

New Albany Board of Zoning Appeals Agenda

December 20, 2021 4:30pm

Members of the public must attend the meeting in-person to participate and provide comment at New Albany Village Hall at 99 West Main Street. The meeting will be streamed for viewing purposes only via Zoom Webinar. There is no public participation via the Zoom Webinar.

Join this meeting on your computer, tablet or smartphone.

https://us02web.zoom.us/j/81637494484
Or dial in using your phone: 646-558-8656
Access Code: 816-3749-4484

Information and directions for logging into this meeting can be found at www.newalbanyohio.org

- I. Call To Order
- II. Roll Call
- **III.** Action of Minutes: November 22, 2021
- IV. Additions or Corrections to Agenda

Swear in All Witnesses/Applicants/Staff whom plan to speak regarding an application on tonight's agenda. "Do you swear to tell the truth and nothing but the truth".

- V. Hearing of Visitors for Items Not on Tonight's Agenda
- VII. Cases:

VAR-124-2021 Variance

Variance to Harrison South L-GE zoning text section F(8) to eliminate the mounding and screening requirements adjacent to residentially owned properties along a portion of the Worthington Road frontage and the eastern boundary of a site generally located south of Worthington Road and west of Harrison Road (PIDs: 094-107463-00, 094-107064-00 and 094-107514-00).

Applicant: VTRE Development LLC c/o Pete Gray

Motion of Acceptance of staff reports and related documents into the record for - VAR-124-2021.

Motion of approval for application VAR-124-2021 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-126-2021 Variance

Variance to allow a playground and a fence to be located within a platted buffer area at 7365 Milton Court (PID: 222-002043-00).

Applicant: Oakland Design Associates c/o Lori Francisco Botkins

Motion of Acceptance of staff reports and related documents into the record for -VAR-126-2021.

Motion of approval for application VAR-126-2021 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

- VIII. Other Business
- IX. Poll members for comment
- X. Adjournment



New Albany Board of Zoning Appeals met in the Council Chamber of Village Hall, 99 W. Main Street and was called to order by Board of Zoning Appeals Chair, Mr. Gallagher, at 7:00 p.m.

Those answering roll call:

Ms. Andrea Wiltrout
Mr. Everett Gallagher
Present
Mr. Kirk Smith
Present
Ms. Kerri Mollard
Present
Mr. Shaun LaJeunesse
Ms. Marlene Brisk (Council Rep)
Present

Staff members present: Steven Mayer, Development Services Coordinator; Chris Christian, Planner; and Josie Taylor, Clerk.

Moved by Ms. Mollard to approve the October 25, 2021 meeting minutes, seconded by Mr. LaJeunesse. Upon roll call: Ms. Mollard, yea; Mr. LaJeunesse, yea; Mr. Smith, yea; Mr. Gallagher, yea. Yea, 4; Nay, 0; Abstain, 0. Motion carried by a 4-0 vote.

Mr. Gallagher asked if there were any additions or corrections to the Agenda.

Mr. Christian stated none from staff.

Mr. Gallagher swore Mr. Thomas Marano and Mr. Brian Quackenbush to tell the truth and nothing but the truth.

Mr. Gallagher asked if anyone wanted to discuss items not on tonight's Agenda. (No response).

Variances to allow an accessory structure to be 2,040 sq. ft. in size where code allows a maximum of 1,600, to allow an accessory structure to be 30 feet tall where code allows a maximum height of 25 feet, to allow gravel to be used as a driveway material and to eliminate the pool fencing requirements at 1 Balfour Green(PIDs: 222-004303 and 222-004304).

Applicant: Marano Design Group, c/o Thomas Marano

Mr. Christian presented the staff report.

Mr. Gallagher asked if the applicant had comments to provide.

Mr. Thomas Marano, Marano Design Group, stated he would be happy to answer any questions.

Mr. LaJeunesse asked why the height was designed to be at thirty (30) feet.

Mr. Marano stated the intent was to design the property to appear to be part of an estate and they needed to have a thirty (30) foot height to keep the proportions correct and meet the design goals.

Ms. Mollard asked if the pool was already on the site.

Mr. Marano stated no and the barn structure was not really there either.

- Ms. Mollard asked what the existing gravel driveway was used for.
- Mr. Marano stated he believed it was an old use.
- Ms. Mollard asked if the drive to the primary residence was not gravel.
- Mr. Marano stated the existing drive to the residence was chip and seal.
- Ms. Mollard stated thank you.
- Mr. LaJeunesse asked staff if there were other homes with gravel driveways in the Farms.
- Mr. Mayer stated there were homes in the Farms that had either the chip and seal or some type of gravel driveway. Mr. Mayer stated he believed one had a variance and some predated Code.
- Mr. LaJeunesse asked what the chip material was.
- Mr. Mayer stated chip and seal.
- Mr. Marano stated it was an asphalt base with gravel on it that beaome an impervious surface.
- Mr. Smith asked if there would be a pool cover.
- Mr. Marano stated yes, it would be an automatic cover.
- Ms. Mollard asked staff if this would be the same cover the Board of Zoning Appeals (hereafter, "BZA") had approved last year.
- Mr. Christian stated it was ASTM certified which was similar to those used in prior variances.
- Mr. Marano stated it was an ASTM certified cover.
- Mr. Gallagher asked if there would be any issues with emergency service vehicles, such as fire trucks, using the gravel drive.
- Mr. Mayer stated the second driveway would add an access point for emergency vehicles and he did not see it negatively impacting City services to the parcel.
- Ms. Mollard asked if it was a secondary access, could one get to the accessory structures from another route.
- Mr. Marano stated no.
- Ms. Mollard stated if there were a need for emergency services then the squad would need to use the gravel driveway.
- Mr. Gallagher asked if those vehicles would be slowed down, did they drive on that kind of driveway.
- Ms. Brisk asked if the gravel driveway did not go all the way to the accessory structure.

Mr. Marano stated correct, it stopped short and went to a parking area. Mr. Marano stated the pool was probably equidistant from the parking area and the house. Mr. Marano stated emergency services could go to the main house and just walk back.

Mr. Mayer stated the zoning code did not have any access requirements but building inspectors would check if there were any requirements for access in the building code.

Ms. Mollard stated that given the acreage it was quite a distance to get to the pool.

Mr. Mayer stated he did not know if the residential code had requirements for distances, but he would check that to be sure it was within code.

Mr. Gallagher asked if that could be made into a condition of approval.

Mr. Mayer stated yes.

Ms. Mollard asked what improvements would be made to the original gravel driveway.

Mr. Christian stated it would be resurfaced and made to look better.

Mr. Marano stated they planned to top coat it with another layer of gravel to spruce it up and noted it was really in good shape.

Mr. Gallagher asked how the annual inspections of pool covers had been going.

Mr. Mayer stated there was an initial inspection upon the approval of a variance and installation and after that homeowners were to annually certify their own pool covers and make sure they were serviced. Mr. Mayer stated that if there was a complaint or issue reported then staff could review service letters at that time.

Mr. Gallagher stated they had previously discussed the need to have staff follow up with homeowners because complaints arrived too late after the fact.

Mr. LaJeunesse stated it sounded like there was not a process in place.

Mr. Mayer stated there was no process in place now, but staff could work with the BZA regarding staff's following up with that. Mr. Mayer stated it was currently the homeowner's responsibility to ensure that was being met.

Mr. Gallagher asked if a condition would be possible for that so homeowners would need to send in an annual certification letter and it would be a zoning violation if they did not.

Mr. Mayer stated that if the BZA wanted to put that condition in staff could review the code and policies. Mr. Mayer stated they wanted to be sure it was done right.

Ms. Mollard asked if neighbors, after being notified of this application, had expressed concerns about the gravel driveway.

Mr. Christian stated no.

Mr. LaJeunesse asked how a pool would be certified.

Mr. Mayer stated the certification was usually provided through the servicing by a pool inspector or someone who colld service it on an annual basis. Mr. Mayer stated it was an inspection to make sure the cover was operating correctly.

Mr. Gallagher stated the condition used a year ago required the owner to provide an annual certification that the cover was in good working order. Mr. Gallagher stated staff should go back to make sure that was taking place.

Mr. Mayer stated they appreciated that reminder and stated they would go back to that as they were at about a year now.

Mr. Gallagher stated yes.

Mr. LaJeunesse asked how long it would take to combine the properties.

Mr. Mayer stated it would be a two-step process and could take a couple of weeks once submitted to the county.

Mr. LaJeunesse asked if the owners planned to do that.

Mr. Marano stated yes, they had begun the process.

Mr. Gallagher asked if they needed to approve all variances separately or could they approve them all at once.

Mr. Mayer stated it was at the BZA's discretion.

Moved by Mr. Smith to accept the staff report for VAR-112-2021 into the record, seconded by Ms. Mollard. Upon roll call vote: Mr. Smith, yea; Ms. Mollard, yea; Mr. LaJeunesse, yea; Mr. Gallagher, yea. Yea, 4; Nay, 0; Abstain, 0. Motion carried by a 4-0 vote.

Moved by Mr. LaJeunesse to approve variance VAR-112-2021 with the following conditions:

- 1. The two properties must be combined as part of the permitting process;
- 2. The automatic pool cover is installed and certified annually by the homeowner. seconded by Mr. Smith. Upon roll call vote: Mr. LaJeunesse, yea; Mr. Smith, yea; Ms. Mollard, yea; Mr. Gallagher, yea. Yea, 4; Nay, 0; Abstain, 0. Motion carried by a 4-0 vote.

Other Business

Mr. Christian noted there would be cases for a BZA meeting in December 2021 and asked if BZA members would be available for such meetings on December 29th or December 22nd.

Mr. Gallagher asked if the date could be moved to December 20th and be held earlier in the day.

Mr. Mayer stated they would check on the timing and if not perhaps the first full week of January 2022.

Mr. Gallagher polled members for comment. (No response.)

Mr. Gallagher adjourned the meeting.

Meeting adjourned at 7:33 p.m.

Submitted by Josie Taylor.





Board of Zoning Appeals Staff Report November 22, 2021 Meeting

1 BALFOUR GREEN VARIANCES

LOCATION: 1 Balfour Green (PIDs: 222-004303 and 222-004304)

APPLICANT: Marano Design Group, c/o Thomas Marano

REQUEST: (A) Variance to C.O. 1165.04(a)(1) to allow an accessory structure to be 2,040

square feet in size where city code allows a maximum of 1,600 square feet. (B) Variance to C.O. 1165.04(a)(3) to allow a detached accessory structure to

be 30 feet tall where code allows a maximum height of 25 feet.

(C) Variance to the New Albany Design Guidelines and Requirements Section

V(I.A.1) to allow gravel to be used as a driveway material.

(D) Variance to C.O. 1173.02(e) to eliminate the pool fence requirement.

ZONING: R-1

STRATEGIC PLAN: Residential APPLICATION: VAR-112-2021

Review based on: Application materials received on October 22, 2021.

Staff report prepared by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests the following variance related to the addition of an accessory structure and a pool at 1 Balfour Green in the New Albany Farms subdivision.

- (A) Variance to C.O. 1165.04(a)(1) to allow an accessory structure to be 2,040 square feet in size where city code allows a maximum of 1,600 square feet.
- (B) Variance to C.O. 1165.04(a)(3) to allow a detached accessory structure to be 30 feet tall where code allows a maximum height of 25 feet.
- (C) Variance to the New Albany Design Guidelines and Requirements Section V(I.A.1) to allow gravel to be used as a driveway material.
- (D) Variance to C.O. 1173.02(e) to eliminate the pool fence requirement.

II. SITE DESCRIPTION & USE

This 14.32+/- acre site is currently made up of two properties which will be combined into one as part of the permitting process. The site is located in the New Albany Farms subdivision, west of Kitzmiller Road and north of Morse Road. It is zoned R-1 and contains a single-family home. The surrounding properties are residentially zoned and used.

III. ASSESSMENT

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

Criteria

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

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

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

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

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

III. EVALUATION

(A) Variance to C.O. 1165.04(a)(1) to allow an accessory structure to be 2,040 square feet in size where city code allows a maximum of 1,600 square feet.

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

- 1. The applicant proposes to construct a 2,040 square foot accessory structure near the center of the property. C.O. 1165.04(a)(1) states that the maximum permitted area for a detached structure on a greater than 2 acres is 1,600 square feet therefore, a variance is required.
- 2. The site is currently made up of two properties that will be combined into one as part of the permitting process for this structure with a total lot size of 14.32+/- acres. Staff recommends a condition of approval that the two lots are combined.
- 3. The variance request meets the spirit and intent of the requirement which is to ensure that detached structures are properly scaled in relation to the size of the lot. The code requirement sets maximum area requirements for all lots with the understanding that there would be instances, such as this one, where a variance would be required for larger lots with more development space.
 - o 95% of the lots within New Albany are two acres or less and only 5% are greater than 2 acres.

- o The current code allows for an additional 400 square feet of space for every acre, starting at a maximum of 800 for lots less than 1 acre.
- Once the two existing lots are combined, the property will be 14.32+/- acres in size, making it one of the largest residential lots in the city. The accessory structure appears to be appropriately scaled considering the size of the lot.
- 4. The variance does not appear to be substantial. While the structure is larger than what is permitted by code, the structure takes up less than 0.32% of the total lot area.
- 5. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a "substantial detriment." The property is located adjacent to the New Albany Farms subdivision which is made up of the largest residentially used lots and primary dwellings in New Albany therefore this structure will not alter the character of the neighborhood.
- 6. It appears that the variance will not adversely affect the delivery of government services, 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.

(B) Variance to C.O. 1165.04(a)(3) to allow a detached accessory structure to be 30 feet tall where code allows a maximum height of 25 feet.

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

- 1. C.O. 1165.04(a)(3) states that detached accessory structures are permitted to be no taller than the primary structure on a lot and not exceed 25 feet in height. The proposed accessory structure will be 30 feet tall therefore, a variance is required.
- 2. The variance request meets the spirit and intent of the requirement which is to ensure that detached structures are appropriately scaled in relation to the primary structure on the site. While the applicant proposes to exceed the 25-foot height limitation, it is shorter than the 45.5-foot-tall primary structure on the property. This ensures that the proposed accessory structure will be secondary in comparison to the primary home, accomplishing the spirit and intent of the requirement.
- 3. The variance does not appear to be substantial. The applicant states that the accessory structure is designed as a barn. The city architect states that historically, barns are larger and taller structures used to store larger vehicles and equipment. The variance appears to be appropriate given the barn is designed with a historic size and shape and the appearance it has been renovated over time.
- 4. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a "substantial detriment" if the variance is granted. The property is located in the New Albany Farms subdivision which is made up of the largest residential lots and structures in New Albany therefore this larger, taller structure will not alter this established character.
- 5. It appears that the variance will not adversely affect the delivery of government services, 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.

