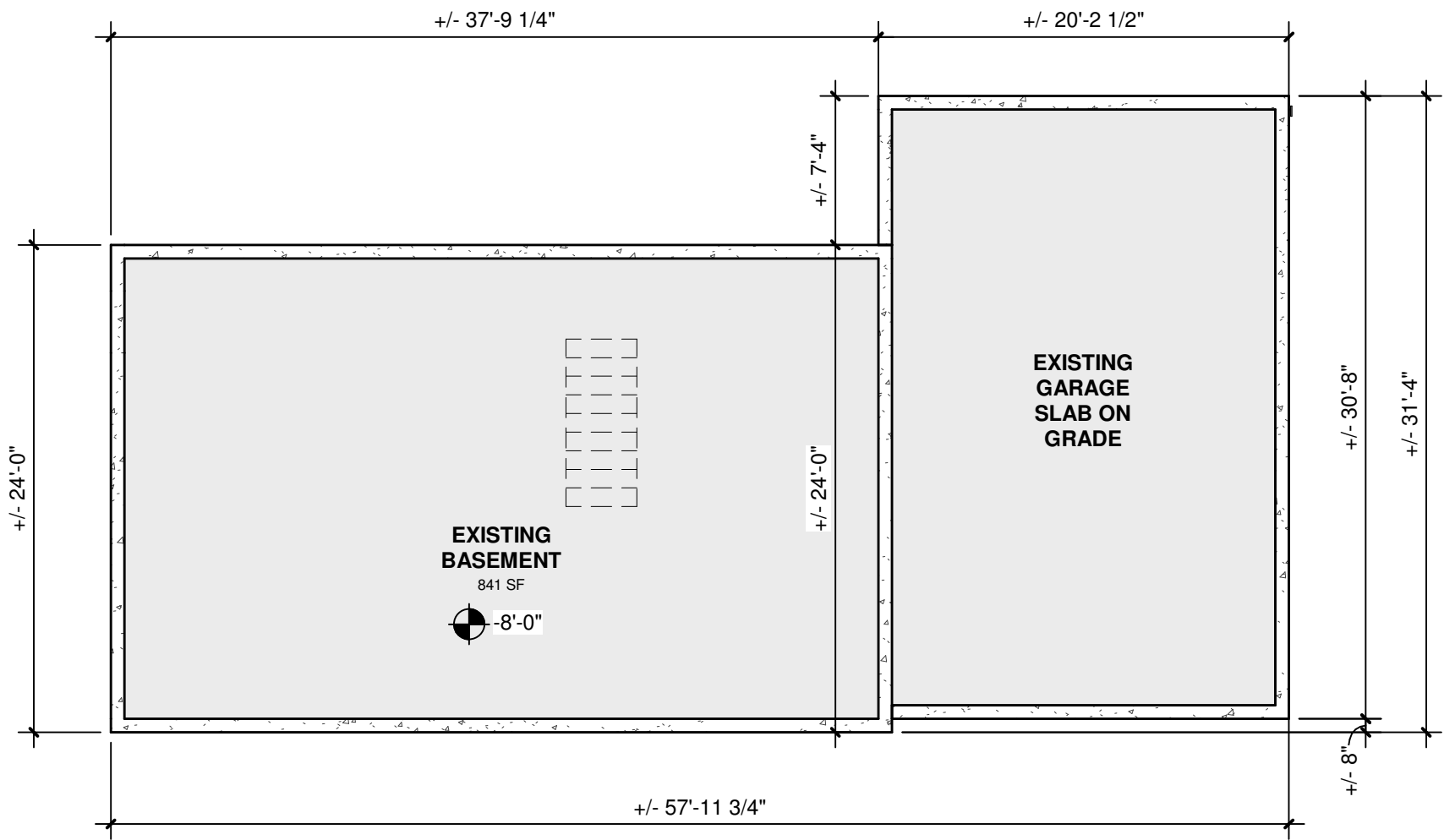


PROPOSED SITE PLAN

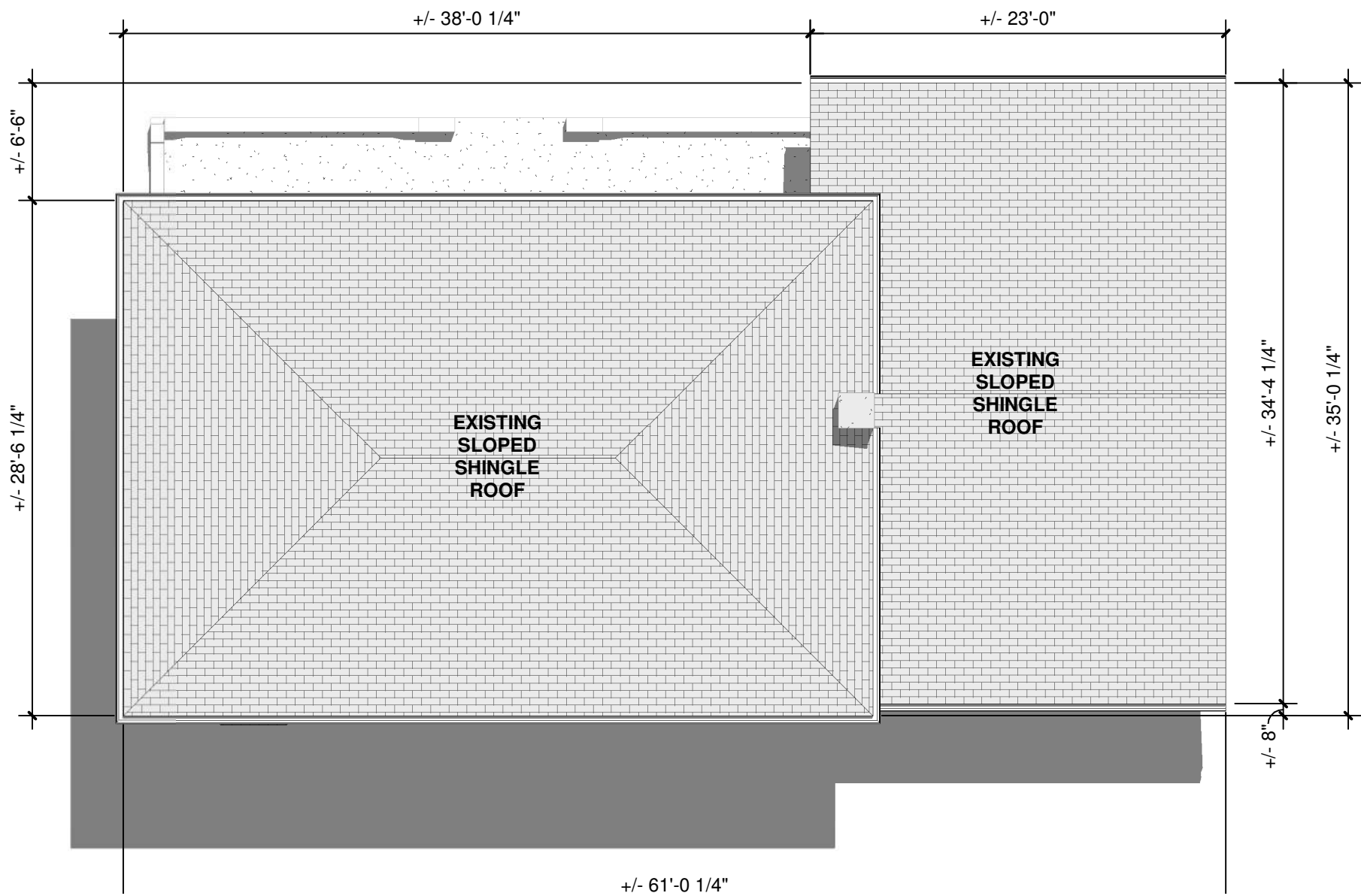
EXISTING GROUND FLOOR PLAN



EXISTING BASEMENT FLOOR PLAN



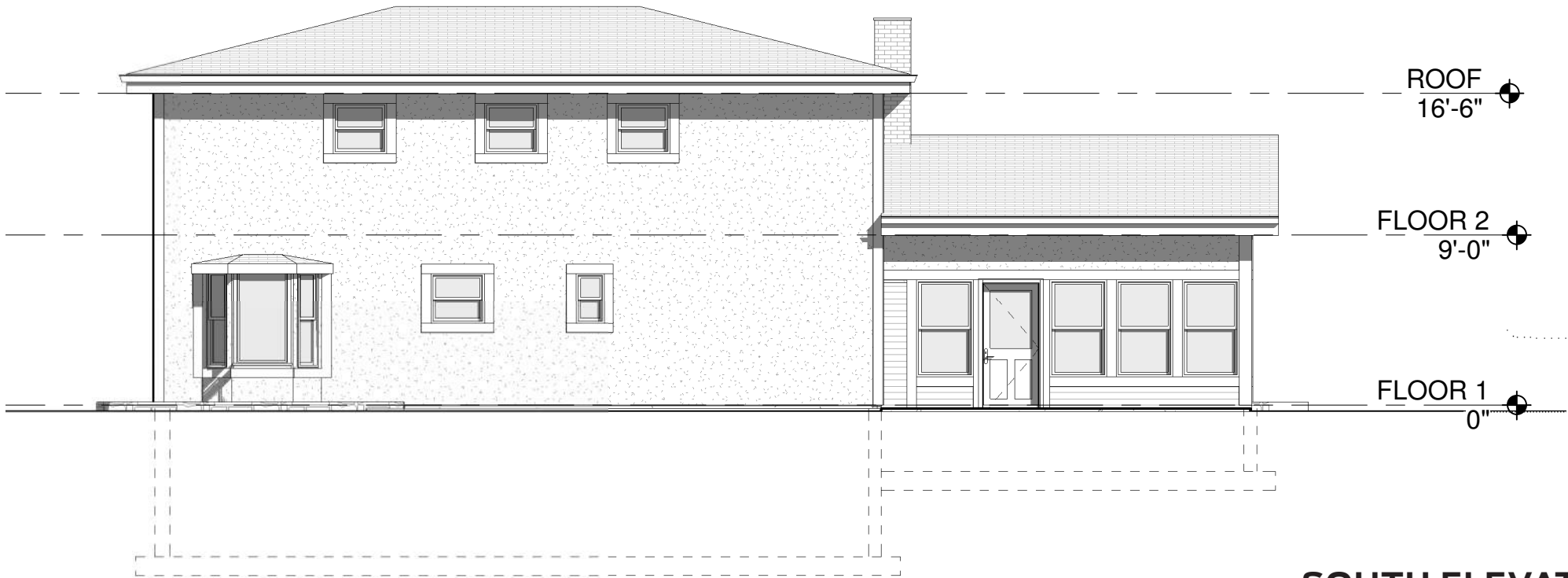
EXISTING ROOF PLAN



EXISTING ELEVATIONS



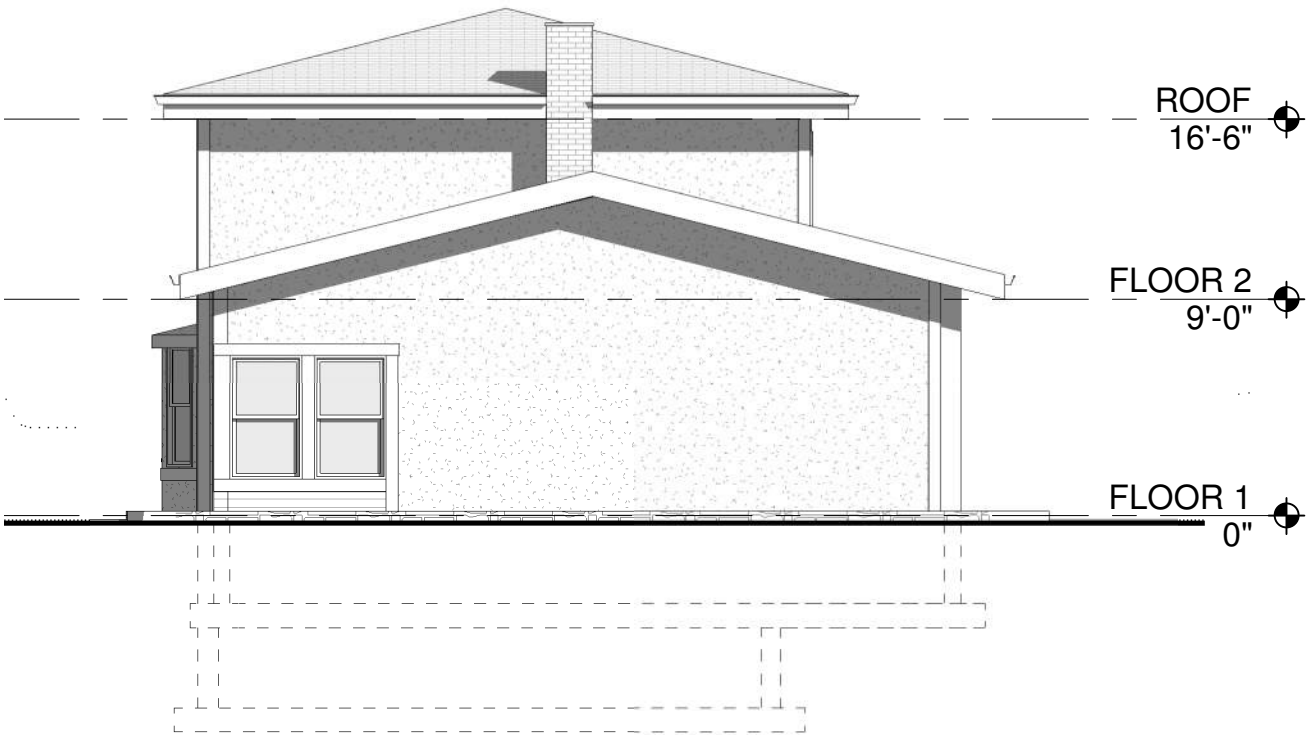
NORTH ELEVATION



