City of Dublin
OHIO, USA

SUMMARY OF ACTIONS

Board of Zoning Appeals

Thursday, November 21, 2024 | 6:30 pm

Members Present: Joseph Nigh, Patrick Murphy, Garrett Anderson, Bridget Tyznik
Members Absent: Joel Kretz

APPROVAL OF MINUTES/ACCEPTANCE OF MEETING DOCUMENTS

MOTION CARRIED 4-0 TO ACCEPT THE DOCUMENTS INTO THE RECORD AND APPROVE THE MINUTES OF THE 9-26-24 BZA MEETING

CASE REVIEWS

- **Case #24-111V - Coffman Residence – Fence, Non-Use (Area) Variance**

Request for a variance to allow a fence to encroach into both the rear and side yard setbacks. 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.

MOTION FAILED 4-0 TO APPROVE THE NON-USE AREA VARIANCE TO ZONING CODE SECTION 153.023 (C)(3) TO ALLOW A FENCE TO ENCROACH APPROXIMATELY 5 FEET INTO THE SIDE-YARD SETBACK

MOTION FAILED 4-0 TO APPROVE THE NON-USE AREA VARIANCE TO ZONING CODE SECTION 153.080(C)(4) TO ALLOW A FENCE TO ENCROACH APPROXIMATELY 25 FEET INTO THE REAR-YARD SETBACK

The Board found that the request met none of the three required criteria in Criteria Group A. The lot is consistent with adjacent properties in the development and no special conditions or circumstances exist; the variance is necessitated by the applicant's installation of a non-compliant fence within the required setbacks; and that granting the variance would impair the intent and purpose of the requirements.

- ~~**Case #24-139V - Baxter Residence, Non-Use (Area) Variance**~~

~~Request for a variance to allow a new single-family home to deviate from the Residential Appearance Standards. The 3.09-acre site is zoned PUD, Planned Unit Development, Deer Run Estates, and is located approximately 680 feet northeast of the intersection of Deer Run Court and Deer Run Road.~~

~~*MOTION CARRIED 4-0 TO APPROVE A NON-USE (AREA) VARIANCE TO ZONING CODE SECTION 153.190(E)(1)(c) TO ALLOW FOR EXPOSED CONCRETE FOUNDATION WALLS*~~

MEETING MINUTES

Board of Zoning Appeals

Thursday, November 21, 2024

CALL TO ORDER

Mr. Nigh, Chair, called the meeting to order at 6:30 p.m. in Council Chambers, 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:	Joseph Nigh, Patrick Murphy, Bridget Tyznik, Garrett Anderson
Board Members absent:	Joel Kretz
Staff present:	Tammy Noble, Anthony Severin

APPROVAL OF MINUTES/ACCEPTANCE OF MEETING DOCUMENTS

Mr. Murphy moved, Ms. Tyznik seconded acceptance of the documents into the record and approval of the 09-26-24 regular BZA meeting minutes.

Vote on the motion: Mr. Anderson, yes; Mr. Murphy, yes; Ms. Tyznik, yes; Mr. Nigh, yes. [Motion carried 4-0.]

The Chair swore in staff and members of the public who planned to address the Board during the meeting.

CASE REVIEWS

- **Case #24-111V - Coffman Residence – Fence, Non-Use (Area) Variance**

Request for a variance to allow a fence to encroach into both the rear and side yard setbacks. 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.

Staff Presentation

Ms. Noble stated that this application is for a non-use area variance for fence requirements. The fence encroaches into both the rear and side yard setbacks of a residential property. The Board will be the determining body for this application. The next steps would be an internal fence

application process, which is reviewed by staff. If the Board approves the application, the application would precede as presented tonight. If the application is not approved by the Board, the application would need to be modified to meet the Code fence requirements and submitted for the internal review process.

