



New Albany Board of Zoning Appeals
June 22, 2026 Meeting Minutes

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Monday, June 22, 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. Shaun LaJeunesse	present
Mr. Abe Jacob	present
Ms. Tiana Samuels	absent
Mr. Jeremiah Wood	present
Ms. Sarah Briggs	present
Council Member Marlene Brisk	present

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

Staff members present: Planner I Lauren Sauter, Planning Manager Chris Christian, Acting Law Director Ian Bigalk (on behalf of Law Director Ben Albrecht), and Deputy Clerk Christina Madriguera.

III. Action on minutes April 27, 2026

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

Hearing none, Board Member Jacob moved to accept the April 27, 2026 meeting minutes. Board Member Wood seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Wood yes, Ms. Briggs yes, Mr. LaJeunesse yes. Having four yes votes, the motion passed and the April 27, 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.

Deputy Clerk Madriguera noted that Ian Bigalk of Fischel, Downey, Albrecht, and Ripenhoff, would be serving as acting legal counsel on behalf of Law Director Albrecht, who was not present.

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

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

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

VI. Cases

VAR-34-2026 4326 Olmsted Road Setback Variance

Variance from C.O. 1133.05 to allow a portion of a new house to encroach 20 feet into a required 30-foot rear yard building setback on an approximately 0.45-acre single-family residential lot at 4326 Olmsted Road (PID: 222-001486-00).

Applicant: Memmer Homes

Planner I Sauter delivered the staff report.

Board Member Jacob moved to accept the staff reports and related documents into the record. Board Member Wood seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Wood yes, Ms. Briggs yes, Mr. LaJeunesse yes. Having four yes votes, the motion passed and the staff reports and related documents were admitted to the record for VAR-34-2026.

Chair LaJeunesse asked whether the board had any questions for staff. He asked whether there was an existing structure in the setback, and about the boundaries of the setback and the encroachment into the setback.

Planner I Sauter answered yes, there is an existing patio and garden structure that encroaches slightly and that there are different rules for accessory structures and primary structures.

Board Member Briggs asked how long the structure had been there.

Applicant Brian Jones responded that he was not sure but suspected it had been there for a long time and was erected prior to promulgation of the zoning text. He explained that the variance proposal will have a limited impact on a small segment of the rear property frontage due to the fact that the property backs up to Fenway Park. There is no impeding encroachment with neighbors and the neighbor to the east has agreed to the proposed variance.

Planner I Sauter explained that only the portion of the proposed house including and above the garage area will encroach into the setback. Nonetheless, the request is substantial due to the height and mass of the encroaching structure.

Mr. Jones stated that the early zoning code allowed for ancillary structures within 10 feet of the property line. He further noted that houses across the street are non-conforming. He also stated that the neighbor, Dr. Durbin, was supportive of the proposal.

Chair LaJeunesse asked whether staff had heard from any of the neighbors.

Planner I Sauter stated that she had been contacted by a neighbor who was concerned that construction might intrude on the path into the park.

Board Member Jacob asked about precedent for this request. He noted that variances, if granted, are usually for corner lots and he asked whether this lot qualifies as a corner lot.

Planner I Sauter responded that she is not aware of precedent for a request like this one, and this is not a corner lot, it is technically a standard lot.

Board Member Wood asked whether this board approved this type of encroachment, this far into the setback.

Planning Manager Christian answered no, not in the 8 years that he has worked for New Albany.

Planner I Sauter answered no, not that she is aware of.

Board Member Wood asked about the rendering showing a pool and whether there are landscape plans.

Mr. Jones responded that we have tentative plans, in the future, for a pool.

Chair LaJeunesse asked about situations where a previous structure has been approved and then a new structure has been proposed, whether the prior approval applies.

Planning Manager Christian responded that staff will not approve a proposal that does not meet code, even if a prior structure was approved.

Chair LaJeunesse asked whether the applicant had anything to add.

Mr. Jones added that due to the adjacent preserve there will be more preserve space following construction. He also pointed out non-conforming properties. He noted that they were constructed before the zoning criteria was promulgated. He acknowledged the encroachment but remarked that the increases on the side of the park will not harm the appearance of the neighborhood.

