



RECEIVED

JUL 19 2021

CITY OF TOLEDO

Division of Building Inspection

BZA21-0026

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

Site Location 3053 3045 Aynabare Zoning District RSG Date 7/8/21

Legal Description Residential Annex Edison Place Plat One Lot 14 E13

Applicant's Name (print) LORIENE N. MIXON

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

Exception X Appeal decision _____ ADA Accommodation _____

TMC § 1105.0301(A) To allow 1 1/2 feet over the allowed 3 1/2 feet max in the front setback.

1105.0301(B) To allow 1 foot over the allowed 4 feet max height in the side setback.

Applicant Signature Lorine Mixon Phone 419 450-2881

Applicant's Street Address 3053 Aynabare ct Fax _____

Applicant's City, State, Zip Toledo Ohio 43611 E-Mail honey.mixon@gmail.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 2 <http://local.live.com/> Transportation notified to check site distance hazard No

Code Enforcement notified if orders are being appealed. _____ Permit Tech's Initials STB Date 8/23/21

Reviewed by _____ Date _____ Staff Comments: _____

Board Decision _____ Date _____

HEARING DATE: **September 20, 2021**

BZA NO: **BZA21-0026**

APPLICANT: **Lorene Mixon**

SITE LOCATION: **3053 Cynabare Ct**

ZONING DISTRICT: **RS6**

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

ANALYSIS: **Applicant requests variance from TMC 1105.0301 (A&B) for a 1.5' variance within the front yard setback and a 1' variance within the side yard setback.**

STAFF COMMENTS: **1. Applicant is requesting a 5' high fence within the front and side yard setbacks.**

BOARD ACTION:

	1ST/2ND MOTIONS	1ST/2ND IF 2ND MOTION	YEA	NAY	ABSENT	RECUSE	LEFT BEFORE VOTE TAKEN
MOTION TO APPROVE/DISAPPROVE:							
Nathan Knapke	_____	_____	_____	_____	_____	_____	_____
Rob Pasker	_____	_____	_____	_____	_____	_____	_____
Paul Rasmusson	_____	_____	_____	_____	_____	_____	_____
Mary Glowacki	_____	_____	_____	_____	_____	_____	_____
Matt Cherry	_____	_____	_____	_____	_____	_____	_____
Jim Mossing	_____	_____	_____	_____	_____	_____	_____
Steve Serchuk	_____	_____	_____	_____	_____	_____	_____

VOTING RESULTS:

APPROVED _____ DISAPPROVED _____ DEFERRED _____ WITHDRAWN _____

CONDITIONS OF APPROVAL:

JOSEPH LAW, LTD.

Attorney & Counselor at Law

HASSANYAN M. JOSEPH
PH. 419.754.0725
FAX 419.254.1345
HASSANAYN.JOSEPH@GMAIL.COM
LICENSED IN OHIO

The Village Green

4001 Central Avenue,

Suite #3

Toledo, Ohio 43606

July 14, 2021

Re: City of Toledo – Division of Building Inspection
Application to the Administrative Board of Zoning Appeal (BZA)
My Client: Lorene N. Mixon – 3045 + 3053 Cynabare Ct.
Subject: Privacy Fence

Please be advised that I have been retained to represent Lorene N. Mixon. Ms. Mixon has requested me to forward you a completed application requesting permission to install, at her own expense and upkeep, a privacy fence that would prevent deer and other wildlife to enter her property.

Ms. Mixon resides and is the property owner of 3053 Cynabare Court. She has also recently acquired 3045 Cynabare Court from the Lucas County Land Bank. Ms. Mixon has resided in her home for nine (9) years and she was the first to build her house in the neighborhood. Her property is located adjacent to the Manhattan Marshes which encompass extensive wildlife. To the North of her property the marsh extends hundreds of feet and to the west of the property (Ms. Mixon's back yard) is an open field of overgrown wildlife which also extends hundreds of feet as well. Within the marsh and surrounding areas inhabit several different types of wild animals such as deer, coyotes, foxes, rabbits as well as several other different creatures. Throughout the many years Ms. Mixon has resided on this property she gardened and developed the property by planting trees, vegetables and herbs. However, she has not been able to reap the benefits of such activities. For example, Ms. Mixon planted 21 trees on her property and animals from the surrounding area would graze and eat them leading to the tree's destruction. This is just one example of how Ms. Mixon has been limited in the use of her property. Therefore, we are requesting a variance and/or waiver to erect a 5 ft. fence around her property line through this application to the Administrative Board of Zoning Appeal.

Ms. Mixon is requesting the permission to erect a 5 ft. fence in the front setback area of her house instead of the 3 ½ feet as set forth in TMC 1105.0301 (A). Furthermore, she is requesting permission to erect a 5 ft. fence in the side setback instead of the 4-foot limit set forth in TMC 1105.0301 (B). All fencing will not extend into any public right-of-way as required by the Toledo Municipal Code.

Ms. Mixon has also gathered the permission from all her neighbors to erect such a fence and was able to gather the signatures of four of the five property owners that reside on her street. Although she has received verbal permission from Mike Hirt, resident of 3060 Cynabare Ct., due to conflicting time schedules, she has not been able to find a time conducive for herself or Mr. Hirt to sign the petition.

Along with this letter please find enclosed: 1.) Photos showing different views of the site; 2.) The petition and signatures of neighbors granting permission to erect such a fence; and 3.) A \$200.00 check made payable to the City of Toledo. I have also submitted other pictures to the Division of Building Inspection when I completed building permit application for the fence which should be easily accessible to this Board.

Ms. Mixon would also like permission to speak to the Board of Zoning Appeal to further clarify her position and answer any questions that may be raised.

Please contact me with any questions, comments. We look forward to receiving the outcome of your review as soon as possible.

Sincerely,



Hassanayn M. Joseph

HMJ/hmj

Cc:

To Toledo :
City of

5-17-21

I am requesting a waiver so that I
can put up a 5 foot fence around my
property & adjacent lot that I will be purchasing.
The property is located at 3053 Cynabaret, across
the street from Manhattan Marsh Metropark, the
problem is the deer, coyotes that come into my yard
by the dozen to feast on my plants & trees, they
are being pushed out of their habitat by the New
renovation of the Manhattan Marsh, they are
on my side of the house, the walkway, some (deer)
have been in my front window looking
in the house, they come in my neighbors yard
by their porch too, I want my grand babies
to not be alone to go into the yard to play
without looking for animals, they are scared
and so am I, I need a deterrent so I want to
put up a beautiful black fence that would also
make the property look fabulous and it is 5 five foot
in height, thank you for your consideration


Irene H. H.
419 458-2881
3053 Cynabaret

Neighbors of Cyndabare Ct

These are the families on Cyndabare Ct
They are signing this petition in agreement
of the ~~st~~ fence that I want to put up around
the front of my house and adjacent property
a 5 ft fence

