



Planning Commission

Meeting Minutes

April 18, 2016

7:00 p.m.

New Albany Planning Commission met in regular session in the Council Chambers of Village Hall, 99 W Main Street and was called to order by Planning Commission Chair Neil Kirby by at 7:03 p.m.

Mr. Sloan Spauling Sworn in the new commission member Bill Steele.

Neil Kirby	Present
Brad Shockey	Present
David Wallace	Present
Marlene Brisk	Absent
Bill Steele	Present
Sloan Spalding (council liaison)	Present

Staff members present: Adrienne Joly, Deputy Director; Stephen Mayer, Planner; Mitch Banchevsky, City Attorney; Ed Ferris, City Engineer and Pam Hickok, Clerk.

Mr. Shockey moved to approve the March 21, 2016 minutes as amended, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

Mr. Mayer stated that the April 4, 2016 minutes were not ready at the time the packets were complete and will be added to the next agenda.

Mr. Kirby asked for any changes or corrections to the agenda.

Mr. Mayer stated that the applicant would like to move V-81-2015 to the end of the agenda after the amendment to codified ordinance chapter 1173.

Mr. Wallace asked why the applicant wanted to move the item.

Mr. Mayer stated that the applicant had a conflict and will not be here until about 7:30pm.

Mr. Kirby swore to truth those wishing to speak before the Commission.

Mr. Kirby's invited the public to speak on non-agenda related items and received no response.

Mr. Wallace moved to accept the staff reports and related documents in to the record, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

FDP-26-2016 Final Development Plan
Final Development Plan for the Forest Drive Office Park located within the Canini Trust Corp
Applicant: Canini & Associates

Mr. Stephen Mayer presented the staff report.

Mr. Kirby asked for any engineering comments.

Mr. Ed Ferris stated none.

Mr. Larry Canini, Smith Mill Ventures, stated that they had delayed this project due to the economy and waiting for things to pick up in that area. We are looking forward to moving forward. Using the map he showed the location of this area and explained that it will be similar to the Forest Drive Office Park on the south side of Smith's Mill Road. We will be having a ribbon cutting for the Hampton Inn on Thursday night from 5:00pm - 7:00pm. Would like to keep the momentum going in this area. Staff mentioned the cross access parking agreement. He asked if staff has received any complaints regarding the parking.

Ms. Joly stated that we had not received any complaints.

Mr. Canini stated that Cota Park & Ride is not able to agree to a cross access easement because they are a non-profit and would lose their tax exempt status. It is disappointing because hours that are serviced by the shuttle are 6am - 6pm. This is only phase one for Cota and they can expand another 60 spaces in phase two. I don't want to get too focused on the parking. We have over parked the existing Forest Park office park.

Mr. Kirby as if the applicant has any conflicts with the conditions.

Mr. Canini stated no.

Mr. Kirby asked staff if the underlined items in staff report are because the project has not moved forward.

Mr. Mayer stated correct.

Mr. Kirby asked for public comment.

No public response.

Mr. Steele asked if any concerns with traffic stacking during peak times.

Mr. Canini stated that have no concerns because of the roundabout. We are planning a pond. If it is more medical there will be a bigger turn around of cars.

My bigger concern is the intersection at Smith's Mill and Forest Drive where I'm receiving complaints from the tenants.

Mr. Wallace moved to approve FDP-26-2016 subject to the following conditions:

1. The applicant has agreed to work with the fire department and the engineer regarding internal and external turning radii.
2. If the buildings are owned by various owners, joint parking agreements be provided for the site, subject to staff approval.
3. The applicant demonstrates that the service areas are screened from view in accordance with the zoning text, subject to staff approval.
4. The applicant provides evidence that the materials used for the foundation are a part of the list of permitted materials listed in the zoning text.
5. The applicant provides a calculation of interior parking lot landscape areas to verify that the zoning text requirement has been met.
6. The landscape plan is revised to show that all shade trees are minimum 2.5" caliper.
7. The landscape plan is subject to approval of the Village Landscape Architect.
8. A leisure trail extending from Forest Drive to the Plain View Estates Subdivision is shown on the final development plan or that a variance is granted, subject to staff approval.
9. The applicant provides specifications for the light fixtures and that all light fixtures meet the lighting requirements for the overall Trust Corp Development, subject to staff approval.
10. Per C.O. Section 1159.10(b)(3) the applicant receives approval of a new or revised Army Corp of Engineers permits before development can occur on the site, subject to the approval of the Village Engineer.
11. Address the comments in the Village Engineer's memo dated October 5, 2007 to the satisfaction of the Village Engineer.
12. The applicant demonstrates that the service areas are screened from view in accordance with the zoning text, subject to staff approval.
13. The applicant provides a calculation of interior parking lot landscape areas to verify that the zoning text requirement has been met.
14. The revised landscape plan is subject to approval of the Village Landscape Architect.
15. Address the comments in the Village Engineer's memo dated November 9, 2007 to the satisfaction of the Village Engineer.
16. Staff recommends the building wall signs are subject to staff approval.
17. The ground signs must meet the designs in the 2013 Trust Corp Signage Recommendations plan. Staff recommends this is subject to staff approval.
18. The developer agrees to enter into a shared, quid pro quo, parking agreement if adjoining owners want a similar agreement with the understanding that no one is committed to an agreement, seconded by Mr. Kirby. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 0. Motion approved by a 4-0 vote.

TM-19-2016 Zoning Text Modification

Modification to the zoning text for NACC Section 28 (Ebrington) within the West Nine Subarea C PUD text to reduce the required minimum building rear yard setback (PID: 222-002952 and 222-002948).

Applicant: The New Albany Company

Mr. Mayer stated that the applicant is not able to attend tonight and presented the staff report.

Mr. Kirby verified that with this change you could put the house 15' from the rear property line but not a patio.

Mr. Mayer stated that was correct.

Mr. Kirby stated that maybe the terrace part needs to change also. It doesn't make sense for it to be more restrictive than the entire house. If that doesn't change then we need to look at why we should do it at all.

Mr. Shockey stated that he agrees and would like to hear staff's thoughts.

Ms. Joly stated that we have too many of these categories. I think we could simplify our zoning code a lot. The intent is to reduce the amount of variances and this is just one way to go about it. If the board would like us to look at this section of code.

Mr. Kirby stated that we need to talk to the applicant. We need to have the paved terrace changed to the same as building.

Mr. Shockey stated that he would be in favor of text change for patios. Most of the affected lots have natural features or easement that would prevent homes from being built that close. Lot 14 doesn't have that situation, the neighboring lot in Highgrove is under construction and close to having occupancy. I would suggest that we might consider exempting lot 14 from the reduced setback and have them come in for a variance if one is needed.

Mr. Wallace asked where other areas that have 15' setbacks are.

Mr. Mayer stated that Lansdown, Ealy Crossing, Straits Farm interior lots...

Mr. Wallace asked if this is being driven by the developer.

Ms. Joly stated that as they are meeting with custom home builders they are looking for some flexibility for patios, trellises, etc.

Mr. Wallace stated that there is a difference between a patio and the house being 15' from the property line. I would like to hear from the developer.

Mr. Steele stated that he would like to hear from the developer and staff.

Mr. Shockey wanted to verify that lot 14 is under construction.

Mr. Mayer used the map to explain which lots are under construction.

Mr. Canini stated that as a developer, my guess is that the builders are finding that people want larger homes. Some of the design requirements such as side load garages would make that difficult. Would there be any liability issues if the houses are only 15' from the lot line.

Mr. Banchefsky stated not for the city.

Mr. Shockey stated that this is unique because of the surrounding area.

Mr. Wallace stated that the existing barn structure on the golf course is close to the property line. The owner of this lot is clearly within 200' and would have received notice of this meeting.

Mr. Shockey stated that it is probably the builder right now.

Mr. Wallace asked if the setback is a minimum, so they can go back to the 15' but don't have too.

Mr. Mayer stated yes.

Mr. Wallace stated that there won't be any sense of uniformity.

Ms. Joly stated not necessarily because it is a minimum.

Mr. Kirby asked if you run the numbers how much of the lot is buildable lot?

Mr. Mayer stated that the buildable area is 30%.

Mr. Kirby stated that if you run the numbers from front to back and side to side from setback lines to get a buildable area. I would expect that will be more than 30%.

Ms. Joly stated that we can run it for a typical lot in this subdivision but we do check lot coverage for each building permit.

Ms. Joly stated that without the applicant present I'm not sure what the intent was. We support the goal of trying to reduce variances but maybe there is another way.

Mr. Kirby stated that I'm trying to reduce the unintended consequences. We don't want them thinking they can build a bigger house, they can just move it around a little more.

Ms. Joly stated that we will relay the concerns regarding the lot coverage and Ebrington lot 23 that backs Highgrove lot 14.

Mr. Kirby moved to table TM-19-2016 for one month, seconded by Mr. Steele. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 0. Motion approved by a 4-0 vote.

Review of Amendment to Codified Ordinance Chapter 1173

Applicant: City of New Albany

Ms. Joly presented the code change.