Chair LaJeunesse discussed the nature of the 30-foot setback, and this specific area, and remarked that what this applicant is asking for is not unnatural.

Planning Manager Christian explained that this setback is the result of zoning of this property as established in the code. This is a straight-zoned district, the surrounding properties are all the same and this has been in place since the zoning district was adopted. It is not uncommon in the Country Club Community. He noted that the nonconforming properties across the street are corner lots with garages that encroach into the setback, and those homes pre-date the current code. This application is for a house to encroach into the setback.

Mr. Jones pointed out adjacent homes with garages that are 10 feet off the rear property line. He explained that the homes pre-dated the zoning criteria. The new criteria poses a greater impediment to development. He further noted that the homeowner's association's review board has approved this design.

Board Member Wood asked staff whether they knew the reason for the 30-foot setback.

Planning Manager Christian responded that there was a point in time when garages could be 10-feet from the rear property line, but that was changed.

Chair LaJeunesse asked whether the result would be different if it was an ancillary structure or garage.

Planning Manager Christian answered yes, it would be different for an ancillary structure. He noted, however, that this application proposed to add on to the house.

Board Member Briggs asked whether it would be different if the structure was detached.

Planner I Sauter answered yes, detached structures are governed by different zoning regulations than the houses.

Planning Manager Christian clarified that detached structures and houses in this zoning district still happen to have the same setback.

Chair LaJeunesse remarked that he had no desire to penalize residents when there is a non-conforming property right across the street. He further noted it will not make a difference, noting the absence of neighbors and the letter of support from Dr. Durbin.

Hearing no further questions, Chair LaJeunesse moved for approval of VAR-34-2026 subject to the findings in the staff report with the condition in the staff report, subject to staff approval. Board Member Wood seconded the motion.

Upon roll call: Mr. LaJeunesse yes, Mr. Wood yes, Mr. Jacob no, Ms. Briggs yes. Having three yes votes, and one no vote, the motion passed and the variance was granted.

Board Member Jacob explained that he voted no due to the precedent that will be set by granting this variance. He further explained that the properties across the street are corner lots, and that this property is a traditional lot. He concluded that the applicants had not provided sufficient facts to persuade him that a variance from C.O. 1113.03 is warranted in this case.

The board wished the applicants good luck.

Chair LaJeunesse introduced the final case and asked to hear from staff.

VAR-40-2026 Innovation Campus Way Pavement Setback Variance

Variance from C.O. 1153.04(c) to allow a parking lot to encroach 20 feet into a required 25-foot side yard pavement setback on an approximately 7.3-acre Limited General Employment lot on Innovation Campus Way generally located west of Harrison Road and east of Smith's Mill Road (PID: 095-112050-00.007).

Applicant: Tenby c/o Gavin Jones

Planner I Sauter delivered the staff report.

Board Member Wood moved to accept the staff reports and related documents into the record for VAR-40-2026. Board Member Jacob seconded the motion.

Upon roll call: Mr. Wood yes, Mr. Jacob yes, Mr. LaJeunesse yes, Ms. Briggs yes. Having four yes votes, the motion passed and the staff reports and related documents were admitted to the record.

Chair LaJeunesse asked staff and the applicant about this business and the reason for the request.

Applicant Brant Murdoch explained that they had developed the property to the right, which is owned by PPG. PPG houses a nano technology film developing operation with a clean room. He explained that the three buildings in this area are the same and this will be the fourth building in a row of this advanced manufacturing business and they are seeking seamless access. They are flex buildings. It is not a warehouse, it will be for research and development. The buildings across the street are being acquired by the same family. PPG is currently seeking additional space. He noted the hammerhead structure to shield the truck court and although less than visually cohesive, it was needed from an access and safety perspective.

Board Member Jacob confirmed that the applicant agreed with the condition to provide and maintain a cross-access easement.

Mr. Jones added that the variance, if granted, will increase the parking capacity.

Board Member Jacob confirmed that there are no utility concerns requiring a hold harmless agreement.

Chair LaJeunesse asked whether a 25-foot setback is common in the business park.

Planning Manager Christian answered yes, but there are places all through the business park where it has been reduced. He further noted that staff likes having cross-access easements between properties.

