

VILLAGE OF MINSTER ZONING BOARD OF APPEALS

May 10, 2022

AGENDA

7:00 p.m.

1. Public Hearing
2. Call to Order 7:07 PM
3. Approval of April 12, 2022 minutes CHES
4. New Business:
 - a) A variance request by Ed and Diane Jutte owners of the property located at 194 South Paris Street. The Jutte's would like to erect a detached accessory building at the rear of their property. The proposed accessory building would be on the rear property line and would be on the south property line. The zoning code calls for a detached accessory building to be 7.5 feet off of the property lines. Two variances would be needed to allow the structure to be built. The first would be a 7.5-foot variance off of the rear property line and the second would be a 7.5-foot variance off of the side yard setback requirement.
5. Old Business: NONE
6. Comments PET - CONNECTIONS OF TRUCKS
7. Adjournment
CHES - 7:20 PM



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

The Minster Board of Zoning Appeals will conduct a hearing on May 10, 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 variance request by Ed and Diane Jutte owners of the property located at 194 South Paris Street. The Jutte's would like to erect a detached accessory building at the rear of their property. The proposed accessory building would be on the rear property line and would be on the south property line. The zoning code calls for a detached accessory building to be 7.5 feet off of the property lines. Two variances would be needed to allow the structure to be built. The first would be a 7.5-foot variance off of the rear property line and the second would be a 7.5-foot variance off of the side yard setback requirement.

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 8987 Jutte

7020 1290 0000 9994 8994 Weaver

7020 1290 0000 9994 9007 Heitbrink

MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:00 PM

04/12/2022

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

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

Also Present:

Dennis Kitzmiller	Richard Wuebker
Jim Geiger	Cynthia Wuebker
Martha Geiger	Mary Oakes
Gail Berning	Craig Sherman

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

- a) A variance request by Chad and Gail Berning owners of the property located at 161 South Cleveland Street. The Bernings would like to erect a detached accessory building with a height of 23 feet. The zoning code call for the height of an accessory building to be 18 feet. A variance of 5 feet is needed to allow the construction of the accessory building. G. Berning explained that they would like to erect a two-car garage with a roof pitch that matches the existing home on the property. B. Garmann stated that this is a common request that the board gets. S. Bruns inquired about comments from the neighbors. D. Harrod stated that there were none.
- b) A variance request by Richard and Cynthia Wuebker owners of the property at 93 South Webster Street. The Wuebker's would like to erect an attached garage on to the existing home. The proposed structure would be located 24 feet from the front property line. The zoning code calls for the front yard setback to be 35 feet. A variance of 11 feet is needed to allow the construction of the proposed garage. R. Wuebker explained that the house sits at an angle on the lot facing both Webster Street and Third Street. This poses a problem with adding on to the home. The current home is approximately 45 feet from the west property line and the proposed garage would sit 24 feet from the front property line. N. Sielschott stated that the setbacks are different being that it is a corner lot. D. Harrod stated that the side with the least amount of frontage would be the front yard and the side with the most amount of frontage would be the side yard. In this case, the front yard would be off of Third Street and the side yard would need to be off of Webster Street. R. Wuebker mentioned that they looked at putting an outbuilding on the north side but that if that was done the building would be very close to the neighbor's property to the north. J. Hinker asked if the drive would be widened. R. Wuebker stated that the proposed garage addition would sit back about 12 to 15 feet from the current garage and this would necessitate a new driveway. B. Garmann inquired about how far the proposed garage addition would sit from the west property line. R. Wuebker stated that the new garage would not be as close to the property lien as the current garage as it will be approximately 16 feet off of the property line. B. Garmann asked if there were any comments from the neighbors. D. Harrod replied that there were none.

- c) A variance request by Matt and Mary Oakes owners of the property located at 231 North Frankfort Street. The Oakes would like to erect a portable shed on an existing concrete slab that is on their property. The proposed 10 x 16-foot shed would be approximately 2 feet off of the rear property line and would be on the north property line. The zoning code calls for a detached accessory building to be 7.5 feet off of the property lines. Two variances would be needed to allow the structure to be built. The first variance would be a 5.5-foot variance off of the rear property line and the second would be a 7.5-foot variance off of the side yard setback requirement. M. Oakes stated that there was an existing slab at the rear of the property that they would like to put a portable 10' by 16' shed on the concrete slab. She stated that they had spoken with the neighbor to the north and that he had no problems with it. N. Sielschott stated that the slab was very close to the property line but he also noted that the existing house was also on the property line. B. Garmann asked what the shed would be used for. M. Oakes stated that they currently only have a single car garage and that it would be used to store a mower and toys in it. She also noted that the existing shed would be removed. J. Hinker stated that a portable shed did not have to be placed on a concrete slab or foundation and could be put somewhere else on the lot.

