



New Albany Board of Zoning Appeals Meeting Agenda
November 24, 2025, 6:30pm

Members of the public must attend the meeting in-person to participate and provide comments at New Albany Village Hall at 99 West Main Street. The meeting will be streamed for viewing purposes only via the city's website at <https://newalbanyohio.org/answers/streaming-meetings/>

I. Call to order

II. Roll call

III. Action on minutes October 27, 2025

IV. Additions or corrections to the agenda

Administer oath to all witnesses/applicants/staff who plan to speak regarding an application on tonight's agenda. "Do you swear to tell the truth and nothing but the truth."

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

VI. Cases

VAR-86-2025 Pool Setback Variance

Variances to C.O. 1173.02 (c) and C.O. 1165.04 (b)(3)(b) to reduce the required pool setbacks and to encroach into an easement at 7503 Ogden Woods Boulevard (PID: 222-001254-00).

Applicant: James Roth

Motion of acceptance of staff reports and related documents into the record for VAR-86-2025.

Motion of approval for application VAR-86-2025 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

VIII. Poll members for comment

IX. Adjournment



New Albany Board of Zoning Appeals
October 27, 2025 Meeting Minutes - DRAFT

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Monday, October 27, 2025 in the New Albany Village Hall. Chair LaJeunesse called the meeting to order at 6:30 p.m. and asked to hear the roll.

II. Roll call

Those answering the roll:

Mr. LaJeunesse	present
Mr. Jacob	present
Mr. Schell	present
Ms. Samuels	present
Mr. Wood	present
Council Member Shull	present

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

Staff members present: Planning Manager Christian, Deputy Clerk Madriguera.

III. Action on minutes August 25, 2025

Chair LaJeunesse asked if there were any corrections to the August 25, 2025 meeting minutes.

Hearing none, Board Member Jacob moved to approve the August 25, 2025 meeting minutes. Board member Samuels seconded the motion.

Upon roll call: Mr. Jacob yes, Ms. Samuels yes, Mr. Wood yes, Mr. LaJeunesse yes, Mr. Schell yes. Having five yes votes, the motion passed and the August 25, 2025 meeting minutes were approved as submitted.

IV. Additions or corrections to the agenda

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

Planning Manager Christian answered none from staff.

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

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

Chair LaJeunesse asked if there were any visitors present who wished to address the board on an item not on the agenda. Hearing none, he asked to hear the staff report for the first and only case.

VI. Cases

VAR-86-2025 Pool Setback Variance

Variances to C.O. 1173.02 (c) and C.O. 1165.04 (b)(3)(b) to reduce the required pool setbacks and to encroach into an easement at 7503 Ogden Woods Boulevard (PID: 222-001254-00).

Applicant: James Roth

Planning Manager Christian delivered the staff report.

Board Member Samuels moved to accept the staff reports and related documents into the record for VAR-68-2025. Board Member Jacob seconded the motion.

Upon roll call: Ms. Samuels yes; Mr. Jacob yes; Mr. Wood yes; Mr. Schell yes; Mr. LaJeunesse yes. Having five yes votes, the motion passed and the staff reports and related documents were admitted to the record for VAR-86-2025.

Board Member Jacob confirmed that the hold harmless agreement would apply to both variances, A and B.

Chair LaJeunesse confirmed the boundary of the utility easement and the fact that the existing pool already encroached into the easement.

Board Member Wood confirmed that the previous encroachment was approved.

Planning Manager Christian confirmed that there is an existing hold harmless agreement, and that there is a substantial amount of screening in addition to the existing trees on site.

Board Member Schell referred to the neighbor letters in support of the application.

Chair LaJeunesse asked to hear from the applicant.

Applicant and property owner James Roth of Ogden Woods spoke in support of the application. He noted the neighbors that supported the application. He noted that his was the only house with a 20-foot setback, the other properties had smaller setback distances.

Board Member Samuels confirmed that the NACC ARC had reviewed and approved the application.

Chair LaJeunesse asked for the boundary of the easement and the boundary of the setback and asked whether the contractor advised the applicant of the degree of the encroachment.

Mr. Roth answered yes, but based on the prior approval and the special circumstances of his property he felt confident in asking for approval.

Applicant Jim Moore with Moore Brothers Landscaping spoke in support of the application. He explained that the existing easement line functionally precluded any placement of a pool.

Chair LaJeunesse opened the public hearing.

Neighbors, Jason and Amanda Lee of 7514 Phelps Close, rose in opposition to the application. Their residence is behind the subject property. Mr. Lee submitted a letter for the record memorializing their opposition. He read the letter, which, in summary, provides the following:

I am writing to oppose the request for variance for this proposed swimming pool. My home abuts the subject property.

The request seeks to allow the swimming pool to (1) encroach upon an easement, and (2) to extend closer than 15 feet of a property line. C.O. 1107.03(b)(2) authorizes the board to grant variances, "as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this ordinance will result in unnecessary hardship..." The applicant has not demonstrated special conditions or unnecessary hardship for building this swimming pool. The applicant

can build a swimming pool within the required distance from adjoining property and without encroaching on the easement, as the zoning code requires.

C.O. 1113.02 requires the existence of extraordinary circumstances that make strict enforcement of development standards of the zoning code unreasonable and necessitate procedures for variances to allow for adaptation to changed or unusual conditions. Here, the enforcement of a 15-foot barrier and a preexisting easement are not unreasonable. There are no unusual conditions that merit a variance from the Zoning Code.

To the contrary, a swimming pool too close to a property line and encroaching upon an easement reduces the value of adjoining properties. Likewise, there may be safety concerns in that a pool that extends beyond the property is more vulnerable to outside entry. Zoning standards exist for a reason, and granting a variance in these circumstances creates precedent for similar, future requests.

Board Member Jacob confirmed Mr. Lee's firm opposition to the request, and his request that the boundaries prescribed in the zoning code be enforced.

There was discussion about the extent of the encroachment and whether there were alternative solutions to the encroachment.

Mr. Roth and Mr. Moore explained that the pool would only be 7 1/2 feet wide if there was no encroachment.

Chair LaJeunesse inquired about turning the pool.

Mr. Moore responded that he would have to take measurements. He further noted that the proposed orientation of the pool promoted the highest degree of safety when considering the close location of the basement steps. Ideally there should be at least 10-feet between the pool and the steps.

Board Member Schell appreciated the discussion and the gathering of neighbor letters in support. Nonetheless, he stated that he was troubled by the fact that the neighbor directly behind the applicant opposed the application, particularly when there appeared to be other design options.

Mr. Roth asked if there was any encroachment that Mr. and Mrs. Lee would tolerate before he made the effort to redesign the proposal.

Mr. Lee responded that he and his wife feel strongly about safety and that the pool not encroach on the setback and the easement, wanting a bigger swimming pool is not a hardship.

Mr. Roth responded that he was seeking to extend the life of his backyard for his children. He did not like to hear that his proposed pool would diminish the value of his neighbor's property.

Board Member Jacob remarked that he lives in Windsor, and as such he understands the limitations of not having a backyard. He confirmed that some of the landscaping will be new; he further asked for the fencing plan for safety.

Mr. Roth explained the fencing plan and confirmed that it is compliant with ARC and NA ordinances. He further stated that he has been working on this project since April and that he purposely waited until his children learned to swim before designing the project.

Chair LaJeunesse asked Mr. Lee if his chief concern was property value.

Mr. Lee said yes, and the fact that Roth's pool would be too close to their backyard. Half of the pool encroaches into the easement and then is too close to their backyard.

The board discussed the nature of a variance that was granted to the Lees in 2020. Planning Manager Christian stated that the basis for the approval was that the property was slightly under the size minimum required.

Chair LaJeunesse stated that he would like to see the neighbors come together to come up with a solution and will likely postpone this decision.

Mr. Roth stated that he would be willing to do that.

Mr. Lee stated that he would like to discuss it with his wife off the record.

Council Member Shull remarked that it is not unreasonable to continue this matter until the next regularly scheduled meeting.

Chair LaJeunesse moved to table VAR-86-2025 until the next regularly scheduled meeting. Board Member Wood seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Wood yes, Ms. Samuels yes, Mr. Jacob no, Mr. Schell yes. Having four yes votes and one no vote, the motion passed and VAR-86-2025 was laid upon the table.

Board Member Jacob explained that he voted no because it was clear that Mr. and Mrs. Lee wanted the ordinance enforced as written.

Thereafter, Board Member Wood moved to admit Mr. Lee's letter of opposition into the record for VAR-86-2025. Board Member Samuels seconded the motion.

Upon roll call: Mr. Wood yes, Ms. Samuels yes, Mr. Jacob yes, Mr. Schell yes, Mr. LaJeunesse yes. Having five yes votes, the motion passed and Mr. Lee's letter was admitted into the record. *Clerk's note: I note here that the email letters of support were included in the prior documents motion, thus at the time of this vote they were already a part of the record.*

The Board thanked all who were present.

VIII. Adjournment

Having completed the agenda and having no other business, Board Member Jacob moved to adjourn the October 27, 2025 meeting of the New Albany Board of Zoning Appeals. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. LaJeunesse yes, Mr. Schell yes, Ms. Samuels yes, Mr. Wood yes. Having five yes votes, the motion passed and the meeting was adjourned.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

VAR-86-2025

Staff Report

E-mail Letters of Support

Letter in Opposition

Record of Action - to be added

NEW ALBANY
COMMUNITY CONNECTS US
Board of Zoning Appeals Staff Report
October 27, 2025 Meeting

7503 OGDEN WOODS BLVD
POOL VARIANCES

LOCATION: 7503 Ogden Woods Blvd (PID: 222-001254-00)
APPLICANT: James Roth
REQUEST: (A) Variance to C.O. 1173.02 (c) to reduce the required 15-foot pool setbacks and variance
(B) Variance to C.O. 1165.04 (b)(3)(b) to encroach into a 20-foot easement
ZONING: R-4 Single-Family Residential District
STRATEGIC PLAN: Neighborhood Residential
APPLICATION: VAR-86-2025

Review based on: Application materials received on October 9 and 13, 2025

Staff report prepared by Kylie Blackburn, Planner I

I. REQUEST AND BACKGROUND

The applicant is requesting the following variances:

- (A) Variance to C.O. 1173.02 (c) to reduce the required 15-foot pool setback from any property line.
- (B) Variance to C.O. 1165.04 (b)(3)(b) to encroach 9 feet into the 20-foot easement on the rear of the property.

The property has an existing patio that received a variance from the Board of Zoning Appeals to encroach the same distance into the existing easement on September 28, 2020 (VAR-70-2020).

II. SITE DESCRIPTION & USE

The .40-acre property is in section 6 of the New Albany Country Club, zoned R-4, and contains a single-family residential home that was built in 1993. The property is surrounded by single-family residential homes.

