



New Albany Architectural Review Board
July 13, 2020 Minutes

New Albany Architectural Review Board met in regular session in the Council Chambers at Village Hall, 99 W Main Street and was called to order by Architectural Review Board Chair Mr. Alan Hinson at 7:04 p.m.

Those answering roll call:

Mr. Alan Hinson, Chair	Present
Mr. Francis Strahler	Present
Mr. Jonathan Iten	Present
Mr. Jim Brown	Absent
Mr. E.J. Thomas	Present
Mr. Andrew Maletz	Absent
Ms. Sarah Briggs	Present
Mr. Matt Shull	Present

(Mr. Hinson, Mr. Iten, Mr. Strahler, Ms. Briggs, Mr. Thomas, and Mr. Shull present via GoToMeeting.com).

Staff members present: Steven Mayer, Development Services Coordinator (via GoToMeeting.com); Chris Christian, Planner; and Josie Taylor, Clerk (via GoToMeeting.com).

Mr. Hinson called for an action on the minutes of May 11, 2020.

Mr. Strahler noted that he wanted to confirm he had voted yes on the ARB-67-2019 and ARB-32-2020 applications heard during the May 11, 2020 Architectural Review Board Meeting.

Moved by Mr. Iten, seconded by Mr. Thomas to approve the May 11, 2020 meeting minutes as revised per Mr. Strahler's comment. Upon roll call: Mr. Iten, yea; Mr. Thomas, yea; Ms. Briggs, yea; Mr. Strahler, yes; Mr. Hinson, yea. Yea, 5; Nay, 0; Abstain, 0. Motion passed by a 5-0 vote.

Mr. Hinson swore in staff and witnesses wishing to speak before the Architectural Review Board this evening.

Mr. Hinson asked if there was anyone who wanted to discuss any items not on tonight's Agenda. (No response).

ARB-46-2020 Waiver

Waiver to New Albany Design Guidelines & Requirements Section 5(I)(1) to allow a concrete driveway to be installed at 5840 Kitzmiller Road (PID: 222-001963).

Applicant: Kyle Homan

Mr. Christian presented the staff report and asked for Board members' comments.

Mr. Hinson requested comments from fellow board members.

Mr. Iten asked the applicant if there were any reasons, in addition to those stated in the application, that supported the application.

Mr. Kyle Homan, homeowner and applicant, indicated his prior experience with blacktop was that it was slippery and, given the grade and the elevation change on his property, he feared for the safety of his children riding their bikes and entering and exiting the property with vehicles. Mr. Homan noted there were also concerns with erosion issues with asphalt and brick pavers were also a concern due to elevation.

Mr. Iten noted those were all discussed in the application.

Mr. Homan stated yes.

Mr. Iten stated that given the City Engineer's comments and the basis on which waiver applications were granted, as set in the codified ordinance, this application could not be granted. Mr. Iten said the ordinance required four (4) standards be met. Mr. Iten noted that although the first, second, and fourth standards might be possible, the third, which required the waiver be necessary for reasons of fairness due to unusual, site specific, constraints could not be met. Mr. Iten stated the City Engineer had said asphalt in this case was as good as concrete and there was no engineering reason that a site specific constraint existed.

Mr. Homan stated that in the Tidewater subdivision half to one-third of homes had concrete driveways and asked what site conditions or reasons were there for those to be concrete.

Mr. Mayer stated the Tidewater subdivision was built around 2005-2006 and predated the adoption of the requirements now in place, so it was a chronological issue.

Mr. Homan asked for the year of the development.

Mr. Mayer stated he believed it was 2005-2006.

Mr. Homan stated that 6025 Kitzmiller Road was built in 2013 and it had a concrete driveway.

Mr. Mayer stated he could not account for the concrete driveway there as a waiver was not obtained but it was permitted.

Mr. Thomas asked if there was a reason asphalt was selected over concrete, was it color and look.

Mr. Mayer stated yes, the materials permitted were selected due to their aesthetic and design reasons.

Mr. Thomas asked if any thought had been given to allowing stamped or colored concrete that would address that issue.

Mr. Mayer stated other homes had been allowed per zoning text to do that but he believed that would require a waiver.

Mr. Iten stated that given the fact there was no site specific constraint the rules spelled out by City Council would did not permit a waiver in this case.

Mr. Mayer noted the asphalt, per the City Engineer, was the industry standard and it was used in many locations throughout the city.

Mr. Hinson stated he agreed with Mr. Iten.

Mr. Homan stated that he had a truck and trailer he parked on the site and those vehicles there caused sagging of asphalt, as he has also seen at Kroger. Mr. Homan said this might not be site specific, but it was specific to him. Mr. Homan also noted that if color were an issue, concrete did not differ from gravel.

