



MEETING MINUTES

Board of Zoning Appeals

Thursday, May 28, 2026

CALL TO ORDER

Mr. Murphy called the meeting to order at 6:30 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.

ROLL CALL

Board Members Present: Garrett Anderson, Brad Linville, Patrick Murphy, Bridget Tyznik
Board Members Absent: Abigail Dalesandro
Staff Members Present: Bassem Bitar, Tori Brubaker, Anthony Severyn

APPROVAL OF MINUTES/ACCEPTANCE OF MEETING DOCUMENTS

Mr. Anderson moved, Ms. Tyznik seconded acceptance of the documents into the record and approval of the March 26, 2026 regular BZA meeting minutes.

Vote: Mr. Anderson, yes; Mr. Linville, yes; Mr. Murphy, yes; Ms. Tyznik, yes.
[Motion carried 4-0]

Mr. Murphy outlined the procedures for the evening, noting that each case would begin with a staff presentation followed by an applicant presentation, that the Board would direct clarifying questions first to staff and then to the applicant, and that members of the public wishing to comment would be invited to come forward under each application. He then administered the oath to all individuals intending to address the Board or provide public comment on administrative cases.

CASE REVIEWS

Case #26-023V

Shuback Residence – Addition - Non-Use (Area) Variance
Request for review and approval of a Non-Use (Area) Variance for a garage addition to encroach into the side yard setback. The 0.28-acre site is zoned R-3, Suburban Residential District and is located at 6151 Wigeon Court.

Staff Presentation

Ms. Brubaker presented the staff report. She explained that the application before the Board was a request for a non-use area variance to allow a garage addition to encroach into the side yard setback at 6151 Wigeon Court. She noted that this was a singular step for the applicant and that the Board's purpose this evening was to determine whether unique circumstances were associated with the property, whether any natural characteristics were present, and whether the proposed addition would have any impact on adjacent properties. She explained that, if approved, the applicant would be permitted to apply for a building permit, and that if disapproved, the application would need to be modified to meet zoning code requirements.

Ms. Brubaker described the site as a 0.28-acre lot in the R-3 Suburban Residential District, located within the Hawk's Nest subdivision, which consists entirely of single-family homes. She noted that the site was internal to the neighborhood and similar in size to the majority of other lots in the subdivision, with the same applicable setback requirements. She indicated that the proposed addition would be constructed at the western elevation of the the existing garage.

Regarding the specific requirements of the zoning district, Ms. Brubaker stated that a minimum 8-foot side yard setback was required on both sides, with a total minimum combined side yard setback of 18 feet. She explained that the variance request would actually require the Board to act on two separate variances: one to allow the garage addition to encroach 3 feet into the required 8-foot side yard setback on the western side of the property, and a second to reduce the total combined side yard setback by approximately 2 feet.

With respect to Variance Criteria A, Ms. Brubaker stated that all three findings were required to be made but that none had been met. Staff found no special conditions applicable to the site, as it was similar in size to other lots in the subdivision. Staff further found that the proposal would constitute an action by the applicant, and that the request would impair the intent of the code requirements.

Regarding Variance Criteria B, Ms. Brubaker noted that at least two of the four criteria must be met, and that the applicable criteria had not been satisfied. Staff believed granting the variance would confer special privileges upon the applicant. Staff also found that the request was not recurrent in nature and would not impact the delivery of governmental services. Staff further noted that other compliant methods were available, including building an addition that met code requirements or exploring other storage options.

Based on these findings, Ms. Brubaker stated that planning staff recommended disapproval of the variance request.

Mr. Murphy asked for clarification on the two elements of the variance request. Ms. Brubaker confirmed that the first variance concerned the 3-foot encroachment into the 8-foot side yard setback on the western side, and the second concerned a reduction of the total combined side yard setback by approximately 2 feet, falling short of the required 18-foot total.

Applicant Presentation

Heidi Bolyard, Simplified Living Architecture, 220 West Bridge Street, Dublin, introduced herself and presented on behalf of the applicants.

