



New Albany Board of Zoning Appeals Meeting Agenda

February 23, 2026, 6:30 p.m.

Members of the public must attend the meeting in-person to participate and provide comments at New Albany Village Hall, 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 November 24, 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-07-2026 Invisible Fence Variance

Variance to allow an invisible fence to remain located within a platted buffer area at 7365 Milton Court (PID: 222-002043).

Applicant: Aman and Michelle Singh

Motion of acceptance of staff reports and related documents into the record for VAR-07-2026.

Motion of approval for application VAR-07-2026 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

1. Annual Organizational Meeting

VIII. Poll members for comment

IX. Adjournment



New Albany Board of Zoning Appeals
November 24, 2025, Meeting Minutes - DRAFT

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Monday, November 24, 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. Thereupon the following members answered:

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

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

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

II. Action on minutes October 27, 2025

Chair LaJeunesse asked if there were any corrections to the October 27, 2025 meeting minutes.

Hearing none, Board Member Jacob moved for approval of the October 27, 2025 meeting minutes. Board Member Wood seconded the motion.

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

IV. Additions or corrections to the agenda

Chair LaJeunesse administered the oath to all present who wished to address the board. Thereafter he introduced the first and only case on the agenda and asked to hear the staff report.

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

Planner I Blackburn delivered the staff report.

Chair LaJeunesse asked if there was additional information since the prior meeting when the application was tabled.

Planner I Blackburn indicated the location of additional landscaping.

Chair LaJeunesse asked the board if they had questions for the applicant.

Board Member Samuels moved to admit the staff reports and related documents into the record for VAR-86-2025. Board Member Schell seconded the motion.

Upon roll call: Ms. Samuels yes, Mr. Schell yes, Mr. Jacob yes, Mr. Wood 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 Wood further reviewed and confirmed the landscaping changes.

Board Member Schell asked whether additional letters of support had been received.

Planner I Blackburn answered yes and responded that they were on the dias.

Council Member Shull confirmed the location of the property and fence lines.

Council Member Shull remarked that it appeared as if all of the landscaping is in the easement.

Board Member Jacob noted that the project will not be visible from the street.

Applicant James Roth clarified that flipping the design would result in the project being visible from the street and would create complexity with the location of the steps. He stated that he attempted to call the neighbors, Mr. and Mrs. Lee multiple times. Although they never actually spoke, Mr. Lee responded that his position had not changed.

Chair LaJeunesse recognized the neighbor, Jason Lee. Mr. Lee stated that he was not surprised that other neighbors supported this project, they were not impacted like his property is impacted. He remarked that he understood Mr. Roth's desire for a pool. He himself had searched hard for a property that would accommodate a pool. He asserted that installation of this pool would decrease the value of his property and would set precedent in this neighborhood. If this is approved, nothing will prevent the neighbors from asking for the same thing.

Chair LaJeunesse asked how Mr. Lee's property value would be decreased.

Mr. Lee explained that it would decrease the set back area. He remarked that there is room for a smaller pool.

Chair LaJeunesse stated that there was precedent for encroachment with the approval of the existing patio.

Mrs. Lee stated that she was fine with the existing patio. She does not oppose the existing encroachment of the patio, but a pool brings more noise. She wants the neighbors to use their yard, but some lots are too small for a pool. She remarked that the existing trampoline is already noisy.

Board Member Wood asked if the diminished value argument had been researched.

Mr. Roth explained that he reached out to three realtors and they said that the neighbors having a pool negated the diminished value argument. He stated that they will always be respectful of the neighbors and there will be no difference in noise from the trampoline.

Board Member Schell asked for the location of the additional landscaping.

Mr. Roth indicated the location on the site plan and further explained that they planned to work with the city engineer.

Chair LaJeunesse asked for the location of the pool utilities and confirmed that the city engineer would be approving their location.

Mr. Roth indicated the location and explained that it is in the general area of the neighbors' pool equipment. He stated that safety was prudential and further confirmed that the neighbors to the west had approved the location of the pool equipment.

Chair LaJeunesse asked for further questions or comments.

Hearing none, Board Member Jacob moved to admit the documents including the newly submitted documents. Board Member Wood seconded the motion.

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

Chair LaJeunesse moved for approval of VAR-86-2025 based on the findings in the staff report with the conditions in the staff report, subject to staff approval. Board Member Wood seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Wood no, Ms. Samuels yes with comment, to wit: this was a contentious situation between neighbors, the *Duncan* factors were present in this situation. This is a finite rubric as noted in the staff report. Mr. Schell yes, noting that he voted yes due to the prior approval of the patio. Having four yes votes and one no vote, the motion passed and the variance was granted.

Board Member Wood explained that he voted no because he did not find that the *Duncan* factors weighed in favor of approval. He further noted that the ordinances treat patios and pools differently.

The board thanked all present and wished them good luck.

VIII. Poll members for comment

Board Member Jacob offered his congratulations to Board Member Schell on his recent election to the Plain Township Trustees. He thanked him for his tireless work and excellent example.

IX. Adjournment

Having completed their agenda and having no further business, Board Member Samuels moved to adjourn the meeting. Board Member Wood seconded the motion.

Upon roll call: Ms. Samuels yes, Mr. Wood yes, Mr. LaJeunesse yes, Mr. Jacob yes, Mr. Schell yes. Having five yes votes, the motion passed and the November 24, 2025 meeting of the New Albany Board of Zoning Appeals was adjourned.