Mr. Ron Petroff was sworn in by the Chair. He provided a PowerPoint presentation that will be used for this presentation and for V-81-2015. I understand the proposed changes to the code that is being presented by city staff. I would like to request one more change to include a pool cover. I believe it will solve the procedures for variances requests for the new technology. I would like to talk to you about other communities that have already changed the code. I believe that New Albany is very similar to Chagrin Falls and Batavia townships. Of the six townships in this PowerPoint, three have specific language regarding pool covers. The other three have language that refers to a barrier. He explained each code section for these townships. I wanted to provide a sampling of different ways to approach amendments to this code section.

Mr. Wallace stated that one of the ordinance discussed the location of the locking mechanism which I thought was interesting.

Ms. Joly stated that we have language in the Property Maintenance code that we have now referenced will be applicable.

Mr. Shockey stated that we should discuss the request written by staff and then the request by the public. I am in favor of the four items in staff's request. I am not in favor of the fifth request that allows the fence as an option.

Mr. Steele stated that he is not in favor of the fifth request as an amendment.

Mr. Kirby agreed that he is in favor of staff's amendments.

Mr. Wallace asked what code section we are including.

Ms. Joly stated that it is chapter 1330 in the zoning code and section 303 of the property maintenance code.

Mr. Wallace asked what are we incorporating into the pool code if we include the reference to the property maintenance code and chapter 1175.

Ms. Joly stated that it is the attachment that states 303 at the top.

Mr. Wallace stated that I think we should make it clear in the code amendment that we are referencing section 303.1 & 303.2 and I don't have a concern about referencing chapter 1175 as it is applicable. If we include the language that states a barrier must prevent a child from passing under or through, how do we enforce that?

Ms. Joly stated that we would enforce it the same as we do now. Any permit that is submitted to our office is reviewed by the zoning officer for fence location and details.

Mr. Wallace stated that it will be reviewed and approved.

Mr. Shockey stated that to further elaborate on my position. In reference to the information you presented; I don't have their entire code sections in front of me. He asked Mr. Petroff to review the information again. The Batavia Township code allows for a board review to allow a pool cover. The Chagrin Falls Township code has conditions that must be met before a pool cover could be used.

Mr. Petroff stated that he reads that ordinance differently; he thinks it states that you don't need a fence or pool cover if you are not within the distances provided.

Mr. Steele stated that I read it was you don't need a fence if you are in the middle of nowhere.

Mr. Wallace stated that it could be read either way. This ordinance is not clear.

Mr. Shockey stated that I don't see Clay Township ordinance as having anything about a pool cover.

Mr. Petroff stated that our position is that it requires access control, which could be pool cover.

Mr. Kirby stated that this ordinance is also not clear because we don't know if it is the enclosure or separate from...

Mr. Wallace asked where Clay Township is located.

Mr. Shockey stated that Tallmadge states that pools must be enclosed by a fence unless the entire yard is enclosed. So the discussion would be what enclosed means. In my interpretation, enclosed means fence.

Mr. Petroff stated that this township was included so that if you considered Mr. Roberto's property already enclosed...

Mr. Kirby stated if we believed that the woods are equivalent of a fence.

Mr. Petroff continued that you could recommend this to Council so that my client property would fall into the new ordinance. This was the weakest of the ordinances presented.

Mr. Shockey stated that Washington Township states that the entire property shall be walled or fenced. I brought this discussion because the public requested that we add a fifth amendment and I want you to understand why I am in favor of the first four but not the fifth. I still see a fence or a governmental action to allow a pool cover.

Mr. Wallace stated that I wonder if the newspaper published an article about city changes pool code if we would have a different public reaction and meeting today. I think the request is different when we considered Mr. Roberto's variance. There is a difference between looking at a variance for one property and changing the code city wide.

Mr. Spalding stated that only one ordinance referred to an industry standard. The industry standard is going to evolve over time, each property, location and pool design will be unique. So that may be another reason the they should be considered on a one by one basis and ability to add conditions regarding maintenance and inspection requirements if a pool cover is allowed.

Mr. Larry Canini stated that he has experience with pool covers. One of the positives of the pool covers was keeping the debris out of the pool. In the summer, generally the cover would be retracted because if you kept the pool cover on overnight it would become too warm. It will hold the heat in. That would be my concern if you didn't have a fence.

Mr. Kirby asked if Mr. Petroff had specific language that he wanted.

Mr. Petroff stated that he wanted to have a conversation with the commission to collaboratively propose to City Council.

Mr. Shockey stated that it would be harder to come up with city wide language than to hear each variance on its own merits.

Mr. Steele stated that there may be some areas with unique factors and it should be done on a variance basis.

Mr. Shockey moved to recommend approval to Council the amendment of Codified Ordinance Chapter 1173 to include the following items

1. To lower the height requirement from 60 inches to 48 inches.

2. Includes language that states a barrier must prevent a child from passing under or through such barrier
3. Specifies that the property owner is responsible for maintenance of the barrier
4. Cross references the city's property maintenance code section 303.1 and 303.2, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, yea; Mr. Shockey, yea; Mr. Steele, yea. Yea, 4; Nay, 0; Abstain, 0. Motion approved by a 4-0 vote.

V-81-2015 Variance

Variance to Codified Ordinance Chapter 1173.02(e) to the fencing requirements for a private swimming pool at 6958 Lambton Park (PID: 222-004457).

Applicant: Ronald R. Petroff Esq.

Mr. Stephen Mayer presented the staff report.

Mr. Ron Petroff presented a PowerPoint presentation. Mr. Roberto is about two weeks from moving in. I think you seen the latest rendering of the property.

Mr. Wallace stated that if that is the latest rendering please present it to us since it may have changed from the last time we saw it.

Mr. Kirby stated that I may have mislead you when I nodded my head, I have seen it before because I drove by this weekend.

Mr. Shockey stated that he would like to see it.

Mr. Petroff stated that we believe a variance is warranted for many reasons. This property is unique due to the size and location. This property should be analyzed under the Farms and not the New Albany Country Club communities. This is called Edgemont and I thinks it is four properties. The fact that there is a brick fence along Johnstown Road and a horse fence along the first tee box combined with the gated entry way and the fact that the property pool itself is so far back from any access point. I think that it is more than 800 ft. away. So if we were going to use that ordinance that the commission said was ambiguous. If this were Chagrin Falls we wouldn't have a variance request. I think this is more than 800ft from a road and 300 ft. from another dwelling.

Mr. Wallace stated that the staff report states that it is 221 ft. from the fence along Johnstown Road, 233 ft. from the northern parcel line abutting the golf course and 149 ft. from the eastern property line.

Mr. Petroff stated that I thinking 800 ft. from Lambton Park Road. Our position is that Lambton Park Road would be the easiest way to access the property. People can't jump the brick wall and they would need to trespass onto the golf course to jump the horse fence.

Mr. Wallace stated that the brick fence doesn't extend the entire property line; you have horse fence from the brick fence to the golf course.

Mr. Petroff stated that Mr. Roberto's' position isn't that he doesn't need a fence or barrier. His position is that there is already a physical barrier; so with the pool cover it like a double profalatic. Together the two of them should suffice any concern the public may have. This is a house in the country club community already surrounded 3/4 by fence. Whether or not you call it a fence because they are three different structures, one is a brick wall, one is a gate and one is a horse fence. So we have 270 degrees is covered by fencing or some other barrier, then we have the pool cover, then we have the lock and key mechanism outside of the pool itself. Here are the safety standards that have been previously discussed. Our three arguments are that there already some type of physical barrier, a precedent in the community, some non-compliance issues (nothing happened), and the pool cover is allowed in other communities in Ohio. I think there is overwhelming evidence to grant a variance. It is the totality of the circumstances. We believe that all of the requests for research and authority has been complied with. This is our fourth attempt.

Mr. Spalding asked if the pool cover is automatic.

Mr. Petroff stated yes.

Mr. Spalding stated we heard testimony that a pool must be square to have an automatic pool cover.

Mr. Petroff stated that pool is square, this rendering is incorrect for the pool design. I have been using this rendering for landscaping.

Mr. Spalding asked if the horse fence will be extended along Lambton Park Road.

Mr. Petroff stated that the driveway will be gated. If he needed to install a fence along Lambton Park Road to receive approval then he would do it.

Mr. Spalding stated that you mentioned that it had 270 degree coverage.

Mr. Petroff stated that I was referring to the driveway itself will be gated. He stated that there will be a pond in the front yard.

Mr. Shockey asked about the southern wooded line.

Mr. Petroff stated that the owner has no interest in closing the lot line on the wooded side.

Mr. Shockey stated that the other ordinances that you presented referenced enclosing the lot in lieu of pool fence.

Mr. Petroff stated that if we didn't have to put a fence within a fence then yes. Mr. Roberto is willing to do anything other than fracturing his property.

Mr. Shockey stated that he would be willing to enclose this area.

Mr. Petroff stated yes because if the variance request fails given the way the code is written he could put a chain link fence two feet in front of the brick wall and horse fence...

