



MINUTES OF AUGUST 5, 2025

BOARD OF ZONING APPEALS MEETING

I. **Opening of Meeting**

Vice-Chair Caldwell opened the Clayton Board of Zoning Appeals meeting that convened at 7:00 PM on Wednesday, August 5, 2025.

II. **Members in Attendance**

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

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

III. **Meeting Procedure and Oath**

Ms. Caldwell 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**

Ms. Caldwell presented the minutes of the July 1, 2025, Board of Zoning Appeals meeting, asking if there were any comments or changes. Hearing none, Ms. Caldwell asked for a motion to approve the minutes as presented. Motion to approve the minutes of July 1, 2025, was made by Mr. Pahren, second by Mr. Madewell. Voting: Ms. Caldwell-yes, Mr. Madewell-yes, Mr. Pahren-yes, and Mr. Greer-yes. Motion passed 4-0.

V. **Old Business**

AA25-01 A request for an administrative appeal to the Zoning Administrator's decision to revoke ZC #2024230 for property M60103209 0044, commonly known as 6070-6090 Taywood Road in the City of Clayton, Montgomery County, State of Ohio. The request was made by Sandy K. Green/Green Acre Labs LLC.

Ms. Caldwell stated this appeal was tabled at the last meeting, it was our understanding that there was discussion of a possible resolution. They may still be working towards that, are there any additional updates at this time. Ms. Snyder advise there are no additional updates. It is staff's recommendation that you continue to table this case.

Ms. Caldwell asked the applicant if they would like to speak on this case.

Scott Oxley, Attorney for Sandy Green stated I heard from Ellen that this application is going to be tabled. Martina Dillon, Law Director, advised the administrative appeal was tabled. Mr. Oxley and myself and Ellen met with the applicant on July 29th to further move forward to see if we could come to some resolution. So therefore, at that meeting, if I remember Scott, I believe we indicated we were going to request that this matter be tabled so that we could continue talking. That was my understanding. Mr. Oxley asked his client, was that your understanding (undistinguishable from the



audience). Okay, we were not interested, no. Ms. Dillon stated then we'll just move forward and Ellen you can present to proceed.

Ms. Snyder advised there is no formal presentation, then read her staff report. On May 28, 2025, staff received an administrative appeal application from Sandy Green of Greenacre Labs LLC, tenant of the property at 6070 to 6090 Taywood Road. The appeal challenges the May 8, 2025 decision by the zoning administrator to revoke zoning certificate number 2024230 originally issued on July 25, 2024 for an indoor boarding/kennel use. The revocation was issued on the basis of material misrepresentation and non-disclosure in the original zoning certificate application. This appeal has been submitted in accordance with Clayton Codified Ordinance or CCO section 11141.09A. The zoning certificate was issued for a business titled The Spoiled Dog House described in the application materials as an indoor boarding/kennel serving clients traveling through Dayton International Airport. At no point during the application process did the applicant disclose that dog breeding would take place on site. Following issuance, staff received multiple complaints from the Clayton Police Department, including dogs escaping the premises and forming roaming packs, barking at all hours of the day and night, an incident where a dog attacked an employee, and reports from officers that dogs are being stored in unfit greenhouse structures. Staff verified through site observations and police department reports that dog breeding was actively taking place, a materially different use than originally described. Further, the two greenhouse structures on the property, originally discussed as non-boarding outdoor spaces, have no insulation, visible gaps, and holes in their ceilings, and are not believed to be climate controlled. Nonetheless, these green houses are reportedly being used to house dogs. While dog breeding is technically permitted under the boarding or kennel indoor classification in Clayton's code, the applicant never disclosed this intent nor submitted necessary documents for review such as Ohio Department of Agricultural Registration as a large-scale breeder or Montgomery County kennel licenses. Under Clayton codified ordinance section 1141.02(A)(9), the zoning administrator may revoke a zoning certificate or approval issued contrary to this code or based on false statement or misrepresentation on the application. Ms. Green contends that the certificate was properly issued and the operation remains within permitted use parameters. However, she has not disputed that breeding is occurring. She failed to disclose breeding, greenhouse use, or kennel licensing needs. The use of non-insulated non-airconditioned green houses to house animals is inconsistent with the indoor classification approved. Under Clayton Codified Ordinance section 1141.09, the BZA may reverse the zoning administrator only if the decision was based on an incorrect interpretation or application of the code or an arbitrary, capricious or unsupported determination. The board must consider whether the zoning administrator acted within the authority granted by code, which includes revoking certificates issued under false or incomplete representations. Staff recommends the Board of Zoning Appeals uphold the revocation of the zoning certificate number 2024230. The certificate was issued based on a narrowly defined and intentionally limited use. The applicant's failure to disclose dog breeding, the use of green houses to house animals in absence of regulatory documentation prevented the city from conducting a full and fair evaluation of the proposal. These factors meet the standard for revocation under section 1141.02(A)(9).

