

**Minutes of the Board of Zoning Appeals
November 2, 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 6:32 p.m.
- II. Roll call was taken. Present were Mr. Deam, Mr. Davidson, Mr. Schaeffer, and Ms. Newby.

Members Absent: Mr. Mach, excused.

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 October 5, 2022, BZA meeting are approved.

IV. Approval of Agenda

Motion made by Mr. Schaeffer 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

1. BZA Case 22-15

The applicant, Dean Koogler, is requesting a variance from Section 1123.25 – 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.

Mr. Dean Koogler explained the trouble he was having getting the company to come lower the carport. Discussion on how to fix but Mr. Koogler stated he would like the variance.

Action

Mr. Davidson moved to approve the request by the applicant, DEAN KOOGLER, for a variance from Section 1123.254 – carport height. Seconded by Mr. Schaeffer. Roll call showed: YEAS: None. NAYS: Mr. Davidson, Mr. Schaeffer, Mr. Deam, and Ms. Newby. Motion to approve failed 4-0.

Mr. Davidson moved to grant 90 day extension to have carport lowered. Seconded by Mr. Schaeffer. Roll call showed: YEAS: Mr. Davidson, Mr. Schaeffer, and Ms. Newby. NAYS: Mr. Deam. Motion to approve carries 3-1.

VII. New Business

1. BZA Case 22-17

The applicant, Chris Ledford, is requesting a variance from Section 1191.01 – for Location of accessory building. Property located at 4810 Bayview Court.

Mr. Millard stated that the applicant is requesting a variance of the City of Huber Heights Zoning Code pertaining to the location of a constructed storage building.

On September 30, 2022, a Zoning certificate was issued to the property owner for construction of a storage building at 4810 Bayview Ct.

Upon inspection by the Zoning Dept. the building was found placed in the side yard rather than the rear yard as required. The required rear yard location was provided to the owner when the permit was issued.

Section 1191.01 of the Huber Heights 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 order for any structure to be classified as an accessory building, it shall be at least five feet from any permanent structure."

The building does meet the 5-foot separation requirement from the house foundation line.

Therefore, the applicant requires a location variance if the building is to remain in the side yard.

Mr. Davidson stated that the application shows it in the backyard.
Mr. Chris Ledford stated 100% intention, yard sloped down, runoff & erosion. Council member told him no problem, ask for a variance.
Discussion on slope, rain runoff, erosion.

Action

Mr. Schaeffer moved to approve the request by the applicant, CHRIS LEDFORD, for a variance from Section 1191.01 – Location for an accessory building. Seconded by Mr. Deam.
Roll call showed: YEAS: None. NAYS: Mr. Davidson, Mr. Schaeffer, Mr. Deam, and Ms. Newby. Motion to approve failed 4-0.

2. BZA Case 22-18

The applicant, Julie Holmes, is requesting a variance from Section 1181.04 – Projections. Property located at 6185 Pine Point Place.

Mr. Millard stated that the applicant is requesting a variance of the City of Huber Heights Zoning Code pertaining to the required separation from the property line for a patio cover.

The property owner wishes to install a patio cover on the west side of the house to cover an existing patio. The existing patio comes to within about 1-foot of the fence/property line, so covering the patio would bring the cover to within the same proximity to the property line.

The intent is to allow coverage of the entire patio by a 12-foot x 29-foot aluminum cover.

Section 1181.04, e of the Zoning Code states : “A patio cover or porch shall not project into the side or rear yard more than 16 feet from the building line of the dwelling provided it does not come nearer to the side or rear lot line than five feet. In any case, the patio cover or porch shall not be constructed closer than 25 feet from any thoroughfare, road, or street.”

(Ord. 2012-O-1939, Passed 2-13-12; Ord. 2016-O-2214, Passed 4-11-16; Ord. No. 2018-O-2354, § 1, 11-28-18) .

Therefore, the applicant requires a variance in order to install the proposed cover.

Ms. Julie Holmes was present.

Action

Mr. Davidson moved to approve the request by the applicant, JULIE HOLMES, for a variance from Section 1181.04 – Projections. Seconded by Mr. Schaeffer.
Roll call showed: YEAS: Mr. Schaeffer and Ms. Newby. NAYS: Mr. Davidson and Mr. Deam. Motion to approve failed 2-2.

Mr. Schaeffer moved to table the request by the applicant, JULIE HOLMES, for a variance from Section 1181.04 – Location for an accessory building to 12/7/22. Seconded by Mr. Davidson.

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

VIII. Additional Business

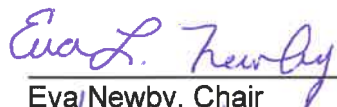
Move time of the meeting to 6:00. All that were present said ok, will email Mr. Mach due to him being absent.

IX. Upcoming Meetings

December 7, 2022

X. Adjournment

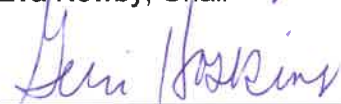
There being no further business to come before the Board, the meeting was adjourned at approximately 7:20 p.m.



Eva Newby, Chair



Date



Geri Hoskins, Administrative Assistant



Date