

## New Albany Architectural Review Board

Meeting Minutes, Monday, October 13, 2025 Approved

### I. Call to order

The New Albany Architectural Review Board held a regular meeting on Monday, October 13, 2025 in the New Albany Village Hall. Acting Chair Brown called the meeting to order at 7:04 p.m. and asked to hear the roll.

#### II. Roll call

Those answering roll call:

Mr. Hinson absent
Mr. Iten absent
Mr. Brown present
Mr. Davie present
Mr. Maletz present
Ms. Moore present
Mr. Strahler present
Council Member Brisk

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

Staff members present: Planner I Blackburn, Planning Manager Christian, Planner I Henderson, Administrative Services Director Joly, Police Chief Jones, Planner II Saumenig, Planner I Sauter, and Deputy Clerk Madriguera.

### III. Action on minutes: September 8, 2025

Acting Chair Brown asked if there were any corrections to the September 8, 2025 meeting minutes.

Hearing none, Board Member Strahler moved to approve the September 8, 2025 meeting minutes. Board Member Moore seconded the motion.

Upon roll call: Mr. Strahler yes, Ms. Moore yes, Mr. Brown yes, Mr. Davie yes, Mr. Maletz yes. Having five yes votes the motion passed and the September 8, 2025 meeting minutes were approved as submitted.

### IV. Additions or corrections to the agenda

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

Planning Manager Christian answered none from staff.

Acting Chair Brown administered the oath to all present who planned to address the board.

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

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

#### VI. Cases:

Planning Manager Christian provided an introduction and overview of the first three applications

## **ARB-66-2025 Police Station Building Addition COA**

Certificate of Appropriateness to allow a building addition at the New Albany police station located at 50 W Village Hall Road. (PID: 222-003477).

Applicant: City of New Albany c/o Horne + King

Planner I Henderson delivered the staff report.

Applicant and Architect for the project, Sharon Jurawitz with Horner + King spoke in support of the application. She apologized for the late changes and explained that they were made in response to recent feedback. She explained the changes to the pilasters, the window trim, and the cupola.

Acting Chair Brown opened the application up for questions from the board.

Board Member Maletz requested a graphical site plan. He confirmed that there were no changes to the existing separate garages. He stated that he agreed that the pilaster addition was a positive change. He asked for the rationale for the addition of the cupolas. He further noted the usage of Hardie board, and that brick was only used for the water table.

Architect Jurawitz responded that the cupolas were added at the suggestion of the New Albany Company. She continued that the brick common to New Albany buildings is not made anymore and is difficult to match.

Board Member Maletz understood the struggle to acquire a good match to the New Albany brick. He continued that when he looked at the floor plan for the addition, he did not see an entry. Because of the way the driveway is configured, a drop off is implied on the west side but there does not appear to be an entry. As a visitor, to pick up ARB meeting packets, he has learned to enter through the front. He remarked that if an entrance is not planned for the addition, a walkway to the front door should be provided.

Architect Jurawitz responded that programmatically the police did not want an entrance on the west side. The police did not want visitors to come to that side of the building.

Board Member Davie asked what will stop someone who has parked in the larger lot from cutting through the police department's back lot.

Director Joly remarked that parking added that this had been a main topic of discussion for the past six months. There will be signage to indicate appropriate public parking. Rather than putting up a gate, the intent was to make it apparent where to park. She further remarked that people use the police department parking lot for various reasons including buy-sell-trade exchanges and shared parenting exchanges.

Board Member Moore asked whether the parallel parking on Village Hall Road will remain accessible.

Director Joly answered that she did not forsee a change to the parking on Village Hall Road.

Board Member Maletz asked for clarification of the path from the parking lot to the entrance.

Board Member Strahler noted the amount of restricted parking in the lot and then asked about the parking for access to Rose Run Park.

Director Joly acknowledged that this is not ideal. She explained that the police department has three shifts throughout the day and the decision was made to dedicate spots for city staff use.

