



**ORDINANCE O-03-2024**

**AN ORDINANCE TO DETERMINE THE ANNUAL COMPENSATION AND BENEFITS OF THE MAYOR, COUNCIL MEMBERS, AND ADDITIONAL SALARY FOR THE MAYOR, PRESIDENT PRO TEM, OR DESIGNATED COUNCIL MEMBER PRESIDING OVER MAYOR'S COURT**

**WHEREAS**, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits; and

**WHEREAS**, salary amounts for the mayor, members of council, and President Pro Tem who presides over Mayor's Court were last set via ordinance O-09-2023; and

**WHEREAS**, as the city grows, so does the work for council, and a cost of living increase of 3% for city staff was approved as part of the 2024 budget; and

**WHEREAS**, Codified Ordinance 155, Section 19(a) – Insurance Benefits, states, “The City shall make available group medical, prescription drug, dental, and vision benefits to all full-time non-union employees and their dependents as well as to all currently serving, elected members of City Council and Mayor. The benefits shall be based on the benefits of the carrier or carriers.”

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1.** Annual salaries shall be adjusted as set forth below.

**A. SALARY OF THE MAYOR.**

The annual salary of the Mayor shall be Twenty-Eight Thousand Two Hundred Twenty-Seven dollars and Fifty-Two cents (\$28,227.52) paid bi-weekly.

**B. SALARY FOR MEMBERS OF COUNCIL.**

The annual salary of each Council Member shall be Twelve Thousand Nine Hundred Thirty-Five dollars and Seventy-Six cents (\$12,935.76) paid bi-weekly. The annual salary of the President Pro Tem shall be the same as Council Members, unless said President Pro Tem is serving on Mayor's Court, in which case they shall receive additional salary as set forth below.

**C. ADDITIONAL SALARY FOR PRESIDING OVER MAYOR'S COURT**

The additional annual salary of the Mayor and/or the President Pro Tem and/or the designated Council Member who is regularly scheduled to preside in Mayor's Court, averaging two court

sessions per month, shall be Six Thousand Four Hundred Seventy-Four dollars and Twenty cents (\$6,474.20) paid bi-weekly.

**Section 2.** The salary changes shall be effective as of January 1, 2024.

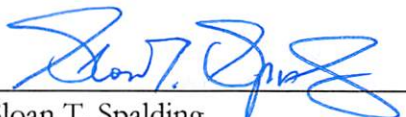
**Section 3.** Actively serving council members may elect to enroll in city-sponsored health insurance at the time of open enrollment or upon a qualifying life event. The available benefits and cost of insurance provided to council members shall be the same as is offered to city full-time non-bargaining employees.

**Section 4.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

**Section 5.** Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect thirty (30) days after adoption.

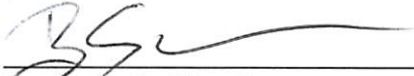
CERTIFIED AS ADOPTED this 20 day of February, 2024.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 12/26/2023

Introduced: 02/06/2024

Revised:

Adopted: 02/20/2024

Effective: 03/21/2024



**ORDINANCE O-04-2024**

**AN ORDINANCE TO ESTABLISH THE VILLAGE CENTER CAPITAL IMPROVEMENT FUND, AMEND CHAPTER 181 "INCOME TAX", AND CHAPTER 187 "FUNDS" OF THE CITY OF NEW ALBANY OHIO CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY**

**WHEREAS**, the City of New Albany staff performed a study evaluating potential capital improvement projects which are generally located within the New Albany Village Center; and

**WHEREAS**, the city determined an allocation of one- and one-half percent (1.5%) of the general municipal income tax collections is an appropriate source of funds to provide for potential capital improvements which are generally located within the New Albany Village Center; and

**WHEREAS**, the City of New Albany "2024 Annual Budget Program" and related annual appropriation ordinance, as adopted on December 5, 2023, assume the creation of the Village Center Capital Improvement Fund; and

**WHEREAS**, according to the Ohio Revised Code 5705.13, a taxing authority of a subdivision, by resolution or ordinance, may establish a capital projects fund for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets of the subdivision; and

**WHEREAS**, Ohio Revised Code 5705.10(I) states that money paid into a fund must be used only for the purposes for which such fund is established; and

**WHEREAS**, sections within city code Chapter 187 establish various funds used to account for various sources and uses of monies received by the City of New Albany; and

**WHEREAS**, city code Section 181.01 provides for the allocation of municipal income tax revenue; and

**WHEREAS**, the City of New Albany receives distributions of income tax collected by the Regional Income Tax Agency (RITA) one month in arrears; and

**WHEREAS**, the city's February 2024 RITA distribution consists of January 2024 municipal income tax revenue collections.

**NOW, THEREFORE, BE IT ORDAINED** by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1:** Council hereby authorizes the addition of Section 187.19 to the City of New Albany Ohio Codified Ordinances per Exhibit A.

**Section 2:** Council hereby authorizes the amendments to Section 181.01 of the City of New Albany Ohio Codified Ordinance per Exhibit A.

**Section 3:** Council hereby authorizes the creation of the Village Center Capital Improvement Fund as of January 1, 2024 for the purposes outlined in the newly created Section 187.19 of the City of New Albany Ohio Codified Ordinances.

