



**AGENDA**  
**BOARD OF ZONING APPEALS**

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

1. Call Meeting To Order
2. Roll Call
3. Approval of Minutes
  - A. Minutes
4. Approval of the Agenda
5. Swearing Of Witnesses
6. Old Business
  - A. None
7. New Business
  - A. BZA Case 23-16 The applicant Shawn Lambert, is requesting a variance from Section 1181.04 - Projection. Property is located at 6085 Churchill Downs, Huber Heights, Ohio.
8. Additional Business
  - A. None

9. Upcoming Meetings

A. January 3, 2024

10. Adjournment

**AI-9722**

**3. A.**

**Board of Zoning Appeals**

Meeting Date: 12/06/2023

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Information

Purpose

Without objection, the minutes of November 1, 2023, BZA meeting are approved.

Background

Administrative Use Only

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Attachments

Minutes

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**Minutes of the Board of Zoning Appeals  
November 1, 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. Deam, Mr. Mach, Mr. Schaeffer, and Ms. Newby.

Members Absent: None.

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

**III. Approval of the Minutes**

Without objection, the minutes of the October 4, 2023, BZA meeting are approved.

**IV. Approval of Agenda**

Motion made by Mr. Davidson to approve the agenda. Seconded by Mr. Schaeffer. 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 23-13**

**The applicant, Peggy Hilty-Kauffman, is requesting a variance from Section 1142.01(b) – Principal Permitted Uses. Property is located at 9055 Adams Road.**

Mr. Millard stated that the owner/applicant is requesting a variance from the City of Huber Heights Zoning Code to allow construction of a second single family dwelling.

Section 1142.01 of the Zoning Code states – “The following uses shall be permitted of all property located in an Agricultural District. Other uses may be considered and approved by the Board of Zoning Appeals to be of similar character and therefore permitted. (a) Agriculture, or buildings and structures commonly required for the operation of a farm; **(b) One-family dwellings; or two-family dwellings when located on five acres or more;** (Case 101, 6-29-87; Ord. 87-O-249, Passed 6-29-87)

The property is a multi-generation owned property. The proposed additional dwelling will be for Mrs. Hilty-Kauffman to reside in while the rest of the family will remain in the current dwelling.

There is ample land space for a second dwelling and since the family also owns the land to the west there is no impact on a neighbor.

The Zoning code limits housing on an agricultural property to one single family dwelling or "two-family dwellings" aka a duplex, **therefore the applicant requires a variance.**

The lot is approximately 5.022 acres. There are no easements involved with this proposal. Single family home. Western portion of the property. The Engineering Dept. has no comment or concern with this project. The City Planner has no objection and says this is a common build on family-owned agricultural properties.

Peggy Hilty Kauffman and Tim Hilty were present.

### **Action**

Mr. Mach moved to approve the request by the applicant, Peggy Hilty-Kauffman, for a variance for 1142.01(b). Property is located at 9055 Adams Road. Seconded by Mr. Deam.

Roll call showed: YEAS: Mr. Mach, Mrs. Newby, Mr. Deam, Mr. Schaeffer, and Mr. Davidson. NAYS: None. Motion to approve carried 5-0.

## **2. BZA Case 23-14**

**The applicant, Frank McCoy, is requesting a variance from Section 1191.01 – Accessory Structure Location. Property is located at 4886 Nebraska Avenue.**

Mr. Millard stated that the owner/applicant is requesting a variance from the City of Huber Heights Zoning Code pertaining to the required setback, from the property line, for a new storage building.

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)

Due to the property being a corner lot, the rear yard depth is shallow (about 20-feet) so placement of a storage building with the required setbacks is not practical. As your photo shows a shed is currently on site; there was a permit issued for this building in the distant past, with no date available. **We consider this to be a legally non-conforming structure. A non-conforming structure may not be replaced with another non-conforming structure.** The is no record of a prior variance being granted for the location **therefore the applicant requires a variance.**

The lot is approximately .25 acres. There are no easements involved with this proposal. Proposed storage building. Rear yard. The Engineering Dept. has no comment or concern with this project.

Frank McCoy was present.

**Action**

Mr. Deam moved to amend and approve the request by the applicant, Frank McCoy. Property is located at 4886 Nebraska Avenue. Seconded by Mr. Schaeffer .

Roll call showed: YEAS: Mr. Mach, Mr. Deam, Ms. Newby, Mr. Schaeffer, and Mr. Davidson. NAYS: None. Motion to approve carried 5-0.

**VIII. Additional Business**

None

**IX. Upcoming Meetings**

December 6, 2023

**X. Adjournment**

There being no further business to come before the Board, the meeting was adjourned at approximately 6:25 p.m.

\_\_\_\_\_  
Eva Newby, Chair

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**AI-9721**

**7. A.**

**Board of Zoning Appeals**

Meeting Date: 12/06/2023

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Information

Purpose

BZA Case 23-16 The applicant, Shawn Lambert, is requesting a variance from Section 1181.04 - Projection. Property is located at 6085 Churchill Downs, Huber Heights, Ohio 45424.

