Board of Zoning Appeals

Thursday December 18, 2025

Schoettmer Residence Fence 25-102V

Case Summary

Address 6923 Killarney Court Dublin, OH 43017

Proposal Request for review and approval of a Non-Use (Area) Variance to allow a fence

to encroach into the side yard setback.

Request Review and approval of a Non-Use (Area) Variance under the provisions of

Zoning Code Section 153.231.

Zoning PUD: Shannon Village – Shannon Park

Planning Disapproval of the Non-Use (Area) Variance

Recommendation

Next Steps The Board of Zoning Appeals is the final reviewing body for this application. If

approved by the BZA, the applicant may apply for building permits. If

disapproved by the BZA, the applicant would be required to meet the side yard

setback.

Applicant John Schoettmer

Case Manager Tammy Noble, Senior Planner

(614) 410-4649 tnoble@dublin.oh.us



25-102V - Schoettmer Residence Fence Dublin



Site Features



Proposed Fence

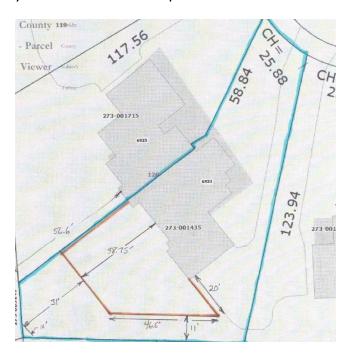




1. Background

Project Request

This is a request for a Variance to allow a fence that will be located within a side yard setback. The site is zoned PUD, Planned Unit Development (Shannon Village). The development text does not contain development standards, therefore setbacks defer to a standard zoning district. The most comparable zoning district is the R-3 Suburban Residential District for side and rear setbacks. This is the typical protocol for all development text that do not have their own requirements and for this site, the minimum side yard setback are a minimum side yard setback of 8 feet with total side yard setback of 18 feet. According to the site plan, the applicant is proposing a fence that has a zero-foot setback on the adjoining property line and a total side yard of 11 feet. This requires a variance from the minimum and total side yard requirements.



History

April 7, 2025

A Certificate of Zoning Plan Approval was submitted and denied by the City of Dublin on April 7, 2025. The notification referenced the required setbacks and referenced code sections that dictated the required setbacks. The applicant contact the City of Dublin to discuss the notification and staff reiterated the requirements. A Zoning Enforcement Official also conducted a site visit to notify the residents of the violation. Construction of the fence, as original proposed, has since been completed. The applicant has submitted an application for a Non-Use Area Variance that indicates a modified location that is requesting a variance to the minimum and total side yard requirement.

Site Summary

The site contains a single family residential structure that is a duplex-style unit with an adjoining wall with the property to the north. The structure was constructed in 1980 and the lot is part of a development that has similar style housing units. The site is zoned PUD, Planned Unit Development District, located within the Shannon Village – Shannon Park subdivision. The Shannon Village – Shannon Park subdivision is a unique residential community that is a

subdivision containing two sections each containing two phases. The subdivision is located west of Coffman Road, north of Emerald Parkway with Tara Hill Drive as a primary dissect through the housing development. The applicant's site is in Shannon Park, Section 2 Phase I and all of the units are duplex style homes that have single-owner residents that have adjoining walls with adjacent units. The lots are small, cluster style houses with small outdoor spaces.

The applicant's site has single-family residential structure containing 1,428 square feet with a small outdoor space to the rear. The rear yard is typical sized for the development and contains mature vegetation primarily to the south of the property.

Process

A *Non-Use (Area) Variance* is an application intended for properties where strict enforcement of the applicable development standard is unreasonable, and there is evidence of practical difficulty in meeting the requirement. Variance applications should be reviewed on a case-by-case basis and based on the merits of the subject property/structure. This type of application is reviewed and determined upon by the BZA, which is the final determining body. Criteria are split between 2 different categories: A and B. All criteria of Category A are required to be met, while 2 of the 4 criteria in Category B are required to be met.

Should a Variance be approved, the applicant would be required to submit a zoning certificate that indicates the approved location of the fence, which will be reviewed, approved and inspected by the City of Dublin. Should a Variance be disapproved, the applicant would be required to meet the requirements of the zoning code and modify the existing fence to meet all applicable setbacks.

3. Project

Summary

The applicant has constructed a fence that currently does not meet side and rear yard requirements for the R-3, Suburban Residential District. The applicants are requesting a modified site plan that does not meet minimum and total side yard requirements. The fence has been constructed and is a wood, split-rail fence that is 42 inches in height. The requirements for the site are as follows:

Zoning Code Section	Minimum Requirement	Proposed Requirement
Section 152.022(C)(3). For dwelling or associated accessory buildings there shall be a total of side yards of 18 feet or more with a minimum of 8 feet on one side.	Requirement of R-3, Suburban Residential District.	Requested Variance
a. Minimum Side Yard	8 feet	0 feet
b. Total Side Yard	18 feet	11 feet

Most of the surrounding lots have fencing around patio spaces to provide privacy for the lots or decorative fencing with landscaping. There is one privacy fence that is located to the east of

25-102V | Schoettmer Residence Fence Thursday December 18, 2025

the applicant's site that is a similar fence to the proposed fence in this application. No permits have been obtained for the fence and similar enforcement will be pursued. The fence, as proposed, appears to be out of character for the area and Planning has discussed other options for more consistent fence regulations for the entire subdivision which would require review and approval of the Planning and Zoning Commission to allow fencing in a more consistent and collaborative manner.

4. Plan Review

Non-Use (Area) Variance

All three criteria are required to be met:

Criteria A

- 1. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.
- 2. That the variance is not necessitated because of any action or inaction of the applicant.
- Granting the variance will not cause a substantial adverse effect to the property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied.

At least two criteria are required to be met:

Criteria B

1. That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.

Review

Criterion Not Met: the subdivision include similar housing types and similar sized lots. The units do have adjoining walls which is a element of the housing type. There is no special condition or circumstance for the land or structure that has provided.

Criterion Not Met: The applicant has constructed the fence after receiving notification of the requirements through a denied Certificate of Plan Approval, as well as discussion and on-site inspections from the City. These actions do constitute action/inaction by the applicant.

Criterion Not Met: The fence is out of character with the area and is not an outdoor amenity that is provided to other property owners. This will result in negative adverse effects to the surrounding community, as well as impair the intent of the code.

Review

Criterion Not Met: Providing a fence that does not meet requirements of the subdivision will confer special privileges to the applicant not commonly provided to other properties.

Non-Use (Area) Variance

reasonably practicable.

All three criteria are required to be met:

Criteria A

2. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions

Review

Criterion Met: The request is not recurrent in nature and does not require modifications to the Code.

- 3. The variance would not adversely affect the delivery of governmental services.
- 4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.

Criterion Met: This request would not impact the delivery of government services as the construction is limited to the rear yard and not impact mail delivery service, emergency services, or other governmental services.

Criterion Met: The fence can be modified to meet the requirements of the Code and provide space for outdoor activities. These are similar requirements for all properties within the City of Dublin and can be achieved with relocating portions of the fence.

Recommendation

Planning Recommendation: <u>Disapproval of the Non-Use (Area) Variance to allow a fence that does not meet minimum side yard setbacks.</u>