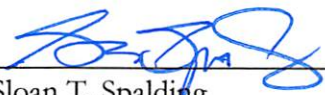
**Section 4:** Council hereby authorizes the allocation of one- and one-half percent (1.5%) of the general municipal income tax collections to the Village Center Capital Improvement Fund, commencing with the distribution received from RITA in the month of February 2024.


**Section 5.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

**Section 6.** Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall take effect immediately upon adoption.

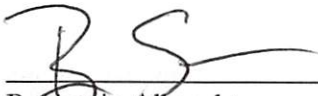
CERTIFIED AS ADOPTED this 20 day of February, 2024.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Benjamin Albrecht  
Law Director

**Legislation dates:**

Prepared: 01/25/2024  
Introduced: 02/06/2024  
Adopted: 02/20/2024  
Effective: 03/21/2024

**181.01 – AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE.**

(c) Allocation of Funds. Unless otherwise provided by Council, the funds collected under the provisions of this chapter shall be applied for the following purpose and in the following order, to wit:

- (1) Such part thereof as shall be necessary to defray all costs of collecting the taxes levied by this chapter and enforcing the provisions hereof;
- (2) Allocations required by Chapter 187;
- (3) Three percent (3%) to the Parks Improvement Fund;
- (4) Twelve percent (12%) to the Capital Improvement Fund;
- [\(5\) One- and one-half percent \(1.5%\) to the Village Center Capital Improvement Fund;](#)
- (65) The remainder to be deposited into the General Fund for the purpose of paying the cost of General Municipal Operations.

**187.19 – VILLAGE CENTER CAPITAL IMPROVEMENT FUND.**

(a) The Village Center Capital Improvement Fund is hereby created. Deposits into the Fund shall include all moneys designated for payment into it.

(b) Moneys deposited in the Fund shall be used for any of the following purposes within the Village Center:

- (1) Acquiring, purchasing and/or constructing, reconstructing, and maintaining infrastructure, including but not limited to streets, bridges, culverts, sidewalks, water lines, storm sewer lines, sanitary sewer lines, including land acquisition costs, and for any other public purpose;
- (2) Paying the cost of property improvements purchased for any public purpose.



**RESOLUTION R-04-2024**

**A RESOLUTION TO APPROVE TWO VARIANCES TO ALLOW (A) AN OPEN PAVER PATIO TO ENCROACH A PLATTED CONSERVATION AREA AND (B) TO ALLOW A HOME ADDITION TO ENCROACH THE REAR YARD BUILDING SETBACK AND CONSERVATION AREA AT 7823 CALVERTON SQUARE, AS REQUESTED BY THE COLUMBUS ARCHITECTURAL STUDIO C/O THAD AND SUSANNE PERRY**

**WHEREAS**, an application to approve 2 variances for the property located at 7823 Calverton Square within The Reserve at New Albany subdivision has been submitted; and

**WHEREAS**, Section 18 of The Reserve at New Albany PUD zoning text states that variances may be requested of the Planning Commission but must be approved by the city council; and

**WHEREAS**, the property at 7823 Calverton Square has a 30-foot-wide conservation area extending from the rear of the property prohibiting any structure or building from being constructed within it; and,

**WHEREAS**, the property at 7823 Calverton Square has a minimum 30-foot building setback extending from the rear property line; and

**WHEREAS**, the homeowners purchased the home in September 2023 with the existing paver patio encroachment of 9 feet into a conservation area and request a variance to allow it to remain as it is existing via variance request (A); and

**WHEREAS**, the homeowners request a variance to allow a new screened-in porch building addition within the rear yard resulting in a 4 foot encroach of both the conservation area and building setback, only within the area where the patio paver encroachment currently exists, via variance request (B); and

**WHEREAS**, the New Albany Planning Commission recommended approval for variance request (A) to allow an open paver patio to encroach a platted conservation area by 9 feet passed by a vote of 4-1; and did not recommend approval for variance request (B) to allow a home addition to encroach into the minimum rear yard setback and a platted conservation area by 4 feet which failed by a vote of 2-3 at the January 18, 2024 public meeting (V-104-2023).

**NOW, THEREFORE, BE IT RESOLVED** by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1.** Thad and Susanne Perry are hereby granted variance (A) to allow an open paver patio to encroach a platted conservation area by 9 feet as shown in Exhibit A.

**Section 2.** Thad and Susanne Perry are hereby granted variance (B) to allow a home addition to encroach into the minimum rear yard setback and a platted conservation area by 4 feet as shown in Exhibit A.

**Section 3.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

**Section 4.** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.


CERTIFIED AS ADOPTED this 20 day of February, 2024.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

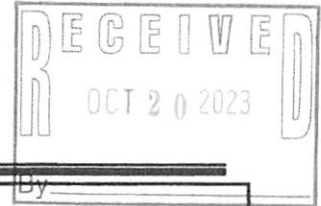
**Approved as to form:**

  
\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

<b>Legislation dates:</b>	
Prepared:	01/26/2024
Introduced:	02/20/2024
Revised:	
Adopted:	02/20/2024
Effective:	02/20/2024



**Community Development Planning Application**



Site Address 7823 Calverton Square, New Albany, Ohio 43054  
 Parcel Numbers 222-001816-00  
 Acres 0.40 acres # of lots created Not applicable

Choose Application Type	Circle all Details that Apply				
<input type="checkbox"/> Appeal					
<input type="checkbox"/> Certificate of Appropriateness					
<input type="checkbox"/> Conditional Use					
<input checked="" 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		

Description of Request: Request variance from Reserve at New Albany PUD  
Section 26.04 (Rear Yard) to reduce rear yard setback at  
Lot 21 from 30'-0" to 26'-0" for a new screen porch 31'-0"  
in width.