Ms. Bolyard explained that the existing garage was approximately 20 feet 7 inches in width from exterior wall to exterior wall, which left only slightly more than 2 feet of clearance on either side of the 16-foot garage door when open. She stated that the applicants were seeking modest additional space within the garage to accommodate storage items such as garbage cans, bicycles, and children's toys, and to enable both of their vehicles to be parked inside. She noted that at present, only one vehicle could fit in the garage due to the volume of stored items. She further explained that a tandem parking arrangement behind the existing garage was not feasible, as the family room was immediately behind the garage, effectively precluding any rear expansion.

Ms. Bolyard stated that the placement of the home on the lot positioned relatively centered rather than shifted to one side left limited buildable area on either side, and that there was no practical availability to add meaningful storage space elsewhere on the property without constructing a detached shed. She indicated that a neighboring property in the subdivision appeared to have a similar side bump-out on its garage, suggesting that the homebuilder on that lot had positioned the structure in a way that afforded additional clearance.

She noted that the requested addition would add 4 feet in width to the garage, which would allow for the storage of garbage cans, recycling bins, bicycles, and similar items while also enabling a second vehicle to be accommodated inside. She stated that the addition would bring the structure to approximately 5 feet from the western property line, which she noted was above the threshold requiring fire-rated construction, and that the separation between the two homes would remain at approximately 13 feet, given that the neighboring home was required to maintain its own 8-foot setback.

Board Questions

Mr. Anderson asked whether the 20 feet 7 inches figure referred to the measurement from exterior wall to exterior wall, which Ms. Bolyard confirmed. He also asked whether the floor plan was a common design for the neighborhood or whether it was somewhat unusual to have the living room positioned directly behind the garage. Ms. Bolyard indicated she did not have detailed knowledge of the other homes in the subdivision.

Mr. Linville asked whether Ms. Bolyard was the homeowner or the architect, and she confirmed she was the architect, noting the homeowner was present as well.

Mr. Murphy inquired about the specific vehicles intended for storage in the garage. Ms. Bolyard deferred to the homeowner.

Roger Shuback, of 6151 Wigeon Court, Dublin, having been sworn in, addressed the Board. He explained that his household included his wife and four children and that they owned three vehicles: a passenger van used to transport the entire family, and two personal commuter vehicles belonging to himself and his wife. He stated that due to the storage of bicycles, children's toys, and garbage cans in the garage, only one vehicle could currently fit. He indicated that the proposed addition would allow two vehicles to be stored inside with the third in the driveway, which would clear his vehicle from the street. He noted that a number of small children lived on the street and that reducing on-street parking would improve safety. He also observed that many homes in the neighborhood had three-car garages, and that the addition would bring the storage capacity of his home more in line with the character of the surrounding properties.

Mr. Linville asked whether the applicants had explored alternatives such as a fenced or landscaped enclosure, a paved area, or a shed on the side of the house. Mr. Shuback stated that he had not specifically discussed those alternatives with the City, but expressed the view that a shed would be more visually intrusive and would likely encroach further onto the neighboring property. Ms. Bolyard added that the existing patio at the rear of the family room already occupied the back of the property, making a rear shed less accessible for items such as trash cans that needed to be transported to the street.

Mr. Shuback further noted that the next-door neighbor whose property was on the same side as the proposed addition, had a similar bump-out on their garage, and that the positioning of that home on the lot must have been different enough to allow that feature without a variance. He confirmed that his neighbor had not objected to the proposed addition and was, in his characterization, supportive of it.

Mr. Murphy raised the question of whether a 1-foot expansion, which would not require a variance, had been considered as a partial solution. Mr. Shuback responded that a 1-foot addition, once accounting for drywall and structural elements, would yield minimal usable space, not enough to store even a single bicycle or a standard garbage bin. He stated that a 4-foot addition offered meaningful benefit at a marginal additional cost of materials. Ms. Bolyard echoed this assessment. Mr. Murphy followed up by asking whether a flat concrete surface along the exterior of the existing garage could serve as an alternative location for waste bins, potentially in combination with a modest 1-foot structural expansion. Ms. Bolyard noted that any paved surface would also be subject to the same setback requirements and would therefore also necessitate a variance. She further emphasized that such an arrangement would still leave no room for bicycles or other recreational items, meaning the garage would continue to accommodate only one vehicle. Mr. Murphy then asked whether there were any existing sheds or outbuildings on the property. Mr. Shuback acknowledged there was a small plastic shed in the back, but characterized it as modest in scale.