Submitted by: Deputy Clerk Madriguera, Esq.

Appendix

VAR-86-2025

Staff Report and related documents

Record of Action



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.

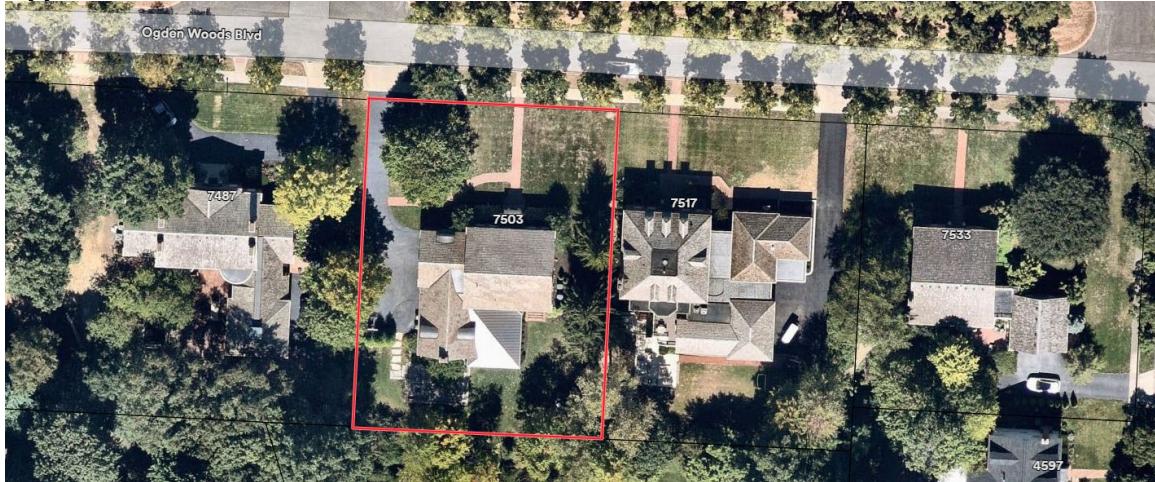
VI. ACTION

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 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

Tuesday, November 25, 2025

The New Albany Board of Zoning Appeals took the following action on 11/24/2025 .

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 Approve with Conditions

Commission Vote: Motion Approval with Conditions, 4-1

Result: Variance, PLVARI20250086 was Approval with Conditions, by a vote of 4-1.

Recorded in the Official Journal this November 25, 2025

Condition(s) of Approval:

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.

Staff Certification:

A handwritten signature in black ink that reads "Kylie Blackburn".

Kylie Blackburn
Planner

NEW
ALBANY
COMMUNITY CONNECTS US
Board of Zoning Appeals Staff Report
February 23, 2026 Meeting

7365 MILTON COURT
BUFFER AREA VARIANCE

LOCATION: 7365 Milton Court (PID: 222-002043).
APPLICANT: Aman & Michelle Singh
REQUEST: (A) Variance to allow an invisible fence to remain located within a platted buffer area.
ZONING: R-2
STRATEGIC PLAN: Residential
APPLICATION: VAR-07-2026

Review based on: Application materials received on January 22, 2026.

Staff report prepared by Kylie Blackburn, Planner.

I. REQUEST AND BACKGROUND

The applicant requests a variance to allow an existing invisible fence to remain located within a platted buffer area as referenced on Note N on The New Albany Country Club Section 15A plat where no work is permitted to occur that would alter the natural state of the area.

In December 2025, staff received a complaint regarding work within the buffer area. Upon inspection, staff confirmed the installation of an invisible fence. The work involved moving dead leaves to allow placement of the invisible fence line and marker flags; however, no trees were removed or disturbed, and no structures were constructed. Although the impact is minimal, the recorded plat notes prohibit any alteration of the buffer's natural state. The property owner is therefore requesting a variance to permit the existing invisible fence.

On December 20, 2021, the applicant requested a variance (VAR-126-2021) to allow a playground and a fence to be in the buffer area. During the meeting, the property owner removed the request to have the playground remain in the buffer area and asked the board to only consider the fence location as part of the variance request, this variance was denied. In their denial for the fence, the BZA stated that approving the variance request would not preserve the spirit and intent of the buffer area requirement which was put in place at the time of rezoning. The board agreed that the property could still be enjoyed without granting the variance request and did not note of any special conditions or circumstances that would justify granting the request. The applicant returned on July 25, 2022, to request a variance (VAR-74-2022) to allow a playground to be located within the platted buffer area, which was approved with conditions.

II. SITE DESCRIPTION & USE

The .52-acre property is located within section 15 of the New Albany Country Club community, contains a single-family residential home, and is surrounded by residentially zoned and used properties.