(C) Variance to the New Albany Design Guidelines and Requirements Section V(I.A.1) to allow gravel to be used as a driveway material.

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

1. New Albany DGR Section 5 (I.A.1) states that asphalt, brick, stone, or simulated stone driveway pavers are appropriate surfaces for driveways and parking areas. The site is currently served by two driveways, one drive that leads to the primary home on the property and a secondary gravel drive that leads to the center of the site. The existing gravel drive is 915-footlong and the applicant is seeking a variance to allow it to remain gravel and extend it 525 feet

- further into the property to lead to a gravel parking lot that will serve the proposed accessory structure.
- 2. The variance does not appear to be substantial. A large portion of the gravel driveway exists today and is used as a secondary driveway for the property that does not serve the primary structure. Additionally, the same request has been approved by the Architectural Review Board at 3915 Reynoldsburg New Albany Road (ARB-72-2015). In their approval, the ARB stated that the use of the material was appropriate as the property was along a rural roadway, it was an existing condition and it matched the rural/agrarian character of the area. The proposed variance appears to have the same circumstances. The property is located on a private road and the general character of the New Albany Farms subdivision is rural due to the large size of the lots, therefore, the use of gravel appears appropriate in this case.
- 3. It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a "substantial detriment" if the variance is granted. The property is located in the New Albany Farms subdivision which is made up of private roads that are not accessible to the general public and this secondary driveway does not serve the primary home on the property. For these reasons, granting the variance is not precedent setting for future, similar cases.
- 4. It appears that the variance will not adversely affect the delivery of government services, 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.

(D) Variance to C.O. 1173.02(e) to eliminate the pool fence requirement.

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

Site Specific Considerations:

- 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. Such wall or fence shall be of such design and construction as to effectively prevent a child from crawling or otherwise passing through or under such fence or barrier. Such wall or fence shall not be less than forty-eight (48) inches in height, maintained in good condition by the property owner, 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 other than saying such design and construction is to effectively prevent a child from crawling or otherwise passing through or under such fence or barrier.
- The pool is located near the center of the property, adjacent to the proposed accessory structure.
- There is an existing 4 rail horse fence along the parcel frontage of Balfour Green, Kitzmiller Road and Morse Road. The height and design of horse fence is not designed to prevent uncontrolled access. There is substantial landscaping throughout the entire site and a large pond in the eastern portion of the site.
- This parcel is one of the largest in the entire city at 14.32+/- acres resulting in the pool being located greater distances from other residential properties and public roads. The pool is approximately 355 feet from Kitzmiller Road, 399 feet from Balfour Green, 490 feet from Morse Road and 330 feet from the western property line. Additionally, the property is located in the New Albany Farms subdivision which is a gated community that the general public does not have access to. All of these factors contribute to limiting the ability to gain access to the pool.
- The applicant proposes to use an ASTM certified automatic pool safety cover. This is a similar pool cover the BZA approved for the same variance request at 6, 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 4-foot fence affixed with an operable gate and lock.
- It does not appear the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a "substantial detriment". The pool is adequately screened and substantially setback from public rights-of-way.

History:

There have been several similar applications heard by either the Board of Zoning Appeals or the Planning Commission since 2007.

- 1. 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.
- 2. 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.
- 3. 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), proximity to other parcels and limited access due to private streets 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.
- 4. 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.
- 5. The PC approved a variance to allow a pool cover in-lieu of a fence that meets code requirements on April 18, 2016 for 6958 Lambton Park Road. Members voting in favor of the variance noted that with conditions of approval the variance preserves the spirit and intent of the zoning ordinance, appears to have limited access due to the private golf course, substantial screening, horse fence, the property's size and lack of neighbors create special circumstances, and having an annually certified pool cover. Members voting against the variance noted this is because there is not a condition requiring code compliant fencing along Johnstown Road and lack of evidence that pool covers have the same safety record as fences, and this is substantial because it affects the health and safety in the community. The conditions of approval are:
 - An automatic safety pool cover is installed that is ASTM compliant as and if amended.
 - The pool area is fully enclosed by a house, fence, or wall.
 - The existing 54" and 44" horse fence counts towards the enclosure of the pool.
 - The new fence installed must meet the new proposed pool code requirements that the Planning Commission recommended approval of on April 18th.
 - The pool cover is certified annually by the homeowner.
- 6. The BZA approved a variance to allow a pool cover in-lieu of a fence on November 23, 2020 for 10 New Albany Farms Road (VAR-84-2020). The BZA stated the size of the property (7.81 acres), proximity to other parcels and limited access due to private streets creates special conditions and circumstances which are peculiar to the land that results in a general isolation from neighbors. The members who voted against the variance stated that they did not believe that the applicant demonstrated how the pool cover would provide the same safety as a fence and the fact that there is not an established process to verify that the pool covers are certified annually.

Analysis

Through several pool barrier variance applications city staff, the Board of Zoning Appeals and Planning Commission have had to weigh the importance of many factors in coming to decisions on the applications. Some of the factors stated on the record are proximity of the property to other residences, public accessibility to the property and the effectiveness of a pool cover in providing safety.

The other variances within the New Albany Farms subdivision were approved because the BZA determined the gated community with private streets, the large size of the properties and proximity to other parcels create special conditions and circumstances which are peculiar to the land that results in a general isolation from neighbors. All applications have included the installation of a powered automatic safety cover.

This property contains many similarities with the homes at 6, 10 and 14 New Albany Farms in terms of limited proximity and access.

The parcel is one of the largest in the city at 14.32+/- acres. The pool is centrally located behind the home and is substantially setback from all property lines which contribute to limiting access to the pool. Additionally, the property is located in a gated community which substantially limits access to the pool from the general public. There is substantial landscaping on the site, providing an adequate barrier to the pool from neighboring properties and areas outside of the gated community. It appears 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 similar to 6, 10 and 14 New Albany Farms.

IV. RECOMMENDATION

Staff is supportive of the variance requests for the proposed accessory structure. Even though the accessory structure is larger and taller than what is permitted by code, it is appropriately scaled in relation to the lot as it makes up less than 0.32% of the total lot area. Additionally, while it is taller than what is permitted by code it is still shorter than the primary home on the property which accomplishes the spirit and intent of the requirement. The use of gravel as a driveway material appears to be appropriate in this case due to the rural/agrarian character of the neighborhood, the fact that it is located on private street and that it is not the driveway for the primary home on the property.

Staff is also supportive of the pool fence variance request. The property shares the same characteristics with 6, 10 and 14 New Albany Farms where the same variance was granted by the BZA in the past. The large size of the property in addition to being located in a gated community address proximity and access factors that have been important in other past variances since it creates special conditions and circumstances which are peculiar to the land that results in a general isolation from neighbors and public roads.

V. ACTION

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

Move to approve application VAR-112-2021 with the following condition.

- 3. The two properties must be combined as part of the permitting process.
- 4. The automatic pool cover is installed and certified annually by the homeowner.

Approximate Site Location:



Source: Google Earth



Board of Zoning Appeals Staff Report December 20, 2021 Meeting

BRS-3 (CUPERTINO) MOUNDING VARIANCE

LOCATION: South of Worthington Road, east of Ganton Parkway, and west of

Harrison Road SW. (PIDs: 094-107436-00, 094-107064-00, 094-107370,

094-107514-00).

APPLICANT: VTRE Development c/o Pete Gray

REQUEST: Variance to Harrison South Zoning District text section F(8) to eliminate

the mounding requirements adjacent to residential properties along a portion of the Worthington Road frontage and the eastern boundaries of

the development site.

ZONING: L-GE (Limited General Employment), Harrison South Zoning District

STRATEGIC PLAN: Employment Center District

APPLICATION: VAR-124-2021

Review based on: Application materials received November 22, 2021.

Staff report prepared by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to the Harrison South Zoning District text section F(8) to eliminate the mounding requirements adjacent to residential properties along a portion of the Worthington Road frontage and the eastern boundaries of the development site as part of the construction of a new commercial building.

II. SITE DESCRIPTION & USE

The site is located on 32+/- acres in Licking County and includes four parcels on the south side of Worthington Road, east of Ganton Parkway and west of Harrison Road. The neighboring uses and zoning districts include L-GE to the west and south and unincorporated residentially zoned properties to the east and north. The site was previously comprised of two residential properties and ancillary buildings.

This parcel is zoned L-GE, Limited General Employment. Permitted uses within this L-GE district includes manufacturing and production, warehouse and distribution, research and production, general office activities, personal service, retail product sales and services.

III. ASSESSMENT

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

Criteria

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

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

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

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

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

III. EVALUATION

Variance to Harrison South Zoning District text section F(8) to eliminate the mounding landscaping requirements along Worthington Road and Harrison Road NW.

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

- 1. Harrison South zoning text section F(8) states that for perimeter boundaries within the zoning district that abut properties where residential uses are permitted, that are not owned by the developer, a minimum 6 foot tall mound is required to be installed along the property line. In addition to mounding, a landscape buffer is required to be installed on the mound that achieves 75% opacity screening and a total height of 10 feet within 5 years of planting.
- 2. The applicant is meeting or commits to meet the landscaping requirements and is requesting a variance to only the mounding. As part of the construction of a new commercial building, the applicant requests a variance to the mounding requirements where they are required along a portion of the Worthington Road frontage and along the eastern boundary of the development site. Exhibit A demonstrates where the applicant requests a variance.
- 3. In their justification statement, the applicant states that they are seeking the variance along Worthington Road due to the significant grade change along this frontage. The proposed parking lot and building pad will sit approximately 6-8 feet below the centerline

- elevation of the road once constructed. The applicant states that they intend to use this grade change in lieu of mounding and install trees within the setback area to provide screening for residentially zoned properties along this frontage.
- 4. Additionally, there is a stream, with a corresponding 100-year flood plain, in the northeastern area of the site. The applicant seeks a variance to providing the screening requirements in this area due to this site constraint and will utilize this area to provide a greater setback from adjacent residential uses in addition to new and existing trees to provide screening.
- 5. The city landscape architect has reviewed the proposed landscape plan for the project provided comments, see Exhibit B. Staff recommends a condition of approval that the city landscape architect comments be met. The city landscape architect recommends that additional plantings be added along both the Worthington Road frontage and the eastern boundary of the site in order to achieve 75% opacity and reach a total planting height of 10 feet within five years of planting. These plantings will be installed in addition to street trees.
- 6. It appears that there are special conditions and circumstances peculiar to the land that justify the variance request. There is a significant grade change from the centerline elevation of Worthington Road to the finished elevation of the parking lot and building pad. The parking and building sit 6-8 feet lower than the road. putting a constraint on the buildable area of the site and thereby limits the applicant's ability to install 6-foot-tall mounding in this area. There is also a stream, with a corresponding 100-year flood plain, that runs along the northeastern property area of the site which also limits the buildable area of the site and where the applicant is able to install a 6-foot-tall mound. These special conditions and circumstances do not appear to be a result of any action of the applicant.
- 7. It appears that the spirit and intent of the zoning text requirement will still be met if the variance is granted which is to provide visual separation between this commercially zoned property and adjacent residential properties. Factors contributing to providing visual separation/screening from adjacent residentially zoned properties are:
 - The 75% opacity screening will be provided along all boundaries where residences are located both of these site boundaries.
 - The parking lot and building pad is 6-8feet below Worthington Road and the building across the street which provides a similar level of visual screening along this frontage as would a new mound.
 - o The applicant is preserving the stream corridor area and existing trees along the eastern side of the site. Additional landscaping is proposed to be added to ensure there is 75% opacity screening throughout the entire parcel boundary.
 - o There are large setbacks (330-390 feet) from adjacent residential uses to the east.
- 8. 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. RECOMMENDATION

Staff recommends approval of the variance application should the Board of Zoning Appeals finds that the application has sufficient basis for approval. The intent of the screening requirements found in the zoning text is to provide visual separation/screening between commercial and residential properties. The significant change in grade along the Worthington Road frontage and the stream corridor and corresponding floodway along the eastern portion of the site limit the applicant's ability to provide screening as originally contemplated in the zoning text. With these unique site constraints in mind and the city landscape architect conditions of approval, the applicant is able to provide an alternative screening plan that meets the spirit and intent of the zoning requirements.

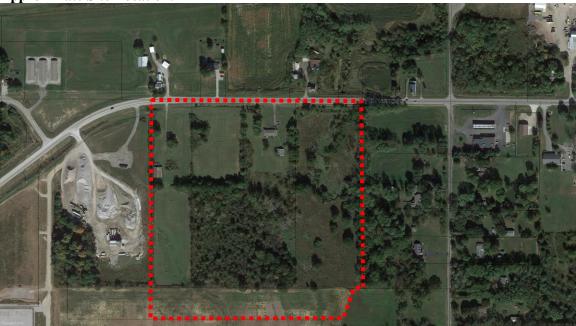
V. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added): BZA 21 1220 BRS-3 Cupertino Mounding Variances V-124-2021

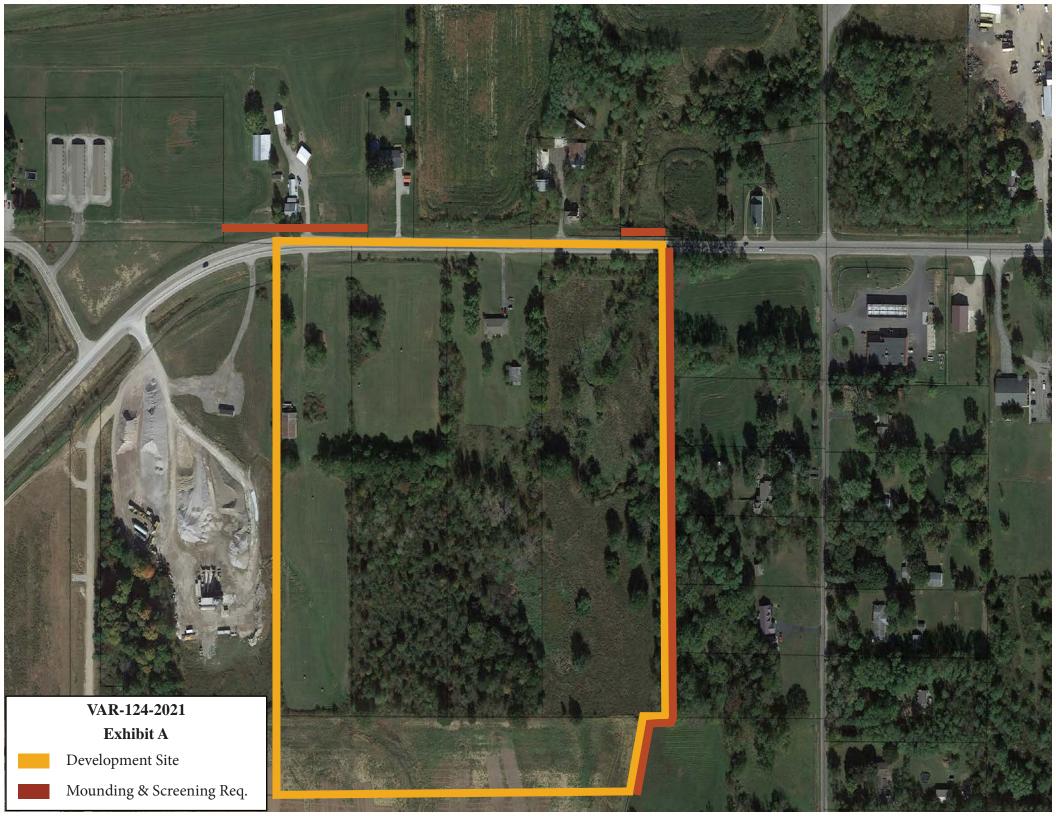
Move to approve application VAR-124-2021 with the following condition of approval (conditions of approval may be added).

