



MEETING MINUTES

Board of Zoning Appeals

Thursday, December 18, 2025

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. He reviewed the meeting procedure.

ROLL CALL

Board Members Present: Garrett Anderson, Brad Linville, Patrick Murphy, Bridget Tyznik

Board Members Absent: Abigail Dalesandro

Staff Members Present: Tammy Noble, Anthony Severyn

APPROVAL OF MINUTES/ACCEPTANCE OF MEETING DOCUMENTS

Mr. Linville moved, Ms. Tyznik seconded acceptance of the documents into the record and approval of the November 20, 2025 regular BZA meeting minutes.

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

The Chair 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

Mr. Anderson moved, Ms. Tyznik seconded to amend the agenda to hear Case #25-104V-Graham Residence first.

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

Case #25-104V

Graham Residence

Non-Use (Area) Variance

Request for review and approval of a Non-Use (Area) Variance to allow retaining walls to encroach into a rear yard setback. The 0.52-acre site is zoned PUD, Planned Unit

Development, Amberleigh R-1, Restricted Suburban Residential District and is located at 4789 Carrigan Ridge Drive.

Staff Presentation

Ms. Noble presented the case for a non-use area variance to allow retaining walls to encroach into a rear yard setback at 4789 Kerrigan Ridge Drive. Ms. Noble noted that this is a 0.52-acre site zoned PUD (Planned Unit Development) in the Amberleigh R-1 restricted suburban residential district.

The application previously included two variance requests: one for a retaining wall and one for an outdoor shed in the setback. The applicant had since removed the shed portion of the request. Ms. Noble explained that the property has significant topographical changes with a 20–25-foot contour drop from the rear of the building to the Scioto River. She emphasized that most of the retaining wall would be below grade and thus minimally visible to adjacent properties.

Staff acknowledged that the first criteria for a variance has been met due to the severe contours of the site. However, staff initially recommended disapproval, pending more technical information regarding why the wall needs to be in this specific location.

Applicant Presentation

Jeff Hausseler, Hidden Creek Landscaping, 3940 Scioto Darby Creek Road, Hilliard, explained that the purpose of extending the retaining wall into the setback is to create buffer zones that would ease the slope into the backyard and better manage drainage.

Jason Cromley, Hidden Creek Landscaping, explained that moving the wall would require more excavation and create potential drainage issues for neighboring properties.

Mr. Cromley clarified that while it was technically possible to build the wall without encroaching on the setback, doing so would:

- Create potential drainage issues for neighboring properties
- Require more excavation and soil removal
- Provide less opportunity to slow water flow
- Be less structurally advantageous

Mr. Cromley emphasized that by locating the wall out approximately 8-10 feet, they could install more gravel, slow water drainage, and better utilize the native soil. He also noted that the wall would only be visible from the Scioto River, not from the street.

Board Questions

Board members asked several questions about the design and placement of the retaining walls. Ms. Noble indicated that based on the new information provided by the applicant, staff would change their recommendation, as the applicant has demonstrated that the contours of the property necessitated the proposed design.

Public Comment

There was no public comment.

Board Discussion

Board members discussed the criteria for approval and agreed that:

1. The property had unique physical characteristics due to the severe topography and proximity to the Scioto River

2. The design was not driven by the applicant's actions but by the physical constraints of the property
3. The proposed walls would have minimal visual impact and would actually improve drainage management
4. The property backs to a wooded area leading to the river with no rear-facing neighbors.

Mr. Anderson moved, Ms. Tynik seconded approval of the non-use (area) variance for a retaining wall to encroach within the required rear yard setback.

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

[Motion carried 4-0.]

Case #25-102V

Schoettmer Residence Fence

Non-Use (Area) Variance

Request for review and approval of a Non-Use (Area) Variance to allow a fence to encroach into the side yard setback. The 0.18-acre site is zoned PUD, Planned Unit Development, Shannon Park and is located at 6923 Killarney Court.

Staff Presentation

Ms. Noble presented the case for a non-use area variance to allow a fence to encroach into the side yard setback at 6923 Killarney Court. The 0.18-acre site is zoned PUD, Planned Unit Development, Shannon Park. The property is a duplex with a common wall shared with an adjacent unit.

Ms. Noble explained that the applicant was requesting a variance for a fence that had already been constructed. In April, staff issued a denial for a certificate of zoning plan approval for the fence location, noting both side and rear yard setback issues. The applicant has since agreed to move the fence to comply with the rear yard setback but was still requesting a variance for the side yard requirements.

The property's minimum side yard requirement is 8 feet, and the applicant was proposing 0 feet. The total side yard is required to be 18 feet, and the applicant was proposing 11 feet. Ms. Noble noted that this subdivision was developed in the 1980s with minimal documentation, but the design appeared to focus on smaller cluster lots with limited rear yard outdoor space. Most fencing elements in the subdivision were in front of the houses, as patios were typically to the side or rear. Ms. Noble explained that staff recommended disapproval because:

1. The site was comparable to other lots in the subdivision
2. The variance was necessitated by the applicant's action of constructing the fence without approval
3. The fence was out of character with the development.