Acting Chair Brown questioned the logic of accenting the addition as opposed to accenting the building. He acknowledged the time and effort that went into the design.

Board Member Maletz stated that the addition was very different from the existing structure. It is a loud addition to a very quiet building. This addition speaks the same language as the McCoy Center for Performing Arts, but entrance is limited to the front door. He did not find anything wrong with it when measured against the criteria but he was scratching his head about the design decisions.

Acting Chair Brown remarked that this addition is not a museum it is a police station. It should look the same as the existing building. All brick should be used. Nonetheless he did not find it objectionable pursuant to the criteria.

Board Member Maletz asked whether there is an openness to modification. He did not want to interfere with construction timelines but it would be nice to quiet the contrast between the brick and Hardie board. He also strongly questioned whether the cupolas belonged.

Board Member Davie agreed and strongly suggested removing the cupolas, noting that it would play down the roof scape

Planning Manager Christian responded that construction timelines are important to the city. Hardie board has been used successfully in other areas of the Village Center. He further stated that the city would agree to removal of the cupolas as a condition, subject to staff approval. Or, the roof could return to the board for review, or the application could be tabled.

Acting Chair Brown surveyed the board and the consensus was that usage of the Hardie board was sufficient, and that the cupolas should be removed and the rooflines be reworked to match the existing building.

Architect Jurawitz agreed to the condition.

Board Member Strahler moved for approval of ARB-66-2025 on the condition that the cupolas be removed and the rooflines be reworked to match the existing building, subject to staff approval. Acting Chair Brown seconded the motion.

Upon roll call: Mr. Strahler yes, Mr. Brown yes, Ms. Moore yes, Mr. Davie yes, Mr. Maletz yes. Having five yes votes the motion passed and ARB-66-2025 was approved subject to the condition that the cupolas be removed and the rooflines be reworked to match the existing building, subject to staff approval.

## ARB-81-2025 Rose Run Phase II Building Typology COA

Certificate of Appropriateness to add the Parks and Preservation building typology to the Urban Center Code for Rose Run II, generally located at 37 Dublin Granville Rd. (PID: 222-000021). **Applicant: City of New Albany** 

Planner I Blackburn delivered the staff report for ARB-81-2025 and ARB-76-2025 in a single presentation.

Director of Administrative Services Joly said she was available to answer any questions.

Acting Chair Brown asked her to discuss the materials being used.

The Architect for the project added that he was most concerned about the feel of the building. They wanted the building to have a transparent element.

Acting Chair Brown commented that he thinks it is beautiful and the park is nice.

Director Joly agreed and said this will be a beautiful addition to the community and continuation of Taylor Farm Park.

Board Member Maletz agreed that it would be beautiful addition to the community. He observed that review of approval of this project would shift the board to a more form-based review. The detailing is a significant departure from Georgian style architecture.

Planning Manager Christian responded that the typology is specific to this site. This typology will not have application to other areas of the city. Director Joly and the consultants have done a great job of identifying why this site is so unique. Approval of this application does not set a precedent applicable for future applications.

Board Member Maletz thanked Planning Manager Christian and there was discussion of whether a food vender would be allowed in that space.

Director Joly thought it was a great idea but wanted to avoid a situation where there was provision for a vendor but no vendor there.

Board Member Maletz noted the former BP corner and remarked that being a little quieter was the right play here.

Acting Chair Brown asked for further questions. Hearing none he moved for approval of ARB-81-2025. Board Member Moore seconded the motion.

Upon roll call: Mr. Brown yes, Ms. Moore yes, Mr. Davie yes, Mr. Strahler yes, Mr. Maletz yes. having five yes votes the motion passed and ARB-81-2025 was approved.

## ARB-76-2025 Rose Run Phase II Pavilion COA

Certificate of Appropriateness to allow a pavilion to be built as part of the Rose Run Phase II improvements, generally located at 37 Dublin Granville Rd. (PID: 222-000021).

