



New Albany Board of Zoning Appeals Meeting Agenda
April 27, 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 March 23, 2026

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-14-2026 7024 Gray Loop Patio Variance

Variance from C.O 1165.04(b)(3)(B) to allow a paver patio to encroach 3 feet into a utility easement at 7024 Gray Loop (PID: 222-002249).

Applicant: Suncraft Corporation, Inc. c/o James Knox

Motion of acceptance of staff reports and related documents into the record for VAR-14-2026.

Motion of approval for application VAR-14-2026 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VII. Other business

VIII. Poll members for comment

IX. Adjournment



New Albany Board of Zoning Appeals
March 23, 2026, Meeting Minutes – DRAFT

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Monday, March 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:

Shaun LaJeunesse	present
Abe Jacob	present
Tiana Samuels	present
Jeremiah Wood	present
Sarah Briggs	absent
Council Member Shull	present

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

Staff members present: Law Director Ben Albrecht, Planning Manager Chris Christian, Planner II Saumenig, Deputy Clerk Madriguera.

III. Action on minutes February 23, 2026

Chair LaJeunesse asked if there were any corrections or changes to the minutes.

Hearing none, Board Member Jacob moved for approval of the February 23, 2026 meeting minutes. Board Member Wood seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Wood yes, Ms. Samuels yes, Mr. LaJeunesse yes. Having four yes votes the motion passed and the February 23, 2026 meeting minutes were approved as submitted.

IV. Additions or corrections to the agenda

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

Planner II Saumenig said there was no change to the agenda but wanted to let the board know that Sarah Briggs was elected liaison from the planning commission. Commissioner Briggs could not make tonight's meeting but would see the board at their next meeting.

Chair LaJeunesse advised all present that they would need to affirm an oath of truthfulness in order to address the board.

Chair LaJeunesse introduced the first and only case on the agenda and asked to hear from staff.

VI. Cases

VAR-12-2026 Recreational Amenity Variance

Variance to C.O 1165.04(b)(3)(a) to allow a recreational amenity to remain within the front yard at 6528 Cedar Brook Drive (PID: 222-000837).

Applicant: Matthew and Kelli Sprosty

Planner II Saumenig delivered the staff report.

Board Member Samuels moved to accept the staff reports and related documents into the record for VAR-12-2026. 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 staff reports and related documents were admitted to the record of VAR-12-2026.

Chair LaJeunesse asked if the applicants had anything to add, noting that they were not obligated to speak.

Chair LaJeunesse opened the public hearing.

Nick Bories, 6152 Cedar Brook Drive.

Chair LaJeunesse administered the oath to Mr. Bories.

Mr. Bories told the board that he lives two houses down from the subject property and that the finishes of the rink were of high quality.

Jody Holman, 6516 Cedar Brook Drive.

Chair LaJeunesse administered the oath to Ms. Holman.

Ms. Holman advised the board that moving the rink so that a variance was no longer required would result in the rink being placed within the line of sight of two additional properties and it may impair enjoyment of the pond.

Chair LaJeunesse asked if there were questions from the board.

Board Member Samuels asked whether there was precedent in this area.

Planner II Saumenig answered that there was not.

Board Member Wood asked about the screening and how long it would take the trees to grow and fill in to true screening.

Applicant Matt Sprosty rose to respond to the question.

Chair LaJeunesse administered the oath to Mr. Sprosty.

Mr. Sprosty discussed the existing plantings and explained that they had additional plantings but they had not yet installed them because they received the notice from the city regarding these code enforcement proceedings.

Board Member Samuels stated that the board received notice about the sound and lighting and asked whether the board should examine those issues or just the location of the rink.

Planner II Saumenig answered that the board examines the location. She further explained that there is a noise ordinance that applies city wide.

Chair LaJeunesse noted that because this house is on a corner lot it has two front yards, and he confirmed that the front of the house is located on Central College Road because it has the least dimension.

Council Member Shull agreed and confirmed that the Central College frontage is the front yard and the rear lot line is the south property lot line.

Planner II Saumenig stated that the rink could be moved to the back yard and a variance would not be needed.

Chair LaJeunesse asked the Mr. Sprosty why he chose this location and why he did not seek a permit.

Mr. Sprosty explained that he read the rules and did not think he needed a permit because the rink is not a building and because it is temporary, he further stated that he chose this location because of the drainage.

Board Member Wood asked about the temporary nature of the rink, and whether it was taken down.

Mr. Sprosty explained that it is up all year round, but it is run with an extension cord. There are no concrete footings but there is gravel and the gravel had to be tamped down. He further explained that he checked with his neighbor prior to, and after building the rink. As a result of those conversations, the kids do not play after 8:30 p.m., they use softer balls, and the lights have been directed away from the neighbor's property.

Board Member Samuels explained that the board is required to support the word and spirit of the code, she further stated that permitting this would establish precedent. She asked about the burden of moving the rink.

Mr. Sprosty answered that they would need to rent the tamper and move or purchase new gravel. It could cost between \$1,000.00 - \$2,000.00.

There was discussion of whether the board should impose a time frame for moving or removing the rink.

Law Director Albrecht cautioned the board against imposing a time frame. Removal or moving the rink should occur in a reasonable amount of time.

Chair LaJeunesse explained that it is the board's duty to uphold the code, unfortunately the rink needs to be pushed back. He further stated that he would love to come and skate when the rink is moved.

Chair LaJeunesse administered the oath to Applicant Kelli Sprosty.

Ms. Sprosty asked whether the board could take into account that the neighbor did not want it moved to the permitted location. She further stated that she had no idea it was in the front yard. She explained how wet the yard is and the challenge of moving the rink. She asserted that people do not think of this location as the front yard and that they were willing to plant additional screening.

Chair LaJeunesse replied no, the neighbor's preference had no bearing on their decision. It was the code that is the determining factor.

Board Member Samuels added that the code requires that the recreational amenity project be beyond the primary structure.

Council Member Shull clarified that a decision to reject the request for a variance does not require the applicants to move the rink. He further stated that the board has reviewed many variance requests for pools on corner lots, but this is the first request for a recreational amenity of this type.

Hearing no further questions, Chair LaJeunesse moved to approve VAR-12-2026. Board Member Jacob seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Jacob no, Ms. Samuels no, Mr. Wood no. Having one yes vote and three no votes, the motion failed and the variance request was denied.

