



New Albany Board of Zoning Appeals Agenda
August 22, 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 the city website at <https://newalbanyohio.org/answers/streaming-meetings/>

I. Call To Order

II. Roll Call

III. Action of Minutes: July 25, 2022

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-88-2022 Variance

Variance to the pool fencing requirements of Codified Ordinance section 1173.02(e) 8323 Central College Road (PID: 222-002157).

Applicant: John and Suah Hwang

Motion of Acceptance of staff reports and related documents into the record for - VAR-88-2022.

Motion of approval for application VAR-88-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VAR-89-2022 Variance

Variance to allow for the use of metal material for a pergola (recreational amenity) as required per code 22 New Albany Farms Road (PID: 222-000986).

Applicant: Kevin Reiner Design, c/o Kris Cody

Motion of Acceptance of staff reports and related documents into the record for - VAR-89-2022.

Motion of approval for application VAR-89-2022 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



New Albany Board of Zoning Appeals
July 25, 2022 DRAFT Minutes

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 Vice Chair, Mr. Smith, at 7:00 p.m.

Those answering roll call:

Table with 2 columns: Name and Status. Includes Mr. Shaun LaJeunesse (Absent), Mr. Kirk Smith (Present), Ms. Tiana Samuels (Absent), Mr. Abe Jacob (Present), Mr. Hans Schell (Present), Ms. Andrea Wiltrout (Council Rep) (Present).

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

Ms. Taylor noted that the April 25, 2022 had been updated prior to the meeting to remove Mr. Gallagher's name from the top and replace it with Mr. LaJeunesse as the member who called the April 25, 2022 meeting to order.

Moved by Mr. Jacob to approve the April 25, 2022 meeting minutes as amended by Ms. Taylor's comments, seconded by Mr. Smith. Upon roll call: Mr. Jacob, yea; Mr. Smith, yea; Mr. Schell, yea. Yea, 3; Nay, 0; Abstain, 0. Motion carried by a 3-0 vote.

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

Mr. Smith swore all who would be speaking before the Board of Zoning Appeals (hereafter, "BZA") to tell the truth and nothing but the truth.

VAR-74-2022 Variances

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

Applicant: Aman and Michelle Singh

Mr. Christian presented the staff report.

Mr. Albrecht discussed the implications of the Americans with Disabilities Act (hereafter, "ADA") and Fair Housing Act (hereafter, "FHA") on this variance request.

Mr. Smith asked if staff wanted to include an email provided by a neighbor into the report.

Mr. Christian stated yes and noted that a neighbor of the applicants', Mr. Frank Sudol, had emailed a letter to the City which had been distributed to BZA members and should be part of the record.

Mr. Smith asked if the applicant would be speaking about this application.

Ms. Singh stated she and her husband had been working to restore the area they had previously touched and would not be doing so again.

Mr. Schell asked if they would not be placing a fence in the area at this time.

Mrs. Singh stated right.

Mr. Schell asked what the reason was for this.

Mrs. Singh stated they had previously planned to build a pool but that plan was now on hold.

Mr. Schell asked if the fence had then been for the pool.

Mrs. Singh stated yes, there was no need for the fence now.

Mr. Smith asked if they moved the playground to where the pool had been planned to be, would that resolve this issue.

Mr. Christian stated yes, if the playground were moved out of the buffer zone a variance would no longer be needed.

Mrs. Singh stated yes, the playground was partly into the buffer zone and had been installed with the permission of the home owners' association (hereafter, "HOA"). Mrs. Singh added that they could see their children while they were playing on the playground but the playground was not visible to neighbors or those on the street.

Mr. Smith asked if it was anchored down.

Mrs. Singh stated it had not been cemented in, but it would not be easy to move. Mrs. Singh provided photos of the playground to the BZA members and noted that she and her husband had worked with Mr. Sudol, who had emailed the City, on the installation of the landscaping to block his view of the playground at the time it had been installed.

Mr. Schell asked if the photos, with the foliage, were current.

Mrs. Singh stated yes.

Mr. Schell asked about the coverage the landscaping provided in the winter.

Mrs. Singh stated it was thinner, but still thick enough and there were mostly evergreens in the area.

Ms. Wiltrout pointed to an area on the presentation and asked what it was.

Mrs. Singh stated there were trees planted in the area and she believed they might be part of the remediation plan.

Mr. Christian stated that area reflected the approved remediation plan.

Mrs. Singh mentioned the types of trees and other foliage in the buffer zone.

Ms. Wiltrout asked if the the area in yellow was the buffer zone.

Mr. Christian stated yes.

Ms. Wiltrout stated that avoiding a precedent would be possible if this were a unique lot and asked if the playground was necessary and why it needed to be where it was.

Mrs. Singh stated that other areas on the property would be open to other neighbors.

Ms. Wiltrout asked if they were on their patio would they also be able to see them playing.

Mrs. Singh stated yes, if they were outside.

Ms. Wiltrout asked how could they see their son better from the current location where the playground was located.

Mrs. Singh used the pointer to indicate the areas of her home on the presentation. Mrs. Singh stated that currently the playground location was viewable from the kitchen and living area of her home and trees and shrubs would block the view if the playground were placed in other locations.

Ms. Wiltrout asked if there were additional reasons, other than landscaping, why the playground could not be located in another part of the property.

Mr. Singh stated the current view of the playground was the easiest possible due to the way the house was laid out.

Ms. Wiltrout asked if other views were obstructed by shrubs and trees.

Mrs. Singh stated shrubs, trees, and the house itself and its layout.

Mr. Schell asked if the pool shown on the presentation was no longer being planned.

Mrs. Singh stated they were not currently planning one. Mrs. Singh mentioned their prior request had been for a fence around the perimeter of the yard.

Mr. Smith reviewed the two (2) conditions in the staff report for this application and asked if the applicant was okay with them.

Mrs. Singh stated she had no problems with those conditions and would follow them.

Mr. Smith asked how many feet there were from the playground to where the pool would be and why the playground could not be moved to that area.

Mrs. Singh stated it would be a lot of effort to move the playground. Mrs. Singh stated it was about seven (7) feet into the buffer zone, perhaps, but it would need to be disassembled to be moved. Mrs. Singh stated they had planted about \$14,000 of trees to block Mr. Sudol's view and he had said he was fine with the view, but did not want a precedent established.

Mr. Smith asked if others had any questions or comments. (No response).

Mr. Smith noted that Mr. Sudol's email had asked that several conditions be added if this variance were approved. Mr. Smith asked Mrs. Singh if she had seen the email and the conditions requested.

Mrs. Singh stated yes.

Mr. Smith stated there were six (6) conditions.

Mrs. Singh stated she believed the conditions were in line with the remediation already being worked on.

Mr. Smith stated okay.

Mr. Jacob stated he appreciated the work done by the applicants in working with the City and their neighbor and the good faith shown. Mr. Jacob stated the fifth condition in Mr. Sudol's email stood out to him, that of returning the area to its pre-development state upon removal of the playground. Mr. Jacob asked who would be responsible for doing that, the next owner or the applicant.

Mrs. Singh stated they would commit to removing it and would let those moving in know the playground did not come with the house.

Mr. Jacob stated thank you.

Ms. Wiltrout asked if that condition could be enforced, would it be added to the deed or would it be caveat emptor.

Mr. Albrecht stated it could be put in the deed.

Mr. Schell asked the applicant if they had obtained an estimate on what it would cost to move the playground.

Mrs. Singh said no.

Mr. Schell asked if the playground were moved just fifteen (15) feet would that impact her son.

Mrs. Singh stated he would get used to it eventually, but it would be an issue due to expectations and the need for consistency.

Mr. Schell asked if that would be one of the issues with moving the playground.

Mrs. Singh stated it was more due to safety issues as her son had an issue with taking off and it could be dangerous if they were not able to watch and supervise. Mrs. Singh noted her son still had elopement events.

Mr. Schell asked if the placement was then more important than the cost of tearing it down.

Mrs. Singh stated yes and while they could get estimates, this was in a good place where they were able to sit and watch the playground.

Mr. Smith asked if the applicant had mentioned she also had a two (2) year old.

Mrs. Singh stated yes.

Mr. Smith stated that the playground could then be in use for twelve (12) or fourteen (14) years until the youngest child aged out.

Mrs. Singh stated yes, but in terms of Mr. Sudol 's view, the trees would also be getting bigger.

Mr. Jacob stated that in discussing the application he agreed with the staff's conditions but was also inclined to agree with Mr. Sudol 's fourth and fifth conditions from the email, those about no expansion to the playground and that if there were new owners the area should be returned to its natural state.

Mr. Schell asked the applicant about these conditions.

Mrs. Singh stated they would not expand it in any way and would commit to taking it down if they left.

Mr. Smith stated Mr. Sudol 's third condition indicated that if the variance was due to an ADA accommodation then the playground would be removed once the child was no longer a full time resident. Mr. Smith stated that as there was a younger child who should also be allowed to enjoy the playground he did not support that. Mr. Smith stated he was in support of Mr. Sudol's fourth and fifth conditions. Mr. Smith noted there was also a condition about no use of fertilizer, weed killers, or pesticides in the area as well as one saying mowing would not occur, which he did not understand why mowing would not be wanted.

Ms. Wiltrout stated she believed that would be in the natural buffer zone area.

Mrs. Singh stated the area had once had debris and poison ivy and they had cleared it out, but they were now remediating that area and had added natural grass and believed that was what Mr. Sudol was referring to and stated they would not.

Mr. Smith stated okay.

Moved by Mr. Smith to accept the staff report for VAR-74-2022 into the record including the email from Mr. Sudol, seconded by Mr. Jacob. Upon roll call vote: Mr. Smith, yea; Mr. Jacob, yea; Mr. Schell, yea. Yea, 3; Nay, 0; Abstain, 0. Motion carried by a 3-0 vote.

Moved by Mr. Jacob to approve variance VAR-74-2022 with the following:

- 1) All other areas within the buffer zone must remain undisturbed and allowed to grow over time to reestablish the zone as it has existed historically;
 - 2) The playground equipment must be removed if the current property owners or their family members no longer reside at the property and the removal shall occur prior to the current property owners or their family members no longer residing at the property;
 - 3) The variance is only for the current playground on the property and no additional equipment would be permitted;
- seconded by Mr. Smith. Upon roll call vote: Mr. Jacob, yea; Mr. Smith, yea; Mr. Schell, yea. Yea, 3; Nay, 0; Abstain, 0. Motion carried by a 3-0 vote.

Other Business

Mr. Mayer introduced Ms. Chelsea Nichols as a new Planner for the City and noted she would also be helping out with the Boards and Commissions.

Mr. Smith welcomed Ms. Nichols.

Poll Members for Comment:

None.

Moved by Mr. Smith to adjourn the meeting, seconded by Mr. Jacob. Upon roll call vote: Mr. Smith, yea; Mr. Jacob, yea; Mr. Schell, yea. Yea, 3; Nay, 0; Abstain, 0. Motion carried by a 3-0 vote.

Meeting adjourned at 7:23 p.m.

Submitted by Josie Taylor.

DRAFT

APPENDIX



COMMUNITY CONNECTS US

Board of Zoning Appeals Staff Report
July 25, 2022 Meeting

7365 MILTON COURT BUFFER ZONE VARIANCE

LOCATION: 7365 Milton Court (PID: 222-002043).
APPLICANT: Aman & Michelle Singh
REQUEST: (A) Variance to allow a playground to be located within a platted buffer area.
ZONING: R-2
STRATEGIC PLAN: Residential
APPLICATION: VAR-74-2022

Review based on: Application materials received on June 20, 2022.

Staff report prepared by Chris Christian, Planner II.

I. REQUEST AND BACKGROUND

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

On December 20, 2021, the Board of Zoning Appeals denied the same variance request to allow the same playground and a fence to be located in the platted buffer area. During the meeting, the property owner removed the request to have the playground remain in the buffer zone and asked the board to only consider the fence location as part of the variance request. In their denial for the fence, the BZA stated that approving the variance request would not preserve the spirit and intent of the buffer zone requirement which was put in place at the time of rezoning. The board agreed that the property could still be enjoyed without granting the variance request and did not note of any special conditions or circumstances that would justify granting the request.

The applicant has provided new information as justification for granting the variance request to allow the existing playground to remain in the buffer zone. This new information is underlined and included in the evaluation section of the staff report along with the original considerations from the staff report issued for the December 20, 2021, Board of Zoning Appeals meeting.

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 to be located within a platted buffer area.

