

**Minutes of the Board of Zoning Appeals
May 4, 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 April 6, 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**

None.

VII. **New Business**

1. **BZA Case 22-05**

The applicant, Raymond DeWitt, is requesting a variance from Section 1191.01 & 1191.02 to locate an accessory building that encroaches into the secondary front yard. Property located at 8488 Creek Bed Court.

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. The owner is replacing an existing storage building with a new and larger building and the proposed location encroaches into the secondary front yard.

By way of explanation, typically a rear yard extends from the rear house foundation to the rear property line across the width of the property. Since this property is a corner lot it is considered to have two front yards. Section 1123.66 of the code definitions states: "*Lot, corner* means a lot fronting on and at the intersections of two or more

streets.(Ord. 81-O-08, Passed 8-3-81).” This substantially reduces the defined rear 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 your packet you will find an aerial view of the property and an illustration of the existing and proposed accessory building. If placement of an accessory building is to exceed the limits of the rear yard a variance must be granted.

Mr. Raymond DeWitt was present.

Action

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

2. BZA Case 22-06

The applicant, John Herman, is requesting a variance from Section 1191.01 & 1191.02 to locate an accessory building. Property located at 6729 Willowmere Court.

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. The owner wishes to build an accessory building; however, the proposed location encroaches into the secondary front yard.

By way of explanation, typically a rear yard extends from the rear house foundation to the rear property line across the width of the property. Since this property is a corner lot it is considered to have two front yards. Section 1123.66 of the code definitions states: “*Lot, corner* means a lot fronting on and at the intersections of two or more streets.(Ord. 81-O-08, Passed 8-3-81).” This substantially reduces the defined rear 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 your packet you will find an aerial view of the property and an illustration of the proposed accessory building. If placement of an accessory building is to exceed the limits of the rear yard a variance must be granted.

The applicant therefore requires a variance for the building to be installed in the proposed location.

Mr. John Herman was present.

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.

3. BZA Case 22-07

The applicant, Dwight Whitehead, is requesting a variance from Section 1191.01 & 920.01 Location of Accessory Building in Secondary Front Yard. Property located at 7500 Bellefontaine 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. The owner wishes to build an accessory building; however, the proposed location encroaches into the secondary front yard.

By way of explanation, typically a rear yard extends from the rear house foundation to the rear property line across the width of the property. Since this property is a corner lot it is considered to have two front yards. Section 1123.66 of the code definitions states: "*Lot, corner* means a lot fronting on and at the intersections of two or more streets.(Ord. 81-O-08, Passed 8-3-81)." This substantially reduces the defined rear 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 your packet you will find an aerial view of the property and an illustration of the proposed accessory building. If placement of an accessory building is to exceed the limits of the rear yard a variance must be granted.

The applicant therefore requires a variance for the building to be installed in the proposed location.

Mr. Dwight Whitehead was present.

Action

Mr. Mach 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.

4. BZA Case 22-08

The applicant, John Payne, is requesting a variance from Section 1123.25 – Carport permanently open on at least two sides. Property located at 7301 Stonehurst Drive.

Mr. Millard stated that the property owner is requesting a variance of the City of Huber Heights Zoning Code to allow a newly constructed carport to remain enclosed on all sides.

Although the property owner applied for a carport, upon inspection by the Zoning Officer the carport was found to be enclosed on all sides which does not meet the definition of a carport.

Section 1123.25 of Zoning Code states: ***Carport*** means a roofed shelter for an automobile or similar motor vehicle which is permanently open on at least two sides and is no taller than 14 feet. The shelter must be located in the side or rear yard and must cover an impervious parking surface. This shelter shall be attached to the dwelling or accessory structure and shall not project beyond the front building line of the dwelling. The material used for the exterior cladding shall be of a permanent type such as masonry, aluminum, wood, or rigid vinyl. Cloth type material such as canvas, vinyl cloth, or other nonrigid material may not be used as exterior cladding. (Ord. 2016-O-2217, Passed 5-9-16; Ord. No. [2019-O-2373](#), § 3, 6-10-19)

The applicant/owner wishes to keep the carport enclosed on all sides. Staff reports that beyond the enclosure issue the carport meets height and property line setback requirements.

The applicant therefore requires a variance for the carport to remain enclosed on all sides.

John and Joann Payne were present.

Action

Mr. Davidson moved to approve the requested variance. Seconded by Mr. Mach. Roll call showed: YEAS: Mr. Mach, Mr. Davidson, and Ms. Newby. NAYS: Mr. Dean. Motion to approve carried 3-1.

VIII. Additional Business

None.

IX. Upcoming Meetings


June 1, 2022
July 6, 2022

X. Adjournment

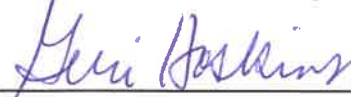
There being no further business to come before the Board, the meeting was adjourned at approximately 7:20 p.m.



Eva Newby, Chair



Date



Geri Hoskins, Administrative Assistant



Date