

**Minutes of the Board of Zoning Appeals
September 7, 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 August 3, 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 22-14

The applicant, William E Bilbrey, is requesting a variance from Section 1181.04 – for height and projection of a rear patio cover that has been constructed. Property located at 6454 Emerald Downs Place.

Mr. Millard stated that the applicant is requesting a supplemental variance of the City of Huber Heights Zoning Code pertaining to the completed construction of a rear patio cover.

In February 2021 this Board granted variances for the projection and height of a proposed rear patio cover. At that time the variance was 4-feet for projection into the rear yard AND 2-feet for height.

On July 22, 2022, during the final inspection it was discovered the projection exceeded the variances by 2.5-feet in projection and 1-foot in height.

Section 1181.04(e) limits projection into a rear yard at 16-feet; the applicant wishes to remain projected 22.5-feet into the rear yard, requiring an additional 2.5-foot variance.

Section 1181.04(h) limits height of a projection to 14-feet; the applicant wishes to have a height of 16-feet 8 inches requiring an additional 1-foot variance.

Therefore, the applicant requires two additional variances: one of 2.5-feet and one of 1-foot.

No additional permit is required if the Board grants these variances. The applicant is waiting on the City's final inspection approval in order to receive final structural approval from Montgomery County Building Inspection. The City will pass the final inspection only upon granting of the supplemental variance.

The lot is approximately .50 acres.

There are no utility easements within the limits of this project.

Single family home.

Attached to the rear (east side) of the house.

The Engineering Department did not have comments on this variance request.

Mr. Bilbrey stated it was his error and apologized. Mr. Deam asked what happened and Mr. Bilbrey stated he went off of foundation to header and the grade of the yard. Mr. Mach added the slope added to the footage and soffit to the beam. Mr. Davidson stated he went to the property, plans vs. slope of hill. Ms. Newby asked if the slope changed? Mr. Deam also stated that there are zoning regulations and the variance was granted to a professional.

Action

Mr. Mach moved to approve the request by the applicant, WILLIAM E. BILBREY, for a variance from Section 1181.04 – for height and projection of a rear patio cover that has been constructed. Seconded by Mr. Davidson.

Roll call showed: YEAS: Mr. Davidson, and Mr. Mach. NAYS: Mr. Deam and Ms. Newby. Motion to approve tied 2-2.

Mr. Davidson moved to table BZA Case 22-14 to the 10/5/22 BZA meeting. Seconded by Mr. Mach.

Roll call showed: YEAS: Mr. Davidson, and Mr. Mach, Mr. Deam, and Ms. Newby. NAYS: None. Motion to approve carried 4-0.

VIII. Additional Business

IX. Upcoming Meetings

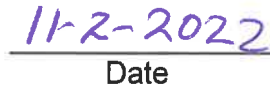
October 5, 2022
November 2, 2022

X. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 6:50 p.m.



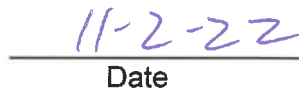
Eva Newby, Chair



Date



Geri Hoskins, Administrative Assistant



Date