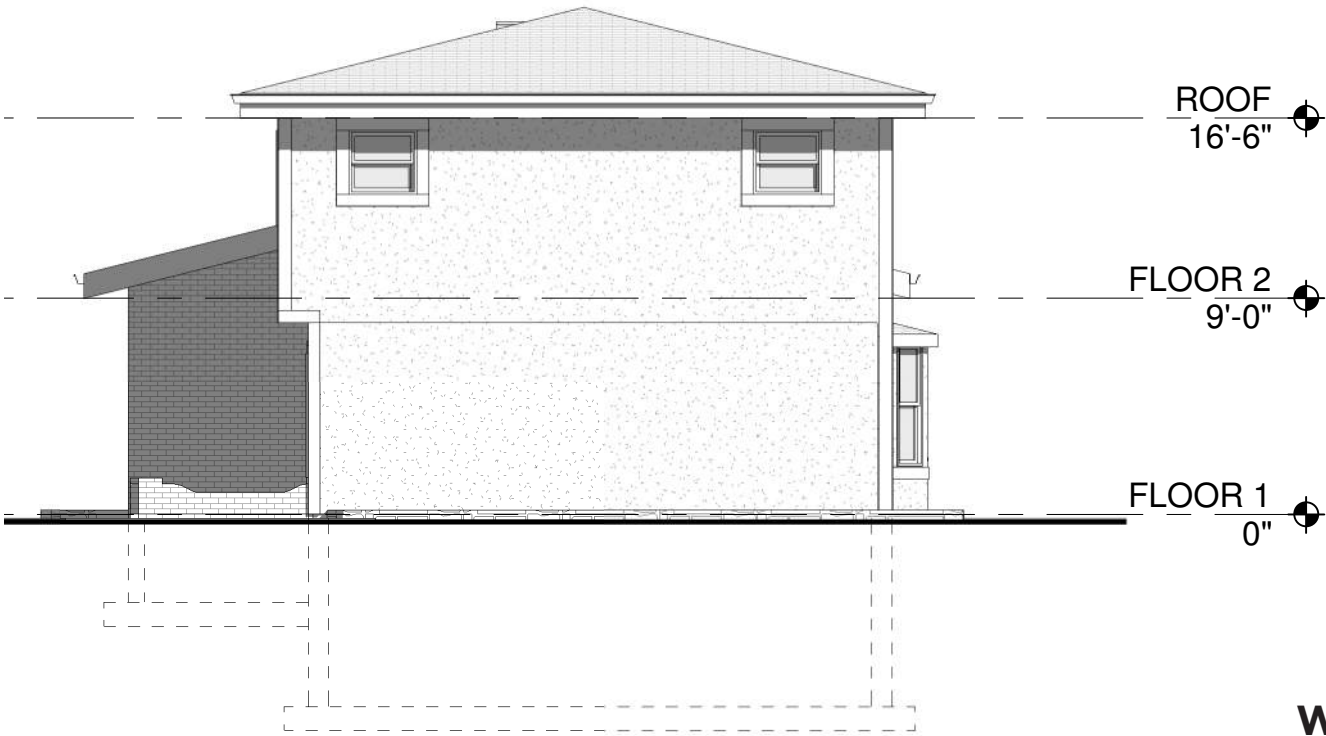
SOUTH ELEVATION

EXISTING ELEVATIONS

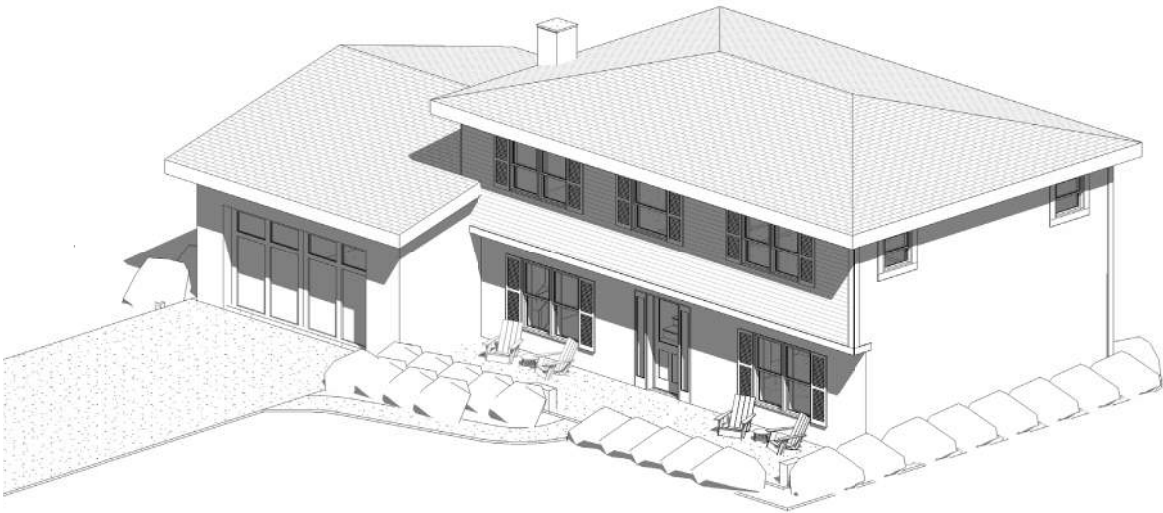
EAST ELEVATION



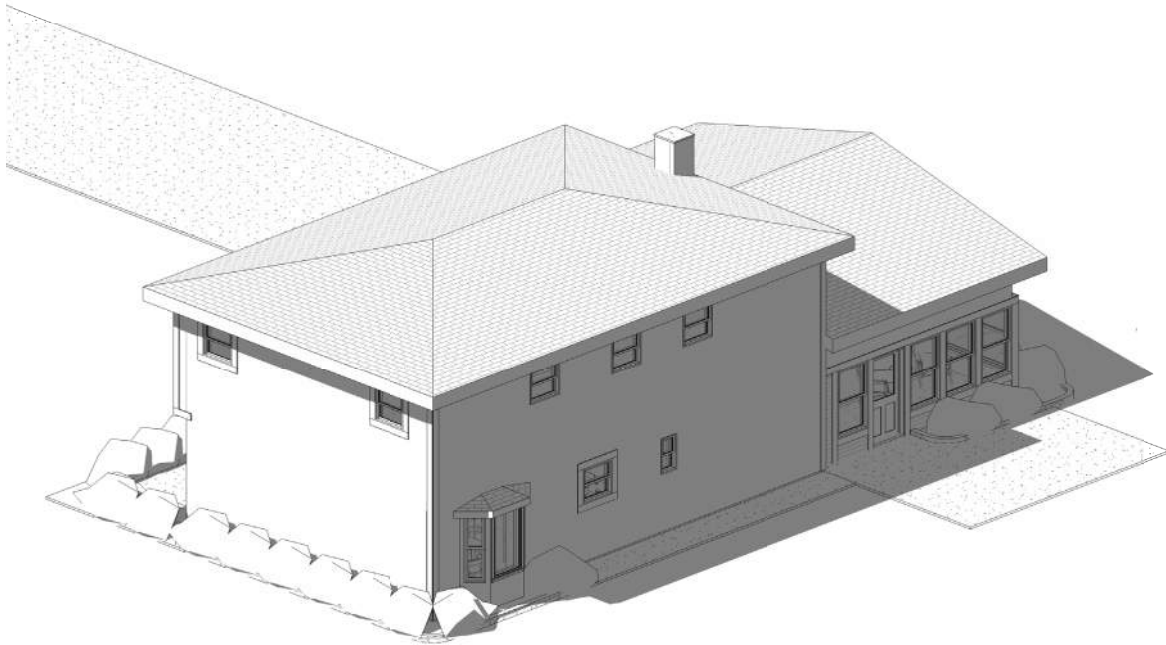
WEST ELEVATION



EXISTING OVERALL 3D AXONS



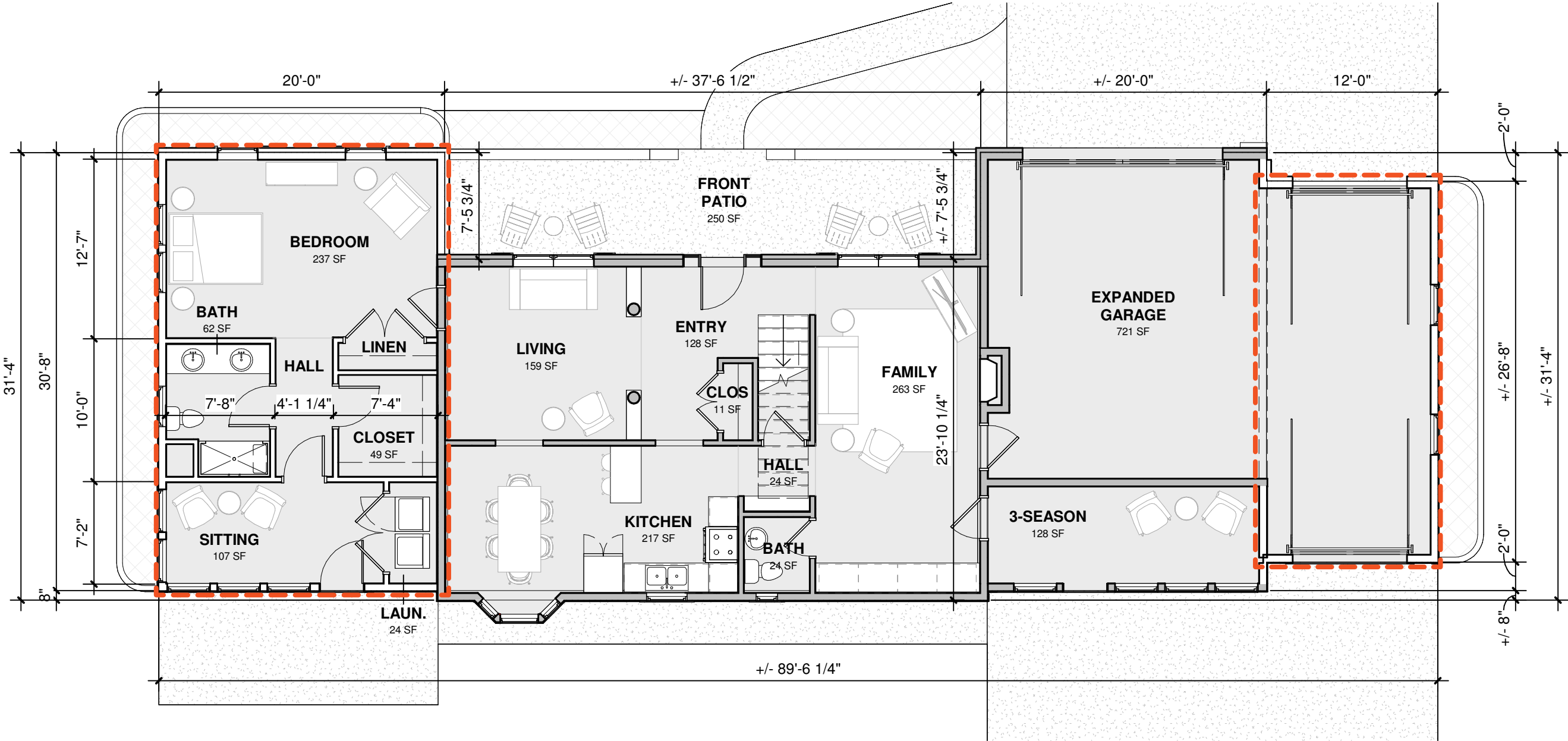
FRONT PERSPECTIVE



BACK PERSPECTIVE



