



AGENDA
BOARD OF ZONING APPEALS

City Hall - Council Chambers
6131 Taylorsville Road
June 7, 2023
6:00 P.M.

1. Call Meeting To Order
2. Roll Call
3. Approval of Minutes
 - A. Without objection, the minutes from the April 5, 2023, BZA meeting are approved
4. Approval of the Agenda
5. Swearing Of Witnesses
6. Old Business
 - A. BZA Case 23-04
The applicant, Dan Cross, is requesting a variance from Section 1191.01 - Location/height. Property is located at 8489 Betal Court.
7. New Business
 - A. BZA Case 23-05 The applicant, John Greene, is requesting a variance from Section 1191.01 - Accessory Structure Location. Property is located at 5892 Red Oak Court, Huber Heights, Ohio.

- B. BZA Case 23-06 The applicant, Akram Kadirov, is requesting a variance from Section 1181.04, h - Projection height. Property is located at 6027 Buttonbush Street, Tipp City, Ohio.
- C. BZA Case 23-07 The applicants, Clifford & April Pennington, are requesting a variance from Section 1191.01 - Accessory Structure Location. Property is located at 6619 Deer Bluff Drive, Huber Heights, Ohio.
- D. BZA Case 23-08 The applicant, William Knisely, is requesting a variance from Section 1181.00 - Swimming Pool Location. Property is located at 7900 Huntsman Court, Huber Heights, Ohio.

8. Additional Business

- A. None

9. Upcoming Meetings

- A. August 2, 2023
September 6, 2023

10. Adjournment

AI-9212

3.

Board of Zoning Appeals

Meeting Date: 06/07/2023

Information

Purpose

Approval of Minutes

Background

Administrative Use Only

Attachments

No file(s) attached.

AI-9213

3. A.

Board of Zoning Appeals

Meeting Date: 06/07/2023

Information

Purpose

Without objection, the minutes from the April 5, 2023, BZA meeting are approved.

Background

Administrative Use Only

Attachments

Minutes

**Minutes of the Board of Zoning Appeals
April 5, 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. Davidson, Mr. Mach, Mr. Schaeffer, and Ms. Newby.

Members Absent: Mr. Deam.

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 March 1, 2023, BZA meeting are approved.

IV. Approval of Agenda

Motion made by Mr. Mach 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 23-03

The applicant, Osman Mamedov, is requesting a variance from Section 1181.04 – Projections for a rear patio cover. Property is located at 6105 Buttonbush Street, Tipp City, Ohio.

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

The owner wishes to construct a rear patio cover and the design calls for the cover to extend 18-feet beyond the rear-most foundation of the house. This results in the proposed cover exceeding code by 2-feet in projection.

Section 1181.04e of the Zoning Code states – “A patio cover or porch shall not project into the side or rear yard more than sixteen feet from the building line of the dwelling provided it does not come nearer to the side or rear lot line than five feet.”

The lot is approximately .37 acres.

There are no easements involved with this proposal.

Rear patio cover. Zoning reminds the applicant that the maximum allowable height is fourteen feet above ground level at any point.

Northeast / rear section of the house.

The Engineering Dept. has no comment or concern with this project.

Action

Mr. Schaeffer moved to approve the request by the applicant, Osman Mamedov, for a variance from Section 1181.04 – Projections for a rear patio cover. Property is located at 6105 Buttonbush Street. Seconded by Mr. Mach.

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

2. BZA Case 23-04

The applicant, Better Built Contracting, is requesting a variance from Section 1123.02 – Accessory Use or Structure and 1191.01 – Location/height. Property is located at 8489 Betal Court.

Chair Ms. Newby explained with two variance requests, they would be heard one at a time with 1123.02 first and 1191.01 second.

Mr. Millard stated The owner, Dan Cross, is requesting variances of the City of Huber Heights Zoning Code pertaining to:

- construction of an accessory building absent a principal structure (house) AND
- exceeding the allowable height limit of 14-feet

The owner resides next door at 8467 Betal Court and wishes to construct a pole barn on the vacant property at 8489 Betal Court. 8489 Betal Court at one time had a home, which burned and whose owner (at the time) chose to not rebuild. Mr. Cross purchased the property in August of 2021 and wishes to construct a 40' x 40' pole barn which qualifies as an accessory structure.

Section 1123.02 of the Zoning code reads as follows; “*Accessory use or structure* means a building or use which is subordinate to the principal use to that of the main building or use on the same lot.”

Since this is residentially zoned property for a single-family home the principal use or main building must be a dwelling. No dwelling exists for the proposed structure to be subordinate to.

Therefore, the applicant requires a variance to construct the accessory building.

Discussion on R2 zoning, residential single family. Rezoning to an Estate Residential District, still requiring a variance, enough room to build a house, 40ft. past the principal structure, combine two lots. Go to Planning Commission.

Daniel Cross stated his purchase, enough room for another house on the property, behind current house is wet. Asked if he would have to separate later.

Planning Commission level then back to BZA for height. BZA will hear case for height.

Action

Mr. Davidson moved to approve the request by the applicant, Better Built Contracting, for a variance from Section 1123.02 – Accessory Use or Structure. Property is located at 8489 Betal Court. Seconded by Mr. Schaeffer.

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

VIII. Additional Business

A. None

IX. Upcoming Meetings

May 3, 2023
June 7, 2023

X. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 6:38 p.m.

Eva Newby, Chair

Date

Geri Hoskins, Administrative Assistant

Date

AI-9214

7. A.

Board of Zoning Appeals

Meeting Date: 06/07/2023

Information

Purpose

The applicant, John Greene, is requesting a variance from Section 1191.01 - Accessory Structure Location. Property is located at 5892 Red Oak Court, Huber Heights, Oh.

Background

Administrative Use Only

Attachments

Staff Report

Status Sheet

Application

Case History

Drawing

Aerial Map

Picture

Picture

Picture

Memorandum

Staff Report for Meeting of June 7, 2023

To: Huber Heights Board of Zoning Appeals
From: Don Millard, Code Enforcement Manager
Date: May 5, 2023
Subject: BZA Case 23-05

Application dated May 3, 2023

Department Code Enforcement Division

City of Huber Heights

APPLICANT/OWNER: John Green

ADDRESS/LOCATION: 5892 Red Oak Ct.
Huber Heights Ohio

ZONING: PR Single Family Residential

EXISTING LAND USE: Family home

ZONING	
ADJACENT LAND	
	North- PR
	East- PR
	South- PR
	West- PR

REQUEST: The applicant is requesting a variance to allow an accessory building to remain closer than 5 feet from the property line.

**APPLICABLE Huber Heights
Zoning Code:** 1191.01 – Location

**OUTSTANDING ZONING
VIOLATIONS:** 2023-0529, attached

CORRESPONDENCE: In Favor –
In Opposition –

ATTACHMENTS:

- Violation case review
- Aerial view
- Street view

Staff Overview

The owner is requesting a variance to allow a storage building to remain within the 5-foot setback from the rear property line. The building was observed by a Code Enforcement Officer and discovered to have **no permit**. The owner was notified by letter, and he immediately contacted the Zoning office.

Investigation finds the building is within 1-foot of the rear property line and within 4-feet of the west side property line.

According to the Huber Heights Zoning Code, section "**1191.01 - Location** - 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)"

Location is in the rear yard as required, but due to its proximity to the property lines the building does not meet guidelines set forth in the Code.

Therefore, the applicant requires a variance to allow the accessory building to remain in its current location.

Staff Analysis

- Lot:** The lot is approximately .3 acres.
- Easement:** There are easements on both the south and west property lines. However, while a storm water catch basin exists on the exterior of the fence, no underground lines lie within the abutting easements so no utilities would be impacted with the granting of this variance.
- Structure:** 10'L x 8'W x 8'T Storage Building.
- Placement:** SW corner of property.
- Engineering:** The Engineering Dept. has no concerns regarding this case.

