

## PLANNING REPORT

# Board of Zoning Appeals

Thursday March 26, 2026

## Hovan Residence Pool Shed 26-002V

<https://dublinohiousa.gov/bza/26-002/>

### Case Summary

Address	5613 Adventure Drive
Proposal	Request for review and approval of a Non-Use (Area) Variance to allow a shed to encroach into the rear yard setback.
Request	Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231.
Zoning	R-4: Suburban Residential District
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 permits in the shed's proposed location. If disapproved by the BZA, the applicant would be required to meet the rear yard setback.
Applicant	Marquette Hovan, Property Owner
Case Manager	Tori Brubaker, Planner I (614) 410-4632 <a href="mailto:tbrubaker@dublin.oh.us">tbrubaker@dublin.oh.us</a>



### Community Planning and Development



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Site Location Map

# 26-002V - Hovan Residence - Pool Shed



**Site Features**

- 1 Proposed Shed



## 1. Request and Process

This is a request for a Variance to allow a shed to be located within a rear yard setback.

### 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 by the BZA, which is the final determining body. Criteria are split between two different categories: A and B. All criteria of Category A are required to be met, while two of the four criteria in Category B are required to be met.

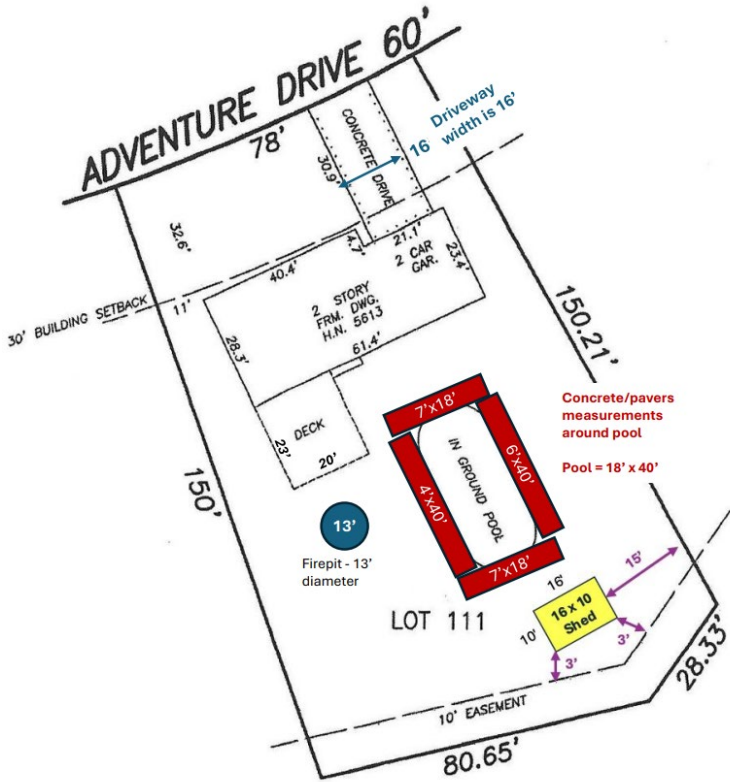
Should the Variance be approved, the applicant would be required to submit an application for a Certificate of Zoning Plan Approval that indicates the approved location of the shed, which will be reviewed, approved and inspected by the City of Dublin. Should the Variance be disapproved, the applicant would be required to meet the requirements of the Zoning Code and modify the existing shed to meet all applicable setbacks.

## 2. Background

### Site Summary

The site contains a single-family residential structure of 2,368 square feet on a .304-acre lot. The structure was constructed in 1984. The site is zoned R-4, Suburban Residential District and is located in the Hemmingway Village subdivision. The subdivision is located west of Coffman Road and north of Tara Hill Drive. The lot is #111 of Hemmingway Village Section 2 and all the lots contain single-family homes. This lot is larger than typical lots in this subdivision.

The site has a large outdoor space to the rear. The rear yard contains a 720-square-foot in-ground pool surrounded by concrete/pavers and vegetation, a 460-square-foot deck, and a 133-square-foot fire pit. There is an existing 10-foot easement at the rear of the property.



Site Plan

**History**

January 5, 2026

Code Enforcement received a complaint about a shed being built at the rear of the property. A Code Enforcement Official conducted a site visit to confirm the structure was built without a permit and notified the residents of the violation. A Certificate of Zoning Plan Approval was submitted and denied by the City of Dublin on January 5, 2026. The denial referenced the required setbacks and the Code sections that dictate those setbacks. The applicant contacted the City of Dublin to discuss the notification and staff reiterated the requirements.

**3. Project**

**Summary**

The applicant is requesting the following Variance for an existing single-family home:

Variance #	Code Section	Requirement	Request
#1	153.023(C)(4)	For main buildings there shall be a rear yard of 20% or more of the lot depth.	To allow a shed to encroach 17 feet into the 30-foot rear yard setback.

The applicant has constructed a shed of 160 square feet in size that is currently 13 feet from the rear property line, requiring a variance of 17 feet (shown in yellow on the site plan above).

The applicant has provided a statement addressing the reasoning for the request. The applicant states that applied to this specific lot, the requirement is disproportionate and significantly restricts the functional use of the rear yard beyond what is typical or reasonable for similar residential properties. On page 2 of the application materials, a compliant location for the shed has been indicated. Though, the applicant has stated that while one technically compliant location exists, placement of the shed in that location would occupy the majority of the functional backyard area, leaving insufficient space for reasonable residential use.

## 4. Plan Review

### Non-Use (Area) Variance

All three of the following 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 Not Met:</b> The subdivision includes similar housing types, and the site is one of the larger lots in the subdivision. There are no special conditions or circumstances applicable to this land or structure.
2. That the Variance is not necessitated because of any action or inaction of the applicant.	<b>Criterion Not Met:</b> The applicant constructed the shed in the rear yard setback. This action constitutes action 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 this request will result in negative adverse effects to the surrounding community, as well as impair the intent of the Code.

At least two of the following 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> Providing a shed that does not meet requirements of the zoning district will confer special privileges to the applicant not commonly provided to other properties in the neighborhood.

At least two of the following criteria are required to be met:

Criteria B	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.
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 as the construction is limited to the rear yard and does not impact mail delivery service, emergency services, or other 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.	<b>Criterion Not Met:</b> The location of the shed can be modified to meet the requirements of the Code and provide space for outdoor activities, as shown on the applicant's information.

**Recommendation**

**Planning Recommendation:** Disapproval of the Non-Use (Area) Variance to allow a shed to encroach into the rear yard setback.