GROUND FLOOR PLAN



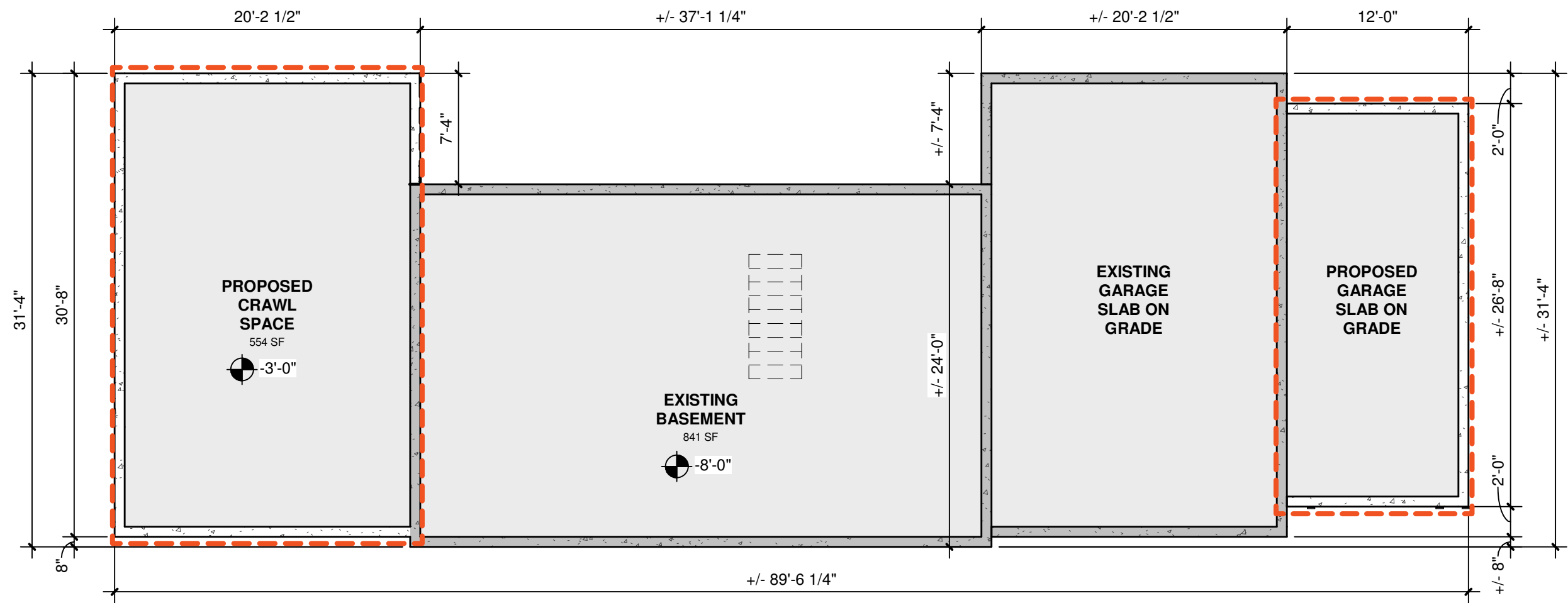
ADDITION

EXISTING HOUSE

ADDITION



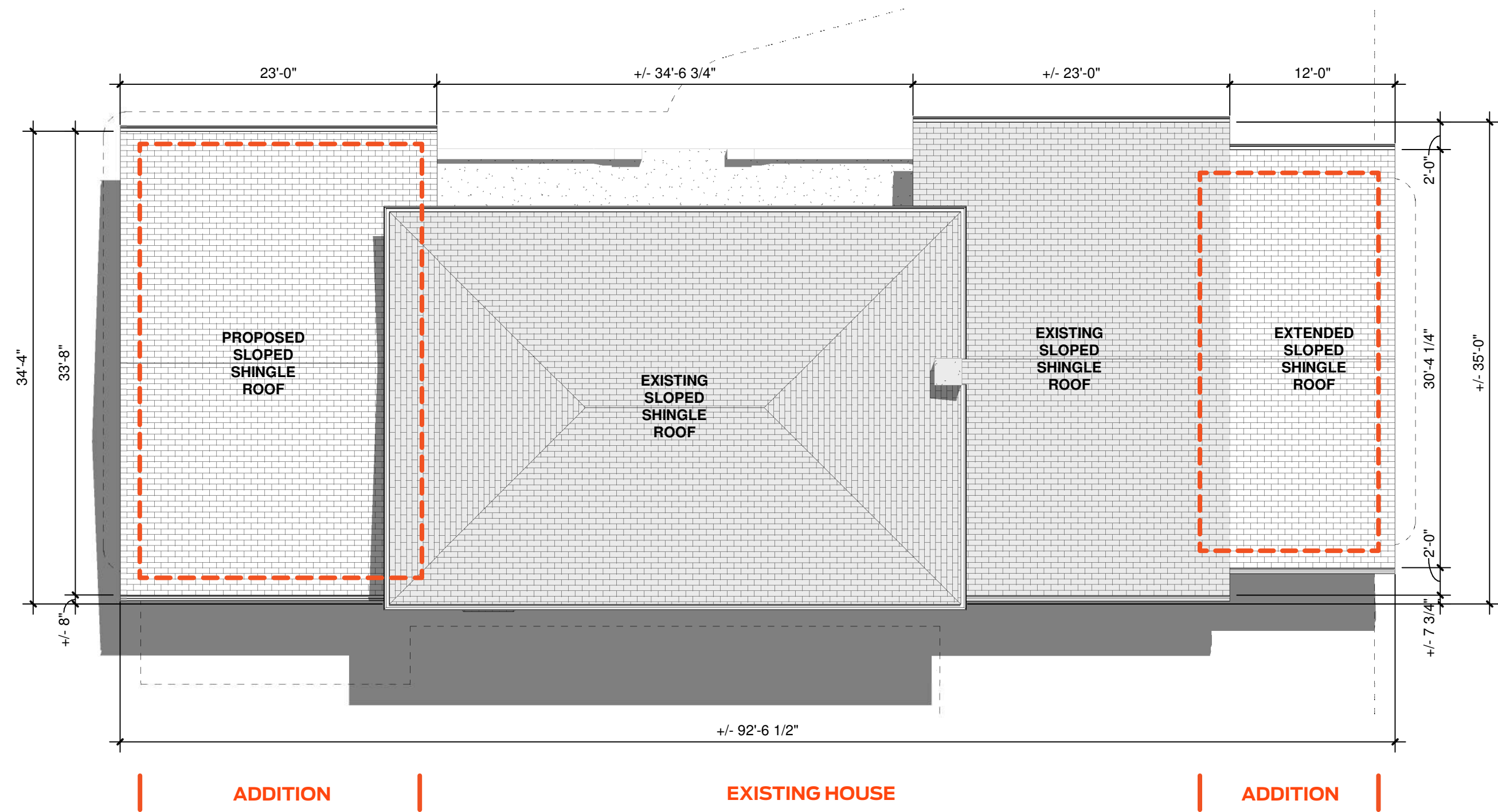
BASEMENT FLOOR PLAN



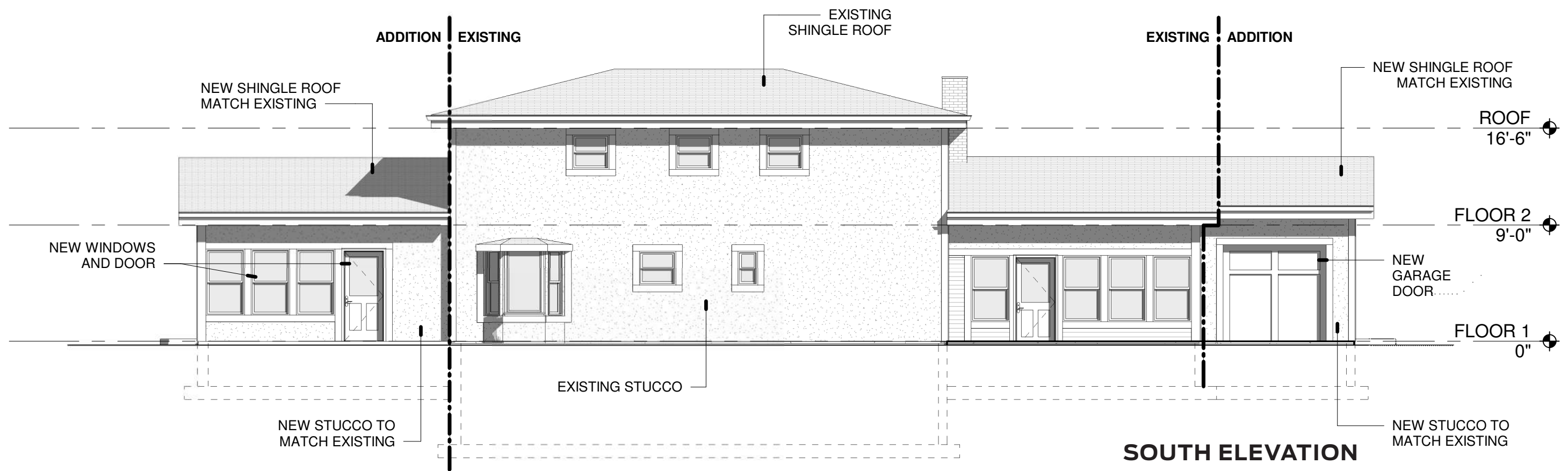
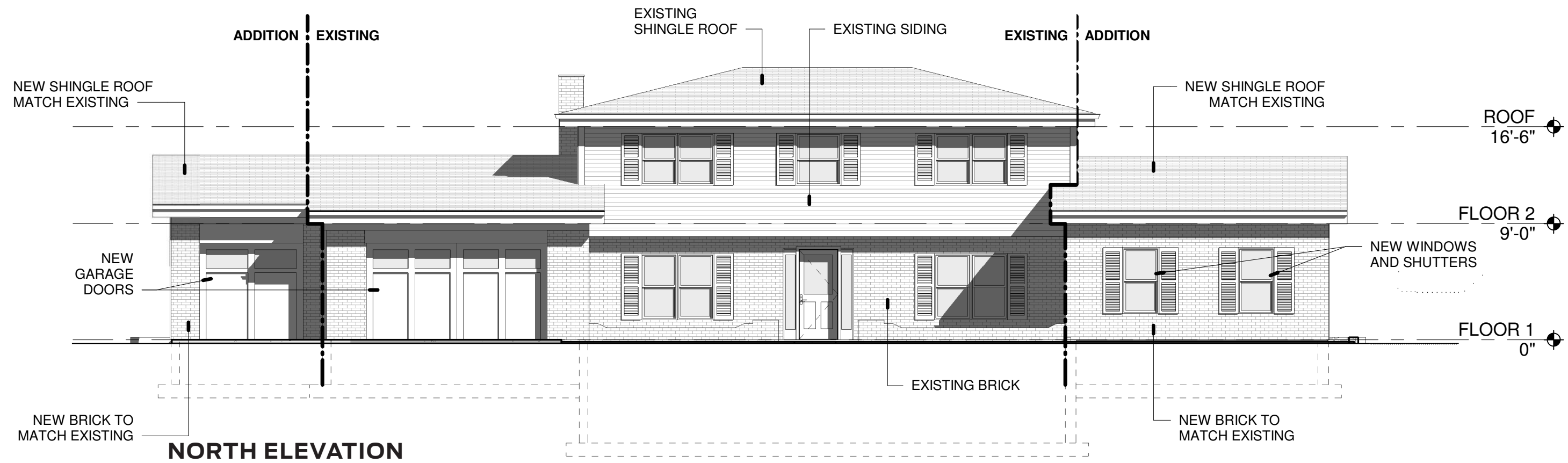
| **ADDITION** | **EXISTING HOUSE** | **ADDITION** |



