

**BOARD OF ZONING APPEALS**

**March 18, 2024**

# City of Toledo



**ADMINISTRATIVE BOARD OF ZONING APPEALS (BZA)**

MONDAY, MARCH 18, 2024 - 10:00 A.M.  
CITY COUNCIL CHAMBERS, FIRST FLOOR  
GOVERNMENT CENTER

**BZA BOARD APPROVAL  
CASE ORDER**

<b>DOCKET #</b>	<b>BZA No</b>	<b>ADDRESS</b>
<b>1</b>	<b>BZA24-0004</b>	<b>451 E. STATE LINE RD.</b>
<b>2</b>	<b>BZA24-0005</b>	<b>3503 145<sup>TH</sup> ST.</b>





# CITY OF TOLEDO

Division of Building Inspection

**RECEIVED**  
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BZA24-0004

## APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)

One Government Center, Suite 1600 • Toledo, OH 43604 • Phone (419) 245-1220 • Fax (419) 245-1329 • [www.toledo.oh.gov](http://www.toledo.oh.gov)

Site Location 451 E Stateline Rd, Toledo, OH 43612 , Zoning District IG Date 1/5/2024

Legal Description See attached legal description

Applicant's Name (print) Victory Propane, LLC

Appeal. (Dept. of Inspection ruling – Title Nine Sign Code) \_\_\_\_\_ Hardship Variance X

Exception \_\_\_\_\_ Appeal decision \_\_\_\_\_ ADA Accommodation \_\_\_\_\_

TMC § TMC section 1107.1906 – Surfacing and Drainage

Applicant Signature \_\_\_\_\_ Phone 847.354.0823

Applicant's Street Address 120 Country Lane Fax \_\_\_\_\_

Applicant's City, State, Zip Highland Park IL 60035 E-Mail efalberg@28miledistilling.com

- Applications must be accompanied with:**
1. 3 photos – showing different views of the site
  2. Letter explaining your zoning request with full and accurate information.
  3. Complete, clear site plan – recommended scale 1"=20' on 8-1/2" x 11" paper showing dimensions to all lot lines and the size of all structures on the premises.
  4. **Fee = \$200.00.** Checks may be made payable to "City of Toledo."

**Applicant:**  
You should receive a written notice of the staff recommendation no later than Wednesday preceding the hearing date. Please call (419) 245-1220 if you do not receive this notice.

Return the application documents by mail to: Division of Building Inspection, One Government Center, Suite 1600, Toledo, OH 43604; or in person with the application documents and fee. Applications are due at least 30 days before the Board of Zoning Appeals' meeting to allow proper notification of neighbors. Meetings are typically held the third Monday of every month at 10:00 AM. in City Council Chambers, One Government Center, Toledo, OH 43604. The applicant or the applicant's representative must be present.

+++++ OFFICE USE +++++

Permit Tech Checklist: Application complete  Photos \_\_\_\_\_ Letter  Proper Site Plan  SWO \_\_\_\_\_

Copy Zoning Map  <http://local.live.com/> Transportation notified to check site distance hazard \_\_\_\_\_

Code Enforcement notified if orders are being appealed. \_\_\_\_\_ Permit Tech's Initials B Date 1-30-24

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Staff Comments: \_\_\_\_\_

Board Decision \_\_\_\_\_ Date \_\_\_\_\_

HEARING DATE: **March 18, 2024**

BZA NO: **BZA24-0004**

APPLICANT: **VICTORY PROPANE, LLC**

SITE LOCATION: **451 E. STATELINE RD.**

ZONING DISTRICT: **IG**

SWO or NOL Issued: **N/A**

ANALYSIS: **Applicant requesting variance from TMC 1107.1906 to install gravel parking which does not comply with dust free requirements.**

STAFF COMMENTS: **N/A**

**BOARD ACTION:**

MOTION TO APPROVE/DISAPPROVE:	1 <sup>ST</sup> /2 <sup>ND</sup> MOTIONS	1 <sup>ST</sup> /2 <sup>ND</sup> IF 2 <sup>ND</sup> MOTION	YEA	NAY	ABSENT	RECUSE	LEFT BEFORE VOTE TAKEN
Rob Pasker	_____	_____	_____	_____	_____	_____	_____
Christy Soncrant	_____	_____	_____	_____	_____	_____	_____
Nathan Knapke	_____	_____	_____	_____	_____	_____	_____
Carrie Hartman	_____	_____	_____	_____	_____	_____	_____
Devon Overton	_____	_____	_____	_____	_____	_____	_____
Jim Mossing	_____	_____	_____	_____	_____	_____	_____
Steve Serchuk	_____	_____	_____	_____	_____	_____	_____

**VOTING RESULTS:**

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ DEFERRED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

CONDITIONS OF APPROVAL:

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January 24, 2024

City of Toledo  
Division of Building Inspection  
Administrative Board of Zoning Appeal  
One Government Center, Suite 1600  
Toledo, OH 43604

Dear Board,

Please accept this letter from Victory Propane as an explanation of our request for a variance to the Minor Site Plan Review – Site Modifications at 451 E Stateline Rd (File Number SPR-5-21), as it relates to the Division of Engineering Services Items 2, 3 and 4.

Victory Propane respectfully requests to modify the requirements of Item 17 from:

*Off-street parking and loading spaces, parking lots, maneuvering aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot.*

To the following:

*Off-street parking and driveways south of the existing metal fence must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill and the parking lot immediately north of the fence must remain graded to drain all surface water towards the interior of the parking lot.*

A drawing outlining the areas to be paved with asphalt and pictures of the existing off-street parking and driveways are attached.

Prior to our submission to the Board, Victory Propane worked with the Plan Commission on this matter and the Planning Director supports this variance. We sincerely appreciate your consideration as the cost of the initial requirement is cost prohibitive and much has already been done to grade and minimize dust with the current improvements. Likewise, there is minimal car traffic on the property to create deterioration of the planned improvements and create dust in the air.

