

BOARD OF ZONING APPEALS

March 17, 2025

City of Toledo



ADMINISTRATIVE BOARD OF ZONING APPEALS (BZA)

MONDAY, MARCH 17, 2025 - 10:00 A.M.
CITY COUNCIL CHAMBERS, FIRST FLOOR
GOVERNMENT CENTER

BZA BOARD APPROVAL CASE ORDER

DOCKET #	BZA No	ADDRESS
1	BZA25-00008	3783 SHERBROOKE RD
2	BZA25-00009	523 E PEARL ST
3	BZA25-00010	2204 N REYNOLDS RD
4	BZA25-00011	5439 SECOR RD
5	BZA25-00012	27-29 N HURON ST
6	BZA24-00030	1818 BROADWAY ST



RECEIVED
FEB 03 2025
BY:

CASE # BZA25-00008

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.toledo.oh.gov

APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)

TMC Chapter 1112.0200

Site Location 3783 Sherbrooke Road, Toledo Zoning District RD-6 Date 1/20/25

Legal Description DE VEAUX PARK LOT 729

Applicant's Name (print) Jeffery J. Dennis, Stearns & Hammer

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

Exception _____ Appeal decision _____ ADA Accommodation _____

TMC § 1105.0301 - Fences or hedges may not exceed 3 1/2 feet in height in the front yard

TMC § 1107.2000 - No fence which obstructs visibility between 42 inches and 84 inches above grade shall be installed

or maintained within 18 feet of the curb or pavement edge of any street.

Applicant Signature J. Dennis Phone (419) 352-1581

Applicant's Street Address 112 East Oak Street Fax (419) 352-1933

Applicant's City, State, Zip Bowling Green, Ohio 43402 E-Mail jeff@stearnsandhammer.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 6 weeks 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 X Photos f Letter X Proper Site Plan X SWO _____

Copy Zoning Map 45 <http://local.live.com/> Transportation notified to check site distance hazard K

Code Enforcement notified if orders are being appealed. _____ Permit Tech's Initials JN Date 2/4/25

Reviewed by _____ Date _____ Staff Recommendation TRANSPORTATION / TRAFFIC MANAGEMENT
HAS NO ISSUES. Aaron Galambos 2-9-25

Board Decision _____ Date _____

P:, Inspection, BZA

3/15/2022 kjr



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Reviewed by _____ Date _____ Staff Recommendation _____

Board Decision _____ Date _____



CITY OF TOLEDO BOARD OF ZONING APPEALS - MEETING NOTES

HEARING DATE: Monday, March 17, 2025	BZA NO: BZA25-00008	APPLICANT: Jeffrey Dennis, Stearns & Hammer
SITE LOCATION: 3783 Sherbrooke Rd	ZONING DISTRICT: RD-6	SWO OR NOL ISSUED: N/A

TMC CODE:	1105.0301, 1107.2000
CODE DESCRIPTION:	<p>1105.0301 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</p> <p>1107.2000 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</p>
ANALYSIS:	Applicant request variance of 6 inches in height of fence over the 42 inch height allowed in the front yard set-back and a variance of 5' under the required 18' sight set-back.

MOTION TO APPROVE / DISSAPPROVE	1ST/2ND MOTION	1ST/2ND IF 2ND MOTION	YEA	NAY	ABSENT	RECUSE	LEFT BEFORE VOTE TAKEN	
ROBERT PASKER								
CHRISTY SONCRANT								
CARRIE HARTMAN								
DEVON OVERTON								
NATHAN KNAPKE								
JULIA RANDES								
ERIC CRAIG								

VOTING RESULTS:	APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
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CONDITIONS OF APPROVAL

STEARNS & HAMMER

ATTORNEYS AND COUNSELLORS
112 EAST OAK STREET
BOWLING GREEN, OH 43402

James A. Hammer
Jeffery J. Dennis
Cory B. Kuhlman
Julie A. Burton
Maria A. Sidiq Steiner

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Fax: 419-352-1933
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Jodie L. Stearns (1958-2006)

January 20, 2025

City of Toledo Division of Building Inspection
Board of Zoning Appeals
One Government Center, Suite 1600
Toledo, Ohio 43604

IN RE: Variance Request – 3783 Sherbrooke Road

Members of Toledo Board of Zoning Appeals:

My firm has been retained by Nazareth Ludwig for the purpose of assisting with the permit and variance procedures necessary to replace a fence at the above-referenced residential property which he recently acquired.

