

RECORD OF ACTION

Board of Zoning Appeals

Thursday, June 25, 2026 | 6:30 p.m.

The Board of Zoning Appeals took the following action at this meeting:

1. Hicks Residence Shed 26-035V

Non-Use (Area) Variance

Proposal:	Request for review and approval of a Non-Use (Area) Variance for a shed to encroach into the rear yard setback. The 0.23-acre site is zoned PUD, Planned Unit Development District – Earlington-Brandon.
Location:	7563 Ashlord Court
Planning Contact:	Tori Brubaker, Planner I
Contact Information:	614.410.4632, tbrubaker@dublin.oh.us
Case Information:	www.dublinohiousa.gov/bza/26-035

MOTION: Mr. Anderson moved, Ms. Tyznik seconded to table Case #26-035V a Non-Use (Area) Variance to the Earlington-Brandon Development Area Standards – Subarea A2 to allow a shed to encroach 12 ½ feet into the 25-foot rear yard setback.

VOTE: 4-0

RESULT: Motion passed 4-0 to table the Non-Use (Area) Variance.

RECORDED VOTES:

Abigail Dalesandro	Absent
Bridget Tyznik	Yes
Garrett Anderson	Yes
Patrick Murphy	Yes
Brad Linville	Yes

STAFF CERTIFICATION

Tori Brubaker
Planner I



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MEETING MINUTES

Board of Zoning Appeals

Thursday, June 25, 2026

CALL TO ORDER

Mr. Murphy called the meeting to order at 6:30 p.m. in the Council Chamber, 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.

ROLL CALL

Board Members Present: Garrett Anderson, Brad Linville, Patrick Murphy, Bridget Tyznik

Board Members Absent: Abigail Dalesandro

Staff Members Present: Zachary Hounshell, Tori Brubaker, Jesse Shamp

APPROVAL OF MINUTES/ACCEPTANCE OF MEETING DOCUMENTS

Mr. Linville moved, Ms. Tyznik seconded acceptance of the documents into the record and approval of the May 28, 2026 regular BZA meeting minutes.

Vote: Mr. Murphy, yes; Ms. Tyznik, yes; Mr. Linville, yes; Mr. Anderson, yes.

[Motion carried 4-0]

Mr. Murphy outlined the procedures for the evening, noting that each case would begin with a staff presentation followed by an applicant presentation, that the Board would direct clarifying questions first to staff and then to the applicant, and that members of the public wishing to comment would be invited to come forward under each application. He then administered the oath to all individuals intending to address the Board or provide public comment on administrative cases.

CASE REVIEWS

Case #26-035V

Hicks Residence - Shed Non-Use (Area) Variance

Request for review and approval of a Non-Use (Area) Variance for a shed to encroach into the rear yard setback. The 0.23-acre site is zoned PUD, Planned Unit Development District - Earlington-Brandon and is located at 7563 Ashlord Court.

Staff Presentation

Ms. Brubaker presented the case explaining that the matter before the Board was a request for a non-use area variance to allow a shed to encroach 12.5 feet into the required 25-foot rear yard setback. She noted that the non-use area variance process is a single-step review in which the Board must determine whether unique circumstances exist on the property, whether natural characteristics are present, and whether there would be any impact on adjacent properties. She stated that approval would require the applicant to revise their certificate of zoning plan approval application reflecting the Board-approved shed location, while disapproval would require removal of the shed or its relocation to a compliant position.

Ms. Brubaker provided background on the site, describing it as approximately 0.23 acres in size, zoned PUD Planned Unit Development District – Earlington-Brandon, and situated south of Dublinshire Drive and directly east of the Dublin Presbyterian Church. She noted that the lot backs up directly to a shared-use path, and that a view of the shed from that path was included in the staff materials.

Regarding case history, Ms. Brubaker reported that on April 3rd, City Staff received a complaint that a shed was being constructed at the rear of the property. Code Enforcement conducted a site visit, confirmed the structure had been built without a permit, and notified the residents of the violation. A certificate of zoning plan approval application was subsequently submitted but was denied by city staff on May 14th due to noncompliance with the rear yard setback requirements.

Ms. Brubaker shared the staff analysis of the variance criteria. With respect to Criteria A, she explained that all three sub-findings must be met.

