

MINUTES OF THE SEPTEMBER 21, 2021 BOARD OF ZONING APPEALS MEETING

I. Opening of Meeting

Vice-Chairman Weeks opened the Clayton Board of Zoning Appeals meeting that convened at 7:00 PM on Tuesday, September 21, 2021.

II. Members in Attendance

Mr. Robert McGuinness, Ms. Jennifer Weeks, Mr. Zach Goit, Ms. Jessica Hunter, and Ms. Barbara Buyers
Mr. Seth Dorman, City Planner/Zoning Administrator

III. Meeting Procedure and Oath

Vice-Chairman Weeks explained the meeting procedures and administered the Oath to members of the public who wish to speak on an agenda item this evening.

IV. Minutes of the Previous Meetings

Ms. Weeks presented the minutes of the June 15, 2021, Board of Zoning Appeals meeting, asking if there were any comments or changes. Hearing none, Ms. Weeks asked for a motion. Motion to approve the minutes of the June 15, 2021 was made by Mr. McGuinness, second by Mr. Goit. Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.

V. New Business

Ms. Weeks introduced **Case VAR21-03**. This request is at 7140 Crestway Drive, Ann Smith is the applicant. This is a request for accessory structure variances at 7140 Crestway Drive. The applicant is proposing to construct a horse-riding arena, which requires variances for height, size, and total number of accessory structures on the property. The request was made by Ann Smith, property owner.

Mr. Dorman, City Planner, advised staff received a variance application from Ann Smith, owner of the property at 7140 Crestway Drive. The applicant is proposing to build a 24,000 square foot riding arena on a 23-acre parcel, but Ms. Smith's property is almost 40 acres in total. This is a detached accessory structure that requires variances for height, size, and total number of accessory structures on the property. The area of the horse-riding arena is 24,000 square feet but our code states the maximum size is 1,800 square feet. The height of the proposed structure is around 30', but our code states the height be less than the height of the principal structure. And, this would be the fourth detached accessory structure on a 23-acre parcel, however our code states that no more than two detached accessory structures on a single lot. After evaluating the applicant's request, staff recommends that the board approve the requested variances in adherence to the plan that was submitted given the applicant owns nearly 40 acres around the proposed



structure; the proposed structure meets the rear yard setback; and the proposed structure will be located approximately 250 feet from the existing primary residence so the larger height should not seem out of scale from the residence.

Ms. Weeks asked the board members if they had any questions for Mr. Dorman.

Mr. Goit stated we referenced that Ms. Smith has multiple lots that total 40 acres. We would still have this same issue if it were one lot that totaled 40 acres. The fact that she has two lots totaling 40 acres, there would no issue with either and we would still be here for the variance.

Mr. Dorman stated that is correct.

Ms. Weeks asked the applicant, Ann Smith, if she had anything to add.

Ann Smith stated the weather in Ohio is not conducive with year-around riding and is working with a horse in rehab that needs daily conditioning. During bad weather she has to take the horse to an off-site indoor arena for rehab.

Ms. Weeks then asked the board if they had any questions for Ms. Smith.

Mr. Goit asked if the proposed structure is visible from the street.

Ms. Smith advised no, the house and all outbuildings are not visible from the road due to the curving driveway and trees.

Mr. McGuinness asked how tall is your house.

Ms. Smith stated to the best of her knowledge it is 26-27'.

Mr. McGuinness asked how many outbuildings do you currently have.

Ms. Smith advised she has a horse barn, shop, equipment barn and a small 3-sided run in shed for the horses.

Ms. Hunter asked when did you purchase the property.

Ms. Smith advised in 2009.

Ms. Weeks asked for a motion to open the floor for public comment. Ms. Hunter made a motion to open the floor for public comment, motion was second by Mr. McGuinness. Voting: Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.

Ms. Weeks asked if there was anyone who wished to speak in support or opposition of this request.

Jane Croushore stated she lives across the road from Ms. Smith and can not see the house or any outbuildings on the property. It is a beautiful property and she and her husband have no problem with this request. We fully support this request.

Ms. Weeks asked Mr. Dorman if he received any comments from neighbors.

Mr. Dorman stated letters were sent to all residents within 300 feet and received no objections.

Ms. Weeks hearing no further comments asked for a motion to close the public hearing portion of this request. Motion by Mr. Goit to close the meeting for public comment, motion was second by Mr. McGuinness. Voting: Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.

Mr. Goit stated this is a large parcel and with it sitting so far back, I have no issues with the size of the structure.

Mr. McGuinness stated he has no issue with the height of the structure due to the distance from the road, and I have no issue with the number of accessory structures due to this being in a rural conservation area.

Findings of Facts:

Ms. Weeks read the findings of facts and after discussion of each the board found that all were satisfied with the height, size, and total number of accessory structures of this request.

Mr. McGuinness made a motion to approve the variances for height, size, and total number of accessory structures for the property at 7140 Crestway Drive, motion second by Ms. Weeks. Vote: Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.

Ms. Weeks introduced Case **VAR21-04**. This is a request for the Northwest Corner of Phillipsburg-Union and Old Mill Roads. It is an accessory structure variance, Michael Podrosky is the applicant. This is an accessory structure variance at the northwest corner of Phillipsburg-Union and Old Mill Road, Parcel ID M60 03002 0019. The applicant is proposing to construct a pole barn, which requires a variance for size. The request was made by Michael Podrosky, property owner.