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.*

IV. ASSESSMENT

Considerations and Basis for Decision

(A) Variance to C.O. 1173.02 (c) to allow the pool and its appurtenances to be closer than 15 feet to the property line.

1. Codified Ordinance Section 1173.02(c) prohibits pools and their appurtenances from being located closer than 15 feet to any property line.
2. The applicant is proposing to have the edge of the pool patio be 11 feet away from the rear property line and 5 feet from the east side property line. The pool equipment is proposed to be 3 ft 6 inches away from the west side property line and 8 feet from the rear property line.
3. There is a special circumstance that exists with the property. As currently situated on the site, the house is located less than 13 feet from the rear of the structure to the easement line, leaving little room for recreational amenities to be added without the need for a variance, regardless of the pool setback requirements.
 - However, approving this variance may set a precedent for other properties in the area with similarly sized yards or existing easements, potentially leading to an increase in similar requests.
4. The variance request meets the spirit and intent of the zoning requirement. The primary purpose of the setback requirement is to ensure adequate separation between uses on adjacent properties. In this case, both neighboring properties have existing tree and landscape buffers that serve as natural screening. In addition, the proposed project will include the required pool fencing, further enhancing privacy and separation. These elements ensure that the pool and attached patio remain contained within the subject

- property's boundaries, while minimizing any potential impact on neighboring properties.
5. The requested variance along the rear property line does not appear to be substantial. The proposed pool patio will be set back 11 feet from the rear property line, resulting in a 4-foot encroachment into the required setback. This design decision was made to align the new construction with the existing patio, creating a more cohesive and aesthetically pleasing layout. The neighboring property to the rear features a swimming pool surrounded by landscaped screening and a code-compliant fence. Given these existing visual buffers, the proposed encroachment will not negatively impact the neighbor and may, in fact, complement the existing aesthetic.
 - The encroachments along the east and west property lines are more significant. On the west side, the pool equipment is proposed to be located 3 feet 6 inches from the property line, while the patio on the east side would encroach up to 5 feet. Both areas will be screened with landscaping and the required pool fencing to help mitigate visual impact on adjacent properties. It should be noted that the patio on the west side could potentially be reduced to lessen the degree of encroachment, if necessary.
 6. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
 7. Granting the variance would not adversely affect the delivery of government services.

(B) Variance to C.O. 1165.04(b)(3)(b) to allow the pool and patio to be located in an easement.

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

1. Codified Ordinance Section 1165.04(b)(3)(b) prohibits decks and other recreational amenities from being located in an easement. According to the subdivision's final plat, there is an existing 20-foot easement that runs along the rear property line.
2. The applicant is requesting a variance to allow the pool and patio to encroach 9 feet into the easement. The easement is 20 feet deep and runs along the entire rear lot line, which is about 115 feet. This is the same size encroachment that was approved for the existing patio on the property (VAR-70-2020), the applicant wants to keep the pool patio in line with the existing patio.
3. There is a special circumstance that exists with the property. As mentioned before, as the house sits on the site today, there is less than 13 feet off the rear of the house before hitting the easement, leaving little room for recreational amenities to be added without the need for a variance.
 - As previously mentioned, approving this variance may set a precedent for other properties in the area with similarly sized yards or existing easements, potentially leading to an increase in similar requests.
 - The house is also set back further on the property than the neighboring properties that share this rear yard easement, as seen with the red line in the image below.



4. The variance request does not appear to be substantial. The city's engineering staff reviewed the application and confirmed that there are no public utilities installed in the easement. There are private utilities installed in the easement at the rear of the property and one electric utility line that runs from the back of the property to the home.
 - o The pool patio will not be installed above any existing utility lines within the easement area.
5. The variance request meets the spirit and intent of the zoning requirement, which is to protect property owners in the event that the city or a private utility provider must gain access to the utility. While the applicant proposes installing the pool and patio within the easement, it will not be installed above any existing utility lines. If a patio or another structure is installed in an easement and the city or another utility provider needs to access the utility, the patio or other structure may be taken down or partially removed to access utilities, and the property owner is responsible for the expense of replacing or repairing the patio/structure. 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 and/or attorney) specifying that the property owner, and not the city, is responsible for any damages to the pool or patio in the event that a public or private utility provider needs to access the easement (condition #1).
6. The City Engineer feels comfortable with the pool and patio addition, as it aligns with the existing patio. The engineer did note that adding any additional landscaping or other features within the easement could disrupt drainage across the site due to the slope of the easement area. Staff recommends a condition of approval that the applicant works with the City Engineer for landscaping within the easement (condition #2).
7. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
8. Granting the variance would not adversely affect the delivery of government services.
9. The city's engineering staff reviewed the application and determined that there are no public utilities installed in the easement area, as mentioned before. Additionally, the hold harmless agreement will ensure that the city bears no responsibility for any damages to the pool or patio if utilities need to be installed within the easement area in the future.

V. SUMMARY

The applicant proposes to install a pool and patio that will encroach 9 feet into a 20-foot-wide platted easement along the rear of the property, as well as encroaching on the 15-foot pool setback requirement. The proposed improvements will not be constructed over any existing utilities. The requested encroachment is consistent with a previously approved variance (VAR-70-2020) for the existing patio. Due to the limited space between the rear of the home and the start of the easement, the proposed layout allows for a functional design while maintaining alignment with existing conditions. Although the improvements will be located within the easement and setback, the absence of public utilities and the lack of interference with existing lines support the requests. This request could cause a precedent for other properties in the area with similarly sized yards or existing easements. A hold harmless agreement will ensure that the applicant acknowledges the city is not responsible for any damage to the pool or patio should access to the easement be required in the future.

VI. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

Move to approve application VAR-86-2025 with the following conditions (conditions of approval may be added).

1. The homeowner enter into a hold harmless agreement (or similar legal mechanism to be determined by the city engineer and/or attorney) specifying that the property owner, and not the city, is responsible for any damages to the patio in the event that a public or private utility provider needs to access the easement area prior to the issuance of a

- building permit and any impacts to neighboring surface drainage must be the responsibility of the homeowner to address.
2. That the applicant will work with the City Engineer for landscaping within the easement.

Approximate Site Location:



Source: NearMap



Narrative Statement for Variance Application

Applicant: James Roth

Address: 7503 Ogden Woods Blvd, New Albany, OH 43054

Parcel: 222-001254-00

Requested Variances:

1. C.O. 1173.02(c): To allow a swimming pool and associated paved areas and equipment to be located less than 15 feet from the side and rear property lines.
2. C.O. 1165.04(b)(3)(b): To allow a patio and pool to be installed within an existing utility easement.



Project Context & Precedent

This application builds upon a previously approved variance (PLVARI20200070) granted by the New Albany Board of Zoning Appeals on September 29, 2020, which allowed a patio to extend 10 feet into the rear utility easement. The current proposal continues that same line of development and does not exceed the footprint or encroachment previously approved.

Importantly, the Architectural Review Board (ARC) for the New Albany Country Club communities reviewed and approved this project on October 7, 2025. The design includes a pool, spa, patio, and fencing, all integrated with the existing hardscape and landscape features. The proposed improvements maintain architectural consistency and neighborhood character.



Site-Specific Constraints

To our knowledge, only four homes along this stretch of Ogden Woods Blvd have 20-foot rear easements. Of those, ours is the only home built further back from the street, resulting in a larger front yard but a smaller usable backyard footprint. This unique placement significantly limits our ability to work around the easement compared to neighboring properties, making the requested variance essential for functional outdoor space.



Neighborhood Support

We've personally spoken with several neighbors, including those directly adjacent to our property (left and right) and the neighbor across the street. All have expressed support for the project, and we've prepared signed letters documenting their approval. These letters are included in the submission packet.

◆ Duncan Factors & Zoning Code Criteria

This request satisfies the practical difficulties standard and the criteria outlined in C.O. 1113.06:

- Reasonable Return & Beneficial Use: The proposed improvements enhance the usability and value of the property, especially given the limited buildable area due to the easement and slope.
- Substantiality: The variance is not substantial; it aligns with a previously approved footprint and occupies a modest portion of the easement.
- Neighborhood Character: The project preserves the essential character of the neighborhood and includes screening measures such as fencing and arborvitae.
- Government Services: The variance will not adversely affect the delivery of government services. A hold harmless agreement will be submitted, as previously required.
- Knowledge of Restrictions: While a land survey was received at closing, the true extent of the easement was clarified only through site visits with city staff.
- Alternative Solutions: Due to the slope and conservation area, alternative placements are impractical and would compromise safety and functionality.
- Spirit & Intent: The project maintains appropriate separation of uses and includes enhanced screening beyond code requirements.

◆ Personal Note

This project is a shared goal between my wife Kinder and I. As parents of three young children (ages 4, 5½, and 8), we're deeply invested in creating a safe, joyful space where they can enjoy their childhood years right in our backyard — swimming, playing, and making lasting memories with friends and family. We've made intentional design choices to preserve the integrity of our home and neighborhood, and we're committed to staying in this community through their high school graduations and beyond.

To bring this vision to life, we chose Moore Brothers for the project because Jim Moore came highly recommended and leads a family-run business — something that was very important to us. Jim introduced us to Kyle Albert of Walnut Ridge Design Co., whose reputation in New Albany speaks for itself. Kyle has invested considerable time ensuring that every detail of this project complements the character of our home and the surrounding community. Their care and craftsmanship reflect the same values we hold as a family.

We truly believe this project will help keep our kids wanting to be home as they grow older, and we're grateful for your consideration and support.

Neighbor Support Letter for Zoning Variance Application

Applicant: James & Kinder Roth

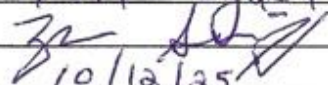
Property Address: 7503 Ogden Woods Blvd, New Albany, OH 43054

Variance Request: To allow a new pool and extended patio within the rear utility easement and to reduce the rear setback from 15 feet to 10 feet.

To Whom It May Concern,

As a nearby resident of Ogden Woods Blvd, I have reviewed the Roth family's proposed backyard improvement project. I understand they are requesting two variances: one to extend their existing patio into the rear utility easement (consistent with a previously approved 2020 variance), and a second to allow a new in-ground pool to be located 10 feet from the rear property line, rather than the required 15 feet.

I support this request and believe the project will enhance the property while maintaining the character and integrity of our neighborhood. I have no objections to the proposed design and appreciate the Roths' thoughtful approach to community alignment and aesthetics.

Name: Zachary Schiff
Address: 7517 Ogden Woods Blvd.
Signature: 
Date: 10/12/25

Neighbor Support Letter for Zoning Variance Application

Applicant: James & Kinder Roth

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I support this request and believe the project will enhance the property while maintaining the character and integrity of our neighborhood. I have no objections to the proposed design and appreciate the Roths' thoughtful approach to community alignment and aesthetics.

