



**New Albany Architectural Review Board**  
Meeting Minutes, December 11, 2023 - Approved

**I. Call to order**

The New Albany Architectural Review Board held a regular meeting on December 11, 2023 in the New Albany Village Hall. Chair Hinson called the meeting to order at 7:00 p.m. and asked to hear the roll.

**II. Roll call**

Those answering roll call:

Mr. Hinson	present
Mr. Iten	present
Mr. Brown	present
Mr. Davie	present
Mr. Maletz	present
Ms. Moore	present
Mr. Strahler	absent
President Pro Tem Brisk	present

Staff members present: Planning Manager Mayer and Deputy Clerk Madriguera.

**III. Action on minutes:** November 13, 2023

Chair Hinson asked if there were any corrections to the minutes from the November 13, 2023 meeting.

Board Member Iten moved for approval of the November 13, 2023 meeting minutes. Board Member Maletz seconded the motion.

Upon roll call: Mr. Iten yes; Mr. Maletz yes; Mr. Brown yes; Mr. Davie yes; Ms. Moore yes; Mr. Hinson yes. Having six yes votes, the motion passed and the November 13, 2023 meeting minutes were approved as submitted.

**IV. Additions or corrections to agenda**

Chair Hinson asked if there were any additions or corrections to the agenda.

Planning Manager Mayer answered no.

Chair Hinson administered the oath to all present who wished to address the board.

**V. Hearing of visitors for items not on tonight's agenda**

Chair Hinson asked if there were any visitors present who wished to address the board for items not on tonight's agenda.

Hearing none, he introduced the first and only case, ARB-106-2023.

Board Member Maletz stated that he was an applicant in this case and for that reason he would recuse himself from this matter. Board Member Maletz moved from the dais to the audience.

**VI. Cases:**

**ARB-106-2023 Certificate of Appropriateness**

Certificate of Appropriateness to construct six new townhomes along Richmond Square located generally north of Main Street, south of McDonald Lane, and west of Keswick Drive (PID: 222-000043).

**Applicant: Maletz Architects**

Planning Manager Mayer delivered the staff report.

Board Member Iten confirmed with Planning Manager Mayer that someone had done the math and there would be sufficient room to accommodate the elements that Planning Manager Mayer was describing – the porches, the bump-out, and the tree lawn.

Planning Manager Mayer responded that staff believed so. He continued that the applicant could speak to that but he believed there was room to accommodate those things.

Board Member Brown clarified that Planning Manager Mayer stated that the tree lawn should be 9-feet.

Planning Manager Mayer responded yes, as currently drafted it is 14-feet but staff recommended that it should be narrowed.

Board Member Iten and Board Member Brown clarified that condition 10 in the staff report stated that the tree lawn should be 8-feet, and asked whether 8-feet was the size that staff recommended.

Planning Manager Mayer agreed that staff intended that the tree lawn be 8-feet, as stated in condition 10 of the staff report. He further noted that it looked as if something was deleted in condition 10.

Board Member Brown further confirmed that condition 9 required a 6-foot sidewalk.

Planning Manager Mayer continued the staff presentation, and explained the waivers.

Chair Hinson thanked Planning Manager Mayer and stated that he had no questions for staff. He continued that he had some questions for the applicant, and asked if the applicant had anything to add.

Applicant Clare Knecht with Maletz Architects thanked Planning Manager Mayer and stated that she was available for questions.

Board Member Iten asked if she would like to respond to anything that staff had recommended and whether she thought the recommendations were appropriate.

Ms. Knecht stated that she thought the staff recommendations were appropriate and that anything that needed to be changed could be done, simply, on their end.

Chair Hinson asked how she would address item 12 with the garage doors.

Ms. Knecht responded that they would consider having three independent garage doors and if that did not work because of width, they would scale back down to two as they had originally planned.

Board Member Iten remarked that the single window coupled with the asymmetry of the garage doors bothered the Georgian part of him. He continued that he had surveyed the surrounding neighborhoods and did not see a similar 2 +1 asymmetry. It looked

unbalanced. He would prefer to see two doors of the same width or three doors of the same width.

Board Member Brown agreed and remarked that the only good thing was that they would be well-hidden from view.

Board Member Iten remarked that was true, except for the unit that was all by itself.

Board Member Brown stated that he thought the applicant did a great job of incorporating elements from Richmond Square, but noted that one item that was different was that these units did not have dormers along the roofline. He asked whether that was an intentional decision.

Ms. Knecht responded yes, it was an intentional decision. She explained that they designed the buildings to be complementary but not identical.

Board Member Brown asked whether she had thought about brick yet.

Ms. Knecht responded yes, and stated that she had brought brick samples and notes based on existing conditions in Richmond Square and how they intended to replicate that. She showed and explained the samples

Board Member Iten offered his compliments. He stated that he was quite pleased, particularly with the treatment on Main Street with the wall. He continued that he had no issue with the existing three waiver requests, this is an unusual lot. However, he reiterated his recommendation that each unit should have 2 garage doors of the same width as appropriate to code.

