



Non-use (Area) Variance

Project Narrative and Review Criteria Statement

July 29, 2026

Project Address: 5378 Avery Road, Dublin, Ohio 43016

Project Type: New Medical Building (Shell)

Zoning District: SO: Suburban Office and Institutional District

Owner: APDevelopment LLC

Project Representative: Michael j. Maistros

1) Explanation of the Requested Variance Narrative

The applicant is requesting a non-use (area) variance to permit three canopies associated with a proposed ambulatory medical facility to encroach into required setback areas. Two canopies attached to the south elevation of the building projects 25 feet 8 inches into the required 54 feet 4 inch south side yard setback, and one canopy attached to the west elevation and projects 20 feet 6 inches into the required front yard setback of 124 feet along Avery Road. These canopies are necessary to provide covered patient drop-off areas, including accommodation for ambulance access, and to ensure safe and weather-protected entry for patients.

2) Identification of Code Section / Developmental Text

The subject property is zoned Suburban Office and Institutional District (SO) within the City of Dublin. Pursuant to §153.026(C)(3) and (4) of the Dublin Zoning Code, the required side and rear yard setbacks are equal to one-quarter of the sum of the building height and the length of the building wall most parallel to the applicable property line. The property immediately south of the subject property is zoned residential but is vacant and under the same ownership as the subject property.

The required front setback is established by the planned right-of-way identified in the City of Dublin Thoroughfare Plan. The proposed principal building complies with all applicable setback requirements, including the required front setback established by the 124-foot planned right-of-way. The requested variance is limited solely to the entrance canopies and does not affect the location or zoning compliance of the proposed principal building. The planned right-of-way was revised, in the past increasing the required front setback and resulting in the existing building on the site becoming nonconforming with respect to the updated setback. The proposed building including the front (west) canopy has been located behind the face of the existing building and does not extend farther into the setback than the existing structure. The front-most edge of the canopy is 21 feet behind the face of the existing building.

3) Status of Certificate of Zoning Compliance

Not Applicable. The applicant has not been denied a Certificate of Zoning Compliance. During preparation of the construction documents, the design team identified that the proposed entrance canopies encroach into the required front and side yard setbacks after the applicable setback lines were added to the site plan. Upon identifying this condition, the design team determined that a non-use (area) variance would be required for the west and south canopies.



4) Special Circumstances Unique to the Property

Practical difficulties exist due to a combination of regulatory and physical constraints unique to the subject property. The current 124-foot planned right-of-way along Avery Road establishes a substantial front setback that significantly reduces the buildable area of the site. The existing medical office building was lawfully constructed in compliance with the setback requirements in effect at the time of its construction and now extends farther toward Avery Road than the proposed principal building. The proposed principal building has been located behind the existing building and does not extend farther toward Avery Road than the existing structure. In addition, the property immediately south of the subject property is vacant residential land under common ownership with the subject property owner. While the zoning district establishes a side yard setback from the shared property line, the adjacent parcel is undeveloped and under unified ownership, making the requested canopy encroachment unique in that it does not reduce separation between developed properties or create impacts on an adjoining property owner.

5) Conditions Not Created by the Applicant

The requested variance is not the result of any action or inaction by the applicant. The applicable setback requirements, including the 124-foot planned right-of-way along Avery Road, are established by the City of Dublin. The current 124-foot planned right-of-way along Avery Road establishes a substantial front setback that significantly reduces the buildable area of the site. The existing medical office building was lawfully constructed in compliance with the setback requirements in effect at the time of its construction, and the proposed principal building has been designed to comply with the current setback requirements. The requested variance is limited to the architectural entrance canopies necessary to provide exterior covered patient drop-off areas, ambulance access, and weather-protected building entrances. Accordingly, the need for the requested relief results from the application of the current development standards rather than conditions created by the applicant.

6) Impact on Surrounding Properties and Neighborhoods

The requested variance will not alter the essential character of the surrounding area or be detrimental to adjacent properties. The proposed medical office building is a permitted use within the Suburban Office and Institutional (SO) District, and the requested relief is limited to entrance canopies rather than the principal building or site layout. The canopies are integrated into the building's architectural design and provide covered patient drop-off areas, improving patient safety, accessibility, and weather protection without increasing building occupancy, traffic, noise, lighting, or other impacts. The properties immediately east and south of the subject site are vacant and under the same ownership as the subject property (See Figure 3, 4 and 5). The property to the north is occupied by a church with no direct view of the canopies in question, (See Figure 7 and 8), while the nearest residential use, the Ponderosa Mobile Home Park, is located approximately 500 feet west of the centerline of Avery Road and is separated from the subject property by the roadway (See Figure 6). Accordingly, the limited nature of the requested relief and the existing development pattern ensure that the proposed variance will not adversely affect adjacent properties or alter the essential character of the surrounding area.

7) Reasonable Use of the Property / Practical Difficulty

While the subject property can be developed with a permitted use within the Suburban Office and Institutional (SO) District, the combination of the planned 124-foot right-of-way along Avery Road, the existing building, and the existing retention pond significantly limits the available buildable area and site layout. As a result, the proposed development cannot reasonably accommodate the functional design requirements of the medical office building without limited relief for the entrance canopies. The requested variance allows for covered patient drop-off areas, ambulance access, and weather-protected building entrances while maintaining compliance with all other applicable zoning requirements. The requested relief is limited in scope and represents the minimum variance necessary to allow the property to be reasonably developed for its intended permitted use.

