

**Minutes of the Board of Zoning Appeals
October 1, 2025
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 Ms. Ballard, 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 July 2, 2025, BZA meeting are approved.

IV. Approval of Agenda

Motion made by Mr. Mach to approve the agenda. Seconded by Mr. Schaeffer.

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 25-06

The applicant, Tim Sizemore, is requesting a variance from Section 1191.01 – Accessory Building Location. Property is located at 6838 Evergreen Circle.

Mr. Millard stated that the applicant is requesting a variance to allow construction of a detached garage in the side yard of 6838 Evergreen Circle.

The proposed garage will include a breezeway type cover connecting the attached and detached garages.

The garage materials will match those of the house with a brick front, siding on the sides, and a matching roof.

Section 1191.01 of the 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.

(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)

As a result of the code requirements for accessory building location the owner will require a variance to move forward with the project as planned.

City staff has no objection to the granting of this variance. Adjacent properties were notified of the variance request, and no objections have been received by the City.

Mr. Schaeffer asked if there were other detached garages in the subdivision and wanted to confirm other neighbors were notified. Mr. Millard stated there were no responses from neighbors.

Ms. Ballard stated she lives in the subdivision and spoke to HOA president and there are no concerns. They also spoke to neighbors.

Tim Sizemore stated he needed it for storage.

Action

Ms. Ballard moved to approve the request by the applicant, Tim Sizemore, for a variance from Section 1191.01. Property located at 6838 Evergreen Circle. Seconded by Mr. Mach.

Roll call showed: YEAS: Mr. Mach, Ms. Ballard, and Ms. Newby. NAYS: Mr. Schaeffer. Motion to approve carried 3-1.

2. BZA Case 25-07

The applicant, NVR Ryan Homes, is requesting a variance from the Carriage Trails Development Agreement of 5 ft. minimum sideyard setback. Property is located at 3505 Arrowwood Street.

Mr. Millard stated that the applicant, Ryan Homes, is requesting variance relief for a side yard setback at 3505 Arrowwood St. in the Carriage Trails development.

Upon inspection by the Zoning officer, it was discovered that the separation between 3505 and 3511 Arrowwood was less than the minimum combined 10 feet required by the PUD agreement for the subdivision. After notification was made to the builder, they had the foundations re-surveyed and found that the foundation of 3505 encroaches by 10.25" into the yard of 3511.

A variance reducing the side yard setback (for this property only) will be required for this home to receive final zoning approval and an occupancy certificate from Montgomery County.

The developer has created a new policy with the builder that, moving forward, "Upon completion of foundation placement, Ryan / NVR will have an Ohio Registered Surveyor, survey the foundation for correct placement, set-back and side yard offset, and provide a sealed certificate. The Foundation Certificate will be sent to your office for filing with the Zoning Certificate. This will allow your inspectors to rely on the Foundation Certificate without having to measure themselves and give Ryan / NVR an additional step in the process as a tool to ensure the agreed to foundation surveying is being completed."

Planning and Zoning feel this variance is necessary and believes the new policy created is a reasonable preventative measure to ensure this situation does not arise again. However, the Zoning Department will continue to check setback measurements as part of the final inspection process.

Mr. Schaeffer asked if there were other variances for this situation and Mr. Millard said no. Can the City enforce this new Foundation Certificate, can the average person see the difference. Mr. Mach verified that the house is built.

Bryan Hockett from Ryan Homes explained that there was an error in construction and apologized. The foundation certification will make sure the foundation is in correct position and be kept on file in office. Customer was made aware of this and wanted to back out of the deal until the city made a decision. There is a detention pond across the street. Mr. Schaeffer asked how this happened, pins, pitched mark, corner pin out of place. Mr. Mach verified that the lot doesn't change.

Cynthia Schwartz, a Carriage Trails resident who lives in a Ryan built home, stated we already give the developers so much, they should have to be held to the setback they agreed to in planning. More of a fire hazard, should be fire resistant, future homeowner know, rules about trash cans, must keep them beside the garage, fires in the garage, increased risk for fires to spread. Poor workmanship, start and stop times, trash, dust, no construction traffic.

Sheena Mays lives in a Ryan Home in Carriage Trails and opposes the variance. Adequate space between homes, long track record of structural issues. This isn't isolated it is a pattern of careless behavior. Ryan should be held to standards.

Mr. Schaeffer wants to table until we receive verification that buyer accepts and approves this variance. Verify the structure meets fire requirements given the less than 10 ft. separation.

Action

Mr. Schaeffer moved to table the request by the applicant, NVR Ryan Homes, for a variance from the 5 ft. minimum sideyard setback. Property located at 3505 Arrowwood Street. Seconded by Mr. Mach.

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

3. BZA Case 25-08

The applicant, Dan Chapman, is requesting a variance from Section 1181.04 - Projections. Property is located at 6700 Dial Drive.

Mr. Millard stated that the applicant is requesting a variance to allow construction of a carport in a front yard.

As pictured in your aerial view this is a corner lot, and as this board is aware a corner lot is considered to have two frontages; the main front being on Dial Dr. and a secondary front on Locustview Dr.

The proposed carport would be located on Locustview and be 22.5' long and 14' wide; the applicant's measurement places it 13' behind the Locustview Dr. sidewalk and behind the privacy fence.

Section 1181.04 of the zoning code states, "A carport may extend up to 16 feet into any side or rear yard from the building but shall maintain a minimum three-foot setback from a side lot line and ten feet from a rear lot line. In any case, the carport 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)

As a result of the code restrictions for a carport location the owner will require a variance to move forward with the project as planned.

City staff has no objection to the granting of this variance. Adjacent properties were notified of the variance request, and no objections have been received by the City.

Mr. Mach asked about secondary front yard, corner lot and Ms. Ballard asked if it was inside the fence.

Dan Chapman stated issue with the sun and not against the fence, open on two sides.

Action

Ms. Ballard moved to approve the request by the applicant, Dan Chapman, for a variance from Section 1181.04 – Projections. Property located at 6700 Dial Drive. Seconded by Mr. Schaeffer.

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

VIII. Additional Business

None.

IX. Upcoming Meetings

November 12, 2025
December 3, 2025

X. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 7:00 p.m.

Eva Newby, Chair

Date

Geri Hoskins, Administrative Assistant

Date