

BOARD OF ZONING APPEALS

April 15, 2024

City of Toledo



ADMINISTRATIVE BOARD OF ZONING APPEALS (BZA)

MONDAY, APRIL 15, 2024 - 10:00 A.M.
CITY COUNCIL CHAMBERS, FIRST FLOOR
GOVERNMENT CENTER

BZA BOARD APPROVAL CASE ORDER

DOCKET #	BZA No	ADDRESS
1	BZA24-0006	3750 JACKMAN RD
2	BZA24-0007	518 W SYLVANIA AVE



PAID 2-12-24



CASE # BZA24-0006

CITY OF TOLEDO

Department of Economic and Business Development

Division of Building Inspection

One Government Center, Suite 1600 • Toledo, OH 43604 • Phone (419) 245-1220 • Fax (419) 245-1329 • www.toledobi.com

APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)

TMC Chapter 1112.0200

Site Location 3750 Jackson Rd Zoning District CR Date 1/19/24

Legal Description WALLS PARK LOT 156 EXC PT IN RD

Applicant's Name (print) Roger Moore

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

Exception X Appeal decision _____ ADA Accommodation _____

TMC § 1105.0302(A)(1) - FOR FENCE 6' high - 30' OVER THE 42" MAX. height in front setback. & 1108.0404(B) & 1108.0203(H)(1)

Applicant Signature [Signature] Phone 419 410 2177

Applicant's Street Address 1052 Elm St. Fax _____

Applicant's City, State, Zip Peapack, OH 43551 E-Mail oaksndoskautosales@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 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 1:30 p.m. 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 ☒

Code Enforcement notified if orders are being appealed. N/A Permit Tech's Initials [Signature] Date 2-12-24

Reviewed by _____ Date _____ Staff Recommendation _____

Board Decision _____ Date _____

HEARING DATE: April 15, 2024

BZA NO: BZA24-0006

APPLICANT: Roger Moore

SITE LOCATION: 3750 Jackman Rd

ZONING DISTRICT: CR

SWO or NOL Issued: N/A

ANALYSIS: Applicant requests variance from TMC 1105.0302 (A1) and 1105.0100 to install a 6' high fence within front setback on primary and secondary frontage.

STAFF COMMENTS: N/A

BOARD ACTION:

MOTION TO APPROVE/DISAPPROVE:	1 ST /2 ND MOTIONS	1 ST /2 ND If 2 ND MOTION	YEA	NAY	ABSENT	RECUSE	LEFT BEFORE VOTE TAKEN
DeVon Overton	_____	_____	_____	_____	_____	_____	_____
Carrie Hartman	_____	_____	_____	_____	_____	_____	_____
Robert Pasker	_____	_____	_____	_____	_____	_____	_____
Christy Soncrant	_____	_____	_____	_____	_____	_____	_____
Nathan Knapke	_____	_____	_____	_____	_____	_____	_____
Steve Serchuk	_____	_____	_____	_____	_____	_____	_____

VOTING RESULTS:

APPROVED _____ DISAPPROVED _____ DEFERRED _____ WITHDRAWN _____

CONDITIONS OF APPROVAL:

* SENT TO TRANSPORTATION

Straub, Lori

From: Straub, Lori on behalf of toledobi
Sent: Monday, February 12, 2024 11:03 AM
To: Galambos, Aaron
Cc: Hollo, Amy
Subject: RE: 3750 Jackman - BZA FOR FENCE REVIEW
Attachments: 3750 Jackman - BZA24-0006 Fence in front setback.pdf

Importance: High

Aaron,

Could you please review and give your thoughts on approval or disapproval of the proposed site plan for a 6' high fence on a commercial zoned corner lot? The lot is to be used as a flow over lot for vehicle storage for the existing business across the street at 3802 Berdan.

Thanks.

Lori Straub
Permit Technician
City of Toledo - Division of Building Inspection One Government Center - Ste 1600 Toledo, OH 43604
419-245-1220 Office
419-245-1329 Fax
toledobi@toledo.oh.gov

Straub, Lori

From: Galambos, Aaron
Sent: Monday, February 12, 2024 3:09 PM
To: toledobi
Cc: Straub, Lori
Subject: RE: 3750 Jackman - BZA FOR FENCE REVIEW
Attachments: 3750 Jackman - BZA24-0006 Fence in front setback.pdf

Lori,

Transportation/ Traffic Management is not approving the BZA for a privacy fence at 3750 Jackman Road, BZA24-0006. It creates a line of sight issue and violates TMC 1107.2000 Sight Distance Setback. Please see attachment.

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

-----Original Message-----

From: Straub, Lori <Lori.Straub@toledo.oh.gov> On Behalf Of toledobi
Sent: Monday, February 12, 2024 11:03 AM
To: Galambos, Aaron <Aaron.Galambos@toledo.oh.gov>
Cc: Hollo, Amy <Amy.Hollo@toledo.oh.gov>
Subject: RE: 3750 Jackman - BZA FOR FENCE REVIEW
Importance: High

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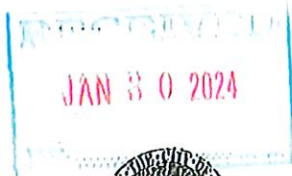
Thanks.