Very Truly Yours,

  
Eric Falberg

Areas to be Paved  
(highlighted)



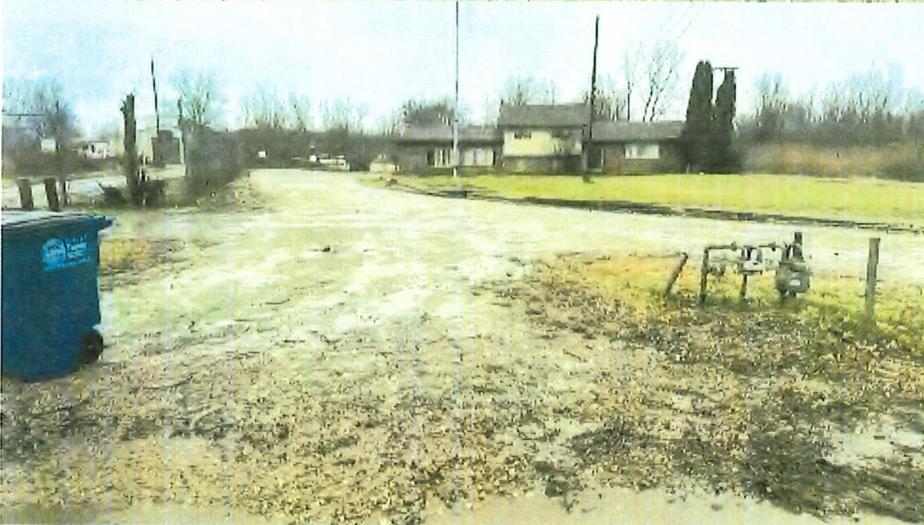
Preparation:

1. Reshape existing base adding up to 1 inches of spec stone as needed to achieve adequate grade for drainage. Adding stone will also strengthen the stone base to support the new asphalt pavement.
2. Water & roll stone base with 5 ton vibratory roller. Plate compact or any areas that are inaccessible by a roller.

Asphalt Paving Crew

1. Install 2.5 inches of base course hot mix asphalt pavement.
2. Compact well with 5 ton vibratory roller. Plate compact or hand roll any areas that are inaccessible by a roller.
3. Install 1.5 inches of surface course hot mix asphalt pavement.
4. Compact well with 5 and 2 ton vibratory rollers. Plate compact or hand roll any areas that are inaccessible by a roller.

Existing Conditions of Areas to Be Paved



Legal Description

Parcel No. 2217687

Property Address: 451 East State Line Road, Toledo, Ohio 43612

The part of lots four (4), five (5), and (6) of DeShatlet's Subdivision of part of the Robert A. Forsythe tract in Town nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, lying Westerly of the Westerly right-of-way line of the Pere Marquette Railroad, Northeasterly of the Northeasterly right-of-way line of the Ann Arbor Railroad and Northerly of the center line of the State Line Road. Subject to legal highways.

Said premises being also described as that part of Section one (1), Town nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, described as follows: Commencing five hundred eighty-six and seventy-three hundredths (586.73) feet South eight-nine (89) degrees, thirty-two (32) minutes, twenty-three (23) seconds West from the intersection of the center lines of U.S. 25 and State Line Road; proceeding thence to the right on a curve with a radius of forty-six hundred ninety-five and fifty-three hundredths (4695.69) feet a distance of six hundred forty-five and fifty-three hundredths (645.33) feet. Said curve having a chord length of six hundred forth-0five and five hundredths (645.05) feet and a bearing North one (1) degree, twenty-one (21) minutes, forth-six (46) seconds East; thence North two (2) degrees, thirty-four (34) minutes, thirty-two (32) seconds East twenty-six and eighteen hundredths (26.18) feet; thence South eighty-seven (87) degrees, two (2) minutes, thirty-two (32) seconds West four hundred sixty-four and two hundredths (464.02) feet; thence South twenty-six (26) degrees, forth-five (45) minutes, twenty-two (22) seconds East seven hundred twenty-six and three hundredths (726.03) feet; thence North eighty-nine (89) degrees, thirty-two (32) minutes, twenty-three (23) seconds East one hundred fifty and seventy-one hundredths (150.71) feet to point of beginning.

Subject to legal highways.

EXCEPTING THE FOLLOWING:

A parcel of land as situated in that part of Section one (1), Town nine (9) South, Range seven (7) East, in the City of Toledo, County of Lucas, State of Ohio and being a part of Lots four (4), five (5), and six (6) of the DeShatlet's Subdivision of the part of the Robert A. Forsythe Tract of said Section one (1), lying Westerly of the Westerly right-of-way line of the Pere Marquette Railroad; Northeasterly of the Northeasterly right-of-way of the Ann Arbor Railroad and Northerly of the centerline of East State Line Road and being more particularly described as surveyed:

Commencing at the intersection of the centerline of U.S. 25 (a.k.a. Detroit Avenue) and the centerline of East State Line Road, a found monument then South eighty-nine (89) degrees, nineteen (19) minutes, five (5) seconds West, six hundred ninety and eighty-nine hundredths (690.89) feet, upon the said centerline of East State Line Road to a set railroad spike and the "True Point of Beginning" for the land herein described:

Thence continuing South eighty-nine (89) degrees, nineteen (19) minutes, five (5) seconds West, forty-six and seventy-seven hundredths (46.77) feet upon the said centerline of East State Line Road;

Thence North twenty-seven (27) degrees, thirty-two (32) minutes, thirty-eight (38) seconds West, five hundred sixty-nine and twenty-three hundredths (569.23) feet upon the Northeasterly right-of-way line of

the Ann Arbor Railroad to a set iron pin and passing a set iron pin at thirty-three and sixty-three hundredths (33.63) feet;

Thence North sixty-two (62) degrees, twenty-seven (27) minutes, twenty-two (22) seconds East, one hundred and no hundredths (100.00) feet to a set iron pin;

Thence North twenty-seven (27) degrees, thirty-two (32) minutes, thirty-eight (38) seconds East, two hundred seventy-seven and seventy-one hundredths (277.71) feet to a set railroad spike;

Thence South six (6) degrees, fifty-one (51) minutes, two (2) seconds West, sixty-one and sixty-two hundredths (61.62) feet to a set railroad spike;

Thence South twenty-two (22) degrees, twenty-five minutes, sixteen (16) seconds East, two hundred sixty-two and eight-five hundredths (262.85) feet to the point of beginning and passing a set iron pin at two hundred thirty and fifty-five hundredths (230.55) feet.

