



MEETING MINUTES

Board of Zoning Appeals

Thursday, August 27, 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: Tammy Noble, Anthony Gilmore, Anthony Severyn

ADJOURNMENT TO EXECUTIVE SESSION

Mr. Linville moved, Ms. Tyznik seconded a motion to adjourn to executive session for the discussion of the appointment of a public official.

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

RECONVENE

The meeting was reconvened at 6:38 p.m.

ELECTION OF OFFICERS

Mr. Anderson moved, Ms. Tyznik seconded approval to elect Mr. Murphy to a one-year term as Chair of BZA.

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

Mr. Anderson moved, Ms. Tyznik seconded approval to elect Mr. Linville to a one-year term as Vice-chair of BZA.

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

APPROVAL OF MINUTES/ACCEPTANCE OF MEETING DOCUMENTS

Ms. Tyznik moved, Mr. Anderson seconded acceptance of the documents into the record and approval of the June 25, 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 #26-035V

Hicks Residence - Shed Non-Use (Area) Variance

Request for review and approval of a Non-Use (Area) Variance for a shed to encroach into the rear yard setback. The 0.23-acre site is zoned PUD, Planned Unit Development District - Earlington-Brandon and is located at 7563 Ashlord Court.

Mr. Linville moved, Ms. Tyznik seconded to postpone Case #26-035V to the next scheduled BZA meeting.

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

Case #26-029V

Ohio Sinus Institute - Non-Use (Area) Variance

Request for review and approval of a Non-Use (Area) Variance for three canopies to encroach the side yard and front yard setback areas. The 3-acre site is zoned Suburban Office and Institutional District and is located at 5378 Avery Rd.

Staff Presentation

Mr. Gilmore explained that the application was a request for a non-use area variance to permit three porte cocheres to encroach the front and side yard setbacks. He noted that in the applicant's materials the structures were referred to as canopies, but for clarity he would use the term porte cochere, describing them as roofed, porch-like structures that extend over a drive aisle at a building's entrance to shelter people as they enter and exit vehicles. He further clarified that the variance process is a singular step whose purpose is to allow the Board to evaluate the unique circumstances associated with the property and any natural characteristics and their impact on adjacent properties.

Mr. Gilmore described the subject site as a three-acre parcel at 5378 Avery Road, zoned Suburban Office and Institutional District, located south of the Avery Road and Rings Road roundabout. He noted that the property owners of the subject site also own the adjacent vacant property to the south and east, which is zoned R-1 Residential Suburban District. He reviewed existing conditions photographs, noting views to the northeast showing existing accessory

structures and a stormwater detention pond, a view east showing the front facade of the existing medical office building, and a view north from the property's southwest corner showing the existing parking lot.

Mr. Gilmore provided historical context for the site, noting a significant history leading up to the current property owner's request for a lot split in 2011 and a subsequent rezoning to Suburban Office and Institutional District in 2017.

Mr. Gilmore outlined the two variance requests as follows. Variance Request No. 1 sought to permit one porte cochere to encroach 20 feet and 6 inches into the 124-foot required front yard setback. Variance Request No. 2 sought to permit two porte cocheres to encroach 25 feet and 8 inches into the 54-foot, 4-inch required side yard setback. He explained that these setbacks were more definitive because the site was in a straight zoning district rather than a Planned Unit Development, that the front yard setback was based on the future planned right-of-way of Avery Road, and that the side yard setback was based on a formula relating to building height and wall length. He stated that the applicant had indicated these porte cocheres were necessary to provide covered patient drop-off areas, including accommodation for ambulance access, and to ensure safe and weather-protected entry for patients.

Mr. Gilmore then reviewed the variance criteria. Regarding Criteria A for Variance Request No. 1, which required all three criteria to be met, staff found that all three were satisfied. He explained that the proposed porte cochere for the front yard would not be positioned further forward than the existing legally nonconforming structure on the site, which had become nonconforming as a result of the expanded right-of-way of Avery Road. He further noted that the porte cochere would not alter the location or setback of the existing parking between the building and the street. With respect to action or inaction, staff considered the Avery Road right-of-way expansion to be outside the action or inaction of the applicant. With respect to the impairment of intent, staff found that permitting the porte cochere to encroach the front yard setback did not increase the site's current nonconformance. Regarding Criteria B for Variance Request No. 1, two of four criteria were required to be met, and staff found that two of four were satisfied.

