MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:00 PM 03/10/15

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	Paula McGowan
AJ Clune	Barb Grimm
Michael McGowan	Steve Grimm
Brad Pierron	Ted Wuebker
Jason Lammers	Matt Quinter
Dale Barhorst	Joyce Barhorst

II. Public meeting called to order by President Garmann at 7:00 pm
One item was discussed in the public meeting:

- A variance request by Zach and Kimberly Wiford property owners of Lot 95 in Lakeshore Subdivision. The Meyer's would like to construct a detached accessory building with a height of 20'-2". The Wiford's would need a 5'-2" variance from the standard 15' height requirement. M. Quinter explained that the Wiford's are constructing a home on the lot as well as the accessory building. In order to keep the roof pitch of the home similar to the roof pitch of the accessory building the height limit would need to exceed what is allowed by zoning. M. Quinter stated that the home and the accessory building would blend in nicely together. M. Quinter stated that most of the neighbors had been contacted and he had heard no unfavorable responses to the request. It was noted that several other structures had received height variances for the same reason in the past.

- A variance request by Dale Barhorst to construct an additional primary building (two unit apartment complex) on the lot located at 229 South Main Street. The Zoning Code calls for only one primary building per lot and because there is already a three unit apartment complex on the lot a variance would be needed. T. Wuebker addressed the board on behalf of his father who resides on south Lincoln Street. Wuebker stated that he had three concerns with the proposal. The first was that the land slopes toward the alley in that area and during heavy rains there is ponding of water in the area. He was concerned that additional run-off would make this worse. He stated that his father and neighbor had recently installed a four inch tile to alleviate some of the drainage problems and did not want to see additional storm water flowing into the area. His second concern was with the additional units adding to the sanitary sewer flows. He stated that his father often gets back-up into his basement during heavy rains or when a problem with the Second Street Lift Station occurs and that adding more flow to the sanitary would likely add to this problem. Wuebker's third concern was with the increased traffic in the area and the possibility of headlights shining into his father's house. J. Lammers addressed the board and stated that if he knew apartments were going in on the lots behind his house he would not have purchased the property. J. Lammers stated that he has children and was concerned about the additional traffic that the units would create. He also had the same concern that were express by T. Wuebker regarding drainage and sanitary. Steve Grimm asked how many apartment complexes were allowed in the village. Harrod stated that there were no rules limiting the amount of apartment complexes in the community. Mike McGowan stated that he was opposed to the request because the additional building would build a wall along the back of the properties and take away the view. He also stated that the addition of apartments would reduce the home values in the area. A. J. Clune stated that he was in the process of buying the house to the south of the proposed apartment complexes and he stated that if they were going to be built he would not purchase the property. Brad Pierron inquired about the type of people that would occupy the apartments. He

asked if it would be low income residents who would live there. He also expressed some concern about increased parking on Main Street and tenant noise. Harrod reminded everyone that the proposed three family complex proposed to be built on the empty lot is permitted by the zoning code and can be built without the board's approval. The only item in question was the two unit apartment complex proposed to be built behind the existing complex at 229 South Main Street. J. Hinker asked if there were any other variances required. Harrod stated that there were no other variances needed, everything else met zoning requirements. B. Garmann asked about the proposed parking garage for the existing three unit complex. D. Barhorst stated that the proposed units would not be attached to this garage. B. Garmann also inquired about access to the apartment complex. D. Barhorst stated that there would be a shared drive which would serve both apartment complexes. B. Garmann stated that there appeared to be about 58 feet between the two complexes proposed. S. Grimm asked if there would be access from the alley. D. Barhorst said that there would be no alley access.

III. President Garmann called the regular meeting to order at 7:20pm.

IV. The minutes from the February 10, 2015 meeting were read. The minutes were approved on a motion by L. Kitzmiller and N. Sielschott. All members voted in favor of the motion.

V. New Business:

1) A variance request by Zach and Kimberly Wiford owners of Lots 95 in Lakeshore Subdivision. The Wiford's are requesting a 5'-2" height variance for an accessory building. B. Garmann stated that the Board has dealt with these variances in the past and he felt that the proposal would match the home very nicely. Being no further discussion, a motion was made by S. Bruns and seconded by L. Kitzmiller to approve the request. All members present voted in favor of the motion.

2) A variance request by Dale Barhorst to construct an additional primary building on the lot located at 229 South Main Street. L. Kitzmiller stated that she was not in favor of the variance. She again mentioned to the public that the 3 unit complex proposed for the south lot was permitted by the zoning code. She stated that she was concerned about the increased traffic in the alley. B. Garmann indicated that the distance between the two complexes did not provide adequate room for parking vehicles and backing those vehicles out. He stated a minimum of 64 feet is necessary. He also stated that 5 units on one property was way too much on one lot. Brad Pierron questioned B. Garmann about the fire code and Garmann explained that the distance was adequate but more than likely an emergency vehicle would not get near the buildings. Being no further discussion N. Sielschott made a motion to deny the request. This motion was seconded by J. Hinker. All members present voted in favor of the motion.

3) There was a discussion about the conflict in the zoning code regarding three family and multi-family units in an R-1 zone. Harrod explained that it Chapter 2 of the code three family and multi-family units are not discussed, however on page 77 of the code, it permits three family and multi-family units in residential zoned areas. Board members thought that this should be correct and discussed the possibility of excluding three family and multi-family units from being located in R-1 districts. Harrod indicated that there are approximately 130 apartments in the village and most of the units have a waiting list for renters. Harrod also stated that it would be up to the planning commission and the village council to change the zoning code, however, the board could make a recommendation to those two groups. This entire process would likely take six months or so. N. Sielschott motioned and J. Hinker seconded a motion to amend Table 3 of Page 77 of the Zoning Code by removing the reference to three family dwellings and making multi-family dwellings a conditional use in an R-1 district. All members voted in favor of the motion.

VI. Old Business

1) Matt Quinter informed the Board that Larger Property Group has decided to redesign the proposed building located in the Industrial Park. The proposed building will now be attached to the existing building therefore the variance to allow two principal buildings on one lot will not be needed.

2) L. Kitzmiller asked about the material that was stored outside in the parking lot at Dannon. Harrod indicated that Dannon had moved a considerable amount of material out of the parking lot and was beginning to work on the material around the building

VII. Comments:

There were no comments.

VIII. Adjournment

1) N. Sielschott moved and J. Hinker seconded a motion to adjourn at 8:05 pm. Motion passed.