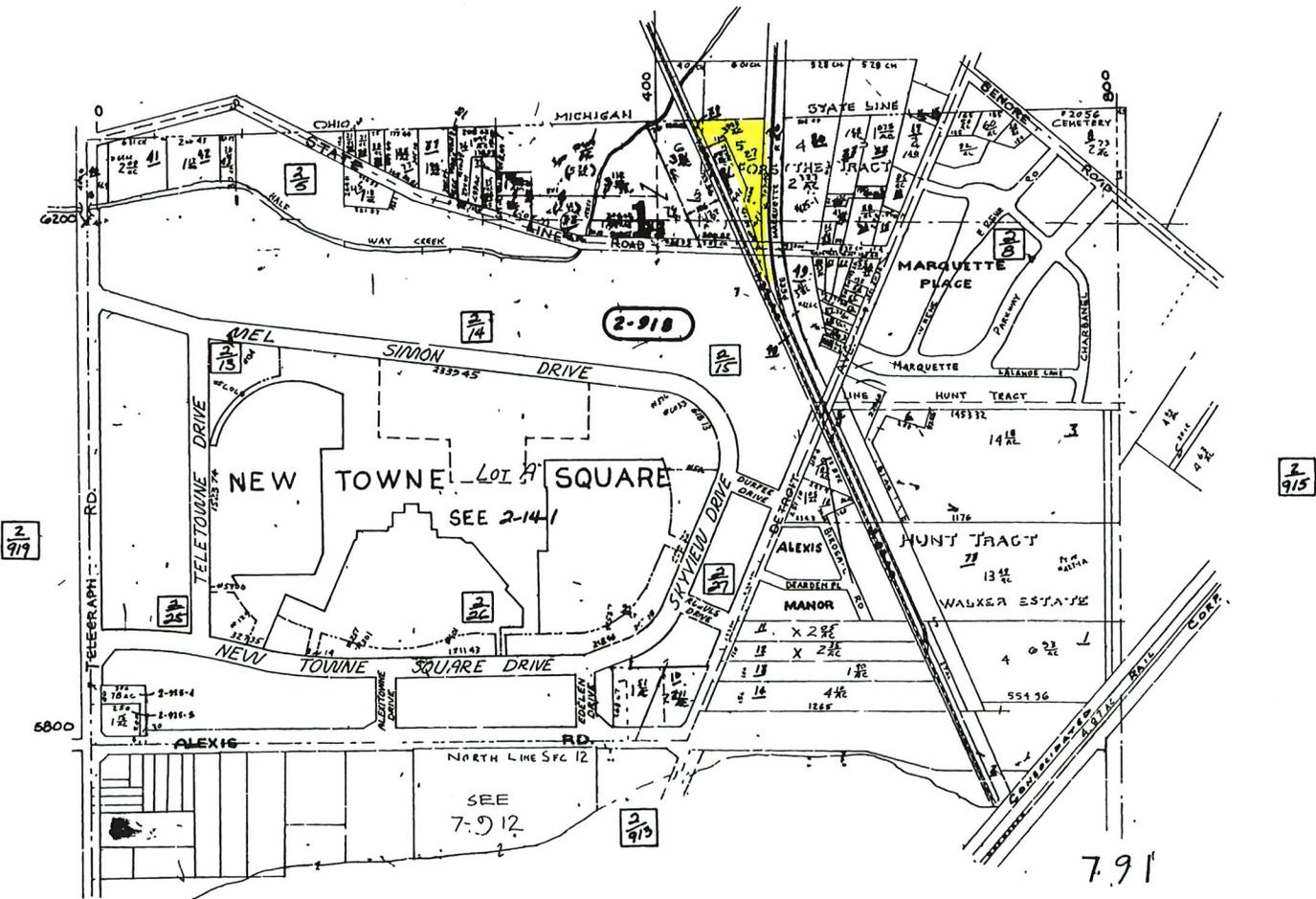
Containing 1.045 acres more or less. Subject to legal highways, easements, condition and restrictions of record.

The bearings utilized in this description are for angular measurement only and are based upon the centerline of East State Line Road as being South eighty-nine (89) degrees, nineteen (19) minutes, five (5) seconds West. All distances are in feet and decimals thereof.

Parcel No. 2217687

Property Address: 451 East State Line Road, Toledo, Ohio 43612





**1107.1906 Surfacing and Drainage.**

Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways shall be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot or to a stormwater system subject to the regulations and approval of the Department of Public Utilities.

(Ord. 155-16. Passed 4-26-16.)

A. An internal storm drainage system shall be provided and connected to the nearest outlet, subject to the regulations and approval of the Department of Public Utilities.

B. All off-street parking, loading and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.

C. Concrete curbs may also be required as part of the overall drainage design for all or part of the parking lot or driveway perimeter.

D. The Planning Director may authorize all or a portion of required off-street parking spaces (not to include drive aisles) to be provided on permeable/porous surfaces. A permeable/porous parking area shall be maintained by the property owner for its intended function for the duration of its life.

(Ord. 253-09. Passed 4-28-09.)



