



MEETING MINUTES

Board of Zoning Appeals

Thursday, March 26, 2026

CALL TO ORDER

Mr. Anderson called the meeting to order at 6:35 p.m. in the Council Chamber, 5555 Perimeter Drive. He welcomed members of the public and stated that in addition to attending the meeting, the public can access the livestream on the City's website. The City welcomes public participation including public comments on cases. He reviewed the meeting procedure.

ROLL CALL

Board Members Present: Garrett Anderson, Abigail Dalesandro, Brad Linville, Bridget Tyznik.
Patrick Murphy arrived at 6:37 p.m.

Staff Members Present: Zachary Hounshell, Bassem Bitar, Tori Brubaker, Anthony Severyn

APPROVAL OF MINUTES/ACCEPTANCE OF MEETING DOCUMENTS

Ms. Tyznik moved, Mr. Linville seconded acceptance of the documents into the record and approval of the January 29, 2026 regular BZA meeting minutes.

Vote: Ms. Dalesandro, yes; Ms. Tyznik, yes; Mr. Linville, yes; Mr. Anderson, yes.

[Motion carried 4-0]

Mr. Murphy shared the procedures for the meeting and swore in staff and members of the public who planned to address the Board during the meeting.

CASE REVIEWS

Case #26-002V

Hovan Residence – Non-Use (Area) Variance

Request for review and approval of a Non-Use (Area) Variance for a shed to encroach the required rear yard setback. The 0.30-acre site is zoned R-4, Suburban Residential District and is located at 5613 Adventure Drive

Staff Presentation

Ms. Brubaker presented the staff report, explaining that the request involved a Non-Use (Area) Variance for a shed that encroaches 17 feet into the required rear yard setback at 5613 Adventure

Drive. The 0.3-acre site is zoned R-4 Suburban Residential District and is located in the Hemingway Village subdivision.

Ms. Brubaker detailed the history of the case, noting that Code Enforcement had received a complaint about a shed being built at the rear of the property without a permit. Following a site visit that confirmed the violation, the applicant submitted a Certificate of Zoning Plan Approval that was denied by city staff on January 5th due to setback requirements. The shed was built in a location that requires a 30-foot rear yard setback, with the structure encroaching 17 feet into this required area.

Regarding the variance criteria, Ms. Brubaker explained that all three criteria under Section A must be met for approval and none were met. She stated that no special conditions had been found for the site, the applicant's construction of the shed in the rear setback constituted action by the applicant, and granting the request would result in negative adverse effects to the surrounding community while impairing the intent of the Code. Under Criteria B, which requires at least two of four criteria to be met, the application did meet this requirement. However, due to the failures under Criteria A, planning staff recommended disapproval of the Non-Use (Area) Variance.

Applicant Presentation

Marquette Hovan, homeowner, 5613 Adventure Drive, Dublin, stated that she and her husband were relatively new to the Columbus area and were not aware of the approval process before purchasing the shed. She expressed appreciation for the city planning staff's helpfulness in walking them through the process once they became aware of it.

Ms. Hovan explained that while their lot may appear larger on paper, the practical reality was that the usable backyard area was heavily constrained by existing features including the pool, surrounding concrete and paver areas, the deck, fire pit, rear easement, and the shape of the lot itself. She emphasized that these limitations were already in place when they moved into the home and were not conditions they had created. Although there might be another compliant location, that location would take up much of the remaining functional backyard space and make the yard significantly less usable for normal residential purposes.

Their request involved a small accessory structure of 160 square feet located in the rear yard that would not affect the front streetscape, traffic, or public access. Ms. Hovan noted that even the staff report acknowledged it does not adversely affect governmental services. She pointed out that while the report stated the variance would have adverse effects on the surrounding community, it did not identify any specific harm such as drainage issues, safety concerns, blocked access, or other measurable impacts to neighboring properties.

