

## BOARD OF ZONING APPEALS

March 20, 2023

# City of Toledo



## **ADMINISTRATIVE BOARD OF ZONING APPEALS (BZA)**

MONDAY, MARCH 20, 2023 - 10:00 A.M.  
CITY COUNCIL CHAMBERS, FIRST FLOOR  
GOVERNMENT CENTER

### **BZA BOARD APPROVAL CASE ORDER**

<b>DOCKET #</b>	<b>BZA No</b>	<b>ADDRESS</b>
<b>1</b>	<b>BZA23-0003</b>	<b>4115 PEAK</b>
<b>2</b>	<b>BZA23-0004</b>	<b>1108 N HOLLAND SYLVANIA</b>

ATTENDANCE

## City of Toledo - Administrative Board of Zoning Appeals

[illegible]



CASE # BZA23-0003

## 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 4115 Peak Ave., Toledo, OH 43602 Zoning District 10-RD6 Date 2-10-23Legal Description Lot 25 in West Toledo Addition, City of ToledoApplicant's Name (print) Lucas County Land Reutilization Corp.Appeal. (Dept. of Inspection ruling - Title Nine Sign Code) \_\_\_\_\_ Hardship Variance X Joshua Murnen, Sr. Vice President

Exception \_\_\_\_\_ Appeal decision \_\_\_\_\_ ADA Accommodation \_\_\_\_\_

TMC § 1107.1906 / 1105.0204 BSeeking waiver to allow use of gravel for parking. See attached letter explaining hardship request.Applicant Signature [Signature] Vice President  
Lucas County Land Reutilization CorporationPhone 419-213-4286Applicant's Street Address 1 Govt Center, Ste 580 Fax 419-213-4249Applicant's City, State, Zip Toledo, OH 43604 E-Mail jurnen@co.luc95.oh.us

## 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 X Photos X Letter X Proper Site Plan X SWO \_\_\_\_\_Copy Zoning Map yes 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 Recommendation \_\_\_\_\_

Board Decision \_\_\_\_\_ Date \_\_\_\_\_

1-1



HEARING DATE: March 20, 2023

BZA NO: BZA23-0003

APPLICANT: Lucas County Land Reutilization Corp.

SITE LOCATION: 4115 Peak

ZONING DISTRICT: RD6

SWO or NOL Issued: N/A

ANALYSIS: Applicant requests variance from TMC 1107.1906 / 1105.0204(b) to install parking area greater than 50% of rear yard with stone aggregate.

STAFF COMMENTS: Stone is not a permitted hard surface parking material. Parking area is within RD6 zoning and greater than 50% of the rear yard.

BOARD ACTION:

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

VOTING RESULTS:

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ DEFERRED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

CONDITIONS OF APPROVAL:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1-2



February 9, 2023

City of Toledo, Division of Building Inspection  
Board of Zoning Appeals  
One Government Center, Ste. 1620  
Toledo, Ohio 43604

**Re: 4115 Peak Avenue, Toledo, Ohio 43612 (Parcel Number 16-15727)**  
**Application for Waiver of TMC §1107.1906 due to Hardship**

Dear Sir or Madam,

The Lucas County Land Reutilization Corporation (the "Land Bank") submits this application seeking a waiver from the Board of Zoning Appeals to allow the use of gravel in creating a small, four-space off-street parking area on the property at 4115 Peak Avenue in Toledo (the "Property"). The reasons for the Land Bank's application for this waiver are set forth below. In addition, the following documents are attached in support of this application, and consistent with the requirements of the Board of Zoning Appeals:

- Exhibit A: Photos of gravel off-street parking in the immediate vicinity of the Property
- Exhibit B: Three color photographs of the Property
- Exhibit C: Site plan for the Property
- Exhibit D: Legal description of the Property

1. Background

The Land Bank is the owner of the Property. The Land Bank acquired the Property through tax foreclosure for the purposes of returning this vacant and blighted property to productive use. The structure on the Property is in serious disrepair, and is not economically feasible to renovate. For this reason, the Land Bank believes that demolishing the structure on the Property and repurposing the land is the only viable path for redeveloping the Property.

The Property is located directly behind Overflow, a faith-based non-profit organization doing business as Transformation Center Toledo ("TC Toledo"). TC Toledo is located at 4130 Lewis Avenue in Toledo. The Land Bank has entered into a purchase agreement with TC Toledo for the Property, through which TC Toledo has agreed to demolish the structure on the Property and add the Property to its property at 4130 Lewis Avenue.