Name:

NATASHA BABAMOVSKI

Address:

7487 OGDEN WOODS BLVD

Signature:



Date:

10/12/25

Neighbor Support Letter for Zoning Variance Application

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Name: Kristina Redgrave
Address: 7504 Ogden Woods Blvd, New Albany, OH 43054
Signature: K Redgrave
Date: 10/14/25

Neighbor Support Letter for Zoning Variance Application

Applicant: James & Kinder Roth

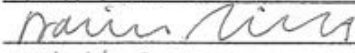
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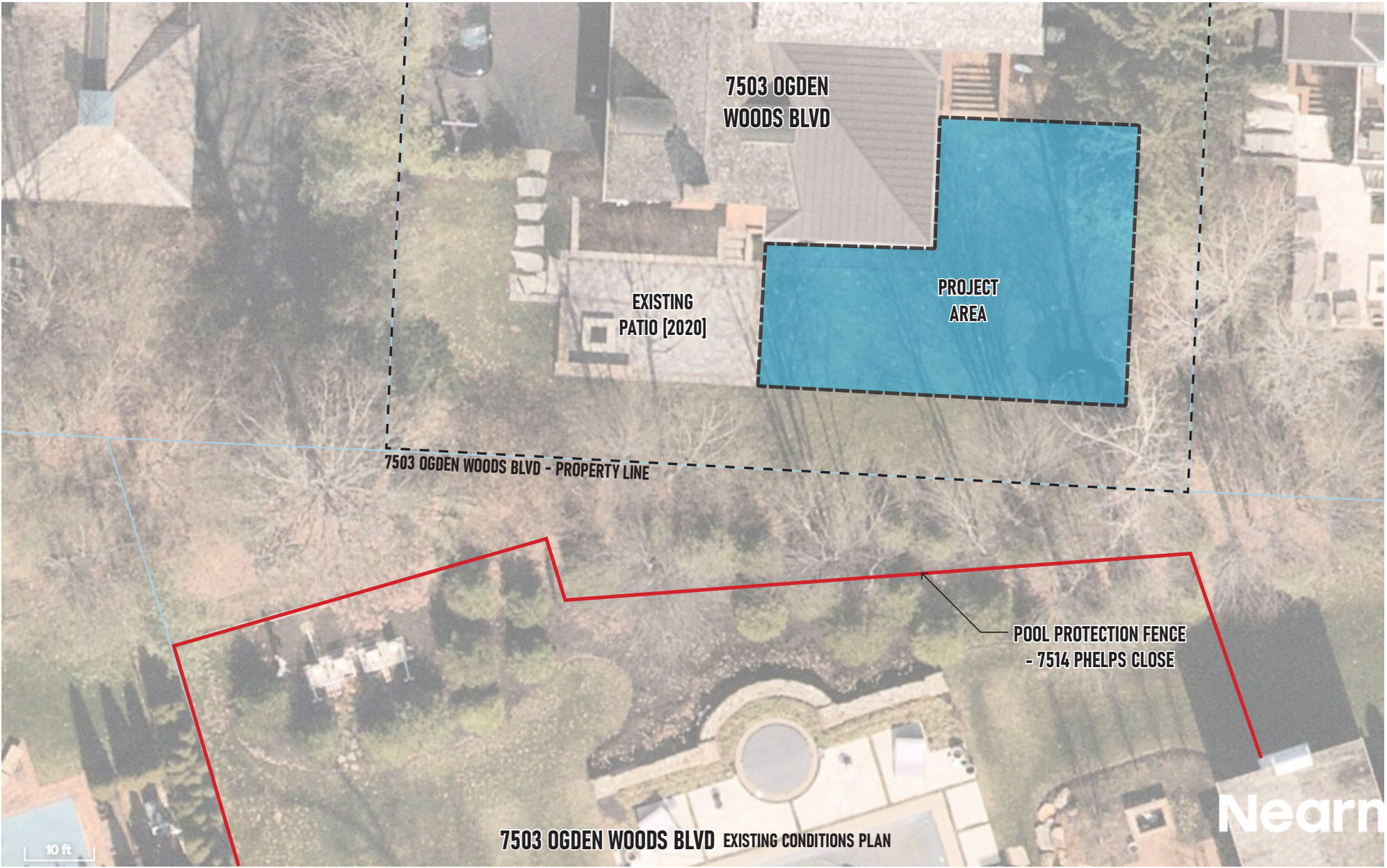
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I support this request and believe the project will enhance the property while maintaining the character and integrity of our neighborhood. I have no objections to the proposed design and appreciate the Roths' thoughtful approach to community alignment and aesthetics.

Name: Gustav + Danielle Nyquist
Address: 4991 Yantis Drive
Signature: 
Date: 10/14/25



7503 OGDEN
WOODS BLVD

EXISTING
PATIO [2020]

PROJECT
AREA

7503 OGDEN WOODS BLVD - PROPERTY LINE

POOL PROTECTION FENCE
- 7514 PHELPS CLOSE

10 ft

7503 OGDEN WOODS BLVD EXISTING CONDITIONS PLAN

Nearn

GENERAL NOTES

1. Contractor shall be responsible for becoming familiar with drawings for all divisions for all divisions of work.
2. Contractor shall familiarize himself/herself with the project site prior to bidding the work.
3. The base mapping/survey was provided by "X". Contractor shall field verify all prior to commencing with work. existing conditions and report any discrepancies to the Owner's Representative prior to commencing with work.
4. Contact Ohio Utility Protection Service (OUPS) 1-800-362-2764 and all local utility services for utility locations prior to commencing with work.
5. Contractor shall obtain all required permits prior to commencing with work.
6. The Contractor shall coordinate all work and be responsible for all methods, means, sequence and procedures of work.
7. Contractor shall provide all necessary safety measures during construction operations to protect the public according to all applicable codes and recognized local practices.
8. Contractor is required to take due precautionary measures to protect the utility lines shown on the drawings as well as any discovered during the construction process.
9. Contractor shall coordinate access and staging areas with the Owner's Representative.
10. The limit of construction line shown defines the limits of work in this contract. There may be instances where erosion protection devices and utility systems extend beyond the project limits line in order to successfully complete operations and/or tie into adjacent systems.
11. The Contractor shall keep all drainage facilities affected by construction operations clean and fully operational at all times.
12. Maintain all existing erosion and sediment control measures (silt fence, orange Geo fence and/or other measures) during construction. Provide additional measures as necessary to minimize adverse impacts to the adjacent water bodies, surfaces and storm sewers according to all applicable federal/state laws and regulations.
13. Contractor shall verify existing conditions prior to commencing with work. Notify Owner's Representative of any discrepancy between the plans and actual site conditions. No work shall be done in areas where such discrepancies exist. The contractor shall assume full responsibility for all necessary revisions due to failure to give such notification.
14. Report all existing damage of existing site improvements to the Owner's Representative prior to beginning work. Contractor shall be responsible for all subsequent damage.
15. Contractor shall protect, by whatever means necessary, the existing site improvements to remain. All damaged items shall be replaced or repaired at no additional cost to the Owner. Notify Owner's Representative immediately if any damage occurs.
16. All areas within the driplines of existing trees shall remain free of construction materials, debris, vehicles and foot traffic at all times. Contractor shall provide temporary fencing, barricades and/or other suitable guards outside drip line (outside perimeter of branches) to protect trees and plant material to remain. No work shall be performed within the dripline of existing trees unless indicated. All work indicated to be performed within the dripline of trees shall be done by hand and care shall be taken to minimize disturbance to the tree roots.
17. Contractors shall coordinate all work with related trades and the general construction of the project so as not to impede the progress of the work of others or the Contractors own work.
18. Each Contractor shall verify the condition and completeness of all work performed by others in relation to his/her project work responsibilities including the checking of existing elevations or structures prior to initiating construction. The Contractor shall immediately notify the Owner's Representative if any site conditions are incomplete, missing or damaged.
19. All construction debris and removed items shall be disposed of legally off-site unless otherwise indicated on the drawings.
20. Notify Owner's Representative 72 hours in advance of any planned utility interruption.
21. Contractor shall clean the work areas at the end of each working day. All materials, products and equipment shall be stored in an organized fashion.
22. The plans assume that the layout and staking will be accomplished using total stationing / digital methods. Any information provided is intended to support information already contained in CAD files used for documenting layout and staking. CAD files delineating all grading and hardscape elements shown in these plans can be provided to the Contractor upon request.
23. Contractor shall employ skilled personnel and use equipment necessary to ensure that all work is professionally and properly installed and in full compliance with the plans and details.
24. Contractor shall comply with state and local laws and regulations regarding notification of existing gas and oil pipeline company owners. Evidence of such notice shall be furnished to the Owner's Representative prior to commencing with work.

LAYOUT NOTES

1. All dimensions shown are in feet and inches unless otherwise noted.
2. Do not scale drawings. Utilize dimensions indicated on the plans.
3. All dimensions are to the edge of pavement, face of wall, or face of curb unless otherwise noted.
4. Walkways and hardscape elements indicated as curvilinear shall have smooth continuous curves.
5. Unless indicated otherwise, all walkways abutt at 90 degree angles.
6. 6.All concrete scoring shall be parallel, perpendicular or tangent to adjacent improvements unless otherwise noted.
7. Layout all construction lines and verify layout with the Owner's Representative prior to beginning any construction work.
8. Radii of curbs are estimated from survey or base data. The Contractor shall make all modifications necessary to assure existing and new curbs meet flush, even and smoothly.
9. Provide isolation joints where concrete paving or paving base meets a fixed structure (existing and proposed) .
10. Provide flush conditions at juncture of all walkways and door thresholds.
11. Refer General Notes for additional instructions.

GRADING NOTES

1. Maximum slopes in landscape areas shall not exceed 3:1, unless otherwise indicated.
2. All surfaces shall be constructed to positively drain away from all vertical elements such as buildings, walls, columns, etc. toward and into drainage structures shown.
3. Maximum running slopes at walkways shall not exceed 4.9%.
4. Maximum cross slopes at walkways shall not exceed 1.9%.
5. Grades shown indicate finish grade. Verify depth of pavement sections prior to rough grading.
6. Proposed grades and contours are interpolated from the best information available. All proposed grades shall be field verified prior to construction.
7. Match grades with adjacent surfaces so that all abutting surfaces are flush.
8. Provide positive drainage from all pavement surfaces to curbs or inlets.
9. Maintain compaction rates specified for pavement sub-grade at fill adjacent to curbs and walks to minimize settlement.
10. Finish grades shall be 3" below elevations shown for all planting areas unless otherwise noted.
11. Refer General Notes for additional instruction.

