

**Minutes of the Board of Zoning Appeals  
August 2, 2023  
City of Huber Heights**

- I. Vice Chair Scott Davidson called the Meeting of the City of Huber Heights Board of Zoning Appeals to order at 6:03 p.m.
- II. Roll call was taken. Present were Mr. Davidson, Mr. Deam, Mr. Schaeffer, and Ms. Newby(arrived a little late).

Members Absent: Mr. Mach.

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 June 7, 2023, BZA meeting are approved.

**IV. Approval of Agenda**

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

**V. Swearing of Witnesses**

Mr. Davidson 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. None

**VII. New Business**

1. **BZA Case 23-09**

**The applicant, Sharon Leonard, is requesting a variance from Section 1181.20 – Room Addition. Property is located at 7601 Shalamar Drive.**

Mr. Millard stated that the owner is requesting a variance to allow construction of a rear addition that will encroach into the required 40-foot rear yard setback, as called out in section 1147.04\*, **and if approved** to use material other than brick for exterior siding as required in section 1181.20\*\*.

This corner lot contains a single story brick ranch home. The proposed addition will not encroach into the secondary frontage.

According to the Huber Heights Zoning Code section **\*1147.04 Area Standard** the rear foundation of a house must be separated from the rear property line by at least 40-feet (see attachment of setback requirements).

In this case the proposed rear addition would have only 22'7" of setback from the property line, therefore requiring a variance for construction.

According to the Huber Heights Zoning Code, section **\*\*1181.20 "Building materials for dwellings.** (a) *One-Story Dwellings.* All exterior walls of one-story dwellings shall be constructed of brick or other approved masonry type of material." 1181.20 (d)(3) states "Other approved masonry type of material" means masonry material approved in advance by the Planning Commission so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity so that such use will not change the essential character of the same area." (At this time City Council has yet to hear case TA 23-14 proposing a text amendment to allow other types of exterior cladding material, as recommended by the Planning Commission. First reading is Aug. 8, 2023.)

For reasons of economy, the applicant wishes to use **premium board and batten siding** (which Dictionary.com defines as "a siding consisting of wide boards set vertically with butt joints covered by seams") instead of full depth brick, therefore requiring a variance.

### **Action**

Mr. Schaeffer moved to approve the request by the applicant, Sharon Leonard, for a variance for 1147. Property is located at 7601 Shalamar Drive. Seconded by Mr. Deam.

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

Mr. Schaeffer moved to approve the request by the applicant, Sharon Leonard, for a variance for 1181. Property is located at 7601 Shalamar Drive. Seconded by Ms. Newby.

Roll call showed: YEAS: Ms. Newby and Mr. Schaeffer. NAYS: Mr. Deam and Mr. Davidson. Motion to approve denied 2-2.

## **2. BZA Case 23-10**

**The applicant, Aslan Shakarov, is requesting a variance from Section 1181.04h – Projection. Property is located at 6029 Churchill Downs.**

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

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 owner wishes to construct a rear patio cover and the design calls for the cover to extend 21-feet beyond the rear-most foundation of the house.  
This results in the proposed cover exceeding code by 5-feet in projection.

**Therefore, the applicant requires a variance.**

**Action**

Mr. Schaeffer moved to amend the request to 22 ft. and Mr. Deam moved to approve the request by the applicant, Aslan Shakarov. Property is located at 6029 Churchill Downs. Seconded by Ms. Newby .

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

**VIII. Additional Business**


**A. Reminder that August 8 is BZA’s scheduled presentation to Council.**

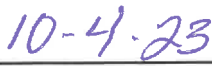
**IX. Upcoming Meetings**

September 6, 2023  
October 4, 2023


**X. Adjournment**

There being no further business to come before the Board, the meeting was adjourned at approximately 6:40 p.m.

  
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Scott Davidson, Vice Chair

  
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Date

  
\_\_\_\_\_  
Geri Hoskins, Administrative Assistant

  
\_\_\_\_\_  
Date