TC Toledo is in need of a small parking area to support its existing operations at 4130 Lewis. Accordingly, TC Toledo has worked to raise the funds needed to construct a small, four-space parking area on the Property following the demolition of the structure. This parking area would be located directly behind TC Toledo's building at 4130 Lewis, with the front portion of the property along Peak Avenue being maintained as green space.

1-3

## 2. Hardship Created by TMC §1107.1906 & Request for Waiver

TMC §1107.1906 requires off-street parking areas to be surfaced with certain materials other than gravel. TC Toledo is a small faith-based non-profit, and does not have access to the funding needed to construct off-street parking at the Property using materials like concrete or asphalt. However, TC Toledo has been able to raise a small amount of funding from a private donor that would allow it to construct a small, four-space parking area on the Property using gravel. For this reason, restricting the use of materials for this project to those set forth in TMC §1107.1906 creates a hardship for TC Toledo that can be overcome by allowing the use of gravel for this project.

The use of gravel for off-street parking is also very common in this area, and is currently being used at many properties in the vicinity of the Property. Photos documenting the use of gravel in off-street parking near the Property are attached as Exhibit A. Accordingly, the use of gravel for TC Toledo's off-street parking at the Property would be entirely consistent with existing off-street parking in the surrounding neighborhood, and would in no way detract from the character and quality of surrounding properties. Moreover, the green space that TC Toledo would create on the Property would result in a buffer between Peak Avenue and the parking area, eliminating the risk of any negative impact on the surrounding area due to the use of gravel.

## 3. Summary

For these reasons set forth above, the Land Bank requests a waiver to allow for the use of gravel in constructing a four-space off-street parking area at the Property due to the hardship created by the materials requirements of TMC §1107.1906.

The Land Bank thanks the Board of Zoning Appeals for its consideration of this application. I am happy to provide any additional information or documentation in support of this application upon request, and please do not hesitate to reach out to me or any reason.

Sincerely,



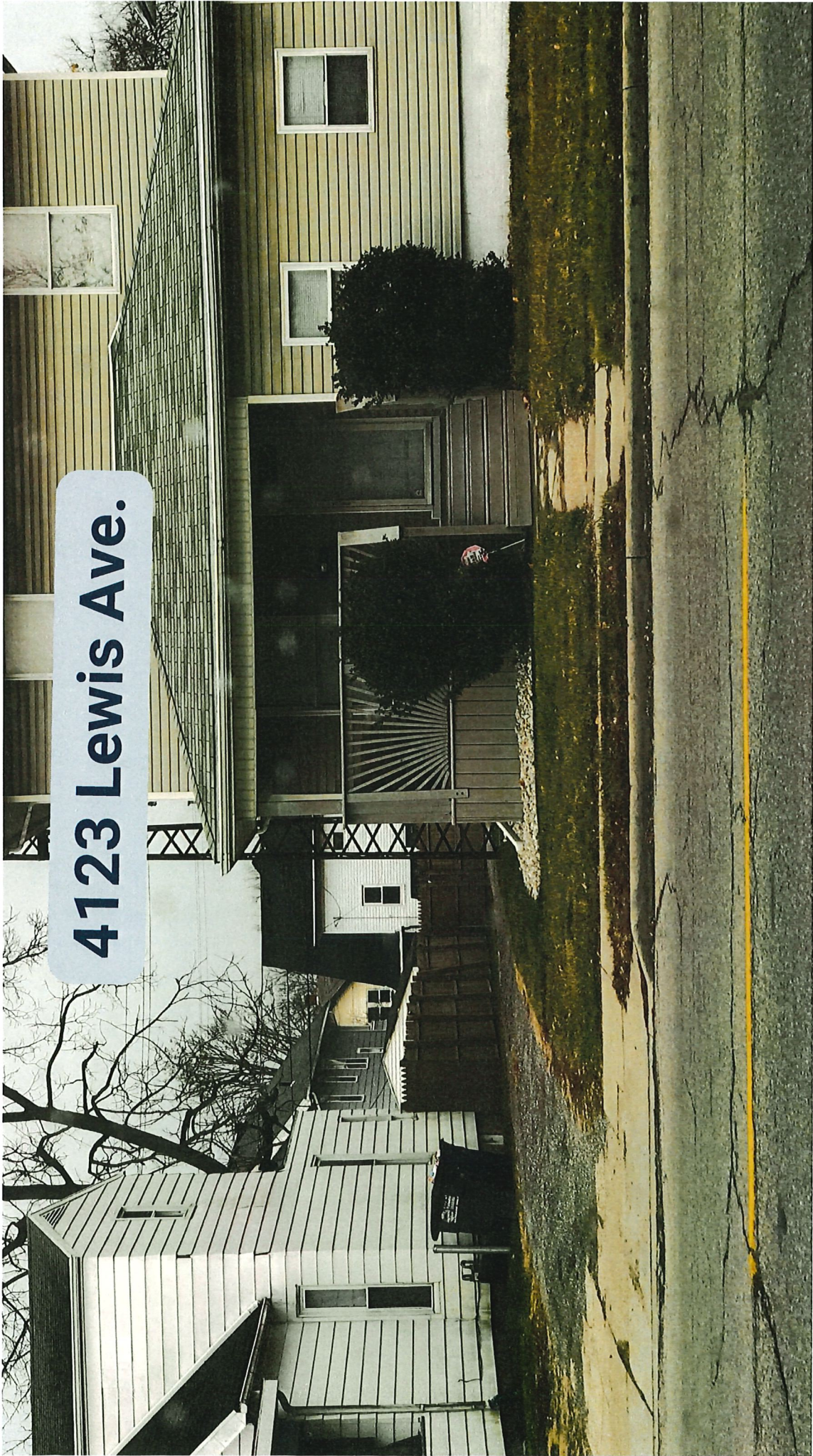
Joshua Murnen  
Senior Vice President for Real Estate and General Counsel