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.*

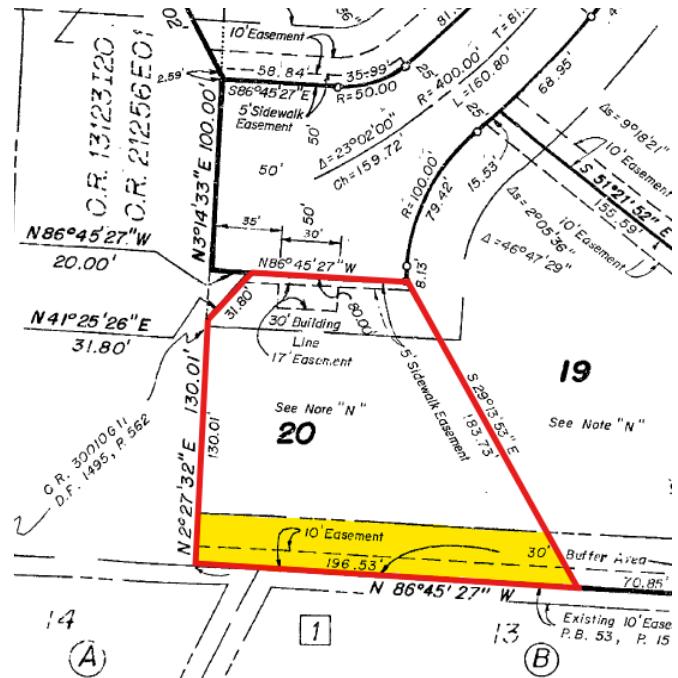
IV. ASSESSMENT

Consideration and Basis for Decision

Variance to allow an invisible fence to remain located within a platted buffer area.

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

1. There is a platted buffer area that extends 30 feet into the property beginning at the rear lot line. The image below shows the property outlined in red and the buffer area in yellow:



2. The plat states that no structure or building shall be located in a buffer area, nor shall any work be performed within the buffer area that would alter the natural state of the area. The plat does allow for maintenance within easements located within the buffer area and the removal of dead and diseased trees and/or vegetation.
3. The applicant proposes to allow the existing invisible fence to remain in the buffer area. The invisible fence is located around the entire property and is fully within the property boundaries.
4. The applicant installed the invisible fence for a new dog that is meant to help with their son, who has autism spectrum disorder and intellectual delay. The son understands the property line is at the tree line, and it would be difficult for him to learn the invisible fence boundary if it were in the middle of the yard, outside of the buffer area. The applicant feels that moving the invisible fence would be an unnecessary hardship that prevents reasonable use of the full property.
5. There are special conditions and circumstances of this property that justify the variance request. The property is located on a cul-de-sac so the width of the front of the lot is smaller than a lot that is not located on a cul-de-sac. The width of the front of the property is 160+/- feet and widens to approximately 390 feet at the rear. Cul-de-sac lots are typically wider at the rear of the property to account for the bend in the road. This shape necessitates the home be built further from the street yard in order to provide adequate space to construct a home while meeting other setback requirements. This constraint, in addition to the 30-foot buffer area in the rear yard creates unique conditions and circumstances with smaller rear yard and buffer area limit where a standard fence can be located on this property. If the applicant were to install a fence outside of the buffer area, it would significantly reduce the usable rear yard. The purpose of the buffer is not to restrict property owners from accessing the area, but to preserve and protect its natural character.
6. It does not appear that the spirit and intent of the requirement would be fully met if the variance is approved. The purpose of the buffer area is to remain in its natural and undisturbed state. Although the applicant has altered the area by installing an invisible fence, the nature of the fence allows the buffer to continue functioning and appearing as a natural, unaltered area. Although not required by city code, this buffer area is established as a requirement of the recorded plat. It provides screening for adjacent properties and preserves the site's existing natural features. While the applicant did alter this buffer area, the installation of the invisible fence had minimal impact on the state of the buffer area. The invisible fence will allow for vegetation to grow over it and still have the screening

effect on neighboring properties compared to a physical fence and allowing it to still function the way it was intended. Below are images of the invisible fence installation locations (flags are temporary) as seen in the images the grass was not disturbed:



7. The city engineer reviewed the plat notes for the buffer area and expressed no concerns regarding its location, noting that a utility box is located within the buffer on a neighboring property. The invisible fence will not impede continued vegetation growth within the buffer. While the City does not regulate invisible fences and no permit is required, installation within an area designated to remain unaltered under the plat necessitated the review.
8. The variance request does not appear to be substantial. Although the buffer area was altered, the natural state of the area is still being maintained. The invisible fence was installed in a way that has little to no impact on the area and allows for the continued growth of vegetation in the buffer area.
9. Although the issue could be solved in another manner other than granting the variance request, relocating the invisible fence outside of the buffer area could cause more disruption to the buffer area.
10. The proposed variance would not significantly alter the character of the neighborhood or create a substantial detriment to adjacent properties. Once the flags are removed, the fence will be invisible and allow for the continued growth of vegetation in the buffer area, therefore not altering the character of the neighborhood. The fence will not affect drainage in the area, so there would be no substantial detriment to other properties. Overall, the fence will allow the area to still be a natural visual buffer between properties. It is important to note that in the past, this buffer area has been altered by previous and current property owners, which has caused alterations to the character of the neighborhood.

11. 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.
12. Granting the variance will not adversely affect the delivery of government services.

