

## **MINUTES OF THE JULY 5, 2022 BOARD OF ZONING APPEALS MEETING**

### **I. Opening of Meeting**

Chair Weeks opened the Clayton Board of Zoning Appeals meeting that convened at 7:00 PM on Tuesday, July 5, 2022.

### **II. Members in Attendance**

Ms. Jennifer Weeks, Ms. Jessica Hunter, Ms. Barbara Buyers, and Mr. Madewell.  
Mr. Seth Dorman, City Planner/Zoning Administrator

Ms. Weeks advised Mr. McGuinness is out of town and asked for a motion to excuse him this evening. Mr. Madewell made a motion to excuse Mr. McGuinness this evening, motion was seconded by Ms. Hunter. Voting: Ms. Weeks-yes, Ms. Hunter-yes, Ms. Buyers-yes, and Mr. Madewell-yes. Motion passed 4-0.

### **III. Meeting Procedure and Oath**

Ms. Weeks 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**

Ms. Weeks advised there are no minutes to review tonight due to member absences.

### **V. New Business**

#### **VAR22-07**

Ms. Weeks introduced Case VAR22-07, a request for an accessory structure variance at 909 Westbrook Road. The applicant is proposing to construct a 10' x 14' gazebo, which requires a variance for the total number of accessory structures on the property. The request is made by Christopher Jackson and Lisa Roberts, property owners.

Mr. Dorman, City Planner, advised the applicant has installed a gazebo in their rear yard. The applicant already has two existing accessory structures; therefore, the gazebo requires a variance for the total number of accessory structures. A Variance application was received on June 14, 2022 for parcel ID M60 03210 0357. The property area is 0.55 acres and the zoning is Residential Single-Unit District (RSD). A notice was published in the Brookville Star on June 22, 2022 and letters were mailed to the surrounding property owners on June 24, 2022. Dorman shared an aerial image of the surrounding area, which shows all the properties including the applicants along Cheri Lynne and Garber are zoned Residential Single Unit District. The gazebo is 10' x 14' with a 14' overall height. The gazebo is to allow the applicant sun protection while enjoying their backyard. The gazebo meets all other zoning standards for accessory structures including setback and height. The applicant has two existing, fully utilized sheds on the property, as a result the gazebo requires a variance for exceeding the maximum number of

accessory structures per property, two are permitted. The gazebo has been installed since receiving the variance application, and site pictures show that the structure does not crowd the rear yard or appear out of character for the rear yard in terms of size or height. After evaluating the applicant's request and seeing the gazebo installed on the property, staff recommends that the Board approve the requested variance.

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

Ms. Hunter asked if the City received any comments from the neighbors.

Mr. Dorman stated he has received no calls or letters from the neighbors.

Ms. Weeks asked the applicant if they had anything to add.

Lisa Roberts stated she started this process back in March to get an idea of what we needed to do before we proceeded. We had been on a schedule for this to be installed, so it was installed. There was just some type of miscommunication. The gazebo looks very nice, and we've received some nice compliments. We have a large backyard so it's nothing excessive, it's nothing that's going to cause any type of issue, if anything it's actually enhancing our property. I have an autoimmune disease and can't enjoy our backyard so I don't go outside much. We have a very small porch that can only sit one chair, and I would like to enjoy my backyard.

Ms. Buyers asked Ms. Roberts if she has heard from any of her neighbors.

Ms. Roberts stated she only heard from one neighbor who received the letter and they have no issue with the gazebo.

Ms. Weeks asked for a motion to open the meeting for public comment. Motion by Mr. Madewell to open the meeting for public comments, motion was seconded by Ms. Buyers. All yeas, motion carried.

Hearing no comments Ms. Weeks asked for a motion to close the meeting for public comment. Motion by Ms. Hunter to close the meeting for public comments, motion was seconded by Ms. Buyers. All yeas, motion carried.

Ms. Weeks asked the board if they had any further comments. None were heard.

#### **Findings of Facts:**

Ms. Weeks read the findings of facts and after discussion the board found that all were satisfied with this variance request. Ms. Weeks stated based on the Findings of Facts being satisfied, asked for a motion to approve this Variance.

Ms. Hunter made a motion to approve Variance 22-07 the accessory structure variance at 909 Westbrook Road, motion second by Ms. Buyers. Voting: Ms. Weeks-yes, Ms. Hunter-yes, Ms. Buyers-yes, and Mr. Madewell-yes. Motion passed 4-0.

#### **VI. Next Meeting**

Mr. Dorman stated we do have an agenda item for our August 2<sup>nd</sup> meeting date.

**VII. End of Meeting**

There being no other business to come before the Board, Ms. Hunter moved to adjourn the meeting and Ms. Buyers seconded the motion. Voting: Ms. Weeks-yes, Ms. Hunter-yes, Ms. Buyers-yes, and Mr. Madewell-yes. Motion passed 4-0. Meeting adjourned at 7:12 PM.

Jennifer M Weeks  
Ms. Jennifer Weeks, *Chair*  
8/23/2022  
Date

Barbara Seim  
Ms. Barbara Seim, *Secretary*  
August 23, 2022  
Date