Ms. Caldwell stated you had mentioned there were some necessary documents for review that were not submitted, has anything been submitted at this time. Ms. Snyder replied, no it has not.

Ms. Caldwell stated, you have two items listed here the Ohio Department of Agriculture registration as a large-scale breeder and Montgomery County kennel licenses. Are you aware of any other documentation that you would be looking for. Ms. Snyder advised it is my understanding that when they register for a kennel license with the Montgomery County Auditor's office, they also have to register for a vendor's license. So that would be supporting documentation that would also have been submitted to the auditor's office to obtain those kennel licenses. There may be documentation in that way. In order to obtain a kennel license, you have to have a vendor's license because you have to intend to breed dogs for sale or use them as hunting.

Mr. Oxley stated I would like to take you through a little history of the application process, the approval, and then the revocation. You will see, I'm sure you have the package in front of you that on July 25, 2024, Sandy Green made application for use and occupancy. You go through that package of material, you'll see that repeatedly she identified this commercial use as a kennel and boarding for dogs. That's what her intention was. She has no intention nor does she breed dogs at that location. There was no need to provide or get additional licenses from the State of Ohio or from the Montgomery County Auditor. She knew that, she had already investigated and researched that particular issue with the Montgomery County Auditor on three different occasions. She had meetings with the Auditor to make sure that she wasn't required to have any type of licensing for this location and what she was doing. Ellen Snyder did in fact get the application and you'll see throughout the application there's identification of what exactly the use was going to be, boarding and kennel. Even the city's own codes provide definitions of what boarding and kennels are as a variety of different things. Housing of the dog, breeding of the dog, and maintenance of dogs. So those things, that is in your code talking about what type of use this commercial facility can establish. So there are no misrepresentations whatsoever in that application. Ellen Snyder went through and she approved everything. The way that the application was processed, Sandy Green got approved, and received her occupancy permit. Later in late December of 2024 to resolve a different issue and a different dispute with regard to tagging of the dogs or licensing of the dogs themselves there was an agreement made between the City of Clayton and Montgomery County for Sandy to get a kennel license. She got a kennel license only for the reason of tagging the dogs, licensing of the dogs, so she could cover all the dogs that were in the facility under that particular license. She didn't have to go out and get a tag for every dog. A license in Montgomery County for kennels is about \$150. If you were to tag every one of the dogs, you're talking about \$20 to \$25 per dog, the costs become prohibited. She got a kennel license only for the purpose of licensing or tagging the dogs. In May of 2025, five months after she got the kennel license, she had no reason to believe that she needed to give anyone a copy of the kennel license, but she didn't need to give that to anyone because she had already been approved for the use under your code sections and your use and occupancy permits. In May of 2025, Ellen Snyder put together a revocation letter and specifically says in that letter, false statements or misrepresentations, including dog breeding. She doesn't define anything else. She doesn't say anything about dogs barking or getting loose or any of that. She just says that Sandy Green failed to mention dog breeding. The fact of the matter is she doesn't breed the dogs there. If there is any breeding going on, she has houses located throughout Green County and Montgomery County that if there's any breeding going on, it's off this site, the dogs are not breeding. We are requesting that the revocation be reversed by this board so we can continue and get all the permits required under the code. Mr. Oxley asked Ms. Green, you heard me talk about the application process and licensing process, is all that accurate. Ms. Green replied, yes. Mr. Oxley continued, to expound on a little bit explain the licensing through the Montgomery County Auditor's office. Ms. Green replied, before I signed my lease with the landlord, I called the Montgomery County Auditor's office specifically stating, do I need a kennel license at this facility, they said no. I even checked with Ellen Snyder three times before I signed my lease, asking, is this facility zone for exactly what my realtor's flyer states, animal shelter, animal boarding and all that good stuff. She said, absolutely. I said, okay. In one of my phone calls with her, I had specifically questioned because it is a greenhouse, it's the old Feller's building, it's covered. I didn't know if the greenhouse is considered as a covered indoor facility. That was a specific question I had for her because I didn't know. We were trying to decide whether we wanted to rent the additional greenhouse space for anything, beyond just the indoor space and what we can use it for. I had specifically called her about that, she had stated that in her eyes that it would be considered as an indoor space. I've done everything that they've asked me to do. It wasn't until November, December when the dogs figured out how to open up one of the garage doors in the immediate yard and we got that controlled and of course the same day they also broke one of the plastic panels to the greenhouse. It was a one-time thing, we've got that fixed. It's a learning process and I do have my dogs there, my personal dogs. It's kind of a testing thing for me as I need to know where my disadvantages are of having and