Property Owner's Name: Thad Perry & Susanne Perry  
 Address: 7823 Calverton Square  
 City, State, Zip: New Albany, Ohio 43054  
 Phone number: 614-537-3835 Fax: \_\_\_\_\_  
 Email: tssperry@sbcglobal.net susannepg@cs.com

Applicant's Name: Brenda Parker - The Columbus Architectural Studio  
 Address: 405 N Front Street  
 City, State, Zip: Columbus, Ohio 43215  
 Phone number: 614-586-5514 Fax: \_\_\_\_\_  
 Email: brenda.parker@cbusarch.com

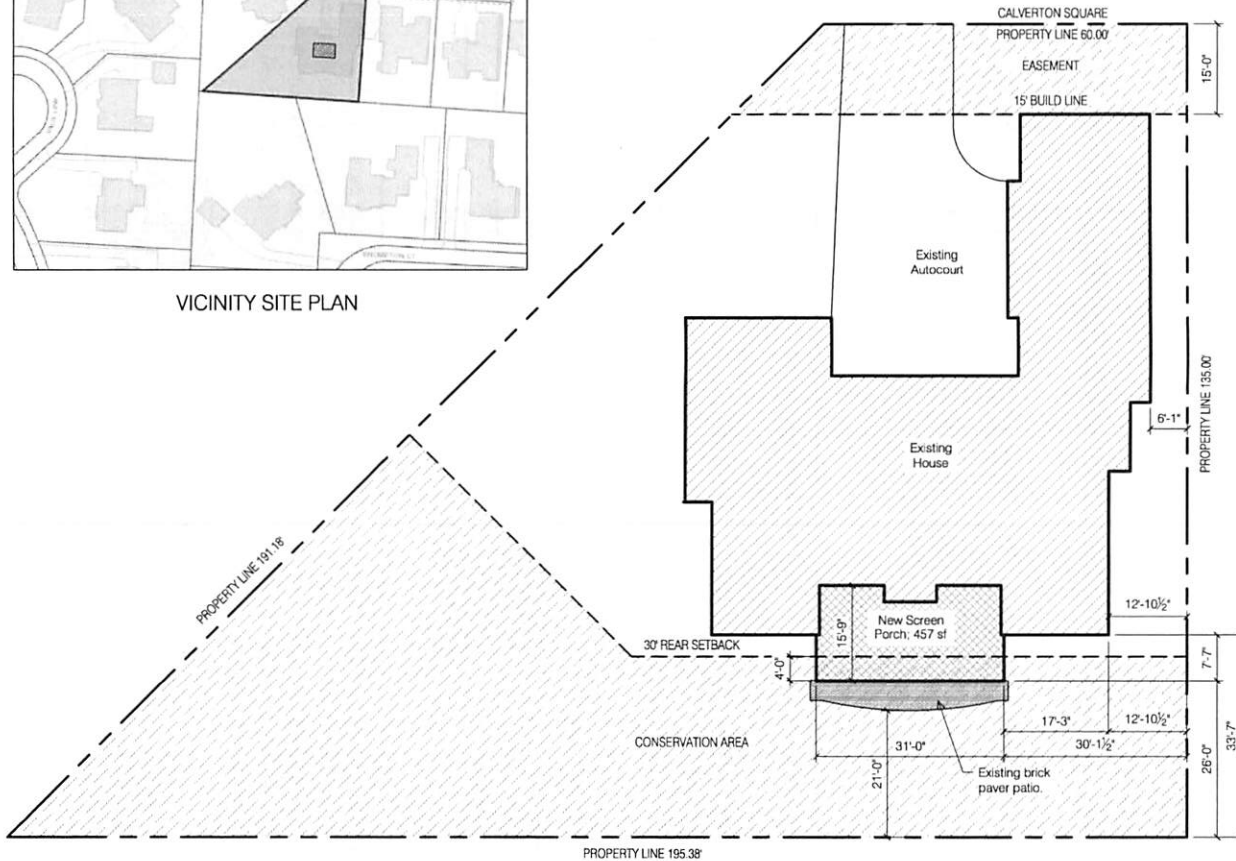
Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.

Signature of Owner [Signature] Date: Oct 19, 2023  
 Signature of Applicant [Signature] Date: Oct 18, 2023





VICINITY SITE PLAN



1 SITE PLAN  
SCALE: 1" = 20'-0"

**GENERAL INFORMATION**

Address: 7823 Calverton Square  
New Albany, Ohio 43054  
Franklin County Lot #: 222-001816-00

Scope of Project: Construction of a new single-story screen porch addition at the rear of the house.