HUBER HEIGHTS ZONING OFFICE CASE STATUS SHEET

CASE NO. 23-05 **DATE FILED:** May 3, 2023

Applicant: John Greene

Address: 5892 Red Oak Court, Huber Heights, Ohio 45424

Telephone: (937)925-2266

Owner: John & Traci Greene

Address: same

REQUEST: The applicant is requesting a variance from section 1191.01 - Accessory Building – Location

PREMISES: 5892 Red Oak Court, Huber Heights, Ohio 45424

HEARING DATE OF THE BOARD OF ZONING APPEALS:

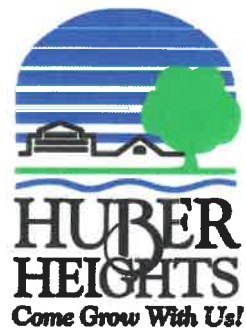
June 7, 2023
City Hall Meeting Room
6131 Taylorsville Road
Huber Heights, Ohio 45424
On or after 6:30 p.m.

Staff Reviews: Engineer _____ Street _____ Zoning X
Fire _____ Planning and Development _____
Other Agencies _____

Ad Published 5/26/23
Proof of Publication Received:
Applicant/Property Owners Notified: 5/26/23
Protests and Consents:

Action by the Board of Zoning Appeals:

BOARD OF ZONING APPEALS APPLICATION
CITY OF HUBER HEIGHTS



PLANNING DEPARTMENT

6131 Taylorsville Road 937.233.1423
Huber Heights, Ohio 45424 937.233.1272 (Fax)

Application Number 23-65 Date Filed 5.3.23
Receipt Number 224028120 Amount Paid \$75.00

TYPE OF ACTION REQUESTED

Check all that apply. Attach explanations & additional information as required.

- | | |
|---|---|
| <input type="checkbox"/> Annexation & Zoning (Attach original annexation petition to this application.) | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Annexation Agreement | <input type="checkbox"/> Basic Development Plan |
| <input type="checkbox"/> Rezoning to _____ | <input type="checkbox"/> Detailed Development Plan |
| <input type="checkbox"/> Special Use | <input type="checkbox"/> Major Change |
| <input checked="" type="checkbox"/> Variance from the Zoning Ordinance | <input type="checkbox"/> Minor Change |
| <input type="checkbox"/> Lot Split | <input type="checkbox"/> Appeal of an Administrative Decision |
| <input type="checkbox"/> Final Plat/Replat | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Preliminary Plat | _____ |
| <input type="checkbox"/> Text Amendment | _____ |
| <input type="checkbox"/> Zoning Ordinance | |
| <input type="checkbox"/> Subdivision Regulations | |
| <input type="checkbox"/> Other | |

APPLICANT INFORMATION

Identify the applicant & contact person on this page. Complete the attachment to list the owner(s) & other parties involved with the application.

<u>APPLICANT</u>		<u>CONTACT PERSON</u>	
Name	John + Traci Greene	Name	
Address	5892 Red Oak Court Huber Heights OH 45127	Address	
Phone	937-925-2266	Phone	
Fax		Fax	
Email	intraic66@gmail.com	Email	

PROPERTY INFORMATION

Project Name: 50066 BUILDING PLACEMENT VARIANCE

Location of property: _____

Book N/A Page N/A Parcel Number(s) P70-02211-0008

Current Zoning: AR Proposed Zoning: _____

Property Owner's Name: John + Traci Greene Telephone: 937-631-7729

Address: 5892 Red Oak Court

Total acres included in this application: _____

Type of Development: Residential ☒ Commercial _____ Office _____ Industrial _____ Other _____

Brief description of application request:
SEC 1191.01 - ACCESSORY BUILDINGS - LOCATION

Applicant's status: Owner ☒ Lessee _____ Purchaser _____ Agent _____

Name of Engineer: _____ Telephone: _____

Attach additional information as required. Please refer to the applicable application submittal checklist.

Applicant's Signature

X [Signature]
Applicant's Signature:

X John Greene
Printed Name:

The owner of the property, if other than the applicant, must sign this application as evidence of concurrence with the request.

OWNER

Subscribed and sworn to before me this ____ day of _____, 20____.

NOTARY PUBLIC

BY THE ABOVE SIGNATURE, THE APPLICANT HEREBY ATTESTS TO THE TRUTH AND EXACTNESS OF ALL INFORMATION SUPPLIED AND SUBMITTED ON AND WITH THIS APPLICANT. BY THE ABOVE SIGNATURE, THE APPLICANT FURTHERMORE CONSENTS TO BE BOUND BY THIS APPLICATION, BY ANY AGREEMENT MADE BY THE APPLICANT OR ITS AGENT, AND BY ALL DECISIONS MADE BY THE CITY OF HUBER HEIGHTS RELATING TO AND IN CONNECTION WITH APPLICATION AND REQUESTS.

=====

Date Received _____ Fee Paid _____ Received by _____



**HUBER
HEIGHTS**
Come Grow With Us!

Case #: 20230529

Case Date: 04/28/23

Description: SHED NO PERMIT / BAD PLACEMENT

Violation Type: ACCESSORY STRUCTURE LOCATION

Status: Open

How Received: Observed

Assigned To: Greg Seagraves

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
P70 02211 0008	5892 RED OAK CT		JOHN K GREENE		PR

Activities

Date	Activity Type	Description	Employee	Status
04/12/2023	1st Letter	OBSERVED SHED TOO CLOSE TO PROPERTY LINE AND NO PERMIT. MAILING LETTER AND ADDED PHOTO. -JS	Jeff Schwilk	Completed
04/13/2023	Update	ME AND D.M MEET WITH THE MR. HOMEOWNER AND THE SHED IS ONLY 1' FROM THE BACK LINE AND 4' FROM THE SIDE LINE -- INFORMED HE WOULD NEED TO MOVE IT OR APPLIE FOR BZA APPROVAL --- MORE INFO FO COME. - GS	Greg Seagraves	Completed
04/28/2023	Follow up	SEE MY LAST NOTE --GS	Greg Seagraves	Assigned

Violations

Date	Violation	Description	Notes	Status
04/12/2023	ACCESSORY STRUCTURE LOCATION	SECTION 1191.01/04: An accessory building/structure or storage shed, as defined in this code, is permitted in any "R", "B", "A", "P-PD" or "I" district provided it is not within five feet of any rear property line, side property line, or another structure, and is located entirely in the rear yard. (Ord. 86-0-216. Passed 9-8-86)	PLEASE OBTAIN PERMIT FOR ACCESSORY STRUCTURE. (SHED) MUST BE 5 FT FROM ALL PROPERTY LINES.	Open

Uploaded Files

Date	File Name
04/12/2023	







P70 02211 0035

P70 02211 0034

5892

P70 02211 0011

RED OAK CT



1 in = 24 ft

23-05 Aerial

Date: 5/5/2023









AI-9254

7. B.

Board of Zoning Appeals

Meeting Date: 06/07/2023

Information

Purpose

BZA Case 23-06

The applicant, Akram Kadirov, is requesting a variance from Section 1181.04, h - Projection height. Property is located at 6027 Buttonbush Street, Tipp City, Ohio.

Background

Administrative Use Only

Attachments

Staff Report

Status Sheet

Application

Drawing

Aerial Map

Memorandum

Staff Report for Meeting of June 7, 2023

To: Huber Heights Board of Zoning Appeals
From: Don Millard, Code Enforcement Manager
Date: May 5, 2023
Subject: BZA Case 23-06

Application dated May 5, 2023

Department Code Enforcement Division

City of Huber Heights

APPLICANT/OWNER:	Akram Kadirov 6027 Buttonbush St. Tipp City OH 45371								
ADDRESS/LOCATION:	6027 Buttonbush St. Tipp City OH 45371								
ZONING:	PM Single Family Residential								
EXISTING LAND USE:	Family home								
ZONING ADJACENT LAND	<table><tbody><tr><td>North-</td><td>PM</td></tr><tr><td>East-</td><td>PM</td></tr><tr><td>South-</td><td>PM</td></tr><tr><td>West-</td><td>PM</td></tr></tbody></table>	North-	PM	East-	PM	South-	PM	West-	PM
North-	PM								
East-	PM								
South-	PM								
West-	PM								
REQUEST:	The applicant is requesting a height variance for a rear patio cover.								
APPLICABLE Huber Heights Zoning Code:	1181.04, h – Projection Height								
OUTSTANDING ZONING VIOLATIONS:	None								
CORRESPONDENCE:	In Favor – In Opposition –								
ATTACHMENTS	Aerial view Drawing of proposed cover								

Staff Overview

The owner is requesting a variance to construct a rear patio cover which would exceed the Zoning code's height limit.

