



## Board of Zoning Appeals

### Meeting Minutes

November 27, 2017

7:00 p.m.

New Albany Board of Zoning Appeals met in the Council Chamber of Village Hall, 99 W Main Street and was called to order by BZA Chair, Kriss at 6:58 p.m.

Ms. Brisk led the Pledge of Allegiance to the Flag of the United States of America.

Ms. Brisk introduce a new board member, Kirk Smith and completed the Oath of Office.

Those answering roll call:

Ms. Julie Kriss	Present
Mr. Everett Gallagher	Present
Mr. Kirk Smith	Present
Ms. Andrea Wiltrout	Present
Mr. Kasey Kist	Present
Ms. Marlene Brisk (Council Representative)	Present

Staff members present: Stephen Mayer, Development Services Manager; Jackie Russell, Clerk and Pam Hickok, Clerk.

Moved by Gallagher to approve the September 25, 2017 meeting minutes, as corrected; Seconded by Wiltrout. Upon roll call: Gallagher, yea; Wiltrout, yea; Kriss, yea; Smith, yea; Kist, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Ms. Kriss swore to truth those wishing to speak before the Commission that included Tim Timmons.

Moved by Gallagher to accept the staff report and related documents into the record, Seconded by Kist. Upon roll call: Gallagher, yea; Wiltrout, yea; Kriss, yea; Smith, yea; Kist, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

#### **V-95-2016 Variance Extension**

**An extension of an approved variance to Codified Ordinance Chapter 1165.06(c)(4) to allow a detached garage to be 1,200 square feet where code permits a maximum area of 800 square feet at 5055 Johnstown Road (PID: 222-004747).**

**Applicant: Timothy and Leslie Timmons**

Ms. Jackie Russell presented the staff report.

Mr. Kist asked if permit has been submitted for permitting.

Mr. Timmons stated that the contractor that we had retired during the process. He is trying to find a contractor and should submit by spring/summer.

Mr. Gallagher stated that he supports the extension.

Moved by Gallagher to approve V-95-2016 with the following conditions:

1. The variance extension will become effective December 28, 2017
2. The variance extension is permitted for one year, to expire December 28, 2018 and that any extension in time is reviewed and approved by the Board of Zoning Appeals, Seconded by Smith. Upon roll call: Gallagher, yea; Wiltrout, yea; Kriss, yea; Smith, yea; Kist, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Meeting adjourned at 7:05 pm.

Submitted by Pam Hickok

# APPENDIX



## Board of Zoning Appeals Staff Report November 27, 2017 Meeting

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### 5055 JOHNSTOWN ROAD DETACHED GARAGE VARIANCE EXTENSION

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LOCATION: 5055 Johnstown Road (PID: 222-004747)  
APPLICANT: Timothy & Leslie Timmons  
REQUEST: Extension to a variance to Codified Ordinance Chapter 1165.06(c)(4) to allow a detached garage to be 1,200 square feet where code permits a maximum area of 800 square feet  
ZONING: "L-R-1" Limited Residential Estate District  
STRATEGIC PLAN: N/A (not categorized)  
APPLICATION: V-95-2016

Review based on: Application materials received October 24, 2017.

*Staff report prepared by Jackie Russell, Community Development Clerk.*

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#### I. REQUEST AND BACKGROUND

The applicant seeks an extension for a variance to allow a detached garage to exceed the maximum area requirements.

The Board of Zoning Appeals reviewed the application and approved the variance on December 28, 2016.

Codified Ordinance 1113.07 states a certificate of zoning compliance (zoning permit) may be issued only within the period of one year from the date of final approval by the Board of Zoning Appeals. The applicant did not pull a permit since their approval thus, they are asking for an extension to the variance to Codified Ordinance Chapter 1165.06(c)(4) to allow the area of a detached garage to be 1,200 square feet where code allows a maximum of 800 square feet.

#### II. RECOMMENDATION

##### *Considerations and Basis for Decision*

The following should be considered in the Board's decision for the extension request:

- The purpose of this staff report is to evaluate an extension of a previously approved variance.

- Codified Ordinance 1113.07 states a certificate of zoning compliance (zoning permit) may be issued only within the period of one year from the date of final approval by the Board of Zoning Appeals. Since the application was approved on December 28, 2016 the homeowner at 5055 Johnstown Road had one year from that date to have an issued permit. The applicant applied for a permit, which was not issued because enough information was not provided for the building review.
- A permit has not been issued and the work has not begun.
- The extension will give the applicant more time to move forward with the development. There were no conditions of approval placed on the application when it was last heard, therefore no conditions are recommended by staff to be carried forward. The evaluation of the variance request from the original staff report, application, record of action, and past minutes are attached for reference.
- The applicant states that they were too busy to begin the project this past year. They are now ready to begin the project and request a one year extension to begin the work.

The purpose of this staff report is to evaluate an extension of a previously approved variance. In summary, granting an extension for the variance request does not appear to be substantial given that the design and plan has not changed. The Board of Zoning Appeals and Planning Commission have approved extensions including but not limited to conditional uses, final development plans, and variance expirations in the past.

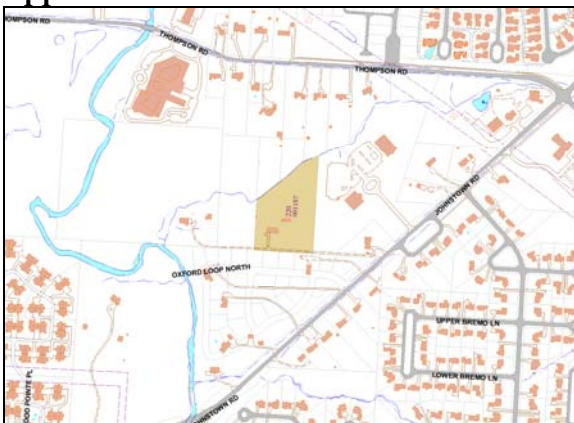
### III. ACTION

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

**Move to approve an extension of application V-95-2016, based on the findings in the staff report, subject to the following conditions:**

1. The variance extension will become effective December 28, 2017.
2. The variance extension is permitted for one year, to expire December 28, 2018 and that any extension in time is reviewed and approved by the Board of Zoning Appeals.

**Approximate Site Location:**



Source: Franklin County Auditor