



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

The Minster Board of Zoning Appeals will conduct a hearing on October 11, 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 Philip and Erin Frilling owners of the property at 40 South Street. The Frillings have constructed an attached garage that is approximately 11 and 3/4 inches off of the property line. The Frillings are requesting a variance to allow the building to remain 11 and 3/4 inches off of the property line. The zoning code calls for a side yard setback to be 7.5 feet. A variance of 6 feet and 6 and 1/4 inches would be needed.

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 0332

Davenport: Schett

7019 2280 0001 3240 6645

Frilling

7019 2280 0001 3240 6652

Williams



November 3, 2022

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7019 2280 0001 3240 6645.

Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	October 6, 2022, 9:01 am
Location:	MINSTER, OH 45865
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Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:

Address of Recipient:

40 S HANOVER ST
MINSTER, OH 45865-1234

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Washington, D.C. 20260-0004



November 3, 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 0332.

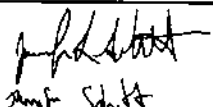
Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	October 11, 2022, 3:35 pm
Location:	MINSTER, OH 45865
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	46 B HANOVER ST MINSTER, OH 45865-1234

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November 3, 2022

Dear Amy Siegel:

The following is in response to your request for proof of delivery on your item with the tracking number:
7019 2280 0001 3240 6652.

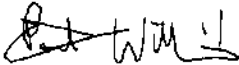
Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	October 6, 2022, 11:24 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:	38 S HANOVER ST MINSTER, OH 45865-1254

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VILLAGE OF MINSTER ZONING BOARD OF APPEALS

October 11, 2022

AGENDA

7:00 p.m.

1. Public Hearing
2. Call to Order
3. Approval of September 13, 2022 minutes *See/Nov*
4. New Business:
 - a) A variance request by Philip and Erin Frilling owners of the property at 40 South Street. The Frillings have constructed an attached garage that is approximately 11 and 3/4 inches off of the property line. The Frillings are requesting a variance to allow the building to remain 11 and 3/4 inches off of the property line. The zoning code calls for a side yard setback to be 7.5 feet. A variance of 6 feet and 6 and 1/4 inches would be needed. *NS/SB - today request*
5. Old Business:
 - a) Discussion on changing the height requirements for accessory buildings.
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 October 11, 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 Philip and Erin Frilling owners of the property at 40 South Street. The Frillings have constructed an attached garage that is approximately 11 and 3/4 inches off of the property line. The Frillings are requesting a variance to allow the building to remain 11 and 3/4 inches off of the property line. The zoning code calls for a side yard setback to be 7.5 feet. A variance of 6 feet and 6 and 1/4 inches would be needed.

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

MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:00 PM

09/13/2022

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

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

Also Present:

Dennis Kitzmiller
Clyde Miller
Ike Hoying

Matt Werling

I. The public hearing was called to order by Vice President Steve Bruns at 7:00 pm.

- a) A variance request by Andrew and Mindi Kuehner owners of the property located at 25 StoneGate Drive. The Kuehner's would like to erect a detached accessory building with a height of 20 feet. The zoning code calls for the height of an accessory building to be 18 feet. A height variance of 2 feet is needed to allow the Kuehner's to construct their detached accessory building. I. Hoying stated that the roof of the accessory building would have a 12/10 pitch which would match the roof of the home. Having a 12/10 pitch would necessitate the additional two feet of height requested. N. Sielschott asked if there was extra space be accounted for in the accessory building. I. Hoying replied that there was not. S. Bruns asked if there were comments from the neighbors. D. Harrod stated that there were none.
- b) A variance request by Clyde Miller owner of the property at 426 East Third Street. The Miller's would like to replace an existing shed on their property with a new shed. The shed would be located on an existing concrete pad and would be 3.5 feet from the east property line. The zoning code calls for the setbacks for an accessory building to be 7.5 feet. A variance of 4 feet would be needed to allow the Miller's to replace the shed on the existing concrete pad. C. Miller stated that he would like to replace his current shed with a newer shed that could accommodate his new mower. It would be placed on the existing concrete pad and would be no closer to the property line than the current shed. He stated that the old shed had shingles coming off of it and was dry rotted on the bottom. N. Sielschott asked if the shed would be bigger than the current one. C. Miller replied that it would not. J. Hinker inquired about when the original shed was installed. C. Miller stated that he wasn't sure, but that it was there prior to the previous owners owning the property. S. Bruns asked if there were comments from the neighbors. D. Harrod stated that there were none.

*Item
voted NO*

II. The regular meeting was called to order by Steve Bruns at 7:06 pm.

III. The minutes from the July 12, 2022 meeting were read. Being no changes to the minutes, N. Sielschott motioned and E. Schmiesing seconded to approve the minutes. All members voted in favor of the motion to approve the minutes.

IV. New Business

- a) A variance request by Andrew and Mindi Kuehner owners of the property located at 25 StoneGate Drive. The Kuehner's would like to erect a detached accessory building with a height of 20 feet. The zoning code calls for the height of an accessory building to be 18 feet. A height variance of 2 feet is needed to allow the Kuehner's to construct their detached accessory building. N. Sielschott stated that the request is consistent with the trend that the board is seeing and that the additional height was not a visual hinderance. N. Sielschott motioned to approve the variance. This was seconded by J. Hinker. All voted yes.
- b) A variance request by Clyde Miller owner of the property at 426 East Third Street. The Miller's would like to replace an existing shed on their property with a new shed. The shed would be located on an existing concrete pad and would be 3.5 feet from the east property line. The zoning code calls for the setbacks for an accessory building to be 7.5 feet. A variance of 4 feet would be needed to allow the Miller's to replace the shed on the existing concrete pad. Being no further discussion, N. Sielschott motioned to approve the variance request. This was seconded by E. Schmiesing. All voted yes. *except Sam*
- c) Ned Sielschott inquired about whether or not the zoning board needs to ask the planning commission to reconsider the height limits for accessory buildings. He noted that the board has received a lot of requests for height variances and maybe the 18-foot requirement is not high enough. There were a couple of differing thoughts on what the height requirement should be. It was suggested that the height requirement be tied to the peak of the existing house, but that could make for some tall accessory buildings. It was suggested to table the discussion until the next meeting when all zoning board members were present.