This proposed plan will complement the home's design and architecture.

According to the Huber Heights Zoning Code, section 1181.04, (h)

"A cover, carport, or enclosure **shall not be taller than 14 feet above grade at any point.**

(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 proposed cover would attain a height of 16-feet which is 2-feet above the allowable height, **therefore, the applicant requires a variance to allow the cover to be built as proposed.**

If the Board grants the variance it is stressed to the applicant that any height that exceeds the granted variance will not pass final inspection. The applicant also should submit drawings to Montgomery County Building Regulations.

Staff Analysis;

Lot: The lot is approximately .4 acres.

Easement: There are no easements to consider.

Structure: Proposed 16'L x 26'W x **16'T** Rear Patio Cover

Placement: Northeast corner of house.

Engineering: The Engineering Dept. has no concerns regarding this case.

HUBER HEIGHTS ZONING OFFICE CASE STATUS SHEET

CASE NO. 23-06 **DATE FILED:** May 5, 2023

Applicant: Akram Kadirov

Address: 6027 Buttonbush Street, Tipp City, Ohio 45371

Telephone: (937)734-8264

Owner: Akram Kadirov

Address: same

REQUEST: The applicant is requesting a variance from section 1181.04,h – Projection Height

PREMISES: 6027 Buttonbush Street, Tipp City, Ohio 45371

HEARING DATE OF THE BOARD OF ZONING APPEALS:

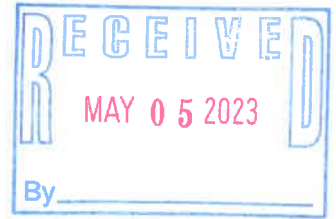
June 7, 2023
City Hall Meeting Room
6131 Taylorsville Road
Huber Heights, Ohio 45424
On or after 6:30 p.m.

Staff Reviews: Engineer _____ Street _____ Zoning X
Fire _____ Planning and Development _____
Other Agencies _____

Ad Published 5/26/23
Proof of Publication Received:
Applicant/Property Owners Notified: 5/26/23
Protests and Consents:

Action by the Board of Zoning Appeals:

BOARD OF ZONING APPEALS APPLICATION
CITY OF HUBER HEIGHTS



PLANNING DEPARTMENT

6131 Taylorsville Road
Huber Heights, Ohio 45424

937.233.1423
937.233.1272 (Fax)

Application Number 23-06
Receipt Number 822429

Date Filed 5/5/23
Amount Paid \$75.00

TYPE OF ACTION REQUESTED

Check all that apply. Attach explanations & additional information as required.

- ☐ Annexation & Zoning (Attach original annexation petition to this application.)
- ☐ Annexation Agreement
- ☐ Rezoning to _____
- ☐ Special Use
- ☒ Variance from the Zoning Ordinance
- ☐ Lot Split
- ☐ Final Plat/Replat
- ☐ Preliminary Plat
- ☐ Text Amendment
- ☐ Zoning Ordinance
- ☐ Subdivision Regulations
- ☐ Other

- ☐ Planned Unit Development
- ☐ Basic Development Plan
- ☐ Detailed Development Plan
- ☐ Major Change
- ☐ Minor Change

- ☐ Appeal of an Administrative Decision
- ☐ Other _____

6/1/23

~~NAME~~

NEIGHBORS ADDRESS

- 6033 Buttonbush St
Tipp City OH 45371
- 1 — 6030 Buttonbush St
Tipp City OH 45371

APPLICANT INFORMATION

Identify the applicant & contact person on this page. Complete the attachment to list the owner(s) & other parties involved with the application.

<u>APPLICANT</u>		<u>CONTACT PERSON</u>	
Name	<u>AKRAM KADIROV</u>	Name	_____
Address	<u>6027 BUTTONBUSH ST</u>	Address	_____
	<u>TIPP CITY OH 45371</u>		_____
	_____		_____
Phone	<u>503-734-8264</u>	Phone	_____
Fax	_____	Fax	_____
Email	_____	Email	_____

PROPERTY INFORMATION

Project Name: REAR PATIO OVER HEIGHT VARIANCE

Location of property: 6027 BUTTONBUSH ST TIPP CITY
OH 45371

Book N/A Page N/A Parcel Number(s) _____

Current Zoning: AM Proposed Zoning: _____

Property Owner's Name: AKRAM KADIROV Telephone: 503-734-8264

Address: 6027 BUTTONBUSH ST TIPP CITY OH 45371

Total acres included in this application: 0.42

Type of Development: Residential ☒ Commercial _____ Office _____ Industrial _____ Other _____

Brief description of application request:

1191.01' Maximum accessory structure -
height

Applicant's status: Owner ☒ Lessee _____ Purchaser _____ Agent _____

Name of Engineer: _____ Telephone: _____

Attach additional information as required. Please refer to the applicable application
submittal checklist.

Applicant's Signature

X 
Applicant's Signature:

X AKRAM KADIROV
Printed Name:

The owner of the property, if other than the applicant, must sign this application as evidence of concurrence with the request.

OWNER

Subscribed and sworn to before me this _____ day of _____, 20____.

NOTARY PUBLIC

BY THE ABOVE SIGNATURE, THE APPLICANT HEREBY ATTESTS TO THE TRUTH AND EXACTNESS OF ALL INFORMATION SUPPLIED AND SUBMITTED ON AND WITH THIS APPLICANT. BY THE ABOVE SIGNATURE, THE APPLICANT FURTHERMORE CONSENTS TO BE BOUND BY THIS APPLICATION, BY ANY AGREEMENT MADE BY THE APPLICANT OR ITS AGENT, AND BY ALL DECISIONS MADE BY THE CITY OF HUBER HEIGHTS RELATING TO AND IN CONNECTION WITH APPLICATION AND REQUESTS.

