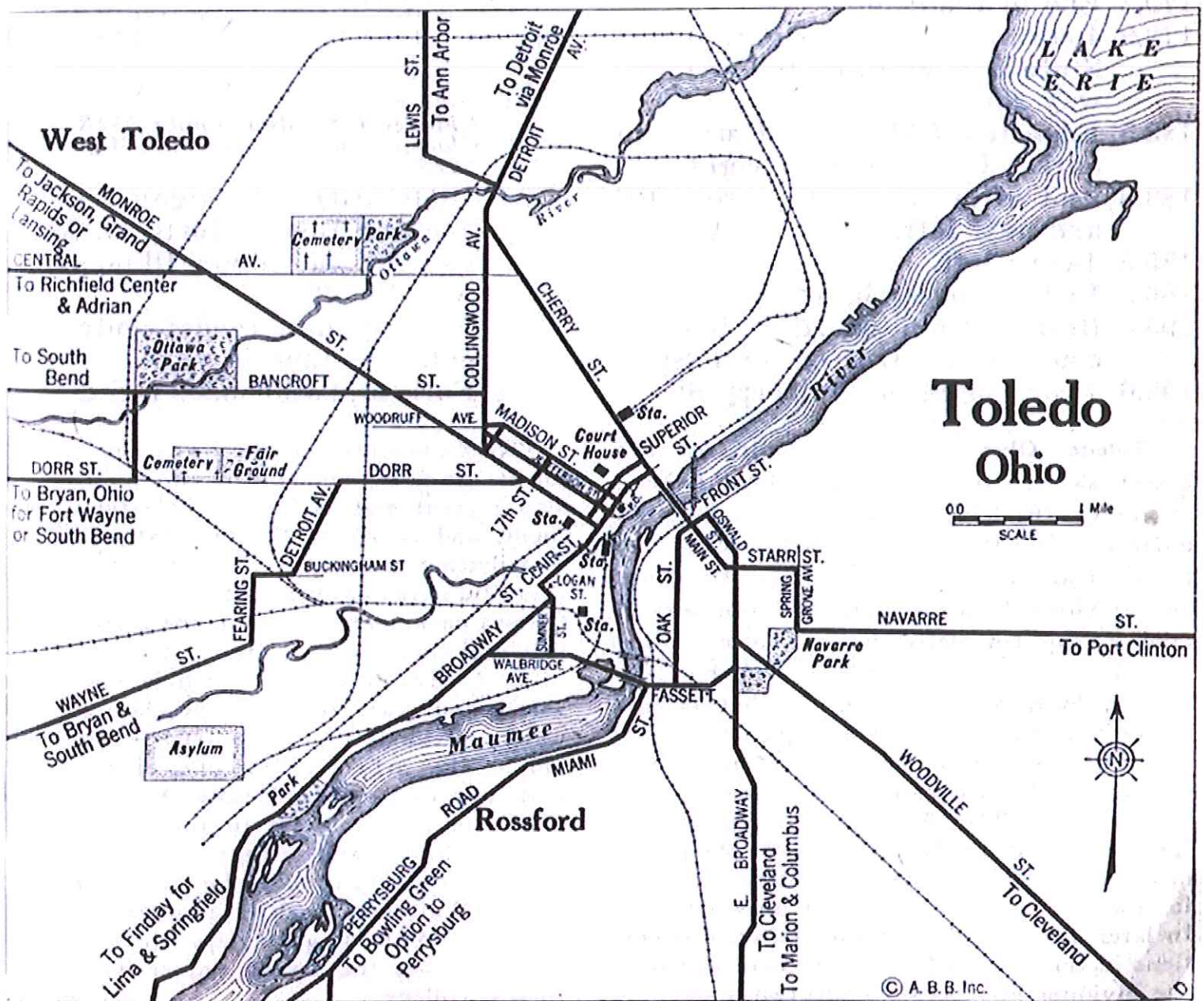




TOL
City of Toledo

BOARD OF ZONING APPEALS

November 21, 2022

City of Toledo



ADMINISTRATIVE BOARD OF ZONING APPEALS (BZA)

MONDAY, NOVEMBER 21, 2022 - 10:00 A.M.
CITY COUNCIL CHAMBERS, FIRST FLOOR
GOVERNMENT CENTER

BZA BOARD APPROVAL CASE ORDER

DOCKET #	BZA No	ADDRESS
1	BZA22-0029	4355 RIVER RD.
2	BZA22-0027	2150/2152 BROOKFORD
3	BZA22-0030	120 WINDEMERE

MEETING:

November 21, 2022
10:00 A.M.

CITY COUNCIL CHAMBERS

1st floor

Agenda

BOARD MEMBERS

STEPHEN SERCHUK- CHAIRMAN
NATHAN KNAPKE
ROBERT PASKERMARY GLOWACKI
PAUL RASMIUSON
JAMES MOSSING-VICE CHAIRMAN
DOUG LALONDE - SECRETARY
KEN FISCHER - COMMISSIONER
MATT CHERRY

ATTENDANCE

City of Toledo - Administrative Board of Zoning Appeals

Case	BZA #	HEARING DATE	Address	Applicant Name	WAIVER REQUEST	Zoning District	STAFF COMMENTS	BOARD ACTION
1	BZA22-0027	November 21, 2022	2150/2152 Brookford Dr. Toledo, OH 43614	Seaway Property Management/Michael Staczek	Applicant requests variance from TMC 1106.0101(Table) to split lot with reduced minimum front, rear and side setbacks per submitted professional survey.	RS9	Applicant will need to obtain Bldg Permit to install fire separation on detached structure due to potentially approved lot split at left side of rear of home. Staff concerned about drainage runoff.	Deferred to November meeting
2	BZA22-0029	November 21, 2022	4355 River Rd. Toledo, OH 43614	Jamie Agnew	Applicant requests variance from TMC 1107.1202 to install a large driveway 16% over maximum coverage allowed and 2ft over maximum width allowed.	RS9		
3	BZA22-0030	November 21, 2022	120 Windemere Blvd. Toledo, OH 43608	Damaris Isom & Marquetta Davis	Applicant requests variance from TMC 1105.0301(B) to maintain as installed, a 6ft high white vinyl fence between easterly side of property upto front corner of property.	RS6		

**RECEIVED**

OCT 07 2022

BY: BIN

CITY OF TOLEDO

CASE #

BZA02-0029

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

PAID
10/17/22**APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)**

TMC Chapter 1112.0200

Site Location 4355 River Road Zoning District RS-9 Date 10/07/2022Legal Description Arden Place Lot 11 + Nely 50 ft Lot 12Applicant's Name (print) Jaime Agnew

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

Exception _____ Appeal decision _____ ADA Accommodation _____

TMC § 1107.1202 SetbacksApplicant Signature _____ Phone 419-944-0880Applicant's Street Address 4355 River Road Fax _____Applicant's City, State, Zip Toledo, OH 43614 E-Mail jaimeagnew21@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 _____Copy Zoning Map OK <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 10-14-22

Reviewed by _____ Date _____ Staff Recommendation _____

Board Decision _____ Date _____

1-1

HEARING DATE: November 21, 2022

BZA NO: BZA22-0029

APPLICANT: Jamie Agnew

SITE LOCATION: 4355 River Rd.

ZONING DISTRICT: RS9

SWO or NOL Issued: N/A

ANALYSIS: Applicant requests variance from TMC 1107.1202 to install a large driveway 16% over maximum coverage allowed and 2ft over maximum width allowed.

STAFF COMMENTS: Staff concerned about drainage runoff.

BOARD ACTION:

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

VOTING RESULTS:

APPROVED _____ DISAPPROVED _____ DEFERRED _____ WITHDRAWN _____

CONDITIONS OF APPROVAL:

1-2

Required off-street parking spaces must be located on the same lot as the principal use except as otherwise expressly provided in this section. (See Section [1107.1407C](#).)

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

1107.1202 Setbacks.

A. Residential Districts. In Residential Districts:

1. No parking space may be located within the front yard, except that parking spaces for detached houses, attached houses, and duplexes may be located on a driveway;
2. The paved area of driveways serving detached houses, attached houses, or duplexes may not cover more than 40 percent of the front yard up to a maximum driveway width of 24 feet;
3. Off-street parking spaces are prohibited within required landscape buffers;
4. Off-street parking areas serving multi-dwelling and nonresidential uses must be set back at least 10 feet from all RS and RD Zoning Districts. See [Chapter 1108](#) for applicable landscaping and screening requirements; and
5. See also Section [1105.0204](#), Rear Yard Coverage in Residential Districts, and Section [1105.0600](#), Residential Garages.