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

1. 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 sits approximately 13+/- feet from the rear property line.
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. The applicant has provided new information as part of the justification for the variance request which was not included in the original application in late 2021. The applicant states that their 10-year-old son has an Autism Spectrum Disorder and Expressive Speech Delay diagnoses, has a tendency for elopement and is unable to respond to questions when asked. The applicant

- states that allowing the playground to remain in its current location allows them to monitor their son at all times, ensure his safety and ensure that he has not eloped (left the yard without permission).
5. The city law director reviewed this new information and provides the following comments. As a general principle, the American Disabilities Act (ADA) requires a public entity to make reasonable modifications in its policies, practices and procedures when necessary to avoid discrimination on the basis of a disability. A modification is not necessary when it would fundamentally alter the nature of the service, program or activity. For this reason, the ADA requirements are a consideration for this variance request.
 6. Additionally, the city law director states that the Fair Housing Act (FHA) prohibits discrimination of services or facilities in connection with a dwelling. Per the FHA, discrimination includes refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person equal opportunity to enjoy a dwelling. Based on these requirements, a variance may be necessary to allow an individual with a disability the opportunity to enjoy their dwelling.
 7. Based on this new information and the city law director opinion, staff is supportive of the variance request for this property with a condition of approval that the playground equipment must be removed if the current property owners or their family members no longer reside at the property.

Original considerations from the staff report issued December 20, 2021:

8. 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 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.
9. 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 landscaping that was previously removed to reestablish the screening for adjacent property owners.
10. Approving the variance request may be substantial. While the playground are minimally invasive improvements, locating them in this buffer zone will alter the natural state of the area.
11. It does appear that the issue can be solved in another manner other than granting the variance request. 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.
12. 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.
13. Granting the variance will not adversely affect the delivery of government services.

IV. RECOMMENDATION

The city staff is supportive of the variance request based on the new information submitted by the applicant and the opinion of the law director.

If the variance request is approved, staff recommends a two condition of approvals:

1. All other areas within the buffer zone be undisturbed and allowed to grow and reestablish the zone as it has existed historically.
2. The playground equipment must be removed if the current property owners or their family members no longer reside at the property.

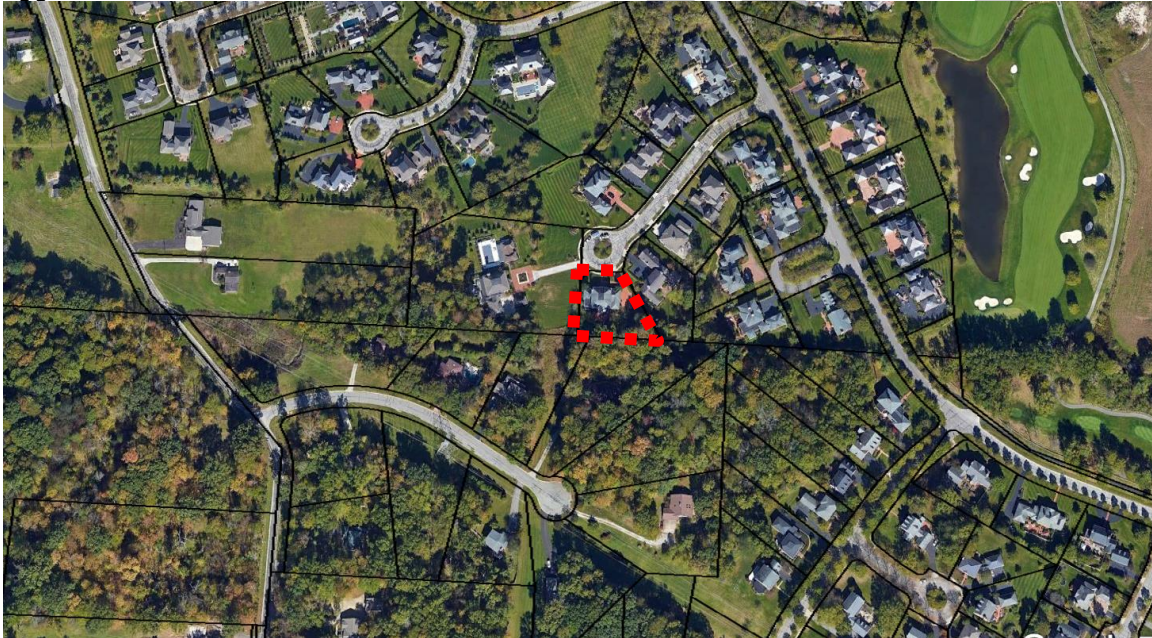
V. ACTION

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-74-2022 (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.
2. The playground equipment must be removed if the current property owners or their family members no longer reside at the property.

Approximate Site Location:



Source: Google Earth



**Board of Zoning Appeals Staff Report
August 22, 2022 Meeting**

**8323 CENTRAL COLLEGE ROAD
POOL FENCE VARIANCE**

LOCATION: 8323 Central College Road (PID: 222-002157)
APPLICANT: John and Suah Hwang
REQUEST: Variance to Codified Ordinance Chapter 1173.02(e) to the fencing requirements for a private swimming pool
STRATEGIC PLAN: Employment Center
ZONING: Agricultural District (AG)
APPLICATION: VAR-88-2022

Review based on: Application materials received on July 24, 2022 and August 1, 2022

Staff report prepared by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance from C.O. Section 1173.02(e) for the requirement that any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. 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 law director has previously advised that the Planning Commission (PC) must evaluate this application exclusively based upon the provisions and criteria generally set forth in the City Zoning Code as relates to variances (Chapter 1113), and the specific provisions contained within Section 1173.02(e) regarding private swimming pool fences. This same direction would be applied to the Board of Zoning Appeals (BZA) review.

II. SITE DESCRIPTION & USE

The site is 6.5 acres with a single-family home. The property is located on the south side of Central College Road; east of the Evans Road and Central College intersection, and west of the county line where Central College Road curves into Jug Street. The property is located six lots west of the Franklin County/Licking County line. The property is surrounded by Agriculturally zoned properties that are or could be used for residential land uses. The large neighboring property directly to the north is the undeveloped site owned by the Homewood Corporation. The neighboring properties directly to the south and west are developed large, single-family residential lots. The neighboring property directly to the east is an undeveloped lot that permits single-family residential.

III. ASSESSMENT

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

Criteria

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

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

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

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

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

IV. FACTS

Considerations and Basis for Decision

The following information, in addition to application submittal information, meeting presentations and discussions should be considered in the Board of Zoning Appeals decision for the requested variance:

1. 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.
2. 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.
 3. This lot is approximately 6.5 acres. The pool is located at the rear of the home. The front of the house is over 300 feet away from the northern, front property line.
 4. The northern portion of the property contains a stream. The applicant has stated the stream is 8 feet deep. This same stream also serves as a natural barrier between this property and the neighboring properties to the west as the stream continues onto those neighboring properties. The pool is 94' feet from the western side yard property line.
 5. The property to the east is currently vacant and is mostly wooded. The pool is approximately 123' 9" from the eastern side yard property line.
 6. The pool is approximately 493 feet from the rear yard property line.
 7. The applicant proposes to use an ASTM automatic pool safety cover. This may be similar to a pool cover the BZA approved in-lieu of a fence at 6958 Lambton Park, 10 New Albany Farms and 14 New Albany Farms. Pool covers are recognized by building code as an appropriate method to secure a pool. However, the city of New Albany has not adopted a zoning code that allows the use of covers in-lieu of a fence. 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.
 8. The property owner does not have plans to install any landscaping around the pool or any additional landscaping on the property. The applicant states they believe there are sufficient safety measures in place with the proposed ASTM automatic safety pool cover, the fact that the lot is 6.5 acres, there is only one entrance to the property from the front bridge over the stream, and with the natural barriers from neighboring properties (trees and 8-foot-deep stream). The applicant provided directional pictures as part of their application materials and they were included in the board's packet.
 9. 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 screened from the public right-of-way to the north by the house. The 8-foot-deep stream serves as a natural barrier between this property and the neighboring properties to the west. The southernmost portion of the rear yard is made of mostly tree masses. The majority of the eastern neighboring property is mostly wooded, but it is worth noting that the neighboring lot to the east is buildable and could potentially be developed in the future.

V. HISTORY

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

- The BZA denied a variance to allow a pool cover for a residence on 15.6 acres in Illmington in 2007. The BZA cited safety and liability concerns as reasons for denying the variance request.
- The BZA denied a variance to allow a pool cover in 2010 for a home on a 0.5-acre parcel in Fenway. The BZA cited safety and liability concerns as reasons for denying the variance request.
- The BZA approved a variance to allow a pool cover in-lieu of a fence on May 28, 2014 for 14 New Albany Farms Road. The BZA stated the size of the property (19.9 acres), 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 only a pool cover alone.
- 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.

- 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 along the east side of the property adjacent to the neighboring lot that permits single-family residential, 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.
- The PC approved a variance to allow landscaping and pool netting in -lieu of a fence that meets code requirements on October 17, 2016 for 10 and 11 Highgrove. Members voting in favor of the variances 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 including a hedgerow to be installed around all sides of the pool, horse fence, the property owners stated the intent is to use the pool net when the pool is not in use with adult supervision, and having an annually certified pool net. Members voting against the variance noted this is because the property would have a reasonable return without the variance, believes variance is substantial, essential character of neighborhood would not change, property owners were aware of the restrictions, original permit showed code complaint fence and was not installed per approved plan. Finally, the applicant did not prove pool netting is as safe as a fence. The conditions of approval are:
 - Landscaping approved by ARC and staff to include original and tonight's submissions.
 - Commitment to install boxwoods or gates at all openings.
 - Pool netting or hard cover ASTM compliant installed at all times when not in use and not attended by a responsible adult.
 - Applicant maintains landscaping and new plantings.
 - The pool netting is certified annually by the homeowners for function.
 - Hard cover installed by 11/1/16 and not removed until in compliance.
 - The applicant provides a copy of the easement to permit homeowner to maintain the fence in the event the NACO does not.
- The PC approved a variance to allow a pool cover for a residence in-lieu of a fence that meets code requirements on May 18, 2020 for 7010 Lambton Park. The applicant proposed to install a 44-inch-high horse fence along the eastern property line which, in addition to a creek and being a heavily wooded area, provided an appropriate barrier to access that matched similar factors for other approved pool fence variances. The presence of a pool cover is also an important factor to ensure safety. In addition, the applicant proposed to install a continuous, uninterrupted 3-4-foot-tall evergreen landscape hedge along the golf course property line where landscaping does not already exist. Staff believed that this additional landscaping served as an appropriate barrier to prevent uncontrolled, access to the pool. With these additional landscaping barriers, the variance preserved the spirit and intent of the zoning ordinance. The conditions of approval are:

- Applicant maintains landscaping and new plantings.
- The pool cover is certified annually by the homeowner.

VI. EVALUATION

Through several pool barrier variance applications; city staff, the Board of Zoning Appeals, and the 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 variances within the New Albany Farms subdivision were approved because the BZA stated 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. Both applications included the installation of a powered automatic safety cover.

The application at 6958 Lambton Park shared some, but not all, of the property characteristics with the previously approved variances. Due to the property's location along public streets, the Planning Commission paid special attention to characteristics of the property that have the effect of limiting public access. Additional information related to the technical standards and operational concerns of pool covers was also presented. The variance was approved by a 3-1 vote with several conditions of approval. Some of the factors that were discussed with the motion included:

- The property appears to have limited access due to the private golf course and lack of a rear neighbor,
- Substantial mounding, landscaping, horse fence and the property's size impede public access, and
- The applicant proposed an ASTM compliant pool cover which the homeowner agreed to certify annually.

The same request for the homes at 10 and 11 Highgrove were approved and contain the same circumstances as listed above. Some other factors that were considered with the motion to approve the variance included:

- The property appears to have limited access due to the private golf course and lack of a rear neighbor,
- A hedgerow was installed around all sides of the pool to impede access, horse fence and the property being located on a cul-de-sac impede public access, and
- The applicant proposed an ASTM compliant pool net which the homeowners agreed to certify annually and install when the pool is not in use.

The application at 7010 Lambton Park was approved because the Planning Commission believed the pool cover was important to ensure safety, but also that the additional landscaping was an equally important factor that served as an appropriate barrier to prevent uncontrolled, access to the pool where an existing horse fence is located. Some other factors that were considered with the motion to approve the variance included:

- A creek running along a side property line was determined to be an insufficient barrier and the owner is required to install a continuous code compliant fence.
- Along the other side property line where a heavily wooded, undeveloped lot is located the owner is required to install a continuous code compliant fence due to its proximity to the pool.
- The property appears to have limited access due to the private golf course and lack of a rear neighbor. The owner is required to install a continuous, uninterrupted 3-4-foot-tall evergreen landscape hedge along the golf course property line where landscaping does not already exist.

VII. RECOMMENDATION

The purpose of a variance hearing is to evaluate specific factors related to an applicant's request. Although the property is comparable to recently approved applications, staff cannot support the request as submitted. The distance from the pool to the property lines, along with the natural barriers including existing trees to the south and the stream to the west, are certainly considerations. However, it doesn't contain all the elements that have been required of recently approved variances.

