

**Minutes of the Board of Zoning Appeals  
March 2, 2022  
City of Huber Heights**

- I. Chair Eva Newby called the Meeting of the City of Huber Heights Board of Zoning Appeals to order at 6:30 p.m.
- II. Roll call was taken. Present were Mr. Davidson, Mr. Deam, Mr. Mach, and Ms. Newby.

Members Absent: Mr. Stewart.

Staff present for this meeting: Don Millard, Code Enforcement Administrator, and Geri Hoskins, Planning & Zoning Administrative Secretary.

- III. **Approval of the Minutes**

Without objection, the minutes of the January 13, 2022, BZA meeting are approved.

- IV. **Approval of Agenda**

Motion made by Mr. Davidson to approve the agenda. Seconded by Mr. Mach. No roll call needed for approval of agenda.

- V. **Swearing of Witnesses**

Ms. Newby explained the proceedings for tonight's meeting and swore in all applicants and persons wishing to speak tonight. All present responded in the affirmative.

- VI. **Old Business**

1. **BZA Case 21-13**

**The applicant, Ridvan Chakhalidze, is requesting a variance from Section 1181.04(h) – A cover, shall not be taller than 14 feet above grade at any point. Property located at 6090 Buttonbush Street.**

Mr. Millard stated that the property owner is requesting a variance of the City of Huber Heights Zoning Code pertaining to the maximum allowable height of a projection, in this case a rear patio/deck cover. The proposed cover needs to be as tall as 15-feet above grade to allow a uniform roofline with the existing home.

In your packet you will find an illustration of the proposed cover and an aerial view of the property and neighborhood.

Section 1181.04(h) states "A cover, carport, or enclosure shall not be taller than 14 feet above grade at any point."

**As a result, the property requires a variance from the height restriction.**

The lot is approximately .25 acres. There are no easements on the property  
Rear patio/deck cover. Attached to rear of house  
The City Engineering has no issues regarding this request.

**Action**

Mr. Deam moved to approve the requested variance. Seconded by Mr. Davidson.  
Roll call showed: YEAS: Mr. Deam, Mr. Mach, Mr. Davidson, and Ms. Newby. NAYS:  
None. Motion to approve carried 4-0.

**VII. New Business**

**1. BZA Case 22-02**

**The applicant, AJ Abdul-Rahim, is requesting a variance from Section 1191.01 – Location of Accessory Building. Property located at 6760 Chambersburg Road.**

Mr. Millard stated that the property owner is requesting a variance of the City of Huber Heights Zoning Code pertaining to the placement of an accessory building.  
This non-permitted building was observed on site by a Code Enforcement Officer on patrol.

Upon contacting the City, the property owner was advised the location was not acceptable as well as a violation of City code. The owner was advised a permit would not be issued with the building under violation for its location.

The only options given were to relocate the building properly and then apply for a permit or apply to the Board of Zoning Appeals for a location variance.

In your packet you will find an aerial view of the property and a photo of the accessory building in the front yard.

Section 1191.01 of the Zoning Code states: In any "R", "B", "A", "P-PD" or "I" District an accessory building not exceeding one and one-half stories or 14 feet in height **may be permitted in any rear yard not within five feet of the side and rear lot lines.** In order for any structure to be classified as an accessory building, it shall be at least five feet from any permanent structure. (Case 269, 7-16-69; Case 411, 6-1-78; Ord. 81-O-08, Passed 8-3-81; Case 95, 3-9-87; Ord. 87-O-229, Passed 2-9-87)

**The applicant therefore requires a variance for the building to remain in its current location.** If the Board should grant a variance the property owner will be required to immediately obtain a permit.

The lot is approximately .69 acres.  
There are no easements affected  
Accessory Building  
Currently in the front yard  
The City Engineering has no issues regarding this variance.

**Action**

Mr. Mach moved to approve the requested variance. Seconded by Mr. Deam.  
Roll call showed: YEAS: None. NAYS: Mr. Deam, Mr. Mach, Mr. Davidson, and Ms. Newby. Motion to approve denied 4-0.

**2. BZA Case 22-03**

**The applicant, Abraham Mahder, is requesting a variance from Section 1147.04 – Rear Yard Setback Requirement. Property located at 6209 Helmingway Drive.**

Mr. Millard stated that the property owner is requesting a variance of the City of Huber Heights Zoning Code pertaining to the required rear yard setback for a principal structure, in this case a rear room addition.

The resident had a rear room addition constructed but failed to obtain a Zoning Certificate or Building Permit. An addition becomes part of, in this case, the house and is not considered an accessory structure. Normally this situation would be a simple matter of bookkeeping; the owner would apply for the Zoning Certificate with no punitive action taken. However, the rear addition is constructed too close to the rear property line (within 28-feet rather than the required 40-feet) therefore a Zoning Certificate may not be issued without a variance being granted.

This is a Habitat for Humanity home constructed in 2020, at which time all permits were obtained for the original house from both the City and Montgomery County Building Regulations.

The City believes a significant language barrier that may have existed between the resident and the contractor could have been a contributing factor in this situation. Also, the City believes there was no intent on the part of the resident to skirt the Code; the resident applied for a Zoning Certificate after being made aware of its necessity. Habitat For Humanity Director Norman Miozy is aware of the current situation.

Additionally, the issue with Montgomery County's building permit is between the owner and Montgomery County and should have no bearing on the Board's decision. The City's Zoning Certificate indemnifies the City from any responsibility to notify other agencies, making it the applicants responsibility.

In your packet you will find photos of the addition along with the violation case report and a copy of the letter mailed to the owner.

Section 1147 of the Zoning Code pertains to R-4 Single Family districts; section "1147.04 - Area Standard" specifies a required rear yard depth of 40-feet. This measurement is to be taken from the rear most foundation of the building.

**The applicant therefore requires a variance of 12-feet for the addition to remain within 28 feet of the rear property line.**

The City has no objection to the granting of this variance.

The lot is approximately .25 acres.

There are no easements affected

Rear addition

Northeast corner of the house

The City Engineer has no issues regarding this variance.

**Action**

Mr. Deam moved to approve the requested variance. Seconded by Mr. Mach.  
Roll call showed: YEAS: Mr. Deam, Mr. Mach, Mr. Davidson, and Ms. Newby. NAYS:  
None. Motion to approve carried 4-0.

**VIII. Additional Business**


None.


**IX. Upcoming Meetings**

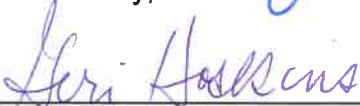
April 6, 2022  
May 4, 2022


**X. Adjournment**

There being no further business to come before the Board, the meeting was adjourned  
at approximately 7:15 p.m.

  
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Eva Newby, Chair

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Geri Hoskins, Administrative Assistant

  
\_\_\_\_\_  
Date