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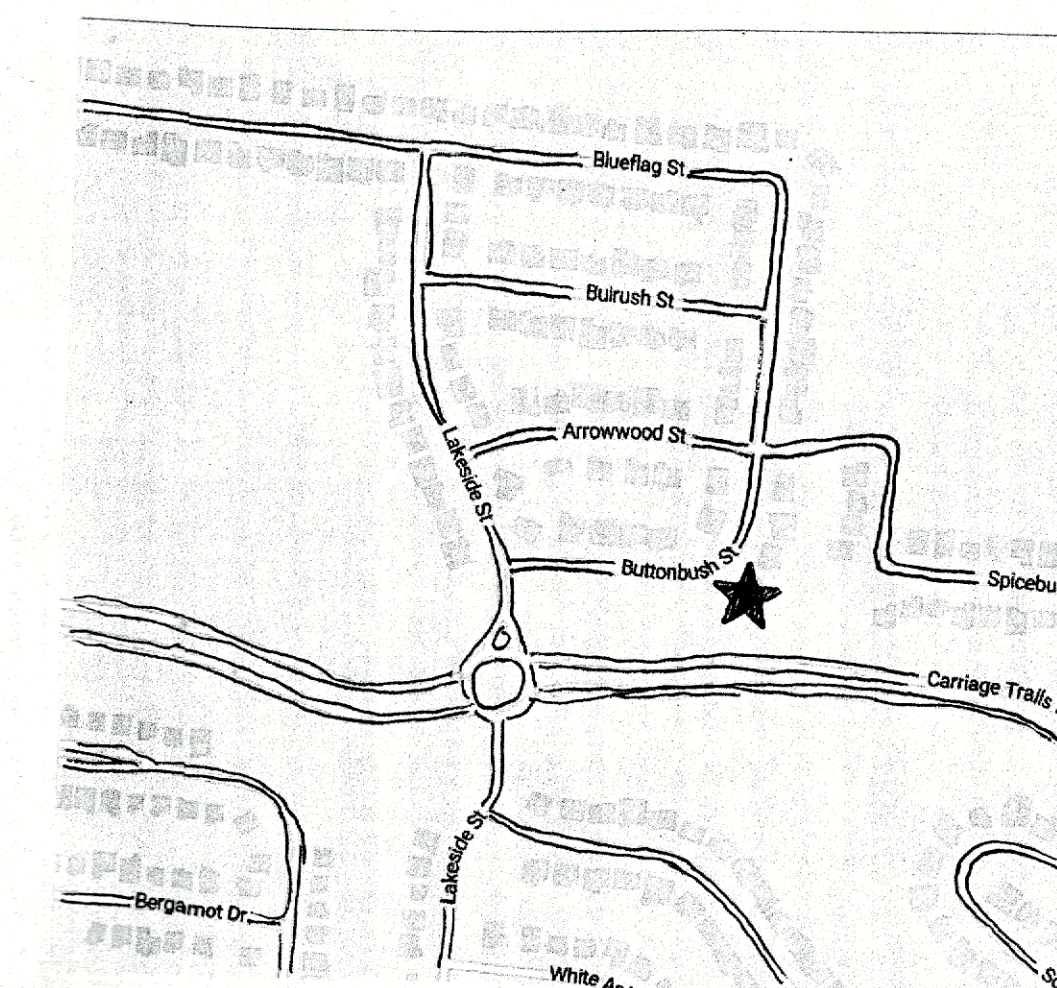
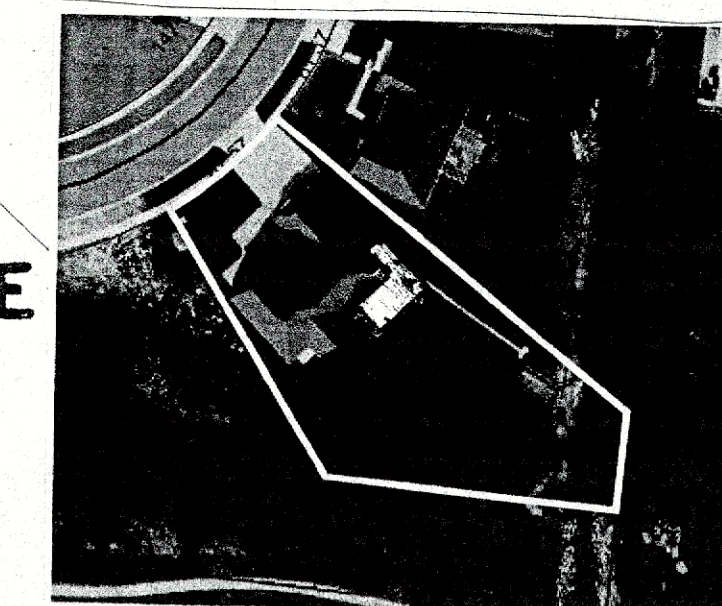
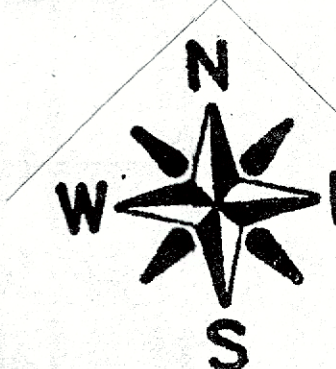
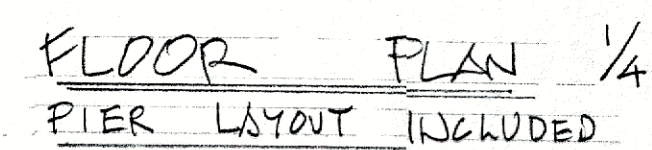
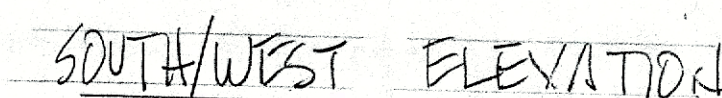
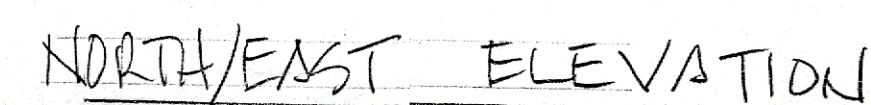
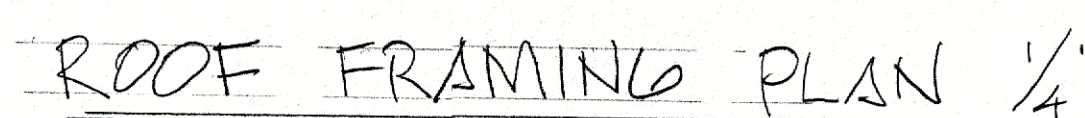
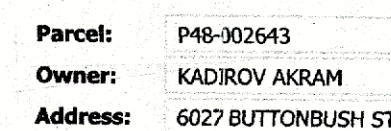
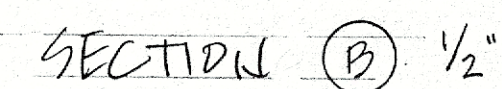
Date Received _____ Fee Paid _____ Received by _____

BOARD OF ZONING APPEALS APPLICATION SUBMITTAL CHECKLIST
CITY OF HUBER HEIGHTS

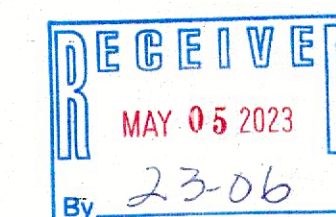


ZONING DEPARTMENT

- Submit a statement addressing the following items:
 1. State fully the facts on which this application or appeal is based.
 2. Provide a list of the names and addresses of owners of all lots and properties that touch and are directly across the street from the said property, as shown on the County Auditor's records. A list of the properties identified by parcel ID Number and a map from the County Auditor's office showing the parcel ID Numbers is recommended.
 3. State the section or sections of the Zoning Ordinance under which it is claimed this application or appeal may be granted.
 4. Has a previous application or appeal been filed in connection with these premises? If yes, please provide the date of previous filing.
- Other information as requested by the City.



DESIGN LOADS	2017 REC
GROUNDED SNOW	20 # PSF
ROOF LIVE LOAD	20 # PSF
WIND LOAD	115 MPH
RATIO WOOD	40 # PSF

[illegible]

Ravil Aliyev 443-889-4079

pravalalivet23@gmail.com

Tipp City Ohio /

Kadirov

open roof structure

new open rear patio roof

STEVE HEPP
"Drawing to go"