bringing other people's dogs there to board because that's a liability issue on my part. I needed to know that and obviously my dogs are showing me where they can get out and how they can get out. We're trying to reinforce the building and putting wired fencing around the greenhouse itself. As far as the use of the back of the greenhouse as Ellen Snyder stated that we're storing dogs back there, we have not started using any of the back of the greenhouse at all. In fact, one of the greenhouse shoots, we plan to use it as a doggy daycare, so to speak, with splash pads, puppy pools and misters. I don't leave dogs out there to sleep all night or anything like that. Mr. Oxley asked, so they're no kennels outside. Ms. Green stated no. We have spare kennels out there right now because we were not using them, we were dismantling the older ones where the doors don't work very well. Mr. Oxley asked, to specifically address the revocation and the language that Ellen Snyder uses, did you make any false statements in your application in July of 2024. Ms. Green answered, in my eyes, no, because I handed her my lease agreement. My lease agreement states exactly dog boarding and other animal services. I don't breed there, I board my dogs there. My puppies are there for the time being, for a short time being, but that's it. The act of breeding in my eyes can be done anywhere, my vet's office, could be done out of my home, it could be done at some parking lot. It is a natural occurrence in dogs, but it's not something that I intentionally do there. Mr. Oxley asked, you were provided the specific use of boarding/kennel indoor as that word is used in the code section. Ms. Green replied, yes. Mr. Oxley then asked, so even that code section provides that any structure could be used for boarding, breeding, care of pets, things of that nature, correct. Ms. Green replied, yes. Mr. Oxley stated, as you got into May of 2024 when this revocation was given to you, did Ellen Snyder provide you any other complaints, allegations of violations of any other ordinances. Ms. Green answered, no, I had no understanding of where this came from. I started getting stop work orders randomly posted, and they said it has to do with stadium lights. I've not done any work and so I don't know what they're asking me to do. Mr. Oxley stated we would ask the Board to reverse the revocation.

Ms. Caldwell stated there's obviously a dispute as far as proper licensure or whether that's been obtained. Do you think that you would be able to obtain something from the Auditor's office essentially that you meet all standards? Ms. Green replied, I have the kennel license that shows that, the Animal Resource Center has been within my facility twice now, and has been inspected by them twice. AKC has been in that facility and inspected and passed me with flying colors. I believe there was a statement at some point that you want the revocation reversed.

