



October 6, 2025

Mitchell Coffman
7068 Anselmo Court
Dublin, OH 43017

Mr. Coffman,

This letter serves as an official determination regarding your position that the open fence that you constructed near the rear lot line of 7068 Anselmo Court is a replacement of a previously existing fence structure as contemplated in Zoning Code Section 153.083(C) of the Dublin Code. This official determination replaces the previous determination issued on July 11.

As set forth more fully below, the Planning Department hereby determines that the fence you erected in 2024 near the rear lot line **is not** a replacement fence as contemplated at Zoning Code Section 153.083(C).

1. Background

On April 9, 2025, you submitted a PowerPoint presentation to Dublin Staff that you described as a "fence Compliance proposal." You previously requested variances to the rear and side yard setbacks that, if granted, would have allowed you to maintain the fence as erected. *See Case #24-111V – Coffman Residence Fence.* You provided various materials, including oral testimony, with that submission. The Board of Zoning Appeals denied your request, and you did not appeal its decision.

Based on previous conversations with you and your presentation to the Board of Zoning Appeals, Staff interprets your April 9, 2025 "fence Compliance proposal" as a request for an official determination from Staff regarding whether the portion of the existing fence that you erected in 2024 near the rear lot line falls within the exception set forth at Zoning Code Section 153.083(C). To be clear, your request for an official determination affects only the portion of fence that you constructed near the rear lot line. The other portions of the still-present fence remain out of compliance with the Dublin Zoning Code.

You have stated to Staff that "at some time" before 2024, the rear lot line was lined with existing vegetation, which included "trees, flowers, vines and other vegetation **supported by rope and 6-foot stakes.**" *See Original Variance Drawings, p. 11 (emphasis added).* You have also stated that you unilaterally interpreted Zoning Code Section 153.083(C) to allow you to

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remove the pre-existing vegetation and erect a new fence in the same location as a "replacement" at a later date.

You provided aerial photos of 7068 Anselmo Court on August 5, 2025, and September 1, 2025, via email. These photos have been considered as part of Staff's analysis.

2. Analysis and Determination

Zoning Code Section 153.079 defines a fence as "any structure composed of wood, metal, stone, plastic, cellular vinyl, or other natural and permanent material erected and positioned as to enclose or partially enclose any premises or any part of any premises. Trellises, or other structures supporting, or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose or partially enclose or separate any premises shall be included within the definition of the word **FENCE**. Hedges, retaining walls, or radio controlled fences, shall not be included within the definition of the word **FENCE**." In other words, the underlined section states that trellises or similar structures that support vegetation to enclose or partially enclose any premise shall be included within the definition. The code does not state that vegetation alone shall be counted as a "fence."

Zoning Code Section 153.080 provides general requirements for fences. You have already acknowledged in Case #24-111V – Coffman Residence Fence that the fence you erected does not satisfy certain requirements of Zoning Code Section 153.080 such as the side and rear yard setbacks for open fences.

However, there is an exception to the requirements of Zoning Code Section 153.080. Under Zoning Code Section 153.083(C), "Notwithstanding any other provisions in this Code, in all residential districts fences erected prior to the effective date of Ord. 75-98 shall not be considered non-conforming structures and shall be permitted to be replaced in the same location and at the same or lesser height as existed on the effective date of Ord. 75-98. In addition, the replacement fence shall be of a material as provided in Code § 153.080(C). A Certificate of Zoning Plan Approval shall be required."

You bear the burden of showing that the portion of the existing fence that you erected near the rear lot line falls within that exception. To do so, you must first demonstrate that the pre-existing fence structure was "erected prior to the effective date of Ord. 75-98," which occurred on or about April 20, 2000, and meets the definition of a fence as stated above.

Based on previous evidence submitted with the Variance application 24-111V, and aerial photos provided via email on August 5 and September 1, the properties appears to have vegetation near the rear of the property. While you represented that the aerial photos you provided on September 1, 2025, were taken in January 2000 and the property of the "Franklin County Auditor Site," you did not provide any support for that representation, and the photos do not have a date stamp to support your representation, either. Nevertheless, Staff accepts, for the purpose of this official determination, that the photos may reflect the aerial view of 7068 Anselmo Court as of January 2000.