Turning to Variance Request No. 2, Mr. Gilmore stated that for Criteria A, all criteria were required to be met, and staff found that Variance Request No. 2 met none of them. He explained that the site did not present special conditions, as it had normal geometry and was generally flat, and that the applicant had designed the proposed layout in a way that could be modified to meet required setbacks. With respect to applicant action or inaction, staff noted that the current property owners had themselves requested the lot split that created the property's current configuration, as well as the rezoning to the Suburban Office and Institutional District. With respect to impairment of intent, Mr. Gilmore stated that side yard setbacks in this zoning district were intended to preserve clear buffers between commercial districts and residential districts and Planned Unit Developments, and that permitting multiple structures to encroach the required side yard setback would materially impair the intent and purpose of those requirements. He noted, however, that for Criteria B for Variance Request No. 2, two of four criteria were required and staff found that two of four were met.

Mr. Gilmore summarized staff's recommendations as follows. For Variance Request No. 1, staff recommended approval of the non-use area variance to permit one porte cochere to encroach 20 feet and 6 inches into the front yard setback. For Variance Request No. 2, planning recommended disapproval of the non-use area variance to permit two porte cocheres to encroach 25 feet and 8 inches into the side yard setback. He noted that the Board had the authority to modify staff's recommendation, provided that reasoning of fact was supplied. He also reported that no online public comments had been received.

Questions for Staff

Mr. Linville asked for clarification regarding the zoning status of the adjacent parcel also owned by the applicants. Mr. Gilmore confirmed that the adjacent parcel was zoned R-1 Restricted Suburban Residential. Mr. Linville followed up by asking whether the subject parcel had been split from that residential parcel and was now commercially zoned due to the prior nonconforming use. Mr. Gilmore confirmed that the building had been constructed under a township zoning classification that permitted the commercial use and that the intent to expand that existing use had required the subsequent rezoning to Suburban Office and Institutional District.

Mr. Murphy sought further clarification, asking whether the Board was dealing with different zoning classifications on the borders of the subject property. Mr. Gilmore confirmed that the subject site was zoned Suburban Office and Institutional District and that he believed all surrounding properties were zoned residential, whether R-1, R, or possibly R-2. He added, for the Board's clarity, that the setbacks in question were required of the Suburban Office and Institutional District specifically when properties abutting it were zoned residential or Planned Unit Development.

Mr. Anderson asked whether Mr. Gilmore knew the typical setback requirement for the abutting residential properties. Mr. Gilmore indicated that he did not know the exact figure, but noted that it was a specific formula, likely less than what was required of the Suburban Office and Institutional District.

Applicant Presentation

Michael Maistros, New Avenue 4740 Greek Road, Upper Arlington, Ohio and Boris Karanfilov, Physician Owner, 6656 Plain City-Georgesville Road, were present.

Mr. Maistros began by explaining that the request for porte cocheres was very dependent upon the use of the building and was a critical operational necessity for the proposed surgical center. He described the facility as being split into two distinct uses under the same medical umbrella: a surgery center on the left side of the plan and a more procedural-type facility on the right side, operating as a single business and single occupancy but with two distinct entry points, which was the rationale for two porte cocheres along the south elevation.

Mr. Maistros explained that the primary reason the building was positioned so close to the south property line was the presence of an existing stormwater detention pond located behind the original building. The pond constrained how close the new building addition could be placed to the rear of the existing building, which in turn pushed the proposed new building further to the south than would have been ideal. He acknowledged that because the family owned both the subject parcel

and the adjacent residential parcel, there was some flexibility in how future development of the adjacent property might be handled, and that options such as deed restrictions could potentially be used to counteract the encroachment. He offered that as a brief summary of the applicant's position.