Chair Hinson agreed with Board Member Iten's comments.

Board Member Brown also agreed, and remarked that Ms. Knecht did a beautiful job.

Board Member Davie referred to the three-dimensional image and asked for the distance separating the buildings.

Ms. Knecht responded that it was 14-feet.

Board Member Davies noted that it appeared the façade was repeated at the two locations and given the close proximity of the buildings, he encouraged the applicant to consider what that would feel like – walking in between the buildings and from the inside. He also encouraged the applicant to review the fire code to ensure that the buildings did not exceed the number of permissible openings. He also commented on the center and the steep drop off. He noted that there appeared to be a standard railing but remarked that it could be a bit of a hazard.

Board Member Iten asked whether something was needed to prevent someone from falling through.

Chair Hinson observed that it may be a place for ironwork.

Board Member Davie agreed. He continued that the front façade had five windows, the center appeared to be a bathroom window. He thought that the elevation felt a little crowded and wondered whether that window was completely necessary, or perhaps it should be a smaller window. He further observed that on the back elevation, that the window wells were deep and may require a guardrail.

Board Member Iten added that if guardrails are required they could be subject to staff approval.

Board Member Brown stated that a condition could be added that guardrails at the window wells or ironwork in the center Main St., if needed, would be subject to staff approval.

Board Member Davie reiterated the comments made about the garage doors. He further remarked about the three windows at the top and the one window below and wondered whether it could be two and two.

Board Member Iten followed Board Member Davie's observation and asked the board whether, on the single window on the ground, did the board want to require a change. If so, what was the board comfortable with. Alternatively, would the board be comfortable with suggesting a change, subject to staff approval.

Board Member Davie observed that it was very detached from the three windows beyond, so he did not see it needing any alignment. Perhaps the board could say it could go from one to two windows.

Ms. Knecht stated that in order to maintain the current floor plan, she would propose adding a false window evenly spaced on either side with a herringbone pattern in brick. This would still give the illusion of windows, but would maintain the infilled space.

Board Member Moore noted that there would still be one active window on that side.

Board Member Brown asked whether two faux windows and the real window would look too cluttered.

There was discussion of the configuration of furniture in the room and the possibility of one or two faux windows.

Ms. Knecht showed the board a sketch demonstrating their proposal for the windows and the garage doors.

The board liked the sketch.

Board Member Iten confirmed that the board agreed with handling the three waivers with a single motion.

Thereafter Board Member Iten moved for approval of the following waivers:

- Waiver to UCC Section 2.51(a) to allow the street yard setback to be 7+/- feet from Richmond Square where code requires a minimum 10-foot setback.
- Waiver to UCC Section 2.51(c) to allow the rear yard setback (McDonald Lane) to be 1.5+/- feet where code requires a minimum 15-foot setback.
- Waiver to UCC Section 2.51 to allow the building width to be less than 90% where code requires a minimum 90%
  - a. 73% (Main Street)
  - b. 75% (Richmond Square)
  - c. 59% (Keswick Drive).

Chair Hinson seconded the motion.

Upon roll call: Mr. Iten yes; Mr. Hinson yes; Mr. Davie yes; Ms. Moore yes; Mr. Brown yes. Having five yes votes, the motion passed, and the three waivers for ARB-106-2023 were approved.

Board Member Brown moved to approve ARB-106-2023 subject to the following conditions of approval, all of which are subject to staff approval:

1. If a composite material is to be used for trim and/or screening elements, the use and type of material is subject to staff approval.
2. Windows must comply with DGR requirements.
3. Above ground mechanical devices shall be located in the side or rear yard, behind all portions of the principal façade, and shall be fully screened from the street and neighboring properties.
4. A landscape plan must be submitted and meet all city landscape code requirements.
5. A lighting plan must be submitted.
6. Bicycle parking spaces must be provided and located outside of the right-of-way.
7. The trash containers shall be stored internal to the building, inside the garage.
8. The existing utility boxes along Main Street must either be vaulted or relocated to behind the existing sidewalk, subject to the city engineer's approval.
9. The sidewalk shall be 6-foot wide along Keswick Drive.
10. The plans shall be updated to provide an 8-foot wide tree lawn along Keswick Drive.
11. The front stoop depth and height are revised to meet code requirements.
12. The garage door shall be revised to meet code requirements.
13. Guardrails at the window wells, and iron work on the center Main Street retaining wall, if needed, shall be subject to staff approval.
14. Add two faux windows to the first-floor rear elevations, subject to staff approval.

Board Member Iten seconded the motion.

Upon roll call: Mr. Brown yes; Mr. Iten yes; Mr. Davie yes; Ms. Moore yes; Mr. Hinson yes. Having five votes, the motion passed and ARB-106-2023 was approved subject to the conditions stated above.

The board wished Mr. Maletz good luck.

#### **VII. Other business**

Chair Hinson asked if there was any other business to come before the board.

Planning Manager Mayer answered that there was none from staff.