While the applicant is proposing to install a safety pool cover and points out existing natural barriers, the natural barriers are located on neighboring lots. The wooded lot immediately to the east is a buildable lot that could be built on in the future. Should that lot be developed in the future, the trees on that neighboring property could potentially be removed and an unimpeded access to the site would be created. As for the lot to the west, the stream is an existing natural barrier but it is located on the neighboring property and not on the property in question. The only portion of the stream on this property is located in the front yard to the north.

Historically, the Board of Zoning Appeal and Planning Commission have only approved these types of variance requests when additional plantings and/or barriers are in place on the subject parcel. In reviewing the history of other requests, it is clear the other properties with an approved variance have had some existing natural features or improvements that were supplemented with additional barriers. Where none of these items existed, a code-compliant fence was required to be installed. With the exception of the property line to the south, the property lines on this site do not contain mounding or landscaping to prevent access. In addition, the area immediately surrounding the pool does not contain the boxwood hedges that were proposed and included as part of the approval for the Highgrove variances. Horse fencing to limit access from neighboring lots also does not exist, similar to other approved variances at the other properties mentioned above.

The example variance request that was approved at 6958 Lambton was also 6.5 acres in size and shares some similarities with the lot in question. The neighboring property to the east was undeveloped and wooded at that time. However, staff and the Planning Commission recognized the lot permitted single-family and knew it could be developed in the future, which required the applicant to install a code compliant fence along the eastern property line. Along the other side property line, the lot consisted of mounding and backed up to both the golf course and horse fence. Along the property line next to Johnstown Road, the property included a brick wall and horse fence.

The city staff recommends additional improvements be provided to create an uninterrupted barrier to prevent uncontrolled access. If additional measures, such as:

- (1) a continuous landscape hedge, and
- (2) mounding or a non-code compliant fence (e.g. horse fence used in other approved variances)

were included in the request along all sides of the pool, the application would be more closely aligned with other similar approved applications.

VIII. ACTION

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

Move to approve variance application VAR-88-2022 based on the findings in the staff report with the following condition(s) of approval:

1. Additional measures, such as:
 - (a) continuous landscape hedge, and

(b) mound or non-code compliant fence (e.g. horse fence used in other approved variances)
are included along all sides of the pool to create an uninterrupted barrier to prevent uncontrolled access.

1. The pool cover is required and must be certified annually by the homeowner.

Approximate Site Location:





**Board of Zoning Appeals Staff Report
August 22, 2022 Meeting**

**22 NEW ALBANY FARMS
PERGOLA MATERIAL VARIANCE**

LOCATION: 22 New Albany Farms (PID: 222-000986).
APPLICANT: Kevin Reiner Design, Donovan Richard
REQUEST: (A) Variance to C.O. 1165.04 B(1) to allow metal to be used as a material for two pergolas where city code only permits, brick, stone, composite siding, screen, or any combination thereof to be used.
ZONING: R-1
STRATEGIC PLAN: Residential
APPLICATION: VAR-89-2022

Review based on: Application materials received on July 28, 2022

Staff report prepared by Sierra Cratic-Smith, Planner

I. REQUEST AND BACKGROUND

The applicant requests the following variance:

(A) Variance to C.O. 1165.04 B(1) to allow metal to be used as a material for two pergolas where city code only permits, brick, stone, composite siding, screen, or any combination thereof to be used.

II. SITE DESCRIPTION & USE

The property is 7.31 acres in size and contains a single-family home. The lot is located in Franklin County in the New Albany Farms subdivision. There are several recreational amenities on the lot including a pool, patio, and tennis court. The surrounding properties are located within the same subdivision and contain residential uses.

III. ASSESSMENT

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. In accordance with C.O. 1113.05(b), all property owners within 200 feet of the subject property in question have been notified of the request via mail.

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.*

IV. EVALUATION

(A) Variance to C.O. 1165.04 B(1) to allow metal to be used as a material for two pergolas where city code only permits, brick, stone, composite siding, screen, or any combination thereof to be used.

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

1. The applicant proposes to construct two metal pergolas made of galvanized steel on top of an existing patio within the rear yard of the property. The city code requires all recreational amenities’ materials be brick, stone, composite siding, and screen. Therefore, a variance is required to allow metal to be used as a primary material in this case.
2. The property has special conditions and circumstances considering it is a 7.31-acre property that is located in the gated New Albany Farms subdivision. The subdivision consists of lots on large lots on private streets resulting in limited access to the homes.
3. The variance request does not appear to be substantial. The property contains a large, single family home as well as several recreational amenities including a pool, patio and tennis court. The pergolas will be located at the rear of the property which is screened on three sides of the home.
4. The pergolas will be screened with foliage such as wisteria which impedes any visual of the metal. Wisteria is a heavy, long vine with foliage that will cover the pergola pillars so although the pergolas are a metal finish material, visually it will appear like a landscaping feature. In addition, metal is preferred to hold the wisteria, which is considered a very dense and bulky planting, resulting in a heavier weight of the flora.
5. 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.

IV. RECOMMENDATION

Staff recommends approval of the requested variance should the find that the application has sufficient basis for approval. This project is located at the rear of the property is located within a gated community with private streets and roadways. In addition, the pergolas will feature a more natural landscape appearance when flora is applied. The final design intent is to create a naturalized landscaping feature in the backyard where the wisteria covers the majority of the metal pergolas.

V. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, finding the following motion is appropriate.

Move to approve application VAR-89-2022 based on the findings in the staff report (conditions of approval may be added)

Approximate Site Location:



Source: NearMap

Permit # _____
 Board _____
 Mtg. Date _____



Community Development Planning Application

Project Information	Site Address <u>8323 Central College Road, New Albany, OH 43054</u> Parcel Numbers <u>222-002157</u> Acres <u>6.5</u> # of lots created _____																																																											
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left;">Choose Application Type</th> <th colspan="4" style="text-align: left;">Circle all Details that Apply</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Appeal</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Certificate of Appropriateness</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Conditional Use</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Development Plan</td> <td>Preliminary</td> <td>Final</td> <td>Comprehensive</td> <td>Amendment</td> </tr> <tr> <td><input type="checkbox"/> Plat</td> <td>Preliminary</td> <td>Final</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Lot Changes</td> <td>Combination</td> <td>Split</td> <td>Adjustment</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Minor Commercial Subdivision</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Vacation</td> <td>Easement</td> <td></td> <td>Street</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Variance</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Extension Request</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Zoning</td> <td>Amendment (rezoning)</td> <td></td> <td>Text Modification</td> <td></td> </tr> </tbody> </table> <p>Description of Request: <u>To obtain a variance for an automatic pool cover to substitute a pool fence.</u></p>	Choose Application Type	Circle all Details that Apply				<input type="checkbox"/> Appeal					<input type="checkbox"/> Certificate of Appropriateness					<input type="checkbox"/> Conditional Use					<input type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment	<input type="checkbox"/> Plat	Preliminary	Final			<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment		<input type="checkbox"/> Minor Commercial Subdivision					<input type="checkbox"/> Vacation	Easement		Street		<input checked="" type="checkbox"/> Variance					<input type="checkbox"/> Extension Request					<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification
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<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification																																																									
Contacts	Property Owner's Name: <u>John and Suah Hwang</u> Address: <u>8323 Central College Road</u> City, State, Zip: <u>New Albany, OH 43054</u> Phone number: <u>201-681-2509</u> Fax: _____ Email: <u>jhwang12@gmail.com</u>																																																											
	Applicant's Name: <u>John and Suah Hwang</u> Address: <u>8323 Central College Road</u> City, State, Zip: <u>New Albany, OH 43054</u> Phone number: <u>201-681-2509</u> Fax: _____ Email: <u>jhwang12@gmail.com</u>																																																											
Signature	<p>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.</p>																																																											
	Signature of Owner _____ Date: _____ Signature of Applicant <u>John Hwang</u> Date: <u>7/24/22</u>																																																											

Appeal		250.00	X
Certificate of Appropriateness			
	ARB – single and two family residential	100.00	
	ARB – All other residential or commercial	300.00	
	ARB - Signage	75.00	
Conditional Use		600.00	
Development Plan – Preliminary PUD or Comprehensive			
	Planning fee	First 10 acres	750.00
		Each additional 5 acres or part thereof	50.00 / each
	Engineering fee	1-25 lots	155.00 / each
		Minimum fee	1000.00
	Engineering fee	26 – 50 lots	3875.00
		Each additional lot over 26	75.00 / each
	Engineering fee	Over 51 lots	5750.00
		Each additional lot over 51	50.00 / each
Development Plan – Final PUD			
	Planning fee	First 10 acres	650.00
		Each additional 5 acres or part thereof	50.00
	Engineering fee	1-25 lots	
		(minimum fee \$1,000.00)	155.00 / each
	Engineering fee	26 – 50 lots	3875.00
		Each additional lot over 26	75.00 / each
	Engineering fee	Over 51 lots	5750.00
		Each additional lot over 51	50.00 / each
Development Plan – Non-PUD		300.00	
Development Plan / Text Amendment		600.00	
Plat – Road Preliminary			
	Planning fee		350.00
	Engineering fee	no lots on either side of street	1.00 / LF
		lots on one side of street	.50 / LF
		Minimum fee	1,000.00
Plat – Road Final			
	Planning fee		350.00
	Engineering fee	no lots on either side of street	1.00 / LF
		lots on one side of street	.50 / LF
		Minimum fee	1,000.00
Plat – Subdivision Preliminary			
	Planning		650.00
		Plus each lot	50.00 / each
	Engineering fee	1-25 lots	
		(minimum fee \$1,000.00)	155.00 / each
	Engineering fee	26 – 50 lots	3875.00
		Each lot over 26	75.00 / each
	Engineering fee	Over 51 lots	5750.00
		Each lot over 51	50.00 / each

Plat – Subdivision Final			
Planning		650.00	_____
	Plus each lot	15.00 / each	_____
Engineering fee	1-25 lots (minimum fee \$1,000.00)	155.00 /each	_____
Engineering fee	26-50 lots	3875.00	_____
	Each lot over 26	75.00 / each	_____
Engineering fee	Over 51 lots	5750.00	_____
	Each lot over 51	50.00 / each	_____
Lot Changes		200.00	_____
Minor Commercial Subdivision		200.00	_____
Vacation (Street or Easement)		1200.00	_____
Variance			
	Non-single family, commercial, subdivision, multiple properties	600.00	_____
	Single Family residence	250.00	_____
	In conjunction with Certification of Appropriateness	100.00	_____
Extension Request		0.00	_____
Zoning			
	Rezoning - First 10 acres	700.00	_____
	Each additional 5 acres or part thereof	50.00 / each	_____
	Rezoning to Rocky Fork Blacklick Accord	250.00	_____
	Text Modification	600.00	_____
Easement Encroachment		800.00	_____

Village of New Albany
Department of Building and Zoning
Board of Zoning Appeals

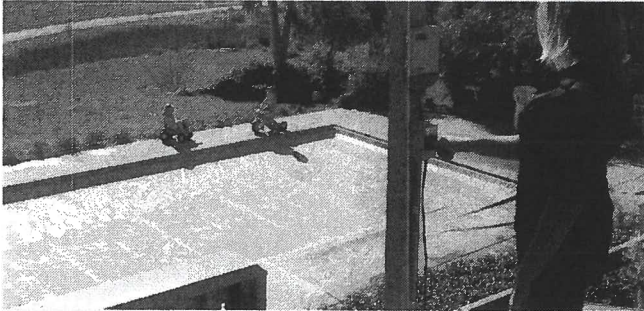
Applicant: Dr. John Hwang

Address of Subject Property: 8323 Central College Road, New Albany 43054

Type of Request Sought: Variance for Swimming Pool Fence

- Private Swimming Pool Fence
 - Section 1173.02(e) of the 'code' states that any private swimming pool shall have a lockable 4'-0" tall fence.
 - Due to the nature of the applicant's property applicant requests that an automatic pool cover be used in lieu of a pool fence.
 - The home lies 350' away from the street and the pool sits behind the house. The north side of the property has a creek running the length of the entire frontage. The only entrance from the street is a single bridge 20' back from the road. The east side of the property still has undisturbed trees. The west side of the property has a creek separating the 2 north neighbours from the applicant's property. The south side of the property still has undisturbed trees.
 - The automatic pool cover meets ASTM F1346 Pool Safety Cover Standards. They state that the cover can hold up to 2000lbs.
 - Some of the qualifications for the ASTM specification F 1346 -91 include:
 - The static load test for weight support. The cover should be able to hold a weight of at least 485 lbs (the estimated average weight of 2 adults and one child) to permit rescue operation.
 - Perimeter Deflection Tests for entry or entrapment between the cover and the side of the pool. The cover must demonstrate that any opening is sufficiently small and strong enough to prevent the test object being passed through.
 - The Surface Drainage Test that safeguards against a dangerous amount of water collecting on the cover's surface.
 - Labeling requirements must include basic consumer information such as the warranty information, the appropriate warnings as described in the standard and acknowledge the product as a safety cover.
 - There are 2 motion sensor cameras already installed pointing at the only entrance from the street. There are also motion sensor cameras pointing toward either side of the pool.
 - The variance being granted would not negatively impact the surrounding neighbors as the pool is still safely protected. In addition, numerous natural barriers exist between the neighboring properties.

mind. Learn more about how a pool cover can help you enjoy every-[first](#) pool ownership.