Dr. Karanfilov added that the plans for the facility involved a Medicare-approved ambulatory surgical center, and that the project currently had 51 percent ownership interest from a major medical system not currently present in Central Ohio. He emphasized that the porte cocheres were key and critical to achieving Medicare compliance, describing the requirement as more of a national standard than a local coding or policy matter. He noted that his family had owned the property since 1983, that there was no intention to sell either parcel, and that the family's intent for many years had been to develop the remaining approximately 20 acres in accordance with Dublin's plans. He acknowledged that the subject property was the first privately owned property visible upon entering the City of Dublin on Avery Road, and that prior inquiries about development had been constrained by the limited availability of sewer and water infrastructure. He expressed willingness to entertain a deed restriction on the adjacent property if that would facilitate approval of the porte cocheres, noting that his father received frequent and substantial purchase offers but had no interest in selling, and that he and his brother were committed to maintaining and developing the adjacent property in the future.

Mr. Maistros added one further procedural note: that the building department drawings currently under review had been submitted without the canopies, as they had been removed from the drawings due to the setback issues that arose during the process, and the goal was to obtain zoning clearance from the Board and subsequently amend the drawings to include the porte cocheres in the building permit submission.

Board Questions

Mr. Anderson asked for elaboration on the claim that covered drop-off areas were required under Medicare standards for ambulatory surgical centers. Dr. Karanfilov explained that for Medicare ambulatory surgical centers, certain standards must be met during what is called an initiation survey, and that one of those standards involves safe access for patient drop-off. He stated that the requirement addressed both the grade of the approach and the need to protect patients from inclement weather. He further noted that patients departing after procedures had received anesthesia, and that covered porches were specifically described in the relevant Medicare handbook as appropriate means of providing safe access. He offered to provide the documentation, though he did not have it available at the meeting, and noted that the requirement typically arose during annual Medicare surveys.

Mr. Murphy asked whether all three proposed structures connected directly to the surgical portions of the building. Mr. Maistros explained that the two porte cocheres along the south of the property entered directly into the respective lobbies and waiting rooms for each of the two centers. The porte cochere on the west side of the property entered directly into the recovery and nursing area of the main surgical center and was therefore more specifically intended for ambulance pickup and patient discharge on that side.

Mr. Murphy asked whether the property was located in Franklin County, which was confirmed by the applicant. Mr. Murphy then asked whether the medical center was a nonprofit entity. Dr. Karanfilov confirmed that it was not.

Mr. Murphy asked whether the facility would include any equivalent of an emergency room. Dr. Karanfilov explained that the facility would strictly be an ambulatory surgical center, possibly with 23-hour stays, with a focus on ear, nose, throat, ophthalmology, and orthopedics. He noted that such centers generally maintain a relationship agreement with an adjacent hospital and that the prospective investor was aligned with Ohio State, which would serve as the alignment partner. He confirmed there would be no emergency room, though he noted that the west side porte cochere was likely to serve primarily as a patient discharge point and that the front entries would serve patient arrivals. He acknowledged that ambulances could still respond to the facility in the event of any emergency, noting that even at his office, emergency medical calls occurred occasionally. Mr. Murphy asked whether the facility could serve non-specialty emergencies if it happened to be the closest available medical facility. Dr. Karanfilov confirmed that it could, given that full anesthesia care would be available and the level of acuity would be higher than a standard medical office.

Mr. Linville asked about the physical description of the canopy structures. Mr. Maistros described the porte cochere on the west side as having a gable-end pitched roof that matched the pitch of that side of the building. He stated that the two porte cocheres along the south elevation were flat-roof structures with a rubber roof membrane finish, consistent with the overall design of that side of the building. He explained that all three structures attached to the building facade on one side and were supported by two columns on the other side extending into the parking area. He confirmed that the clearance height under all three structures was more than adequate for ambulances, fire trucks, and other emergency access vehicles.

Board Discussion

Ms. Tyznik stated that she was in agreement with Planning Recommendation No. 1 — approval of the variance for the one porte cochere on the front of the property — and that this seemed sensible to her.

Mr. Murphy concurred, noting that one of the considerations was that the encroachment of 20 feet and 6 inches into the 124-foot required front yard setback was proportionally less significant than the encroachment proposed under the second variance request.

Ms. Tyznik noted that on page 8 of the staff report, under Criteria B, the staff report contained a statement indicating that a lot line adjustment may lessen the impact of the setback requirements on the development as proposed, and she asked for clarification on what that meant. Mr. Gilmore explained that because the adjacent property to the south and east was owned by the same owners as the subject site, a lot line adjustment could be formally submitted to shift the southern lot line boundary further to the south, which would effectively improve the site configuration and allow the proposed building layout to comply with the side yard setback requirement. He confirmed that such adjustments were processed through the City's minor subdivision application process and were reviewed administratively by planning and engineering, making the process relatively straightforward, though he acknowledged that the differing zoning designations of the two parcels would be a factor.