#### **VIII. Poll members for comment**

Chair Hinson polled the members for comment.

The board members expressed thanks and inquired about future items for review.

Planning Manager Mayer responded that he was sure 2024 would bring interesting projects for review.

#### **IX. Adjourn**

Having no further business, Board Member Iten moved to adjourn the December 11, 2023 meeting of the New Albany Architectural Review Board.

Chair Hinson seconded the motion.

Upon roll call: Mr. Iten yes; Mr. Hinson yes; Ms. Moore yes; Mr. Davie yes; Mr. Maletz yes; Mr. Brown yes. Having six yes votes, the motion passed and the December 11, 2023 meeting of the New Albany Architectural Review Board was adjourned at 7:45 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

**Appendix**

**ARB-106-2023**

**Staff Report**

**Record of Action**



**Architectural Review Board Staff Report  
December 11, 2023 Meeting**

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**CERTIFICATE OF APPROPRIATENESS & WAIVERS  
RICHMOND SQUARE TOWNHOMES**

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LOCATION: Generally located north of Main Street, south of McDonald Lane, and west of Keswick Drive (PID: 222-000043-00)  
APPLICANT: Maletz Architects  
REQUEST: Certificate of Appropriateness & Waivers  
ZONING: Urban Center District within the Core Residential Sub-District  
STRATEGIC PLAN: Village Center  
APPLICATION: ARB-106-2023

Review based on: Application materials received on November 14, 2023.

*Staff report prepared by Chelsea Nichols, Planner.*

**I. REQUEST AND BACKGROUND**

This certificate of appropriateness application is for new townhomes to be located generally north of Main Street, south of McDonald Lane, and west of Keswick Drive. The project includes 6 units within three buildings. The proposal includes keeping the lot as one while splitting the units into six separate condominium parcels so that each building is its own parcel.

The applicant requests the following waivers as part of the application:

- (A) Waiver to UCC Section 2.51(a) to allow the street yard setback to be 7+/- feet where code requires a minimum 10-foot setback.
- (B) Waiver to UCC Section 2.51(c) to allow the rear yard setback (McDonald Lane) to be 1.5+/- feet where code requires a minimum 15-foot setback.
- (C) Waiver to UCC Section 2.51 to allow the building width to be less than 90% where code requires a minimum 90%
  - a. 73% (Main Street)
  - b. 75% (Richmond Square)
  - c. 59% (Keswick Drive)

The site is located within the Urban Center Code Core Residential sub-district and the New Albany Country Club, Section 21: subarea 2 I-PUD zoning district. Per Codified Ordinance 1158.03(c), properties within the Architectural Review Overlay District that are zoned PUD before Chapter 1158 of the city code was adopted in 2011, are permitted to either develop under the requirements of the underlying PUD zoning or the Urban Center Code. The applicant has elected to develop under the Urban Center Code, therefore the requirements of the Urban Center Code, the New Albany Design Guidelines and Requirements and city code apply to this site.

## II. SITE DESCRIPTION & USE

In 2005, the ARB and Planning Commission approved a final development plan for Richmond Square (Section 21) of the New Albany Country Club. This development included traditional Georgian rowhouses to be developed fronting onto Richmond Square and Keswick Drive. Some of these rowhouses were developed on Richmond Square in phases. On January 24, 2022 the ARB approved a certificate of appropriateness and waivers to allow for the construction of a multi-unit building at this site. The applicant wishes to revise the plans for the site and requests a new certificate of appropriateness with waivers. The current request is to allow for the construction of new townhomes.

The site is surrounded by residentially zoned and used properties. The property is currently 0.75 acres in size.

## III. EVALUATION

The ARB's review is pursuant to C.O. Section 1157.06 (Architectural Review Overlay District). No environmental change shall be made to any property within the city of New Albany until a Certificate of Appropriateness has been properly applied for and issued by staff or the Board. Per Section **1157.09 Design Appropriateness**, the building and site should be evaluated on these criteria:

### A. Certificate of Appropriateness

1. *The compliance of the application with the Design Guidelines and Requirements and Codified Ordinances.*
  - Section 2 of the New Albany Design Guidelines and Requirements provides the requirements for townhouses inside the Village Center. Section II (III.B.1) requires townhouse buildings to be based on an American architectural precedent described in section 1 of the DGRs. The city architect has identified the Georgian architectural style for the proposed building which meets this requirement.
  - This infill site is unique in the Village Center as it is located in between two different architectural form contexts. One is Richmond Square where traditional, Georgian rowhouse architecture is employed and the other being the existing Market and Main multi-unit buildings. The city architect has reviewed the proposal and is supportive of the buildings design and how they fit within the existing context of the Village Center.
  - The city architect also states that the submitted drawings appear to be conceptual at this point. The plans will require further review by the city architect at the time of permitting.
  - DGR Section II (III.F.1) states that the materials used for townhouse buildings shall be appropriate and typical of the architectural style in which the building is constructed. In general, the DGRs recommend wood siding and brick as preferred exterior materials but allows other materials to be used if approved by the ARB. Based on the provided application materials, it appears as though brick is the primary façade material. However, all other building elements are not identified on the plans. Staff recommends that the ARB confirm the proposed material for the roof shingles, trim, columns, and windows. If a composite material is used, staff recommends that it be subject to staff approval (condition #1).
  - DGR Section II (III.F.7) states historically, true divided-light wood window sash were the only ones available for multi-paned windows. Today most people prefer to simulate the divided-light look. The only acceptable form of this window is one in which the glass panes have vertical proportions (height greater than width) and correctly-profiled muntins with an internal spacer that gives the appearance of a muntin extending through the glass. IN addition, there must be an offset between the upper and lower sash to give the window a double-hung appearance. No snap-in or flat muntins will be approved. New windows must be made of wood and may have either vinyl or aluminum cladding on the exterior.