ROOF PLAN

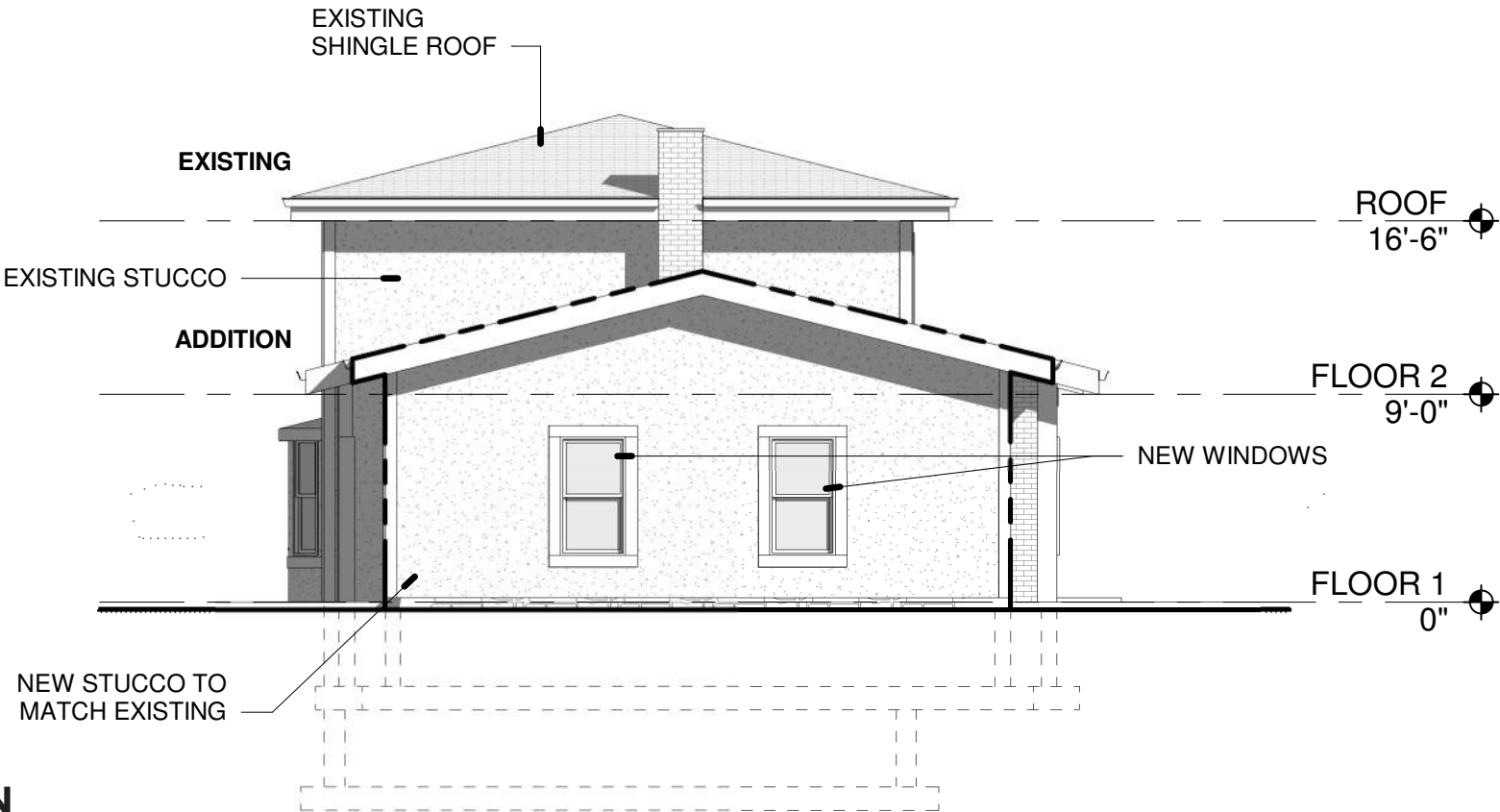


EXTERIOR ELEVATIONS

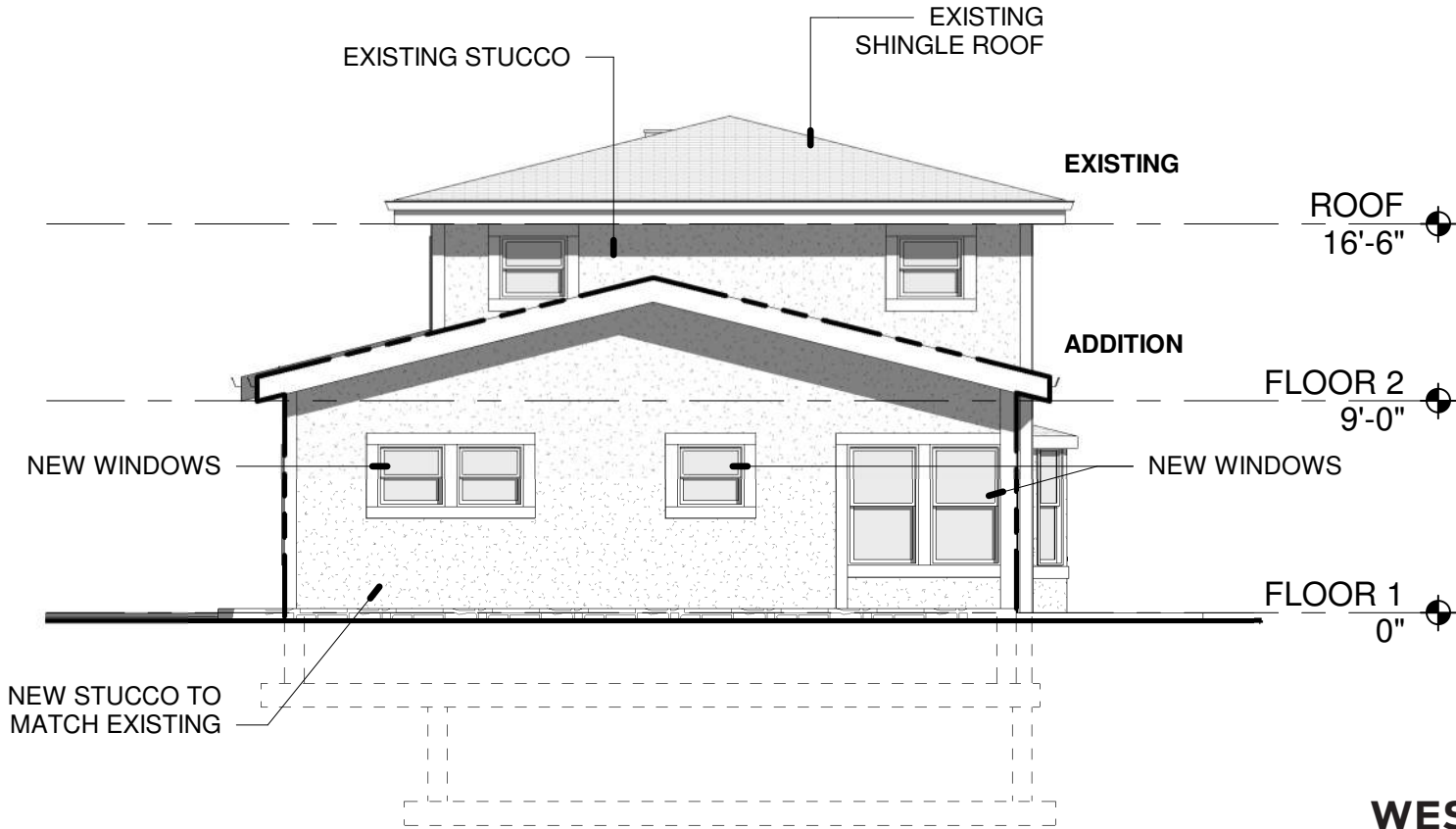


EXTERIOR ELEVATIONS

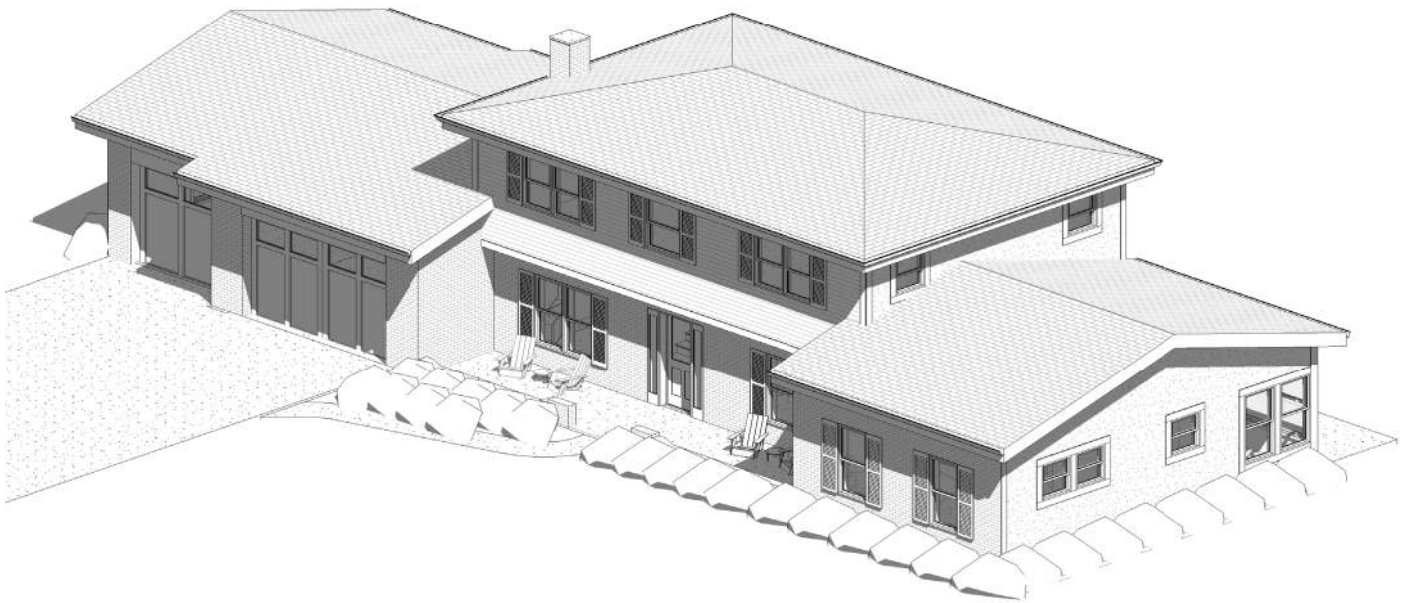
EAST ELEVATION



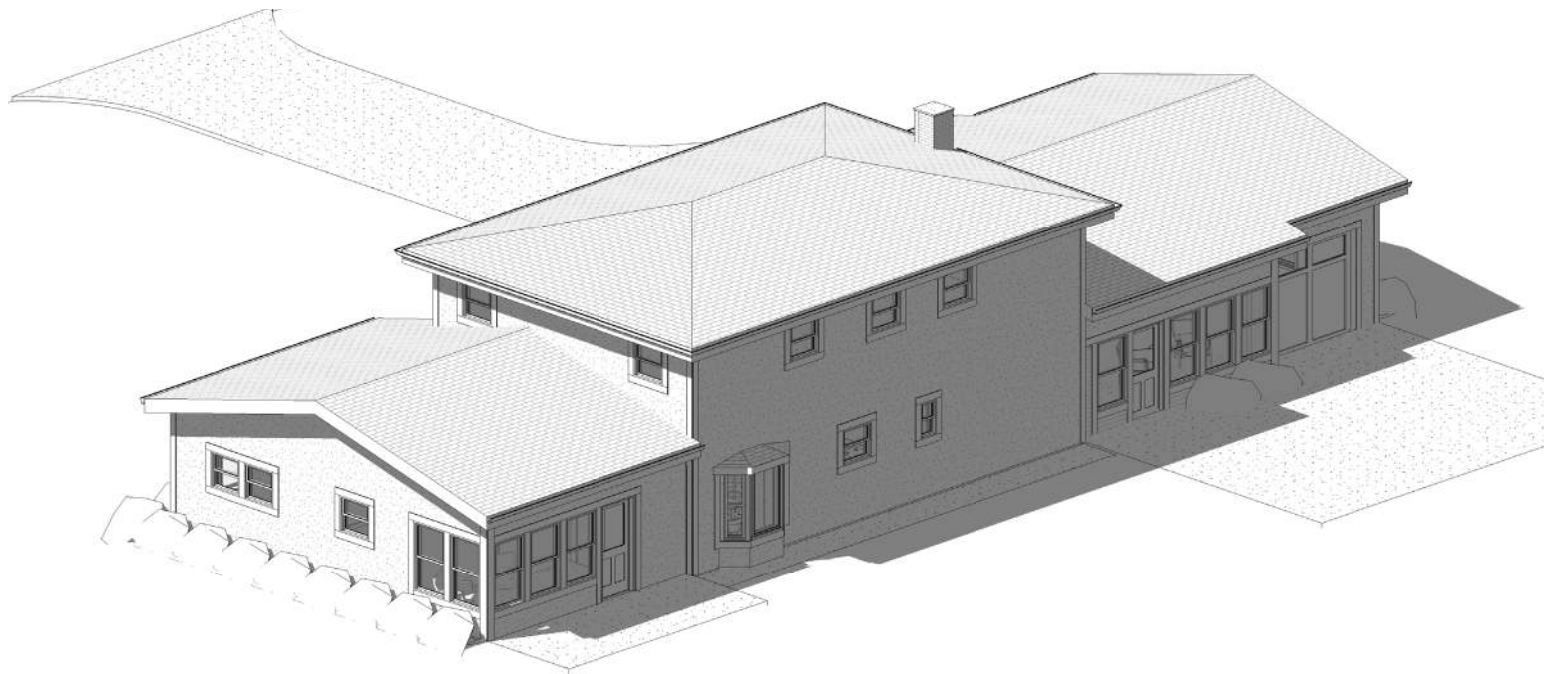
WEST ELEVATION



OVERALL 3D AXONS



FRONT PERSPECTIVE



BACK PERSPECTIVE



EXTERIOR PERSPECTIVE



MATERIAL PALETTE



ASPHALT ROOF (EXISTING & NEW)
owens corning - duration,
color to be selected to match existing



WOOD SIDING (EXISTING)
repair and repaint to match existing.
repaint existing trim to match trim color.