Ms. Caldwell asked, there was a statement about being able to get all permits that are required. Are there additional permits that are required at this time for the facility. Ms. Green replied, the building permit, back in September or October, Ellen Snyder stated that when I did the initial permit plans, she stated that you just have to do a normal sketch, it could be on the back of a napkin of the building and how it's laid out, make sure you have your kennel laid out in there. I said, okay. We drew it on graph paper and submitted it. It went to the city planner's office. They denied it and asked for a design professional to draw it. Back in September and my understanding after talking to 50 architects this is their cut off year end, everyone's trying to complete their projects. No one's willing to take on a new project at that time. I had a very difficult time finding an architect that was willing to come out and do this drawing. I actually found one, she came out, did the drawings, and submitted it. They came back and stated something about the walls were not sufficient. My architect came back and stated if you look at this code, this page, and this point the walls are sufficient for a lesser hazardous use. I got the phone call around March from Ellen stating that my building permit was approved but there is a fee to pay and I didn't understand the fee. We played phone tag a few times until I finally got the invoice. I got the invoice, I paid it on April 8th. May 1st I got my work stop work order, then on May 8th I got my revocation. I checked back with Luke Hurst at NIC stating that we can pick up our permit through him. They're stating that we actually have to go through the City. I came to the city office and spoke with Ellen, showed her my paid permit form. I'm like is this actually the permit because it says permit. It was signed by Andrew Dickerson, she said, no, that's not the permit. Back in May, I paid for something that

I don't actually have a permit for. She said that until this revocation of the zoning is resolved, I won't get my permit.

Mr. Pahren asked, you mentioned some names that I'm not familiar with, can you clarify. Ms. Green replied, Luke Hurst is the inspector for NIC, National Inspection Company, that the city uses for inspections.

Mr. Greer asked, the intent is to have this kennel that will be housing dogs while their people are away. You had to get the kennel license, and you stated that you had to get the kennel license to be able to support the tags needed for that, I'm assuming dog license is what you mean. Ms. Green replied, it's to accommodate the kennel licenses to accommodate animal control or animal resource. That night when my dogs got out, they came in and did the initial inspection and they wrote me 46 citations, not even giving me the allowance to basically show them that I had proof of them being tagged. They said we'll resolve it in court. At that time I had a different attorney, he made a deal with the prosecutor, and they dropped it down to so many counts and said, just have her get a license. I did exactly what they asked me to do and that was to accommodate the prosecutor's office, animal control, and my attorney, whatever deal that they made at Vandelia.

Mr. Greer asked, my assumption would be that the owners of these dogs would be the ones that would be required for the tags, right. Ms. Green replied, typically yes, but these are my dogs that are being held there. Mr. Greer then asked, and you had 46 dogs there. Ms. Green replied, yes. Mr. Greer stated, you have a lot of dogs. Ms. Green replied, yes I do. Mr. Greer asked, so your intent of boarding dogs, how are you planning to advertise, you mentioned the Dayton Airport what is your plan to be able to bring in this business. Ms. Green replied, my intent, I already have a customer base. I've been in business since 2019 with the State of Ohio. February 2019 I started as an in-home hobbyer in 2017. I only made it into a business because I had my first couple of litters and all of my customers started referring me to everyone. I have a couple of Facebook pages with a lot of followers. If you look at my Google reviews on my business page, they're all positive, aside from one and that was a simple do call removal thing during COVID.

Mr. Greer asked, would this be your breeding business or your kennel business. Ms. Green replied, at this facility. Mr. Greer stated no that you're talking about the positive reviews. Ms. Green replied, that's my breeding business.

Mr. Greer asked, so you really haven't begun your kennel business at this point. Ms. Green answered, no, I have not. I have my advertisement, it's basically right now to get people in the door is my customers, my existing customers because a lot of them are local while a lot of them are out of state. I still have my retired males and females, so I have their moms and dads and I'm like, okay, Sadie can come and play with mom and dad while you're on vacation. That's my advertisement, and then it's word of mouth for me.

Mr. Greer asked, have you estimated the annual sales for the kennel. Ms. Green replied, honestly, I don't know, it could be considerable, but it all depends on what parts of the facility I can use, and I guess there's a dispute between whether I can use the greenhouse at this point.