**Applicant: City of New Albany** 

Acting Chair Brown moved for approval of ARB-76-2025. Board Member Davie seconded the motion.

Upon roll call: Mr. Brown yes, Mr. Davie yes, Ms. Moore yes, Mr. Strahler yes, Mr. Maletz yes. having five yes votes the motion passed and ARB-76-2025 was approved.

## ZC-78-2025 6600 New Albany-Condit Road I-PUD Rezoning COA

Certificate of Appropriateness to allow a zoning change from the Rural Residential sub-district of the Urban Center Code to Infill-Planned Unit Development (I-PUD) at 6600 New Albany-Condit Road (PID: 222-000640).

Applicant: Rob Riddle c/o Aaron Underhill, Esq., Underhill & Hodge LLC

Board Member Davie recused himself from consideration of this application and left the dais.

Planning Manager Christian delivered the staff report.

Board Member Maletz clarified that the board could take action on this case in Board Member Davie's recusal.

Planning Manager Christian responded yes, the board could take action. He explained that the board maintained a quorum and a majority of the quorum was what was needed to pass the motion.

Board Member Maletz agreed that this rezoning made sense but wanted to be sure they were not approving something that was not resolved. He further remarked that there is no typology for reusing an existing commercial structure.

Planning Manager Christian agreed and said the details would be provided at the time of a final development plan application.

Acting Chair Brown similarly observed that it made sense to make this change but wondered how close to the Village Center would the city permit rezoning to occur.

Board Member Moore confirmed that this was just temporary.

Applicant and Attorney for Rob Riddle, Aaron Underhill spoke in support of the application. The board's role historically was to apply existing rules to the Village Center. This application, being an I-PUD was new to this board, the I-PUD text would apply. Riddle Real Estate would like to relocate their offices to the house; the south central side would probably be a title company or low intensity commercial use. There would not be a medical use. He noted the construction of a sound wall. The long-term goal is to redevelop the site and get rid of the home and the accessory structure, and to build a traditional office building. Here, the board is being asked to approve the re-purposing of the existing structures. A request for a certificate of appropriateness for the final development plan will come back to the board and also to the Planning Commission. The PUD was chosen due to the amount of waivers that would be needed.

Board Member Strahler stated that what he was struggling with was the surrounding residential. The board had recently rejected a garage and now they were being presented with a three-story building with parking, he was not sure he could support the rezoning.

Acting Chair Brown –asked staff if they had insight into what would be happening in this area.

Planning Manager Christian responded that long-term it would be commercial and not residential. He further stated that the residents would be provided the opportunity to comment.

Mr. Riddle added that he has spoken with adjacent property owners.

Board Member Maletz remarked for this pocket to be successful, some kind of comprehensive master plan should be shared. He would ask regarding the partial redevelopment using the existing structure in final development that one direction or the other should be committed to – not a mixture of both – either residential or commercial. He acknowledged that it is not practical to tear down the existing structure today.

Applicant and Architect for the project Davie, stated that the idea was to bring in the residential feel into a commercial use, similar to the buildings on High Street.

Board Member Strahler clarified the scope of the motion, that it was an advisory recommendation to the Planning Commission and that the failure of a motion at this stage was not fatal to the application.

Board Member Maletz also clarified that it was just the rezoning that was being considered and asked staff whether there was any consideration of the inevitability of the future applications.

Planning Manager Christian said yes, he would share this discussion with senior staff. He further noted there is a Windsor to Hamlet project under consideration.

Mr. Riddle added that he recognized the lack of comfort and he stated that his intention was to improve the structure over a number of years. He questioned whether residential was the best use of the surrounding property.

Board Member Strahler confirmed that this board's recommendation was advisory.