1. The city landscape architect comments must be addressed.

Approximate Site Location:



Source: Google Earth







Development Review

project name prepared for date December 9, 2021

December 7, 2021

Planting Plan Comments

- 1. Street trees along Worthington Rd. should be planted in random massings of deciduous shade trees to reflect the rural character of existing road. Include a minimum of 3 different species. See diagram.
- 2. The proposed trees on the southern edge of the leisure trail should include some evergreens to assist with screening from the residents on the north side of Worthington Road. Please replace 25% of the proposed trees with evergreen tree species. See diagram.
- 3. Though the existing trees play an important role for screening from adjacent properties, it is not enough to meet the required 75% opacity within 5 years. There are significant holes within the existing tree stands, leaving the interior of the site exposed to the right-of-way patrons. Plant additional deciduous and evergreen trees in specific locations to fill the gaps to ensure screening will reach 75% opacity within 5 years. See diagram.

Site Plan Comments

4. The city is concerned the future road extension from the southern parking lot and truck parking. The turn radii and the pavement width seem too wide. Submit plans for final future road alignment for approval. See diagram.

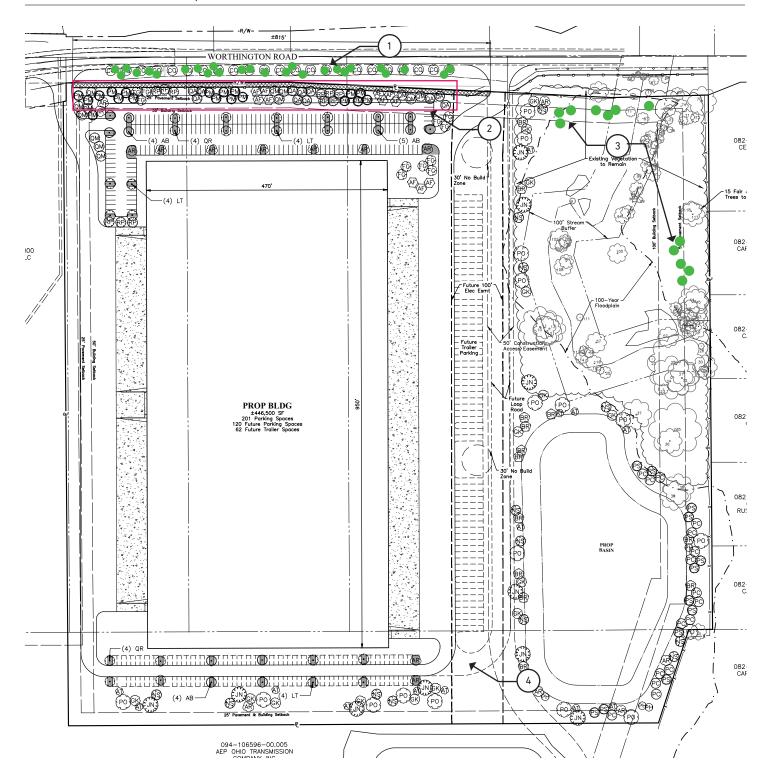
*NOTES:

The provided diagram is for clarification and design intent purposes only. The diagram should be used to help illustrate the above comments. It is the responsibility of the design consultants to incorporate the above comments as it relates to the site and to adhere to all City requirements and subsequent code. The diagram may not be to scale.



Development Review

project name prepared for date December 9, 2021 December 7, 2021



Permit #	
Board	
Mtg. Date	



Community Development Planning Application

REAL PROPERTY.	Site Address Worthington Road							
	Parcel Numbers 094-107436-00, 094-107064-00, 094-107370,094-107514-00							
	Acres 32 Acres # of lots created							
l de	Choose Application Type □ Appeal □ Certificate of Appropriateness □ Conditional Use		Circle all	Details that Apply				
Project Information	□□Development Plan □□Plat □□Lot Changes □□Minor Commercial Subdivision	Preliminary Combination	Final Final Split	Comprehensive Adjustment	Amendment			
roject I	X□Variance □□Extension Request	Easement	nina)	Street Tout Modification				
P	Description of Request: Amendment (rezoning) Text Modification Description of Request: Request to non-perform 10' mounding along north and east property bounda							
	Property Owner's Name: MBJ Holdings Address: 8000 Walton Parkway Ste 120 City, State, Zip: New Albany, OH 43054							
ts	Phone number: 614-939-8000 Fax: Email: droggenkamp@newalbanycompany.com Applicant's Name: Pete Gray VTRE BEVELORMENT, LLC Address: 950 Goodale Blvd, Ste 100							
Contacts								
を変	City, State, Zip: Columbus, OH 432 ^r Phone number: 614-745-0610 Email: pete.gray@vantrustre.com			Fax:	<u> </u>			
Site visits to the property by City of New Albany representatives are essential to process this applied The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the propert described in this application. I certify that the information here within and attached to this application, correct and complete.								
S	Signature of Owner Signature of Applicant	- AGN	P Di	Date:	11/17/21			

The Harrison South Zoning District text section F(8) states that a minimum 6 foot high mound must be installed in addition to a landscape buffer on it that provides 75% opacity screening and a total height of 10 feet above ground level must be provided along residential property lines that abut this site. The text further states that if two properties have an intervening public street right-of-way between them, they shall be considered abutting. There are residential properties along the eastern perimeter boundary of the site and across Worthington Road where these requirements apply.

The applicant is requesting a variance to utilize existing preserved trees, grade change and a greater setback distance to buffer the adjacent residential properties from the proposed project.

North Property Line - Worthington Road Frontage

Due to the existing and proposed grade of the site, a 6' mound along Worthington Road is not feasible. The proposed parking lot and building finished floor elevation sit approximately 6 to 8 feet below the centerline elevation of Worthington Road. The applicant proposes to utilize this grade differential, in lieu of mounding, combined with the proposed 4-rail horse fence and frontage tree plantings as the residential buffer.

East Property Line

There is an existing stream corridor with significant existing trees in the northeast corner of the site. To preserve this stream corridor, the applicant has designed the site with approximately 330 feet to 390 feet of buffer between the pavement and the east property line. The applicant proposes to utilize the increased distance from to the eastern boundary and 70 existing trees as the residential buffer for the northern portion of the east property line. The existing trees used for screening are alive at the time of this application and are rated fair to good quality. For the southern portion of the property line, the applicant proposes to utilize the increased distance from to the eastern boundary, along with proposed evergreen and deciduous trees as the residential buffer for the southern portion of the east property line.

1.1 STANDARDS The City of Columbus and Ohio Department of Transportation Construction and Material Specifications, current editions, together with the City of New Albany specifications including all supplements thereto (hereafter referred to as Standard Specifications), shall govern all construction items of these plans unless otherwise noted. If conflict between specifications is found, the more strict specification will apply as decided by the City Engineer. CMSC item numbers listed refer to the City of Columbus Construction and Material Specifications.

1.2 PLAN MODIFICATIONS Any modifications to the work as shown on these drawings must have prior written approval

by the City Engineer, City of New Albany. Inspectors have no authority to approve revisions

1.4 PRE-CONSTRUCTION CONFERENCE

1.7 WORK WITHIN PUBLIC RIGHT-OF-WAYS

1.4.1 A pre-construction conference involving a representative of the City of New Albany, the Owner, the Principle Contractor, and all available Sub-Contractors will be held prior to the

1.4.2 All easements shall be recorded and submitted to the City Engineer prior to the pre-construction conference

1.4.3 During the conference the Contractor shall submit his construction schedule, proposed schedule for controlling siltation and erosion, and for temporary and permanent seeding for

1.5 WORKING HOURS

1.5.1 In accordance with CMSC Item 105.06, the Contractor shall comply with work hours being the period one-half hour before sunrise and one-half hour after sunset as sunrise and sunset are determined by the U.S. National Weather Service. In addition City Ordinance 521.12 restricts the hours of work to 7:30 am to 7:00 pm.

1.5.2 Work will not be permitted on Sundays unless otherwise approved by the City Manager. 1.6 INSPECTION

1.6.1 Inspection on this project will be provided by the representatives of the City of New

1.6.2 The Owner shall deposit with the City of New Albany the total estimated costs construction inspection prior to any construction operations.

1.6.3 The Contractor shall notify the City Engineer at least 48 hours prior to construction

1.7.1 All trenches within public right-of-way shall be backfilled according to the approved construction drawings or securely plated during non-working hours. Trenches outside these areas shall be backfilled or shall be protected by approved temporary fencing or barricades during non-working hours. Clean up shall follow closely behind the trenching operation. Trenches within City right of way shall be backfilled per item 911, City of Columbus Construction and Material specification. Item 912 (Type 1 Only) compacted granular backfill shall be used within the 45 degree influence plane of paved surfaces.

1.7.2 The contractor shall be responsible for the condition of trenches within the right—of—way and public easements for a period of 2 (two) years from the final acceptance of the work, and shall make any necessary repairs at no cost to the City of New Albany. The Developer/Contractor shall provide a letter to the City indicating any settlement of the trenches will be repaired at their expense for a period of 5 (five) years from the date of acceptance of the subdivision or site (whichever applicable).

1.7.3 Non-rubber tired vehicles shall not be moved on public streets. The City Engineer may grant exceptions where short distances and special circumstances are involved. Granting exceptions must be in writing, and any damages must be repaired to the satisfaction of the City of New Albany.

1.7.4 No materials, including pipe, shall be stored within the public right—of—way or within one hundred (100) feet of any intersecting street or driveway. During non-working hours, storage of equipment shall comply with these same requirements. Compliance with these requirements along with additional provisions of the contract specifications shall not relieve the contractor of their legal responsibility to maintain job safety.

1.7.5 Any deteriorated pavement due to construction operations shall be saw cut and removed and replaced as per City of Columbus Standard Drawing 2130 Dr.A. The location of the saw cut shall be determined by the City Engineer in the field.

1.7.6 When a new roadway is to adjoin an existing roadway any existing underdrain is to be maintained, or replaced if not functional. A relief joint shall be constructed at the intersection of the existing and new road.

1.7.7 Ingress and egress shall be maintained at all times to public and private property. Access to all adjoining properties shall be maintained at all times.

1.7.8 Access to the site shall be provided through the construction access drive (only) as shown on the erosion control plan

1.7.9 When mail boxes, road or street name signs and supports interfere with construction, the contractor shall remove and erect them in temporary locations during construction in a manner satisfactory to the City Engineer and U.S. Postal Service. After completion of the construction and before final acceptance of the project the contractor shall erect the mailboxes, road or street name signs and supports in a permanent location in accordance with the plans unless otherwise directed by the City Engineer. Removal, temporary erection and permanent erection of mailboxes shall be in accordance with U.S. Postal regulations. This work shall be performed at no cost to the City or the property owners.

1.7.10 Trenches along roadways shall be protected in accordance with the ODOT "Drop offs in Work Zones" policy copies of which are available from the Ohio Department of Transportation, Bureau of Traffic, 1980 E. Broad Street, Columbus, Ohio 43215.

1.8 FOLIPMENT ON PUBLIC ROADS

Non-rubber tired vehicles shall not be moved on public streets. The City Engineer may grant exceptions where short distances and special circumstances are involved. Granting exceptions must be in writing, and any damages must be repaired to the satisfaction of the City of New Albany.

1.9 TRAFFIC MAINTENANCE

1.9.1 All traffic control devices shall be furnished, erected, maintained and removed by the Contractor in accordance with the Ohio Manual of Uniform Traffic Control Devices for Construction and Maintenance Operations (current edition), copies of which are available from the Ohio Department of Transportation, Bureau of Traffic, 1980 West Broad Street, Columbus,

1.9.2 All traffic lanes shall be fully open to traffic on all public roadways. Any lane closings must be coordinated with the City Engineer at least 48 hours prior to the lane

1.9.3 Steady—burning Type "C" lights shall be required on all barricades, drums, and similar devices in use at night.

1.9.4 Manual control of traffic by anyone other than a police officer is not permitted.

1.9.5 The maintenance of traffic should follow Typical Application (TA)-6 "Shoulder Work with Minor Encroachment from the Ohio Manual of Uniform Traffic Control Devices (OMUTCD) current edition and ODOT SCD MT-101.90 for drop off requirements.

1.9.6 The minimum lane width of 10 feet must be maintained if the work zone encroaches in to the traveled lane. If this requirement cannot be met, the lane must be closed and flaggers employed following Typical Application (TA)-10 "Lane Closure on a Two Lane Road Using Flaggers' from the Ohio Manual of Uniform Traffic Control Devices (OMUTCO) current

1.9.7 This operation may be performed at any time, except during peak hours (7am — 9am and 4pm-6pm).

1.9.8 If in the opinion of the City Engineer, the Contractor fails to comply with these

requirements and the provisions of the approved maintenance of traffic plan, the City Engineer shall suspend work until all requirements are met. Any costs or delays incurred as a result of the failure shall be the full responsibility of the Contractor. 1.9.9 The following devices must meet NCHRP 350 or MASH-08 before the devices are

installed on the project: drums, cones, vertical panels and the panel support, portable sign supports, temporary impact attenuators, temporary concrete barrier, and barricades.

