



New Albany Board of Zoning Appeals
April 27, 2026 Meeting Minutes - Approved

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Monday, April 27, 2026 in the New Albany Village Hall. Chair LaJeunesse called the meeting to order at 6:32 p.m. and asked to hear the roll.

II. Roll call

Those answering the roll:

| | |
|---------------------------|---------|
| Mr. Shaun LaJeunesse | present |
| Mr. Abe Jacob | present |
| Ms. Tiana Samuels | present |
| Mr. Jeremiah Wood | present |
| Ms. Sarah Briggs | present |
| Council Member Matt Shull | present |

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

Staff members present: Planning Manager Chris Christian and Deputy Clerk Christina Madriguera.

III. Action on minutes March 23, 2026

Chair LaJeunesse asked if there were any corrections to the minutes from the March 23, 2026 meeting.

Deputy Clerk Madriguera stated that Council Member Shull had made two corrections to the minutes, on page 3 in a statement attributed to him, “Central College” should be say “Cedar Brook,” and “south” should say “east.”

Hearing no further corrections, Board Member Jacob moved to approve the minutes as corrected. Board Member Wood seconded the motion.

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

IV. Additions or corrections to the agenda

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

Planning Manager Christian answered no.

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

V. Hearing of visitors for items not on the 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-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

Planning Manager Christian delivered the staff report.

Board Member Wood moved to admit the staff reports and related documents into the record for VAR-14-2026. Board Member Jacob seconded the motion.

Upon roll call: Mr. Wood yes, Mr. Jacob yes, Ms. Briggs yes, Mr. LaJeunesse yes, Ms. Samuels yes. Having five yes votes the motion passed and the staff reports and related documents were admitted to the record for VAR-14-2026.

Chair LaJeunesse asked to hear from the applicant.

Applicant Jeff Horovetz from Suncraft spoke in support of the application. He stated that the patio could easily be moved if needed, and it was unlikely that the sewer would need to be needed.

Chair LaJeunesse administered the oath to applicant and property owner Brian Klima.

Board Member Jacob confirmed that the homeowner agreed with the conditions in the staff report, to wit, the hold harmless agreement and also the condition that no part of the patio shall be built over the underground utility line and no landscaping shall be installed in the easement.

Applicant Brian Klima stated he had no conflict with the conditions.

Board Member Samuels moved to approve VAR-14-2026 based on the findings in the staff report with the two conditions in the staff report, subject to staff approval. Chair LaJeunesse seconded the motion.

Upon roll call: Ms. Samuels yes, Mr. LaJeunesse yes, Mr. Jacob yes, Ms. Briggs yes, Mr. Wood yes. Having five yes votes, the motion passed and the variance was granted unanimously.

The board thanked and congratulated the applicant.

VII. Other business

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

Planning Manager Christian stated that the city was offering the opportunity for head shots for all board members on May 19, 2026 from 5:00 – 6:30 at Village Hall.

The board then welcomed Sarah Briggs who would be serving as Planning Commission liaison.

VIII. Adjournment

Hearing no further comment and having completed the agenda, Board Member Wood moved to adjourn the April 27th meeting. Board Member Jacob seconded the motion.

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

Submitted by Deputy Clerk Madriguera, Esq.

Appendix
VAR-14-2026
Staff Report
Record of Action

**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.

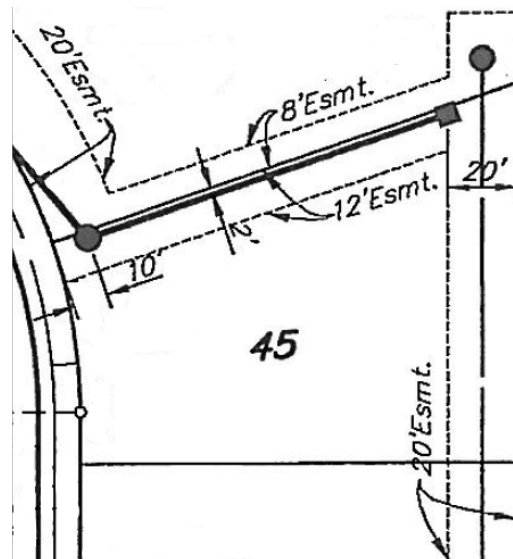


Image: Plat showing easements and utility locations on and around the site. The rear yard is to the right/east.

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.