Regarding Criteria A, Sub-Finding 1 — whether unique circumstances exist — Ms. Brubaker found that the lot is among the smallest in the subdivision and features a distinctive pie shape that limits usable rear yard area. She noted that this pie shape is unique to only a small number of homes within the sub-area, that the property backs up to a church parking lot and a shared-use path rather than any residential use, and that these conditions do create special circumstances applicable to the property. Staff found this sub-finding to have been met.

Regarding Criteria A, Sub-Finding 2 — whether the hardship was created by action of the applicant — Ms. Brubaker stated that the applicant constructed the shed within the rear yard setback, which constitutes an action by the applicant. Staff found this sub-finding had not been met.

Regarding Criteria A, Sub-Finding 3 — whether granting the variance would materially impair the intent and purpose of the setback requirements — Ms. Brubaker explained that rear yard setbacks are intended to preserve clear open space buffers between properties, and that staff believed granting the request would materially impair the intent and purpose of that requirement. Staff found this sub-finding had not been met.

With respect to Criteria B, Ms. Brubaker explained that at least two of the four sub-findings must be established.

Regarding Criteria B, Sub-Finding 1 — whether the variance would confer special privileges — Ms. Brubaker stated that providing a shed that does not meet the requirements of the zoning district would confer special privileges not enjoyed by other properties in the neighborhood, as setback requirements are applied consistently regardless of lot size. Staff found this sub-finding had not been met.

Regarding Criteria B, Sub-Findings 2 and 3 — whether the request is recurrent in nature and whether it would impact delivery of governmental services — Ms. Brubaker stated that the request is not recurrent and would not require modifications to the zoning code, and that it would not impact the delivery of governmental services. Staff found both sub-findings to have been met.

Regarding Criteria B, Sub-Finding 4 — whether the shed's location and size could be modified to achieve compliance — Ms. Brubaker stated that the location and size of the shed could be modified to meet the requirements of the code while still providing space for outdoor activities, consistent with other properties in the neighborhood. Staff found this sub-finding had not been met.

Staff recommended disapproval of the non-use area variance to allow the shed to encroach 12.5 feet into the 25-foot rear yard setback. Ms. Brubaker noted that public comments had been received and distributed to all board members, and she offered to answer questions.

Applicant Presentation

Kristi Hicks & Matt Wajda, 7563 Ashlord Court, Dublin, were present. Ms. Hicks provided background on the property, noting that she had resided there for approximately seven years. She described a number of substantial improvements undertaken during that period, including exterior painting, installation of a new roof, a new garage door, and professional landscaping. She characterized these efforts as reflective of the careful thought and due diligence she devotes to the appearance of the property and its impact on neighbors.

Ms. Hicks acknowledged that the property is among the smaller lots in the subdivision and that its pie shape provides limited usable area in the rear yard. She explained that the motivation for acquiring the shed was the anticipated move-in of her parents, necessitating additional storage capacity. Prior to having the shed placed, she stated that she and Mr. Wajda had invited the immediately adjacent neighbors to participate in selecting the shed's location, and that those neighbors expressed their approval before the delivery vehicle departed the property. Ms. Hicks also noted that the rear of the lot is adjacent to the Dublin Presbyterian Church and, beyond the fence line, to a publicly accessible shared-use bicycle and pedestrian path.

Ms. Hicks then addressed the criteria that staff found had not been met. On the question of the 25-foot rear yard setback, she stated that given the pie-shaped configuration of the lot, placing the shed in full compliance with the setback would render it nearly impermissible and would, paradoxically, have an adverse effect on usable yard space and an undue impact on the neighboring property to the south. She noted that the current placement, along a line of pine trees at the rear of the yard, provides privacy while also preserving sightlines that neighboring residents have indicated they appreciate.

On the question of preserving clear open space, Ms. Hicks stated that she respectfully disagreed with staff's finding. She described an extensive survey she conducted on foot through the

Earlington, Hemingway, and Tara Hill neighborhoods, during which she observed 171 properties with sheds or fences located within the 25-foot rear yard setback. She estimated that approximately 80 percent of those observed structures were within five to ten feet of the rear property line. She expressed the view that characterizing the current placement of the shed as inconsistent with the neighborhood was at odds with what she observed on those walks, and she submitted that denying the variance would result in unequal treatment relative to her neighbors.