Screen Porch Addition: 457 sf

**ZONING: PUD Residential**

Lot Area & Lot Width	Actual	Zoning Req't
Lot Area:	0.40 acres	
	17,424 sf	

Screen Porch Setbacks	Actual	Zoning Req't
Side Yard East:	30'-1"	10'-0"
Rear Yard South:	26'-0"	30'-0"

Request variance from Reserve at New Albany PUD Section 26.04 (Rear Yard) to reduce the rear yard setback at Lot 21 from 30'-0" to 26'-0" for a new screen porch 31'-0" in width.

**SHEET INDEX**

- A1.0 Site Plan & General Info
- A2.1 Floor Plan - Demo
- A2.2 Floor Plan - New Work
- A3.1 Exterior Elevations
- A4.1 Overall Section

**DESIGN CRITERIA**

Design Criteria:  
 Wind Speed = 115 mph      Seismic Category = A  
 Weathering = Severe      Frost Line Depth = 36"  
 Termite = Moderate to Heavy  
 Ice Barrier Underlayment = Yes, Required.  
 Floor Live Load = 40 psf  
 Snow Load Roof = 20 psf  
 Foundation Concrete Compressive Strength = 2,500  
 Slab Concrete Compressive Strength = 3,000; air-entrained 5%-7%

ARCHITECT  
BRENDA PARKER  
614-586-5514  
brenda.parker@cbusarch.com



Oct 18, 2023

NEW SCREEN PORCH  
7823 CALVERTON SQUARE  
NEW ALBANY, OHIO 43054

**Zoning Set**

SCALE: As Noted  
PROJECT NO.:

DATE: Oct 18, 2023  
SHEET NO.:

A1.0



SITE PLAN & GENERAL INFO

ARCHITECT  
BRENDA PARKER  
614-596-5014  
brenda.parker@bpaarch.com



Oct 18, 2023

NEW SCREEN PORCH  
7823 CALVERTON SQUARE  
NEW ALBANY, OHIO 43054

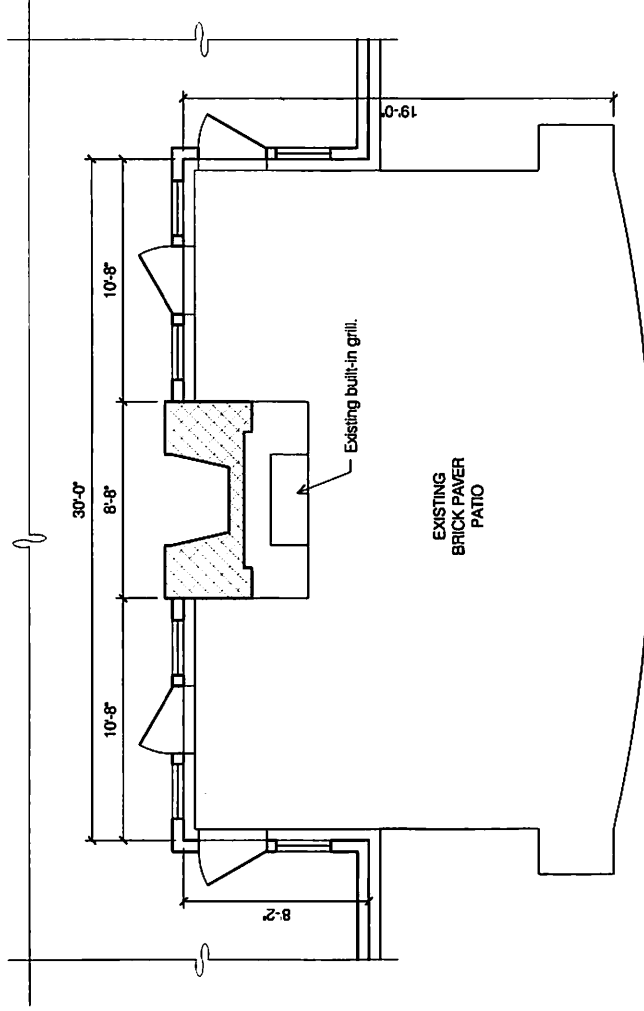
Zoning Set

SCALE: 3/16" = 1'-0"

PROJECT NO.:

FLOOR PLAN - DEMO  
DATE: Oct 18, 2023  
SHEET NO.:

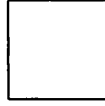
A2.1



1 PARTIAL FLOOR PLAN - EXISTING  
SCALE: 3/32" = 1'-0"



ARCHITECT  
 BRENDA PARKER  
 614-506-5514  
 brenpa\_park@cbuarch.com



Oct 18, 2023

NEW SCREEN PORCH  
 7823 CALVERTON SQUARE  
 NEW ALBANY, OHIO 43054

Zoning Set

SCALE: 3/16" = 1'-0"