- No information has been provided about the windows. The city staff recommends a condition of approval that windows must comply with the DGR requirements (condition #2).
- DGR Section II (III.C.3) states buildings shall be oriented towards the primary street on which the building is located.
  - This site is unique in that it has three frontages: Main Street, Richmond Square and Keswick Drive. While the main entrances to the buildings are along Richmond Square and Keswick Drive, the applicant has located secondary entrances that appear as though they are front entrances to the building along the Main Street elevations, which is appropriate as it is the primary road corridor.
- DGR Section III (IV.B.3) states that garages shall be clearly secondary in nature, by means of a simplified design compatible with the primary structure and no garage doors are permitted to be visible from the primary streets. The applicant has accomplished this requirement as they propose to locate the garages in the rear of the homes and screen the garages with brick screen walls.
- Urban Center Code section 2.54.1 states above ground mechanical devices shall be located in the side or rear yard, behind all portion of the principal façade, and shall be fully screened from the street and neighboring properties. Section 2.54.2 states above ground utility structures should be located in the alley or side or rear yard and fully screened from the street. The applicant has not identified screening for mechanical equipment and staff recommends a conditional of approval that all proposed mechanical meet these requirements (condition #3), subject to staff approval.

2. *The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.*

### **Landscape**

- Urban Center Code Section 2.74.1 requires all street and side yards, where present, to be landscaped with trees, shrubs, grass, ground cover and other plant materials.
  - a. Urban Center Code Section 5.8 states the following for street trees: All street trees shall be of large deciduous species.
  - b. Street trees shall be of a single species on each block, except within parks and preservation and campus subdistricts. Street tree species and arrangements shall be subject to staff approval.
  - c. Street trees species shall match the adjacent block unless the adjacent street typology differ.
- Some landscaping is shown on the site plan that shows the general location of proposed landscape improvements for the site but does not include any size or species details. Since a detailed landscape plan was not submitted, staff recommends a condition of approval that it be subject to staff approval and that all landscape code requirements be met for the site (condition #4).

### **Lighting**

- A detailed lighting plan was not submitted for review and staff recommends a condition of approval that one be submitted and be subject to staff approval (condition #5).

### **Parking and Circulation**

- Urban Center Code Section 2.53.1 requires a minimum of one off-street parking space per unit. The applicant is exceeding this requirement by providing one two-car garage per unit. The required number of off-street parking for the units is 6 and the applicant is providing 12.

- In addition to the off-street parking provided, the building will front onto Richmond Square where there are a total of 8 existing on-street parking spaces (4 on each side of the street) immediately adjacent to the building. The applicant is providing 5 additional on-street parking spaces along Main Street in order to match the established streetscape in the immediate area.
- Urban Center Code Section 2.52.1 states where an alley is present, parking and services shall be accessed through the alley. The applicant meets this requirement as the access drive to the garages will be derived from a curb cut located on the rear yard alley, McDonald Lane.
- Per Urban Center Code Section 5.30.3, one bicycle parking space is required to be provided on site based on the number of off-street parking spaces. The plan does not currently show bike racks. Staff recommends a condition of approval that the plans be updated to include the required number of bike racks on private property, subject to staff approval (condition #6).

### **Signage**

- No signage was submitted for review. All new signage will be subject to ARB review and approval at a later date.
3. *The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed.*
    - The site is currently vacant and is located in the immediate vicinity of the Richmond Square development and the Market and Main multi-unit buildings. The city architect has reviewed and preliminarily approved the submittal.
  4. *All buildings, structures and sites shall be recognized as products of their own time.*
    - The proposed building is new construction and is appropriately designed using the Georgian architectural style.
  5. *Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.*
    - The shape, proportion and breakdown of architectural elements are appropriate for the proposed architectural style and compliments existing buildings in the immediate area.
  6. *The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials.*
    - Not Applicable
  7. *Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.*
    - Not applicable.

### **B. Urban Center Code Compliance**

This site is located in the Core Residential Sub-District. The building typology proposed is townhouse. Certain standards are evaluated on a lot-by-lot basis and others are evaluated on the lot as a whole. The lot will remain as one but the proposal is to separate each condominium so that they each have their own parcel number.

