



New Albany Planning Commission

Monday, September 15, 2025 Meeting Minutes - Approved

I. Call to order

The New Albany Planning Commission held a regular meeting on Monday, September 15, 2025. Chair Kirby called the meeting to order at 7:00 p.m. and asked to hear the roll.

II. Roll call

Those answering roll call:

Mr. Kirby	present
Mr. Schell	present
Mr. Larsen	present
Mr. Wallace	absent
Ms. Briggs	absent
Council Member Wilttrout	absent
Council Member Brisk	present

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

Staff members present: Law Director Albrecht, Development Engineer Albright, Planner I Blackburn, Planning Manager Christian, Planner I Henderson, Planner II Saumenig, Deputy Clerk Madriguera.

III. Action on minutes: August 18, 2025

Chair Kirby stated that he had a correction to the minutes. The fact of the vote on the merits of CU-55-2025 was missing from page four of the minutes. Chair Kirby's notes from the meeting indicated that Commissioner Wallace moved to approve CU-55-2025. Commissioner Briggs seconded the motion and the motion passed without objection, 4-0.

Deputy Clerk Madriguera noted the correction.

Hearing no further corrections, Chair Kirby moved for approval of the August 18, 2025 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. Kirby yes, Mr. Larsen yes, Mr. Schell yes. Having three yes votes the motion passed and the August 18, 2025 meeting minutes were approved as corrected.

IV. Additions or corrections to the agenda

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

Planning Manager Christian answered none from staff.

Chair Kirby administered the oath to all present who would be addressing the commission.

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

Chair Kirby asked if there were any visitors present who wished to speak to the commission for an item not on the agenda. Hearing none, he introduced the first case and asked to hear from staff.

VI. Cases:

VAR-63-2025 Parkside Drive Patio Cover Easement and Material Variance

Variance to allow a patio cover to encroach into an easement and be constructed with non-permitted materials on a 0.147-acre site located at 7544 Parkside Drive (PID: 222-005276).

Applicant: Jeff Oslin

Planner I Sauter delivered the staff report.

Community Development Engineer said that there were no comments from engineering beyond the staff report.

Applicant Jeff Oslin spoke in support of the application. He stated that Variance A, the encroachment into the setback, could be eliminated. The critical issue he was seeking approval for was Variance B, to allow aluminum for the patio posts and polycarbonate for the patio cover.

Chair Kirby confirmed that the design could be modified so Variance A was not needed.

Commissioner Schell asked whether any neighbors had contacted the city.

Planner I Sauter answered that staff had received one phone call. The neighbor had questions about the material but did not mention anything about the overhang.

Chair Kirby asked whether the material requirements come from the zoning text or from the code.

Planner I Sauter responded that the permitted list of materials is in the code, the pud text is silent.

Commissioner Larsen asked whether there are other roofing materials that can be used.

Mr. Oslin explained that this prefabricated polycarbonate roofing material was the material they offered. He stated that it could also be constructed so that it was not attached to the home so it was more of an accessory structure.

Commissioner Schell asked staff whether constructing the patio as an accessory would make a difference.

Planner I Sauter answered no, C.O. 1165.04(b)(1), the provision that specifies permitted materials, applies to recreational amenities which includes patio covers and accessory structures.

Mr. Oslin confirmed that he was withdrawing Variance A of VAR-63-2025.

Chair Kirby asked whether there were other questions from the commission. Hearing none, he asked whether there were any members of the public present who wished to comment on the application.

Hearing none, Chair Kirby moved to admit the staff reports and related documents into the record for VAR-63-2025. 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, Mr. Larsen yes. Having three yes votes, the motion passed and the staff reports and related documents were admitted into the record for VAR-63-2025.

Commissioner Larsen moved for approval of VAR-63-2025(B) based on the findings in the staff report with the conditions in the staff report, subject to staff approval and withdrawing Variance A. 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. Larsen no, Mr. Schell no, Mr. Kirby no. Having zero yes votes and three no votes, the motion failed and VAR-63-2025(B) was denied.

Commissioner Larsen explained that he voted no because the materials proposed in the application were not consistent with the materials permitted by the code, and the applicant could accomplish their objectives by using code-permitted materials.

Commissioner Schell concurred. He added that approval of this application would establish precedent, and further that a neighbor had contacted staff regarding the materials.

Chair Kirby concurred with Commissioners Larsen and Schell. He added that approval of this application would establish a hardship on future owners of this property.

The commission thanked the applicant and wished him good luck. Chair Kirby introduced FPL-64-2025 and asked to hear from staff.

FPL-64-2025 The Courtyards at Haines Creek Final Plat Phase 2

Final plat request to create 56 residential lots and 4 reserves for phase 2 of the Courtyards at Haines Creek subdivision located at 8306 Central College Road (PIDs: 222-005159 and 222-005158).

Applicant: Epcon Haines Creek, LLC

Planner I Henderson delivered the staff report.

Development Engineer Albright stated that there were no further comments beyond the staff report.

Chair Kirby asked whether the commission had questions for staff. Hearing none he asked whether the commission had questions for the applicant. Hearing none, he asked whether there was anyone present from the public who wished to comment on the application. Hearing none, Chair Kirby complimented staff and the applicant for submitting an application that is consistent with the approved preliminary plat and the approved final development plan, and further that all engineering comments have been addressed and complied with.

Chair Kirby moved to accept the staff reports and related documents into the record for FPL-64-2025. 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. Kirby yes, Mr. Larsen yes, Mr. Schell yes. Having three yes votes the motion passed and the staff reports and related documents were admitted into the record for FPL-64-2025.

Commissioner Schell moved for approval of FPL-64-2025 based on the findings in the staff report. He noted that there were no conditions in the staff report. Similarly the commission did not impose any conditions. 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. Schell yes, Mr. Larsen yes, Mr. Kirby yes. Having three yes votes the motion passed and FPL-64-2025 was favorably recommended to the city council.

The commission thanked staff and wished the applicant good luck. Chair Kirby introduced the next case and asked to hear the staff report.

VAR-69-2025 Straits Lane Accessory Structure Setback Variance

Variance to allow a patio and pergola to encroach into a required accessory structure setback on a 0.17-acre site located at 7820 Straits Lane (PID: 222-004601).

Applicant: Ciminello's Landscape Design, Inc.

Planner I Sauter delivered the staff report.

Development Engineer Albright stated that engineering had no additional comments beyond the staff report and the proposed condition that the lowest point of the retaining wall not be located at an elevation within the 100-year flood elevation.

Chair Kirby asked if the applicant was present.

Planner I Sauter stated that the applicant was not present.

Commissioner Schell asked whether any of the neighbors had contacted the city, and whether staff had any discussion with the applicant and whether they considered other options.

Planner I Sauter said that staff had not been contacted by neighbors. She further responded that the applicants knew they needed a variance.

Commissioner Schell stated that it would be nice to hear from the property owner.

Chair Kirby confirmed with Law Director Albrecht that the commission could table the application until the next meeting, so the property owner would have an additional opportunity to speak in support of the application. He further asked staff to be sure to notify the property owner when the application is scheduled for consideration.

Thereafter Chair Kirby moved to accept the staff reports and related documents into the record for VAR-69-2025. 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, Mr. Larsen yes. Having three yes votes the motion passed and the staff reports and related documents were admitted into the record for VAR-69-2025.

Commissioner Schell moved to table VAR-69-2025 until the next scheduled meeting. 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. Schell yes, Mr. Larsen yes, Mr. Kirby yes. Having three yes votes the motion passed and VAR-69-2025 was laid upon the table until the next scheduled meeting.

Chair Kirby introduced FPL-70-2025. He asked staff whether the code applies to signs attached to chain link fences.

Planning Manager Christian answered no.

Planner II Saumenig stated that she looked at this particular sign and noted that it had a time limit.

FPL-70-2025 Richmond Square Final Plat

Final plat request to create 6 residential lots and 1 reserve for the Richmond Square lot 10 subdivision located at 14-17 Richmond Square (PID: 222-003934).

Applicant: AJ Scott

Planner I Blackburn delivered the staff report.

Development Engineer Albright delivered the engineering report.

Applicant and Attorney Aaron Underhill spoke in support of the application. He thanked staff for their presentation. He advised the commission that the applicants are in support of the conditions and the additional comments regarding sanitary and engineering made by the engineer. He clarified that these are not condominiums, they are fee simple lots.