Ms. Hicks further noted that her application had included documentation of planned landscaping improvements that she said were not reflected in the staff report. She described plans to install large privacy shrubs along the rear face of the shed visible from the shared-use path, mulch and white stone around the remaining three sides, planter boxes on the sides of the structure, and solar lanterns for illumination of the area. She observed that the shed had been finished in colors coordinated with the house — a white barn-style structure with black trim and a black metal roof, matching the white lime-washed brick exterior and dark roof of the residence — to ensure visual cohesion. She also noted that solar lanterns were already in place and that string lighting in the patio area contributes to the ambiance of the rear yard.

Ms. Hicks concluded by referencing the observed sheds in the surrounding neighborhoods and reiterating her belief that the board's approval would constitute equal treatment relative to those properties. She respectfully requested that the Board approve the variance.

Board Questions

Ms. Tyznik asked whether the applicants had been required to consult a homeowners' association regarding the shed. Ms. Hicks indicated that there was no HOA applicable to the property. Ms. Tyznik then asked whether the applicants had considered a smaller shed. Mr. Wajda responded that the family's storage needs had grown substantially, as furniture and other items associated with the parents' relocation had filled the garage, leaving no room for normal use. He stated that after researching the City of Dublin's requirements online, they had learned that any shed not exceeding 200 square feet did not trigger the same permitting requirements, and that they had sought to maximize that allowable footprint.

Mr. Murphy asked for confirmation that the shed's current placement encroaches 12.5 feet into the 25-foot rear yard setback. Planner Brubaker and the applicants confirmed this to be correct. Mr. Murphy then asked whether any topographical or physical features on the property would impede relocating the shed. Ms. Hicks explained that because of the pie shape, relocating the shed to comply with the rear setback would simultaneously force it into conflict with the side yard setback, effectively consuming the vast majority of the usable rear yard. She estimated that compliance would leave only approximately eight feet between the shed and the corner of the patio landscaping — a distance she characterized as less than the footprint of a basketball post.

Mr. Murphy also inquired about the presence of a foundation. Mr. Wajda confirmed that no concrete foundation had been poured; instead, chicken wire had been installed beneath the structure and into the ground as a deterrent against rodents.

Ms. Tyznik asked whether the shed could be exchanged for a smaller unit. The applicants indicated that the purchase had been finalized at sale and that they did not believe the vendor would accept a return, though Ms. Hicks noted she could inquire.

Mr. Linville asked whether the applicants had contacted Dublin Presbyterian Church regarding the shed's placement. Ms. Hicks indicated that no such contact had been made. Member Linville also asked whether the church parking lot was typically full in close proximity to the rear property line. Mr. Wajda indicated that on an ordinary Sunday, parking in the lot tends to fill from the street-side back, and that the portion of the lot immediately adjacent to the rear of the property would generally not be occupied by parked vehicles.

Mr. Linville then proposed a hypothetical reorientation of the shed — rotating it 90 degrees and sliding it laterally — which he suggested might reduce the rear setback encroachment to as little as 2 to 2.5 feet. Mr. Wajda acknowledged understanding the suggestion but explained that because of the tapering pie shape of the rear yard, turning the shed and moving it forward simultaneously would bring it into conflict with the side setback and place it uncomfortably close to the patio landscaping, ultimately consuming a substantial portion of the usable backyard. Ms. Hicks estimated that such a reconfiguration would consume approximately 75 to 80 percent of the remaining rear yard.

Mr. Murphy asked whether any variances had previously been granted in the surrounding area for similar non-conforming shed placements. Ms. Brubaker responded that she was not aware of any such variances having been issued in that area. Mr. Murphy noted that it was possible some of the sheds observed in the neighborhood had been grandfathered prior to the current regulations, a point Ms. Brubaker confirmed as possible. The applicants also acknowledged that some of the sheds they observed appeared quite old while others appeared new, making it difficult to draw conclusions about their regulatory status.

Mr. Linville asked whether the immediately adjacent neighbors to the south — referenced throughout the discussion — were the same family whose yard was visible in the site photographs. Ms. Hicks confirmed that they were, identifying them as the Hines family, and noted that the Hines had been present when the shed was delivered and had approved its placement before the truck left the property. She characterized their support as consistent and ongoing, noting that they had submitted written comments in favor of the variance application.