**2.51 Lot and Building Standards:**

<b>Standard</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Proposed</b>
Lot Area	800 sq. ft	5,000 sq. ft	2, 498 sq. ft
Lot Width	25'	50'	31 feet
Lot Coverage	No min	80%	59% [meets code]
Street Yard	10'	25'	7 ft (Richmond Square) [waiver requested] 15 ft (Main St) 15 ft (Keswick Drive)
Side Yard	5'	No max	7.5 ft.
Rear Yard	10'	No max	1.5 ft (McDonald Lane) [waiver requested]
Building Width	90%	100%	73% (Main Street) [waiver requested] 75% (Richmond Square) [waiver requested] 59% (Keswick Drive) [waiver requested]
Stories	2	3	2.5 [meets code]
Height	No min	45	44 feet (from level 0 to ridge of roof) [meets code]

- Per 2.55.3, townhouses on corner lots shall be designed to include windows and at least one vertical plane break in elevation on the second side facing the street. The applicant meets this requirement.
- 2.55.4 The maximum allowed building length shall be 300 feet for the Core Residential Sub-District. The applicant meets this requirement as the largest building length is 80 feet.
- Per Urban Center Code Section 2.72.3, trash containers are required to be stored out of public view and screened from adjacent properties. Staff recommends a condition of approval that the trash containers be stored internal to the building, inside the garage (condition #7).

**2.55 Building Frontage Standards:**

Urban Center Code Section 2.55 requires the following:

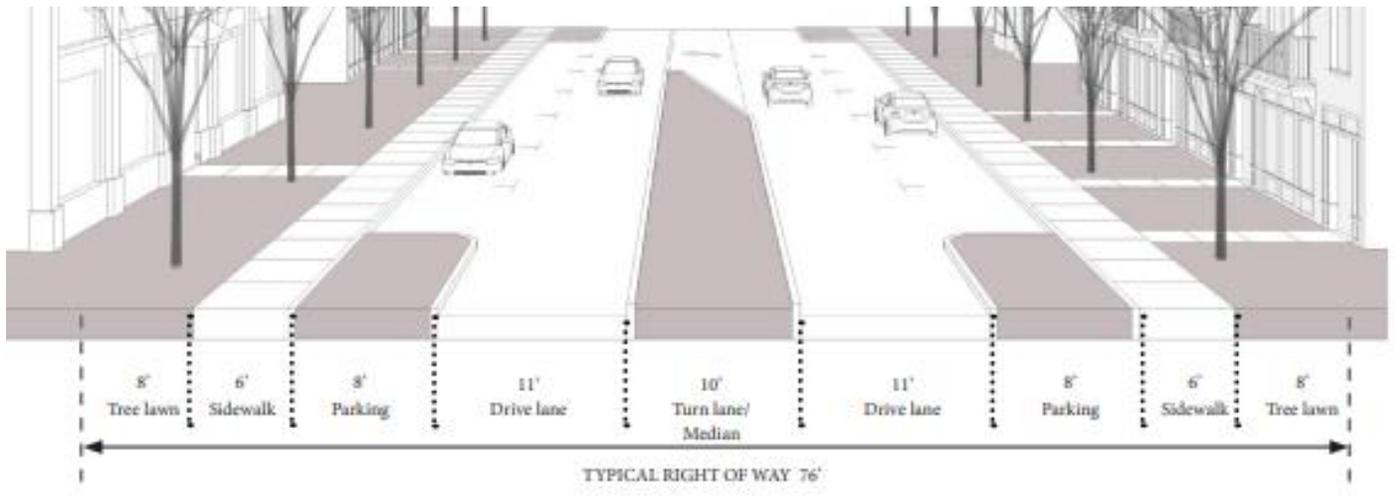
- Per 2.55.1, at least one functioning entrance to the townhome shall be provided from the street or side yard. The applicant meets this standard as there is a functioning entrance along all street yards. Each entrance includes a covered stoop.
- Per 2.55.2, a building frontage in accordance with section 3.2 shall be incorporated at the street or side yard entrance. Each functioning entrance has its own size and setback requirements. In this case, the applicant proposes covered stoops, which is permitted. The covered stoops must adhere to the following standards:

<p><b>3.10 Covered Stoop Standards</b></p> <p>3.10.1 The following standards shall be used for covered stoops:</p> <p style="padding-left: 40px;"><i>Minimum width (a): 5'</i></p> <p style="padding-left: 40px;"><i>Minimum depth (b): 4'</i></p> <p style="padding-left: 40px;"><i>Maximum landing height (c): 42"</i></p> <p style="padding-left: 40px;"><i>Minimum clearance (d): 8'</i></p> <p>3.10.2 Covered stoops and steps may encroach up to 2' within the right-of-way, subject to the approval of the City Manager or designee. A minimum pedestrian clear zone of 5' must be maintained.</p> <p>3.10.3 Stoop roof may be used as balcony space or enclosed to create habitable space.</p>	<p><b>Proposed</b></p> <p>Width: 6.5 feet width  Depth: 1.5 depth  Height: 28"  Clearance: 9.5 feet</p> <p><u>Staff recommends a condition of approval that the front stoop depth and height are revised to meet code requirements (condition #11).</u></p>
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**5.2 Street and Network Standards**