LANDSCAPE NOTES

1. Stake all bed lines and tree locations for the Landscape Architect's review prior to installation. All planting procedures are subject to the review of the Landscape cost to the Owner. Architect and the Contractor shall correct any deficiencies found at no additional
2. Secure plant material as specified on plans. In the event that plant materials specified are not available, contact Landscape Architect for approved substitutions. No substitutions for plant materials will be allowed without prior written approval by the Landscape Architect.
3. Verify that all planting products, plant material, and plant quantities delivered to the site match what is indicated on the plans and specifications.
4. Protect all plant material during delivery to prevent damage to root balls, trunks, branches and the desiccation of leaves. Protect all plant material during shipping with shade cloth or ship with enclosed transport. Maintain protections and health of plant material stored on site. Handle all trees with nylon straps. No chains or cables will be allowed. Remove unacceptable plant material immediately from the site.
5. All plant material shall be nursery grown, well formed, true to species, hardened off with vigorous root systems, full crown and canopies, and free from disease, pests and insects, and defects such as knots, sun scald, windburn, leaf dis-coloration, irregular branching or injuries.
6. All root balls shall conform to the size standards set forth in "American Standards for Nursery Stock".
7. All plant material delivered to the site is subject to the review of the Landscape Architect before, during and after installation.
8. Provide plant samples or photographs of each plant specified to the Landscape Architect for compliance review prior to installation.
9. Test fill all tree and planting pits with water, prior to planting, to assure proper soil percolation. Pits which do not adequately drain shall be further excavated to a depth sufficient for drainage to occur and/or backfilled with suitable drainage gravel. No allowances shall be made for plant material loss due to improper drainage. Contractor shall replace lost plant material with same size and species at no additional cost to Owner.
10. All plant materials, including relocated plant material, shall be planted in a professional manner typical to the industry standards of the area to assure complete survivability of all installed plant materials as well as to provide an aesthetically approved project. Contractor shall refer to the planting details for minimum size and width of planting pits and beds, guying and staking, mulching, and other planting requirements.
11. All planting areas shall be weed free prior to planting installation.
12. Remove all planting and landscape debris from the project site and sweep and wash clean all paved and finished surfaces affected by the landscape installation.
13. Refer General Notes for additional instructions.

SHEET INDEX

L-0.1	GENERAL NOTES
L-1.0	HARDSCAPE LAYOUT & DIMENSION PLAN
L-2.0	PLANTING PLAN

NOTE: VARIANCE, PLVARI20200070 FOR THE EXISTING PATIO WAS APPROVED WITH CONDITIONS ON SEPTEMBER 29, 2020.

AN ADDITIONAL VARIANCE IS BEING PURSUED TO COMPLETE THE SCOPE OF WORK OUTLINED IN THESE DOCUMENTS.



PROJECT INFORMATION

CLIENT / OWNER:
JAMES & KINDER ROTH

PROJECT NAME:
7503 Ogden Woods Blvd.

PROJECT ADDRESS:
7503 Ogden Woods Blvd.
New Albany, OH 43054

BIDDING DOCUMENTS

NOT FOR CONSTRUCTION

REVISION	ISSUED
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ISSUE DATE:
10.13.2025

SHEET TITLE:

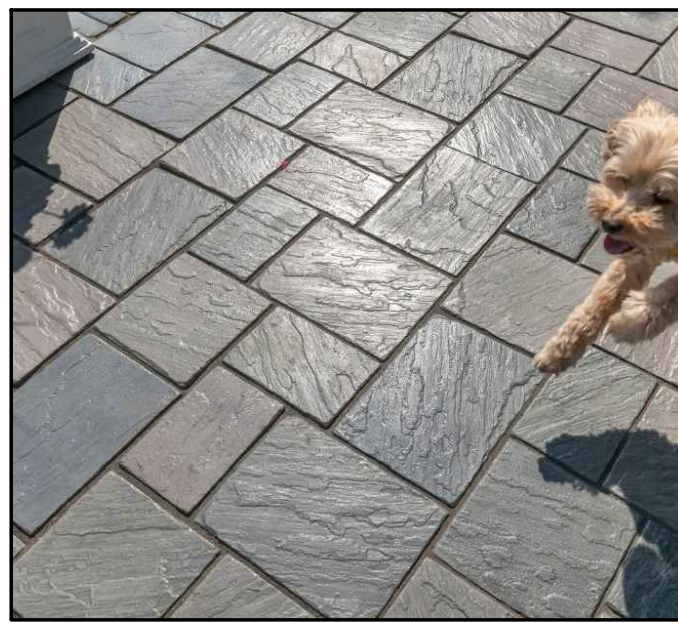
SHEET NUMBER:

CONSTRUCTION & MATERIALS LEGEND

SYMBOL	DESCRIPTION	DETAILS / REMARKS
1	PAVER PATIO	UNILOCK RICHLIFF - DAWN MIST / PEBBLE TAUPE (MATCH EXISTING)
2	PAVER ACCENT	UNILOCK COPTHORNE - 3 COLOR BLEND
3	POOL & SPA COPING	2.25" INDIANA LIMESTONE - PENCIL EDGE ON WATER SIDE
4	PRECAST CONCRETE STEPS	UNILOCK PAVERS TO MATCH EXISTING
5	FIBERGLASS POOL	AVIVA - APEX SIZE: 15'-6" X 35'
6	FIBERGLASS SPA	AVIVA - JEWEL SIZE: 7'-5" X 7'-5"
7	POOL EQUIPMENT	
8	POOL FENCE	BASIS OF DESIGN: AMERISTAR MONTAGE POOL, PET AND PLAY, 48" HT.
9	PLANT BED	



POOL FENCE: AMERISTAR MONTAGE PPP; 48" HT.



UNILOCK RICHLIFF - PEBBLE TAUPE / DAWN MIST



UNILOCK COPTHORNE - 3 COLOR BLEND

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WRDC
WALNUT RIDGE DESIGN CO.

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JAMES & KINDER ROTH

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7503 Ogden Woods Blvd.

PROJECT ADDRESS:
7503 Ogden Woods Blvd.
New Albany, OH 43054

BIDDING DOCUMENTS

NOT FOR CONSTRUCTION

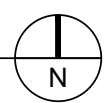
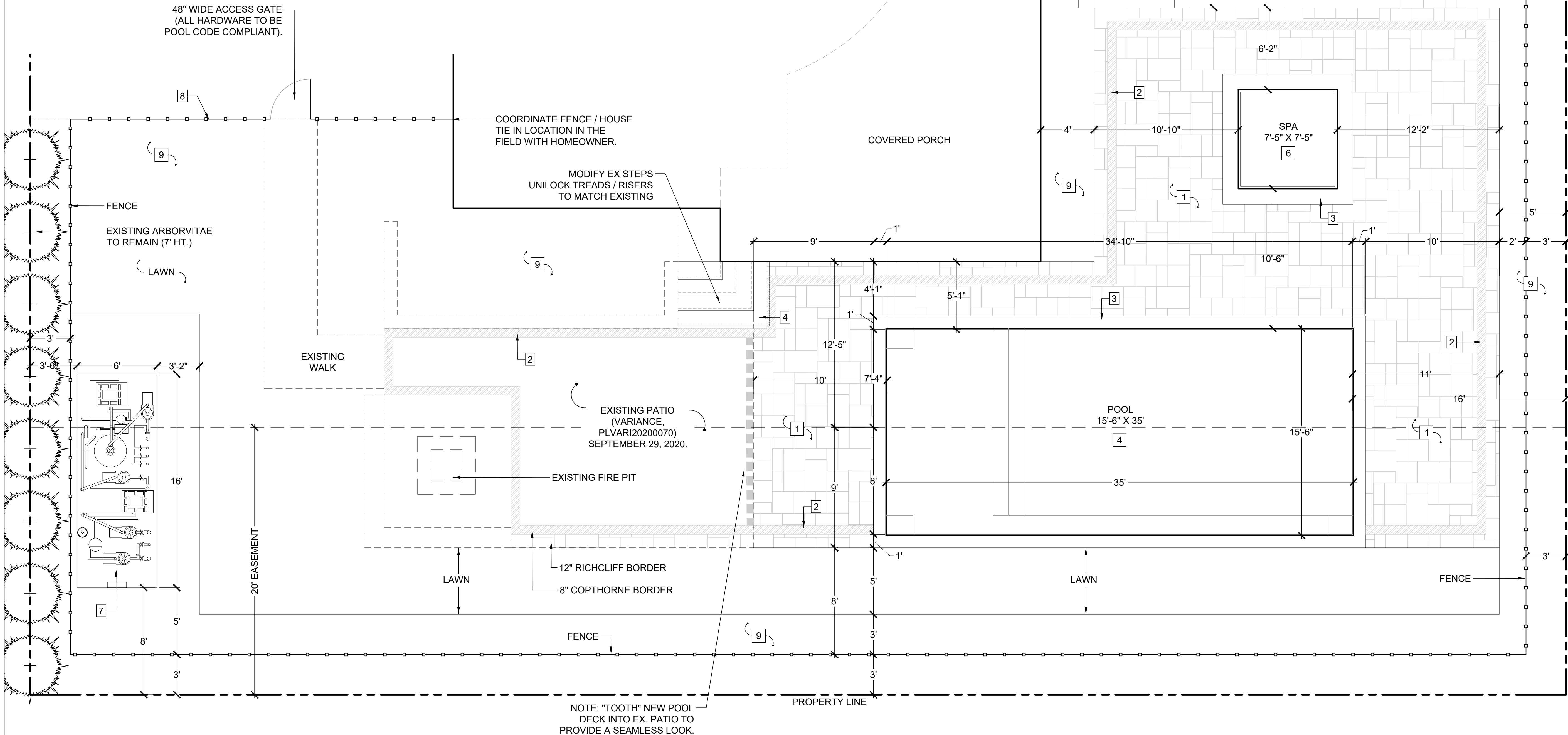
REVISION ISSUED

ISSUE DATE:
10.13.2025

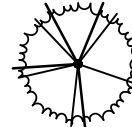
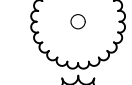
SHEET TITLE:
HARDSCAPE LAYOUT &
DIMENSION PLAN

SHEET NUMBER:

L-1.0



PLANT SCHEDULE REAR YARD

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	REMARKS	SIZE
TREES					
	THU	13	Thuja x 'Green Giant' / Green Giant Arborvitae		7' Ht.
SHRUBS					
	BUX	22	Buxus x 'Green Velvet' / Green Velvet Boxwood		15" HT.
	COR	8	Cornus sericea 'Farrow' / Arctic Fire® Red Twig Dogwood		#5
	HPL	8	Hydrangea paniculata 'Jane' / Little Lime® Panicle Hydrangea		#5
	HYQ	10	Hydrangea quercifolia / Oakleaf Hydrangea		#5
	ILX2	3	Ilex verticillata 'FarrowMrP' / Mr. Poppins® Winterberry		#5
	ILX1	12	Ilex verticillata 'Spravy' / Berry Heavy® Winterberry		#5
	TAX	25	Taxus x media 'Hicksii' / Hicks Anglo-Japanese Yew		48" Ht.