1.9.10 Payment for all traffic maintenance items shall be included within the price bid for the project improvements. 1.9.11 All permanent traffic controls not in conflict with the temporary controls shall be

maintained throughout this project by the Contractor. Permanent traffic controls may be temporarily relocated, as approved by the Engineer. The Contractor shall assume all liability for missing, damaged and improperly placed signs. 1.9.12 The Contractor shall be responsible for the reinstallation and/or replacement of all

permanent traffic control devices damaged or removed during the construction. Permanent

traffic control no longer in conflict with temporary traffic control shall be replaced

1.10 EXISTING TRAFFIC SIGN MAINTENANCE 1.10.1 Special care shall be taken to maintain existing signs. If necessary, the contractor shall relocate these signs out of the way of construction, but in conformance with OMUTCD. Any damaged signs shall be replaced at the expense of the contractor.

1.11.1 Ingress and egress shall be maintained to all residential and commercial properties. Driveway closure may be necessary to enable work on or in front of a drive. The contractor will be responsible for notifying owners, residents, or business operators in writing at least 48 hours but not more than 72 hours prior to closure. The engineer shall be give a list of the persons that were given notices with the date of notice included. Closure permitted only during work hours and access must be returned at the end of each working day. Properties with multiple drives may have one drive closed at a time, while work i performed in the area of the closed drive. Individual drive closures shall be kept to the minimum time needed for construction activities. Every effort must be made to

The contractor shall be responsible for providing Dust Control measures in accordance with COCCMS Item 616. Dust control operations shall be performed on a periodic basis and/or as directed by the City Engineer to alleviate or prevent a dust nuisance originating within Calcium chloride on areas to be seeded and mulched will not be

permitted. The cost for all dust control measures shall be included in the price bid for the

project improvements. 1.13 MAINTAIN DRAINAGE

accommodate the owner's need for access

The flow in all sewers, drains, field tiles and watercourses encountered shall be maintained by the Contractor. Whenever such watercourses and drains are disturbed or destroyed during the prosecution of the work, they shall be restored by the Contractor to a conditior satisfactory to the City Engineer.

1.14 REPLACEMENT OF DRAIN TILE AND STORM SEWER

All drain tile and storm sewers damaged, disturbed, or removed as a result of the Contractor's operations shall be replaced with the same quality pipe or better, maintaining the same gradient as existing. The drain tile and/or storm sewer shall be connected to the curb sub-drain, storm sewer system or provided with an outlet into the roadway ditch as applicable. Replaced drain tile/storm sewer shall be laid on bedding compacted to 95%

1.15 DEWATERING

1.15.1 Contractors installing any well, well point, pit, or other device(s) used for the purpose of removing ground water from an aquifer shall complete and file a Well Log and Drilling Report with the Ohio Department of Natural Resources within 30 days of the well completic in accordance with the Ohio Revised Code Section 1521.16 and 1524.05. In addition, any such facility shall be completed in accordance with Section 1521.15 of the Ohio Revised code. For copies of the necessary well log, drilling report, or registration forms, contact: Ohio Department of Natural Resources

Division of Water Fountain Square Columbus, Ohio 43224-1387

(614) 265-6717

1.13.2 The contractor shall be responsible to the ODNR for registry, maintenance and abandonment of any withdrawal device used in the construction of this project.

1.13.3 Any well, well point, pit, or device installed for the purpose of lowering the ground water to facilitate construction of this project shall be properly abandoned in accordance with the provisions of Section 3745.9.10 of the Ohio Administrative Code or in accordance with the provisions of this plan.

1.13.4 The outlet for the well shall be directed into a suitable erosion control device as approved by the City Engineer

1.13.5 If during construction of the sewer, the water wells belonging to nearby residences are dewatered, the contractor shall provide potable water to the residents. Bottled water will be provided in 4 hours and a 500 gallon water tank hooked up to the existing plumbing system will be provided within 48 hours should well service become dewatered. If the well unable to be re-commissioned after construction, a tap to a water line shall be provided i available or another well dug, at no extra cost to the residents.

If the contractor intends to use blasting during excavation, the blasting shall be accordance with the City of a New Albany Ordinance 1505.

1.17 STREET LIGHTING 1.17.1 Contractor Requirements

(a) The contractor must register with the City of New Albany and show evidence of liability insurance and a copy of their State of Ohio license. (b) Obtain required permits through the New Albany Service Department and Community Development Department.

1.17.2 Street Light Submittals

(a) A site development plan must be submitted by Ohio Registered Engineer to the City of New Albany Service Department for preliminary review. The plans need to show the

Property lines. Utility and drainage easements Storm drains and catch basins.

Street light layout. (b) Submit three (3) copies of the standard construction drawings to Community Development for review to receive approval. Permit must be issued prior to beginning

(c)Information on the construction drawings are to include: Location of light poles, disconnect switch, and power source.

Foundation and rebar placement details for pole bases

Voltage drop calculations, loads, wire size, and over-current protection. Photo cell location shown near or at disconnects.

Inspection Requirements

(a) The Contractor must schedule inspections through the Community Development. (b) The following inspections from the Community Development Department are required: Rough inspections

Conduit Depth. (100% of conduit must be inspected before burial)

Ground rod and rebar connections Rebar reinforcement of light pole foundation

Final inspection

Final connections at disconnect and light poles. Demonstrate 25 OHMS or less to the ground or add a second ground rod. Light pole finish (scratches, dents or paint defects) shall be repaired

Final inspection demonstrating the operation of all lights

damaged. (4)

1.17.4 Installation Requirements (a) This work shall consist of furnishing and installing electrical materials and equipment complete and ready for service, in reasonably close conformity with locations, dimensions, and grades shown on the plans or as ordered by the City Engineer. This work shall also include necessary excavation and backfill, and disposal of discarded materials, and restoration of disturbed areas.

b) Foundations shall have a sleeve for the grounding electrode conductor. The connection to the ground rod shall be by exothermic welding or listed pressure connector. The ground rod shall be driven 8 feet into undisturbed earth next to the pole base. c) Trenches adjacent to the pavement shall be excavated in a manner that will prevent the curb from moving or separating from the road base. Minimum distance from the

curb to the ditch shall be 2 feet. (d)Where conduit crosses the street, a pull—box shall be installed on both sides of the street and at directional changes more than 45 degrees. No conduit runs to exceed 200' between junction points.

(e) Conduit shall be schedule 40 PVC and shall be at a depth of at least 24". f) Where, in the opinion of the Engineer, an excavation for a foundation has revealed an unstable condition at the bottom of the excavation, the foundation shall be deepened or enlarged in size as directed by the Engineer. Payment for additional quantities of excavation and foundation concrete required by the Engineer for this purpose shall be made by the Contractor. If a cave-in should occur during the excavation, the Contractor may continue excavation with use of a casing, sleeves, or other methods, with the approval of the Engineer.

(g) Anchor bolts for light poles shall be installed in the foundations in accordance with approved shop drawings and anchor bolt setting templates. The tops of foundations shall be finished smooth and level. Anchor bolt settings for light poles shall provide that light poles predominantly illuminating a mainline roadway shall be positioned with the arm of the pole perpendicular to the longitudinal centerline of the roadway at that location. After forms have been removed, excavated spaces around the foundations shall be backfilled with suitable materials placed and tamped in thin layers as directed by the

(h) When pull boxes are installed in paved areas, an adequate area shall be removed by saw cutting on the sides, or by removal back to an expansion joint. The cover surface shall be adjusted to be slightly above the surrounding pavement

1.17.6 General Requirements

(a) Street lighting illumination and installation shall meet the New Albany Standards.

(1) This work shall consist of furnishing and installing electrical materials and equipment complete and ready for service, in conformity with the locations, dimensions and grades shown on the plans or as ordered by the Engineer. This work shall also include necessary excavation and backfill, and disposal of discarded materials, and restoration of disturbed facilities and surfaces.

(2) Each system shall conform as to voltage, amperage, frequency and type specified by design. The Contractor shall furnish and install all incidentals necessary to provide a complete and practical working unit or system. All installations shall be i accordance with the National Electrical Code and shall also conform to local laws and codes governing such work. The Contractor shall obtain and pay for all permits required n order to provide the necessary requirements for the proposed lighting system, the Contractor shall cooperate with the agency which will furnish electrical service also hereinafter referred to as the supplying agency.

(3) Light poles conforming to approved shop drawings shall be set in the ground erected up on the completed concrete foundations or other specified type of mounting. Light poles shall be plumbed. After erection, each light pole shall be adequately grounded and shall have hand hole covers or transformer base doors fastened in place. After erection, painted poles shall be inspected for defects in the painted surfaces. Minor scratches shall be given two coats of matching paint. The second coats shall not be applied until after the first coat has adequately dried. Poles having major scratches or defects in the painted surfaces will not be accepted.

(4) The contractor shall furnish all of the materials in accordance with the listed specifications. The equipment list and receipts shall be delivered to the Service Department. A copy of the receipt shall be provided to the City Engineer. (5) The contractor shall provide the required number of poles complete with light

fixture, bulb, wiring, and pedestal to the City. The equipment shall be delivered to the Service Department and a copy of the receipt shall be provided to the City Engineer. Street fixtures shall be controlled to operate at the same time when in close proximity or on the same street in the areas they serve. Some areas may require a single photocell for each light, while others may be joined to one photocell. In no case shall there be more than 6 lights on a photocell. The photo controller shall be placed near the disconnect box.

1.17.7 Material Specifications

(a) Disconnect box for a 120 rated current circuit shall be mounted to a 4x6 treated lumber pole containing a circuit breaker and have a lockable door. The box needs to be a minimum of 24 inches above final grade. Disconnect box for a 480 volt circuit shall be stainless steel in material and mounted to a concrete footer. The box shall be a minimum of 30 inches tall, 18 inches wide, and 15 inches deep. The concrete footer shall exceed 4 inches in all directions beyond base of disconnect box. The access doo on disconnect shall be a minimum of 16 inches wide by 23 inches tall. The door shall have a latching handle that can be locked by padlock, and hinged on one side. (b) Wiring for a 120 volt circuit to the pole and/or disconnect shall be 6 gauge in size. copper conductor, and have a USE jacketing or equivalent thickness. Wiring for a 480 volt circuit to the pole and/or disconnect shall be 4 gauge in size, copper conductor, and have a USE jacketing or equivalent thickness. Wiring going up all poles to the load

lead shall have a white jacket, and the ground lead shall have a green jacket. (c) Each electrical circuit shall have a fuse in the pole base. The fuse holder must be capable of accepting #6 awg on line side and 10 gauge on load side. 480 volt circuits must be capable of passing power to another pole on the line side of the holder. (d) Pull boxes in residential areas shall be 18 inches long, 12 inches wide and 18 inches deep in size or equivalent. All 480 volt circuit pull boxes shall be traffic rated. The 480 volt boxes shall be 25 inches long, 16 inches wide, and 18 inches deep in size or equivalent. All pull boxes must have the word "electrical" embossed on the cover of the box. Plates attached to the cover will not be accepted. All pull boxes must be a

shall be 10 gauge stranded copper wire. The hot lead shall have a black jacket, neutral

The Contractor shall be responsible to obtain all necessary permits unless otherwise noted. 1.18.1 A tap permit for domestic and commercial waterline services must be obtained from the City of Columbus and the City of New Albany prior to making the tap into the

1.18.2 No service connection permits shall be issued or connections made to any service taps until waterlines have been disinfected (chlorinated).

Excavation and Driveway Permit(s) for work within the public right-of-way limits

1.18.4 No building permits will be issued until all punch list items are completed to th satisfaction of the City of New Albany. Domestic waterline taps for potable use and fire supply and sanitary sewer connection permits must be coordinated with the City of Columbus and the City of New Albany and all associated fees must be paid prior to making the tap. Water service will not be provided until all lines have been chlorinated.

1.22 Construction Layout General Field layout control will be provided by the Owner. Provisions for all other construction staking required to accomplish the utility improvements shall be performed by a

minimum of curb height or final grade.

1.22.1 All construction layout stakes (placed at intervals not to exceed 50') are to be set on the opposite side of the trench from where the excavated soil is placed. Stakes are to be preserved by the Contractor. If the above is not followed, work shall be suspended until the Contractor has requested re-staking, stakes have been replaced, and revised cut sheets have been approved.

1.22.2 Construction shall not be initiated until cut sheets have been submitted to the City

State of Ohio Licensed Professional Surveyor in accordance with Contract Documents.

Clearing and Grubbing

Any additional clearing and grubbing beyond that performed as part of the Mass Excavation shall be included as part of this plan. Costs associated with tree, brush or stump removal shall be included with the unit prices for the improvements. Trees planned to be removed shall be shown on the plans. City approval shall be obtained prior to removing trees.

1.23.1 Silt Fence or Snow Fence shall be used, if deemed necessary, to preserve the maximum amount of existing trees and vegetation.

1.24 Aggregate Base and Backfill Material

Aggregate base and backfill material shall be free of recycled concrete, reclaimed asphalt pavement, brick, wood or any other deleterious material that would prevent proper

1.25 Prohibited Construction Activities The contractor shall not use construction proceedings, activities or operations that may unnecessarily impact the natural environment or the public health and safety. Prohibited

(a) Disposing of excess or unsuitable excavated material in wetlands or floodplains even with the permission of the property owner.

construction proceedings, activities or operations include, but are not limited to:

(b) Indiscriminate, arbitrary, or capricious operation of equipment in any stream corridors, any wetlands, any surface waters, or outside the easement limits. (c)Pumping of sediment—laden water from trenches or other excavations into any surface waters, any stream corridors, any wetlands or storm drains.

(d) Discharging pollutants such as chemicals, fuel, lubricants, bituminous materials, raw sewage, and other harmful waste into or alongside of rivers, streams, impoundments or into natural or man-made channels leading thereto. (e) Permanent or unspecified alteration of flow line of a stream.

) Damaging vegetation outside of the construction area. (a) Disposal of trees, brush and other debris in any stream corridors, an wetlands, and surface water, or at unspecified locations.

(h)Open burning of project debris without a permit. i) Storing construction equipment and vehicles and/or stock piling construction materials on property, public or private, not previously specified by the City Engineer for said

3.0 STREETS 3.1 Concrete Base Construction

addition to the requirements set forth in the City of Columbus Specifications, the following shall apply: a)No water shall be added to the concrete while in the mixers unless specifically authorized by the City Engineer or his representative.

b)Subgrade shall be at proper moisture content prior to base construction. Water shall be added to the subbase if necessary. c)Concrete exceeding a 4" slump or being on the truck for 60 minutes or more will be rejected from the project.

3.2 Street Pre-Construction Conference Prior to street construction a pre-construction conference shall be held at the City Hall with

the owner and superintendent/foremen of the base, curb and asphalt sub-contractors. The pre-construction conference shall be scheduled by the contractor for 48 hours prior to the pouring of the curb. The purpose of the meeting is to ensure a 6" curb height is provided

upon the completion of the street system.

3.3 Transverse & Longitudinal Joints 3.3.1 Transverse contraction and longitudinal joints shall be constructed as per 305.01 paragraph (C) & (D). (Including 26' pavement)

3.3.2 No transverse joints shall be permitted adjacent to a new pavement surface which is more than 24 hours old, weather permitting, except for joints which have existed over weekends and holidays. The surface course shall be continuous to the existing pavement

3.3.3 The contractor shall provide a written procedure on how he/she intends to construct the final two courses of asphalt prior to construction for approval by the City Engineer. The procedure should include specifics for construction of intersections.

When constructing the pavement (concrete base to asphalt courses) the contractor shall ensure that a 6" height curb is available upon completion of street construction. The City may require this curb to be removed and reconstructed if this height deviates more or less than ½" of the 6" required height. All costs associated with the above shall be borne by the

The contractor, thirty (30) days prior to project acceptance by City Council or as directed by the City Engineer and weather permitting shall crack seal all pavement cracks as directed by the City Engineer. The crack seal shall be in accordance with item 413. If acceptance occurs in winter months, crack seal may be delayed until weather permits.

Asphalt shall not be placed in the pavement relief joints until permanent or temporary street

During installation, curb shall be stamped with the following symbols at the noted utilities: "X" - Utility Crossing

"T" - Sump Pump Junction Box "W" - Water Service "WV" - Water Valve

"S" — Sanitary Sewer Crossing 3.8 Sump Pump Junction Boxes

3.8.1 Sump Pump Junction Boxes shall be installed prior to installation of curbs.

3.8.2Sump Pump Junction Boxes shall be located at least 5 feet horizontally from water 3.8.3 Any deteriorated pavement at existing street connection shall be saw cut, removed and replaced as per City of Columbus standard drawing 2130 Dr. A. Location of the saw

cut shall be determined by the City Engineer. Vertical surface of existing pavement at

connection shall be tacked. Crack Sealing, hot applied type 1 shall be applied to the seam.

Type A detectable warning shall be installed as per COC Std. Dwg. 2319. Material shall be pre-cast manufactured 4"x8"x2.25" red clay brick.

4.0 STORM SEWER 4.1 STORM SEWER PIPE AND STRUCTURES

4.1 Pipe specification for the plan improvements may be in accordance with the following (Except as designated within the profiles.)

A)Reinforced concrete pipe ASTM C-76 (CMSC 706.02). Concrete classification shall be in conformance with the following unless otherwise referenced by the profiles. 12" -15" diameter Class IV

 18" – 24" diameter Class III - 27" and larger diameter Class II, or

B)High Density Polypropylene, HDPP 12" - 60" Polypropylene Double Wall ASTM F 2736 12" thru 30" and ASTM F- 2881 36" thru 60" with integral bell & spigot meeting the watertight requirements of ASTM D 3212 (CMSC 720.13 & ODOT 707.65), or

Smooth-lined corrugated polyethylene pipe (CMSC Item 720.12) (Hancor Hi-Q, ADS N-12, or equal). Except any sewers within Public R/W or as directed by the City Engineer,

D)P.V.C. sewer pipe ASTM D3034 with joints as per ASTM D3212. PVC sewer pipe placement shall be limited to sewers through 10" diameter.

4.2 The Contractor shall provide written certification to the Engineer reflecting the pipe

material to be used along with the current City consignment list identifying the approved pipe material specification 4.3 All bedding shall be in accordance with Standard Drawing AA-S151 for rigid pipe sewer

and in accordance with Standard Drawing AA-S149 for flexible pipe sewer. 4.4 The cost of compacted backfill shall be included in unit price bid for Item 901. Concrete encasement will be required (CCMS 901.12) where 30" of cover is not mainta Cost to be included in unit price bid for Item 901.

4.5 All manhole castings shall be stamped NEW ALBANY OHIO STORM. Temporary casting tops may be used until such are made available

that inspection has been performed by the City of Columbus. Pre—cast concrete products without proof of inspection shall not be approved for installation. 4.7 The contractor shall submit a copy of the plans and a list of proposed pre-cast concrete product manufactures to the City of Columbus Construction Inspection Division

Approved pre-cast concrete products must be stamped or have such identification noting

before commencing construction. Send the information to the following address: Construction Inspection Division City of Columbus 1800 Fast 17th / Avenue

convenient to the Contractor.

Columbus, Ohio 43219 4.8 Openings shall be provided in the drainage structures to accommodate underdrain

4.9 All storm structures with a depth greater than four feet shall have steps (AA-S119) installed at 16" intervals maximum.

4.10 All standard catch basins and curb inlets within paved areas are to have bicycle safe 4.11 When a new roadway is to adjoin an existing roadway any existing underdrain is to be

maintained. or replaced if not functional. A relief joint shall be constructed at the intersection of the existing and new road. 4.12 All existing inverts along with the proposed top of casting elevations shall be verified

by the Contractor prior to construction of the sewer 4.13 Within proposed roadway sections that include straight 18" concrete curb, all frames and grates for curb and gutter inlets shall be per East Jordan 7505 Series or approved equal.

4.2.1 The Contractor shall ensure there is a surveyor's level and rod on the project for use in performing grade checks whenever sewer line structures or pipe are being installed. The Contractor shall make this equipment available for the use of and assist the City Inspector in performing grade checks when requested by the inspector. The Inspector will make all reasonable attempts to confine requests for assistance in performing grade checks to times

4.Grade, at any other time the Inspector has reason to question arade of installation.

4.2.2 These checks will be performed to ensure the following:

1. Proper placement of each structure. 2. Proper installation of initial runs of pipe from a structure. 3. Grade, after an overnight or longer shutdown.

4.2.3 Grade checks performed by the City Inspector in no way relieve the Contractor for the ultimate responsibility to ensure construction to the plan grade 4.2.4 At the request of the City Engineer, the contractor shall remove 36" storm sewer castings for inspection during construction and for final inspection

All sewer lines installed on this project using P.V.C., HDPP, or H.D.P.E. pipe will be deflection tested by pulling an approved Mandrel equal in diameter to 95% of the pipe diameter through the pipe after pipe is backfilled and a sufficient amount of time is allowed for transfer of the backfill to the pipe and bedding, as required under CMSC item. Testing shall be performed no sooner than 30 days after installation and

5.0 WATER LINE

5.1 All water line and fire hydrant construction, material and specification shall be in accordance with "City of Columbus Construction and Material Specifications", 2018 edition and all revisions, including supplements and City of New Albany requirements including Chapter 939 of the City Code. Water main materials and installations shall be in accordance with the current rules, regulations and standard drawings of the City of Columbus, Division of

5.2 For any emergencies involving the water distribution system, please contact the Division of Water Distribution Maintenance Office at 614-645-7788.

5.3 Each fire hydrant shall be acceptable to the City of New Albany with two (2) 2-1/2" side nozzles and one (1) 5" integrated storz fitting in place of pumper nozzle (no add-on fittings) in accordance with New Albany Fire specifications. Hydrants shall be manufactured by Mueller or approved equal. All public hydrants and nozzles shall receive 2 coats of New Albany Red (Federal Color Book 595, Color 11105). An additional fire hydrant for future maintenance purposes shall be delivered to the Public Service Department Buildina located at 7800 Bevelhymer Road, New Albany, OH 43054 (Residential Subdivision Projects Only). Prior to final acceptance, fire hydrants shall be inspected and accepted by the Monroe Township Fire Chief and the Public Service Department Building located at 7800 Bevelhymer Road. New Albany, OH 43054. These inspections will be scheduled by contacting the New Albany Building Department at (614) 939-2254. All brass fittings associated with water work, including repairs to the existing system, shall conform to the revised allowable lead extraction limit per the updated NSF/ANSI 61 Standard. The Division of Water's Approved Materials List has been updated to reflect this requirement.

5.4 No water service construction before or after the water meter shall begin until permits are issued by the City of Columbus Division of Water. It shall be unlawful for any person to perform any work on City of Columbus water line systems without first securing license to engage in such work, as indicated in Columbus City Code Section 1103.02 and 1103.06. This work includes any attachments, additions to or alterations in any city service pipe or appurtenances (including water service lines and taps). This requirement may be met by utilization of a subcontractor who holds a City of Columbus Water Contractor License or a Combined Water/Sewer Contractor License to perform this work. Utilization of a subcontractor must meet the licensing requirements of City of Columbus Building Code, in particular Section 4114.119 and 4114.529.

5.5 Water service taps 2" and smaller shall be Type K, soft temper copper tubing conforming with the requirements of 805.03 of the CMSC. The Contractor shall obtain the proper hydrant permit(s), and pay any applicable fees, for any approved hydrant usage deemed necessary for work under this improvement. Permits may be obtained through the Division of Water Permit Office (645-7330_. The Contractor shall adhere to all rules & regulations governing said permit and must have the original permit on site anytime in which the hydrant is in use. Cost to be included in the various bid items.

5.6 All water mains shall be disinfected in accordance with Section 801.15 of the City of Columbus Construction and Material Specifications. Special attention is directed to applicable sections of AWWA C-651. When water mains are ready for disinfection, the Contractor shall submit the survey coordinates to the Design Engineer for preparation of digital as-built drawings. The Design Engineer shall then submit three (3) SETS OF THE RED LINED "As-Built" plans (with survey coordinates) to the City Engineer. The City of New Albany Shall submit a letter stating that the waterlines have been pressure tested and need to be disinfected to the City of Columbus, Division of Water. The Contractor shall be responsible for all costs associated with the disinfection of all water mains constructed under this plan. All water mains shall be cleaned and flushed, and any water main 12-inch and larger must be properly pigged, in accordance with section 801.13 of the City of Columbus, Construction, Specifications. Only one connection to an existing water line is permitted before disinfection of a new water line has been completed. All other connections must be made

5.7 All water mains shall be pressure tested in accordance with section 801.15 of the City of Columbus Construction and Material Specifications, with the following exception: 150 psi of pressure shall be maintained for at least two hours in any tested section. The City may not approve any test lasting less than two hours regardless of the amount of leakage.

5.8 Where indicated on the plans, the existing water main shall be abandoned; and any existing water services off this main shall be transferred to the new water main. Prior to abandonment of the existing water main, the proposed water main shall be pigged (if required), tested, chlorinated and put in service and then the existing water services shall be transferred. The Contractor shall maintain water services to all properties during construction f the new water main and shall notify all customers affected by the transfer of services. o ensure that all existing services are transferred to the new main, no water main shall be abandoned until the new water main has been put in service; all affected water services have been transferred; and the existing water main to be abandoned has been shut down for 24 hours. All visible valve boxes, fire hydrants, and service boxes on the water main to be abandoned, which will no longer be in service, shall be removed. All water mains to be abandoned shall be made water tight. The required surface restoration shall be paid for under the appropriate bid item(s).

5.9 Water service boxes shall be placed 1' from the edge of the proposed or existing sidewalk between the sidewalk and the curb, or 2 feet inside the right—of—way or easement line when no sidewalk is present or proposed. Refer to Standard Drawing L-9901 for

5.10 Maintain eighteen (18) inches vertical and ten (10) feet horizontal separation between any sanitary or storm sewer piping and all proposed water mains.

5.11 When Controlled Density Fill (Item 613) is to be used as backfill, the Contractor shall provide Size No. 57 Crushed Carbonate Stone (CCS) 1 foot below to 1 foot above the existina water line.

5.12 All water lines installed within a 45 degree influence plain of pavement shall be backfilled with Item 912 (Type 1 Only) compacted granular backfill. 4.6 All pre-cast concrete products shall be inspected at the location of manufacture.

> 'Survey Coordinates" shall include all material, equipment, and labor necessary to obtain horizontal and vertical (Northing, Easting, and Elevation) survey coordinates for the water main improvements. The survey coordinates shall be obtained for the completed water main construction and shall include all valves, tees, crosses, bends, deflections, plugs, reducers, tapping sleeves blow offs chloringtion taps fire hydrants air releases curb stops casing pipe termini, and other fittings. Additional survey coordinates are required on the water main every 500' where no fitting or other water main structure is being installed within that length of the improvement.

All survey coordinates shall be referenced to the applicable County Engineer's Monuments, and shall be based on the North American Datum of 1983 (NAD 83) with the (1986) adjustment, with further reference made to the Ohio State Plane South Coordinate System, South Zone. with elevations based on NAVD 88 datum. All coordinates (Northing, Easting, XXX.XX). All survey coordinates shall be accurate to within 1.0 foot or less.

The coordinates shall be documented to the Municipality Engineer or designated Representative in digital spreadsheet form and shall include the applicable Item, Station, Northing, Easting, and elevation. Coordinates shall be submitted to the Municipality Enaineer or designated Representative on a bi-weekly basis. Coordinates shall also be submitted to the Division of Power and Water as part of the request for chlorination (See Note Block

the survey coordinates as described in this specification. 5.14 The Contractor must receive pre—approval from the Division of Water and City Engineer 48 hours in advance if elimination of bends is proposed and joint deflection is utilized

Lump sum payment is full compensation for all work involved in obtaining and documenting

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DATE

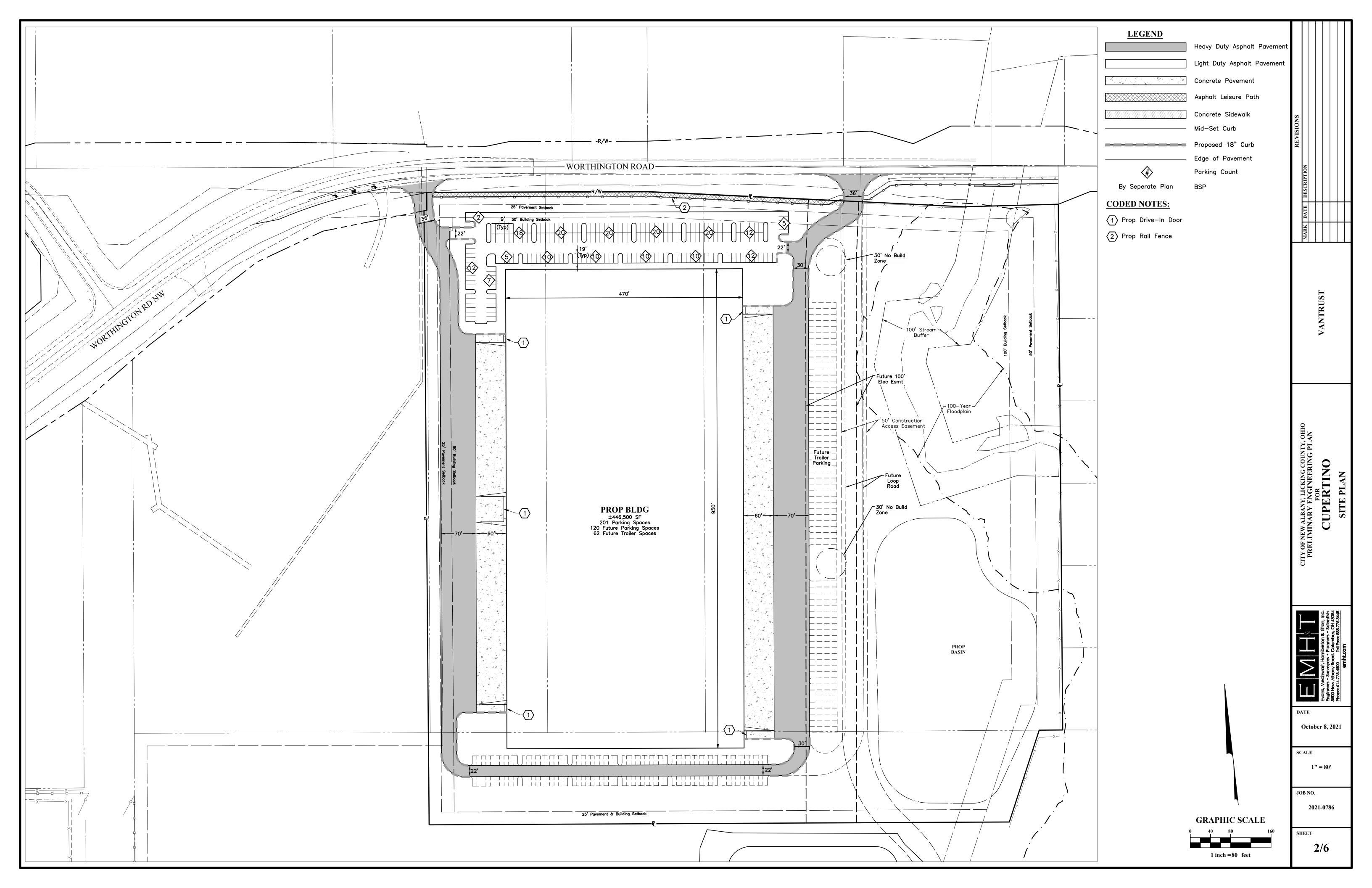
October 8, 2021

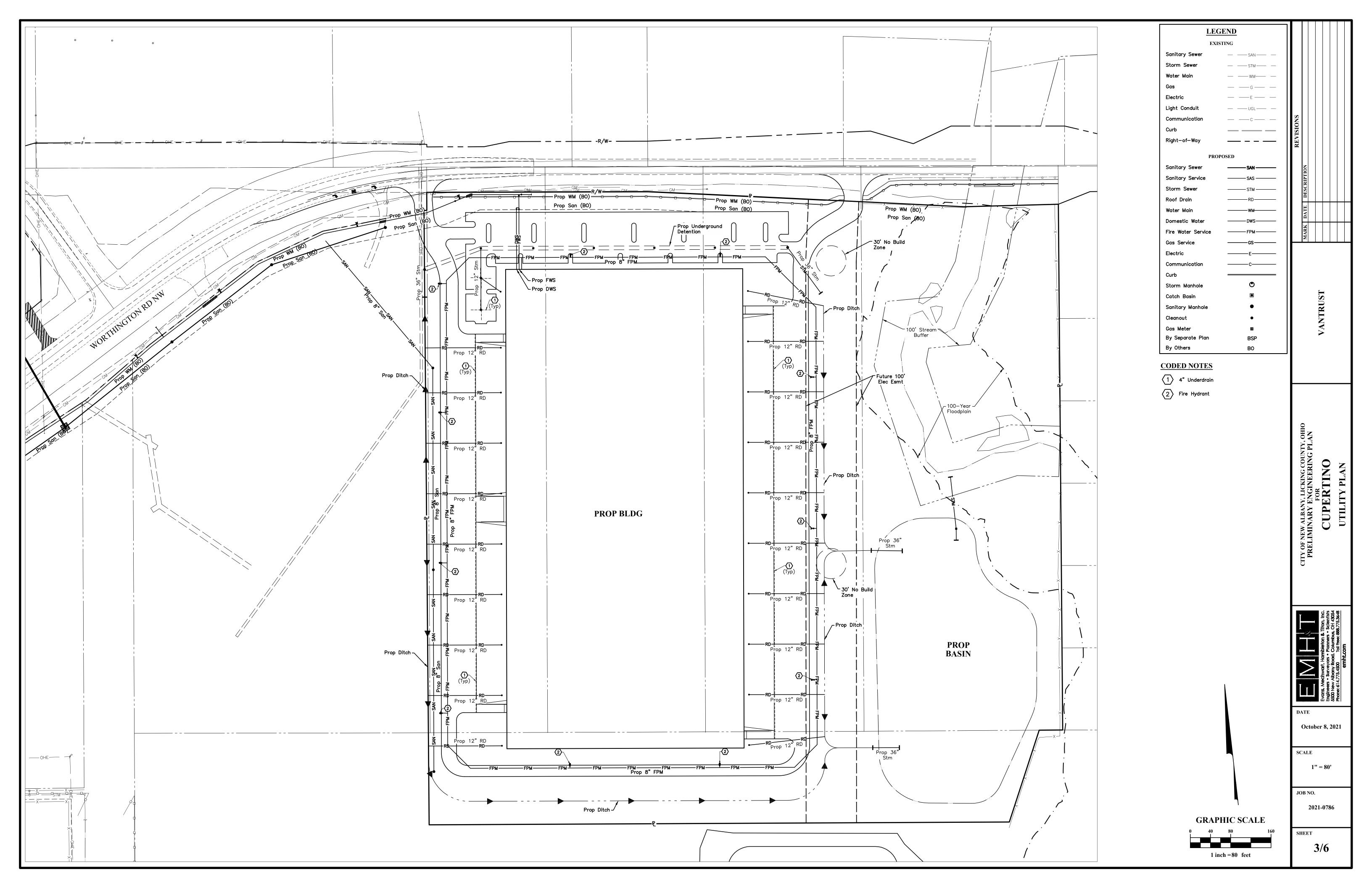
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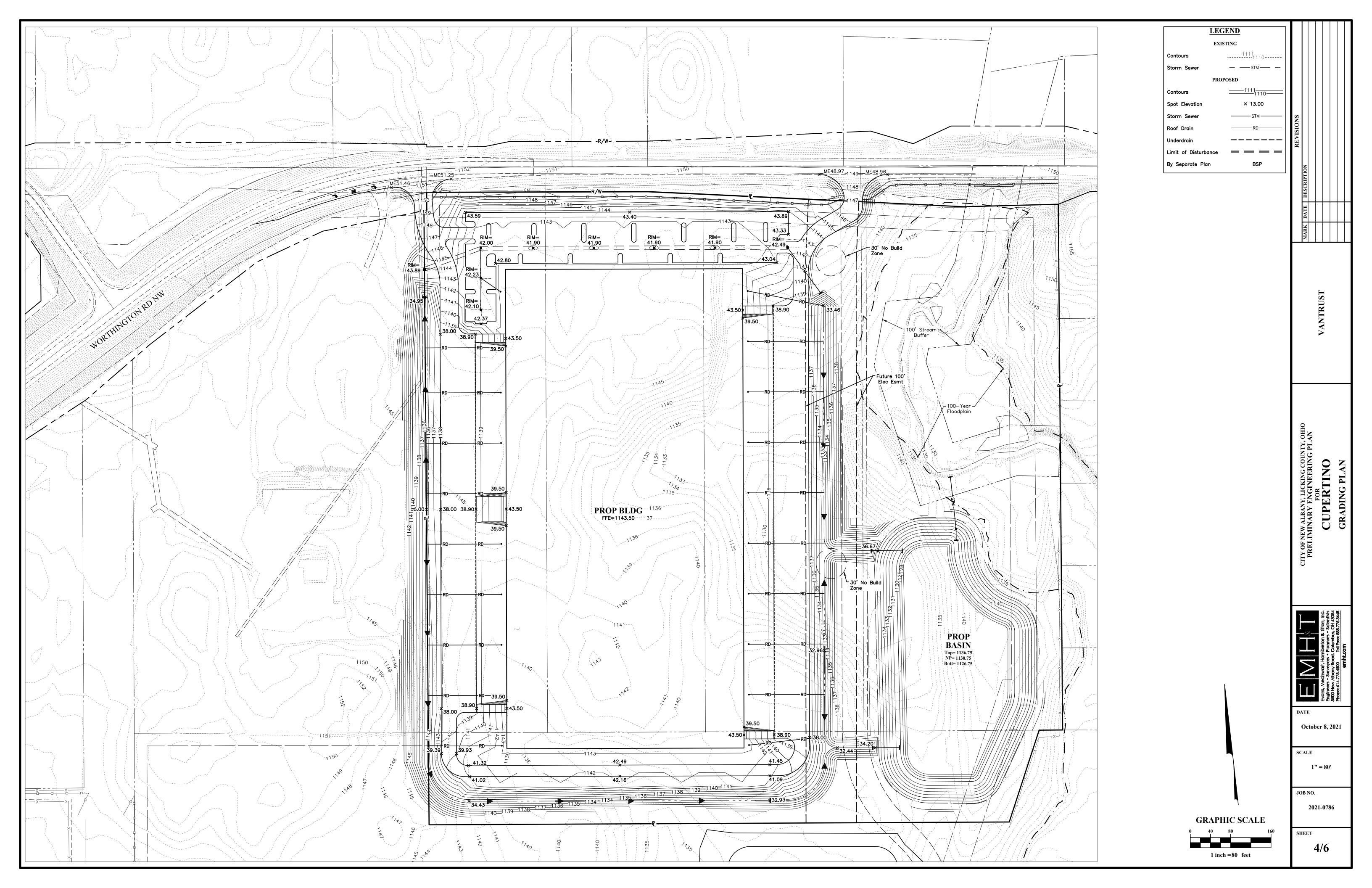
JOB NO. 2021-0786

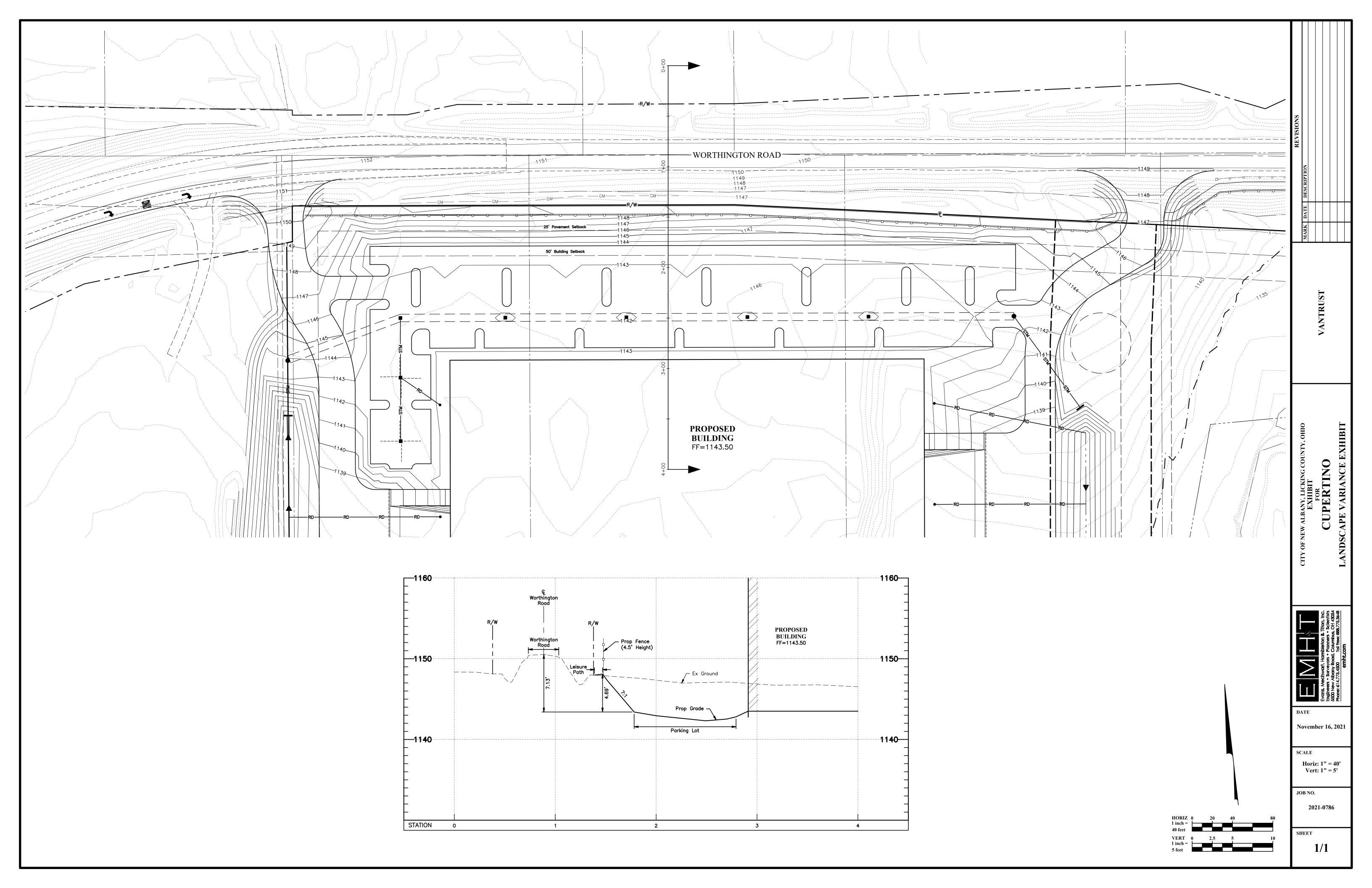
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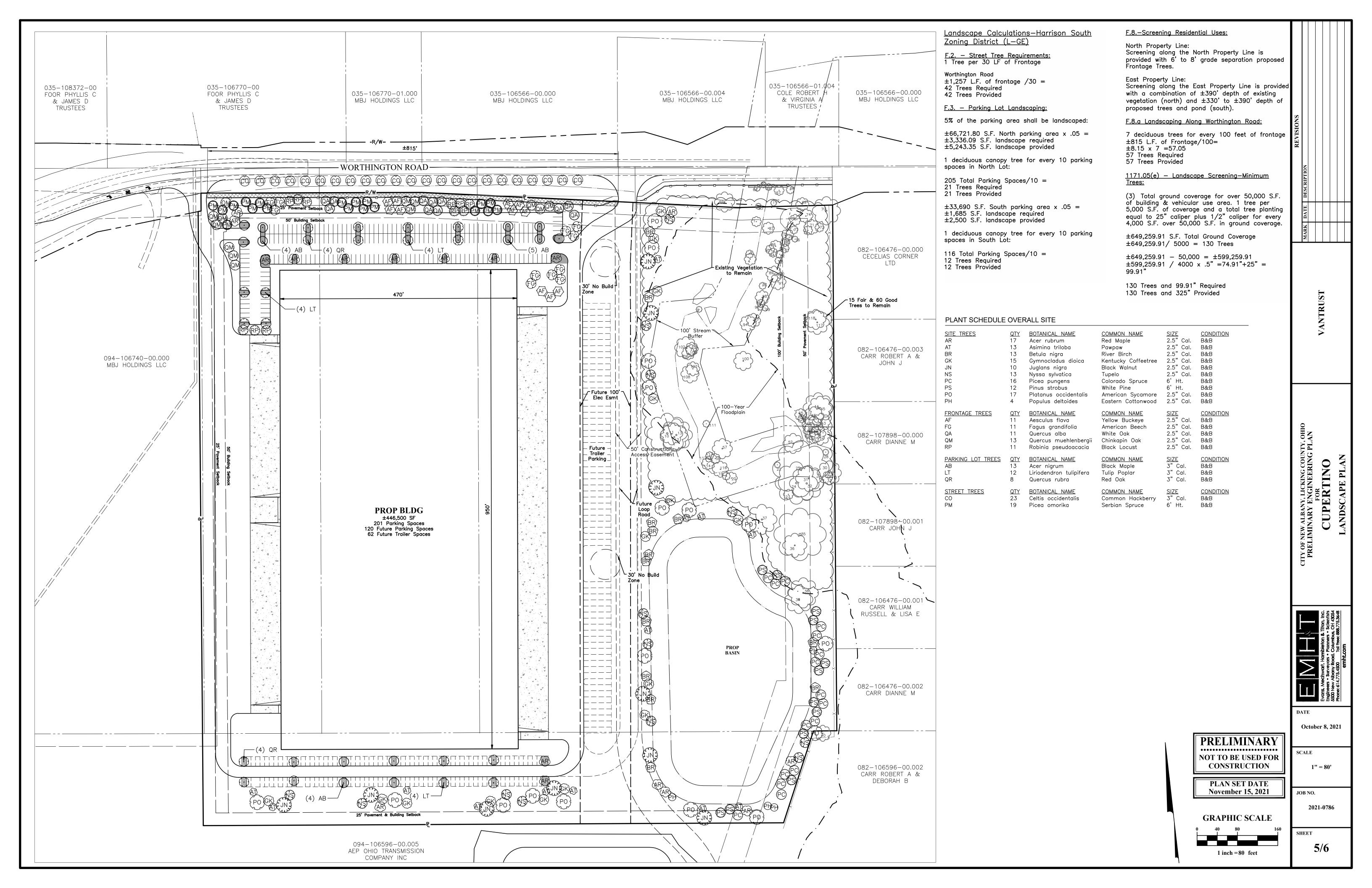
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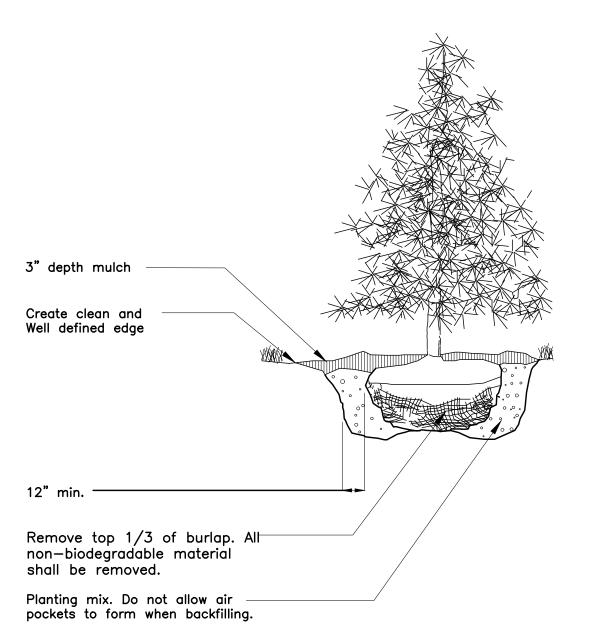




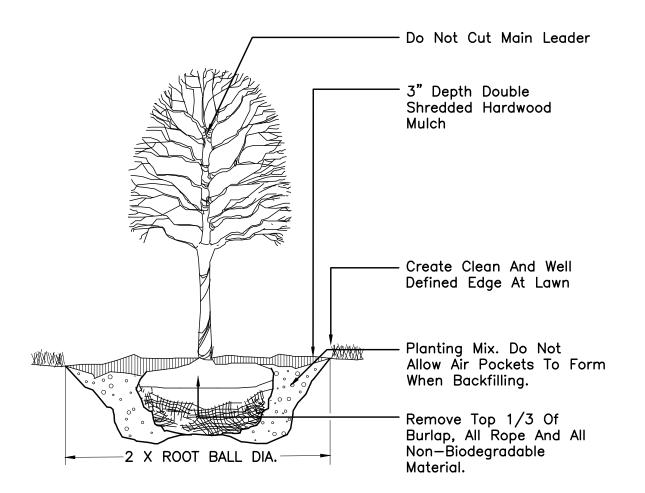




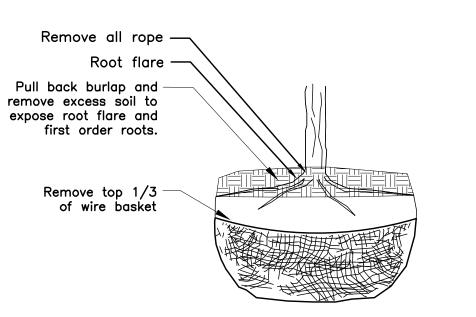




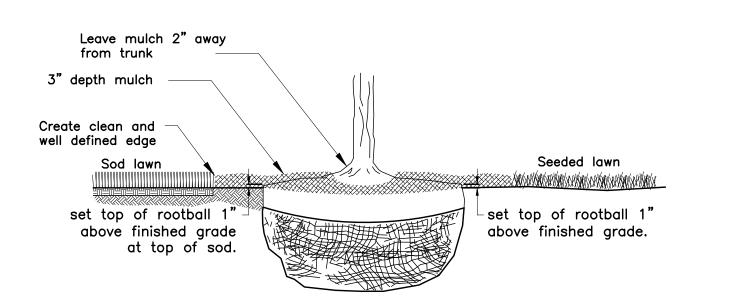
Evergreen Tree Planting
No Scale



Deciduous Tree Planting
No Scale



Rootball Preparation



Rootball Setting
No Scale

GENERAL NOTES

- Prior to installation, the landscape contractor shall inspect the general site conditions and verify the subgrade, elevations, utility locations and topsoil provided by general contractor. The landscape contractor shall notify the general contractor of any unsatisfactory conditions and work shall not proceed until such conditions have been corrected and are acceptable to the landscape contractor.
- 2. All plants shall meet or exceed standards set in the American Standard for Nursery Stock, ANSI Z60.1, current edition. All plants shall equal or exceed the measurements and sizes specified in the schedule.
- 3. Substitutions shall only be permitted with notification and written approval from the Owner. Substituted material shall be equivalent or greater in size than the specified plant. Substituted plants shall have the same essential characteristics and growth habit of the specified plant.
- 4. Confirm location of all utilities and subsurface drain lines prior to plant installation.
- 5. A pre—installation conference shall be conducted prior to planting operations with Owner and Contractor present.
- 6. Contractor may slightly field adjust plant locations as necessary to avoid utilities. Finished planting beds shall be graded to provide positive drainage.
 7. Irrigation system, if applicable, shall be complete and operational prior to
- landscape planting.
 8. Contractor shall repair all lawn areas disturbed during construction with seed
- and warrant a healthy, weed free lawn prior to project acceptance.

 9. Seed all areas within contract limits that are not covered by paving, buildings or planting beds unless otherwise noted. Seeding shall not begin until area has received topsoil and finished grade.
- 10. Mulch planting beds with shredded hardwood mulch of uniform dark brown color. It shall be free of twigs, leaves, disease, pest or other material unsightly or injurious to plants. Average applied thickness shall be 3" depth.
- unsightly or injurious to plants. Average applied thickness shall be 3" depth.

 Mulch hedges in a continuous bed.

 11. Planting beds shall be covered with pre—emergent herbicide applied at product
- specified rate unless otherwise noted.

 12. Bed edge shall be smooth, consistent, hand trenched 4" deep and "V" shaped unless otherwise noted. All excavated material shall be removed from the bed edge and planting bed.
- 13. All planting bed edges to be smooth flowing arcs or straight lines as shown on plan. Plant locations and layout of beds shall be located by Contractor and approved by Landscape Architect prior to planting.
- 14. Install all plants in accordance with planting details and specifications.
- 15. Parking lot and street trees shall have a clear canopy height of 6' min.
- 16. Trees shall be placed a minimum of 3' from sidewalks and curbs.
- 17. Planting Mix shall be blended, manufactured soil consisting of three (3) parts topsoil, one (1) part compost, one (1) part sand. Topsoil shall be per ASTM D5268, ph range of 5.5 to 7, min. 4 percent organic material, free of stones and soil clumps 3/4 inch and larger. Compost shall be yard waste compost from an EPA rated Class IV compost facility or Com—til compost from City of Columbus Department of Public Utilities. Sand shall be per Item ASTM C33. Proprietary manufactured Planting Mix such as Kurtz Bros. Professional Blend or Jones SuperSoil may be used. Submit product data for review by Owner. Place Planting Mix in settled 6 inch lifts.
- Mix Mycorrhizal Fungi into Planting Mix during placement of Planting Mix.
 Application rate shall be according to manufacturer's written recommendations.
 Mycorrhizal Fungi shall be a dry, granular inoculant containing vesicular—arbuscular mycorrhizal fungi and ectomycorrhizal fungi.

 Excavate planting beds to a depth of 12 inches, unless otherwise indicated.
- 19. Excavate planting beds to a depth of 12 inches, unless otherwise indicated Roto—til subgrade of excavation to a depth of 4 inches, unless otherwise indicated. Incorporate a 6 inch lift of planting mix into subrade. Place remaining Planting Mix in settled 6 inch lifts.
- 20. Planting beds, including mulch, shall be no higher than 6 inches above adjacent grade and shall not impede surface drainage.
- 21. Lawn areas shall be backfilled with Planting Mix to a minimum settled thickness of 6 inches. Roto—Til subgrade below lawns to a depth of 4 inches, unless otherwise indicated, prior to placement of Planting Mix.
- 22. All trees and shrubs shall be fertilized with controlled release tablets of 20-10-5 composition. Size and number of tablets shall be per manufacturer's instructions
- 23. Composition and application rate of lawn fertilizer shall be sufficient to amend soil according to recommendations of a qualified soil testing agency. Submit soil test results and amendment recommendations to Owner. Lawn fertilizer shall be in a dry granular form.
- 24. Contractor to determine plant list quantities from the plan. Graphic representation on plan supersedes in case of discrepancy with quantities on schedule.
- schedule.

 25. Any item or areas damaged during construction shall be repaired or replaced to its original condition at the contractor expense.
- 26. Contractor shall thoroughly water all plants at time of installation and as needed until project acceptance by owner. Contractor shall guarantee all plants installed (except annuals) for one full year from date of acceptance by the Owner. All plants shall be alive and at a vigorous rate of growth at the end
- of the guarantee period.

 27. All annuals to be provided by Contractor from available seasonal stock.

 28. Lawn seed mix shall proportioned by weight as follows: 10 percent NuBlue or Blue Chip Kentucky Bluegrass; 10 percent Caddieshack or GoalKeeper Perennial
- Ryegrass; 80 percent Quest, Inferno, Arid 3 and/or Pixie Tall Fescue (select 2). Sodded lawns shall match seeded lawns. Seeding rate shall be 8 to 10 pounds per 1000 square feet.

 29. Lawn seed shall not have less than 98 percent purity and shall not have less

than 90 percent germination.

PRELIMINARY

NOT TO BE USED FOR

CONSTRUCTION

PLAN SET DATE November 19, 2021 MARK DATE DESCRIPTION

VANTRUST

CITY OF NEW ALBANY, LICKING COUNTY, OHI
PRELIMINARY ENGINEERING PLAN
FOR
CUPERTINO
LANDSCAPE DETAILS & NOTES

ins. Mechwart, Hambleton & Iliton, Inc.
lineers • Surveyors • Planners • Scientists
0 New Albarry Road, Columbus, OH 43054
ne: 614.775.4500 Toll Ree: 888.775.3648
emht.com

October 8, 2021

SCALE

SCALE

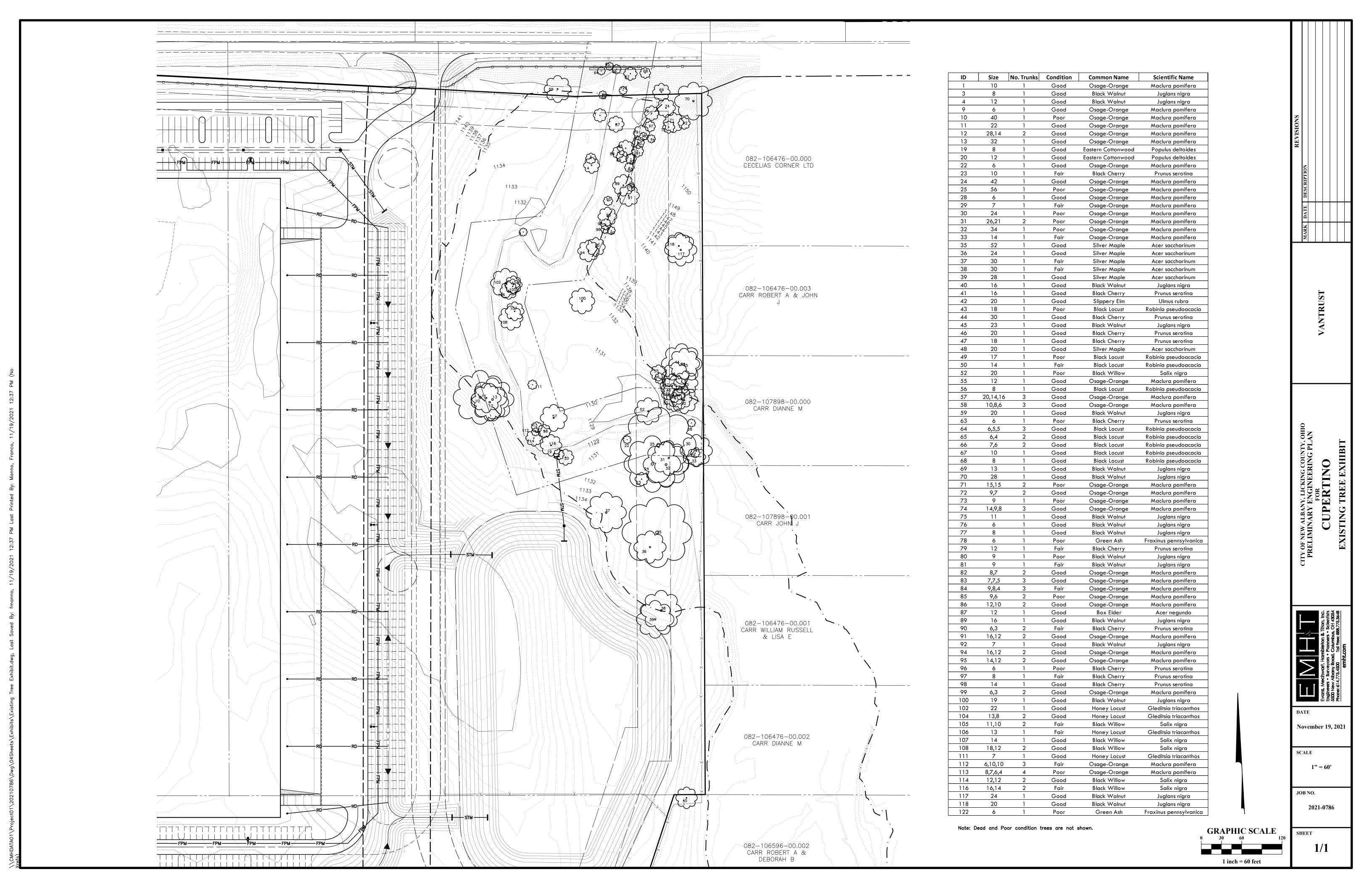
JOB NO.

None

2021-0786

SHEET

6/6





Board of Zoning Appeals Staff Report December 20, 2021 Meeting

7365 MILTON COURT BUFFER ZONE VARIANCE

LOCATION: 7365 Milton Court (PID: 222-002043).

APPLICANT: Oakland Design Associates c/o Lori Francisco Botkins

REQUEST: (A) Variance to allow a playground and a fence to be located within a

platted buffer area.

ZONING: R-2

STRATEGIC PLAN: Residential APPLICATION: VAR-126-2021

Review based on: Application materials received November 22, 2021.

Staff report prepared by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to allow a fence and a playground to be located within a platted buffer zone where no work is permitted to occur that would alter the natural state of the area.

II. SITE DESCRIPTION & USE

The .52-acre property is located within section 15 of the New Albany Country Club community, contains a single-family residential home and is surrounded by residentially zoned and used properties.

In response to a code complaint, staff investigated and found that the buffer zone on the property had been altered It appears that trees and undergrowth were removed and replaced with turf grass. The city zoning officer and forester have approved a restoration plan with the property owner to restore the trees and undergrowth for the area that was altered by the current property owner.

III. ASSESSMENT

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

Criteria

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

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

1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.

- 2. Whether the variance is substantial.
- 3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."
- 4. Whether the variance would adversely affect the delivery of government services.
- 5. Whether the property owner purchased the property with knowledge of the zoning restriction.
- 6. Whether the problem can be solved by some manner other than the granting of a variance.
- 7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

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

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

III. EVALUATION

- (A) Variance to allow a playground and a fence to be located within a platted buffer area. The following should be considered in the Board's decision:
 - 1. As part of the construction of a new pool, the applicant proposes to install a new fence within a platted buffer area. Additionally, the applicant proposes to allow an existing playground to remain in the same buffer area.
 - 2. There is a platted buffer area that extends 30 feet into the property beginning at the rear lot line. The playground will sit approximately 13+/- feet from the rear property line and the fence will be located approximately 5+/- feet away.
 - 3. The plat states that no structure or building shall be located in a buffer zone nor shall any work be performed within the buffer zone that would alter the natural state of the zone. The plat does allow for maintenance within easements located within the buffer zone and the removal of dead and diseased trees and/or vegetation.
 - 4. There are special conditions and circumstances of this property that justify the variance request. The property is located on a cul-de-sac so the width of the front of the lot is smaller than a lot that is not located on a cul-de-sac. The width of the front of the property is 160+/- feet and widens to approximately 390 feet at the rear. Cul-de-sac lots are typically wider at the rear of the property to account for the bend in the road. This shape necessitates the home be built further from the street yard in order to provide adequate space to construct a home while meeting other setback requirements. This constraint, in addition to the 30-foot buffer zone in the rear yard creates unique conditions and circumstances with smaller rear yards that limit where fences and playgrounds are able to be located on this property. Homes that are located on rectangular shaped lots, do not have these same design challenges which allows for the home to be located closer to the street, thereby creating larger rear yards for recreational amenities that can meet the setback requirement.

- 5. It does not appear that the spirit and intent of the requirement will be met if the variance is approved. The intent of the buffer is to allow that area to remain in its natural state and be undisturbed. While not required by city code, this buffer zone provides screening for adjacent properties in the vicinity and preserves existing natural features of the site. While the applicant is encroaching into this buffer zone, they are remediating landscape that they previously removed to reestablish the screening for adjacent property owners.
- 6. Approving the variance request is substantial and may be precedent setting for future, similar variance applications. While the fence and playground are minimally invasive improvements, locating them in this buffer zone will alter the natural state of the area.
- 7. It does appear that the issue can be solved in another manner other than granting the variance request. The fence could be relocated to be directly adjacent to the proposed pool on the site. However, the property owners desire to fence in the easement area to create a space for their young children to play. Additionally, it appears that there is sufficient space on the site for the playground to be located outside of the buffer area in the backyard. For these reasons, it appears that there can also be a beneficial use of the property without the variance.
- 8. 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.
- 9. Granting the variance will not adversely affect the delivery of government services.

IV. RECOMMENDATION

Staff is not supportive of the variance request. There are conditions and circumstances that are unique to this property which reduce the amount of space in the rear yard to place improvements such as the playground and fence. However, the intent of this buffer zone area is for it be remain undisturbed in order preserve existing natural features that provide screening for adjacent properties. While the applicant only proposes to install a fence and a playground in this area, it appears that the request can be solved in another manner as there is sufficient room on the site to relocate these improvements outside of the buffer area. Approving this variance may set a precedent for future, similar cases.

If the variance request is approved, staff recommends a condition of approval that all other areas within the buffer zone be undisturbed and allowed to grow and reestablish the zone as it has existed historically.

V. ACTION

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

Move to approve application VAR-126-2021 (conditions of approval may be added).

1. All other areas within the buffer zone must remain undisturbed and allowed to grow overtime to reestablish the zone as it has existed historically.

Approximate Site Location:



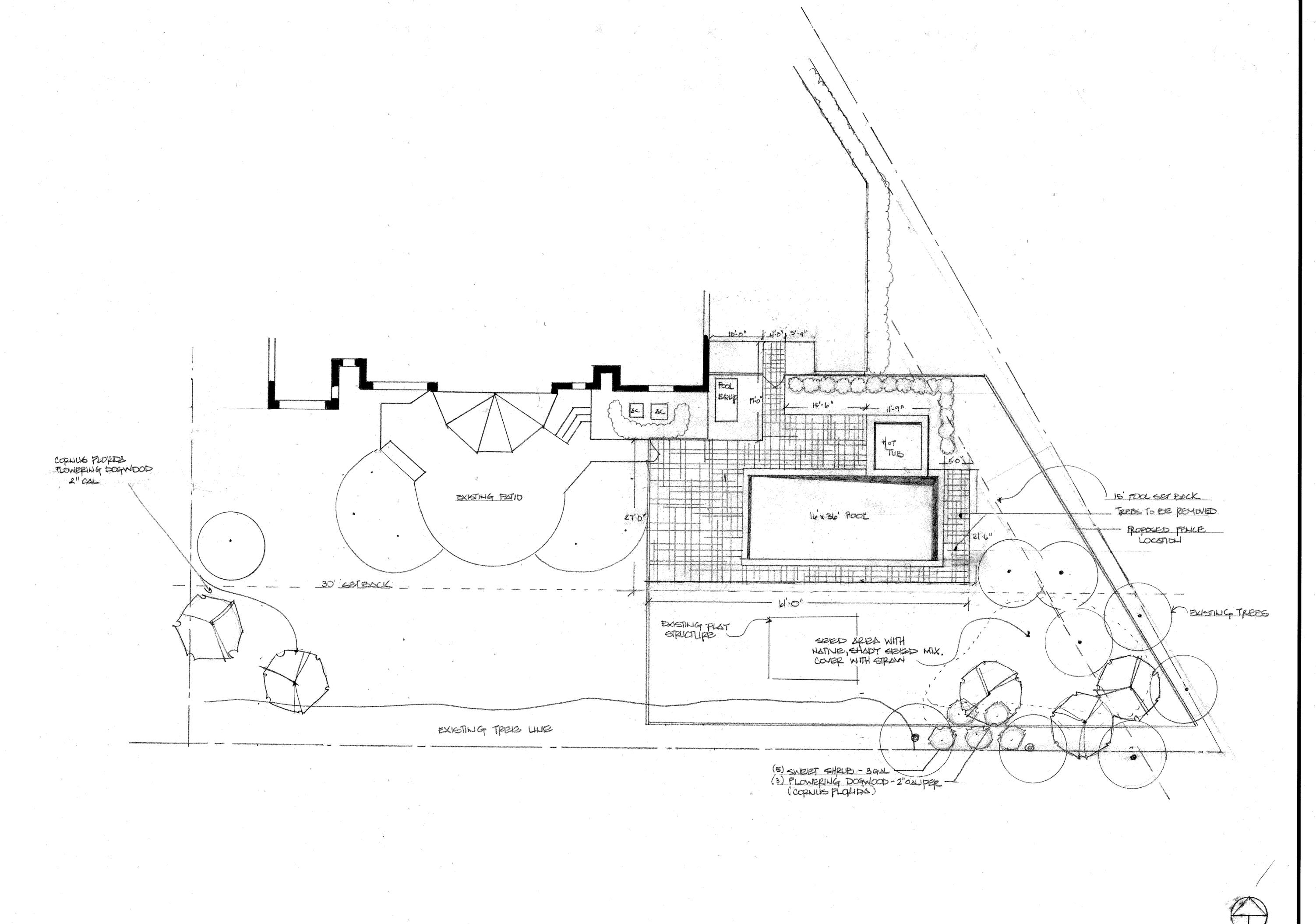
Source: Google Earth

Permit #	
Board	
Mtg. Date	



Community Development Planning Application

	Site Address 7365 MILTON CT							
	Parcel Numbers 222 - 002043 - 00							
	Acres . 52 # of lots created SECTION 15A, LOT 20							
nation	Choose Application Type □ Appeal □ Certificate of Appropriateness □ Conditional Use □ Development Plan □ Preliminary Final Comprehensive Amendment □ Plat Preliminary Final							
Project Information	□□Lot Changes Combination Split Adjustment □□Minor Commercial Subdivision □□Vacation Street □ Wariance							
Pro	□□Extension Request □□Zoning Amendment (rezoning) Text Modification							
Contacts	Description of Request: HOME OWNER WHEN TO THE ADOL AND PAID, THE DESIGN PENALINE OUTSIDE OF THE SET BOCKS OMINHED FOR THE PROPERTY. THE VARIANCE PENALINE TO THE LOCATION OF THE PENCE CLOSER TO THE PROPERTY LINE AND WITHIN THE 20 SET PACK. THEY ALSO ASK Property Owner's Name: AMAN: MICHELLE SINGH Address: 73 LB MILTON CT City, State, Zip: NEW ALDAMY, OH 43064 Phone number: 412-951-1712 Applicant's Name: OAKLAND DESIGN ASSOCIATES - LOFT FRANCISCO DE Address: 1150 OAKLAND DESIGN ASSOCIATES - LOFT FRANCISCO DE Address: City, State, Zip: Colline 1510 OAKLAND PAPK AVE City, State, Zip: Colline 1510 OAKLAND DESIGN ASSOCIATES - LOFT FRANCISCO DE Email: LOTKING OAKLAND NUMBERT, COM							
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.							
	Signature of Owner Date: Signature of Applicant Date:							



REVISIONS BY

landscape architecture site planning construction management

Oakland Design Associates



DRAWN

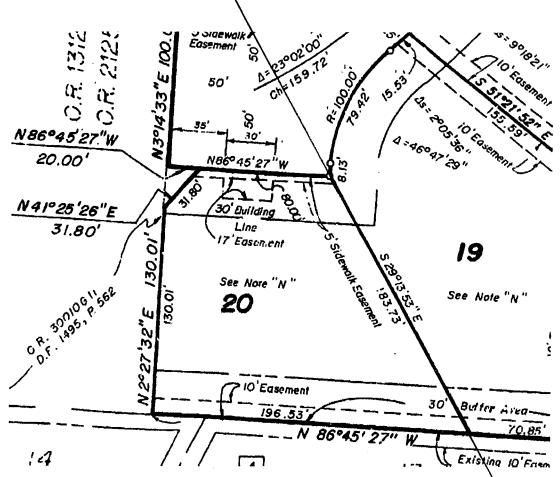
CHECKED

DATE

SCALE

JOB NO.

SHEET



NOTE "N" - BUFFER AREA: No structure or building shall be placed upon, in or under the area designated. Buffer Area" hereon, nor shall any work be performed thereon which would alter the natural state of such area or damage any of the trees or vegetation thereon provided, however, that there shall be such construction areas as may be required for the installation, operation and maintenance of utility and drainage facilities for the development as the developer may deem necessary for efficient development. ... Such : maintenance within said "Buffer " Area" - shall - occur | only | in | easement | areas designated on this plat unless otherwise approved by the "Village of New Albany Engineer. Areas disturbed by such maintenance shall be restored as nearly as practical to their original condition. Not withstanding the foregoing, trees and/or vegetation which are dead or diseased may be removed therefrom. The owner of the fee'simple title to each lot that has within it a portion of said Buffer Area shall care for and maintain said portion of the Buffer Area that falls within the limits of his lot.