Main Street:

- This original streetscape was approved by the ARB and by staff in accordance with Urban Center Code Section 5.2.1 (ARB-31-2016). This includes the sidewalks, tree lawns, front yards, and on-street parking.
- Urban Center Code Section 5.1 identifies this section of Main Street at Village Street. The following standards apply:



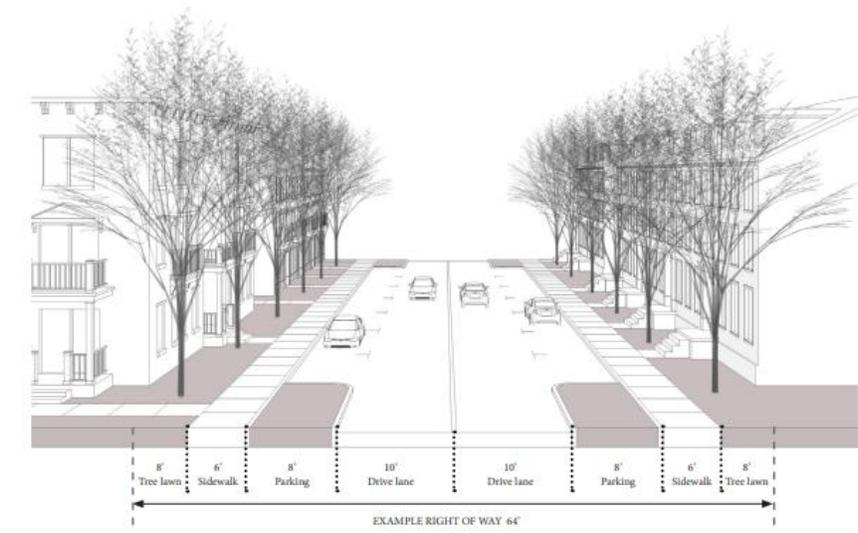
- The applicant proposes to meet all of the width and tree spacing requirements for the streetscape. The proposal flip-flops the location of the sidewalk and the tree lawn in order to match the existing residential design that the ARB approved in front of the apartment buildings on Main Street.

Standard	Minimum	Maximum	Proposed
Tree Spacing	30'	35'	35' [existing and meets code]
Tree Lawn	8'	10'	10' [proposed and meets code]
Sidewalk Width	6'	8'	6' [existing and meets code]
Parking Width	8'	8'	8' [proposed and meets code]
Drive Lane Width	10'	11'	N/A
Turn Lane Width	10'	10'	N/A
Total R.O.W	64'	84'	100' [existing]

- The city has always placed an importance of undergrounding utilities and their appurtenances whenever possible especially in the Village Center. There are 3 existing utility boxes that are installed within the Main Street streetscape. If these utilities are relocated or vaulted underground, it appears that there is sufficient space to add an additional on-street parking space. Staff recommends a condition of approval that these existing utility boxes are either installed underground or relocated to behind the existing sidewalk on Main Street, subject to the city's engineer's approval (condition #8).

Richmond Square and Keswick Drive:

- Urban Center Code Section 5.1 identifies Richmond Square and Keswick Drive as a Village Avenue. The following standards apply:



**Richmond Square:**

<b>Standard</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Proposed</b>
Tree Spacing	25'	25'	25' [existing and meets code]
Tree Lawn	6'	8'	6' [proposed and meets code]
Sidewalk Width	6'	8'	6' [proposed and meets code]
Parking Width	8'	8'	8' [existing and meets code]
Drive Lane Width	9'	10'	9' [existing and meets code]
Turn Lane Width	-	-	-
Total R.O.W	58'	64'	35 feet [existing and previously approved with original Richmond Square subdivision]

**Keswick Drive:**

<b>Standard</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Proposed</b>
Tree Spacing	25'	25'	25' [proposed and meets code]
Tree Lawn	6'	8'	14' [proposed, <u>Staff recommends a condition of approval that the plans be updated to meet this code requirement (condition #10) by shifting the sidewalk closer to the street so there is an 8-foot-wide tree lawn.</u>
Sidewalk Width	6'	8'	5' [proposed] <u>Staff recommends a condition of approval the side is a minimum of 6 feet wide.</u>
Parking Width	8'	8'	No on-street parking is proposed in order to match the existing street typology established by the apartments and Keswick subdivision. Staff is supportive and recommends the tree lawn be 8 feet to accommodate the possibility of future on-street parking.
Drive Lane Width	9'	10'	13' [existing and approved by ARB via Keswick application]
Turn Lane Width	-	-	-
Total R.O.W	58'	64'	50 feet

**C. Waiver Requests**

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

1. *Provide an appropriate design or pattern of development considering the context in which the development is proposed and the purpose of the particular standard. In evaluating the context as it is used in the criteria, the ARB may consider the relationship of the proposed development with adjacent structures, the immediate neighborhood setting, or a broader vicinity to determine if the waiver is warranted;*

2. *Substantially meet the intent of the standard that the applicant is attempting to seek a waiver from, and fit within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirements;*
3. *Be necessary for reasons of fairness due to unusual building, structure, or site-specific constraints; and*
4. *Not detrimentally affect the public health, safety or general welfare.*

The applicant requests the following waivers as part of the application.

