

**MINUTES OF THE NOVEMBER 16, 2021
BOARD OF ZONING APPEALS MEETING**

I. Opening of Meeting

Chairman McGuinness opened the Clayton Board of Zoning Appeals meeting that convened at 7:00 PM on Tuesday, November 16, 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

Chairman McGuinness 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

Mr. McGuinness presented the minutes of the October 16, 2021, Board of Zoning Appeals meeting, asking if there were any comments or changes. Hearing none, Mr. McGuinness asked for a motion. Motion to approve the minutes of the October 16, 2021 was made by Ms. Hunter, 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

Mr. McGuinness introduced **Case CU21-01**. A request for conditional use to allow equipment repair for Dan the Mower Medic, whose business is located at 6080 Taywood Road in a Commercial Mixed use (CMX) zone. The request was made by Daniel Morris (business owner).

Mr. Dorman, City Planner, advised the city received a conditional use request to allow equipment repair for the applicant's business, Dan the Mower Medic. This is a commercial parcel owned by XBO Properties and is 0.73 acres. The property is zoned CMX, in which Equipment Repair, Heavy is listed as a Conditional Use. Dorman then showed aerial images of the parcel and surrounding area. This request is for a Conditional Use Permit to allow Equipment Repair, Heavy for the applicant's business which is involved in sales, repair, and servicing of a variety of outdoor power equipment and small engines. The building has been designated into three areas, A, B and C. Area A is designated for reception and sales, Area B is equipment repair, and Area C is equipment storage. There are ten marked parking spaces, with access to the site coming off Taywood Road. Staff recommends approval of the requested conditional use, with the following condition: No equipment repair is permitted to occur outside of the

enclosed structure labeled as Area B on the Conditional Use Site Plan that was submitted by the applicant.

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

Mr. Goit stated in your staff packet you state that Mr. Morris and his partner were supposed to file certain paperwork with the City. Is there a specific timeframe that they had to complete that by?

Mr. Dorman stated we don't strictly enforce a specific time; I did give the applicant more time than normal.

Mr. Goit asked what is the typical timeframe for filing their paperwork 30, 60, 90 days?

Mr. Dorman stated we typically like to see the paperwork filed when they are in the process of moving in.

Mr. Goit asked how are businesses supposed to know about the filing with the City. I know Dan is a small business, big businesses have people who handle this, so do we have the information on the City's website.

Mr. Dorman advised the information is on our website, we have our Welcome to Clayton Packet, and the information was shared with the building's owner.

Mr. McGuinness asked in the analysis of the property was there anything that was non-conforming?

Mr. Dorman stated no and the parking is sufficient.

Mr. McGuinness stated in our packet there was information that a sign would be going up at some point.

Mr. Dorman advised there is a tenant sign up, and they are waiting for this conditional use to be approved. I have his sign permit application, but we were waiting on the result of this hearing.

Mr. McGuinness 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. The only letter we received was from the property owner, and they are in support of this case.

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

Mr. Morris advised he is the owner and operator of Dan the Mower Medic and he wants to provide a service to the community.

Mr. McGuinness asked you've been there a while, have you noticed any issues with flooding with water runoff or anything along those lines.

Mr. Morris replied, no.

Mr. McGuinness asked about the issue with parking and trailers navigating the parking lot and pulling off Taywood Road.

Mr. Morris advised there is a turn-around available with access from Westbrook and Taywood Roads.

Mr. McGuinness asked about the exterior lighting.

Mr. Morris advised the outside lights are not operational at this time and will be working with the owner to get that corrected.

McGuinness asked Mr. Morris to please work with Seth so as to not cause any lighting issues with the neighbors when the lights are corrected. Also, I see where there is a dumpster for large items, but how are you handling oil disposal.

Mr. Morris advised he has a service that delivers a 50 gallon barrel, picks up the old oil and gas, then delivers an empty barrel.

Ms. Hunter asked if there are plans to expand the business.

Mr. Morris stated yes, he is hoping to expand into the greenhouses at some point as his business expands and will then be needing more storage. My goal is to purchase the entire property and live in the house and work at the office.

Ms. Hunter asked, the greenhouses would be for storage only, you will keep the B Area as the place where you're going to be doing the actual work on the equipment correct.

Mr. Morris stated yes.

Mr. Goit asked about Area B for the actual repairs and with the 50 gallon barrel, I know it's a concrete padded area and when spills happen how are you equipped to mitigate any sort of spills or the runoff.

Mr. Morris stated I have floor dry for any spills that may occur. I don't do anything with coolant so that's not a concern. I'm working on small engines and you're only draining about a quart of oil at a time.

Mr. Goit ask what about gasoline.

Mr. Morris stated the gasoline goes into the waste oil barrel. My type of business handles very small quantities of gas and oil, a quart or less at a time.

Mr. Goit asked if there is a fire suppression system currently or fire extinguishers?

Mr. Morris stated he has purchased five new fire extinguishers.

Mr. Goit asked how many employees are there.

Mr. Morris advised two.

Mr. Goit asked about the paperwork that should have been filed, did the building owner say anything to you about the paperwork?

Mr. Morris advised when they started this process he had a partner, and the partner was responsible for the paperwork. The partner is no longer involved so I am now taking care of the paperwork.

Hearing no further questions Mr. McGuinness stated we would normally ask for a motion to open the floor for public comment. However, there were no attendees other than the applicant.

Findings of Facts:

Mr. McGuinness read the findings of facts and after discussion found that all were satisfied with the variance request.

Ms. Hunter made a motion to approve the conditional use with the following condition: No equipment repair is permitted to occur outside of the enclosed structure labeled as Area B on the Conditional Use Site Plan that was submitted by the applicant, 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.

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. Weeks seconded the motion. All approved. Meeting adjourned at 7:34 PM.



Mr. Robert McGuinness, *Chair*

10 MAR 2022
Date



Ms. Barbara Seim, *Secretary*

MARCH 10, 2022
Date