Ms. Caldwell stated, it sounds like there have been prior discussions with the City as far as bringing you into compliance. Would you be willing to continue working with the City to try to come to some kind of agreement so that you can run your facility. Mr. Oxley replied, her lawyer will say yes, we're always willing to resolve things. I hope the client would agree that we have time issues too going on with this. We have a permit sitting there that we can't grab and build out the way that she wishes to build out.

Ms. Caldwell stated, I guess the standpoint I'm looking at it looks like there's a dispute as far as the licensure needed, there's possibility that documentation could be provided as far as whether the appropriate licensure has been obtained. I'm just wondering if it might be worthwhile to table the

decision again to allow you time to potentially resolve with the City. Mr. Oxley stated one thing we didn't explore was cost. What was the cost for the initial application. Ms. Green advised, I think it was \$150 for the initial permit, but it's the building permit and the City plans. Having the architect draw all my plans was \$7,500 and having the building permit that I paid for that I still haven't gotten was almost \$1,900 something, almost \$2,000. Mr. Oxley stated, the other thing was the lack of assurances that if you throw in the kennel license or you make a new reference to breeding and now establish this location as breeding, it brings on several different headaches for Sandy. Ms. Green replied, it does because back in 2023 I did interview because someone did make an official complaint to the State Agriculture Department, and I know who that was because I spoke to him and asked him and he stated it was. I did have an interview with them, and they mailed me the requirements list as to what makes me a high-volume breeder. At that time I was not required to be licensed as a high volume breeder. Yes, I do have a lot of puppies because you can only have 40 puppies, but you can have 40 puppies with four labs once a year because they can have a litter of 10 in each litter. Ultimately it was decided that I was not required. Now the person that made the complaint I've since met with them, and we spoke about it, and he's still baffled as to why I don't need them, but I don't make those decisions. Until they tell me that I'm told that I don't need to.

Mr. Pahren asked, who is they, I mean there's a lot of information here, who came out and made a determination if you were a high-volume breeder or not. Ms. Green advise, I was breeding out of my home at the time in Green County. At that time I had a very nasty neighbor and she's been making complaints even when we had one dog. It's been ongoing years of harassment for seven years. Green County Animal Control has been called several times. Mr. Pahren asked, that's the they. Ms. Green confirmed, that's the they.

Mr. Green stated, I'm trying to understand, there's three reasons the license was revoked. One, breeding; two, safety of the animals or conditions are stored in; and three, the nuisance, the barking, the loose animals, correct. Mr. Oxley stated that's not what it says in the revocation letter and the administrator has to provide notice of what the complaints are and she doesn't provide that.

Mr. Greer asked, what you're understanding is why it was revoked. Mr. Oxley stated, because of failure or misrepresenting breeding. Mr. Green stated, so the main issue is the breeding. We have information that there's breeding. You said there isn't breeding. That puts us in an awkward situation. How do we determine if there is or there isn't. Mr. Oxley replied, you have one witness here who has testified with regard to the breeding issue. You have zero witnesses over here on this side testifying and all you have now in front of you is an allegation. It's a presumption or it's the city's burden to prove that the revocation was adequately provided and they followed the code and our only witness here says we're not breeding. If she had other witnesses and other proof, we would have that tonight.

Mr. Pahren advised, we were told originally that this was going to be tabled. I didn't bring that package with me tonight, my fault there I guess. Is this something you can comment on, I'm kind of new to this process, but you've been in discussions. Ms. Dillon advised, we have been in discussions. I would characterize those as sort of settlement discussions. I don't think that has any bearing on what you are to determine here today. Basically, the determination today is whether or not you feel that there was a misrepresentation made with respect to breeding and then determine whether or not you feel if there was a misrepresentation, whether or not that merits revocation of the zoning permit. If you determine you feel there wasn't a misrepresentation, then you would allow the zoning permit to stand. So, I'm not sure how much additional information I can give except for that.