Automatic Pool Cover Safety Standards

When you invest in a pool cover, you want to ensure you're getting the best quality product that meets all of the most rigorous safety standards. While every state has its own mandatory pool barrier codes, pool covers must meet safety standards set by the American Society for Testing and Materials (ASTM).

CoverStar automatic cover systems have been tested and meet the safety standards outlined in ASTM F1346-91. These standards were created to reduce the risk of drowning by inhibiting pool access to children under five years of age.

ASTM F1346 Pool Safety Covers

Pool Safety Covers

With pool barrier codes mandated in most US States to be confident of a high level of quality and safety, select pool safety covers that are manufactured and installed to the most referenced code for manual pool safety covers – the ASTM F1346 -91 statute.

Who and What is ASTM International?

Originated in 1898 by a group of railway engineers, to deal with issues concerning their steel rails, ASTM International has become one of the largest classification and standards developing organization in the world. Standards and classifications are developed within voluntary member committees. ASTM performs no part in approving, sanctioning or enforcing compliance with its standards. The standards become mandated when referenced by a society, association, or legislative agency. To demonstrate a product fulfills the terms of a standard, a product can be tested by an independent testing laboratory. The laboratory will then issue a full report with confirmation of the compliance.

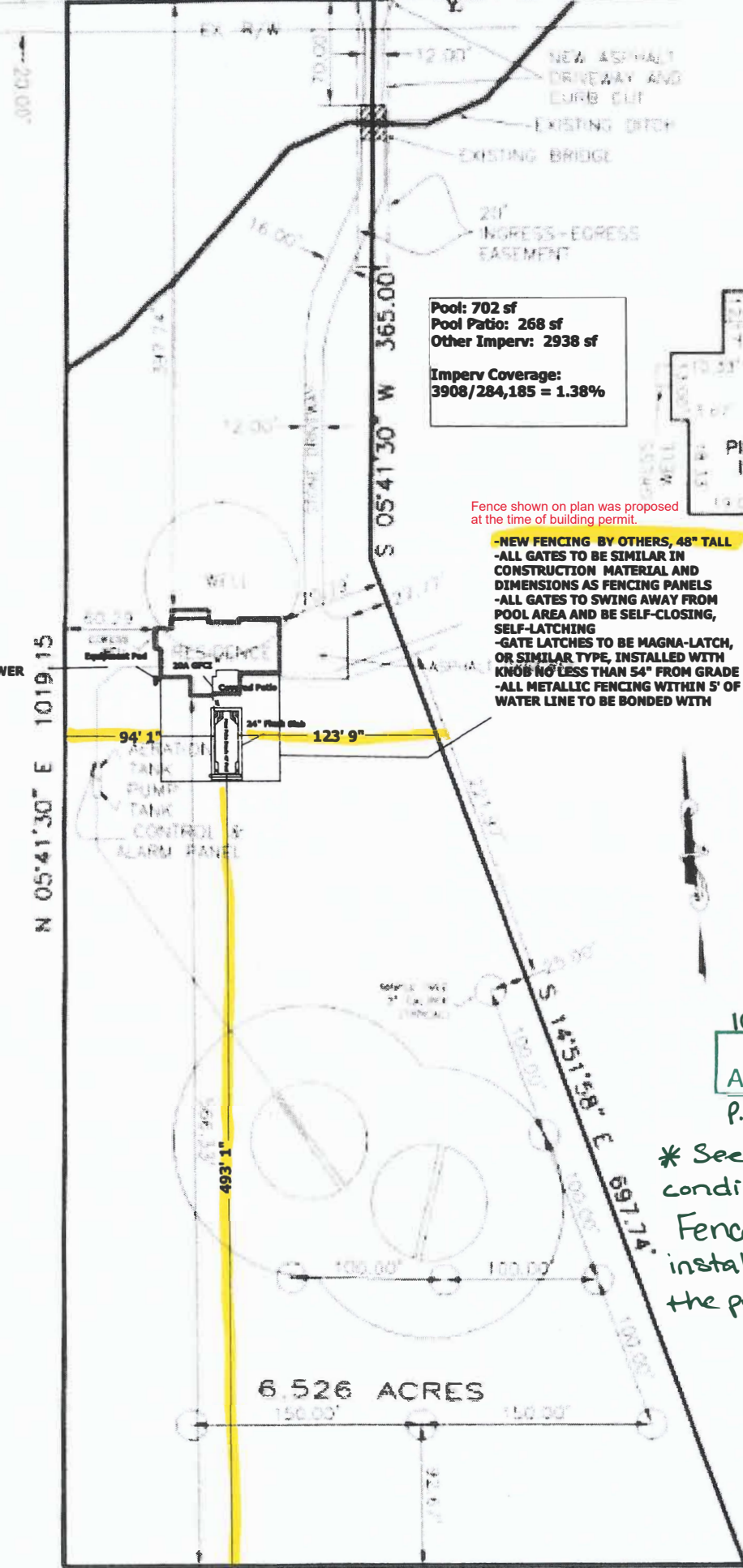
Why is the ASTM F1346 – 91 Standard Important?

ASTM F1346 -91 Standard Performance Specification for Manual Safety Covers. ASTM International developed this standard to reduce the risk of drowning of children under five years of age. This standard is used by many States and Cities as the mandated pool barrier code, as well as referenced nationally by day-care, adoption and fostering agencies.

Some of the qualifications for the ASTM specification F 1346 -91 include:

- The static load test for weight support. The cover should be able to hold a weight of at least 485 lbs (the estimated average weight of 2 adults and one child) to permit rescue operation.
- Perimeter Deflection Tests for entry or entrapment between the cover and the side of the pool. The cover must demonstrate that any opening is sufficiently small and strong enough to prevent the test object being passed through.
- The Surface Drainage Test that safeguards against a dangerous amount of water collecting on the cover's surface.
- Labeling requirements must include basic consumer information such as the warranty information, the appropriate warnings as described in the standard and acknowledge the product as a safety cover.

S 85°20'44" E 200.00'



Pool: 702 sf
 Pool Patio: 268 sf
 Other Imperv: 2938 sf

Imperv Coverage:
 $3908 / 284,185 = 1.38\%$



Fence shown on plan was proposed at the time of building permit.

- NEW FENCING BY OTHERS, 48" TALL
- ALL GATES TO BE SIMILAR IN CONSTRUCTION MATERIAL AND DIMENSIONS AS FENCING PANELS
- ALL GATES TO SWING AWAY FROM POOL AREA AND BE SELF-CLOSING, SELF-LATCHING
- GATE LATCHES TO BE MAGNA-LATCH, OR SIMILAR TYPE, INSTALLED WITH KNOB NO LESS THAN 54" FROM GRADE
- ALL METALLIC FENCING WITHIN 5' OF WATER LINE TO BE BONDED WITH

EXISTING UNDERGROUND POWER

N 05°41'30" E 1019.15'

S 05°41'30" W 365.00'

6.526 ACRES

N 84°53'00" W 445.00'

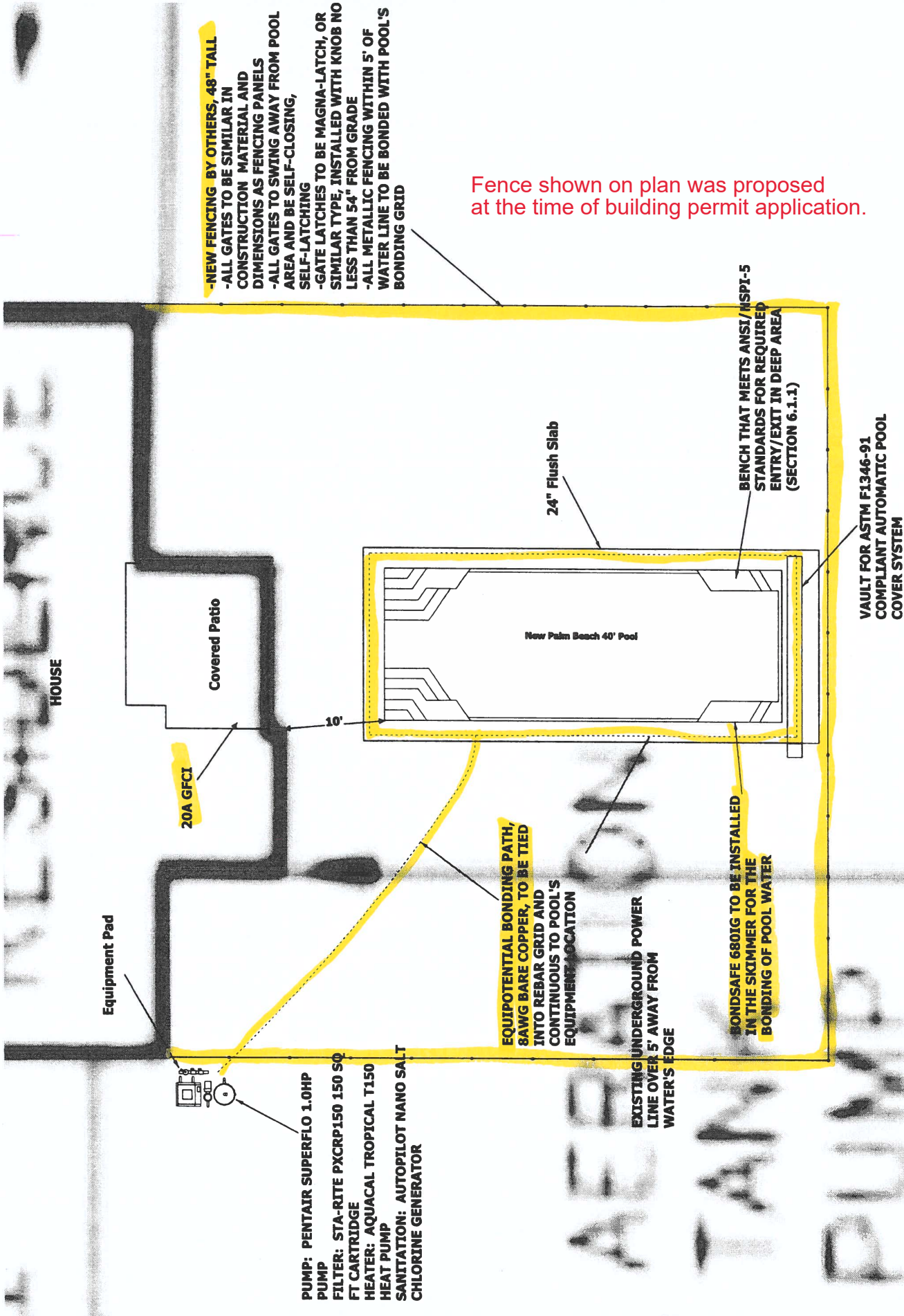
10-4-21
 ZONING APPROVED

P. Hickok

* See permit for full condition

Fence must be installed as soon as the pool has water

Hwang - PLAN



- NEW FENCING BY OTHERS, 48" TALL
- ALL GATES TO BE SIMILAR IN CONSTRUCTION MATERIAL AND DIMENSIONS AS FENCING PANELS
- ALL GATES TO SWING AWAY FROM POOL AREA AND BE SELF-CLOSING, SELF-LATCHING
- GATE LATCHES TO BE MAGNA-LATCH, OR SIMILAR TYPE, INSTALLED WITH KNOB NO LESS THAN 54" FROM GRADE
- ALL METALLIC FENCING WITHIN 5' OF WATER LINE TO BE BONDED WITH POOL'S BONDING GRID

Fence shown on plan was proposed at the time of building permit application.

- PUMP: PENTAIR SUPERFLO 1.0HP
- FILTER: STA-RITE PXCRP150 150 SQ FT CARTRIDGE
- HEATER: AQUACAL TROPICAL T150
- HEAT PUMP
- SANITATION: AUTOPILOT NANO SALT CHLORINE GENERATOR



North



West



East



South



Community Development Planning Application

Permit # _____
Board _____
Mtg. Date _____



Project Information

Site Address 22 New Albany Farms Rd
Parcel Numbers Section 1 Lot 8
Acres 7.27 # of lots created _____

Choose Application Type Circle all Details that Apply
[] Appeal
[] Certificate of Appropriateness
[] Conditional Use
[] Development Plan Preliminary Final Comprehensive Amendment
[] Plat Preliminary Final
[] Lot Changes Combination Split Adjustment
[] Minor Commercial Subdivision
[] Vacation Easement Street
[X] Variance
[] Extension Request
[] Zoning Amendment (rezoning) Text Modification

Description of Request: Although this pergola is metal, we would like you to reconsider allowing it. We feel the style of this pergola is appropriate because it compliments the architecture of the New Albany community and is classic and timeless in design. Also the galvanized metal with its gray patina finish is much longer lasting than a wood pergola. See Attached.