Photo 1 : 4355 River Road - current drive on right

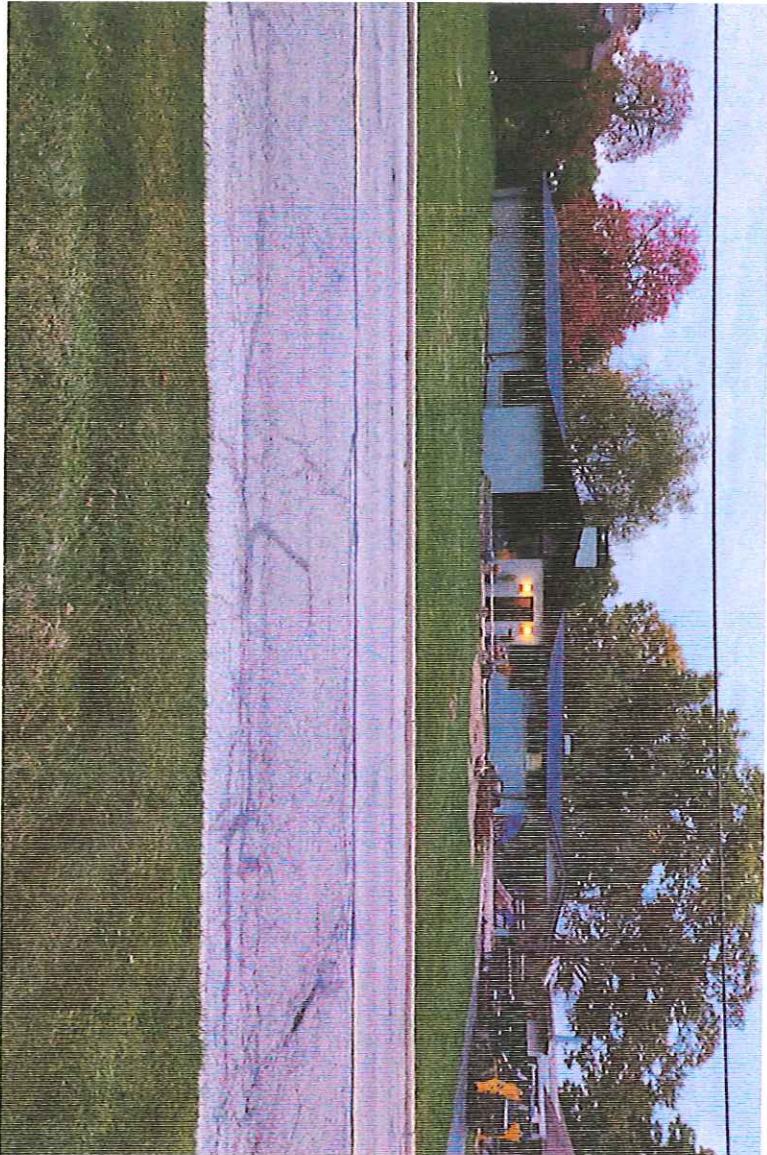


Photo 2: 4355 River Road

- closer view current drive

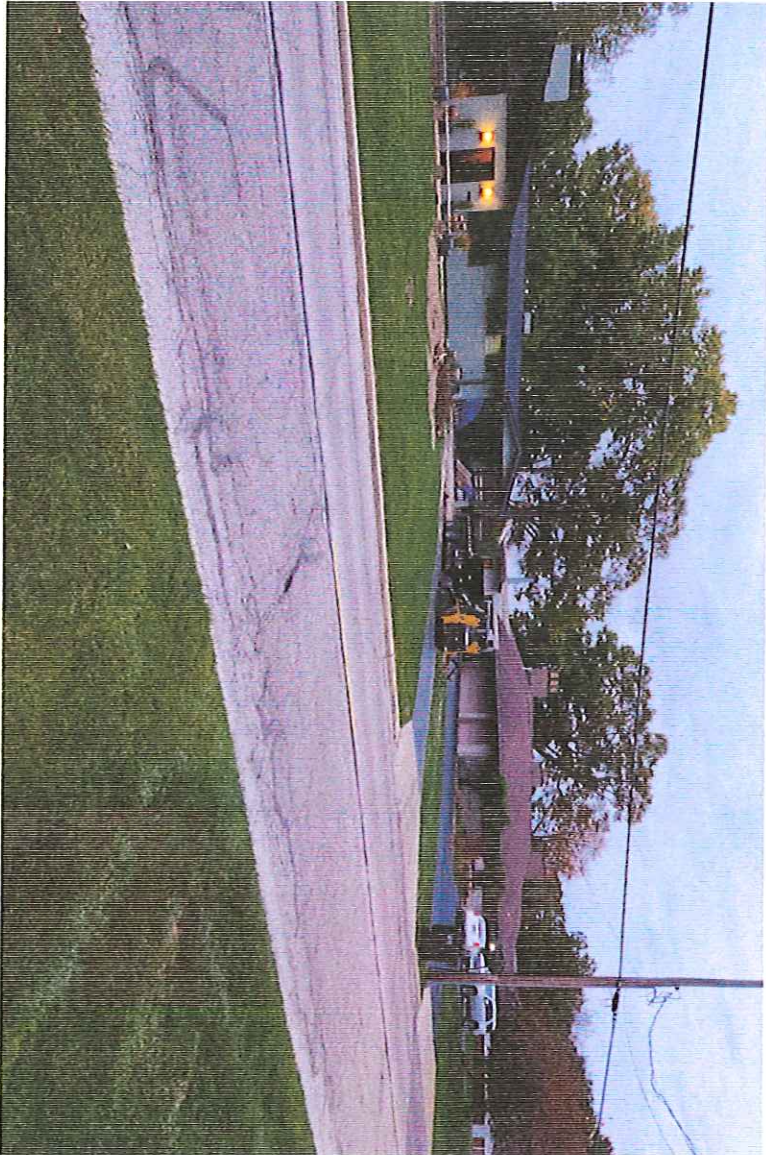


Photo 3: 4355 River Road

- marked out lane for
new drive including area
for new entry/exit



Re: 4355 River Road

5

Photo 4: View of our current drive entry and view of neighbor's drive @ 4369 River Road that is similar to what we want to achieve. However our circular drive will be concrete and will be slightly smaller in size (more narrow) by ≈ 2 ft. only





Photo 5 Re: 4355 River Road Aerial View

October 7, 2022

Attn: BZA
Administrative Board of Zoning Appeal
One Government Center
Suite 1600
Toledo, OH 43604
419-245-1220

*Re: 4355 River Road
Driveway Request*

Committee:

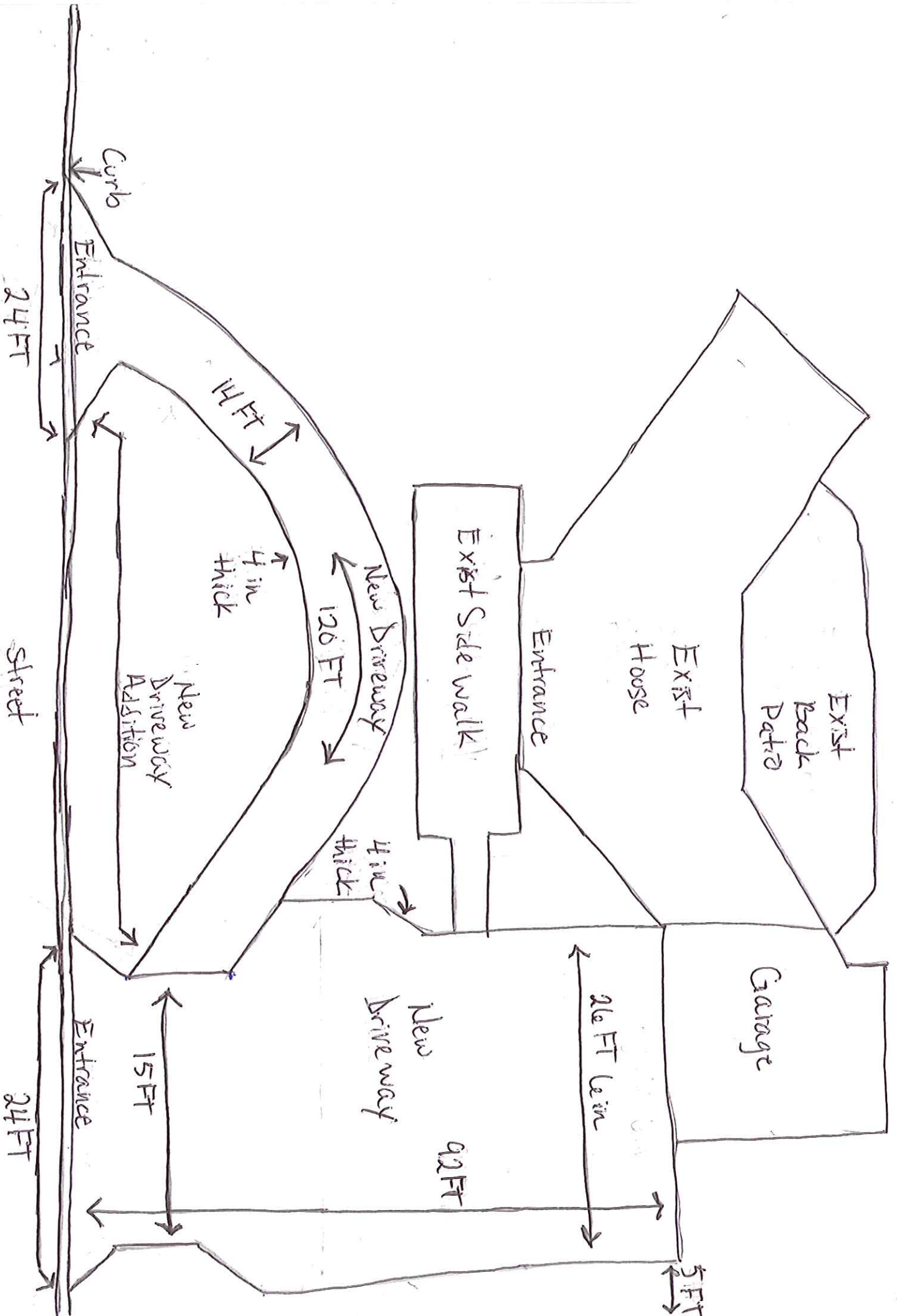
Please consider our request to have a new curb opening/driveway drop that will allow ingress/egress traffic to maneuver easily and safely off the main road (River Road). Our direct neighbors at 4369 River Road already have the same circular drive at their home (See Attached Photo 4) although it is asphalt. Our current, very narrow drive (See photos 1-3) is asphalt, but is being redone and will be paved concrete. We ask that our request to add the circular drive and new entry/exit be approved. Although the posted speed limit on River Road is 25mph, most traffic along this drive, especially now, according to my neighbors, with the construction on Anthony Wayne Trail, but also in general, do not follow the posted limits, and travel at speeds far in excess, which is a safety hazard for all walking and driving traffic. We are especially sensitive to the speeding traffic as our youngest son will soon be a new driver as he is eligible to have his permit at this time. Our drive alone is also not enough to accommodate the number of vehicles we have (currently three, soon to be four) as well as guests, nor can we easily move in and out at times of entry/exit without having to move vehicles out of the way, making mornings and afternoons very hectic. For all those reasons, as well as having a contractor currently available to do the work before the weather can no longer accommodate our project, we ask that our request be expeditiously approved. Thank you for your consideration.

