

**Minutes of the Board of Zoning Appeals
January 4, 2023
City of Huber Heights**

- I. Chair Eva Newby called the Meeting of the City of Huber Heights Board of Zoning Appeals to order at 6:00 p.m.

II. Oath of Office

Scott Davidson was sworn in for another term.

- 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 November 2, 2022, BZA meeting are approved.

V. **Approval of Agenda**

Motion made by Mr. Davidson to approve the agenda. Seconded by Mr. Schaeffer. 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**

None.

VIII. **New Business**

1. **BZA Case 23-01**

The applicant, Jeremy Fraser, is requesting a variance from Section 1181.04 (e) – Projections, to exceed the allowable projection of a rear patio cover. Property located at 4046 Redbud Way, Tipp City, Ohio 45371.

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

The property owner installed a rear patio cover unaware of the required permit. The non-permitted cover was discovered by a Code Enforcement officer and the owner was advised of the need to obtain a permit.

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..." (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) .

The cover projects into the rear yard 19-feet from the foundation, exceeding the 16-foot limit. The owner states this was an honest mistake on his part; as a first-time homeowner he was unaware of the need for a permit. Otherwise, he would have been aware of the limit on the projection of the cover.

The owner wishes to leave the cover at its current projection.

Mr. Jeremy Fraser was present and stated he wasn't aware of the regulation to obtain a permit, didn't do this on purpose.

Action

Mr. Mach moved to approve the request by the applicant, JEREMY FRASER, for a variance from Section 1181.04 (e) – Projections, to exceed the allowable projection of a rear patio cover. Property located at 4046 Redbud Way, Tipp City, Ohio 45371. Seconded by Mr. Schaeffer.

Roll call showed: YEAS: None. NAYS: Mr. Davidson, Mr. Schaeffer, Mr. Deam, and Ms. Newby.

IX. Additional Business

A. Election of Officers

Action

Mr. Deam moved to nominate Eva Newby as the 2023 Chair. Seconded by Mr. Schaeffer.

Roll call showed: YEAS: Mr. Davidson, Mr. Deam, Mr. Mach, and Mr. Schaeffer. NAYS: Ms. Newby. Motion to approve carried 4-1.

Mr. Mach moved to nominate Scott Davidson as the 2023 Vice Chair. Seconded by Mr. Schaeffer.

Roll call showed: YEAS: Mr. Davidson, Mr. Mach, and Mr. Schaeffer. NAYS: Mr. Deam and Ms. Newby. Motion to approve carried 3-2.

B. Approval of 2023 Meeting Schedule

Action

Mr. Davidson moved to approve the 2023 Meeting Schedule. Seconded by Mr. Schaeffer.
Roll call showed: YEAS: Mr. Davidson, Mr. Deam, Mr. Mach, Mr. Schaeffer, and Ms. Newby. NAYS: None. Motion to approve carried 5-0.

X. Upcoming Meetings


February 1, 2023
March 1, 2023

XI. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 6:25 p.m.




Eva Newby, Chair



Date



Geri Hoskins, Administrative Assistant



Date