GREEN GIANT ARBORVITAE



GREEN VELVET BOXWOOD



ARCTIC FIRE RED TWIG DOGWOOD



LITTLE LIME HYDRANGEA



OAKLEAF HYDRANGEA



BERRY HEAVY WINTERBERRY



HICKS YEW HEDGE

NOTE: VARIANCE, PLVARI20200070 FOR THE EXISTING PATIO WAS APPROVED WITH CONDITIONS ON SEPTEMBER 29, 2020.

AN ADDITIONAL VARIANCE IS BEING PURSUED TO COMPLETE THE SCOPE OF WORK OUTLINED IN THESE DOCUMENTS.

RESIDENCE

COVERED PORCH

SPA

POOL

EXISTING HARDSCAPE TO REMAIN

EXISTING ARBORVITAE TO REMAIN (7' HT).

PROPERTY LINE

PLANTING PLAN
SCALE: 1/4" = 1'-0"

SCALE: 1/2" = 1'-0"



WRDC
WALNUT RIDGE DESIGN CO.

PROJECT INFORMATION

CLIENT / OWNER:
JAMES & KINDER ROTH

PROJECT NAME:
7503 Ogden Woods Blvd.

PROJECT ADDRESS:
7503 Ogden Woods Blvd.
New Albany, OH 43054

BIDDING DOCUMENTS

NOT FOR CONSTRUCTION

REVISION ISSUED

ISSUE DATE:
10.13.2025

SHEET TITLE:
PLANTING PLAN

SHEET NUMBER:

L-2.0

Neighbor Support Letter for Zoning Variance Application**Applicant:** James & Kinder Roth**Property Address:** 7503 Ogden Woods Blvd, New Albany, OH 43054**Variance Request:** To allow a new pool and extended patio within the rear utility easement and to reduce the rear setback from 15 feet to 10 feet.

To Whom It May Concern,

As a nearby resident of Ogden Woods Blvd, I have reviewed the Roth family's proposed backyard improvement project. I understand they are requesting two variances: one to extend their existing patio into the rear utility easement (consistent with a previously approved 2020 variance), and a second to allow a new in-ground pool to be located 10 feet from the rear property line, rather than the required 15 feet.

I support this request and believe the project will enhance the property while maintaining the character and integrity of our neighborhood. I have no objections to the proposed design and appreciate the Roths' thoughtful approach to community alignment and aesthetics.

Name:Emily Swanson**Address:**7440 Alphonso Rd. New Albany, OH 43054**Signature:**Emily Swanson**Date:**10/27/25

Neighbor Support Letter for Zoning Variance Application

Applicant: James & Kinder Roth

Property Address: 7503 Ogden Woods Blvd, New Albany, OH 43054

Variance Request: To allow a new pool and extended patio within the rear utility easement and to reduce the rear setback from 15 feet to 10 feet.

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Name:

Address:

Signature:

Date:

Amy Matsanoff
4597 Neiswander Sq, New Albany OH 43054
A Matsanoff
10/27/25

(2)
10/27/25

October 27, 2025

Board of Zoning Appeals
City of New Albany
50 Village Hall Rd. PO Box 271.
New Albany, OH 43054

Re: Swimming Pool Variance Requested by Property Owner James Roth

Dear Board Members:

I am writing to oppose the request for a variance by property owner James Roth for his proposed swimming pool. I am a property owner who received notice of requested variance. My home abuts Mr. Roth's property.

The request seeks a variance to allow the swimming pool to (1) encroach upon an easement, and (2) to extend closer than 15 feet of a property line. C.O. 1107.03(b)(2) authorizes this Board to grant variances "as will not be contrary to public interest, where, owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship . . ." The applicant has not demonstrated any "special conditions" or "hardship" in building a swimming pool. The applicant can build a swimming pool within the required distance from adjoining property and without encroaching upon an easement, as the Zoning Code requires.

Similarly, C.O. 1113.02 provides that "[o]n a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of the Zoning Ordinance unreasonable . . . and, therefore, procedures for variances are provided "to allow the flexibility necessary to adapt to changed or unusual conditions. . ." Here, enforcing a 15-foot barrier and a preexisting easement are not unreasonable. There are no unusual conditions that merit a variance from the Zoning Code.

To the contrary, a swimming pool too close to a property line and encroaching upon an easement reduces the value of adjoining properties. Likewise, there may be safety concerns in that a pool that extends beyond the property is more vulnerable to outside entry. Zoning standards exist for a reason, and granting a variance in these circumstances creates precedent for similar, future requests.

For these reasons, I respectfully request that this Board deny the request for the variance.

Very truly yours,



Jason Lee

NEW ALBANY
COMMUNITY CONNECTS US
Board of Zoning Appeals Staff Report
November 24, 2025 Meeting

7503 OGDEN WOODS BLVD
POOL VARIANCES

LOCATION: 7503 Ogden Woods Blvd (PID: 222-001254-00)
APPLICANT: James Roth
REQUEST: (A) Variance to C.O. 1173.02 (c) to reduce the required 15-foot pool setbacks and variance
(B) Variance to C.O. 1165.04 (b)(3)(b) to encroach into a 20-foot easement
ZONING: R-4 Single-Family Residential District
STRATEGIC PLAN: Neighborhood Residential
APPLICATION: VAR-86-2025

Review based on: Application materials received on October 9 and 13, and November 7, 2025
Staff report prepared by Kylie Blackburn, Planner I

This case was originally heard and tabled by the Board of Zoning Appeals on October 27, 2025. Following that meeting, the applicant reviewed alternative design options but ultimately chose to proceed with the original proposal. All application materials remain unchanged from the previous meeting, except for an updated narrative statement provided by the applicant.

I. REQUEST AND BACKGROUND

The applicant is requesting the following variances:

- (A) Variance to C.O. 1173.02 (c) to reduce the required 15-foot pool setback from any property line.
- (B) Variance to C.O. 1165.04 (b)(3)(b) to encroach 9 feet into the 20-foot easement on the rear of the property.

The property has an existing patio that received a variance from the Board of Zoning Appeals to encroach the same distance into the existing easement on September 28, 2020 (VAR-70-2020).

II. SITE DESCRIPTION & USE

The .40-acre property is in section 6 of the New Albany Country Club, zoned R-4, and contains a single-family residential home that was built in 1993. The property is surrounded by single-family residential homes.

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.*

IV. ASSESSMENT

Considerations and Basis for Decision

(A) Variance to C.O. 1173.02 (c) to allow the pool and its appurtenances to be closer than 15 feet to the property line.

1. Codified Ordinance Section 1173.02(c) prohibits pools and their appurtenances from being located closer than 15 feet to any property line.
2. The applicant is proposing to have the edge of the pool patio be 11 feet away from the rear property line and 5 feet from the east side property line. The pool equipment is proposed to be 3 ft 6 inches away from the west side property line and 8 feet from the rear property line.
3. There is a special circumstance that exists with the property. As currently situated on the site, the house is located less than 13 feet from the rear of the structure to the easement line, leaving little room for recreational amenities to be added without the need for a variance, regardless of the pool setback requirements.
 - However, approving this variance may set a precedent for other properties in the

area with similarly sized yards or existing easements, potentially leading to an increase in similar requests.

4. The variance request meets the spirit and intent of the zoning requirement. The primary purpose of the setback requirement is to ensure adequate separation between uses on adjacent properties. In this case, both neighboring properties have existing tree and landscape buffers that serve as natural screening. In addition, the proposed project will include the required pool fencing, further enhancing privacy and separation. These elements ensure that the pool and attached patio remain contained within the subject property's boundaries, while minimizing any potential impact on neighboring properties.
5. The requested variance along the rear property line does not appear to be substantial. The proposed pool patio will be set back 11 feet from the rear property line, resulting in a 4-foot encroachment into the required setback. This design decision was made to align the new construction with the existing patio, creating a more cohesive and aesthetically pleasing layout. The neighboring property to the rear features a swimming pool surrounded by landscaped screening and a code-compliant fence. Given these existing visual buffers, the proposed encroachment will not negatively impact the neighbor and may, in fact, complement the existing aesthetic.
 - The encroachments along the east and west property lines are more significant. On the west side, the pool equipment is proposed to be located 3 feet 6 inches from the property line, while the patio on the east side would encroach up to 5 feet. Both areas will be screened with landscaping and the required pool fencing to help mitigate visual impact on adjacent properties. It should be noted that the patio on the west side could potentially be reduced to lessen the degree of encroachment, if necessary.
6. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
7. Granting the variance would not adversely affect the delivery of government services.

(B) Variance to C.O. 1165.04(b)(3)(b) to allow the pool and patio to be located in an easement.

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

1. Codified Ordinance Section 1165.04(b)(3)(b) prohibits decks and other recreational amenities from being located in an easement. According to the subdivision's final plat, there is an existing 20-foot easement that runs along the rear property line.
2. The applicant is requesting a variance to allow the pool and patio to encroach 9 feet into the easement. The easement is 20 feet deep and runs along the entire rear lot line, which is about 115 feet. This is the same size encroachment that was approved for the existing patio on the property (VAR-70-2020), the applicant wants to keep the pool patio in line with the existing patio.
3. There is a special circumstance that exists with the property. As mentioned before, as the house sits on the site today, there is less than 13 feet off the rear of the house before hitting the easement, leaving little room for recreational amenities to be added without the need for a variance.
 - As previously mentioned, approving this variance may set a precedent for other properties in the area with similarly sized yards or existing easements, potentially leading to an increase in similar requests.
 - The house is also set back further on the property than the neighboring properties that share this rear yard easement, as seen with the red line in the image below.



4. The variance request does not appear to be substantial. The city's engineering staff reviewed the application and confirmed that there are no public utilities installed in the easement. There are private utilities installed in the easement at the rear of the property and one electric utility line that runs from the back of the property to the home.
 - The pool patio will not be installed above any existing utility lines within the easement area.
5. The variance request meets the spirit and intent of the zoning requirement, which is to protect property owners in the event that the city or a private utility provider must gain access to the utility. While the applicant proposes installing the pool and patio within the easement, it will not be installed above any existing utility lines. If a patio or another structure is installed in an easement and the city or another utility provider needs to access the utility, the patio or other structure may be taken down or partially removed to access utilities, and the property owner is responsible for the expense of replacing or repairing the patio/structure. 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 and/or attorney) specifying that the property owner, and not the city, is responsible for any damages to the pool or patio in the event that a public or private utility provider needs to access the easement (condition #1).
6. The City Engineer feels comfortable with the pool and patio addition, as it aligns with the existing patio. The engineer did note that adding any additional landscaping or other features within the easement could disrupt drainage across the site due to the slope of the easement area. Staff recommends a condition of approval that the applicant works with the City Engineer for landscaping within the easement (condition #2).
7. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
8. Granting the variance would not adversely affect the delivery of government services.
9. The city's engineering staff reviewed the application and determined that there are no public utilities installed in the easement area, as mentioned before. Additionally, the hold harmless agreement will ensure that the city bears no responsibility for any damages to the pool or patio if utilities need to be installed within the easement area in the future.

