

MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:00 PM

01/14/2020

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

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

Also Present:

Dennis Kitzmiller
Roy Brown
Ted Heckman
Steve Harmeyer

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

Two items were discussed in the public meeting:

- a) A variance request by Steve Harmeyer owner of the property located at 21 North Frankfort Street. Mr. Harmeyer would like to replace a concrete patio at the rear of the existing home. The existing patio and the replacement patio would be located within one foot of the west and south property lines. The Zoning Code calls for a patio to be located no closer than six feet to any adjacent property line, therefore a variance of approximately 5 feet is being requested. S. Harmeyer explained that he wants to replace an existing concrete patio with a new patio as the old one is beginning to crack. He stated that the new patio would be in the same location as the existing patio however it would be extended two feet further towards Frankfort Street. N. Sielschott inquired about moving the fence that is located on the south side of the home. S. Harmeyer stated that the fence would not be moved. N. Sielschott also inquired about whether there was enough room for the Historical Society to get into their building and S. Harmeyer explained that there was. S. Bruns asked if there were any comments from the neighbors. D. Harrod explained that he had received no comments.
- b) A variance request submitted by Ted Heckman. Mr. Heckman would like to replat the west part of Lot 41 of Block E (56 North Hanover Street) which would create a lot (east part of Lot 41 of Block E) that would not conform to the zoning code. The building on the east part of the lot would not have the required 35-foot setback as required. Mr. Heckman explained that he owns both lots and built an illegal enclosed patio onto the building on the west lot. This addition was built over the property line and now he would like to sell off the east part of the lot but could have difficulty doing so because of the infringement across the lot line. He stated that he is requesting to move the lot line 11 feet to the east to clear up the discrepancy. He explained that he uses the back building as storage for his apartments and a place to clean personal cars. Heckman stated that the back-building use to be a print shop and that it was probably split in the 1950's by his grandfather. B. Garmann asked if this request was the same as in October. T. Heckman stated that it was. S. Bruns asked about all of the vehicles located back by the garage area. T. Heckman explained that they were is sons' vehicles. His son buys these cars and fixes them up and sells them in the spring. He also stated that some of the cars are parked on the Gerwels' lot, who has

given him permission to park them there. A question was asked about the garage being used as a business. D. Harrod explained that the area was zoned residential and the garage could not be used for a business. D. Harrod was asked if he had received any comments from the neighbors. Harrod reported that he received two calls from neighbors across the alley and they were opposed to the request based upon the fact that there is a lot of activity occurring around the back garage. R. Brown who was in attendance stated he was concerned about what potentially could happen in the future with the property.

President Garmann called the regular meeting to order at 7:25 pm.

- III. The minutes from the October 8, 2019 meeting were read. Being no further changes to the minutes, S. Bruns and N. Sielschott seconded to approve the minutes as presented. All members voted in favor of the motion to approve the minutes.

IV. New Business:

1) Election of Officers:

S. Bruns motioned and J. Hinker seconded a motion to elect Brad Garmann as President of the Board for 2020. Three members voted in favor of the motion with one abstention.

J. Hinkler motioned and S. Bruns seconded a motion to elect Linda Kitzmiller as Vice-President of the Board for 2020. All members voted in favor.

- 2) A variance request by Steve Harmeyer, who would like to replace a concrete patio at the rear of the home located at 21 North Frankfort Street. The proposed patio would be located within one foot of the rear and south property line. Being no further discussion, N. Sielschott moved to approve the variance request. J. Hinker seconded the motion. All members voted in favor.
- 3) A variance request submitted by Ted Heckman. Mr. Heckman would like to replat the west part of Lot 41 of Block E (56 North Hanover Street) which would create a lot (east part of Lot 41 of Block E) that would not conform to the zoning code. The building on the east part of the lot would not have the required 35-foot setback as required. T. Heckman explained that he wants to move the property line of the rear lot 11 feet forward so that he can sell the east half of the lot. A question was asked of Jim Hearn to determine if the property could be sold as is. J. Hearn explained that the property probably had a marketable title but it would be very hard to obtain financing for such a property with the infringement. D. Harrod stated that the back lot could not be used for a business in the future nor would a residential use be allowed on the rear property. R. Brown commented that is concern is what could become of the back property if the lot was sold to someone who doesn't live or own the house. S. Bruns stated that the concern stems from the uncertainty of what could happen in the future. He stated that whether it stays the way it is or changes doesn't affect the neighbor's property values because nothing may change. T. Heckman stated that if it would help, he would tell his son to no longer park vehicles at the property. He was questions about the two campers that are also stored in the rear of the property. T. Heckman stated those were his son's as well. D. Harrod stated that the concerns of the neighbors that called him were that there is too much traffic in the area. J. Hearn stated that the Heckman could correct the issue without needing a variance from the zoning board. This could be done by tearing off the illegal addition that infringes on the east property. T. Heckman stated that if not approved, he could remove the 11-foot addition, but he believes that the enclosed patio on the building approves the appearance of the building. Being no further discussion, N. Sielschott moved to deny the variance request. J. Hinker seconded the motion. 3

members voted to deny the motion for a variance. One member voted against the motion. Variance was not granted.

V. Old Business

VI. Comments:

- 1) D. Harrod provided each zoning board member with a copy of all the zoning permits that were issued in 2019. S. Bruns inquired about on average how many new residential homes permits are issued in the village. D. Harrod stated that over the past several years it ranges from 8 to 14.
- 2) S. Bruns inquired about checking the noise levels at the Sunrise Cooperative now that the buildings have been removed. D. Harrod stated that he had used an app on his phone to test the noise level and it measured a 72 which is a little higher than normal road noise. S. Bruns inquired if all of the dryers were in operation at the time. Harrod stated that only one was working when he measured. He stated that every time he went by not all of the dryers were in operation. He stated that he would measure the noise level again once all dryers were in operation.

VII. Adjournment

- 1) N. Sielschott moved and S. Bruns seconded a motion to adjourn at 7:50 pm. Motion passed.