Contacts

Property Owner's Name: Sara + Richard Mershad
Address: 22 New Albany Farms Rd
City, State, Zip: New Albany OH 43054
Phone number: 614-226-7688 Fax: _____
Email: saramershad@gmail.com

Applicant's Name: Kevin Reiner Design (contact is Kris Cady)
Address: PO Box 450
City, State, Zip: Granville OH 43023
Phone number: 614 218 7179 Fax: _____
Email: kris@kevinreinerdesign.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 K Cady Kevin Reiner Design Date: 7.27.22

Note: This pergola was recently installed in Upper Arlington. If the committee would like to see the pergola in person, this can be arranged.





NEW ALBANY

Community Development Residential Permit Application

Incomplete applications or submittals will not be accepted/reviewed
PLEASE PRINT CLEARLY

Property	Address <u>22 New Albany Farms Rd</u> Parcel Number <u>222-000986-00</u> Subdivision <u>New Albany Farms</u> Lot Number <u>Section 1 Lot 8</u> Fire Department <u>Plain Township</u> County <u>Franklin</u>																																																
Project Information	Type of Improvement (<i>check all that apply</i>): <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> 1 family <input type="checkbox"/> 2 family <input type="checkbox"/> 3 family <u>Exterior Hardscape</u> Project Valuation (<i>required</i>) <u>\$116,000</u> Scope of Work (<i>check all that apply</i>): <input type="checkbox"/> Structural/Floor Plan <input type="checkbox"/> Site work <input type="checkbox"/> Public sewer tap <input type="checkbox"/> Public water tap <input type="checkbox"/> Electrical <input type="checkbox"/> Heating <input type="checkbox"/> Cooling <input type="checkbox"/> Ventilation <input type="checkbox"/> Gas piping <input type="checkbox"/> Plumbing <input type="checkbox"/> Fire alarm <input type="checkbox"/> Fire suppression <input type="checkbox"/> Foundation start requested <input type="checkbox"/> Other _____ Description of Project: <u>See attached</u>																																																
Contacts	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Property Owner's Name: <u>Richard & Sara Mershad</u></td> <td colspan="2">Contractor: <u>Kevin Reiner Design</u></td> </tr> <tr> <td colspan="2">Address: <u>22 New Albany Farms Rd</u></td> <td colspan="2">Address: <u>PO Box 450</u></td> </tr> <tr> <td colspan="2">City, State, Zip: <u>New Albany OH 43054</u></td> <td colspan="2">City, State, Zip: <u>Granville, OH 43023</u></td> </tr> <tr> <td colspan="2">Phone number: <u>614-226-7688</u></td> <td colspan="2">Phone number: <u>614 218 7179</u></td> </tr> <tr> <td colspan="2">Fax: <u></u></td> <td colspan="2">Fax: <u></u></td> </tr> <tr> <td colspan="2">Email: <u>Sara.mershad@gmail.com</u></td> <td colspan="2">Email: <u>Kris@Kevinreinerdesign.com</u></td> </tr> <tr> <td>Applicant: (circle one)</td> <td>Owner</td> <td>Contractor (list contact name below)</td> <td>Other (complete below information)</td> </tr> <tr> <td colspan="4">Applicant Contact Name: <u>Kris Cadly</u></td> </tr> <tr> <td colspan="4">Company Name: <u>Kevin Reiner Design</u></td> </tr> <tr> <td colspan="2">Address: <u>PO Box 450</u></td> <td colspan="2">City, State Zip Code <u>Granville, OH 43023</u></td> </tr> <tr> <td colspan="2">Phone number: <u>614 218 7179</u></td> <td colspan="2">Fax: <u></u></td> </tr> <tr> <td colspan="4">Email: <u>Kris@KevinReinerdesign.com</u></td> </tr> </table>	Property Owner's Name: <u>Richard & Sara Mershad</u>		Contractor: <u>Kevin Reiner Design</u>		Address: <u>22 New Albany Farms Rd</u>		Address: <u>PO Box 450</u>		City, State, Zip: <u>New Albany OH 43054</u>		City, State, Zip: <u>Granville, OH 43023</u>		Phone number: <u>614-226-7688</u>		Phone number: <u>614 218 7179</u>		Fax: <u></u>		Fax: <u></u>		Email: <u>Sara.mershad@gmail.com</u>		Email: <u>Kris@Kevinreinerdesign.com</u>		Applicant: (circle one)	Owner	Contractor (list contact name below)	Other (complete below information)	Applicant Contact Name: <u>Kris Cadly</u>				Company Name: <u>Kevin Reiner Design</u>				Address: <u>PO Box 450</u>		City, State Zip Code <u>Granville, OH 43023</u>		Phone number: <u>614 218 7179</u>		Fax: <u></u>		Email: <u>Kris@KevinReinerdesign.com</u>			
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22 New Albany Farms Rd. Mershad Residence
Pergola and Pea Gravel Patio Project
Kevin Reiner Design
Contact: Kris 614-218-7179

Proposing the installation of 2 metal (galvanized steel) pergolas and a pea gravel patio on the east courtyard patio area.

Currently there is a 32' 7.5" x 22'3" lawn area surrounded by a bluestone patio on three sides and a garden bed on the south side. We are proposing removing the lawn and a small portion of the garden bed, replacing it with a pea gravel patio 34'9" x 22'3", and installing two pergolas side by side in the pea gravel patio. The existing bluestone remains as is. The pea gravel patio

(2) galvanized steel pergolas. Each is 31'8" x 9'7" x 10' with 6 (3" square) posts. 9 36" concrete footers to be installed. The 6 'middle' pergola posts to share the footer (these center posts are fastened together). The posts are secured to the footer with a base plate and anchor bolts (see footer diagram).

There is an existing drain in the center of the lawn area, hooked to an existing drainage system. We will be removing this and replacing it with two 12" brass drains (made by Zurn) and connecting these to the existing drainage system.

Pea gravel patio (34' 9" x 22'3") to replace lawn area is 4" compacted 411 gravel base topped with 1" compacted limestone dust, top dressed with 1/2" partially crushed #8 pea gravel.

No landscape lighting.

1-2 exterior receptacles on stake in ground.

Removal of lawn, pea gravel patio excavation (6"), footer installation, drain installation and re-connection, outlet installation, pergola assembly and installation performed by Sullivan Builders, managed by Kevin Reiner Design.

Pea gravel patio installed by Cornerstone Masonry, managed by Kevin Reiner Design

Wisteria planting performed by Kevin Reiner Design

22 New Albany Farms Rd. Mershad Residence
Pergola and Pea Gravel Patio Project
Kevin Reiner Design
Contact: Kris 614-218-7179

Proposing the installation of 2 metal (galvanized steel) pergolas and a pea gravel patio on the east courtyard patio area.

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Pea gravel patio (34' 9" x 22'3") to replace lawn area is 4" compacted 411 gravel base topped with 1" compacted limestone dust, top dressed with 1/2" partially crushed #8 pea gravel.

No landscape lighting.

1-2 exterior receptacles on stake in ground.

Removal of lawn, pea gravel patio excavation (6"), footer installation, drain installation and re-connection, outlet installation, pergola assembly and installation performed by Sullivan Builders, managed by Kevin Reiner Design.

Pea gravel patio installed by Cornerstone Masonry, managed by Kevin Reiner Design

Wisteria planting performed by Kevin Reiner Design



Site attach
1842' Hypothetically from Property line

Mershad Residence
 22 New Albany Farms Rd.

222-000987

222-000986


222-000985

222-000999

222-000979

← Pergola Location

222-001839



The data on this map was originally compiled at 1"=100' based on the Ohio State Plane South Coordinate System, North American Datum 1983 with 2 contours based on the North American Vertical Datum 1988 (when displayed).

**Franklin County
 Auditor's Office**

Auditor

Michael Stinziano

Map Produced April 26, 2022

Planimetric Legend
 Source: 2018 Aerial Photography

- Edge of Pavement
- Roadway Centerlines
- Railroad Centerlines
- Building Footprints
- Building Under Construction
- Creeks, Streams, Ditches
- Rivers & Ponds

Topographic Legend
 Source: OSIP - 2019 UDAR Collection

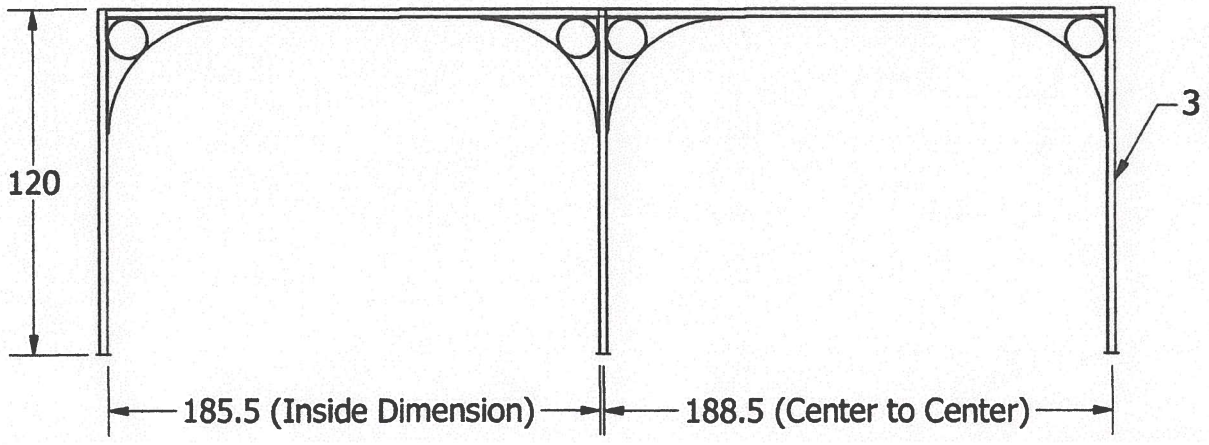
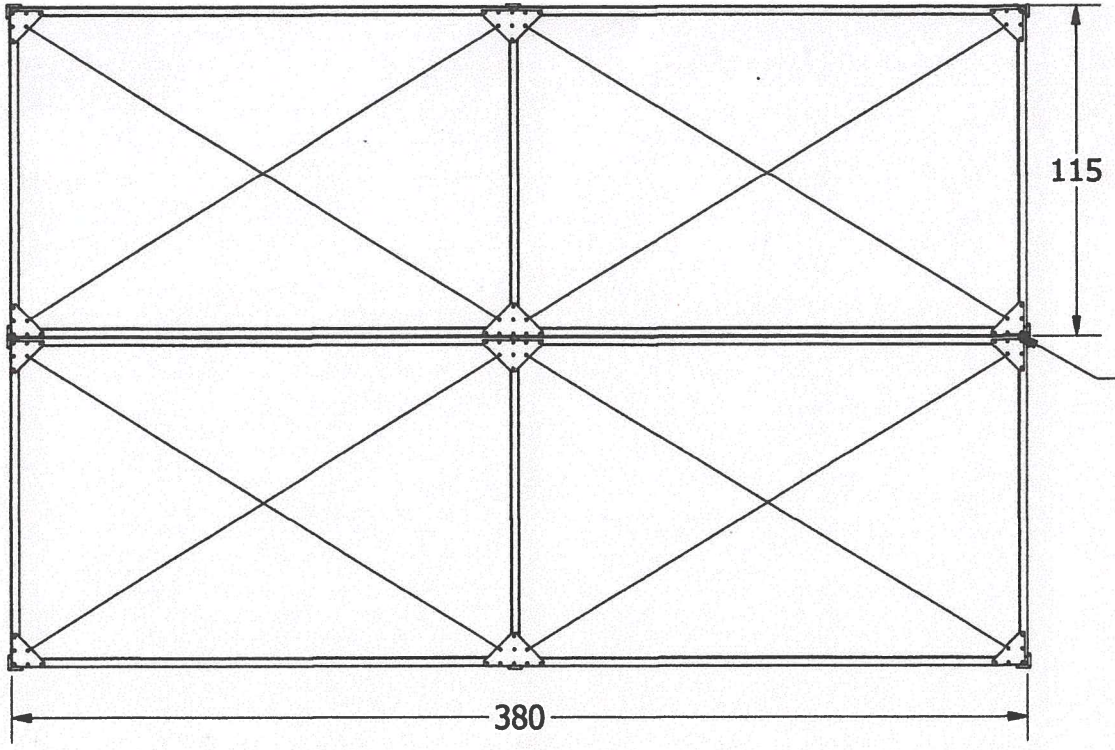
- Spot Elevation
- Index Contour
- Intermediate Contour

