



**New Albany Planning Commission
Meeting Minutes - Approved
Monday, December 18, 2023**

I. Call to order

The New Albany Planning Commission held a regular meeting on Monday, December 18, 2023 in the New Albany Village Hall. Chair Kirby called the meeting to order at 7:02 p.m. and asked to hear the roll.

II. Roll call

Those answering roll call

Mr. Kirby	present
Mr. Wallace	present
Mr. Schell	present
Ms. Briggs	present
Mr. Larsen	present
President Pro Tem Brisk	present

Having all voting members present, the commission had a quorum to transact business.

Staff members present: Law Director Albrecht, Planning Manager Mayer, Planner Nichols, Deputy Clerk Madriguera.

III. Additions or corrections to agenda

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

Hearing none, he asked if there were any corrections to the minutes.

IV. Action on minutes: December 4, 2023

Chair Kirby asked if there were any corrections to the minutes from the December 4, 2023 meeting.

Chair Kirby stated that on page 4, the word “top” should be “tot,” in the first line of text. Thus, it should read, “... but did not require the provision of a tot lot...”

Commissioner Larsen stated that on page 20, the word “two” should be “any” in the first sentence of the 11th paragraph. Thus, it should read, “... and should not have any curb cuts.”

Chair Kirby asked whether there were any other corrections.

Hearing none, Commissioner Wallace moved for approval of the December 4, 2023 meeting minutes as corrected. Commissioner Larsen seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Wallace yes; Mr. Larsen yes; Mr. Schell yes; Ms. Briggs yes; Mr. Kirby yes. Having five yes votes, the motion passed and the December 4, 2023 minutes were approved as corrected.

IV. Administration of oath

Chair Kirby administered the oath to all present who would be addressing the commission. He noted that now would be a good time to silence all cell phones.

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

Chair Kirby asked if there were any visitors present who wished to speak on an item that was not on tonight's agenda.

Hearing none Chair Kirby introduced the first and only case on the agenda, VAR-116-2023, and asked to hear from staff.

VI. Cases:

VAR-116-2023 Variance

Variance to the Woodhaven zoning text to allow two 8-foot wide single bay garage doors where the text requires a minimum width of 9-feet at 7275 Steeplechase Lane N (PID: 222-005343).

Applicant: Bob Webb Woodhaven, LLC c/o Kirk Denyes

Planner Nichols delivered the staff report.

Commissioner Wallace asked staff to clarify whether this variance would only apply to this house.

Planner Nichols responded yes, this variance is only for this particular house. She further explained that the text required the garage doors on the houses to be 9-feet in width. This was the first house that was permitted and all subsequent homes were meeting the criteria.

Commissioner Wallace continued that this resulted from a mutual mistake.

Planner Nichols answered correct.

Chair Kirby stated that this was the first house built in the subdivision and all the others were correct.

Planner Nichols stated correct.

Commissioner Briggs observed that there are currently several other homes and asked whether they all were the correct size.

Planner Nichols answered yes, they all have double-bay 9-foot doors.

Chair Kirby asked to hear from the applicant.

Applicant Kirk Denyes stated that staff did a great job and this would help them out as well because their sales person was currently in a model home with a 16-foot garage door and had to explain that the door was not available.

Chair Kirby stated that he took it that the floor plans changed and the other garages were 9 feet.

Mr. Denyes replied he believed that they had.

Planning Manager Mayer added that the exterior was the same overall, but the interior floor plan had changed slightly to accommodate the 9-foot width requirement.

Commissioner Schell noted that this house had not been sold and asked whether the eventual owner would understand that they would need a skinny car.

Mr. Denyes responded that 8-feet had been the standard for years, but that they had found that their customers liked the 9-foot width better.

Chair Kirby explained that cars come close to but do not exceed 8 feet in width because when a vehicle reaches 8-feet in width it becomes a commercial truck and top running lights are required. That is why the cars fit into the 8-foot wide garage. He asked for other questions or comments.