Ms. Noble stated that the site is approximately 1/3 acre in size and is located on the east side of Scribner Way. This cul de sac in Hemingway Village is comprised of six residential lots. The lot is rectangular in shape with no natural features that run through the site; it is not heavily wooded. The lot has access off the cul de sac, so the frontage is slightly curved. It is similar to the surrounding lots. Photos were shown of the fence that has already been constructed around the perimeter of the site, which is approximately 4 feet in height. The site plan (shown) indicates the City's fence code regulation lines and also where the fence has been constructed. The buildable area reflects the required setbacks. The rear yard requirement is approximately 25.5 feet; the applicant has constructed the fence at 25 feet, leaving .5 foot between the rear property line and the fence. For the sideyard fence, five feet is the minimum requirement, and the fence meets that requirement. She stated that the City's fence regulations are a hybrid, meant to allow a limited amount of space for an enclosed area. They are not intended to be perimeter fencing. This allows corridors of relief from the buildable area and maintains unobstructed viewsheds. There are two subgroups of criteria. Criteria A provides the predominant requirements for a variance application, and all the associated criteria need to be met. The first requirement is that the Board finds there is some special condition specific to the site, such as topography or natural features. Staff's review has determined that the site is fairly consistent with the adjacent properties and indicative of a typical suburban community. There are no waterways or vegetated areas that would hinder the ability to construct a fence in the required locations. The second requirement is that the condition not be the result of action or inaction of the application. In this case, the variance request is necessitated by the applicant's installation of the fence. In terms of intent or purpose, the Board must determine if the application impairs the intent of those requirements. Staff's review has determined that it does impair the intent. The perimeter fence prevents the City's intended view shed. The application is required to meet only two of the four requirements in Criteria Subgroup B. Based on the criteria, staff has determined that the variance application does not meet the requirements and recommends that the application not be approved.

Applicant Presentation

Mitchell Coffman, 7068 Anselmo Ct., Dublin presented his case. Due to City mistakes, errors, omissions and circumstances, he is requesting a permanent or temporary variance, as long as the risk conditions exist. Planning staff did not inquire as to his need for the fence, which is very important. He has provided a large packet of information to the Board for this case, but he also will explain the reason the fence has been built. Mr. Coffman provided his professional background information and detailed the expert opinions he obtained. He has served as the chief internal auditor for Columbus Public Schools, addressing financial issues and risks. He worked with the audit committee, including John Glenn, to address issues and risks with the Pentagon Airbus and Boeing. He has provided building security consultation to Dublin City Schools.

Mr. Coffman shared that while working at a global pharmaceutical company in Bogota, Columbia, he and his team escaped a kidnapping attempt under the security of armed guarded. In 2023, a contractor was scheduled to come to his home and submit a bid on a deck project, but his tools

were stolen by an MS13 gang. In the past several months, he and his family have received threats and harassing texts and emails that have been reported to the Dublin police. They indicated that they are with a cartel. He received a death threat earlier this week, which he also reported to the Dublin police. Some of the reports have been turned over to the FBI for further investigation. The Dublin police officer noted that so many threats have been received, that they are no longer taking reports. If a report is taken, it is filed but not investigated. He provided the contact information of the threat received, but the Police expressed no interest in following up to determine the source of the threats. He has discussed the issue with an Ohio State professor, who is a leading consultant on federal and state government crime. He indicated that Columbus is a sanctuary city, and he has identified more than 100,000 illegal immigrants living within the Columbus area without proper vetting. He also indicated that MS13 and other foreign gangs are present and active in Columbus; MS13 is headquartered in Indianapolis. Some of the threats he has received have been from an Indianapolis phone number. On the evening of November 4, 2024, his son returned to his home in Ashland, Ohio to find 30+ illegal immigrants camped out in his yard; they did not speak English. He and a neighbor succeeded in vacating them with the assistance of the Ashland Police Department. The next day, two immigrants returned to "case out" their homes. His son and neighbors are attempting to coordinate with the City of Ashland to ensure their safety. He has reached out to the Ohio Attorney General, who gave him contact information for Homeland Security and immigration, and he has contacted Senator Vance and Representative Jordan's office.
He reviewed the need for fence security at his home. As of February 2024, they have two disabled children whose caregivers come and go 24/7. There have been multiple emergency events at all hours of the day. His back yard is used by the caregivers to provide therapy and breaks for the disabled children. They also have active dogs. He discussed with his neighbor his desire to install a fence to provide safety for the children and to provide greater safety and security for the entire family. There have been numerous times that he has escorted non-English speaking men out of his backyard. For security reasons, he escorts family members to their cars when leaving.

Before the fence was constructed, he researched fence contractors and selected contractor, L. Smith, who had a good rating, and they agreed upon the final design and cost of the fence ($5,400). In April 2024, Mr. Smith (Larry) confirmed with him that everything was in place to proceed with the fence construction. However, that was incorrect, as he discovered later that the City had not issued a building permit. At that time, he was unaware that Mr. Smith was suffering from terminal cancer; he passed away April 19, 2024. Mr. Smith's assistant (Roger) assumed responsibility for the fence construction. A different neighbor contacted the City and inquired if a fence permit had been issued. This resulted in Jay Henderson, Planning technician, driving by his home to determine the situation; he and Roger noticed the City vehicle pausing and driving by. Later, they learned that Mr. Henderson called that a site inspection. If Mr. Henderson had spoken with them, they would have been made aware that there was no permit and could have immediately addressed that omission before proceeding with the fence. This would have prevented the expenditure of more than $3,000. They received a letter from Jay Henderson on April 30. The letter was threatening and also addressed incorrectly. He contacted the City and scheduled a meeting for June 14 to learn what the issues were. In the meeting with Dublin Planning, they were advised that they needed to file a site modification permit. Incidentally, his neighbor indicated that he had not complained about the fence; he inquired only if a permit had been issued.