Board Member Jacob explained that regardless of his personal thoughts about the rink, he voted no because of the points raised in the neighbor letter, the language of the code, and the visual prominence of the amenity from Central College Road and from Cedar Brook Road, and because this amenity could be moved to a permitted location on the property.

Board Member Samuels apologized to the applicants and explained that she voted no because of the *Duncan* factors. This is a substantial variation from the code, granting this variance would establish precedent, and because there is a solution other than granting the variance.

Board Member Wood concurred. He apologized and explained that he voted no because he found that it would alter the essential character of the neighborhood, there is a compliant solution, and because it does not meet the language of the code.

VII. Other business

Chair LaJeunesse asked if there was any other business to come before the board.

Hearing none and having completed their agenda Board Member Wood moved to adjourn the March 23, 2026 meeting. Board Member Jacob seconded the motion.

Upon roll call: Mr. Wood yes, Mr. Jacob yes, Mr. LaJeunesse yes, Ms. Samuels yes. Having four yes votes, the motion passed and the meeting was adjourned at 7:20 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix


VAR-12-2026

Staff Report

Applicant Statement

Neighbor Letter

Record of Action


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

**6528 CEDAR BROOK DRIVE
RECREATIONAL AMENITY VARIANCE**

LOCATION: 6528 Cedar Brook Drive (PID: 222-000837).
APPLICANT: Matthew and Kelly Sprosty
REQUEST: Variance to C.O. 1165.04(b)(3)(a) to allow a recreational amenity to remain projected beyond the primary structure and within the front yard.
ZONING: R-1
STRATEGIC PLAN: Residential
APPLICATION: VAR-12-2026

Review based on: Application materials received on February 20, 2026

Staff report prepared by Sierra Saumenig, Planner II.

I. REQUEST AND BACKGROUND

The applicant requests a variance to allow an existing recreational amenity (“hockey rink”) to remain located within the front yard of a residential property.

In October 2025, staff received a complaint regarding a hockey rink that was installed within the front yard of a residential property. Staff conducted an inspection and confirmed that the hockey rink had been installed without the required building permit being submitted. Staff started the code violation process and notified the property owner via certified mail that the recreational amenity was installed without a permit.

On November 7, 2025, a city building inspector conducted an inspection and determined that the hockey rink does not contain a floor or structural components and, therefore, falls outside the scope of the building code. However, the city code is separate from the building code. The code defines an accessory structure as “a subordinate structure or surface.” While the hockey rink is not considered a structure, it contains a defined surface and therefore is classified as a recreational amenity under the city code. Staff also consulted with the City Attorney, who indicated that the hockey rink is functionally similar to a deck or patio and, as equipment used for a recreational activity, aligns with the general concept and spirit of a recreational amenity.

The property owner was notified and subsequently submitted a building permit application, which was denied because the hockey rink was installed in the front yard and projects beyond the primary structure. The property owner is requesting a variance to permit the existing hockey rink.

II. SITE DESCRIPTION & USE

The .87-acre property is located at the southeast corner of Central College Road and Cedar Brook Drive and 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 a recreational amenity to project beyond the front elevation of the primary structure and be located within the front yard

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

1. The subject property is a corner lot with frontage along both Central College Road and Cedar Brook Drive. The Codified Ordinance states that, for corner lots, the rear lot line is the line opposite and furthest removed from the front lot line with the least dimension. Because the property is a corner lot, any side of the house that fronts a public street is considered a front yard. In this case, the lot line along Central College Road has the least dimension and is therefore considered the front lot line. Accordingly, the rear yard is the portion of the lot located opposite Central College Road.

2. C.O. 1165.04(b)(3)(a) states that recreational amenities shall not project beyond any front elevation of the primary structure or be located within the front yard.
3. The applicant proposes to allow the existing hockey rink within the front yard to remain where it is located, therefore a variance is required. The hockey rink is approximately 40 feet in front of the primary structure and 50 feet from the right-of-way. The property owner has installed approximately 25 trees along the hockey rink on the northern and eastern side to assist with screening. Additionally, the hockey rink includes two affixed light posts spotlighted directly onto the playing surface (see below).



4. The variance request does appear to be substantial. Front yards are intended to remain free of any recreational amenities. A hockey rink located beyond the primary structure and within the front yard alters the streetscape and building pattern. Additionally, the hockey rink may function as a primary visual element within the front yard, rather than as an accessory use that is subordinate to the primary structure.
5. There may be special conditions and circumstances of this property that justify the variance request. The property is located on a corner lot, which results in two front yards. Because the ordinance treats both street-facing sides as front yards, the buildable area on the lot is more limited than that of a typical interior lot, creating a unique constraint.
 - However, approving this variance may set precedent for other properties in the area with similar lot configurations potentially leading to an increase in similar requests.
6. It does not appear that the spirit and intent of the requirement would be fully met if the variance is approved. The intent of requiring recreational amenities to be located behind the primary structure is to maintain a consistent streetscape, preserve the residential character of the neighborhood, and ensure that such accessory uses remain secondary and less visible from the public right-of-way.

7. The issue could be solved in another manner other than granting the variance request. The applicant could relocate the hockey rink behind the primary structure and meet the code requirement. However, since this is a corner lot the hockey rink would still be visible from Central College Road.
8. The proposed variance could alter the character of the neighborhood. The purpose of the code requirement is to maintain a consistent streetscape and building pattern. Having a hockey rink remain within the front yard introduces a recreational amenity in an area typically intended to remain open and free of recreational amenities which could disrupt the established visual pattern of the neighborhood and create a precedent for similar encroachments within front yard areas.
9. 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.
10. Granting the variance will not adversely affect the delivery of government services.

V. SUMMARY

The applicant proposes keeping the existing hockey rink projected beyond the primary structure and within the front yard. While this site is a corner lot which could be considered a unique circumstance, keeping the hockey rink in the front yard disrupts the established building pattern of the neighborhood as front yards are intended to be free of recreational amenities. As the hockey rink is not a permanent structure, it could be relocated behind the primary structure and meet code requirements.

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-12-2026 based on the findings in the staff report (conditions of approval may be added).

Approximate Site Location:



Source: NearMap

Response to Variance Criteria

Reasonable Return / Beneficial Use of Property

Without the requested variance, our ability to use our backyard as a recreational play space would be unnecessarily limited. The rink allows our children and their friends to safely participate in outdoor activities at home. Denying the variance would significantly limit this beneficial residential use of our property.

