

VILLAGE OF MINSTER ZONING BOARD OF APPEALS

March 9, 2021

AGENDA

7:00 p.m.

1. Public Hearing
2. Call to Order
3. Approval of February 9, 2021 *NEC/LUDS*
4. New Business:
 - a) A variance request submitted by Joel and Maria Mendes owners of the property at 61 Northcrest Drive. The Mendes' are asking a variance to allow a detached accessory building to be 27 feet in height. The zoning code calls for the height of an accessory building to be 18 feet. A height variance of 9 foot is needed to allow the Mendes' to construct their detached accessory building.
NEC/LUDS - All voted
5. Old Business:
6. Comments
7. Adjournment *NEC/STONE*

→ *OLD BUSINESS*

-Duplex's need conditional use permit

→ *Rachel Rowly*

not concerned

♦ *FAIR MOTORS (TIRES)*
Public Nuisance



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

The Minster Board of Zoning Appeals will conduct a hearing on March 9, 2021 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 variance request submitted by Joel and Maria Mendes owners of the property at 61 Northcrest Drive. The Mendes' are asking a variance to allow a detached accessory building to be 27 feet in height. The zoning code calls for the height of an accessory building to be 18 feet. A height variance of 9 foot is needed to allow the Mendes' to construct their detached accessory building.

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



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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 2450 0002 0163 9298	WENTE
7020 2450 0002 0163 9236	HEITWAMP
7020 2450 0002 0163 9243	SCHWELLE
7020 2450 0002 0163 9250	PHILIPOT
7020 2450 0002 0163 9267	MENDES

MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:00 PM

02/09/2021

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	Jim Hearn	P
Don Harrod ZA	P		

Also Present:

Jeff Dirksen	Craig Lehmkuhl
Chris Borgerding	Jigs Muhlenkamp
Laurie Borgerding	Mark Bruns
Dennis Kitzmiller	Vanessa Stickel
John Dues	

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

Four items were discussed in the public meeting:

- 1) Vanessa Stickel explained that the McDonalds is going to do a remodeling of the existing structure and are requesting a variance to allow a wall sign to be placed on the north side of the building. The zoning code states that wall signs shall be limited to one per each street for which the structure fronts. She stated that there will be the word "McDonalds" on the north side of the building, the "M" logo on the front of the building and on the drive thru side of the building. N. Sielschott inquired about the trees on the north side of the building and who owned them. He believed that these trees may cause a view obstruction of the sign on the north side. No one was sure who owned the trees. S. Bruns inquired about the previous variance and what was granted. D. Harrod explained that the original variance was for one sign on the south side and two on the west side.
- 2) A variance request from Craig Lehmkuhl of 121 North Frankfort Street. Mr. Lehmkuhl is asking for a side yard variance to allow him to erect an addition on to the existing house that would be five feet and nine inches off of the property line. A variance of one foot and seven inches is needed on the south side of the property. The Zoning code call for a side yard setback of seven feet six inches. C. Lehmkuhl explained that they would like to put an addition on to the home. The addition would come straight back from the existing house and would not encroach into the side yard any further than the current house. B. Garmann inquired about whether the shed was going to be torn down. C. Lehmkuhl stated that it would remain for now as he needed extra storage space. N. Sielschott inquired about the fence on the north side of the property and whether that would be removed. C. Lehmkuhl explained that the fence was between Rita Olberding's home and his and that it would remain.
- 3) A variance request by B & B Logistics, doing business as SpringCreek Building Supply and located at 331 South Ohio Street. B & B Logistics would like to erect an addition onto their building. The proposed addition would be nineteen feet from the front property line. The zoning code calls for a front yard setback to be thirty-five feet, thus a sixteen foot variance would be needed to allow B & B Logistics to add onto their building. J. Muhlenkamp explained that SpringCreek has become very busy and that they are looking to expand their production area. Because they are landlocked they would like to expand their building and

move their offices so that they can add production space where the offices currently are. B. Garmann asked about the drawing submitted and what the ten foot wide rectangular space was. M. Bruns explained that their original plan called for a twenty-two foot expansion that would be two stories. He explained that this created some water runoff issues with the existing roof and that they had decided to do only a one-story building, but in order to do that they would need to come out another ten foot. B. Garmann inquired about the appearance of the building. M. Bruns explained that it would look very similar to what is there now with metal siding and metal roof and stone veneer. M. Bruns explained that the entrance to the building would be approximately located in the middle of the building and be offset with a little porch.