Mr. Shockey stated that I'm trying to help you and accommodate you. You showed me the ordinances and a number of times it refers to fencing or walling the entire property to hinder trespassing. Would you be willing to enclose the property with a fence.

Mr. Wallace stated that the fence would need to meet the requirements of the current code.

Mr. Spalding asked what the height of the existing horse fence is.

Ms. Joly stated that it is 44" and the proposed code is 48".

Mr. Kirby stated that we have a 44" horse fence along the golf course and a 54" horse fence along Johnstown Road.

Ms. Joly stated that the 3 rail horse fence is used to delineate between private property from open space, parks and golf courses. The 4 rail horse fence is used along streets.

Mr. Canini stated that he was the first home on Lambton Park Road. One of the features we did on the golf course side was brick pier posts with 2'-3' hedge row, at time of installation, in between the posts. That may be an option to consider because it would tie into the wall along Johnstown Road. That would create a natural looking barrier.

Mr. Spalding asked if the 4 rail fence is on State Route 62 and Lambton Park Road.

Ms. Joly stated that it is 4-rail fence is the typical along streets. So if there is a fence along Lambton Park Road it is probably the 4 rail fence.

Mr. Spalding stated that the fence would then meet the code requirement for height.

Ms. Joly stated that it would meet the proposed code for height but not for uncontrolled access.

Mr. Spalding stated that he understands it would still need a variance to that requirement. The unique lot size, pool cover, copious landscaping...

Mr. Petroff stated that I do not want to table this again. My final thoughts are that we have done everything that has been asked. I don't think we could have done anything else to respond to the commission. Given all the circumstances, if there has ever been a variance application this would be the property that warrants the variance request. If not a variance here, could this ever happen in the Country Club Community. I don't believe that it would be approved by this commission.

Mr. Wallace stated that you stated it should be considered under a Farms paradigm and not a NACC paradigm. Can you articulate and be more specific on the reasons.

Mr. Petroff stated the acreage of this lot is similar to 6 New Albany Farms & 16 New Albany Farms. Secondly, the gated features and natural barrier, intricate landscaping, size of home and the pool cover. Other than the fact that you can't get out of mind State Route 62; it is the same....

Mr. Kirby stated that it is the busiest surface street in the village.

Mr. Petroff stated that the Farms has horse fencing around it; not even a brick wall. When negotiating the lot contract the brick wall had three pages...

Mr. Kirby verified that he negotiated the land contract.

Mr. Petroff stated yes.

Mr. Wallace asked if he had anything further on the Farms paradigm.

Mr. Petroff stated no.

Mr. Spalding stated that you also mentioned the private nature of the residential community, surrounded by 360 degree by fence and the lot size would discourage trespassing related to the relation to New Albany Farms paradigm.

Mr. Kirby asked if the pool was part of the permit and did it showed a fence.

Ms. Joly stated yes, the pool was a separate permit from the house.

Mr. Kirby verified that the permit was approved because it met the code. He asked why the variance wasn't submitted first, prior to building the pool.

Mr. Petroff stated that we looked at the next door neighbor and he didn't have an issue so why would we think that we needed a variance.

Mr. Kirby stated that even though the submitted plans called for a fence.

Mr. Petroff stated that we looked at 1710 and Highgrove. These are very...

Mr. Kirby stated that the submitted plans had a fence on them.

Mr. Petroff stated that he wasn't a part of that process. The original plans had a fence on them?

Ms. Joly stated that in order to get a pool permit it would need to meet all of the zoning code requirements. That it is not uncommon way, depending on the construction season, it a way to fast track the construction part...

Mr. Kirby stated to meet code and then apply for a variance.

Ms. Joly stated that it's not that uncommon because the fence is the last thing to be installed. It wouldn't change the pool itself.

Mr. Petroff stated that the two Highgrove properties. We are asking for permission and they are begging for forgiveness.

Mr. Spalding stated that the Highgrove properties are still enclosed by a fence, just a nonconforming fence along the golf course.

Mr. Wallace stated that the bigger problem is that the plans called for a compliant fence and then they installed a noncompliant fence. He asked if we discuss 1710 Lambton Park.

Ms. Joly stated that they didn't get a variance and they are in code enforcement along with the Highgrove properties.

Mr. Wallace stated that we are talking about properties that... Did 1710 submit plan that were compliant and not installed as approved.

Ms. Joly stated that we were unable to find the approved plans, it is about 8-10 years old.

Mr. Wallace asked if there is a record of plans being submitted.

Ms. Pam Hickok stated that records retention states that those miscellaneous permits are only kept for 3 years but a permit was issued.

Mr. Kirby stated that we could imply that because the permit was issued that everything met code at the time.

Mr. Petroff stated that variances have been approved in the Board of Zoning.

Mr. Wallace stated that we are aware of those. Your point on those is being considered.

Mr. Shockey asked if it was only four.

Ms. Joly stated that 6 New Albany Farms and 14 New Albany Farms were approved by the BZA to have a cover in lieu of a fence.

Mr. Shockey asked if we approved any outside of the Farms.

Ms. Joly stated no. The first request was in Illmington and that was not approved.

Mr. Shockey that the basis for those was the private controlled neighborhood...

Mr. Wallace stated that for clarification the staff report stated that the BZA has considered four; two which were denied and two which were granted. The applicant states that there are four homes in the Farms that have pool covers instead of fences.

Ms. Joly stated that this is the first we have heard of 19 New Albany Farms & 16 New Albany Farms Road. So we would need to look at that from a code enforcement perspective. This is a different list that previously provided.

Mr. Petroff stated that staff has recommended approval every time.

Mr. Wallace asked Mr. Banchefsky when they should articulate the reason for the vote.

Mr. Banchefsky stated that it makes it easier record if you articulate when you vote but if its part of the discussion that also works.

Mr. Steele stated that he has had a lot of experience with pool covers and fence enclosures. My personal experience as a parent is that a well-designed, well maintained operating with current technology pool cover. I would feel safer with kids around that than a fence. But that is a lot of ifs. That is continuously maintained, that is what I seen to be biggest failing. They only have 3-4 year lifetime and then they start having issues.

Mr. Wallace stated that my decision is supported by all of the information received from all of the meetings when this application has been discussed.

Mr. Petroff stated that if conditions are an option I would request that they are included in the motion.

Mr. Kirby stated that it is common procedure for us to put conditions on the approval. One item that was mentioned was extending the fence down the one

side that is not fenced and then using the existing horse rail fence. The final development plan that was approved earlier in the agenda had 19 conditions of approval. As chair it is my policy to make sure the applicant is happy with as many of the conditions as possible before the vote is taken. I will typically ask the applicant thoughts for each condition as a courtesy before the vote.

Mr. Shockey stated that he would be in favor because of the reasons in the presentation including the uniqueness of the property and lot size. Even though the property is not within a private gated community I can see the uniqueness provided that the property is fully enclosed with a fence or another suitable boundary to control access.

Mr. Wallace asked if an ornamental wrought iron fence surrounding the property of sufficient height fully encircling the property with a gate at the driveway. Asked if this would be something you would support. It doesn't need to be a solid fence.

Mr. Shockey stated we would want something that matches the character of the home being built. I think the golf course is not public access, it is private, so I don't think that additional fencing is needed.

Mr. Wallace restated that your condition would be that they meet fencing requirements, either existing code or proposed code, except on the golf course side.

Mr. Shockey stated that is correct, the golf course side is not publically accessible.

Mr. Kirby stated that fully enclosed to me means that if I get out of the pool I must open a gate to get off the property.

Mr. Wallace stated that is why there will be a variance to the fully enclosed requirement.

Mr. Kirby stated that I didn't say that fully enclosed means to hop a horse fence, a wall, climb over the roof of the house or some other fence that doesn't exist yet. Somewhere I hit a controlled access barrier.

Mr. Wallace stated that I don't understand exactly what you're saying but it doesn't sound like you would be in favor of the condition be discussed.

Mr. Kirby stated that I'm trying to find a simple way to explain to make sure I understand... Fully enclosed controlled access is what Mr. Shockey stated.

Mr. Wallace stated that he changed that to say that along the golf course side he wouldn't require a full enclosure.

Mr. Kirby stated that I understood it to mean that the golf course fence that is substandard in height would count for fully enclosed.

Mr. Wallace stated that we would grant the variance for the height and controlled access issue. This is Brad's thoughts not a suggestion from the applicant.

Mr. Kirby stated that the applicant did not say no when this was discussed.

Mr. Steele stated that a question for the commission to think about is that with the enhanced safety features of the pool cover in compliance with code, is a perimeter horse fence a sufficient visual deterrent with the cover to be satisfactory.

Mr. Shockey stated that the golf course side has controlled access because it is a private golf club. On the Johnstown Road side it doesn't have the same condition but is the wall, that meets the standard, and the four rail horse fence with the that ties into the golf course fence asked

Mr. Wallace stated that is the applicant's argument. The applicant stated that lot size, distance and landscaping. He discussed the physical barriers which I believe to mean the mounding and landscaping.