Mr. Coffman noted that Mr. Henderson assisted him in filing for a fence permit; however, the permit form provided only the option to request a new fence, not a replacement fence, and the back part

of his fence is a replacement. He pointed out that omission to the Planning staff. The site modification permit was denied, and consequently, he has come before the Board to request a variance permit. The existing fence requirement for a 20% setback would negatively impact the property's use. It would place the back section of the fence in the middle of his back yard, just off his patio. That would cut off the use to the rest of the yard. Pending the outcome of his variance request, he has scheduled Oakland Nursery to do a landscaping plan to dress up the fence in his backyard. He noted that there is a manhole in the back fence area. Gary Browning, operations administrator for Dublin Streets and Utilities, reviewed the site and confirmed that the City could have access to that manhole. He also agreed to add access to his fence to facilitate emergency access, if needed, which Mr. Browning appreciated. Dublin's Code, 153.079 provides the definition of a fence, which states, "the word fence shall in general terminology, mean any structure composed of wood, metal, stone, plastic, cellular, vinyl or other natural and permanent materials erected and positioned as to enclose or partially enclose any premises or part of the premises. Trellises and other structures supporting or for the purpose of supporting vine, flowers and other vegetation when erected in such a position as to enclose or separate any premise shall be included within the definition of the word fence."

Mr. Nigh stated that he wants to make sure that Mr. Coffman was made aware of the fact that BZA's purview is limited to review of the criteria. All Mr. Coffman needs to provide is evidence that his application meets the criteria. The Board has no ability to render any judgments other than that related to the criteria. The Board has read all the materials he has provided, and he can present whatever he wishes; however, it would be helpful for the Board's review to focus on whether the fence meets the criteria. The other issues regarding incorrect address and differing interpretations, staff is documenting. However, this body can evaluate only whether the criteria is met or not met.
Mr. Coffman expressed thanks for the explanation, which was not explained to him. Focusing on the Planning staff's report, the fence meets the sideyard requirements. In regard to the rear yard fence measurements, this is a replacement fence. Replacement fences can be placed in the exact position at the same or lesser height. That was not addressed in the Planning report; however, the City's fence permit form at the website does not offer that option to select.

Mr. Nigh requested staff to comment on the replacement fence requirements.
Ms. Noble stated that there are provisions in the Code that allow a homeowner to replace like for like. Staff has determined that the landscaping that previously existed on the lot did not constitute a fence, because it did not enclose; therefore, it does not classify as a fence. If the applicant does not agree with that determination, he could submit an Administrative Appeal. There is an appropriate process for that.

Mr. Nigh inquired if the Administrative Appeal process would come before the Board for determination.
Ms. Noble responded that it requires a different application, which would come before this Board for review and determination.
Mr. Nigh stated that application is not currently before the Board, however.

Mr. Coffman re-read the definition of a fence, per Dublin Code 153.079, which refers to natural materials and also to partially enclosing any part of the premises. Trellises or other structures for the purposes of supporting vines or flowers erected to partially enclose or separate any premises shall be included in the definition of a fence. He addressed that point in his application materials.

Staff has indicated that the variance is necessitated by the applicant's installation of a noncompliant fence within the required setbacks. As he has stated, the back of the fence meets the definition of a replacement fence. The deficiency in the Dublin Planning form did not permit him to select replacement fence for his permit request.
Granting the variance will not create a substantial adverse effect on the property and will not impair the intent or purpose of the requirements. He believes he meets two of the four requirements of Criteria subgroup B. Staff has indicated the request is not recurrent in nature. He has photos of 9 homes within his block with fences [provided to Board]. Staff also has indicated that the practical difficulty could be eliminated by some other method, even though the solution is less convenient or more costly to achieve. Staff indicates the applicant could construct a fence that meets the required setbacks and materials, that there are no conditions on the site that would prohibit this. As he has stated, placement of the back fence in the required location would cut his backyard in half and significantly impede use of his entire backyard. Over the years, he has seen other variances approved for safety reasons and special considerations for either a temporary or permanent variance. He would argue that special circumstances exist here: disabled children; vehicles coming/going 24 hours a day, including multiple emergency vehicles; also the safety and security of his family from criminal elements. Finally, there was no site visit. While he has invited Planning staff to come out and take a look at his fence, no one has come out and looked at the fence nor discussed the potential replacement fence with him. He believes that staff's errors and omissions have caused the need for this variance. He believes it is warranted for the reasons stated, and requests the Board to approve it.