8730 Clara Elizabeth Lane
337-238-0517

937-238-0517

Date 3.31.23

Scale Noted

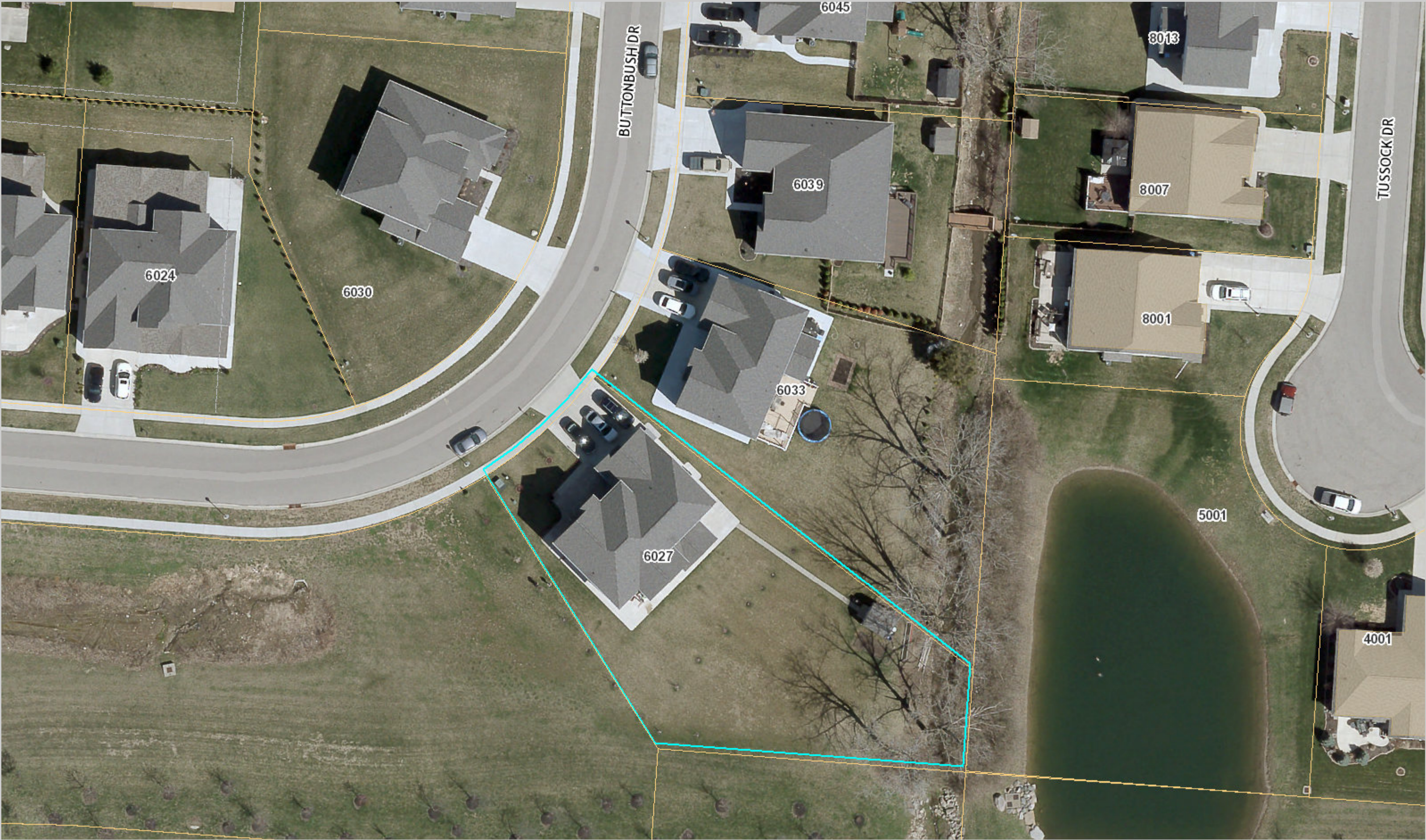
Drawn SHEPP

Job 443-889-4070

Sheet

1 of 1

Of Sheets



1 in = 47 ft

6027 Buttonbush

Date: 5/18/2023



AI-9266

7. C.

Board of Zoning Appeals

Meeting Date: 06/07/2023

Information

Purpose

BZA Case 23-07

The applicants, Clifford & April Pennington, are requesting a variance from Section 1191.01 - Accessory Structure Location. Property is located at 6619 Deer Bluff Drive, Huber Heights, Ohio.

Background

Administrative Use Only

Attachments

Staff Report

Status Sheet

Application

Aerial Map

Pictures

Memorandum

Staff Report for Meeting of June 7, 2023

To: Huber Heights Board of Zoning Appeals
From: Don Millard, Code Enforcement Manager
Date: May 30, 2023
Subject: BZA Case 23-07

Application dated May 11, 2023

Department Code Enforcement Division

City of Huber Heights

APPLICANT/OWNER: Clifford and April Pennington
6619 Deer Bluff Dr.
Huber Heights OH 45424

ADDRESS/LOCATION: 6619 Deer Bluff Dr.
Huber Heights OH 45424

ZONING: PM Single Family Residential

EXISTING LAND USE: Family home

**ZONING
ADJACENT LAND**

North-	PM
East-	R-7
South-	R-7
West-	R-7

REQUEST: The applicant wishes to locate a storage building with less than the 5-foot setback requirement.

**APPLICABLE Huber Heights
Zoning Code:** 1191.01 – Location

**OUTSTANDING ZONING
VIOLATIONS:** None

CORRESPONDENCE: In Favor –
In Opposition –

ATTACHMENTS Aerial view

Staff Overview

The owner is requesting a variance to allow placement of a storage building inside of the required 5-foot setback from the property lines.

According to the Huber Heights Zoning Code, section 1191.01 “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)”

The proposed location would place the building within 2-feet of the property lines **therefore the applicant requires a variance to allow this to be built as proposed.**

The proposed structure will lie with a utility easement (white dashed line on your aerial map) **however, Zoning does not enforce easements void of City utilities; there are no City utilities in this easement.**

Staff Analysis;

Lot: The lot is approximately .2 acres.

Easement: There are no easements to consider.

Structure: Proposed 8 x 12.5 storage building.

Placement: Northeast corner of house.

Engineering: The Engineering Dept. has no concerns regarding this case.

HUBER HEIGHTS ZONING OFFICE CASE STATUS SHEET

CASE NO. 23-07 **DATE FILED:** May 11, 2023

Applicant: Clifford & April Pennington

Address: 6619 Deer Bluff Drive, Huber Heights, Ohio 45424

Telephone: (937)470-2767

Owner: Clifford & April Pennington

Address: same

REQUEST: The applicant is requesting a variance from section 1191.01 - Accessory Building – Location

PREMISES: 6619 Deer Bluff Drive, Huber Heights, Ohio 45424

HEARING DATE OF THE BOARD OF ZONING APPEALS:

June 7, 2023
City Hall Meeting Room
6131 Taylorsville Road
Huber Heights, Ohio 45424
On or after 6:30 p.m.

Staff Reviews: Engineer _____ Street _____ Zoning X
Fire _____ Planning and Development _____
Other Agencies _____

Ad Published 5/26/23
Proof of Publication Received:
Applicant/Property Owners Notified: 5/26/23
Protests and Consents:

Action by the Board of Zoning Appeals:

BOARD OF ZONING APPEALS APPLICATION

CITY OF HUBER HEIGHTS



PLANNING DEPARTMENT

6131 Taylorsville Road
Huber Heights, Ohio 45424

937.233.1423
937.233.1272 (Fax)

Application Number 23-07
Receipt Number 802436

Date Filed MAY 12, 2023
Amount Paid \$75.00

TYPE OF ACTION REQUESTED

Check all that apply. Attach explanations & additional information as required.

- | | |
|---|---|
| <input type="checkbox"/> Annexation & Zoning (Attach original annexation petition to this application.) | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Annexation Agreement | <input type="checkbox"/> Basic Development Plan |
| <input type="checkbox"/> Rezoning to _____ | <input type="checkbox"/> Detailed Development Plan |
| <input type="checkbox"/> Special Use | <input type="checkbox"/> Major Change |
| <input checked="" type="checkbox"/> Variance from the Zoning Ordinance | <input type="checkbox"/> Minor Change |
| <input type="checkbox"/> Lot Split | <input type="checkbox"/> Appeal of an Administrative Decision |
| <input type="checkbox"/> Final Plat/Replat | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Preliminary Plat | _____ |
| <input type="checkbox"/> Text Amendment | _____ |
| <input type="checkbox"/> Zoning Ordinance | |
| <input type="checkbox"/> Subdivision Regulations | |
| <input type="checkbox"/> Other | |

June 9, 2023

APPLICANT INFORMATION

Identify the applicant & contact person on this page. Complete the attachment to list the owner(s) & other parties involved with the application.