Mr. Shockey stated that it would be the woods and the frontage with a gated entry.

Mr. Wallace asked if the applicant was familiar with the golf course three west. He stated it has the wrought iron fence in the back.

Mr. Petroff asked if the variance is approved with conditions. Would the conditions be with the existing code or the proposed code?

Mr. Kirby stated that we can't use code that hasn't been approved by Council. My belief is that the variance will override the code sufficiently.

Mr. Banchefsky stated that the if the variance is approved tonight the code change is irrelevant to anything the variance is dealing with.

Mr. Kirby stated that if we made it clear that the pool is permitted with the pool cover and the two horse fences and another fence. We would be implying by that approval that even though neither of the fences meet the five foot height requirement with current code that it was varied from.

Mr. Banchefsky stated that if the question is if the proposed code is approved by Council will it modify the variance; the answer is no.

Mr. Shockey stated that we can set the height at 48" or 44" within our authority as a variance.

Mr. Steele asked Mr. Shockey his thoughts on the necessity for fencing on the woods side of the property.

Mr. Shockey stated that he believes it controls access to the property.

Mr. Steele stated the woods.

Mr. Shockey stated no. The fence controls access.

Mr. Steele asked if he would like a fence on the entire perimeter.

Mr. Shockey stated that he would like to see access controlled and I am partially been influenced by the applicant presentation regarding the other township ordinances that all talked about a procedural process or enclosed or walled access to the property/pool. I think it is reasonable for this property. I don't know that this consideration would be given to a more typical smaller lot in the County Club.

Mr. Kirby asked how tall the new fence need to be would.

Mr. Shockey stated that per the proposed code.

Mr. Wallace asked Mr. Shockey if his plan requires fencing along different areas as shown on the map.

Mr. Shockey responded. The condition would not require fencing on the Johnstown Road side because I believe that access is controlled by the horse fence and the large amount of landscaping that has been shown. I also believe that the golf course access is controlled because it is a private golf club. I'm softer on the Johnstown Road side even though it has the public leisure trail...

Mr. Wallace stated that when you say softer, you mean that your are willing to suspend is less strong there. You're thinking that the mounding will be sufficient but you're not 100% sure. Where you are comfortable that the horse fence along the golf course side.

Mr. Shockey stated yes. The horse fence and mounding do provide some limits to accessibility.

Mr. Wallace stated that you have heard from one commission member.

Mr. Petroff asked what type of fence you would require.

Mr. Shockey stated a fence that meets our code.

Ms. Joly stated that they are typically a vertical ornamental iron so they are not easily climbed.

Mr. Shockey stated that there are a lot of fences that would look nice with that property and visually from this outside living area would look nice.

Ms. Joly asked to confirm that the front or the south side; if they chose to connect the fence to the house does that meet your intent.

Mr. Kirby stated yes. What I have is fully enclosed to control access. How you enclose is negotiable and new fence will be 48 inches.

Mr. Steele stated that fully enclosed is the house, 48" new fence or the 44" or 54" existing fence.

Mr. Spalding asked what kind of fence.

Mr. Wallace stated that it would be a fence that would meet the proposed code.

Mr. Steele stated that we are not giving any credence to the pool cover safety features. You're looking for the same fence as if it was a stand-alone barrier.

Mr. Wallace stated that in lieu of full enclosure on four sides, it would be full enclosure on three sides including Johnstown Road, Lambton Park Road and the woods side with the pool cover was installed and maintained with regular inspections by the city.

Mr. Steele stated that we want continuous compliance...

Mr. Wallace stated that maybe yearly inspections by the city to confirm that the cover is in operating condition and still complies with the existing ASTM standards.

Mr. Kirby stated that you can't prove that it meets standards but you can prove that it operates.

Mr. Steele stated that you can require that it be in compliance but I don't think we want to be in a position for testing.

Mr. Wallace stated that the homeowner would need to provide an inspection report from a certified professional.

Mr. Kirby stated that was brutal.

Mr. Wallace stated that he's asking us to loosen our safety standards.

Mr. Kirby stated that as an engineer if they can operate the cover they are probably in good shape as long as there is not obvious signs of wear and tear such as a hole in the cover.

Mr. Wallace stated that you may be able to talk me into that.

Mr. Spalding asked if the homeowner would need to provide a letter each year to the city or do you want it inspection by a professional.

Mr. Wallace stated that he would like it inspected by a professional. The point has been raised that inspection by a professional may be expensive and somewhat impossible. I don't know.

Mr. Steele stated that the biggest risk is that the fabric stretches and you get more ponding and if the automatic pump doesn't remove the water or the amount of deflection around the pool cover.

Mr. Wallace asked if that is part of the standard.

Mr. Steele stated yes. So if they are in continuous compliance with the standard as and if amended or superseded.

Mr. Kirby stated that I would leave inspected vague. Material strength of the fabric is a losing game, the fact that it has a giant puddle in the middle. How much training does the inspector need?

Mr. Shockey stated that he would suggest that the building inspectors are qualified to do a lot of things why couldn't they inspect the pool covers once a year.

Mr. Banchefsky stated that this board can't direct staff to do things. Then we will be in the pool cover inspection business.

Mr. Wallace stated that we need to make this a self-certifying process where the homeowner provides... We have kind of work shopped conditions and I don't know if the applicant is in favor of these conditions.

Mr. Shockey stated that the applicant's option is that the variance is approved under the conditions we decide or they build per the code. He asked if we could vote on the variance as submitted and then a second vote on the application with conditions.

Mr. Kirby stated that there are issues with that. Under Robert's Rules reconsidering an item has to be done by the majority that carried the motion.

Mr. Banchefsky stated that it needs to be done by someone who voted in favor of the motion.

Mr. Kirby stated that the majority would bring the reconsideration. So we need to get it right the first time.

Mr. Shockey stated that we need a motion from someone on the board...

Mr. Kirby listed the discussed conditions that includes fully enclosed to control access...

Mr. Wallace stated that ...

Mr. Shockey stated that we need a motion that is specific.

Mr. Wallace stated that the condition needs to be specific to what it looks like.

Mr. Kirby stated that is further down. I have heard a height and material variances for the two horse fences...

Mr. Shockey stated that we should just state that we accept the two horse fences.

Mr. Wallace stated that he is not sure if he is comfortable with the horse fence on the golf course side. We have code compliant fencing / house blocking access from the front, we have a fence along the woods back to the horse fence, and we have the brick wall / horse fencing until the golf course fence. My personal feeling is that a horse fence is not sufficient. It needs to be a code compliant fence.

Mr. Kirby stated that one of the issues is that does the horse fence count?

Mr. Wallace stated no.

Mr. Steele stated yes. I would be happy with four sides of horse fence in conjunction with the pool cover with all of the conditions related to continuous compliance.

Mr. Kirby stated that he has fully enclosed by house, fence or wall to control access. Accepting the existing horse fence as counting as enclosing fence. New fences met the new code for front and woods side. Certified annually by the homeowner.

Mr. Wallace stated and along on Johnstown Road that is not horse fence.

Mr. Kirby stated that you want more than horse fence but what I have heard from the board ...

Mr. Wallace stated that only on the Johnstown Road side...

Mr. Shockey stated that you are ok with fence on three sides?

Mr. Wallace stated conceivably, I haven't made up my mind yet. But because of the points that you make and the applicant made and the nature of this property. Kids will be riding their bikes on the Johnstown Road but kids should not be on the golf course. I haven't made my mind up but I would require code compliant fencing along Johnstown Road.

Mr. Kirby stated that the other issue is the maintenance and permission to connect the fences. We understand that the HOA or golf course maintains the horse fences. The homeowner doesn't control and is not allowed to control the maintenance of the fence.

Ms. Joly stated that I believe the Highgrove properties have an ornamental iron fence connecting to the horse fence on the golf course. So that is a precedent that the association has allowed.

Mr. Kirby asked if they have been permitted or not been made aware of it?

Ms. Joly stated that those lots have a lot of eyeballs on them. I don't know who installed the fence. That is an important consideration in this community but if the board adds that condition but it is something that they would need to work out.

Mr. Kirby stated that we could state that the variances goes away if the fence is not maintained.

Mr. Wallace stated that granting this variance we will be setting a precedent that will effect at least two of the non-compliant properties.

Mr. Steele stated that this property is different due to the mounding, landscaping.

Mr. Kirby asked if the pool cover meet the efficiency of the fence not meeting code.

Mr. Wallace stated that one of the things that I've been looking for is factual information that pool covers are as safe as fences.

Mr. Petroff stated that it doesn't exist.

Mr. Kirby stated that when I read Duncan it dies on factors 1, 5, 6, & 9. On the procedures of how we do it in New Albany this is reasonable. Part of me wants to get out of the variance game and say get it right the first time and really hates the self-inflicted ones. You turned in a plan with a fence that met code. It wasn't a surprise.