Board Questions for Staff

Mr. Nigh asked Ms. Noble to comment on the applicant's statement that no City staff member conducted a site visit to view and discuss the fence with him. Mr. Nigh stated that he sees specific measurements within .5 foot from the City. He would like to know how the City obtained that information, and if a staff member did visit the applicant's property and speak with him.
Ms. Noble responded that although there appear to have been extenuating circumstances, no permit was obtained. Mr. Henderson issues permits; he is not Code Enforcement. He was simply confirming that there was fence activity as indicated by the call received. Mr. Henderson followed up with a letter to the applicant. For the measurements, we would have used the materials submitted to us. We do not arrive at the measurements ourselves. If the measurements are in error, the application could be tabled, and we can obtain the correct measurements and then proceed at a future meeting. However, the measurements stated are not information the City staff produced.
Mr. Nigh requested confirmation that staff's measurements were developed from information the applicant provided.
Ms. Noble responded affirmatively.
Mr. Nigh requested confirmation that Mr. Henderson is not a zoning inspector, and his responsibility was not to check on and discuss the fence. His responsibility was to confirm whether or not a fence was being installed and if the property owner had a permit. He satisfied his responsibilities.
Ms. Noble affirmed that is correct.

Mr. Coffman noted that Mr. Henderson stated that he conducted a site inspection, and there is a checklist that accompanies an inspection. An inspection was not done. If Mr. Henderson had

expended 3 minutes to stop and speak with him and the fence installer, the need for this variance could have been avoided.
Ms. Noble stated that is what the permitting process is for – for staff to ensure the fence is where it needs to be before construction activity takes place.
Mr. Coffman responded that they did submit a permit, although it was after the fence was built, and he invited Planning staff to come out and look at the fence; no one came out. The permit was simply denied, and he appealed the denial.

Mr. Patrick pointed out a typographical error in the Planning report under #2 – Projects. The second variance is coded under Section 153.080.C4; that should be 153.023C4. It is listed correctly in the Recommendations section, however. His question would relate to the replacement fence. What was the structure that was there previously, before it was replaced?
Ms. Noble stated that the applicant has indicated that there was a line of vegetation along the rear of the property that acted as a fence. When they constructed this fence, they are claiming that the rear portion of the fence is a replacement. That does not, however, address the sideyard requirement. While staff does not believe the back section of the fence meets the replacement fence definition, if the applicant want to preceed in that direction, it would be a different process.
Mr. Coffman stated that staff's response is only partially correct. In his materials, he also stated that there were wood and frame structures to support the growth of vegetation within the previously existing back row of vegetation. That meets Dublin Code's definition of a fence, and he cited that.
Mr. Nigh inquired if the applicant is stating that there was existing trellis-type fencing to support the vegetation all the way across the back.
Mr. Coffman responded affirmatively. There was structures to support the growth of vegetation.
Mr. Nigh inquired if there were gaps, of if there was a solid row of trellising across the back.
Mr. Coffman responded that it extended all the way across the property, from 6 to 9 feet. He tore it out a number of years ago with the intent to replace it. The Code does not stipulate timelines.
Ms. Noble stated that there are maintenance requirements for structures, such as decks or fences. There is a percentage of maintenance that can be done at one time. If the structure is completely removed, the homeowner is obligated to meet the current criteria.

Public Comments

No public comments were received.

Mr. Coffman requested repetition of the comment about maintenance requirements.
Ms. Noble stated that there is a percentage of deck or fence maintenance that can be done at one time; she believes it is 25%. It cannot be completely removed and replaced. Even if we were to conclude that landscaping and hardscape materials were at the rear of the property, we would not classify them as a fence because they did not enclose the property.
Mr. Coffman responded that they weren't landscaping materials. They were in compliance with the definition of a fence.

Mr. Nigh stated that the Board understands that is the applicant's position. He clarified that if a fence panel is in disrepair, it can be replaced without the need to apply for a new fence. You cannot take down and replace a whole portion of the fence 25% or greater without meeting current Code requirements.

Board Discussion

Ms. Tyznik stated that she appreciates the applicant's situation and all the information he has provided, but per the scope of the Board's review, she agrees with Planning staff's recommendation.