V. SUMMARY

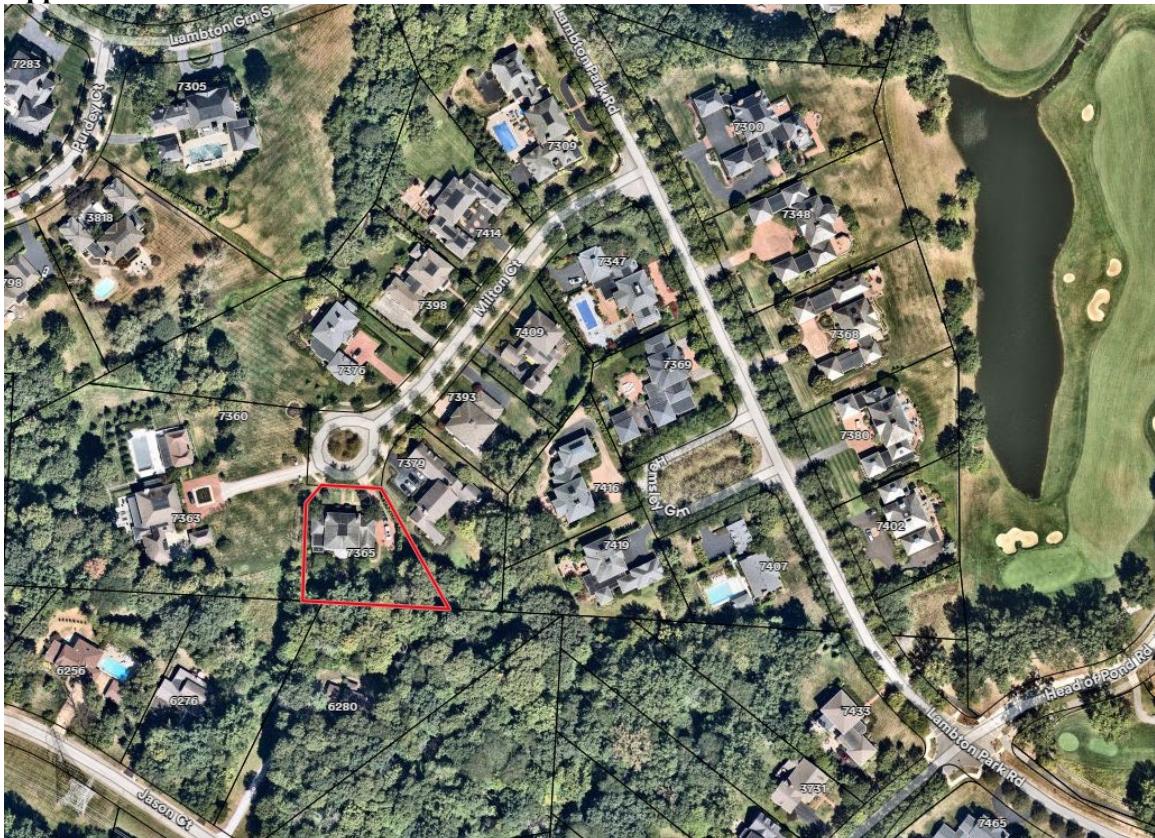
The applicant proposes keeping the existing invisible fence located within the platted buffer area. Due to its underground installation and lack of visible components, the fence does not create any visual impact or disruption to the buffer. While the original installation resulted in minor disturbance to the natural state of the area, the methods used were minimally invasive and allowed for continued vegetation growth within the buffer area. Allowing the fence to remain in place will allow the applicant to maintain full use of their yard without further impacting the area. Relocating or removing the fence at this time could result in additional disturbance to the buffer. The city engineer has reviewed the applicable plat notes and has no concerns with the fence remaining as installed. Additionally, the city does not currently require permits for invisible fences.

VI. ACTION

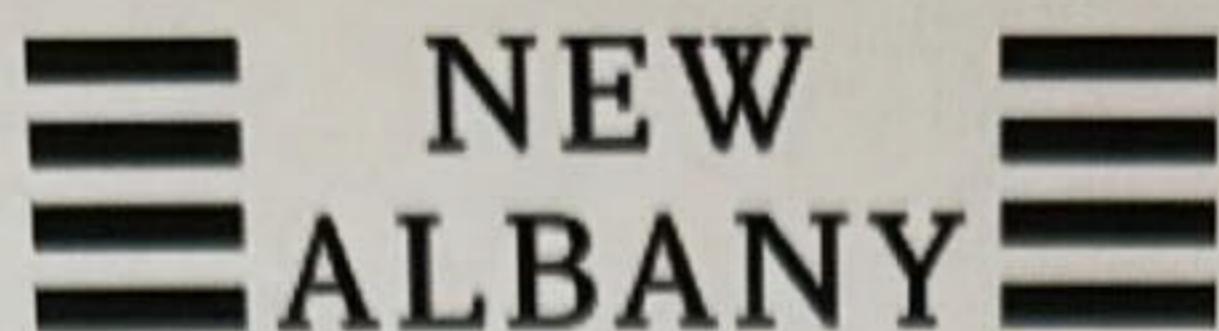
Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motion would be appropriate:

Move to approve application VAR-07-2026 based on the findings in the staff report (conditions of approval may be added).

Approximate Site Location:



Source: NearMap



Community Development Planning Application

Submission	Submit planning applications and all required materials via email to planning@newalbanyohio.org																																
Project Information	<p>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.</p> <p>Site Address <u>7365 MILTON CT. NEW ALBANY, OH 43054</u> Parcel Numbers <u>222-002675 SEC 15A LOT 20</u> Acres <u>0.5</u> # of lots created <u>1</u></p>																																
Contacts	<table border="1"><tr><td colspan="2">Choose Application Type</td><td>Description of Request:</td></tr><tr><td><input type="checkbox"/>Appeal</td><td><input type="checkbox"/>Extension Request</td><td><u>VARIANCE REQUEST TO ALLOW AN INVISIBLE UNDERGROUND FENCE LINE TO REMAIN INSTALLED WITHIN THE PLATTED BUFFER ZONE.</u></td></tr><tr><td><input type="checkbox"/>Certificate of Appropriateness</td><td><input checked="" type="checkbox"/>Variance</td><td><u>ADDITIONAL DETAILS ARE INCLUDED WITH THIS APPLICATION.</u></td></tr><tr><td><input type="checkbox"/>Conditional Use</td><td><input type="checkbox"/>Vacation</td><td></td></tr><tr><td><input type="checkbox"/>Development Plan</td><td></td><td></td></tr><tr><td><input type="checkbox"/>Plat</td><td></td><td></td></tr><tr><td><input type="checkbox"/>Lot Changes</td><td></td><td></td></tr><tr><td><input type="checkbox"/>Minor Commercial Subdivision</td><td></td><td></td></tr><tr><td><input type="checkbox"/>Zoning Amendment (Rezoning)</td><td></td><td></td></tr><tr><td><input type="checkbox"/>Zoning Text Modification</td><td></td><td></td></tr></table>			Choose Application Type		Description of Request:	<input type="checkbox"/> Appeal	<input type="checkbox"/> Extension Request	<u>VARIANCE REQUEST TO ALLOW AN INVISIBLE UNDERGROUND FENCE LINE TO REMAIN INSTALLED WITHIN THE PLATTED BUFFER ZONE.</u>	<input type="checkbox"/> Certificate of Appropriateness	<input checked="" type="checkbox"/> Variance	<u>ADDITIONAL DETAILS ARE INCLUDED WITH THIS APPLICATION.</u>	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Vacation		<input type="checkbox"/> Development Plan			<input type="checkbox"/> Plat			<input type="checkbox"/> Lot Changes			<input type="checkbox"/> Minor Commercial Subdivision			<input type="checkbox"/> Zoning Amendment (Rezoning)			<input type="checkbox"/> Zoning Text Modification		
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<p>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.</p> <p>Signature of Owner <u>Aman.1/21</u> Signature of Applicant <u>Michelle Singh</u> Date: <u>1/22/2026</u> Signature of Owner <u>Aman.1/21</u> Signature of Applicant <u>Michelle Singh</u> Date: <u>1/22/2026</u></p>																																	

Department Address: 7815 Walton Parkway • New Albany, Ohio 43054 • Phone 614.939.2254

Mailing Address: 99 West Main Street • P.O. Box 188 • New Albany, Ohio 43054

Information

Applicant Name: Aman and Michelle Singh

Applicant Address: 7365 Milton Court New Albany, OH 43054

Applicant Phone: [REDACTED]

Legal Description of Property:

MILTON

NEW ALBANY

COUNTRY

CLUB SEC 15A LOT 20

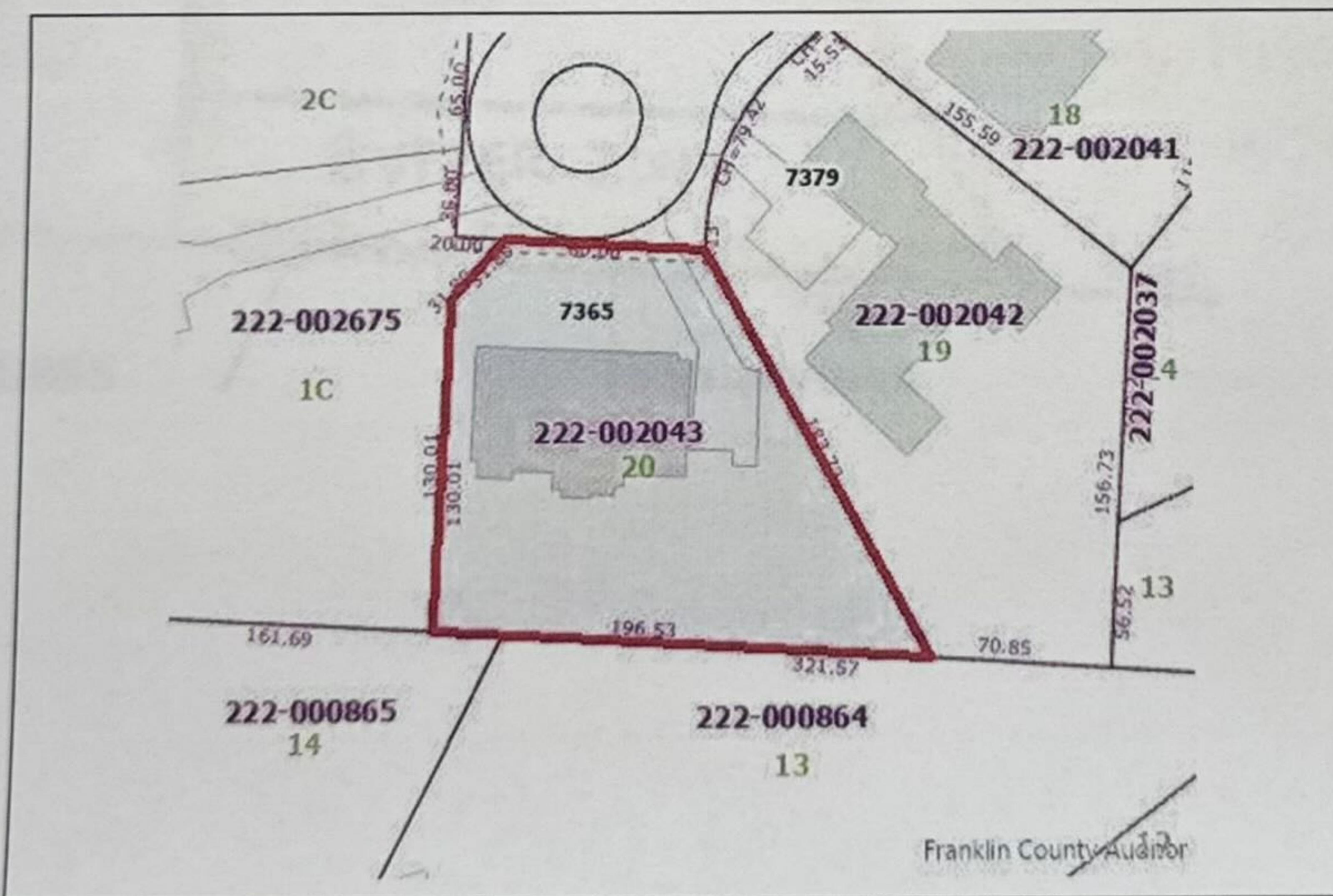
Applicable Provisions of the New Albany Code of Ordinances: New Albany Country Club Section 15A Plat