Substantial Nature of the Variance

The requested variance is minimal. The rink is a temporary recreational play surface, not a permanent structure, and it does not alter the land, utilities, or drainage. Its location already sits well back from the road and is screened by landscaping.

Character of the Neighborhood / Impact on Adjacent Properties

The rink does not alter the essential character of the neighborhood. It is a family-oriented residential community where children regularly play outside. The rink is visually screened, minimally visible from the road, and our direct neighbors expressed support when we discussed the placement beforehand. No substantial detriment to adjoining properties has occurred.

Impact on Government Services

The play area does not require utilities, infrastructure, or municipal services. Therefore, granting the variance would not adversely affect the delivery of government services.

Knowledge of Zoning Restrictions

When we purchased the property, we were not aware of any zoning restriction that would apply to a temporary backyard play area such as this. Our review of the city's permit requirements suggested no permit was necessary, which was reinforced by the building inspector's determination that the rink is not a structure.

Alternative Solutions

Because the rink is already located behind our home and significantly screened from the road, moving it slightly would not meaningfully change visibility or impact. Requiring relocation would impose unnecessary disruption without addressing any meaningful concern.

Spirit and Intent of the Zoning Requirement

Granting the variance preserves the spirit of the zoning code by maintaining neighborhood aesthetics and safety while allowing reasonable residential use of private property. The rink is temporary, visually buffered, and responsibly used, which aligns with the intent of residential zoning while supporting family recreation.

Zoning Code Section 1113.06 Criteria

Special Conditions and Circumstances

Our property includes a natural hill and landscaping that already screen the play area from the road, making the rink minimally visible compared with many typical backyard features.

Rights Enjoyed by Other Properties

Many families within residential neighborhoods enjoy backyard recreational amenities such as basketball hoops, playsets, trampolines, and other play spaces. A literal interpretation of the ordinance would deprive our family of a similar recreational use.

Conditions Not Created by the Applicant

The situation arises from how zoning language applies to a temporary play surface rather than from any action taken to circumvent regulations.

No Special Privilege

Granting the variance would not grant a privilege unavailable to others. It would simply allow the continued use of a temporary backyard recreational feature similar in spirit to other residential play amenities.

Health, Safety, and Welfare

The rink poses no risk to public health or safety. It is used responsibly, during reasonable hours, and remains on private property. It does not interfere with traffic, utilities, drainage, or neighboring properties.

In closing, our intention has always been to create a safe and enjoyable outdoor space for our children and their friends while remaining respectful of our neighbors and the community. The rink is well maintained, minimally visible, and used responsibly. Granting the requested variance would allow our family to continue providing this positive outdoor activity space while maintaining the character and standards of our neighborhood.

We appreciate your time and consideration.

Variance Submittal Information

1. Applicant Names:

Matt and Kelli Sprosty
6528 Cedar Brook Dr
New Albany, OH 43054

2. Description of Property:

Situated in the State of Ohio, County of Franklin, Township of Plain, being located in Section 13, Township 2, Range 16, United States Military Lands, and being 0.867 acre of the 65.22 acre tract as conveyed to Chester and Gladys Doran, by deed of record in Deed Book 1256, Page 602, all references being to record of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at an iron pin in the easterly right-of-way line of Cedar Brook Drive, that is located North 0° 10' 00" East, a distance of 156.41 feet from iron pin at the northwesterly corner of the 0.941 acre tract as conveyed to W. R. Hatch Builders, Inc., by deed of record in Deed Book 3464, Page 403;

Thence North 0° 10' 00" East, with the easterly right of way line of said Cedar Brook Drive, a distance of 200.00 feet to an iron pin at a point of curvature;

Thence northeasterly, with the arc of a curve to the right, connecting the easterly right of way line of said Cedar Brook Drive, with the southerly right of way line of Central College Road, (Radius= 30.00 feet, Delta = 90° 00' 00") the chord of which bears North 45° 10' 00" East, a chord distance of 42.43 feet to an iron pin at the point of tangency;

Thence South 89° 50' 00" East, with the southerly line of said Central College Road, a distance of 135.00 feet to an iron pin;

Thence South 0° 10' 00" West, a distance of 230.14 feet to an iron pin;

Thence North 89° 47' 00" West, a distance of 165.00 feet to the place of beginning, containing 0.867 acre of land more or less.

3. New Albany Code of Ordinances that apply:

1165.01 - DEFINITIONS.

(a)

"Accessory structure" shall be defined as a subordinate structure or surface, located on the same lot as a principal building/structure, which is incidental to the use of the principal building/structure. Accessory structure are categorized into two (2) groups: Detached Structures or Recreational Amenities.

(g)

"Recreational Amenities" are defined as buildings which are two hundred (200) square feet or less. any sized deck, patio, fireplaces, pergolas, gazebo and similar located in a residentially zoned district.

(i)

"Open Sided Structure" shall be defined as a free-standing, unheated structure unenclosed except for a structural system supporting a roof, and screen panels which may be used to enclose the open spaces between structural elements. An open-sided structure includes but may not be limited to a gazebo, tent, pergola, canopy or trellis.

1165.04 - ACCESSORY USES OR STRUCTURES.

(5)

Number. Only two detached accessory structures shall be permitted as regulated by this section. Recreational Amenities are exempt from the number limitation in this section.

b)

Recreational Amenities. Shall comply with the following requirements:

(1)

Materials. All finished roof surfaces, except for flat roofs, shall be metal, seal-tab asphalt shingles, and slate or wood shingles. All other finished surfaces must be wood, brick, stone, composite siding, screen, or any combination thereof.

(2)

Lighting. Illumination of the open-sided structure exterior is prohibited. Illumination within the structure shall not exceed seventy (70) foot-candles measured at a horizontal plane three (3) feet above the finished floor.

(3)

Location.

A.

Shall not project beyond any front elevation of the primary structure or located within the front yard except an open, uncovered porch/paved terrace may project into the required front yard for distance of no greater than fourteen (14) feet.

B.

Shall not be located within an easement.

C.

Shall not be located nearer to any side or rear property line than ten (10) feet, except uncovered porch/paved terrace may be located up to five (5) feet away from any side or rear property line.

(4)

Height. All Recreational Amenities are limited to one (1) story; and the height to the top of the highest roof ridge beam, or to the highest point of any other roof form, from the finished floor shall not exceed fifteen (15) feet.

(5)

No recreational amenities shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same.