Mr. Coffman indicated that the Board should consider his position that the back section is a replacement fence. The deficient fence permit form did not permit him to file it as such.

Mr. Nigh clarified that this section of the meeting is no longer an opportunity for the applicant to weigh in on comments. It is the portion where the Board conducts discussion among themselves.

Mr. Murphy inquired if there are any other properties within the area that have fences that are on the property line that completely enclose the property, which would mirror this one.
Ms. Noble responded that in many of our older communities, the fences predate the current zoning, so such fences were constructed legally, or they did not obtain permits and were constructed illegally. There are existing fences that would not meet the current Code, but there are reasons they do not meet it.

Mr. Nigh requested clarification of the procedure for receiving new materials during the meeting.
Mr. Coffman stated that [referring to the photos of fences within the block that were provided in the meeting] that the fences were on their property lines.
Mr. Nigh inquired if any of these photos were submitted to staff beforehand to confirm whether the represented fences were on their property lines.
Ms. Noble responded that she does not believe staff received them. Any materials submitted beforehand by the applicant were included in the meeting packet provided to the Board. The photos are a handout that the applicant created later.
Mr. Coffman stated that Planning staff did not advise him that he could not provide additional materials at the Board meeting.
Mr. Nigh stated that the photos appear to be taken at several residences of fences of differing materials, including wood and metal. No addresses were provided.
Mr. Coffman stated that he would be willing to provide addresses for the fences other than the metal fence. He does not want to cause difficulties for any of his neighbors.

Assistant Law Director Severin reminded the Board members of the BZA's Rule of Order #4 which is in reference to applications and materials. Part B states, "to ensure the materials for consideration at an upcoming meeting are available for public review and inspection and are fully reviewed by the City prior to the public meeting, no additional or supplemental plans, amendments, documentations or changes to any application shall be accepted less than 15 calendar days prior to the meeting date." There is always the opportunity to consider suspending the rules if the Board believes there is a reason to do so, and he can also read that section, if desired.
Mr. Coffman stated that for the record, Planning staff helped him prepare his packet of materials and did not advise him that all the materials had to be submitted at that point in time.
Mr. Severin stated that the Law Department has no particular response except to say that the Rules of the BZA govern the BZA's actions. That is something for the BZA to be mindful of and take into account.

Mr. Nigh stated because no addresses were provided with the photos, he believes they can be considered as part of the applicant's presentation concerning what he believes are properties within his neighborhood. The pictures are a visual representation of his statement.

Mr. Murphy stated that if it is just considered a visual aid for his presentation, he has no objection. However, the age of the fences may be a factor; they could have been grandfathered in before the current ordinance was enacted.
Mr. Nigh stated that if there were 20 homes that had fences all on the property line, he does not know if that is sufficient for the requirement about a recurring condition to be met.

Mr. Anderson stated that he would provide his general thoughts. The variance review has specific criteria that must be met. In Criteria A, the Special Conditions criterion states that the condition must be peculiar to the land or structure, which are not applicable to other lands or structures. The special conditions of this application are peculiar to people, not the land or structures. Those seem normal for the neighborhood. That criterion alone has not been met.

Mr. Nigh stated that to be approved, all of Criteria A must be met. The City has determined that none of them are met. A compelling argument has been made that a portion of them have been met, but he does not believe the application meets all the criteria in Criteria A.

Mr. Coffman reiterated that the important factors to consider are that no site inspection was conducted, although he invited staff to do so. Additionally, the fence is located in the sideyards at 8 feet and 6.6 feet. Finally, the back fence section is a replacement fence. He would argue that the Board is relying on information not derived from a proper site inspection. That would be a false premise to rely upon in a decision not to grant the variance.

Mr. Nigh requested that Ms. Noble share with staff the concerns about the lack of site inspection, both how it occurred and the associated communication.
Ms. Noble indicated she would inform Planning Department.

Mr. Severin stated that the Law Department recommends separate votes be taken on the two variance requests.

Mr. Anderson moved, Ms. Tyznik seconded a motion to approve the Non-Use Area Variance to Zoning Code Section 153.023 (C)(3) to allow a fence to encroach approximately 5 feet into the side-yard setback.
Vote: Mr. Murphy, no; Ms. Tyznik, no; Mr. Nigh, no; Mr. Anderson, no.
[Motion failed 4-0]

Mr. Anderson moved, Mr. Murphy seconded approval of a Non-Use Variance to Zoning Code Section 153.080(C)(4) to allow a fence to encroach approximately 25 feet into the rear-yard setback.
Vote: Ms. Tyznik, no; Mr. Anderson, no; Mr. Murphy, no; Mr. Nigh, no.
[Motion failed 4-0]

Mr. Nigh stated that both requests have been denied by the Board. If the applicant has any questions about next steps, City staff will be in contact with him.

