

**Minutes of the Board of Zoning Appeals
August 3, 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. Deam, Mr. Davidson, Mr. Mach, and Ms. Newby.

Members Absent: None.

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 June 8, 2022, and the July 6, 2022, BZA meeting are approved.

IV. Approval of Agenda

Motion made by Mr. Davidson to approve the agenda. Seconded by Mr. Deam. 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 22-12

The applicant, Alex Luken, is requesting a variance from Section 1181.04 – Height, tallest point of proposed new porch roof is 20', should be no taller than 14'. Property located at 6048 Boxelder Drive.

Mr. Millard stated that the property owner is requesting a variance of the City of Huber Heights Zoning Code pertaining to the allowable heights of a projection, in this case a cover over a rear deck.

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

The proposed cover will have a height, to the peak, of 19-feet, 9-inches.

The proposed height above grade allows an appropriate and reasonable height above the deck and is in keeping with the overall design of the house. The projection into the rear yard is the permitted 16-feet.

In your packet you will find an illustration of the proposed construction. If construction of a projection exceeds 14-feet above grade, a variance must be granted.

The applicant therefore requires a variance for the cover to be constructed as proposed.

If the Board grants this variance the owner or contractor will obtain a Zoning Certificate from the City Zoning Dept. before work begins.

The lot is approximately .25 acres.

There are no City easements affected.
The City Engineering Dept. has no issues regarding this variance.

Alex Luken was present and handed out an additional drawing that is attached.

Action

Mr. Davidson 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.

2. BZA Case 22-13

The applicant, Gavin Wilson, is requesting a variance from Section 1191.01 – Height, of accessory building. Property located at 5620 Chambersburg Road.

Mr. Millard stated that the property owner is requesting a variance of the City of Huber Heights Zoning Code pertaining to the allowable height of an accessory building. Construction would be of a new 60' x 44' x 28' accessory building to be used as vehicle storage, etc.

Section 1191.01 reads "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."

Section 1123.21 reads "*Building, height of* means the vertical distance measured from the grade of the average level of the highest and lowest point of the portion of the site covered by the building to the ceiling of the uppermost story."

The proposed building will have a height, to the peak, of 26-feet to 28-feet. The proposed height will accommodate, among other vehicles, storage of the owners' Class-A RV.

In your packet you will find an illustration of the proposed construction. If construction of an accessory building exceeds 14-feet above grade, a variance must be granted.

The applicant therefore requires a variance for the building to be constructed as proposed.

Although agricultural properties have an exemption from the Ohio Building Code, that exemption applies only if the building is being used for agricultural purposes. The City advises the owner to contact the Montgomery County Building Department for their plan review and inspection.

If the Board grants this variance the owner or contractor will obtain a Zoning Certificate from the City Zoning Dept. before work begins.

The lot is approximately 1.75 acres.

There are no City easements affected.

The City Engineering Dept. has no issues regarding this variance.

Gavin Wilson was present and handed out a package of drawings.

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

Ms. Newby asked about the open position on the board, no interviews yet.

IX. Upcoming Meetings

September 7, 2022
October 5, 2022

X. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 6:58 p.m.

Eva L. Newby
Eva Newby, Chair

9-7-2022
Date

Gerri Hoskins
Gerri Hoskins, Administrative Assistant

9-7-22
Date