Lori Straub
Permit Technician
City of Toledo - Division of Building Inspection One Government Center - Ste 1600 Toledo, OH 43604
419-245-1220 Office
419-245-1329 Fax
toledobi@toledo.oh.gov

*Response FROM TRANSPORTATION

-see notes

PAID
2/12/24



JAN 30 2024

CASR # BZA24-0006

CITY OF TOLEDO

Department of Economic and Business Development

Division of Building Inspection

One Government Center, Suite 1600 • Toledo, OH 43604 • Phone (419) 245-1220 • Fax (419) 245-1320 • www.toledobl.com

APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)

TMC Chapter 1112.0200

Site Location 3750 Jackson Rd Zoning District CR Date 1/19/24
Legal Description WALLS PARK LOT 156 EXC PT IN RD
Applicant's Name (print) Roger Moore

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

Exception X Appeal decision _____ ADA Accommodation _____

TMC § 1105.0302(A)(1) - FOR FENCE 6' high - 30' OVER THE 42" MAX.
height in front setback. 20ft § 1108.0404(B) § 1108.0203(H)(1)

Applicant Signature [Signature] Phone 419 410 2177

Applicant's Street Address 1052 Elm St. Fax _____

Applicant's City, State, Zip Persimmon, OH 43551 E-Mail ogkendookautosales@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 Checks may be made payable to "City of Toledo."

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

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

Copy Zoning Map ☒ http://local.liv.com Transportation notified to check site distance hazard ☒

Code Enforcement notified if orders are being appealed N/A Permit Tech's Initials [Signature] Date 2-12-24

Reviewed by _____ Date _____ Staff Recommendation TRANSPORTATION/TRAFFIC MANAGEMENT
DOES NOT GIVE APPROVAL FOR THIS NEW PRIVACY FENCE.

Board Decision _____ Date _____

THE FENCE HEIGHT AND LOCATION VIOLATES TMC 1107.2000
SIGHT DISTANCE SETBACK. IT CREATES A SIGHT DISTANCE
PROBLEM. Carson Yalumbo 2-12-24

To: The Administrative Board of Zoning Appeal,

January 18th 2024

We are requesting a variance by the Board of Zoning Appeal for site location 3750 Jackman Road. We are requesting approval on one of two variances.

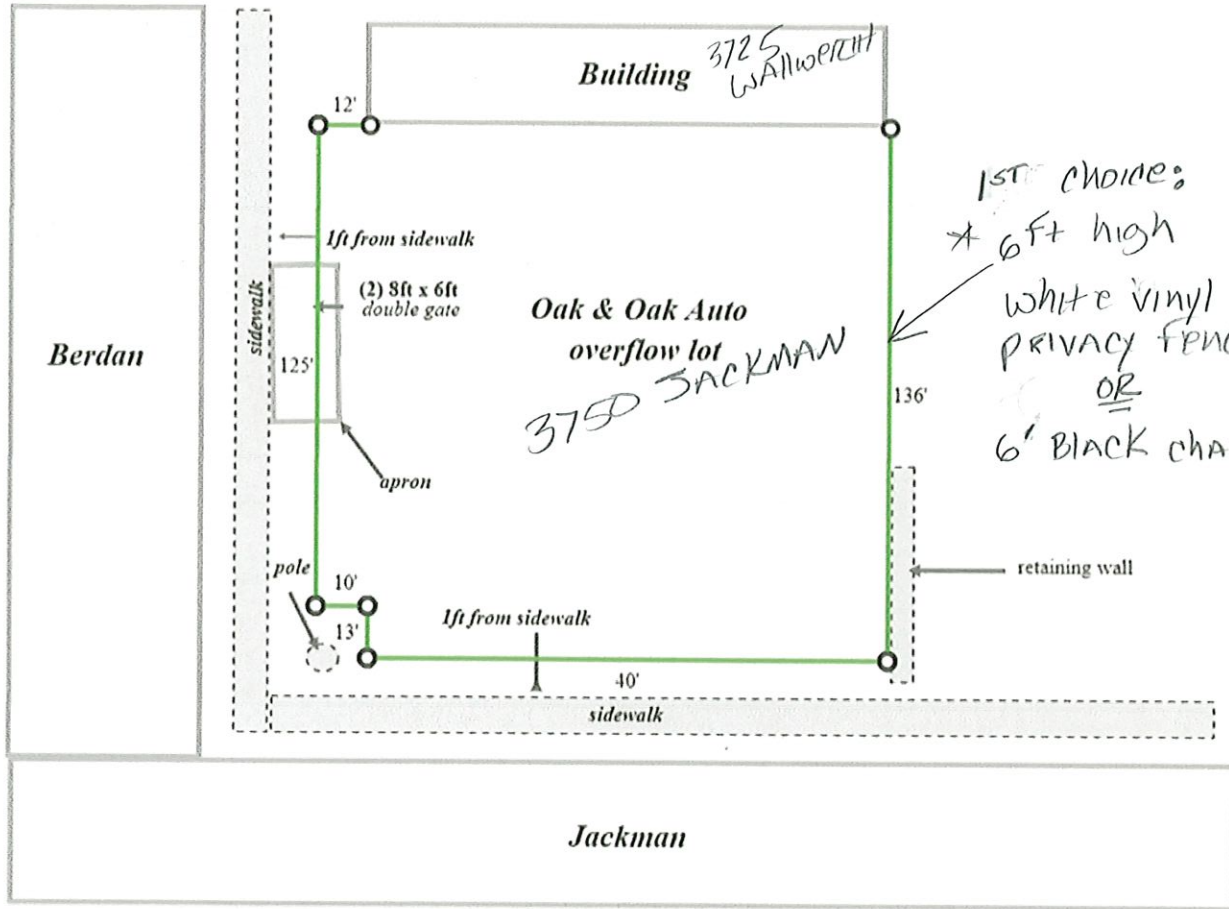
- A. Preferred- to install and maintain a 6' height white vinyl "Hamilton style" fence around the entire lot to include both street fronts of Jackman and Berdan. This fence will include a double gate 16'Wx6'H made of chain-link to include white privacy slats across its entirety. The purpose of the fence will serve as two-fold. One to beautify, brighten and enrich the intersection of Jackman and Berdan. Two, to provide a safe boundary between Oak & Oak Autos vehicles and the public and at the same time enhance security for the business front. The two gates will allow Oak & Oak Auto to service the lot with tow truck and vehicles as needed.
- B. 2nd Choice- to install and maintain a 6' height black chain-link fence around the entire lot to include both street fronts of Jackman and Berdan. This fence will include a double gate 16'Wx6'H made of chain-link. The purpose of the fence is to provide a safe boundary between Oak & Oak Autos vehicles and the public and at the same time enhance security for the business front.