Mr. Murphy asked what affirmative steps the applicant would need to take to pursue a lot line adjustment. Mr. Gilmore confirmed that minor subdivision applications, including lot line adjustments, were processed administratively.

Mr. Severyn suggested that, given an apparent consensus on Variance Request No. 1, it might be worthwhile to take a formal motion and vote on that request first and then proceed to deliberation on the second variance request.

Mr. Anderson moved, Ms. Tyznik seconded to approve the Non-Use (Area) Variance to Code Section 153.072(B) to permit the western porte cochere to encroach 20 feet six inches into the front yard setback.

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

Mr. Linville asked whether the applicants had previously considered the lot line adjustment option. Mr. Maistros responded that it had been considered, but that the project had been in development for five or six years and had encountered significant difficulty obtaining civil engineering approval. He noted that the applicants were literally days away from receiving that approval at the time of the meeting. He explained that the concern was whether pursuing a lot line adjustment at this stage — before final civil engineering approval — might set back or restart the review process with the city's engineering division. That concern had caused them to pause on pursuing the lot line adjustment.

Mr. Linville asked whether, assuming the project reached the finish line on its approvals, the applicants would still consider the lot line adjustment or deed restrictions on the adjacent property going forward. Mr. Maistros and Dr. Karanfilov indicated openness to that possibility. Dr. Karanfilov elaborated that the lot line adjustment raised engineering concerns related to the existing stormwater detention pond, which managed runoff not only from their property but from approximately 313 acres of the Ballantrae development to the west. He explained that adjusting the lot line might prompt the engineering department to revisit that stormwater management arrangement, which was the primary concern that had given them pause.

Mr. Linville acknowledged the applicant's openness to future remediation but noted that the Board had no authority to compel such actions after the meeting, making any such assurance speculative. He observed that while a deed restriction or lot line adjustment could be an option, offers received on the property in the future might not include those conditions and the family could find itself in a different position. He noted, however, that the lot line adjustment remained available to the applicants at a later date while they still maintained control of both parcels.

Mr. Linville then asked whether there were any existing options, rights of first refusal, or other third-party interests in the adjacent property. Dr. Karanfilov confirmed that there were none, stating that his father would not sign anything.

Dr. Karanfilov raised an additional point, noting that the setback rules had changed since the project was initially conceived around 2018, and that the setback requirements applicable to the project now may not be the same as those that were in place when the project began under a prior architectural firm. Ms. Noble clarified that as long as the zoning district remained the same, the formula itself would not change, but that the formula's output varied depending on the height and length of the building, such that a larger building would generate a greater setback requirement. She noted that this was consistent with her own experience of having been alerted to such changes affecting her own current building.

Ms. Tyznik then asked whether the applicants had explored modifying the building's design or layout to meet the code requirements, as the staff report had noted that the site layout and building design could be modified. Mr. Maistros responded that no such discussions had taken place with the planning department and that the building design was laid out as it needed to be for a surgical center. He reiterated that the stormwater detention pond was the primary constraint that pushed

the building further south than was ideal, and that the adjacency to the existing building also placed limits on how close the new building could be positioned to the north. He acknowledged that the building could theoretically be shifted further to the east, but that doing so would not meaningfully change the southern setback issue. He noted there was very little north-south flexibility given the current parcel configuration.

Mr. Linville withdrew a further question he had begun to raise, and then asked about the status of the existing barn shown on the site plan. Dr. Karanfilov explained that the barn was built under agricultural rules, was currently vacant with no utilities other than electricity, and that there were no current plans to remove it. He noted that it was constructed to a commercial standard with solid wood framing and a commercial-grade foundation.

Mr. Murphy observed that it appeared there had not been a series of conversations between the applicants and city staff regarding the available options for achieving compliance on the side yard setback. Mr. Gilmore confirmed that no significant conversations had occurred on that topic during the review of this application, though he noted that the applicants had been provided a copy of the planning report containing all relevant recommendations and options. He stated that his review was focused on the variance criteria as they related to the existing site conditions and adjacent properties.