Chair Kirby asked for questions from the commission. Hearing none, he asked if there was anyone present from the public who wished to comment on the application.

Hearing none, Chair Kirby moved to accept the staff reports and related documents into the record for FPL-70-2025. 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, Mr. Larsen yes. Having three yes votes, the motion passed and the staff reports and related documents were admitted into the record for FPL-70-2025.

Commissioner Larsen moved for approval of FPL-70-2025 based on the findings in the staff report with the condition in the staff report, subject to staff approval. 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. Larsen yes, Mr. Schell yes, Mr. Kirby yes. Having three yes votes, the motion passed and FPL-70- was favorably recommended to the city council.

The commission thanked the applicant and wished him good luck.

Thereafter, Chair Kirby introduced the final case and asked to hear from staff.

FDM-71-2025 Visions Professional Final Development Plan Modification

Final development plan modification for architectural changes for a new medical office building located in the Canini Trust Corp at 5175 Forest Drive (PIDs: 222-004965).

Applicant: Chris Smiley

Planner II Saumenig delivered the staff report.

Development Engineer Albright stated that engineering had no comments beyond the staff report.

Applicant Chris Smiley thanked Planner II Saumenig and stated that he was available for questions.

Chair Kirby asked whether there were questions from the commission. Hearing none he asked whether anyone from the public wished to speak on the application.

Hearing none he moved to accept the staff reports and related documents into the record for FDM-71-2025. 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. Kirby yes, Mr. Larsen yes, Mr. Schell yes. Having three yes votes the motion passed and the staff reports and related documents were accepted into the record for FDM-71-2025.

Chair Kirby moved to approve FDM-71-2025 based on the findings in the staff report. 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. Kirby yes, Mr. Larsen yes, Mr. Schell yes. Having three yes votes the motion passed and FDM-71-2025 was granted.

The commission thanked the applicant and wished him good luck.

VII. Other business and poll members for comment

Thereafter Chair Kirby asked if there was any other business before the commission. Hearing none, he polled the members for comment.

The commissioners made no comment.

VIII. Adjournment

Having completed their agenda and having no further business, Chair Kirby adjourned the September 15, 2025 meeting of the New Albany Planning Commission without objection at 7:40 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

VAR-63-2025

Staff Report

Record of Action

FPL-64-2025

Staff Report

Record of Action

VAR-69-2025

Staff Report
Record of Action
FPL-70-2025
Staff Report
Record of Action
FDM-71-2025
Staff Report
Record of Action – to be added



**Planning Commission Staff Report
September 15, 2025 Meeting**

**PARKSIDE DRIVE PATIO COVER
EASEMENT AND MATERIAL VARIANCE**

LOCATION: 7544 Parkside Drive (PID: 222-005276)
APPLICANT: Jeff Oslin
REQUEST: (A) Variance to C.O. 1165.04(b)(3)(B) to allow a patio cover roof to encroach two feet into an easement.
(B) Variance to C.O. 1165.04(b)(1) to allow a patio cover to have aluminum posts and polycarbonate roofing materials.
ZONING: New Albany North Zoning District I-PUD
STRATEGIC PLAN: Residential
APPLICATION: VAR-63-2025

Review based on application materials received July 28, 2025.

Staff report prepared by Lauren Sauter, Planner.

I. REQUEST AND BACKGROUND

The applicant requests the following:

- (A) Variance to C.O. 1165.04(b)(3)(B) to allow a patio cover roof to encroach two feet into an easement.
- (B) Variance to C.O. 1165.04(b)(1) to allow a patio cover to have aluminum posts and polycarbonate roofing materials.

As used in this staff report, “patio cover” refers to the full proposed structure and includes both the main, accessory roof over the patio as well as its vertical support posts. “Patio cover roof” (also “roof” or “overhang”) refers to its panels and rafters and is intended to distinguish this part of the full structure as above grade compared to the support posts that meet the ground.

The property has an existing uncovered concrete patio located in the rear yard. The applicant proposes to install a 352-square-foot patio cover whose roof encroaches two feet into a 15-foot drainage easement along the rear property line. The encroachment is seven feet above grade and due to the patio cover roof projection; the patio and proposed patio cover support posts are not located within the easement, nor are any other at-grade structures. Despite no ground-level encroachment, the patio cover overhang has the potential to interfere with construction equipment access to utilities within the drainage easement.

The Codified Ordinances regulate surface and roof materials for recreational amenities. In this case, the proposed patio cover is held up by aluminum beams; this structure is considered a surface material, and aluminum is noncompliant with these regulations. Additionally, the applicant proposes the patio cover roof be constructed with polycarbonate panels, which are not specified as a permitted material for recreational amenity roofing; thus, both materials require a variance.

II. SITE DESCRIPTION & USE

The 0.147-acre property is located in the Nottingham Trace subdivision. The site contains a single-family residential home and an uncovered concrete patio in the rear yard. The property is surrounded by single-family residential homes. At the rear lot line, there is a 15-foot drainage easement that includes stormwater inlets and an underground stormwater gravity main. The applicant's site plan additionally shows a 13-foot private AEP utility easement into which the patio cover overhang borders but does not encroach.

III. EVALUATION

The application complies with application submittal requirements in C.O. 1113.03 and is considered complete. 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.*

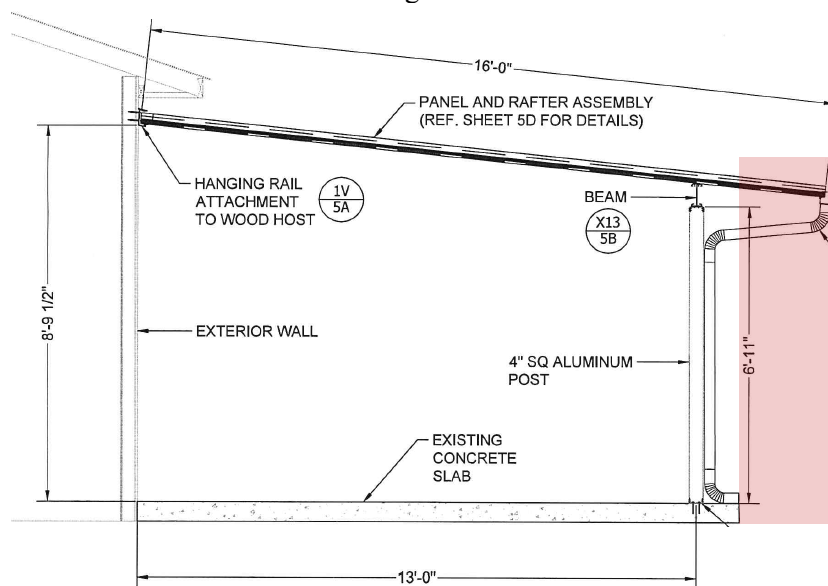
IV. ASSESSMENT

Considerations and Basis for Decision

(A) Variance to C.O. 1165.04(b)(3)(B) to allow a patio cover roof to encroach two feet into an easement.

The following should be considered in the Planning Commission's decision:

1. Codified Ordinance Section 1165.04(b)(3)(B) regulates the location of recreational amenities such as patios and patio covers and prohibits such structures from being located within an easement.
 - In October 2019, modifications to section 1165 of the city's Codified Ordinances were approved by City Council, which included adding provisions that patios and other recreational amenities are not permitted in easements. By adding this prohibition, a property owner can now request a variance. Before these code modifications were adopted, city code did not address easements. Patios and other at-grade encroachments into easements were instead regulated by plat notes, which typically required approval from the city engineer. Plat notes provide no other mechanism for relief via a public process. The intent of this requirement is to protect property owners and to add an extra level of review for these types of encroachment requests.
2. According to the subdivision's recorded plat, there is a 15-foot drainage easement along the rear property line. The engineering plans for the subdivision show a 12-inch underground stormwater gravity main and two stormwater inlets at both rear corners of the property within the drainage easement. The recorded plat states that drainage easements may be used for the construction, operation, and maintenance of public utilities above, beneath, and on the surface of the ground and adjacent lands and for the construction, operation, maintenance of major stormwater drainage swales and other above-ground stormwater drainage facilities. It states that no above-grade structures or other obstructions to the flow of stormwater runoff are permitted in drainage easements unless approved by the New Albany Municipal Engineer.
3. The applicant is requesting a variance to allow a patio cover roof to encroach two feet into a drainage easement. The proposed encroachment is due to the roof protruding three feet past the vertical posts that support the structure, and the support posts are not located in the easement; thus, no structure is encroaching into the easement at the ground level, and the City Engineer has confirmed that surface water flow will not be affected by the overhang encroachment. The patio cover roof is approximately seven feet above the ground where it encroaches over the drainage easement.