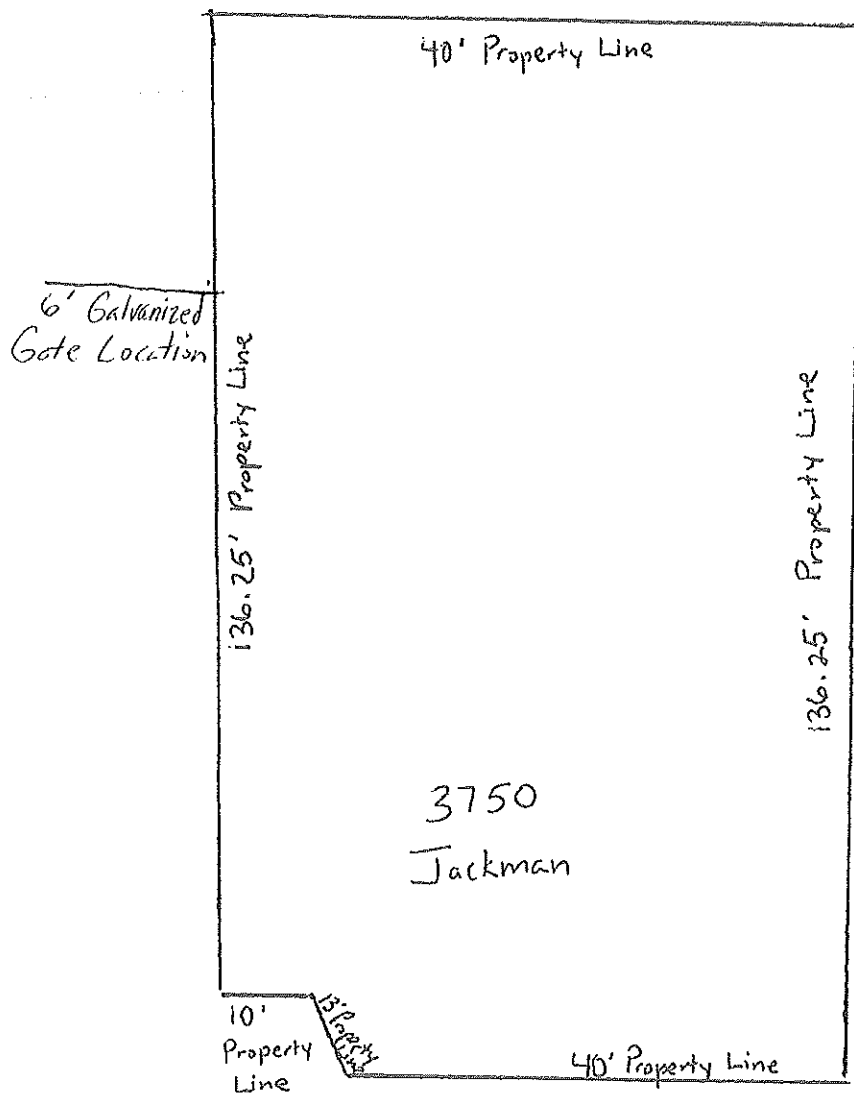
Security is critical to all businesses and this lot will contain tens of thousands of dollars' worth of inventory. The current allowed 42" fence will not provide any functional security. The two gates will allow Oak & Oak Auto to service the lot with tow trucks and vehicles as needed. Prior to this request this corner was completely blocked by a decades old taller and much more obstructive brick building. We are respectfully requesting to replace it with something that will provide safety security and enhance and enrich the neighborhood.

Thank you for your consideration,

Oak & Oak Auto

FENCE DIAGRAM





Fence will be installed 2 feet off property lines the length of the property. Fence that is being installed is a 6 foot high vinyl privacy fence. Gate will be a 6 foot high galvanized chain link gate. The gate will include white privacy slats. The total footage of the fence will be 336 feet.