Background

Administrative Use Only

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Attachments

Staff Report

Drawing

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# Memorandum

Staff Report for Meeting of Dec. 6, 2023

To: Huber heights Board of Zoning Appeals  
From: Don Millard, Code Enforcement Manager  
Date: November 22, 2023  
Subject: BZA Case 23-16

Application dated Oct. 27, 2023

<b>Applicant/Owner:</b>	<b>Shawn Lambert</b>
<b>Address:</b>	<b>6085 Churchill Downs Pl. Huber Heights OH 45424</b>
<b>Zoning:</b>	<b>PR Planned Residential</b>
<b>Existing Land Use:</b>	<b>Single Family Residential</b>
<b>Zoning, Adjacent land:</b>	<b>All Residential</b>
<b>Request:</b>	<b>The applicant is requesting a variance to construct a patio cover over 14-feet in height and with a projection exceeding 16-feet into the rear yard.</b>
<b>Applicable Code(s):</b>	<b>1181.04 – Projections</b>



**Correspondence Received:       None**

**Attachments:                       Submitted/Reviewed Plans**

**Overview**

The owner/applicant wishes to construct a rear patio cover that will exceed both projection and height limitations stipulated in the City Zoning Code. The proposed projection into the rear yard is 22-feet and the proposed height is 21-feet.

Section 1181.04 states in paragraph e) “A patio cover or porch shall not project into the side or rear yard more than 16 feet from the building line...” and in paragraph h) “A cover, carport, or enclosure shall not be taller than 14 feet above grade at any point.”

**Therefore, the applicant requires a variance form both sections of the Zoning Code.**

**Staff Analysis**

**Lot Size:                               Approximately .25 acres**

**Easements:                           None involved**

**Proposed Structure:               Rear patio cover**

**Placement:                           West façade**

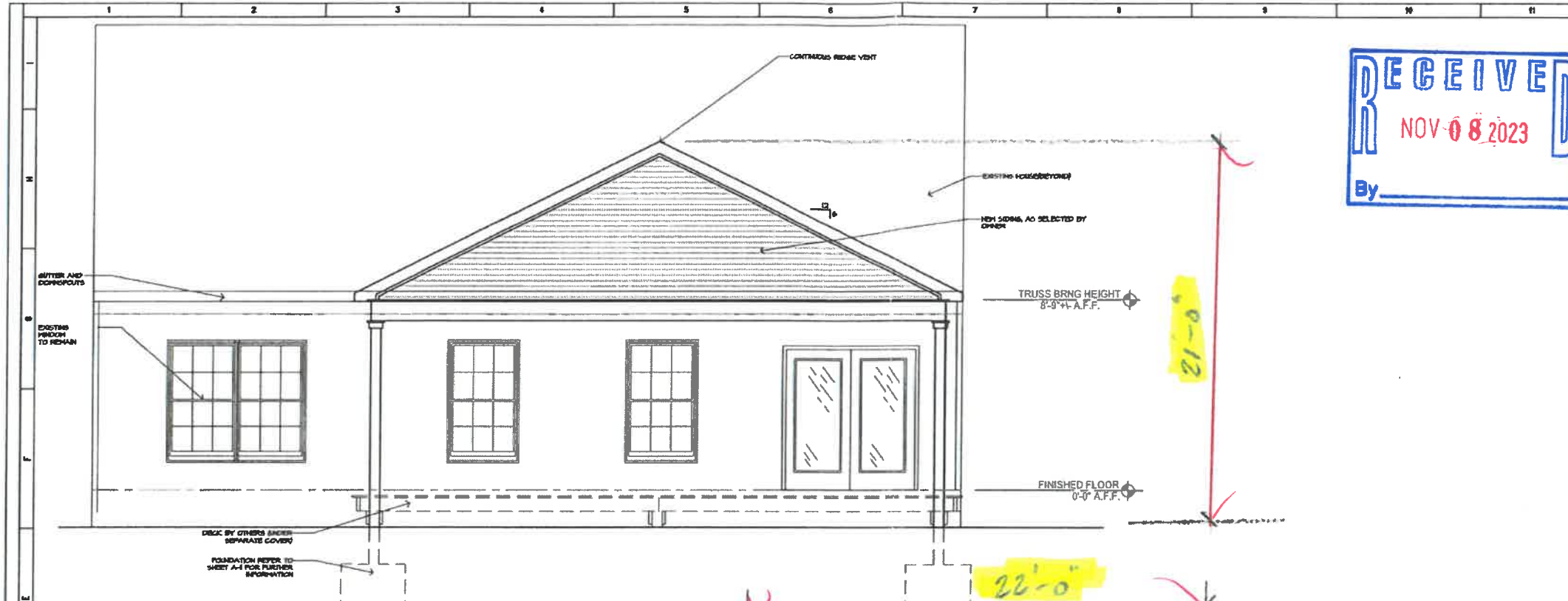
**Engineering:                        No comments or concerns**