- 4) A variance request submitted by John and Elizabeth Dues of 24 North Hanover Street. Mr. and Mrs. Dues would like to build a garage/pool house with loft at the rear of the property. The proposed garage/pool house will be twenty-five feet and two inches tall. A height variance of seven feet and two inches is needed to allow Dues to construct the detached accessory building. J. Dues explained that his family has grown and that they would like to add a garage/pool house and add a loft to the structure. There would be a bedroom and a small living area in it to accommodate short term stays by his family. In order to put the loft in, he is requesting a variance. S. Bruns inquired about a past request submitted by Jim Prenger where he wanted to do the same thing, but his request was denied. D. Harrod thought that Jim Prenger's request was denied because he wanted to make a permanent living quarters above the garage. D. Harrod stated that he knows nowhere in the zoning code that says that living quarters can't be put in a garage. He went on to say that it can't be permanent where you have two residential properties on one lot. J. Dues explained that his intention is not to make this a permanent residence only a quest bedroom for his family. He stated that a variance was granted to Ted Ripploh on North Hanover Street and that he has a loft with a temporary living quarters in it.

The public hearing was called to order by President Brad Garmann at 7:16 pm.

III. The minutes from the January 12, 2021 meeting were read. Being no further changes to the minutes, N. Sielschott motioned and S. Bruns seconded to approve the minutes. All members voted in favor of the motion to approve the minutes.

IV. New Business

- 1) A variance request submitted by McDonald's corporation owners of the property at 400 North Main Street. McDonald's is asking for a variance to allow a wall sign to be placed on the north side of their building. The zoning code states that wall signs shall be limited to one per each street for which the structure fronts. S. Bruns commented that he thought this signage plan was much better than the original plans that were submitted. Being no further discussion, S. Bruns and L. Kitzmiller motioned to approve the variance. All voted in favor.
- 2) A variance request from Craig Lehmkuhl of 121 North Frankfort Street. Mr. Lehmkuhl is asking for a side yard variance to allow him to erect an addition on to the existing house that would be five feet and nine inches off of the property line. A variance of one foot and seven inches is needed on the south side of the property. B. Garmann commented that the addition was coming straight back from the existing house and was not encroaching into the side yard setback any further than what it does now. Being no further discussion, L. Kitzmiller and N. Sielschott motioned to approve the variance. All voted in favor.

- 3) A variance request by B & B Logistics, doing business as SpringCreek Building Supply and located at 331 South Ohio Street. B & B Logistics would like to erect an addition onto their building. The proposed addition would be nineteen feet from the front property line. The zoning code calls for a front yard setback to be thirty-five feet, thus a sixteen foot variance would be needed to allow B & B Logistics to add onto their building. B. Garmann stated that the addition would be awful close to the sidewalk but still behind it. He also stated that it looked like SpringCreek's only option to expand. N. Sielschott inquired if the runoff from the building would cause any problems for the neighboring buildings. D. Harrod explained that it shouldn't as they would probably put gutters and downspouts on the building to avoid the water runoff. M. Bruns stated that they would. Being no further discussion, N. Sielschott and J. Hinker motioned to approve the request. All voted in favor.
- 4) A variance request submitted by John and Elizabeth Dues of 24 North Hanover Street. Mr. and Mrs. Dues would like to build a garage/pool house with loft at the rear of the property. The proposed garage/pool house will be twenty-five feet and two inches tall. A height variance of seven feet and two inches is needed to allow Dues to construct the detached accessory building. J. Hinker stated that she thought the Jim Prenger request involved an independent living quarters arrangement. She thought that there would be two families living on the same lot in that case. B. Garmann stated that he thought the proposed addition was tasteful but cautioned that we want to make sure that it doesn't become a residence. N. Sielschott inquired about the view and stated that the other buildings around like the church were tall structures, so that should not be an issue. J. Dues explained that he is putting the garage/pool house where he is, so that it blocks the noise and view of the post office. Being no further discussion, L. Kitzmiller and N. Sielschott motioned to approve the request. All voted in favor.