Council Member Brisk added that no car she had driven fit well in an 8-foot wide garage, noting that they always had racing stripes.

Chair Kirby stated that what fit well is another story. He further stated that while he is not normally fond of variances in general, he preferred this request to a request for a 16-foot wide garage door and observed that this will more closely match the rest of the neighborhood.

Commissioner Larsen agreed.

Chair Kirby moved to accept the staff reports and related documents into the record for VAR-116-2023. Commissioner Schell seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Schell yes; Ms. Briggs yes; Mr. Larsen yes; Mr. Wallace yes. Having five yes votes, the motion passed and the documents were admitted to the record.

Commissioner Schell moved for approval of application VAR-116-2023 and noted no findings in the staff report, so it was as presented. Commissioner Briggs seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Schell yes; Ms. Briggs yes; Mr. Larsen yes; Mr. Kirby yes; Mr. Wallace yes. Having five yes votes, the motion passed and VAR-116-2023 was granted.

The commission wished the applicant good luck.

VII. Other business

Chair Kirby asked whether there was any other business before the commission.

Planning Manager Mayer wished the commissioners a very happy holiday season. He noted the number of the variance request on the agenda, being 116, and as such it likely exceeded the number of requests considered in years prior. He thanked the commission for the time and effort they devoted to the city.

VIII. Poll members for comment

Chair Kirby polled the members for comment. The commissioners wished everyone a happy holiday.

IX. Adjournment

Having no further business, Chair Kirby adjourned the December 18, 2023 meeting of the New Albany Planning Commission at 7:14 p.m.

Submitted by: Deputy Clerk Madriguera, Esq.

Appendix

VAR-116-2023

Staff Report

Record of Action



**Planning Commission Staff Report
December 18, 2023 Meeting**

**7275 STEEPLE CHASE LANE NORTH
GARAGE DOOR WIDTH VARIANCE**

LOCATION: 7275 Steeple Chase Lane North (PID: 222-005343)
APPLICANT: Bobb Webb Group c/o Kirk Denyes
REQUEST: Variance
ZONING: Woodhaven I-PUD Zoning District
STRATEGIC PLAN: Residential District
APPLICATION: VAR-116-2023

Review based on: Application materials received on November 21, 2023 and December 6, 2023.

Staff report prepared by Chelsea Nichols, Planner

I. REQUEST AND BACKGROUND

The applicant requests the following variance:

1. To allow two 8-foot wide single bay garage doors where the Woodhaven I-PUD zoning text (Section XI.A.3) requires a minimum width of 9 feet.

The Planning Commission reviewed and approved a conditional use request for a residential model home to be located on this lot within the Woodhaven subdivision at the November 20, 2023 meeting. The model home is currently under operation.

Prior to this current request, the home builder/property owner followed the appropriate submittal and permitting process. The city approved the permit and the property owner installed a double bay garage door under the approved application. A review conducted by the city, after approving the property owner's permit, identified a mistake in the approval process. The city contacted the property owner who agreed to work with the city to submit this variance application in order to correct the garage design.

The applicant proposes to remove the existing double bay door and replace it with two single bay doors, which is required per the zoning text. However, since the garage is front loaded, Section XI.A.3 requires that the single bay doors be a minimum of 9 feet and a maximum of 10 feet wide. Due to the home being built, the owner is not able to install garage doors sized at a minimum of 9 feet. The applicant proposes and requests a variance to install two 8-foot wide single bay doors in place of the one double bay door.

II. SITE DESCRIPTION & USE

The Woodhaven subdivision is located at the southwest corner of Bevelhymer Road and Walnut Street. The site is located immediately east of the Upper Clarenton subdivision, generally south the Rocky Fork Metro Park and Bevelhymer Park. All of the public streets have been installed in the subdivision and there are several homes actively under construction.

The model home is located on lot 52 in the subdivision, addressed off of Steeple Chase Lane North. The model home is located close to the subdivision entrance when entering from Bevelhymer Road using Woodhaven Drive.