Sincerely,

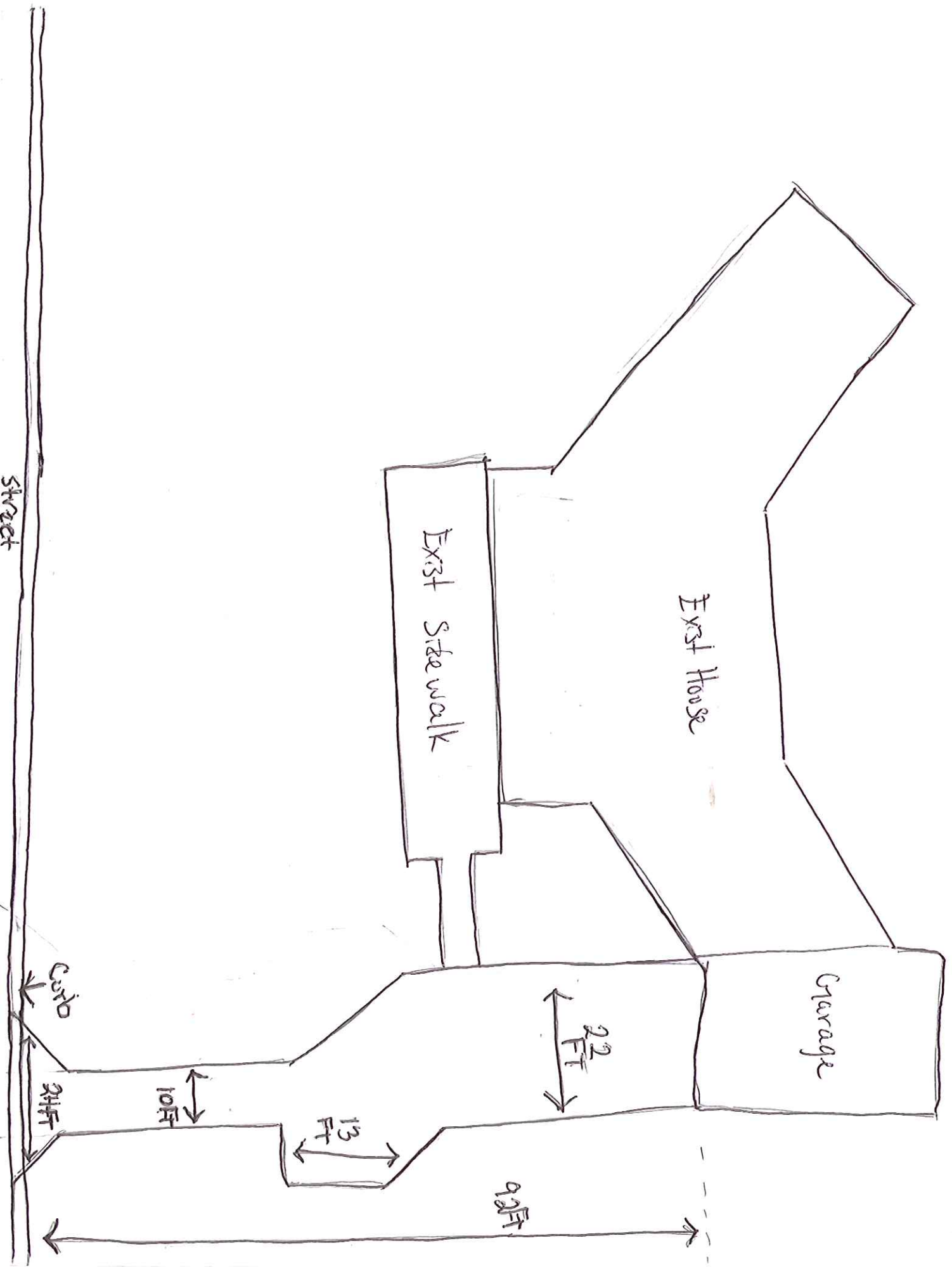
Jaime & Aaron Agnew
4355 River Road
Toledo, OH 43614
419-944-0880
Jaimeagnew21@gmail.com

1-9

Site with new drive way plans



Site with no drive way plans



Final Revision - 31 December 2000

06.210.00.0.tif



1-12

CASE # BZA-22-0027

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 2150 2152 Brookford Drive Toledo Ohio 43614 Zoning District RS9 Date 08/05/2022Legal Description CENTRAL GROVE LOT 16 S 165 FT E 65.5 FT W 110 FTApplicant's Name (print) Seaway Property Management / Michael StaczekAppeal (Dept. of Inspection ruling - Title Nine Sign Code) _____ Hardship Variance X

Exception _____ Appeal decision _____ ADA Accommodation _____

TMC § TMC1106.0101 Proposed split does not conform to COT SubdivisionRules & Regulations SEC. 302.3. And 405.1.A. Requiring Conformity to Zoning STANDARDS OR SEC. 405.1.C Requiring depth to width RATIO of 3.5 to 1 See TMC1106.0101 For RS9 intensity and Dimensional Standards.Applicant Signature Michael Staczek Phone 419-704-2610Applicant's Street Address 29102 Glenwood Rd Perrysburg Ohio 43551Fax 872296301Applicant's City, State, Zip Perrysburg OH 43551 E-Mail MIKEACX@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 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 ☒ Photos ☒ Letter ☒ Proper Site Plan ☒ SWO _____Copy Zoning Map B <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 Aug. 25, 2022

Reviewed by _____ Date _____ Staff Recommendation _____



Board

CASE # _____

Decision _____ Date _____

HEARING DATE: November 21, 2022

BZA NO: BZA22-0027

APPLICANT: Seaway Property Management/Michael Staczek

SITE LOCATION: 2150/2152 Brookford Dr.

ZONING DISTRICT: RS9

SWO or NOL Issued: N/A

ANALYSIS: Applicant requests variance from TMC 1106.0101(Table) to split lot with reduced minimum front, rear and side setbacks per submitted professional survey.

STAFF COMMENTS: Applicant will need to obtain Building Permit to install fire separation on detached structure due to potentially approved lot split at left side of rear of home.

BOARD ACTION:

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

VOTING RESULTS:

APPROVED _____ DISAPPROVED _____ DEFERRED _____ WITHDRAWN _____

CONDITIONS OF APPROVAL:

HEARING DATE: October 17, 2022

BZA NO: BZA22-0027

APPLICANT: Seaway Property Management/Michael Staczek

SITE LOCATION: 2150/2152 Brookford Dr.

ZONING DISTRICT: RS9

SWO or NOL Issued: N/A

ANALYSIS: Applicant requests variance from TMC 1106.0101(Table) to split lot with reduced minimum front, rear and side setbacks per submitted professional survey.

STAFF COMMENTS: None

BOARD ACTION:

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

VOTING RESULTS:

APPROVED _____ DISAPPROVED _____ DEFERRED _____ WITHDRAWN _____

CONDITIONS OF APPROVAL:

DID NOT APPEAR. - deferred to November

SEAWAY PROPERTY MANAGEMENT LTD
29102 Glenwood Rd
Perrysburg OH 43551
4197042610

August 5, 2022

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)**

Subject: 2150 2152 Central Grove/ Brookford Lot Split appeal

Good Afternoon

We applied for a lot split that was denied by the Planning Commission for 2150 2152 Brookford Drive Toledo Ohio 43614

We have spoken to Dana Reising at the Plan Commission and Building Inspections. Dana has stated the Planning Commission supports the lot split but cannot approve it administratively.

The property is Zoned RS9, which only allows single family houses.