Mr. Linville asked staff whether paved or concrete surfaces were subject to the same setback requirements. Planner Brubaker confirmed that any cement paving or similar hard surface would be required to meet the same setback standards, though landscaping alone would not be subject to those restrictions.

Mr. Anderson asked for an estimate of the distance that would remain between the Shuback residence and the immediately adjacent home to the west if the addition were constructed. Mr. Shuback estimated approximately 12 feet between the two structures, based on the remaining 4 feet on the subject property and the required 8-foot setback on the neighboring lot. Ms. Bolyard clarified the calculation, noting that with the addition in place, the structure would be 5 feet from the western property line, and with the neighbor's required 8-foot setback, the combined separation between the two homes would be at least 13 feet.

Mr. Linville raised a question about the character of the surrounding homes, noting that Mr. Shuback had mentioned the positioning and garage configuration of his home appeared to differ from others in the neighborhood. Ms. Brubaker confirmed that while there were three-car garages in the subdivision, the lot sizes and applicable setback requirements were consistent throughout. Planner Hounshell added, based on a Google Maps street view review, that the majority of homes on the same street appeared to have three-car garages, with possibly one two-car garage on the

street. He further confirmed that, to staff's knowledge, all of the other lots in the subdivision met the applicable side and rear yard setbacks. Mr. Linville observed from the aerial view that one or two homes to the west of the subject property appeared to have a similar two-car garage configuration.

Public Comment

Mr. Murphy inquired whether any public comments had been received. Ms. Brubaker noted that one written comment had been submitted online. Because the comment had not been distributed to Board members in advance of the meeting and the standard 14-day evidentiary submission period had not elapsed, Mr. Murphy asked whether the Board wished to waive that period and accept the comment into the record.

Mr. Linville moved, Mr. Anderson seconded to waive the 14-day evidentiary submission period and accept the written public comment into the record.

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

[Motion carried 4-0.]

Mr. Hounshell read the letter into the record in its entirety. The letter, dated May 26, 2026, was submitted by the Hawks Nest Homeowners Association Board, signed by Bharat Krishnan (President), Carmen Savino (Vice President), and Susan Seaman (Treasurer). The association stated that the public notice was the first time it had learned of the proposed project. The letter outlined the following objections: that the variance would alter the visual character of the neighborhood by bringing a permanent structure too close to the property line and to the neighboring residence; that the side yard setbacks had been long established in the subdivision; that most original builders in Hawk's Nest constructed homes at the maximum permitted width on each lot, meaning many homes were already closely situated; that property owners in the subdivision had agreed, through their deeds, to abide by the Hawk's Nest Homeowners Association Code of Regulations and the Declaration of Restrictions, both of which the association asserted prohibited the proposed variance; that the applicants had not approached the HNHA Board to seek a variance from those governing documents; and that approval by the city would set a precedent encouraging further setback and no-build zone variance requests throughout the subdivision. The association stated that the HNHA Board was not able to attend the hearing and was submitting the letter in lieu of in-person testimony.

Following the reading of the letter, Mr. Murphy noted, as a point of clarification, that the City of Dublin does not regulate private deed restrictions or agreements between property owners and their homeowners' associations. Mr. Hounshell confirmed this, stating that if the applicants received approval from the Board, they would still need to independently address any applicable requirements under their HOA governing documents, as the City had no role in that process.

Mr. Shuback returned to the podium to offer a response to the HOA letter. He stated that he wished to provide context by noting that the neighbors immediately adjacent to the proposed addition had expressed support for the project and had not objected. He further indicated that a notice of public hearing had been posted on his property and that no objections had been received from neighboring residents. He characterized the reception from his immediate neighbors as positive,

with his next-door neighbor commenting favorably on the addition. He reiterated the family's desire to remain in the home and the neighborhood, noting that they had lived there for 13 years and that the family had grown to include four children. Mr. Shuback also noted the variety of items that occupy the current garage space including lawn equipment, toys, and bicycles, and expressed that the proposed addition was necessary for the household to function comfortably and safely.