Mr. Steele stated that I don't think it fails on the Duncan factors because the factors require as applied to the property are reasonable and practical. There are many mitigating circumstances and factors which have been built into the variance request and explanation that mitigate the direct failure to Duncan,

Mr. Kirby stated that factor 7 is done.

Mr. Banchefsky stated that you don't have to hit all of them with Duncan.

Mr. Kirby stated that no single one is dispositive.

Mr. Wallace stated that the most important factor is 12 the effect on health and safety. I haven't seen any evidence that says the safety is the same between a fence and cover.

Mr. Steele stated that the fence enclosure provides a physical and visual deterrent. You don't see sufficient added value of the pool cover to offset the decrease of the physical perimeter of the fence.

Mr. Petroff verified that this will not pass without conditions.

Mr. Kirby stated no...

Mr. Shockey stated that we have not taken a vote yet if you would like us to...

Mr. Kirby stated that if you would like you can request that we make a motion on the variance as submitted.

Mr. Petroff stated that he will recommend to his client that he takes the approach of choosing either the option of however the board approves it or build per the approved plans.

Mr. Kirby asked if the conditions you have heard is something you can take to your client.

Mr. Petroff stated yes, I just wanted to make sure that we were all on the same page. For the variance we are asking him to 700ft of fencing at a cost of \$200,000.

Mr. Kirby stated no. He could purchase a couple hundred feet of fencing and fence the pool area whatever was on the approved plans. Anything more than the plan is there choice. The plan is not a hardship or it would not have been submitted.

Mr. Petroff stated that I thinks its common practice here that we submit plans and then request a variance...

Mr. Kirby stated that someone signed the application and put money down. Most people's signature is legally binding. The as submitted may be distasteful but is not burdensome or it wouldn't have been submitted. We are offering a second alternative to the as submitted plans and it is up to your client.

Mr. Kirby moved to approve V-81-2015 subject to the following conditions:

1. An automatic safety pool cover is installed.
2. The pool area is fully enclosed by a house, fence or wall.
3. The existing 54" and 44" horse fence counts towards the enclosure of the pool
4. The new fence installed must meet the new proposed pool code requirements that the Planning Commission recommended approval of on April 18th.
5. The pool cover is certified annually by the homeowner.

Mr. Wallace stated that I see a difference in a condition that is met immediately and a condition that it met but can become unmet. Typical they meet all of the conditions and then they can move forward. But we have a situation that could change in the future and it strikes me as unusual.

Mr. Banchefsky stated that it is out of the ordinary but it is appropriate. You dealing with a health safety issue that will go on for years.

Mr. Shockey asked what could change in the future.

Mr. Wallace stated that if the pool cover goes out of compliance they lose the variance which means they would need to build the fence or replace the pool cover.

Mr. Wallace verified that the current motion will allow the Johnstown Road horse fence to be sufficient.

Mr. Kirby stated yes. That is how Mr. Shockey and Mr. Steele wanted the condition.

Ms. Joly asked if the first condition should have pool covers installed per the ASTM standards.

Mr. Kirby stated yes.

Mr. Shockey asked if we know what is meant by fully enclosed.

Mr. Kirby stated that from the earlier discussion that fully enclosed means you can't walk out of the pool without walking into the house, fence or wall.

Mr. Wallace asked if the motion doesn't pass then the application is gone.

Mr. Kirby stated unless it is reconsidered.

Mr. Wallace stated that the ones that could reconsider it are...

Mr. Kirby stated that if the motion fails it would be the members that voted against it.

Mr. Wallace asked about the member that is not present.

Mr. Kirby stated that she could vote if reconsidered at a later date.

Mr. Wallace verified that ...

Mr. Banchefsky stated that the member that is not present tonight could not make the motion to reconsider but can vote.

Mr. Wallace asked what condition five was.

Mr. Kirby responded that it was certified annually.

Mr. Wallace asked if there were any other conditions.

Mr. Kirby stated that condition six is not required which was that the variance goes away if not maintained.

Mr. Kirby moved to approve V-81-2015 subject to the following conditions:

1. An automatic safety pool cover is installed to ASTM compliant as and if amended.
 2. The pool area is fully enclosed by a house, fence or wall.
 3. The existing 54" and 44" horse fence counts towards the enclosure of the pool
 4. The new fence installed must meet the new proposed pool code requirements that the Planning Commission recommended approval of on April 18th.
 5. The pool cover is certified annually by the homeowner.
- , seconded by Shockey. Upon roll call vote: Mr. Kirby, yea; Mr. Wallace, no; Mr. Shockey, yea; Mr. Steele, yea. Yea, 3; Nay, 1; Abstain, 0. Motion approved by a 3-1 vote.

Mr. Wallace stated that he voted no because the condition does not require code compliant fencing along Johnstown Road. Also concerned about the lack of evidence that pool covers have the same safety record as fences. Looking at the Duncan factors 1 - I believe there is beneficial use of the property without the variance. 2 - I believe that it is substantial because it affects health and safety in the community. 3 - I don't think the character of the neighborhood will change with or without the variance. 4 - No effect on government services. 5 - I think the applicant purchased the property with knowledge of what code required. 6 - Whether the problem can be solved without a variance. There isn't a problem in my view. 7 - Whether the variance preserves the spirit and intent of the zoning ordinance, no for the safety reasons mentioned earlier. 8 - I don't believe there are any special circumstances that exist with this property. 9 - Unfair treatment, I don't believe applies. 10 - The circumstances leading to the request did result

from the applicant's desire to not have a fence. 11 - Not applicable and 12 - I do believe that insufficient evidence presented to the board that the safety associated with pool covers is the same as the safety given to the community as a fence.

Mr. Kirby stated that factors 7 & 8 just barely carry today and 12 is a wash otherwise it would have been a no vote.

Mr. Shockey stated that we should also note why we approved the variance as it may apply to other properties in the future.

Mr. Wallace stated that I also do believe that it sets an adverse precedent for some of the properties.

Mr. Shockey stated that there has been discussion and agreement that this is a unique property and that there is limited access to the property via the private golf course and the substantial landscaping and horse fence. The lot size is unique. There are no neighboring properties to the rear. It might be one of the few properties that could meet this test without being in a private gated community.

Mr. Steele stated that the applicant identified a recognized professional engineering set of standards governing pool covers. The variance requires compliance with that standards. I feel that an effort has been made to incorporate appropriate mitigating actions around the pool cover that in totality make the variance make sense.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 9:53 p.m.

APPENDIX



Planning Commission Staff Report April 18, 2016 Meeting

FOREST DRIVE OFFICE PARK FINAL DEVELOPMENT PLAN RESUBMITTAL

LOCATION: South of the Kitzmiller Wetland Park/school bus garage, west of Kitzmiller Rd/Plainview subdivision, and east of Forest Drive.
APPLICANT: Canini & Associates
REQUEST: Final Development Plan
ZONING: Infill Planned Unit Development (I-PUD) Canini Trust Corp subarea 8b
STRATEGIC PLAN: Neighborhood Retail District
APPLICATION: FDP-26-2016

Review based on: Application materials received August 29, 2007 and revised materials received September 28, 2007 and October 3, 2007. And modified application materials received November 2, 2007.

Staff Report completed by Stephen Mayer, Community Development Planner.

I. REQUEST AND BACKGROUND

The applicant requests review and approval of a final development plan for the Forest Drive Office Park. The final development plan area contains approximately 5.5 acres and will contain five 8,575 square foot office buildings and an associated 214 space parking area. The site is located within Subarea 8b of the Canini-Trust Corp I-PUD.

This is a resubmittal of the original final development plan (FDP-08-2007) approved with conditions in 2007. The conditions that were present when the final development plan was originally approved are still valid and the plan is not expected or proposed to be altered. Staff recommends the same conditions of approval from the original application.

This final development plan was originally approved by the New Albany Planning Commission on October 15, 2007. A reconsideration of the final development plan was approved by the Planning Commission on November 19, 2007 to revise the turning radii within the parking area. Per Codified Ordinance Chapter 1159.11, if construction has not begun within two years of approval of the Final Development Plan, all approvals and permits shall be invalidated and canceled. Such two year period may be extended by the Planning Commission for good cause.

- In 2009, the FDP was first granted an extension to the expiration to change the expiration from October 15, 2009, to October 15, 2011.
- In 2011, the FDP was again granted an extension to the expiration to change the expiration from October 15, 2011, to October 14, 2013.
- The application expired on October 14, 2015. The Planning Commission tabled a requested to retroactively approve an extension indefinitely, thereby requiring a new submittal.

II. SITE DESCRIPTION & USE

The site is currently vacant and is located within the Canini Trust Corp Development located south of the Kitzmiller Wetland Park/school bus garage, west of Plainview subdivision, and east of Forest Drive. The site is located along the traffic circle portion of Forest Drive in the rear corner of the site adjacent to the Plainview subdivision. The zoning permits uses included in the OCD (Office Campus District) including administrative, business and professional offices, health care and nursing home uses.