Bldg
HAS BEEN
TORN DOWN

3750 JACKMAN



3750 JACKMAN

(view FROM JACKMAN Rd)
* AFTER
* Bldg WAS DEMOLISHED

1-10



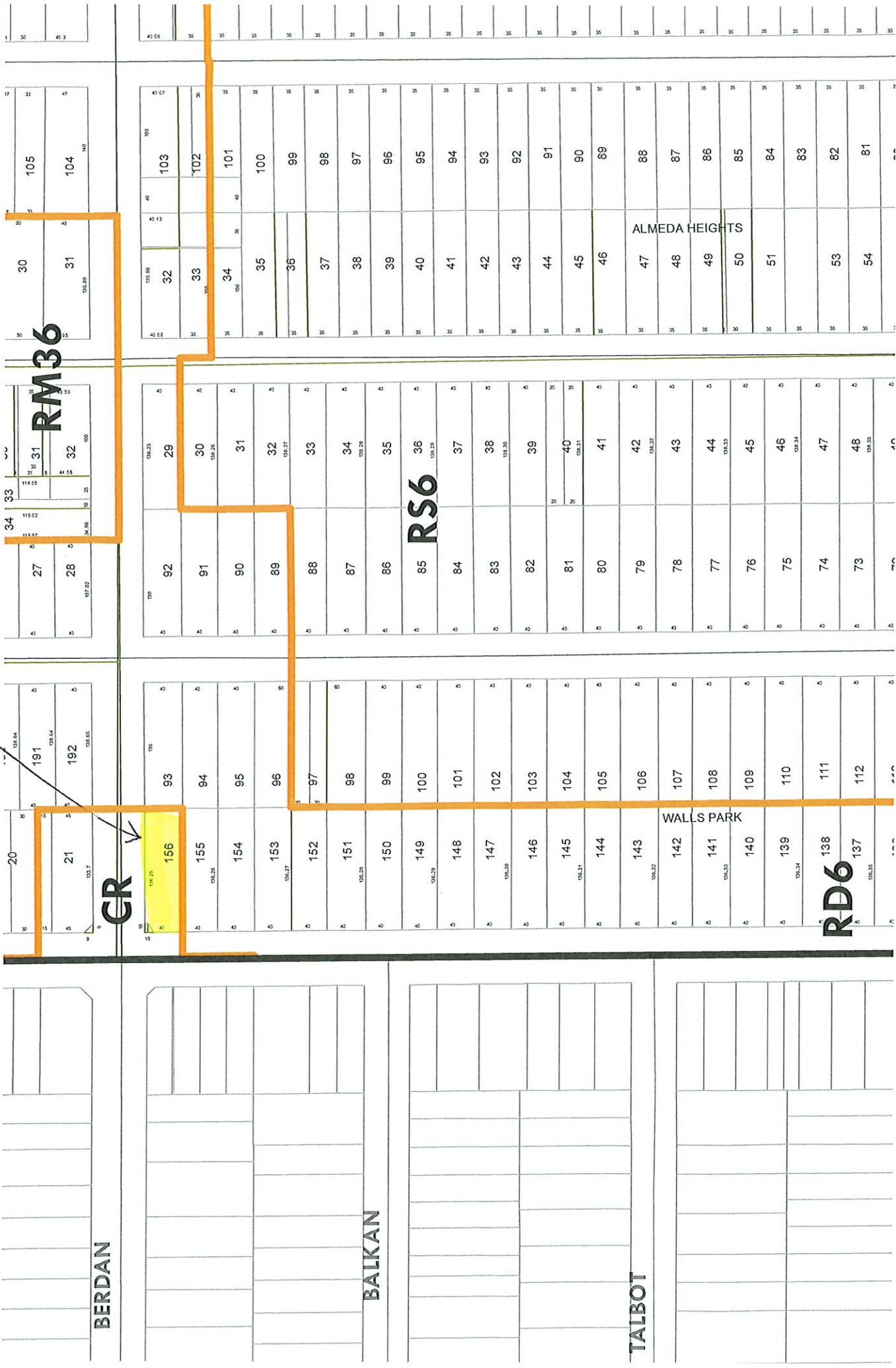
3750 JACKMAN

1-11



1-12

3750 JACKMAN



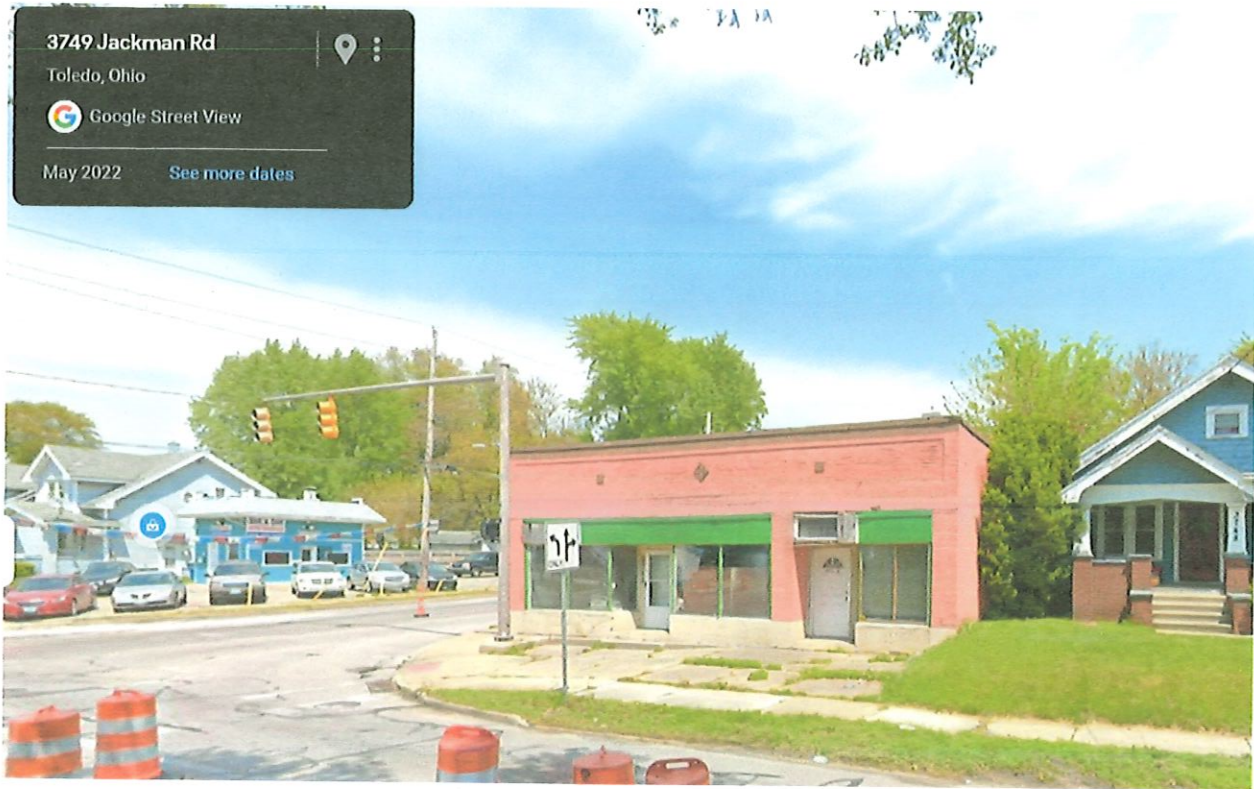
VINYL FENCE STYLES WHITE HAMILTON

White Hamilton



1-14

3750 JACKMAN



*** Before Building was demolished



3750 JACKMAN

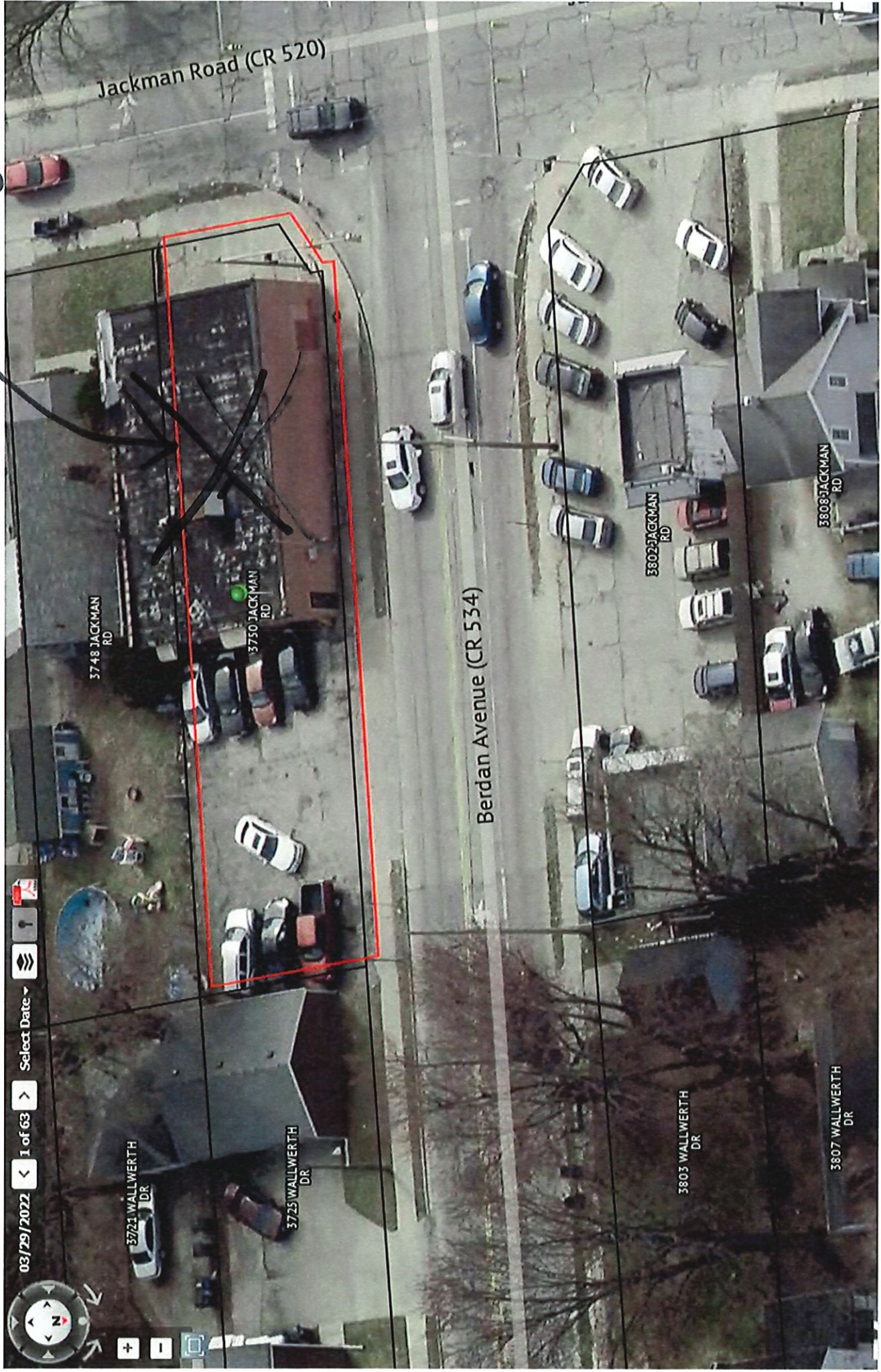


1-16

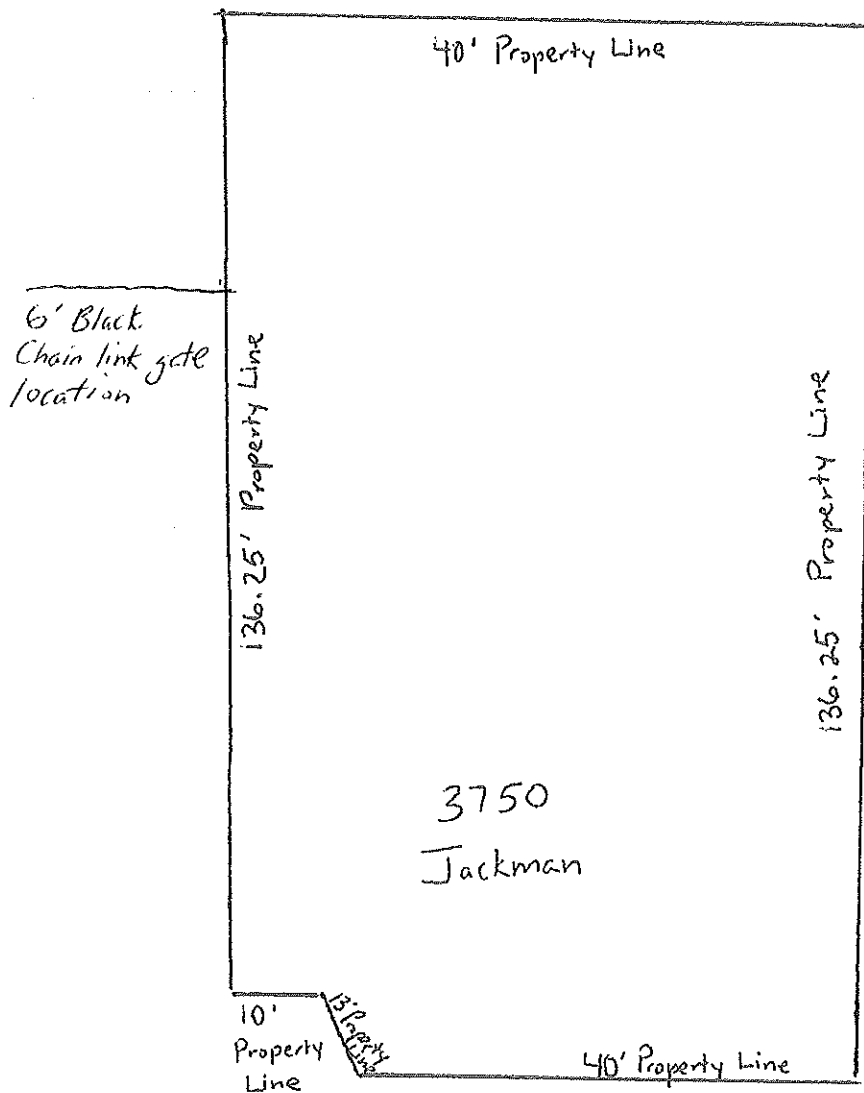
PARCEL ID: 1603511
MARKET AREA: 5002C
OAK & OAK AUTO SALES LLC
TAX YEAR: 2024

3750 JACKMAN

BUDGET



1-17



Fence will be installed 2 feet off property lines the length of the property. Fence that is being installed is a 6 foot high black chain link fence. Gate will be a 6 foot high black chain link gate. The total footage of the fence will be 336 feet.

PARCEL ID: 1603511
MARKET AREA: 5002C
OAK & OAK AUTO SALES LLC
TAX YEAR: 2024

ASSESSOR#: 03165064
ROLL: RP_OH
3750 JACKMAN RD
STATUS: Active

Summary - General

Tax District	TOLEDO CITY - TOLEDO CSD
Class	COMMERCIAL
Land Use	425 : C - NEIGHBORHOOD SHOPPING CENTER
Special Use	425 - NEIGHBORHOOD SHOPPING CENTER
Market Area	5002C - Click here to view map
Zoning Code	10-CR - Click here for zoning details
Zoning Description	Regional Commercial-CR
Water and Sewer	CITY WATER / CITY SEWER
Traffic	MAIN - MAJOR ARTERY
Street Type	CONCRETE OR BLACKTOP