Planner Sauter added that the zoning text allows setback encroachment, and provides for zero setback, if the two structures are owned by the same owner and combined into one lot.

Board Member Jacob confirmed that there are three cross-access points.

Board Member Briggs noted that there was a letter of support from MSG that was not in the packet. She requested that it be included in the record.

Planner I Sauter said that it could be included in the record.

Hearing no further questions, Board Member Jacob moved to approve VAR-40-2026 subject to the findings in the staff report with the condition in the staff report and the additional condition that the letter of support from MSG Ohio LLC dated June 15, 2026, be included in the record. Chair LaJeunesse seconded the motion.

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

The board wished the applicants good luck.

VIII. Adjournment

Chair LaJeunesse asked whether there was any other business to come before the board, or whether any board member had a comment.

Hearing none, and having completed their agenda, Board Member Jacob moved to adjourn the June 22, 2026 meeting. Board Member Wood seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Wood yes, Mr. LaJeunesse yes, Ms. Briggs yes. Having all yes votes, the meeting was adjourned at 7:09 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

VAR-34-2026

Staff Report

Record of Action

VAR-40-2026

Staff Report

June 15, 2026 MSG Ohio Letter

Record of Action



**Board of Zoning Appeals Staff Report
June 22, 2026 Meeting**

**4326 OLMSTED ROAD
REAR YARD SETBACK VARIANCE**

LOCATION: 4326 Olmsted Road (PID: 222-001486-00)
APPLICANT: Memmer Homes c/o Megan Odenweller
REQUEST: Variance
ZONING: Single-Family Residential District (R-3)
STRATEGIC PLAN: Residential
APPLICATION: VAR-34-2026

Review based on application materials received April 28, May 22, and June 2, 2026.

Staff report prepared by Lauren Sauter, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance from C.O. Section 1133.05 to allow part of a new home to encroach 20 feet into the required 30-foot rear yard setback. The portion proposed to encroach is approximately 41 feet in length.

The existing house on the site meets setback requirements and is planned to be demolished. The applicant cites water infiltration and degradation as cause for the demolition. The permit application for the demolition is compliant with code and has been approved by staff, subject to the condition that the new home permit be approved prior to the demolition. Building code requires construction to remain on the site, and thus, no impact on the adjacent leisure path and reserve is anticipated.

II. SITE DESCRIPTION & USE

The property is located south of the Village Center, generally in the area between Johnstown Road and Reynoldsburg-New Albany Road. The property comprises approximately 0.45 acres in Section 5 of the New Albany Country Club subdivision. The area is zoned for Medium-Density Single-Family Residential (R-3) development and is surrounded by similar single-family residential uses. The parcel abuts Fenway Park, an approximately 7.93-acre reserve, on its west (side) and south (rear) sides. The site includes a 20-foot-wide drainage easement along the west (side) property line and a 10-foot-wide drainage easement along the south (rear) property line due to the large pond located in the adjacent reserve.

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.

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 1133.05 provides standards for the arrangement and development of buildings in the R-3 zoning district. The encroachment is regulated by Section 1133.05 rather than the codified ordinance for detached structures (C.O. 1165.04(a)) because it is attached to the primary building.

IV. EVALUATION

Considerations and Basis for Decision

Variance from C.O. Section 1133.05 to allow part of a new home to encroach 20 feet into the required 30-foot rear yard setback.

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

1. C.O. Section 1133.05 outlines setbacks and other development standards for single-family residential zoning districts. The Medium-Density Single-Family Residential (R-3) zoning district imposes a minimum 30-foot rear yard building setback, as well as a minimum 30-foot front yard depth and 10-foot side yard depth.
2. The applicant requests a variance to allow part of a new home to encroach 20 feet into the required 30-foot rear yard setback. The encroachment was originally proposed to be by a two-story detached garage and dwelling unit; as such, this structure is shown in some of the submitted application materials as detached. The applicant has stated that the structure will be attached to the main home, which makes it part of the primary structure, and shows this in site plans. Staff recommends a condition of approval that the detached structure be attached to the main home as shown in the site plan, subject to staff approval (condition #1). Additionally, the site plan shows:
 - a. A pool in the rear yard. The applicant has stated that the pool is not part of this submittal and might be proposed in the future, at which time staff will verify it meets zoning requirements.

- b. A 100-square-foot enclosed structure, identified as a gatehouse, near the front of the site. Accessory structures are not permitted to encroach into the front yard. Staff will verify that the gatehouse is, at a minimum, aligned with the front façade of the main structure at the time of permitting.
3. The portion of the building proposed to encroach is approximately 41 feet in length; approximately 820 square feet of the building will encroach into the setback. The structure is two stories in height.
4. The applicant has submitted proof of support of the new home and site configuration from the adjacent and only neighbor, located on the east side of the subject property.
5. Only the portion of the house including and above the garage area is proposed to encroach into the setback as opposed to the entire rear of the home. It appears that this portion of the house will be located generally where the existing garden area on the lot is currently located (see image).



Image: Existing site conditions (March 2024).

6. The front of the house will remain aligned with neighboring houses, but the rear yard encroachment will cause a varying rear yard setback between nearby properties. The site is surrounded by mature trees that may help screen it from the adjacent leisure trail. Visual impact of the encroachment will be reduced from public spaces and will not be visible from the roadway.
7. There can be beneficial use of the property without the variance. Compliance with the Zoning Code would still permit development and continued viable residential use of the property without the requested encroachment.
8. The request is substantial. Numerous similar variances have been approved for detached structures on corner lots, which, with two front yards, have unique site constraints; few variances have been requested or approved for this kind of setback encroachment on a site with a standard, single frontage. Additionally, the request is substantial due to the height and mass of the encroaching structure as part of the house and the large square footage that it is encroaching into the setback.
9. The essential character of the neighborhood would not be substantially altered if this request were approved, but it could set precedence for future variance requests. The new build preserves defining features of historical Georgian architecture as outlined in the Design Guidelines and Requirements, and it aligns with the character of other homes in the neighborhood. Nearby homes have similar house configurations, wherein the garage mass is located behind the rear façade of the main structure, has similar scale, and is attached to the home via breezeway, though these appear to meet

setback requirements. The large, open parcel to the rear of the site also reduces the risk of overcrowding between sites and reduces the visual impact of the encroachment.

10. It does not appear that the variance would adversely affect the delivery of government services.
11. The problem can be solved by some manner other than the granting of a variance. The garage may be reconfigured or relocated in ways that would not encroach into the building setback that would still allow it to serve its intended purpose.
12. The variance does not preserve the spirit and intent of the zoning requirement, which is to ensure a consistent pattern of development between lots in a zoning district and maintain adequate separation of homes to prevent overcrowding and preserve visual harmony. Allowing the home to encroach into the rear yard setback has the potential to disrupt visual cohesion with other lots in the subdivision, which follow the same setback requirements and establish a uniform rear yard appearance, especially since the lot abuts a public space. However, because the subject property abuts a reserve on two sides rather than another single-family property, the potential for overcrowding or visual conflict is reduced due to the lack of nearby homes or other above-grade structures. Additionally, the encroachment is well-screened from the adjacent leisure trail.
13. There are no unique conditions or circumstances that are not applicable to other lands or structures in the same zoning district, and granting the variance would likely confer special privilege upon the applicant that is denied to other properties in the same zoning district. While the subject site is left with a slightly smaller buildable area relative to other parcels in the area, many other parcels with similar or smaller areas meet the same setback requirements. The 30-foot rear yard setback applies to all lots in the zoning district, and any such encroachment is not permitted in any area of the city without approval of a variance or waiver.
14. 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.



Image: Proposed site plan showing the approximate rear yard setback and encroachment in red.

V. SUMMARY

The applicant requests approval of a variance to allow a portion of a newly constructed home to encroach 20 feet into a required 30-foot-wide rear yard setback, effectively placing it 10 feet from the rear lot line. Setbacks are intended to maintain consistent density and patterns of development between lots in an area. Similar variances have been requested for encroachments into setbacks, but a majority of such requests have had unique site constraints, such as being on a corner lot. The request appears to be substantial and does not preserve the intent of the zoning requirement, though it is not anticipated to substantially affect the neighborhood's character and quality of life.