V. Old Business

- 1) A variance request from Jeff and Lisa Dirksen of 16 Greenhills Drive. The Dirksen's are asking for a variance to allow them to park a recreational vehicle within 7'-6" of the property line. The zoning code called for recreational vehicles to be parked at least 7'-6" from the property lines. J. Dirksen explained that when they built their building, they installed a concrete slab and a 6' fence in order to park their camper on their lot. This was done in 2015, and at the time followed all zoning guidelines. He explained that he thought he was the only one in Minster who have done what they have in order to comply with zoning. He stated that when he received the letter that he was in violation of the new zoning code he moved the camper immediately. He now is requesting that he be allowed to park his boat in this area. The boat would be parked about three to four feet off of the property line, but would be neatly tucked away and be barely visible from others. He stated that other neighbors who had a clear view of the boat had no problems with its location. He last stated that he wanted to right some of the wrongs that were communicated to the board at the last meeting. He wanted to confirm that within one or two days of receiving the letter that he was in violation of the new zoning code he moved the camper immediately. C. Borgerding asked the board to deny the variance. He stated that the Dirksen's have parked a camper at that location since 2011 and that the camper was taller than the fence and wasn't hidden. Even though the Dirksen's did everything by the book, there was a change in the zoning code for some reasons and that the Dirksen's should live by the new rules. C. Borgerding stated that the parking of the camper or boat is not a seasonal issue but a year around issue. He explained how he used to live next to Dannon on South Stallo Road and that when Dannon expanded they decided to move because they did not want to live next to an industry, nor do they want to live next to a camp grounds or boat dock now. He stated that there are three other sides of the building that the Dirksen's could park the boat or camper on. He also explained that the boat has a ski rack on top which makes it more

visible. He is asking the board to not allow the trailer or the boat to be parked on the concrete slab. M. Borgerding stated that the Dirksen's don't want to park the vehicle there they want to store the vehicle there. L. Kitzmiller stated if the variance was granted the boat would be parked further back and be less visible, but by not granting the variance it will bring it further forward in the drive and make it more visible. S. Bruns said that by not granting the variance the view would be worst yet. J. Dirksen asked for the board to use common sense and that if the boat was parked further back it would be less visible. N. Sielschott asked about any covenants from the subdivision. J. Hearn replied that he had checked and there is nothing in the covenants about campers or recreational vehicles. J. Hinker stated that this is an emotional issue and that she is trying to look at it logically. She stated that the Dirksens removed one trailer and want to put another recreational vehicle in the space. It is just trading one for the other. B Garmann stated that this issue has been a topic for some time. There were rules for screening but how do you screen a camper or boat with a six-foot fence. He stated that the Dirksens put in a fence and did everything right at the time. He stated that you are still going to see the boat or a vehicle no matter where it is parked. B. Garmann asked if we could be specific about the vehicle parked in on the concrete slab only be a boat. J. Hearn replied that he didn't think we could do that. L. Kitzmiller stated that the Dirksens have went to a great expense to do everything right. N. Sielschott asked why the council thought it was prudent to change the law. D. Harrod explained that it was to keep a recreational vehicle from being parked right up next to a neighboring property especially in the older parts of town where the lots are narrower. Being no further discussion, B. Garmann motioned and L. Kitzmiller seconded the motion to approve the variance request. B. Garmann asked for a role vote. J. Hinker – No; L. Kitzmiller – Yes; B. Garmann – Yes; S. Bruns – Yes; N. Sielschott – No. Variance passed on a 3 to 2 vote.

VI. Comments:

- a) D. Harrod provided a recap of zoning activities last year. The Zoning Board issued forty-four permits last year. Five permits were for new homes valued at \$1,897,500.00. Three permits were for commercial or industrial development or additions and those totaled \$1,113,000.00. Seven permits were for accessory buildings valued at \$69,850.00 and eight permits were issued for fences and four for signs.
- b) B. Garmann stated that the Car Wash has an electronic sign installed on the building. D. Harrod stated that he will send a letter telling them that those types of signs are illegal.

VII. Adjournment

- a) L. Kitzmiller motioned and J. Hinker seconded a motion to adjourn at 8:04 pm. Motion passed.



March 11, 2021

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 2450 0002 0163 9298.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 4, 2021, 9:56 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:

77 NORTHCREST DR
MINSTER, OH 45865

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

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



March 11, 2021

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 2450 0002 0163 9236.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 4, 2021, 9:47 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:

Stevio
[Handwritten signature]

Address of Recipient:

11 SYCAMORE CT MINSTER,
OH 45865

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Washington, D.C. 20260-0004



March 11, 2021

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 2450 0002 0163 9243.

Item Details

Status:	Delivered
Status Date / Time:	March 9, 2021, 8:39 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:	AMY SIEGEL 9 SYCAMORE C MINSTER, OH 45865-0558

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March 11, 2021

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 2450 0002 0163 9250.

Item Details

Status:	Delivered
Status Date / Time:	March 6, 2021, 8:59 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:

22 MIAMI ERIE DR
MINSTER, OH 45865-8504

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