Mr. Pahren stated, I appreciate that. You said she didn't have any witnesses, would you have a witness if you thought you were not tabling this tonight? Mr. Oxley stated we were noticed for a hearing. I know this isn't a court of law. Ms. Dillon advised you do have the option to table. There is nothing that says

you can't table it again if you want to table it or you can go ahead and make a decision based upon the information that's been presented.

Ms. Caldwell asked the Board if they had any further comments, none were heard.

Mr. Greer stated I make a motion that we table this case until our September 2nd meeting for the purpose of obtaining additional evidence, Mr. Pahren second the motion. Roll call. Ms. Caldwell-yes, Mr. Madewell-yes, Mr. Pahren-yes, and Mr. Greer-yes. Motion passed 4-0.

VI. New Business

CU25-01 A request for a Conditional Use, specifically requesting to be permitted to allow an in-home Childcare Type-A Use in a Residential Single Unit (RSD) zone, for property M60 25414 0010, commonly known as 4329 Crownwood Avenue in the City of Clayton, Montgomery County, State of Ohio. The request was made by Cla'Shae Allen, applicant

Ellen Snyder, Planning and GIS Manager, advised application number CU25-01 was received on July 15, 2025. The applicant is Cla'Shae Allen. The request is for a conditional use in the residential single unit zone specifically for the operation of a Type A childcare facility. The subject property is 4329 Crownwood Avenue, parcel M60 25414 0010, estimated area is 0.2975 acres and is currently zoned RSD. Ms. Snyder shared a map of the general and specific location of this application. The applicant desires to operate a Type A childcare facility at the property for six children. The name of the Type A childcare facility is Skys the Limit Childcare LLC to which the applicant is the sole owner. The Type A childcare facilities are regulated and governed by the State of Ohio by way of licenses and certificates. Type A childcare facilities are defined in Clayton Codified Ordinance as the permanent residence of the administrator in which publicly funded childcare is provided by an employee or employees for 7 to 12 children at one time, or for four to 12 children at one time. If four or more children at one time are under two years of age in continuing in counting children for the purposes of this division, any children under six years of age who are related to a lency, administrator or employee and who are on the premises of the Type A home shall be counted. Type A family daycare home and Type A home shall not include any child day camp as defined in Ohio Revised Code section 5104.01. The provider shall be certified by the Montgomery County Department of Job and Family Services. Childcare facility is also defined in Clayton codified ordinances and says the owner of a child daycare center Type A family daycare home or Type B family daycare home licensed pursuant to chapter 5104 of the Ohio Revised Code who is responsible for ensuring the center's compliance with Chapter 5104 of the Ohio Revised Code and rules adopted pursuant to that chapter. Staff sourced and gave the applicant resources for requirements set by jurisdictions outside of the City of Clayton to serve as guidance for materials to submit. Staff found the information to be useful and believes there are items the board may want to consider adopting as conditions should the request be granted. The first is from the City of Cincinnati that states there has to be a four-foot minimum fenced in rear yard and then drawings which show a floor plan of all areas to be used accurate locations and sizes and accurate locations of all furnaces and hot water heaters. The second is the City of Westbrook which is out of the state of Maine which also has a fence requirement and there is a minimum requirement of 50 square feet of dedicated outdoor play area to be provided for each child and that screening is also required in their jurisdiction and that parking area should be safe and cleared. Last is that if the operator of the facility is not the owner of the property on which the facility will be located, the operator shall provide evidence of the property owner's consent to the facility, the operator shall also provide proof of interest of the property, such as a deed or lease. Applicant justification, the necessary licenses and certifications are obtainable and understood by the applicant. The facility must be classified as Type A as opposed to a Type B since the applicant's own children count towards the number of children being cared for by the facility. The property provides ample outdoor and indoor space for the care of six children. The applicant is willing to comply with

staff's request for quiet drop-off hours in the early mornings and has already incorporated such language in their policies' documentation. The applicant is willing to comply with any other conditions the board may impose for the operation of the Type A childcare facility. Ms. Snyder shared images of the site plan, the parent handbook and policies which was pretty in-depth and went over a lot of information, the philosophies and mission statements, and a nice welcome letter. She has documented a daily health checks, an employee handbook, and safety guidelines. After evaluating the applicant's request and provisions of the zoning code, staff recommends approval of the request with the following conditions, the applicant shall provide written notarized evidence of the property owner's express consent to the facility, the owner/operator of the facility shall be an inhabitant of the property, the installation of play equipment in the outdoor enrichment area of the property shall be required and coordinated with city staff, the driveway parking area shall be cleared and salted in snow conditions, and no less than 36 square feet of designated indoor play or learn space shall be provided per child at the facility.