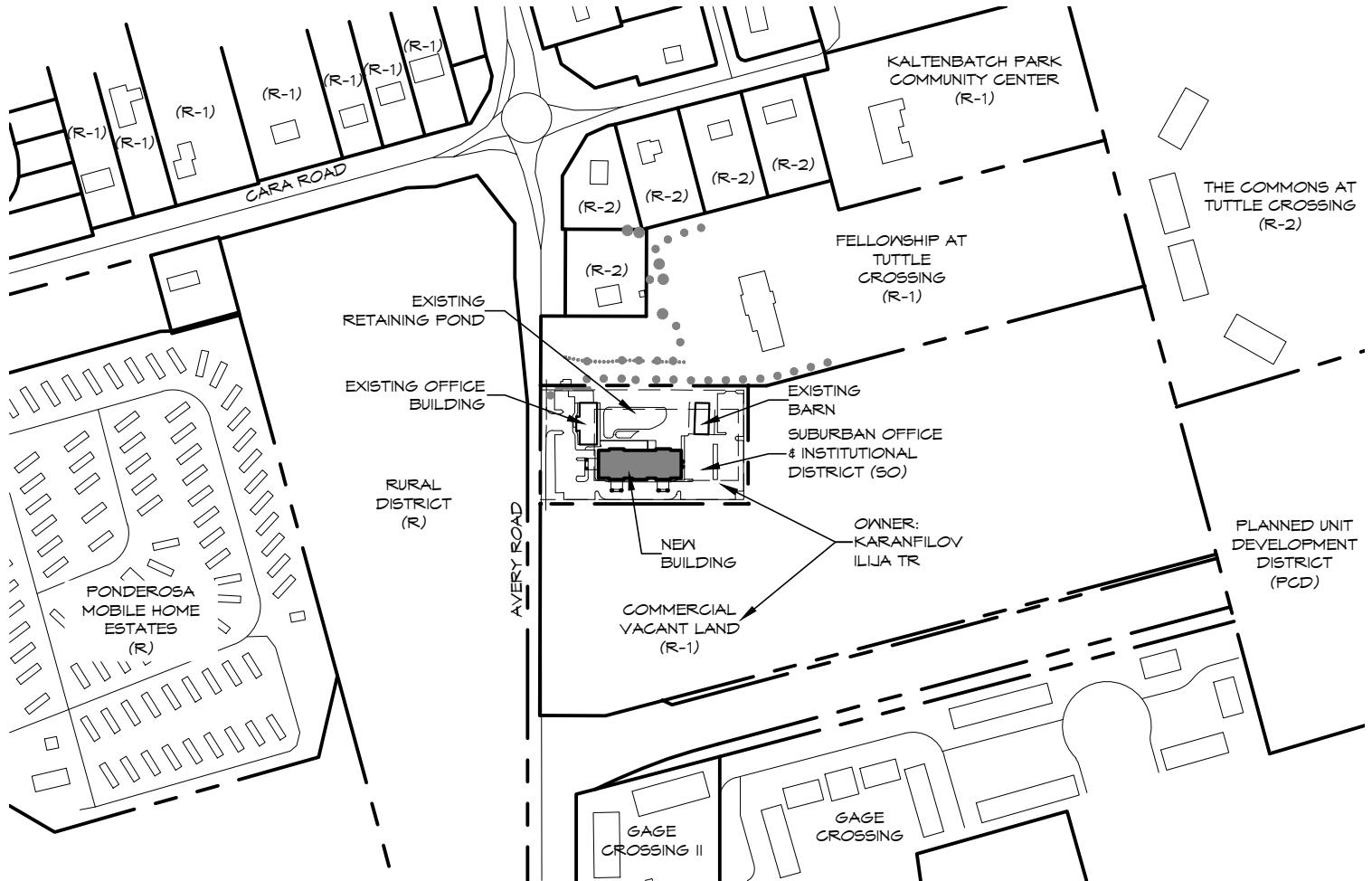


8) Additional Information

The requested variance is limited to architectural entrance canopies associated with a proposed medical office shell building and does not affect the location or zoning compliance of the principal building. The requested relief is the result of site-specific regulatory and physical constraints, including the 124-foot planned right-of-way along Avery Road, the existing building that will remain, and the existing retention pond, all of which significantly reduce the available buildable area and limit site layout flexibility. The canopies are necessary to provide covered patient drop-off areas, ambulance access, and weather-protected building entrances consistent with the intended function of the proposed medical office building. Approval of the requested variance will allow the property to be reasonably developed while preserving the intent of the zoning code and without adversely affecting adjacent properties or the surrounding area. See the following pages for a site plan and site context photographs illustrating the existing site conditions and surrounding land uses. The applicant respectfully requests approval of the requested non-use (area) variance.



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SITE PLAN

SCALE: 1" = 400'



Site Context Photos



Figure 1 - Existing medical office building on subject property (SO)



Figure 2 - Existing retention pond and barn on subject property (SO)



Figure 3 (East) - Vacant property (R-1)



Figure 4 (South) - Vacant property (R-1)



Figure 5 (South) - vacant property (R-1)



Figure 6 (West) - Avery Rd. Ponderosa Mobile Home Park (R) age 4 of 5

Site Context Photos



Figure 7 (North) - Vinyard Christian Fellowship at Tuttle Crossing (R)



Figure 8 (North) - Vinyard Christian Fellowship at Tuttle Crossing (R)