4. Names and Addresses of property owners within 200 ft.

- a. Rex and Jody Holman
6516 Cedar Brook Dr
New Albany, OH 43054
- b. Scott and Abby Ewler
6975 Central College Rd
New Albany, OH 43054
- c. Thomas Rankin
6915 Central College Rd
New Albany, OH 43054
- d. Chandler Kisiel
6978 Central College Rd
New Albany, OH 43054

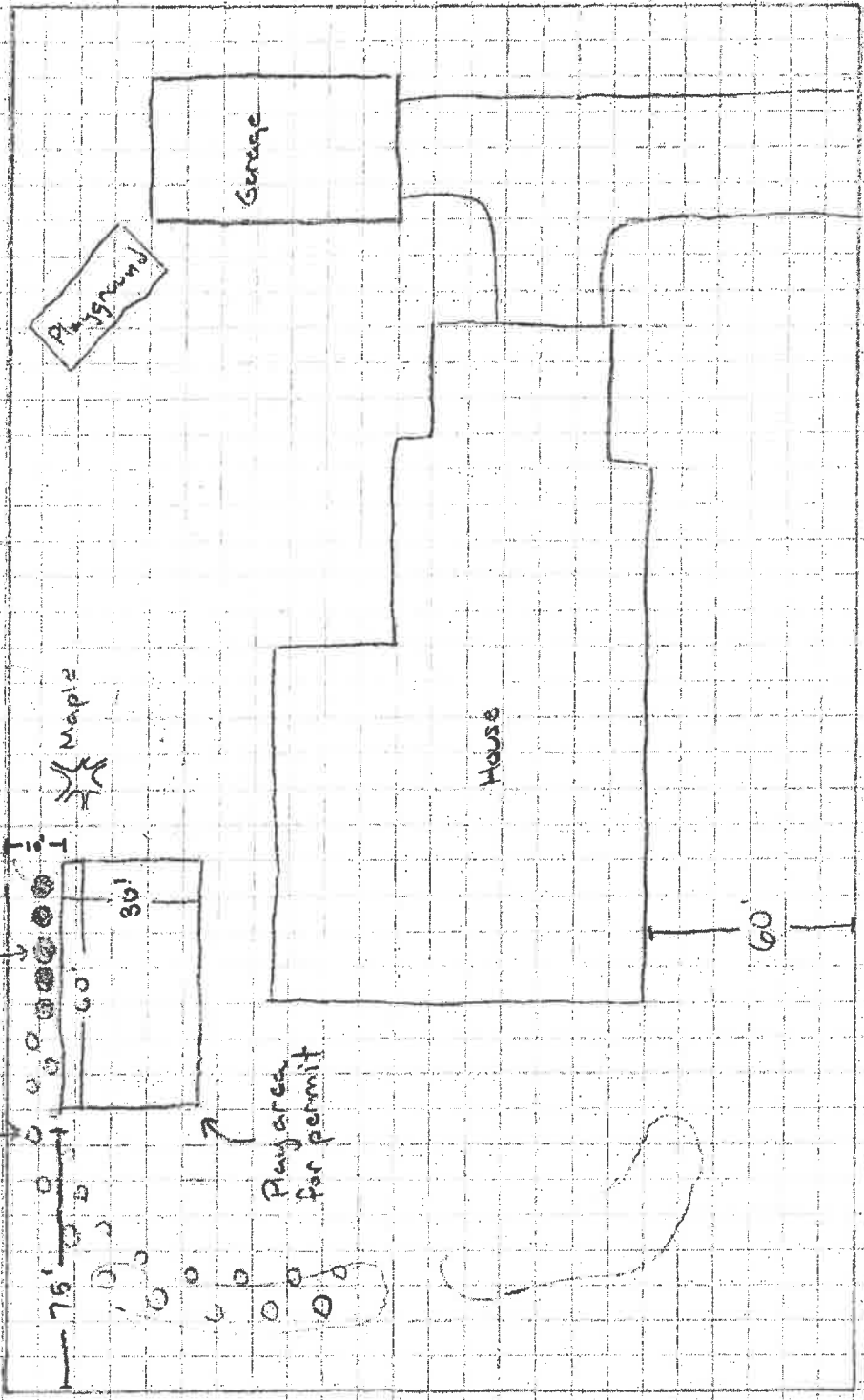
5. (Items 5-11 See Plot Plan)

12. Use for Variance being sought

Variance is being sought for children residing at residence to use their play area without relocating it. Rink was built with non-permanent materials (no plumbing, electric, concrete pad or structure, walls or roof). There is gravel to level the skating tiles (floating), which would make this very difficult, time-consuming and expensive to relocate.

13+. Please see statement

2 trees x 20' 5 trees x 5'



CENTRAL COLLEGE RD.

CEDAR BROOK DR.

OWNERS: MATHEW AND KELI SPROSTY

LOT: 222-000837

ADDRESS: 6528 CEDAR BROOK DR.

NEW ALBANY, OH 43054

To The City of New Albany,

We appreciate you taking the time to read our response to the letter we received, the visit from the building inspector, and our phone conversations. Before putting up a hockey rink in our back yard, we looked into permit requirements per the City of New Albany, and could not find any mention of play areas. Since this is not a permanent structure, includes no concrete, no electric, no roof, no plumbing nor change to elevation, the rink did not fit any of the specifications required for permit. This is not a structure, which the building inspector for New Albany also confirmed.

Prior to completing the play area, we contacted our direct next-door neighbors and confirmed they accepted the placement of the rink, as mapped out with cones. We believe this placement is considered our back yard as it sits behind the lot of our home and it is quite a ways off Central College (75 feet). The placement of our play area is further back than some houses and it's further than the front of our house is from Cedar Brook Drive (60 feet). There is a small hill between the road and the rink as well as landscaping (we planted 25 fast growing large arborvitae). This rink play area is hardly visible from the main road of Central College. (see image below, but we have also attached a variety of color photos). While we understand that there may have been a complaint to the City regarding our play area, we have taken every effort into ensuring the area looks nice and can hardly be noticed from the road. We are very respectful of both time limits and noise levels.