Name

1 Randy H

Address

3040 Cyndabare Ct.
Toledo, OH 43611

2 Al Drift

3023 Cyndabare Ct
Toledo, OH 43611

3 Nathan Wm McJes

3019 Cyndabare Ct
Toledo, OH 43611

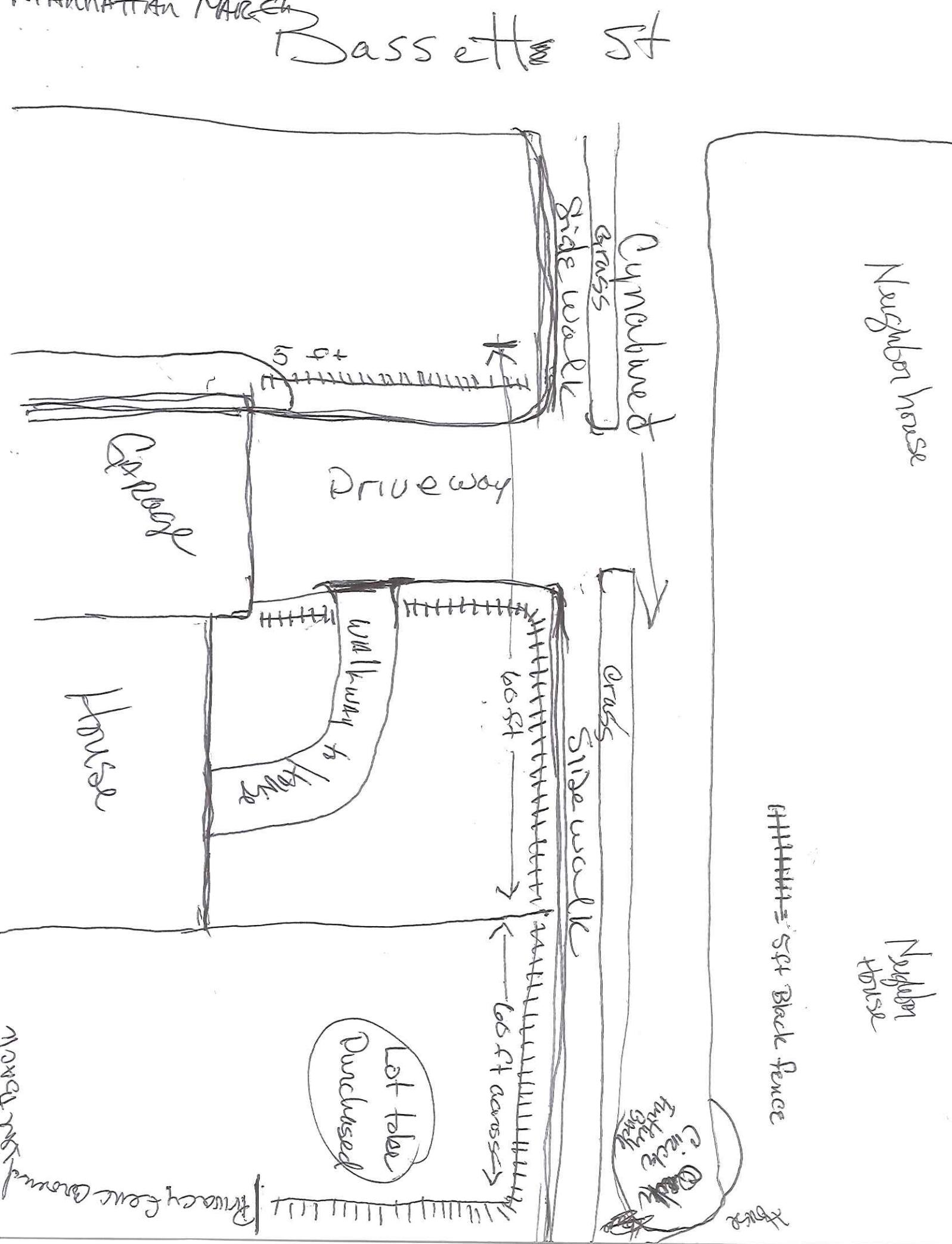
4

3040 Cyndabare Ct

5 Loren Mays

3053 Cyndabare Ct

Loren Mays



lorene



© All P

11/11/2020



40ft

120ft

120ft



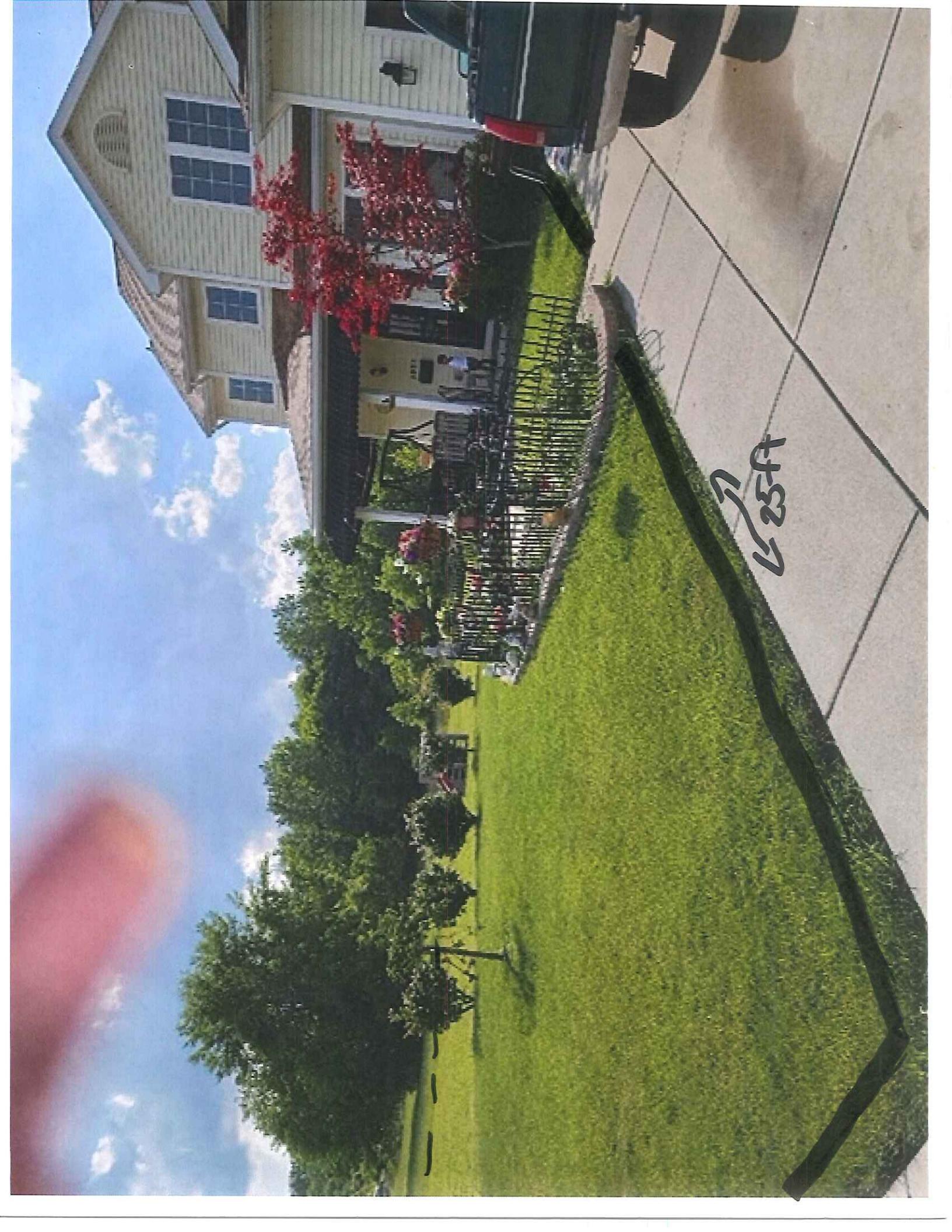
Superior 120ft

2nd 60 ft

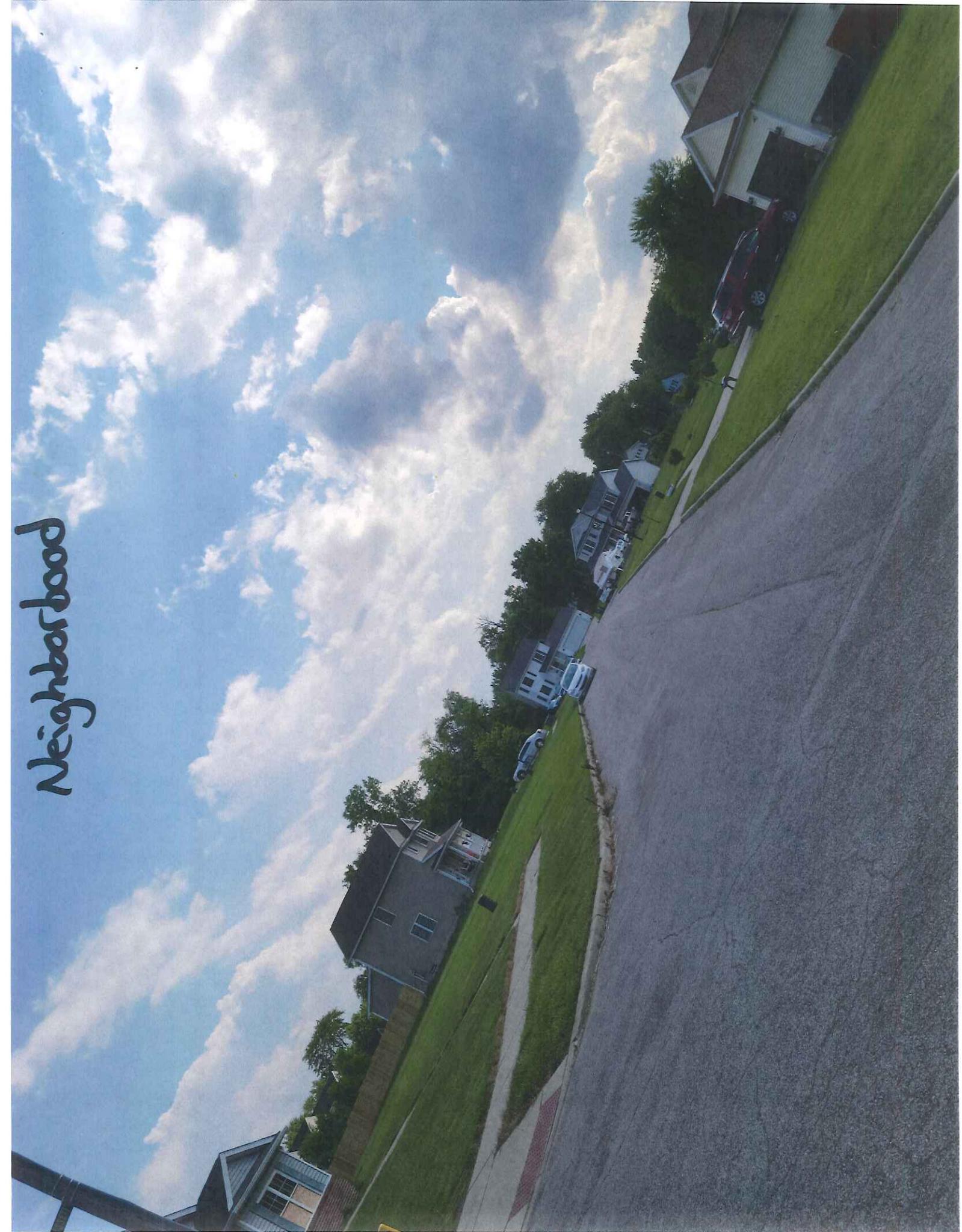




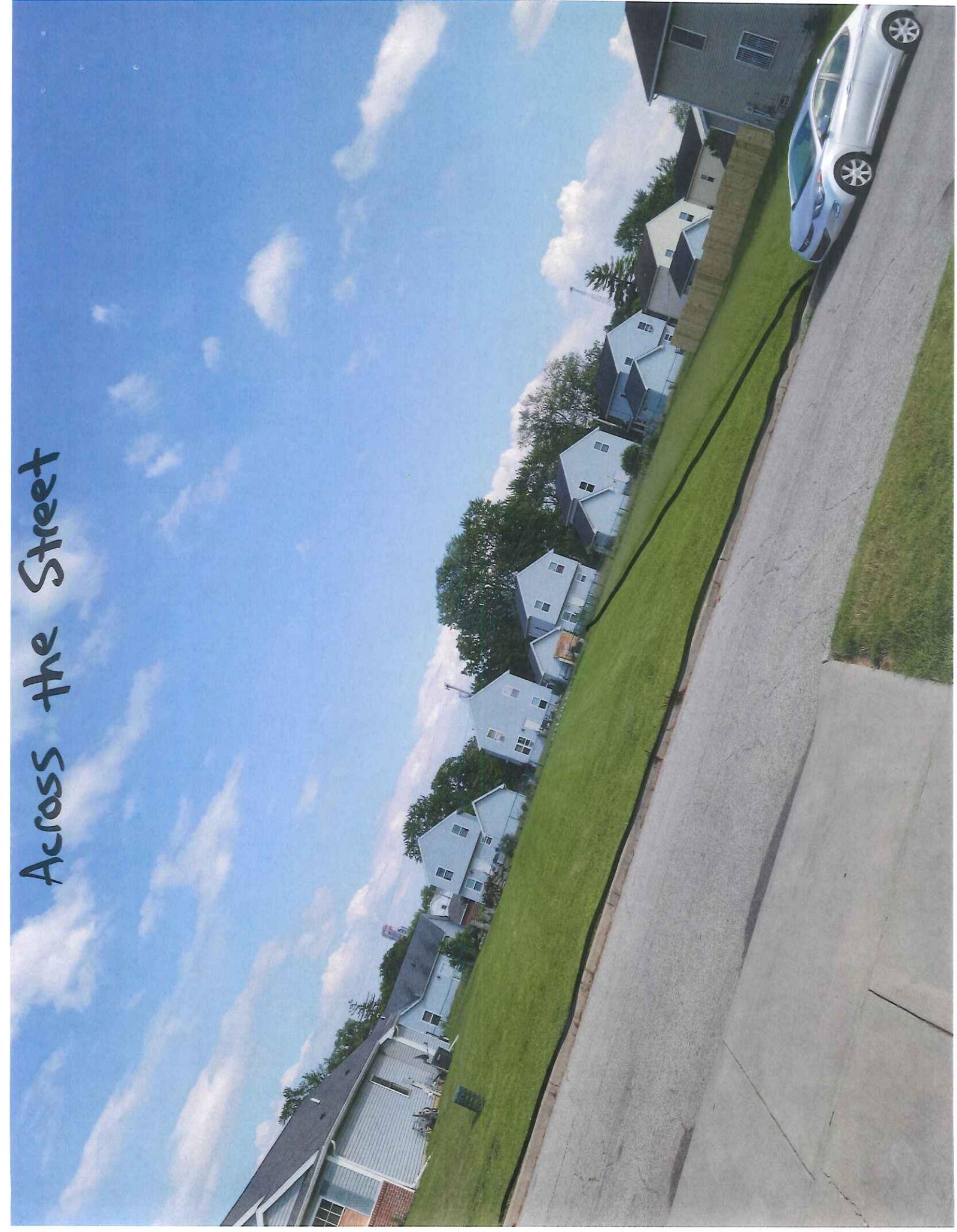
25ft



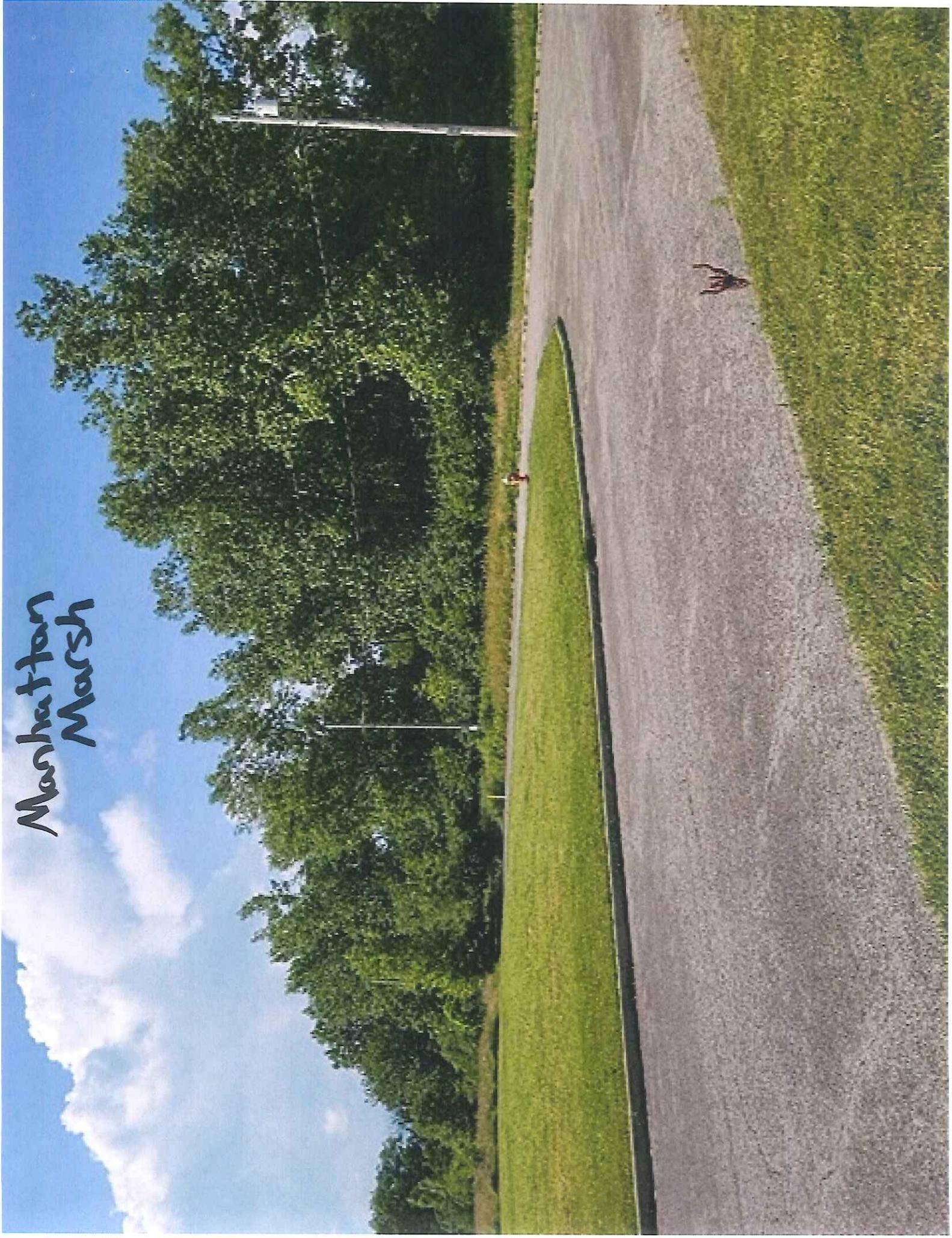
Neighborhood



Across the Street



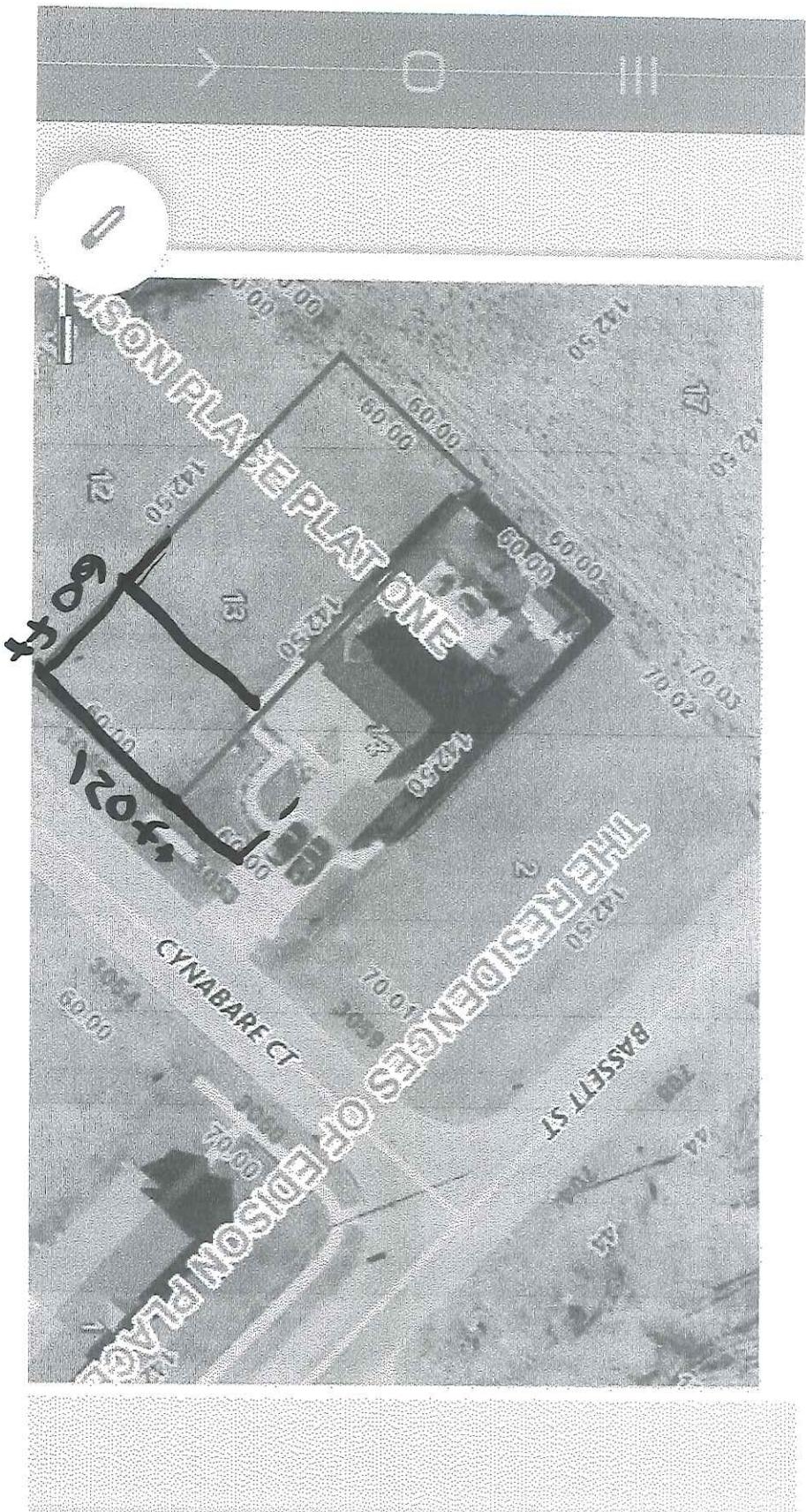
Manhattan
Marsh



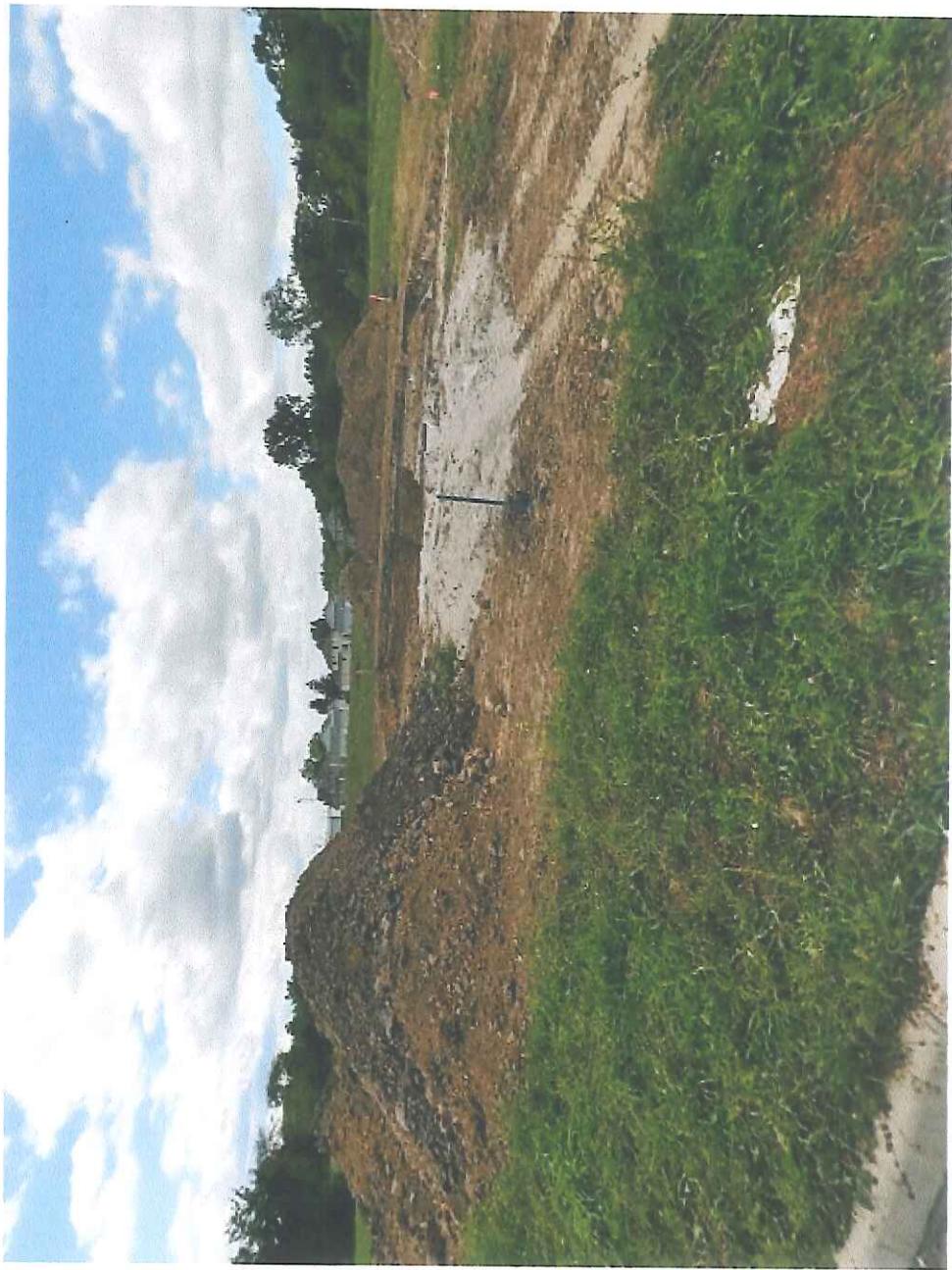






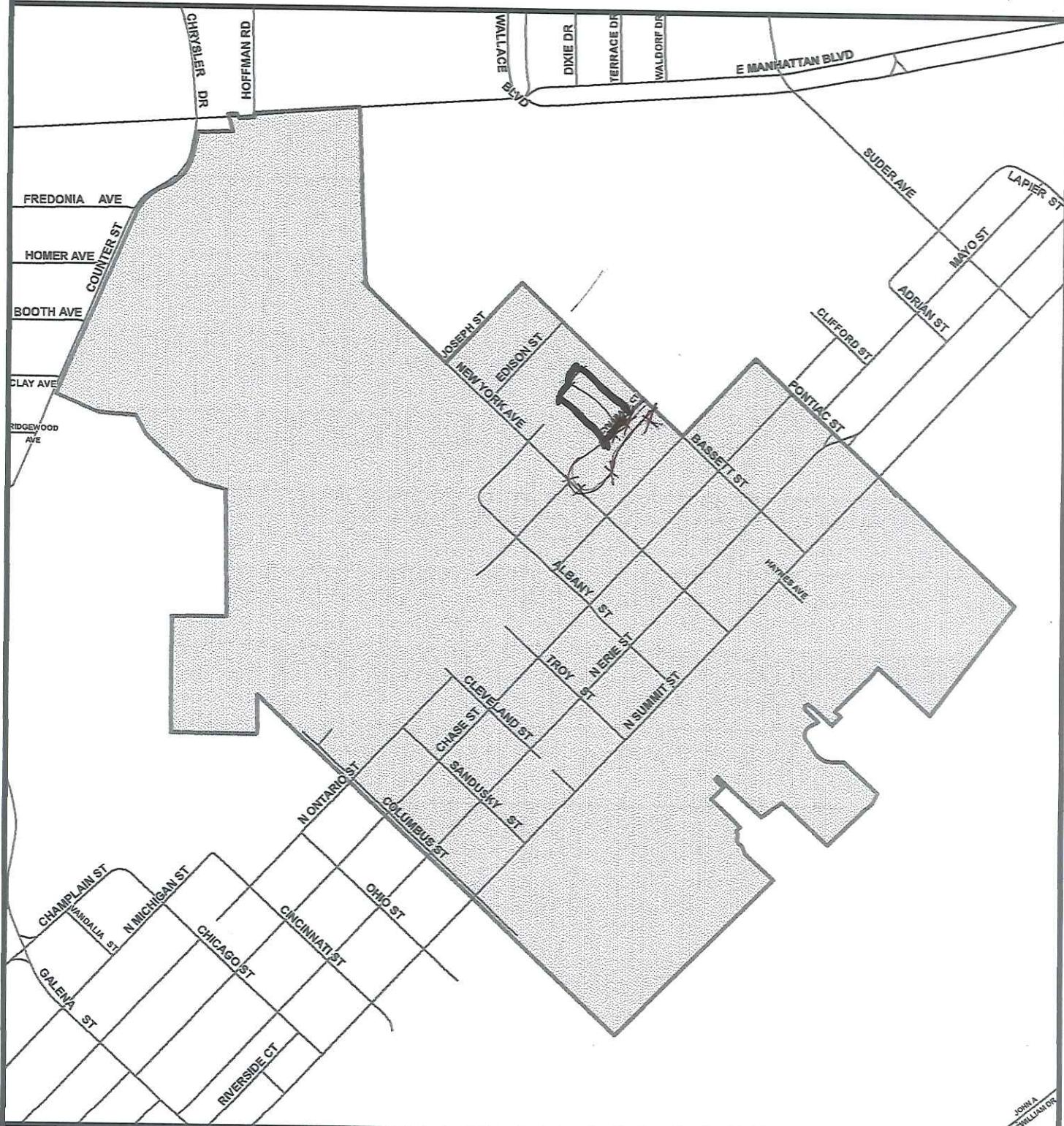








Lucas County Market Area 905



Key to Features

— Streets and Roads

■ Market Area Boundary





11/11/2020

MAP #2

100 200 300 400 500 600 700 800 900 1000

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四

562

100	139	150	159	170	175	180	185	190	195
33.50	32.50	31.50	30.50	29.50	28.50	27.50	26.50	25.50	24.50
100	139	150	159	170	175	180	185	190	195
33.50	32.50	31.50	30.50	29.50	28.50	27.50	26.50	25.50	24.50

35	4
25	3
24	2
20	1
16	0

30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13

125 126

1904

14

1	2	3	4	5	6	7	8	9