V. SUMMARY

The applicant proposes to install a pool and patio that will encroach 9 feet into a 20-foot-wide platted easement along the rear of the property, as well as encroaching on the 15-foot pool setback requirement. The proposed improvements will not be constructed over any existing utilities. The requested encroachment is consistent with a previously approved variance (VAR-70-2020) for the existing patio. Due to the limited space between the rear of the home and the start of the easement, the proposed layout allows for a functional design while maintaining alignment with existing conditions. Although the improvements will be located within the easement and setback, the absence of public utilities and the lack of interference with existing

lines support the requests. This request could cause a precedent for other properties in the area with similarly sized yards or existing easements. A hold harmless agreement will ensure that the applicant acknowledges the city is not responsible for any damage to the pool or patio should access to the easement be required in the future.

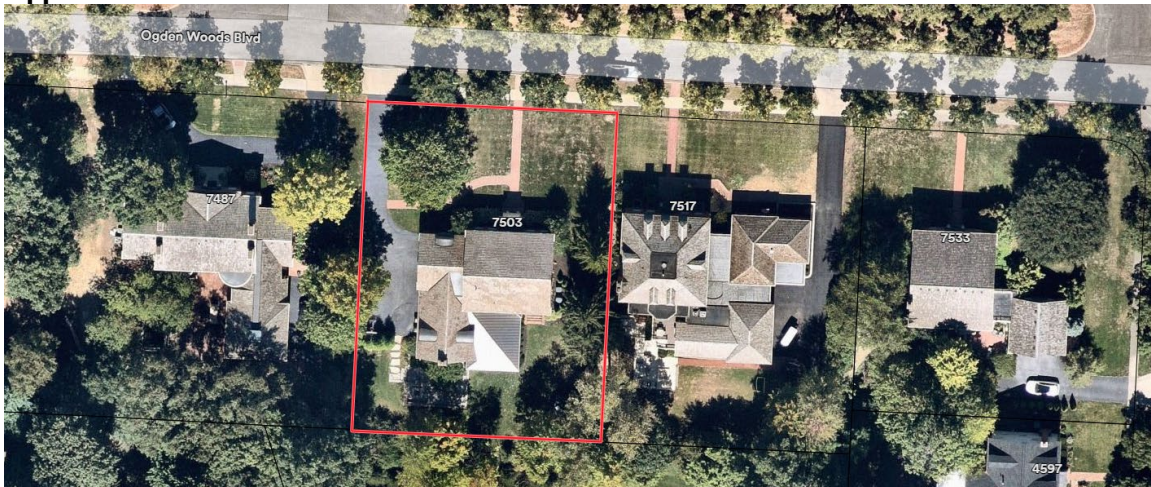
VI. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

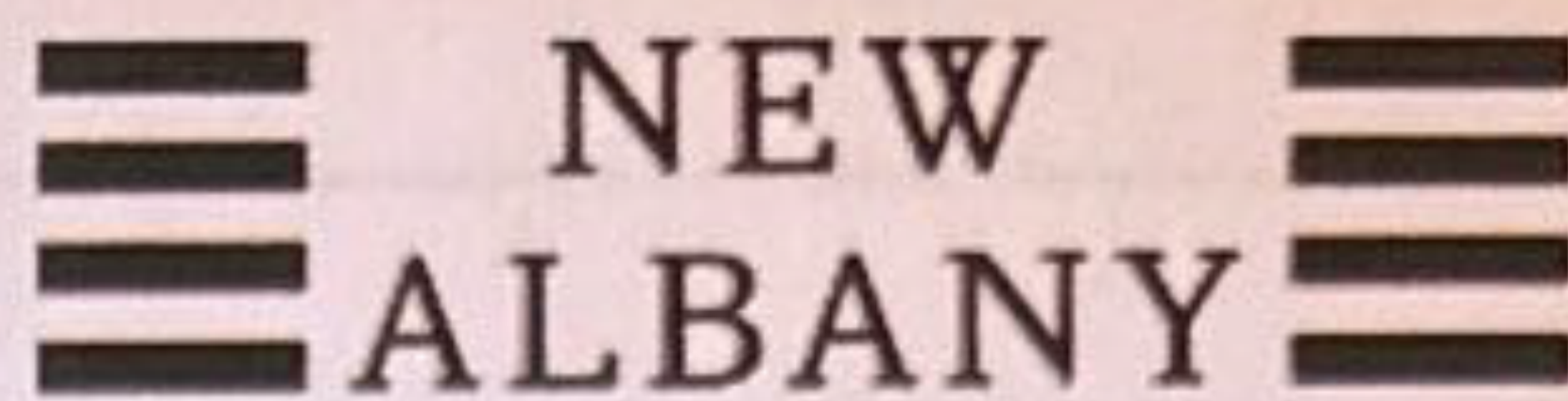
Move to approve application VAR-86-2025 with the following conditions (conditions of approval may be added).

1. The homeowner enter into a hold harmless agreement (or similar legal mechanism to be determined by the city engineer and/or attorney) specifying that the property owner, and not the city, is responsible for any damages to the patio in the event that a public or private utility provider needs to access the easement area prior to the issuance of a building permit and any impacts to neighboring surface drainage must be the responsibility of the homeowner to address.
2. That the applicant will work with the City Engineer for landscaping within the easement.

Approximate Site Location:



Source: NearMap



Community Development Planning Application

Submission	Submit planning applications and all required materials via email to planning@newalbanyohio.org			
	Paper copies are not required at this time however, 12 paper copies of the entire submission will be required ahead of a board hearing date. The planner assigned to your case will inform you when the paper copies need to be delivered to our offices. Fee invoices will be issued to you once the application is entered.			
Project Information	Site Address <u>7503 Ogden Woods Blvd</u>			
	Parcel Numbers <u>222-001254-00</u>			
	Acres <u>0.40</u>		# of lots created _____	
Project Information	Choose Application Type		Description of Request:	
	☐ Appeal ☐ Certificate of Appropriateness ☐ Conditional Use ☐ Development Plan ☐ Plat ☐ Lot Changes ☐ Minor Commercial Subdivision ☐ Zoning Amendment (Rezoning) ☐ Zoning Text Modification		☐ Extension Request ☒ Variance ☐ Vacation Variance to C.O. 1173.02(c) Variance to C.O. 1165.04(b)(3)(b)	
Contacts	Applicant Information		Property Owner Information	
	Name	James Roth	Name	James Roth
	Address			
	City, State, Zip			
	Phone Number			
	Email			
Signature	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 of Applicant		Date: <u>9/26/25</u> Date: <u>9/26/25</u>	

City of New Albany – Board of Zoning Appeals
Variance Request Follow-Up Statement
Applicant: James Roth
Address: 7503 Ogden Woods Blvd, New Albany, OH 43054
Parcel: 222-001254-00
Date: November 6, 2025

Dear Members of the Board,

Thank you again for your thoughtful review of our variance request at the October 27th hearing. We remain committed to the process and appreciate the opportunity to provide this brief follow-up.

Our request builds upon a previously approved variance (PLVARI20200070) and reflects unique site constraints—including a 20-foot rear easement and rearward home placement—that limit usable backyard space. The proposed layout does not exceed the prior footprint and includes ARC-approved design, enhanced screening, and code-compliant fencing.

At the Board's suggestion, we revisited the possibility of flipping the layout. Due to the position of our basement stairwell and overall geometry, a flipped design would compromise safety and functionality. To ensure alignment, we invited Kylie Blackburn from City Planning to assess the site. Based on that visit, we believe she shares our view that the proposed layout—directly behind the house—is the most appropriate solution.

In response to the Board's encouragement for neighbor dialogue, I placed three phone calls to Mr. Jason Lee on October 28th, 29th, and 30th, leaving voicemails each time. We remain open to conversation, but received no response.

In light of Mr. Lee's written opposition, we respectfully offer the following clarifications:

- **Hardship and Special Conditions:** Our lot is one of only four on Ogden Woods Blvd with a 20-foot rear easement, and the only one built further back from the street. Our 11.5-foot front setback compresses usable backyard space and creates a practical difficulty.
- **Feasibility Without a Variance:** The combination of easement depth, home placement, and stairwell location leaves no viable alternative. The proposed layout is the only safe, functional solution.
- **Property Value and Safety:** The project includes layered, landscape-designed screening—on which we're willing to collaborate with the City Engineer—along with a 48" Ameristar Montage fence, a hold harmless agreement, and an automatic pool/spa cover. These features collectively enhance—not diminish—safety, privacy, and neighborhood character.
- **Precedent:** This request builds on a previously approved variance and reflects thoughtful discretion, not exception without cause.

We believe the purpose of these hearings is to evaluate each request on its own merits. If our easement matched the more typical 10-foot depth—or if our home were positioned closer to the street—we would not be seeking a variance. This request responds to site-specific limitations with care and transparency.

Since the October 27th hearing, the number of neighbors who've offered written support has grown from six to ten, with additional letters likely forthcoming. We've followed the Board's guidance in good faith and remain committed to stewardship.

Thank you again for your time and consideration.

Sincerely,
James & Kinder Roth

Neighbor Support Letter for Zoning Variance Application

Applicant: James & Kinder Roth

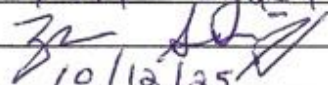
Property Address: 7503 Ogden Woods Blvd, New Albany, OH 43054

Variance Request: To allow a new pool and extended patio within the rear utility easement and to reduce the rear setback from 15 feet to 10 feet.

To Whom It May Concern,

As a nearby resident of Ogden Woods Blvd, I have reviewed the Roth family's proposed backyard improvement project. I understand they are requesting two variances: one to extend their existing patio into the rear utility easement (consistent with a previously approved 2020 variance), and a second to allow a new in-ground pool to be located 10 feet from the rear property line, rather than the required 15 feet.

I support this request and believe the project will enhance the property while maintaining the character and integrity of our neighborhood. I have no objections to the proposed design and appreciate the Roths' thoughtful approach to community alignment and aesthetics.

Name: Zachary Schiff
Address: 7517 Ogden Woods Blvd.
Signature: 
Date: 10/12/25

Neighbor Support Letter for Zoning Variance Application

Applicant: James & Kinder Roth

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Name:

NATASHA BABAMOVSKI

Address:

7487 OGDEN WOODS BLVD

Signature:



Date:

10/12/25

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Applicant: James & Kinder Roth

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Name: Kristina Redgrave
Address: 7504 Ogden Woods Blvd, New Albany, OH 43054
Signature: K Redgrave
Date: 10/14/25

Neighbor Support Letter for Zoning Variance Application

Applicant: James & Kinder Roth

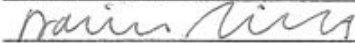
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Name: Gustav + Danielle Nyquist
Address: 4991 Yantis Drive
Signature: 
Date: 10/14/25

Neighbor Support Letter for Zoning Variance Application**Applicant:** James & Kinder Roth**Property Address:** 7503 Ogden Woods Blvd, New Albany, OH 43054**Variance Request:** To allow a new pool and extended patio within the rear utility easement and to reduce the rear setback from 15 feet to 10 feet.