As you will note from the site plan and photographs submitted with this letter, Mr. Ludwig's property is on the corner of Berdan and Sherbrooke. As a corner lot, his "side yard" is held to the same standard as his front yard with regard to fence height and he is required to maintain an 18-foot setback from the curb. Unaware of these requirements, Mr. Ludwig has replaced an existing chain link fence at the property with a new wooden fence in the same location. Unfortunately, Mr. Ludwig has now learned that this fence exceeds the allowable height of 42 inches by 6 inches and encroaches onto the required 18-foot setback by approximately 5 feet at the narrowest point of the right-of-way.

Although Mr. Ludwig understands the need for the City to adopt and enforce zoning regulations – and, in fact, appreciates the protections afforded to him as a homeowner by these regulations – he submits for the reasons that follow that a variance in this case is warranted based on the criteria outlined in T.M.C. § 1111.1705.

First, the requested variance in this case is not an after-the-fact approval of an intentional violation. Although the fence described above has been installed, Mr. Ludwig hired a personal acquaintance to complete this work. That individual, it was later discovered, was not previously familiar with the City's regulations on corner lot setback requirements. Upon learning of the violation, Mr.

Ludwig immediately retained my firm – not to fight the issue, but to ensure he was fulfilling his obligations under Toledo’s Zoning Code.

Second, granting this request will not negatively impact the overall image and character of the neighborhood, nor introduce new materials or colors that are incompatible with the neighborhood. In this case, Mr. Ludwig seeks to replace an aging chain link fence with a new wooden fence which conforms to the image and character of the surrounding neighborhood and would be a marked improvement over the rusty chain link fence being replaced.

Third, the granting of a variance in this case would not substantially interfere with or injure the rights of others whose property would be affected. The requested variance in this case is for that portion of a corner lot adjacent to the street and no other property will be affected.

Fourth, the granting of a variance in this case would not result in advantage or special privilege to the applicant that are denied to other land, structures, or uses in the same district, and the variance is the minimum variance necessary to provide relief. In this case, Mr. Ludwig’s property is located at a curve in Berdan Avenue. As a result, the distance between the curb and his property line varies greatly from approximately 10 feet at the front of his parcel to approximately 18.5 feet at the rear. This unique curvature, together with the fact that the side yard of his corner lot must adhere to the requirements of a front yard, makes the maintenance of a fence on his property impossible or highly impractical under the City’s zoning regulations. This hardship is not generally applicable to the other parcels in his zoning district.

