

Board of Zoning Appeals

August 20, 2015

(meeting was held on this date due to a lack of a quorum on August 13, 2015)

Members present: Chairman, Phil Rooney; David Russell, Secretary; Sharon Rooney.

The meeting was called to order at 6:01 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed.

Case # 53731-BA-15 (2117 Juno Drive) was reviewed introduced by Mr. Rooney. Due to a lack of a quorum for this case, it will have to be heard in September. Mr. Rooney must abstain from that case.

Case # 53648-BA-15 (801 McManness Avenue) was reviewed by Mr. Richard:

Filed by Denny Laube, the applicant is seeking a variance from section 1161.01.1C2 of the City of Findlay Zoning Ordinance. This section prohibits accessory buildings from exceeding 900 square feet in area. The applicant has proposed a detached garage with 2,400 square feet of floor area.

The existing 360 square foot detached garage will be replaced with the proposed 2,400 square foot garage. All the height, setback, and lot coverage requirements are being met. The magnitude of the variance is about 2 ½ times what is permitted. A hardship is not apparent.

Mr. Dennis Laube, 34 Tanglewood Lane, Bowling Green, Ohio, was sworn in. He stated he has a number of trailers, a boat, and some motor cycles. He had spoken to his neighbors and they signed off on his proposal. The appearance would be much better if the building was detached.

Mr. Richard confirmed the storage area could be added to the dwelling.

Mr. Laube stated that this building will blend in with the residential area. It will not have a commercial appearance. He is trying to revitalize the property and the area.

Mr. Russell asked if he could do with less area and Mr. Laube said he could do with a little less. He stated that not all of the trailers were his.

Mrs. Rooney said they have denied recent requests and expressed her concern with future requests.

Mr. Laube said that there are many other large, detached garages in the neighborhood that didn't have permits.

Mr. Russell asked if a storage building could be placed on his brothers lot to make up for the space since he lives next door and some of the items to be stored are his too.

Mr. Laube did not directly answer that question. He wants the Board to use common sense.

Mr. Eugene Laube, 1636 Queenswood Drive, was sworn in. He made a statement regarding a property in the area that has junk in the front yard for sale.

Mrs. Rooney stated that is not an issue to be considered for this variance request since it is not relevant.

Mrs. Rooney mad a motion to deny the request.

Mr. Russell seconded the motion.

The motion passed 3-0.

Case # 53732-BA-15 (1135 Tiffin Avenue) was introduced by Mr. Richard as follows:

Filed by Airgas USA, LLC, the applicant has requested a variance from section 1162.04A and 1162.04B of the City of Findlay Zoning Ordinance. These sections prohibit nonconforming uses from being expanded or moved to other portions of the property. The current use is considered nonconforming in the C-2 General Commercial District. The applicant wants to install two additional propane tanks and expand a fenced area within the property.

This was the site of a grocery store until 1965, when a variance was granted to allow RCA to use the property for some kind of manufacturing activity. In 1985, a sign permit was granted for the current user. It is unclear how the current user got permission to use the site, but the City must have recognized the use by the fact the sign permit was approved. This site distributes and stores propane, medical gases, and other compressed gasses.

Today, this is clearly a nonconforming use. The North American Industry Classification System has identified this business as "other petroleum merchant wholesaler". This use belongs in the industrial zones and should not be expanded.

Kevin Matsako, Propane Service Manager for Airgas USA, was sworn in. They want to install two 1000 gallon storage tanks. This will cut down on the number of deliveries to this site. The fencing needs to be moved for crash protection requirements.

Mr. Russell asked how often deliveries are made.

Mr. Matsako said about every two weeks and it would be reduced to deliveries every five weeks.

Mr. Jason Morsefield, 819 Summit Street, was sworn in. He has been with Airgas for 22 years. He said the company has been there for at least that time and wasn't sure exactly when this company established itself at the current location. The company has changed names several times.

Mrs. Rooney asked when the deliveries have been made. Mr. Morsefield said that the deliveries occur between 8 a.m. and 5 p.m.

Mr. Rooney asked what would happen if the variance was denied. Will the business cease or will there be more deliveries?

Mr. Matsako said they would have to have more deliveries.

There was some discussion as to who was notified about the variance. Mr. Richard said it is only those abutting the property in question.

Mr. Richard stated that it was difficult to know how the business was first established. It depended on the rules at the time and the permit process at that time was much more different than what it is today.

There was confirmation that this was an actual expansion of the nonconforming use. The pertinent code sections were read. Mr. Richard stated that the City made a clear determination that this was undoubtedly an expansion of the nonconforming use. He asked if there would be more truck traffic from the route trucks since there is more product to deliver.

Mr. Matsako said that the route trucks would just have more cylinders on board.

Mr. Russell asked if the tanks could be replaced. Mr. Richard said that they could. This matter involves strictly the fact the use is being expanded since more area of the property is being used.

Mrs. Rooney made a motion to approve the variance as requested, provided the applicant obtains the zoning permit within 60 days.

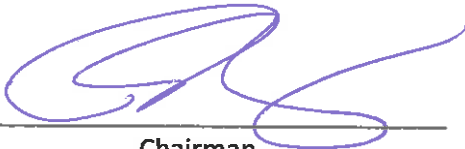
Mr. Russell seconded the motion.

The motion passed 3-0.

Mr. Rooney Made a motion to pass the July 2015 minutes. Mrs. Rooney seconded the motion.

The motion to approve the minutes passed 3-0.

The meeting was adjourned.



Chairman



Secretary