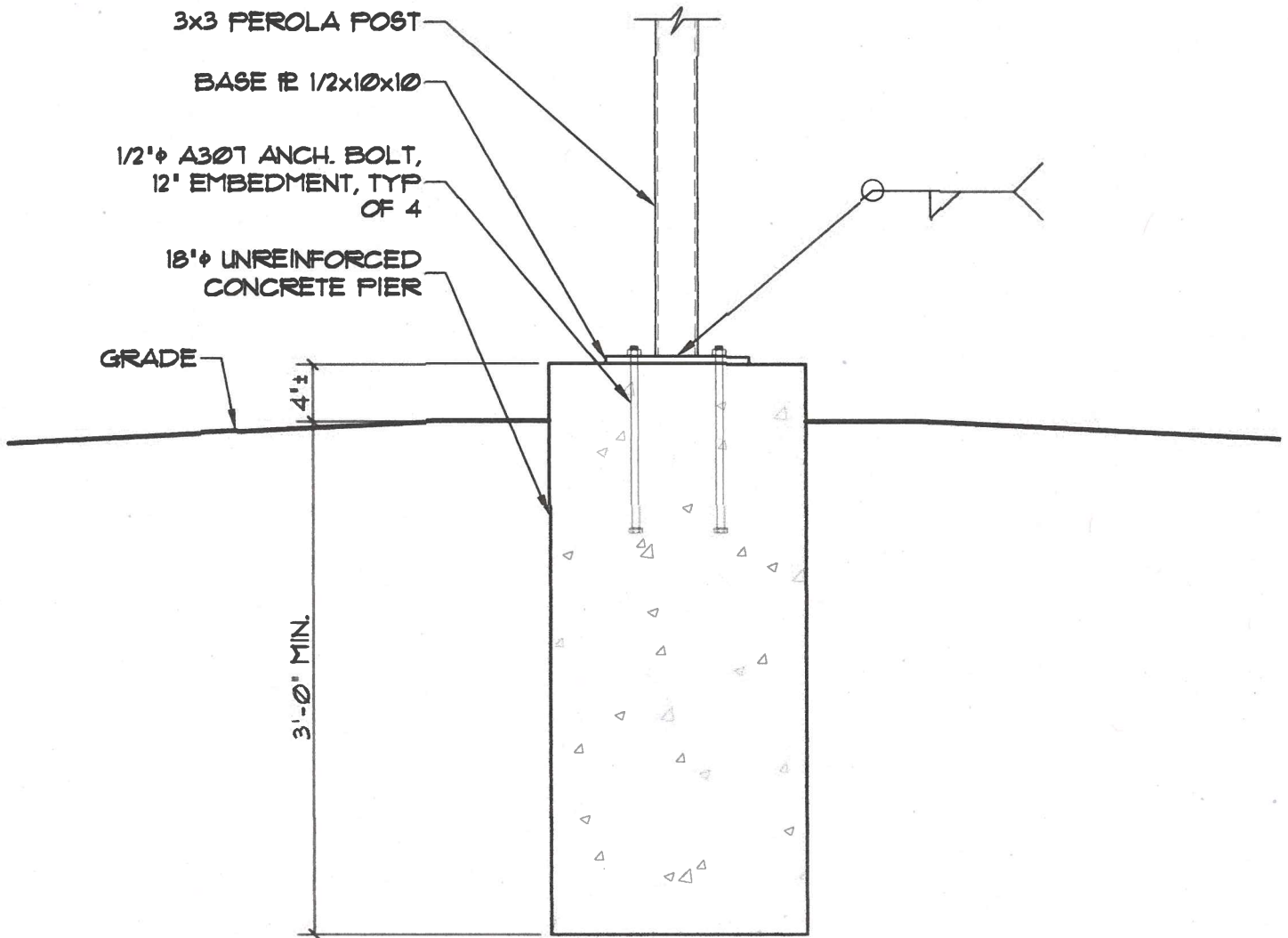
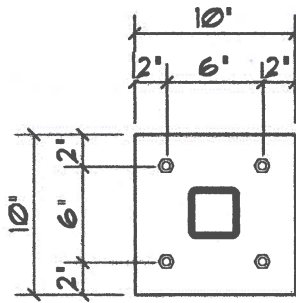
Appraisal Legend
 Source: Franklin County Auditor & Engineer

- Parcel IDs
- Parcel Dimensions
- Lot Numbers
- Site Address
- Parcel Boundary
- Subdivision Boundary
- Condominium Boundary
- County Boundary
- City or Village Boundary
- Tax District Boundary
- School District Boundary
- Zip Code Boundary

This map is prepared for the real property inventory within the county. It is compiled from record deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be considered for verification of the information contained on this map. The county and the mapping companies assume no legal responsibility for the information contained on this map. Please notify the Franklin County Auditor's GIS Department of any discrepancies.







NEW AVENUE
architects • engineers
4140 REED ROAD, SUITE 201
UPPER ARLINGTON, OHIO 43220
614-884-8888

PROJECT
Mershad Residence
22 New Albany Farms Rd.

Sullivan Builders Inc.

PROJ. NO. 21-0217
DRAWN RUM
DATE 11-01-2021

SHEET NUMBER
S1.1



East side and West side posts approx. 15' 8.5" on center

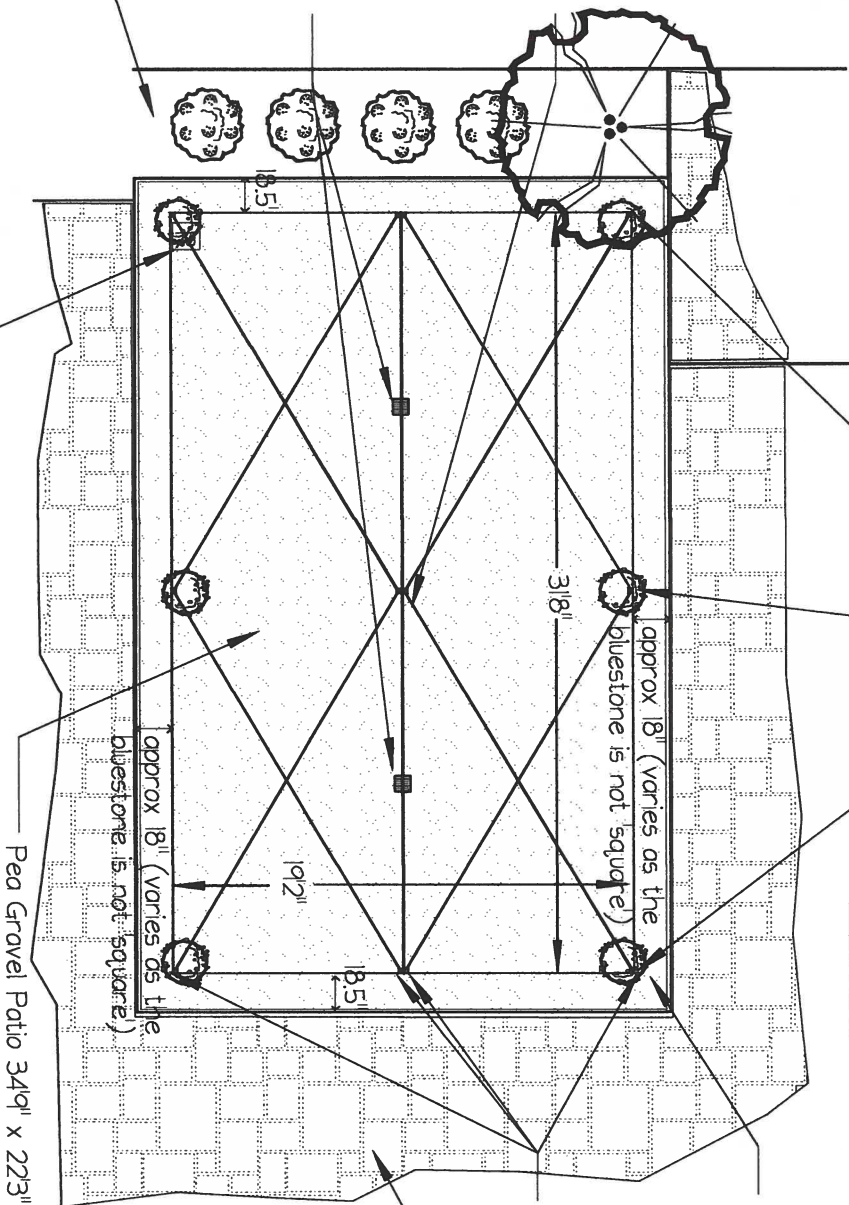
OVERALL PERGOLA DIMENSIONS:
 2 pergolas, installed side by side and fastened together.
 Each pergola is 31'8" l x 9'7" w x 10' h

Existing drain
 To be removed, reworked & replaced by two new 12" brass drains

(2) new 12" brass drains to tie into existing drainage

Existing garden bed

(1) New exterior receptacle on stake in ground



(6) Mysteria (cultivar TBD based on availability)

North and South posts at corners of each pergola. Approx. 9'7"

Existing Bluestone Patio

Pea Gravel Patio 34'9" x 22'3"

To replace existing lawn (same footprint) 4" compacted 411 gravel base, topped with 1" compacted limestone dust, top-dressed with 1/2" partially crushed #8 pea gravel.
 South edge is contained with Pro Steel edging with black powder coated finish.

MERSHAD EAST PATIO PERGOLA			
22 New Albany Farms Rd.			
date:	7/14/22	drawn by:	MSJ
scale:	1" = 8'	checked by:	
drawn by:		revision:	



COPY OF WHAT WAS
SUBMITTED 8-5-22

22 New Albany Farms Rd.
Donovan/Mershad Residence
Variance Application for Pergola and Pea Gravel Patio Project
Kevin Reiner Design
Contact: Kris 614-218-7179
8/5/22

This submittal includes the Community Development Planning Application for a Variance and 2 sets of the following paperwork and supporting documents:

- Copy of the Unified Plan Review Response Letter with Options indicated
- Written responses to Appendix A and Appendix B concerns along with overview of project
- Site plan showing pergola in relation to house
- Diagram of the pergola, diagram of the footer, diagram of the fastener
- Images of the pergola
- Three aerial photographs of proposed pergola location



Community Development Department

Unified Plan Review Response Letter

PRREM20220544

August 01, 2022

Thank you for submitting plans for the project located at 22 NEW ALBANY FARMS RD. We greatly appreciate your efforts to provide accurate and detailed construction drawings. The plan review staff has reviewed the proposed plans and related documents based on the , City of New Albany Codified Ordinances and the Ohio Revised Code.

Permit Status: Denied

PROPERTY INFORMATION

Address: 22 NEW ALBANY FARMS RD

Parcel ID: 222-000986

County: Franklin County

PROJECT DESCRIPTION

Landscaping - Pea gravel patio & 2 pergolas

Sub-permits

PRREM20220544-REM1

Status

Denied

CODE INFORMATION

Building Square Footage:

Construction Type: Residential 1,2 & 3 family (R)

Use Group:

Building Code Edition:

CONTACT INFORMATION

Applicant: Kevin Reiner Design

Contractor: Kevin Reiner Design

Please review the attached plan review comments and feel free to call with any questions or comments. Specific questions that pertain to an individual plan review comment sheet should be address to the plan examiner listed. Please revise the construction documents as required to achieve code compliance and resubmit the following information to our office located at 99 W. Main Street, New Albany, Ohio 43054.

Plan Tracking Sheet

Copy of the plan review comments with applicant's option noted

Written plan review response

Two (2) sets of revised plans / documents (please cloud all revised drawings)

Zoning Summary Status: Denied (See appendix A)

Any person affected by a decision of the code official or a notice issued under the code shall have the right of appeal to New Albany Board of Zoning Appeals or the Planning Commission, provided a written application on the forms provided by the Community Development Department be filed within 20 days after the decision, notice or order was served.

Building Summary Status: Denied (See appendix B)

This response letter will serve as notice of your adjudication order pursuant to OBC Section 113.1. Prior to enforcing the above provisions of the OBC, the building department is required to provide notice to you of the intent to enforce the stated provisions and provide information on how you may request an opportunity for hearing. Under Section 119 of the ORC, you have Thirty (30) days from the mailing of this order to request an appeal hearing from this order or any part thereof.

TO REQUEST A BUILDING APPEAL HEARING YOU MUST:

Any person affected by a decision of the code official or a notice order issued under the code shall have the right of appeal to New Albany Board of Construction Appeals, provided a written application on the forms provided by the Community Development Department be filed within 20 days after the decision, notice, or order was served.