12.00	5	5	4	3	2	1	9	8

WAVES									
6	5	4	3	2	1	0	7	6	5
6	5	4	3	2	1	0	7	6	5
6	5	4	3	2	1	0	7	6	5
6	5	4	3	2	1	0	7	6	5

PARCEL ID: 1180534

MARKET AREA: 905R
MIXON LORENE N
TAX YEAR: 2021

ASSESSOR#: 09928014

ROLL: RP_OH
3053 CYNABARE
STATUS: Active

Summary - General

Tax District	TOLEDO CITY - TOLEDO CSD
Class	RESIDENTIAL
Land Use	510 : R - SINGLE FAMILY DWELLING, PLATTED LOT
Market Area	905R - Click here to view map
Zoning Code	10-RS6 - Click here for zoning details
Zoning Description	Single-Family Residence-6
Water and Sewer	CITY WATER / CITY SEWER
Traffic	NO DIRECT OUTLET
Street Type	CONCRETE OR BLACKTOP
Owner	MIXON LORENE N
Property Address	3053 CYNABARE CT TOLEDO OH 43611
Mailing Address	3053 CYNABARE CT TOLEDO OH 43611
Legal Desc.	EDISON PLACE PLAT ONE LOT 14 (SEE PARCEL 11-00020 FOR EXEMPT PORTION)
Certified Delinquent Year	
Census Tract	12.02

Summary - Most Recent Sale

Prior Owner	MIXON BOBBY R & LORENE N
Sale Amount	\$0
Deed	21202541
Sales Date	24-MAY-21

Summary - Values

	35% Values	100% Values	35% Roll	100% Roll
Land	5,110	14,600	5,110	14,600
Building	0	0	0	0
Total	5,110	14,600	5,110	14,600

Tax Credits

Homestead Exemption	NO
Owner Occupied Credit	YES
CAUV	NO
Agricultural District	NO

Exemption Status

Exemption Type	CRA
Exemption Status	ACTIVE