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Name:Emily Swanson**Address:**7440 Alphonso Rd. New Albany, OH 43054**Signature:**Emily Swanson**Date:**10/27/25

Neighbor Support Letter for Zoning Variance Application

Applicant: James & Kinder Roth

Property Address: 7503 Ogden Woods Blvd, New Albany, OH 43054

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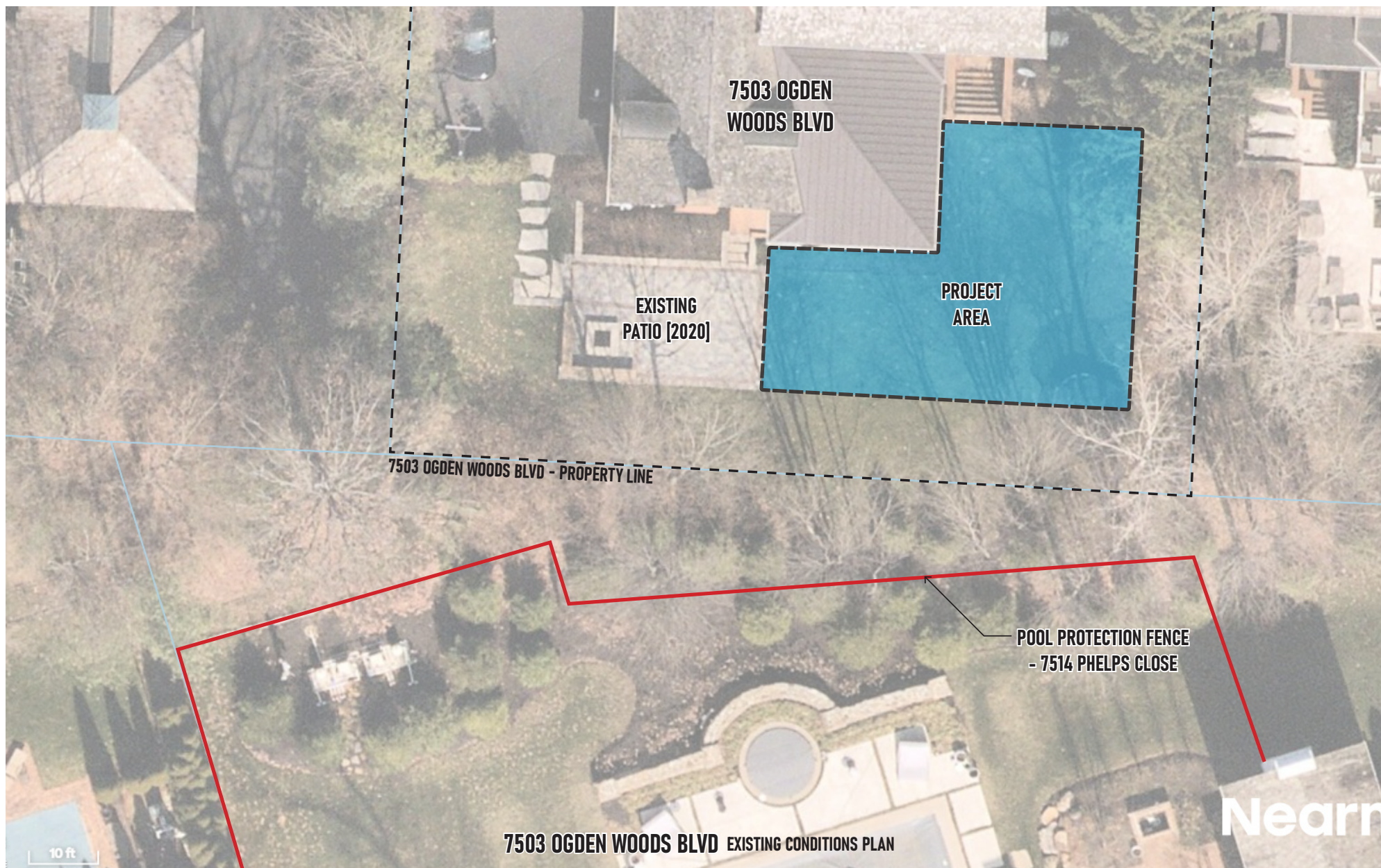
Name:

Address:

Signature:

Date:

Amy Matsanoff
4597 Neiswander Sq, New Albany OH 43054
A Matsanoff
10/27/25



GENERAL NOTES

1. Contractor shall be responsible for becoming familiar with drawings for all divisions for all divisions of work.
2. Contractor shall familiarize himself/herself with the project site prior to bidding the work.
3. The base mapping/survey was provided by "X". Contractor shall field verify all prior to commencing with work. existing conditions and report any discrepancies to the Owner's Representative prior to commencing with work.
4. Contact Ohio Utility Protection Service (OUPS) 1-800-362-2764 and all local utility services for utility locations prior to commencing with work.
5. Contractor shall obtain all required permits prior to commencing with work.
6. The Contractor shall coordinate all work and be responsible for all methods, means, sequence and procedures of work.
7. Contractor shall provide all necessary safety measures during construction operations to protect the public according to all applicable codes and recognized local practices.
8. Contractor is required to take due precautionary measures to protect the utility lines shown on the drawings as well as any discovered during the construction process.
9. Contractor shall coordinate access and staging areas with the Owner's Representative.
10. The limit of construction line shown defines the limits of work in this contract. There may be instances where erosion protection devices and utility systems extend beyond the project limits line in order to successfully complete operations and/or tie into adjacent systems.
11. The Contractor shall keep all drainage facilities affected by construction operations clean and fully operational at all times.
12. Maintain all existing erosion and sediment control measures (silt fence, orange Geo fence and/or other measures) during construction. Provide additional measures as necessary to minimize adverse impacts to the adjacent water bodies, surfaces and storm sewers according to all applicable federal/state laws and regulations.
13. Contractor shall verify existing conditions prior to commencing with work. Notify Owner's Representative of any discrepancy between the plans and actual site conditions. No work shall be done in areas where such discrepancies exist. The contractor shall assume full responsibility for all necessary revisions due to failure to give such notification.
14. Report all existing damage of existing site improvements to the Owner's Representative prior to beginning work. Contractor shall be responsible for all subsequent damage.
15. Contractor shall protect, by whatever means necessary, the existing site improvements to remain. All damaged items shall be replaced or repaired at no additional cost to the Owner. Notify Owner's Representative immediately if any damage occurs.
16. All areas within the driplines of existing trees shall remain free of construction materials, debris, vehicles and foot traffic at all times. Contractor shall provide temporary fencing, barricades and/or other suitable guards outside drip line (outside perimeter of branches) to protect trees and plant material to remain. No work shall be performed within the dripline of existing trees unless indicated. All work indicated to be performed within the dripline of trees shall be done by hand and care shall be taken to minimize disturbance to the tree roots.
17. Contractors shall coordinate all work with related trades and the general construction of the project so as not to impede the progress of the work of others or the Contractors own work.
18. Each Contractor shall verify the condition and completeness of all work performed by others in relation to his/her project work responsibilities including the checking of existing elevations or structures prior to initiating construction. The Contractor shall immediately notify the Owner's Representative if any site conditions are incomplete, missing or damaged.
19. All construction debris and removed items shall be disposed of legally off-site unless otherwise indicated on the drawings.
20. Notify Owner's Representative 72 hours in advance of any planned utility interruption.
21. Contractor shall clean the work areas at the end of each working day. All materials, products and equipment shall be stored in an organized fashion.
22. The plans assume that the layout and staking will be accomplished using total stationing / digital methods. Any information provided is intended to support information already contained in CAD files used for documenting layout and staking. CAD files delineating all grading and hardscape elements shown in these plans can be provided to the Contractor upon request.
23. Contractor shall employ skilled personnel and use equipment necessary to ensure that all work is professionally and properly installed and in full compliance with the plans and details.
24. Contractor shall comply with state and local laws and regulations regarding notification of existing gas and oil pipeline company owners. Evidence of such notice shall be furnished to the Owner's Representative prior to commencing with work.

LAYOUT NOTES

1. All dimensions shown are in feet and inches unless otherwise noted.
2. Do not scale drawings. Utilize dimensions indicated on the plans.
3. All dimensions are to the edge of pavement, face of wall, or face of curb unless otherwise noted.
4. Walkways and hardscape elements indicated as curvilinear shall have smooth continuous curves.
5. Unless indicated otherwise, all walkways abutt at 90 degree angles.
6. 6.All concrete scoring shall be parallel, perpendicular or tangent to adjacent improvements unless otherwise noted.
7. Layout all construction lines and verify layout with the Owner's Representative prior to beginning any construction work.
8. Radii of curbs are estimated from survey or base data. The Contractor shall make all modifications necessary to assure existing and new curbs meet flush, even and smoothly.
9. Provide isolation joints where concrete paving or paving base meets a fixed structure (existing and proposed) .
10. Provide flush conditions at juncture of all walkways and door thresholds.
11. Refer General Notes for additional instructions.

GRADING NOTES

1. Maximum slopes in landscape areas shall not exceed 3:1, unless otherwise indicated.
2. All surfaces shall be constructed to positively drain away from all vertical elements such as buildings, walls, columns, etc. toward and into drainage structures shown.
3. Maximum running slopes at walkways shall not exceed 4.9%.
4. Maximum cross slopes at walkways shall not exceed 1.9%.
5. Grades shown indicate finish grade. Verify depth of pavement sections prior to rough grading.
6. Proposed grades and contours are interpolated from the best information available. All proposed grades shall be field verified prior to construction.
7. Match grades with adjacent surfaces so that all abutting surfaces are flush.
8. Provide positive drainage from all pavement surfaces to curbs or inlets.
9. Maintain compaction rates specified for pavement sub-grade at fill adjacent to curbs and walks to minimize settlement.
10. Finish grades shall be 3" below elevations shown for all planting areas unless otherwise noted.
11. Refer General Notes for additional instruction.

