

VILLAGE OF MINSTER ZONING BOARD OF APPEALS

February 8, 2022

AGENDA

7:00 p.m.

1. Public Hearing
2. Call to Order
3. Approval of November 9, 2021 minutes
4. New Business:
 - a) Election of Officers for the 2022 calendar year
 - b) A conditional use request submitted by Adam and Sara Suchland owners of the property at 278 South Main Street. The Suchlands are asking for a conditional use permit to operate a commercial kitchen in an accessory building located on the property. The property is currently zoned residential. In order to operate a commercial establishment in a residential zone a conditional use permit would be required.
5. Old Business:
6. Comments
7. Adjournment



**NOTICE OF HEARING
BOARD OF ZONING APPEALS
VILLAGE OF MINSTER
AUGLAIZE COUNTY, OHIO**

The Minster Board of Zoning Appeals will conduct a hearing on February 8, 2022 in the Village of Minster Council Chambers located at 5 West Fourth Street, Minster, Ohio at 7:00 p.m. The purpose of the public meeting is to consider the following:

- a) A conditional use request submitted by Adam and Sara Suchland owners of the property at 278 South Main Street. The Suchlands are asking for a conditional use permit to operate a commercial kitchen in an accessory building located on the property. The property is currently zoned residential. In order to operate a commercial establishment in a residential zone a conditional use permit would be required.

Any person wishing to comment on the proposed appeal may attend the meeting or call the Zoning Administrator or a member of the Zoning Board of Appeals.

Donald W. Harrod
Zoning Administrator

7020 1290 0000 9994 8536	Colonial Village
7020 1290 0000 9994 8550	Dawson
7020 1290 0000 9994 8567	Borchers
7020 1290 0000 9994 8574	Kitzmiller
7020 1290 0000 9994 8581	Suchland

MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:00 PM

11/09/2021

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

Steve Bruns	P	Brad Garmann, Pres	P
Ned Sielschott	P		
Jean Hinker	P	Jim Hearn	P
Don Harrod ZA	P		

Also Present:

Dennis Kitzmiller	Jason Barhorst
Adam Suchland	Don Riethman
Larry Dickie	Brett Steinke

I. The public hearing meeting was called to order by President Brad Garmann at 7:00 pm.

- a) A variance request by DS Wash Enterprises, Inc. owners of the property located at 462 North State Route 66. DS Wash is requesting use of a LED sign at their car wash in Minster. The LED sign would have a static message and not a scrolling message. The message on the sign could be changed from time to time. The zoning code states that any illuminated sign or lighting device shall employ only light emitting constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. L. Dickie representing DS Wash stated that they have a LED sign that they would like to utilize the sign to display a static message during day light hours only. The language on the sign would only be changed when they have sales or specials. J. Hinker asked if there were other signs that acted as reader boards at the car wash. L. Dickie replied that there was a small one that was mounted on the walk-in door of the office.
- b) A variance request by BSB Land Partners owners of the building located at 360 Industrial Drive. BSB Land Partners would like to erect an office addition onto the front of their current building. The office addition would be 15 feet from the front property line. The Zoning Code calls for a thirty-five-foot front yard setback in industrial districts, thus a variance of 20 feet would be needed to allow the office addition to be built as proposed. J. Barhorst explained that the way the building is laid out, it doesn't allow growth in the front of the property. His business Creations by Design, would like to put offices in the front, so that production space was not taken up by office space. S. Bruns asked if the next addition that was planned for the building could be offset so that office space could be put in that area. J. Barhorst explained that again he didn't want to take up potential production space for offices. J. Hinker inquired if the office space was for internal employees or for customers. J. Barhorst explained it was for both. S. Bruns asked about parking areas, J. Barhorst stated that he would put in off street parking similar to what is in front of Springcreek Building Supply (ninety-degree parking in the right-of-way). N. Sielschott asked if the office addition would stop before the overhead door on the existing building. J. Barhorst replied that it would.
- c) A variance request by Bryan and Matt Niemeyer doing business as Minster-New Bremen Storage. The Niemeyer's are owners of the property located at 190 Midway Drive. They are requesting a variance to allow two ground signs to be installed within the existing right-of-way of State Route 66 and Midway Drive. The zoning code calls for off-premise ground signs to be located a minimum of ten feet outside of the right-of-way. In order for these signs to be permitted a variance allowing off-premise ground signs to be placed in the right-of-way would be needed. B. Garmann stated that the Zoning Board has never allowed signs in the right-of-way previously and that this would be a first. N. Sielschott stated that the decision to not put signs in the right-of-way is backed up by the Ohio Revised Code as the section is included in the Zoning Code. D. Harrod explained the differing widths of the right-of-way and how those changes on various streets.

