

# PLANNING REPORT

## Board of Zoning Appeals

Thursday March 26, 2026

### Boroff Residence

### 26-007AA

#### Case Summary

Address	4967 Galway Drive
Proposal	An Administrative Appeal of a determination by the City of Dublin Community Planning and Development Division regarding an accessory structure being permitted on the site.
Request	Review and approval of an Administrative Appeal under the provisions of Zoning Code Section 153.231(F).
Zoning	PUD, Planned Unit Development District – Donegal Cliffs
Planning Recommendation	<u>Affirmation of Staff’s determination.</u>
Next Steps	The Board of Zoning Appeals is the final reviewing body for this application. If Staff’s determination is affirmed by the BZA, the appellant will be required to remove the structure. If Staff’s determination is overturned by the BZA, the appellant would be permitted to keep the structure.
Appellant	Shane Boroff, Property Owner
Case Manager	Zach Hounshell, Planner II (614) 410-4652 <a href="mailto:zhounshell@dublin.oh.us">zhounshell@dublin.oh.us</a>



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Site Location Map

# 25-007AA - Boroff Residence Accessory Structure



**Site Features**

1 Accessory Structure Location



# 1. Overview

## Site Summary

The 0.34-acre site is zoned PUD, Planned Unit Development District – Donegal Cliffs and is located at 4967 Galway Drive. The site contains an approximately 2,775-square-foot dwelling built in 1994. The property is located in Donegal Cliffs, Section 7 – Phase 2 and listed as lot 204 on the plat.

Donegal Cliffs was originally zoned in 1979, with Final Development Plans and Plats being approved in several sections between 1979 and 1993. The district originally did not include a development text, but was rezoned in 2001 to include a development text. The development text generally reflects the deed restrictions that were used to govern the neighborhood and are consistent across the PUD.

## Site Information

The property is largely rectangular with a curved front property line along Galway Drive. The property is surrounded on 3 sides by residential lots, with an average lot depth of 160 feet. The dwelling is centrally located on the site and setback from the front property line by approximately 30 feet. The rear of the lot is largely wooded.

## Process

Zoning Code Section 153.231(F) states that an 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 the Zoning Code.

In deciding the appeal, the Board is to determine whether or not the decision that was made was done so using the proper requirements and standards in the Zoning Code. The Board is limited to the information that was available to the administrative official or body who made the decision being appealed. Additional testimony is not appropriate.

If the Board determines that the administrative official or body making the decision did so improperly, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make an order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.

# 2. Analysis

## Summary

The appellant is challenging the decision by the City of Dublin that a new accessory structure the appellant constructed on the property is not permitted due to the requirements of the Donegal Cliffs Development Text.

## Background

In September 2025, the City sent a Notice of Non-Compliance to the property owner at 4967 Galway Drive following a complaint received from the neighborhood HOA. The complaint included a picture of the structure before it was constructed, with the structure's packaging

calling it a "storage shed." This initial notice concerned this new accessory structure, which was to be placed on the site. The basis for the Notice is that accessory structures are prohibited by the Donegal Cliffs Development Text.

The applicant did not remove the accessory structure as instructed. Thus, in November 2025, Code Enforcement issued a Notice of Violation regarding the accessory structure. Throughout the course of this appeal, the applicant has stated that the new accessory structure replaced a wooden shed-like structure that previously existed on the site—and that the previous structure had been approved by the City. The City has not been able to locate any records, however, of an approved permit for the previous structure. The applicant has stated that the previous and existing structures were/are used as a "children's clubhouse/playhouse."

The appellant requested to appeal the City's determination, stating that "because the development text is silent on the replacement of a previously approved children's clubhouse/playhouse, and because the administrative decision failed to apply the Development Text's Prevailing Code provision or identify any applicable Code standard governing such replacement, the decision was not made using the proper requirements and standards of the Code." (Administrative\_Appeal\_Narrative\_FINAL\_4967\_Galway\_Dr, pg.3).

### Staff Analysis

The determination by Staff that the shed built on the site was a new accessory structure was based on Zoning Code Section 153.074, Accessory Uses and Structures, and the Donegal Cliffs Development Text. Zoning Code Section 153.074(A)(4)(a) addresses which structures shall be considered *Accessory Structures* in the City of Dublin:

"*Residential*. Garages and carports (attached and detached), sheds, swimming pools, hot tubs, sport courts and similar facilities, gazebos, porches/sunrooms, patios, decks, pergolas, awnings, canopies, greenhouses, renewable energy equipment - solar, or similar facilities, and other similar structures as determined by the Administrative Official."

Through information and photos received prior to the issuance of a Notice of Non-Compliance, it was determined by City Staff that the structure that was installed on the site was a shed, which would be considered an accessory structure. The Donegal Cliffs development text states the following requirements for accessory structures:

"Accessory Uses and Structures – In-ground pools and wooden playground equipment/swing sets are permitted as accessory structures. Accessory structures are otherwise prohibited." (pg. 2).

Based on these two sections, Staff determined that the accessory structure would not be permitted on the site.

### Previous Structure

The applicant states the site featured a previous "children's clubhouse/playhouse" that was approved by the City. As discussed above, however, the City has not been able to locate any records of an approved permit for the previous structure. Ultimately, it is the applicant's burden to produce evidence that the prior structure was approved through some City of Dublin process. The City has searched for such documents but has not been able to locate any. And like the

City, the applicant has not been able to locate or produce any evidence of the alleged prior approval, either. Thus, there is no basis to treat this new structure as a replacement of an approved accessory structure.

Separately, it is possible that the structure was built prior to the Donegal Cliffs development text being adopted in 2001, as the home was built in 1994. And if there were evidence that the previous shed predated the adoption of the 2001 development text, then the applicant would be allowed to reconstruct it within certain limits. *See* Zoning Code Section 153.004(C)(2). However, it is again the applicant's burden to produce evidence that the structure should be considered a pre-existing nonconforming structure, *i.e.*, a structure that existed on the site lawfully before the 2001 development text was adopted. The applicant has not provided any evidence to that effect. Rather, the applicant has indicated that they were told by the previous property owner that the shed had been "approved" by the City, which suggests that the shed did not predate the adoption of the 2001 development text. Thus, there is no basis to treat the current accessory structure as a replacement of a pre-existing nonconforming structure.

### **3. Recommendation**

Planning recommends that the Board of Zoning Appeals affirm Staff's determination that the accessory structure is not permitted on the site.