LANDSCAPE NOTES

1. Stake all bed lines and tree locations for the Landscape Architect's review prior to installation. All planting procedures are subject to the review of the Landscape cost to the Owner. Architect and the Contractor shall correct any deficiencies found at no additional
2. Secure plant material as specified on plans. In the event that plant materials specified are not available, contact Landscape Architect for approved substitutions. No substitutions for plant materials will be allowed without prior written approval by the Landscape Architect.
3. Verify that all planting products, plant material, and plant quantities delivered to the site match what is indicated on the plans and specifications.
4. Protect all plant material during delivery to prevent damage to root balls, trunks, branches and the desiccation of leaves. Protect all plant material during shipping with shade cloth or ship with enclosed transport. Maintain protections and health of plant material stored on site. Handle all trees with nylon straps. No chains or cables will be allowed. Remove unacceptable plant material immediately from the site.
5. All plant material shall be nursery grown, well formed, true to species, hardened off with vigorous root systems, full crown and canopies, and free from disease, pests and insects, and defects such as knots, sun scald, windburn, leaf dis-coloration, irregular branching or injuries.
6. All root balls shall conform to the size standards set forth in "American Standards for Nursery Stock".
7. All plant material delivered to the site is subject to the review of the Landscape Architect before, during and after installation.
8. Provide plant samples or photographs of each plant specified to the Landscape Architect for compliance review prior to installation.
9. Test fill all tree and planting pits with water, prior to planting, to assure proper soil percolation. Pits which do not adequately drain shall be further excavated to a depth sufficient for drainage to occur and/or backfilled with suitable drainage gravel. No allowances shall be made for plant material loss due to improper drainage. Contractor shall replace lost plant material with same size and species at no additional cost to Owner.
10. All plant materials, including relocated plant material, shall be planted in a professional manner typical to the industry standards of the area to assure complete survivability of all installed plant materials as well as to provide an aesthetically approved project. Contractor shall refer to the planting details for minimum size and width of planting pits and beds, guying and staking, mulching, and other planting requirements.
11. All planting areas shall be weed free prior to planting installation.
12. Remove all planting and landscape debris from the project site and sweep and wash clean all paved and finished surfaces affected by the landscape installation.
13. Refer General Notes for additional instructions.

SHEET INDEX

L-0.1	GENERAL NOTES
L-1.0	HARDSCAPE LAYOUT & DIMENSION PLAN
L-2.0	PLANTING PLAN

NOTE: VARIANCE, PLVARI20200070 FOR THE EXISTING PATIO WAS APPROVED WITH CONDITIONS ON SEPTEMBER 29, 2020.

AN ADDITIONAL VARIANCE IS BEING PURSUED TO COMPLETE THE SCOPE OF WORK OUTLINED IN THESE DOCUMENTS.



PROJECT INFORMATION

CLIENT / OWNER:
JAMES & KINDER ROTH

PROJECT NAME:
7503 Ogden Woods Blvd.

PROJECT ADDRESS:
7503 Ogden Woods Blvd.
New Albany, OH 43054

BIDDING DOCUMENTS

NOT FOR CONSTRUCTION

REVISION	ISSUED
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ISSUE DATE:
10.13.2025

SHEET TITLE:

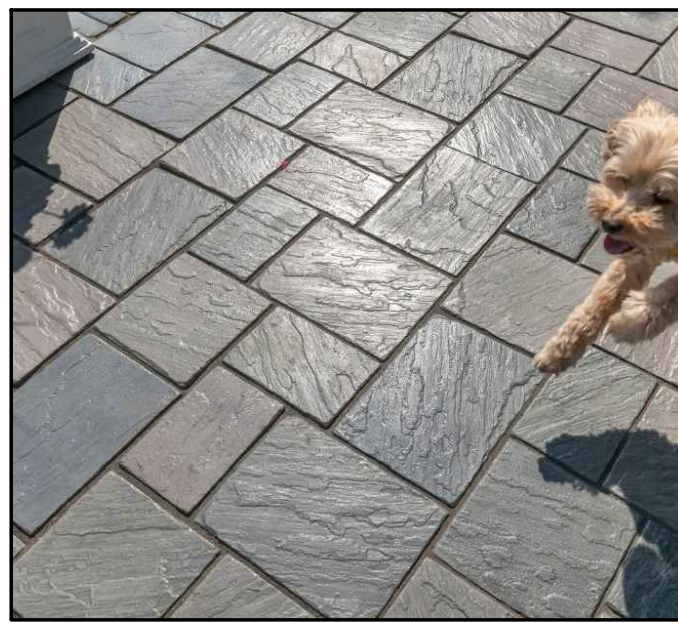
SHEET NUMBER:

CONSTRUCTION & MATERIALS LEGEND

SYMBOL	DESCRIPTION	DETAILS / REMARKS
1	PAVER PATIO	UNILOCK RICHLIFF - DAWN MIST / PEBBLE TAUPE (MATCH EXISTING)
2	PAVER ACCENT	UNILOCK COPTHORNE - 3 COLOR BLEND
3	POOL & SPA COPING	2.25" INDIANA LIMESTONE - PENCIL EDGE ON WATER SIDE
4	PRECAST CONCRETE STEPS	UNILOCK PAVERS TO MATCH EXISTING
5	FIBERGLASS POOL	AVIVA - APEX SIZE: 15'-6" X 35'
6	FIBERGLASS SPA	AVIVA - JEWEL SIZE: 7'-5" X 7'-5"
7	POOL EQUIPMENT	
8	POOL FENCE	BASIS OF DESIGN: AMERISTAR MONTAGE POOL, PET AND PLAY, 48" HT.
9	PLANT BED	



POOL FENCE: AMERISTAR MONTAGE PPP; 48" HT.



UNILOCK RICHLIFF - PEBBLE TAUPE / DAWN MIST



UNILOCK COPTHORNE - 3 COLOR BLEND

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WRDC
WALNUT RIDGE DESIGN CO.

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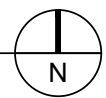
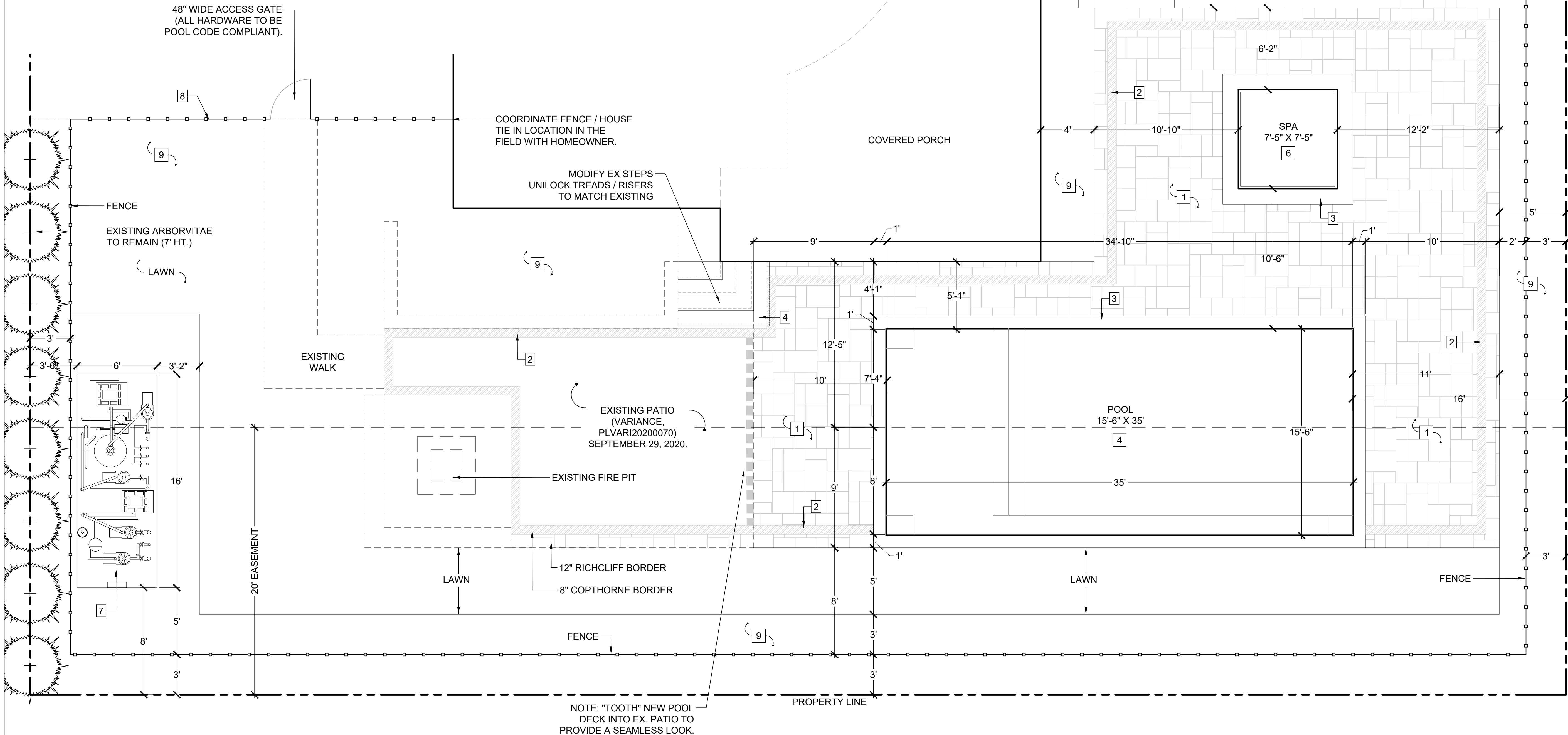
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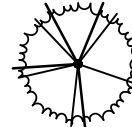
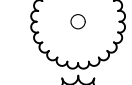
SHEET TITLE:
HARDSCAPE LAYOUT &
DIMENSION PLAN

SHEET NUMBER:

L-1.0



PLANT SCHEDULE REAR YARD

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	REMARKS	SIZE
TREES					
	THU	13	Thuja x 'Green Giant' / Green Giant Arborvitae		7' Ht.
SHRUBS					
	BUX	22	Buxus x 'Green Velvet' / Green Velvet Boxwood		15" HT.
	COR	8	Cornus sericea 'Farrow' / Arctic Fire® Red Twig Dogwood		#5
	HPL	8	Hydrangea paniculata 'Jane' / Little Lime® Panicle Hydrangea		#5
	HYQ	10	Hydrangea quercifolia / Oakleaf Hydrangea		#5
	ILX2	3	Ilex verticillata 'FarrowMrP' / Mr. Poppins® Winterberry		#5
	ILX1	12	Ilex verticillata 'Spravy' / Berry Heavy® Winterberry		#5
	TAX	25	Taxus x media 'Hicksii' / Hicks Anglo-Japanese Yew		48" Ht.



GREEN GIANT ARBORVITAE



GREEN VELVET BOXWOOD



ARCTIC FIRE RED TWIG DOGWOOD



LITTLE LIME HYDRANGEA



OAKLEAF HYDRANGEA



BERRY HEAVY WINTERBERRY



HICKS YEW HEDGE

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RESIDENCE

COVERED PORCH

SPA

POOL

EXISTING HARDSCAPE TO REMAIN

EXISTING ARBORVITAE TO REMAIN (7' HT).

PROPERTY LINE

PLANTING PLAN
SCALE: 1/4" = 1'-0"

SCALE: 1/2" = 1'-0"



WRDC
WALNUT RIDGE DESIGN CO.

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PLANTING PLAN

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L-2.0