STUCCO (EXISTING & NEW)
Color to be selected to match existing



BRICK (EXISTING & NEW)
Color to be selected to match existing



WINDOW SHUTTERS (NEW)
timberlane - fixed louver to match existing,
painted to match existing



WINDOWS (NEW)
renewal by andersen - double-hung w/
muttons, white to match existing



ENTRY DOOR (NEW)
renewal by andersen - style 181,
painted to match existing trim



GARAGE DOORS (NEW)
haas - american tradition series, 920 series
with lites, painted to match existing trim



**Board of Zoning Appeals Staff Report
August 24, 2026 Meeting**

**6905 CENTRAL COLLEGE ROAD
HOUSE SETBACK VARIANCE**

LOCATION: 6905 Central College Road (PID: 222-000349)
APPLICANT: Old World Custom Homes
REQUEST: Variance
ZONING: Residential Estate District (R-1)
STRATEGIC PLAN: Residential
APPLICATION: VAR-56-2026

Review based on application materials received July 29 and August 5, 2026.

Staff report prepared by Lauren Sauter, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance from C.O. Section 1131.05(c) to allow a portion of a new home to encroach approximately 9 feet into a required 50-foot front-yard setback.

At present, the proposed home would not encroach into the front yard setback; however, the city engineer has recommended that the applicant dedicate a total of 40 feet of right-of-way to the city along the parcel frontage in accordance with nearby development and the Engage New Albany Strategic Plan. This is 10 feet more than the existing 30 feet of right-of-way. Because the setback for this property is measured from the property line (as opposed to the road centerline or edge of pavement), this dedication pushes the front yard setback farther into the lot.

II. SITE DESCRIPTION & USE

The approximately 3.63-acre site is located along Central College Road just outside of the Cedar Brook subdivision and across from Wentworth Crossing. The area is characterized by an older housing stock and low-density residential development.

No structure exists on the site. Numerous mature trees are located on the lot, especially concentrated on its southern half. Sugar Run extends along the eastern portion of the site, which includes a pond shared between the subject site and the adjacent parcel; this offers unique natural aesthetics to the land. The site is encumbered by a floodplain generally along its entire eastern side due to Sugar Run. A swale, fence, and above-ground utility line run along the parcel's frontage. The site is notably larger than most other parcels in its vicinity.

The city engineer has confirmed there is no city sewer access within 200 feet of the proposed building (see C.O. 993.10). The applicant has received a permit to install a septic system at the site from the Ohio Department of Health, dated June 26, 2026.

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.

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 these factors when deciding whether to grant a landowner an area variance, as well as the criteria established in C.O. Section 1113.06.

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.



Image: Approximate location of the proposed house on the lot and relative to the floodplain. Not to scale.

The applicant requests the following variance:

Variance from C.O. Section 1131.05(c) to allow a portion of a new home to encroach approximately 10 feet into a required 50-foot front yard setback.

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

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
 - There can be beneficial use of the property without the variance. Reconfiguring the proposed building could situate it fully within the setbacks. However, the site is still significantly constrained by a floodplain and septic sewer limitations that ultimately limit the buildable area of the lot. The additional right-of-way dedication further limits the buildable area.
2. *Whether the variance is substantial.*
 - The variance is not substantial, as it is related to the additional 10 feet of right-of-way that the city engineer has required to be dedicated to the city. Prior to the dedication, the house met all required setbacks; the variance offsets the loss of buildable front yard depth caused by the required dedication.
 - Many unique conditions exist for the site, and the area of encroachment is not substantial as only 9 feet of a portion of the house’s garage mass is proposed to encroach into the front yard setback rather than the full width of the house. The main portion of the home appears generally aligned with the front façades of neighboring properties.
 - While many variances have been requested for setback encroachments in the past, few have been for front yard setbacks, and even fewer for the main residential structure to be within that setback. However, numerous similar variances have been requested, relating to the front yard, the garage, or the encroachment of a house, including:
 - i. In December of 2020, the Board of Zoning Appeals approved VAR-93-2020 to allow a covered porch to encroach into the front yard setback at 4646 Wilkin Court.
 - ii. In August of 2024, the Board of Zoning Appeals approved VAR-58-2024 to allow a detached garage to encroach into the front yard setback at 9 New Albany Farms.
 - iii. In June of 2026, the Board of Zoning Appeals approved VAR-34-2026 to allow a two-story house to encroach into the rear yard setback at 4326 Olmsted Road.

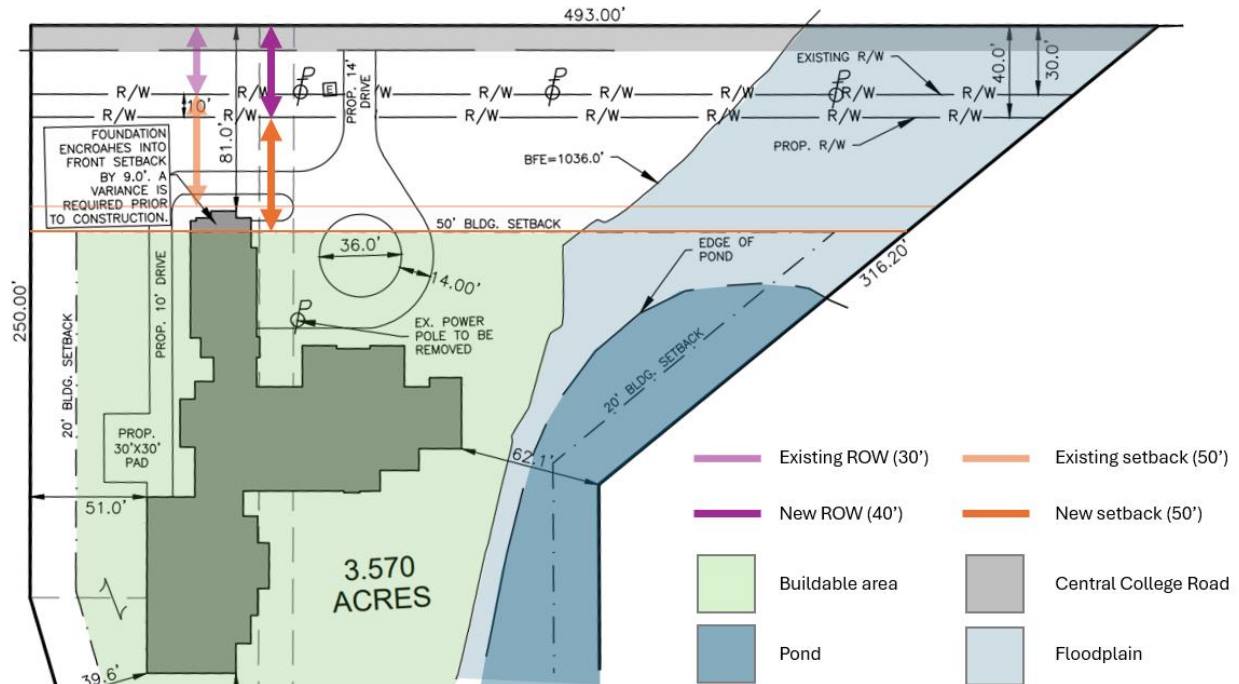


Image: A portion of the site plan showing the proposed house, the existing and new setbacks, and the site constraints. The house would not require a variance with the existing right-of-way ("ROW"), but it does require a variance with the recommended 40 feet of right-of-way.

3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."*
 - The essential character of the neighborhood would not be substantially altered by the encroachment into the front yard setback. This and similar areas in the city are characterized by an older housing stock that often does not fully conform to the codified ordinances or Design Guidelines and Requirements; it is not uncommon for the front façades of houses to not be aligned, and the visual impact of misalignment is reduced due to the larger setbacks that characterize the zoning district. If the home were located in a district with a higher density, a reduced setback could be more apparent.
 - There are numerous large, mature trees on the site that screen the house from adjacent properties. Additionally, street trees will be required along the front of the parcel, which will further screen the house from view from the street.
 - If the house were to be constructed without additional right-of-way dedication, all setbacks would be met. Its location on the lot is not being altered following the dedication, and the shifted setback does not cause a change in the essential character of the area.
4. *Whether the variance would adversely affect the delivery of government services.*
 - The variance is not anticipated to adversely affect the delivery of government services.
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
 - The property owner did not purchase the property with knowledge of the zoning restriction. At the time of purchasing the property, the existing right-of-way width was 30 feet from the centerline of Central College Road, which, in summation with the 50-foot setback, would require the house to be at least 80 feet from the centerline of Central College Road (the front setback is measured from the edge of the right-of-way). The house was designed with the

intent to fit within this site configuration; however, during staff review of the proposal, the city engineer requested an additional 10 feet of right-of-way width to be dedicated to the city, which caused the setback to be shifted back and caused further restriction on the property. With a total right-of-way width of 40 feet, the house must now be located approximately 90 feet from the centerline of Central College Road.

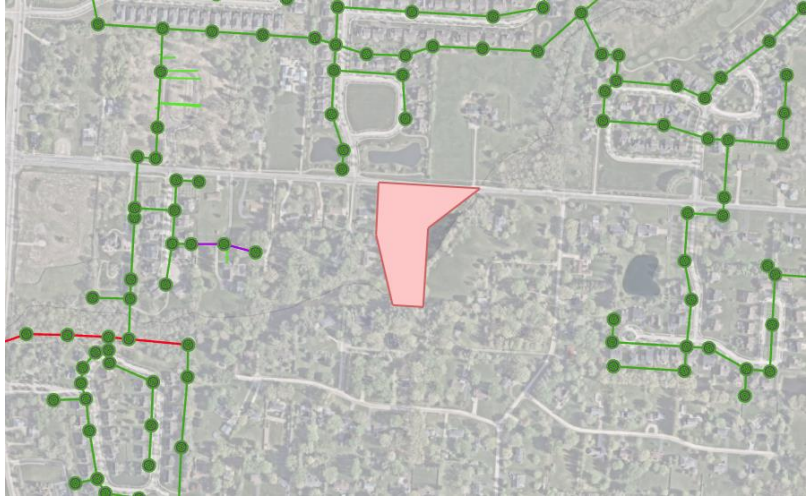


Image: Map showing the subject property on Central College Road (light red) and city sanitary sewer mains (green). The nearest connection ends at the intersection with Wentworth Crossing, but it is not close enough to the proposed house to establish a connection.

6. *Whether the problem can be solved by some manner other than the granting of a variance.*
 - Other than the granting of a variance, the problem can only be solved by reconfiguring the proposed house. The house could be scaled down, or the garage could be shortened to fit within the setback. However, reconfiguring the house does not solve the problem of there being numerous unique site constraints that must be considered when developing the land.
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*
 - The variance does not fully preserve the intent of the front setback requirement, which is to ensure a consistent, visually harmonious pattern of development between lots in a zoning district and to preserve the rural character of the zoning district. However, only a narrow portion of the home is proposed to encroach into the setback, and given that the proposed house would meet setback requirements prior to the additional right-of-way dedication, the spirit or character of the Residential Estate District is still being preserved.
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.*
 - Numerous special circumstances exist that are peculiar to the land involved:
 - i. Generally, the southern and eastern portions of the lot are encumbered by a floodplain and Sugar Run. Any development in a floodplain in the city is highly discouraged and typically prohibited by C.O. Chapter 1155; even if the development were to comply with Chapter 1155, the pond takes up a significant portion of the parcel as well.
 - ii. While all buildings in the Residential Estate District are required to adhere to a 50-foot front yard setback, there is no one standard right-of-way width. One adjacent property has a 30-foot right-of-way; the other adjacent property has a specifically 39.80-foot right-of-way; others appear to have no right-of-way dedicated. Nonetheless, all new developments are required to adhere to a setback from its specific right-of-way.