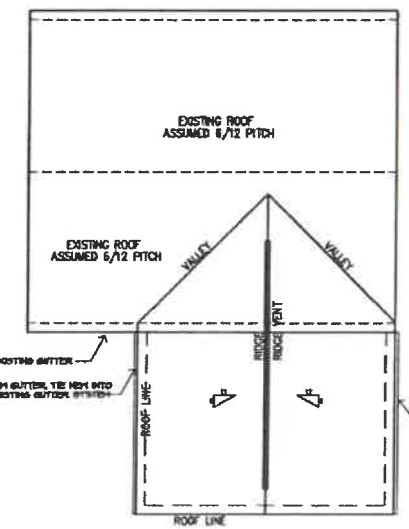
**RECEIVED**  
 NOV 08 2023  
 By \_\_\_\_\_

**CHURCHILL**

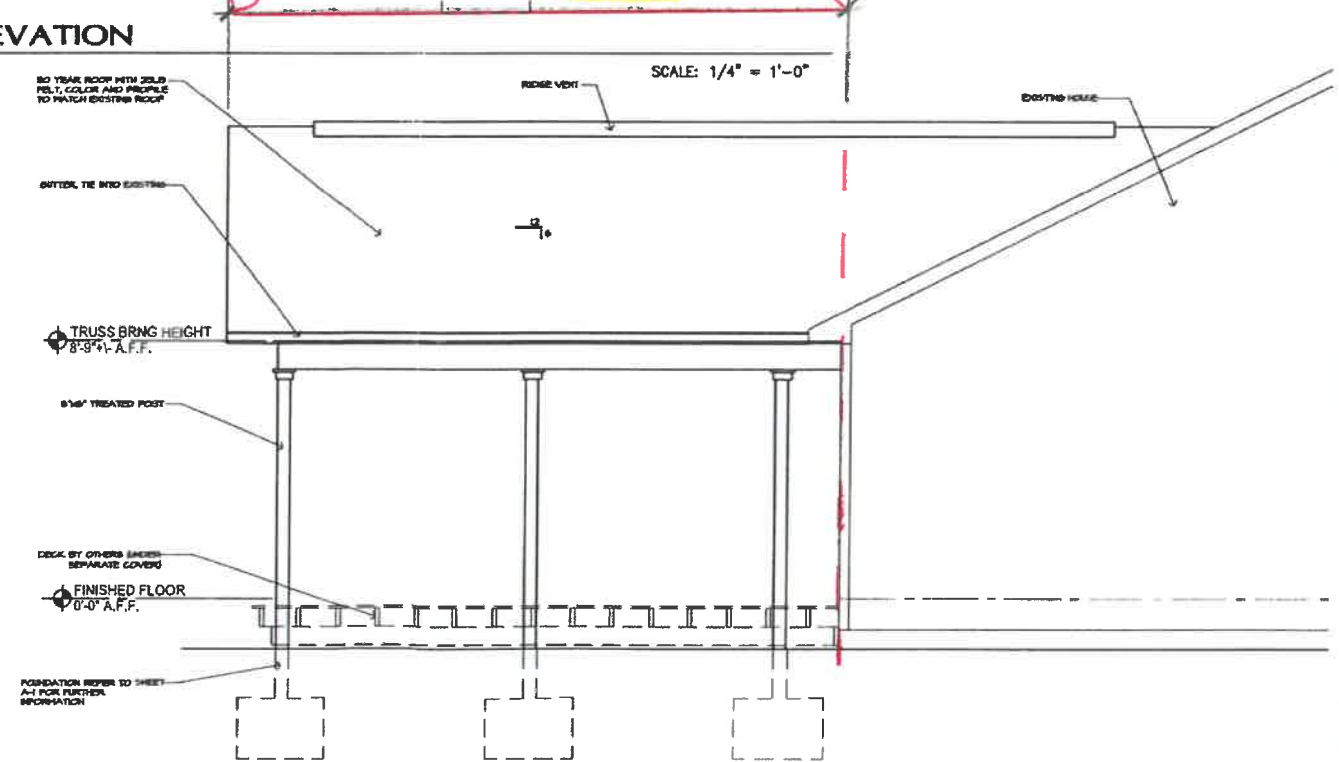
6085 CHURCHILL DOWNS PL  
 HUBER HEIGHTS, OH



② REAR ELEVATION



③ ROOF PLAN  
 SCALE: 1/8" = 1'-0"



① SIDE ELEVATION  
 SCALE: 1/4" = 1'-0"

Montgomery County Building Department  
**APPROVED**

8/21/2023 9:12 AM  
 8/24/23 10:16

1	BUILDING DEPARTMENT COMMENTS ADD 1	09/18/2023
0	ISSUED FOR PERMIT	07/14/2023
No.	Revisions/Submissions	Date

**DRAKE**  
 architecture  
 ARCHITECTURE | DESIGN  
 35 Rockledge Road | Suite D | Englewood Cls 45327

**EXTERIOR ELEVATIONS**



Scale	Drawn	Checked	Project No.
	RRD	RRD	A2.0
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