There is so much research out there about the importance of kids being outside. Steve Magness, world-renowned performance expert, author, and coach, writes, "Bring play back...for all of us. Our kids desperately need it. But so do us adults. We need more activities where the point is to explore and enjoy, not achieve an outcome. The price of a broken wrist at age six is infinitely lower than the cost of a young adult who can't manage their emotions or navigate uncertainty. It's time to reverse the course. Identify actual threats and set boundaries there. But within those boundaries, get out of the way. Let them roam, let them argue. Let them play. Their mental health depends on it." Outdoor play has many advantages, which include reducing depression and anxiety, boosting positive mood, improving exercise adherence, increasing exercise

enjoyment, connecting kids to nature, and enhancing social well-being. "Encouraging children to increase their time outside and away from their devices aids their physical health and helps them become emotionally and intellectually tougher" ([Benefits of Outdoor Exercise & Why Should Kids Play Outside- Benefits of Outdoor Play for Kids](#)).

One morning over the summer, Jean Luc Grand Pierre, a former NHL player for the Columbus Blue Jackets and current resident of New Albany, who bikes around New Albany often, stopped in our driveway. He told my oldest son (as I stood by) how cool the rink was and how fortunate he was that his parents built a rink for them in his yard and how he had grown up playing hockey in his Canadian hometown.

Kids deserve the freedom to play outside, be with friends in a safe space, and have fun doing an activity they love. It is sad if people have forgotten what it is like to hear children and teenagers playing, competing, hollering, and laughing outdoors.

We aren't sure what the actual complaint someone had with the rink was, but it looks nice, is not a structure, can hardly be noticed from the road, and *if* people are upset about the noise and kids playing outside for 1-2 hours a day, (and never after 8pm on the weekdays), then it seems unnecessary to move the rink a little further over to be "officially" more in the back yard. With four boys who love hockey, this is more than just a backyard playground in the form of a roller hockey rink. This is a space, not only for our children, but also for our friends and teammates to live out their dreams as little boys. This space has not only brought joy to our family but has also built comradery and life-long friendships among teammates and schoolmates, all who live within our New Albany community.

We appreciate your time,

Matthew & Kelli Sprosty

Matthew and Kelli Sprosty



Community Development Department

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

Dear

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

Monday, March 30, 2026

The New Albany Board of Zoning Appeals took the following action on 03/23/2026 .

Variance

Location: 6528 CEDAR BROOK DR

Applicant:

Application: PLVARI20260012

Request: Variance to C.O 1165.04(b)(3)(a) to allow a recreational amenity to remain within the front yard at 6528 Cedar Brook Drive (PID: 222-000837).

Motion: To Approve

Commission Vote: Motion Denied, 1-3

Result: Variance, PLVARI20260012 was Denied, by a vote of 1-3.

Recorded in the Official Journal this March 30, 2026

Condition(s) of Approval:

Staff Certification:

Sierra L Saumenig

Sierra Saumenig
Planner

**Board of Zoning Appeals Staff Report
April 27, 2026 Meeting**

**7024 GRAY LOOP
EASEMENT ENCROACHMENT VARIANCE**

LOCATION: 7024 Gray Loop (PID: 222-002249)
APPLICANT: Suncraft Corporation, Inc. c/o James Knox
REQUEST: Variance
ZONING: Comprehensive Planned Unit Development (C-PUD): New Albany Links
STRATEGIC PLAN: Residential
APPLICATION: VAR-16-2026

Review based on application materials received March 9, 2026.

Staff report prepared by Lauren Sauter, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance to C.O. Section 1165.04(b)(3)(B) to allow a paver patio to encroach approximately three feet into a platted utility easement.

The paver patio is proposed as part of a project along with a deck and screened-in porch, both of which meet regulations. The paver patio is 16 feet in width and will encroach a maximum of three feet into the easement, though it is proposed at a slight angle and with cut corners.

II. SITE DESCRIPTION & USE

The property is composed of approximately 0.25 acres in the New Albany Links subdivision near Central College Road. The area is zoned for Comprehensive Planned Unit Development (C-PUD) and is surrounded by similar single-family residential uses. Lots on the same street as the subject property have similar densities, while the parcel to the rear of the property is comprised of over six acres of open space.

The site includes a 20-foot-wide public utility easement along the rear (east) property line for an underground sanitary sewer line and a 12-foot-wide public utility easement along the side (north) property line for an underground stormwater line and at-grade inlet near the northeastern corner of the lot.

III. ASSESSMENT

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

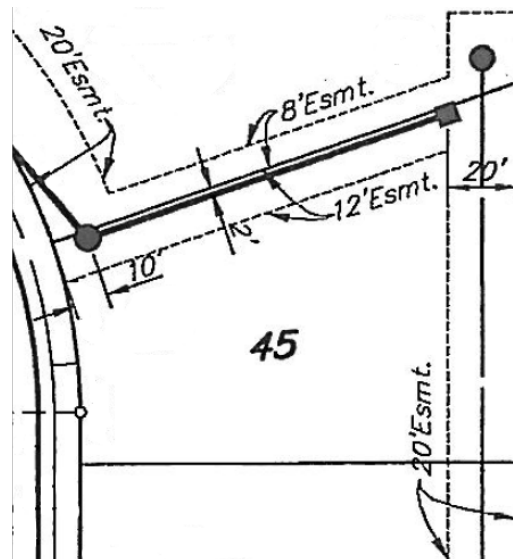


Image: Plat showing easements and utility locations on and around the site. The rear yard is to the right/east.

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 (C.O. 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.*

Planning and Zoning Code

C.O. Section 1165.04 regulates accessory structures, which are subordinate structures or surfaces located on the same lot as the principal building or structure. Accessory structures may further be categorized as either a detached structure or a recreational amenity. Paver patios are regulated as a recreational amenity of the accessory structure code section.

IV. 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.

Considerations and Basis for Decision

Variance from C.O. Section 1165.04(b)(3)(B) to allow a paver patio to encroach approximately three feet into an easement.

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

1. C.O. Section 1165.04(b)(3)(B) prohibits patios and other accessory structures from being located in an easement. The New Albany Links Section 1 plat shows a 20-foot-wide easement along the

rear (east) property line, which serves an underground sanitary sewer line that is approximately 10 feet into the property. The City engineer confirmed that there are public utilities within the easement.

2. The applicant requests a variance to allow a paver patio to encroach approximately three feet into the aforementioned utility easement. The full paver patio is approximately 12 feet in length and 16 feet in width.