Owner OAK & OAK AUTO SALES LLC

Property Address

3750 JACKMAN RD

Mailing Address

TOLEDO OH 43612

3802 JACKMAN RD

TOLEDO OH 43612

Legal Desc.

WALLS PARK LOT 156 EXC PT IN RD

Certified Delinquent Year

Census Tract

6.01

Summary - Most Recent Sale

Prior Owner	MOURAD RAGAH
Sale Amount	\$0
Deed	19206087
Sales Date	06-SEP-2019

Summary - Values

	35% Values	100% Values	35% Roll	100% Roll
Land	1,610	4,600	0	0
Building	11,380	32,500	0	0
Total	12,990	37,100	0	0

Tax Credits

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

Printed on Monday, February 12, 2024, at 8:37:02 AM EST

1-19



PAID
3/15/24

CASE # BZA24-0007

CITY OF TOLEDO

Department of Building and Code Compliance

Division of Building Inspection

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

APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)

TMC Chapter 1112.0200

Site Location 518 W. SYLVANIA AVE Toledo 43612 Zoning District 1L Date 3-15-24

Legal Description JH weavers SUBD 10TS 75x50 w 19' 70' ad

Applicant's Name (print) Robert C. Hannigan II

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

Exception ☒ Appeal decision _____ ADA Accommodation _____

TMC § 1105.0302 A1 Fences and hedges: Fences shall not exceed 3 1/2 feet in height in the front yard etc.

1107.2000 - No fence, sign str, or planting which obstructs visibility....