# CITY OF TOLEDO

Division of Building Inspection

BZA24-0005

## APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)

One Government Center, Suite 1600 • Toledo, OH 43604 • Phone (419) 245-1220 • Fax (419) 245-1329 • [www.toledo.oh.gov](http://www.toledo.oh.gov)

Site Location 3503-145<sup>TH</sup> ST Zoning District R56 Date 1-22-2024

Legal Description CARLAND ORCHARD LOT 21, & 20

Applicant's Name (print) SEREE ALISSA Offet

Appeal. (Dept. of Inspection ruling - Title Nine Sign Code) \_\_\_\_\_ Hardship Variance X

Exception X Appeal decision \_\_\_\_\_ ADA Accommodation \_\_\_\_\_

1105.0301(A) FOR A 6' FT HIGH TMC § FENCE ~~that~~ that exceeds 3'6" in height in the

Required Front Setback of a Residential District

Applicant Signature [Signature] Phone 419-350-5075

Applicant's Street Address 19107 Eagle Ridge DR Fax \_\_\_\_\_

Applicant's City, State, Zip Golden, CO 80401 E-Mail SAORN1@MSN.COM

### Applications must be accompanied with:

1. 3 photos - showing different views of the site
2. Letter explaining your zoning request with full and accurate information.
3. Complete, clear site plan - recommended scale 1"=20' on 8-1/2" x 11" paper showing dimensions to all lot lines and the size of all structures on the premises.
4. Fee = \$200.00. Checks may be made payable to "City of Toledo."

### Applicant:

You should receive a written notice of the staff recommendation no later than Wednesday preceding the hearing date. Please call (419) 245-1220 if you do not receive this notice.

Return the application documents by mail to: Division of Building Inspection, One Government Center, Suite 1600, Toledo, OH 43604; or in person with the application documents and fee. Applications are due at least 30 days before the Board of Zoning Appeals' meeting to allow proper notification of neighbors. Meetings are typically held the third Monday of every month at 10:00 AM. in City Council Chambers, One Government Center, Toledo, OH 43604. The applicant or the applicant's representative must be present.

+++++ OFFICE USE +++++

Permit Tech Checklist: Application complete  Photos  Letter  Proper Site Plan  SWO N/A

Copy Zoning Map  <http://local.live.com/>  Transportation notified to check site distance hazard N/A

Code Enforcement notified if orders are being appealed.  Permit Tech's Initials [Signature] Date 2-6-24

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Staff Comments: \_\_\_\_\_

Board Decision \_\_\_\_\_ Date \_\_\_\_\_

2-1

HEARING DATE: **March 18, 2024**

BZA NO: **BZA24-0005**

APPLICANT: **Seree Offet**

SITE LOCATION: **3503 145<sup>th</sup> St.**

ZONING DISTRICT: **RS6**

SWO or NOL Issued: **N/A**

ANALYSIS: Applicant requesting variance from TMC 1105.030(A) to install 6' high fence within the front yard setback.

STAFF COMMENTS: **N/A**

**BOARD ACTION:**

MOTION TO APPROVE/DISAPPROVE:	1 <sup>ST</sup> /2 <sup>ND</sup> MOTIONS	1 <sup>ST</sup> /2 <sup>ND</sup> IF 2 <sup>ND</sup> MOTION	YEA	NAY	ABSENT	RECUSE	LEFT BEFORE VOTE TAKEN
Rob Pasker	_____	_____	_____	_____	_____	_____	_____
Christy Soncrant	_____	_____	_____	_____	_____	_____	_____
Nathan Knapke	_____	_____	_____	_____	_____	_____	_____
Carrie Hartman	_____	_____	_____	_____	_____	_____	_____
Devon Overton	_____	_____	_____	_____	_____	_____	_____
Jim Mossing	_____	_____	_____	_____	_____	_____	_____
Steve Serchuk	_____	_____	_____	_____	_____	_____	_____

**VOTING RESULTS:**

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ DEFERRED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

CONDITIONS OF APPROVAL:

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City of Toledo Code Enforcement

I am writing this letter to request a variance regarding a fence that was installed at my property at 3503-145<sup>th</sup> St. I inherited this property from my brother when he passed away in January of 2022. Since I have inherited this property, I have put a large sum of money into the house and yard to bring the value of the property up. The outside of the home has been completely redone with new concrete patio, new windows, siding, roof, gutters, garage door, new hot water heater, new furnace and central air conditioning unit, and multiple overgrown trees were removed. I have also invested in the inside of the home with new paint, appliances flooring and a completely remodeled bathroom and kitchen. I have hired a full-time company to mow the grass as well as lawn care company to improve the lawn with seeding and fertilization. I have planted new trees on the property as well as removed multiple old dilapidated outdoor sheds. I also removed approximately 8 boats from the yard.

The problems I have had during this process have been numerous.... I have had engage Toledo called on me multiple times immediately following my brother's death regarding cleaning up the property as well as removing a vehicle that had been parked in front of the house for 9 years while my brother lived there. Never once were there any complaints made regarding the property when my brother was alive, and it was in such terrible disarray. Many of the problems have stemmed from one neighbor that lives at 3511 -145<sup>th</sup> St Lee Kiss and his wife. They have caused problems with every worker that has been to the house. The roofers had the police called for playing music at 6pm in the evening. He threatened the contractor that installed the siding and windows. (There was a stop work order placed on the work). He tried to run over the guy that mows the lawn. And threatened to shoot him. They yelled at the painters and the electrician.