- iii. Though the codified ordinance for the Residential Estate District contemplates properties not served by public utilities, the inability to connect to public sewer and the need to install a private septic system is a highly unusual condition of the land. Adequate space is required for the septic system, and because of the shape of the lot, the effect of the setback on the proposed house, and the presence of the floodplain, there is limited room for the septic system to be installed.
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.*
- A literal interpretation of the front setback requirement may deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. The required additional right-of-way dedication shifts the effective front setback farther into the lot, while the eastern portion of the site is substantially constrained by the floodplain and the southern portion of the site must be used to accommodate an on-site septic system. These conditions limit the ability to relocate the proposed dwelling farther back on the lot. Strict application of the setback requirement would further reduce the buildable area in a manner not commonly experienced by other similarly zoned properties.
10. *That the special conditions and circumstances do not result from the action of the applicant.*
- The special conditions of the land do not result from the action of the applicant. The applicant must use a septic system due to a lack of public sewer infrastructure at the site, which causes significant limitations in the house's placement on the lot; the applicant cannot build within the floodplain on the lot; and the applicant must dedicate an additional 10 feet of right-of-way to the city, as requested by the city engineer, which causes the front yard setback to take up more of the land. The house was designed with the intent to fit into the numerous site constraints with a 30-foot right-of-way, and the request by the city engineer for additional right-of-way is not the result of action by 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.*
- Granting the variance could confer special privilege on the applicant. All properties in the same zoning district are required to adhere to the same setback, regardless of the width of the right-of-way or other site constraints; however, the variance is based on a combination of site-specific conditions, including the additional right-of-way request by the city engineer; the location of Sugar Run, its pond, and its associated floodplain; and the need to accommodate an on-site septic system due to the inability to connect to public sewer infrastructure. These factors limit the practical buildable area of the lot in a manner that does not appear typical of all similarly zoned properties.
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.*
- Granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the new home.

IV. SUMMARY

The applicant requests approval of a variance from front yard setback requirements to allow a portion of a new home to encroach approximately 9 feet into the 50-foot setback. The house is designed such that the garage extends forward from the main mass of the house; only the end of this garage portion is proposed to encroach, while the main mass remains generally aligned with the setback of nearby homes.

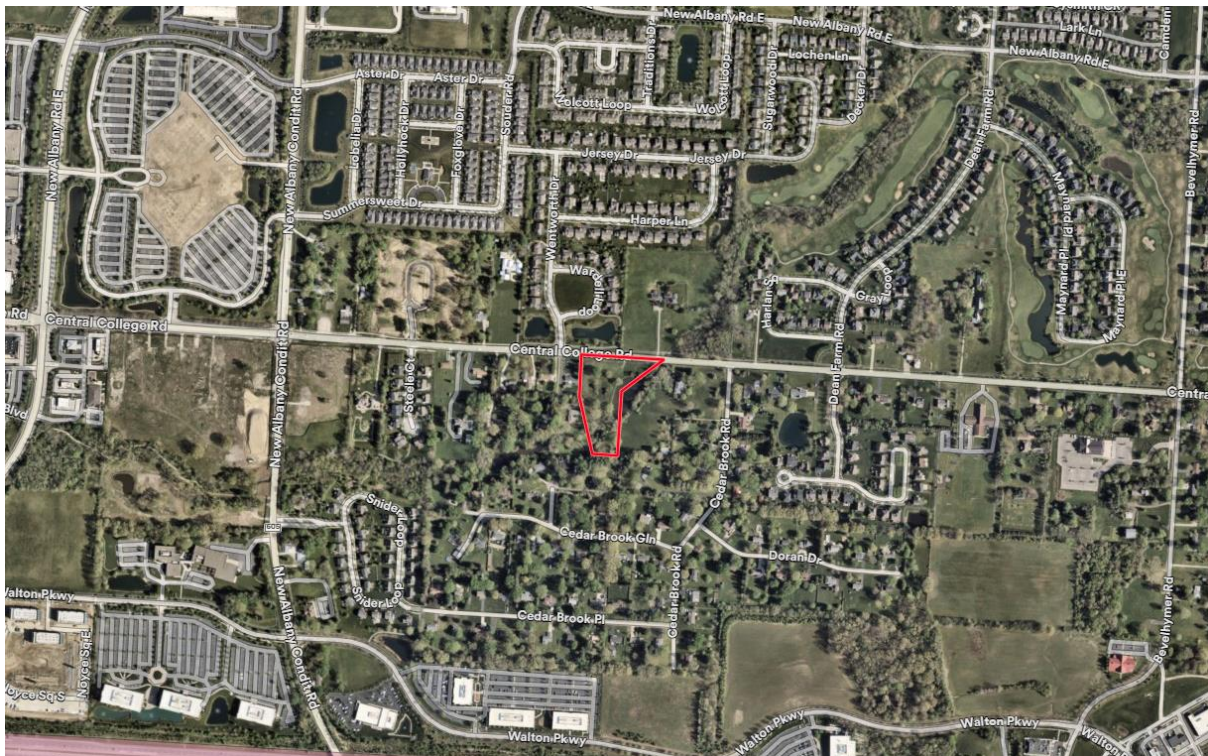
Several site-specific factors warrant the variance. The parcel is encumbered by the Sugar Run pond and floodplain along its eastern side, which substantially restricts the area where a house can be constructed. Additionally, unlike most areas of the city, the parcel is not serviceable by the public sewer system, and a private septic system must be installed on the site. The septic system further constrains the buildable area of the lot, and the proposed house cannot be moved farther back into the lot due to the septic system requirements. Further, the house was originally designed to adhere to the setback as it related to the existing 30-foot right-of-way; during staff review of the proposal, the city engineer requested an additional 10 feet of right-of-way, essentially moving the setback farther back into the lot by 10 feet and causing the house to minimally encroach. While the variance could be substantial and the house could be reconfigured to align with the required setback, the numerous site constraints continue to encumber the lot.

V. ACTION

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

Move to approve variance application VAR-56-2026 based on the findings in the staff report.

Approximate site location:



Source: NearMap



Community Development Planning Application

Submission	Submit planning applications and all required materials via email to planning@newalbanyohio.org Paper copies are not required at this time however, 12 paper copies of the entire submission will be required ahead of a board hearing date. The planner assigned to your case will inform you when the paper copies need to be delivered to our offices. Fee invoices will be issued to you once the application is entered.			
	Site Address <u>6905 Central College Road, New Albany, OH 43054</u> Parcel Numbers <u>222-000349</u> Acres <u>3.57</u> # of lots created <u>1</u>			
Project Information	Choose Application Type		Description of Request:	
	☐ Appeal ☐ Certificate of Appropriateness ☐ Conditional Use ☐ Development Plan ☐ Plat ☐ Lot Changes ☐ Minor Commercial Subdivision ☐ Zoning Amendment (Rezoning) ☐ Zoning Text Modification		☐ Extension Request ☒ Variance ☐ Vacation Variance from front setback requirement due to ROW dedication and site constraints	
Contacts	Applicant Information		Property Owner Information	
	Name	Patrick Miller	Name	Hope Boren
	Address		Address	
	City, State, Zip		City, State, Zip	
	Phone Number		Phone Number	
	Email		Email	
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.			
	Signature of Owner Signature of Applicant		Date: <u>05/05/26</u> Date: _____	

Department Address: 7815 Walton Parkway • New Albany, Ohio 43054 • Phone 614.939.2254

Mailing Address: 99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054



To: New Albany Board of Zoning Appeals

From: Old World Custom Homes

Date: 7/29/2026

A variance for the newly established 40' Right of Way along Central College Road

Use for which waiver is sought

The proposed use is a Residential home located at 6905 Central College Road within the R-1 Residential Estate Zoning District.

Details of the waiver and grounds for approval

The waiver request seeks relief from the requirement of a newly established 40' Right of Way.

Old World Custom Homes respectfully submits this narrative statement in support of the requested variance associated with the proposed residence and improvements shown within the accompanying planning application, site plans, and architectural elevations.

Reasons for Justification

The subject property presents several unique physical constraints that significantly limit the available building area and overall site design flexibility. These constraints include the presence of floodplain areas, established limits of disturbance, and septic system limitations, all of which substantially reduce the practical and compliant areas available for home placement. In combination with the property's topography, pond, and limits of disturbance, the buildable width is reduced, forcing the home design to be deeper in nature to achieve the desired features that are included in the home. Collectively, these site-specific conditions create hardships that are not typical of a standard residential lot and necessitate reasonable flexibility in the application of certain development standards. These adjustments are necessary for reasons of fairness due to the site-specific conditions and would not detrimentally affect public health, safety, or general welfare. We would also note that existing homes in the R-1 Residential Estate Zoning District and the neighboring homes on Central College adhere to a 30' ROW.

LEGEND

- SAN = PR. SANITARY SEWER
- W = PR. WATERLINE
- STM = PR. STORM SEWER
- G = PR. GAS LINE
- E = PR. ELECTRIC LINE
- = SETBACK LINE
- - - = EX. EASEMENT LINE
- = EX. PAVEMENT



Old World
CUSTOM HOMES

FOR: Old World Homes ADDRESS: 6905 Central College Road, New Albany, Ohio 43054

LOT AREA: 3.570 Acres Sec: 13 T: 2 R: 16 CITY: New Albany COUNTY: Franklin STATE: Ohio

FLOOD ZONE: X/AE COMMUNITY PANEL: 39049C PANEL No.: 0206K EFFECTIVE DATE: 06-17-2008

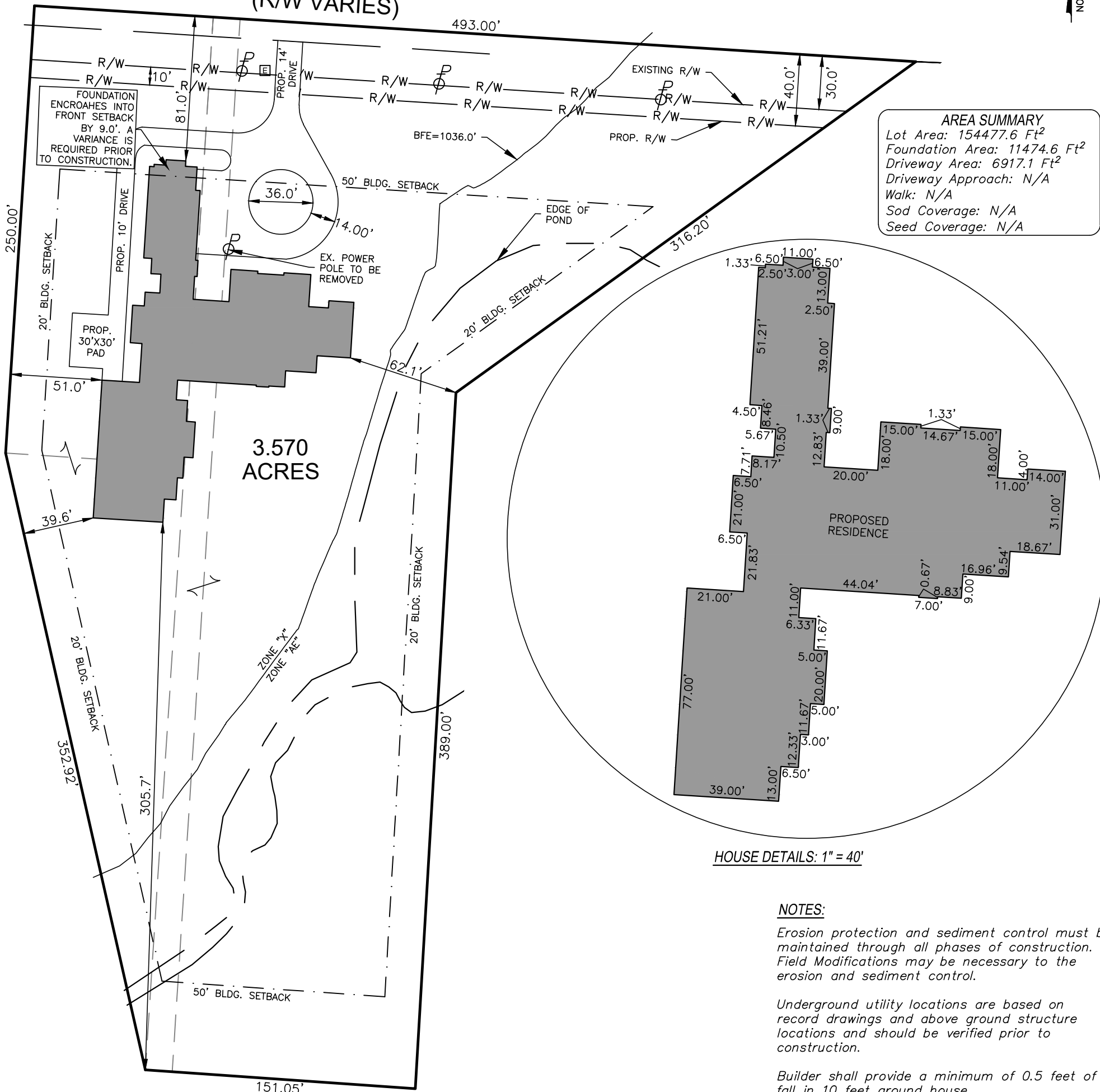
MINIMUM BUILDING SETBACKS: FRONT 50' from R/W REAR 50' SIDE 20'

SCALE

1" = 60 feet



CENTRAL COLLEGE ROAD
(R/W VARIES)



HOUSE DETAILS: 1" = 40'

NOTES:

Erosion protection and sediment control must be maintained through all phases of construction. Field Modifications may be necessary to the erosion and sediment control.