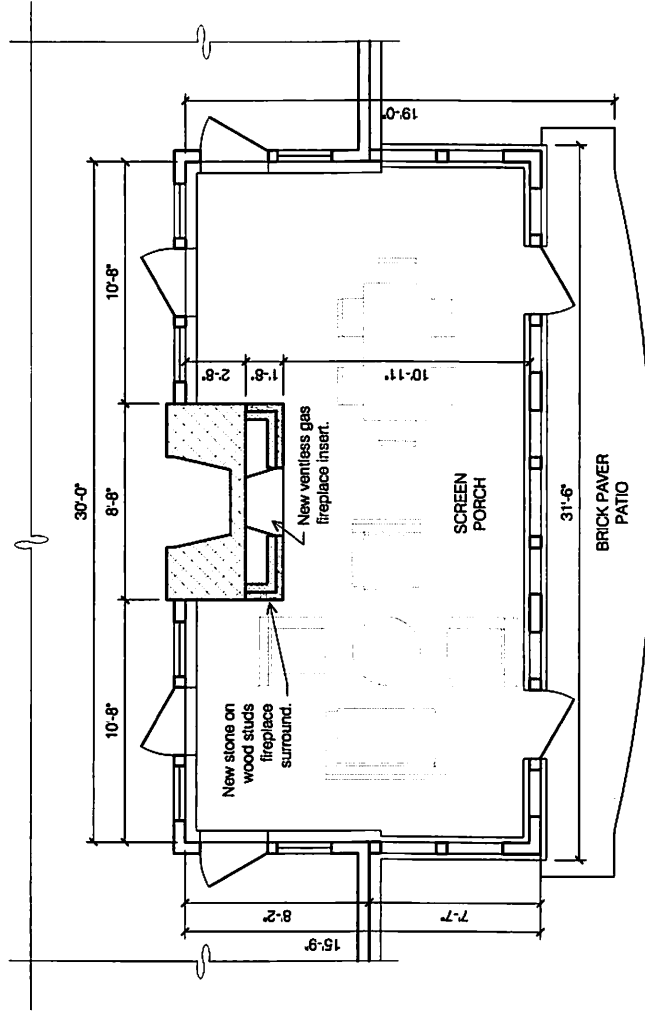
PROJECT NO.:

FLOOR PLAN - NEW WORK

DATE: Oct 18, 2023

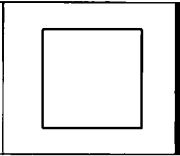
SHEET NO.

A2.2



1 PARTIAL FLOOR PLAN - NEW WORK  
 SCALE: 3/32" = 1'-0"

ARCHITECT  
 BRENDA PARKER  
 614-598-5514  
 brenda.parker@cbuzarcht.com

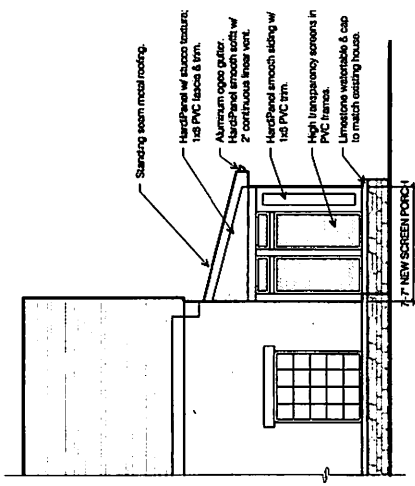


NEW SCREEN PORCH  
 7823 CALVERTON SQUARE  
 NEW ALBANY, OHIO 43054

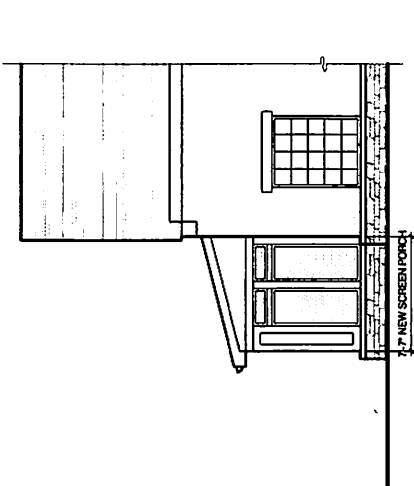
Zoning Set  
 SCALE: 3/16" = 1'-0"  
 PROJECT NO.:

EXTERIOR ELEVATIONS  
 DATE: Oct 18, 2023  
 SHEET NO.