Mr. Coffman thanked the Board for the opportunity to present his case, although the results are disappointing. That the Board made its decision based on staff's presentation, which had errors, omissions and inaccuracies, to him, as a citizen, is intolerable.

Mr. Nigh stated that he understands his position.

- ~~**Case #24-139V - Baxter Residence, Non-Use (Area) Variance**~~

~~Request for a variance to allow a new single-family home to deviate from the Residential Appearance Standards. The 3.09-acre site is zoned PUD, Planned Unit Development, Deer Run Estates, and is located approximately 680 feet northeast of the intersection of Deer Run Court and Deer Run Road.~~

~~**Staff Presentation**~~

~~Ms. Noble stated that this application is for a non-use area variance. With this application, we are reviewing the construction of a single-family residential home that does not meet two criteria of our Residential Appearance standards, a foundation requirement and a trim and shutter requirement. If the application is approved, the applicant will proceed to Building permits as the application stands. If the application is not approved, the applicant would need to modify the application to meet the current Code before proceeding to Building permits. The 3.0-acre site is located east of Dublin Road and centrally located between Dublin Road and the Scioto River; it has access off Deer Run Court, a cul de sac. The vacant site has significant features including a floodplain that is associated with Deer Run, a tributary of the Scioto River, and contains mature vegetation. Deer Run Estates is a small subdivision with a variety of housing product. This application lies within the section of larger lots to the north. Smaller lots lie on the south. The application is related to a section of the Zoning Code that was adopted in 2004 that was called Residential Appearance Standards. These Code regulations were adopted by the City when it was trying to promote a minimum standard for architectural elevations, including primarily suburban types of elements, such a pitched roof or features that the City believed would add to the dimension of the exterior, including trim and requirements that the foundation not be barren. Since 2004, development applications have differed significantly. Now, developers of PUDs provide much more stringent requirements on their own accord, so this particular portion of the Zoning Code is used less frequently. Because there are some requirements that this application does not meet, it does require the Board's approval of a Code variance. Of the two requirements, the first is the requirement for the foundation walls. The applicant is asking that the exterior trim to the foundation not be required, and second, that the windows either not include trim or not include shutters. This is due to the architectural style, which is a more modern design than typically seen in a suburban community in Dublin. The City has received similar requests for different types of architectural styles. All three Criteria A criteria must be met for the variance approval, including Special Conditions. The site is rural in nature with natural features that keep it wooded and secluded. There is a customized architectural design that would supersede the requirements for the Residential Appearance Standards. Therefore, staff believes the first criterion is met. In terms of Actions or Inactions of the Applicant, these requirements are dictated by the architectural style and not necessitated by actions or inactions of the applicant. In response to impairment of the Code, staff believes that high development standards are being achieved, but being achieved in a different~~

May 7, 2024

City of Dublin
OHIO, USA

Planning & Zoning
5200 Emerald Parkway, Dublin, OH 43017
Reviewer: Jay Henderson
Phone: 614-410-4650
jthenderson@dublin.oh.us

PERMIT NUMBER:

#24-6114
ADDRESS: 7068 Anselmo Court

Planning and Zoning Disapproval Notice

ITEM DESCRIPTION

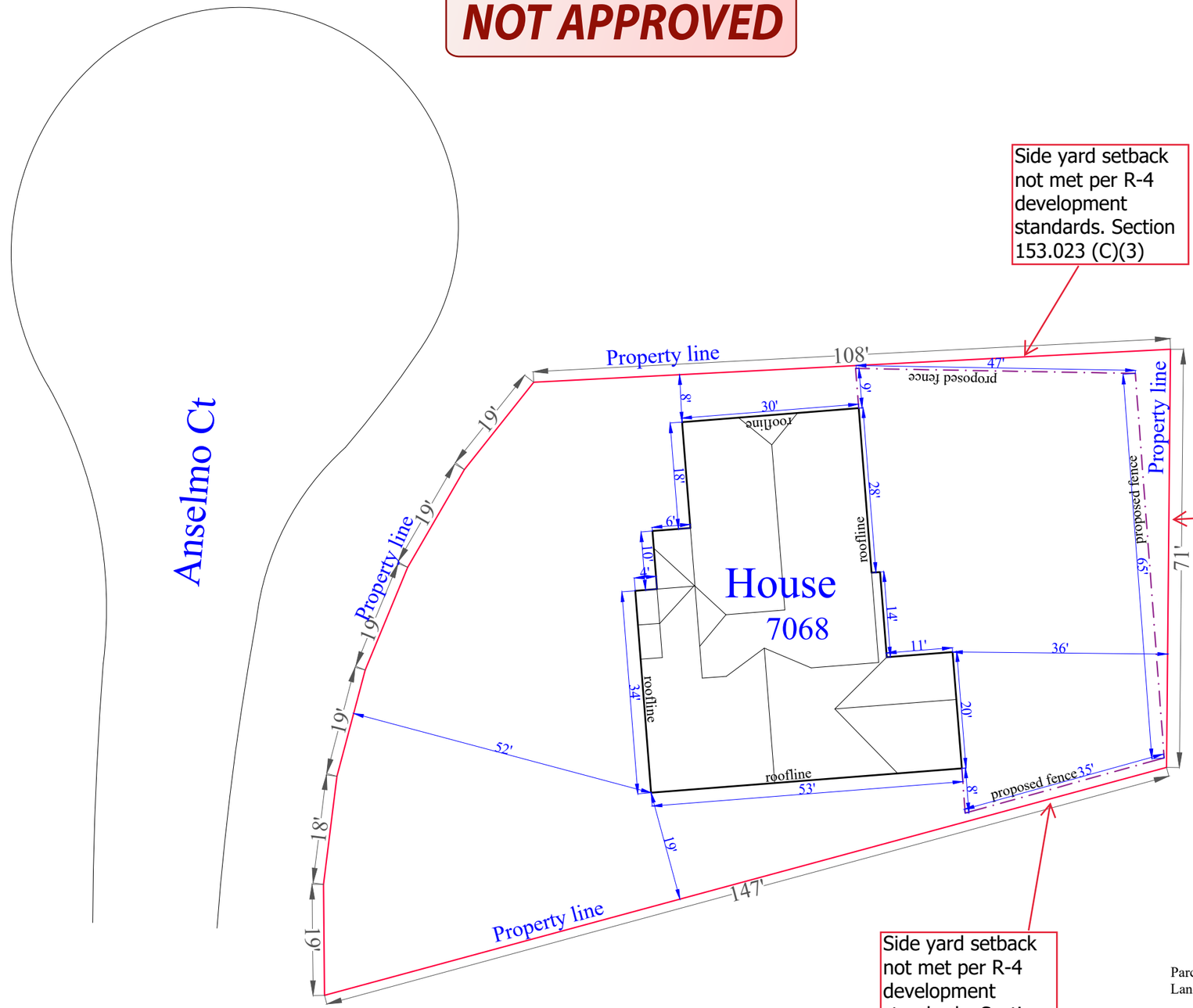
- **The proposed fence does not meet R-4 Zoning Code development standards Section 153.023 (C)(3) & Section 153.023 (C)(4).**
  - Section 153.023 (C) (3); Side yard setback must be a minimum of 5 feet on one side and total 15 feet.
  - Section 153.023 (C) (4); Rear yard setback shall be a minimum of 20% or more of the lot depth.

- **Per The City of Dublin Zoning Code Section 153.080(B) (1) (a) Open or partially open fences shall be located within the buildable area of the lot.**

- **Platted easement is not identified on the plans. Please provide an updated plan indicating easement locations. See attached subdivision plat for reference.**

- **Please revise the materials and email all revisions and missing information to the reviewer mentioned above:** jthenderson@dublin.oh.us

NOT APPROVED



Side yard setback not met per R-4 development standards. Section 153.023 (C)(3)

Rear yard setback not met per R-4 development standards. Section 153.023 (C)(4)

Platted easements not identified on plans. Please identify the easements as shown on the plat attached.

Side yard setback not met per R-4 development standards. Section 153.023 (C)(3)

