



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

I. Call to order

The New Albany Board of Zoning Appeals held a regular meeting on Monday, July 27, 2026 in the New Albany Village Hall. Vice Chair Jacob 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	absent
Mr. Abe Jacob	present
Ms. Tiana Samuels	absent
Mr. Jeremiah Wood	present
Ms. Sarah Briggs	present
Council Member Matt Shull	present

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

Staff members present: Planner I Javon Henderson, Planning Manager Chris Christian, and Acting Law Director Ian Bigalk (on behalf of Law Director Ben Albrecht).

III. Action on minutes June 22, 2026

Vice Chair Jacob asked if there were any corrections to the minutes.

Hearing none, Board Member Wood moved to accept the June 22, 2026 meeting minutes. Board Member Briggs seconded the motion.

Upon roll call: Mr. Wood yes, Ms. Briggs yes, Mr. Jacob yes. Having three yes votes, the motion passed and the June 22, 2026 meeting minutes were approved as submitted.

IV. Additions or corrections to the agenda

Vice Chair Jacob asked if there were any additions or corrections to the agenda. Planner I Henderson stated that there were none.

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

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

Vice Chair Jacob asked if there were any visitors present who wished to speak on an item not on the agenda. Donna Larkin stated that she submitted a letter to Planner I Henderson via email and hoped that the board received the letter in advance of the meeting. Donna Larkin stated that she did not plan on addressing the board unless needed. Vice Chair Jacob swore in Donna Larkin in the event she wanted to address the board later in the meeting.

Vice Chair Jacob introduced the first case and asked to hear from staff.

VI. Cases

VAR-43-2026 3676 Farley Court Setback Variance

Variance from C.O. 1133.05 to allow a portion of an attached covered porch to encroach 5 feet and 8 inches into a required 30-foot rear yard building setback on an approximately 0.37-acre single-family residential lot at 3676 Farley Court (PID: 222-001789).

Applicant: The Cleary Company

Planner I Henderson delivered the staff report.

Vice Chair Jacob asked whether the board had any questions for staff.

Board Member Wood asked staff to clarify what the board was being asked to decide, and whether the variance applied to the covered porch, the paver patio, or both. Planner I Henderson stated that the uncovered paver patio is permitted to encroach up to 5 feet from the rear property line, and that the encroachment under consideration is the attached covered porch.

Vice Chair Jacob asked staff to explain how a detached structure would be treated differently. Planner I Henderson stated that a detached gazebo or pergola is categorized as a recreational amenity, which the code permits to encroach up to 10 feet from the rear property line.

Board Member Wood asked whether the code sets a minimum separation for a structure to be considered detached. Planner I Henderson stated that there would need to be a gap so that the structure does not connect to the primary structure of the house. Board Member Briggs asked whether a specific distance is required. Planner I Henderson stated that no specific distance is required. Board Member Wood asked whether a structure separated by as little as one inch would comply with the code without a variance. Planner I Henderson stated that it would.

Vice Chair Jacob asked what similar requests the board had considered previously, setting aside the case heard the prior month, and when those cases were decided. Planning Manager Christian stated that he could not recall a similar case before this board, but that the Planning Commission had approved a small number of them, including one in Nottingham Trace approximately a year and a half earlier.

Vice Chair Jacob asked why that case went before the Planning Commission rather than the Board of Zoning Appeals. Planning Manager Christian stated that variances in a planned unit development with a development text default to the Planning Commission, and that this property is straight zoned, which places variances of this type before the Board of Zoning Appeals.

Board Member Briggs asked whether the city had heard from any neighbors other than the resident who had submitted an email. Planner I Henderson stated that the city had not. Board Member Briggs asked whether the city had provided notice to surrounding property owners as it typically does. Planner I Henderson stated he had.

Vice Chair 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. Having three yes votes, the motion passed and the staff reports and related documents were admitted to the record for VAR-43-2026.

Vice Chair Jacob asked whether the applicant wished to comment further on the application. Mr. George Cleary of The Cleary Company declined to add to what had been presented. Vice Chair Jacob asked whether the board had any questions for the applicant.

Board Member Wood asked staff to return to the side elevation, and asked the applicant how much of the structure would need to be removed to bring the porch within the required setback. Mr. Cleary stated that

it would be the 5 feet and 8 inches at issue. Mr. Cleary stated that the design had been in progress with the homeowner since December 2025, and that an earlier layout ran the structure to the south, which left insufficient room for a dining table. He stated that the homeowner wished to keep the porch attached to the house because the fireplace is existing, and that covering the area would address moisture buildup and the failing steps in that location.