Mr. Anderson sought clarification on whether the neighbor whose property abutted the side of the proposed addition had affirmatively not objected. Mr. Shuback confirmed this to be the case.

Mr. Severyn noted, for the record, that the paraphrased comments from both the homeowner regarding his neighbors' approval and the HOA letter that had been read into the record were both hearsay in nature, and that the formally accepted written comment from the HNHA constituted the official evidentiary record on the matter.

Board Discussion

Mr. Murphy summarized the criteria analysis, noting difficulty in finding that special conditions and circumstances particular to the land had been met, given that the lot size was similar to others in the subdivision and the neighborhood was a planned, relatively level development with no distinctive natural features. Mr. Murphy acknowledged that the desire for additional storage space was understandable but did not, in Mr. Murphy's assessment, constitute a special circumstance arising from the property itself. Mr. Murphy also expressed uncertainty as to whether the second criterion had been met, as viable alternatives such as constructing a compliant shed in the rear yard appeared to be available, even if less convenient. Mr. Murphy further noted that while it was sympathetic to the household's needs in the present moment, variances run with the land and must be evaluated with consideration for future impacts on both the subject property and surrounding properties.

Mr. Anderson expressed a degree of disagreement with staff's analysis. He found the combination of the home's two-car garage configuration in a neighborhood where most homes have three-car garages, and the centered positioning of the house on the lot, to be persuasive indicators of special conditions applicable to the property. He stated he was prepared to find Criterion A-1 met. He also stated he was willing to find Criterion A-2 met, observing that the items the applicants sought to store such as garbage cans, bicycles, and children's toys were ordinary garage contents, and that requiring them to relocate such items to a shed in the rear yard would be impractical given the layout of the property. He indicated he would find Criterion A-3 met as well, noting that a 3-foot encroachment and a resulting separation of approximately 13 feet between homes did not strike him as substantially adverse. He agreed with staff's assessment on Criteria B-2 and B-3. On the basis of these findings, Mr. Anderson stated he was inclined to vote in favor of approving the variance.

Mr. Linville expressed concern about the side yard encroachment and its effect on the neighbor's property. He noted that reducing the already-limited space between two residences — in this case from a combined 18 feet to approximately 13 feet — was more consequential than a similar encroachment toward a rear lot line where properties are generally further apart. He stated he was still struggling to satisfy himself on Criterion A-3. He also echoed Mr. Murphy's view that less drastic alternatives existed, and offered the observation that landscaping or other non-structural measures along the side of a garage could serve as a means of discreetly managing refuse and storage without requiring a structural variance. He stated he had sympathy for the applicants' situation but

that the family's size was not one of the criteria the Board was entitled to weigh in its analysis. He added that many homeowners manage similar storage constraints through compliant means, such as sheds or landscaping, rather than structural additions.

Ms. Tyznik stated that she shared some of her colleagues' concerns about the potential impact on neighboring properties and noted that the lot appeared, based on the aerial view, to be similar in size to others in the neighborhood. She also expressed concern about setting a precedent by approving the variance, noting that the setback restrictions had been established for a reason. She indicated she remained undecided.

Mr. Murphy reiterated that the Board's role was to apply the standards as established by the applicable ordinances and that those standards were forward-looking as well as present-focused. Ms. Brubaker confirmed that a compliant shed would be permitted in the subdivision, subject to meeting all setback requirements.

Mr. Anderson moved, Ms. Tyznik seconded to approve a Non-Use (Area) Variance to Code Section 153.022(C)(3) to allow a garage addition to encroach 3 feet into the side yard setback at 6151 Wigeon Court.

Vote: Mr. Linville, no; Ms. Tyznik, no; Mr. Anderson, yes; Mr. Murphy, no.
[Motion failed 1-3.]

Case #26-030V

Chappidi-Nadendla Residence - Deck - Non-Use (Area) Variance

Request for review and approval of a Non-Use (Area) Variance for a deck to encroach into the rear yard setback. The 0.23-acre site is zoned PUD, Planned Unit Development District - Oak Park and is located at 6999 Primrose Court.

