

MINUTES OF THE JUNE 7, 2022 BOARD OF ZONING APPEALS MEETING

I. Opening of Meeting

Vice-Chair McGuinness opened the Clayton Board of Zoning Appeals meeting that convened at 7:00 PM on Tuesday, June 7, 2022.

II. Members in Attendance

Mr. Robert McGuinness, Ms. Barbara Buyers, and Mr. Bob Madewell
Mr. Seth Dorman, City Planner/Zoning Administrator

Mr. McGuinness advised Ms. Weeks and Ms. Hunter are not able to be here tonight and asked for a motion to excuse them this evening. Ms. Buyers made a motion to excuse Ms. Weeks and Ms. Hunter this evening, motion was seconded by Mr. Madewell. Voting: Mr. McGuinness-yes, Ms. Buyers-yes, and Mr. Madewell-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 on an agenda item this evening.

IV. Minutes of the Previous Meetings

Mr. McGuinness presented the minutes of the May 24, 2022 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 May 24, 2022 was made by Mr. Madewell, second by Ms. Buyers. Voting: Mr. McGuinness-yes, Ms. Buyers-yes, and Mr. Madewell-yes. Motion passed 3-0.

V. New Business

VAR22-06

Mr. McGuinness introduced Case VAR22-06, a request for an accessory structure variance at 11100 Rinehart Road. The applicant is proposing to construct a 32' x 42' detached garage, which requires a variance for location and height. The request is made by Frederick and Karen Novak, property owners.

Mr. Dorman, City Planner, advised the applicant is proposing to build a three-car detached garage with an area of 1,357 square feet. There are three variances tied to the proposed structure, including location, height, and total number of accessory structures. This variance application was received on May 5, 2022 for parcel ID M60 03002 0023 that consists of an area of 3.0 acres. The zoning for this property is Rural Conservation District-1 (RCD-1). Dorman shared an aerial image of the surrounding area and pictures of the existing site. The proposed garage would be located in the side yard instead of the

rear yard and would have an overall height of approximately 17 feet which would be taller than the applicant's house and would be the third accessory structure on the lot. The proposed garage would be setback 17.5 feet from the south property line, 170 feet from the east property line and 32.5 feet from the existing residence. The proposed setbacks comply with code requirements. The area of existing and proposed accessory structures consist of an existing barn which is 1,350 square feet, an existing greenhouse which is 100 square feet, and the proposed garage which would be 1,357 square feet. Staff recommends approval of the requested variances given the proposed garage complies with the Planning and Zoning Code as it relates to setbacks; the proposed location appears to be the least disruptive to the existing vegetation on the property; and, the proposed location would not require much in the way of adding asphalt to connect the proposed garage to the existing driveway.

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

No questions from the board for Mr. Dorman.

Mr. McGuinness asked the applicant if they had anything to add.

Fred Novak stated he has spoke with his neighbors regarding the request and they are not opposed to it. The actual garage with the peak will add, in my opinion, to the symmetry of the house from the road. And, with the brick bottom façade it will look very appropriate for the area. It will add value to the property and improve street appeal.

Ms. Buyers asked, you spoke with your neighbors.

Mr. Novak stated yes, they said they are fine and have no problem with the proposed garage.

Mr. McGuinness asked if it's going to be a brick structure.

Mr. Novak replied no, it's actually a steel structure with a wood frame and it's going to have a two-foot brick façade on two of the sides, the side facing the house and the side facing the road.

Mr. McGuinness stated if it's a steel structure then it's pre-fabbed.

Mr. Novak stated no, it will be built by a general contractor who is putting together the building plans, it's a custom project.

Mr. McGuinness stated the height, because sometimes structural integrity depends on height and since we're talking about a pretty good size three-car garage.

Mr. Novak the structure is going to have six inch studs, it's going to be to building code and there's going to be no storage in the top.

Mr. McGuinness asked how tall is your house.

Mr. Novak advised the property slopes at an angle from the front it's a little over 14' 9" but on the other side it's around 16' 9" and then to the garden there's a shelf, there's a retaining wall around the house. From there it's probably another 10 inches so it would be lower than the barn but higher than the front of the house.

Mr. McGuinness stated you have a well and septic.

Mr. Novak replied, yes, it's on the other side of driveway from where the garage will be located.

Mr. McGuinness stated your septic is in the back yard so that limits where you can actually build the garage.

Mr. Novak that is correct.

Mr. McGuinness stated another variance request is for a third accessory building because there is currently a barn and greenhouse, two structures so the garage requires a variance for number of structures. Even though the greenhouse is only 10' x 10' it still counts as an accessory building, are you currently utilizing the greenhouse.

Mr. Novak advised yes, it's active, there are flowers and garden plants in the greenhouse.

Mr. McGuinness asked Mr. Dorman if the city had received any communication or input from neighbors.

Mr. Dorman replied no, nothing was sent and no communication from the neighbors.

There were no other attendees in the audience, so Mr. McGuinness did not open the floor for public comment.

Mr. McGuinness asked the board if they had any further comments.

Ms. Buyers advised their property is only going to increase in value, it's going to look great with the other buildings.

Mr. Madewell stated it's pretty straightforward to me also.

Mr. McGuinness asked for a motion to close input for this case. Motion by Ms. Buyers to close the input for this case, the motion was second by Mr. Madewell. All yeas, motion carried.

Findings of Facts:

Mr. Madewell read the findings of facts and after discussion the board found that all were satisfied with these variance requests.

Ms. Buyers made a motion to approve the accessory structure variances at 11100 Rinehart Road, motion second by Mr. Madewell. Voting: Mr. McGuinness-yes, Ms. Buyers-yes, and Mr. Madewell. Motion passed 3-0.

VI. Next Meeting

Mr. Dorman stated at this time he has not received any applications for the July meeting.

VII. End of Meeting



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

There being no other business to come before the Board, Ms. Buyers moved to adjourn the meeting and Mr. Madewell seconded the motion. Voting: Mr. McGuinness-yes, Ms. Buyers-yes, and Mr. Madewell-yes. Motion passed 3-0. Meeting adjourned at 7:25 PM.

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

Mr. Robert McGuinness, *Vice-Chair*

7 Nov 2022

Date

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

Ms. Barbara Seim, *Secretary*

November 7, 2022

Date