Mr. Hinson stated he did not disagree, but the ARB had to consider a long term view for community development.

Moved by Mr. Iten to approve revised ARB-46-2020, seconded by Mr. Hinson. Upon roll call vote: Mr. Iten, no; Mr. Hinson, no; Mr. Strahler, no; Ms. Briggs, no; Mr. Thomas, no. Yea, 0; Nay, 5; Abstain, 0. Motion failed by a 0-5 vote.

Mr. Iten stated he voted no because the third waiver requirement could not be satisfied.

Mr. Hinson stated he voted no because he agreed the third waiver requirement could not be satisfied.

Mr. Strahler stated he agreed, the third item could not be satisfied.

Ms. Briggs stated item number three of the requirements could not be met.

Mr. Thomas stated he voted no because the third waiver requirement was not satisfied.

Mr. Hinson moved for adjournment, seconded by Mr. Thomas. Mr. Hinson, yea; Mr. Thomas, yea; Mr. Iten, yea; Mr. Strahler, yea; Ms. Briggs, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Meeting adjourned at 7:33 p.m.

Submitted by Josie Taylor.

APPENDIX



Architectural Review Board Staff Report July 13, 2020 Meeting

DRIVEWAY MATERIAL WAIVER 5480 KITZMILLER ROAD

LOCATION: 5480 Kitzmiller Road(222-001963)
APPLICANT: Kyle Homan
REQUEST: Waiver
ZONING: Agricultural (AG)
STRATEGIC PLAN: Rural Residential
APPLICATION: ARB-46-2020

Review based on: Application materials received June 10, 2020.

Staff report prepared by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The applicant requests a waiver from New Albany Design Guidelines and Requirements Section 5 (I)(1) to allow a concrete driveway where code requires asphalt, brick, stone, or simulated stone driveway pavers for driveways.

Per Section 1157.12 any person or entity having an interest in property that seeks to obtain a waiver from the requirements of the New Albany Design Guidelines and Requirements shall follow the procedures set forth in C.O. Chapter 1113. C.O. Chapter 1113.09 defines that a waiver to standards may be approved by the Architectural Review Board as part of a Certificate of Appropriateness application. In considering this request for a waiver, the Architectural Review Board is directed to evaluate the application based on criteria in Chapter 1113.11.

II. SITE DESCRIPTION & USE

The property is located at 5040 Kitzmiller Road, north of the Plainview subdivision and is 2.7 acres in size. The property contains a single family residential home that was built in 1976. The property is zoned Agricultural (AG) and is surrounded by residentially zoned and used properties. The property owner is making renovations to the existing home which includes resurfacing the driveway.

III. EVALUATION

Waiver Request

The ARB's review is pursuant to C.O. Section **1113.11 Action by the Architectural Review Board for Waivers**, within thirty (30) days after the public meeting, the ARB shall either approve, approve with supplementary conditions, or disapprove the request for a waiver. The ARB shall only approve a waiver or approve a waiver with supplementary conditions if the ARB finds that the waiver, if granted, would:

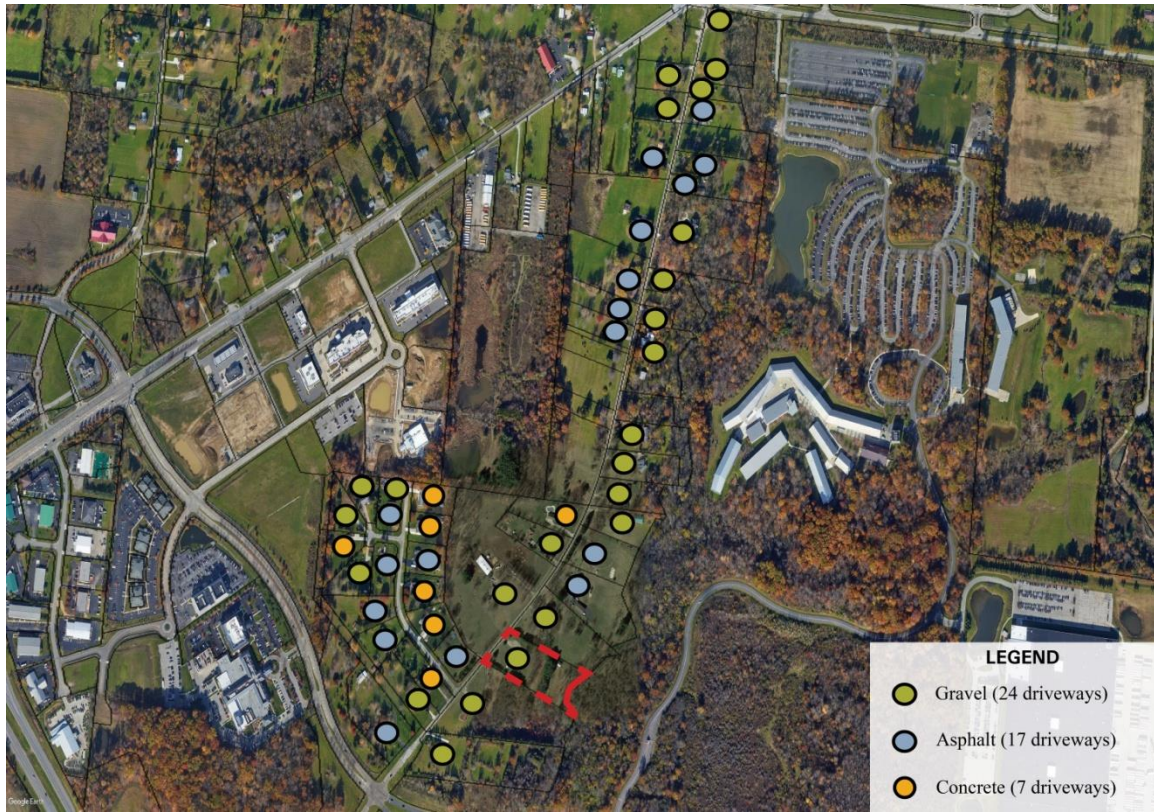
1. *Provide an appropriate design or pattern of development considering the context in which the development is proposed and the purpose of the particular standard. In evaluating the context as it is used in the criteria, the ARB may consider the relationship of the proposed development with adjacent structures, the immediate neighborhood setting, or a broader vicinity to determine if the waiver is warranted.*
2. *Substantially meet the intent of the standard that the applicant is attempting to seek a waiver from, and fit within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirements.*
3. *Be necessary for reasons of fairness due to unusual site specific constraints; and*
4. *Not detrimentally affect the public health, safety or general welfare.*

The applicant is requesting waivers to the following code requirements:

A. The New Albany Design Guidelines and Requirements Section 5 (I)(A)(1) – Residential Outside Village Center - states that asphalt, brick, stone, or simulated stone driveway pavers are appropriate surfaces for driveways and parking areas.

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

1. The site currently has a stone gravel driveway and the applicant is seeking a waiver to replace it with a concrete driveway. The New Albany Design Guidelines & Requirements Section 5(I)(A)(I) states that asphalt, brick, stone or simulated stone driveway pavers are appropriate surfaces for driveways and parking areas.
2. The Design Guidelines and Requirements were adopted by City Council via Ordinance O-26-2007 and became effective on August 21, 2007. The intent of this DGR requirement is to ensure consistency within subdivisions and throughout the community.
3. On February 11, 2013, the ARB denied a waiver request to install a concrete driveway at 6883 Jersey Drive located within the Wentworth subdivision (ARB-10-2012). On June 10, 2013, the ARB approved a similar waiver, due to ADA accessibility concerns, at 7601 Pine Ridge Court which is located within the Plainview subdivision (ARB-141-2013).
4. There are a total of 48 residential driveways along Kitzmiller Road and within the Plainview subdivision. Within Plainview and along Kitzmiller, gravel, concrete and asphalt are all used as driveway material. The map below depicts the driveway material used at each property.



Gravel	Concrete	Asphalt
24 Driveways	7 Driveways	17 Driveways

5. The applicant states that they wish to use concrete rather than another material due to the maintenance needs of the other recommended driveway materials of the DGRs. Additionally, the applicant states that there are unique site constraints that warrant approval of the waiver request. The lot is sloped and the applicant states that water running across the driveway which would cause asphalt to breakdown prematurely.
6. It does not appear that the proposed waiver would detrimentally affect the public health, safety or general welfare.

IV. RECOMMENDATION

The section of Kitzmiller Road contains a mixture of different materials used for driveways: asphalt, concrete and gravel. The DGRs outline appropriate materials for driveways in order to achieve consistency within subdivisions and throughout the community. However, this is a standalone site that is not part of a subdivision. Kitzmiller Road was previously a township road that has since been annexed into the city. The New Albany Strategic Plan identifies Kitzmiller Road as a rural road and it largely consists of gravel and asphalt residential driveways. The ARB should evaluate the appropriateness of the waiver request. Approving the waiver could set a precedent for future, similar waiver applications.

V. ACTION

Should the Architectural Review Board find sufficient basis for approval the following motions would be appropriate. Conditions of approval may be added.

Move to approve the waiver for application ARB-46-2020 to the New Albany Design Guidelines and Requirements Section 5 (I)(1) to allow a gravel driveway at 5480 Kitzmiller Road.

Approximate Site Location:



Source: Franklin County Auditor