Proposed patio cover as viewed from the right (east) side of the property.
The zone in red is the approximate area of the roof that encroaches into the drainage easement at approximately seven feet above grade.

4. Drainage easements are intended to provide protection for the unobstructed flow of water drainage by prohibiting structures or improvements that could impair such movement and by allowing for maintenance access. In this case, although the proposed patio cover overhang will not obstruct or interfere with groundwater drainage in the easement, it has the potential to interfere with construction equipment access if required for maintenance on the underground utilities. Staff recommends a condition of approval that the patio cover posts or any other permanent structures shall not be moved into or added to the patio cover area that is within the easement (condition #1).
5. The variance request appears to meet the spirit and intent of the zoning requirement, which is to provide protection for property owners in the event that the city or a private utility provider must gain access to the easement. While the applicant proposes a patio cover roof encroach into the easement, the patio and patio cover support beams are located outside of the easement and the structure will not be installed above any public utility lines. Additionally, given the limited encroachment of two feet into the easement and its height being approximately seven feet above grade, there is likely sufficient space for construction equipment access to the easement without removal of or damage to the patio cover. Staff recommends a condition of approval that the homeowner enter into a hold harmless agreement, or similar legal mechanism to be determined by the city engineer or attorney, specifying that the property owner, and not the city, is responsible for any damages to the patio cover in the event that a public or private utility provider needs to access the easement area (condition #2).
6. The variance request does not appear to be substantial. Similar cases have been heard by the Planning Commission or Board of Zoning Appeals; this request is more reasonable at seven feet above grade and without interfering with or obstructing groundwater drainage. Additionally, it does not appear that the proposed patio cover is located above any public underground utilities. Two similar cases include:
 - *July 17, 2023 – Approved – Planning Commission – Variance to allow a deck to encroach into a utility easement at 6867 Harper Lane.*
The Planning Commission approved a cantilevered deck to encroach 30 inches (approximately 2.5 feet) into a utility easement. The application was approved with the conditions that the homeowner enter into a hold harmless agreement and that the footer be moved out of the easement. Staff noted that they regulate encroachments into drainage easements at a stricter standard than utility easements. Members of the Planning Commission noted their approval was largely due to similar existing decks in the area that had been administratively permitted prior to the code change prohibiting encroachments into easements in 2019.
 - *September 19, 2024 – Denied – Planning Commission – Variance to allow a deck to encroach into a platted easement at 8355 Woodhaven Loop South.*
The variance request involved a deck overhang that encroached two feet into a utility and drainage easement. The deck's footers were not located in the easement, and the overhang encroached at four feet above grade. Members of the Planning Commission explained they felt there was an alternative solution available and noted the precedential value of granting the variance would be substantial.
7. The essential character of the neighborhood will not be substantially altered if the variance request is approved. Patio covers are permitted in the subdivision, and it will not be encroaching into the required 10-foot recreational amenity setback. The encroachment over the drainage easement is minimally invasive and will have minimal additional visual impact to adjoining properties.
8. Granting the variance has the potential to adversely affect the delivery of government services. Though no at-grade improvements are proposed within the drainage easement, the patio cover overhang has the potential to interfere with construction equipment access to the stormwater gravity main. However, given the limited encroachment and its height

above grade, there appears to be sufficient space for access to the easement, and entering into a hold harmless agreement will resolve the issue.

9. Granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development.

(B) Variance to C.O. 1165.04(b)(1) to allow a patio cover to have aluminum posts and polycarbonate roofing.

The following should be considered in the Planning Commission's decision:

1. Codified Ordinance Section 1165.04(b)(1) regulates materials for recreational amenities:
 - Non-roof surfaces may be wood, brick, stone, composite siding, screen, or any combination thereof.
 - Roof surfaces may be metal, seal-tab asphalt shingles, or slate or wood shingles.
2. The applicant is requesting a variance to allow a patio cover to have aluminum posts, which is not specified as a permitted finished surface material, and a roof with polycarbonate panels, which is not specified as a permitted roof material.
 - Polycarbonate panels are a durable, transparent plastic material often used for patios, pergolas, greenhouses, and similar structures. The applicant's company specializes in patio covers with polycarbonate roofing, and they would not be able to install a patio cover with another material.
3. The variance request may not meet the spirit and intent of the zoning requirements, which is to maintain a cohesive aesthetic of exterior materials between lots and between structures on the property, and to ensure durability and fire safety standards are met by use of pre-approved materials. However, the aluminum posts may not conflict with the spirit and intent, as zoning code for recreational amenity surface materials may be intended more for full walls than for posts. Additionally, the variance is requested only for the accessory structure and will be secondary to the permitted main roof of the house.
4. The variance request does not appear substantial. There have been a few variances to material requirements heard by the Planning Commission or Board of Zoning Appeals, including the following pertaining to aluminum accessory structures:
 - *August 22, 2022 – Approved – Board of Zoning Appeals – Variance to allow for the use of metal material for a pergola for 22 New Albany Farms Road.*
The applicant stated the metal pergola would be covered in greenery and screened from adjoining properties. The Board of Zoning Appeals approved the variance understanding that it may set precedence for similar applications in the future.
 - *July 17, 2023 – Approved – Planning Commission – Variance to C.O. 1165.04(b)(1) to allow a pergola to be aluminum and to encroach 2.5 feet into a side yard setback at 7830 Eastcross Drive.*
Because the proposed pergola had been improperly approved by the city, members of the Planning Commission approved the variance because it felt the property owner would suffer a hardship, but noted they did not believe the variance request met the *Duncan* requirements.
 - *August 21, 2023 – Denied – Planning Commission – Variance to C.O. 1165.04(b)(1) to allow a pergola to be aluminum at 9160 McClellan Drive.*
A member of the subdivision's Homeowners Association spoke to the Planning Commission and stated that the pergola was in violation of HOA regulations. The Planning Commission was supportive of a city code change to allow aluminum posts for recreational amenities, but at present, approving the variance would alter the essential character of the neighborhood and confer special privilege that is denied to other structures in the same zoning district, and that special conditions resulted from the action of the applicant.
5. The essential character of the neighborhood could be altered by the granting of this variance. Surface and roof material regulations are partially intended to maintain cohesive aesthetics throughout a neighborhood and between structures on a lot. Section 5 (Residential Outside Village Center) of the city's Design Guidelines & Requirements

asserts that materials should be appropriate for and typical of those traditionally used in the architectural style in which the building is constructed, and random mixing of exterior materials should be avoided. The proposed patio cover has a white frame with white panels, which helps create visual cohesion with the house, but the materials themselves are unique to the lot and to the neighborhood.

6. Granting the variance will not adversely affect the delivery of government services.
7. Granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development.

V. SUMMARY

The applicant proposes a patio cover be constructed in a manner where the roof extends two feet into a 15-foot drainage easement. The two-foot encroachment is due to the roof overhang, which is seven feet above grade, and the patio cover will not obstruct surface water flow; however, it has the potential to interfere with construction equipment access. A hold harmless agreement ensures the applicant is aware that the city is not responsible for any damage to the patio cover in the event the easement area must be accessed. Staff believes the encroachment variance request meets the spirit and intent of the zoning code when coupled with the hold harmless agreement. The request does not appear substantial, nor would it substantially alter the character of the neighborhood.

Additionally, the applicant proposes the patio cover be constructed with aluminum posts and a polycarbonate-paneled roof, which are materials not specified as permitted for recreational amenities by the Codified Ordinances. Staff believes the material variance request does not appear substantial, but it may alter the character of the neighborhood and deviate from the spirit and intent of the zoning texts.