Staff Presentation

Ms. Brubaker presented the staff report. She explained that the request was for a non-use area variance to allow a deck or patio to encroach into the rear yard setback at 6999 Primrose Court. As with the prior case, she noted that this was a singular step and that the Board's purpose was to evaluate whether unique circumstances existed, whether natural characteristics were present, and whether adjacent properties would be affected.

Ms. Brubaker described the site as 0.23 acres, located in the Oak Park Planned Unit Development, Sub-Area A, which was designated as the park home sub-area. She explained that this sub-area comprised all perimeter homes in the subdivision, all of which backed up to open space reserves. She noted the existence of a bike path located behind the subject property, within the open space reserve.

Turning to the site plan, Ms. Brubaker explained that a three-car, side-loaded garage on the property had pushed the home further into the lot, leaving very limited usable rear yard space. She stated that the Board had previously approved multiple variance requests of a similar nature within the same sub-area — approximately eight or nine prior approvals for patios or decks encroaching into the rear yard setback for properties sharing these same characteristics.

The applicable setback requirement for Sub-Area A was a 25-foot rear yard setback. The applicant was requesting a 15-foot encroachment into that setback. Ms. Brubaker noted the presence of a

10-foot utility easement at the rear of the property and confirmed that the proposed structure would not encroach into that easement.

Regarding Variance Criteria A, Ms. Brubaker stated that all three required findings had been met. Staff found that special conditions were applicable to the site; specifically, the presence of the side-loaded three-car garage, which pushed the home further onto the lot, combined with the open space reserve at the rear, which preserved open space beyond the property boundary. Staff found no applicant action associated with the proposal, as the home's configuration on the lot was a condition of original construction rather than anything initiated by the current owners. Staff also found that the proposal was consistent with previous approvals and would not impair the intent of the code requirement.

Regarding Variance Criteria B, Ms. Brubaker stated that two of the four criteria must be met. Staff found that granting the variance would not confer special privileges, as prior cases had been approved for similar requests under the same conditions. Staff further found that the request was recurrent in nature, given the number of prior approvals for comparable situations in the same sub-area. Staff acknowledged that the request would not impact the delivery of governmental services. Staff also noted that another method was technically available. The applicant could reduce the size of the deck or patio, or explore options within the side yard though this did not affect the overall recommendation. Planning staff recommended approval of the variance request.

Questions for Staff

Mr. Murphy asked Ms. Brubaker to elaborate on the history of similar variances in the subdivision. She confirmed that the recurrence was tied to the manner in which homes in Sub-Area A were originally constructed, with the side-loaded garages consistently leaving insufficient rear yard space. She estimated approximately eight or nine prior variance approvals for decks or patios of similar size on comparable lots in the same sub-area.

Mr. Anderson asked whether other sub-areas in the Oak Park development were similarly configured. Planner Hounshell explained that there were four sub-areas in the neighborhood. Sub-Area A, the park home sub-area on the perimeter, was subject to the 25-foot rear yard setback. Interior lots in Sub-Area B were narrower but allowed accessory structures as close as 5 feet from the rear property line. Newer sub-areas contained villa homes and longer lots with approximately 15-foot setbacks. He confirmed that the recurring nature of these variance requests had been specific to the Sub-Area A perimeter lots, and noted that the most recent similar approval had been granted the prior year for the property immediately to the west of the subject site.

Mr. Murphy asked for confirmation that the proposed structure would not encroach into any utility easements. Ms. Brubaker confirmed that the structure would respect the 10-foot easement at the rear of the property.

Mr. Linville asked whether, given the recurrent nature of these requests, there had been any consideration of amending the applicable planned unit development standards to resolve the issue at a broader level rather than through repeated individual variances. Mr. Hounshell acknowledged that this was a logical question and explained that within the context of Criteria B, the fact that a request is recurrent in nature is actually considered a criterion that is not met — meaning it points toward the need for a broader code amendment rather than a variance. He confirmed that, for precisely this reason, staff had previously raised the possibility of an amended planned

development with the neighborhood, as the appropriate mechanism would be a neighborhood-initiated amendment to the development plan. He also noted that the city had incorporated lessons learned from this pattern of requests into its updated neighborhood design guidelines, applying those changes to subsequent developments citywide.