<u>APPLICANT</u>		<u>CONTACT PERSON</u>	
Name	<u>Cliff & April Pennington</u>	Name	<u>Cliff Pennington</u>
Address	<u>6619 Deer Bluff Dr</u>	Address	<u>6619 Deer Bluff Dr</u>
	<u>Dayton Oh 45424</u>		<u>Dayton OH 45424</u>
Phone	<u>937 470 2767</u>	Phone	<u>937 470 2767</u>
Fax	<u>N/A</u>	Fax	<u>N/A</u>
Email	<u>cj1pennington@gmail.com</u>	Email	<u>cj1pennington@gmail.com</u>

PROPERTY INFORMATION

Project Name: Storage building location variance request

Location of property: 6619 Deer Bluff Dr, Dayton Oh 45424

Book N/A Page N/A Parcel Number(s) _____

Current Zoning: R-7 Proposed Zoning: _____

Property Owner's Name: Cliff & April Pennington Telephone: 937 470 2767

Address: 6619 Deer Bluff Dr, Dayton Oh 45424

Total acres included in this application: _____

Type of Development: Residential ☒ Commercial _____ Office _____ Industrial _____ Other _____

Brief description of application request:

Variance from section 1191.01 - Location
Please see attachments

Applicant's status: Owner ☒ Lessee _____ Purchaser _____ Agent _____

Name of Engineer: _____ Telephone: _____

Attach additional information as required. Please refer to the applicable application submittal checklist.

Applicant's Signature

Cliff Pennington

Applicant's Signature:

Cliff Pennington

Printed Name:

The owner of the property, if other than the applicant, must sign this application as evidence of concurrence with the request.

OWNER

Subscribed and sworn to before me this _____ day of _____, 20____.

NOTARY PUBLIC

BY THE ABOVE SIGNATURE, THE APPLICANT HEREBY ATTESTS TO THE TRUTH AND EXACTNESS OF ALL INFORMATION SUPPLIED AND SUBMITTED ON AND WITH THIS APPLICANT. BY THE ABOVE SIGNATURE, THE APPLICANT FURTHERMORE CONSENTS TO BE BOUND BY THIS APPLICATION, BY ANY AGREEMENT MADE BY THE APPLICANT OR ITS AGENT, AND BY ALL DECISIONS MADE BY THE CITY OF HUBER HEIGHTS RELATING TO AND IN CONNECTION WITH APPLICATION AND REQUESTS.

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Date Received _____ Fee Paid _____ Received by _____

Brief description of application request attachment

We are requesting a variance from **section 1191.01 – Location** for the following reasons:

- We are attempting to stay behind the utilities, attached pictures show where the utilities sit on our property (as marked by calling 811) and if we place an accessory building 5 feet from the property line on two sides, we will end up on top of them. We were advised by the technicians that came out to mark the property that the easement is on the other side of our fence in the neighbors' yard (our property backs up to Miami County), but we are not able to confirm or deny that.
- Due to the grading of our property, the most level location for an accessory building would be approximately 2 feet from the property line on two sides, this would still allow for maintenance to both fence and shed and any necessary yard maintenance
- Due to limited size of our property this top corner (please see attached pictures) is the most feasible location to have a nice clean and uniform look with the most stability. It is also the best location to maintain at least 5 feet from any permanent structure.

Neighbor Information

- 6609 Deer Bluff Dr –
 - RALPH AND KELLIE A LILLARD
 - PARCEL ID P70 00717 0040
- 6629 Deer Bluff Dr –
 - JULIUS R BRODBECK
 - PARCEL ID P70 00717 0038
- 6620 Deer Bluff Dr –
 - JAMAL AND SEVDA AYDINOVA AKHMEDOV
 - PARCEL ID P70 00717 0018

Our Property Information

Cliff & April Pennington
6619 Deer Bluff Dr
Dayton, Oh 45424
PARCEL ID P70 00717 0039



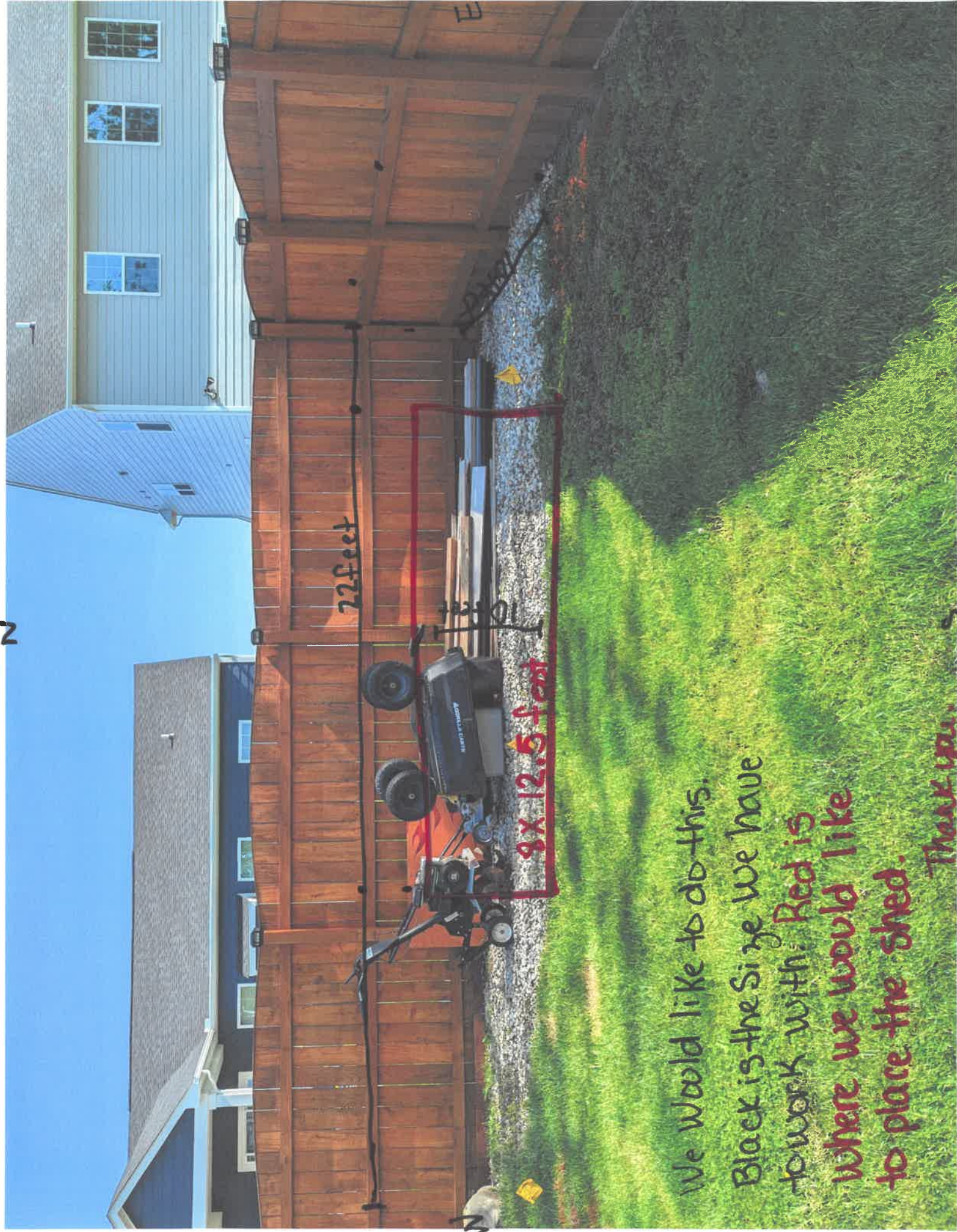
1 in = 47 ft

23-07 Aerial Map 6619 Deer Bluff

Date: 5/30/2023



2



22 feet

10 feet

9 x 12.5 feet

We would like to do this.
Black is the size we have
to work with. Red is
where we would like
to place the shed.