VI. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

Move to approve application VAR-63-2025 with the following conditions:

1. The patio cover posts or any other permanent structures shall not be moved into or added to the patio cover area that is within the easement.
2. The homeowner shall enter into a hold harmless agreement, or similar legal mechanism to be determined by the city engineer or attorney, specifying that the property owner, and not the city, is responsible for any damages to the patio cover in the event that a public or private utility provider needs to access the easement area.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Jeff Oslin,

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, September 16, 2025

The New Albany Planning Commission took the following action on 09/15/2025.

Variance

Location: 7544 Parkside Drive

Applicant: Jeff Oslin

Application: PLVARI20250063 (VAR-63-2025)

Request: Variance to C.O. 1165.04(b)(3)(B) to allow a patio cover roof to encroach two feet into an easement and to C.O. 1165.04(b)(1) to allow a patio cover to have aluminum posts and polycarbonate roofing materials.

Motion: To approve

Commission Vote: Motion Denied, 0-3

Result: Variance PLVARI20250063 was Denied by a vote of 0-3.

Recorded in the Official Journal this September 16, 2025.

Condition(s) of Approval:

N/A

Staff Certification:

Lauren Sauter

Lauren Sauter
Planner



Planning Commission Staff Report
September 15, 2025 Meeting

THE COURTYARDS AT HAINES CREEK SUBDIVISION
PHASE 2 FINAL PLAT

LOCATION:	Generally located at the northwest corner of the intersection at Central College Road and Jug Street Road NW (PIDs: 222-005159-00 & 222-005158-00).
APPLICANT:	Epcon Haines Creek, LLC
REQUEST:	Final Plat
ZONING:	Courtyards at Haines Creek I-PUD Zoning District
STRATEGIC PLAN:	Residential District
APPLICATION:	FPL-64-2025

Review based on: Application materials received on August 19 and August 28, 2025.

Staff report completed by Jay Henderson, Planner.

I. REQUEST AND BACKGROUND

The final plat application is for the 2nd phase of The Courtyards at Haines Creek subdivision. This phase includes 56 residential lots, 4 reserves (C1, F2, J, K), 2 new streets, and 4 street extensions on 19.2 +/- acres.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 20, 2023 (ZC-07-2023), and the zoning change was adopted by City Council on July 18, 2023 (O-84-2023). The Planning Commission reviewed and approved the final development plan and preliminary plat for the subdivision on March 4, 2024. The final plat for phase 1 of the development was approved by the Planning Commission on November 18, 2024 (FPL-85-2024) and adopted by City Council on January 7, 2025 (O-48-2024).

II. SITE DESCRIPTION & USE

The 63.5+/- acre subdivision is located in Franklin County. The site is generally located at the northwest corner of the intersection at Central College Road and Jug Street Road NW. The site is located immediately west of the Licking County line and north of agriculturally zoned and residentially used properties, and there are unincorporated residentially zoned and used properties to the west and north of the site.

III. PLAN REVIEW

The Planning Commission's review authority of the plat is found under C.O. Section 1187. The staff's review is based on New Albany plans and studies, zoning text, and zoning regulations.

Residential Lots

1. The final plat is consistent with the approved The Courtyards at Haines Creek final development plan and preliminary plat. The plat shows 56 residential lots. The proposed lot layout and dimensions align with those shown on the preliminary plat and meet the zoning text requirements.
 - o The plat appropriately shows the lot widths to be at least 52 feet, as required by zoning text section VI(D).
 - o The plat appropriately shows the lot depths to be at least 115 feet, as required by zoning text section VI(E).

- The plat appropriately shows the following front yard setback to be at least 20 feet, as required by the zoning text section VI(F)(2).

Streets

1. The plat creates two (2) new publicly dedicated streets and 4 existing street extensions totaling 3.49+/- acres. All of the new streets meet the right-of-way requirements in the zoning text:
 - Heidelberg Drive (New Road), 50 feet of right-of-way, also provides a road stub for potential future connections.
 - Marietta Drive (New Road), 50 feet of right-of-way, provides a connection between Haines Creek Drive and Lourdes Drive.
 - Haines Creek Drive provides access to the subdivision from Central College Road, with 60 feet of right-of-way.
 - Wooster Drive, 50 feet of right-of-way.
 - Hiram Lane, a publicly dedicated alley, with 20 feet of right-of-way.
 - Lourdes Drive, 50 feet of right-of-way.
2. The utility easements are shown on the plat.
3. Per the city's subdivision regulations, C.O. 1187.04, all new streets shall be named and shall be subject to the approval of the Planning Commission. The applicant proposes to utilize the names of private Ohio colleges as street names within the subdivision. Haines Creek Drive shares the same name as the subdivision.

Parkland, Open Space and Tree Preservation Areas

1. The plat contains four (4) reserve areas shown as Reserves "C1", "F2", "J", and "K", on the plat with a total acreage of 5.955+/- acres.
 - According to the plat notes, Reserves C1 and F2 shall be owned by the City of New Albany and maintained by the homeowner's association in perpetuity for open space and/or stormwater retention.
 - The plat states that Reserve "J" shall be owned by the City of New Albany and maintained by the homeowner's association for the purpose of open space and/or stormwater retention. Within this reserve, only the construction of paths/trails/sidewalks, underground utility lines, and underground storm water management infrastructure shall be permitted.
 - Reserve "K" shall be owned by the City of New Albany and maintained by the homeowner's association until a public road is constructed and Reserve "K" is dedicated to the City as public right-of-way. The City of New Albany shall maintain the future street.
2. As approved as part of the final development plan and phase 1 final plat, there is a 0.10-acre deficit in parkland for the subdivision. As part of those applications, the applicant completed and submitted an appraisal, as required in Chapter 1165.10(d). Based upon the appraisal, the developer requests approval of a fee in lieu of \$50,000/acre, which is a total of \$5,000 for this application (\$50,000/acre multiplied by 0.10 = \$5,000). The fee in lieu was approved by City Council on January 7, 2025 (O-48-2024).
3. Various tree preservation zones are shown on the final plat and comply with the tree preservation zone requirements of zoning text section VI(G).
4. The plat requires the developer to provide Tree Preservation Zone signs on every other lot line. It states the design shall be subject to staff approval and shall be installed by the developer before infrastructure acceptance by the city.
5. C.O. 1187.04(d)(4) and (5) requires verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act and to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. As part of the final plat for phase I of this subdivision, the applicant has submitted the permits to staff.

IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering-related requirements of Code Section 1159.07(b)(3) and has no comments.

V. SUMMARY

The final plat is consistent with the approved preliminary plat and final development plan and meets code requirements. All engineering comments have been addressed and complied with.

VI. ACTION

Suggested Motion for FPL-64-2025:

Move to approve final plat application FPL-64-2025 (conditions of approval may be added):

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Epcon at Haines Creek, LLC,

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, September 16, 2025

The New Albany Planning Commission took the following action on 09/15/2025 .

Final Plat

Location: The Courtyards at Haines Creek

Applicant: Epcon Haines Creek, LLC

Application: PLFPL20250064

Request: Final plat request to create 56 residential lots and 4 reserves for phase 2 of the Courtyards at Haines Creek subdivision located at 8306 Central College Road (PIDs: 222-005159 and 222-005158).

Motion: To Approve

Commission Vote: Motion Approval Recommended, 3-0

Result: Final Plat, PLFPL20250064 was Approval Recommended, by a vote of 3-0.

Recorded in the Official Journal this

Condition(s) of Approval:

Staff Certification:

Jay Henderson
Planner



**Planning Commission Staff Report
September 15, 2025 Meeting**

**STRAITS LANE
ACCESSORY STRUCTURE SETBACK VARIANCE**

LOCATION: 7820 Straits Lane (PID: 222-004601)
APPLICANT: Ciminello's Landscape Design, Inc.
REQUEST: Variance to C.O. 1165.04(b)(3)(C) to allow a patio and pergola to encroach into the required accessory structure setback.
ZONING: Maplewood I-PUD
STRATEGIC PLAN: Village Center
APPLICATION: VAR-69-2025

Review based on application materials received August 19, 2025.

Staff report prepared by Lauren Sauter, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to C.O. 1165.04(b)(3)(C) to allow a paver patio to encroach three feet into a five-foot setback and a pergola to encroach four feet into a 10-foot setback. Per the Codified Ordinances, all recreational amenities except for uncovered porches and paved terraces are required to be at least 10 feet away from any side or rear property line; uncovered porches and paved terraces are required to be at least five feet from any side or rear property line.

