



New Albany Board of Zoning Appeals
February 23, 2026 Meeting Minutes – Approved

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Monday, February 23, 2026 in the New Albany Village Hall. Chair LaJeunesse called the meeting to order at 6:30 p.m. and asked to hear the roll.

II. Roll call

Those answering the roll:

Mr. LaJeunesse	present
Mr. Jacob	present
Ms. Samuels	present
Mr. Wood	present
Council Member Kist	present

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

Staff members present: Law Director Albrecht, Planner I Blackburn, Planning Manager Christian, Planner II Saumenig, Deputy Clerk Madriguera

III. Action on minutes November 24, 2025

Chair LaJeunesse asked whether there were any corrections to the minutes.

Board Member Jacob noted that his name was missing from the vote line for VAR-86-2025.

Deputy Clerk Madriguera corrected the minutes.

Chair LaJeunesse asked if there were any further corrections.

Hearing none, Board Member Jacob moved to approve the November 24, 2025 minutes as corrected.

Board Member Wood seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Wood yes, Ms. Samuels yes, and Mr. LaJeunesse yes. Having four yes votes, the motion passed and the minutes were approved as corrected.

IV. Additions or corrections to the agenda

Chair LaJeunesse administered the oath to all present who wished to address the board. Thereafter he asked if there were any additions or corrections to the agenda.

Planner II Saumenig answered none from staff.

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

Chair LaJeunesse asked if there were any visitors present who wished to address the board for an item not on the agenda.

Hearing none, he introduced the first and only case and asked to hear from staff.

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

Planner I Blackburn delivered the staff report.

Board Member Jacob moved to admit the staff reports and related documents into the record for VAR-07-2026. Ms. Samuels seconded the motion.

Upon roll call: Mr. Jacob yes, Ms. Samuels yes, Mr. Wood yes, Mr. LaJeunesse yes. Having four yes votes, the motion passed and the staff reports and related documents were admitted into the record for VAR-07-2026.

Chair LaJeunesse invited Applicant Michelle Singh to speak in support of her application.

Ms. Singh thanked Planner I Blackburn and stated that she did not have much to add. She did not realize that she needed to request a variance to install the invisible fence. The invisible fence was a thin wire and was buried, and it is invisible.

Board Member Jacob thanked her for her letter explaining the request and for the additional context from the neighbors. He thanked her for explaining that she did not realize she needed a variance request. He then asked, moving forward, whether a future owner will be impacted and whether she planned to advise a future owner of the installation.

Ms. Singh said she will let future owners know. She reiterated that there is no visual impact, the wire is razor thin and is buried.

Law Director Albrecht remarked that there is no legal obligation to advise of dog fence.

Board Member Jacob asked whether the fence was only in the back yard or whether the fence encompassed the perimeter.

Ms. Singh responded that the invisible fence circles the property

Board Member Samuels asked where the flags for the invisible fence would be if it [the invisible fence] did not encroach in the buffer area.

Ms. Singh answered that it would go through the play set.

Council Member Kist indicated the back line of the property and indicated the extent to which the play set was in the buffer zone.

Board Member Wood confirmed that there was minimal disruption as a result of the installation and that it appeared to be limited to movement of leaves in the area.

Chair LaJeunesse explained the purpose of a hold harmless agreement and stated that such an agreement would protect everyone.

Law Director Albrecht agreed, but noted that there was not a utility easement here.

Council Member Kist asked about the purpose of the buffer zone and asked about the Please Don't Mow sign.

Planning Manager Christian explained the history of the property and prior code enforcement proceedings the result of which was the installation of a sign in order to prevent the property owner from mowing. The intent of the buffer zone is to preserve the natural area and vegetation. He further noted that utilities in that area are private and not public.

Council Member Kist observed that this application was the result of a call from a neighbor and he confirmed that the neighbor was given notice of the hearing. He asked whether staff had received any other complaints. He further remarked that it would be more invasive to remove it.

Planner I Blackburn agreed. She stated that [in addition to the complaint about the flags in the buffer zone] she has only received one call and it was a request for information. She further confirmed that the complainant was advised of the hearing.

Chair LaJeunesse stated that he was surprised that the installer did not know this was a preservation zone, they should be apprised of the rules in New Albany.