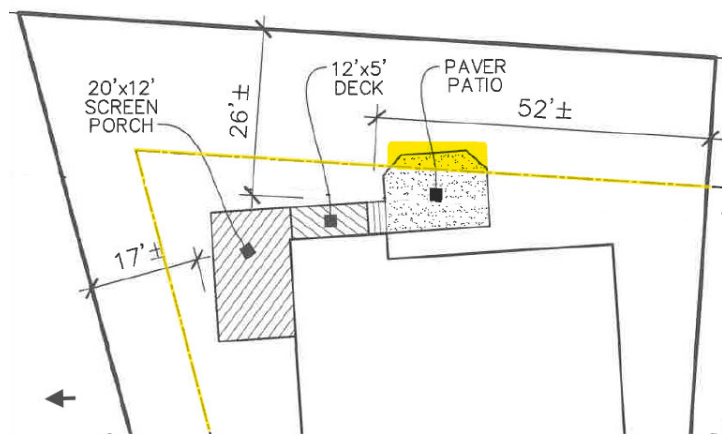


Image: Project site plan highlighting the easement and encroachment.

3. In October 2019, modifications to Section 1165 of the city's Codified Ordinances were approved by City Council. The modifications included adding provisions to the city's codified ordinances that patios and other recreational amenities are not permitted to be installed in easements. By adding this prohibition, a property owner can now request a variance. Prior to the adoption of these code modifications, city code was silent on easements. Patios and similar at-grade encroachments into easements were regulated only by plat notes, which typically state encroachments could only be approved by the city engineer. Plat notes provide no other mechanism for relief via a public process. The intent of this requirement is to protect property owners and to add an extra level of review for these types of encroachment requests.

4. There can be beneficial use of the property without the variance. Adhering to the zoning ordinance still allows viable use of the residential lot.

5. The request appears to be substantial; however, similar variance requests have been approved in the past, wherein the Board of Zoning Appeals has issued approval with the condition that the homeowner enter into a hold-harmless agreement that indemnifies the city in the event of damage to structures in the easement. Staff recommends a condition of approval that the homeowner enter into a hold-harmless agreement (or similar legal mechanism to be determined by the city engineer or attorney) specifying that the property owner, not the city, is responsible for any damages to the patio in the event a public or private utility provider needs to access the easement area (condition #1). Previous easement encroachment variances in the same subdivision include:

a. *July 2025 – BZA – Approved – Variance to allow a patio to encroach 10 feet into a 20-foot drainage easement at 6994 Kindler Drive in the New Albany Links subdivision (VAR-53-2025).*

Evaluation of the proposal by the City Engineer led to a finding of minimal drainage impacts to other sites with the conditions that no landscaping be installed in the easement and no part of the patio be installed over the underground drainage pipe. The hold-harmless agreement was included as a condition of approval as well.

b. *September 2023 – BZA – Approved – Variance to allow a building and paver patio to encroach 4.5 feet into a 28-foot drainage easement at 6880 Margarum Bend in the New Albany Links subdivision (VAR-82-2023).*

The Board briefly discussed precedence with similar variance requests and confirmed the easement was not a major flood route. The application was approved with the condition the applicant enter into a hold-harmless agreement.

c. *July 2021 – BZA – Approved – Variance to allow a deck to encroach six feet into a 15-foot utility easement at 7034 Dean Farm Road in the New Albany Links subdivision (VAR-70-2021).*

The applicant, city staff, and the Board discussed details regarding the hold-harmless agreement, suggested action to be taken if a neighbor is impacted by the encroachment, and clarified the conditions of approval, which did not include removal of a planting bed around the patio and did include screening of area underneath the deck.

6. The essential character of the neighborhood would not be substantially altered, nor would adjoining properties suffer a substantial detriment, if this request were approved. Paver patios are commonly used in residential subdivisions, and many properties in the New Albany Links already have some form of paver patio. Because the paver patio is not an above-grade amenity, and because of the size of the proposed encroachment, the paver patio would not be likely to disrupt visual and aesthetic cohesion between properties nor substantially alter the neighborhood character. Further, the encroachment would not be detrimental to adjacent properties.
7. The variance has the potential to adversely affect the delivery of government services. Utility easements are intended to provide access to the utility, and any encroachment limits that access. However, paver patios are more easily removed than full decks or above-grade structures, and the patio does not appear to encroach over the underground utility line. Staff recommends a condition that no part of the patio be built over the underground utility line and no landscaping be installed within the easement (condition #2).
8. The problem can be solved by some manner other than the granting of a variance. The paver patio may be reconfigured or relocated in ways that would not encroach into the easement that would still allow it to serve its intended purpose.
9. The variance may not preserve the “spirit and intent” of the zoning requirement. Being located within the easement, the proposed paver patio could be partially damaged or destroyed to facilitate access to the easement.
10. There are no unique conditions or circumstances that are not applicable to other lands or structures in the same zoning district. While the subject site is left with a subjectively narrow buildable area in the backyard due to the lot size and easement width, such utility easements are not uncommon and can often affect one or more sides of a given residential property. All but one of the seven lots on the same street as the subject property are encumbered by a rear yard utility easement, along with many other lots in the New Albany Links subdivision.
11. Granting the variance would likely confer special privilege upon the applicant that is denied to other properties in the same zoning district. Easements are not uncommon, and encroachments are not permitted in any area of the city without approval of a variance or waiver. While many residences in this subdivision were originally constructed with similar patios that encroach into easements, such privilege is existing non-conforming and would presently be denied to other properties by city code.
12. Granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, nor will it be injurious to private property or public improvements in the vicinity. While the encroachment may affect an area intended to allow access to a “public improvement,” the paver patio is not anticipated to directly affect or be injurious to it.

V. SUMMARY

The applicant requests approval of a variance to allow a paver patio to encroach up to three feet into a 20-foot-wide utility easement. The easement is intended to allow access by utility providers to the underground sanitary sewer line. Similar variances have been requested in the New Albany Links subdivision and other areas of the city, and the request does not appear to be substantial, nor would it substantially affect the neighborhood’s character and quality of life.

The recommended condition of approval ensures the homeowner is aware of the conditions and responsible for any damage to the proposed paver patio in the event the easement needs to be accessed by utility providers. The regulation prohibiting encroachments in easements allows an extra level of care and consideration in these cases and to ensure the homeowner understands this liability.