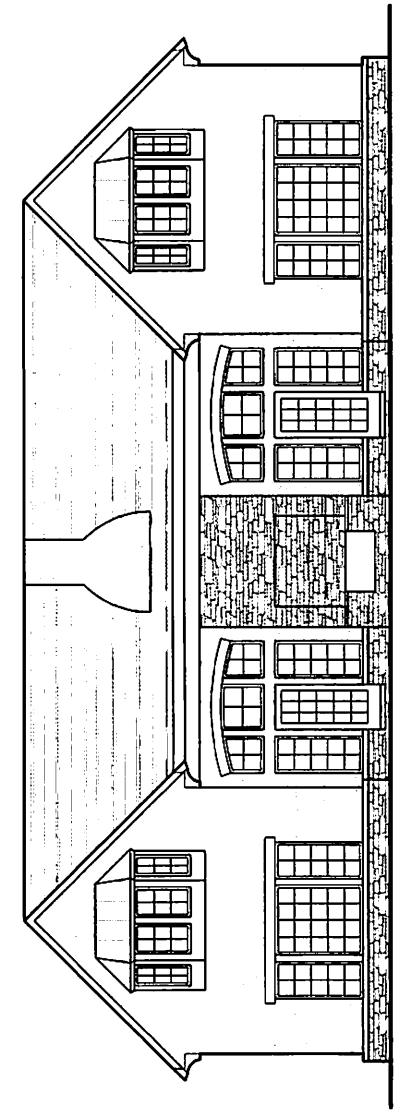
A3.1



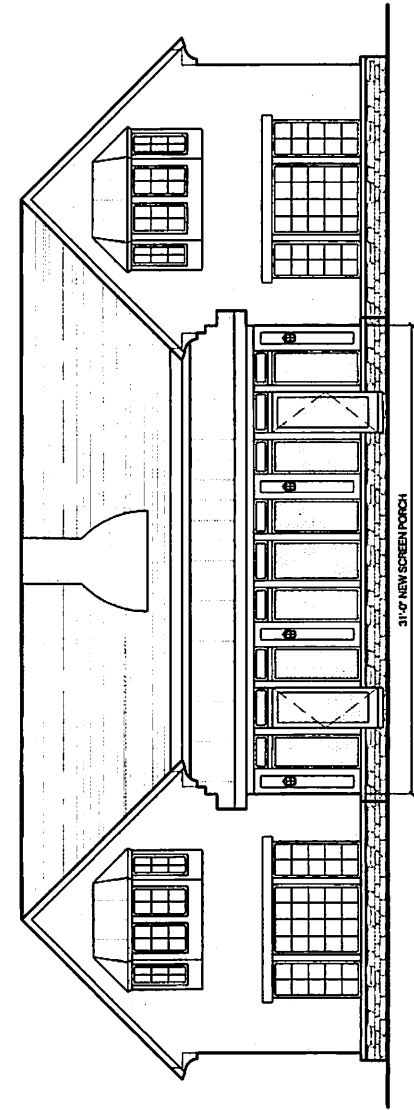
3 WEST ELEVATION - NEW WORK  
 SCALE: 1/8" = 1'-0"



4 EAST ELEVATION - NEW WORK  
 SCALE: 1/8" = 1'-0"

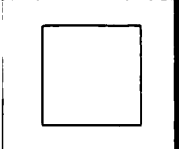


1 SOUTH ELEVATION - EXISTING  
 SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION - NEW WORK  
 SCALE: 1/8" = 1'-0"

ARCHITECT  
BRENDA PARKER  
614-598-9314  
brenda.parker@cbuarch.com



NEW SCREEN PORCH  
7823 CALVERTON SQUARE  
NEW ALBANY, OHIO 43054

Zoning Set

SCALE:  
3/16" = 1'-0"

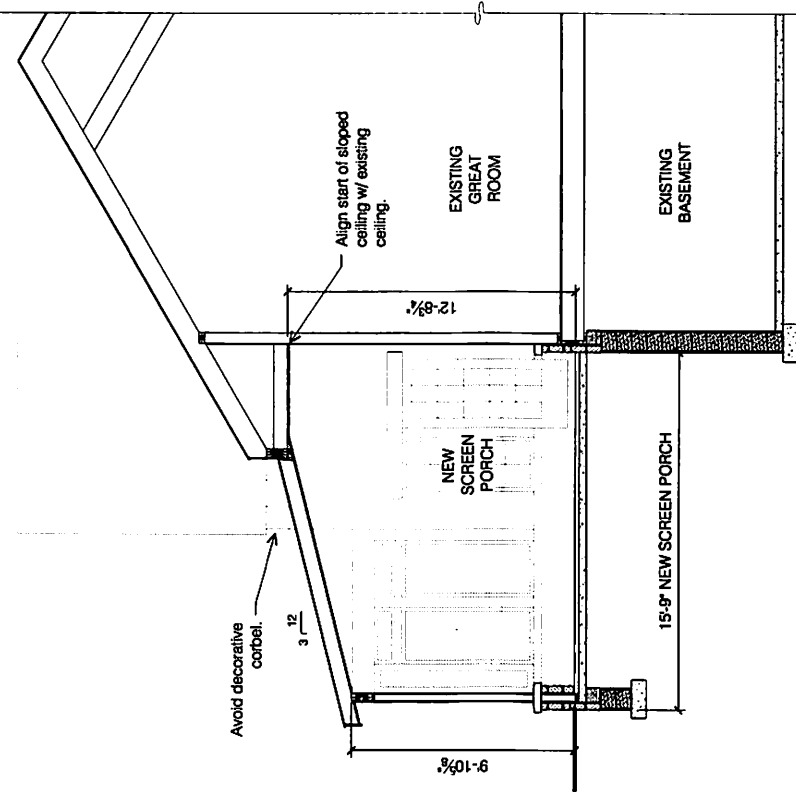
PROJECT NO.:

OVERALL SECTION

DATE: Oct 18, 2023

SHEET NO.

A4.1



1 OVERALL SECTION SCALE: 3/16" = 1'-0"



## Brenda Parker

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**From:** Thad Perry <tssperry@sbcglobal.net>  
**Sent:** Tuesday, December 5, 2023 3:14 PM  
**To:** Brenda Parker; Sus Perry  
**Subject:** Fwd: Perry Plans  
**Attachments:** 2023.1018 7823 Calverton Screen Porch\_11x17.pdf

Sent from my iPhone  
Thad Perry

Begin forwarded message:

**From:** Joseph Ciminello <ciminelloj@aol.com>  
**Date:** December 5, 2023 at 3:07:27 PM EST  
**To:** Thad R Perry <tssperry@sbcglobal.net>  
**Cc:** nancy morris <nancy.morris@mac.com>, Robert Franz <rxfranz@gmail.com>, Scott Cummans <scummans@gmail.com>  
**Subject:** Re: Perry Plans

Thad,

Please accept this email as approval from The Reserve at New Albany Architectural Review Board of the plans you submitted.