The final development plan site consists of a 5 single story office buildings which will be located around a central parking area. The entrance to the site will be enhanced with substantial landscape to create the appearance of a boulevard entrance. The architecture, signage, etc. will be designed to be consistent with other developments on the Trust Corp site.

The Canini Trust Corp currently is home to the Dairy Queen, Turkey Hill, COTA park-n-ride facility, Hampton Inn and Suites, Marriott Hotel, and Academy One.

III. EVALUATION

Staff's review is based on New Albany plans and studies, zoning text, zoning regulations. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text. Planning Commission's review authority is found under Chapter 1159.

The Commission should consider, at a minimum, the following (per Section 1159.08):

- That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;*
- That the proposed development is in general conformity with the Strategic Plan/Rocky Fork-Blacklick Accord or portion thereof as it may apply;*
- That the proposed development advances the general welfare of the Municipality;*
- That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;*
- Various types of land or building proposed in the project;*
- Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density may not violate any contractual agreement contained in any utility contract then in effect;*
- Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;*
- Building heights of all structures with regard to their visual impact on adjacent facilities;*

- i. *Front, side and rear yard definitions and uses where they occur at the development periphery;*
- j. *Gross commercial building area;*
- k. *Area ratios and designation of the land surfaces to which they apply;*
- l. *Spaces between buildings and open areas;*
- m. *Width of streets in the project;*
- n. *Setbacks from streets;*
- o. *Off-street parking and loading standards;*
- p. *The order in which development will likely proceed in complex, multi-use, multi- phase developments;*
- q. *The potential impact of the proposed plan on the student population of the local school district(s);*
- r. *The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);*
- s. *The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).*

It is also important to evaluate the PUD portion based on the purpose and intent. Per Section 1159.02, PUD's are intended to:

- a. *Ensure that future growth and development occurs in general accordance with the Strategic Plan;*
- b. *Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible*
- c. *Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;*
- d. *Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;*
- e. *Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;*
- f. *Foster the safe, efficient and economic use of land, transportation, public facilities and services;*
- g. *Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;*
- h. *Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;*
- i. *Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;*
- j. *Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;*
- k. *Provide an environment of stable character compatible with surrounding areas; and*
- l. *Provide for innovations in land development, especially for affordable housing and infill development.*

A. New Albany Strategic Plan

1. This site is located in the Neighborhood Retail district of the 2014 New Albany Strategic Plan. The development standards for this type of use include (but are not limited to):
 1. Retail users should have footprints no larger than 80,000 square feet, individual users should be no greater than 60,000 square feet.
 2. Landscaping should be high quality, enhance the site and contribute to the natural, pastoral setting of New Albany. Heavy, but appropriate landscaping is necessary to buffer these uses from any adjacent residential uses.
 3. Parking should be located to the rear of the building.
 4. Sidewalks or leisure trails should be included along primary roadways as well as internal to the developments.
 5. Structures must use high quality building materials and incorporate detailed, four sided architecture.

B. Use, Site and Layout

1. The final development plan site contains approximately 5.54 acres and will contain five 8,575 square foot office buildings and associated parking areas.
2. The site is relatively flat and open. There are two existing wetland areas to the rear of the site.
3. The proposed buildings will contain office uses as permitted in the Trust Corp zoning text.
4. The buildings will share one parking area and detention will be handled through an off-site shared detention basin. The sharing of parking areas and detention areas for these types of office sites is a key recommendation of the Strategic Plan.
1. The buildings have been oriented to face the center of the site and the parking area has been configured to act as a courtyard for the proposed buildings. The layout of these buildings creates the feel of an office campus and maximizes the impact of the natural features at the perimeter of the site. Specifically, the building orientation allows the rear of the buildings to overlook the wetland park and other wetland areas, a potential amenity for users of the site.
2. The southern most building on the site, which was originally located facing north, has been turned 90 degrees and will now be located at the eastern edge of the site facing west.
3. The parking area has been minimized through its layout and landscaping. Two of the office buildings are located in close proximity to Forest Drive with the parking placed between them, setback away from the roadway. The parking area is also broken up into separate pods between buildings which further minimizes the view of the parking areas.
4. The site has been laid out to avoid conflicts with the existing wetlands to the rear of the site.
5. A maximum of 80% lot coverage is allowed on the site. The proposed lot coverage for this development is 54.4%, significantly below the allowable lot coverage.

C. Access, Loading, Parking

Parking

1. The proposed office uses require 1 parking space per 250 square feet of gross building space. The original application included 214 spaces and the revised plan includes 238 spaces. The number of parking spaces provided exceeds the code required 172 spaces.
2. Parking will be shared between the five buildings. If the buildings are individually owned, joint parking agreements should be provided for the site.
3. The property is adjacent to the wetland park to the north and in close to proximity to the Marriott and Hampton Inn hotels. Per the Planning Commission's pervious conditions of approval for other developments in the Canini Trust Corp, staff recommends the developer agree to enter into a shared, quid pro quo, parking agreement if adjoining owners want a similar agreement with the understanding that no one is committed to an agreement.

Circulation

1. The property is proposed to be serviced by one entrance from the traffic circle of Forest Drive. This drive is located directly across from the portion of Forest Drive that is adjacent to Johnstown Road. The developer has worked with the Village Engineer to select the location for this curb cut.
2. The applicant has successfully provided a boulevard type design for the entrance into the parking area. This entrance helps to break down the mass of the parking area and helps to guide traffic into and around the site.
3. The parking area includes one "dead end" parking aisle. The applicant has stated that based on previous developments this aisle will likely serve employees only.

Loading and service areas

1. Per the updated loading spaces requirements found in C.O. 1167.06(a) and on the square footage of the proposed buildings, two loading spaces are required. The Planning Commission approved a variance on November 19, 2007 (V-20-2007) to eliminate the four required loading spaces.
2. Service areas will located in 2 areas on the site and their appearance will be minimized using landscaping. However, the development text requires that these areas be screened from adjacent properties by an 8 foot tall wall or landscaping. Currently, the front of the service area closest to the Wetland Park is not screened from the view of the park and the side and rear evergreen screening is only 5-6' in height. The far service area also appears to be screened using only 5-6' tall evergreens. The applicant must demonstrate that the service areas are screened from view in accordance with the zoning text.

D. Architectural Standards

1. The proposed building will be brick with a foundation that resembles limestone. The applicant should verify the materials used for the foundation and ensure that they are a part of the list of permitted materials listed in the zoning text.

2. The applicant has worked to coordinate the design of the proposed building with other buildings within the Trust Corp development. The site will be designed to merge traditional character and contemporary design. This merging of styles will complement the traditional homes and contemporary office developments in the surrounding area.
3. The zoning text states that the longest and/or most predominant building face must be parallel to a major street unless otherwise approved by the Planning Commission. Based on the shape of the site and the narrow street frontage located on a curve it appears to be undesirable to line up all the buildings to be parallel to the major street (Forest Drive). The Planning Commission should make a specific recommendation regarding the orientation of the buildings.
4. The proposed building appears to be in character with the design guidelines and the architectural standards established in the zoning text.

E. Parkland, Buffering, Landscaping, Open Space, Screening

1. There is a text commitment to provide 8% interior parking lot landscaping on the site. The applicant must provide a calculation of interior parking lot landscaping to verify that the requirement has been met. It appears that the requirement has been met through the use of two large landscape islands near the center of the parking area and various smaller landscape islands.
2. The proposed landscape islands break up what otherwise would be a large parking field and provide a boulevard entrance into the site.
3. The plant material proposed for the site includes a maximum of 2" caliper trees. The zoning text requires that all deciduous shade trees be a minimum of 2.5" caliper. The landscape plan must be revised to include minimum 2.5" caliper shade trees.
4. The applicant has provided pedestrian connections throughout the site. Sidewalks are provided extending from the Forest Drive leisure trail into the site and to connect buildings within the site.
5. A 6' wide leisure trail is required to be installed extending from Forest Drive to the Plain View Estates Subdivision. Currently, a leisure trail is not shown on the plans, and must appear on the final development plan.
6. A revised landscape plan must be submitted that reflects the new site layout. Should the Village Landscape Architect have comments on the proposed landscape plan the applicant should address those comments to the satisfaction of the Village Landscape Architect.

F. Lighting & Signage

1. Additionally, street numbers and additional tenant panels will be located over individual entrances. However, it is likely that the design of these signs will change based on current efforts to coordinate proposed signage with other proposed developments in the community. The initial concept for the coordinated signage includes individual back lit white letters on a dark background. All signage should be coordinated in design and must meet code requirements. Staff recommends the building wall signs are subject to staff approval.

2. The applicant has submitted a horse fence style sign to be located to the left of the proposed entry drive. The ground signs must meet the designs in the 2013 Trust Corp Signage Recommendations plan. Staff recommends this is subject to staff approval.
3. Specifications for proposed parking lot lighting have not been submitted. Lighting should be of a standard lighting design. The applicant should provide specifications for the light fixtures and work to coordinate these fixtures with other fixtures within the Trust Corp Development.