Printed on Monday, August 23, 2021, at 1:58:30 PM EST

1105.0301 Residential Districts.

The following standards apply in all Residential Districts:

- A. Fences or hedges may not exceed 3½ feet in height in the required front setback.
- B. Fences may not exceed 4 feet in height in the required side setback adjacent to the main building and projected to the required front setback. Any recess in the rear building plane shall not be considered part of the required setback.
- C. Fences may not exceed 7 feet in height in any other location on a lot.
- D. No part of any fencing may extend into the public right-of-way.

(Ord. 170-04. Passed 3-23-04; Ord. 402-11. Passed 8-23-11.)



CITY OF TOLEDO

Division of Building Inspection

BZA21-0027

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

Site Location 1901 Dorr Street Zoning District CN Date 7/20/21

Legal Description Norwood Lots 1-9

Applicant's Name (print) Zaremba Group, LLC

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

Exception _____ Appeal decision _____ ADA Accommodation _____

TMC § 1106.0102, Front Setback within the CN Zoning Classification, To allow 11' Less than the Required 20' min Front Setback along Martrose Ave. To allow 16' Less than the required 20' Front setback along Dorr St.

Applicant Signature [Signature] Phone 216/221-2163

Applicant's Street Address 14600 Detroit Avenue, Suite 1500 Fax 216/221-1031

Applicant's City, State, Zip Lakewood, OH 44107 E-Mail thamula@zarembagroup.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:

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

Permit Tech Checklist: Application complete ✓ Photos ✓ Letter ✓ Proper Site Plan ✓ SWO _____

Copy Zoning Map 47 <http://local.live.com/> Transportation notified to check site distance hazard Yes

Code Enforcement notified if orders are being appealed. _____ Permit Tech's Initials JTB Date 8/24/21

Reviewed by _____ Date _____ Staff Comments: TRANSPORTATION DOES NOT HAVE
ANY ISSUES, Aaron Salamboz 8-24-21

Board Decision _____ Date _____



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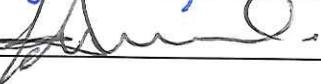
Legal Description Norwood Lots 1-9

Applicant's Name (print) Zaremba Group, LLC

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

Exception _____ Appeal decision _____ ADA Accommodation _____

TMC § 1106.0102, Front Setback within the CN Zoning Classification, To allow 11' Less than the Required 20' min Front setback along Maitrose Ave. To allow 16' Less than the required 20' Front setback along Dorr St.