Sierra Cratic-Smith
Zoning Plan Reviewer
City of New Albany

Timothy Schaffner
Building Plan Reviewer
City of New Albany

Signature Kristen E Cady Date 8.4.22

Printed Name & Company Kristen Cady Kevin Reiner Design

**Appendix B
Building Plan Review Comments**

Date:	08/01/22	Plan Reviewer:	Timothy Schaffner
Permit Number:	PRREM20220544	Status:	Denied

Items of Non-compliance / Corrections	Applicant's Option (see below)
<p>Building</p> <p>Plan Review Status - Single Family Residential</p> <p>Certificate of Plan Denial.</p> <p>Please provide additional information as noted below.</p> <p>RCO Administration (RCO CH 1)</p> <p>Construction documents.</p> <p>1. Site plan. Please show pergola placement at house. Need to determine pergola orientation with spacing from house.</p> <p>2. Attachments of the two pergola's. Please note that the drawings are not clearly showing how the two pergolas are being connected. Supply the connection types and spacing.</p> <p>3. Roof. Are these remaining open or is there any materials being attached?</p>	<p>#1</p>
<p>Engineering -</p>	
<p>Applicant's Options</p> <p>1. The applicant will revise the drawings and resubmit to the department with a copy of this page.</p> <p>2. The applicant will revise the drawings and submit at a later date when drawings are available with a copy of this page.</p> <p>3. The items of non-compliance will not be brought into compliance and the applicant will request an appeal.</p>	

Plan Review Comments / Conditions	

22 New Albany Farms Rd.
Donovan/Mershad Residence
Variance Application for Pergola and Pea Gravel Patio Project
Kevin Reiner Design
Contact: Kris 614-218-7179
8/5/22

Applying for a variance to allow the installation of 2 metal (made of galvanized steel with a soft matte gray patina) pergolas (and a pea gravel patio on the east courtyard patio area).

Regarding Appendix A Zoning Plan Review Items of Non-Compliance:

Reason for variance application: We feel the style of these pergolas and the material that they are made of are appropriate, and complement, the existing architecture of the New Albany community and particularly, The Farms neighborhood. The pergolas' appearance is classic and timeless in design. The galvanized steel, with the soft matte gray patina, is much longer lasting and less maintenance long term. Often wood pergolas look worn out and begin to deteriorate after just a few years. Over time, the wisteria planted at each post will cover most of the metal structures. The pergolas are not visible from the road or from neighboring properties. For all of these reasons, we hope you will consider allowing these pergolas.

Regarding Appendix B Building Plan Review Items of Non-Compliance/Corrections:

- Revised site plan submitted showing pergola placement at house and spacing from house.
 - Diagram submitted of the fasteners and positioning/spacing of the fasteners on the pergola
 - Roof: the 'roof' is constructed of criss-crossing 3" square tubing beams but is otherwise 'open.'
- See diagram. Wisteria will be planted on each outside post. Eventually the wisteria will cover the overhead, criss-crossing beams.

Overview of project:

Currently there is a 32' 7.5" x 22'3" lawn area surrounded by a bluestone patio on three sides and a garden bed on the south side. We are proposing removing the lawn and a small portion of the garden bed, replacing it with a pea gravel patio 34'9" x 22'3", and installing two pergolas side by side in the pea gravel patio. The existing bluestone remains as is.

(2) galvanized steel pergolas. Each is 31'8" x 9'7" x 10' with 6 (3" square) posts. 9 36" concrete footers to be installed. The 6 'middle' pergola posts to share the footer (these center posts are fastened together - see fastener diagram). The posts are secured to the footer with a base plate and anchor bolts (see footer diagram). The 'roof' of the pergola is constructed of criss-crossing

There is an existing drain in the center of the lawn area, hooked to an existing drainage system. We will be removing this and replacing it with two 12" brass drains (made by Zurn) and connecting these to the existing drainage system.

over
→

Pea gravel patio (34' 9" x 22' 3") to replace lawn area is 4" compacted 411 gravel base topped with 1" compacted limestone dust, top dressed with 1/2" partially crushed #8 pea gravel.

No landscape lighting.

1-2 exterior receptacles on stake in ground.

Removal of lawn, pea gravel patio excavation (6"), footer installation, drain installation and re-connection, outlet installation, pergola assembly and installation performed by Sullivan Builders, managed by Kevin Reiner Design.

Pea gravel patio installed by Cornerstone Masonry, managed by Kevin Reiner Design

Wisteria planting performed by Kevin Reiner Design.

22 New Albany
Donovan/Marked Re
Variance Application for Pergola and Pea Gravel Patio Project
Kevin Reiner Design
Contact: Kris 814-218-7179
8/8/22

Revised site plan submitted showing pergola placement at house and spacing from house.
Diagram submitted of the fasteners and positioning/spacing of the fasteners on the pergola.
Foot: the roof is constructed of ches-crossing 3" square tubing beams but is otherwise open.
See diagram. Wisteria will be planted on each outside post. Eventually the wisteria will cover the
overhead, ches-crossing beams.

Overview of project:

Currently there is a 32' 7 1/2" x 22' 3" lawn area surrounded by a bluestone patio on three sides and a garden bed on the south side. We are proposing removing the lawn and a small portion of the garden bed, replacing it with a pea gravel patio 34' 9" x 22' 3", and installing two pergolas side by side in the pea gravel patio. The existing bluestone remains as is.

(2) galvanized steel pergolas. Each is 31' 8" x 9' 7" x 10' with 6 (3" square) posts @ 38" concrete footers to be installed. The 6 'middle' pergola posts to share the footer (three center posts are fastened together - see fastener diagram). The posts are secured to the footer with a base plate and anchor bolts (see footer diagram). The roof of the pergola is constructed of ches-crossing

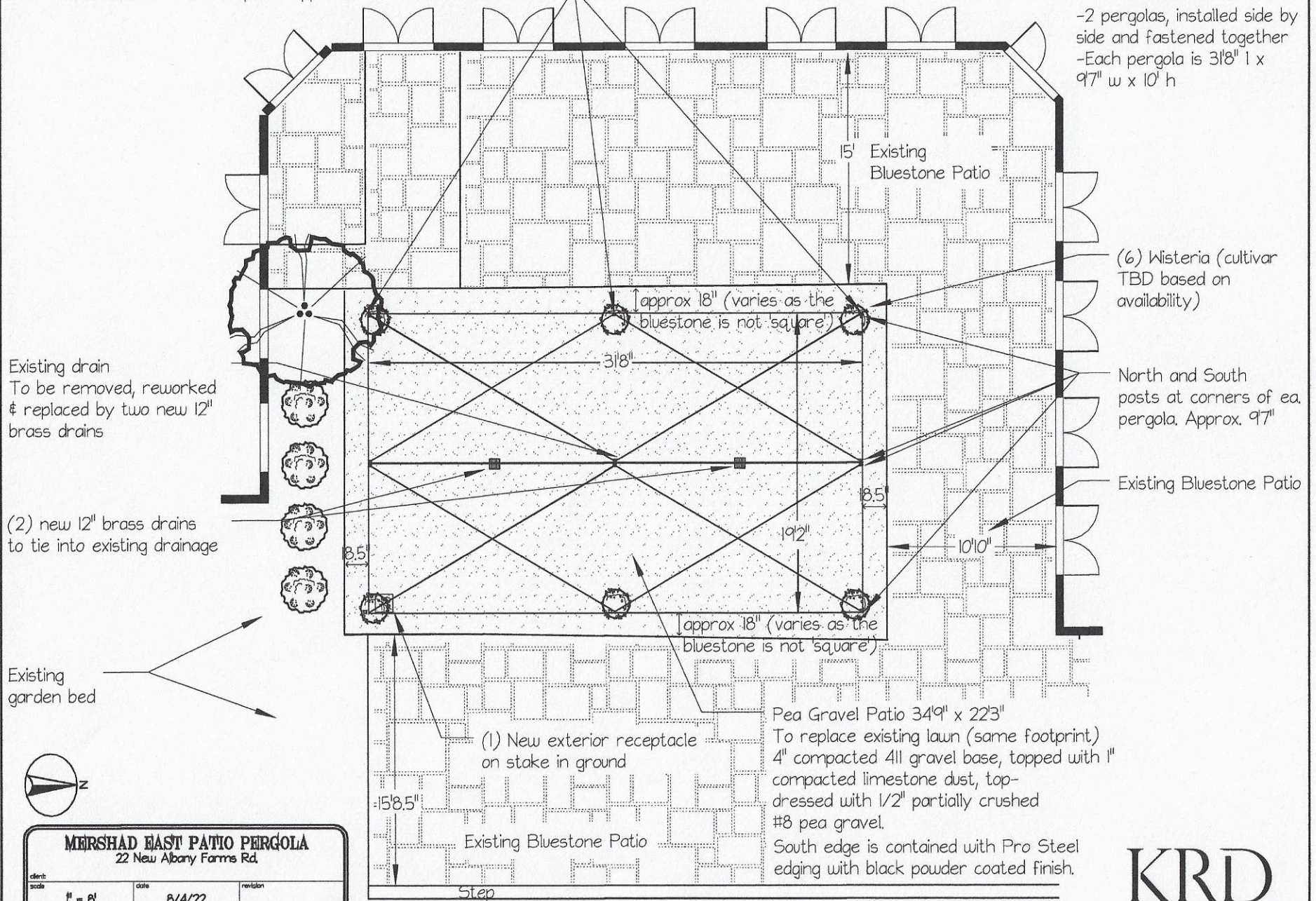
There is an existing drain in the center of the lawn area, hooked to an existing drainage system. We will be removing this and replacing it with two 12" cross drains (made by Sun) and connecting these to the existing drainage system.

Handwritten signature and arrow pointing right.

East side and West side posts approx. 15' 8.5" on center

PERGOLA DIMENSIONS

- 2 pergolas, installed side by side and fastened together
- Each pergola is 3'18" l x 9'7" w x 10' h



Existing drain
To be removed, reworked & replaced by two new 12" brass drains

(2) new 12" brass drains to tie into existing drainage

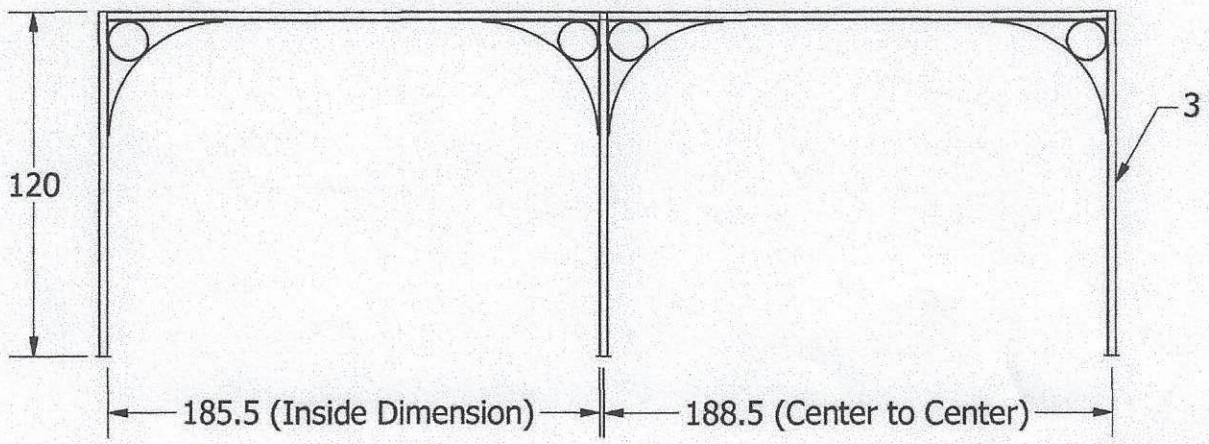
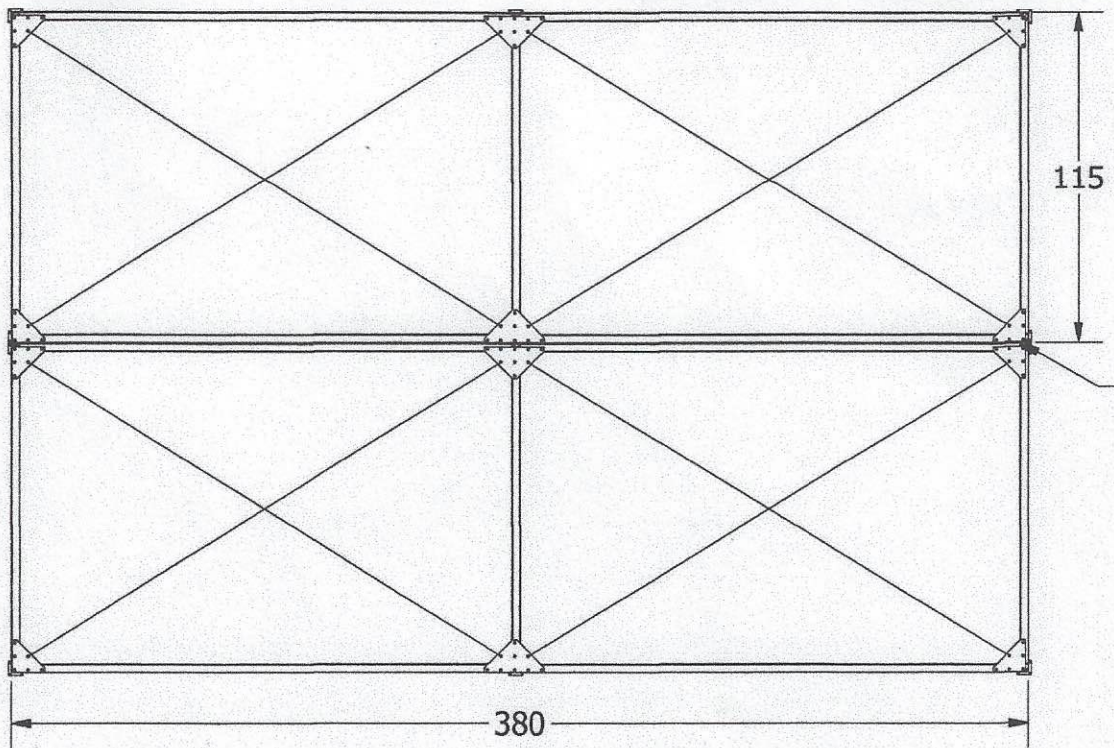
Existing garden bed