Board Member Briggs asked staff to display the diagram showing the location of the home on Farley Court. Planner I Henderson displayed the site plan. Mr. Cleary identified the rear yard on the plan and noted that the lot is irregularly shaped, with a detached garage structure and the home shown.

Vice Chair Jacob asked whether the applicant and the owner had agreed to the recommended condition requiring landscape screening on the southern and northern sides of the improvement. Mr. Cleary stated that they had.

Board Member Wood asked whether any landscape plans had been prepared. Mr. Cleary stated that the contract includes an allowance along with recommendations from the landscape company, but that the firm's rendering platform does not depict landscaping in detail. He stated that there are a number of trees and shrubs on the south side, that the north side is heavily wooded and already provides coverage, and that screening is proposed in the same location on the south side because the improvement does not encroach further in that direction.

Board Member Wood asked what size and type of plantings were proposed. Mr. Cleary stated that the existing plantings are approximately 10 feet tall, roughly the height of the first floor ceiling, and that the new screening would be comparable.

Vice Chair Jacob asked whether the applicant would be required to work with city staff on the landscaping. Planner I Henderson stated that staff would want the applicant to work with staff. Planning Manager Christian stated that screening in the Country Club is typically installed using tall evergreens such as sea green juniper.

Vice Chair Jacob asked what timeline the city typically requires for installation. Planning Manager Christian stated that the city requires a landscape plan in place before a permit is issued, and that staff inspects the installation before the project is finalized.

Board Member Briggs asked whether the requirement to work with city staff should be added as a condition of approval. Vice Chair Jacob stated that he would be open to including it if the motion moved forward.

Board Member Briggs asked about the wall shown in the renderings, which appeared to be a cultured stone veneer, and noted her understanding that the Country Club requires brick. Mr. Cleary stated that the design had been through two rounds of New Albany Country Club architectural review, that the material was changed to brick to match the home, and that the rendering does not reflect that change. Planner I Henderson stated that city code permits stone, and that the brick requirement is a separate Country Club standard.

Vice Chair Jacob asked whether anyone present from the public wished to speak. Donna Larkin came forward.

Donna Larkin stated that she believed the application was premature because it had not received final approval from the homeowners association. She stated that she had been told the project had received only conceptual approval and had not gone through preliminary or final review. She stated that only four or five neighbors fall within the notification area, and that she had not been able to reach all of them.

Donna Larkin stated that the city's definition of a recreational amenity differs from the definition used in the Country Club community, and that the New Albany design guidelines do not permit a permanent structure detached from the home. She stated that the choice before the board is not between an attached structure and a detached one, because a detached structure would not be permitted by the association.

Vice Chair Jacob asked Planning Manager Christian to clarify the relationship between the city process and the homeowners association process. Planning Manager Christian stated that they are two separate processes, and that staff advises applicants at the time of permit submittal that the city conducts a zoning review only and that the association has its own approval process.

Donna Larkin stated that recreational amenities under the association's guidelines refer to items such as a basketball court, swing set, or soccer net that can be moved easily, and that the term does not apply to permanent structures. She stated that the application should be finalized by the association before the board acts on it.

Council Member Shull stated that city and association requirements are frequently confused, that association guidelines vary across communities, and that the board does not apply association guidelines in its review.

Donna Larkin stated that her primary concern is the precedent the approval would set. She stated that Planters Grove has been characterized by large open yards, green space, and an absence of fences, and that building into the setbacks would erode that character over time if other property owners followed.

Board Member Briggs stated for the record that the board had received documentation that day indicating that the proposed design had been reviewed and approved by the New Albany Country Club Communities architectural review committee as consistent with the architectural character and standards of the community. She noted the difference between the applicant's account and Ms. Larkin's.

Donna Larkin stated that the association had told her the project had gone through conceptual review only, which she described as a high level review confirming agreement in concept. Board Member Briggs asked when that conversation took place. Donna Larkin stated that she had spoken with the association the previous Friday.

Planner I Henderson stated for the record that staff sent notification letters to 12 residents in the area. Donna Larkin stated that she did not believe there were 12 properties within the notification area.