VI. Old Business

D. Harrod informed the board that at the next meeting, they would need to deal with a variance request from Erin and Phillip Frilling. Last year, the Frillings received a variance to build a garage addition on to their home. The variance was for three feet off of the north property line. however, after the neighbor had the property surveyed, it was determined that the addition was built only one and a half feet off of the property line. The Zoning Administrator has issued a stop work order until the issue is resolved.

VI. Comments:

- a) There were no comments.

VII. Adjournment

N. Sielschott motioned and J. Hinker seconded a motion to adjourn at 7:43 pm. Motion passed.



The Village of Minster
Administration

September 8, 2022

Phillip and Erin Frilling
40 South Hanover Street
Minster, Ohio 45865

SUBJECT: Notice of Zoning Violation

You are hereby advised that you are in violation of the Village of Minster Zoning Code. The nature of this violation is as follows:

On August 10, 2021 the Village of Minster Zoning Board of Appeals granted a variance to allow an attached garage to be constructed which was to be four feet six inches from the north property line. After an inspection of the property, it was determined that the building being constructed is one foot six inches from the north property line.

You are hereby advised to stop work on the attached garage portion of the project, immediately.

You are further informed that unless this violation is corrected or otherwise made to comply by October 15, 2022, you will be subject to the penalty as provided by the Village of Minster Zoning Code.

The Zoning Code provides, in part, that: "Any person who violates this Zoning code or fails to comply with any of its requirements, shall upon conviction thereof, be fined not more than \$100 and in addition shall pay all costs involved in the case. Each day such violation continues shall be considered a separate offense."

Please contact me at 419-628-3497 so we may discuss this matter.

Sincerely,

Donald W. Harrod
Zoning Administrator

7020 1290 0000 9994 0455



October 11, 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 0455.

Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	September 12, 2022, 9:49 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:	40 S HANOVER ST MINSTER, OH 45865-1234

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

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SUGGEST WE HOLD MEETING BEFORE PUBLIC HEARING TO ADDRESS ORIGINAL VARIANCE VIOLATION AND COMPLAINT

- I. Address matters relating to Original Variance
 - a) Have Don report concerning activity since the variance was granted
 - b) Allow complainant to address complaint
 - c) Allow petitioner to address Don's report/complaint
 - d) Allow any other person who is interested in matter to address and discuss
 - e) Board members discuss including questions to petitioner, Don and other interested parties/complainants
 - f) DETERMINATIONS
 - 1) Uphold Don's Order
 - 2) Reverse Don's Order
 - 3) Modify Don's Order
 - g) CONSIDERATIONS
 - 1) What was the reasons for original variance
 - 2) How do the violations change reasoning for granting variance
 - 3) Give considerations as to impact violation has on contiguous neighbor
(They did not appear at hearing or file objection to original variance)
 - 4) Balance impact violation has on contiguous property use and value against effort required to correct violation
 - 5) Board can
 1. Uphold Don's order comply with Don's order – issue fine for days in violation up to \$500.00 per day – give time to comply
 2. Modify Don's order – can still fine – can still give time to comply
 3. Deny Don's order
- II. Hold Public Hearing
- III. Go back into meeting to determine new variance request

Based upon Zoning Board granting Variance on August 10, 2021 and the submittal of a zoning certificate application by the Frilling's, I granted a zoning compliance certificate in March of 2022.

On August 25th, I received a call from Paul Williams regarding the Frilling's construction and subsequently met with Mr. Williams later that day and looked at the property and heard the concerns of Mr. Williams. At that time, we discussed the possibility of Mr. Williams obtaining a survey of his property to verify the property lines and to satisfy his concerns.

On September 6th, I received a call from Mr. Williams and a copy of an e-mail from Jenny at Lock Two Surveying, where she located the lot lines and determined that that the garage that was being constructed on the Frilling's property was an approximately a foot and a half from the property line.

After doing research on the original variance request and based upon information obtained from Lock Two Surveying, on September 8th, I contacted the Frilling's to advise them that they were in violation of the zoning code and that they should cease to continue work on the attached garage portion of the project and that they would need to correct the violation or comply with the original variance by October 15th. At that time, we discussed options that could be available to the Frilling's including applying for a variance. Also, On September 8th I issued a written letter to the Frillings that stated they were in violation of the code and should stop working on the garage portion of the project. That letter was received by the Frillings on the 12th of September.

On September 22nd, I received another variance request by the Frillings, which I processed in to tonight's meeting. On the 7th of October, I received the notice of complaint as filled by Paul and Denise Williams and which is before you tonight.

no garage
variance of
3'

Don Harrod

From: Paul Williams <wrkply007@gmail.com>
Sent: Tuesday, September 6, 2022 11:27 AM
To: Don Harrod
Subject: Fwd: 38 S. Hanover Survey

----- Forwarded message -----

From: <locktwosurveying@nktelco.net>
Date: Fri, Sep 2, 2022, 4:33 PM
Subject: 38 S. Hanover Survey
To: <dwilliams1015@gmail.com>
Cc: <wrkply007@gmail.com>

Paul

We have resolved the south property line. The northwest foundation corner of the neighbor garage is 1'-6.5" south of the property line and the overhang is 3" south of the property line. The northeast foundation corner of said building is 1'6" south and the overhang is 2" south of the property line. I will wait to hear from you before anymore work is completed. The building is not currently over the property line but defiantly into the setback area the Village gave the variance on. Please let me know if you have any questions.

Thank You

Jenny Saintignon

Partner

Lock Two Surveying, LLP

VILLAGE OF MINSTER ZONING BOARD OF APPEALS

Paul & Denise Williams :
Movants,
Vs :
Philip Frilling : COMPLAINT SUBJECT TO VILLAGE
OF MINSTER OFFICIAL ZONING CODE
And : CHAPTER TEN, SECTION B
Erin Gault (Frilling) :
Respondents.

