

PUBLIC HEARING MINUTES

Topic: Lehmkuhle Concrete Crushing

April 10, 2023

President Jerry Mazur called the meeting to order at 5:30 p.m. indicating that the public meeting was to discuss a request to allow more time for a concrete crushing project on S. Washington by Logan Lehmkuhle.

All city council members were present.

The Law Director gave his legal opinion and indicated that only one code that really applies to the situation, 150.70A. The Board has the power to hear and decide appeals and authorize such variances from the provisions or requirements of this chapter as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of the zoning chapter only if all of the following findings are made:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the zoning chapter in the neighborhood district in which the property is located (2) That because of such physical circumstance or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Code and that the authorization of a variance is therefore necessary to enable to reasonable use of the property (3) That such unnecessary hardship has not been created by the appellant (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare and (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation in issue.

Legal Lemkuhle, owner of the property, indicated he purchased the property in October of 2022 and planned on clearing the site and building a facility. He was granted 12 months but was seeking an additional 30 months. He indicated he wants to use concrete that is already there and recycle the concrete to gravel and stone for city, private citizens and contractors to cover the cost of removing the concrete on the property. He indicated that the crusher itself runs on about 108 decibels which is roughly the sound of a semi. Lehmkuhle indicated that he has other similar sites and he has never been fined by EPA and there are no chemicals in the water used for crushing.

Representatives of Willow Bend Country Club, Central Insurance, Van Wert County Foundation, Brewed Expressions and the Van Wert County Fairgrounds all expressed their concerns of how the nuisance dust and elevated noise levels will negatively impact their businesses. They also expressed their concerns if the concrete grinding business complies with EPA regulations.

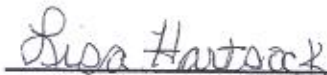
Susan Burchfield and Jules Krizan expressed their concerns of being able to continue with their counseling practices as the noise has already disrupted counseling sessions. Burchfield indicated it is an intrusion of their current business that has been at this location since 1998. They indicated that they chose the location because of the peaceful, calm nature of the area. Patty Matthews, an employee at the counseling practice, indicated that individuals come to counseling with anxiety and will not be able to concentrate and focus in their counseling session with the noise caused by concrete grinding.

Kristin Pollock, 3 Leslie Lane, discussed her residence is in the backyard of the business and indicated that the concrete grinding would affect the everyday life of her family, including her two small children. She also expressed her concerns of the noise, dust and safety.

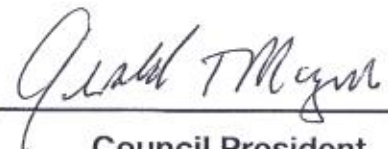
Nolan Kaverman, contractor for Logan Lehmkuhle, who will be doing the grinding, indicated that the business would not be a stone quarry and just a construction site bringing materials in and making products. There is no runoff of water. He indicated that dump trucks would be coming in and out for dumping. The concrete grinding will not be continuous and may only be done two months out of the year.

Jerry Mazur indicated that the meeting would need to be adjourned as it was time for the regular City Council Meeting.

The Public Hearing was adjourned at 6:20 p.m.



Clerk of Council
Lisa K. Hartsock



Council President
Gerald T. Mazur

04/24/2023

Date