Applicant Presentation

Srinivasulu Chappidi, 6999 Primrose Court, Dublin, stated that due to the placement of the home further back on the lot, it was not possible to construct a patio or deck without encroaching into the setback, and that he was requesting the Board's approval to allow a 5-foot encroachment into the setback so that the structure could be built.

Mr. Linville inquired about a notation on the submitted site plan labeled as a stockpile area. Mr. Hounshell clarified that this was a carryover from the original plot plan submitted during the construction of the home, identifying where excavated soil and fill material would be stockpiled during the building process. He confirmed it did not reflect any currently existing condition on the property.

Mr. Linville also asked whether the open space reserve behind the property included a public pathway and whether the proposed structure might in any way affect access to or use of that pathway. The applicant confirmed that the reserve behind the property was accessible to the public and connected to a park, and that there was a walkway within the reserve. He confirmed that the proposed structure would not encroach into the 10-foot easement separating his property from the reserve and that there would continue to be open space between his property boundary and the public walkway.

Public Comment

Mr. Murphy inquired whether any public comments had been received on this matter. Ms. Brubaker indicated that none had been submitted.

Board Discussion

Mr. Murphy stated that, while noting the apparent irony of multiple properties sharing the same special condition, the staff's explanation regarding the nature of the Oak Park Sub-Area A development provided a sufficient rationale for the Board to find that special conditions applicable to the site were present. Mr. Murphy found that the variance had not been necessitated by any action or inaction of the applicants, as the configuration of the home on the lot was attributable to the original builder. Mr. Murphy further stated that the proposed structure would not result in a substantial adverse impact on the surrounding property or vicinity, given the separation maintained from the 10-foot easement and the open space reserve beyond. Mr. Murphy expressed agreement with the staff recommendation and indicated a readiness to vote in favor of approval. Mr. Anderson concurred with Mr. Murphy 's analysis.

Ms. Tyznik moved, Mr. Linville seconded to approve the Non-Use (Area) Variance to the Oak Park Development Standards, Sub-Area A, Section 3(c), to allow a patio or deck to encroach 15 feet into the 25-foot rear yard setback at 6999 Primrose Court.

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

[Motion carried 4-0.]

COMMUNICATIONS

Mr. Hounshell brought two items to the Board's attention.

First, he reminded all Board members that the Boards and Commissions Celebration of Service was scheduled for Monday, June 8, from 5:30 to 7:00 PM at City Hall, preceding the Council meeting that evening. He indicated that the event would honor both departing and incoming board and commission members, and encouraged all available members to attend, noting that light refreshments would be provided and that a group photograph would likely be taken for posting on the City's website.

Second, Mr. Hounshell raised the possibility of scheduling a recurring training or reflective discussion session for the Board. He suggested this could take the form of a presentation and open dialogue covering the fundamentals of variance criteria, administrative appeals, and questions or challenging topics that had arisen through recent cases. He indicated that he and Mr. Severyn were prepared to develop a presentation for this purpose and invited Board members to send any specific questions or topics they wished to have addressed to him directly in advance, noting that questions would be held and incorporated into the session rather than answered individually by email.

Mr. Severyn added that such training sessions had been conducted for other jurisdictions and that the format typically included hypothetical scenarios to encourage substantive discussion and deliberation practice. He clarified that because the session would involve Board members discussing public business, it would constitute a public meeting regardless of format and would therefore need to be either attached to an existing meeting or scheduled as a special meeting.

The Board discussed the preferred format. Mr. Anderson expressed a preference for scheduling the training on a night when at least one case was on the agenda, with the training to follow the case. Mr. Linville agreed that it would be preferable to use a lighter-agenda night rather than a standalone special meeting. Mr. Hounshell indicated that there were no cases currently scheduled for June and that he would follow up once a suitable meeting slot with at least one case had been identified.

ADJOURNMENT

The meeting was adjourned at 7:48 p.m.


Chair, Board of Zoning Appeals


Deputy Director of Community Planning