Mr. Dorman, City Planner, advised staff received a variance application from Michael Podrosky, owner of the property at the northwest corner of Phillipsburg-Union and Old Mill Roads. The applicant is proposing to build a 2,400 square foot pole barn on a 19-acre parcel. The detached accessory structure variance is required for the size of the structure. Code currently states the maximum size is 1,800 square feet. The pole barn will occupy 0.2% of the lot area. The pole barn proposed will house agricultural and outdoor equipment and accessories necessary for maintaining the property. The applicant also plans to build a primary residence in 2022. After evaluating the applicant's request, staff recommends that the board approve the request as the structure will be located on a 19-acre parcel and will serve as personal storage to help the applicant improve the land and prepare for building their residence. Also, the proposed pole barn far exceeds the setback requirements for a principal structure in the RCD-2.

Ms. Weeks asked the board members if they had any questions for Mr. Dorman.

Mr. Goit asked, the 7 acres being farmed, does that get classified as prime farmland. Do we need to have that discussion, since the primary residence is going to be built on farmland.

Mr. Dorman stated the previous code required that in order to build a residence on a property zoned agricultural they did have some requirements but the distinction between prime and non-prime farmland, that has been removed.

Ms. Weeks stated so the only issue we have is the size of the structure.

Mr. Dorman stated yes.

Mr. McGuinness asked the applicant, Michael Podrosky, if he had anything to add.

Michael Podrosky he and his wife both were raised in the country. They purchased the property to build their home in the country to raise their children.

Ms. Weeks then asked the board if they had any questions for Mr. Podrosky.

None heard.

Ms. Weeks asked for a motion to open the floor for public comment. Mr. McGuinness made a motion to open the floor for public comment, motion was second by Mr. Goit. Voting: Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.

Elmer Bergman stated he owns the property across the road from Mr. Podrosky and is doing a similar project. He stated he has no objections.

Ms. Weeks stated there was no further comments, she asked for a motion to close the public hearing portion of this request. Motion by Mr. Goit to close the meeting for public comment, motion was second by Mr. McGuinness. Voting: Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.

Ms. Weeks asked Mr. Dorman if he received any comments for this case.

Mr. Dorman stated he did receive a few calls, but they were just for clarification. There were no objections to this case.

Findings of Facts:

Ms. Weeks read the findings of facts and after discussion of each the board found that all were satisfied with the size variance of this request.

Mr. McGuinness made a motion to approve the variance for the size of the accessory structure for the property at the northwest corner of Phillipsburg-Union and Old Mill Roads, Parcel M60 03002 0019, motion second by Mr. Goit. Vote: Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.

Ms. Weeks introduced Case **VAR21-05**. This is a request for 4848 Pacemont Avenue, Mary Sonya Conti, property owner. This is a request for an accessory structure variance at 4848 Pacemont Avenue. The applicant is proposing to construct a 280 square foot shed, which requires a variance for size. The request was made by Mary Sonya Conti, applicant.

Mr. Dorman, City Planner, advised staff received a Variance application from Mary Sonya Conti, owner of the property at 4848 Pacemont Avenue. The applicant is requesting a variance to construct a 280 square foot storage shed to be located behind the existing detached garage. The accessory structure variance is required due to the size of the structure. Code allows up to two detached accessory structures, only one of which can be over 200 square feet. The existing detached garage is 280 square feet. The proposed shed will be used to store artwork and supplies and provide some space for a small art studio for the applicant. After evaluating the applicant's request, staff recommends that the board approve the requested variance as the proposed shed meets the required setbacks for accessory structures and will be shorter than the primary residence.

Ms. Weeks asked the board members if they had any questions for Mr. Dorman.

None heard.

Ms. Weeks asked the applicant, Ms. Conti, if she had anything to add.

Mary Sonya Conti stated she is an artist and is building the shed for additional workspace for a professional artist studio, non-commercial.

Ms. Weeks asked the board if they had any questions for Ms. Conti.

Mr. Goit asked if she had spoken to her neighbors about this request.

Ms. Conti stated yes and those that she spoke with had no issues.

Ms. Weeks asked for a motion to open the floor for public comment. Mr. Goit made a motion to open the floor for public comment, motion was second by Ms. Hunter. Voting: Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.

Ms. Weeks asked Mr. Dorman if he had heard from any of the neighbors on this request.

Mr. Dorman stated only one resident called in, Judy Smith, and she stated she is in support of this request.

Hearing no one to speak in support or opposition, Ms. Weeks asked for a motion to close the public hearing portion of this request. Motion by Ms. Hunter to close the meeting for public comment, motion was second by Mr. McGuinness. Voting: Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.

Findings of Facts:

Ms. Weeks read the findings of facts and after discussion of each the board found that this request meets the standards for the variance.

Mr. McGuinness made a motion to approve the variance for size on the accessory structure for the property at 4848 Pacemont Avenue, motion second by Mr. Goit. Vote: Mr. McGuinness-yes, Ms. Weeks-yes, Mr. Goit-yes, Ms. Hunter-yes, and Ms. Buyers-yes. Motion passed 5-0.



Board of Zoning Appeals
P.O. Box 280
Clayton, Ohio 45315-0280

VI. Next Meeting

Mr. Dorman stated we have no upcoming cases pending at this time.

VII. End of Meeting

There being no other business to come before the Board, Mr. Goit moved to adjourn the meeting and Ms. Hunter seconded the motion. All approved. Meeting adjourned at 8:16 PM.

A handwritten signature in blue ink that reads "Robert McGuinness".

Mr. Robert McGuinness, *Chair*

2 Nov 2021

Date

A handwritten signature in blue ink that reads "Barbara Seim".

Ms. Barbara Seim, *Secretary*

September 21, 2021

Date