1. Paul and Denise Williams ("Movants") are owners of real property located in the Village of Minster, Auglaize County, Ohio at 38 Hanover Street, Minster, Ohio 45865 (Parcel #E1500703400) (Lot 33 and the North Part of Block D-Lot 32) ("William's Property").
2. Philip and Erin Frilling ("Respondents") are owners of the real property adjoining William's Property, located in the Village of Minster, Auglaize County, Ohio at 40 S. Hanover Street, 45865 (Parcel #E1500703600) & (Parcel #E1500703600) ("Frilling's Property").
3. Respondents decided to build an addition onto their property as well as an attached garage sometime prior to July 21, 2021.
4. Respondents applied for a variance from the Village regarding Board of Zoning Code, Section Q: Schedule of Minimum Requirements, side yard setback requirements for R-1: Single & Double Family. Said variance was applied for on July 21, 2021 ("Variance Petition").
5. Based on Respondent's own blueprint submitted with the Variance Petition, Respondents, regarding the garage, were granted a variance from 7.6 to 4.6 feet (i.e., a 3-foot variance for the garage). The Variance was granted on August 10, 2021.
6. Respondents through their construction company, Woehrmyer, concrete construction inc., constructed an attached drive through garage after tearing down the previous garage which was much smaller the current drive through garage.

7. The Garage was built 1.65 feet off of the Petitioner's north property line as it was understood the Respondent's as of July, 2021, when Respondents filed their initial request for variance. Therefore, Respondent's built 2.95 feet past their allotted variance of 4.6 feet off of Petitioner's north property line.

8. Based on Respondents violation of the Variance the Village issued Respondents a Cease-and-Desist letter issued on September 8, 2022, requesting Respondents to:

"... stop work on the attached garage portion of the project immediately...

"You are further informed that unless this violation is corrected or otherwise made to comply by October 15, 2022, you will be subject to the penalty as provided by the Village of Minster Zoning Code."

9. Work was conducted on the Garage on September 13, 2022, in violation of the Cease and Desist.

10. A survey was conducted by Lock 2 Engineering which determined that the William's Property north property line was actually approximately 1.65 feet closer to the garage then was previously thought by Respondents.

11. The northwest overhang of the Frilling's garage is actually 0.83' over the William's Property north property line and the northeast overhang is actually 0.45' inches over the William's Property north property line.

12. The Petitioner's garage is an encroachment onto the William's Property.

13. After violating the terms of the August 2021, variance by building the garage outside of the variance (by approximately 3-feet) and receiving the aforementioned September 8, 2022, letter mentioned above Petitioner's still had work conducted on their property in violation of the Cease-and-Desist Letter on September 13, 2022.

14. On September 22, 2022, Petitioners have applied for another variance to retroactively approve their violation of both the Zoning Code's side yard setback requirements and variance.

15. The result of granting such a variance would be an illegal annexation of a portion of the William's Property in favor of the Petitioner's.

16. For of the reasons outlined above the Petitioner's request for variance dated September 22, 2022, should be denied.



Aaron D. Lowe (#0085954)

Hegemann & Zimmerman Co., L.P.A.

108 East Poplar Street

Sidney, Ohio 45365

(937) 492-9191 Office

(937) 492-6957 Fax

aaron@hz-lawyers.com

Attorney for Movant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon James F. Hearn, via email at jhearn@midohio.twcbc.com, Donald W. Harrod, at administation@minsteroh.com and via regular US Mail to Phillip and Erin Frilling at 40 South Hanover Street Minster, Ohio 45865 via email this 7th day of October, 2022.



Aaron D. Lowe



Minster
A GREAT COMMUNITY

APPLICATION FOR VARIANCE
BOARD OF ZONING APPEALS
VILLAGE OF MINSTER
AUGLAIZE COUNTY, OHIO

Application Number: _____

1. Name of Owner: Philip and Erin Filling

Mailing Address: 40 S. Hanover St.

Telephone: (Home) 937 726 7510 Work: 937 469 9597

2. Location Description:

Subdivision Name: D SPT 50x214 7 Lot Number: 32
(If not in a platted subdivision, attach a legal description)

Street Number and Name: 40 S. Hanover St.

3. Nature of Variance: (Describe generally the nature of the variance.)
desire to add new garage and drive 4.5' from North

Property line. desire to install decorative fencing on the

North Property line. Reserve fencing on the

South Property line too.

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

4. Justification of Variance: In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the following items are true:
(Please attach these comments on a separate sheet.)

- ☐ Special conditions exist peculiar to the land or building in question;
- ☐ That a literal interpretation of the Zoning Code would deprive the applicant of rights enjoyed by other property owners;
- ☐ That the special conditions do not result from previous actions of the applicant; and
- ☐ That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.

Signature of Owner: PL Filling Date: 7/21/21

FOR OFFICIAL USE ONLY

Date Filed: 7-21-21

Fee Paid: Yes

Date of Notice in Newspaper: 8-3-2021

Date of Public Hearing: 8-10-2021

Date of Notice to Parties in Interest: 7-29-2021

Decision of Board of Zoning Appeals: Approved: ☐ Denied: ☐

If Approved, the following conditions and safeguards were prescribed:

1. Variance for home addition and attached garage
2. was approved
3. _____
4. _____
5. _____
6. _____

If Denied, reason for denial:

Variance for fence on this lot line was denied

Date: August 11, 2021

Donald J. Javed
Zoning Administrator

Note: One (1) copy to be filed with Zoning Administrator and two (2) copies with the Zoning Board of Appeals.

Variance Application for 40 S. Hanover St.

1: *Special conditions exist peculiar to the land or building in question*

1. Our lot (Parcel #E1500703500) is unusually narrow compared to other parcels in the vicinity. This peculiarity creates a condition of odd proportions which negatively impacts the usability of the lot.
2. The garage in its current state lies inches from the property line.
3. Existing privacy landscaping currently sits on what we believe to be the south lot line.
4. The narrow lot proportions create a unique situation which requires a creative solution to satisfy the needs of our growing family, address safety concerns and make efficient use of available space. It will also benefit neighbors on both sides.

2: *That a literal interpretation of the Zoning Code would deprive the applicant of the rights enjoyed by other property owners.*

1. A literal interpretation of the Zoning Code would leave us with only 35 feet of usable width of the lot.
2. The neighbors also have buildings either on or within a few feet or inches of the property line, as do many in this part of town.
3. A literal interpretation would result in a design which would eliminate visibility to the back yard and an opportunity for an outdoor living area. This would render the back yard area exposed and relatively useless. We enjoy being outside and desire a certain degree of privacy and want a place for our children to play safely.
4. Design would allow maximum visibility to the back yard to monitor children as they play, which is a benefit others in the neighborhood enjoy.
5. Adding a tasteful privacy fence and landscaping to the south lot line will replace the existing and maintain privacy function of the existing.
6. Other property owners also have driveways either on or within inches of the property line.

