

PLANNING REPORT

Board of Zoning Appeals

Thursday September 24, 2026

Hicks Residence Shed 26-035V

<https://dublinohiousa.gov/bza/26-035/>

Case Summary

Address	7563 Ashlord Court
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	PUD, Planned Unit Development District – Earlington-Brandon
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	Kristi Hicks, Property Owner
Case Manager	Tori Brubaker, Planner I (614) 410-4632 tbrubaker@dublin.oh.us



Community Planning and Development



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Site Location Map

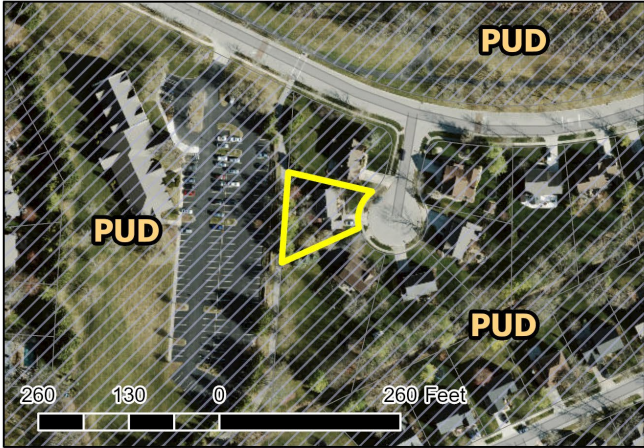
26-035V - Hicks Residence - Shed



Site Features

1

Proposed Shed



1. Background

Project Request

This is a request for a Variance to the rear yard setback requirements for a shed. The Variance is required as the shed encroaches into the minimum setback requirement for Earlington-Brandon, Subarea A2. The Board of Zoning Appeals is the determining body for this application.

Site Summary

The 0.23-acre site is zoned PUD, Planned Unit Development District, Earlington-Brandon and is located at 7563 Ashlord Court, south of Dublinshire Drive and east of the Dublin Presbyterian Church. The site contains a single-family home built in 1989. The property is located on Lot 243 of Earlington Village Section 4.

Site Features

The property is located on a cul-de-sac and is an irregular pie-shaped lot. The lot is ± 58.6 feet in width at the front of the property and 130 feet in width at the rear (west) property line. The northern lot depth is ± 124 feet and the southern depth is ± 120 feet. There is an existing 5-foot easement along the northern property line and a 10-foot easement at the rear of the property. The lot is one of the smallest in Subarea A2, which includes all the homes in Earlington Village between Dublinshire Drive and Sells Mill Drive.

The rear yard currently contains a covered patio attached to the rear of the home and a firepit. The lot backs up to the Dublin Presbyterian Church, which contains a shared-use path that is located directly behind the home.

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 revise their Certificate of Zoning Plan Approval (CZPA) application, indicating they received approval of the shed's location from the BZA. Should the Variance be disapproved, the applicant would be required to remove the shed or modify its location to meet the requirements of the Zoning Code. A revision to their existing CZPA application would be required.

History

On April 3, 2026, City Staff 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 May 14th, 2026, due to non-compliance with the minimum rear yard setback requirements. The denial referenced the applicable setbacks and the Code sections that dictate those setbacks. The applicant contacted the City of Dublin to discuss the notification, and staff further explained the requirements.

The applicant presented this request to the Board of Zoning Appeals on June 25, 2026. The Board discussed other locations on the site that could accommodate the shed and meet the required setbacks. The Board acknowledged that there were special conditions associated with the site including its small size, unique 'pie-shape', and the fact that it backs up to a shared-use path and church parking lot. Opinions differed on whether the variance request was necessitated by action/inaction of the applicant. The request was tabled and the Board encouraged the applicant to explore other options before returning.

Update

Following the June BZA meeting, Staff met with the applicant to discuss other site locations where the structure could be located. The applicant expressed that the existing location makes the most sense given the unique site shape. The applicant has not made any changes to their original application.

Staff has continued to review the Variance criteria and how to apply Criterion A2, *that the Variance is not necessitated because of any action or inaction of the applicant*. Following internal discussion and input from the Legal department, Planning Staff has concluded that this criterion should be reviewed by looking to any prior conditions on the property that the applicant either created or failed to address that are an underlying reason of why the applicant now seeks the particular variance. In a case like this where the shed was constructed without the required approvals, staff would review the request as if the structure did not exist on the site and focus on whether any previous actions by the applicant created the need for a deviation from the zoning requirement. Simply asking for a Variance does not constitute action by the applicant. For these reasons, Staff’s analysis has been updated to show Criterion A2 being met.