Mr. Murphy suggested that it seemed there may be an administrative option available to the applicants with respect to the abutting property, and that the conversation necessary to pursue that option had not yet occurred. He observed that the applicants did not appear outright opposed to exploring such options and asked whether the Board might consider tabling the matter to allow further discussions between the applicants and the City.

Mr. Linville indicated that he was, in fact, inclined to support the variance without requiring a continuance. He noted several considerations. First, that while the porte cocheres were technically structures subject to building setback requirements, the parking lot already extended further toward the property line than the proposed structures — and while those were governed by different setback standards, the visual and physical impact in the buffer area was already present. Second, he noted the unique circumstances of the property, specifically that it was the last parcel in Dublin along that corridor, that the stormwater detention pond was not easily relocated and was managing water from land beyond the applicant's own property, and that unilaterally moving such infrastructure could have effects beyond the subject property. Third, he observed that the joint ownership of the adjacent residential parcel provided a meaningful avenue through which the encroachment could be addressed in the future via a lot line adjustment or deed restriction, even if that could not be guaranteed at the meeting. He added that the existence of the variance process was itself intended to provide relief in situations where strict application of the rules produced an inefficient or unreasonable outcome, such as where the same result might be achieved in a technically compliant way — for example, by bifurcating the building into two structures — that would nonetheless achieve nothing practically different while increasing costs and complexity.

Ms. Tyznik indicated her agreement with Mr. Linville's analysis.

Mr. Murphy elaborated on the artifice issue, noting that if the building were theoretically bifurcated, the formula-based setback requirement would produce a smaller required setback and the encroachment might not exist or would be reduced. He acknowledged that bifurcating a medical surgical facility was not a practical or medically advisable approach and that a single, intact facility

was more advantageous given the nature of the services. He agreed that this was the very type of situation for which variances were intended.

Mr. Gilmore clarified, for the Board's reference, that while Mr. Linville's observation about the parking lot was accurate, the setback requirements applicable to structures — both principal and accessory — differed from those applicable to parking lots and paved areas, which was why the parking lot's current configuration extended further west without triggering the same setback analysis.

Mr. Murphy indicated his inclination to find that the variance would be necessitated by circumstances not attributable to the action or inaction of the applicant, specifically the geological and hydrological constraints imposed by the stormwater detention pond. He further noted that granting the variance would not cause substantial adverse effect on the surrounding properties or materially impair the intent and purpose of the setback requirements, observing that canopies were among the least invasive types of structures that could encroach into a setback area compared to other alternatives.

Mr. Anderson noted that he believed the same special conditions that supported Variance Request No. 1 applied equally to Variance Request No. 2, specifically the stormwater detention pond and the constraints it placed on the building's placement.

Mr. Anderson moved, Mr. Linville seconded approval of the Non-Use (Area) Variance to Code Section 153.026(C)(3) to permit two porte cocheres to encroach 25 feet and 8 inches into the side yard setback.

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

COMMUNICATIONS

Ms. Noble offered congratulations to Planner Anthony Gilmore, noting that this had been his first presentation as a Planner I and that he had performed excellently.

Ms. Noble reported that administrative changes to the rules and regulations were being made across all of the City's boards and commissions, not specifically to the Board of Zoning Appeals. She noted that the changes were administrative in nature, such as updating the name of the agency to ensure accuracy, and that no action was required of the Board. She indicated the changes would be proceeding to council.

Ms. Noble reported that a joint work session was scheduled for Tuesday, which she believed to be September 1st. She noted that dinner would be provided beginning at 5:30 p.m., that legal counsel would be joining, and that following dinner the session would proceed into a meeting at which all boards and commissions would provide brief reports. Ms. Noble indicated that she would assist Mr. Murphy in preparing for the report, noting it would consist of a brief overview of the cases the Board hears and any highlights Mr. Murphy wished to bring to council's attention.

Ms. Noble further noted that the primary purpose of the joint work session would be a discussion that staff had been conducting with all boards and commissions regarding mixed use and what

mixed use means to the City of Dublin. Ms. Noble asked that members RSVP if they were able to attend so that attendance could be planned accordingly.

ADJOURNMENT

The meeting was adjourned at 7:38 p.m.


Chair, Board of Zoning Appeals


Deputy Clerk of Council