

**Minutes of the Board of Zoning Appeals  
March 4, 2020  
City of Huber Heights**

I. Chair Don Stewart called the Meeting of the City of Huber Heights Board of Zoning Appeals to order at 7:00 p.m.

II. Roll call was taken. Present were Mr. Deam, Mr. DiFlora, Ms. Newby, and Mr. Stewart.

Members Absent: Mr. Yoe

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

III. **Approval of Agenda**

**Motion** made by Ms. Newby to approve the agenda. Seconded by Mr. DiFlora. No roll call needed for approval of agenda.

IV. **Swearing of Witnesses**

Mr. Stewart explained the proceedings for tonight's meeting and swore in all applicants and persons wishing to speak tonight. All present responded in the affirmative.

V. **Old Business**

None.

VI. **New Business**

1. **BZA Case 20-01**

**The applicant, TONIA S. DENNEY, is requesting a variance of two (2) feet from the required 3-foot side yard setback for a carport. Property located at 5008 Chesham Drive.**

Mr. Millard stated the applicant is requesting a variance of the City of Huber Heights Zoning Code pertaining to the construction of a carport.

Section 1181.04(d) requires three (3) feet of separation between a carport and the side property line.

An official survey of the lot is not available, however, measurement of the east setback through the City's GIS mapping system indicates about eight (8) feet of side yard. Eight feet of side yard allows for a carport projecting no more than five (5) feet from the house foundation, making it functionally unusable. The variance would allow the carport to be used as intended.

The lot is approximately .25 acres.

Utility easements exist along the east and south property lines and will not be impacted by this installation. Single family home. Attached to the east side of the house. The

Engineering Department did not have comments on this variance request. City staff has no issue with the granting of this variance request.

### **Board Discussion**

Ms. Newby stated if there weren't any issues with the City and this request then she thought it should be granted.

Ms. Newby moved to approve the requested variance. Seconded by Mr. DiFlora. Roll call showed: YEAS: Mr. Deam, Mr. DiFlora, Ms. Newby, and Mr. Stewart. NAYS: None. Motion to approve carried 4-0.

### **Variance Standards**

- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance. Answer: Yes.
- B. Whether the variance is substantial. Answer: Yes.
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance. Answer: No.
- D. Whether the variance would adversely affect the delivery of governmental services such as water, sanitary sewer or garbage removal. Answer: No.
- E. Whether the property owner purchased the property with the knowledge of the zoning restriction. Answer: No.
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance. Answer: No.
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Answer: Yes.

## **VII. Additional Business**

### **1. Election of Officers.**

Ms. Newby moved to approve Don Stewart as the new chair. Seconded by Mr. Deam. Roll call showed: YEAS: Mr. Deam, Mr. DiFlora, Ms. Newby, and Mr. Stewart. NAYS: None. Motion to approve carried 4-0.

Mr. Stewart moved to approve Eva Newby as the new vice chair. Seconded by Mr. Deam. Roll call showed: YEAS: Mr. Deam, Mr. DiFlora, Ms. Newby, and Mr. Stewart. NAYS: None. Motion to approve carried 4-0.

**2. Time Change for BZA Meetings.**

Ms. Newby moved to approve changing the start time of the BZA meetings to 6:30 pm.  
Seconded by Mr. Stewart.

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

**VIII. Approval of the Minutes**

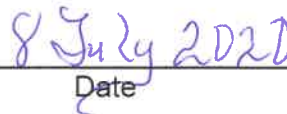
Without objection, the minutes of the October 2, 2019, BZA meeting are approved.

**IX. Adjournment**

There being no further business to come before the Board, the meeting was adjourned  
at approximately 7:13 p.m.



Don Stewart, Chair



Date



Geri Hoskins, Administrative Assistant



Date