G. Other Considerations

1. Per subarea 8c.01(7) at least 176,000 square feet of building space shall be developed for office use in total between Subarea 8a, 8b and 8c. Currently only four spaces in the entire trust corp area have been developed. None of these developed sites contain office uses (two hotels, COTA park-n-ride, gas station with convenience store, Dairy Queen, and a day care).
2. C.O. Section 1159.07(b)(3) requires evidence that the U.S. Army Corps of Engineers has considered the applicant's application and, if required, granted such permit. It appears that permit granted in 2006 by the Corps for this site expired on March 7, 2007. The applicant must receive approval of a new or revised permit before development can occur on the site.

IV. ENGINEER'S COMMENTS

The engineering comments can also under separate cover from the consulting City Engineer, E.P. Ferris & Associates.

V. RECOMMENDATION

Staff recommends approval since the development plan appears to be generally consistent with the purpose, intent and standards of the zoning code and applicable I-PUD development text. The use appears appropriate for the site. The site has been designed to create a campus like development with a central, well landscaped boulevard entry, which enhances the overall experience of the site. Additionally, the site, as designed, complements existing site features, such as the existing wetlands.

This is a resubmittal of the original final development plan (FDP-08-2007) approved with conditions in 2007. The conditions that were present when the final development plan, and a reconsideration of the final development plan, were originally approved are still valid and the plan is not expected or proposed to be altered. Staff recommends the same conditions of approval from the original application.

VI. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate:

Move to approve final development plan application **FDP-26-2016**, subject to the following conditions:

1. The applicant has agreed to work with the fire department and the engineer regarding internal and external turning radii.
2. If the buildings are owned by various owners, joint parking agreements be provided for the site, subject to staff approval.
3. The applicant demonstrates that the service areas are screened from view in accordance with the zoning text, subject to staff approval.
4. The applicant provides evidence that the materials used for the foundation are a part of the list of permitted materials listed in the zoning text.
5. The applicant provides a calculation of interior parking lot landscape areas to verify that the zoning text requirement has been met.
6. The landscape plan is revised to show that all shade trees are minimum 2.5" caliper.
7. The landscape plan is subject to approval of the Village Landscape Architect.
8. A leisure trail extending from Forest Drive to the Plain View Estates Subdivision is shown on the final development plan or that a variance is granted, subject to staff approval.
9. The applicant provides specifications for the light fixtures and that all light fixtures meet the lighting requirements for the overall Trust Corp Development, subject to staff approval.
10. Per C.O. Section 1159.10(b)(3) the applicant receives approval of a new or revised Army Corp of Engineers permits before development can occur on the site, subject to the approval of the Village Engineer.
11. Address the comments in the Village Engineer's memo dated October 5, 2007 to the satisfaction of the Village Engineer.
12. The applicant demonstrates that the service areas are screened from view in accordance with the zoning text, subject to staff approval.
13. The applicant provides a calculation of interior parking lot landscape areas to verify that the zoning text requirement has been met.
14. The revised landscape plan is subject to approval of the Village Landscape Architect.
15. Address the comments in the Village Engineer's memo dated November 9, 2007 to the satisfaction of the Village Engineer.
16. Staff recommends the building wall signs are subject to staff approval.
17. The ground signs must meet the designs in the 2013 Trust Corp Signage Recommendations plan. Staff recommends this is subject to staff approval.
18. The developer agrees to enter into a shared, quid pro quo, parking agreement if adjoining owners want a similar agreement with the understanding that no one is committed to an agreement.

Approximate Site Location:



Source: Google Maps



**Planning Commission Staff Report
April 18, 2016 Meeting**

**EBRINGTON (NACC 28) REAR YARD SETBACK
TEXT AMENDMENT**

LOCATION: New Albany Country Club Section 28 (Ebrington) (PID: 222-002952 and 222-002948)
APPLICANT: The New Albany Company
REQUEST: Zoning Text Modification
ZONING: West Nine 2 Subarea C PUD Text)
STRATEGIC PLAN: Neighborhood Residential District
APPLICATION: TM-19-2016

Review based on: Application materials received March 10, 2016.

Staff report completed by Stephen Mayer, Community Development Planner.

III. REQUEST AND BACKGROUND

The applicant is requesting a modification to the zoning text for Subarea C of the West Nine 2 C-PUD to reduce the required minimum rear yard setback from a minimum of 30 feet to 15 feet. Subarea C of the West Nine 2 C-PUD text also contains regulations for the Highgrove and Highgrove Farms subdivision, however, this modification proposes to alter the rear yard setback only for the Ebrington subdivision.

II. SITE DESCRIPTION & USE

The Ebrington subdivision contains 65 single family lots. This section of the Country Club is approximately 43 acres and is accessed via Southfield Road from the south and Ebrington Road from the north. The site is located south of Highgrove, northwest of Sedgwick Drive and east of Thompson Park in Franklin County. The subdivision currently has infrastructure (roads, sidewalks, leisure trail, tot lot, etc.) installed and one residential lot is under construction. The subdivision is bordered by the Country Club Golf Course the west, south, and east sides. This proposed subdivision is within subarea C of the West Nine 2 C-PUD zoning.

A preliminary and final development plan modification was approved on June 16, 2014 via application FDM-37-2014. This section of the country club has been platted in three parts: Section 1 approved June 16, 2014 via FPM-38-2014, section 2 approved May 18, 2015 via FP-41-2015, and section 3 approved October 19, 2016 via FPM-92-2015.

IV. New Albany Strategic Plan

This subdivision is located in the Neighborhood Residential District of the 2014 New Albany Strategic Plan. The development standards for this type of residential use include:

1. Houses should front onto public open spaces and not back onto public parks or roads.
2. Houses should be a minimum of 1.5 stories in appearance and a maximum of three stories.
3. Rear and side-loaded garages are encouraged. When a garage faces the street, the front facade of the garage must be set back from the front facade of the house.
4. The maximum width of a garage door facing the street is ten feet.
5. Open space should be sited to protect and enhance existing natural features and environmentally sensitive habitats
6. Neighborhood open spaces and parks should be located within 1,200 feet of all houses. They should vary in size and be easily accessible to pedestrians.
7. Streets should have five-foot wide sidewalks on both sides of the street, other than in locations approved for eight-foot leisure trails.
8. Leisure trail connections must be established throughout.
9. Deciduous street trees should be planted 30 feet on center.
10. Primary roads should be designed according to its designated corridor typology
11. Sidewalks should be located on all internal subdivision streets and leisure trails located along all external roadway frontages with connections from sidewalks to the leisure trails.
12. Cul-de-sacs are discouraged in all developments and a multiplicity of connections should be made.

III. PLAN REVIEW

Review is based on the city's Strategic Plan, existing zoning text, and planning, subdivision and zoning regulations, including the design standards. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

1. The applicant requests a reduction in the required minimum rear yard setback from 30 feet to 15 feet as required by West Nine 2 C-PUD Subarea C section 4(d).
2. The PUD text is silent on the rear yard setbacks for other types of improvements that may occur in the rear yard such as swimming pools, patios, decks, etc. Therefore, the city's codified ordinances apply.
3. The city's General Development Standards (C.O. 1165) requires the following setbacks:

Improvement:	Minimum Rear Yard Setback	Impacted by Modification?
<u>An open, uncovered porch or paved terrace</u> may project into a required rear yard, if a minimum distance of twenty (20) feet is maintained to any rear lot line.	20 feet	Depends on site plan
<u>Storage Buildings, Recreational Structures and Similar</u>	Shall not be located nearer to any side or rear property line than the minimum side and rear yard setback dimension specified for the zoning district containing the structure;	YES
<u>Detached garages and carports</u>	Ten feet (10') from any lot lines of adjoining lots	NO
<u>Decks</u>	At least five feet (5') from the side and rear property lines and do not occupy any part of a platted easement	NO
An <u>open-sided structure</u> includes but may not be limited to a gazebo, tent, pergola, canopy or trellis	Rear yard setback line	YES
<u>Swimming Pools</u>	15 feet minimum	NO

3. The proposed modification will allow for a larger building footprint on the property. However, the modification will also allow for greater design flexibility for homes on the lots.
4. The minimum are 15 feet front yard setbacks along all the streets except for Ebrington Road which has 30 feet front yard setbacks. The zoning text requires a minimum side yard setback of seven (7) feet for single-family dwellings and zero feet for cluster dwellings and attached product types.
5. The zoning text is silent on the maximum lot coverage amount; therefore the codified ordinance requirement of 30% maximum applies. The applicant will still be required to meet this code requirement.
6. There are 65 lots within the subdivision. Currently one (1) building under construction and one (1) permit is under review. The lot under construction does not back onto another residential lot.
7. The majority of the lots along the periphery in this subdivision back onto green space or golf course. Only two (2) lots back onto to lots where existing homes are located. These two lots back onto the Highgrove lots 12, 13, and 14. Highgrove lots 12 and 14 are currently under construction or occupied. Lot 13

- is vacant. Furthermore, lots 12 and 13 in Highgrove will not likely be affected by this modification because there is a stormwater basin in the rear of the these lots which will result in rear setback greater than 30 feet.
8. The Highgrove and Highgrove Farms subdivision requires a minimum rear yard setback of 30 feet.
 9. To clarify this text amendment only applies to the Ebrington subdivision, staff recommends a sentence stating “the minimum rear yard setback shall be fifteen (15) for single family dwellings in the Ebrington subdivision (NACC Section 28).”

