

**Minutes of the Board of Zoning Appeals
November 12, 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 Mr. Deam, Mr. Mach, and Ms. Newby.

Members Absent: Ms. Ballard and Mr. Schaeffer.

Staff present for this meeting: Don Millard, Code Enforcement Administrator, and Geri Hoskins, Planning & Zoning Administrative Secretary. Jordan Staley, Coolidge Wall.

III. Approval of the Minutes

Without objection, the minutes of the October 1, 2025, BZA meeting are approved.

IV. Approval of Agenda

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

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 25-07

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.

Bryan Hockett from Ryan Homes explained that the conditions of the last meeting are being addressed. Buyer acknowledgement and acceptance of 4.1' side yard setback. Upon obtaining required signatures and notarization on the plot plan, the document will be submitted to the Huber Heights Zoning department to serve as documentation that the customer has been notified of the variance.

Montgomery County Building Department requested that a 1-hour fire rated wall be constructed on the side of the home located over the side yard setback. Montgomery County Building Department will not issue a certificate of occupancy until all building requirements have been met.

Cindy Schwartz was present and said it was good to hear that everything asked by the BZA is being taken care of. She asked about the 5 ft. minimum setback being on both sides. Mr. Millard said it has to be 5 ft minimum in Carriage Trails. She then asked when did Huber Heights Zoning notice the issue, why did we allow the completion of the house knowing this violation? BZA doesn't set precedence. Jordan Staley stated each case is based on the facts itself not a factor to whether this variance is approved.

Action

Mr. Mach moved to approve 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. Deam.

Roll call showed: YEAS: Mr. Deam, Mr. Mach, and Ms. Newby. NAYS: None. Motion to approve carried 3-0.

2. BZA Case 25-09

The applicant, Kevin Lance, is requesting a variance from Section 1329 – Swimming Pool Fencing. Property is located at 7704 Devonwood Court.

Mr. Millard stated that the applicant is requesting a variance of the 5-foot fence requirement on a property with a swimming pool of 2 feet or greater in depth. The homeowner wishes to use a motorized pool cover in conjunction with an existing 4-foot perimeter fence. As described the heavy-duty mesh pool cover is motorized and operated with a programmable keypad.

Section 1329.01 of the zoning code states, "A swimming pool or any other type of pool which has a depth of 24 inches or more at any point, including but not limited to hot tubs or spas, shall be required to have a fence or wall of adequate strength to prevent uncontrolled access by children or unauthorized persons and to meet the following requirements: (a) The swimming pool, or the entire rear yard of the premises on which the swimming pool is located, shall have a fence or wall not less than five feet in height and maintained in good condition with a gate and lock." (Ord. 89-O-373, Passed 9-11-89)

This fence code is in place for the protection of the public as a swimming pool is considered an "attractive nuisance"; the property owner bears all responsibility to see that the pool area is secured.

As a result of the code restrictions 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. Lance was present.

Action

Mr. Deam moved to approve the request by the applicant, Kevin Lance, for a variance from Section 1329 – Swimming Pool Fencing. Property located at 7704 Devonwood Court. Seconded by Mr. Mach.

Roll call showed: YEAS: Mr. Deam, Mr. Mach, and Ms. Newby. NAYS: None. Motion to approve carried 3-0.

VIII. Additional Business

2026 Meeting Schedule.

IX. Upcoming Meetings

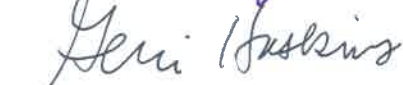
December 3, 2025
January 7, 2025

X. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 6:34 p.m.



Eva Newby, Chair



Geri Hoskins, Administrative Assistant



Date



Date