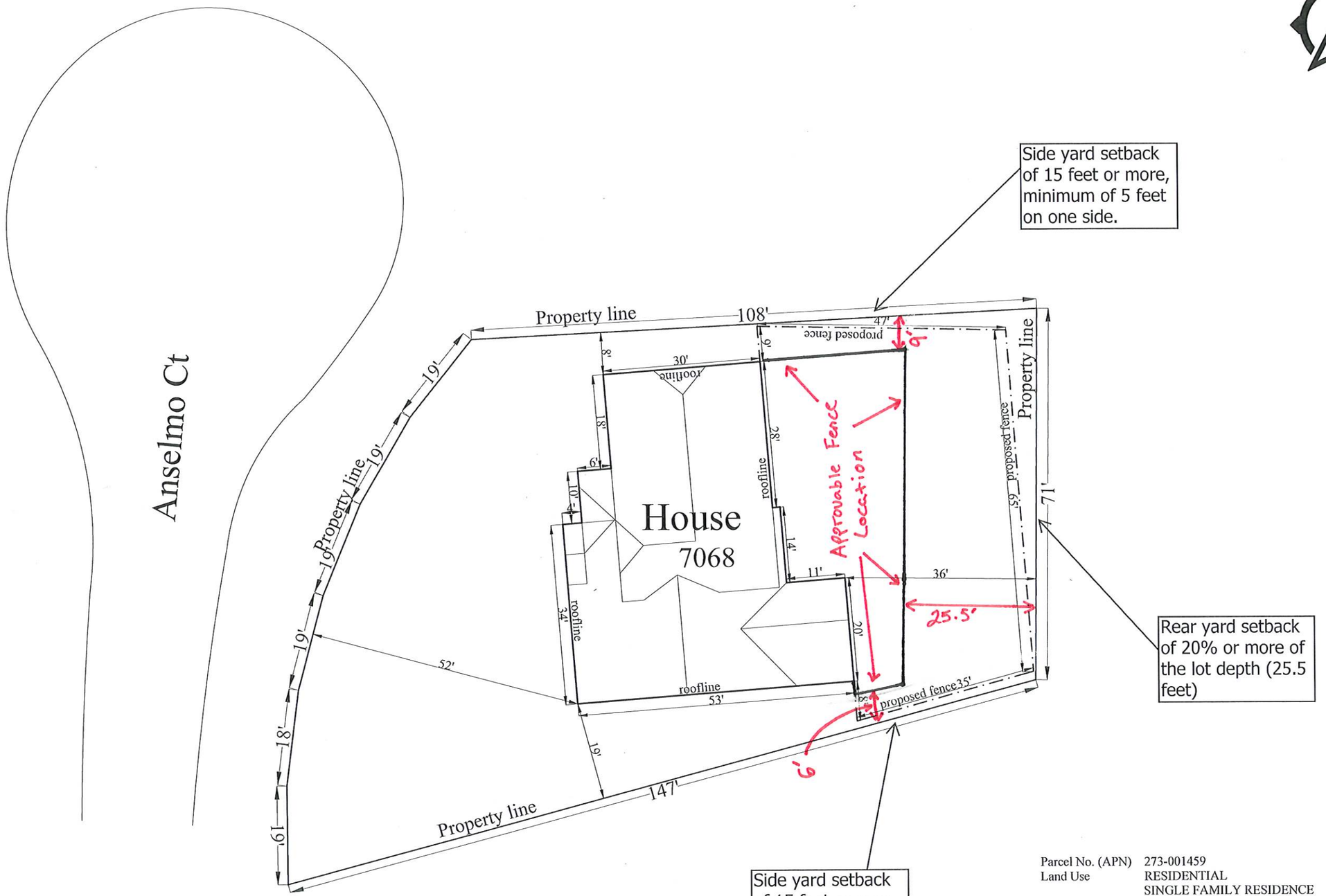
Parcel No. (APN)	273-001459
Land Use	RESIDENTIAL SINGLE FAMILY RESIDENCE
Lot Area	11,238 SF (0.26 ACRES)

ADDRESS: 7068 Anselmo Ct
Dublin, OH 43017
Scale:1"=20'

0' 10' 20' 40'
Graphic Scale

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE

This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.



Parcel No. (APN)	273-001459
Land Use	RESIDENTIAL SINGLE FAMILY RESIDENCE
Lot Area	11,238 SF (0.26 ACRES)

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Dublin, OH 43017
Scale:1"=20'

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HEMINGWAY VILLAGE SECTION 2

HEMINGWAY VILLAGE SECTION 1
R.B. 53, Pg. 12 & 13

LAND INVESTMENT LIMITED
76.311 Ac.
D.B. 3428, Pg. 686

Count R. Bower
50.0 Ac.
D.B. 1223, Pg. 613

Mary O. Segner & Doris O. Reed
105.126 Ac.
D.B. 3433, Pg. 918

THE STANDARD DEVELOPMENT COMPANY

POND DRIVE
OLD CLASSICS COURT
STEIN CT.
ADVENTURE
SCRIBNER
ERNEST WAY
DRIVE
WAY
ANSELM COURT

NOTE "A" No vehicular access to be effected until such time as the street is extended and dedicated by plat or deed.

GRAPHIC SCALE 1"=60'

N

618.911