Underground utility locations are based on record drawings and above ground structure locations and should be verified prior to construction.

Builder shall provide a minimum of 0.5 feet of fall in 10 feet around house.

Be advised: A sub-surface drainage system may exist on this site. The system and/or outlet, if located on this site, must be maintained at all times.

Not all easements may be shown hereon. A title commitment report is recommended for review prior to construction but was not provided.

PLOT & GRADING PLAN

6905 CENTRAL COLLEGE ROAD - BOREN



Korda/Nemeth Engineering, Inc - Consulting Engineers
1650 Watermark Drive, Suite 200 - Columbus, Ohio 43215-7010
TEL 614-487-1650 FAX 614-487-8981 WEB www.korda.com

DATE	JOB#
March 26, 2026	2026-7402
REVISED	DRAWN
August 05, 2026	BLT
DWG.	CHK'D.
	DRH



HOPE BOREN RESIDENCE

6915 CENTRAL COLLEGE ROAD, NEW ALBANY, OHIO 43054

DRAWING SCHEDULE

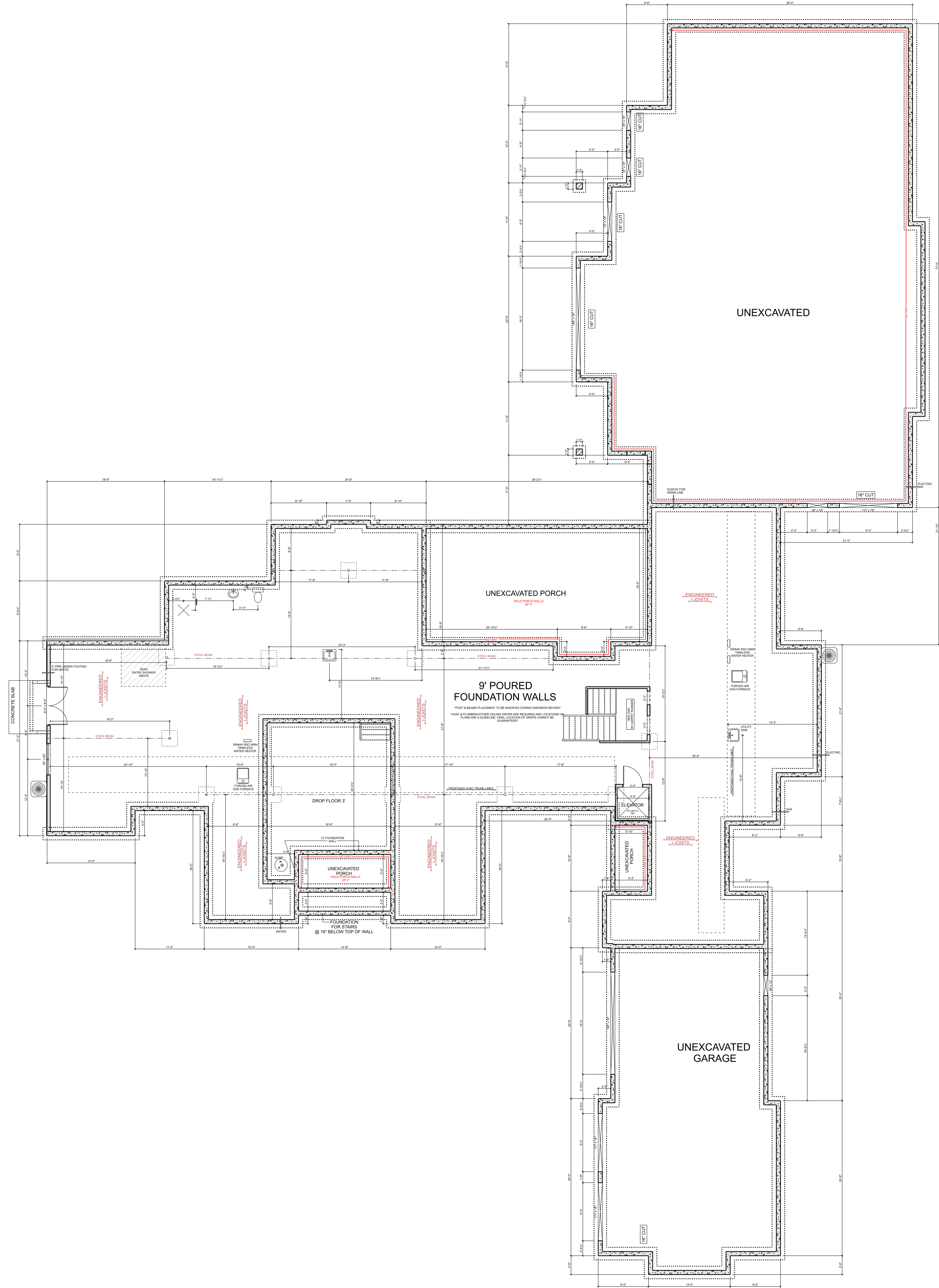
COVER SHEET	1
FOUNDATION	2
FINISHED BASEMENT	3
MAIN FLOOR	4
SECOND FLOOR	5
FRONT & REAR ELEVATIONS	6
SIDE ELEVATIONS	7
SECTIONS	8
ROOF PLAN	9



AREA SCHEDULE	
NAME	AREA
MAIN FLOOR	5,018 SQ. FT.
LOOK OUT	238 SQ. FT.
TOTAL FINISHED AREA	5,256 SQ. FT.
FINISHED BASEMENT	2,828 SQ. FT.
GARAGE	1,520 SQ. FT.
SEASON ROOM	503 SQ. FT.
FRONT PORCH	86 SQ. FT.
REAR PORCH	671 SQ. FT.
SPORT BUILDING	2,508 SQ. FT.
POOL HOUSE	1,548 SQ. FT.

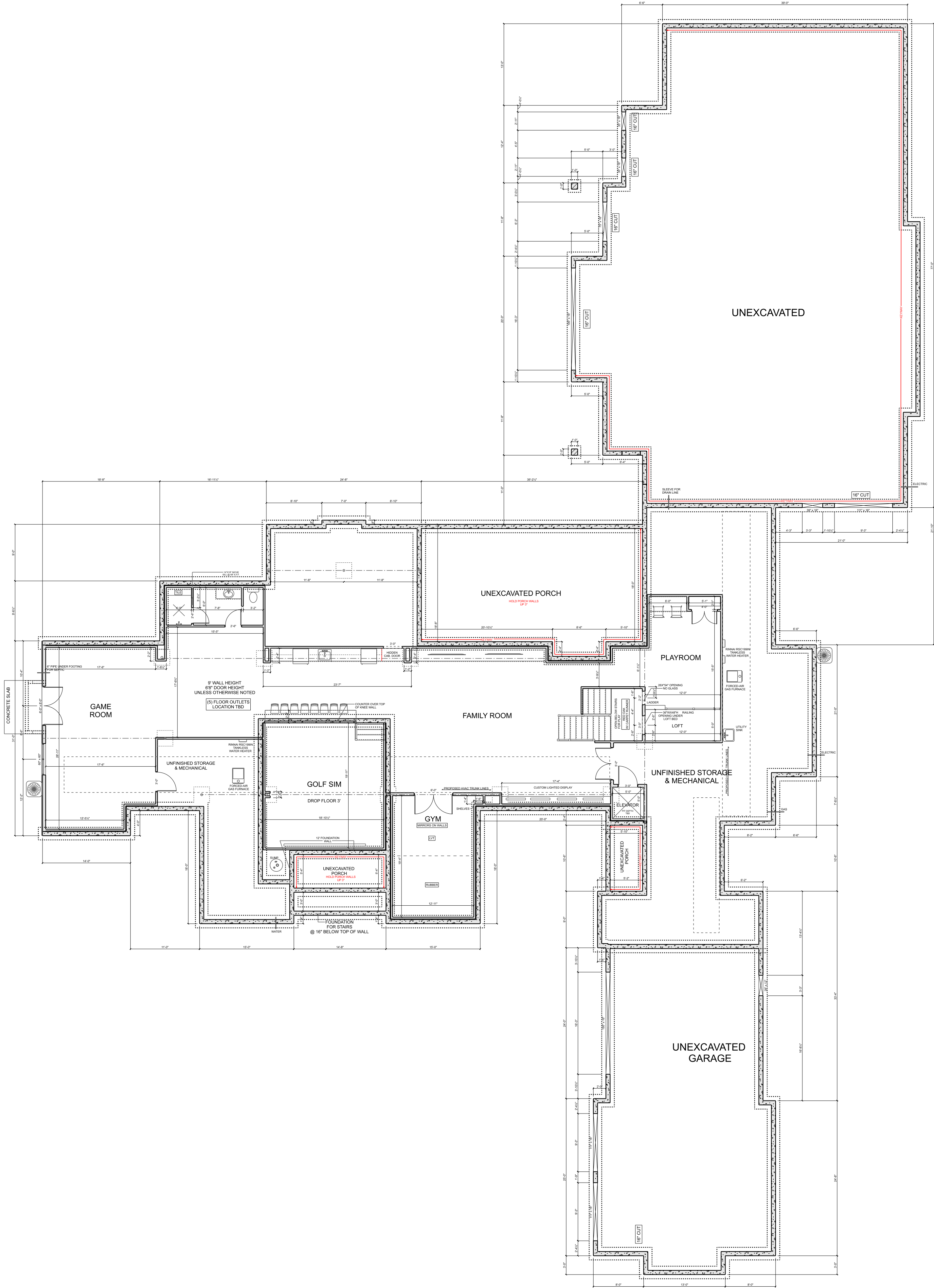
FOUNDATION

SCALE: 1" = 10'-0"

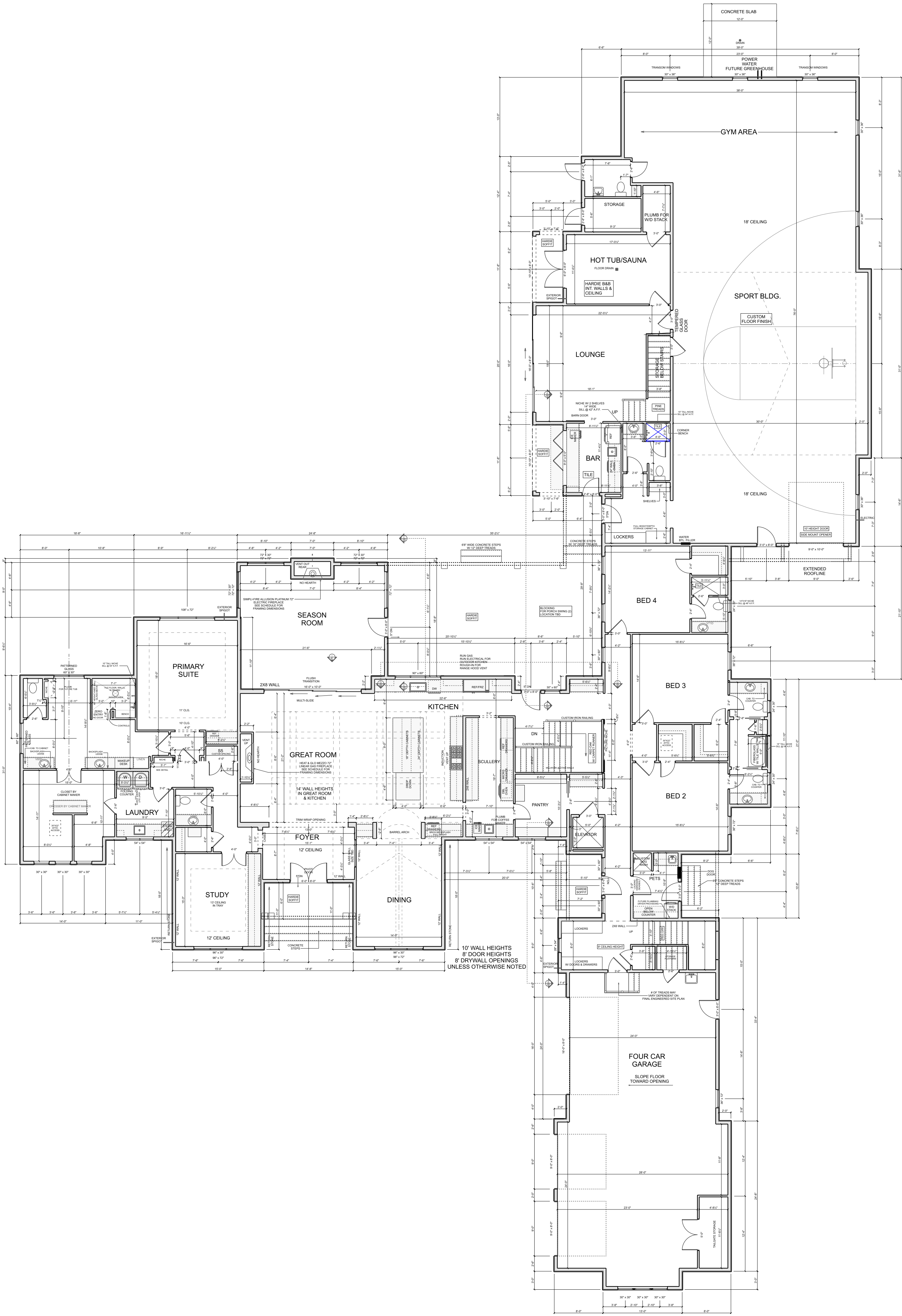


FINISHED BASEMENT

SCALE: 1" = 10'-0"