Brandon Starr, homeowner, 5613 Adventure Drive, Dublin, also provided testimony after being sworn in. He explained that their original intent was to avoid the 10-foot utility easement that they knew existed on the property. They moved the shed far enough to clear the easement, but during the formal Certificate of Zoning Plan Approval process, they learned about the additional 30-foot setback requirement. Mr. Starr stated that they had inadvertently created the need for the variance, though it was not intentional. He noted that placing the shed in the alternative compliant location would result in irregular functional use of the yard and would take up a large portion of the usable property.

Board Questions

Mr. Murphy asked staff to expand on adverse effects to surrounding community. Ms. Brubaker stated that if the Variance were approved, it would create precedent for approving similar sheds in this zoning district.

Mr. Anderson questioned the applicant about the special conditions criteria, asking them to explain what special conditions existed for the property that were not applicable to other properties in the area, and how the requirement for the Variance was not necessitated by their actions. Mr. Starr indicated that they placed the shed to avoid the easement, unknowingly placing it in the setback. Mr. Anderson referenced the second criteria, noting that had the shed not been built in its current location, the Variance would not be required, which technically constituted action by the applicant necessitating the variance.

Mr. Linville inquired about other possible locations for the shed on the property, particularly regarding side yard requirements and whether there was sufficient space on either side of the pool to meet the 5-foot minimum setback requirements with a total of 15 feet required between both side-yard setbacks.

Mr. Murphy asked about the specific purpose of the shed. Ms. Hovan responded that it was for standard storage of pool furniture and equipment. Mr. Murphy also inquired about vegetation on the property and how much of the area was covered by brush or trees, noting that aerial images showed considerable vegetation that was not accounted for in the schematic drawings. The homeowners indicated there was substantial vegetation.

Public Comment

Nick Alain, 5603 Adventure Drive, Dublin, stated that he was surprised by the placement of the shed, finding it intrusive and visible from his windows and backyard. He noted that there had been 5 or 6 trees in the area that were cut down before the shed was placed. Mr. Alain described the shed as very large, like a mini house, and positioned in the far southeast corner where it was barely visible from the applicant's house but highly visible to neighbors. He questioned what the neighborhood would look like if every neighbor decided to place similar structures in each other's sight lines, noting that he had lived in his house for over 30 years and had never seen such large sheds in the neighborhood. The previous owner had managed the swimming pool without any shed.

Mitch Coffman, 7068 Anselmo Court, Dublin, stated that he walks his dog daily and finds the shed unobtrusive, noting that it blends well with the neighborhood and is tastefully done. He emphasized that it has street appeal and does not affect the neighborhood negatively.

Board Discussion

Mr. Linville expressed sympathy for the situation but noted the importance of consistency in enforcement of zoning rules. He stated that while intent might not factor into the decision, he could not see a way around the fact that the shed was put in place without a permit. He emphasized that there were other options available and that sometimes property owners cannot place structures exactly where they want them due to existing constraints like pools. Mr. Linville concluded that none of the criteria under Section A had been met, particularly A2 regarding applicant action.

Mr. Murphy agreed with this assessment, noting that while he understood the busy nature of the backyard with preexisting structures, the unique condition of having a larger lot in the subdivision would actually work in favor of the applicant for shed placement. He emphasized that the main issue was that the Variance was necessitated by the applicant's action, questioning whether the

shed's specific location, size, and dimensions were truly necessary given there are alternative locations where it could be placed. Mr. Murphy noted that the underlying purpose of setbacks is to maintain open areas, and a shed would be fairly obtrusive in undermining this purpose. Members Dalesandro and Tyznik echoed similar sentiments, with Ms. Dalesandro noting that while she might aesthetically prefer the shed's current location rather than in the middle of the yard, the three criteria under Section A had not been met. All members agreed that they could not support granting the variance due to the failure to meet the required criteria.

Mr. Linville moved, Ms. Dalesandro seconded approval of the Non-Use (Area) Variance to allow a shed to encroach 17 feet into the 30-foot rear yard setback..

Vote: Mr. Linville, no; Ms. Tyznik, no; Mr. Anderson, no; Ms. Dalesandro, no; Mr. Murphy, no.
[Motion failed 0-5.]