There were no Board questions, Ms. Caldwell then asked the applicant if they had anything to add.

Cla'Shae Allen stated I do want to open up a childcare program because I want to give parents the opportunity to be able to work, go to school, or fulfill their everyday needs while knowing that their child is in a safe, nurturing environment. I have one neighbor who has a small concern as far as the traffic. There won't be much traffic being that I'm only servicing five to six children and they're coming in two's. I have a set of twins, a family that has two children and another individual only has a one. There may be two to three cars at best.

Ms. Caldwell asked the Board members if they had any questions for the applicant.

Mr. Greer asked, what was your previous experience with childcare, have you done this before. Ms. Allen stated, no, I've watched family members since I was 16, but nothing professionally.

Mr. Greer stated, I have to say that your parent handbook is a fantastic, good job. Ms. Allen replied, thank you. Mr. Madewell asked, did you put this together yourself. Ms. Allen replied yes, I did.

Ms. Caldwell asked for a motion to open the hearing for public comment. Motion by Mr. Madewell to open the hearing for public comments, Mr. Pahren seconded motion. Voting: Ms. Caldwell-yes, Mr. Madewell-yes, Mr. Pahren-yes, and Mr. Greer-yes. Motion passed 4-0.

Ms. Caldwell asked, is there anyone who would like to speak for or against this application.

Linda Roos advised we are neighbors who have concerns with the traffic. I didn't know if there is some way for Clayton Police to patrol that area more or if there's a way to get some sort of a speed bump or something that would help control the traffic speed.

Mr. Pahren asked if the City received any comments on this application. Ms. Snyder stated there was not, I received no phone calls or emails or other sort of contact from anyone in regards to this case.

Hearing no further comments, Ms. Caldwell asked for a motion to close the hearing for public comment. Motion by Mr. Greer to close the hearing for public comments, Mr. Pahren seconded motion. Voting: Ms. Caldwell-yes, Mr. Madewell-yes, Mr. Pahren-yes, and Mr. Greer-yes. Motion passed 4-0.

Ms. Caldwell asked the Board if they had any further comments. None were heard. Mr. Madewell read the Findings of Facts and the Board found this application meets the Standards for Conditional Use as listed in Chapter 1141.08(A)(5)(i) of the City of Clayton Planning and Zoning Code.

Mr. Pahren made a motion to approve the requested Conditional Use based on the Findings of Fact in this case with the following conditions: the applicant shall provide written, notarized evidence of the property owner's express consent to the facility; the owner/operator of the facility shall be an inhabitant of the property; the installation of play equipment in the outdoor enrichment area of the property shall be required and coordinated with City Staff; the driveway parking area shall be cleared and salted in

snow conditions; and no less than 36 square feet of designated indoor play/learn space shall be provided per child at the facility. Voting: Ms. Caldwell-yes, Mr. Madewell-yes, Mr. Pahren-yes, and Mr. Greer-yes. Motion passed 4-0.

VAR25-06 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 build a third accessory structure, for property M60 03013 0014, commonly known as 9374 North Diamond Mill Road in the City of Clayton, Montgomery County, State of Ohio. The request was made by William Menker, part property owner.