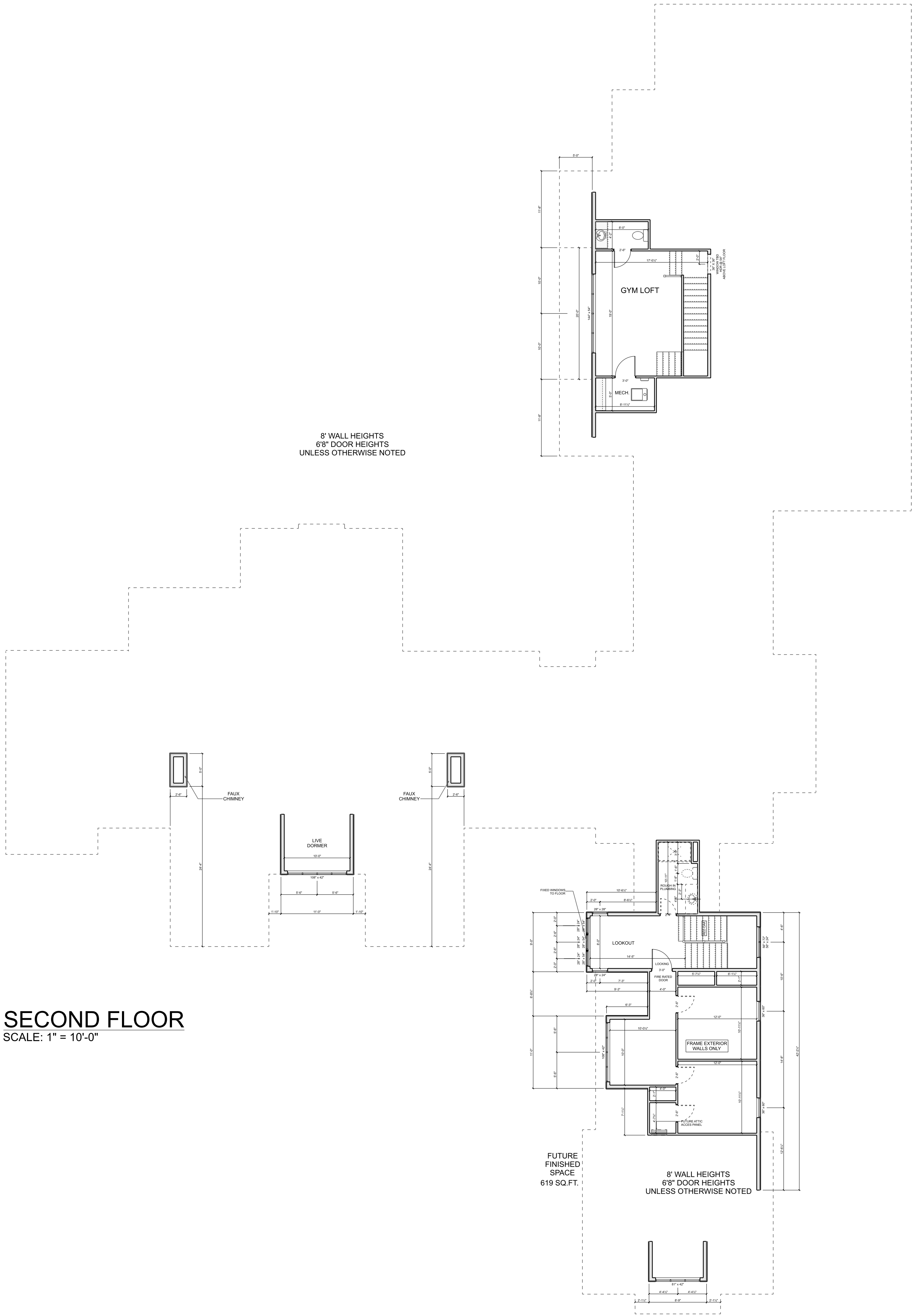
FINISHED BASEMENT - 2,828 SQ.FT.



MAIN FLOOR
SCALE: 1" = 10'-0"

SPORT BLDG. - 2,508 SQ. FT.
POOL HOUSE - 1,548 SQ. FT.

MAIN FLOOR - 5,018 SQ. FT.
LOOK OUT - 238 SQ. FT.
TOTAL = 5,256 SQ. FT.

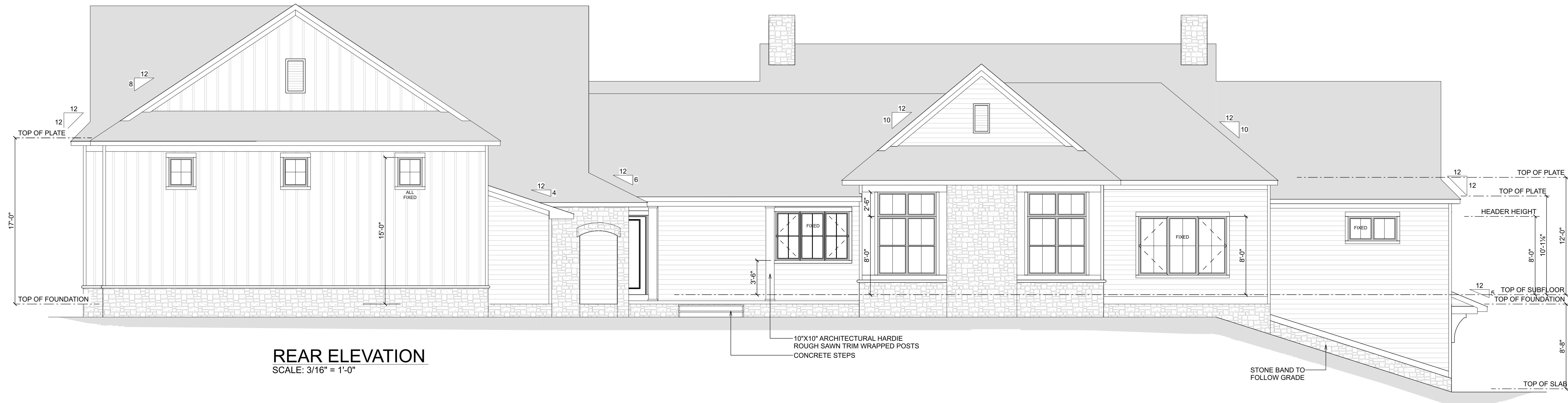


SECOND FLOOR
SCALE: 1" = 10'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"

HARDIE SELECT CEDARMILL PLANK LAP SIDING	HARDIE SELECT CEDARMILL BOARD & BATTEN
HARDIE SELECT CEDARMILL PANELING & TRIM	CASA DI SASSI CAST STONE
STONE FOUNDATION BAND ON ALL SIDES EXCLUDING RIGHT ELEVATION	ALUMINIM SOFFIT & FASCIA
6" HARDIE CEDARMILL FRIEZE BOARDS	6" HARDIE TRANSITION BOARDS
4" HARDIE RUSTIC GRAIN WINDOW TRIM	LIMESTONE HEADERS IN STONE AREAS
10"X10" ARCHITECTURAL HARDIE ROUGHSAWN TRIM WRAPPED POSTS ON FRONT & REAR PORCHES	WAYNE-DALTON 8600-SERIES GARAGE DOORS



REAR ELEVATION
SCALE: 3/16" = 1'-0"

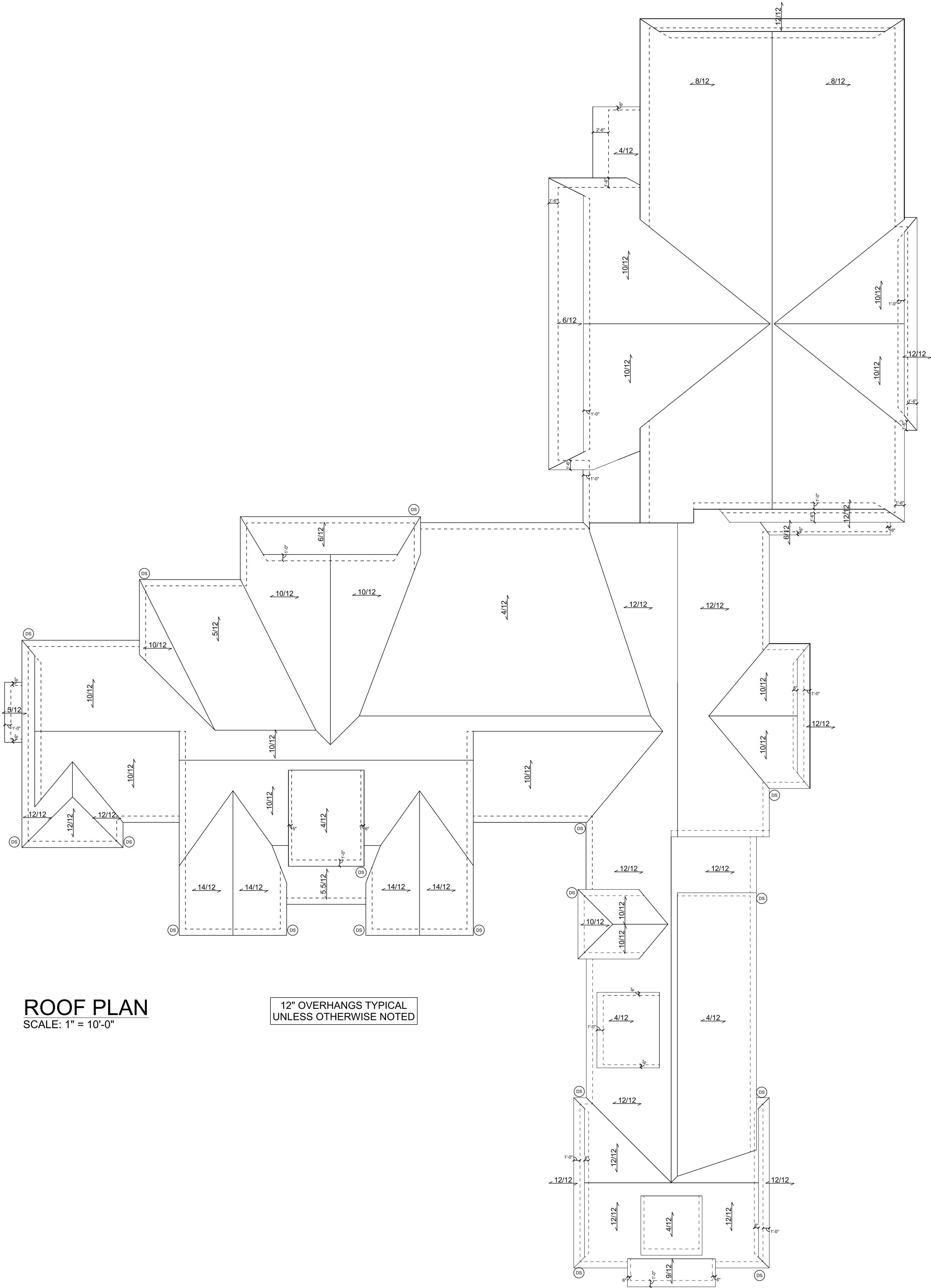


RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

HARDIE SELECT CEDARMILL PLANK LAP SIDING	HARDIE SELECT CEDARMILL BOARD & BATTEN
HARDIE SELECT CEDARMILL PANELING & TRIM	CASA DI SASSI CAST STONE
STONE FOUNDATION BAND ON ALL SIDES EXCLUDING RIGHT ELEVATION	ALUMINIM SOFFIT & FASCIA
6" HARDIE CEDARMILL FRIEZE BOARDS	6" HARDIE TRANSITION BOARDS
4" HARDIE RUSTIC GRAIN WINDOW TRIM	LIMESTONE HEADERS IN STONE AREAS
10"X10" ARCHITECTURAL HARDIE ROUGHSAWN TRIM WRAPPED POSTS ON FRONT & REAR PORCHES	WAYNE-DALTON 8600-SERIES GARAGE DOORS



LEFT ELEVATION
SCALE: 1/8" = 1'-0"



ROOF PLAN
SCALE: 1" = 10'-0"

12" OVERHANGS TYPICAL
UNLESS OTHERWISE NOTED