Donna Larkin stated that the Nottingham Trace approvals referenced earlier are governed by a different set of guidelines and are not comparable. She stated that the property on the other side of her home had attempted a similar improvement 10 to 15 years earlier and was not permitted to proceed. Vice Chair Jacob asked whether the association or the board had denied that request. Donna Larkin stated that she did not know, and that the improvement was ultimately built at a smaller size that did not require a variance.

Board Member Wood asked whether the proposed screening would address her concerns. Donna Larkin stated that it would not, because the screening would further obstruct her view. She stated that the roof height is greater than that of most porches in Planters Grove and already obstructs her view toward the green space at the north end of the court, and that additional tall plantings along the north lot line would leave her enclosed on both sides. She stated that she has lived in the neighborhood for 27 years.

Vice Chair Jacob asked whether the applicant had additional comments. Mr. Cleary stated that the applicant has a second approval from the New Albany Country Club architectural review committee and offered to provide it to the board or to the neighbor. He stated that the first submittal was approved on June 2 and that the second review was dated July 7, both for the same structure size, and that the only outstanding item noted by the committee is city approval. Vice Chair Jacob noted that the matter before the board is the 5 foot 8 inch encroachment.

Planner I Henderson stated that the document the board received was included in the digital packet but not in the physical packet, which is why it was placed on the desk at the meeting, and that it was part of the original submittal.

Board Member Briggs asked whether the association approvals could be entered into the record. Council Member Shull stated that the board should confirm what it would be entering, because the June 2 review may have been conceptual only. Board Member Wood stated that the board would need the actual approval documents.

Mr. Cleary stated that the approval is listed on the association's website under approved projects and is shown as approved with conditions, and that the conditions relate to trim column detail and a potential roof over the front door. He stated that the association raised no conditions regarding setback, size, or encroachment in either submittal.

Planning Manager Christian stated that, in order to keep the two processes separate, the board could instead add a condition requiring the applicant to provide proof of association approval at the time of permitting, as the board has done in the past.

Council Member Shull asked whether the homeowner was aware of the 30-foot rear yard setback at the time of purchase. Planner I Henderson reviewed the applicant submittal and confirmed that the resident had prior knowledge of the setback requirement.

Hearing no further questions, Vice Chair moved for approval of VAR-43-2026 subject to the findings in the staff report with the two conditions listed below, subject to staff approval. Board Member Wood seconded the motion.

1. The applicant shall add landscape screening on the southern and northern sides of the improvement, in consultation with city staff.
2. The applicant must submit proof of the HOA approval to city staff at the time of permitting.

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

VIII. Adjournment

Vice Chair Jacob 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, Vice Chair Jacob moved to adjourn the July 27, 2026 meeting. Board Member Wood seconded the motion.

Upon roll call: Mr. Jacob yes, Mr. Wood yes, Ms. Briggs yes. Having all yes votes, the meeting was adjourned at 7:05 p.m.

Submitted by Chris Christian, Planning Manager.

Appendix

VAR-43-2026

Staff Report

Record of Action



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

**3676 FARLEY COURT
REAR YARD SETBACK VARIANCE**

LOCATION: 3676 Farley Court (PID: 222-001789)
APPLICANT: The Cleary Company
REQUEST: Variance
ZONING: Single-Family Residential District (R-3)
STRATEGIC PLAN: Residential
APPLICATION: VAR-43-2026

Review based on application materials received June 9, 2026.

Staff report prepared by Javon Henderson, Planner

I. REQUEST AND BACKGROUND

The applicant requests a variance from C.O. Section 1133.05 to allow part of an attached covered porch to encroach 5 feet and 8 inches into the required 30-foot rear yard setback. The associated patio pavers are proposed to encroach 9 feet into the setback, which is permitted by code. The proposed porch is an extension of the existing patio that currently meets the setback requirements. The total area of the covered porch is approximately 108 square feet.

II. SITE DESCRIPTION & USE

The property is located south of the Village Center, generally in the area west of Johnstown Road and north of Morse Road. The property comprises approximately 0.37 acres in Section 13 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 site includes a 5-foot-wide drainage easement along the south (side) property line.

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 covered porch to encroach approximately 6 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 covered porch to encroach 5 feet and 8 inches into the required 30-foot rear yard setback. The applicant has stated that the structure will be attached to the main home and is open on all four sides, which makes it part of the primary structure, and shows this in site plans. Additionally, the site plan shows a patio extension of 9 feet and associated improvements for the outdoor living space.
3. The portion of the building proposed to encroach is approximately 18 feet in total length; approximately 6 feet will encroach into the setback.
4. The applicant has submitted proof of review and approval from the New Albany Country Club Architectural Review Committee, ensuring that the architectural character is consistent with that of the surrounding area.
5. Only a small portion (less than half) of the covered patio is proposed to encroach into the setback as opposed to the entire structure. The applicant has stated that the variance enables a reasonable improvement consistent with other homes in the neighborhood.