- d) A variance request by Brett and Jennifer Steinke owners of the property located at 256 North Frankfort Street. The Steinke's would like to erect an addition onto their existing home. The proposed addition would be 4 feet from the north property line. The zoning code calls for a 7.5-foot side yard setback, thus a variance of 3.5 feet is necessary. B. Steinke explained that they would like to put an addition on to their home that comes off of the current house and fills in the yard areas between their house and the neighbors. The proposed addition would be roughly four-foot off of the property line. The issue is that the neighbor's house is very close to the property line as it was built prior to zoning being in effect. D. Riethman explained that this is the only place that the Steinke's can build on to their current home. D. Harrod explained that he spoke with the Fire Chief and the Fire Chief expressed concern about how close the two houses would be if the addition was built. The Fire Chief stated that with the close proximity of the homes, the possibility of a fire spreading to the other structure is high.
- e) A variance request by Adam Suchland, owner of the property located at 278 South Main Street. Mr. Suchland would like to erect an accessory building at the rear of his lot. The proposed structure would be 4 feet from the north property line; 3 feet from the rear yard property line and 20 feet 6 inches in height. The zoning code calls for an accessory structure to be located 7 feet 6 inches from all property lines and be no taller than 18 feet in height. Three variances would be needed. The first would be a 3 feet 6-inch variance from the north property line; the second a 4 feet 6-inch variance from the rear property line; and a 2 feet 6-inch height variance. A. Suchland explained that he would like to rebuild the barn that was destroyed by a fire and he would like to use the existing foundation to build on. N. Sielschott asked if we had any response from the neighbors, especially since the apartments were damaged by the fire. D. Harrod stated that he has not heard from any of the neighbors. A. Suchland stated that he had spoken with the Stricker's, who own the apartments, and they expressed no issues with rebuilding the barn in its current location. B. Garmann asked if the building was going to be used for commercial use. A. Suchland stated that he wants to get the building rebuilt and then come back to the board for a conditional use permit to operate a commercial business. B. Garmann explained that if the building is to be used for commercial purposes it must have a fire rated wall.

II. The regular meeting of the board was called to order by President Garmann at 7:26 pm.

III. The minutes from the August 10, 2021 meeting was read. Being no further changes to the minutes, N. Sielschott motioned and J. Hinker seconded to approve the minutes. All members voted in favor of the motion to approve the minutes.

IV. New Business

- 1) A variance request by DS Wash Enterprises, Inc. owners of the property located at 462 North State Route 66. DS Wash is requesting use of a LED sign at their car wash in Minster. The LED sign would have a static message and not a scrolling message. The zoning code states that any illuminated sign or lighting device shall employ only light emitting constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. S. Bruns stated that the light was very bright at night and was a distraction. He asked about how bright it would be in the daylight? N. Sielschott motioned to approve the request with the following restrictions:
- The sign could only operate from sunrise to sunset.
 - The same message must be left on the sign for a minimum of 24 hours.
 - As requested, the message must remain static.

The motion was seconded by S. Bruns. All voted in favor of the motion.

- 2) A variance request by BSB Land Partners owners of the building located at 360 Industrial Drive. BSB Land Partners would like to erect an office addition onto the front of their current building. The office addition would be 15 feet from the front property line. The Zoning Code calls for a thirty-five-foot front yard setback in industrial districts, thus a variance of 20 feet would be needed to allow the office addition to be

built as proposed. It was noted that Springcreek Building Supply was granted a similar variance. S. Bruns stated that with Springcreek, they had no option but to add onto the front since there was no additional land. B. Garmann asked if there were any responses from the neighbors. D. Harrod stated that there were none. S. Bruns stated that there were other options available for the addition. B. Garmann states that given the situation the request seemed reasonable. Being no further discussion, N. Sielschott motioned and J. Hinker seconded to approve the variance request. A vote was taken and the motion passed 3 to 1.

- 3) A variance request by Bryan and Matt Niemeyer doing business as Minster-New Bremen Storage. The Niemeyer's are owners of the property located at 190 Midway Drive. They are requesting a variance to allow two ground signs to be installed within the existing right-of-way of State Route 66 and Midway Drive. B. Garmann stated that the issue at hand was whether to allow signs in the right-of-way. He stated that the only sign in the right of way that was approved by the Board was a directional sign for Dannon, which was a necessity. N. Sielschott asked about feedback from the hospital. D. Harrod explained that the hospital would like to see the sign farther back and in line with their sign. B. Garmann stated that he wasn't opposed to the sign but didn't like the fact that it was in the right-of-way. Being no further discussion, N. Sielschott motioned and S. Bruns seconded, to deny the variance request. All voted in favor
- 4) A variance request by Brett and Jennifer Steinke owners of the property located at 256 North Frankfort Street. The Steinke's would like to erect an addition onto their existing home. The proposed addition would be 4 feet from the north property line. The zoning code calls for a 7.5-foot side yard setback, thus a variance of 3.5 feet is necessary. B. Garmann stated that he was nervous about the two houses being so close together. S. Bruns asked if there was any response from the neighbor. D. Harrod stated that there was none. B. Garmann stated that it was his recommendation that an extra layer of drywall which will act as a fire-resistant layer be put on the house addition since it is so close. He explained that the issue was about life safety. J. Hinker stated that she didn't like the ideal of the addition being so close, but with the narrow lots in the older section of town and with people wanting to remodel and enlarge that it is hard to do. B. Garmann stated that he hoped that the Steinke's took the Fire Chief's comments to heart. Being no further discussion, J. Hinker and N. Sielschott motioned to approve the request. All voted in favor.
- 5) A variance request by Adam Suchland, owner of the property located at 278 South Main Street. Mr. Suchland would like to erect an accessory building at the rear of his lot. The proposed structure would be 4 feet from the north property line; 3 feet from the rear yard property line and 20 feet 6 inches in height. The zoning code calls for an accessory structure to be located 7 feet 6 inches from all property lines and be no taller than 18 feet in height. Three variances would be needed. The first would be a 3 feet 6-inch variance from the north property line; the second a 4 feet 6-inch variance from the rear property line; and a 2 feet 6-inch height variance. B. Garmann explained that this was the same situation as with the Steinke's. He reminded the Suchland's that it is a requirement to have a fire rated wall if the use of the barn is going to be commercial. Being no further discussion, S. Bruns and J. Hinker motioned to approve all three variances as request. All voted in favor.

