

**Minutes of the Board of Zoning Appeals
October 5, 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. Oath of Office, Ms. Newby swore in Paul Schaeffer
- III. Roll call was taken. Present were Mr. Deam, Mr. Davidson, Mr. Mach, Mr. Schaeffer, and Ms. Newby.

Members Absent: None.

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

IV. Approval of the Minutes

Without objection, the minutes of the September 7, 2022, BZA meeting are approved.

V. Approval of Agenda

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

VI. 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.

VII. Old 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.

William Bilbrey gave additional drawings to the Board members. Lengthy discussion that he didn't do anything wrong, nothing done in malice, misunderstanding with where the measurements are taken.

Inspector Greg Seagraves went over the events.

Mr. Millard stated that the city doesn't inspect footers and patios, that would be Montgomery County. A shed is an accessory structure, this is a projection.

Michael Bailey spoke on Mr. Bilbrey's behalf.

Patrick Long spoke on Mr. Bilbrey's behalf.

Action

Mr. Davidson 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 pation cover that has been constructed. Seconded by Mr. Schaeffer.

Roll call showed: YEAS: Mr. Davidson, Mr. Mach, Mr. Schaeffer, Mr. Deam, and Ms. Newby. NAYS: None. Motion to approve carries 5-0.

VIII. New Business

1. BZA Case 22-16

The applicant, FastSigns, is requesting a variance from Section 1189.07 – for Total square footage. Property located at 7800 Center Point 70 Blvd.

Mr. Millard stated that the applicant is requesting a variance of the City of Huber Heights Zoning Code pertaining to the maximum allowable square footage for wall signage.

Stoops Freightliner is re-signing their building. As your renderings illustrate, the proposed east facing sign is 148.5 sq.ft. This proposed sign exceeds the maximum allowable square footage of 75-sq.ft.

Although wall signs are permitted on multiple sides (up to a combined total of 200 sq.ft. along Interstate 70 per section 1189.10), section 1189.07, c, 1 states "no single sign may exceed 75 sq.ft."; this section is referenced as applicable in and to section 1189.10 unless specified otherwise.

Therefore, the applicant requires a square footage variance of 73.5 sq. ft. for the larger east facing wall sign.

FASTSIGNS has applied for permits, approval is bearing on the decision of this Board. The lot is approximately 7 acres.

Mr. Davidson asked if placement is the same.
Marie Fair stated using existing sign just updated signage.

Action

Mr. Deam moved to approve the request by the applicant, FASTSIGNS, for a variance from Section 1189.07 – for Total square footage. Seconded by Mr. Schaeffer.
Roll call showed: YEAS: Mr. Davidson, Mr. Mach, Mr. Schaeffer, Mr. Deam, and Ms. Newby. NAYS: None. Motion to approve carries 5-0.

2. BZA Case 22-15

The applicant, Dean Koogler, is requesting a variance from Section 1123.25 – for Carport Heights. Property located at 7000 Pineview Drive.

Mr. Millard stated that the applicant is requesting a variance of the City of Huber Heights Zoning Code pertaining to the allowable height of a constructed carport. The carport was found to exceed, by 1-foot, the allowable height of 14-feet, at which time the carport received a failure from the Zoning Inspector. The owner was told he had two choices...either lower the carport to an allowable height OR ask this Board for a variance from the height restriction.

The Huber Heights Zoning Code, section 1123.25, defines a carport as follows; “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.”

Therefore, the applicant requires a height variance one of 1-foot.

The property owner obtained the proper permit from Zoning prior to construction. At that time all physical limitations were supplied to Mr. Koogler.

The lot is approximately .25 acres. There are no utility easements within the limits of this project.
The Engineering Department did not have comments on this variance request.

Action

Mr. Mach moved to approve the request by the applicant, DEAN KOOGLER, for a variance from Section 1123.25 – for Carport Heights. Seconded by Mr. Davidson.

Roll call showed: YEAS: None. NAYS: Mr. Davidson, Mr. Mach, Mr. Schaeffer, Mr. Deam, and Ms. Newby. Motion to approve denied 5-0.

IX. Additional Business

None.

X. Upcoming Meetings

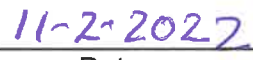
November 2, 2022
December 7, 2022

XI. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 7:21 p.m.




Eva Newby, Chair



Date



Geri Hoskins, Administrative Assistant



Date