## MINUTES FOR MINSTER ZONING BOARD OF APPEAL

## 7:00 PM

09/08/2020
I. Zoning Board Present ( P ) or Absent (A):

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

Also Present:
Dennis Kitzmiller
Diane Hausfeld
John Schmiesing

Jamie Schmiesing<br>Don Riethman

II. Public meeting called to order by Vice President Linda Kitzmiller at 7:00 pm Two items were discussed in the public meeting:
a) A variance request by Submitted by John and Jamie Schmiesing, owners of the property located at 240 North Main Street. The Schmiesings would like to remove the existing front porch on their house and replace with a larger porch. The new porch would extend $6^{\prime}-6{ }^{\prime \prime}$ into the front yard. A variance of $18^{\prime \prime}-6^{\prime \prime}$ is required to be allowed to erect the porch. D. Riethman explained that the existing porch is starting to decay and that the new porch will make the house look better. N. Sielschott inquired about the distance from the sidewalk the proposed new porch would be. D. Riethman stated that it would be approximately 6 foot 6 inches from the sidewalk. Jamie Schmiesing added that the proposed porch would only be about a foot and a half wider than the existing porch. S, Bruns asked if there were any comments from the neighbors and Harrod replied that there was none.
b) A variance request submitted by Bryce Dues owner of the property located at 306 West Fourth Street. Mr. Dues has erected a fence on the west side of the property which is considered a front yard. This fence is 6 feet high and according to the Zoning Code no fence higher than four feet should be erected in a front yard. No one representing Mr. Dues was present at the meeting. Diane Hausfeld, a neighboring property owner, expressed some concern about the fence that Mr. Dues had erected and how it ties into the fence that is on their property. She asked that if there was any damage to her fence that Mr. Dues be required to repair it because she no longer had access to the east side of the fence. She explained that the fence on her property is about a foot and a half off of the property line and that the fence Dues erected encroaches on her property as it abuts against her fence. J. Hearn explained that because the request is a variance request conditions can not be placed on the variance. All Board members expressed concern that the fence had been erected prior to obtaining a permit.

Vice President Kitzmiller called the regular meeting to order at 7:10 pm.
III. The minutes from the August 17, 2020 were read. Being no further changes to the minutes, N. Sielschott motioned and S. Bruns seconded to approve the minutes as presented. All members voted in favor of the motion to approve the minutes.

## IV. New Business:

a) A variance request submitted by John and Jamie Schmiesing owners of the property located at 240 North Main Street. The Schmiesings would like to install a front porch on to the home located on the property. The front porch would extend $6^{\prime}-6^{\prime \prime}$ into the front yard. The new porch would be located $6^{\prime}-6^{\prime \prime}$ from the right of way line of Main Street. The property located in a C-2 district has a front yard setback of 25 feet. Thus, for the Schmiesings to be able to construct their porch, a variance of $18^{\prime}-6^{\prime \prime}$ is required. Being no further discussion, N. Sielschott moved to grant the two variance requests. J. Hinker seconded the motion. All members present voted in favor of the motion.
b) A variance request submitted by Bryce Dues owner of the property located at 306 West Fourth Street. The property is a corner lot which faces both Ohio Street and Fourth Street. Mr. Dues has erected a fence on the west side of his property facing Fourth Street. According to the zoning code because the lot sits in an Industrial zone, it has two front yards. The zoning code also states that no fence higher than four feet should be erected in a front yard. The fence erected on the property is 6 feet in height. A variance would be needed for the 6 foot high fence in what is considered the front yard of the property. N. Sielschott stated that the rules are clear that fences must be maintained on the property in which the fence was built. He expressed concerns that the fence erected by Dues encroached onto someone else's property. J. Hinker stated that she was not concerned about the height of the fence but that it extended past the property line onto another's property. L. Kitzmiller asked how this would be handled. J. Hearn stated that if the board votes to deny the variance that the Zoning Administrator would notify Dues that the variance has been denied and that he is violating the zoning code by encroaching onto the Hausfeld's property. He further explained that once the encroachment was resolved that Dues could reapply for the variance. Being no further discussion, N. Sielschott moved to deny the variance requests. S. Bruns seconded the motion. All members present voted in favor of the motion.
V. Old Business

1) There was no old business presented to the Board
VI. Comments:
2) There were no comments.

## VII. Adjournment

1) S. Bruns motioned and J. Hinker seconded a motion to adjourn at 7:22 pm. Motion passed.