Thank you.

E

N

N

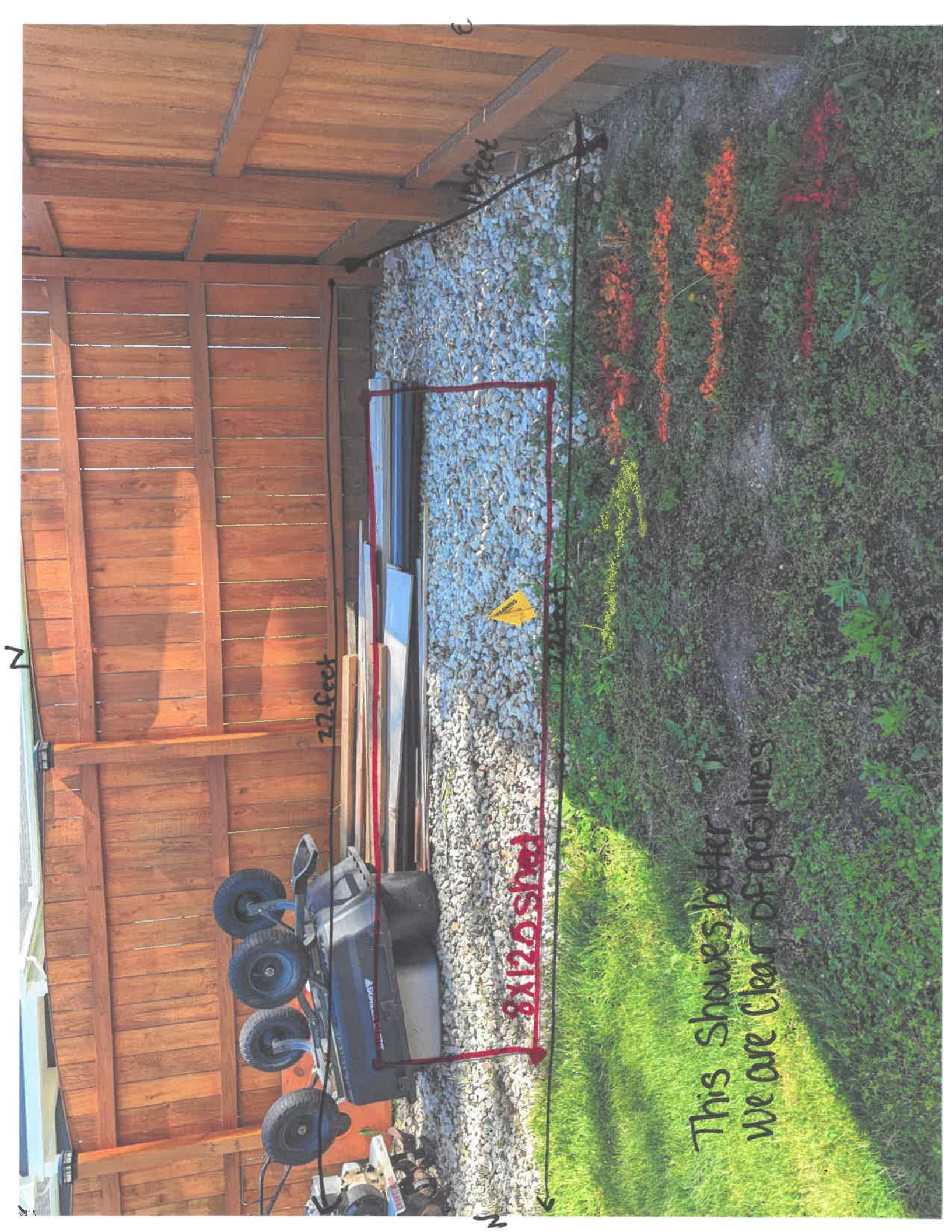
E

10 feet

22 feet

8x120 shed

This Shows better
We are clear of gas lines

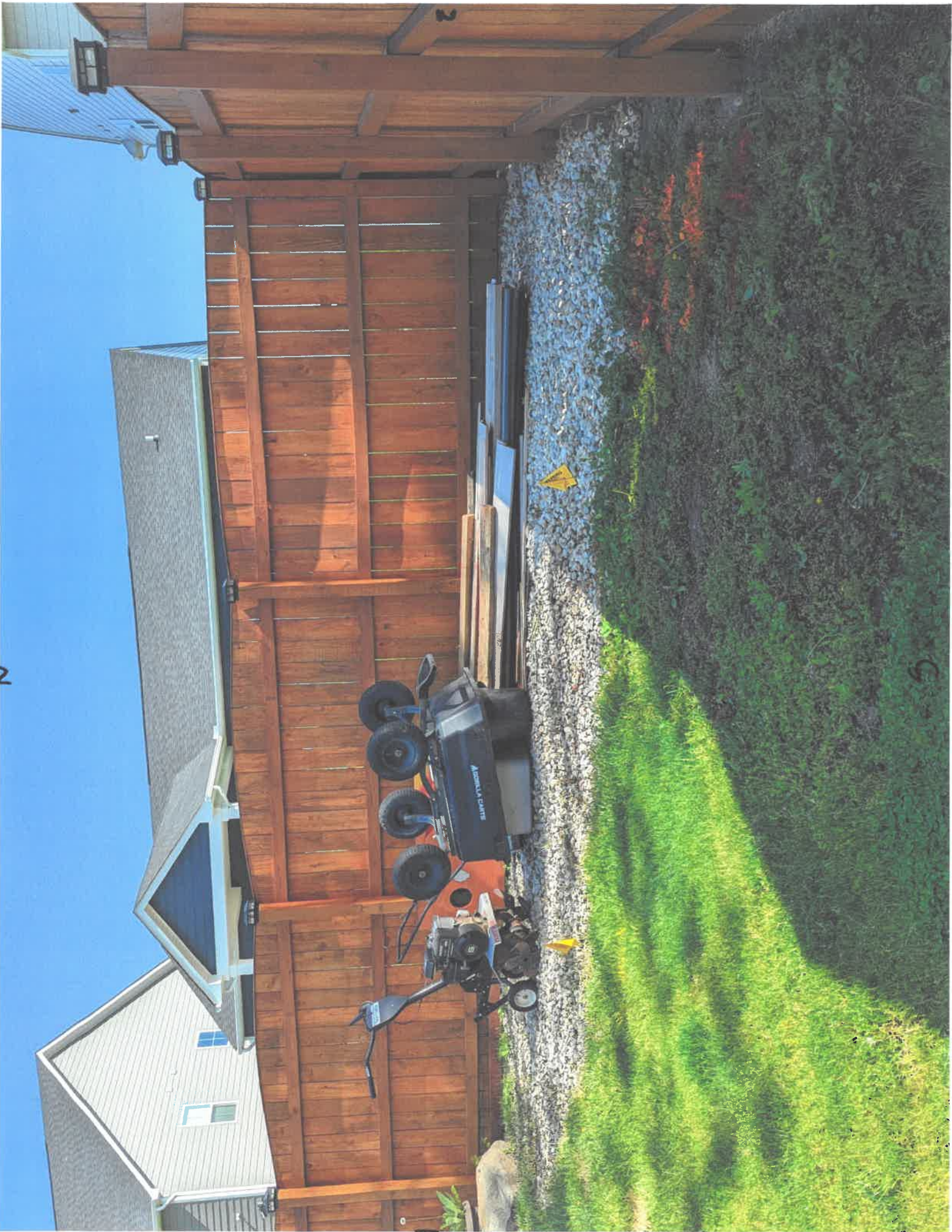








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AI-9267

7. D.

Board of Zoning Appeals

Meeting Date: 06/07/2023

Information

Purpose

BZA Case 23-08 The applicant, William Knisely, is requesting a variance from Section 1181.00 - Swimming Pool Location. Property is located at 7900 Huntsman Court, Huber Heights, Ohio.

