

EXECUTIVE SUMMARY

Administrative Appeal — Donegal Cliffs Planned Unit Development

This administrative appeal is submitted with the understanding that the Board of Zoning Appeals is not being asked to amend the Donegal Cliffs Planned Unit Development or to grant an exception, but rather to determine whether the administrative decision was made using the proper requirements and standards of the Dublin Zoning Code, as required by §153.231(F).

The Notice of Violation characterizes the structure as a “shed,” implying storage use. The Notice of Violation relies on Dublin Code §153.074(B)(1), which requires accessory uses to comply with applicable Code provisions or an approved Development Text. While Section C of the Donegal Cliffs Development Text limits newly introduced accessory structures, the Development Text does not address the replacement or continuation of a previously approved children’s clubhouse/playhouse. The Development Text further provides that when it is silent, the current Dublin Code shall prevail.

The administrative decision treated the replacement of a previously approved children’s clubhouse/playhouse as a per se violation without completing this required analysis or identifying any Code provision governing replacement. This appeal therefore asks the Board to determine whether the Code and Development Text were fully and properly applied, and, if not, to reverse the administrative decision.