

MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:00 PM

09/08/15

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	Diana Orick
Jeff Dirksen	Joe Barhorst
Terry Orick	Todd Weigandt
Deb Ranly	

II. Public meeting called to order by President Garmann at 7:00 pm

Two items were discussed in the public meeting:

- A variance request by Jeff Dirksen of 16 Greenhills Drive to erect an accessory building with a height of 21.8 feet. Mr. Dirksen is requesting a 6.8 foot variance from the required 15 foot height regulation for accessory buildings. Mr. Dirksen explained that the proposed garage is a standard sized garage with a patio on one side. There will be 8 foot doors which would face the house. The location of the garage is at the same place as was proposed at the last meeting, approximately 12 foot off of the property line. J. Hinker inquired if the height of the garage was similar to the neighbors. J. Dirksen replied that it will be several feet lower due to the slope of the ground. J. Dirksen stated that there would be two detached garages together on his and his neighbor's lot. B. Garmann asked about which side of the garage would face the neighbors and J. Dirksen replied that it would be the side that did not have the patio on. J. Hinker asked if the neighbors had commented. Harrod reported that he had spoken to one neighbor but that neighbor gave no indication for or against the proposed garage.
- Joe Barhorst is requesting a variance for the property at 223 North Main Street. Mr. Barhorst would like to erect a detached building on an existing concrete pad that is approximately 5 feet from the property line. A variance of 2.6 feet is necessary. J. Barhorst explained that there is currently an old shed on the concrete pad that would be torn down and a larger building would be put in its place. Mr. Barhorst would like to use the existing concrete pad for the new building. B. Garmann asked if the building was to be longer and if he was going to start over. J. Barhorst indicated that it would be longer and that he would tear the old shed down as it was in terrible condition. N. Sielschott asked if access to the proposed building would be from the alley. J. Barhorst indicated it would. B. Garmann inquired about which way the doors would face. J. Barhorst indicated they would face the house (east). B. Garmann also inquired if the neighbors had commented. Harrod replied that they did not.
- A conditional use permit for the property at 271 North Main Street. The Oricks would like to operate a restaurant and have a drive thru. A conditional use permit is needed to operate a restaurant with a drive thru in a commercial district. T. Orick explained that the previous restaurant had a drive thru and that he didn't realize that he needed a permit to operate it, so he had already designated the area as a drive thru. N. Sielschott asked what type of traffic is anticipated to use the drive thru. T. Orick explained that the restaurant has a dining room and the only traffic that would access the window would be if an order was called in to the business, so he did not anticipate a great deal of traffic. N. Sielschott asked if the access was off of SR66 or from the back alley. T. Orick explained that access would be from SR66 with traffic exiting in the alley. L. Kitzmiller asked if the shrubs that were proposed when the last conditional use permit was granted were planted. Harrod indicated that they had been, Harrod also indicated that the neighbor to the north did call into the village and report that she had no concerns. D. Ranly inquired if the previous conditions would be imposed on this drive thru restaurant as well and the board indicated that they would.

President Garmann called the regular meeting to order at 7:16 pm.

III. The minutes from the August 11, 2015 meeting were read. N. Sielschott and S. Bruns motioned to approve the minutes as read. All members voted in favor.

IV. New Business:

- 1) A variance request by Jeff Dirksen of 16 Greenhills Drive to erect an accessory building with a height of 21.8 feet. Mr. Dirksen is requesting a 6.8 foot variance from the required 15 foot height regulation for accessory buildings. Being no further discussion, a motion was made by N. Sielschott and seconded by J. Hinker to approve the request. All voted in favor of the request.
- 2) A variance request by Joe Barhorst of 223 North Main Street to erect a detached building on an existing concrete pad that is approximately 5 feet from the property line. A variance of 2.5 feet is necessary to comply with the required 7.5 foot setback requirements. B. Garmann expressed concern that the current buildings condition was not very good and that he was glad to see it was going to be replaced. Being no further discussion, a motion was made by L. Kitzmiller and seconded by N. Sielschott to approve the request. All voted in favor of the request.
- 3) A conditional use permit request by Diana Orick to utilize the building at 271 North Main Street as a restaurant with drive thru service. A conditional use permit is required to operate a restaurant with drive-in or drive thru service. Being no further discussion, a motion was made by S. Bruns and J. Hinker to approve the request. All voted in favor of the request.

V. Old Business

- 1) Harrod stated that he Planning Commission met on Wednesday night, August 26th and discussed possible changes to the zoning code. He noted that the Planning Commission instructed Jim Hearn and Harrod to put together some recommendations for them to consider.
- 2) Harrod was questioned about the vehicles apparently from Far Motors that were being parked on Lincoln Street around the Third Street intersection. Apparently rental cars from Far Motors are being parked in this area and various neighbors are complaining. Harrod indicated that he has received some calls from the neighbors and that he was going to discuss the matter with Jim Hearn. Mr. Hearn felt that the parking of these vehicles in the area was a violation of the zoning code because these cars were being rented out for customers to use. Hearn felt that a letter should be sent to the business owners informing them that the activity was in violation of the zoning code and a conditional use permit must be obtained from the Zoning Board of Appeals to continue the practice.

VI. Comments:

VII. Adjournment

- 1) N. Sielschott moved and L. Kitzmiller seconded a motion to adjourn at 7:29 pm. Motion passed.