3: *That the special conditions do not result from previous actions of the applicant*

1. The existing garage currently sits inches from the property line and has been this way since we purchased the house in 2006 (inherited condition).
2. Previous owners sold off a portion of our original lot (Parcel #E1500703500) to accommodate a porch, which is inches from the property line on the neighboring property. This sale has left our lot narrower than originally platted and has made any building impossible to fall within the minimum setback of 7.5' and to satisfy our needs and desires.
3. Existing landscaping on the south lot line was inherited from the previous owner.
4. Current location of the driveway is as it has been when inherited from the previous owner(s).

4. That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings
1. The proposed attached garage and fencing design would not only be the most functional and efficient use of space for the proportions of the lot but will also serve extremely important functions:
 - a. Neighbors on the North side mentioned the desire to put in a fence. The proposed addition and fence will serve dual purpose providing us the garage space we desire, the visibility and usability of the backyard, and the fencing desired by both parties, therefore saving our neighbor the cost of doing so.
 - b. New downspouts and drainage on the new proposed garage design will help to correct a known and recurring standing water issue on the North side of the existing garage which will also be a benefit to the neighbors.
 - c. New building and fencing will be more aesthetically pleasing than the current and increase property value.
 - d. The proposed fencing on the North lot line will also help to define the property line and avoid the perception that the 4.5' between the new garage and the lot line as belonging to the neighbor.
 2. New landscaping design on the South lot line will be more aesthetically pleasing and will increase the privacy for both parties. It will help to create a secluded and safe space for our family.
 3. Due to unusual proportions/decreased width we believe it is reasonable to request the use of the entire width of our lot in order to use the land efficiently and maximize its potential.

ORIGINAL LOT LINE

SIDEWALK

EXISTING DRIVE

N 89 deg 28' 35" E 219.77'

58'-0"

49'-0"

56'-2 1/4"

15'-3"

HOUSE ADDITION

22'-0"

54'-0"

4'-3 1/4"

18'-10 1/2"

107'-8 1/4"

21'-5"

1" = 20'

PHILIP AND EDNA PELLING
40 SOUTH HANOVER STREET
MINSTER, OHIO 43663
PARCEL# E1360700309

ORIGINAL LOT LINE

SIDEWALK

N 89 deg 28' 35" E 219.77'

EXISTING DRIVE

45'-0"

35'-0"

EXISTING FAMILY DWELLING

EXISTING GARAGE

20'-0"

14'-0"

14'-0"

S 89 deg 28' 36" E 219.75'

125'-18"

1" = 20'

40 SOUTH HANCOCK STREET
MANITEX, OREGON 97130
PARCEL # 11-000705800

S 00 deg 03' 27" E 50.00'



APPLICATION FOR VARIANCE
BOARD OF ZONING APPEALS
VILLAGE OF MINSTER
AUGLAIZE COUNTY, OHIO

Application Number: _____

1. Name of Owner: Philip Frilling, Erin Gavit (Frilling)
Mailing Address: 40 S. Hanover Street
Telephone: (Home) 419 501 2145 Work: 937 726 7510
2. Location Description:
Subdivision Name: Parcel # E1500703600 Block D
Lot Number: Lot #32
(If not in a platted subdivision, attach a legal description)
Street Number and Name: 40 S. Hanover
3. Nature of Variance: (Describe generally the nature of the variance.)
An exception to the minimum setback on our North
property line that will allow for an attached garage, maintain
use of existing driveway, and alley access

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

4. Justification of Variance: In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the following items are true:

(Please attach these comments on a separate sheet.)

- o Special conditions exist peculiar to the land or building in question;
- o That a literal interpretation of the Zoning Code would deprive the applicant of rights enjoyed by other property owners;
- o That the special conditions do not result from previous actions of the applicant; and
- o That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.

Philip Frilling
Signature of Owner

E. Frilling

9/22/2022

Date

9/22/2022

FOR OFFICIAL USE ONLY

Date Filed: _____ Fee Paid: _____

Date of Notice in Newspaper: _____ Date of Public Hearing: _____

Date of Notice to Parties in Interest: _____

Decision of Board of Zoning Appeals: Approved: ☐ Denied: ☐

If Approved, the following conditions and safeguards were prescribed:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

If Denied, reason for denial:

Date: _____

Zoning Administrator

Note: One (1) copy to be filed with Zoning Administrator and two (2) copies with the Zoning Board of Appeals.

Variance Application for 40 S. Hanover St.

Special conditions exist peculiar to the land or building in question

1. Our lot (Parcel #E1500703600) is unusually narrow compared to other parcels in the vicinity. This peculiarity creates a condition of odd proportions which negatively impacts the usability of the lot.
2. The original garage, as was purchased in 2006, was approximately 9-10 inches from the property line.
3. The narrow lot proportions create a unique situation which requires a creative solution to satisfy the needs of our growing family, address safety concerns and make efficient use of available space.

That a literal interpretation of the Zoning Code would deprive the applicant of the rights enjoyed by other property owners.

1. A literal interpretation of the Zoning Code would leave us with only 35 feet of usable width of the lot.
2. Buildings close to the property line are a common characteristic of older neighborhoods, ours included. Some examples:
 - a. The original garage at 40 S. Hanover was approximately 9-10 inches from the boundary.
 - b. The property located at 38 S. Hanover is 40.5 inches from the south property boundary.
 - c. The garage of 46 S. Hanover is approximately 8-10 inches from the North property boundary.
 - d. A new garage addition was recently completed on 224 N. Hanover, which is just a few feet from the house at 232 North Hanover.
3. A literal interpretation would result in a design which would eliminate visibility to the back yard and an opportunity for an outdoor living area. This would render the back yard area exposed and relatively useless. We enjoy being outside and desire a certain degree of privacy and want a place for our children to play safely.
4. Design allows maximum visibility to the back yard to monitor children as they play, which is a benefit others in the neighborhood enjoy.
5. Other property owners have driveways either on or within inches of the property line.

That the special conditions do not result from previous actions of the applicant

1. The original garage sat approximately 9-10 inches from the property line and had been that way since we purchased the house in 2006 (inherited condition).