New Albany, Ohio Code of Ordinances / Part 11 Planning and Zoning / Title 9 Subdivision Control / Chapter 1187 – Subdivision Regulations

Names and Addresses of All Property Owners within 200 feet contiguous to and across the street from the property:

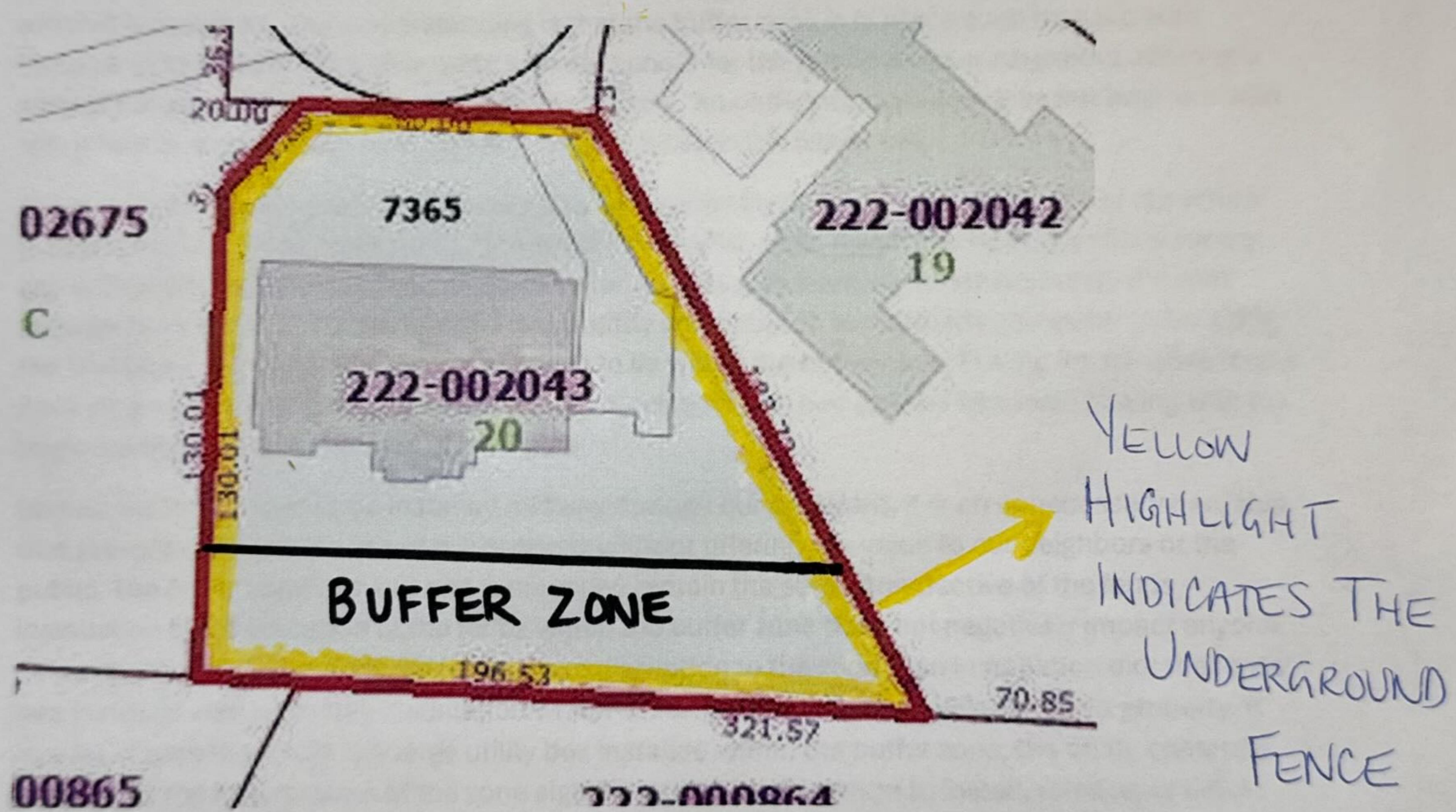
1. Derek and Jennifer Snook 7363 Milton Court New Albany, OH 43054
2. Asif and Farhana Hasan 7379 Milton Court New Albany, OH 43054
3. Stuart Burgdoerfer 7376 Milton Court New Albany, OH 43054
4. Girish Hiremath and Pallavi Royal 7393 Milton Court New Albany, OH 43054
5. Francis Sudol 6280 Jason Court New Albany, OH 43054
6. Phillip Wilson 6276 Jason Court New Albany, OH 43054