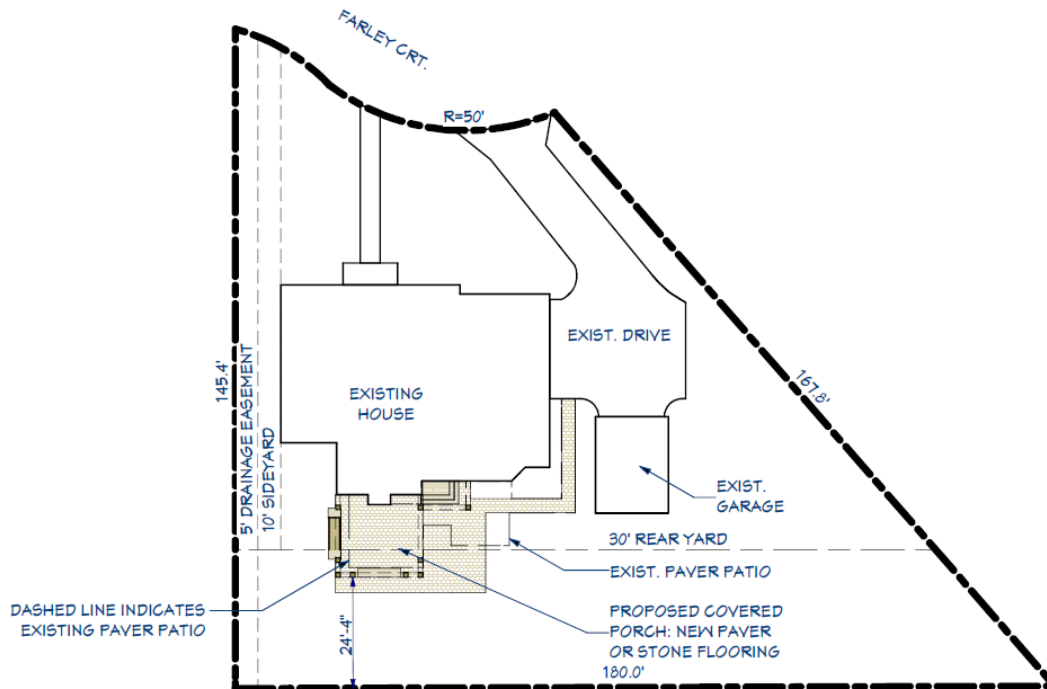


Image: Site Plan

6. The rear yard encroachment will cause a varying rear yard setback between nearby properties concerning attached structures. However, the site is surrounded by mature trees on the eastern property line that will help screen it from the adjacent property and ensure the visual impact of the encroachment will be reduced. Additionally, the applicant has stated that the improvement is approximately 155 feet from the neighboring property that shares the rear lot line.
 - a. Staff recommends a condition of approval that additional landscape screening be added on the southern and northern sides of the improvement (condition #1).
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. An uncovered porch/paved patio can encroach up to 5 feet from the rear property line or a detached covered porch could encroach up to 10 feet from the rear property line.
8. The request seems to have a minimal impact; however, there are no previous precedents of a covered porch being approved to encroach into a rear yard setback. There have been numerous variances approved for detached structures, and uncovered porches and patios to encroach into a rear or side yard setback. Additionally, the request appears to be minimal due to the encroachment distance of the structure as part of the house and the small 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 a precedent for future variance requests for attached structures to encroach into the rear yard. It appears that throughout the neighborhood, there are several paver patios and/or decks constructed in the rear yards, which visually match the area. However, none of the improvements appear to have a covered portion to the addition, therefore allowing it to encroach into the rear yard at a greater distance than a covered porch.
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 covered porch could be reduced to comply with the required rear yard setback, while the adjacent uncovered patio could continue to extend into the rear yard setback as permitted. Alternatively, the porch could

be redesigned as a detached structure, which would also allow it to extend into the rear yard setback. 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 preserve visual harmony. Allowing the covered porch to encroach into the rear yard setback has the potential to disrupt visual cohesion with other lots in the subdivision that adhere to the setback requirement for covered porches or patios.

