MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:30 PM 01/13/15

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
Matt Quinter
Jerry Baumer
Ray Hess
Nick Eilerman

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 Ray and Kelly Hess property owners of Lot 13 in Diamond Estates Subdivision. The Hess' would like to construct a home on the lot that has a back porch that is setback 27'-8" from the rear property line. The Hess' would need a 7'-4" variance from the standard 35' rear yard setback requirement. R. Hess stated that they were trying to maximize the livable space in the proposed home and that without the variance the back porch would only be 6 or 7 feet wide. R. Hess stated that he spoke with both Andy Schmitmeyer and Dave Tebbe and neither one opposed the variance. B. Garmann asked if the Tebbe's were going to develop the ground to the west of the lot. R. Hess responded that Dave Tebbe had stated not at this time.

- Three variance requests by Larger Property Group, owners of the property at 351 Industrial Drive. Larger Property Group would like to construct an additional primary building on the lot and are also requesting a side and rear yard setback variance. The proposed building would be located 10' from the side yard and 10' feet from the rear yard. A 25' variance rear yard variance would be needed for the rear yard setback and a 10' variance would be needed for the side yard. In addition a variance to allow two principal buildings on one lot is needed. M. Quinter stated that the owner had requested Baumer Construction to build a 27,000 square foot building on the lot at 251 Industrial Drive. The size of the building necessitates the need for a variance. Both buildings would be owned by the same owner and would be used in conjunction with each other. M. Quinter stated that the owner of the property spoke with the property owners to the east and they had indicated that there was no opposition to the request. S. Bruns inquired about why the buildings were not joined. M. Quinter stated that the businesses would be operated separately. J. Baumer stated that if the buildings are built to close together the State considers them to be one building. This way there is no need for a firewall, because of the distance between. He stated that it makes it safer. N. Sielschott inquired about the use of the building. M. Quinter replied that it was a combination of storage and manufacturing. B. Garmann stated that he saw no provisions for parking. M. Quinter stated that parking would be in front similar to the other businesses in the industrial park. There were also two loading docks on the existing building and there would be two doors in the new building. The proposed building would be fully sprinkled and would bring the employment levels up to approximately 25 employees. J. Hinker asked if the requirements of the owner are driving the size of the building. M. Quinter replied that they held the front setback of 35 feet so it would be in line with the other buildings in the industrial park and that the 40 foot area between the two buildings was at the owner's request.

III. President Garmann called the regular meeting to order at 7:12pm.

IV. The minutes from the October 14, 2014 meeting and the November 11, 2014 meeting were read. Both sets of minutes were approved on a motion by L. Kitzmiller and S. Bruns. All members voted in favor of the motion.

V. New Business:

1) A variance request by Ray and Kelly Hess owners of Lots 13 in Diamond Estates Subdivision. The Hess' are requesting a 7' – 4" rear setback variance for the construction of a new home. Being no further discussion, a motion was made by N. Sielschott and seconded by J. Hinker to approve the request. All members present voted in favor of the motion.

2) The variance requests by Larger Property Group, owners of the lot at 351 Industrial Drive. The Property Group is requesting a 25' rear yard variance, a 10 foot side yard variance and a variance to allow two principal buildings on one lot. B. Garmann stated that he thought it was far too big of a building for the size of the lot. He also stated that he did not have a problem with the rear yard setback as it only affected the retention basin. He was concerned about having adequate parking (36 spots) and the loading requirements of the zoning code. M. Quinter stated that some of the parking could go between the two buildings. L. Kitzmiller asked about the size of the buildings. The present building is 80' x 150' and the proposed building would be 200' x 135'. N. Sielschott asked if there was a fire hazard with the other building being so close. J. Baumer replied if the distance is at least 10' then no need to protect with firewall. The more distance that you have between the two buildings the safer it is for the fire department. J. Hinker asked if there are two principal buildings on any other lot in the industrial park. D. Harrod replied that there was not. M. Quinter stated that the building design is similar to other buildings in the Industrial Park. The size of the buildings together would be 39,000 square feet and that the existing buildings had two docks and an overhead door and the proposed building would have two overhead doors. J. Baumer stated that the off street loading areas only have to be zones not docks. N. Sielschott asked about the location of the parking on the lot. M. Quinter replied that if one was to take the square foot of the buildings in the Industrial Park that every parking area would be undersized. J. Baumer explained that there wasn't enough land for industrial development in the village and that they were just trying to help the business. B. Garmann stated that he thought that this was setting a precedent by allowing 10 foot setbacks in an industrial zone. Being no further discussion, a motion was made by L. Kitzmiller and seconded by N. Sielschott to approve the request. Four members voted in favor of the motion and one opposed.

VI. Old Business

1) L. Kitzmiller also asked about how best to deal with the parking of recreational vehicles/trailers in front yards/driveways. Harrod stated that it was his intention to send out letters in March to those who had previously being in violation and that he would put an article in the Town Crier at the same time.

2) J. Hinker asked about the re-zoning request by the Cottage Café. Harrod stated that the Council has given an ordinance to deny the request two of the three readings. The next reading of the ordinance would be at the upcoming council meeting

VII. Comments:

There were no comments.

VIII. Adjournment

1) N. Sielschott moved and S. Bruns seconded a motion to adjourn at 7:31 pm. Motion passed.