The reason I had the fence installed was to block out this neighbor because I want to rent the property out. This neighbor spends his day smoking marijuana in a small trailer that is parked in his side yard. They grow marijuana in the back yard in their "garden". In the summer they are in the yard soaking in a round metal trough. They also have 2 very barky dogs that are outside most of the time. I am aware that the fence is 6 feet high, but it was only to hopefully prevent this neighbor from causing problems with any future tenants. On the day that the fence was being installed I was in Colorado at work and the fence company called me numerous times to tell me all the problems that they were having with the neighbor (Lee Kiss and his Wife Angela) they accused the fence company of causing damage to their existing metal fence and threatened to call the city. On the day that the fence was installed Angela Kiss stated to the fence company supervisor that she was calling the city code enforcement because the height of the fence.

I am asking that you please look at the Pictures of the property (before and after) as well as the property next door and allow a variance regarding the height of this fence. I have really tried to increase the property value not only for my house but the homes around me. I have included signatures of neighbors around the home that are agreeable to the current height of the fence.

Sincerely,

Seree A. Offet

I am asking for your help regarding a variance for my property at 3503-145<sup>th</sup> St. By signing below you are stating that you are Ok with the current fence that has been installed around the property.

Thank you ahead of time for your support regarding this matter.

Sincerely,

Seree A. Offet

NAME

ADDRESS

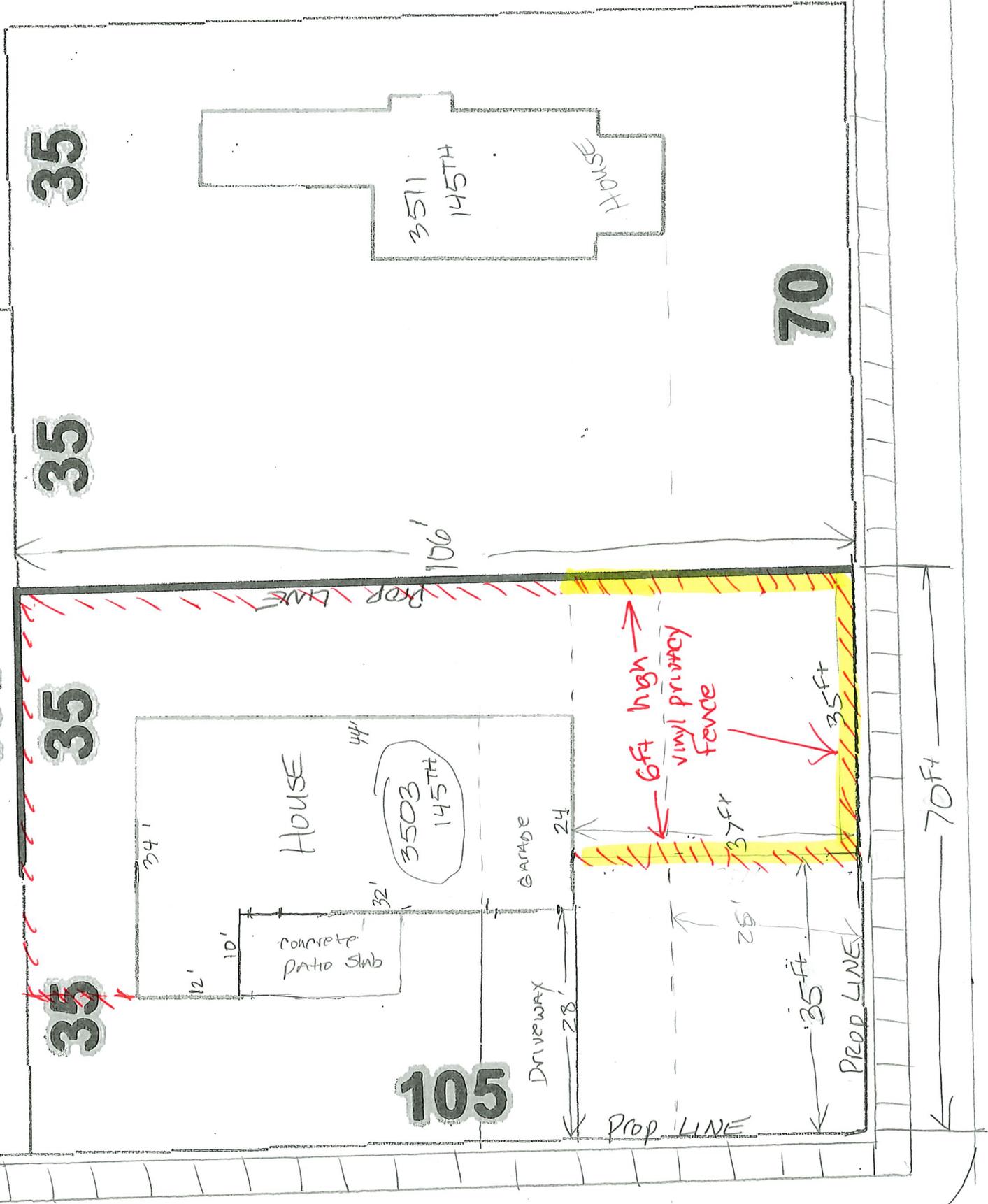
Victor A. Blugos 3479 145<sup>th</sup> St