Plot Plan – from the Franklin County Auditor



Plot Plan Notes:

- The invisible dog fence has been installed along the highlighted path in the drawing below
- As indicated, the fence is partially installed within the buffer zone
- Both neighbors at the properties located on either side of our home, Property 222-002042 Lot 19 (Hasan) and Property 222-002675 Lot 1C (Snook) have provided letters of support for our variance request



Variance Request – Narrative Statement

Through this letter, we are requesting a formal variance to allow an invisible, underground dog fence to be installed around the perimeter of our property (7365 Milton Court) which partially falls within the platted buffer zone. The buffer zone runs in the middle of our backyard, and therefore, without an approved variance, prevents us from installing the fence around the full perimeter of our property and allowing our dog to enjoy full use of our property.

When we installed the fence, we did not realize that we were not able to install it around the perimeter of our property and partially within the buffer zone without an approved variance because it is invisible. The fence remains in harmony with the intent of the zoning code and is not detrimental or noticeable to our neighbors or the public in any way. The fence is 100% underground, invisible, and unobtrusive and does not interfere with the natural state of the buffer zone. The fence does not interfere with the growth or natural development of the trees, shrubbery, or grass under which it is installed. Our understanding is that the buffer zone is in place such that the area remains in its natural state to provide a visual benefit for the public and our neighbors, offering a view of nature unimpacted by structures or objects. An underground fence does not interfere with this intent in any way and is completely undetectable to the naked eye.

The benefit of this requested variance is to allow our family to enjoy reasonable use of our entire property without undermining zoning intent for the buffer zone. It will also be very difficult for my son with autism spectrum disorder and intellectual delay to learn the fence boundary if it runs through the middle of our back yard. He currently understands our property perimeter to be along the tree line in our backyard, which happens to lie within the buffer zone. Pulling the invisible fence back midway through our backyard will be confusing for him and prevent him from playing with his dog properly within the bounds of her fence.

Should the fence need to be installed midway through our backyard, it is an unnecessary hardship that prevents reasonable use of our property without offering any value to our neighbors or the public. The buffer zone's layout and topography remain the same irrespective of the fence installation and installation of the fence within the buffer zone does not negatively impact anyone. Removing the fence would likely cause more disruption to the zone than installation did; the fence was installed with razor thin installation which is designed to minimally disrupt one's property. It may be of note that there is a large utility box installed within the buffer zone; the utility company can disrupt the natural state of the zone significantly at its discretion to install, remove, or adjust utility lines, and the presence of the large utility box itself is a disruption to the natural state and beauty of the property.

We have included letters of support for installation of the fence from neighbors whose properties are adjacent to ours; these neighbors have the highest visibility of our property from their own homes. In addition, we have provided a plans drawn to scale highlighting the desired installation location of the underground invisible fence.

Thank you for your consideration of our application.

Sincerely,

Aman and Michelle Singh

Neighbor Support Letter for Zoning Variance Application

Applicant: Aman and Michelle Singh

Property Address: 7365 Milton Court New Albany, OH 43054

Variance Request: To allow an invisible, underground dog fence to remain installed **along the** property perimeter, a portion of which runs through a platted buffer zone.

To Whom It May Concern:

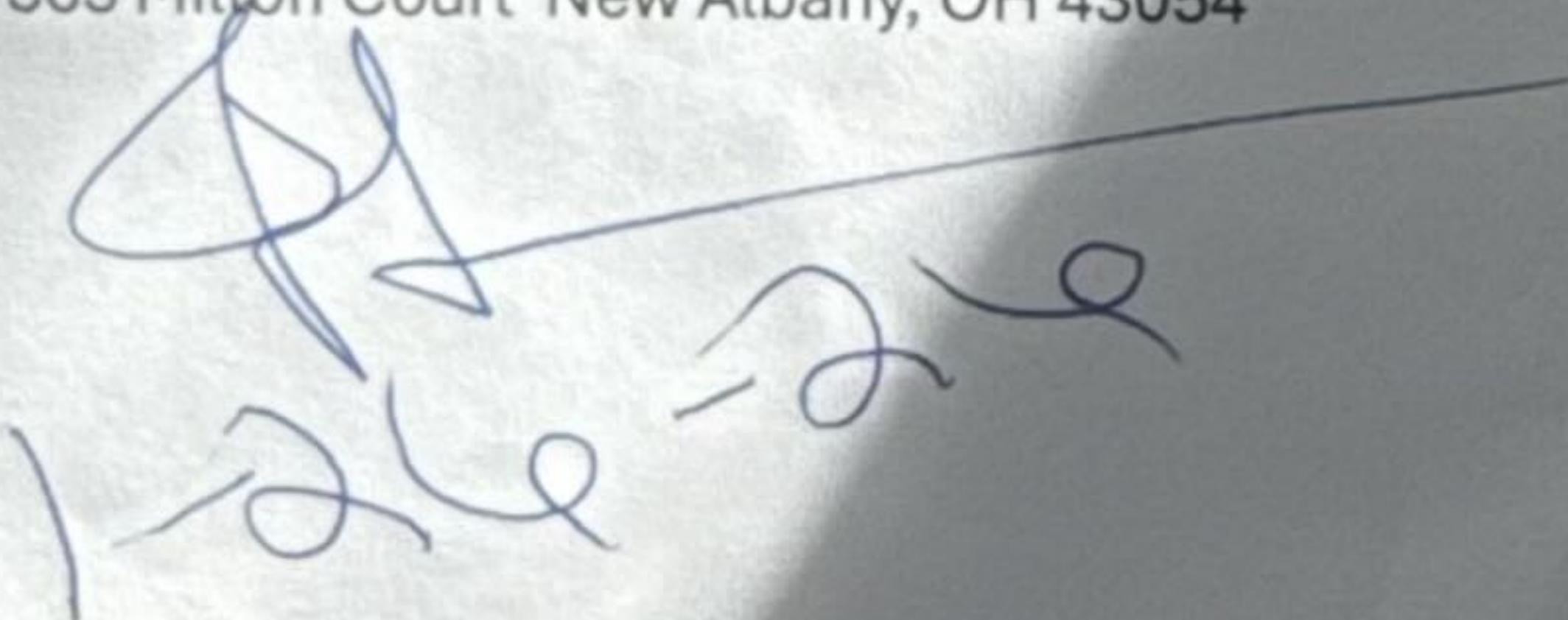
As a nearby resident of 7365 Milton Court, I support the variance request for installation of an underground, invisible dog fence along the property perimeter as it represents a reasonable enhancement to the property that does not impact my privacy or property value and does not interfere with the natural topography or visible beauty of the buffer zone.