II. SITE DESCRIPTION & USE

The 0.17-acre site is located in the Strait's Farm neighborhood, also known as New Albany Country Club Section 27 or the Maplewood neighborhood, within the southern boundary of the Village Center. The final plat for this section was approved in 2013 and the property was built in 2014. Strait's Farm may be most directly accessed from State Route 605 to the east or from State Route 62 and Market Street to the north.

The property is abutted on its north (side) and east (rear) property lines by a 1.36-acre reserve with a retention pond/stormwater basin. It has one drainage easement at the west (front) of the property. The site is surrounded by similar higher-density, single-family uses within the same I-PUD residential zoning district, many of which have paved terraces (paver patios). Directly north and northeast of the site, past the reserve, is Maplewood Cemetery and a parcel zoned for Community Facilities.

III. ASSESSMENT

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

Criteria

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

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

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

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

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

III. EVALUATION

Variance to C.O. 1165.04(b)(3)(C) to allow a patio and pergola to encroach into the required accessory structure setback.

The following should be considered in the Planning Commission’s decision:

1. Codified Ordinance Section 1165.04(b)(3)(C) regulates setbacks for recreational amenities and requires paved terraces (paver patios) to be located no closer than five feet to any side or rear property line and all other recreational amenities to be located no closer than 10 feet to any side or rear property line.
2. The applicant proposes two recreational amenities to encroach into the required rear yard recreational amenity setback:
 - A paver patio to encroach three feet into the required five-foot recreational amenity setback. This would locate the patio two feet away from the rear property line. The proposed patio is limestone and includes a two-foot-tall limestone retaining wall as the rear yard slopes downward.
 - i. The 10-foot recreational amenity setback requirement applies to all recreational amenities only except for uncovered porches and uncovered paved terraces, which have a five-foot setback requirement. If a roof or patio cover were to be installed over the proposed paver patio, the recreational amenity setback requirement would increase from five feet

to 10 feet, causing the patio to encroach farther into a required setback than what is being reviewed for this variance proposal. Additionally, installing a roof, patio cover, or any other recreational amenity in the required setback would require review and approval by the Planning Commission.

- A pergola to encroach four feet into the required 10-foot recreational amenity setback. This would locate the pergola six feet away from the rear property line. The proposed pergola is 12 feet in width and 16 feet in length and is located on the proposed patio. The applicant did not provide the height of the pergola in the application, and C.O. 1165.04(b)(4) requires recreational amenities to not exceed 15 feet in height as measured from the finished floor to the top of the highest point of the roof form; as such, staff recommends a condition of approval that the proposed pergola not exceed 15 feet in height (condition #1).
3. The subject property is abutted on its north (side) and east (rear) by a 1.36-acre reserve with a retention pond. The engineering plans for the subdivision show the retention pond as having a 100-year elevation of 1015.74 feet. In the event of a 100-year flood, if the proposed retaining wall were to be below this elevation, it could offset the water and cause flooding to other properties. Staff recommends a condition of approval that the lowest point of the retaining wall not be located at an elevation within the 100-year flood elevation (condition #2).



Rendering provided by the applicant of the existing lot and retention pond as well as the proposed recreational amenities.

4. Special conditions and circumstances do not exist for the subject property compared to other lots in the immediate area. The Straits Farm subdivision is comprised of single-family homes with very similar lot configurations, all characterized by a higher-density typology that limits buildable backyard space. Many other homes have patios, though staff is unable to confirm whether they all meet setback requirements.
5. The variance preserves the spirit and intent of the zoning requirement, which is to maintain adequate separation of accessory structures between adjacent lots to prevent overcrowding and preserve visual harmony within the subdivision. The subject property abuts a reserve rather than another single-family property, thereby reducing the potential for overcrowding or visual conflict. Furthermore, paver patios (and uncovered porches) are generally considered less intrusive than other recreational amenities, as evidenced by code allowing such structures to encroach closer to the rear lot line than other recreational amenities (five feet rather than 10 feet). However, allowing these structures to encroach into the recreational amenity setback has the potential to disrupt visual cohesion with other lots in the subdivision, which follow the same setback requirements and establish a uniform rear yard appearance.

6. The essential character of the neighborhood will not be substantially altered if the variance is granted. Visual impact of the recreational amenities or their encroachment is reduced by screening from existing trees and by the reserve and pond acting as a natural buffer between the amenities and other nearby homes.
7. The variance does not appear to be substantial. Numerous variances to setback requirements have been requested for review by the Planning Commission or Board of Zoning Appeals; however, a majority of these have been requested for corner lots that abut two streets and have unique setback configurations.
8. Granting the variance will not adversely affect the delivery of government services.
9. Granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development.

IV. SUMMARY

The applicant requests a variance to allow two recreational amenities to encroach into a required recreational amenity setback. The paver patio is permitted to be five feet away from any lot line, and it is proposed to be two feet from the rear lot line; the pergola is permitted to be 10 feet away from any lot line, and is it proposed to be six feet away from the rear lot line. Other lots within the subdivision have similarly limited backyard space, and thus unique conditions and circumstances do not exist for the property. The property abuts a 1.36-acre reserve comprised of a retention pond and open green space; the reserve acts as a buffer between other properties and reduces overcrowding that may otherwise be caused by the encroachment. The request meets the spirit and intent of the zoning code and will not substantially alter the essential character of the immediate area.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

Move to approve application VAR-69-2025 with the following conditions:

1. The proposed pergola shall not exceed 15 feet in height.
2. The lowest point of the retaining wall shall not be located at an elevation within the 100-year flood elevation (1015.74 feet).

Approximate Site Location:



Source: NearMap



Community Development Department

Unified Plan Review Response Letter PRREM20250616

August 04, 2025

Thank you for submitting plans for the project located at 7820 Straits Lane. We greatly appreciate your efforts to provide accurate and detailed construction drawings. The plan review staff has reviewed the proposed plans and related documents based on the 2019 RCO, City of New Albany Codified Ordinances and the Ohio Revised Code.

Permit Status: Denied

PROPERTY INFORMATION

Address: 7820 Straits Lane

Parcel ID: 222-004601
County: Franklin County

PROJECT DESCRIPTION

Patio, retaining w all, built-in grill, pergola

Sub-permits

PRREM20250616-REM1

Status

Denied

CODE INFORMATION

Building Square Footage:

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

Use Group: RCO Residential 1,2 & 3 family

Building Code Edition: 2019 RCO

CONTACT INFORMATION

Applicant: CIMINELLO'S, INC.
567 LAZELLE ROAD
WESTERVILLE, OH 43081--9540

Contractor: CIMINELLO'S, INC.

Please review the attached plan review comments and feel free to call with any questions or comments. Specific questions that pertain to an individual plan review comment sheet should be address to the plan examiner listed. Please revise the construction documents as required to achieve code compliance and resubmit the following information to our office located at 7815 Walton Parkway, New Albany, Ohio 43054.

Plan Tracking Sheet

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

Written plan review response

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

Zoning Summary Status: **Denied (See appendix A)**

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

Building Summary Status: **Denied (See appendix B)**

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

TO REQUEST A BUILDING APPEAL HEARING YOU MUST:

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

Lauren Sauter
Zoning Plan Reviewer
City of New Albany

Matthew Squibb
Building Plan Reviewer
City of New Albany

Signature _____ Date _____

Printed Name & Company _____

Appendix A
Zoning Plan Review Comments

Date:	08/04/25	Plan Reviewer:	Lauren Sauter
Permit Number:	PRREM20250616	Status:	Denied

Items of Non-compliance / Corrections	Applicant's Option (see below)
Patio/accessory structures must be a minimum of 10 feet from the rear lot line (C.O. 1165.04(b)(3)(C)).	
Applicant's Options 1. The applicant will revise the drawings and resubmit to the department with a copy of this page. 2. The items of non-compliance will not be brought into compliance and the applicant will request an appeal.	

