



MINUTES OF MARCH 4, 2025

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, March 4, 2025.

II. Members in Attendance

Mr. Bob McGuinness, Ms. Ashley Caldwell, and Mr. Robert Pahren
Ms. Ellen Snyder, Zoning and GIS Manager

Mr. McGuinness made a motion to excuse Mr. Madewell who was at a medical appointment this evening, motion was seconded by Ms. Caldwell. Voting: Mr. McGuinness-yes, Ms. Caldwell-yes, and Mr. Pahren-yes. Motion passed 3-0.

III. Meeting Procedure and Oath

Mr. McGuinness explained the meeting procedures and administered the Oath to members of the public who wish to speak this evening.

IV. Minutes of the Previous Meetings

Mr. McGuinness presented the minutes of the February 4, 2025 Board of Zoning Appeals meeting, asking if there were any comments or changes. Hearing none, Mr. McGuinness asked for a motion to approve the minutes as presented. Motion to approve the minutes of February 4, 2025 was made by Ms. Caldwell, second by Mr. Pahren. Voting: Mr. McGuinness-yes, Ms. Caldwell-yes, and Mr. Pahren-yes. Motion passed 3-0.

V. Old Business

None

VI. New Business

VAR25-01 A request for a variance to Section 1121.02.C.1.i of the Clayton Planning and Zoning Code, specifically requesting to be permitted to construct a second accessory structure exceeding two-hundred square feet in size, at the property located at 438 South Kimmel Road, Parcel I.D. M60 00216 0032. The request was made by William R. Merrell, property owner.

Ellen Snyder, Planning and GIS Manager, advised the application for VAR 25-01 was received on February 3, 2025 for a variance to the Generally Applicable Regulations Section of the Clayton Planning and Zoning Code, specifically the request is for the number of accessory structures to exceed two hundred square feet in size. The applicant is William R. Merrell, property owner. Notices to property owners within 300 feet of the subject property were



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postmarked and sent on February 17, 2025, and a public notice was printed in the Eaton Register Herald on February 19, 2025. The subject property is addressed as 438 South Kimmel Road, parcel ID M60 00216 0032, consists of an area of 14.443 acres, and is currently zoned SCD, Suburban Conservation District. Ms. Snyder then shared images of the general location of this request, in addition to the specific location which also includes a flood zone. The applicant desires to construct an accessory structure which will be 1,280 square feet in size and 20 feet in height at the subject property. Additionally, the applicant desires to demolish an existing accessory structure and construct an accessory structure which will be no larger than 2,900 square feet and no taller than 25 feet at the subject property. The applicant indicates the main purpose of the proposed accessory structure is for the storage of a recreational vehicle, and that the existing attached garage is not tall enough to accommodate the vehicle. The applicant indicates the structure will also be used to store items necessary for the maintenance of the property, and lastly the applicant is aware that one additional accessory structure is permitted at the property, and that such structure cannot exceed 200 square feet in size unless they apply for and are granted a variance with this Board. Ms. Snyder then shared images of the applicant's site plan. After evaluating the applicant's request, staff recommends the Board of Zoning Appeals approve the requested variance with one condition, that the proposed accessory structure shall not be located within the identified flood zone.

Mr. McGuinness asked, just for curiosity's sake, I know that FEMA is the one that puts together flood zone maps and updates them on a regular basis. I saw the latest map for this site was a couple of years ago, so fairly accurate. Do you know of any areas where the current drawing of the maps needed to be changed for one reason or another. Ms. Snyder advised that she didn't know if FEMA issues updates for small changes that would have been identified on this property. The applicant does indicate that there was some sort of change with the flow of groundwater in this area, and that he sees much less flooding due to the flood zone and he would be able to speak more to that. This flood map is from 2020 and I believe FEMA wouldn't update it again until 2025 which would then not be published until 2026.

Mr. McGuinness stated this is a replacement for a current structure, we're putting two structures on this lot and then one will be torn down. Ms. Snyder replied correct.

Hearing no further comments, Mr. McGuinness asked the applicant if they had anything to add.

William Merrell stated I have lived there over 35 years and the building I am replacing was there when I moved in. The old building is in poor condition so this new building will replace it. I will demolish the old building next winter.

Mr. McGuinness stated the only question I have, and we discussed it, is the flood plain. Mr. Merrell replied the only time there is standing water is during the heavy spring rain, or frozen ground and we have a big rain. It typically will last one day and the water dissipates, it acts like a retention pond.

Mr. McGuinness asked if the elevation of the new proposed building is going to be the same elevation as the old one. Mr. Merrell stated the new building will be two to three feet higher because the way the water drains off the street it gets right into my existing shed. That is another reason to move it to higher ground.



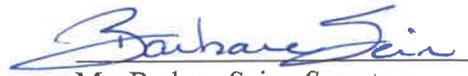
Mr. McGuinness stated there is no one here to speak for or against this case and then asked Ms. Snyder if the City had received any comments. Ms. Snyder advised we did receive one letter and it stated they have no problem with the new building. Mr. McGuinness asked the board if they had any further comments.

Ms. Caldwell then read the Findings of Facts and the Board found this case meets the standard for a variance as listed in Chapter 1141.07(A)(4) of the City of Clayton Planning and Zoning Code. With that, Mr. Pahren made a motion to approve Variance VAR25-01 as submitted, motion was second by Mr. McGuinness. Voting: Mr. McGuinness-yes, Ms. Caldwell-yes, and Mr. Pahren-yes. Motion passed 3-0.

VII. End of Meeting

There being no other business to come before the Board, Mr. Pahren moved to adjourn the meeting and Ms. Caldwell seconded the motion. Voting: Mr. McGuinness-yes, Ms. Caldwell-yes, and Mr. Pahren-yes. Motion passed 3-0.
Meeting adjourned at 7:26 PM.


Mr. Bob McGuinness, *Chair*
7 May 2025
Date


Ms. Barbara Seim, *Secretary*
May 7, 2025
Date