- (A) Waiver to UCC Section 2.51(a) to allow the street yard setback to be 7+/- feet from Richmond Square where code requires a minimum 10-foot setback.**
- (B) Waiver to UCC Section 2.51(c) to allow the rear yard setback (McDonald Lane) to be 1.5+/- feet where code requires a minimum 15-foot setback.**
- (C) Waiver to UCC Section 2.51 to allow the building width to be less than 90% where code requires a minimum 90%**
  - a. 73% (Main Street)**
  - b. 75% (Richmond Square)**
  - c. 59% (Keswick Drive)**

- (A) Waiver to UCC Section 2.51(a) to allow the street yard setback to be 7+/- feet from Richmond Square where code requires a minimum 10-foot setback.**

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

1. Urban Center Code Section 2.51(a) states that the required minimum street yard setback for a townhome building is 10 feet. The applicant proposes a 6.5+/- foot setback along the closest street yard property line (Richmond Square), therefore a waiver is required.
2. The application provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard. The existing Richmond Square buildings have a street yard setback of approximately 12 feet. The existing apartments have a street yard setback from Main Street that varies between 5-15 feet. This development proposes setbacks close to those of the apartments, thereby serving as a transitional area from townhomes to apartments.
3. The application substantially meets the intent of the standard that the applicant is attempting to seek a waiver from, and fits within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirement. The overall development substantially meets the intent of this standard since it provides a traditional urban form as desired in the UCC where a smaller setback is desirable. Even with the reduced setback, the application is providing all of the required streetscape improvements. The request is necessary for reasons of fairness due to unusual building, structure, or site-specific constraints since this is an existing lot with three street yards. This waiver request is just for the portion of the development that fronts onto Richmond Square. The buildings that fronts onto Keswick Drive and Main Street meet the required setbacks. Therefore, the development still provides an appropriate pattern of development as Main Street is the primary street yard and Richmond Square and Keswick are secondary streets.
4. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

- (B) Waiver to UCC Section 2.51(c) to allow the rear yard setback (McDonald Lane) to be 1.5+/- feet where code requires a minimum 15-foot setback.**

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

1. Urban Center Code Section 2.51(c) states that the required rear yard setback for a townhome building is 10 feet. The applicant proposes a 1.5+/- foot setback along the rear property line (McDonald Lane), therefore a waiver is required.
2. The application provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard. Due to the unique shape of the lot and curvature of McDonald Lane, the setback line varies along the rear yard lot line and only a portion of the building encroaches into this setback.
3. The plan substantially meets the intent of the standard that the applicant is attempting to seek a waiver from. The design hides the garages but still utilizes a public alley from McDonald Lane. With the garages being below living space within the building, instead of merely behind it, it accomplishes the form desired by the DGRs and UCC and matches the development pattern in the area.
4. The request could be considered to be necessary for reasons of fairness due to unusual building, structure, or site-specific constraint. The UCC contemplates all townhomes having a backyard to have space to provide a detached garage as is typically in traditional urban environments. Due to the grade changes, the garages are being incorporated into the house massing. The existing parcel is setup to accommodate this development pattern and doesn't leave space for a large traditional, grassed backyard.
5. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

**(C) Waiver to UCC Section 2.51 to allow the building width to be less than 90% where code requires a minimum 90%**

- a. 73% (Main Street)**
- b. 75% (Richmond Square)**
- c. 59% (Keswick Drive)**

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

1. Urban Center Code Section 2.51 states that the minimum building width is 90%. The proposed building widths are 73% (Main Street), 75% (Richmond Square), and 59% (Keswick Drive). Therefore, a waiver is required.
2. The application provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard. The proposed setback along Main Street is 15 feet. The existing apartments have a setback from Main Street that varies between 5-15 feet. The result of having consistent setbacks is that it pushes the buildings back and creates more green space.
3. The application substantially meets the intent of the standard that the applicant is attempting to seek a waiver from, and fits within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirement. This requirement intends to create more density within the village center. Along Main Street, there is no building but there is a wall to provide a street presence and continuity of the built environment. Along Keswick Drive, the decreased building widths are meant to mimic the single-family homes to the west.
4. In addition, while the building width is less than 90%, the applicant has incorporated urban design elements, such as stoops that project towards Richmond Square that connect to private sidewalks that connect to the public sidewalks that runs along Richmond Square.
5. The request could be considered to be necessary for reasons of fairness due to unusual building, structure, or site-specific constraints. There are site constraints due to utilities that the applicant had to consider when designing the buildings. This is a corner lot with three street yards each with utilities. There are existing utility easements along the front yards. The utility areas cannot be built upon and thereby decreases the buildable space.

6. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

#### **IV. SUMMARY**

The Architectural Review Board should evaluate the overall proposal based on the requirements in the Design Guidelines and Requirements, Urban Center Code, and city codified ordinances. This site is unique in the Village Center as it is located in between two different architectural forms. One is Richmond Square where traditional, Georgian rowhouse architecture is employed and the other being the existing Market and Main multi-unit buildings. The applicant has successfully pulled cues from the existing Richmond Square architecture while building a townhouse structures that also relates to the existing Market and Main multi-unit buildings. This is accomplished by the use of similar high-quality building materials and the building's shape and proportion. Further, the applicant appears to match the existing Main Street typology which ensures that a consistent, welcoming pedestrian environment will continue to be achieved along this road. Relocating or burring the utility boxes will ensure a consistent design. All of these elements contribute to providing an appropriate gateway into the Village Center on Main Street.

#### **V. ACTION**

Should the ARB find that the application has sufficient basis for approval, the following motion would be appropriate:

#### **Move to approve application ARB-106-2023 subject to the following conditions of approval, all subject to staff approval:**

1. If a composite material is to be used for trim and/or screening elements, the use and type of material is subject to staff approval.
2. Windows must comply with the DGR requirements.
3. Above ground mechanical devices shall be located in the side or rear yard, behind all portions of the principal façade, and shall be fully screened from the street and neighboring properties, subject to staff approval.
4. A landscape plan must be submitted and meet all city landscape code requirements, subject to staff approval.
5. A lighting plan must be submitted and is subject to staff approval.
6. Bicycle parking spaces must be provided and located outside of the right-of-way, subject to staff approval.
7. The trash containers shall be stored internal to the building, inside the garage.
8. The existing utility boxes along Main Street must either be vaulted or relocated to behind the existing sidewalk, subject to the city engineer's approval.
9. The plans shall be revised to clearly indicate the proposed sidewalk is 6-foot wide along Richmond Square and Keswick Drive, connecting into the existing sidewalk sections along both Richmond Square and Main Street, subject to staff approval.
10. The plans shall be updated to provide a 6'8-foot-wide tree lawn along Keswick Drive.
11. The plans shall be updated to clarify whether the covered stoops meet code.

**Approximate Site Location:**



Source: ArcGIS



## **Community Development Department**

RE: City of New Albany Board and Commission Record of Action

Dear Maletz Architects,

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



## Community Development Department

### Decision and Record of Action

Tuesday, December 12, 2023

The New Albany Architectural Review Board took the following action on 12/11/2023 .

#### Certificate of Appropriateness

**Location:** Richmond Square, Main Street, Keswick Drive

**Applicant:** Maletz Architects

**Application:** PLARB20230106

**Request:** Certificate of Appropriateness with Waivers

**Motion:** To approve with conditions

**Commission Vote:** Motion Approved

**Result:** Certificate of Appropriateness, PLARB20230106, was approved with conditions, by a vote of 5-0.

#### Waivers:

- Waiver to UCC Section 2.51(a) to allow the street yard setback to be 7+/- feet from Richmond Square where code requires a minimum 10-foot setback.
- Waiver to UCC Section 2.51(c) to allow the rear yard setback (McDonald Lane) to be 1.5+/- feet where code requires a minimum 15-foot setback.
- Waiver to UCC Section 2.51 to allow the building width to be less than 90% where code requires a minimum 90%
  - a. 73% (Main Street)
  - b. 75% (Richmond Square)
  - c. 59% (Keswick Drive).

Recorded in the Official Journal this December 12, 2023.

**Condition(s) of Approval:**  
See page 3

Staff Certification:

*Chelsea Nichols*

Chelsea Nichols  
Planner

1. If a composite material is to be used for trim and/or screening elements, the use and type of material is subject to staff approval.
2. Windows must comply with the DGR requirements.
3. Above ground mechanical devices shall be located in the side or rear yard, behind all portions of the principal façade, and shall be fully screened from the street and neighboring properties, subject to staff approval.
4. A landscape plan must be submitted and meet all city landscape code requirements, subject to staff approval.
5. A lighting plan must be submitted and is subject to staff approval.
6. Bicycle parking spaces must be provided and located outside of the right-of-way, subject to staff approval.
7. The trash containers shall be stored internal to the building, inside the garage.
8. The existing utility boxes along Main Street must either be vaulted or relocated to behind the existing sidewalk, subject to the city engineer's approval.
9. The sidewalk shall be 6-foot wide along Keswick Drive.
10. The plans shall be updated to provide an 8-foot-wide tree lawn along Keswick Drive.
11. The front stoop depth and height shall be revised to meet code requirements.
12. The garage doors shall be revised to meet code requirements.
13. Guardrails at the window wells and iron work on the center Main Street retaining wall shall be subject to staff approval if required.
14. Two full windows shall be added to the all rear elevations on the first floor, subject to staff approval.