Case #25-116AA

Coffman Residence Fence - Administrative Appeal

An Administrative Appeal of a determination by the City of Dublin Community Planning and Development Division regarding whether a new fence is considered a replacement fence. The 0.26-acre site is zoned R-4, Suburban Residential District and is located approximately 40 feet northeast of the intersection of Scribner Way and Anselmo Court.

Before hearing the case, Legal Counsel Anthony Severyn provided guidance on the scope and procedures of administrative appeals, noting that no current board member had handled such an appeal. He explained that under Code Section 153.231(c)(1), the Board is empowered to hear appeals from any person affected or aggrieved by administrative decisions where there is alleged error or misinterpretation. The appellant bears the burden of showing their appeal should be granted.

Mr. Severyn outlined the procedural framework, explaining that the Board's decision is limited to information available to the administrative official at the time of the original decision. Additional testimony outside the scope of the original decision is not appropriate, though testimony within that scope is permitted. The Board may reverse, affirm, or modify the decision being appealed, and their determination becomes effective once the minutes are officially approved, unless immediate effect is deemed necessary for public safety.

Staff Presentation

Mr. Hounshell presented the staff report involving an administrative appeal of a staff determination regarding whether a new fence should be considered a replacement fence. The 0.26-acre site is zoned R-4 and is located in the Hemingway Village subdivision.

Mr. Hounshell provided extensive background on the case, which began in spring 2024 when the property owner installed a fence in the rear yard without approval. Code Enforcement engaged with the property owner, and in November 2024, a Variance was requested for the constructed fence to encroach both side and rear yard setbacks. The Board of Zoning Appeals disapproved that request. In April 2025, staff received an official request for determination regarding a revised fence plan, and in October 2025, staff issued an official determination that the existing fence was not considered a replacement fence.

The appellant had stated that the rear lot line was previously lined with existing vegetation including trees, flowers, vines, and other vegetation supported by rope and 6-foot stakes. The appellant claimed they interpreted the Zoning Code to allow removal of existing vegetation and erection of a new fence in the same location as a replacement. However, staff's determination focused on the definition of a fence, which includes trellises or other structures supporting vegetation when erected to enclose or partially enclose premises. Staff applied this to mean that vegetation alone does not count toward the definition of a fence - rather, it addresses structures that would be able to hold vegetation.

Staff found that while aerial photos demonstrated vegetation on the property, they did not provide probative evidence of a qualifying fence structure for three reasons: the vegetation in aerial photos was not consistent with vegetation within the fence definition; vines and flowers are not considered a fence unless growing on supporting structures; and any structures supporting vegetation were not erected to enclose or partially enclose premises.

Appellant Presentation

Mitchell Coffman, property owner, 7068 Anselmo Court, Dublin, thanked planning staff for their clear concise communication throughout the process, contrasting it with previous interactions. He asked whether the Board agreed that zoning laws should be applied consistently to all citizens.

Mr. Coffman explained that the fence was built for safety reasons, as there are two disabled individuals on each side of his house, with emergency vehicles coming and going throughout the night. The fence was necessary to prevent conflicts between dogs from different properties that could impact disabled children using outdoor spaces.

He noted significant issues with the permitting application system, which does not allow selection of fence replacement versus new fence, creating confusion for applicants and potentially extending processing times. Mr. Coffman expressed criticism of the site inspection process, stating that an unqualified and untrained inspector was sent who conducted the inspection by driving into the court and looking through a car window during damp, rainy conditions rather than performing a proper on-site examination.

Mr. Coffman provided detailed research on fence compliance in his neighborhood, stating that of 66 homes in his square block, 21 have fences (32 percent), with only 8 properties having fences prior to the March 2000 code change. This meant that 13 of the 21 fenced properties (61 percent) did not have existing fences before the code change, yet these fences exist on property lines. He verified this information through the state auditor's website after the City could not provide the data, and included parcel numbers of properties with non-compliant fences in his submission.