Planning Manager Christian added that a permit is not required for the installation of the fence.

Council Member Kist stated that a contractor would not have a reason to know.

Hearing no further questions, Chair LaJeunesse moved for approval of application VAR-07-2026 based on the findings in the staff report with the conditions listed in the staff report and the following additional condition, subject to staff approval:

That the property owner execute a hold harmless agreement.

Board Member Samuels seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Ms. Samuels yes, Mr. Wood yes, Mr. Jacob yes. Having four yes votes, the motion passed and the variance was granted subject to the condition as stated above.

The board wished the applicants good luck.

VII. Other business

Chair LaJeunesse called the annual organizational meeting to order.

Planner II Saumenig requested that the May 2026 meeting, if needed, occur on the Tuesday after Memorial Day, rather than on the Wednesday. This would be May 26th, rather than the 27th. Without objection the board agreed.

Chairperson

Board Member Wood nominated Mr. LaJeunesse to be chair. Board Member Jacob seconded the motion.

Upon roll call: Mr. Wood yes, Mr. Jacob yes, Mr. LaJeunesse yes, and Ms. Samuels yes. Having four yes votes, Mr. LaJeunesse was unanimously elected chair of the New Albany Board of Zoning Appeals.

Vice Chairperson

Board Member Samuels nominated Mr. Jacob to be vice chairperson. Chair LaJeunesse seconded the motion.

Upon roll call: Ms. Samuels yes, Mr. LaJeunesse yes, Mr. Wood yes, and Mr. Jacob yes. Having four yes votes, Mr. Jacob was unanimously elected vice chairperson of the New Albany Board of Zoning Appeals.

Secretary

Vice Chair Jacob nominated Ms. Samuels to be secretary. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. LaJeunesse yes, Mr. Wood yes, Ms. Samuels yes. Having four yes votes, Ms. Samuels was unanimously elected secretary of the New Albany Board of Zoning Appeals.

Establish Meeting Schedule for 2026 - 6:30 p.m. on the fourth Monday of the month at the New Albany Village Hall as the meeting time, date, and location.

Board Member Wood moved to establish 6:30 p.m. on the fourth Monday at the New Albany Village Hall as the time, date, and location of the 2026 meetings. Chair LaJeunesse seconded the motion.

Upon roll call: Mr. Wood yes, Mr. LaJeunesse yes, Mr. Jacob yes, Ms. Samuels yes. Having four yes votes, the motion passed and the 2026 schedule was established as recommended by staff.

VIII. Adjournment

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

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

Submitted by: Deputy Clerk Madriguera, Esq.