Ellen Snyder, Planning and GIS Manager, advised application VAR 25-06 is for an accessory structure variance request. Application number VAR 25-06 was received on July 15, 2025. The applicant is William Mener, part property owner, and the request is for a variance to the generally applicable regulations section of the Clayton Planning and Zoning Code, and more specifically the number of permitted accessory structures on a single parcel of land. The subject property is commonly known as 9374 North Diamond Mill Road, parcel M60 03013 0014, and has an area of 1.999 acres and is currently zoned RCD-1 or rural conservation district. Ms. Snyder then shared images of the general location and a layout of the property, the size, and where structures are currently situated. The applicant desires to install a third accessory structure 120 square feet in size and approximately 9.5 feet in height which exceeds the permitted number of accessory structures for the property. The requested variance is from Clayton Codified Ordinance section 1121.02(C)(1)(i) which 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. The applicant's justification is that the existing accessory structures located on the property serve other useful purposes. The 520 foot detached existing garage, the applicant wishes to utilize the garage for solely vehicle parking as opposed to storage, and the 200 square foot workshop, the applicant wishes to continue to utilize the workshop for his enjoyment. The proposed wooden prefabricated shed is intended to serve the applicant's desire to store garden and yard tools and equipment necessary for the preservation and enjoyment of the property. The site plan that was submitted outlines where things are on the property. The applicant provided the plans for the tough shed that they would like to install. The elevations are 9.5 feet in height, and the size is confirmed as 120 square feet. Code guidance per section 1141.07 states a variance may only be granted when strict application of the zoning code would result in practical difficulties or unnecessary hardship due to exceptional conditions of the property, conditions not self-created, that the variance is the minimum necessary, and that granting the variance will not adversely affect the public interest or general intent of the code. Staff's recommendation after evaluating the applicant's request and the provisions of the zoning code, staff recommends approval of the request with the following conditions. One, the proposed accessory structure shall not exceed 120 square feet in size, and number two, the number of accessory structures permitted for the property shall be limited to three total accessory structures.

Mr. Pahren asked if the City received any emails or letters for this case. Ms. Snyder replied, no, I received no communication from anyone in relation to the application.

Hearing no further comments, Ms. Caldwell asked the applicant if they had anything to add. The applicant had no comments to add.

Ms. Caldwell asked the Board members is they had any additional questions or comments, none heard. Ms. Caldwell then asked for a motion to open the hearing for public comment. Motion by Mr. Madewell to open the hearing for public comments, Mr. Pahren seconded motion. Voting: Ms. Caldwell-yes, Mr. Madewell-yes, Mr. Pahren-yes, and Mr. Greer-yes. Motion passed 4-0.

Hearing no comments for or against this application, Ms. Caldwell asked for a motion to close the hearing for public comment. Motion by Mr. Greer to close the hearing for public comments, Mr. Pahren



seconded motion. Voting: Ms. Caldwell-yes, Mr. Madewell-yes, Mr. Pahren-yes, and Mr. Greer-yes. Motion passed 4-0.

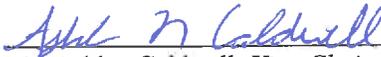
Ms. Caldwell asked the Board if they had any further comments. None were heard. Mr. Madewell read the Findings of Facts and found the application meets the Standard for Variance listed in Chapter 1141.07(A)(4) of the City of Clayton Planning and Zoning Code.

Mr. Greer made a motion to approve the requested Variance based on the Findings of Fact in this case with the following conditions: the proposed accessory structure shall not exceed 120 square feet in size, and the number of accessory structures permitted for the property shall be limited to three (3) total accessory structures. Voting: Ms. Caldwell-yes, Mr. Madewell-yes, Mr. Pahren-yes, and Mr. Greer-yes. Motion passed 4-0.

VII. End of Meeting

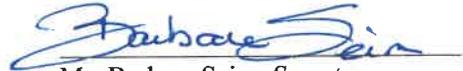
There being no other business to come before the Board, Mr. Madewell moved to adjourn the meeting and Mr. Greer seconded the motion. Voting: Ms. Caldwell-yes, Mr. Madewell-yes, Mr. Pahren-yes, and Mr. Greer-yes. Motion passed 4-0.

Meeting adjourned at 8:17 PM.



Ms. Ashley Caldwell, *Vice-Chair*
9/2/25

Date



Ms. Barbara Seim, *Secretary*
September 2, 2025

Date