

## PLANNING REPORT

# Board of Zoning Appeals

Thursday December 18, 2025

## Graham Residence 25-104V

### Case Summary

Address	4789 Carrigan Ridge Court, Dublin, OH, 43017
Proposal	Request for review and approval of a Non-Use (Area) Variance to allow a retaining wall that is located within the 30' rear yard setback.
Request	Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231.
Zoning	Planned Unit Development District, Amberleigh
Planning Recommendation	<u>Disapproval of the Non-Use (Area) Variance</u>
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 have to modify the plans to meet the required setback.
Applicant	Jeffrey Haussler, Agent
Case Manager	Tammy Noble, Senior Planner (614) 410-4649 <a href="mailto:tnoble@dublin.oh.us">tnoble@dublin.oh.us</a>



### Community Planning and Development



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Dublin, Ohio 43017



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Site Location Map

25-104V - Graham Residence



Site Features

- 1 Proposed Shed and Retaining Wall
- 2 Mature Vegetation



# 1. Background

## Updated Project Request

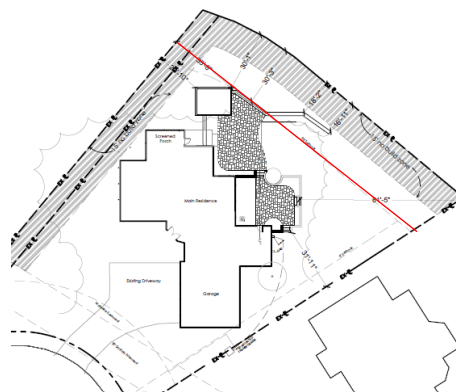
This is a request for a Variance to allow a retaining wall to be located within a rear yard setback. The site is zoned Planned Unit Development, PUD and is in the Amberleigh subdivision. The subdivision requires a 30-foot rear yard setback that is applicable for all lots in the subdivision. The site also has a 15-foot No Build Zone which is a platted restriction located along the north and east property lines. A No Build Zone is a platted restriction that is not eligible for a Non-Use Variance. The proposed retaining wall is located within the required rear yard setback but outside the No Build Zone.

The applicant presented to the Board of Zoning Appeals on November 20, 2025 for a shed and a retaining wall that were located within the required 30 foot setback. The Board discussed other locations of the site that could accommodate the shed's location and meeting the required setback. The Board also acknowledged the need for the retaining wall based on the contour changes. Based on the feedback of the Board, the applicant has modified the plan to locate the shed within the buildable area, as indicated below.

*November 20<sup>th</sup>-Original request*



*December 18<sup>th</sup>-Modified Request*



## Site Summary

The 0.52-acre site is Lot 72 of Amberleigh Section 2. The subdivision is located between Dublin Road and the Scioto River. The applicant's site is located along the east side of Carrigan Ridge Court, north of Inistork Drive and contains a 4,677-square-foot, single-family house located in the central portion of the site. Access is provided by a single access point extending from Carrigan Ridge Court. The site is adjacent to Amberleigh Park and has significant natural vegetation on the north, east and west sides. The site also has significant grade changes with a drop of approximately 24 feet from front to back.





### 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 building permit application and receive approval prior to construction. Should a Variance be disapproved, the applicant would be required to meet the requirements of the zoning code or maintain the existing parking counts on the site.

## 3. Project

### Summary

The request is for a Variance to allow a retaining wall within the 30' rear yard setback. The retaining wall is proposed to address elevation changes primarily to the rear of the site and allow the rear yard to be more accessible and usable space. The proposed project includes a shed that has been relocated to meet the required rear yard setback and a large patio space. The applicant has stated that the new outdoor space is intended to maximize their usable space to the rear of the house and mitigate challenging contour changes.

Planning has modified the criteria to address the singular variance, specifically a retaining wall within a rear yard setback, and evaluate the request with additional information the applicant has provided. The analysis is provided in “Plan Review”.

4. Plan Review

Non-Use (Area) Variance

All three criteria are required to be met:

Criteria A	Review
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.	<b>Criterion Met:</b> The site is primarily a rectangular shaped lot that is similar in size to adjacent properties. The rear yard space is comparable to most suburban lots and has ample room for outdoor space. However, the site does contain significant contour changes that are due to proximity to the river and not applicable to all properties in Dublin. The retaining wall is a functional component of improving the site and addressing contour changes. Therefore, do present special conditions.
2. That the variance is not necessitated because of any action or inaction of the applicant.	<b>Criterion Not Met:</b> The applicants and their agent are designing the site and have chosen the location of the new construction. This includes the retaining wall and therefore, are necessitated by the applicant.
3. 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.	<b>Criterion Not Met:</b> Granting the variance for a preferred rather than necessary design choice would have substantial adverse effects on surrounding properties, as well as impair the general intent of the requirement (rear yard setback).

At least two criteria are required to be met:

Criteria B	Review
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.	<b>Criterion Not Met:</b> The applicants’ rear yard is comparable, if not larger, than many suburban lots that can accommodate outdoor space despite the change in grade. Granting a variance would confer special privileges to the applicants that would not be provided to other property owners.

**Non-Use (Area) Variance**

All three criteria are required to be met:

Criteria A	Review
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 reasonably practicable.	<b>Criterion Met:</b> The request is not recurrent in nature and does not require modifications to the Code for off-street parking.
3. The variance would not adversely affect the delivery of governmental services.	<b>Criterion Met:</b> This request would not impact the delivery of government services.
4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or more costly to achieve.	<b>Criterion Not Met:</b> The site can be redesigned to locate the retaining wall outside the required setback. Other options include decreasing the size of the proposed patio to allow the retaining wall outside the required setback.

**Recommendation**

**Planning Recommendation:** Disapproval of the Non-Use (Area) Variance for retaining wall within a required rear yard setback.