Applicant Signature R. Hannigan Phone (567) 225-8527

Applicant's Street Address 518 W SYLVANIA AVE Fax _____

Applicant's City, State, Zip Toledo OH 43612 E-Mail hanniganauto@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.
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+++++ OFFICE USE +++++

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

Copy Zoning Map ☒ #30 <http://local.live.com/> Transportation notified to check site distance hazard _____

Code Enforcement notified if orders are being appealed. N/A Permit Tech's Initials mx Date 3/20/24

Reviewed by _____ Date _____ Staff Recommendation _____

Board Decision _____ Date _____

P:, Inspection, BZA

3/15/2024 kjr

2-1

CASE # BZA24-0007

CITY OF TOLEDO
Department of Building and Code Compliance
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APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)

TMC Chapter 1112.0200

Site Location 518 W. SYLVANIA AVE Toledo 43612 Zoning District IL Date 3-15-24

Legal Description JH weavers SUBD LOTS 75 & 50 W 19' TO adj

Applicant's Name (print) Robert C. Hannigan II

Appeal (Dept. of Inspection ruling - Title Note Sign Code) _____ Hardship Variance _____

Exception ☒ Appeal decision _____ ADA Accommodation _____

TMC § 1105.0300 Fences and hedges: (b) Fences shall not exceed 3 1/2 feet in height in the front yard etc.