2. Previous owners sold off a portion of our original lot (Parcel #E1500703500) to accommodate a porch at 38 S. Hanover, which is 40.5 inches from our North property line. This sale has left our lot narrower than originally plotted and has made any building nearly impossible to fall within the minimum setback of 7.5' and to satisfy our needs and desires.
3. Current location of the driveway is as it has been when inherited from the previous owner(s).

That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings

1. The attached garage would not only be the most functional and efficient use of space for the proportions of the lot, but will also serve important functions:
 - a. The attached garage design connects and aligns with the existing driveway (primary approach) and it will make use of the ally as a secondary approach.
 - b. The new garage design replaced the original, which sat approximately 2 inches closer to the North property line than the current construction foundation.
 - c. The position of the Northwest corner of the current construction foundation is nearly in the same position as the original garage. The main difference of the positioning of the new construction is the length of the garage.
 - d. New downspouts and drainage on the new garage design will help to correct a known and recurring standing water issue on the North side of the former garage which will be a benefit to property owners at 38 S. Hanover.
 - e. New construction will increase property value.
 - f. Garage will offer protection, privacy and optimal functionality
2. Due to unusual proportions and a decreased width of our lot, we believe it is reasonable to request the variance in order to use the land most efficiently and maximize its potential.



MINUTES FOR MINSTER ZONING BOARD OF APPEAL

7:00 PM

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

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

Also Present:

Dennis Kitzmiller

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

- a) A variance request by Erin and Philip Frilling owners of the property located at 40 South Hanover Street. The Frilling's would like to erect an addition onto their home as well as an attached garage. The addition onto their home would be 3 feet 6 inches from the south property line and the attached garage would be 4 feet 6 inches from the north property line. Variances of 4 feet and 3 feet from the side yard setback requirements would be required for the home addition and for the attached garage to be constructed. The zoning code calls for the side yard setbacks to be 7 feet 6 inches. E. Frilling explained that their lot is unusually narrow with a width of only 50 feet and that the addition is to provide more space for their family. She explained that the house addition would be the same distance from the lot line that the existing house is now and that the garage addition would actually be further from the lot line than the current garage is. The garage would be a drive thru garage with access from the front and the rear. She stated that if the garage was located in a different location on the lot, it would make the backyard space useless. B. Garmann asked if the garage would be behind the front of the neighbor's house. E. Frilling said that it would be located behind the front of the neighbor's house as this is a requirement of their deed.
- b) A variance request by Erin and Philip Frilling owners of the property located at 40 South Hanover Street. The Frilling's would like to erect a decorative fence on both the north and south property line of their property. The Zoning Code calls for fences to be located within the property at a location where the property owner can maintain both sides. In order to locate the fence on the property line a variance would be needed. The Frilling's said that they would like to erect a fence on the lot line or relatively close to the lot line. There is a hedge row on the south lot line that they would like to remove and replace with a privacy fence. The fence would start at the end of their new addition and go to the rear of the property. This fence would be located off of the house so that a person could walk between the house and fence. They were not sure what style of fence they would erect. On the north side, they would like to put a more decorative fence up. This fence would start at the end of the garage and go to the backyard. Sielschott mentioned that the fence needs to be located so that the property owner can maintain both sides of the fence on their own property. E. Frilling stated that they are already encroaching on the neighbor's yard. B. Garmann stated that it looks like the fences could be placed a foot and a half off of the property line.
- c) A variance request by Michael and Susan Burns owners of the property located at 212 South Garfield Street. The Burns' would like to place a portable accessory building on the north property line of their property and three feet off of the east property line. The Zoning Code calls for accessory buildings to be 7 feet and 6 inches from the property lines. A variance of 7 feet 6 inches off of the north property line would be needed along with a variance of 4 feet and 6 inches off of the east property line. Michael Burns stated that they are looking for space for additional storage and they thought about a portable storage shed that they could put on a concrete pad. They would like to place the shed next to the right-of-way line of Second Street. This way it would look

centered on the property so that it would look more presentable. Putting in this location would also not block the view of residents behind their home. M. Burns stated that other folks along what would be second streets have bushes and shrubs planted in this area. N. Sielschott inquired about if Second Street would be extended how far back from the curb would the right-of-way line be. D. Harrod explained that there would be approximately seven feet between the back of the curb and the right-of-way line if Second Street if it would be extended. B. Garmann if there was a play structure on the other property. M. Burns replied that there was.

II. The regular meeting of the board was called to order by President Garmann at 7:14 pm.

III. The minutes from the June 8, 2021 meeting was read. Being no further changes to the minutes, J. Hinker motioned and N. Sielschott 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 Erin and Philip Frilling owners of the property located at 40 South Hanover Street. The Frilling's would like to erect an addition onto their home as well as an attached garage. The addition onto their home would be 3 feet 6 inches from the south property line and the attached garage would be 4 feet 6 inches from the north property line. Variances of 4 feet and 3 feet from the side yard setback requirements would be required for the home addition and for the attached garage to be constructed. B. Garmann expressed concern about how close this was going to be to the neighbors, but that the Frilling's had answered all of his questions. He described this as a unique situation and that the plans submitted and the proposed additions would improve the situation. Being no further discussion, N. Sielschott motioned to approve the variance. J. Hinker seconded the motion. All members voted in favor of the motion.
- 2) A variance request by Erin and Philip Frilling owners of the property located at 40 South Hanover Street. The Frilling's would like to erect a decorative fence on both the north and south property line of their property. B. Garmann stated that there appears that a fence could be erected at least one foot six inches available from the property line and still work. N. Sielschott stated that having a fence away from the property line protects the property owners in the future when maintenance needs to be done. Being no further discussion, J. Hinker motioned to deny the fence variance. N. Sielschott seconded the motion. All members voted in favor of the motion.
- 3) A variance request by Michael and Susan Burns owners of the property located at 212 South Garfield Street. The Burns' would like to place a portable accessory building on the north property line of their property and three feet off of the east property line. B. Garmann stated that he had looked at the situation several times and wondered what was the compelling reason to grant the variance. He felt like there were other options available. J. Hinker expressed the same feelings and expressed that if they grant the variance others would want to do the same thing. M. Burns stated that they were just trying to make the building too centered on the lot and so it does not block anyone's view as it would if it was moved to the south. N. Sielschott stated that if the shed was put in to conformance with the regulations perhaps shrubs could be put in to make it look better. Being no further discussion, L. Kitzmiller motioned to deny the fence variance. N. Sielschott seconded the motion. All members voted in favor of the motion.