Board Member Maletz moved to approve ZC-78-2025, subject to the condition in the staff report, subject to staff approval. Acting Chair Brown seconded the motion.

Upon roll call: Mr. Maletz yes, Mr. Brown yes, Ms. Moore yes, Mr. Strahler no. The motion passed with three votes in favor and one vote against approval of the zoning.

Board Member Strahler explained that he voted no because he did not want to approve rezoning without a more comprehensive plan for the residential area along SR 605.

Mr. Underhill thanked the board and assured them that more detail would be provided on final development.

#### VII. Other business

Master Sign Plan Update

Blake Kuhn of Wesley & Roberts delivered the Master Sign Plan Update.

Board Member Maletz needed to excuse himself, but commented that he thought the plan was very much on point.

Board Member Davie asked whether the meeting was still considered an open meeting if the board was viewing materials in the conference room.

Planning Manager Christian answered yes, the meeting was still open to the public. Despite the fact that the materials in the conference room were not visible on the stream, the public could come to Village Hall and view the materials in person. Furthermore this was an item of Other business and there would not be a vote taken on the plan.

#### VIII. Adjourn

Having no further business and having completed their agenda, Board Member moved to adjourn the October 13, 2025 meeting of the New Albany Architectural Review Board. Board Member Davie seconded the motion.

Upon roll call: Ms. Moore yes, Mr. Davie yes, Mr. Brown yes, Mr. Strahler yes. Having four yes votes, the motion passed and the October 13, 2025 meeting was adjourned.

**Appendix** 

ARB-66-2025

**Staff Report** 

**Record of Action** 

ARB-81-2025

**Staff Report** 

**Record of Action** 

ARB-76-2025

**Staff Report** 

**Record of Action** 

ZC-78-2025

**Staff Report** 

Record of Action



#### **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.
  - o 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.
  - 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.
  - o 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 is 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.

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:

Address:

Signature:

Date:

7517 Ogden woods Blud

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Address:

Signature: Date:

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Name: <u>Kristina Redgrave</u>

Address: 7504 Ogden Woods Blvd, New Albany, OH 43054

Signature: Medgrave

Date: 10 | 14 | 25

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: Gustav + Danielle Nyquist

Address: 4991 Yantis Drive

Signature: Name Ning

Date: 10/14/25



# 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 intented 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
- 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