Applicant Presentation

Josh (resident) and John (property owner) Schoettmer, 6923 Killarney Court, presented their request. Josh Schoettmer clarified the timeline, explaining they had to apply for the permit after the fence was built. His brother and he had built the fence without knowing permits were required. A City Official had approached them while they were installing the last board to inform them about proper procedures.

Mr. John Schoettmer explained they built the fence in line with deed restrictions from when they purchased the house, which had no setback requirements but did have height requirements that the fence met. He acknowledged it was unfortunate on their part, not realizing additional City requirements existed beyond deed restrictions.

Mr. Josh Schoettmer noted their street appeared unique in the neighborhood, as the majority of other duplexes had HOAs with tighter restrictions, while their street had no homeowners' association (HOA) or governing body beyond deed restrictions as far as neighbors knew. He pointed out their immediate neighbor with a shared driveway also had a fence encompassing their backyard, which influenced their decision. Ms. Noble clarified the City had an enforcement case on that property as well.

Mr. John Schoettmer respectfully disagreed with the characterization of the neighborhood, stating multiple fences existed in backyards throughout the area and that backyard fences were not anomalous there.

Board Questions

Ms. Tyznik asked about ownership duration. Mr. John Schoettmer confirmed he had owned the property for nearly 20 years (since 1997). He reiterated their street was the only one not involved in the HOA, which handled snow removal and landscaping for other sections.

The applicants explained that moving the fence 8 feet from the property line would fail to encompass the patio, defeating the fence's purpose. They noted a 12-foot run of existing privacy fence between the two patios along the lot line, built when the house was constructed. This separated the two patios that basically touched each other.

When Mr. Linville asked about the fence's purpose, Mr. Josh Schoettmer stated it was primarily for his dogs to have a safe area at home.

Public Comment

Ms. Noble stated that a comment was received from an adjacent property owner and was submitted as part of packet materials.

Board Discussion

Mr. Anderson expressed being hung up on criteria A number 2, noting that while the series of events was unfortunate, the variance was necessitated because the fence existed. He acknowledged the ability to move the fence but could not get past that criterion. He also struggled with the special condition criterion, noting that while the lots were oddly shaped with the house sliced in half, he did not see how this property differed enough from others in the district to warrant a variance.

Ms. Tyznik echoed these concerns about meeting the necessary criteria.

Mr. Linville asked Ms. Noble about alternative methods to make the fence acceptable. Ms. Noble explained that as a planned unit development, if the entire subdivision desired fences along property lines, they could apply for an amended final development plan through Planning and Zoning Commission. This would be a holistic review considering where fences should be located

and their appropriateness. It would require more community support but was the appropriate and more feasible option for this type of request. When asked about support requirements, Ms. Noble indicated it would likely be based on the project phase with all property owners assessing whether they wanted that requirement.

Mr. Murphy asked about the frequency and success rate of amended development plans. Ms. Noble confirmed they were common applications before Planning and Zoning Commission, with success based on the proposal type. She emphasized Dublin's fence requirements were stringent, designed as a suburban community to not allow perimeter fences but rather small spaces of privacy without full property line enclosures.

Mr. Linville noted the Code's strict criteria meant all three criteria in section A must be met, and criterion 2 regarding action or inaction could not be satisfied given the fence was built without permits. He suggested that with fences throughout the neighborhood, there might be evidence to pursue the Planning and Zoning Commission route if neighbors collectively wanted fences.

Mr. Murphy agreed, noting their hands were tied by code requirements and they could not make major discretionary decisions beyond the Board's purview. He suggested that multiple non-compliant fences might indicate community desire for amended development standards.

Mr. Murphy asked Mr. Severyn about options if disapproved. Mr. Severyn explained the applicant could request tabling, requiring a 3-1 vote. The Board's Rules required a hearing at the next meeting unless good reason existed otherwise. If the Board voted on a motion to approve that did not receive 3 of 4 votes, the City could continue enforcement action while potentially negotiating if efforts to change the development plan were underway.

Mr. Anderson asked about conditional approval based on subdivision amendment application. Ms. Noble expressed concern that such a condition would not be within the applicant's control since it required other property owners' participation, making it difficult to secure. She noted the Planning and Zoning Commission process was formal and suggested two options: disapprove and allow the applicant to comply or pursue Planning and Zoning Commission approval, or approve as submitted with the caveat that similar requests from other property owners would need approval.

Mr. Severyn provided additional information on conditions, citing code section 153.231(e)(2) allowing the Board to attach conditions regarding location, character, and other features deemed reasonable to ensure standards were met. Conditions should be stated in the motion with reasons for each.

Mr. Linville moved, Ms. Tynik seconded to approve the non-use (area) variance to allow a fence to encroach into the side yard setback.

Vote: Mr. Anderson, no; Mr. Linville, no; Mr. Murphy, no; Ms. Tynik, no.
[Motion failed 0-4.]

Ms. Noble offered to speak with the applicants the next day to help navigate next steps.

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.

Case #25-116AA was not heard at the request of Staff due to an unpaid application fee.

COMMUNICATIONS

Ms. Noble presented potential meeting dates for 2026.

Ms. Tynik moved, Mr. Anderson seconded to approve the 2026 meeting dates.

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

[Motion carried 4-0.]

ADJOURNMENT

The meeting was adjourned at 8:04 p.m.



Chair, Board of Zoning Appeals



Deputy Clerk of Council