



New Albany Board of Zoning Appeals
December 23, 2024 Meeting Minutes - Approved

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on December 23, 2024 in the New Albany Village Hall. Chair LaJeunesse called the meeting to order at 6:51 p.m. and asked to hear the roll.

II. Roll call

Those answering roll call:

Mr. LaJeunesse	present
Mr. Jacob	present
Mr. Schell	absent
Mr. Smith	present
Ms. Samuels	absent
Council Member Shull	present

Having three voting members present, the board had a quorum to transact business.

Staff members present: Planner Blackburn, Planner Saumenig, Planning Manager Mayer, Deputy Clerk Madriguera.

III. Action on minutes November 25, 2024

Chair LaJeunesse asked if there were any corrections to the minutes from the November 25, 2024 meeting.

Hearing none, Board Member Jacob moved for approval of the November 25, 2024 meeting minutes as presented. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. LaJeunesse yes, Mr. Smith yes. Having three yes votes, the motion passed and the November 25, 2024 minutes were approved as presented.

IV. Additions or corrections to the agenda

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

Planning Manager Mayer answered no.

Chair LaJeunesse administered the oath to Applicant David Bullock.

Chair LaJeunesse introduced the first and only case on the agenda and asked to hear the staff report.

VI. Cases

VAR-91-2024 Variance

Variance to the Hawksmoor zoning text's Architectural Standards section 1(a) to allow stone exterior material above the first floor level at 2 Hawksmoor Drive. (PID: 222-003480)

Applicant: David Bullock

Planner Saumenig delivered the staff report.

Chair LaJeunesse asked whether the city has received any feedback from the neighbors.

Planner Saumenig answered no.

Chair LaJeunesse asked whether this application had been reviewed by the Planning Commission or other boards.

Planner Saumenig answered no.

Chair LaJeunesse asked for other questions for staff from the board. Hearing none, he asked if the applicant had anything to add.

Applicant David Bullock thanked Planner Saumenig and let the board know that the application has been approved by the relevant homeowners associations.

Board Member Jacob moved to admit the staff reports and related documents into the record for VAR-91-2024. Board Member Smith seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Smith yes, Mr. LaJeunesse yes. Having three yes votes, the motion passed and the staff reports and related documents were admitted into the record for VAR-91-2024.

Thereafter Board Member Smith moved for approval of VAR-91-2024 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval. Board Member Jacob seconded.

Upon roll call: Mr. Smith yes, Mr. LaJeunesse yes, Mr. Jacob yes. Having three yes votes, the motion passed and VAR-91-2024 was approved.

Chair LaJeunesse and the board thanked Mr. Bullock.

VII. Other business

Chair LaJeunesse asked if there was any other business.

Planning Manager Mayer said no.

VIII. Poll members for comment

Chair LaJeunesse polled the members for comment.

The members wished all a happy holiday.

IX. Adjournment

Having no further business, Chair LaJeunesse moved to adjourn the December 23, 2024 meeting of the New Albany Board of Zoning Appeals. Board Member Jacob seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Jacob yes, Mr. Smith yes. Having three yes votes, the motion passed and the meeting was adjourned.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

VAR-91-2024

Staff Report

Record of Action

**2 HAWKSMOOR DRIVE
BUILDING MATERIAL VARIANCE**

LOCATION: 2 Hawksmoor Drive (PID: 222-003480).
APPLICANT: David Bullock
REQUEST: (A) Variance to Hawksmoor zoning text’s Architectural Standards section 1(a) to allow stone exterior material above the first floor level at 2 Hawksmoor Drive
ZONING: Hawksmoor I-PUD Zoning District
STRATEGIC PLAN: Residential
APPLICATION: VAR-91-2024

Review based on: Application materials received November 13, 2024

Staff report prepared by Sierra Saumenig, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance to allow a new single family residence in the Hawksmoor subdivision to have natural stone as the majority of the exterior façade material. The Hawksmoor zoning text only allows the use of natural stone below the first floor level to wrap the foundation and for architectural detailing.

II. SITE DESCRIPTION & USE

The vacant property is 0.37 acres in size and is located in the Hawksmoor subdivision. The property owner anticipates building a single-family home on the lot. The property is the second lot on the right when entering the subdivision and it located on the north side of Hawksmoor Drive. The neighboring properties have single-family homes constructed on the sites.

III. EVALUATION

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

Criteria

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

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

1. *Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.*
2. *Whether the variance is substantial.*

3. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”*
4. *Whether the variance would adversely affect the delivery of government services.*
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
6. *Whether the problem can be solved by some manner other than the granting of a variance.*
7. *Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.*

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

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

III. ASSESSMENT

Considerations and Basis for Decision

(A) Variance to Hawksmoor zoning text’s Architectural Standards section 1(a) to allow stone exterior material above the first floor level at 2 Hawksmoor Drive

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

1. The Hawksmoor zoning text’s Architectural Standards section 1(a) states the wall finish material shall be brick, natural stone below the first floor level, wood siding, and approved composition material. Exterior wall finish material must be used to complete massing elements.
 - The proposed exterior wall finish completes the massing elements of the home. The proposed materials pull from existing homes in the subdivision including stone, cedar shakes on the roof, and identical roof pitches
2. The applicant proposes a natural stone veneer as the primary exterior material for a new home.
3. Historical staff reports for this subdivision reveal that the design intent of this subdivision is to recall an “English Village”. The subdivision is heavily landscaped and contains a formal hedgerow and brick sidewalk. The architecture of the buildings also contributes to the English Village theme.
4. It does not appear that the essential character of the neighborhood would be altered if the variance request is granted.
 - 1 Hawksmoor Drive received the same variance for stone in 2013 (V-173-2023) which is directly adjacent to the lot Additionally, 15 Kensington Court also received this variance (V-62-2014).
5. The request does not seem to be substantial given the overall theme and goals of the subdivision is to appear as an English Village. A natural stone finish corresponds with this theme. Additionally, homes within the subdivision are allowed to use stone for

- architectural detailing so this house will complement other homes utilizing stone detailing.
6. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
 7. It appears granting the variance will not adversely affect the delivery of government services.

IV. SUMMARY

In summary, the variance request does not appear to be substantial given the English Village theme of the subdivision. The use of natural stone on the majority of the exterior elevations will likely complement the neighboring properties and is appropriate for the architecture of the home. The natural stone meets the goals and intent of the New Albany Design Guideline and Requirements since it appears to be appropriate for and typical of the materials used in the architectural style in which the building is constructed, and is an authentic and high quality building material.

V. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motions would be appropriate. Conditions of approval may be added.

Move to approve application VAR-91-2024.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear David Bullock,

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 31, 2024

The New Albany Board of Zoning Appeals took the following action on 12/23/2024 .

Variance

Location: 2 HAWKSMOOR DR

Applicant: David Bullock,

Application: PLVARI20240091

Request: Variance to the Hawksmoor zoning text's Architectural Standards section 1(a) to allow stone exterior material above the first floor level at 2 Hawksmoor Drive.

Motion: To Approve

Commission Vote: Approved, 3-0

Result: Variance, PLVARI20240091 was Approved, by a vote of 3-0.

Recorded in the Official Journal this December 31, 2024

Condition(s) of Approval:

Sierra Saumenig

Staff Certification:

Sierra Saumenig
Planner