



MINUTES OF MAY 7, 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 Wednesday, May 7, 2025.

II. **Members in Attendance**

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

Mr. McGuinness made a motion to excuse Mr. Greer who is currently out of the country, Ms. Caldwell seconded the motion. Voting: Mr. McGuinness-yes, Ms. Caldwell-yes, Mr. Madewell-yes, and Mr. Pahren-yes. Motion passed 4-0.

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 March 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 March 4, 2025, was made by Mr. Pahren, second by Ms. Caldwell. Voting: Mr. McGuinness-yes, Ms. Caldwell-yes, Mr. Madewell-abstain, and Mr. Pahren-yes. Motion passed 3-0 with one abstention.

V. **Old Business**

None

VI. **New Business**

VAR24-02 A request for a variance to Section 1121.02.C.1.i and 1121.02.C.1.vi 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 and exceeding 1,800 square feet in size, at the property located at 6600 Salem Avenue (M60103208 0151). The request was made by Crestview Baptist Church, property owner.

Ellen Snyder, Planning and GIS Manager, advised Application VAR 25-02 was received on April 14, 2025. Applicant is Crestview Baptist Church the property owner. This request is for a variance to the Generally Applicable Regulations section of the Clayton Planning and Zoning Code. The request is for the number of accessory structures to exceed two-hundred square feet



in size on a single property and for the size of an accessory structure to exceed 1,800 square feet in size. The subject property is 6600 Salem Avenue, parcel M60103208 0151, consists of an area of 10.500 acres, and is currently zoned RSD, Residential Single Unit District. A notice to property owners within 300 feet of the subject property were postmarked and sent on April 21, 2025, and a public notice was printed in the Eaton Register Herald on April 23, 2025. Ms. Snyder shared images of the general and specific location images for this case. The applicant desires to construct a second accessory structure exceeding 200 square feet in size and exceeding 1,800 square feet in size within the boundaries of the subject property. The requested variance is from section 1121.02.C.1.i and 1121.02.C.1.vi of the Clayton Planning and Zoning Code. Section 1121.02.C.1.i: states up to two accessory structures are permitted on a single lot; only one of which may exceed 200 square feet, with the exception of properties in the Rural Conservation District, on which both accessory structures can be larger than 200 square feet, in compliance with subsection vi; and, Section 1121.02.C.1.vi states no accessory structure shall exceed 864 square feet except where a rear yard exceeds 20,000 square feet in area. In this case, the size of the accessory structure may be increased by five percent of the rear yard area over 20,000 square feet. In any event, an accessory structure shall not exceed 1,800 square feet. The applicant proposes a pavilion structure, which will not have any walls or enclosed space. The applicable code section that defines standards for accessory structures on properties within the RSD Zoning Classification is section 1111.11.E.1.F of the Clayton Planning and Zoning Code that states the rear yard, five feet from any lot or recorded easement and no closer to the front lot line than 10 feet behind the front building line. The applicant does not request a variance from this section, and indicates they will conform to these standards. The applicant indicates the main purpose of the proposed accessory structure is for the enjoyment of their congregation and other various groups which may utilize the property and related outdoor spaces. There is one existing structure which exceeds 200 square feet on the subject property. The applicant indicates the existing structure is unable to be modified into a pavilion structure, and the existing structure is necessary for the storage of property maintenance items. The applicant does not propose any change to vehicular entrances or existing drives and does not intend for any part of the pavilion to be parked upon by any vehicles. Ms. Snyder shared images of the site plan. After evaluating the applicant's request, staff recommends the Board approve the requested variance with two conditions: the proposed structure shall not exceed 2,880 square feet in size, and the number of accessory structures permitted for the property shall be limited to two total accessory structures.

Mr. McGuinness stated a number of years ago our zoning code was changed to not permit churches in residential districts. However, this Church was a pre-existing church that has been there for quite some time. It is not in a residential neighborhood; however it is still zoned residential. Is that correct? Ms. Snyder confirmed that is correct.

Mr. McGuinness stated I haven't seen any traffic problems with Crestview, so traffic-wise I don't see this as being a problem.

Hearing no further comments, Mr. McGuinness asked the applicant if they had anything to add. William Dunn, spokesperson for Crestview, stated the traffic will not change, this structure is intended for use by the current congregation.

Mr. McGuinness asked if Mr. Dunn could explain the use of the new structure. Mr. Dunn advised it will be for use by the congregation to be able to go outside. It will be used by the youth programs, possibly weddings.

Mr. McGuinness stated there is currently a maintenance barn. Mr. Dunn advised it is more of a garage to store equipment and a van. Mr. McGuinness advised this is zoned residential, but this is not a residential use, it is a worship facility. Because of that I believe the use would be a little more intensive than in a residential area, so when we talk about the size of the building being no more than 1,800 square feet, we are trying to limit the size. Structures, even though they are not walled in, are still considered structures. I just want to clarify that.

Mr. McGuinness asked if they are planning to install lighting. Mr. Dunn advised not at this time, but possibly in the future. Mr. McGuinness advised if they do plan to install lighting in the future that they work with city staff to make sure they are following code.

Mr. McGuinness stated there is no one here to speak for or against this case and then asked Ms. Snyder if the City received any comments. Ms. Snyder advised none were received. Mr. McGuinness asked the board if they had any further comments, none were heard.

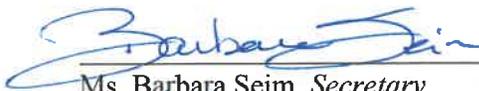
Mr. Madewell read the Findings of Facts, and the Board found this case meets the standard for a variance as listed in Chapter 1141.07(A)(4) of the City of Clayton Planning and Zoning Code. With that, Mr. McGuinness made a motion to approve Variance VAR24-02 with staff's conditions that the proposed structure shall not exceed 2,880 square feet in size, and the number of accessory structures permitted for the property shall be limited to two total accessory structures. Mr. Madewell seconded the motion. Voting: Mr. McGuinness-yes, Ms. Caldwell-yes, Mr. Madewell-yes, and Mr. Pahren-yes. Motion passed 4-0.

VII. End of Meeting

There being no other business to come before the Board, Mr. Madewell moved to adjourn the meeting and Mr. McGuinness seconded the motion. Voting: Mr. McGuinness-yes, Ms. Caldwell-yes, Mr. Madewell-yes, and Mr. Pahren-yes. Motion passed 4-0.

Meeting adjourned at 7:29 PM.


Mr. Bob McGuinness, *Chair*
1 July 2025
Date


Ms. Barbara Seim, *Secretary*
July 1, 2025
Date