Mr. Coffman argued that his request was not seeking special privileges present in 20 percent of homes in his block, where no fences or vegetation existed prior to the March 2000 code change. He contended that vegetation existed meeting the fence definition, that Dublin failed to conduct proper due diligence through an adequate site inspection, and that zoning laws were not being applied consistently among all Dublin residents. He emphasized that the fence was installed for the safety of disabled children, and he committed to removing it immediately if the safety situation changed.

Board Questions

Mr. Severyn reminded the Board that the specific question was whether the new fence could be considered a replacement fence under the referenced code section, emphasizing that the appellant bears the burden of presenting probative evidence regardless of any procedural concerns.

Mr. Anderson asked the applicant to clarify the basis for the appeal, specifically whether the argument was that vegetation with rope and stakes constituted a trellis structure that would qualify as a fence for replacement purposes. Mr. Coffman confirmed this interpretation while also noting that Dublin failed to conduct proper due diligence in their site inspection.

Mr. Linville questioned whether the City's determination that rope and stakes did not constitute a trellis was based on their own evidence or just on submitted materials. Mr. Hounshell confirmed their determination was based on submitted evidence, as they found no probative evidence that what was provided would constitute a replacement fence.

Board Discussion

The Board examined aerial photographs from 2000 provided by the applicant, noting that any fence would have needed to exist prior to the March 2000 ordinance effective date to qualify for replacement status. The photographs showed vegetation but no clearly discernible fence structures or supporting elements.

Ms. Dalesandro noted that the burden of proof had not been met, as the pictures from 2000 showed vegetation but no visible support structures that would qualify as a fence under the code definition.

Mr. Murphy acknowledged sympathy for the applicant's needs but emphasized that the Board is limited to the evidence in the record and the specific scope of whether this constituted a replacement fence. He noted that the 2000 aerial photos did not show any trellises or structures supporting vegetation, appearing instead to show trees, shrubs, and vegetation without supporting structures observable from the photographs.

The Board concluded that the structure would not fall in line with the definition of a replacement fence, as there was insufficient evidence that a qualifying fence structure existed as of the effective date of the ordinance. All members expressed similar views that the appellant had not met the burden of proving the appeal should be granted.

Mr. Linville moved to grant the appeal in whole. Mr. Anderson seconded the motion.

Vote: Mr. Murphy, no; Mr. Linville, no; Mr. Anderson, no; Ms. Tyznik, no; Ms. Dalesandro, no.
[Motion failed 0-5.]

Case #26-007AA

Boroff Residence – Accessory Structure

An Administrative Appeal of a determination by the City of Dublin Community Planning and Development Division regarding an accessory structure being permitted on the site. The 0.34-acre site is zoned PUD, Planned Unit Development District - Donegal Cliffs and is located at 4967 Galway Drive.

Staff Presentation

Mr. Hounshell gave the staff presentation involving a determination about whether an accessory structure should be permitted on a site in the Donegal Cliffs neighborhood. The 0.34-acre site is zoned PUD (Planned Unit Development District) and located at 4967 Galway Drive.

Mr. Hounshell explained that the City had issued a notice of noncompliance after receiving reports of an unpermitted accessory structure prohibited under the Donegal Cliffs development text. A notice of violation was subsequently issued in November, with the applicant claiming the structure replaced a previously approved children's clubhouse. The appeal argued that the development text is silent on replacing previously approved playhouses and that the City failed to apply proper standards.

Staff used accessory structure Code Section 153.074(A)(4)(a) to make their determination. Staff found that sheds are identified as accessory structures, and the Donegal Cliffs development text does not allow accessory structures throughout the neighborhood. While applicants claimed a previous structure was approved, staff research found no record of any approved accessory structure for the site, and no evidence was provided through the appeal process.

Appellant Presentation

Shane and Samantha Boroff, property owners, 4967 Galway Drive, Dublin, were present. Mr. Boroff thanked staff for their assistance while respectfully disagreeing with the determination. They stated that the appeal was not based on documentation of prior approval, but rather on whether the administrative decision applied proper requirements and standards of the code.

Mr. Boroff explained that the determination treated the structure as a newly introduced accessory structure (specifically a shed), but there was no indication in the record that a structure had not existed in the exact same location, form, and use as a children's clubhouse for more than 10 years. They purchased the home in July 2016, and the structure was in the same location when they first saw the home in May 2016. During that period, there had been no determination that the structure was nonconforming.