III. ASSESMENT

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

The applicant requests one variance:

1. **To allow two 8-foot wide single bay garage doors where the Woodhaven I-PUD zoning text (Section XI.A.3) requires a minimum width of 9 feet.**

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

1. The applicant requests a variance to the Woodhaven zoning text allow two 8-foot wide single bay garage doors where the text requires a minimum width of 9 feet.

2. The zoning text requires single bay doors on all the homes within the subdivision. The text also requires that front loaded garages are to be at least 9 feet wide. The model home is fully constructed. The existing door is a double bay door. The applicant proposes to remove the existing door and replace it with two single bay doors as required by code. However, the applicant proposes two 8-foot wide single bay doors. Each door would be 1 foot short of meeting the code requirement.
3. This particular house currently serves as the model home for the age-restricted product in the neighborhood. The applicant recognizes that it is important to replace the existing double door with two single doors so that buyers do not get mistaken and think that is an option for when considering feature of their new home. Granting this variance will likely decrease the chance of future variance requests to allow doublewide garage doors.
4. The variance does not appear to alter the character of the neighborhood. Replacing it with two single bay doors, even if they are each one foot short of meeting the width requirement, will allow the garage door to appear the same as all the other garage doors within the development.
5. The variance does not appear to be substantial. The garage doors will each be one foot short of meeting the width requirement. The proposed size still provides a functional garage door. In addition, with only being one foot off from the requirement, the idea is that the discrepancy will not be distinguishable.
6. The variance preserves the “spirit and intent” of the zoning requirement and “substantial justice” would be done by granting the variance. The intent of the requirement is to align the building design of the homes within this subdivision with requirements found in the city’s Design Guidelines and Requirements. The DGRs require single bay garage doors in accordance with traditional American architecture practice. Narrower garage doors, such as 8 foot, were common historically. Modern construction frequently offers 9-foot garage doors.
7. There are special conditions that create a uniqueness for the lot. However, the special conditions and circumstances do not result from the action of the applicant. The city approved the permit and the property owner purchased and installed the garage in accordance with the approved application. A review conducted by the city after approving the property owner's permit and after its installation identified a mistake in the approval process. The city contacted the property owner who agreed to work with the city to submit this variance application.
8. The request does not appear that it can be solved by some manner other than the granting of a variance. The model home is already built. The garage doors must fit within the parameter of the existing structure due to the framing structure. In order to replace the double bay door with two single bay doors, the doors must be sized to fit within the existing garage space.
9. Granting the variances 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.
10. Approving the variances will not adversely affect the delivery of government services.

SUMMARY

Even though the proposed doors are narrower than modern doorways, departing from the traditional American architectural style by allowing the double bay garage doors is a big consideration. The functionality may be slightly limited with an 8-foot-wide garage door, but keeping the traditional American architectural form with the single bay doors helps ensure that the community enjoys the highest possible quality of architectural design. The applicant has taken care to create this design solution that meets the spirit and intent of city code and the Design Guidelines and Requirements.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motion is appropriate:

Move to approve application VAR-116-2023 based on the findings in the staff report (conditions of approval may be added).

Approximate Site Location:



Source: ArcGIS



Community Development Department

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

Dear BOB WEBB HOMES CO, INC.,

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 19, 2023

The New Albany took the following action on Monday, December 18, 2023.

Conditional Use

Location: 7275 Steeplechase Lane N, New Albany, OH 43054

Applicant: BOB WEBB HOMES CO, INC.,

Application: VAR-116-2023

Request: The applicant requests the following variance: To allow two 8-foot wide single bay garage doors where the Woodhaven I-PUD zoning text (Section XI.A.3) requires a minimum width of 9 feet.

Motion: To approve with no conditions.

Commission Vote: Motion approved

Result: VAR-116-23 was approved by a vote of 5-0.

Recorded in the Official Journal this Tuesday, December 19, 2023

Condition(s) of Approval:

1. N/A

Staff Certification:

Chelsea Nichols

Chelsea Nichols
Planner