Background

Administrative Use Only

Attachments

Staff Report

Status Sheet

Application

Aerial Map

Memorandum

Staff Report for Meeting of June 7, 2023

To: Huber Heights Board of Zoning Appeals
From: Don Millard, Code Enforcement Manager
Date: May 30, 2023
Subject: BZA Case 23-08

Application dated May 12, 2023

Department Code Enforcement Division

City of Huber Heights

APPLICANT/OWNER:	William Knisley 7900 Huntsman Ct. Huber Heights OH 45424								
ADDRESS/LOCATION:	7900 Huntsman Ct. Huber Heights OH 45424								
ZONING:	PR Single Family Residential								
EXISTING LAND USE:	Family home								
ZONING ADJACENT LAND	<table><tbody><tr><td>North-</td><td>PR</td></tr><tr><td>East-</td><td>PR</td></tr><tr><td>South-</td><td>PR</td></tr><tr><td>West-</td><td>PR</td></tr></tbody></table>	North-	PR	East-	PR	South-	PR	West-	PR
North-	PR								
East-	PR								
South-	PR								
West-	PR								
REQUEST:	The applicant wishes to place a swimming pool partially in the secondary front yard.								
APPLICABLE Huber Heights Zoning Code:	1181.00 Swimming Pool, Location								
OUTSTANDING ZONING VIOLATIONS:	None								
CORRESPONDENCE:	In Favor – In Opposition –								
ATTACHMENTS	Aerial view								

Staff Overview

The owner is requesting a variance to allow placement of an above ground swimming pool that will encroach into the secondary front yard of this corner property.

According to the Huber Heights Zoning Code, section 1181.00 "No swimming pool shall be allowed in any residential district except as an accessory use and, unless it complies with the following conditions and other conditions as required in this Zoning Ordinance: (a) The pool is intended and is to be used principally for the enjoyment of the occupants of the principal use of the property on which it is located.

b) The pool shall be located in the rear yard and not be located closer than ten feet to any property line. Such distance shall be measured from the edge of the pool. Accessory buildings associated with the pool operation shall maintain the minimum side and rear yard setback requirements.
(Ord. 2001-O-1240, Passed 2-12-01; Ord. 2016-O-2214, Passed 4-11-16; Ord. No. [2019-O-2374](#), § 1, 6-10-19)

The proposed location would place the above ground pool partially into the frontage on Timber Hill Dr. There is a substantial area of fenced yard into the secondary front to enclose the pool (fencing is permitted anywhere it does not impact the City right-of-way). The proposed location will maintain more than the required 10-foot setback from the south property line.

In order for the pool to be placed as proposed the owner requires a variance for encroachment into the yard on Timber Hill Dr.

Staff Analysis;

- Lot:** The lot is approximately .3 acres.
- Easement:** There are no easements to consider.
- Structure:** Proposed above ground swimming pool.
- Placement:** Rear and secondary front yards.
- Engineering:** The Engineering Dept. has no concerns regarding this case.

HUBER HEIGHTS ZONING OFFICE CASE STATUS SHEET

CASE NO. 23-08 **DATE FILED:** May 12, 2023

Applicant: William Knisely

Address: 7900 Huntsman Court, Huber Heights, Ohio 45424

Telephone: (937)561-3092

Owner: William Knisely

Address: same

REQUEST: The applicant is requesting a variance from section 1181.00 - Swimming Pool, Location

PREMISES: 7900 Huntsman Court, Huber Heights, Ohio 45424

HEARING DATE OF THE BOARD OF ZONING APPEALS:

June 7, 2023
City Hall Meeting Room
6131 Taylorsville Road
Huber Heights, Ohio 45424
On or after 6:30 p.m.

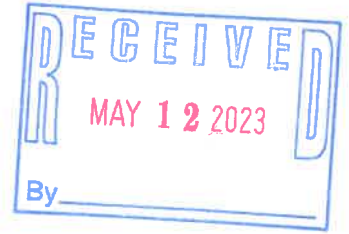
Staff Reviews: Engineer _____ Street _____ Zoning X
Fire _____ Planning and Development _____
Other Agencies _____

Ad Published 5/26/23
Proof of Publication Received:
Applicant/Property Owners Notified: 5/26/23
Protests and Consents:

Action by the Board of Zoning Appeals:

BOARD OF ZONING APPEALS APPLICATION

CITY OF HUBER HEIGHTS



PLANNING DEPARTMENT

6131 Taylorsville Road 937.233.1423
Huber Heights, Ohio 45424 937.233.1272 (Fax)

Application Number 23-08
Receipt Number 822437

Date Filed 5/12/23
Amount Paid \$75.00

TYPE OF ACTION REQUESTED

Check all that apply. Attach explanations & additional information as required.

- ☐ Annexation & Zoning (Attach original annexation petition to this application.)
- ☐ Annexation Agreement
- ☐ Rezoning to _____
- ☐ Special Use
- ☒ Variance from the Zoning Ordinance
- ☐ Lot Split
- ☐ Final Plat/Replat
- ☐ Preliminary Plat
- ☐ Text Amendment
 - ☐ Zoning Ordinance
 - ☐ Subdivision Regulations
 - ☐ Other

- ☐ Planned Unit Development
 - ☐ Basic Development Plan
 - ☐ Detailed Development Plan
 - ☐ Major Change
 - ☐ Minor Change
- ☐ Appeal of an Administrative Decision
- ☐ Other _____

6/7/23

APPLICANT INFORMATION

Identify the applicant & contact person on this page. Complete the attachment to list the owner(s) & other parties involved with the application.

<u>APPLICANT</u>		<u>CONTACT PERSON</u>	
Name	<u>William Kniskern</u>	Name	<u>/</u>
Address	<u>7900 Huntman Ct.</u> <u>Huber Heights, Ohio</u>	Address	<u>/</u>
Phone	<u>937-561-3092</u>	Phone	<u>/</u>
Fax		Fax	<u>/</u>
Email	<u>*ricebeedy1a@yahoo.com</u> <u>willknis7900@yahoo.com</u>	Email	<u>/</u>

PROPERTY INFORMATION

Project Name: POOL LOCATION

Location of property: _____

Book N/A Page N/A Parcel Number(s) /

Current Zoning: R-4 Proposed Zoning: NO CHANGE

Property Owner's Name: William Kniskern Telephone: (937) 561-3092

Address: 7900 Huntman Court

Total acres included in this application: .25

Type of Development: Residential ☒ Commercial ☐ Office ☐ Industrial ☐ Other ☐

Brief description of application request: 1191.00-LOCATION
Extend location of above ground pool due to
electric lines and cable lines INTO SECONDARY
FRONT YARD TO AVOID UNDERGROUND UTILITIES

Applicant's status: Owner ☒ Lessee ☐ Purchaser ☐ Agent ☐

Name of Engineer: N/A Telephone: _____

Attach additional information as required. Please refer to the applicable application submittal checklist.

Applicant's Signature

x William Knisely
Applicant's Signature:

x William Knisely
Printed Name:

The owner of the property, if other than the applicant, must sign this application as evidence of concurrence with the request.

OWNER

Subscribed and sworn to before me this _____ day of _____, 20____.

NOTARY PUBLIC

BY THE ABOVE SIGNATURE, THE APPLICANT HEREBY ATTESTS TO THE TRUTH AND EXACTNESS OF ALL INFORMATION SUPPLIED AND SUBMITTED ON AND WITH THIS APPLICANT. BY THE ABOVE SIGNATURE, THE APPLICANT FURTHERMORE CONSENTS TO BE BOUND BY THIS APPLICATION, BY ANY AGREEMENT MADE BY THE APPLICANT OR ITS AGENT, AND BY ALL DECISIONS MADE BY THE CITY OF HUBER HEIGHTS RELATING TO AND IN CONNECTION WITH APPLICATION AND REQUESTS.

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Date Received _____ Fee Paid _____ Received by _____



1 in = 47 ft

23-08 - 7900 Huntsman Aerial View

Date: 5/31/2023