V. Old Business

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

IV. Comments:

- 1) There were no comments.

V. Adjournment

1. N. Sielschott motioned and L. Kitzmiller seconded a motion to adjourn at 7:22 pm. Motion passed.



The Village of Minster
Administration



September 8, 2022

Phillip and Erin Frilling
40 South Hanover Street
Minster, Ohio 45865

SUBJECT: Notice of Zoning Violation

You are hereby advised that you are in violation of the Village of Minster Zoning Code. The nature of this violation is as follows:

On August 10, 2021 the Village of Minster Zoning Board of Appeals granted a variance to allow an attached garage to be constructed which was to be four feet six inches from the north property line. After an inspection of the property, it was determined that the building being constructed is one foot six inches from the north property line.

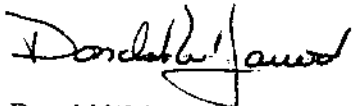
You are hereby advised to stop work on the attached garage portion of the project, immediately.

You are further informed that unless this violation is corrected or otherwise made to comply by October 15, 2022, you will be subject to the penalty as provided by the Village of Minster Zoning Code.

The Zoning Code provides, in part, that: "Any person who violates this Zoning code or fails to comply with any of its requirements, shall upon conviction thereof, be fined not more than \$100 and in addition shall pay all costs involved in the case. Each day such violation continues shall be considered a separate offense."

Please contact me at 419-628-3497 so we may discuss this matter.

Sincerely,



Donald W. Harrod
Zoning Administrator

7020 1290 0000 9994 0455



Denise Williams <dwill

**38 S. Hanover Survey**

3 messages

locktwosurveying@nktelco.net <locktwosurveying@nktelco.net>

Fri, Sep 2, 2022 at 4:33 PM

To: dwilliams1015@gmail.com

Cc: wrkply007@gmail.com

Paul

We have resolved the south property line. The northwest foundation corner of the neighbor garage is 1'-6.5" south of the property line and the overhang is 3" south of the property line. The northeast foundation corner of said building is 1'6" south and the overhang is 2" south of the property line. I will wait to hear from you before anymore work is completed. The building is not currently over the property line but defiantly into the setback area the Village gave the variance on. Please let me know if you have any questions.

Thank You

Jenny Saintignon

Partner

Lock Two Surveying, LLP

Paul Williams <wrkply007@gmail.com>

Fri, Sep 9, 2022 at 5:26 PM

To: Don Harrod <dharrod@minsteroh.com>, Denise Williams <dwilliams1015@gmail.com>

On Fri, Sep 9, 2022, 2:32 PM Don Harrod <dharrod@minsteroh.com> wrote:

Paul

Just to recap our conversation on the phone this afternoon. A stop order letter has been sent to the Frillings, regarding the need to stop working on the garage portion of their project. I've also spoken with the Frillings and advised them that the letter is forthcoming. The letter also states that the Frillings must rectify the situation by October 15th or face a possible fine for being in violation of the zoning code.

The Frilling's can rectify the situation by doing a couple pf things. The first is that they are able to apply to the Zoning Board for another variance which would reflect the actual distance they are set back from the property line. It would be up to the zoning board to grant this variance or not. The second option would be to bring the building into compliance by having the building setback the required distance as granted by the variance. This would mean that the building would need to be removed from its current location.

It is up to the Frillings to decide if they want to apply for another variance. If they do, you will receive notification of the meeting and can come to the zoning board meeting and address the zoning board and raise any concerns you may have.

If you have any additional questions, please let me know.

Thanks!

Don

WILLIAMS SURVEY
PARCEL E1500703400
0.443 ACRES

SITUATE IN THE VILLAGE OF MINSTER AND BEING ALL OF LOT 33 AND THE NORTH PART OF LOT 32, BLOCK D IN THE NORTHEAST QUARTER OF SECTION 34 TOWN 7S, RANGE 4E, JACKSON TOWNSHIP, AUGLAIZE COUNTY OHIO, AND BEING ALL OF THOSE LANDS OWNED BY PAUL AND DENISE WILLIAMS AS RECORDED IN OFFICIAL RECORD 691 PAGE 8 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a 5/8 inch iron pin set at the southwest corner of Lot 34 Block D of Stallstown, as recorded in Plat Book 1, Page 71 and owned by Kathy M. Sommer as recorded in Official Record 694, Page 544, and witnessing at North 76°42'20" East, 4.11 feet to an iron pin found, said set iron pin marking the **Point of Beginning** of the tract herein described;

Thence, with the south line of said Lot 34 and the south line of the East Part of Lot 34 owned by General Telephone company of Ohio as recorded in Deed Volume 130, Page 295, South 89°07'35" East, 219.57 feet to an iron pin set in the west line of a 16.00 foot alley;

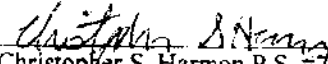
Thence, with the west line of said 16.00 foot alley, South 01°19'48" West, 87.79 feet, witnessing a 5/8 inch iron pin found with "Jauert" cap in the north line of the south part of Lot 32 owned by Philip Frilling and Erin Gavit as recorded in Official Record 540, Page 1736;

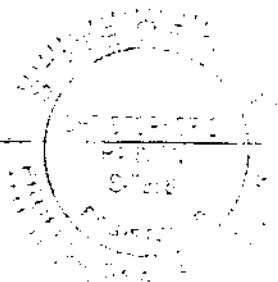
Thence, with the north line of said Lot 32, North 89°07'44" West, 219.58 feet to an iron pin set in the east right of way line of Hanover Street, witnessing at North 79°30'56" West, 0.37 feet a disturbed iron pin;

Thence, with the east right of way line of Hanover Street, North 01°20'13" East, 87.80 feet to the **Point of Beginning**, containing 0.443 acres more or less and being subject to all legal rights of way, easements, agreements and restrictions of record.

Basis of bearings is based on the Ohio Department of Transportation V.R.S., Ohio State Plane North Zone 3401, NAD 83(2011ADJ). The Official Records and Deed Volumes are all recorded in Auglaize County Recorder's Office. Pins noted as set are 5/8" x 30" re-bar with pink plastic caps stamped "Lock-Two 7988".