Plan Review Comments / Conditions

Appendix B
Building Plan Review Comments

Date:	08/04/25	Plan Reviewer:	Matthew Squibb
Permit Number:	PRREM20250616	Status:	Denied

Items of Non-compliance / Corrections	Applicant's Option (see below)
<i>Building</i>	
<p>Plan Information needed prior to plan approval.</p> <p>1.Structual details for pergola- footings, building materials, connection points, etc.</p> <p>2.Electrical drawings for pergula.</p> <p>3.Structual details of limestone retaining wall. Review Status</p>	
<i>Engineering -</i>	
Applicant's Options <p>1. The applicant will revise the drawings and resubmit to the department with a copy of this page.</p> <p>2. The applicant will revise the drawings and submit at a later date when drawings are available with a copy of this page.</p> <p>3. The items of non-compliance will not be brought into compliance and the applicant will request an appeal.</p>	

Plan Review Comments / Conditions

TRANSFERRED

APR 23 2015

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

6521



201504230052053

Pgs: 2 \$28.00 T20150027356
04/23/2015 3:07PM MEPTRANSOHIO
Terry J. Brown
Franklin County Recorder

Conveyance
Mandatory- 591.00
Permissive- 591.00
CLARENCE E. MINGO II <i>sc</i> FRANKLIN COUNTY AUDITOR

Space above line reserved for recording purposes only.

GENERAL WARRANTY DEED

M/I Homes of Central Ohio, LLC, an Ohio limited liability company, for valuable consideration paid grants with general warranty covenants, to

**Brian M. Zets and Katherine M. Zets, husband and wife,
for their joint lives, remainder to the survivor of them,**

whose tax mailing address is 7820 Straits Lane New Albany OH 43054,
the real property more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of New Albany:

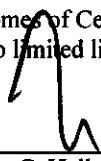
Being Lot Number 36 in NEW ALBANY COUNTRY CLUB, SECTION 27, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 116, Pages 51 - 52, and Instrument Number 201310160174867, Recorder's Office, Franklin County, Ohio.

Parcel No.: 222-004601-00
Address: 7820 Straits Lane New Albany, OH 43054
Prior Instrument Reference: 201312180206701
Recorder's Office of Franklin County, Ohio

The foregoing conveyance is made subject to taxes and assessments not yet due and payable; easements, conditions and restrictions of record, legal highways and zoning ordinances.

M/I Homes of Central Ohio, LLC has caused its duly authorized officer to execute this deed this 21st day of April, 2015.

M/I Homes of Central Ohio, LLC
an Ohio limited liability company

By: 

Timothy C. Hall, Jr.,
Area President

State of Ohio

County of Franklin

 $\} \text{SS}$

The foregoing instrument was acknowledged before me this 21st day of April, 2015 by Timothy C. Hall, Jr. the Area President of M/I Homes of Central Ohio, LLC, an Ohio limited liability company, on behalf of the limited liability company.



Carlow W. Smith.

Notary Public

My Commission Expires: 6/25 / 19

This instrument Prepared by:

M/I Homes of Central Ohio, LLC,

3 Easton Oval, Suite 500, Columbus, Ohio 43219

Franklin County Auditor's Office

Auditor Michael Stinziano

Map Produced August 15, 2025

Planimetric Legend

Source: 2021 Aerial Photography

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

Topographic Legend

Source: OSIP - 2019 LiDAR Collection

- Spot Elevation
- Index Contour
- Intermediate Contour

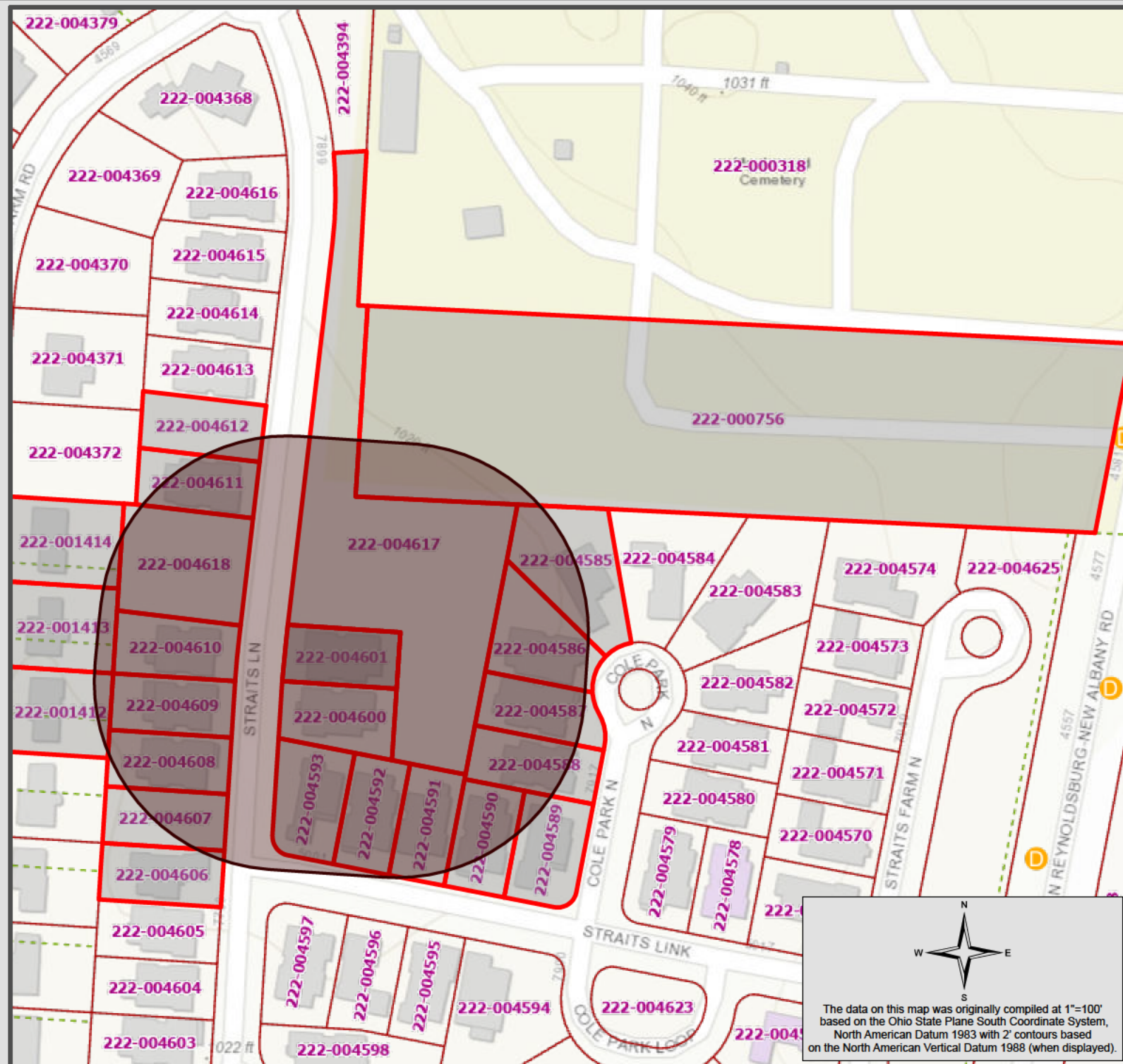
Appraisal Legend

Source: Franklin County Auditor & Engineer

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

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

For scaled maps, please visit the parcel viewer at <https://gis.franklincountyohio.gov/parcelviewer>





Community Development Department

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

Dear Ciminello's,

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

Wednesday, September 17, 2025

The New Albany Planning Commission took the following action on 09/15/2025 .

Variance

Location: 7820 Straits Lane

Applicant: Ciminello's

Application: PLVARI20250069 (VAR-69-2025)

Request: Variance to C.O. 1165.04(b)(3)(C) to allow a patio and pergola to encroach into the required accessory structure setback.

Motion: To approve

Commission Vote: Motion Tabled, 3-0

Result: Variance PLVARI20250069 was Tabled by a vote of 3-0.

Recorded in the Official Journal this September 17, 2025

Condition(s) of Approval:

N/A

Staff Certification:

Lauren Sauter

Lauren Sauter
Planner



**Planning Commission Staff Report
September 15, 2025 Meeting**

**RICHMOND SQUARE LOT 10 SUBDIVISION
FINAL PLAT**

LOCATION:	Generally located north of Main Street, south of McDonald Lane, and west of Keswick Drive (PID: 222-002978).
APPLICANT:	AJ Scott
REQUEST:	Final Plat
ZONING:	Urban Center District within the Core Residential Sub-District
STRATEGIC PLAN:	Village Center
APPLICATION:	FPL-70-2025

Review based on: Application materials received on August 18, 2025.

