

## GENERAL INFORMATION

### Subject

- Request - Zone Change from RS6 (Single-Dwelling Residential) to IG (General Industrial)
- Location - 4004 Angola Road
- Applicant / Owner - Ed Moore  
Rocky Ridge Development LLC  
3793 Silica Road  
Sylvania, OH 43560
- Surveyor / Engineer - George Oravec, P.E., P.S.  
Oravec Consulting & Engineering Services  
5333 Secor Road, Suite 2  
Toledo, OH 43623

### Site Description

- Existing Zoning - RS6 (Single-Dwelling Residential)
- Proposed Zoning - IG (General Industrial)
- Area - ± 29.81 Acres
- Frontage - ± 285.70' along Angola Road &  
± 124.88' along Angola Road
- Existing Use - Surface Mine
- Proposed Use - Surface Mine

### Area Description

- North - IG / Railroad, Auto Salvage, Warehouse
- South - RS6 & RS12 / Single-Dwelling Homes
- East - RS6 & IL / Farmland
- West - RS6 / Single-Dwelling Homes

### Parcel History

- Z-9001-20 - Zone Change from RS6 to IG at 4004 Angola Road (withdrawn by applicant on 9/21/20)
- BCZ20-00610 - Certificate of Zoning Compliance granting approval for the creation of a wetland (Approved 9/30/20)

### Applicable Plans & Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Plan

## STAFF ANALYSIS

The applicant is requesting a Zone Change from RS6 (Single-Dwelling Residential) to IG (General Industrial) for 4004 Angola Road. The ±30-acre parcel is currently a surface mine. To the north is the Norfolk Southern Railroad, an auto salvage facility, and warehouses, to the south is Angola Road and single-dwelling homes, to the east is farmland, and to the west are single-dwelling homes within the Autumn Wood Village subdivision.

The applicant is requesting the zone change to continue the site's current surface mine use. Mining is permitted only in IG (General Industrial) districts. Aerial imagery attached to this analysis shows the progression of the mine over the past decade. These have been attached as Exhibit "A".

The Ohio Department of Natural Resources (ODNR) Division of Mineral Resources Management (DMRM) reviews and issues mining permits in the State of Ohio. A mining permit was first acquired on this site in 2013, permitting then-owner Dennis Topsoil & Landscaping to construct a farm pond on part of the property. Dennis Topsoil & Landscaping mostly used the site as a sod farm – where grass is cultivated before being rolled into sod for purchase. The extent of this original mining permit has been attached as Exhibit "B".

In 2021, Rocky Ridge Development, the applicant, pursued an amendment to the ODNR DMRM mining permit. The amendment sought a continuance of the mining operations with an expansion of the mining area to the whole property. The expanded mining area is shown as the site plan sketch attached.

According to ODNR DMRM, whom Staff reached out to, mining permits are required to submit a plan for reclamation and future use of the mine area (see ORC§1514.02). Rocky Ridge Development submitted plans to the Ohio Environmental Protection Agency (OEPA) to use clay on the subject property and blend it with spent lime generated by the Collins Park Water Treatment Plant to refill the mined site up to grade. The end result would be wetland soil which could be used for agricultural planting or conservation. The OEPA approved the plan, satisfying the reclamation requirement.

ODNR DMRM also requires that the local municipality be notified as a part of the mine permitting process and that mines meet their local zoning requirements. As stated previously, the site is zoned RS6 (Single-Dwelling Residential) which does not permit mining. The applicant applied for a zone change to IG (General Industrial) prior to the 2021 mining permit amendment application, however the zone change application was shortly withdrawn. The Division of Building Inspection, in consultation with Plan Commission Staff, later issued a certificate of zoning compliance (attached as Exhibit "C") stating that "The applicant proposes to reclaim a sand/mining area via the use of [spent lime]; with the end use to be a wetland. ... The proposed future use is a wetland and this letter grants zoning approval for said wetland. This is a permitted use in the RS6 Single Family Residential zoning district. This letter does not grant approval for a mining operation." The Division of Building Inspection, in consultation with Plan Commission Staff, approved the concept of converting the site into a wetland. They specifically did not approve a mining operation, which is in accordance with the site's RS6 zoning classification. The applicant took this letter as zoning approval for their mine-into-wetland plan and signed on their 2021 mining

## **STAFF ANALYSIS (cont'd)**

permit amendment application that they would comply with local zoning. ODNR DMRM approved the mining permit. The applicant thus began the mining operation as seen today.

The applicant now wishes to expand their mining operation into the area which is covered by companion case Z25-0002. In discussion with staff regarding a lot split connected to the expansion, the applicant's engineer admitted that they had been mining the subject property for sand. Staff then informed the applicant that they would have to apply for a zone change in order to continue their mining operation which is in violation of the Zoning Code.

### Neighborhood Meeting

A neighborhood meeting was held on February 24, 2025. Roughly twenty (20) people were in attendance, most of whom were business owners along neighboring Marine Drive. Said business owners had little to say about the existing mining area and were focused upon the expansion area abutting their properties.

Only one group in attendance voiced concerns about the existing mining area covered by this application. The group was a family who lives on Angola Road adjacent to the site. Their issue was with noise and dust which disrupted the enjoyment of their property. They claimed the dust can get so bad that they are unable to sit on their patio. Staff consulted with the Division of Environmental Services, who handles environmental complaints related to dust, and discovered that the subject site has received four (4) dust complaints since 2021. One complainant detailed: "My car and home are covered in it and some days I don't go outside the house it is so bad, especially with my 19 month old daughter. They spray water on the roads but it doesn't help at all." Environmental Services confirmed these complaints with an inspector noting that they observed "heavy dust" and "dusty roads/visible dragout." Staff finds dust to be a credible and serious negative secondary effect of allowing mining, an intensive land use, next to people's homes. These complaints were addressed by the applicant, who has been attempting to mitigate these effects by spraying water and – in one instance – paying for a neighbor's car wash membership. However, there is only so much one can do when two incompatible land uses are placed next to each other.

### Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets this site for Park Land land uses. Designations in the plan have three components which must be evaluated for compatibility: physical design, land uses, and geographic characteristics. The Park Land designation provides space for parks, gathering spaces, recreation areas, open spaces, and nature conservation areas for public use. Land uses within this designation provide public benefit and enjoyment without payment, membership, or other form of exclusivity. This use designation is separate from other public spaces in acknowledgment of the vital role parks play in quality of life for Toledo's residents. Preservation of existing parks is a key priority of this land use designation.

The Park Land designation was given to this site based upon the 2020 Certificate of Zoning Compliance discussed above and discussions with the Collins Park Water Treatment Plant staff, both of which stated that the applicant was creating wetlands and that the site's future land use would be wetlands. Staff has no reason to distrust that the site's future land use would be that of a

**STAFF ANALYSIS (cont'd)**

Forward Toledo Comprehensive Land Use Plan (cont'd)

wetland should the operation continue, however it is unclear how long it would take for that to come to fruition. The proposed wetland future land use, should it become a conservation area post-mine, complies with the Forward Toledo Plan. Even if a future speculator sought to use the site other than for wetland purposes, site constraints stemming the site's flooding issues, wetland soil conditions, and William's Ditch would dissuade more intense uses.

Recommendation & Commercial Plat

Unfortunately, a mine has existed on the subject site for a number of years and much of the land has already been excavated. A denial of this application may leave an abandoned surface mine instead of the promised wetland. An approval of this application could at the very least be contingent upon a commercial plat, upon which the City could ensure the recording of conservation easements to protect neighboring properties. As such, staff will recommend that this application be contingent upon the recording of a commercial plat including a one-hundred-foot (100') conservation easement along the western property line and a fifty-foot (50') conservation easement along the northern property line.

Staff recommends approval of the Zone Change from RS6 (Single-Dwelling Residential) to IG (General Industrial) at 4004 Angola Road because the rezoning will correct an issue by matching the zoning district with the actual current use of the property.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of Z25-0001, a Zone Change from RS6 (Single-Dwelling Residential) to IG (General Industrial) at 4004 Angola Road, to Toledo City Council for the following reason:

1. The rezoning will correct an issue by matching the zoning district with the actual current use of the property.

The staff further recommends that the Toledo City Plan Commission recommend approval of Z25-0001, a Zone Change from RS6 (Single-Dwelling Residential) to IG (General Industrial) at 4004 Angola Road, to Toledo City Council, subject to the following **three (3)** conditions:

1. That the zoning not take effect until a commercial plat is approved and recorded;
2. That commercial plat shall include a one hundred foot (100') wide conservation easement along the west side of the site.
3. That commercial plat shall include a fifty foot (50') wide conservation easement along the north side of the site.

ZONE CHANGE  
TOLEDO PLAN COMMISSION  
REF: Z25-0001  
DATE: March 13, 2025  
TIME: 2:00 P.M.

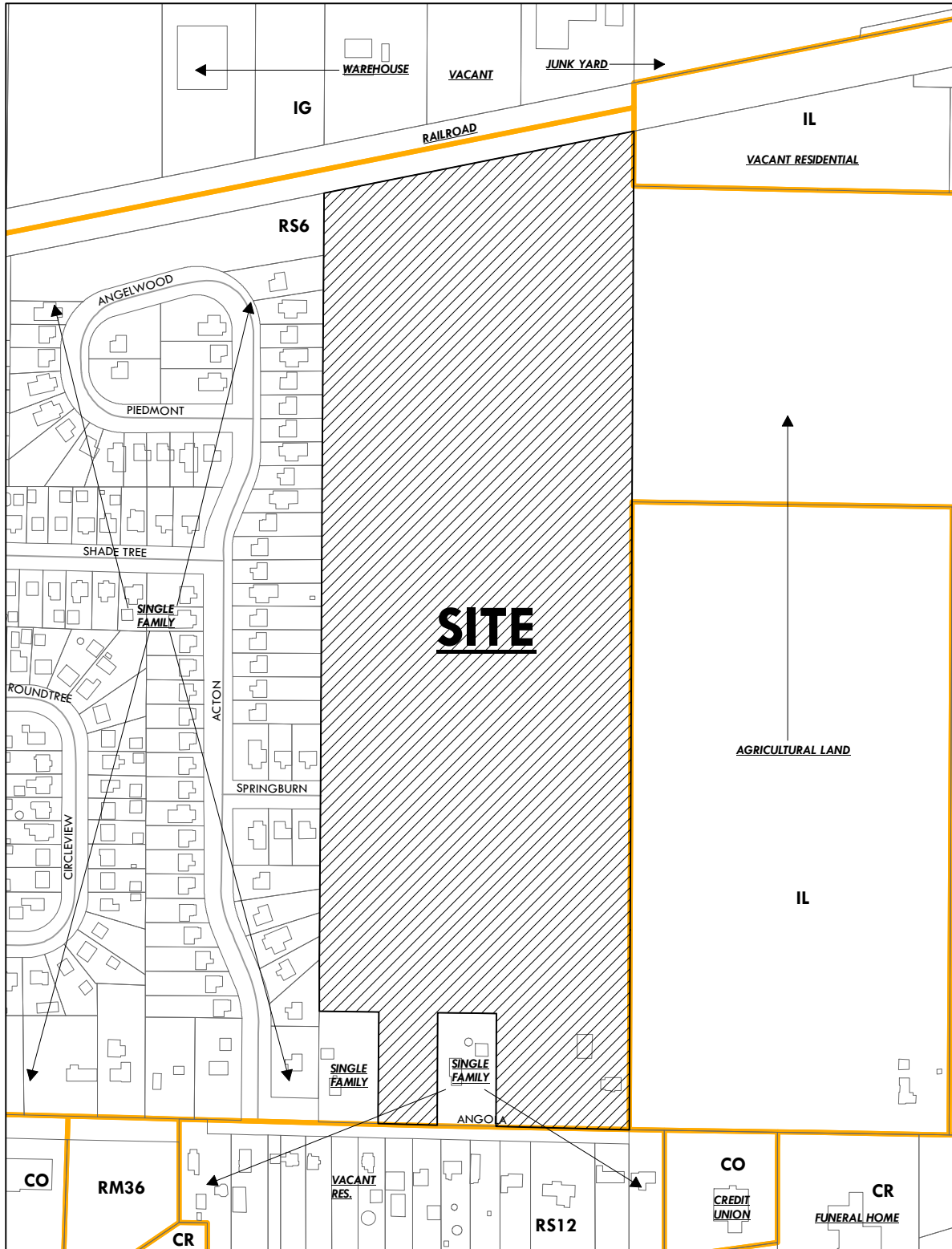
TOLEDO CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: April 16, 2025  
TIME: 4:00 P.M.

AS  
Three (3) sketches follow  
Three (3) exhibits follow



# ZONING & LAND USE

Z25-0001  
ID 84



# SITE PLAN

Z25-0001  
ID 84



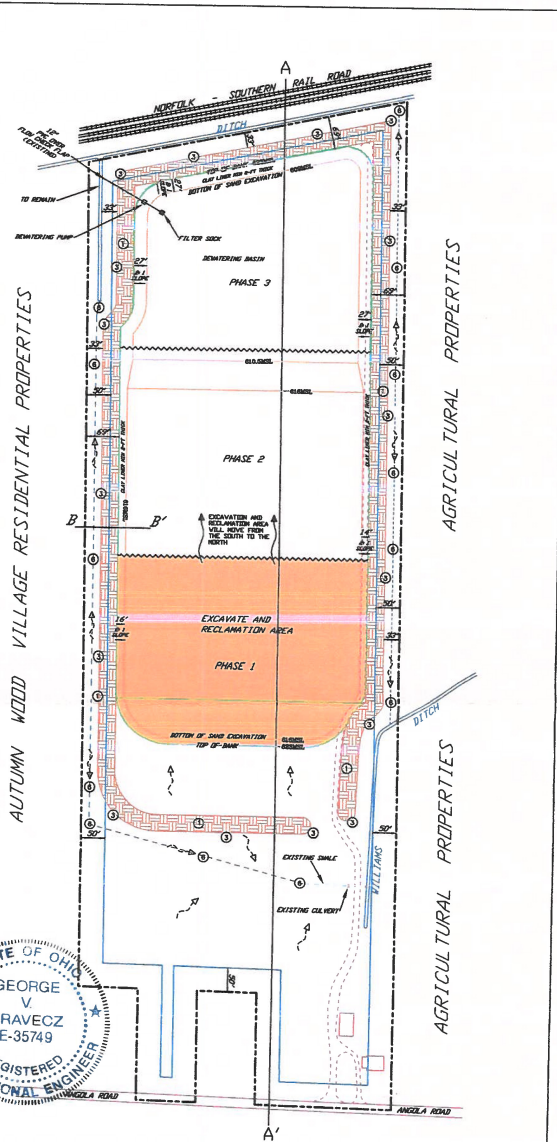
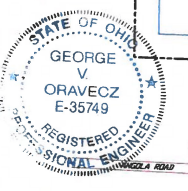
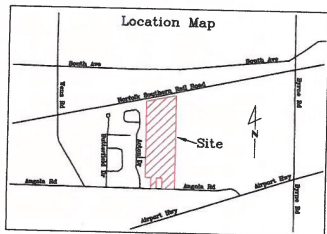
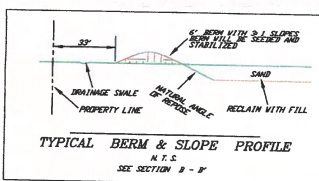
**SITE PLAN 2: MINING & RECLAMATION PLAN** REVISION DATE:  
 ROCKY RIDGE DEVELOPMENT  
 4004 ANGOLA RD., TOLEDO, OH 43609

PREPARED BY: FRANK TOKAR JR., C.P.G.  
 NATURAL RESOURCES MANAGEMENT, LLC  
 7901 SYLVANIA AVE., SYLVANIA, OH 43160  
 AUGUST 2, 2019

NOTE: THE TOPOGRAPHY ON THIS MAP HAS BEEN PREPARED BY NATURAL RESOURCES MANAGEMENT, LLC USING AERIAL IMAGERY OBTAINED ON 4/28/2019. THE PROPERTY LINES WERE COMPILED FROM COUNTY TAX MAPS, DEEDS OR LEASES AND HAVE NOT BEEN FIELD VERIFIED AT THIS TIME.

**LEGEND**

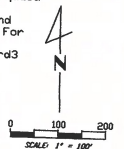
- PROPERTY BOUNDARY
- MINING SETBACK
- SAND EXCAVATION LIMITS
- EXISTING DRAINAGE SWALE
- DRAINAGE SWALE
- PHASE BOUNDARY
- ⑥ 6' BERM
- ACTIVE MINING AND RECLAMATION AREA
- PAVED ROAD
- UNPAVED DRIVE
- BUILDING
- WETLAND MITIGATION AREA
- RAIL ROAD TRACKS
- CROSS SECTION LINE
- SURFACE WATER DRAINAGE
- ① SOIL EROSION CONTROL MEASURE



**Plan Notes:**

1. Berm will be 6' feet tall and will be constructed from excavated material and topsoil, seeded and mulched.
2. Sand mining will occur congruently to reclamation fill.
3. Mining area will be dewatered in accordance with ODNR and DEPA permits.
4. Mining slopes will be at a natural angle of repose and faced with clay from excavation minimum 2-feet thick.
5. At the suggestion of the DEPA, site to be backfilled and reclaimed into vegetated wetland system. See Figure 3 For conceptual wetland plan.
6. Reclamation material volume is estimated to be 200,000 yrd<sup>3</sup>

*George V. Oravec*  
5-8-20



**SOIL EROSION CONTROL PLAN**



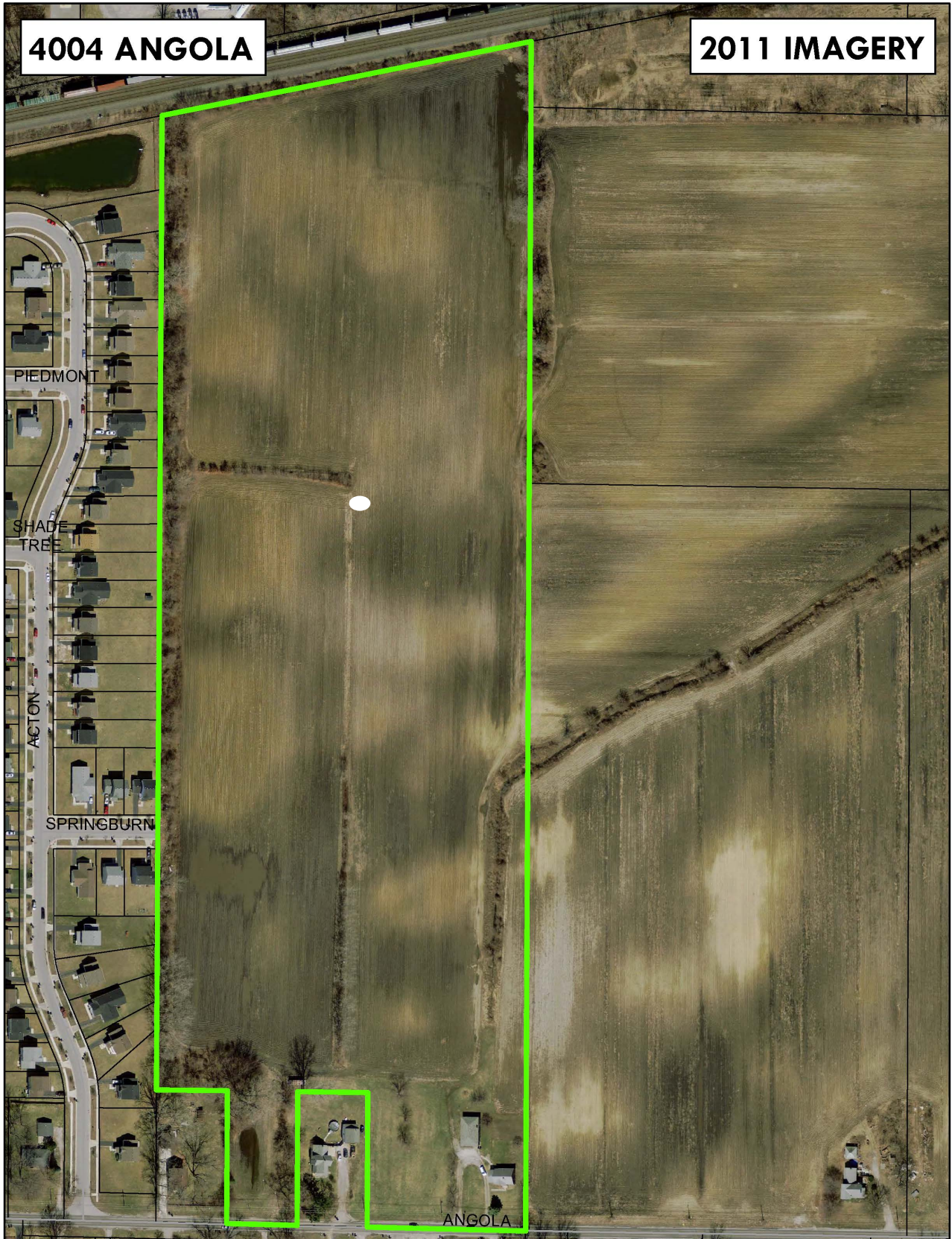
**EXHIBIT "A" - 2011**

**Z25-0001  
ID 84**



**4004 ANGOLA**

**2011 IMAGERY**



**EXHIBIT "A" - 2014**

**Z25-0001  
ID 84**



**4004 ANGOLA**

**2014 IMAGERY**



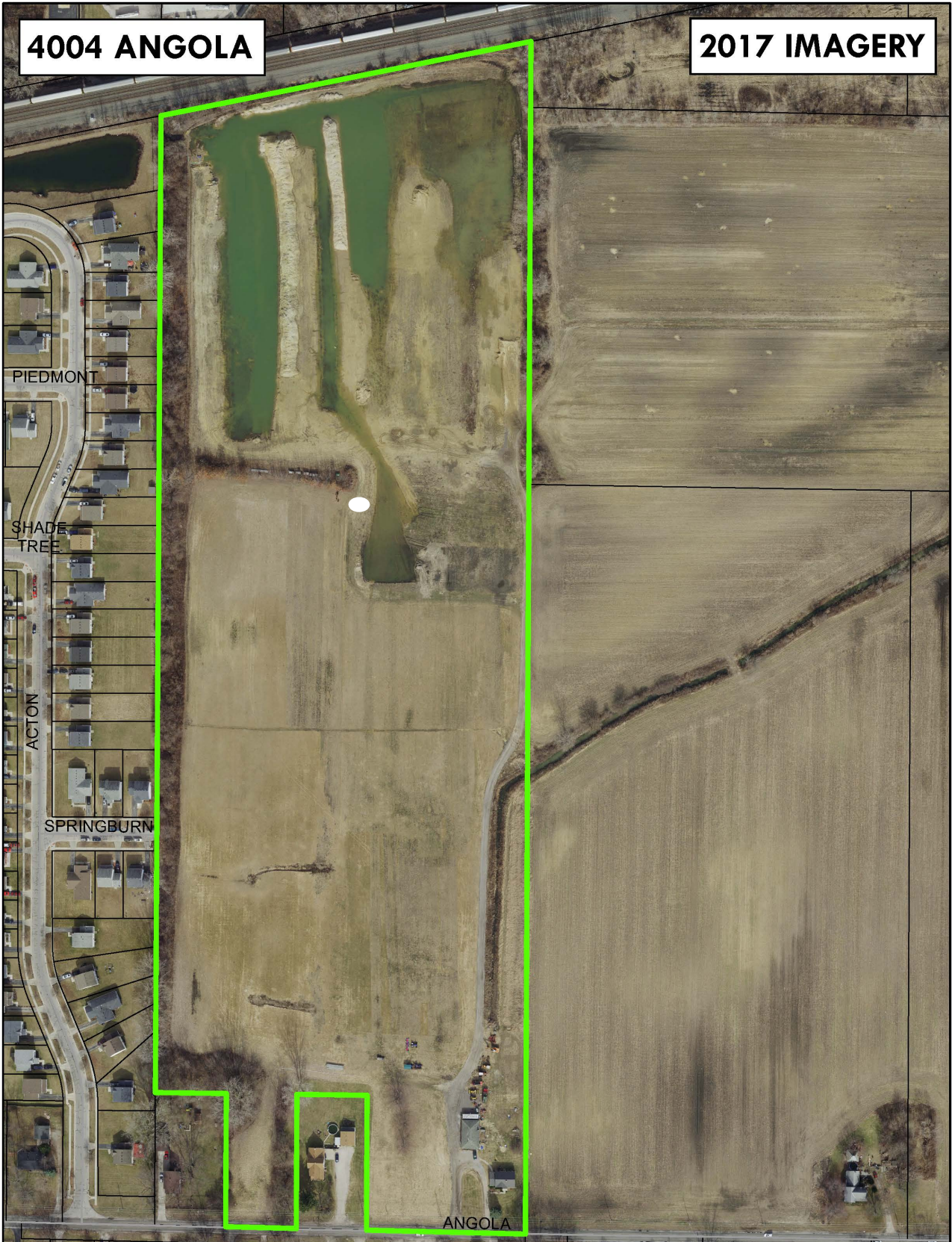
**EXHIBIT "A" - 2017**

**Z25-0001  
ID 84**



**4004 ANGOLA**

**2017 IMAGERY**



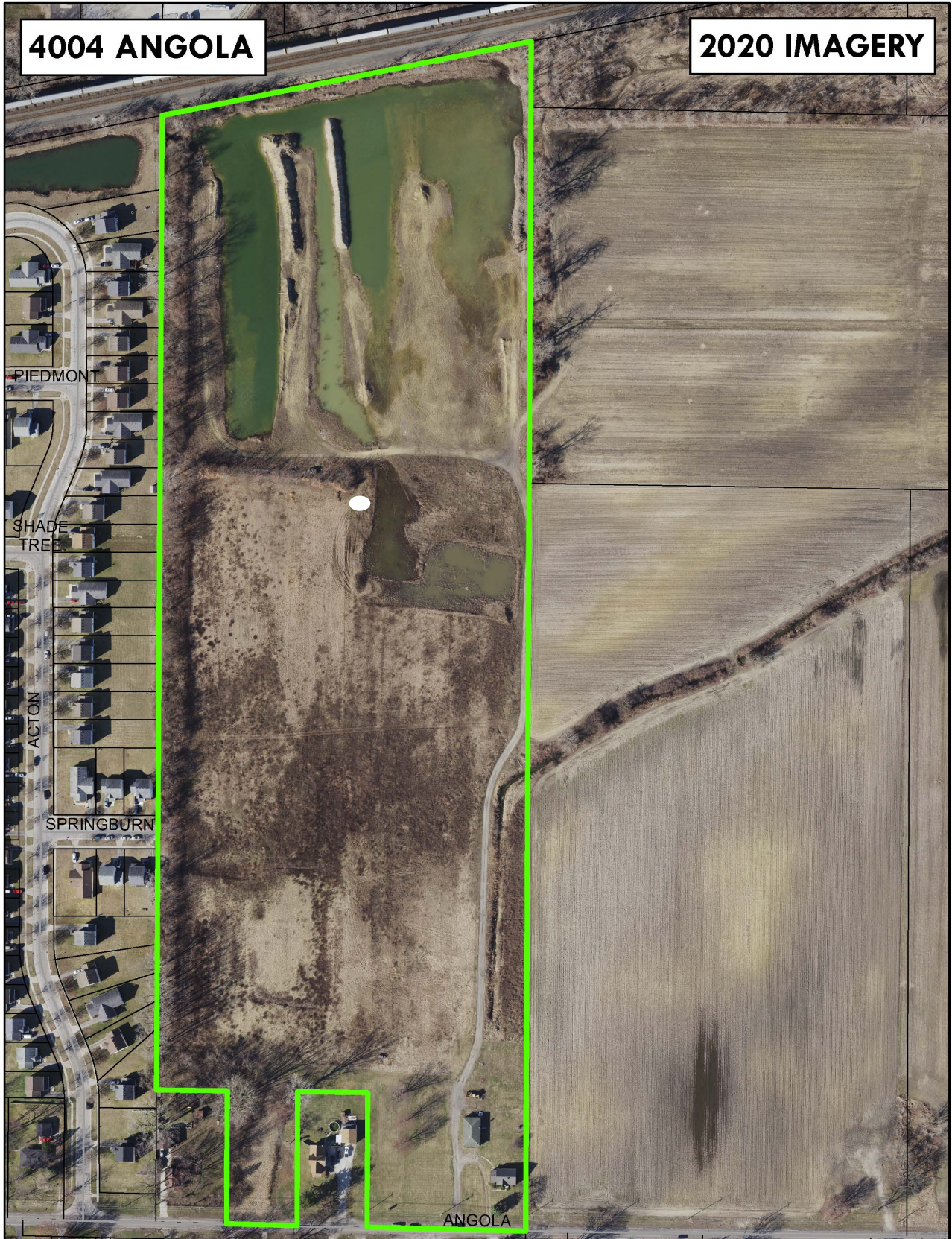
**EXHIBIT "A" - 2020**

**Z25-0001  
ID 84**



**4004 ANGOLA**

**2020 IMAGERY**



**EXHIBIT "A" - 2022**

**Z25-0001  
ID 84**



**4004 ANGOLA**

**2022 GOOGLE IMAGERY**



**EXHIBIT "A" - 2023**

**Z25-0001  
ID 84**



**4004 ANGOLA**

**2023 IMAGERY**



**EXHIBIT "A" - 2024**

**Z25-0001  
ID 84**



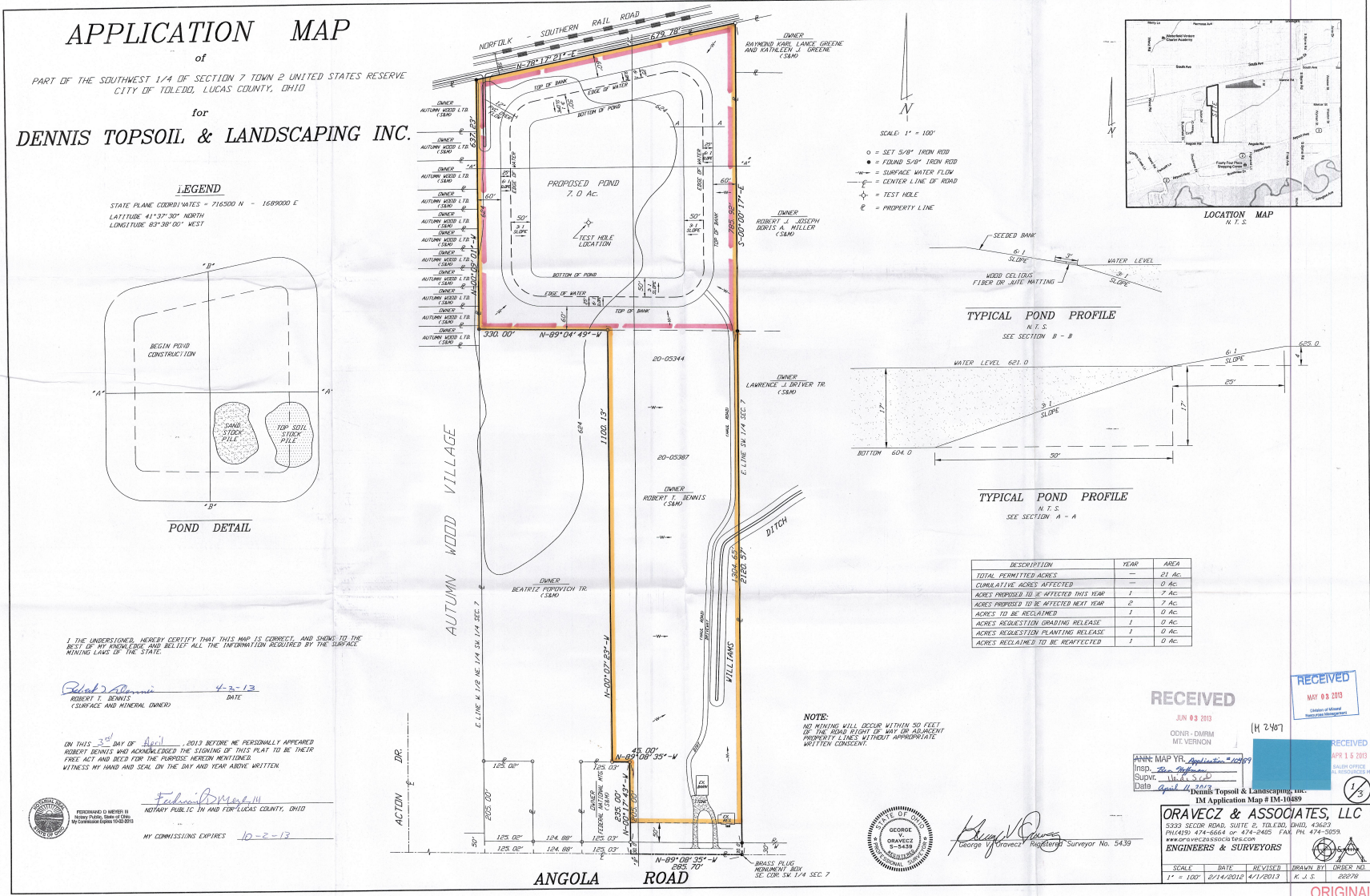
**4004 ANGOLA**

**2024 GOOGLE IMAGERY**



# EXHIBIT "B"

Z25-0001  
ID 84



19 - 16

ORIGINAL



# City of Toledo



## Building Inspection

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

September 30, 2020

George V. Oravec  
Oravec Associates  
2807 West Course Road  
Maumee, Ohio 43537

**Subject: 4004 Angola Road**  
**Toledo, Ohio 43615**  
**Tax Parcel No. 20-05337, 20-05344, 20-05387**  
**Zoning Certification Letter #BCZ20-00610**

This letter responds to your inquiry on the subject properties. City of Toledo employees, trained to research such information, gathered supporting documents from public records. Any further questions may be directed to Ken A. Fischer, (419-245-1229) Commissioner of the Division of Building Inspection, who drafted this letter.

1. The current zoning district of the property is RS6 Single Dwelling Residential as defined in Toledo Municipal Code (TMC) §1102.1000 Base Zoning Districts, a copy of which is attached as **Exhibit A**.
2. The applicant proposes to reclaim a sand/mining area via the use of DWTM (drinking water treatment material); with the end use to be a wetland. Lime from the City's Wastewater treatment plan, clay and sand will be utilized to create the wetland.

The applicant has submitted a "Wetland Construction Plan" with the Ohio Department of Natural Resources (ODNR) and a "Flood Hazard Area Development Permit" with the City of Toledo. Rocky Ridge Development will maintain/monitor drainage on site to ensure that neighboring properties are not affected.

The proposed future use is a wetland and this letter grants zoning approval for said wetland. This is a permitted use in the RS6 Single Family Residential zoning district. **This letter does not grant approval for a mining operation.**

3. The property is part of not part of an approved community plan.

# EXHIBIT "C"

4. The zoning designations of the abutting properties are:
  - a. North = RS6 Single-Dwelling Residential
  - b. South = RS12 Single-Dwelling Residential
  - c. East = IL Limited Industrial
  - d. West = RS6 Single-Dwelling Residential
5. The property is not in a special use, restrictive, or overlay district.
6. Our records indicate no unresolved or active zoning or building code violations for this property.
7. The property is considered to be legal and conforming to its underlying zoning district and its use. In the event of a catastrophic event destroying the structure in any percentage, the structure on the property may be rebuilt to 100% of its existing footprint and size.
8. Previously the property was developed without site plan approval, although at the date of this letter a "Wetland Construction Plan" has been submitted and the drawings are attached.
9. A Certificate of Occupancy could be located for this property. The absence of a Certificate of Occupancy for a project will not make the property vulnerable to adverse enforcement actions affecting the entire property. Certificates of Occupancy are issued to a building at a specific address, not to an owner. A new purchaser of a property is not required to obtain either a new Certificate of Occupancy or an amendment to an existing Certificate of Occupancy in order to own, use, and occupy the structure in the same manner in which it is presently being used by the current owner(s) and their tenants. The circumstances which necessitate issuing a new Certificate of Occupancy are:
  - A change of use in the building or the property;
  - A change that occurs through an addition or reduction of the square foot area of the building.

If you have any questions, please feel free to direct them to me personally.

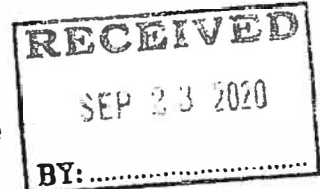
Sincerely,



Ken A. Fischer  
Commissioner  
Building Inspection  
One Government Center, Suite 1600  
Toledo, Ohio 43604  
(419) 245-1229 Office  
(419) 245-1329 Fax  
ken.fischer@toledo.oh.gov



CITY OF TOLEDO
Division of Building Inspection



Certificate of Zoning Compliance

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

This certificate is issued to ensure that the building or land will be used only for the purpose indicated in this application, and in compliance with the Zoning Ordinances of the City of Toledo (TMC 11). This certificate is required to determine the zoning compliance of any new structure or addition regulated by the Ohio Building Code or the Residential Code of Ohio; of any fence, regardless of height; of any above-ground or in-ground swimming pool greater than 24" in depth; of any residential or commercial accessory structure; or of any ramp or deck.

Application - Please print and complete only the information relating to your project.

Application form fields: Application Date (9/24/2020), Log No., Building Permit No. (RS6), Fee Amt. (\$50.00), Property's Tax Parcel No. (20-05337, 05344, 05387), Zoning District (RS6), Property's Street Address (4004 Angola Rd, Toledo OH 43615), Legal Description, Current Use (Sand Removal Pond), To be occupied as (A wetland).

Applicant information fields: Is Applicant (Owner's Agent checked), Applicant's Name (George V. Oravec), Applicant's Street Mailing Address (2807 West Course Rd, Maumee, OH 43537), Applicant's City, State, Zip, Applicant's Phone No. (419 351-2725), Applicant's Fax No. (419 474-5059), Applicant's E-Mail Address (goravec@oraveczassociates.com).

A site plan is required with the following information.

- Checkboxes for: New structure, addition, accessory structure, ramp, deck; Fence; Above-ground / in-ground pool, greater than 24" deep; Concrete driveway.

The Division of Building Inspection will review this application for its compliance with the City's zoning regulations and makes no representation as to encroachments of easements or violations of deed restrictions. The owner/applicant assumes responsibility for structures and/or improvements made on the property not in compliance with recorded easements and/or deed restrictions.

I hereby certify that the information provided is true and correct and that the building or land will be used only for the purpose stated in this application, and in compliance with the zoning ordinances of Toledo.

Applicant's Signature (George V. Oravec) and Date (9/24/2020).

Make checks payable to City of Toledo. Mail application and fee to Department of Inspection. One Government Center, Suite 1600. Toledo, OH 43604

To be completed by City's Staff

City staff completion fields: In compliance with (Required front, rear & side set backs, Distance to existing structures, Building-to-site coverage requirements), Overlay District (39095C0232E), Certificate of Appropriateness (Y), SFHA Development Permit, Board of Zoning Appeals (BZA case), Major/Minor Site Plan attached, Special Use permit (SUP Ord.), Permanent Encroachment Ord., Comments or Conditions of (approval) (disapproval) (approval for wetland).

Use (approved) / (not approved) by (Signature) Date (9/29/20)

Commissioner of Building Inspection (Signature) Date (9-30-20)