Mr. Boroff stated that the question should be whether the structure should be evaluated as a replacement rather than newly introduced structure, which was a separate issue from documentation requirements. They contend that the development text is silent on replacement or continuation of previously existing structures, and where silent, Dublin Code should prevail. Neither the development text nor cited code provisions expressly address replacement of previously existing structures.

He noted that similar recreational structures exist throughout the neighborhood, reinforcing that their interpretation was consistent with how the development text had functioned in practice. The staff report mentioned packaging as a storage shed but made no mention of actual use as a playhouse, which they provided photographic evidence to support.

Board Questions

Mr. Anderson sought clarification on their statement regarding the development text prohibition on accessory structures and whether replacement status would supersede this prohibition. Mr. Boroff confirmed their understanding that the development text limits newly introduced structures but does not expressly address replacements.

When asked about photos of the previous structure, the applicants indicated they had photos but none were included in the original record. Mr. Boroff described attempting to find a direct one-for-one replacement, with the new structure being slightly smaller - about one foot narrower and two feet shorter in depth, roughly 6-7 feet high. The original structure was a mix of plastic and wood, while the new structure was plastic.

Mr. Anderson questioned what type of approval would have been needed, and staff confirmed that any accessory structure would be reviewed against the development text, which prohibits such structures. Even a Variance request would likely be futile given the specific prohibition in the development text.

Ms. Dalesandro asked whether there was any mechanism for resubmission or re-evaluation of the structure as a play structure rather than a shed. Mr. Sevryn explained that the Board is bound by the language stated in the appeal, and there is no clear process for amending appeal language after the 20-day filing period.

Board Discussion

The Board discussed whether the structure should be evaluated as a shed versus playground equipment under the development text, which allows in-ground pools and wooden playground equipment/swing sets as permitted accessory structures while prohibiting all other accessory structures.

Mr. Sevryn clarified that accessory uses is a broader category than accessory structures, and even if a structure is used for a permissible use like recreation, the structure itself must still comply with applicable development text or code requirements. The Donegal Cliffs development text specifically permits only wooden playground equipment/swing sets and in-ground pools as accessory structures.

The Board examined whether the plastic playhouse structure could qualify as wooden playground equipment, with several members noting that the development text's specific language requiring wooden construction created a significant obstacle, regardless of the structure's use or aesthetic compatibility with the neighborhood.

Mr. Murphy noted that the determination hinged on whether this was a replacement of a previous structure and whether it qualified under the limited exceptions in the Donegal Cliffs development text. The Board found insufficient evidence in the record to demonstrate that a previously approved or compliant structure existed that would justify replacement status.

Mr. Anderson emphasized that even if considering the replacement argument, there must be evidence that an initially approved structure existed, which was supported only by hearsay rather than documentary evidence.

Mr. Linville acknowledged the difficulty of the situation but noted that the facts in the record did not support finding that a previously permitted structure existed. The Board is constrained by the specific language of the development text, which permits only in-ground pools and wooden playground equipment/swing sets as accessory structures.

Members Dalesandro and Tyznik agreed that while they sympathized with wanting to allow the playhouse, the word wooden in front of playground equipment created an insurmountable obstacle. The development text's narrow language could not accommodate the plastic structure, regardless of its use or neighborhood compatibility.

The Board concluded that the structure did not qualify as wooden playground equipment under the development text and that insufficient evidence existed to demonstrate it was replacing a previously approved structure.

Mr. Anderson moved to grant the appeal in whole. Ms. Tyznik seconded the motion.

Vote: Mr. Anderson, no; Ms. Dalesandro, no; Mr. Linville, no; Mr. Murphy, no; Ms. Tyznik, no.
[Motion failed 0-5.]

COMMUNICATIONS

Staff had no communications.

ADJOURNMENT

The meeting was adjourned at 9:40 p.m.



Chair, Board of Zoning Appeals



Deputy Clerk of Council