The split would make the 2 houses conforming to the Zoning District in that regard. However, it doesn't meet any of the lot size requirements and creates nonconforming lot sizes.

The Plan Commission would need to approve the split at a public hearing and waive the lot size requirements.

The planning commission has drafted a staff memo on this split. In addition, Dana stated she is happy to answer any questions that may arise on this. Her Contact information is below.

Dana Reising

City Planner

Office: 419-245-1200

Direct: 419-936-2128

Since our lot split has been rejected by the planning commission for 2150 and 2152 Brookford drive Toledo Ohio 43614. We are now appealing the decision to the BZA.

We are seeking a waiver of the building setback requirements for the RS9-Single Family Residential Zoning District.

The property dates back to 1912 and has two building exiting single family homes on the property. Both buildings are from that time.
Both of the single-family homes have

- Separate water service with separate meters
- Separate electric service with separate meters
- Separate gas service with separate meters
- Separate Garages
- Separate access from the main street (Brookford)
- Separate Driveways
- Separate Yard Areas

The split will just make the above official.

Not splitting the properties causes several hardships. Since the existing building do not meet proper zoning set backs per the zoning code _10-RS9 it is not possible to get

Proper Appraised Value from any appraiser as they are not allowed to count the second buildings value.

Proper insurance as insurance companies are also not allowed to count the second buildings value.

Proper Financing as Financial Institutions are also not allowed to include the second buildings value.

The Split we are attaching to this letter will alleviate all hardships and also leave two separate viable properties with proper access.

The only overlap to the zoning code is that the two houses will be as close to each other as they always were.

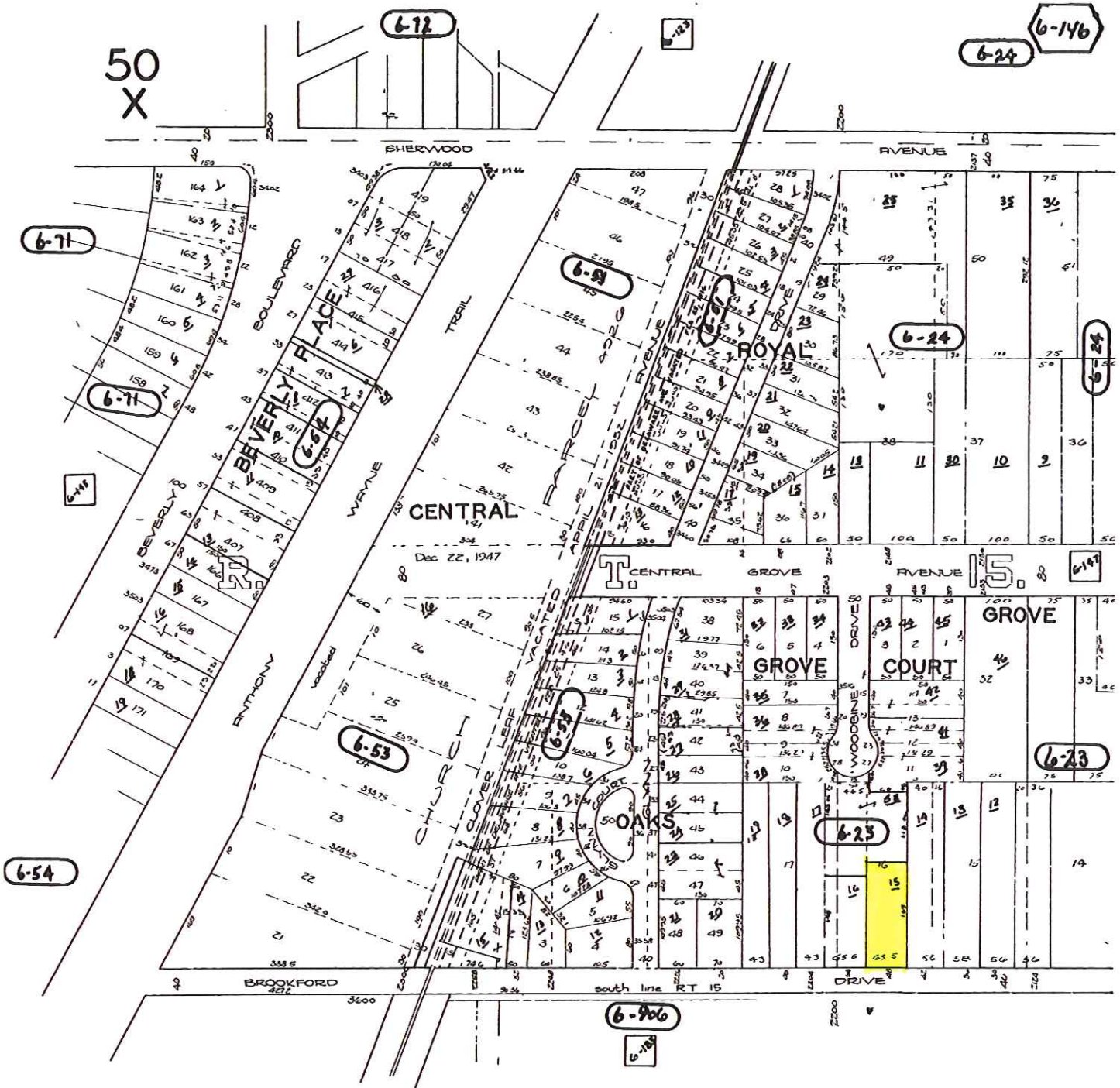
This is why We are seeking a waiver of the building setback requirements for the RS9-Single Family Residential Zoning District

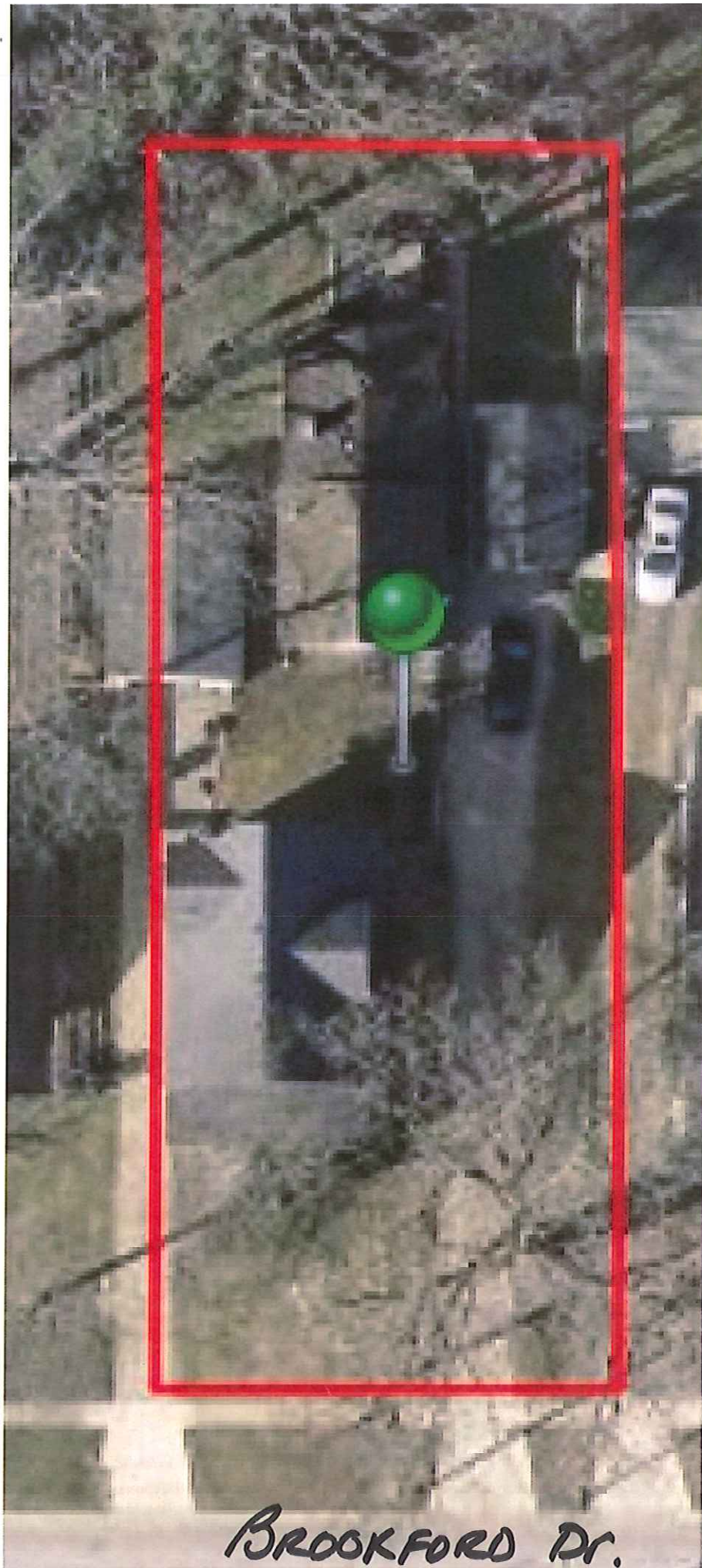
We are happy to answer any questions

Thank you

Michal J Staczek

Mike Staczek
Seaway Property mgmt.
4197042610





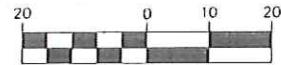
BROOKFORD Dr.

2-7

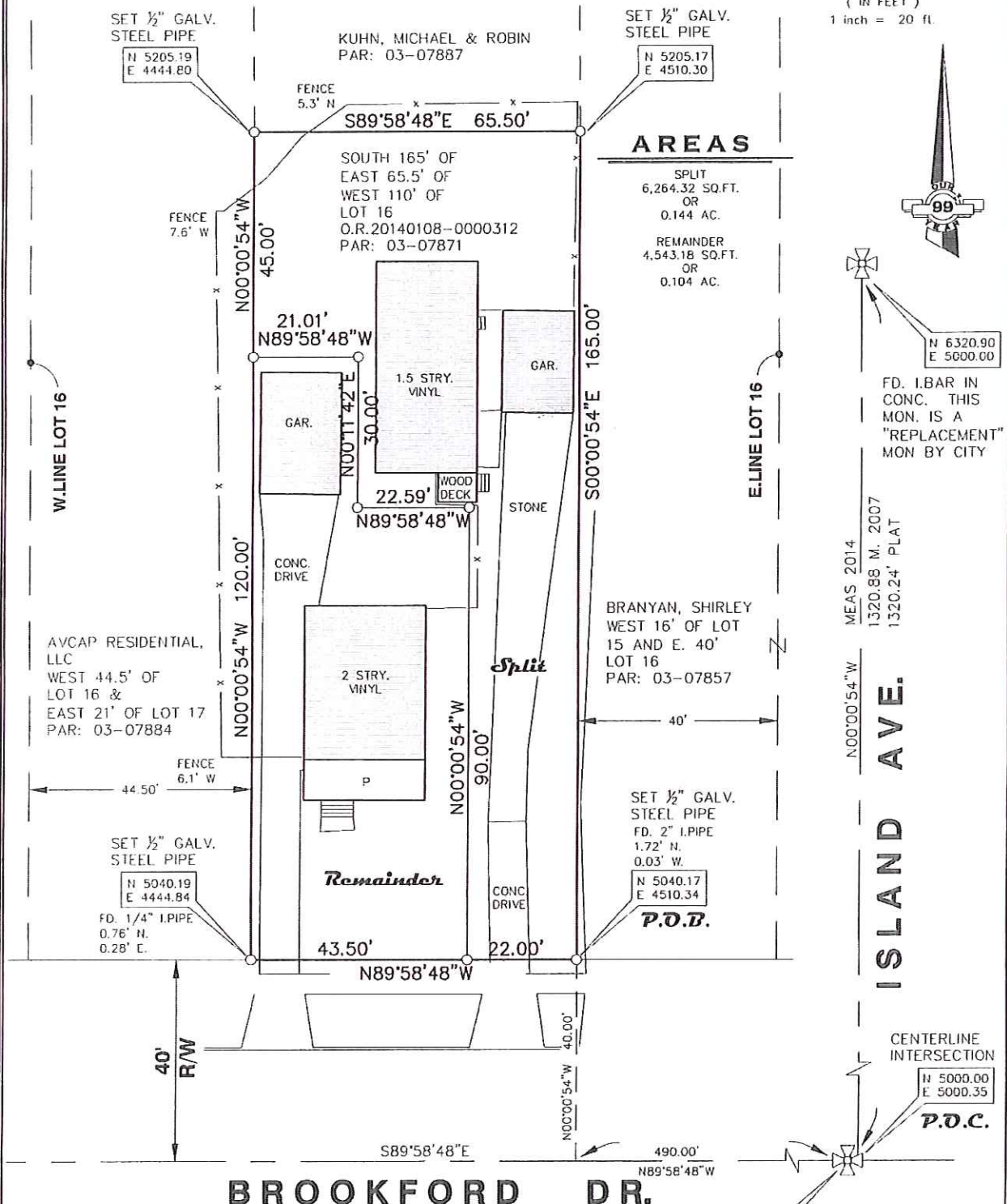
CONTRACT: J-15276

CERTIFICATE OF SURVEY:
CENTRAL GROVE
 PART OF LOT 16
 CITY OF TOLEDO, LUCAS COUNTY, OHIO

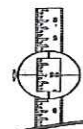
GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft.



REGISTERED SURVEYOR, STATE OF OHIO #7476



LEWANDOWSKI ENGINEERS

CIVIL ENGINEERS & SURVEYORS
 THE CHIEF BLDG. 234 N. ERIE ST.
 TOLEDO, OHIO 43604
 V. 419.255.4111 F. 419.255.4112
 LEWANDOWSKIENG.COM

2-0

Prior Deed: O.R. 20140108-0000312
Parcel: 03-07871
LE Survey #46865

Legal Description: Being part of Lot 16 in Central Grove, as recorded in Volume 6 of Plats, Page 19 in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at the intersection of the centerlines of Island Avenue, so called, and Brookford Drive, so called.

Thence North 89 degrees, 58 minutes, 48 seconds West, along the centerline of Brookford Drive, passing an iron bar monument found at a distance of 0.35 feet, an overall distance of 490.00 feet to the Southerly extension of a line drawn parallel with and 40.00 feet distant from the East line of Lot 16.

Thence North 00 degrees, 00 minutes, 54 seconds West, along the Southerly extension of a line drawn parallel with and 40.00 feet distant from the East line of Lot 16, a distance of 40.00 feet to a 1/2 inch galvanized steel pipe set on the North right-of-way of Brookford Drive, said point also being the True Point of Beginning.

Thence North 89 degrees, 58 minutes, 48 seconds West, along the North right-of-way of Brookford Drive, a distance of 22.00 feet to a 1/2 inch galvanized steel pipe set.

Thence North 00 degrees, 00 minutes, 54 seconds West, a distance of 90.00 feet to a 1/2 inch galvanized steel pipe set.

Thence North 89 degrees, 58 minutes, 48 seconds West, a distance of 22.59 feet to a 1/2 inch galvanized steel pipe set.

Thence North 00 degrees, 11 minutes, 42 seconds East, a distance of 30.00 feet to a 1/2 inch galvanized steel pipe set.

Thence North 89 degrees, 58 minutes, 48 seconds West, a distance of 21.01 feet to a 1/2 inch galvanized steel pipe set on a line drawn parallel with and 44.50 feet distant from the West line of Lot 16.

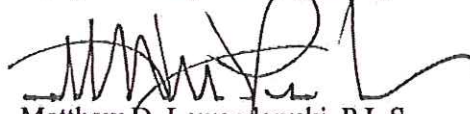
Thence North 00 degrees, 00 minutes, 54 seconds West, along a line drawn parallel with and 44.50 feet distant from the West line of Lot 16, a distance of 45.00 feet to a 1/2 inch galvanized steel pipe set.

Thence South 89 degrees, 58 minutes, 48 seconds East, a distance of 65.50 feet to a 1/2 inch galvanized steel pipe set on a line drawn parallel with and 40.00 feet distant from the East line of Lot 16.

Thence South 00 degrees, 00 minutes, 54 seconds East, along a line drawn parallel with and 40.00 feet distant from the East line of Lot 16, a distance of 165.00 feet to the True Point of Beginning.

Containing 6,264.32 square feet or 0.144 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on December 12, 2014.

Legal Description Prepared by



Matthew D. Lewandowski, P.L.S.
Registered Surveyor, State of Ohio No. 7476
Principal, Lewandowski Engineers
The Chief Bldg. @ 234 N. Erie St.
Toledo, Ohio, 43604
p: 419.255.4111, fax: 419.255.4112
MDL@LewandowskiEng.com



SPLIT CLOSURE

Name: PARCEL : 1

North: 4652.9027' East: 3845.5574'

Segment #1 : Line

Course: N89° 58' 47.69"W Length: 22.005'

North: 4652.9105' East: 3823.5524'

Segment #2 : Line

Course: N00° 00' 54.34"W Length: 89.997'

North: 4742.9075' East: 3823.5286'

Segment #3 : Line

Course: N89° 58' 47.69"W Length: 22.593'

North: 4742.9154' East: 3800.9356'

Segment #4 : Line

Course: N00° 11' 42.49"E Length: 30.000'

North: 4772.9152' East: 3801.0378'

Segment #5 : Line

Course: N89° 58' 47.69"W Length: 21.013'

North: 4772.9226' East: 3780.0248'

SPLIT CLOSURE

Segment #6 : Line

Course: N00° 00' 54.34"W Length: 45.003'

North: 4817.9256' East: 3780.0130'

Segment #7 : Line

Course: S89° 58' 47.69"E Length: 65.500'

North: 4817.9026' East: 3845.5130'

Segment #8 : Line

Course: S00° 00' 54.34"E Length: 165.000'

North: 4652.9026' East: 3845.5564'

Perimeter: 461.110' Area: 6264.32 Sq. Ft.

Error Closure: 0.0009 Course: S81° 44' 38.12"W

Error North: -0.00013 East: -0.00092

Precision 1: 512345.556

SEAWAY PROPERTY MANAGEMENT LTD
29102 Glenwood Rd
Perrysburg OH 43551
4197042610

August 5, 2022

Toledo-Lucas County Plan Commissions
One Government Center, Suite 1620
Toledo, OH 43604

Dana Reising
City Planner
Office: 419-245-1200
Direct: 419-936-2128

Subject: 2150 2152 Brookford Lot Split appeal

Good Afternoon

We understand our lot split has been rejected for 2150 and 2152 Brookford drive. At this time we would like to request an appeal of the decision.

We are happy to answer any questions

Thank you

Michael J. Staczek

Mike Staczek
Seaway Property mgmt.
4197042610

APPLICATION FOR LOT SPLIT/MINOR SUBDIVISION

FILE #T- 64-22

Toledo-Lucas County Plan Commissions
One Government Center, Suite 1620
Toledo, Ohio 43604
(419) 245-1200 / Fax (419) 936-3730
www.toledo.oh.gov

The application will not be processed until all required information is submitted. A separate application is required for each proposed split. An accurate drawing must accompany this application and must show the items listed on the back of this form. Approvals are valid for two (2) years. An executed deed with the approved legal description must be presented to the Plan Commissions for an approval stamp before the Lucas County Recorder's and Auditor's offices will transfer the property.

1. Owner of Property to be Split Michael Staczek Phone # (419) 704-2610
Work # _____ Cell # _____ Fax # _____
Email mikeacx@gmail.com

2. Owner's Mailing Address 29102 Glenwood Road, Perrysburg, Ohio 43551

3. Location of Proposed Split Part of Lot 16, Central Grove Addition 2152 Brookland

4. Taxing District & Parcel # or Assessor # of Original Parcel 03-07871

5. Proposed Water Supply and Sanitary System (check one each):

Public Line Available ☒ or Well _____ Sanitary Sewer Line Available ☒ or On-site Disposal (Septic) _____

The Lucas County Health Department (419-213-4100) must be contacted by the applicant to review the lot/parcel split, if a septic system and/or well is/are proposed or in use. Their recommendation will be forwarded to the Plan Commissions. The application is not complete until the Board of Health letter is received.

6. Are there existing buildings on the parcel being split: Yes ☒ No _____

7. Is the split parcel to be combined with an adjacent parcel: Yes _____ No ☒ If so, identify by parcel # _____

8. Is the split or retain parcel greater than 5 acres: Yes _____ No ☒

9. An access permit is required from the Lucas County Engineer's Office (419-213-2860) if the parcel is located on a county or township road. If the parcel is located on a state highway, an access permit is required from ODOT District 2 (419-373-4472). A copy of the permit must be supplied to the Plan Commission. Is an access permit approval attached: Yes _____ No ☒

10. A legal description of the lot/parcel to be split is required. Legal descriptions shall be written utilizing the subdivision name and lot number(s) or a metes and bounds description if the split is from an acreage parcel. A metes and bounds description requires a survey be submitted with this application (see reverse side for requirements).

I hereby certify that the information contained in this application, including all drawings and attachments, is true and accurate to the best of my knowledge.

Signature of Owner _____

Or Signature of Agent and Their Title Attorney

PLAN COMMISSION STAFF USE ONLY

Fee: \$150.00 ☒ City ☒ County _____
Index Map # 42 Scale _____ By DR

In accordance with the provisions contained in the Ohio Revised Code and the Subdivision Rules and Regulations of Lucas County and the City of Toledo as adopted by the Plan Commissions, this application is:

APPROVED _____ CONDITIONALLY APPROVED _____ DISAPPROVED ☒

Proposed split does not conform to City of Toledo Subdivision Rules & Regulations Sec. 302.3 and 405.1, a requiring conformity to zoning standards or Sec. 405.1.c requiring depth to width ratio of 3.5 to 1. See TMC 1106.0101 for RS9 Intensity and Dimensional standards.

Date 7/8/22

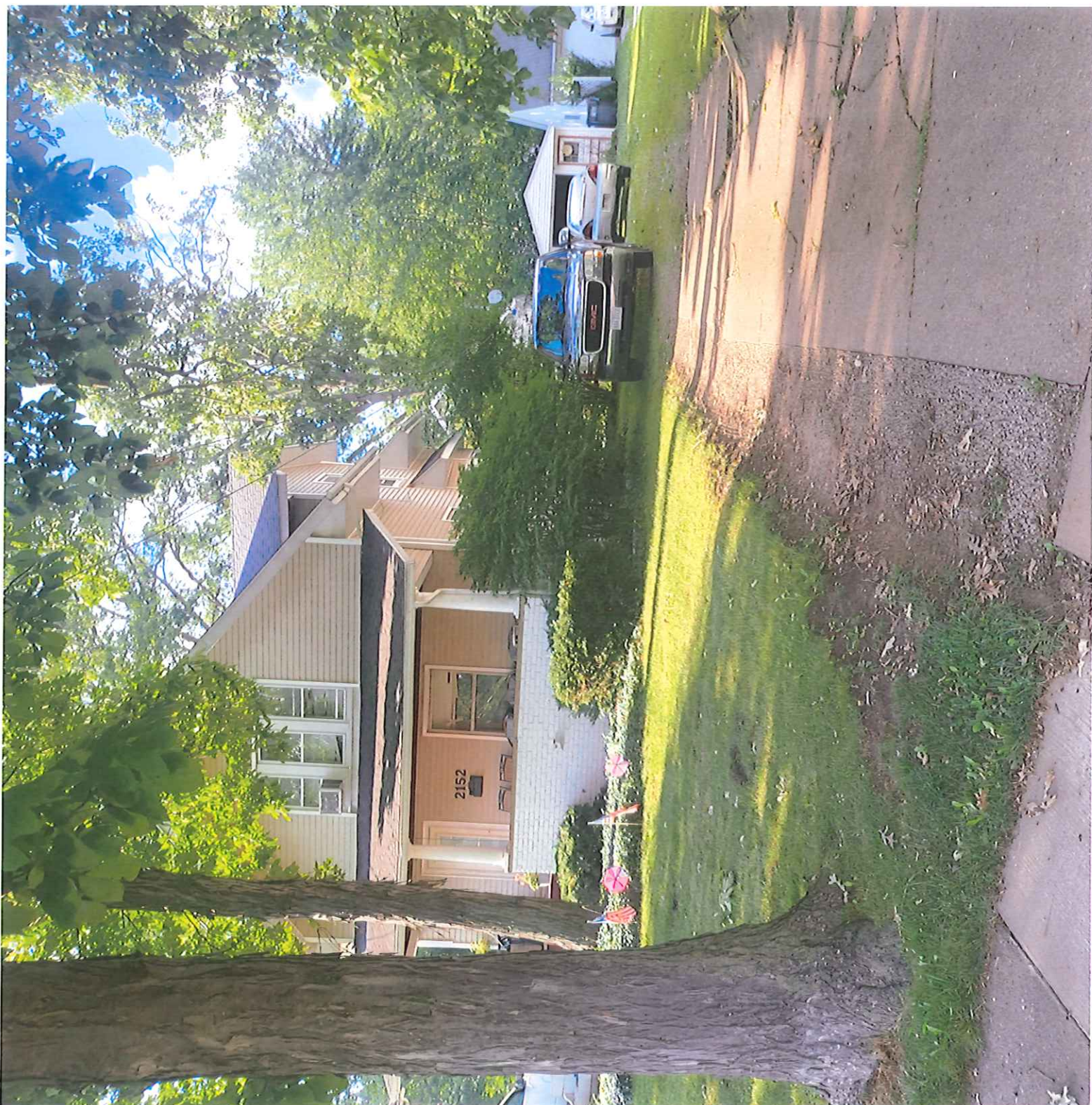
By Thomas C. Gibbons
THOMAS C. GIBBONS, DIRECTOR
TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

2-14

51-2

2150 BRACKFORD

DRIVE TO REAR HOUSE



2150 BRADFORD
Rear View



2150 BROOKFORD
Rear House



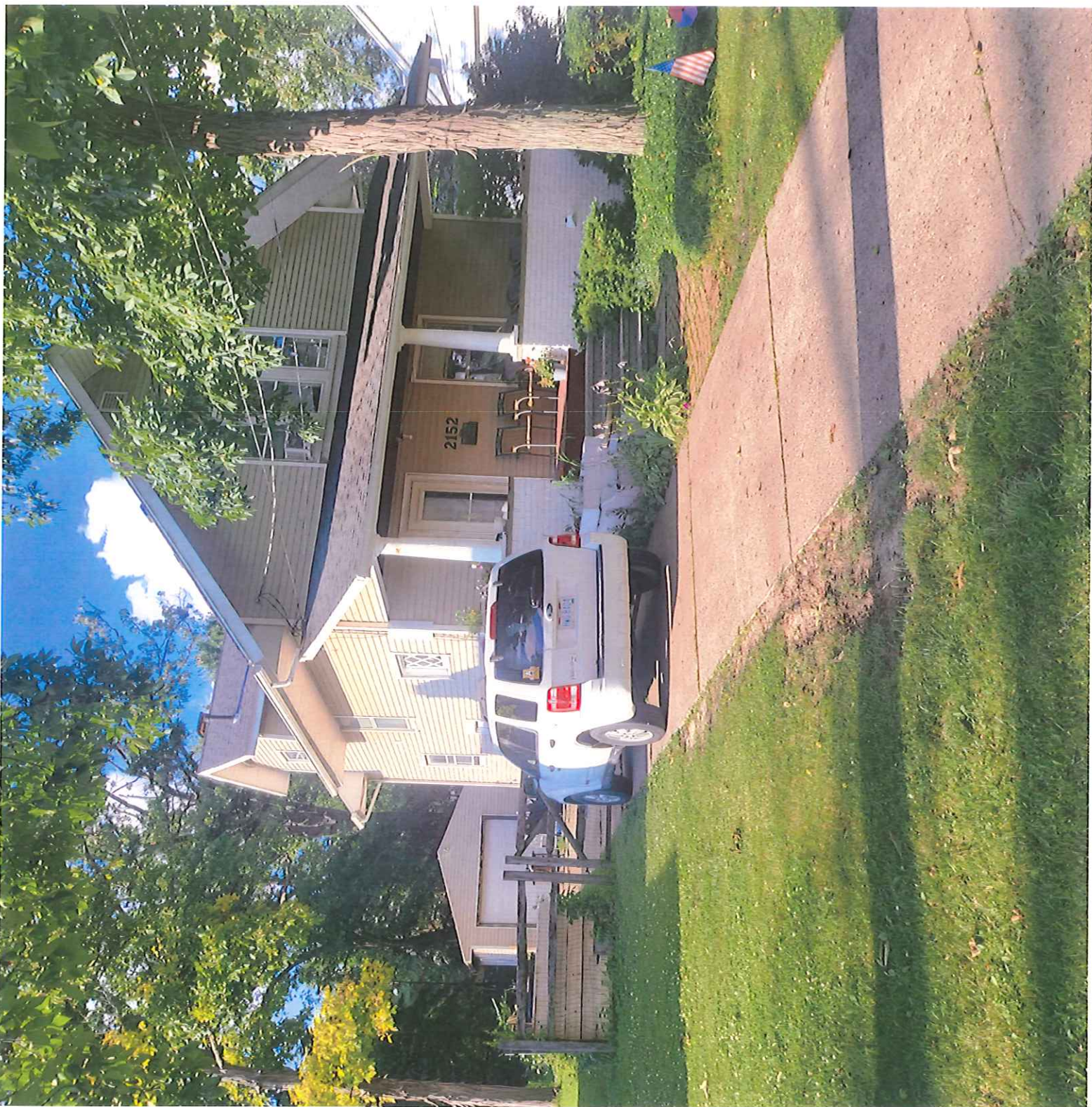
81-2

2152 Brook Rd
Front House



2152 Brookford

6-2



1106.0101 Residential Districts.

Unless otherwise expressly stated, all buildings in Residential (R) Districts must comply with the following standards, as well as all other applicable standards of this Zoning Code.

(Ord. 170-04. Passed 3-23-04; Ord. 346-10. Passed 6-22-10; Ord. 229-13. Passed 4-30-13.)

Standard	RS 12	RS 9	RS 6	RD 6	RM 12	RM 24	RM 36	RMH
Minimum Lot Area (sq. ft. per unit)								
Detached House	12,000	9,000	6,000	6,000	6,000	6,000	6,000	NA
Attached House	NA	NA	NA	3,000	3,000	3,000	3,000	NA
Duplex	NA	NA	NA	3,000	3,000	3,000	3,000	NA
Multi-Dwelling [8]	NA	NA	NA	NA	3,600	1,800	1,200	NA
Manufactured Home [1]	NA	NA	NA	NA	NA	NA	NA	3,600
All Other Development	12,000	9,000	6,000	6,000	6,000	6,000	6,000	NA
Maximum Density (dwelling units per acre) [2]	3	4	6	6	10	20	30	10
Minimum Lot Width (feet)	75	60	50	50	50[3]	50[3]	50[3]	40
Minimum Setbacks (feet)								
Front	35	30	25	25	25	25	25	25[4]
Side (one side/combined)	7.5/16	6/14[5]	5/12[5]	5/12[5]	10/20[5]	5/12[5] [6]	5/12[5] [6]	10/20
Rear	35	30	25	25	25	25	25	12[7]
Maximum Height (feet)	35	35	35	35	35	35	50	20

2-20

NA = Not Applicable

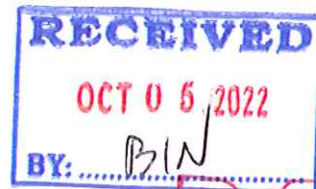
Table Notes

- [1] The standards apply to manufactured homes in manufactured housing parks.
- [2] These density standards apply only to cluster housing, Section 1104.0500, and to Multiple Buildings on Lot, Section 1106.0300, unless otherwise expressly stated.
- [3] Minimum lot width for attached house: 25 feet.
- [4] Where a lot in a manufactured housing park abuts a dedicated place, the minimum front setback is 7 feet.
- [5] Combined total setbacks for attached houses, detached houses and duplexes may be reduced to 10 feet to accommodate an attached garage or carport.
- [6] Minimum side setback is increased to 10 feet when adjacent to RS or RD District.
- [7] Where a lot in a manufactured housing park abuts the periphery of the development, the minimum rear setback is 25 feet. No structure in a manufactured housing park may be located in the required rear setback.
- [8] These density standards apply to single buildings, For multiple buildings on a lot see Max. Density Row and Table Note [2].



CITY OF TOLEDO

Division of Building Inspection



BZA22-0030

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 120 Windermere Blvd ¹⁰¹¹²⁵⁷ Zoning District RS-6 Date 10/3/22

Legal Description Manhattan Park Lot 144

Applicant's Name (print) Damaris Isom & Marguella Davis

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

Exception _____ Appeal decision _____ ADA Accommodation _____

TMC § 1105.0301.B & A - FENCE HEIGHT

Applicant Signature [Signature] Phone 419-917-1825

Applicant's Street Address 120 Windermere Blvd Fax N/A

Applicant's City, State, Zip Toledo, OH 43608 E-Mail cloyes721@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 _____ <http://local.live.com/> Transportation notified to check site distance hazard _____

Code Enforcement notified if orders are being appealed. _____ Permit Tech's Initials _____ Date _____

Reviewed by _____ Date _____ Staff Comments: _____

Board Decision _____ Date _____

3-1

HEARING DATE: November 21, 2022

BZA NO: BZA22-0030

APPLICANT: Damario Isom & Marquetta Davis

SITE LOCATION: 120 Windemere Blvd.

ZONING DISTRICT: RS6

SWO or NOL Issued: N/A

ANALYSIS: Applicant requests variance from TMC 1105.0301(B) to maintain as installed, a 6ft high white vinyl fence between easterly side of property upto front corner of property.

STAFF COMMENTS: None

BOARD ACTION:

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

VOTING RESULTS:

APPROVED _____ DISAPPROVED _____ DEFERRED _____ WITHDRAWN _____

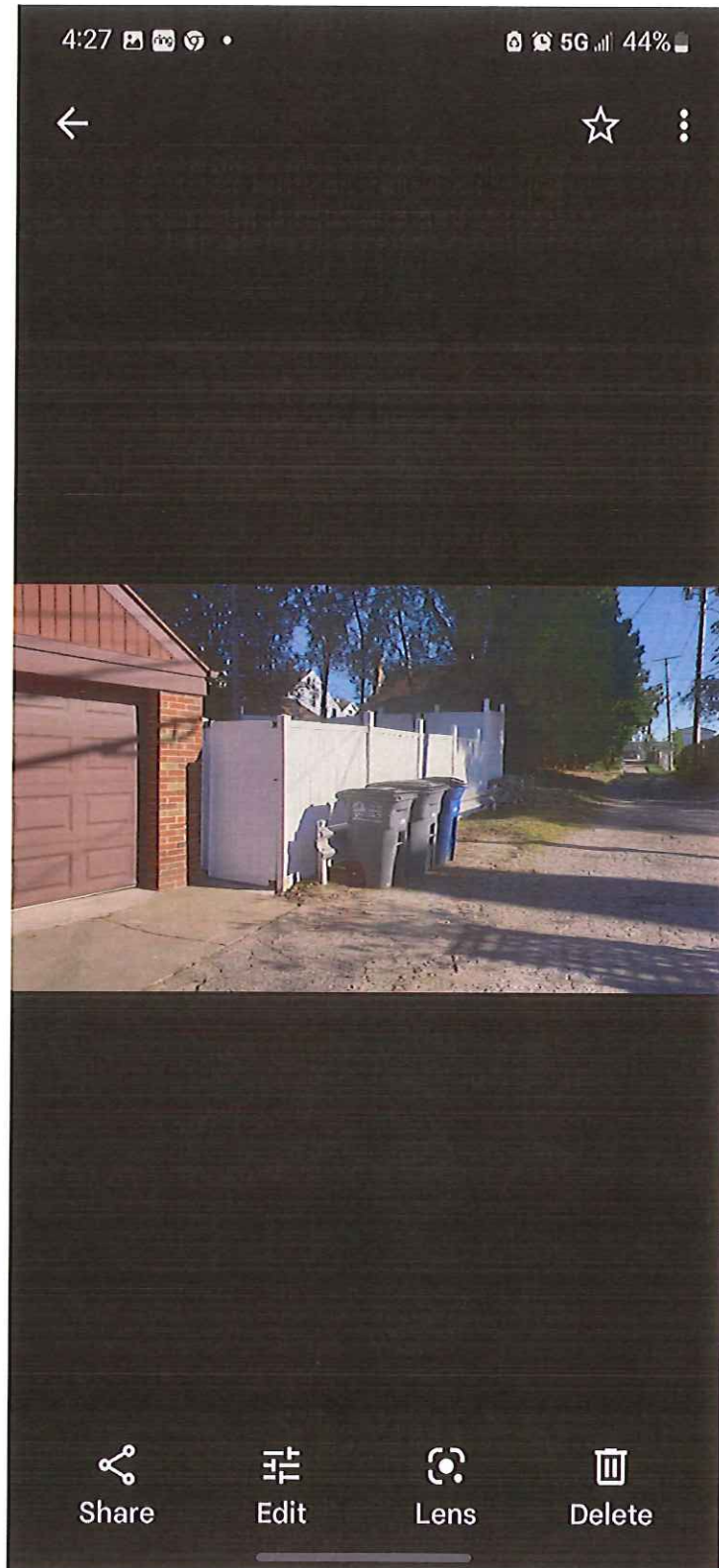
CONDITIONS OF APPROVAL:

3-2





34



3-5



3-10



N

October 3, 2022

To whom it may concern,

We are the owners of the property at 120 Windermere Blvd. We are responding in regards to a zoning issue regarding a privacy fence.

Attached to this letter we have included the application for zoning appeal, the certificate of zoning compliance, along with the appropriate fees, colored photos of the fence, as well as a notarized letter from one of our neighbors, and contact info for the other adjacent property owners behind us.

We absolutely love our new home. When we saw the white privacy fence at the daycare center across the alley from us, we knew that we both needed, and wanted one the upcoming spring. The alley is very busy between the daycare, and the carwash. During the winter and early spring our two dogs had escaped several times. The existing fence was a broke down metal fence. So, for the safety of our pets, as well as ours we thought that the privacy fence would be a beautiful addition to our home. We had it measured, believing it was up to code since it was similar to the daycare and our neighbor two doors down. Prior to putting up the fence we had conversations with both our neighbors, to the left of us, and behind us. They were both in agreement with the options we selected because it also beautified their yards. They spoke with us daily as to the progress. They had informed us of the many fences that been thrown up over the past 20 plus years and their issues.

The Boyd's are at 126 Windermere, and the Mowery's reside behind us at 211 Mount Royal.

We are hoping that we can resolve this issue so no one else has to go through this and still be able to maintain our beautiful fencing.

Thank you so much for your consideration in this matter,

Sincerely,

Damario Isom

3-28

To whom it may concern:

My name is LaQuentin Boyd and I currently reside at 126 Windermere Blvd. I have been at this residence for almost 12 years. I have known the last three families who have resided at 120 Windermere Blvd. When I first moved in to 126 Windermere, there was a tall privacy fence between the two properties. In 2019 the previous resident, George Zapata, had three big dogs that would jump on the fence repeatedly, until they eventually toppled the fence over. At that time, I was contacted by the city to have the fence removed. The fence was subsequently removed, with a promise from George, who resided there at the time, to replace it with a tall new privacy fence. The fence was replaced, but the material that was used was not appropriate to hold back three massive dogs. Their dogs escaped into my backyard, several times, and nothing was done about it. The dogs then began to dig underneath the fence and still George did nothing. Around approximately the summer of 2020, my current neighbors, The Isoms, approached me about removing the smaller fence and replacing it with a much more appropriate privacy fence. They specifically asked if it would be a problem for me and I told them no. The couple kept me apprised of the process every step of the way, and even asked for suggestions at times.

During the week of April 20th, 2022, Mrs. Marquetta approached me about a notice from the City of Toledo regarding the fence. This letter is in response to that notice on behalf of the residents of 120 Windermere Blvd, to inform the city that I have no issues, problems, or concerns whatsoever with the fence that is currently there.

Thank you,

LaQuentin Boyd
Resident of 126 Windermere Blvd
Toledo, OH 43608

LaQuentin Boyd

Witness:

[Signature]

Notary:

[Signature]

Sworn to me by LaQuentin Boyd on
this 4th Day of May 2022.

KIMESHA LYNN WILLIAMS
Notary Public, State of Ohio
My Commission Expires 05-28-2023

15 BLUE

CITANNA

T STREET

NEW CITANNA

RIVER

NORTH SERVICE RD

I-75 EXPRESSWAY

BOULEVARD

WINDERMERE

W Line Sec 24

W Line Crig. Lot 1

SPECIAL PARCEL
4894
9³³/₁₀₀ AC

2-145

LAGRANGE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120

MANHATTAN PARK

MAJESTIC

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120

2-119

2/150

2-120

2-118

3-10



3-11



6' Tall White Vinyl Privacy Fence along side yard and rear yard

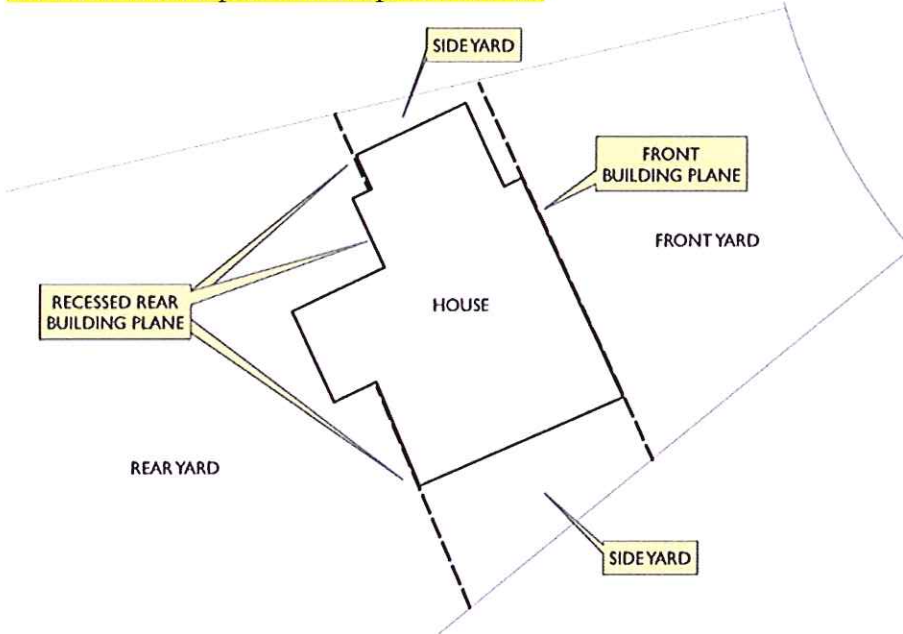
1105.0300 | Fences and Hedges

Fences and hedges shall be permitted in any required setback.

1105.0301 Residential Districts

The following standards apply in all Residential districts:

- 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. 402-11. Passed 8-23-11.)

MEETING: September 19, 2022
10:00 A.M.

CITY COUNCIL CHAMBERS
1st floor

Minutes

BOARD MEMBERS
STEPHEN SERCHUK- CHAIRMAN
NATHAN KNAPKE
ROBERT PASKER

MARY GLOWACKI
PAUL RASMUSSEN
JAMES MOSSING-VICE CHAIRMAN
DOUG LALONDE- SECRETARY
KEN FISCHER - COMMISSIONER
MATT CHERRY

ATTENDANCE
A

City of Toledo - Administrative Board of Zoning Appeals

Case	BZA #	HEARING DATE	Address	Applicant Name	WAIVER REQUEST	Zoning District	STAFF COMMENTS	BOARD ACTION
1	BZA22-0021	September 19, 2022	3415 River Rd. Toledo, OH 43614	Ryan Lachmiller	Applicant requests variance from 1107.1201(A2) for 33% coverage of front yard coverage of 40% maximum.	RS9	None	Approved
2	BZA22-0022	September 19, 2022	4434 Lewis Ave. Toledo, OH 43612	Debbie Harris	Applicant requests variance from TMC 1105.0203A to maintain 3rd accessory structure within rear yard.	RD6	None	Approved
3	BZA22-0023	September 19, 2022	5532 Forrest Green Dr. Toledo, OH 43615	Mark Hendershott	Applicant requests variance from TMC 1105.0203A to install 3rd accessory structure within rear yard.	MX-R	None	Approved
4	BZA22-0024	September 19, 2022	5332 Tulane Ave. Toledo, OH 43611	Thomas & Jennette Miller	Applicant requests variance from TMC to maintain 6' high fence installed good side facing inwards.	RS6	None	Disapproved
5	BZA22-0025	September 19, 2022	3225 W Bancroft Toledo, OH 43606	Maher Barazi	Applicant requests variance from TMC 1105.0301(A) to maintain 6' high fence within front yard setback along Bancroft & Secor Rds.	RS6	None	Disapproved
6	BZA22-0026	September 19, 2022	1260 Craigwood Rd. Toledo, OH 43612	Glen Toepfer	Applicant requests variance from TMC 1105.0301(B) & 1108.0404(B) to install 7' high fence within side yard and good side of fence facing inwards.	RS6	None	Deferred

3-14