Staff report completed by Kylie Blackburn, Planner.

I. REQUEST AND BACKGROUND

The final plat application is for the Richmond Square lot 10 subdivision, located in the Village Center. This plat includes 6 residential lots, and 1 reserve "A", on 0.75 +/- acres.

The Architectural Review Board (ARB) reviewed and approved a certificate of appropriateness application for the proposed development on December 11, 2023 (ARB-106-2023) and then again for modifications on June 10, 2024. The proposed plat is consistent with the plan approved by the ARB which includes 6 townhomes each on their own lot.

II. SITE DESCRIPTION & USE

The 0.75 +/- acre subdivision is located in Franklin County. The site is located generally north of Main Street, south of McDonald Lane, and west of Keswick Drive. The site is surrounded by residentially zoned and used properties. The proposed townhomes are currently under construction.

III. PLAN REVIEW

The Planning Commission's review authority of the plat is found under C.O. Section 1187 and the Urban Center Code. The staff's review is based on New Albany plans and studies, zoning text, and zoning regulations.

Residential Lots

1. The final plat is consistent with the approved Richmond Square Townhomes certificate of appropriateness (ARB-106-2023). The proposed lot layout matches what was shown with the certificate of appropriateness and meets the requirements of the Urban Center Code.

Streets

1. The plat creates no new publicly dedicated streets.
2. The plat contains one (1) reserve area shown as Reserve "A" on the plat with a total acreage of 0.063 +/- acres.
 - o According to the plat notes, Reserve "A" shall be owned and maintained by an association comprised of the owners of Lots 18 to 23.
 - o Reserve "A" is the private roadway between the townhomes and not a greenspace.

Parkland, Open Space, and Tree Preservation Areas

1. This plat does not provide any parkland, open space, or tree preservation, but Urban Center Code Section 1.1.5 states that some form of open space or parkland shall be provided within 1,200 linear feet of all new residential buildings. These spaces shall be programmed to meet the needs of residents in the surrounding area and the city as a whole.
 - There is parkland owned by the city within 35 feet of the townhomes on the opposite side of Richmond Square, as shown in the image below. The green box outlines the green space, and the red outline is on the subdivision.



IV. ENGINEER'S COMMENTS

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comments. Staff recommends a condition of approval that these comments be addressed by the applicant, subject to staff approval (condition #1).

1. We recommend that the applicant have the area to be re-platted reviewed by the Franklin County Engineer's office, and a summary of County Engineer review comments and the applicant's comment responses be provided for our records.
2. The subdivision deed restrictions must be provided to the city for review and approval prior to the plat being recorded.
3. Confirm if any easements are needed within Reserve A and identify them on the plat.

V. ACTION

Basis for Approval:

The final plat is consistent with the approved certificate of appropriateness and meets code requirements. Should the Planning Commission approve the application, the following motion would be appropriate:

Suggested Motion for FPL-70-2025:

Move to approve final plat application FPL-70-2025 with the following conditions:

1. The city engineer's comments must be addressed, subject to staff approval.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear AJ Scott,

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, September 16, 2025

The New Albany Planning Commission took the following action on 09/15/2025 .

Final Plat

Location: Richmond Square Lot 10

Applicant: AJ Scott,

Application: PLFPL20250070

Request: Final plat request to create 6 residential lots and 1 reserve for the Richmond Square lot 10 subdivision located at 14-17 Richmond Square (PID: 222-003934).

Motion: To Approve with Conditions

Commission Vote: Motion Approved with Conditions, 3-0

Result: Final Plat, PLFPL20250070 was Approved with Conditions, by a vote of 3-0.

Recorded in the Official Journal this September 16, 2025

Condition(s) of Approval:

1. We recommend that the applicant have the area to be re-platted reviewed by the Franklin County Engineer's office, and a summary of County Engineer review comments and the applicant's comment responses be provided for our records.
2. The subdivision deed restrictions must be provided to the city for review and approval prior to the plat being recorded.
3. Confirm if any easements are needed within Reserve A and identify them on the plat.

Staff Certification:

Kylie Blackburn
Planner



To: Planning Commission

From: City Staff

Re: FDM-71-2025 - Visions Professional (Forest Drive Office Building)

Date: September 15, 2025

Final Development Plan Modification

As the city code is silent on major vs. minor final development plan modifications, any change is required to be reviewed and approved by the Planning Commission. The Forest Drive Office Building (FDP-1-2022) was approved by the Planning Commission on January 19, 2022. The 1.14 acre site is located in the Canini Trust Corp, south of Forest Drive and in between the COTA Park and Ride and the New Avenue senior living facility.

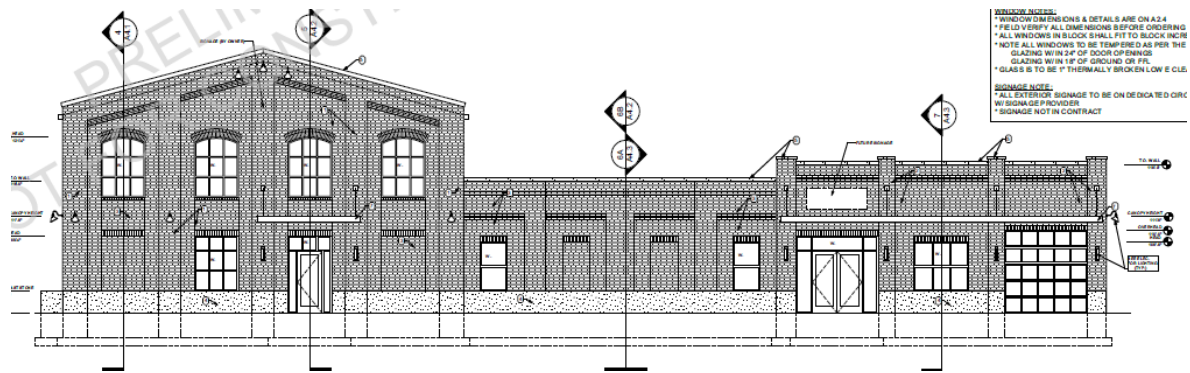
The applicant is requesting minor window modifications on the east, west, and north elevations (see next page, changes shown in red). On the east elevation, the adjustment is due to the rooms being used for optometry, where outside light cannot be permitted. On the west and north elevations, the change results from extending the upper mechanical floor over the breakroom to conceal the unfinished mechanical space from view. Staff does not have any concerns with the request.

Just to note signage shown is not approved. It was conditioned in the original final development plan that all building and site signage must meet city code, the Canini Trust Corp Sign Recommendations Plan and be subject to staff approval.

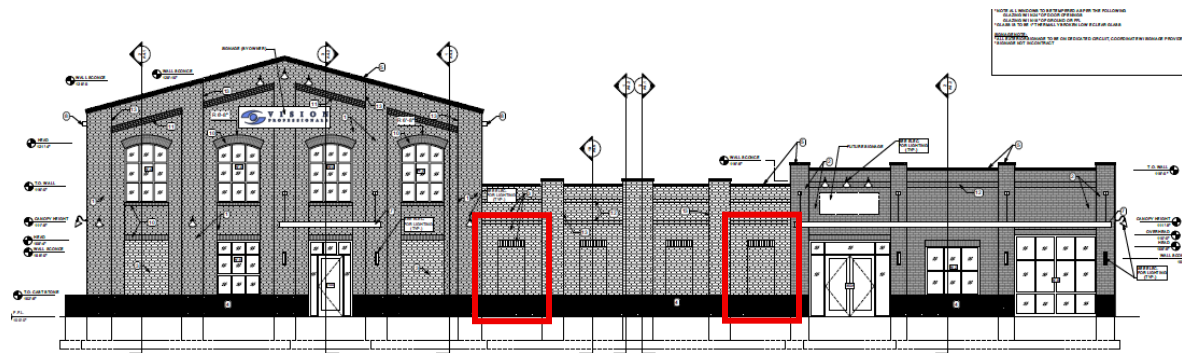
ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motion is appropriate. Move to approve application FDM-71-2025 based on the findings in the staff report (conditions of approval may be added)