V. Old Business

- 1) There was no old business presented to the board.

IV. Comments:

- 1) J. Hearn stated that the zoning board would not set a precedent as long as they used good rationale and looked at each property as its own situation.

V. Adjournment

1. N. Sielschott motioned and J. Hinker seconded a motion to adjourn at 7:53 pm. Motion passed.

From: Jason P Borchers <jaborchers@nktelco.net>
Sent: Thursday, January 27, 2022 1:36 PM
To: dharrod@minsteroh.com
Subject: RE: Board of Zoning Appeals

Good Afternoon Mr Harrod

This correspondence is in regards to notification of a request for conditional use permit located at 278 S Main Street. Unfortunately, I am unable to attend your meeting. I hope you consider the below information in lieu of my attendance of February 08.

As the owner of the Tasty Treet, my only concern with this request is the intention of the commercial kitchen at the above listed property. If the intention for this kitchen is to prepare food and sell at a remote/alternate location, then I have no issue. My objection would be to food sales at 278 S Main Street.

This past year, Mr Suchland had a food truck located at his property during the weekend of the Minster garage sales. The logistics of his property do not allow for customer vehicles. Unfortunately, my parking lot was used for his customers. Because that weekend is a busy weekend for us, I had staffed accordingly to make sure our customers received top notch service. Instead, the only thing I received was complaints from our customers that they had nowhere to park because our parking lot was full. It was a little frustrating to me that nothing was said prior to or after about what transpired.

Because I spent a lot of money upgrading/paving that gravel lot, and not knowing what the commercial kitchen would be used for, I would have some concerns about a conditional use permit being issued. While it was part of my intention when paving the gravel parking lot to benefit our neighbors (and the village) by upgrading the physical appearance of the property I purchased, it was not my intention to benefit a neighbors business who would compete with my business.

I have never approached Mr Suchland about the incident, and never will. That's not how I conduct business. And I really don't want to have neighbors who dislike me, so I'm hoping the board can keep this somewhat confidential. I guess if the village would see a positive effect of granting this conditional use permit, I am hoping that maybe some type of decorative fence/barrier could be installed between our properties – approved by the village, that Mr Suchland would pay for to deter his customers from use of our limited parking lot.

Thank you for your considerations

Jason
Minster Tasty Treet



February 17, 2022

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1290 0000 9994 8536.

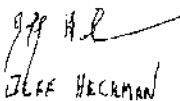
Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	February 10, 2022, 4:10 pm
Location:	NEW BREMEN, OH 45869
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	JEFF HECKMAN 140 SAINT CLAIR ST NEW BREMEN, OH 45869

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004



February 17, 2022

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1290 0000 9994 8550.

Item Details

Status:	We regret to inform you that we were unable to locate any delivery information in our records for your item.
Status Date / Time:	N/A
Location:	N/A
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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475 L'Enfant Plaza SW
Washington, D.C. 20260-0004



February 17, 2022

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1290 0000 9994 8574.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	January 27, 2022, 11:39 am
Location:	MINSTER, OH 45865
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	277 S MAIN ST MINSTER, OH 45865

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February 17, 2022

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1290 0000 9994 8581.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	January 27, 2022, 11:41 am
Location:	MINSTER, OH 45865
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight: 1.0oz

Recipient Signature

Signature of Recipient:	
Address of Recipient:	278 S MAIN ST MINSTER, OH 45865

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Washington, D.C. 20260-0004



February 17, 2022

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1290 0000 9994 8567.

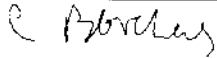
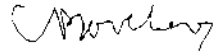
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	January 27, 2022, 12:22 pm
Location:	FORT LORAMIE, OH 45845
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	 123 VARSITY LN FORT LORAMIE, OH 45845

Note: Scanned image may reflect a different destination address due to intended Recipient's delivery instructions on file.

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