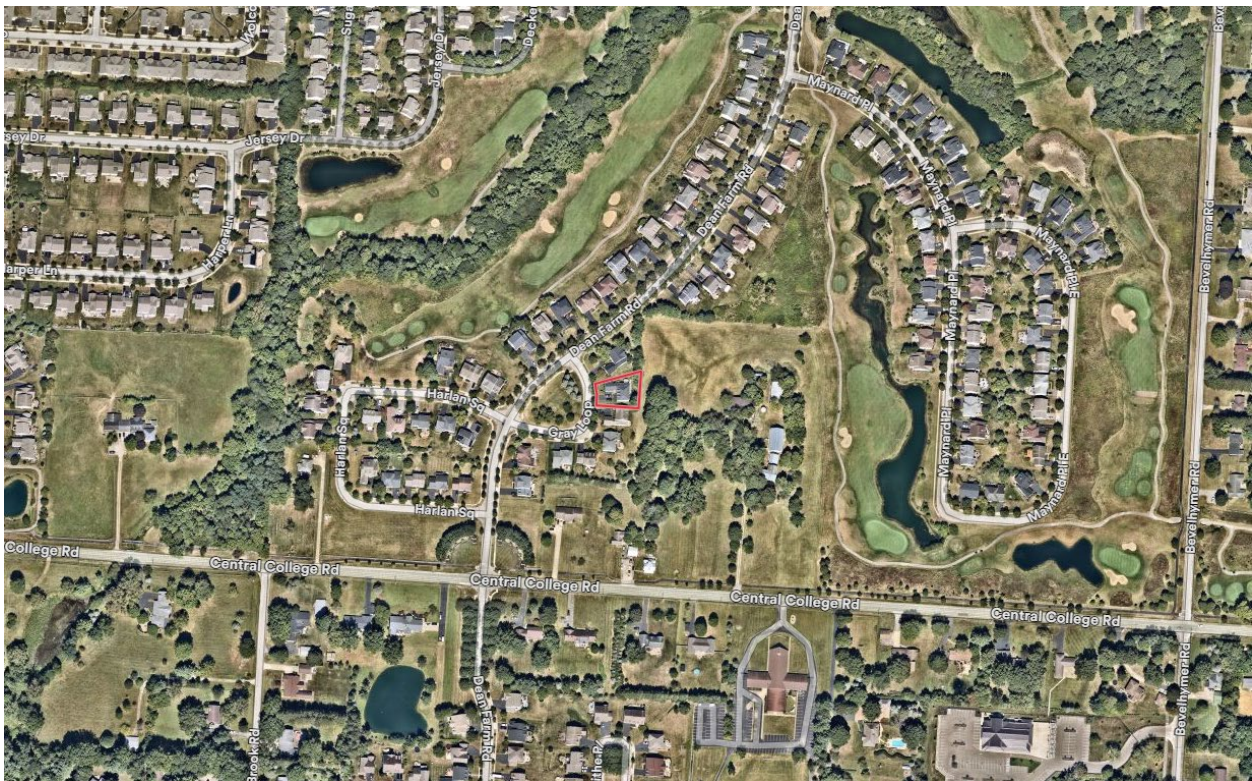
VI. ACTION

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

Move to approve variance application VAR-14-2026 based on the findings in the staff report with the following condition:

1. The homeowner shall enter into a hold-harmless agreement (or similar legal mechanism to be determined by the city engineer or attorney) specifying that the property owner, not the city, is responsible for any damages to the patio in the event a public or private utility provider needs to access the easement area.
2. No part of the patio shall be built over the underground utility line, and no landscaping shall be installed within the easement.

Approximate Site Location:



Source: NearMap

Permit # _____
 Board _____
 Mtg. Date _____



Community Development Planning Application

Site Address 7024 Gray Loop
 Parcel Numbers 222 - 002249
 Acres .25ac # of lots created _____

Project Information

Choose Application Type	Circle all Details that Apply				
<input type="checkbox"/> Appeal					
<input type="checkbox"/> Certificate of Appropriateness					
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment	
<input type="checkbox"/> Plat	Preliminary	Final			
<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment		
<input type="checkbox"/> Minor Commercial Subdivision					
<input type="checkbox"/> Vacation	Easement		Street		
<input checked="" type="checkbox"/> Variance					
<input type="checkbox"/> Extension Request					
<input type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification		

Description of Request: add 16'x12' paver patio to the rear of the house

The patio will encroach into a building setback and easement area approximately 8' into setback & 3' into easement

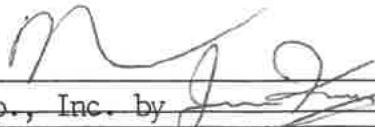
Contacts

Property Owner's Name: Brian and Jenn Klima
 Address: 7024 Gray Loop
 City, State, Zip: New Albany, OH 43054
 Phone number: _____ Fax: _____
 Email: _____

Applicant's Name: Suncraft Corporation, Inc. - James Knox
 Address: 122 W. Johnstown Road
 City, State, Zip: Gahanna, OH 43230
 Phone number: _____
 Email: _____

Signature

Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.

Signature of Owner _____ Date: 3/3/26
 Signature of Applicant Suncraft Corp., Inc. by  Date: 2/26/26

Plat – Subdivision Final			
Planning		650.00	_____
	Plus each lot	15.00 / each	_____
Engineering fee	1-25 lots (minimum fee \$1,000.00)	155.00 /each	_____
Engineering fee	26-50 lots	3875.00	_____
	Each lot over 26	75.00 / each	_____
Engineering fee	Over 51 lots	5750.00	_____
	Each lot over 51	50.00 / each	_____
Lot Changes		200.00	_____
Minor Commercial Subdivision		200.00	_____
Vacation (Street or Easement)		1200.00	_____
Variance			
	Non-single family, commercial, subdivision, multiple properties	600.00	_____
	Single Family residence	250.00	\$ 250.00
	In conjunction with Certification of Appropriateness	100.00	_____
Extension Request		0.00	_____
Zoning			
	Rezoning - First 10 acres	700.00	_____
	Each additional 5 acres or part thereof	50.00 / each	_____
	Rezoning to Rocky Fork Blacklick Accord	250.00	_____
	Text Modification	600.00	_____
Easement Encroachment		800.00	_____

VARIANCE STATEMENT

7024 Gray Loop
New Albany, OH 43054

We hereby request a variance to construct a paver patio which will encroach into the rear yard setback.

The zoning for this neighborhood is CPUD. This lot has a 20' rear easement and a 25' rear yard setback.

We hereby request a variance to encroach 3' into the rear easement and 8' into the rear yard setback.

