

**Minutes of the Board of Zoning Appeals
June 8, 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 May 4 , 2022, BZA meeting are approved.

IV. **Approval of Agenda**

Motion made by Mr. Deam to approve the agenda. Seconded by Mr. Davidson. 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 22-09**

The applicant, Natalie Williams, is requesting a variance from Section 1125.02 and 1191.01 non-permitted accessory building and location of an accessory building. Property located at 7000 Montague Road.

Mr. Millard stated that the property owner is requesting a variance to allow a newly constructed, non-permitted accessory building to remain in the side yard and within inches of the house.

The building was observed by a Code Enforcement Officer who notified the property owner of the violations. At the owners' request, Greg Seagraves met at the property and explained the building's placement issues.

The rear yard has increasing elevation toward the east thus would require sinking posts to raise the shed to a level elevation. Placing it in the more level area of the rear yard may place it too close to the house.

Having the building so close to the house presents a potential life safety issue. If the side window at the southwest corner needed to be used in an emergency for exiting the house, or for emergency removal by rescue personnel, the egress is blocked. The applicant therefore requires a variance for the accessory building to remain in its current location. If a variance is approved by the Board the owner will immediately obtain a permit.

Natalie Williams was present.

Action

Mr. Davidson moved to approve the requested variance with the condition of adding 2 foot separation from the house. 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.

2. BZA Case 22-10

The applicant, James Potter, is requesting a variance from Section 1181.11 to locate a pool in secondary front yard. Property located at 5601 Rice Place.

Mr. Millard stated that the property owner is requesting a variance to allow placement of an above ground swimming pool in a side yard and with a setback of 8-feet from the side property line.

The owner received a permit, which is attached, for a previous pool in 2006. The permit shows placement in the side yard with no variance required. This was due to no rear yard placement requirement in the Code, until an ordinance update in June of 2019.

As of June 2019, the Code 1181.11 (b) – “Swimming pools” reads “The pool shall be located in the rear yard and not be located closer than ten feet to any property line. Such distance shall be measured from the edge of the pool. ...”

The applicant therefore requires a variance to install the swimming pool, as proposed, in the side yard and within 8-feet of the north side property line.

If a variance is approved by the Board the owner will immediately obtain a permit.

James Potter 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.

VIII. Additional Business

None.

IX. Upcoming Meetings

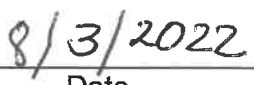
July 6, 2022
August 3, 2022

X. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 7:00 p.m.




Eva Newby, Chair



Date



Geri Hoskins, Administrative Assistant



Date