II. The minutes from the March 8, 2022 meeting were 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.

III. New Business

- a) A variance request by Chad and Gail Berning owners of the property located at 161 South Cleveland Street. The Berning's would like to erect a detached accessory building with a height of 23 feet. The zoning code call for the height of an accessory building to be 18 feet. A variance of 5 feet is needed to allow the construction of the accessory building. B. Garmann stated that the board has had other request similar to this where the owners want to match the garage and the house. Being no further discussions, S. Bruns motioned and N. Sielschott seconded the motion to approve the request. All voted in favor.
- b) A variance request by Richard and Cynthia Wuebker owners of the property at 93 South Webster Street. The Wuebker's would like to erect an attached garage on to the existing home. The proposed structure would be located 24 feet from the front property line. The zoning code calls for the front yard setback to be 35 feet. A variance of 11 feet is needed to allow the construction of the proposed garage. B. Garmann stated that the layout of the house on the lot creates a unique situation and that the requested variance seems appropriate. Being no further discussions, S. Bruns motioned and N. Sielschott seconded the motion to approve the request. All voted in favor.
- c) A variance request by Matt and Mary Oakes owners of the property located at 231 North Frankfort Street. The Oakes would like to erect a portable shed on an existing concrete slab that is on their property. The proposed 10 x 16-foot shed would be approximately 2 feet off of the rear property line and would be on the north property line. The zoning code calls for a detached accessory building to be 7.5 feet off of the property lines. Two variances would be needed to allow the structure to be built. The first variance would be a 5.5-foot variance off of the rear property line and the second would be a 7.5-foot

variance off of the side yard setback requirement. N. Sielschott noted that he understood the rational of wanting to put the accessory building on the existing concrete pad as the other structures on the lot appear to be on the property line or very close as well. B. Garmann stated that the board has always avoided allowing things to be build on the property line as like a fence, once cannot maintain both sides while on their own property. A far as the setback from the alley right-of-way, B. Garmann noted that an issue arises with trying to get a fire truck down the alley when things are built right on the right-of-way. He also noted that other options were available. J. Hinker agreed that the lots are long and wide and other options were available. Being no further discussions, S. Bruns motioned and N. Sielschott seconded the motion to not approve the request. All voted in favor.

- d) An appeal of a property maintenance code violation by James and Martha Geiger of 48 West Sixth Street. The Geigers were issued a property maintenance code violation letter on March 20, 2022 for various violations stemming from an inspection of the property after the village received a complaint. D. Harrod explained that he received a complaint about the condition of an outbuilding and the yard area of the Geiger's property. Upon receiving the complaint, Harrod undertook an inspection where he found the complaint to be valid and issued a property maintenance code violation letter to the Geigers that required the Geiger's to bring the accessory building into compliance with the Village's Exterior Maintenance Code by making the exterior of the structure capable of performing the use for which such part or feature was designed. In addition, it was noted that the exterior of the accessory structure or use should be maintained in good repair and that the entire yard area should be maintained in a safe, clean and sanitary manner by removing debris, building materials and obstructions. J. Geiger stated that he has been working on the property for awhile and has had health issues which have affected his ability to get the project completed. He stated that he wanted to know exactly what he had to do in order to be in compliance. D. Harrod explained that there were tarps on the accessory building that appeared to be covering unfinished areas. The windows of the accessory building appear not to be finished. That there were areas of the accessory structure that were not finished and were covered with plastic. That there were building materials on the ground and piles of rocks and other debris that need to be removed. M. Geiger stated that they had been working on cleaning up the area since they have received the letter. J. Geiger stated that he felt that the violation notice should have been handled in a different way rather than be delivered by an officer and sent certified mail. N. Sielschott stated that there are rules to follow when handling situations like this and it was handled properly. B. Garmann stated that they had heard from both parties and that the board job was to affirm, sustain, or modify the violation order. Being not further discussion by the board, N. Sielschott motioned to affirm the violation order and this was seconded by J. Hinker. All voted in favor.

V. Old Business

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

VI. Comments:

- 1) There were no comments.

VII. S. Bruns motioned and N. Sielschott seconded a motion to adjourn at 7:53 pm. Motion passed.