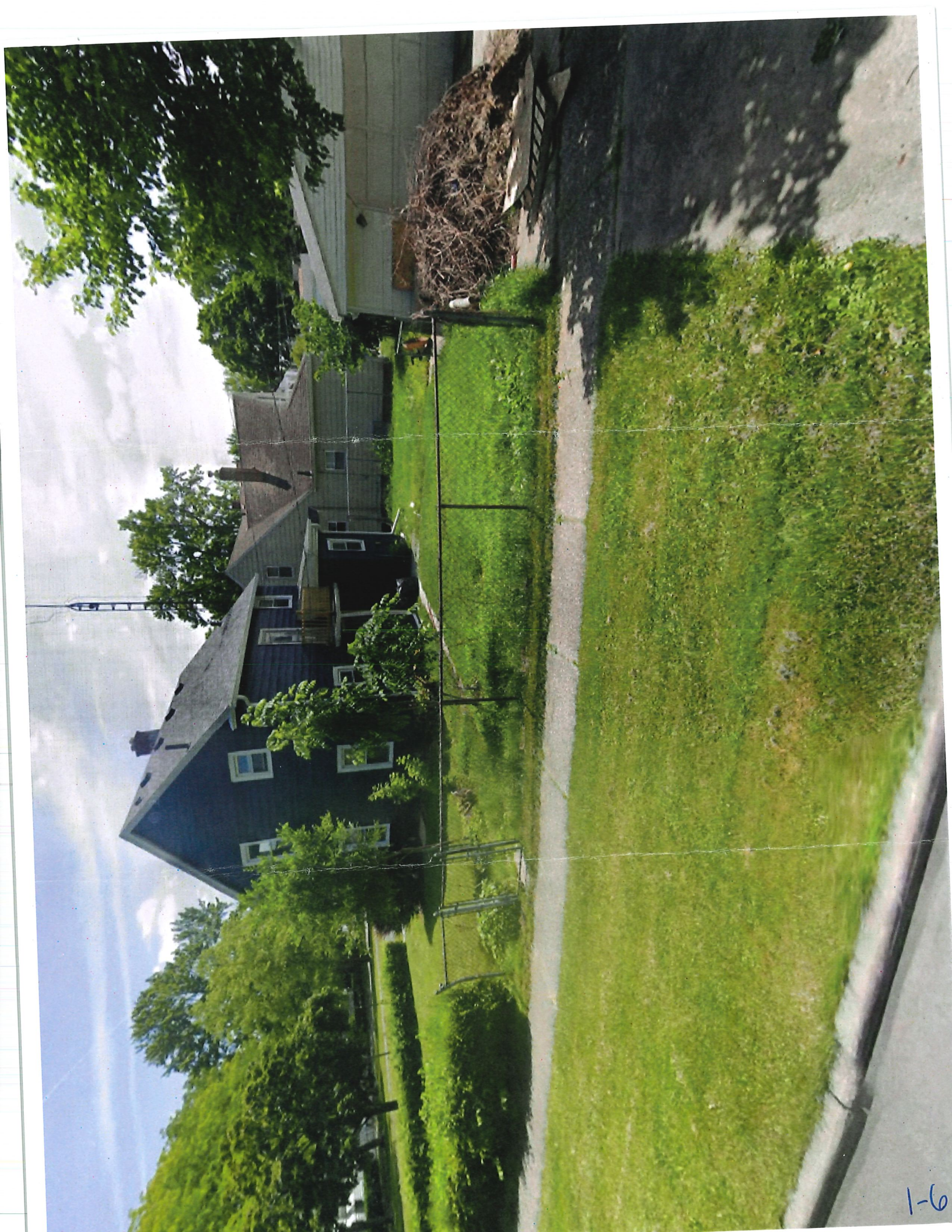
Fifth, the above-described circumstances present a unique and undue hardship for Mr. Ludwig which is not a result of his actions and, as outlined above, is not generally applicable to other properties in his neighborhood. Mr. Ludwig is the owner of a Neapolitan mastiff, a relatively large dog weighing more than one hundred twenty pounds. Although the dog has never exhibited signs of aggression in the more than eight years since he’s owned her, Mr. Ludwig has justifiable concerns that her size and bark may unduly intimidate passersby, a concern that is especially relevant given his property is adjacent to a multi-use path with heavy foot traffic. Additionally, Mr. Ludwig works more than forty hours each week and leaves for work at 4:15 a.m. The need to take the dog for frequent walks every day, particularly in the early morning hours, versus simply letting her out into a fenced-in backyard, would be a substantial hardship given his work schedule.

Based on the foregoing, Mr. Ludwig submits to the Board that a variance in this case is warranted and respectfully requests that an exception to the City’s generally applicable standards be made given the circumstances.

Thank you for your consideration, and I look forward to addressing any questions or concerns you may have.



Jeffery J. Dennis, Esq.



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TOLEDO

T.9.S. R.7.E.

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Zoning information on this map is for general reference purposes only. For official zoning determinations please contact the Toledo-Lucas County Plan Commissions. Note: These maps do not include historical Community Unit Plans (CUPs).

Date Printed: 12/15/2022

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RS6

BARROWS

RD6

BALKAN

TALBOT

TALBOT

SHELBOURNE

BELLEVUE

TALBOT

UPTON PARK

TALBOT