MARK Sell 6019-31<sup>th</sup> St

Greg Beaudoin 3500 145<sup>th</sup> St

Jim BENSON 6020 31<sup>th</sup> St

Kiera Trumbull 3508 145<sup>th</sup> St



319 ST

PARCEL ID: 0302244

MARKET AREA: 1001R

OFFET SEREEA

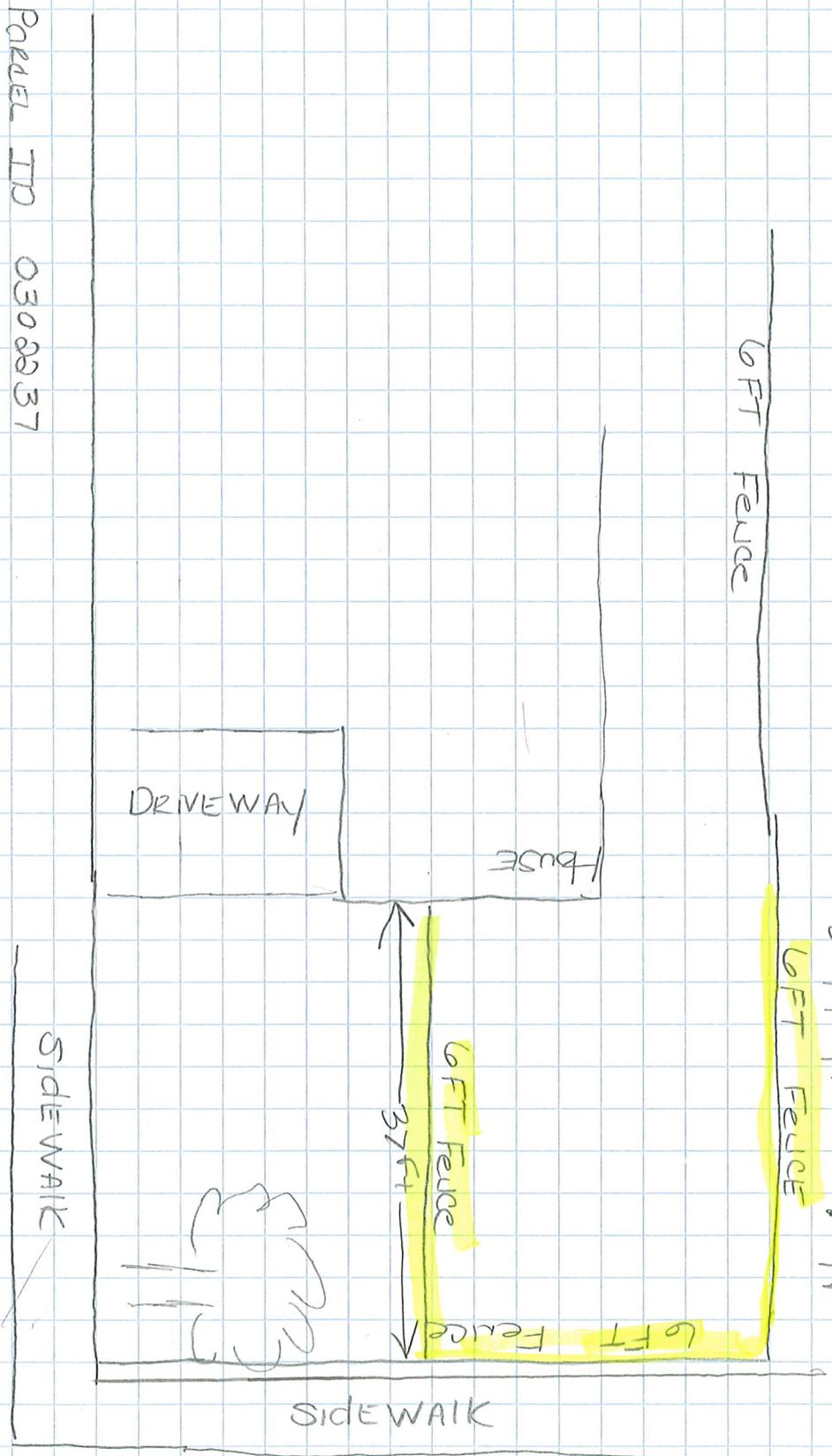
TAX YEAR: 2024

3503 145TH ST



3479-145TH ST VICTOR GLUZA

Parcel ID 0300037  
Side Yared  
Zoning District RS-6



6 FT Fence

DRIVEWAY

HOUSE

SIDEWALK

319TH ST

SIDEWALK

145TH ST

6 FT Fence  
37ft  
6 FT Fence

6 FT FENCE

Nuisance Neighbor Lee & Angela Kuss  
Neighbor 3511 - 145TH ST

3515 - 145TH ST  
MICHAEL ZIMJEWSKI

3503 145th St.

145th St

E 145th St

2-8



3503 145th

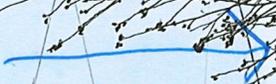


view from 319th St.