Mr. Linville inquired about the volume of foot traffic on the shared-use path behind the property. Ms. Hicks described it as a well-used path, noting that the pool and a school are located in close proximity across the street, which generates regular pedestrian activity, including school children. Mr. Murphy asked what was currently being stored in the shed and what had necessitated its current dimensions. Mr. Wajda explained that the shed contained tools, household items displaced from the garage, and furniture associated with the relocation of Ms. Hicks's parents. He estimated that the interior was approximately 75 percent occupied at the time of the meeting. Mr. Murphy inquired whether a smaller shed had been considered; Mr. Wajda reiterated that after reviewing the City's website, the determination was made to maximize the allowable footprint up to the 200-square-foot threshold, as that appeared to be the defining regulatory criterion they had identified. Mr. Murphy also noted that the Board had previously, in the prior month's meeting, considered a similar storage-related expansion request involving a garage, and that the Board had not found the rationale of growing family storage needs alone to be a sufficient basis for granting a variance. Mr. Murphy also asked when the shed had been installed. Mr. Wajda stated that it had been delivered and placed just after Christmas of the prior year, meaning it had been on the property for several months before the complaint was filed in early April.

Board Discussion

Following the conclusion of questions, the Board engaged in substantive deliberation regarding the three criteria and four sub-criteria at issue.

Ms. Tyznik stated that she found herself torn. She expressed genuine respect for the principle that rear yard setbacks serve an important buffering function. At the same time, she observed that the lot is unusually shaped, that its rear boundary abuts a church parking lot rather than a residential property, and that the presence of a mature row of pine trees between the shed and the shared-use path substantially mitigates any visual impact. She noted that the applicants had articulated a clear plan for further landscaping to soften the appearance of the shed. She concluded that she was not certain the variance would be inappropriate given the specific circumstances, but acknowledged that she remained undecided.

Mr. Linville agreed with Ms. Tyznik's assessment regarding the third sub-criterion of Criteria A. He stated that while setbacks are generally intended to buffer between properties, in this case the encroachment is not in the direction of an adjacent residence but rather toward a commercial parking lot, making the ultimate purpose of the setback arguably less implicated. He expressed a degree of inclination to find that the criterion had been met in spirit, if not in strict letter. However, he acknowledged that the second sub-criterion — regarding action of the applicant — presented real difficulty, and he was uncertain whether the language of the criterion was intended to be applied as absolutely as a strict reading might suggest. He observed that if the applicant's action in placing the shed was itself compelled or substantially constrained by the unique physical conditions of the property, the criterion might be read differently, though he noted that a compliant location or a smaller shed did remain theoretically available to the applicants.

Mr. Anderson stated that he agreed with the Board's tentative consensus on the third sub-criterion but agreed with staff's finding on the first. He indicated that his most significant concern was with the second sub-criterion, specifically the fact that the hardship had been created by the applicant's own act of placing the shed within the setback. He characterized that criterion as existing precisely to prevent applicants from presenting the Board with a fait accompli and then seeking after-the-fact approval. He expressed difficulty in overcoming that finding.

Mr. Murphy offered a similar analysis, noting that while the pie shape of the lot presented genuine constraints, those constraints did not eliminate all alternatives. A smaller shed, a different orientation, or an alternate location on the property remained possibilities, and the variance was made necessary not by an unavoidable natural condition but by choices made by the applicants regarding size, placement, and sequence of action. Mr. Murphy acknowledged sympathy for the applicants' situation but stated that this made it difficult to agree that the second sub-criterion had been met.

Mr. Shamp was asked to address Mr. Anderson's hypothetical regarding whether the applicants could move the shed into compliance and then return to seek a variance. Mr. Shamp indicated that while such a sequence would technically remove the specific act of placing the shed within the setback, the underlying rationale for why the applicants needed that particular location would remain unchanged, and he expressed the view that staff analysis under the same criteria would likely yield the same conclusion.

Mr. Hounshell advised the Board that if a decision were rendered on the case that evening — whether approval or disapproval — and if the outcome were a denial, the applicants would be precluded from filing a new variance request for the same matter for a period of one year. He also reminded the Board that the Board was currently sitting with four of its five members, and that depending on the disposition of the discussion, it might be worth considering whether to defer to a future meeting. He emphasized, however, that the decision of whether to seek a vote that evening or to table the matter rested entirely with the applicants.