The Board also supports your variance request to encroach 4' into the conservation area to accommodate the covered porch improvements as shown on the plan.

Best,  
Joe Ciminello  
RANA ARB Member

Sent from my iPhone

On Nov 22, 2023, at 3:16 PM, Thad R Perry <tssperry@sbcglobal.net> wrote:

FYI

Thad

## Sierra Cratic-Smith

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**From:** Stephen Mayer  
**Sent:** Tuesday, December 12, 2023 2:54 PM  
**To:** Sierra Cratic-Smith  
**Subject:** FW: 7823 Calverton Sq- Approval

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Can respond to Patrick and let him know we'll add this email to the application and distribute it the Planning Commission?

Can you save this in the application folder on the H: drive (under submittals).

Thanks!

Stephen Mayer  
Planning Manager  
614.939.2229

**From:** Patrick Johnson <johnsonpa7@gmail.com>  
**Sent:** Monday, December 11, 2023 9:31 PM  
**To:** Stephen Mayer <smayer@newalbanyohio.org>  
**Subject:** 7823 Calverton Sq- Approval

Good evening,

I hope this letter finds you well. I am writing to express my full support for the variance request submitted by my neighbors Susanne and Thad Perry.

After careful consideration, I want to inform the Planning Department that I have no objections to the variance request. I believe the proposed changes align with the best interests of our community.

If you require any further information or clarification from my end, please do not hesitate to reach out. I trust that the department will make decisions that benefit the community as a whole.

Sincerely,  
Patrick and Dottie Johnson

4299 Brompton Court  
New Albany, Ohio 43054

-----Original Message-----

From: Nancy Morris <[morris.nancy@gmail.com](mailto:morris.nancy@gmail.com)>

Sent: Monday, November 20, 2023 12:37 PM

To: Chelsea Nichols <[cnichols@newalbanyohio.org](mailto:cnichols@newalbanyohio.org)>

Subject: Request for variance PID: 222-001816

Dear Chelsea and the New Albany Planning Commission,

This email is to inform you that Steve and I have no issue with the Request for Variance for our neighbors, Thad and Susanne Perry.

Please consider our wishes when deciding the variance.

Thank you for your time,

Nancy E/. Morris

7859 Calverton Square  
New Albany, OH 43054



## Sierra Cratic-Smith

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**From:** Stephen Mayer  
**Sent:** Monday, January 8, 2024 9:37 AM  
**To:** Jeanne George  
**Cc:** Sierra Cratic-Smith  
**Subject:** RE: Suzanne and Thad Perry's screened in porch

Hi Jeanne,

We have received your email and we will include it in the Planning Commission's informational packet for their consideration.

Sincerely,  
Steve

Stephen Mayer  
Planning Manager  
614.939.2229

**From:** Jeanne George <jspeech2@gmail.com>  
**Sent:** Saturday, January 6, 2024 4:10 PM  
**To:** Stephen Mayer <smayer@newalbanyohio.org>  
**Subject:** Suzanne and Thad Perry's screened in porch

Hi

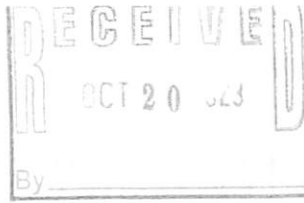
Bob and Jeanne George. right behind the Perry's. Lovely folks and patients of my husbands. We don't mind the extension at all. Have at it! We have plenty of coverage in our back yard at 4312 Vaux Link.