Name: Derek and Jennifer Snook

Address: 7363 Milton Court New Albany, OH 43054

Signature:

Date:

A handwritten signature in blue ink, appearing to read "Derek and Jennifer Snook". The signature is fluid and cursive, with "Derek" and "Jennifer" on the top line and "Snook" on the bottom line.

Neighbor Support Letter for Zoning Variance Application

Applicant: Aman and Michelle Singh

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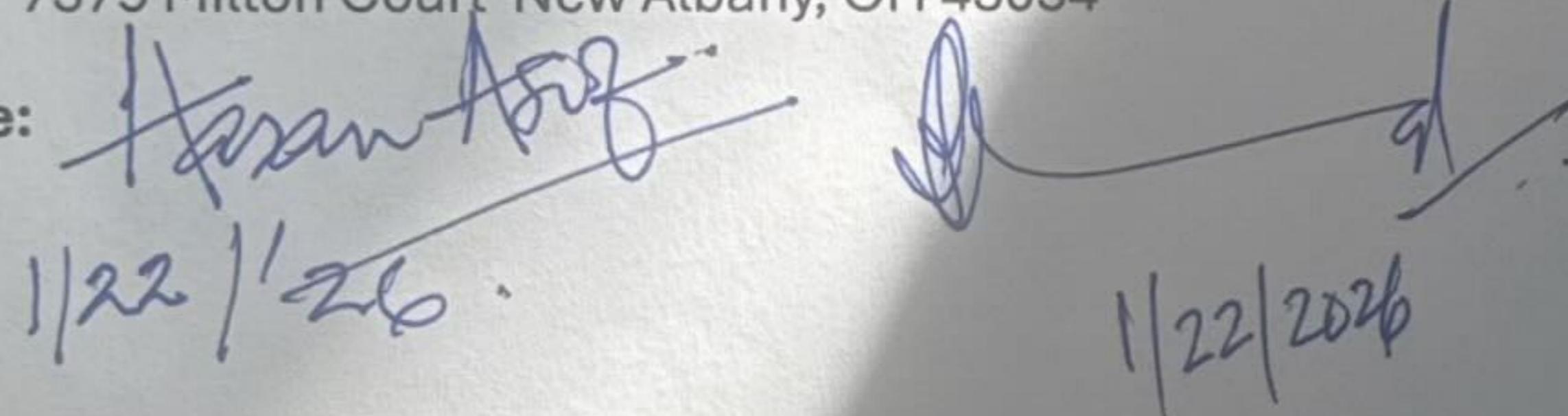
To Whom It May Concern:

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Name: Asif and Farhana Hasan

Address: 7379 Milton Court New Albany, OH 43054

Signature:

A handwritten signature in blue ink, appearing to read "Asif and Farhana Hasan". The signature is written in a cursive style with a blue ink pen.

Date:

1/22/26

1/22/2026

Neighbor Support Letter for Zoning Variance Application

Applicant: Aman and Michelle Singh

Property Address: 7365 Milton Court New Albany, OH 43054

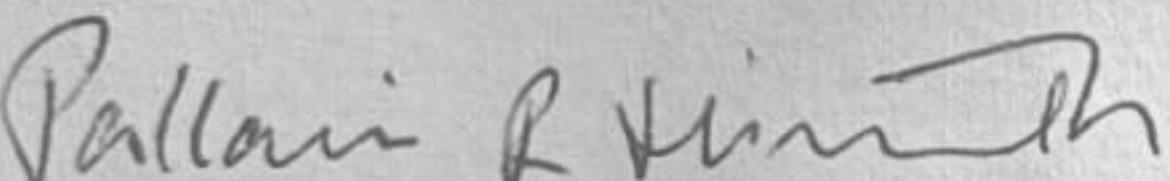
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Name: Girish Hiremath and Pallavi Royal

Address: 7393 Milton Court New Albany, OH 43054

Signature: 

Date: 1/22/2026