1107.2000 - No fence, sign str, or planting which obstructs visibility.

Applicant Signature R- R Phone (567) 225-8527

Applicant's Street Address 518 W SYLVANIA AVE Fax _____

Applicant's City, State, Zip Toledo OH 43612 E-Mail hanniganruto@gmail.com

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

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

Copy Zoning Map ☒ 430 <http://local.live.com/> Transportation notified to check site distance hazard _____

Code Enforcement notified if orders are being appealed. N/A Permit Tech's Initials myl Date 3/20/24

Reviewed by _____ Date _____ Staff Recommendation * TRANSPORTATION/TRAFFIC MANAGEMENT APPROVES NEW DRAWINGS PROVIDED WITH THE UNDERSTANDING THAT THE FENCE MUST BE LOCATED INSIDE OWNERS PROPERTY. Aaron Shambaugh 3-25-24 *

Board Decision _____ Date _____

P, Inspection, BZA

3/15/2024 klr

2-2

HEARING DATE: April 15, 2024
BZA NO: BZA24-0007
APPLICANT: Robert Hannigan II
SITE LOCATION: 518 W Sylvania Ave
ZONING DISTRICT: IL
SWO or NOL Issued: N/A
ANALYSIS: Applicant requests variance from TMC 1105.0300 B & C and 1107.2000 to install a 6' high fence within the secondary frontage and a 4' high fence within primary frontage.
STAFF COMMENTS: N/A

BOARD ACTION:

MOTION TO APPROVE/DISAPPROVE:	1 ST /2 ND MOTIONS	1 ST /2 ND IF 2 ND MOTION	YEA	NAY	ABSENT	RECUSE	LEFT BEFORE VOTE TAKEN
DeVon Overton							
Carrie Hartman							
Robert Pasker							
Christy Soncrant							
Nathan Knapke							
Steve Serchuk							

VOTING RESULTS:

APPROVED _____ DISAPPROVED _____ DEFERRED _____ WITHDRAWN _____

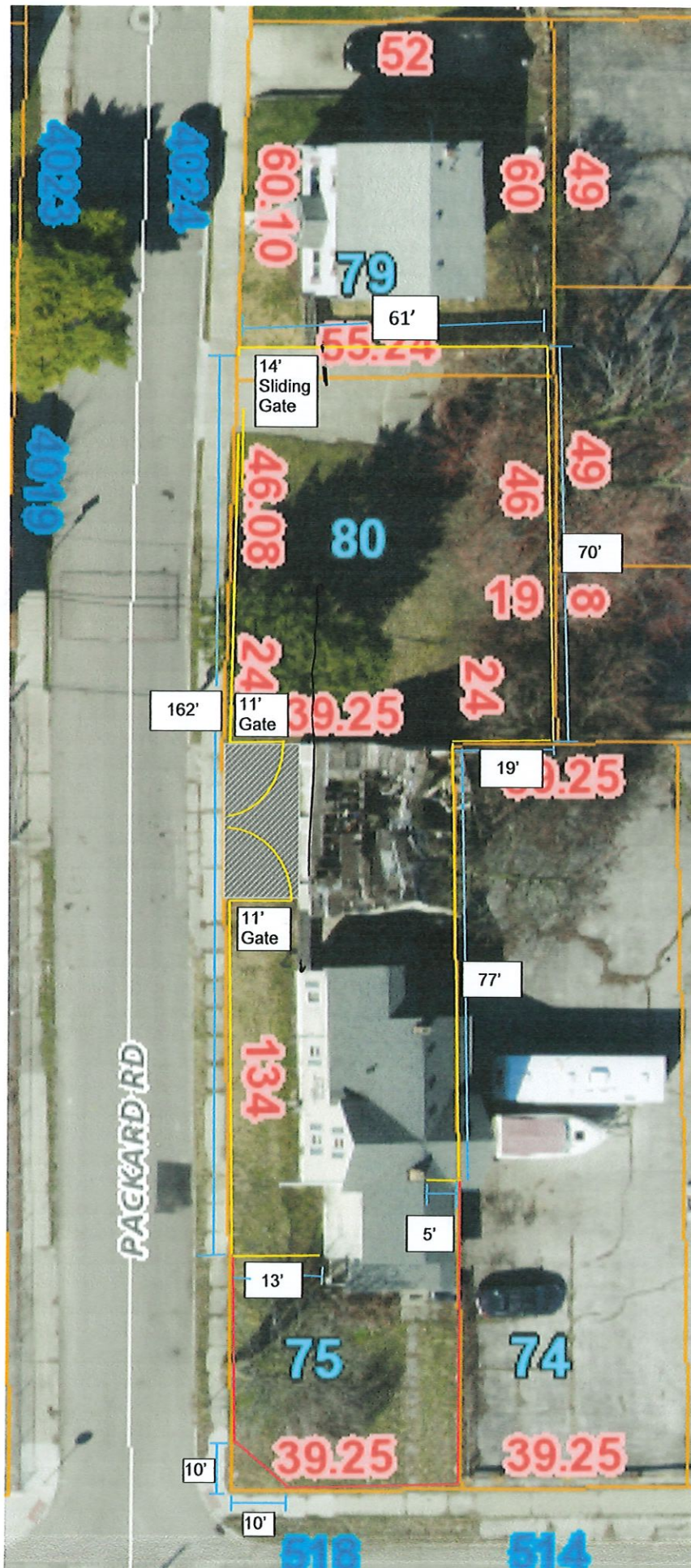
CONDITIONS OF APPROVAL:

I am requesting to install a 6 foot chain link fence on my property at 518 W Sylvania Ave. Toledo, Ohio 43612, Parcel #: 1608221. Please see accompanying site plan for specific placement of proposed fence. I live on a corner lot and understand that by code my fence needs to be shorter, however I have large dogs that can easily jump over a 4 foot fence. It is my responsibility as a dog owner to keep my dogs in my yard and the only way I can do this is by having a 6 foot fence.

