

MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:30 PM

10/14/14

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

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

Also Present:

Dennis Kitzmiller
Jay James
Kevin Chalk

Andrew Schmitmeyer

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

Three items were discussed in the public meeting:

- A variance request by Kevin Chalk to construct an attached garage on to the home located at 180 North Cleveland Street. Mr. Chalk would like to remove the existing garage and construct a new 16 foot by 40 foot garage. The proposed new garage would be set back five feet from the south property line and would need a 2.5 foot variance. Mr. Chalk presented the Zoning Board with a letter from Nidec Minster that stated that they were not opposed to the variance request. Mr. Chalk was asked if the breezeway between the existing home and the current garage would remain. He indicated that it would.
- A variance request submitted by Andrew and Jenna Schmitmeyer to construct a new home at 65 Line Drive. Mr. Schmitmeyer explained that they own a lot at Diamond Estates Subdivision that is located partially on the cul-de-sac. If they adhered to the 35 foot setback around the cul-de-sac the majority of the home would be approximately 46 feet from the setback line. This would mean the home was further setback then other homes along the street. They would like to set their home 31 feet from the front property line, which would put the rest of the house approximately 42 feet from the front property line and in line with the rest of the houses on the street. Mr. Schmitmeyer stated that he did discuss the issue with the neighbors and that no one expressed any opposition. B. Garmann stated that building on a cul-de-sac always makes it interesting in terms of setbacks. J. Hinker asked if the other houses around the cul-de-sac would be in line with this house. Mr. Schmitmeyer indicated that they would
- A modification to the conditional use permit granted to the Cottage Cafe at 278 South Main Street to allow for a ground mounted sign up to 24 square feet to be erected on the property. The current conditional use permit allows for signage to be a maximum of 4 square feet. Jay James stated that the new sign would allow it to be more easily seen and would possibly prevent accidents. He stated that he had applied for a change in zoning from the planning commission as well. N. Sielschott asked what has changed in the business. Mr. James replied that it was hard to find the business with the current signage. N. Sielschott stated that the reason he asked that question was that he remembers asking Shirley James if they had looked at other buildings when they first applied for a conditional use permit and she had stated yes, they did. N. Sielschott reiterated that the safety issue hasn't changed and that the reason for the new sign is a visibility issue. S. Bruns asked if the sign was to be lighted. Mr. James replied only if necessary in the mornings. B. Garmann asked if the proposed sign was to be a changeable sign. Mr. James replied that it was not but would be a two sided sign. .

III. President Garmann called the regular meeting to order at 7:19pm.

IV. The minutes from September 9, 2014 were read. The minutes were approved on a motion by L. Kitzmiller and J. Hinker. All members voted in favor of the motion.

V. New Business:

- 1) A variance request by Kevin Chalk to construct an attached garage onto the home located at 180 North Cleveland Street. The proposed new garage would require a 2.5 foot variance. B. Garmann asked if the existing garage was going to be razed and Mr. Chalk indicated that it was. Being no further discussion, a motion was made by N. Sielschott and S. Bruns to approve the request. All members voted in favor of the motion.
- 2) A variance request by Andrew and Jenna Schmitmeyer to construct a home at 65 Line Drive to construct a home 31 feet back from the front yard setback, a variance of 4 foot is needed. Being no further discussion, a motion was made by L. Kitzmiller and N. Sielschott to approve the request. All members voted in favor of the motion.
- 3) The Cottage Café at 278 South Main Street is requesting a modification of a conditional use permit to allow for a ground mounted sign up to 24 square feet. Currently, the conditional use permit allows for signage to be a maximum of 4 square feet. L. Kitzmiller stated that if the board grants a modification to the conditional use permit it will open it up to everyone to apply for larger signage. J. Hinker stated that the business has not changed. N. Sielschott replied that there was no safety issue. He also stated that that the zoning board has bent over backwards to try to accommodate the business with such things as parking regulations. B. Garmann asked whether council has considered there re-zoning request. Harrod stated that the planning commission was going through the process of considering the request. B. Garmann indicated that in a C-2 district the sign could be bigger but approving it here would be making special consideration. He stated that he may reconsider if the James' showed exactly what the sign would look like and include the lighting details. Being no further discussion, a motion was made by N. Sielschott and seconded by J. Hinker to deny the request. All members voted in favor of the motion.

VI. Old Business

- 1) Harrod updated the Board of the McVety situation and advised them that a property maintenance code violation notice was sent and he had complied with everything on the notice. He placed 30 day tags on the vehicle and Harrod indicated that he will send another notice when those expire.
- 2) Harrod also stated that he has sent a notice to M&K Imports that they will need to obtain a conditional use permit to operate a used car business in a C-2 district.
- 3) There was no other old business presented to the board.

VII. Comments:

There were no comments.

VIII. Adjournment

- 1) N. Sielschott and L. Kitzmiller seconded a motion to adjourn at 7:38 pm . Motion passed.