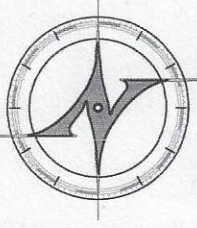
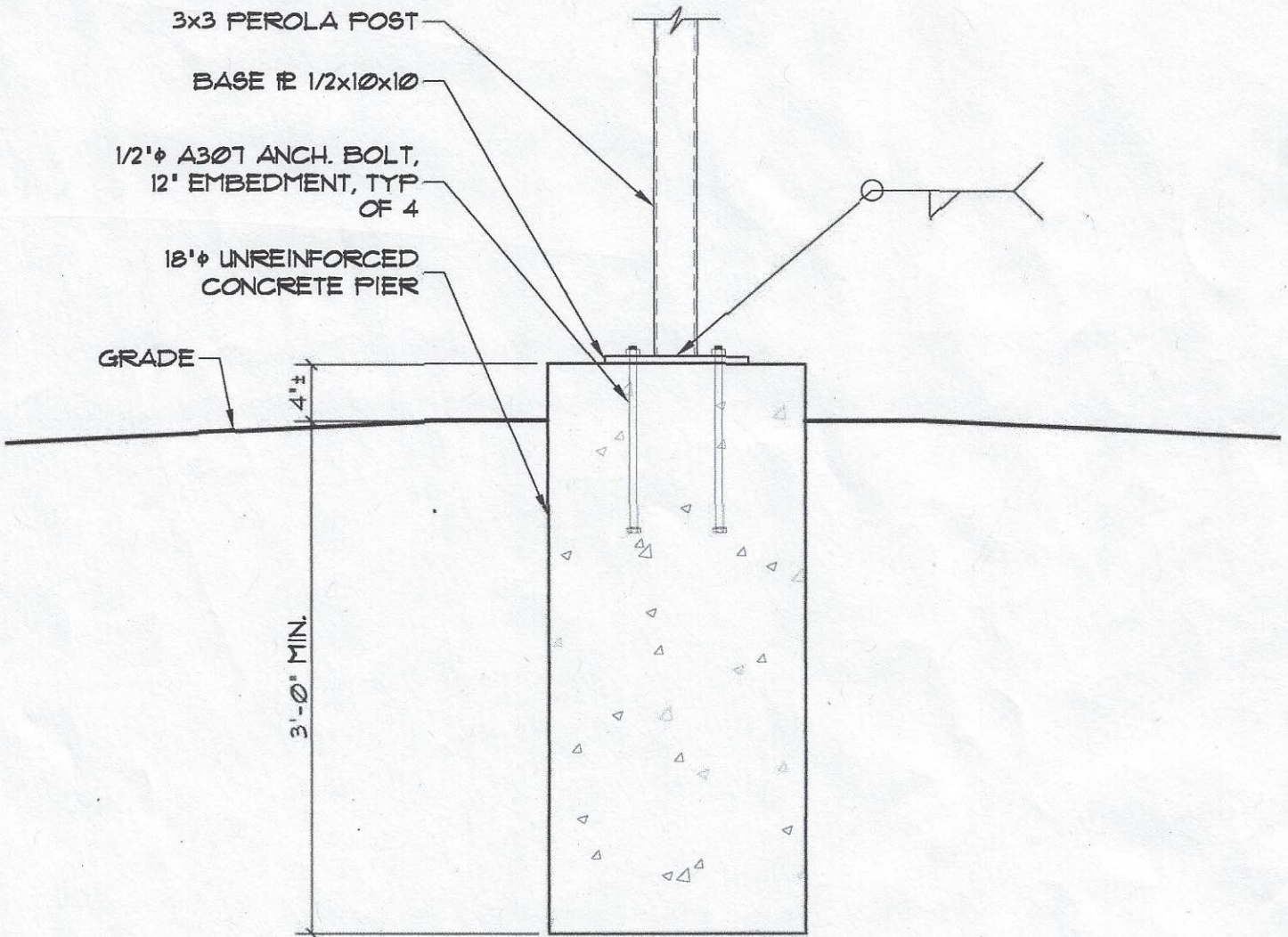
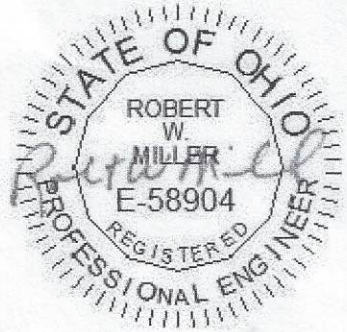
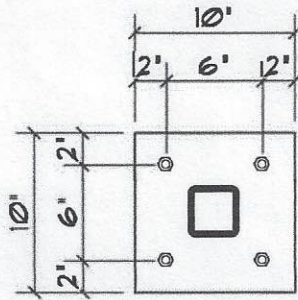


MERSHAD EAST PATIO PERGOLA		
22 New Albany Farms Rd.		
client	date	revision
scale 1" = 8'	8/4/22	
drawn by	checked by	drawing #
		#1

Pea Gravel Patio 34'9" x 22'3"
To replace existing lawn (same footprint)
4" compacted 4/11 gravel base, topped with 1" compacted limestone dust, top-dressed with 1/2" partially crushed #8 pea gravel.
South edge is contained with Pro Steel edging with black powder coated finish.







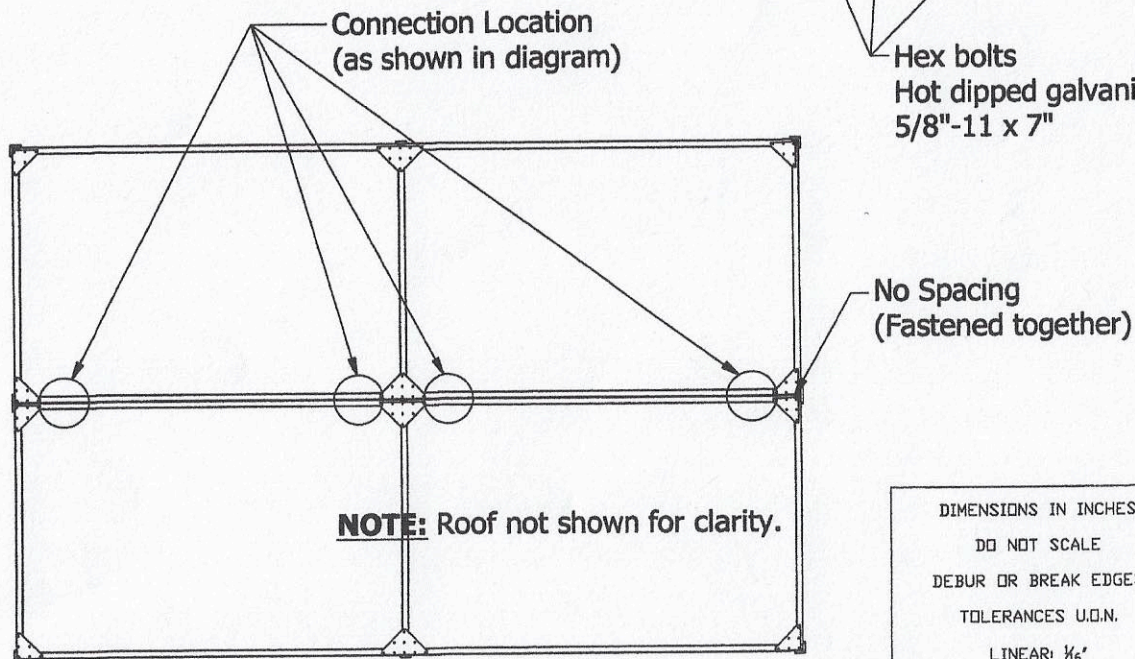
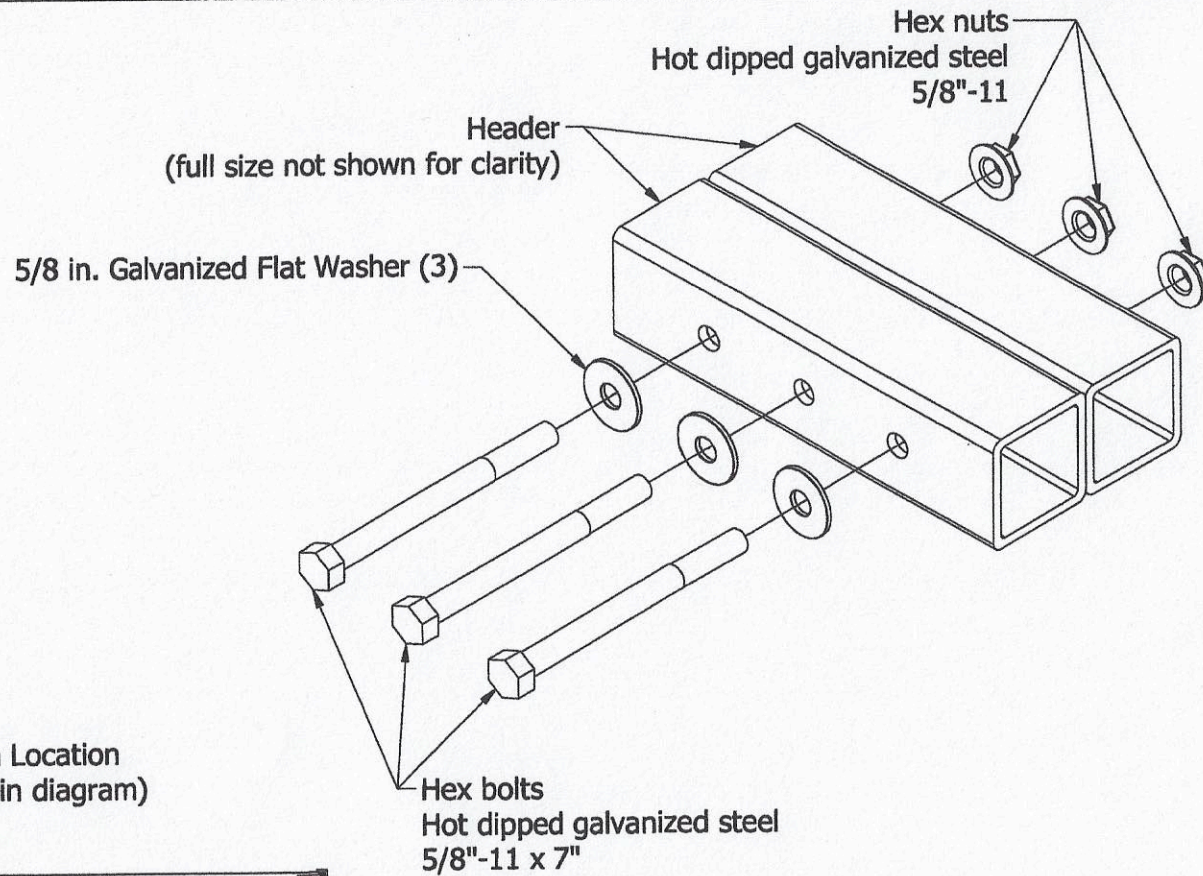
NEW AVENUE
 architects • engineers
 4140 REED ROAD, SUITE 201
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PROJECT
 Mershad Residence
 22 New Albany Farms Rd.

Sullivan Builders Inc.

PROJ. NO. 21-0217
 DRAWN RUM
 DATE 11-01-2021

SHEET NUMBER
SI.1



TITLE	
38019310 Fastener Diagram	
DRAWN BY	CHECKED BY
DWG NO	REV
38019310-FD.ipn	A

DIMENSIONS IN INCHES
 DO NOT SCALE
 DEBUR OR BREAK EDGES
 TOLERANCES U.O.N.
 LINEAR: 1/16"
 ANGULAR: 0.5 DEG





Location
of pergolas + pea gravel patio

NA

22 New Albany Farms Rd. Proposed Pergola Location