Zoning Requirements

Earlington-Brandon is regulated by the development requirements of the Earlington-Brandon development text. All residential properties within Subarea A2 are required to meet the following setback requirements:

Minimum Rear Yard Setback	25 feet
Minimum Side Yard Setback	5 feet
Minimum Total Side Yard Setback	12 feet

2. Project

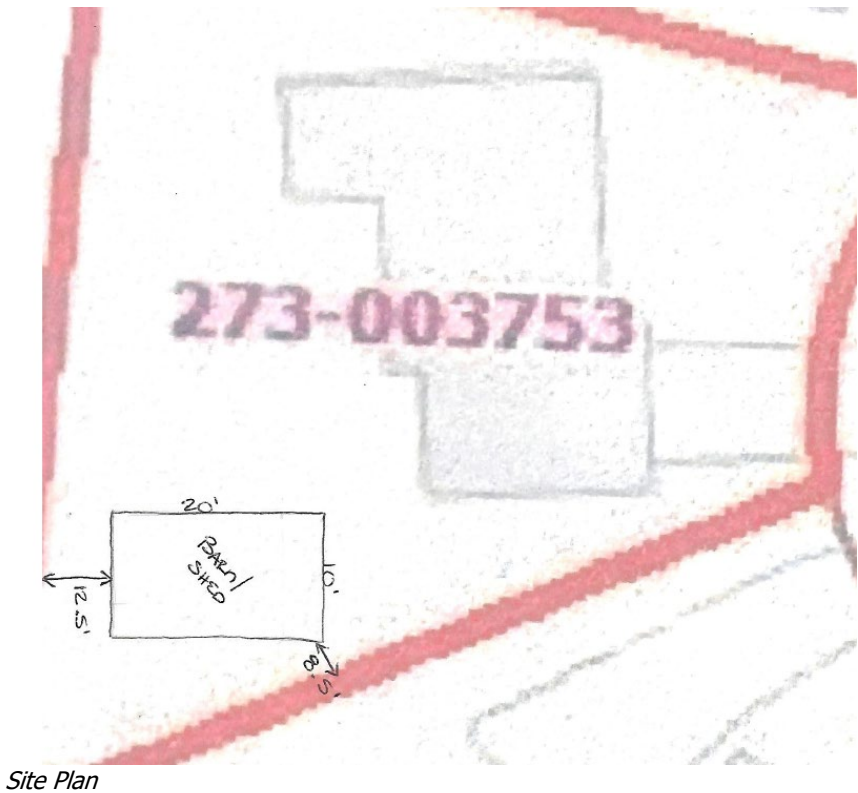
Summary

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

Variance #	Code Section	Requirement	Request
#1	Earlington-Brandon Development Standards – Subarea A2	The minimum rear yard setback of all homes in Subarea A2 shall be twenty-five feet	To allow a shed to encroach 12½ feet into the 25-foot rear yard setback.

The applicant has constructed a shed of approximately 200 square feet in size that is currently 12½ feet from the rear property line. The shed is 20 feet deep and 10 feet wide.

The applicant has provided a statement addressing the reasoning for the request. The applicant states that strict enforcement of the rear yard setback requirements causes practical difficulties and that moving the shed forward on the lot would diminish the usability of the rear yard. The applicant also states that locating the shed in its current location is more beneficial to the neighboring single-family property to the south as it keeps the structure further away from that home.



3. 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.	Criterion Met: Although this lot shares similar conditions in terms of lot shape with neighboring properties, this condition is unique to only a handful of properties in this Subarea. The lot is one of the smallest in the neighborhood and has minimal rear yard space due to its 'pie-shape' and the fact that it backs up to a church parking lot. There are no residential uses behind the site, and a public shared use path is located directly behind

Non-Use (Area) Variance

All three of the following criteria are required to be met:

Criteria A	Review
	the lot. These conditions create special circumstances applicable to the lot.
2. That the Variance is not necessitated because of any action or inaction of the applicant.	Criterion Met: The applicant has not created or worsened the existing conditions of the site that are an underlying reason for the variance being sought, and the applicant did not create the need for a deviation from the zoning requirement. Simply asking for a Variance does not constitute action by the applicant. For these reasons, Staff has updated this criterion to be met.
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.	Criterion Not Met: Rear yard setbacks are intended to preserve clear, open space buffers between properties. Granting this request will materially impair the intent and purpose of this requirement by allowing a structure to be located within the setback.

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.	Criterion Not Met: Allowing a shed that encroaches into the rear yard setback will confer special privileges to the applicant that are not provided to other properties in the neighborhood. These requirements are consistent throughout the neighborhood, regardless of lot size.
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.	Criterion Met: 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.	Criterion Met: 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.

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

Criteria B	Review
4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.	Criterion Not Met: The location and size of the shed could be modified to meet the requirements of the Code and provide space for outdoor activities, consistent with other properties in the neighborhood.

Recommendation

Planning Recommendation: Disapproval of the Non-Use (Area) Variance to allow a shed to encroach 12½ feet into the 25-foot rear yard setback.