**EXHIBIT A**

The following are nearby  
examples of gravel used  
for driveways and parking  
on Lewis Ave. and Peak  
Ave.





4123 Lewis Ave.



**4133 Lewis Ave.**







4151 Lewis Ave.

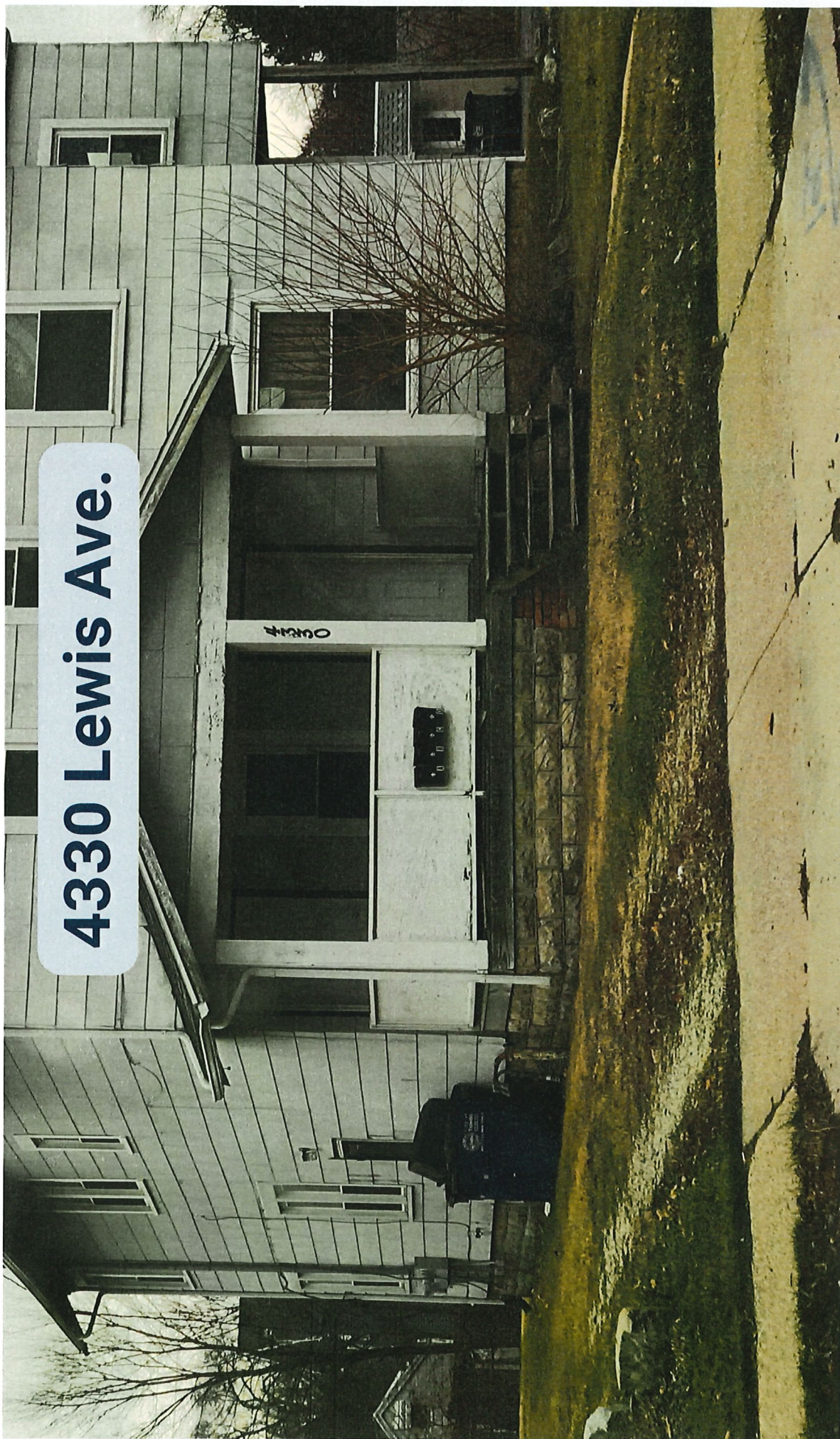


4321 Lewis Ave.





4330 Lewis Ave.



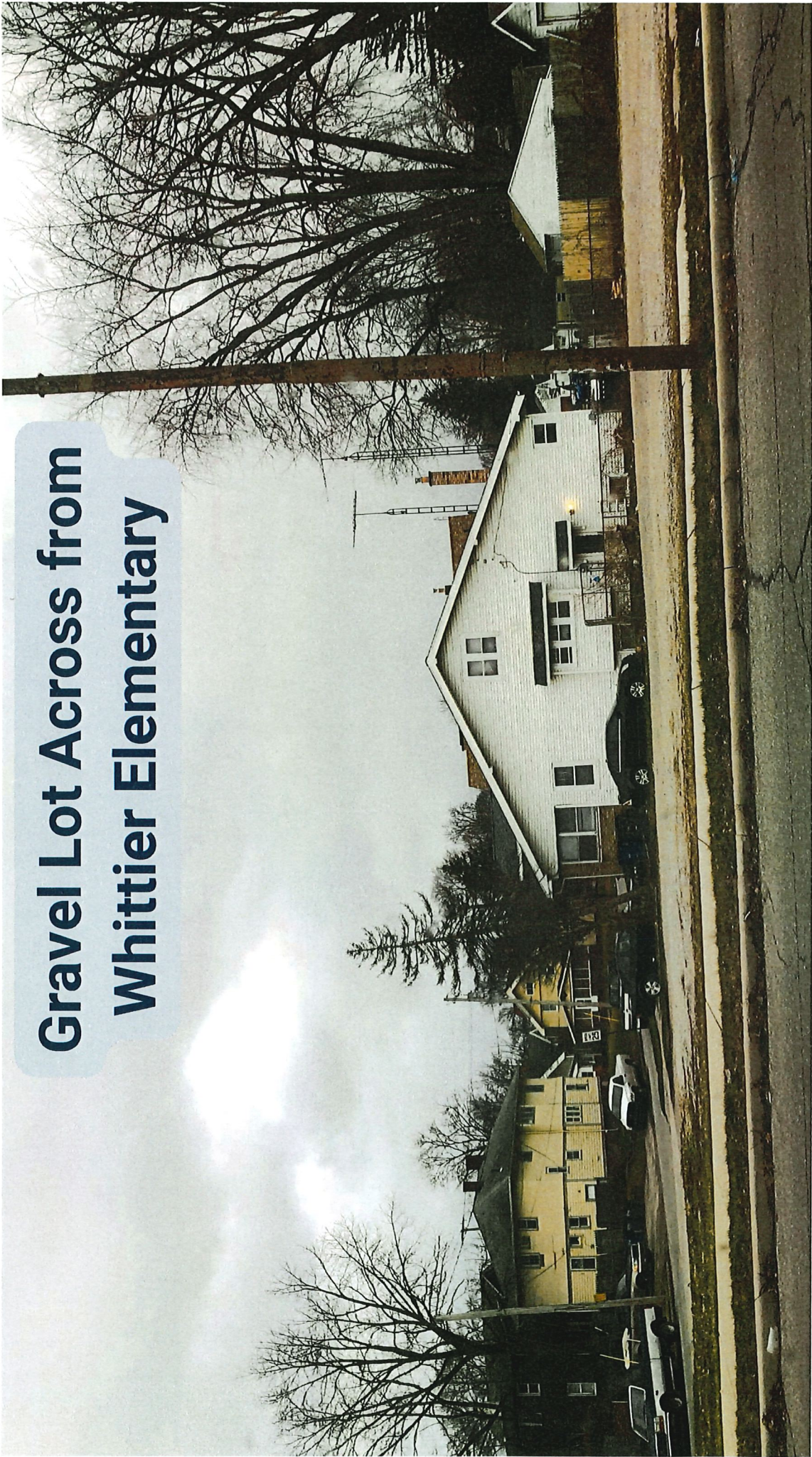