Applicant Signature  Phone 216/221-2163

Applicant's Street Address 14600 Detroit Avenue, Suite 1500 Fax 216/221-1031

Applicant's City, State, Zip Lakewood, OH 44107 E-Mail thamula@zarembagroup.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.
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Code Enforcement notified if orders are being appealed. _____ Permit Tech's Initials STB Date 8/24/21

Reviewed by _____ Date _____ Staff Comments: _____

Board Decision _____ Date _____

HEARING DATE: **September 20, 2021**

BZA NO: **BZA21-0027**

APPLICANT: **Zaremba Group, LLC**

SITE LOCATION: **1901 Dorr St**

ZONING DISTRICT: **CN**

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

ANALYSIS: **Applicant requests variance from TMC 1106.0102 due to lot size and setbacks of 9' from Montrose and 4' from Dorr St for building setbacks for a new building. Applicant requests variance from TMC 1105.0302 for a 6' high fence within the front setback along Montrose and Upton along the alley.**

STAFF COMMENTS: **No staff comments**

BOARD ACTION:

	1^{ST/2ND} MOTIONS	1^{ST/2ND} IF 2ND MOTION	YEA	NAY	ABSENT	RECUSE	LEFT BEFORE VOTE TAKEN
MOTION TO APPROVE/DISAPPROVE:							
Nathan Knapke	_____	_____	_____	_____	_____	_____	_____
Rob Pasker	_____	_____	_____	_____	_____	_____	_____
Paul Rasmussen	_____	_____	_____	_____	_____	_____	_____
Mary Glowacki	_____	_____	_____	_____	_____	_____	_____
Matt Cherry	_____	_____	_____	_____	_____	_____	_____
Jim Mossing	_____	_____	_____	_____	_____	_____	_____
Steve Serchuk	_____	_____	_____	_____	_____	_____	_____

VOTING RESULTS:

APPROVED _____ DISAPPROVED _____ DEFERRED _____ WITHDRAWN _____

CONDITIONS OF APPROVAL:



ZAREMBA GROUP

July 20, 2021

City of Toledo – Division of Building Inspection
One Government Center, Suite 1600
Toledo, OH 43604

**RE: Application to the Administrative Board of Zoning Appeal
TMC 1106.0102, Front Setback within the CN Zoning Classification
SWC Dorr Street and Upton Avenue
Tax Parcel #11-22078**

Zaremba Group, LLC is currently working through a Minor Site Plan Review to redevelop the SWC of Dorr Street and Upton Avenue and construct a new Dollar General Retail Store.

The site is bordered by 4 public rights of ways; Montrose Street, Dorr Street, Upton Avenue and a public alley to the rear of the site. Applying the required 20' front setback on 3 sides and the required 10' setback on the rear reduces the buildable area by 37% which places an undue hardship on this specific site.

Planning Staff has indicated their support of the variance request as it is consistent with adjacent retail, supports pedestrian accessibility along with restoring the historical street wall that once existed on this site. Therefore, we respectfully request a hearing to consider our application for a Front Setback Variance within the CN Zoning Classification on both Dorr and Montrose Street.

Your time and consideration of this request is greatly appreciated. Should you have any questions or need additional information, please contact me at (216) 221-2163.

Sincerely,

Todd Hamula
Sr. Development Manager
Zaremba Group, LLC

Enclosures

SCHEDULE A - LEGAL DESCRIPTION
COMMITMENT NO. NCS-1003515-CLE DATED 03/27/2020

File No.: NCS-1003515-CLE

The Land referred to herein below is situated in the County of Lucas,
State of Ohio, and is described as follows:

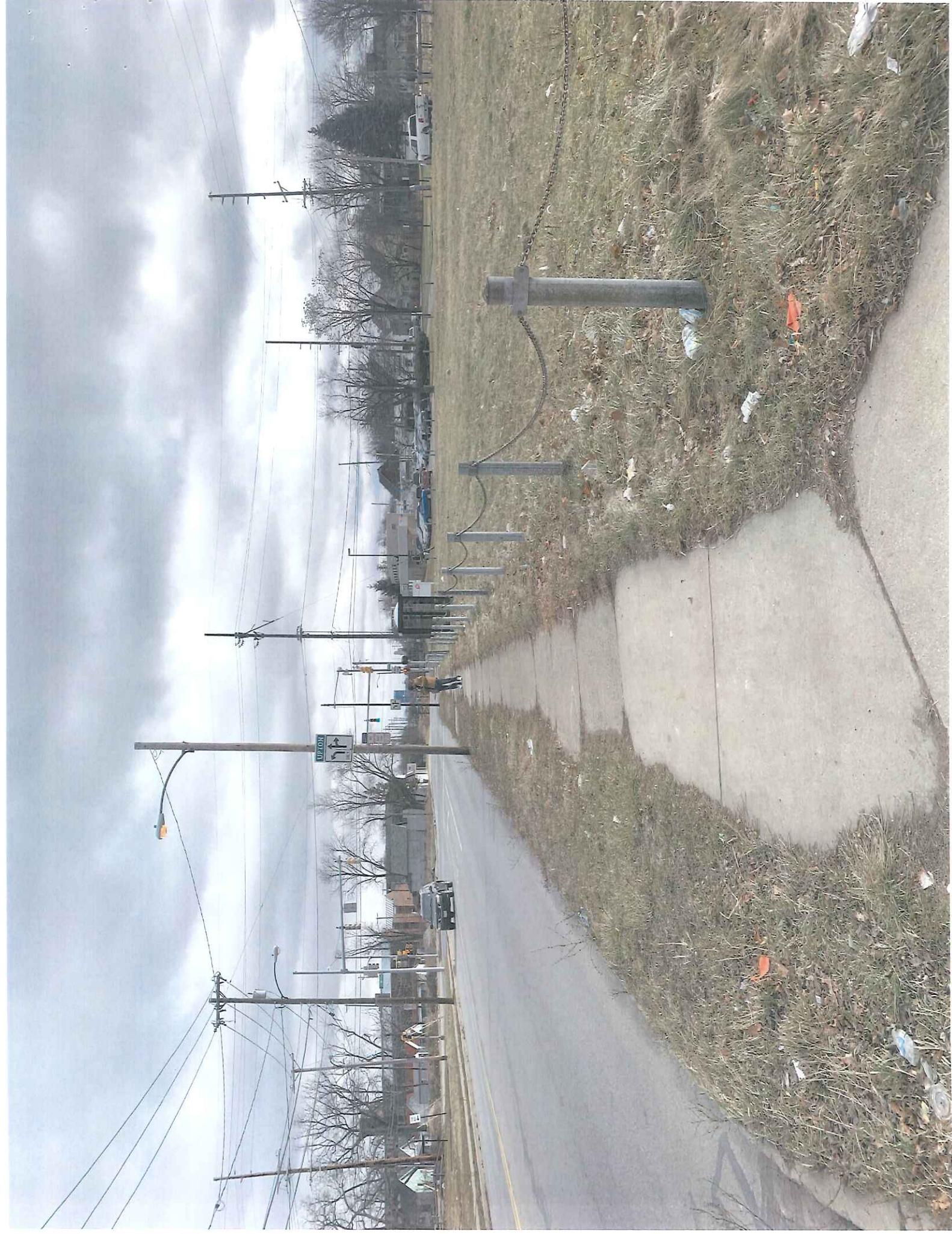
Lot numbers 1 through 9 inclusive, in Norwood, an Addition in the City
of Toledo, Lucas County, Ohio, same being recorded in Plat 16-20.