29



NEW SCENE



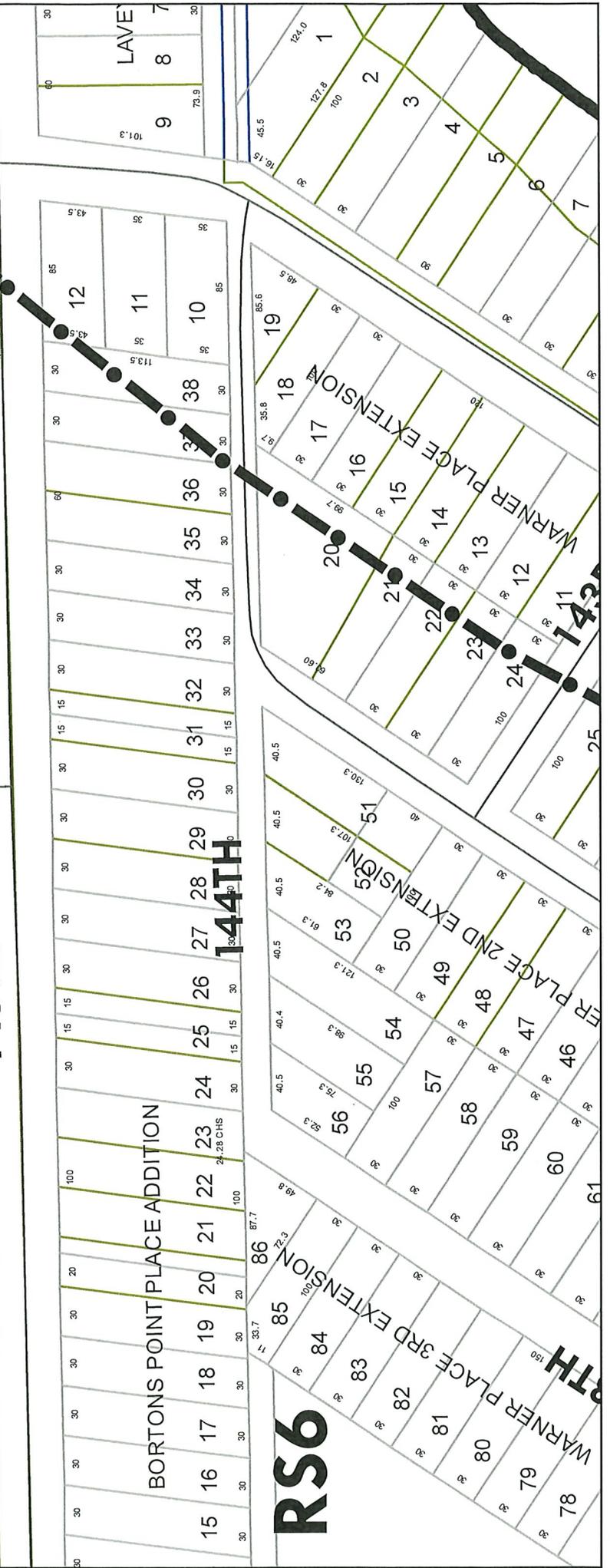
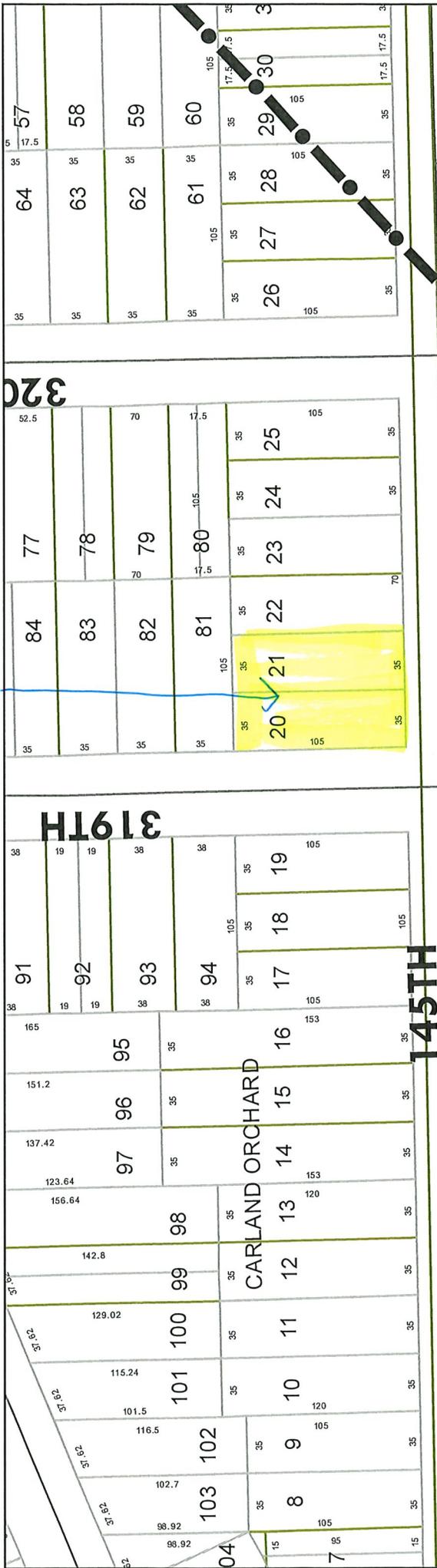
2-10



← 145TH ST →

241

3503 145TH ST.