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-34-2026 based on the findings in the staff report with the following condition:

1. The detached structure shall be attached to the main home as shown in the site plan, subject to staff approval.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Memmer Homes,

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, June 23, 2026

The New Albany Board of Zoning Appeals took the following action on **06/22/2026**.

Variance

Location: 4326 OLMSTED RD

Applicant: Memmer Homes

Application: PLVARI20260034 (VAR-34-2026)

Request: Variance from C.O. 1133.05 to allow a portion of a new house to encroach 20 feet into a required 30-foot rear yard building setback on an approximately 0.45-acre single-family residential lot at 4326 Olmsted Road.

Motion: To approve

Commission Vote: Motion Approved with Conditions, 3-1

Result: Variance PLVARI20260034 was Approved with Conditions by a vote of 3-1.

Recorded in the Official Journal this June 23, 2026.

Condition(s) of Approval:

1. The detached structure shall be attached to the main home as shown in the updated site plan, subject to staff approval.

Staff Certification:

Lauren Sauter
Planner



**Board of Zoning Appeals Staff Report
June 22, 2026 Meeting**

**INNOVATION CAMPUS WAY
PAVEMENT SETBACK VARIANCE**

LOCATION: North side of Innovation Campus Way, generally west of Smith’s Mill Road and east of Harrison Road (PID: 095-112050-00.007)
APPLICANT: Tenby c/o Gavin Jones
REQUEST: Variance
ZONING: Limited General Employment (L-GE) with Harrison West overlay
STRATEGIC PLAN: Employment Center
APPLICATION: VAR-40-2026

Review based on application materials received May 20, 2026.

Staff report prepared by Lauren Sauter, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance from C.O. Section 1153.04(c) to allow a new parking lot to encroach 20 feet into the required 25-foot side yard pavement setback.

II. SITE DESCRIPTION & USE

The property comprises approximately 7.3 acres of vacant land in the New Albany Business Park. It is located on the north side of Innovation Campus Way, generally between the intersections with Smith’s Mill Road and Harrison Road. The area is zoned for Limited General Employment (L-GE) with the Harrison West overlay zoning text and is surrounded by similar uses. The development is proposed to have cross-access to the existing site to its east.

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.

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 1153.04 provides lot requirements and setback standards for the arrangement and development of buildings in the General Employment zoning district. Since the Harrison West L-GE overlay district does not provide side yard setbacks for internal lot lines, the codified ordinances apply.

IV. EVALUATION

Considerations and Basis for Decision

Variance from C.O. Section 1153.04(c) to allow a parking lot to encroach 20 feet into the required 25-foot side yard pavement setback.

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

1. The applicant proposes a parking lot that encroaches 20 feet into a required 25-foot side yard pavement setback, effectively placing the edge of the pavement five feet away from the eastern property line.
2. The development was originally proposed to have two points of direct access to the parcel from Innovation Campus Way; given the width of the parcel and surrounding conditions, however, only one new curb cut is allowed. The neighboring development to the east agreed to a cross-access easement, which will allow access to the new development both from the subject parcel’s frontage and from the neighboring parcel’s frontage. This helps to reduce the number of curb cuts while still maintaining adequate access and circulation, which is essential to effective fire department service.
3. C.O. 1167.03(a) requires 90-degree parking spaces to be a minimum of 19 feet in length and parking lot drive aisles to be a minimum of 22 feet in width. The proposed parking lot drive aisle is 24 feet in width with 19-foot-long parking spaces on both sides, which meets the requirements.
4. The essential character of the area would not be substantially altered if this request were approved:
 - a. The proposed configuration allows the building’s front façade to be aligned with the adjacent building’s, which is encouraged for any new development in the city.
 - b. The building setbacks are met, which maintains a consistent density and pattern of development with surrounding development. Other requirements related to architecture, screening, and landscaping will be met. The parking lot and the site configuration as a whole appear standard for the Business Park.
 - c. The proposed encroachment and the development as a whole do not adversely affect any residential uses. The area is surrounded by similar commercial uses and zoning districts.



Image: Subject property (bottom) and adjacent property (top), showing the proposed cross-access and approximate location of parcel lines in red. The parking lot pavement is proposed to encroach five feet from the property line.

5. There can be beneficial use of the property without the variance, and the problem can be solved by some manner other than the granting of a variance. Compliance with the Zoning Code would still permit development and continued viable commercial use of the property without the requested encroachment, though the square footage of the building would likely have to be reduced.
6. There are no unique conditions or circumstances that are not applicable to other lands or structures in the same zoning district, and granting the variance would likely confer special privilege upon the applicant that is denied to other properties in the same zoning district. All zoning districts with the General Employment zoning designation are required to meet a 25-foot side yard setback unless specified otherwise in a limitation text, and any such encroachment is not permitted in any area of the city without approval of a variance or waiver. Other parcels with similar or smaller areas meet the same setback requirements.
7. The request is not substantial. The encroachment into the setback is not above grade and will be visually minimal, especially due to the cross-access condition with the adjacent site. The encroachment will not be detrimental to the character of the Business Park. Additionally, numerous similar variances have been approved by the Board of Zoning Appeals to reduce pavement setbacks for properties in the Business Park. Such cases include:
 - a. 2025 – Approved – Near Beech Road and Miller Road – Variance to allow pavement to encroach 10 feet into the required 25-foot pavement setback at the rear of the property.
 - b. 2022 – Approved – 13411 Worthington Road NW – Variance to reduce the minimum pavement and building setback from 50 feet to 25 feet on the sides and rear.
 - c. 2020 – Approved – 8982 Innovation Campus Way – Variance to allow a paved walkway to encroach into the required 25-foot pavement setback along Innovation Campus Way.
 - d. 2017 – Approved – 9200 Smith’s Mill Road – Variance to allow pavement to encroach 45 feet into the required 50-foot pavement setback along the eastern property line. Approved with the condition that enhanced landscaping be installed to provide extra screening.
8. The variance preserves the spirit and intent of the zoning requirement, which is to maintain adequate separation of adjacent developments to prevent overcrowding and preserve visual harmony. Because the development proposes a direct connection to the adjacent parcel, the need for lineal and visual separation is reduced. There is still adequate separation of the developments, and the building setbacks are still being met.
9. The variance is not anticipated to adversely affect the delivery of government services.
10. 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.

V. SUMMARY

The applicant requests a variance to allow a new parking lot to encroach 20 feet into the required 25-foot side yard pavement setback on a vacant parcel in the New Albany Business Park. The new development is proposed to have cross-access with the property to its east, which may reduce the need for visual and physical separation of the developments that is typically intended by this requirement. Additionally, the proposed building meets all required building setbacks, and the front, rear, and west side pavement setbacks will be met.

Given the shared nature of this property line, the variance request to reduce the pavement setback appears appropriate. While there can be beneficial use of the property without the granting of the variance, the request does not appear to be substantial, and the character of the area will not be detrimentally affected.

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-40-2026 based on the findings in the staff report, subject to the following condition:

1. Cross-access shall be required, and a written agreement of the cross-access easement shall be provided with the adjacent property with which the cross-access is proposed.

Approximate Site Location:



Source: NearMap



Community Development Department

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

Dear Gavin Jones,

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, June 23, 2026

The New Albany Board of Zoning Appeals took the following action on **06/22/2026**.

Variance

Location: 095-112050-00.007

Applicant: Gavin Jones

Application: PLVARI20260040 (VAR-40-2026)

Request: Variance from C.O. 1153.04(c) to allow a parking lot to encroach 20 feet into a required 25-foot side yard pavement setback on an approximately 7.3-acre Limited General Employment lot on Innovation Campus Way generally located west of Harrison Road and east of Smith's Mill Road (PID: 095-112050-00.007).

Motion: To approve

Commission Vote: Motion Approved with Conditions, 4-0

Result: Variance PLVARI20260040 was Approved with Conditions by a vote of 4-0.

Recorded in the Official Journal this June 23, 2026

Condition(s) of Approval:

1. Cross-access shall be required, and a written agreement of the cross-access easement shall be provided with the adjacent property with which the cross-access is proposed.
2. The letter from the adjacent property owner shall be accepted into the record.

Staff Certification:

Lauren Sauter
Planner