Appendix

VAR-07-2026

Staff Report

Updated Applicant Narrative

Record of Action


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.*

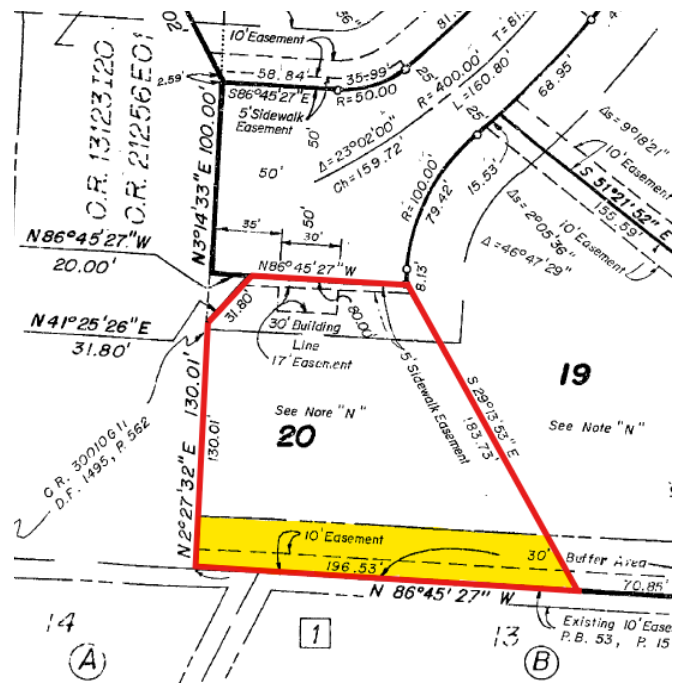
IV. ASSESSMENT

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

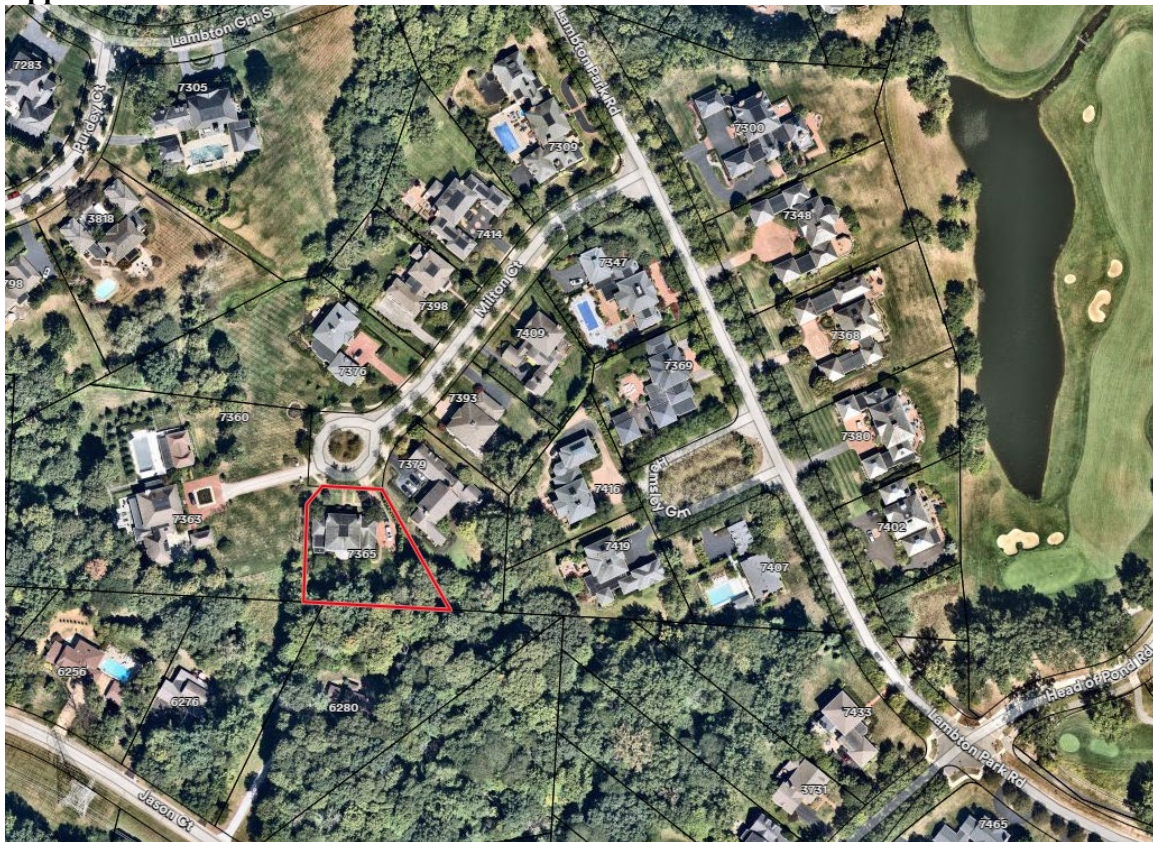
The applicant proposes keeping the existing invisible fence located within the platted buffer area. Due to its underground installation and lack of visible components, the fence does not create any visual impact or disruption to the buffer. While the original installation resulted in minor disturbance 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 Department

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

Dear Aman & Michelle Singh,

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, February 24, 2026

The New Albany Board of Zoning Appeals took the following action on 02/23/2026 .

Variance

Location: 7365 MILTON CT

Applicant: Aman & Michelle Singh,

Application: PLVARI20260007

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

Motion: To Approve with Conditions

Commission Vote: Motion Approval with Conditions, 4-0

Result: Variance, PLVARI20260007 was Approval with Conditions, by a vote of 4-0.

Recorded in the Official Journal this February 24, 2026

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

Staff Certification:

Kylie Blackburn
Planner