2-12

PARCEL ID: 0302244

MARKET AREA: 1001R

OFFET SEREE.A

TAX YEAR: 2024



PARCEL ID: 0302244

MARKET AREA: 1001R

OFFET SEREE A

TAX YEAR: 2024



PARCEL ID: 0302244

MARKET AREA: 1001R

OFFET SEREE A

TAX YEAR: 2024



3503 145th St

1501 145th St  
 Toledo, Ohio  
 See more photos



4th St  
 323rd St  
 222nd St  
 145th St  
 Ft. Place Boat Club

Google

Image capture: Jun 2023 © 2024 Google - United States

216



FIVE STAR. ★★★★★

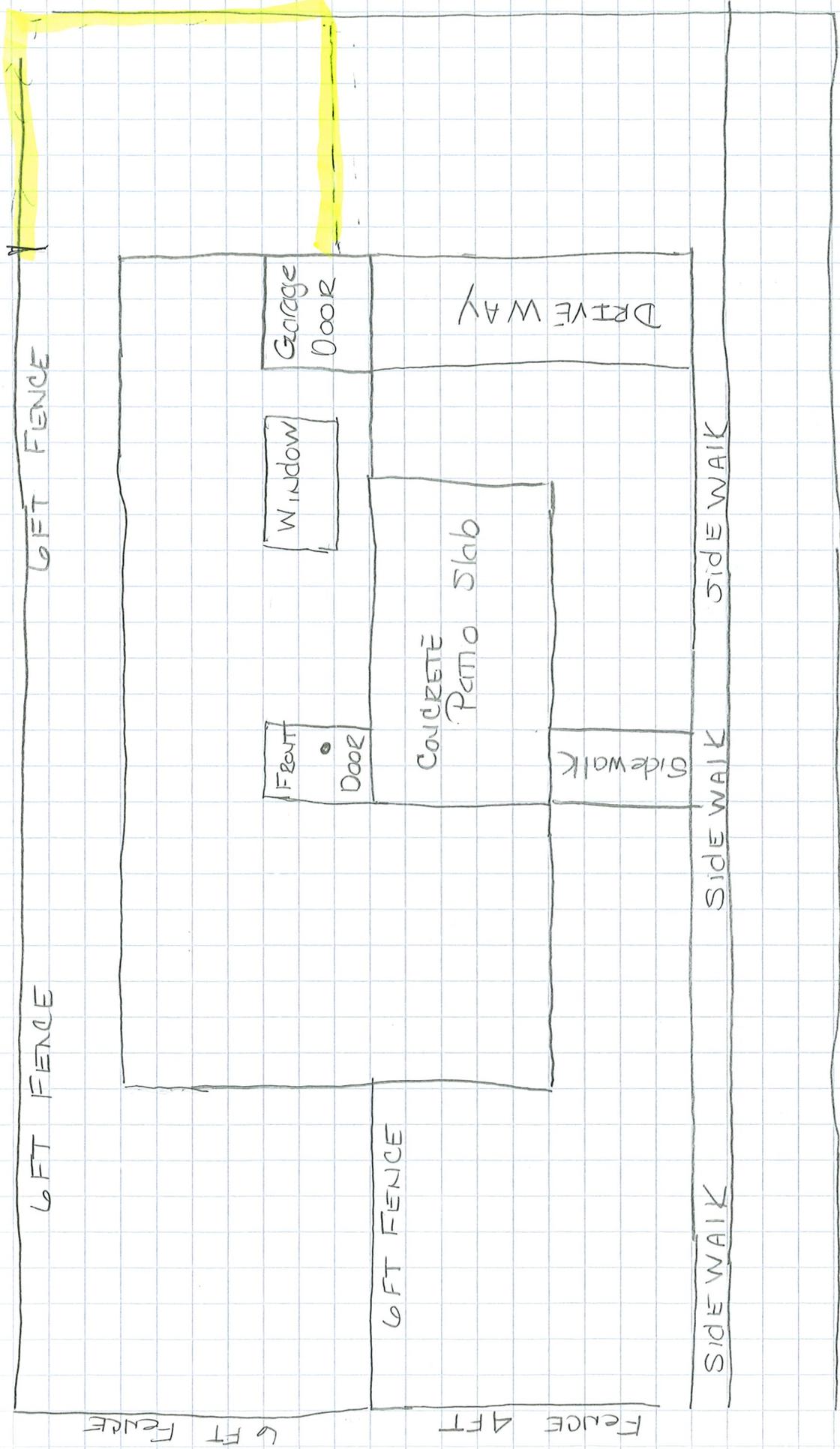
FIVE STAR. ★★★★★



FIVE STAR. ★★★★★



FIVE STAR. ★★★★★



319TH ST

319TH ST

PARCEL ID 0300044

SINGLE FAMILY RESIDENCE - 4 Zoning Description

Zoning Code 10-RS26

House sits on this lot

LR



AMERICAN FENCE AND SUPPLY CO.  
1630 COINING DR.  
TOLEDO, OHIO 43612  
419-698-3501 Toll Free:877-237-0414

JOB SKETCH

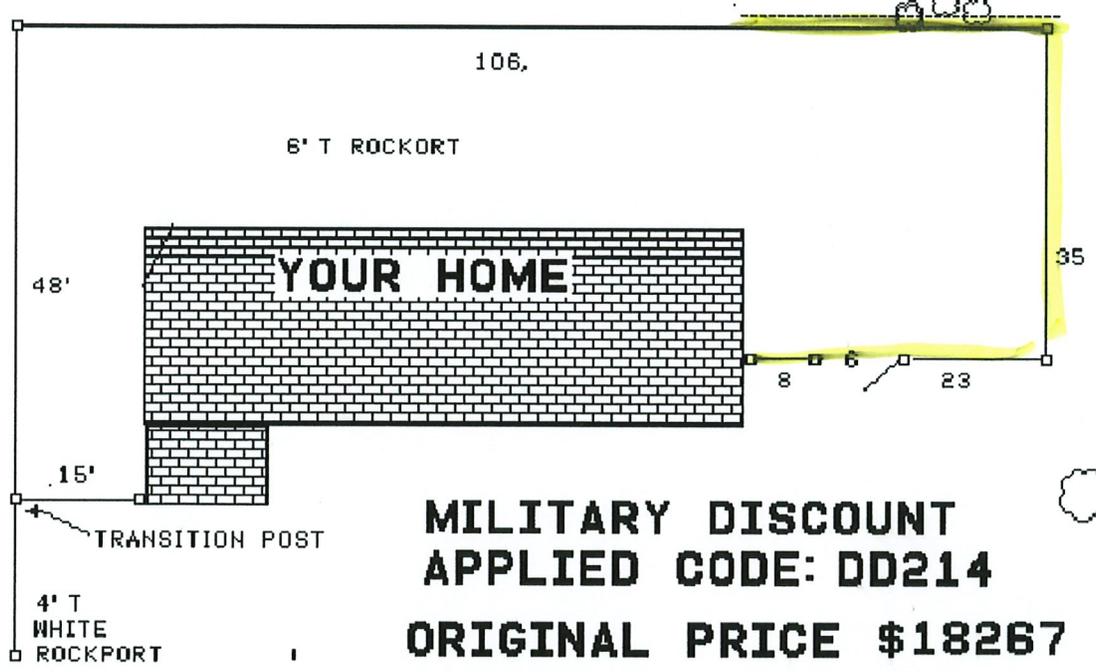
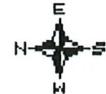
BILL TO:  
SEREE OFFET  
3503 145TH ST  
TOLEDO, OHIO 43611  
419-350-5075

SHIP TO:  
PROJECT ESTIMATOR  
JOHN LOPEZ  
561-990-8889

2' 48" high X 72" wide WHITE PRIVACY LEGEND PANEL Fencing

CUSTOMER TO PULL  
PERMIT

LINE WILL SIT ROUGHLY 8"  
IN FROM EXISTING LINE TO AVOID  
FOOTER REMOVAL



278