While the aerial photos demonstrate that 7068 Anselmo Court contained vegetation near the rear lot line prior to the effective date of Ord. 75-98, they do not provide evidence of a qualifying "fence" structure for three separate reasons.

First, the discernable "vegetation" in the aerial photos is not consistent with the vegetation within the definition of "fence." The aerial photos show approximately five to six small trees

near the rear lot line, but no vines, flowers, or similar vegetation. While trees may colloquially fall within the broad category "vegetation," Staff determines that trees are not included within the category "other vegetation" for purposes of Code § 153.079. The Dublin Zoning Code does not define "vegetation," but Code § 153.131 states that it is "the purpose of [the landscaping] subchapter to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development[.]" By using both the words "trees" and "vegetation" in that section, Staff has determined that City Council intended "trees" and "vegetation" to be interpreted as separate and distinct categories. Thus, to the extent that the rear lot line of 7068 Anselmo Court contained trees, those trees cannot be considered part of any "fence" that existed near the rear lot line.

Second, vines, flowers, and other vegetation are not considered a "fence" unless they are growing on or are supported by "trellises or other structures supporting, or for the purpose of supporting," such vegetation. Code § 153.080(C). Staff determines that City Council's intention was to require property owners who plant such vegetation on their properties to keep and maintain such vegetation in a clean and visually appealing manner. This interpretation is consistent with Code § 153.135, which states that "[t]he owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance ... at all times." You have stated that the pre-existing vegetation at 7068 Anselmo Court was "supported by rope and 6-foot stakes." Staff determines that such "rope and 6-foot stakes" are not the kinds of vegetation-supporting "structures" City Council had in mind when it adopted Code § 153.079 because they are not like trellises, which are designed to support and facilitate vegetation growth in a visually appealing manner, nor do they typically support applicable vegetation.

And third, the structures that support the vegetation must have been "erected in such position as to enclose or partially enclose or separate any premises[.]" *Id.* Neither the aerial photos nor your statement that the vegetation was supported by "rope and 6-foot stakes" demonstrate that such rope and/or stakes were erected to fully or partially enclose the rear lot line or meaningfully separate it from any other premise. Staff has determined that such stakes and rope, to the extent they can be discerned from the aerial photos, were not erected to enclose 7068 Anselmo Court near the rear lot line or separate it from a neighboring premises.

Each of the above-stated reasons independently precludes Staff from determining that the pre-existing vegetation at 7068 Anselmo Court is considered a "fence" for purposes of Code§ 153.083(C).

Separately, even if Staff had determined that 7068 Anselmo Court had a qualifying fence structure at the rear lot line in January 2000, Staff would nevertheless have to conclude that the current fence near the rear lot line is not a "replacement fence" for purposes of Code§ 153.083(C) because you did not acquire a "Certificate of Zoning Plan Approval" before erecting that portion of the new fence.

For each of these reasons, you have not shown that the portion of your current fence near the rear lot line falls within the exception at Zoning Code Section 153.083(C). Thus, it is Staff's determination that the fence that you erected in 2024 near the rear lot line **is not** a replacement fence as contemplated at Zoning Code Section 153.083(C).

3. Right to Appeal this Determination

Zoning Code Section 153.231(F) sets forth your rights to appeal this determination. Zoning Code Section 153.231(F)(1) provides:

An Administrative Appeal may be taken from any person or any governmental department affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by an administrative official or body charged with the enforcement and administration of this Code.

If you seek an Administrative Appeal, the Board of Zoning Appeals will consider the argument you put forth in your submission and issue its own decision regarding the interpretation of the applicable Zoning Code Section. The Board is limited to the information that was available to Staff when it made its determination.

If you decide to appeal Staff's determination, you must notice your appeal **within 20 days** of the date of this determination. Your notice of appeal must specify how you believe Staff erred in interpreting the applicable code section. You must notice your appeal by giving written notice to Staff, who will present it to the Board of Zoning Appeals on your behalf. Staff will also transmit to the Board of Zoning Appeals all of the papers constituting the record upon which the action was taken.

If you have any additional questions, please contact our office.

Sincerely,

Zach Hounshell
Planner II

Tammy Noble
Senior Planner