Thanks

Jeanne G

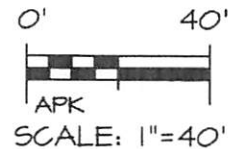
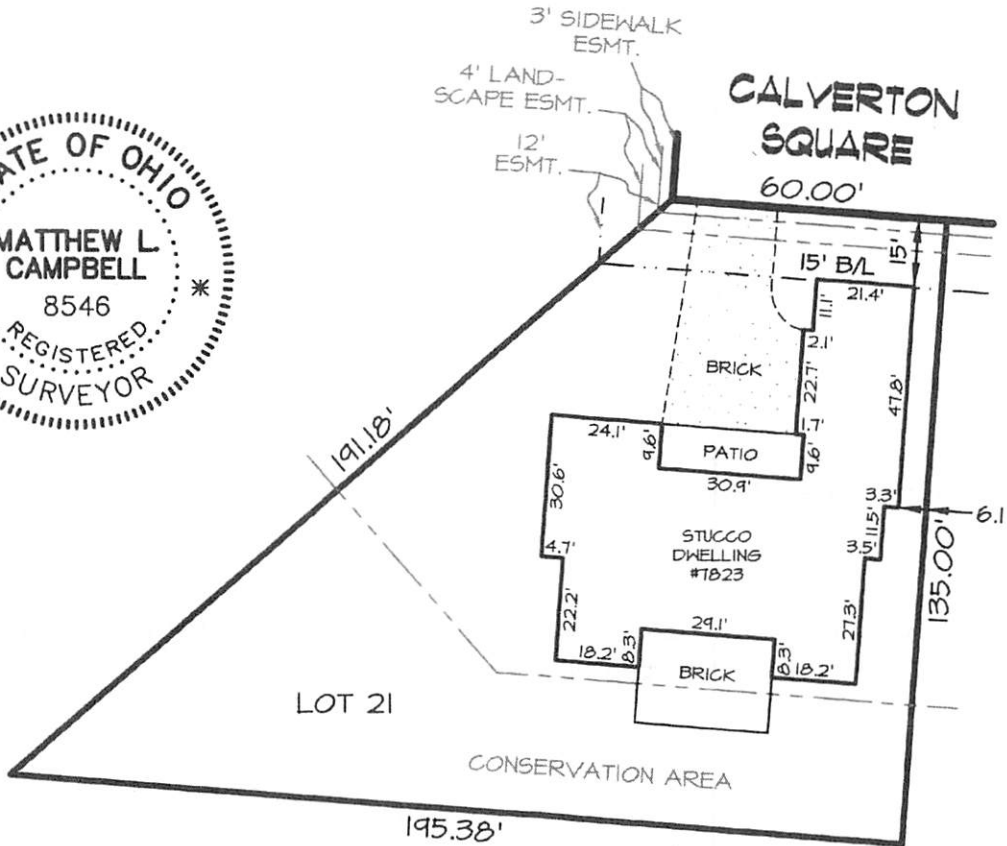


**CAMPBELL &  
ASSOCIATES, INC.**  
Land Surveying



614.785.9340  
Fax: 614.785.9342  
77 E Wilson Bridge Road  
Suite 205  
Worthington, OH 43085  
http://www.campbellsurvey.com

**Mortgage Location Survey**



I/WE HAVE RECEIVED A COPY OF THIS SURVEY AND FIND THE CONDITIONS ACCEPTABLE TO ME/US.

BUYER/OWNER

**Street Address:**  
7823 Calverton Sq, New Albany, Ohio 43054

**New Owner:**  
Thad R. Perry, Susanne G. Perry

**Allotment:** THE RESERVE AT NEW ALBANY  
**Record Info:** Plat Book: 83 Page: 45  
**Client Order No:** 23-918-LS **Date:** August 22, 2023  
**Present Owner:**  
Acme Rocket Powered Roller Skates LLC

**This is to certify to:**

Cbus Title Agency that a visual inspection of the property and buildings shown (if any) has been made and there are no apparent encroachments or visible easements unless otherwise shown. This service was not performed for the purpose of establishing boundary lines, and is not to be used for that purpose.

This Mortgage Location Survey has been prepared in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37, Ohio Administrative Code.

*Matthew L. Campbell*  
Matthew L. Campbell - Reg. Surveyor No. 8546

7823 Calverton Square, New Albany, Ohio 43054

Request variance from Reserve at New Albany PUD Section 26.04 (Rear Yard) to reduce the rear yard setback at Lot 21 from 30'-0" to 26'-0" for a new screen porch 31'-0" in width.

The property at 7823 Calverton is located in the Reserve at New Albany neighborhood and consists of a single-family French country style house with an auto-court in the front and a brick patio at the rear. Due to the spatial requirements of the front auto-court, the house is pushed back to the rear of the property; 33'-7" from the rear property line. With the rear yard setback requirement of 30', there is only 3'-7" of buildable area at the rear of the lot. There is an existing brick patio at the rear of the house that extends 9' into the rear yard setback.

The owners purchased the property with the thinking that they would be able to construct a screen porch utilizing the footprint of the existing brick patio. When they received the property survey, it was realized that there is a conservation area extending 30' from the rear property line which aligns with the 30' rear setback line.

The design of the screen porch was studied utilizing the allowable buildable area. This would only allow an interior depth of 11'-0". With the location of the existing doors from the house, and the projection of the existing fireplace, this limited dimension was unusable to accommodate a small dining table and small lounge area.

Multiple iterations were then studied to identify the ideal dimension that allowed for the proper use of the screen porch while minimizing the encroachment into the rear yard. This ideal dimension is 15'-0" which is a 4'-0" encroachment into the rear yard. The proposed dimensions of the new screen porch do not extend the full depth of the existing brick patio. The edge of the brick patio will remain in place to allow for movement in and out of the screen porch down to the yard and to the side yards.

The 4'-0" encroachment into the rear yard results in a zoning variance request of reducing the rear yard setback from 30'-0" to 26'-0".

Regarding the conservation area, per the PUD, the conservation areas were identified in order to preserve the mature tree canopy at various lots throughout the development. The new screen porch is being constructed over an existing brick patio and will therefore not jeopardize the health of the tree canopy or negatively impact the tree canopy in any way. Therefore, the intent of the conservation area remains intact even with the screen porch encroachment.

The zoning variance request to reduce the rear yard setback from 30'-0" to 26'-0" would only be to allow for the single-story screen porch with an overall width of 31'-0".