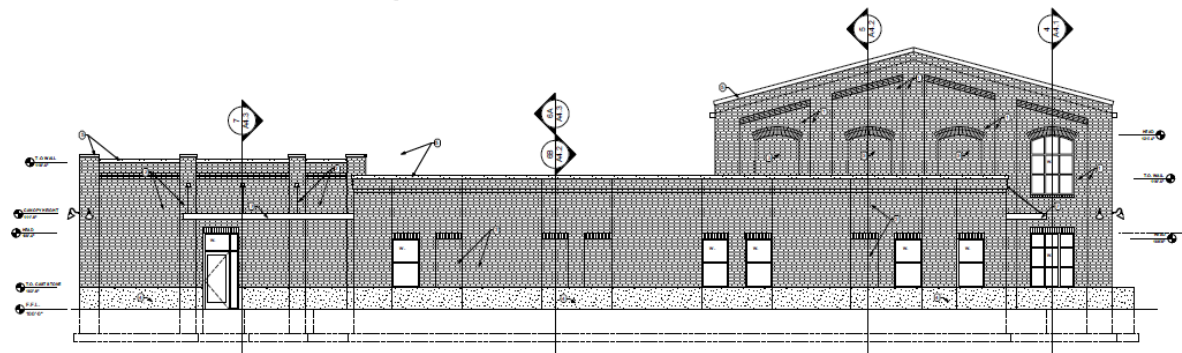
Move to approve application FDM-71-2025 based on the findings in the staff report (conditions of approval may be added).



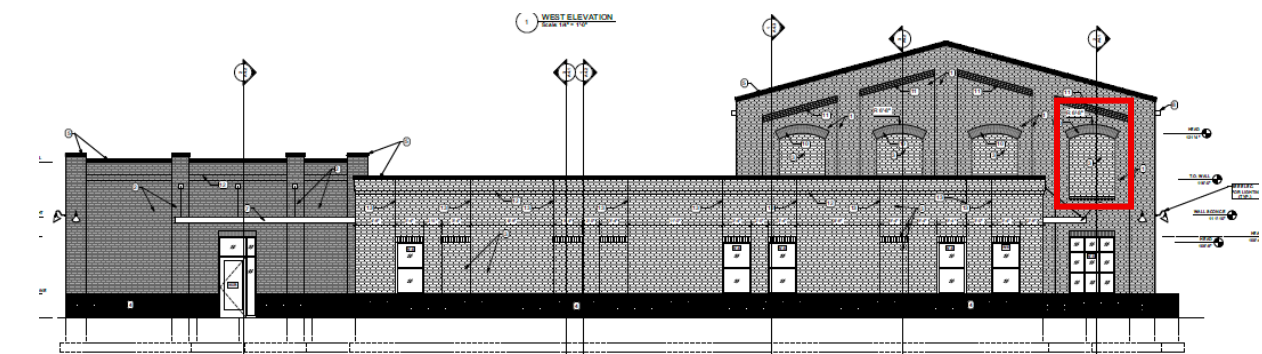
East Elevation - Approved by the PC



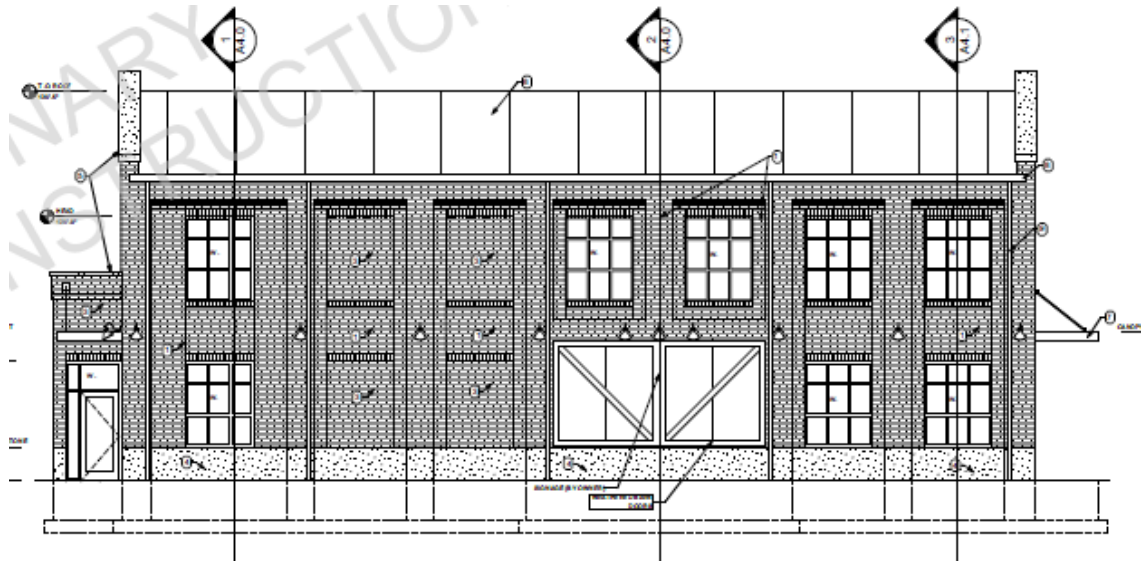
East Elevation - Proposed



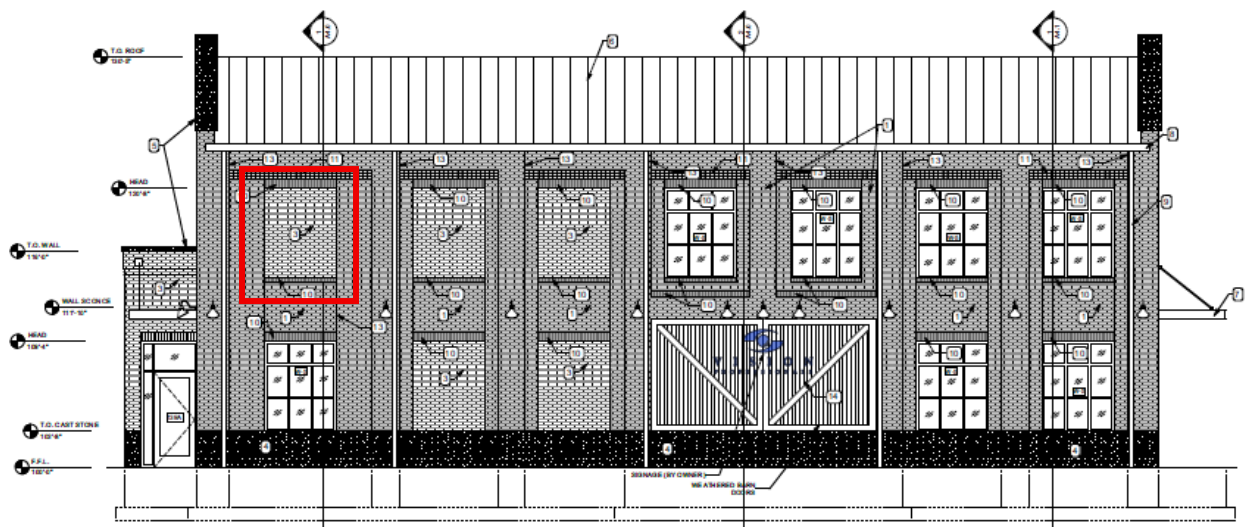
West Elevation - Approved by the PC



West Elevation - Proposed



North Elevation - Approved by the PC



North Elevation - Proposed



Community Development Department

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

Dear Chris Smiley, Vision Professionals,

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

Friday, September 19, 2025

The New Albany Planning Commission took the following action on 09/19/2025 .

Final Development Plan Modification

Location: 5175 Forest Drive

Applicant: Chris Smiley, Vision Professionals,

Application: PLFDM20250071

Request: Final development plan modification for architectural changes for a new medical office building located in the Canini Trust Corp at 5175 Forest Drive (PIDs: 222-004965).

Motion: Approved

Commission Vote: Motion Approved, 3-0

Result: Final Development Plan Modification, PLFDM20250071 was Approved, by a vote of 3-0.

Recorded in the Official Journal this September 19, 2025

Condition(s) of Approval:

Staff Certification:

Sierra L Saumenig

Sierra Saumenig
Planner