

MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:30 PM

01/14/14

I. Zoning Board Present (P) or Absent (A):

Steve Bruns	P	Brad Garmann, Pres	P
Ned Sielschott	P	Linda Kitzmiller, Vice Pres	P
Jean Hinker	P	James Hearn, Solicitor	P
Don Harrod ZA	P		

Also Present:

Dennis Kitzmiller
Brian Westerheide

II. Public meeting called to order by President Garmann at 7:02 pm

One item was discussed in the public meeting:

- A variance request by Brian Westerheide at 117 Northcrest Drive. Westerheide would like to put in a pool and build a detached accessory building. The proposed building would be a pool house and would be approximately twenty-one feet wide by twenty five feet four inches in depth with a height of 17 feet. Because of the height, Brian would need a 2 foot variance. The structure would be three sided with one side open and would be brick to match the house. The variance is needed so that the roof pitch of the proposed structure would match the roof pitch of the attached garage. Harrod asked if Westerheide had talked with the Baumers as there are covenants that restrict detached out buildings. Westerheide stated that he had talked with Ben Baumer regarding this project and Ben was not opposed. Westerheide stated that do to the best of his knowledge the home owners association was non-existent. Kitzmiller questioned if the zoning board could approve a variance knowing that an outbuilding was restricted by the covenants of the subdivision. Bruns stated that the zoning regulations are the only rules that the board can enforce and we cannot enforce covenants from a subdivision. Garmann agreed and stated that if the proposal meets the zoning requirements that is all the farther that the board can go, the covenants are beyond what the board can rule on. Westerheide stated that if necessary he would get a statement from Baumers that they approve of the detached accessory building.

III. President Garmann called the regular meeting to order at 7:13 pm.

IV. The minutes from December 12, 2013 were read. The minutes were approved on a motion by Bruns and Sielschott. All members voted in favor of the motion.

V. New Business:

- 1) A two foot height variance request from Brian Westerheide for an accessory building located at 117 Northcrest Drive. Discussion again centered on whether the board should approve a variance knowing that such an accessory building is prohibited by the covenants of the subdivision. Kitzmiller asked if the Baumers were the only company that could build in Parkview. Westerheide stated that he had his house built by Baumers but had the attached garage build by Rapid Development. Westerheide stated that he went to Ben Baumer and

Ben Baumer told him that he needed to get a variance in order to build. Hearn stated that the board is only looking at the regulations of the zoning code and can only rule on that. Sielschott also stated that as long as all of the setbacks are ok the only discretion that the board has is with the height requirement. Hearn added that the covenants are a contract between seller and buyer and that the board did not want to get into the business of enforcing covenants. Being no further discussion, a motion was made by Sielschott and seconded by Bruns to approve the variance request. President Garmann asked that a roll call vote be taken. Sielschott – yes; Bruns – yes; Garmann – yes; Kitzmiller – no; and Hinker – yes. Motion passed.

VI. Old Business

- 1) There was no old business presented to the board.

VII. Comments:

- 1) There were no comments.

VIII. Sielschott moved and Kitzmiller seconded a motion to adjourn at 7:37 pm . Motion passed.