Ms. Hicks returned to the podium to ask for clarification regarding what would be required of them in the event of a denial. Mr. Hounshell explained that because an active code compliance case was associated with the property, a denial would require either removal of the shed from the site or revision of the site plan to show the shed in a compliant location, followed by its physical relocation to that location. He confirmed that the shed could remain on the property during that process, provided it was ultimately moved to a conforming position.

Ms. Tyznik asked whether the applicants might be able to exchange the current structure for a smaller one that could fit within the setback requirements. Ms. Hicks indicated that she believed the sale had been final and that a return was unlikely, though she offered to inquire.

Mr. Linville acknowledged Mr. Anderson's reasoning but offered a counter-perspective, suggesting that the applicant's act of placing the shed in that location might be viewed as the only practicable action available given the special conditions of the property. He noted, however, that he recognized the counterargument — that compliant or smaller alternatives existed and acknowledged that the criterion, as written, was at least facially unambiguous. He further observed that it seemed somewhat inefficient to require the applicants to go through extensive procedural steps if the practical outcome of those steps would be unchanged but acknowledged that such was the process. Mr. Shamp noted that in the event of a tie vote, the variance request would be denied, which he offered as additional context for the Board's deliberations on whether to proceed to a vote that evening.

Mr. Hounshell stated that if the applicants wished to table the request, City Staff would be prepared to work with them to identify whether there were any alternative configurations or locations for the shed that might both satisfy the applicants' functional needs and meet the zoning requirements. He noted that this could include measuring and analyzing dimensions, exploring potential shed orientations, and determining whether any alternative scenario might support a more favorable variance application in the future. He indicated that the next regularly scheduled meeting was July 23rd, and that a future hearing could take place at that time or in August, depending on how long it took to work through the options with staff.

Mr. Wajda confirmed that the applicants would be willing to work with City Staff to explore alternatives and requested guidance on the engagement process. Mr. Hounshell indicated that the applicants would continue to work with Ms. Brubaker and the planning team, as they had throughout the process.

Ms. Hicks and Mr. Wajda indicated their preference to table the matter rather than proceed to a vote, citing their desire to explore whether a mutually acceptable solution could be identified.

Mr. Anderson moved, Ms. Tyznik seconded to table Case #26-035V a Non-Use (Area) Variance to the Earlington-Brandon Development Area Standards – Subarea A2 to allow a shed to encroach 12½ feet into the 25-foot rear yard setback.

Vote: Mr. Linville, yes; Ms. Tyznik, yes; Mr. Anderson, yes; Mr. Murphy, yes.

[Motion passed 4-0.]

COMMUNICATIONS

~~Mr. Hounshell addressed the Board with three items.~~

~~First, he noted that the next regularly scheduled Board of Zoning Appeals meeting is set for July 23, 2026. He indicated that as of the evening of this meeting, no new applications had been submitted, though the Hicks matter would be worked through for potential inclusion on a future agenda.~~

~~Second, Mr. Hounshell advised that a combined training session is scheduled for July 16, 2026, to be attended jointly by the Board of Zoning Appeals, the Planning Commission, and the Architectural Review Board. He indicated that the meeting location is anticipated to be the same building and that an agenda for that session would be distributed within the next two weeks. He expressed enthusiasm for the content planned for that session.~~

~~Third, Mr. Hounshell referenced a previously discussed Board-specific training on non-use area variance criteria, administrative appeals, and related topics. He indicated that given Ms. Dalesandro's absence from the current meeting, the training was tentatively being targeted for August. He noted that the evening's deliberations had surfaced a number of instructive points that would be incorporated into the training content, and that prior completed cases might also be reviewed as part of that session. He committed to keeping all Board members informed of the finalized date.~~

~~Mr. Hounshell also asked Board members to notify staff regarding their availability or unavailability for the July 16th combined training.~~

~~Mr. Linville raised the deferred Election of Officers item. Mr. Hounshell confirmed that, as Ms. Dalesandro had been absent, that item would be placed on the agenda for the next meeting at which all five members are present, and that time would be set aside for the Board to conduct that process.~~

ADJOURNMENT

~~The meeting was adjourned at 7:32: p.m.~~

Chair, Board of Zoning Appeals

Deputy Clerk of Council