12. 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.
13. 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 approval of a variance to allow a portion of a covered porch to encroach 5 feet and 8 inches into a required 30-foot-wide rear yard setback, effectively placing it approximately 24 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 does not appear to be substantial as if it was detached, it could encroach up to 10 feet. It 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.

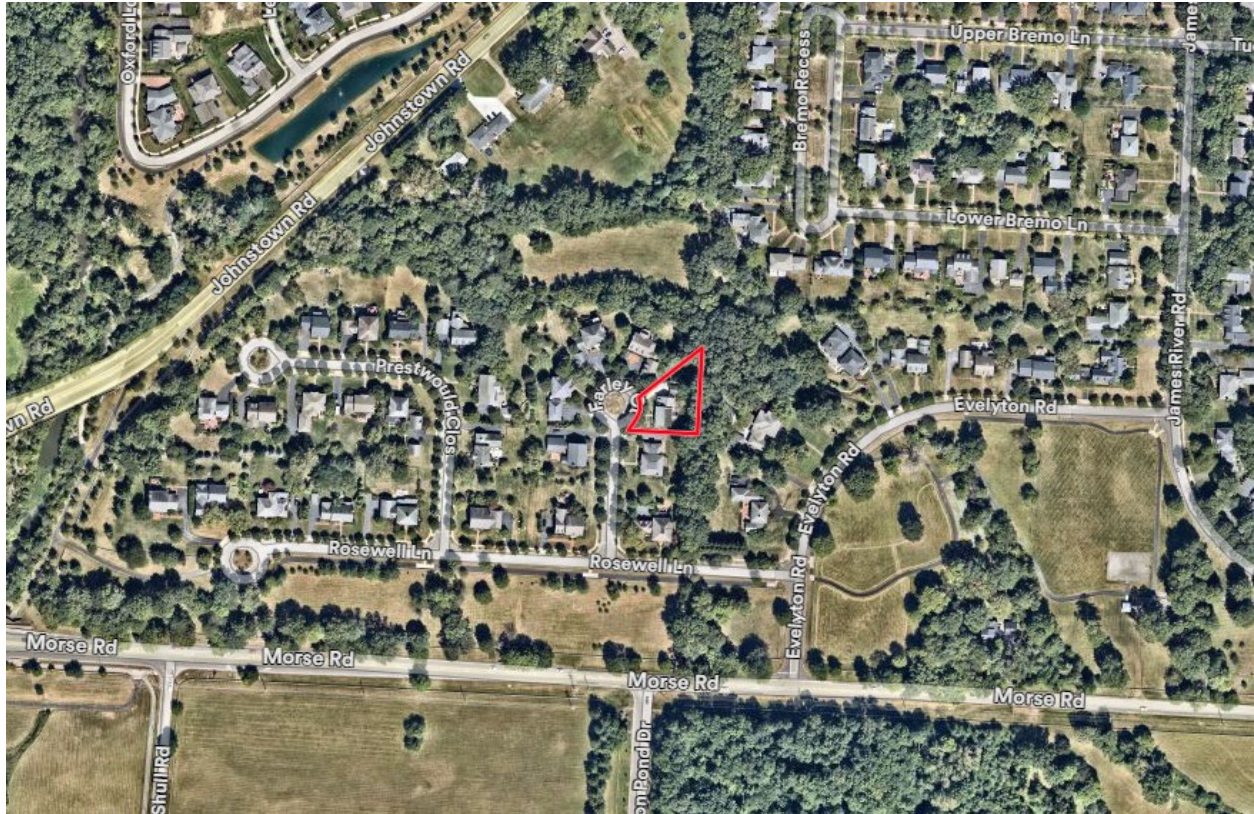
VI. ACTION

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

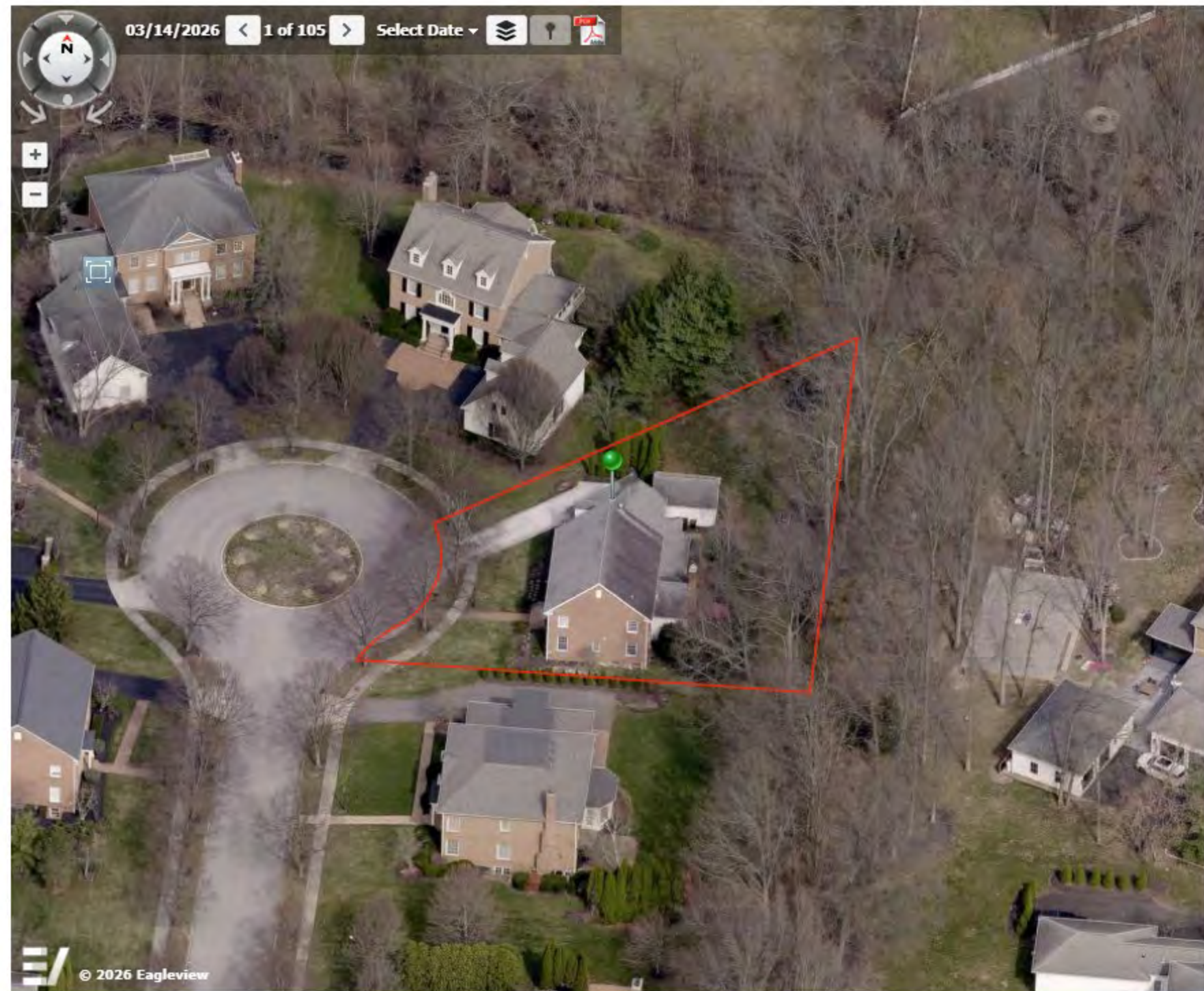
Move to approve variance application VAR-43-2026 based on the findings in the staff report with the following condition:

1. The applicant shall add landscape screening on the southern and northern sides of the improvement.

Approximate Site Location:



Source: NearMap





Community Development Department

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

Dear The Cleary Company,

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, July 28, 2026

The New Albany Board of Zoning Appeals took the following action on 07/27/2026 .

Variance

Location: 3676 FARLEY CT

Applicant: The Cleary Company,

Application: PLVARI20260043

Request: Variance from C.O. 1133.05 to allow a portion of an attached covered porch to encroach 5 feet and 8 inches into a required 30-foot rear yard building setback on an approximately 0.37-acre single-family residential lot at 3676 Farley Court (PID: 222-001789).

Motion: To approve

Commission Vote: Motion Approved with Conditions, 3-0

Result: Variance, PLVARI20260043 was Approved with Conditions, by a vote of 3-0.

Recorded in the Official Journal this

Condition(s) of Approval:

1. The applicant shall add landscape screening on the southern and northern sides of the improvement, in consultation with city staff.
2. The applicant must submit proof of the HOA approval to city staff at the time of permitting.

Staff Certification:

Javon Henderson
Planner