

MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:30 PM

11/11/14

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	P
Don Harrod ZA	P		

Also Present:

Dennis Kitzmiller	Scott Ranly
Jay James	Jennifer Ranly
Janice Sherman	Bill Sherman

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

Three items were discussed in the public meeting:

- A conditional use request by Kevin Grilliot of K&M Motors located at 23 North Main Street to operate an automotive sales and service facility from that location. No one representing K & M Motors attended the meeting. The Sherman's and the Ranly's expressed concern about what may happen to the rear yard of the property and asked about the use of the parking lot at the library for storage of cars, unloading of vehicles, etc. B. Garmann indicated that the information presented by Mr. Grilliot showed that the rear yard was to remain grass and was not to be used for business purposes. B. Garmann further explained that it was the intention of the zoning board to protect both the neighbors and the village
- A modification request to the conditional use permit granted to the Cottage Cafe at 278 South Main Street to allow for a ground mounted sign of 15 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 showed the board a replica of the sign and stated that it would fit the existing angles brackets which held the current sign, however, it may replace the bracket with another 4x4 post. He also stated that it was his intention to use a small 20 watt halogen bulb to illuminate the sign from around 6:30 am to 9:00 am from mid-September to the first of April. He stated that it was his feelings that the increased sign size would allow easier identification of the business. He also stated that they have used the 4 square foot sign for two years and he doesn't feel that it allows the business to be identified. L. Kitzmiller asked if the problem that the Cottage Café is trying to resolve is to identify the business and that the sign was really an informational sign. Mr. James stated that yes it was an informational sign as they are trying to increase traffic into the business. He stated that they are using other advertising means to increase business as well. He talked about the Café being used after hours for a study group. This was occurring between 5:30 and 8:30 pm on Tuesday and Thursdays. L. Kitzmiller asked if the sign was to be lighted during that time and Mr. James indicated that it would not be. responded that a 4 x 4 sign would be ideal and that it would hand from a post similar to the one now. S. Bruns inquired if the sign would be lighted. J. James explained that it would possibly be lighted in the morning only. B. Garmann asked if it would be a changeable reader board sign and if it would be readable from both signs. J. James explained that it would not be a changeable sign and yes the sign would be a two sided sign. Harrod stated that he did get one comment from the neighbors that they were opposed to a larger sign and that they were also opposed to the sign being lighted.

III. President Garmann called the regular meeting to order at 7:15pm.

IV. The minutes from the October 14, 2014 meeting were not available and will be presented at the next meeting.

## V. New Business:

- 1) A conditional use request by Kevin Grilliot of K & M Motors to operate an automotive sales and service facility at 23 North Main Street. Discussion centered on the use of the property for selling cars as this had never occurred at the site. The automotive repair part of the business had occurred there for a number of years. There was a concern about the use of the grassy area to the west of the building and whether or not that would be used for business purposes. There was also a concern about the use of the public parking area at the Library for storage of cars and unloading/loading of vehicles. B. Garmann made note that there was to be no use or storage of vehicles or parts in the grass area unless an opaque fence was installed to protect the neighbors. The use of the library parking lot was then discussed and what constitutes a customer vehicle from a vehicle utilized for business purposes. L. Kitzmiller made a motion to deny the conditional use request but the motion died for a lack of a second. B. Garmann stated that he would like to institute restrictions that protect the village and the neighbors but allow Mr. Grilliot to remain in business. Harrod was asked if the property was rented or owned by the Grilliot's and he indicated that it was rented from Weigandt Land Company. Several restrictions were discussed by the board. These include that all cars for sale must be located on paved or concrete areas on the lot located at 23 North Main Street; that the grassy area west of the building must remain unused for business purposes as presented on the application for the conditional use permit; no business shall be conducted in the public parking lot adjacent to the property; and, that all other rules of zoning and all other ordinances relating to the storage of materials outside shall be abided by. It was also noted that if K&M Motors fails to abide by the any of the conditions, it would result in a violation of the conditional use permit. Being no further discussion. Being no further discussion, a motion was made by L. Kitzmiller and seconded by J. Hinker to approve the conditional use permit based upon these five conditions: (1) that all cars for sale must be located on paved or concrete areas on the lot located at 23 North Main Street. (2) That the grassy area west of the building must remain unused for business purposes as presented on the application for the conditional use permit. (3) No business shall be conducted in the public parking lot adjacent to the property. (4) That all other rules of zoning and all other ordinances relating to the storage of materials outside shall be abided by. (5) That if K&M Motors fails to abide by the any of the conditions, it would result in a violation of the conditional use permit. All members voted in favor of the motion.
- 2) The Cottage Café at 278 South Main Street is requesting a modification of a conditional use permit to allow for a ground mounted sign of 15 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. She also stated that she does not feel that a larger sign will increase business for the Cottage Café. J. Hinker asked if a bigger sign was going to pull in more business other than their normal clientele. B. Garmann asked whether council has considered there re-zoning request. Harrod stated that the planning commission had denied the request and the council had just established a public hearing to consider the request, but no action has been taken by the council yet.. L. Kitzmiller mentioned that it was the reputation of the restaurant that drew customers into it, not the signage. J. Hearn added that the original conditional use permit was based upon the café being a small shop and they knew the conditions that were attached to a conditional use permit. Being no further discussion, a motion was made by L. Kitzmiller and seconded by J. Hinker to dent the request. All members voted in favor of the motion.

## VI. Old Business

- 1) J. Hinker asked about the material that was stored outside in the parking lot at Dannon. Harrod indicated that he had spoken with Aaron Davis of Dannon on Monday and that Mr. Davis indicated that the material would be removed within the next two weeks. L. Kitzmiller asked if that included the material that was alongside the building and Harrod indicated that he would mention this to Mr. Davis as well.
- 2) There was no other old business presented to the board.

## VII. Comments:

There were no comments.

VIII. Adjournment

- 1) S. Bruns moved and L. Kitzmiller seconded a motion to adjourn at 7:20 pm . Motion passed.