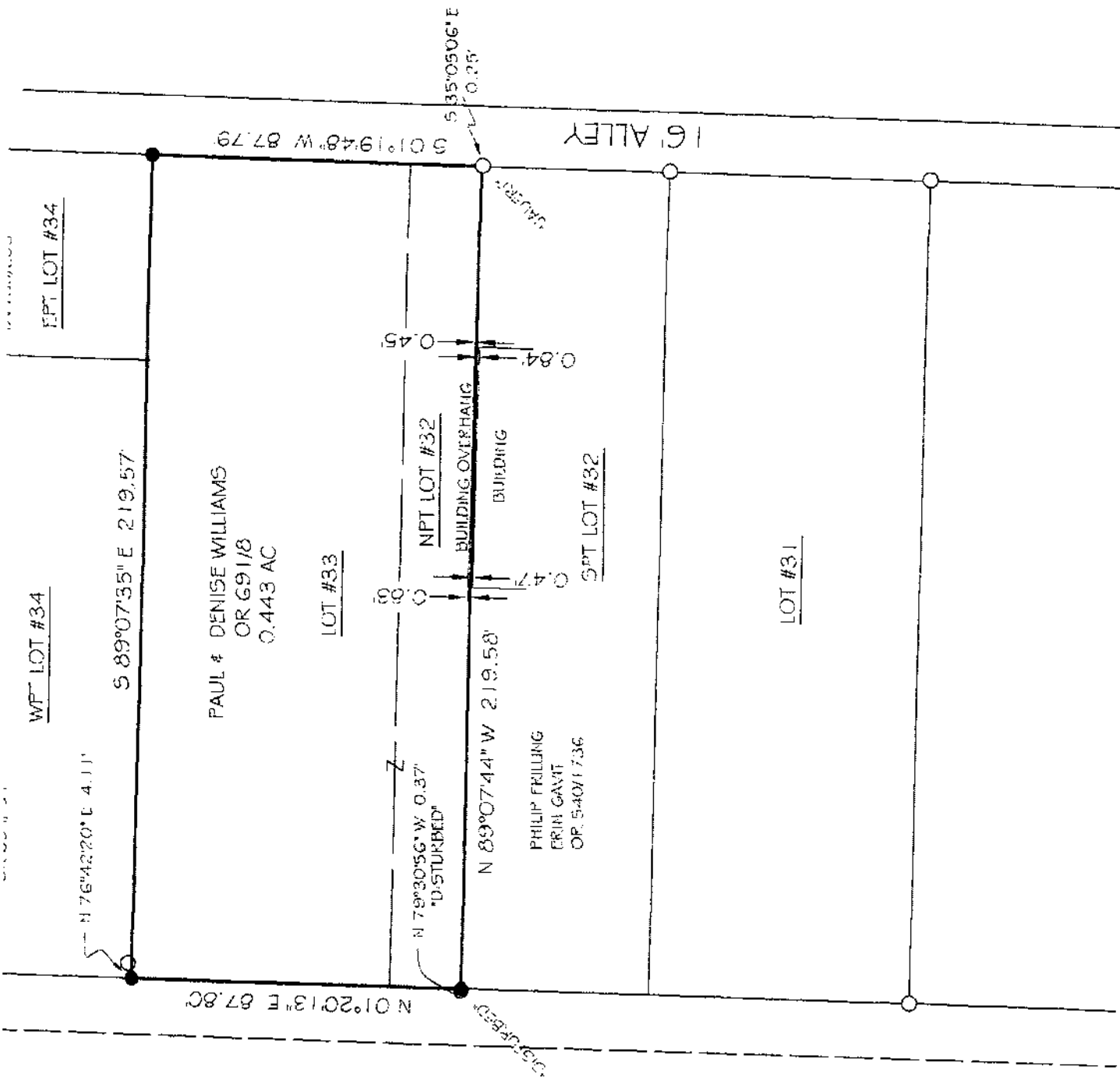
The above description was prepared by Lock-Two Survey, LLP from a survey performed by Christopher S. Harmon, Professional Surveyor #7988 in September, 2022 and filed in Survey Book "U" Page 835 in the Auglaize County Tax Map Office.


Christopher S. Harmon P.S. #7988



10/7/22
Date

HANOVER ST. (66' RW)



0'