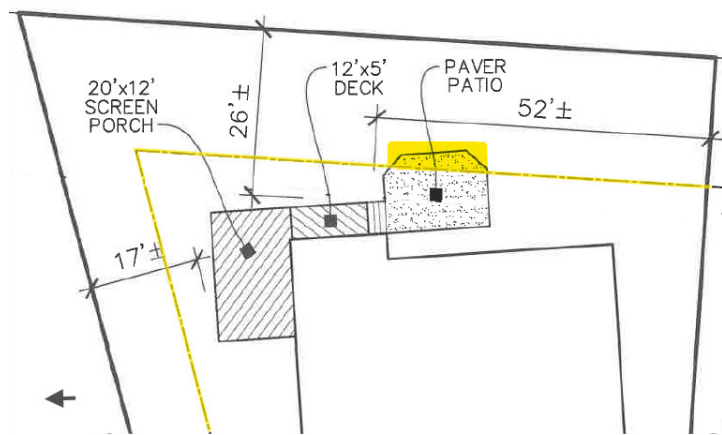


Image: Project site plan highlighting the easement and encroachment.

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.

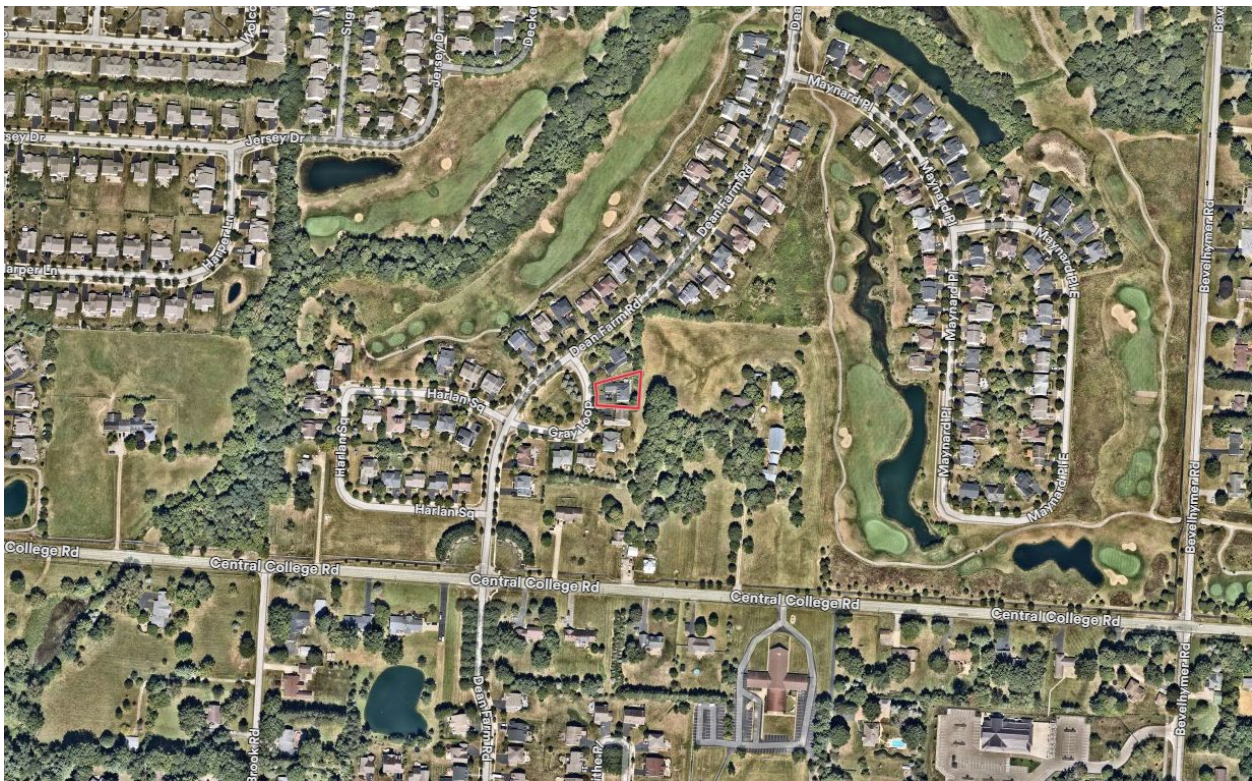
VI. ACTION

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



Community Development Department

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

Dear James Knox - Suncraft,

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, April 28, 2026

The New Albany Board of Zoning Appeals took the following action on 04/27/2026 .

Variance

Location: 7024 GRAY LP

Applicant: James Knox - Suncraft,

Application: PLVARI20260014

Request: 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).

Motion: Move to approve with conditions

Commission Vote: Motion Approved with Conditions, 5-0

Result: Variance, PLVARI20260014 was Approved with Conditions, by a vote of 5-0.

Recorded in the Official Journal this April 28, 2026

Condition(s) of Approval:

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.

Staff Certification:

Chris Christian

Chris Christian
Planning Manger