IV. RECOMMENDATION

Basis for Approval:

The stated intent of this text modification is to decrease and eliminate variances related to the rear yard setback, particularly for paved terraces, recreational structure, etc. The zoning code requires storage buildings, recreational structures, gazebos, pergolas, canopies or a trellis to meet the rear yard setback. By reducing to 15 feet, there will be greater design flexibility to locate these types of improvements. While this text modification will allow for greater buildable area and possible larger footprints, because these are custom homes there's also a greater possibility of designing a site to meet these standards. Modifying the rear yard setback does not appear to change the essential character of the neighborhood. There are very few homes in the Ebrington subdivision that back onto existing homes in other subdivisions. In fact, there appears to be only one instance in which an existing home in another subdivision may have home built closer to it with this text modification.

V. ACTION

Suggested Motion for TM-19-2016:

Move to approve development text modification application TM-19-2016 with the following conditions of approval (conditions of approval may be added):

1. West Nine 2 C-PUD Subarea C section 4(d) is modified to add the sentence stating “the minimum rear yard setback shall be fifteen (15) for single family dwellings in the Ebrington subdivision (NACC Section 28).” Subject to staff approval.

Approximate site location:



Source: Google Maps



**Planning Commission Staff Report
April 18, 2016 Meeting**

**6958 LAMBTON PARK
POOL FENCE VARIANCE**

LOCATION: 6958 Lambton Park (PID: 222-004457)
APPLICANT: Ronald Petroff, Esq.
REQUEST: Variance to Codified Ordinance Chapter 1173.02(e) to the fencing requirements for a private swimming pool
STRATEGIC PLAN: Rural Estate Residential District
ZONING: C-PUD (1998 NACO C-PUD, Subarea 1b: Edgemont)
APPLICATION: V-81-2015

Review based on: Application materials received August 25, 2015 and January 7, 2016.

Staff report prepared by Stephen Mayer, Community Development Planner.

I. REQUEST AND BACKGROUND

This application was originally heard by the Planning Commission on September 21, 2015. The Planning Commission tabled this application on September 21; October 19, 2015; November 16, 2015; and January 20, 2016 at the request of the applicant. At the January 20, 2016 meeting the Planning Commission tabled the application since there were only three (3) PC members present and to allow the applicant additional time to look at other options.

At the January 20, 2016 meeting additional information was presented to the Planning Commission which included an updated the pool variance presentation using the information provided by David Daniel. In the Power Point, the applicant referenced an appendix which were sent out electronically due to the number of pages in the documents. The applicant states the most notable updates include slides 17-28 where they:

1. Introduce swimming pool incident statistics;
2. Set the premise that drownings are more often than not a result of improper supervision and protection within the pool area;
3. Provide incident reports due to fence barrier shortcomings;
4. Introduce the 2012 International Swimming Pool and Spa Code model that regulates minimum requirements for design, construction, alteration, repair and maintenance of swimming pools;

- a. Shows the acceptable use of powered safety covers that comply with ASTM F 1346-91 safety standards and natural topography in lieu of fence barriers;

The city law director had advised that the Planning Commission must evaluate this application exclusively based upon the provisions and criteria generally set forth in the City Zoning Code as relates to variances (Chapter 1113), and the specific provisions contained within Section 1173.02(e) regarding private swimming pool fences.

It should also be noted that residential construction in Ohio is subject to the Ohio Residential (building) Code, which does not regulate or private swimming pools. According, such regulations are left exclusively to local zoning codes, in this case Section 1173.02(e).

The Applicant has provided the Commission with references to related provisions from other codes. However, while the Commission is free to consider such information, any such codes which have not been formally adopted by the city, or mandated by State statute, are not binding on the City or the Planning Commission.

The applicant requests a variance from C.O. Section 1173.02(e) Private Swimming Pools relating to the requirement that any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. The wall or fence shall not be less than five (5) feet in height, maintained in good condition, and affixed with an operable gate and lock.

The applicant proposes to construct an in-ground pool with a powered safety cover in lieu of the required enclosure (wall or fence).

Per the I-PUD zoning text variances shall be heard by the Planning Commission.

II. SITE DESCRIPTION & USE

The site is 6.512 acres with a single family home currently under construction. The lot is within the New Albany Country Club. The property is located at the northeast corner of Johnstown Road and Lambton Park Road. The house is one of three large lots along the north side of Lambton Park Road. The neighboring properties consist of the golf course to the north and single-family homes constructed to the south and east.

III. ASSESSMENT

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

Criteria

The standards for granting of a 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 a variance:

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

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

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

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

IV. EVALUATION

Considerations and Basis for Decision

The following information in addition to application submittal information and meeting presentations and discussions should be considered in the Planning Commission’s decision for the requested variance:

- Codified Ordinance Section 1173.02(e) requires that any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. The wall or fence shall not be less than five feet (or 60”) in height, maintained in good condition, and affixed with an operable gate and lock.

- The city's pool and fence code does not prescribe any particular style or type of fence.
- The pool will be located at the rear of the home, between the house and the New Albany Country Club golf course to the north.
- The parcel has a 44" high 3-rail horse fence along the rear property line separating the house and golf course. There is also a tall brick wall and 54" four- rail horse fence constructed along Johnstown Road. The homeowner has submitted landscape plans to install six foot high mounds with a substantial amount of trees to screen the property from Johnstown Road.
- The property to the east is currently vacant and contains several large tree masses.
- This parcel is one of the largest in the Country Club subdivision resulting in the pool being located a much greater distance from the parcel lines and roads. The pool is approximately 221 feet from the fence along Johnstown Road, 233 feet from the northern parcel line abutting the golf course, and 149 feet from the eastern property line.
- The applicant proposes to install an automatic pool safety cover, which can support 300 pounds. This is a similar pool cover the BZA approved in-lieu of a fence at 10 and 14 New Albany Farms. Pool covers are recognized by some building codes as an appropriate method to secure a pool. However the city has not adopted a code that allows the use of covers. The city's private swimming pool ordinance regulates the construction of private pools within the city and requires a 5-foot fence affixed with an operable gate and lock.
- The lot is larger than the majority of the parcels in and around the New Albany Country Club subdivision. This lot is approximately 6.5 acres while the vast majority of the lot sizes in the Country Club subdivision are under one acre.
- This is the first pool fence variance request heard by the Planning Commission. The Board of Zoning Appeals has heard four pool fence variance applications since 2007.
 - The BZA denied a variance to allow a pool cover for a residence on 15.6 acres in Illmington in 2007. The BZA cited safety and liability concerns as reasons for denying the variance request.
 - The BZA denied a variance to allow a pool cover in 2010 for a home on a 0.5 acre parcel in Fenway. The BZA cited safety and liability concerns as reasons for denying the variance request.
 - The BZA approved a variance to allow a pool cover in-lieu of a fence on May 28, 2014 for 14 New Albany Farms Road. The BZA stated the size of the property (19.9 acres) and proximity to other parcels creates special conditions and circumstances which are peculiar to the land that results in a general isolation from neighbors. The parcel at 14 New Albany Farms is one of the largest in the gated Farms subdivision resulting in the pool being located a much greater distance from the parcel lines and roads. For this reason the BZA approved the variance while stating some homes may be too close to each other for a pool cover.
 - The BZA approved a variance to allow a pool cover in-lieu of a fence on September 22, 2014 for 6 New Albany Farms Road. The BZA stated this lot having heavy woods on three sides of the property results in a general

isolation from neighbors and being within the Farms community which is gated and has private streets creates special conditions and circumstances which are peculiar to the land.

- It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a “substantial detriment.” The pool appears to be screened from the west by landscaping and fencing and to the south from the primary residence. There are some tree masses to the north and east but it is unclear how much of them are on the applicant’s property.
- It does not appear that granting the variance would adversely affect the delivery of government services.

V. RECOMMENDATION

The purpose of a variance hearing is to evaluate specific factors related to an applicant’s request. Although this property is not located within the Farms community there are similarities between this property and the homes at 6 and 14 New Albany Farms. This lot is unique from other homes in the New Albany Country Club due to size and number of neighbors. The parcel is one of the largest in the New Albany Country Club and only has neighbors on two sides since it borders the country club and golf course. Staff believes these are factors related to this parcel that help to prevent uncontrolled access and therefore not adversely affect the public safety of those residing or working in the vicinity. This variance request does not appear to be unreasonable due to the relative isolated location because of the size of the lot and the proposed installation of an automatic pool safety cover. For these reasons staff recommends approval of this application.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate:

Move to approve variance application V-81-2015 with the following condition of approval:

1. An automatic safety pool cover is installed.

Approximate Site Location:

