

# **New Albany Planning Commission Agenda**

Monday, May 2, 2022 7:00pm

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/83830740248 Or dial in using your phone: 646-558-8656 Access Code/ Webinar ID: 838-3074-0248

Information and directions for logging into this meeting can be found at <a href="www.newalbanyohio.org">www.newalbanyohio.org</a>

- I. Call To Order
- II. Roll Call
- **III.** Action of Minutes: None
- 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-50-2022 Variances

Variances to C.O. 1165.04(a)(1) and C.O. 1165.04(a)(2)(E) to allow a pool house to be 1,110 sq.ft. in size and located approximately 15 feet from the rear lot line where code allows a maximum area of 800 sq. ft. based on the size of the lot and requires a 30-foot rear yard setback at 7230 Southfield Road (PID: 222-004784).

**Applicant: Guzzo and Garner Custom Builders** 

Motion of acceptance of staff reports and related documents into the record for - VAR-50-2022.

Motion of approval for application VAR-50-2022 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



Planning Commission Staff Report May 2, 2022 Meeting

# 7230 SOUTHFIELD DRIVE ACCESSORY STRUCTURE VARIANCES

LOCATION: 7230 Southfield Drive (PID: 222-004784).

APPLICANT: Guzzo & Garner Custom Builders

(A) Variance to CO 1165.04(a)(1) to allow an accessory structure to be 1,110 sq. ft. in size where code allows a maximum area of 800 sq. ft. based on the size of the lot.

(B) Variance to CO 1165.04(a)(2)(E) to allow an accessory structure to be located 15+/- feet from the rear property line where the code

requires a 30-foot setback.

ZONING: West Nine I-PUD Zoning District

STRATEGIC PLAN: Residential APPLICATION: VAR-50-2022

Review based on: Application materials received on April 21, 2022

Staff report prepared by Chris Christian, Planner

### I. REQUEST AND BACKGROUND

The applicant requests the following variances associated with the construction of a new accessory structure on the property.

- (A) CO 1165.04(a)(1) to allow an accessory structure to be 1,110 sq. ft. in size where code allows a maximum area of 800 sq. ft. based on the size of the lot.
- (B) CO 1165.04(a)(2)(E) to allow an accessory structure to be located 15+/- feet from the rear property line where the code requires a 30-foot setback.

#### II. SITE DESCRIPTION & USE

The property is .50 acres in size and contains a single-family home as well as a swimming pool. The lot is located in the Ebrington subdivision. The applicant also owns the adjacent property to the west and has completed a lot line adjustment application which differs from how the lot lines are shown on the Franklin County Auditor's website at the time of writing this staff report. The new property lines are reflected correctly in the packet materials.

### III. EVALUATION

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

#### 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 PC 22 0502 7230 Southfield Accessory Structure Variances VAR-50-2022

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. RECOMMENDATION

Considerations and Basis for Decision

- (A) CO 1165.04(a)(1) to allow an accessory structure to be 1,110- sq. ft. in size where code allows a maximum area of 800 sq. ft. based on the size of the lot.
- (B) CO 1165.04(a)(2)(E) to allow an accessory structure to be located 15+/- feet from the rear property line where the code requires a 30-foot setback.

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

- 1. Lots 31 and 32 in the Ebrington subdivision are under the common ownership. There is an existing house and swimming pool on lot 32. The applicant submitted a permit application to construct the subject accessory structure on lot 31. During the permit review process, staff identified the code deviations and a lot line adjustment application was completed. The applicant is requesting the variances in order to align the accessory structure with the existing pool on the property.
- 2. C.O. 1165.04(a)(1) permits different sizes of accessory structures based on the size of the lot they are located on.
  - o The current code allows for an additional 400 square feet of space for every acre, starting at a maximum of 800 sq. ft. for lots less than one acre.
  - Lot 32 is .754 acres in size. In sum the two adjacent properties, under common ownership, are a total of 1 acre in size. If the two lots were combined, a variance would not be required.

- O However, the properties cannot be combined because it would create other nonconformities on the lot. Because of that, in order to construct a 1,110 sq. ft. accessory structure, a variance is required.
- 3. C.O. 1165.04(a)(2)(e) states that accessory structures must be setback 30 feet from a rear property line and the applicant requests a variance to allow this structure to be located 15 feet away.
- 4. There are special circumstances and conditions which are peculiar to the land that justify the variance requests given the ownership and location of lots 31 and 32 in relation to the roundabout. The property owner seeks to construct an accessory structure next to the pool either on one or both properties but a variance is needed due to the technical definitions of rear and side yards.
- 5. The accessory structure cannot be located on its own lot per C.O. 1131.02 as an accessory structure cannot exist without a primary structure. For this reason, a lot line combination or adjustment is required. However, both options result in a variance(s) being required. For these reasons, it does not appear that the problem may be solved in another manner other than granting a variance request.
  - i. If the lots are combined:
    - o Due to the lot location on a roundabout, it would have three frontages.
      - a. The proposed accessory structure would be located in a front yard.
      - b. The new combined lot would have a new rear yard as defined by city code, making the current side lot line a rear lot line. As stated, there is an existing home on the lot and it would be encroaching into the required rear yard setback.
    - A variance to C.O. 1165.04(a)(2)(A) to allow an accessory structure to be located in the front yard would be necessary.
    - A variance to the zoning text would be necessary to allow an existing home to be located in the 30-foot rear yard setback.
  - ii. The lot line is adjusted (current scenario):
    - o The lot that the accessory structure is located on is only .754 acres in size therefore a 800 sq. ft. accessory structure is permitted to be developed
    - As defined by city code, the rear lot line remains as currently identified and the proposed accessory structure is located within the rear yard setback.
    - O A variance to CO 1165.04(a)(1) is needed to allow the accessory structure to be 1,110 sq. ft. in size to be developed.
    - O A variance to C.O. 1165.04(a)(2)(E) is needed to allow the accessory structure to be located 15 feet from the rear property line.
  - iii. In order to avoid creating non-conformities with the existing home and pool and encourage good design, the applicant submitted a lot line adjustment application rather than a lot line combination as recommended by city staff.
- 6. It does not appear that the essential character of the neighborhood would be altered if the variance is granted. The rear lot line of lot 32 runs along the side lot line of lot 30. There is an existing accessory structure on lot 30 that is located only 10 feet away from this same property line, which is closer than what is being proposed for the subject property. In order to provide screening and buffer lot 30, staff recommends that landscaping be added along the rear lot line where the encroachment into the setback is proposed, subject to staff approval.
- 7. While the applicant needs variances to construct the desired accessory structure, the plan accomplishes good design which is a hallmark of residential development in New Albany and will not alter the character of the surrounding area. City code regulations, nor zoning texts, can contemplate every development scenario that may occur within a subdivision and a literal interpretation of these provisions deprives the applicant of rights commonly enjoyed by other residentially zoned and used properties in the city.
- 8. The Ebrington subdivision contains large and small lots where large estate homes as well as cluster development is desired. These two lots are smaller, cluster lots therefore having larger structures located closer to property lines is more appropriate as it is consistent

with the desired development pattern for this section of Ebrington. There are very limited instances where this type of development scenario may occur however the applicant has taken these unique site characteristics into account as part of development of the accessory structure to maintain the character of the Ebrington subdivision. Additionally, the proposed site layout achieves an appropriate design as it aligns with the existing pool on the site and it is located an appropriate distance from the primary structure.

9. It does not appear that the variance would adversely affect the delivery of government services, 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 requested variance should the Planning Commission find that the application has sufficient basis for approval. While variances are proposed, a variance(s) will always be necessary to build a detached accessory structure at this site due to a literal interpretation of the zoning code, the common ownership and location of lots 31 and 32 in relation to the roundabout and the definition of side, rear and front yards found in city code. Taking all of these items into consideration, the applicant followed a permitting path as recommended by city staff that preserves the essential character of the Ebrington subdivision and maintains good design which is a hallmark of all residential development in New Albany. Plus, additional landscaping will provide a buffer for the neighboring property owner where the setback encroachment is proposed.

### V. ACTION

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

Move to approve application VAR-50-2022 based on the findings in the staff report with the following condition of approval (conditions of approval may be added).

1. Landscaping must be added along the rear property line where setback encroachment is proposed, subject to staff approval.



Source: NearMap

Permit #	
Board	
Mtg. Date	



# **Community Development Planning Application**

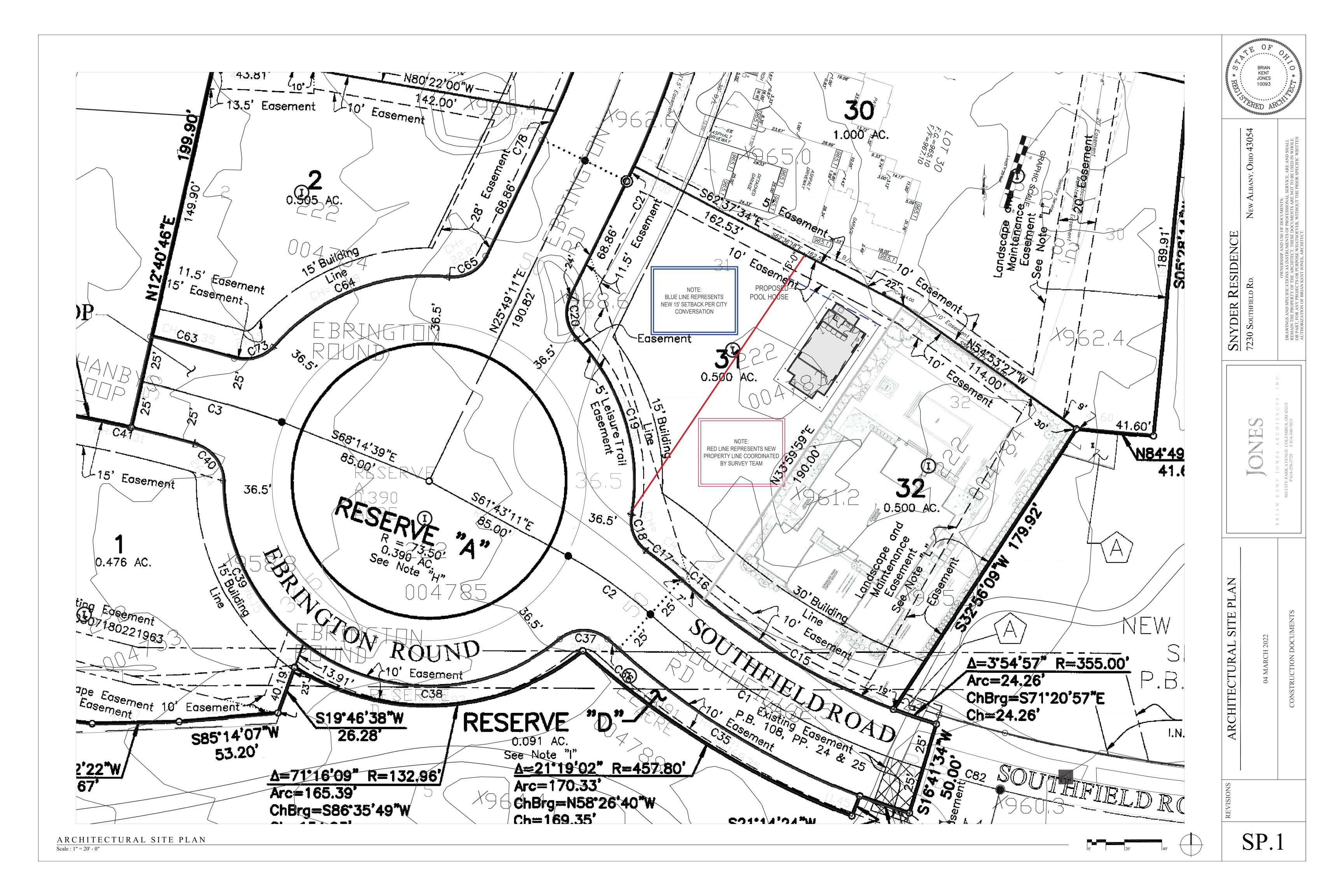
	Site Address 7230 Sov	th field Rd	
	Parcel Numbers		
		# of lots created	
	Choose Application Type	Circl	e all Details that Apply
Project Information	☐ ☐ Appeal ☐ ☐ Certificate of Appropriateness ☐ Conditional Use ☐ Development Plan ☐ Plat ☐ Lot Changes	Preliminary Final Preliminary Final Combination Split	Comprehensive Amendment Adjustment
	Minor Commercial Subdivision Vacation Variance	Easement	Street
Proj	☐☐Extension Request ☐☐Zoning	Amendment (rezoning)	Text Modification
			org shockre from 800 + back from 30ft to 15ft.
	Property Owner's Name: Daniel & Jenelle Snyder  Address: 7230 Sovmfield Rd		
	City, State, Zip: New Albany, OH 43054		
	Phone number: 614-546-8358 Fax:		
ts			
Contacts	Address: City, State, Zip: Phone number:	es ! barner cus	Fax:
	Email:		
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.		
S	Signature of Owner Signature of Applicant	euillism	Date: 4-20-22 Date: 4-21-22

# To whom it may concern:

I am requesting a size variance for the pool house. The total acreage of both lots is 1acre, but I can't combine them because of additional variances. The size of the desired pool house is 1100+/- sqft which is larger than the 800sqft allowed on the current .5acre lot.

I am also requesting that a 15ft setback is approved because the location of the proposed pool house is in line with the existing pool. If it is moved an additional 15ft away from this area it would look odd and be an undesirable condition. This variance request effects one neighbor, and he has signed off that he is in favor of the location as proposed.

Dan Snyder 7230 Southfield Rd New Albany, Ohio 43054 614-546-8358





**ALBANY**, **OHIO** 43054

SNYDER RESIDENCE 7230 SOUTHFIELD RD.

**JONES** 

SITE PLAN ARCHITECTURAL

SP.2