For Sale
Reichle Klein Group
Ryan Miller

419.861.1100

SPEED
LIMIT
35

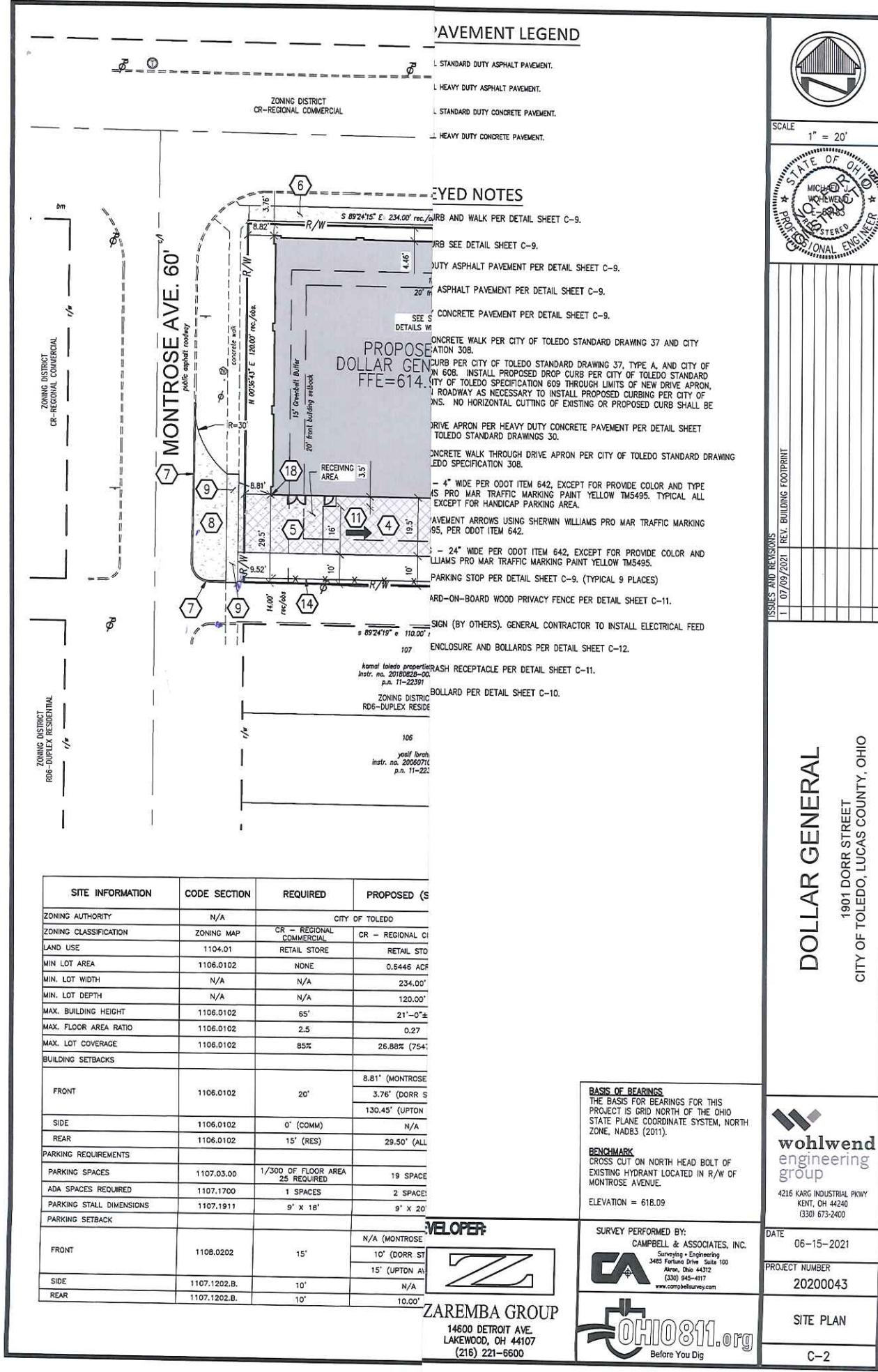


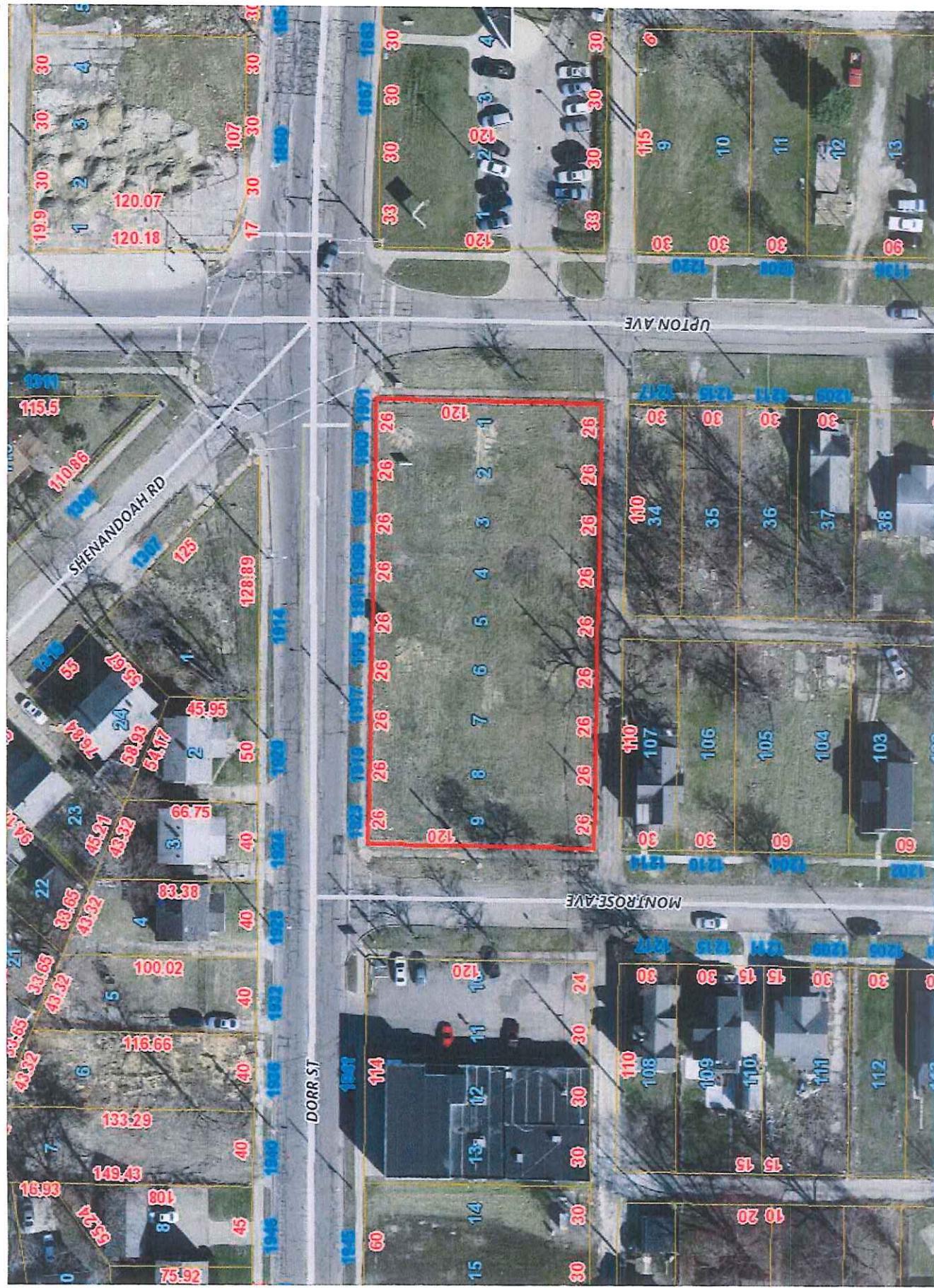








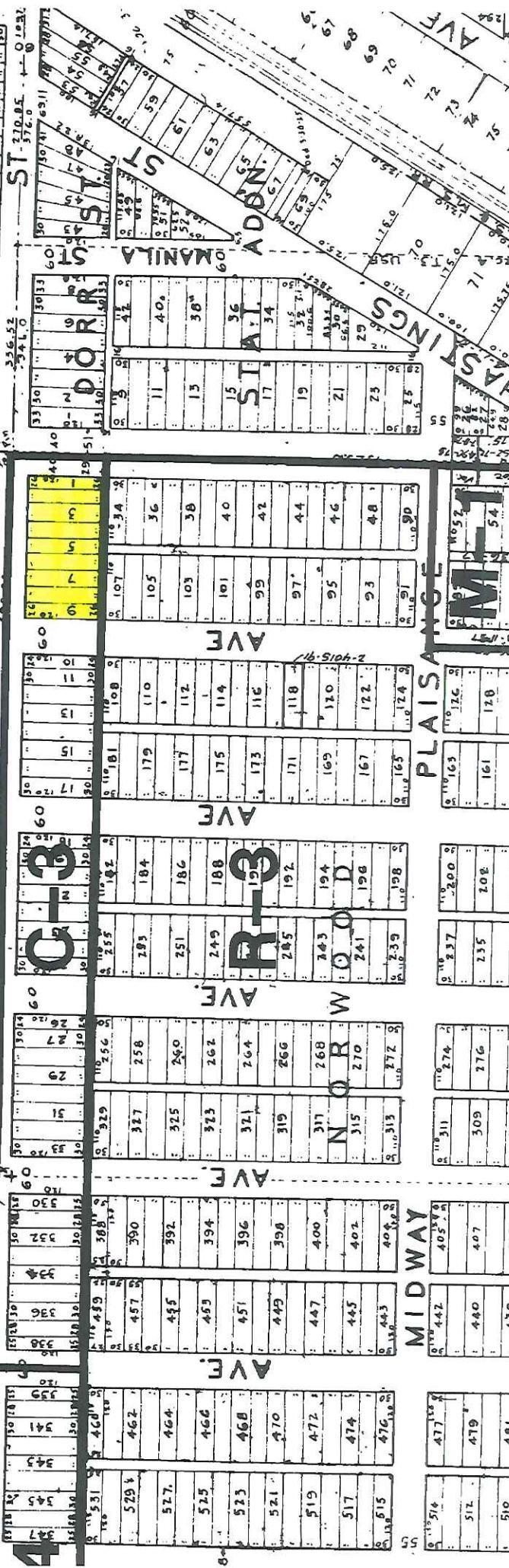
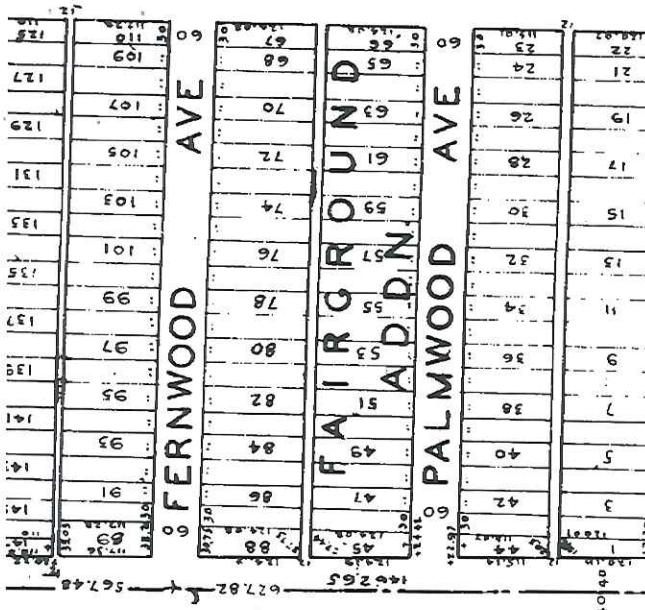
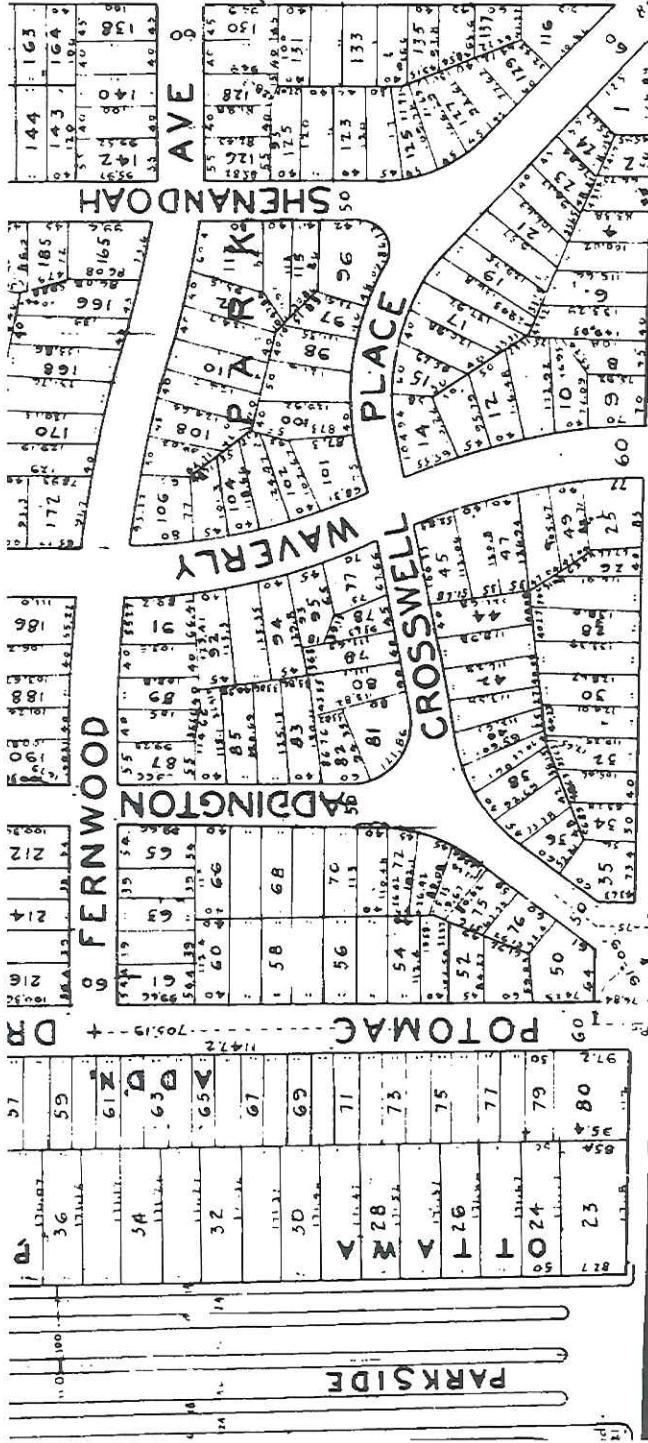






11/07/2020

MAP #47



AVL

Fischer, Ken

From: Galambos, Aaron
Sent: Thursday, September 02, 2021 3:18 PM
To: Lalonde, Doug
Cc: Fischer, Ken; Stookey, Gary; Bartlett, Stephanie
Subject: BSA21-0027, 1901 Dorr Street

Doug,

On the site drawings it shows a 5' setback of the fence from the R/W line on Upton. Transportation would like the fence along the alley to be set back a minimum of 5' from R/W on both Upton and Montrose to provide some line of sight for foot traffic when exiting the alley.

Aaron Galambos
Engineering Associate
Division of Transportation
aaron.galambos@toledo.oh.gov
office 419-245-1300
→ toledo.oh.gov



1106.0102 Commercial Districts.

Unless otherwise expressly stated, all buildings in Commercial (C) zoning districts must comply with the standards of the following table.

(Ord. 170-04. Passed 3-23-04.)

Standard	CN	CO	CM	CS	CR	CD
Minimum Lot Area (sq. ft.)						
Detached House	6,000	NA	NA	NA	NA	NA
Duplex/Attached House (per unit)	3,000	NA	1,400	NA	NA	1,400
Multi-Dwelling (per unit)	4,200	1,800	700[1]	1,800	1,800	None [2]
All Other Development	None	None	None	None	None	None
Maximum Floor Area Ratio (FAR)						
	0.75	2.5	1	3	2.5	12
Minimum Setbacks (feet)						
Front	20	20	0	0	20[3]	0
Side/Rear abutting other C or I Districts	0	0	0	0	0	0
Side/Rear abutting R Districts	[4]	[4]	[4]	[4]	[4]	[4]
Maximum Front Setback (feet)						
	35	35	10[5]	10[5]	None	10[5]
Maximum Height (feet)						
	35	65	120	45	65	None
Maximum Building Coverage (% of site)						
	85	85	100	100	85	100

NA = Not Applicable

Table Notes

- [1] See Section 1106.0400 on minimum lot area reductions in CM Districts.
- [2] All developments/redevelopments are subject to Site Plan Review required provisions of Sec. 1111.0800.
- [3] Minimum Front Setback is increased to 30 feet for properties over 5 acres and/or with over 500 feet of frontage.
- [4] Minimum side and rear setbacks from Residential zoning districts:

Height of Accessory or Principal Building (feet)	Setback Abutting Side Lot Line of R- Zoned Lot (feet)	Setback Abutting Rear Lot Line of R- Zoned Lot (feet)