I also need to have a safe place for my children to play and a 6 foot fence will help ensure they stay safely in my yard and other people stay out.

Lastly, I have had a previous problem with my neighbors letting their dogs run around and relieve themselves in my yard and a 6 foot fence would help keep this from occurring. It would also prevent people from dumping their garbage in my yard. It would help keep the peace between my neighbors and me.

Thank You,
Robert Hannigan II
(567)225-8527



A 6 ft Chain link fence to be placed where I have indicated in yellow on the site plan. From corner of house to sidewalk, along sidewalk to back of property, along property line in rear and along property line in between house and parking lot next to my property.

A 4 ft chain link fence to be place where I have indicated in red on the site plan. Around the front yard of the property.





2-7







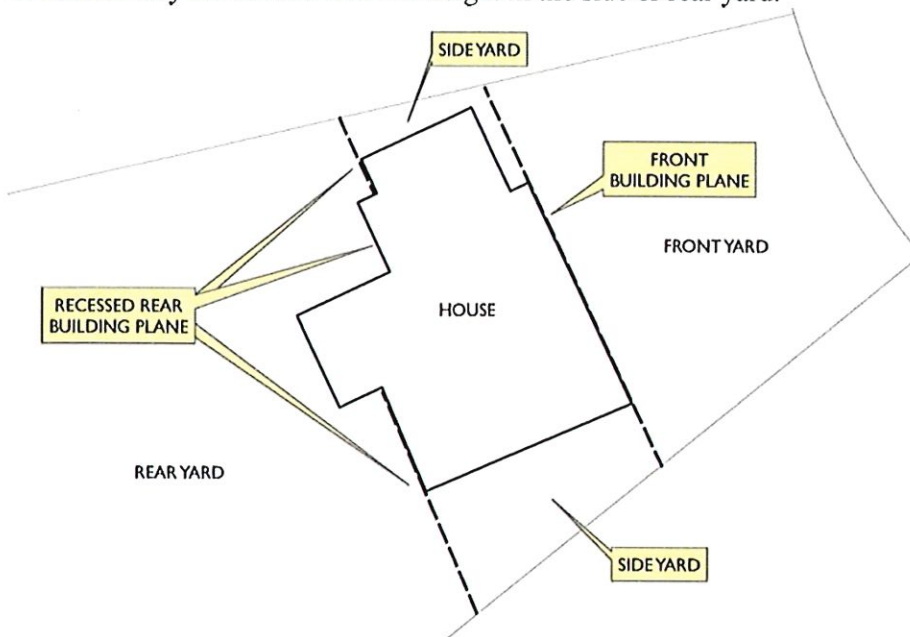
1105.0300 | Fences and Hedges

Fences and hedges shall be permitted in any required setback.

1105.0301 Residential Districts

The following standards apply in all Residential districts:

- B.** Fences or hedges may not exceed 3½ feet in height in the required front setback.
- C.** Fences may not exceed 6 feet in height in the side or rear yard.



D. If the site does not have a primary structure, the area between the front property line and the required front setback listed in Sec. 1106.0100 is defined as the front yard.

E. No part of any fencing may extend into the public right-of-way.

(Ord. 592-23. Passed 10-24-2023.)

1105.0302 Commercial and Industrial Districts

F. 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.
4. If the site does not have a primary structure, the area between the front property line and the required front setback listed in Sec. 1106.0100 is defined as the front yard.

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

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

1107.2000 Sight Distance Setback

No fence, sign structure or planting which obstructs visibility between 42 inches and 84 inches above grade shall be maintained within 23 feet of the curb or pavement edge of any street.

02.120.00.0.tif

2-120

DRYDEN
DRIVE

WHITE

SAVER'S

60

PARA A

50

131

32	PLAC
33	
34-30	- - - 13

2-908

1

6

1

PARCEL ID: 1608221
 MARKET AREA: 206R
 HANNIGAN ROBERT C II
 TAX YEAR: 2024

ASSESSOR#: 02172026
 ROLL: RP_OH
 518 W SYLVANIA AVE
 STATUS: Active

Summary - General

Tax District	TOLEDO CITY - TOLEDO CSD
Class	RESIDENTIAL
Land Use	510 : R - SINGLE FAMILY DWELLING, PLATTED LOT
Special Use	510 - 1 FAMILY-PLAT
Market Area	206R - Click here to view map
Zoning Code	10-IL - Click here for zoning details
Zoning Description	Limited Industrial
Water and Sewer	CITY WATER / CITY SEWER
Traffic	SECONDARY ROAD
Street Type	CONCRETE OR BLACKTOP
Owner	HANNIGAN ROBERT C II
Property Address	518 W SYLVANIA AVE TOLEDO OH 43612
Mailing Address	518 W SYLVANIA AVE TOLEDO OH 43612
Legal Desc.	J H WEAVERS SUBD LOTS 75 & 80 W 19 FT 70 ADJ
Certified Delinquent Year	2012
Census Tract	4

Summary - Most Recent Sale

Prior Owner	HANNIGAN KATHLEEN A & FREDRICK J
Sale Amount	\$100
Deed	23100810
Sales Date	15-FEB-2023

Summary - Values

	35% Values	100% Values	35% Roll	100% Roll
Land	2,940	8,400	2,940	8,400
Building	14,420	41,200	14,420	41,200
Total	17,360	49,600	17,360	49,600

Tax Credits

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

Printed on Monday, April 1, 2024, at 8:18:01 AM EST

2-13

City of Toledo - Administrative Board of Zoning Appeals

[illegible]