

**Minutes of the Board of Zoning Appeals  
March 1, 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. 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.

**III. Approval of the Minutes**

Without objection, the minutes of the January 4, 2023, BZA meeting are approved.

**IV. Approval of Agenda**

Motion made by Mr. Davidson to approve the agenda. Seconded by Mr. Schaeffer. 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 23-02**

**The applicant, Curtis Thomas, is requesting a variance from Section 1191.01 – Location, shed. Property located at 6214 Oakridge Drive.**

Mr. Millard stated that the applicant is requesting a variance of the City of Huber Heights Zoning Code pertaining to the required setback from the property line for an accessory building.

Section 1191.01 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.(Case 269, 7-16-69; Case 411, 6-1-78; Ord. 81-O-08, Passed 8-3-81; Case 95, 3-9-87; Ord. 87-O-229, Passed 2-9-87)

In May of 2021 an officer observed the building installed, but no permit had been applied for. The appropriate action was taken by Staff, as illustrated in your packet.

A decision on this variance is needed before a final disposition of the court case is decided in Judge Cox's courtroom on March 16, 2023, in Eastern Div. Municipal Court.

The applicant property owner wishes to leave the building as it sets; 1.5 feet from the rear property line.

The lot is approximately .32 acres.

There is a 10-foot easement along the east (rear) property line as well as a 5-foot easement along the north property line.

There is a City easement along the rear property line containing a City storm water line. If excavation were to be needed to repair this storm sewer the building would be removed by the excavator if needed and not replaced or repaired.

Mr. Curtis Thomas did admit to not getting a permit for the shed. When pool was put in, they needed a retaining wall, had to move the shed. To move it further, it would be on a hill. Custom built, roofing same exterior as home. Invested a lot of money.

Ms. Newby asked about it being 2021, two years ago. Mr. Thomas stated he had uncle in nursing home and hospice, shed wasn't a priority at the time.

Mr. Davidson asked if he had shed before pool, when installed. Mr. Thomas stated 6 months prior 9/2021. Size is 15 x 15.

Mr. Millard stated pool installed 7/2020.

Ms. Schaeffer stated he is on the HOA board where Mr. Thomas lives, with this being a conflict of interest he will recuse himself.

### **Action**

Mr. Deam moved to approve the request by the applicant, CURTIS THOMAS, for a variance from Section 1191.01 – Location, shed. Property located at 6214 Oakridge Drive. Seconded by Mr. Davidson.

Roll call showed: YEAS: Mr. Mach. NAYS: Mr. Davidson, Mr. Deam, and Ms. Newby. Motion to approve denied 3-1.

Mr. Thomas stated he has other properties, pays his taxes, did everything asked of him, apologized but needs to leave the shed where it is, this is unfair, he feels targeted, he spent a lot of money on the shed. Ms. Newby stated the board made their decision, case by case basis, follow rules of Ohio Revised Code.

Mr. Davidson suggested move it up and build the back of it up. Mr. Thomas said see you in court.

**VIII. Additional Business**

**A. None**

**IX. Upcoming Meetings**

April 5, 2023  
May 3, 2023

**X. Adjournment**

There being no further business to come before the Board, the meeting was adjourned at approximately 6:31 p.m.

Eva L. Newby  
Eva Newby, Chair

Geri Hoskins  
Geri Hoskins, Administrative Assistant

4/5/2023  
Date

4/5/23  
Date