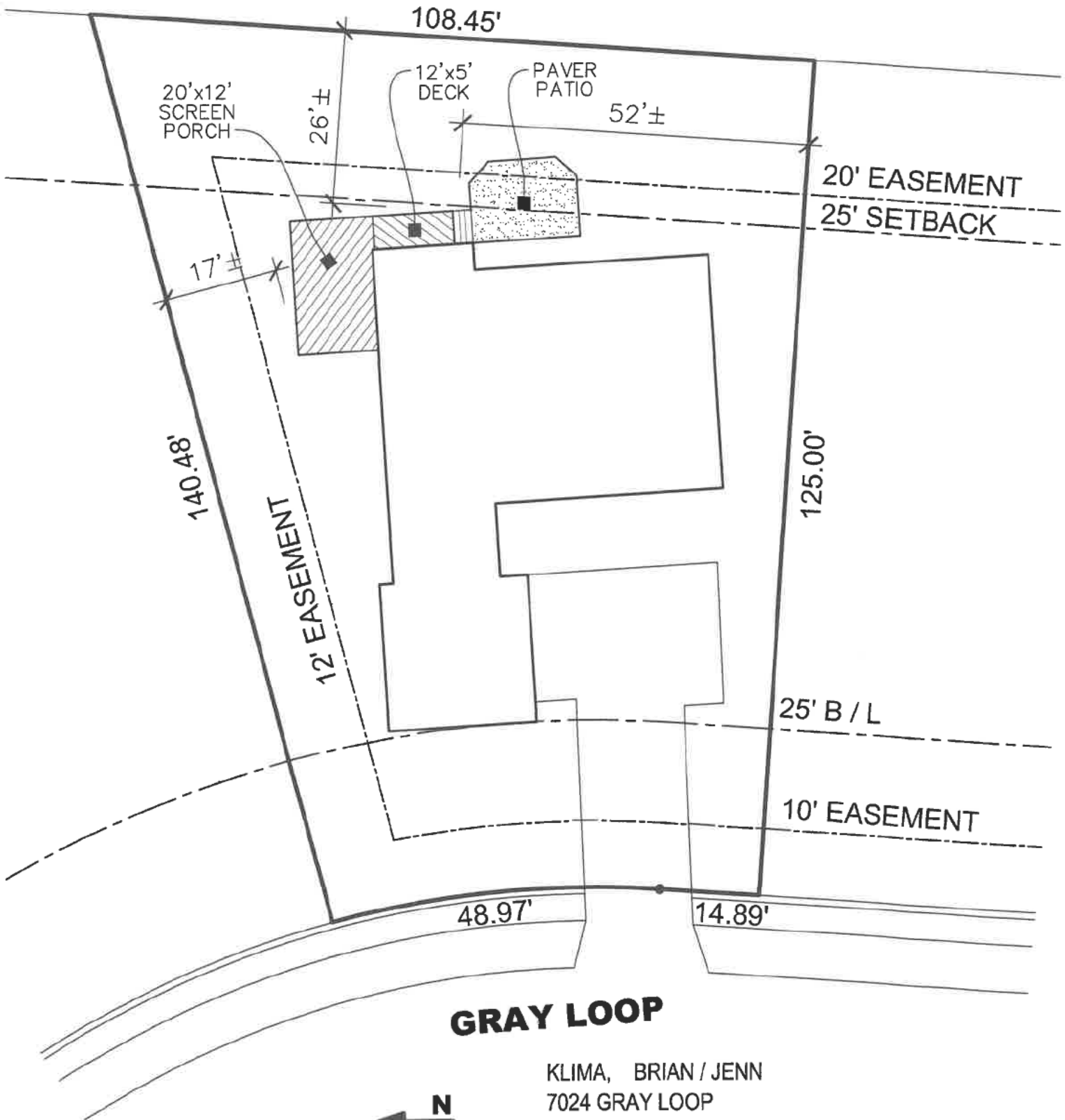
Per zoning code section 1113.03 (e) statements:

1. The variance is sought to allow the construction of a 12'x16' paver patio at the rear of the house.
2. The variance appeal should be granted because the proposed patio is on grade and will impact the site no differently than the existing grade. The homeowners already have outdoor furniture in the same location.
3. This variance request is justified because of the hardship presented by the unusually narrow rear yard. The house sits very deep into the lot because of the garage location.
4. The porch and deck shown on the site plan do not require a variance and a building permit has already been obtained.
5. The variance request will not affect the health or safety of the neighborhood and will not affect the delivery of public services.
6. The proposed patio will not alter or affect existing drainage of the property.

Submitted by:



James Knox
Permit Coordinator
SUNCRAFT CORPORATION, INC.
122 West Johnstown Road
Columbus, OH 43230
[REDACTED]



GRAY LOOP

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 1" = 20'

KLIMA, BRIAN / JENN
 7024 GRAY LOOP
 NEW ALBANY, OH 43054
 PARCEL# 222 - 002249

SUNCRAFT
 KLIMA 25115

+	Brian & Jenn Klima	7024 Gray Loop	New Albany, OH 43054
1	City of New Albany New Albany Links Sec 1 Reserve "EE"	99 W Main Street	New Albany, OH 43054
2	James & Laurel Lipnos	7019 Dean Farm Road	New Albany, OH 43054
3	Scott & Tracy Sauvey	7021 Dean Farm Road	New Albany, OH 43054
4	Jeffrey & Amber Stevenson	7023 Dean Farm Road	New Albany, OH 43054
5	Andrew & Laura Hall	7025 Dean Farm Road	New Albany, OH 43054
6	Sridhar Kanagala & Deepthi Avula	7027 Dean Farm Road	New Albany, OH 43054
7	Craig & Amanda Sohl	7026 Gray Loop	New Albany, OH 43054
8	City of New Albany New Albany Links Sec 1 Reserve "V"	99 W Main Street	New Albany, OH 43054
9	Robert & Deborah Dean	7206 Central College Road	New Albany, OH 43054
10	Brian & Linda Lee	7022 Gray Loop	New Albany, OH 43054
11	Andres & Debra Karolin	7018 Gray Loop	New Albany, OH 43054
12	Martin & Lindsey Ginnan	7016 Gray Loop	New Albany, OH 43054
13	Charles Shayne	7014 Gray Loop	New Albany, OH 43054
14	Bassam Kret & Najwa Alawad	7010 Dean Farm Road	New Albany, OH 43054