0-20	10	15
21+	10 + 1 per 2 feet of building height above 20 feet. Setback is not required to exceed 50 feet	15 + 1 per 4 feet of building height above 20 feet. Setback is not required to exceed 50 feet.

[5] At least 50 percent of the length of the ground level building must be located within 10 feet of the front lot line. For sites with three or more lot frontages, this standard applies to only two of the street facing walls. The Plan Commission is authorized to waive maximum front setback standards in the -DO district to accommodate plazas or other pedestrian amenities.

(Ord. 170-04. Passed 3-23-04; Ord. 287-20. Passed 8-11-20.)

1105.0302 Commercial and Industrial Districts.

A. The following standards apply in all Commercial and Industrial Districts:

1. Fences may not exceed 3½ feet in height in the required front setback.
2. Fences may not exceed 10 feet in any other location on a lot.
3. No part of any fencing or swing gate may extend into the public right-of-way.

B. See Section 1108.0203H for required outdoor storage screening standards.

C. See Section 1104.1600 for storage of towaway vehicles screening standards.

(Ord. 170-04. Passed 3-23-04.)

PARCEL ID: 1122078

MARKET AREA: 501R

BNP JAGUARS TOLEDO LLC ANOHIO LIMITED LI

TAX YEAR: 2021

ASSESSOR#: 05174001

ROLL: RP_OH

1901 DORR ST

STATUS: Active

Summary - General

Tax District	TOLEDO CITY - TOLEDO CSD
Class	RESIDENTIAL
Land Use	500 : R - RESIDENTIAL, VACANT LAND, LOT
Market Area	501R - Click here to view map
Zoning Code	10-CN - Click here for zoning details
Zoning Description	Neighborhood Commercial
Water and Sewer	CITY WATER / CITY SEWER
Traffic	MAIN - MAJOR ARTERY
Street Type	CONCRETE OR BLACKTOP
Owner	BNP JAGUARS TOLEDO LLC ANOHIO LIMITED LI
Property Address	ABILITY CO 1901 DORR ST TOLEDO OH 43607
Mailing Address	4820 MONROE ST TOLEDO OH 43623 4310
Legal Desc.	NORWOOD LOTS 1 TO 9
Certified Delinquent Year	
Census Tract	31

Summary - Most Recent Sale

Prior Owner	JAJ DEVELOPMENT COMPANY, LTD
Sale Amount	\$0
Deed	12106930
Sales Date	19-OCT-12

Summary - Values

	35% Values	100% Values	35% Roll	100% Roll
Land	3,920	11,200	3,920	11,200
Building	0	0	0	0
Total	3,920	11,200	3,920	11,200

Tax Credits

Homestead Exemption	NO
Owner Occupied Credit	NO
CAUV	NO
Agricultural District	NO

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