SCALE

BASIS OF BEARING: BY
OHIO DEPARTMENT OF
STATE PLANE NORTH ZONE

LEGEND

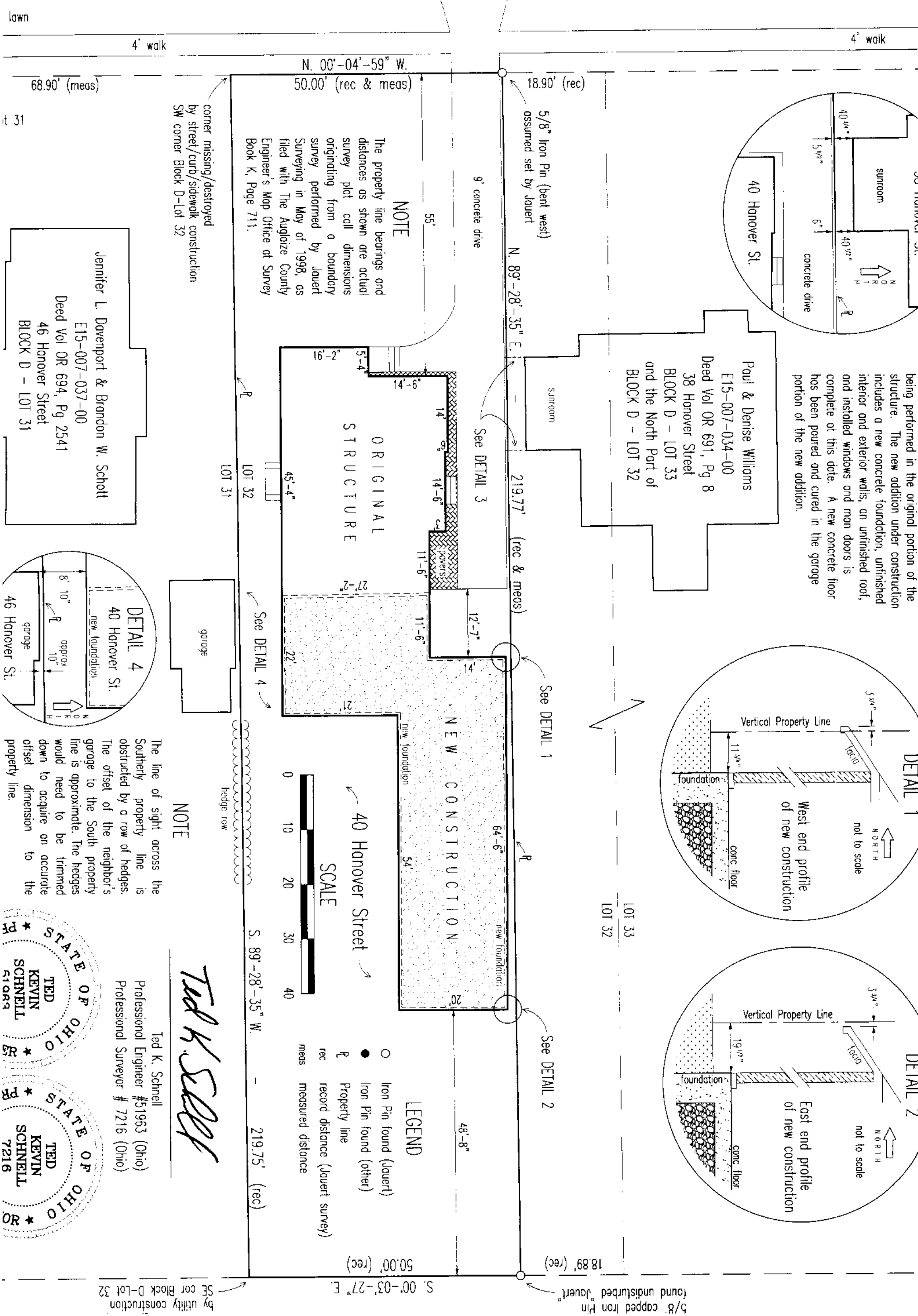
- 5/8" x 3/4" IFO
- 1/4" x 1/4" IFO

5/8" x 3/4" IFO

THE OVERLAP OF THE
ENCROACHES AS SHOWN



FILED
AUG 11



being performed in the original portion of the structure. The new addition under construction includes a new concrete foundation, unfinished interior and exterior walls, an unfinished roof, and installed windows and man doors is complete at this date. A new concrete floor has been poured and cured in the garage portion of the new addition.

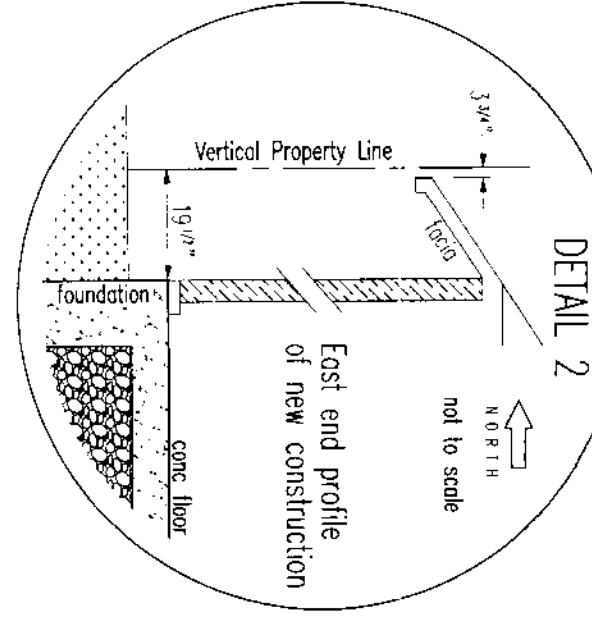
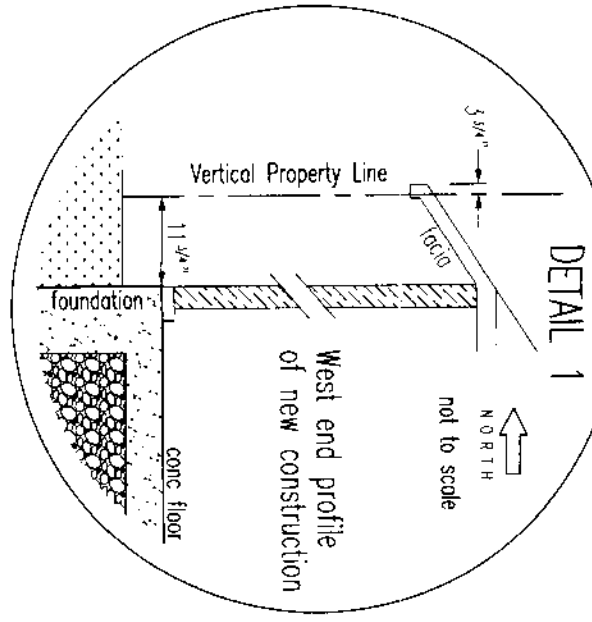
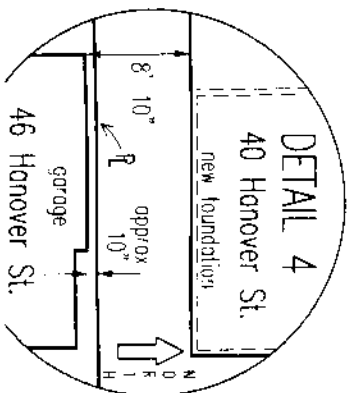
Jennifer L. Davenport & Brandon W. Scholt

E15-007-037-00

Deed Vol OR 694, Pg 2541

46 Hanover Street

BLOCK D - LOT 31



NOTE

The line of sight across the Southerly property line is obstructed by a row of hedges. The offset of the neighbor's garage to the South property line is approximate. The hedges would need to be trimmed down to acquire an accurate offset dimension to the property line.

STATE OF OHIO

TED KEVIN SCHNEILL

51069

STATE OF OHIO

TED KEVIN SCHNEILL

7216

Ted K. Schnell

Professional Engineer #51963 (Ohio)

Professional Surveyor # 7216 (Ohio)

9/12 SLOPE 1/ ROOF
-21'-0"

7/2 SLOPE 1/ ROOF
-1'-8" 4"

12/12 SLOPE 1/ ROOF
-1'-8" 4"

B/ STRUCT. RF
-8'-8"

10'-0" CI SLAB + 2"
ABOVE DRIVEWAY

T/ SLAB
0'-0"

B/ 1/10
-3'-8"