# 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

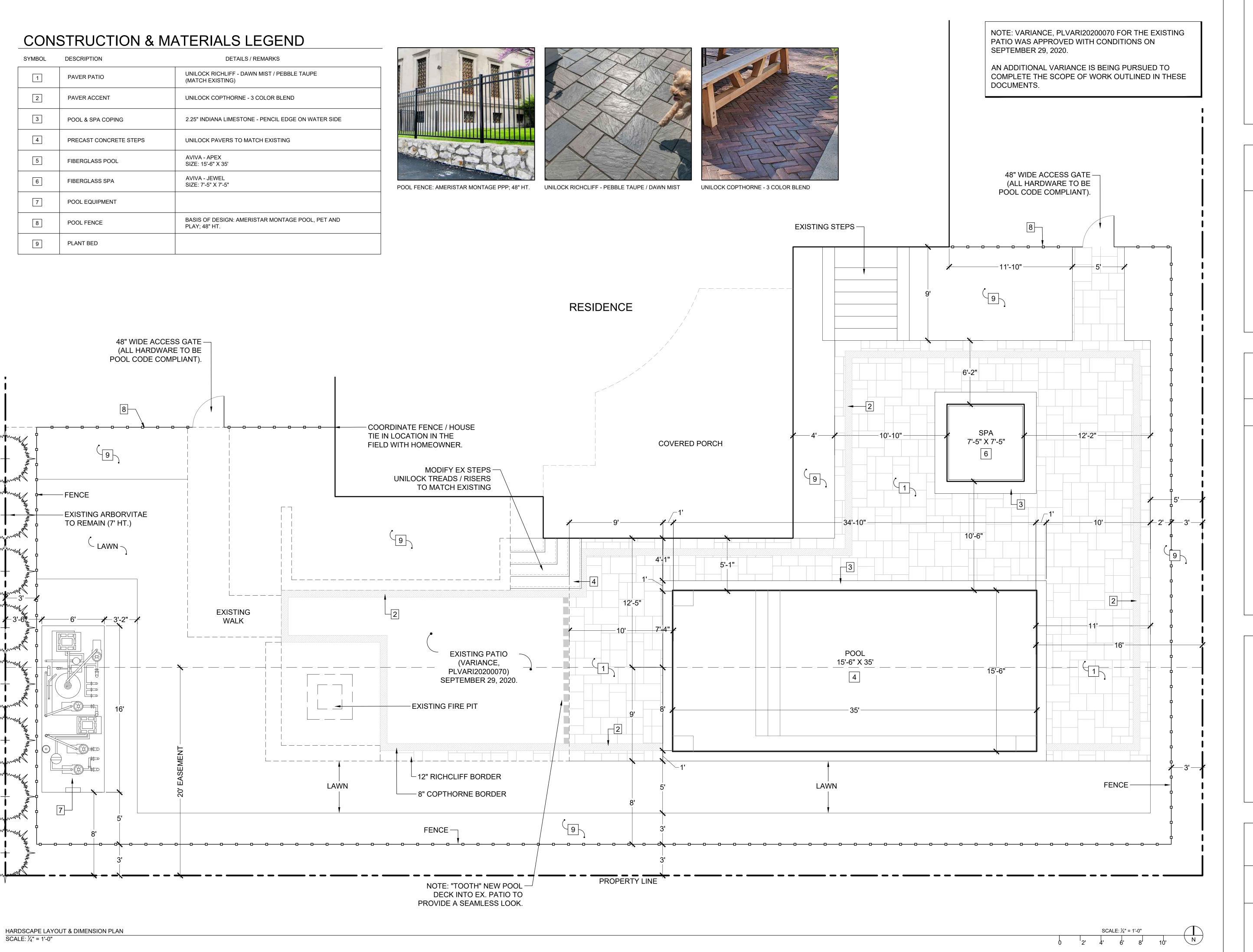
NOTE: VARIANCE, PLVARI20200070 FOR THE EXISTING PATIO WAS APPROVED WITH CONDITIONS ON SEPTEMBER 29, 2020.

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

ISSUE DATE: 10.13.2025

SHEET TITLE:

SHEET NUMBER:





# PROJECT INFORMATION

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JAMES & KINDER ROTH

PROJECT NAME:

7503 Ogden Woods Blvd.

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# BIDDING DOCUMENTS

NOT FOR CONSTRUCTION

REVISION

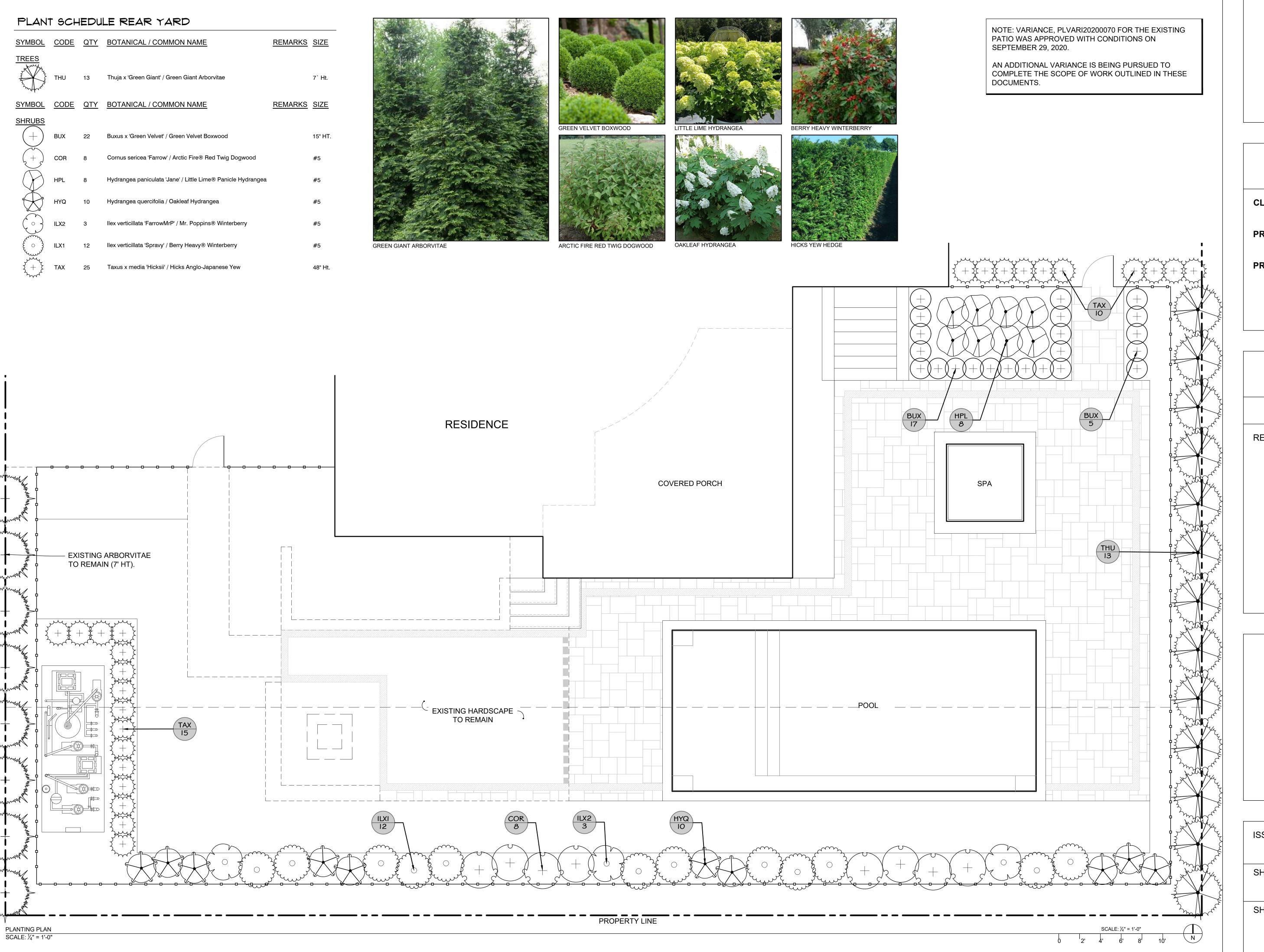
ISSUED

ISSUE DATE: 10.13.2025

SHEET TITLE:
HARDSCAPE LAYOUT &
DIMENSION PLAN

SHEET NUMBER:

L-1.0



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

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:

1440 Alphath Rd New Abann Ott 43054

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

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Name: Address:

Signature:

Date:

82, New Albany OH 43054

October 27, 2025

(D) 27/25

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



# **Community Development Department**

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

Dear James Roth,

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**

Thursday, October 30, 2025

The New Albany Board of Zoning Appeals took the following action on 10/27/2025.

## Variance

**Location:** 7503 OGDEN WOODS BL

Applicant: James Roth,

**Application:** PLVARI20250086

Request: 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).

Motion: To Table

**Commission Vote:** Motion Tabled, 4-1

**Result:** Variance, PLVARI20250086 was Tabled, by a vote of 4-1.

Recorded in the Official Journal this October 30, 2025

Condition(s) of Approval: N/A

Kylis Blackburn

Staff Certification:

Kylie Blackburn

Planner