**4401 Lewis Ave.**



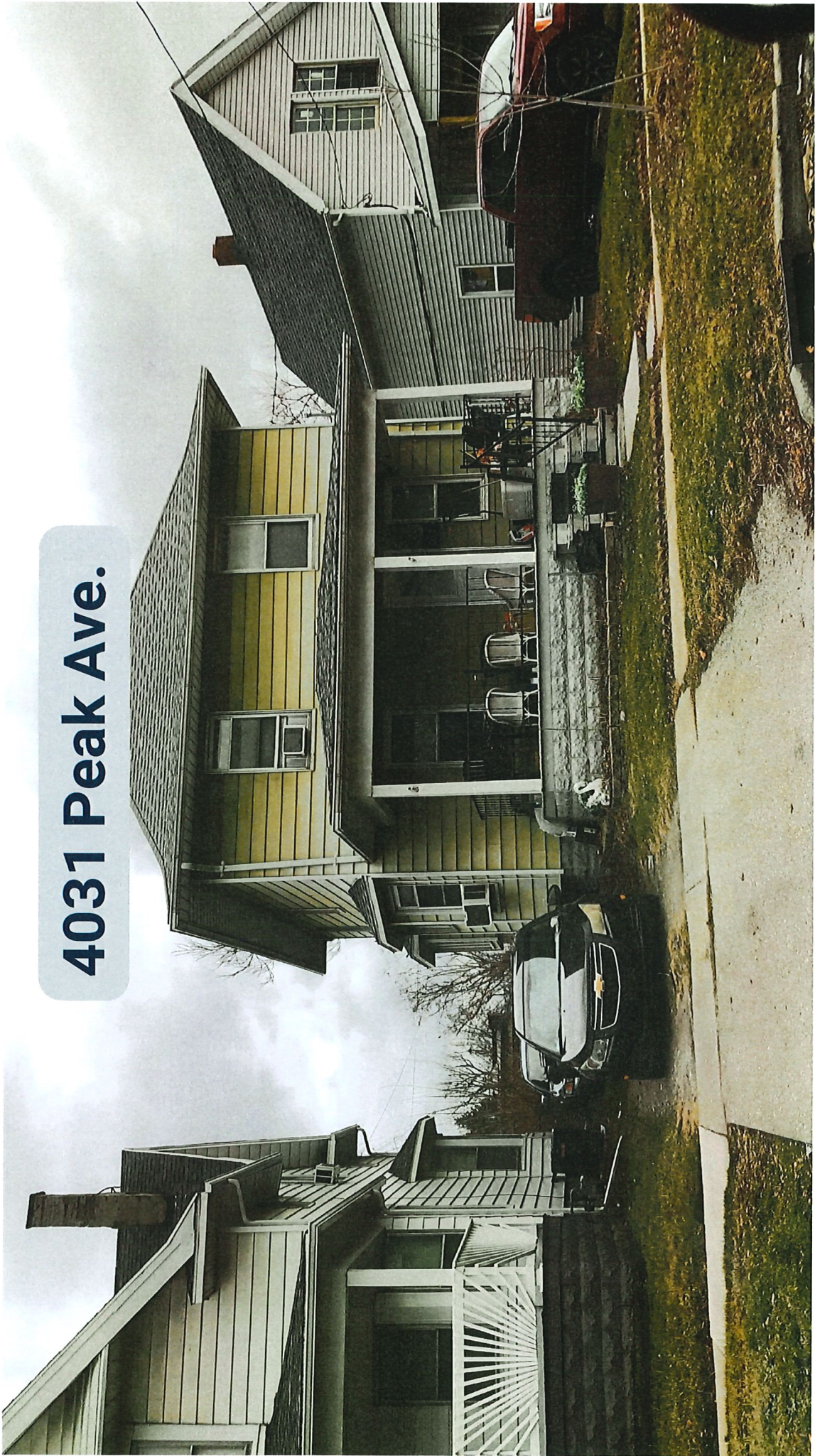


# Gravel Lot Across from Whittier Elementary





4031 Peak Ave.

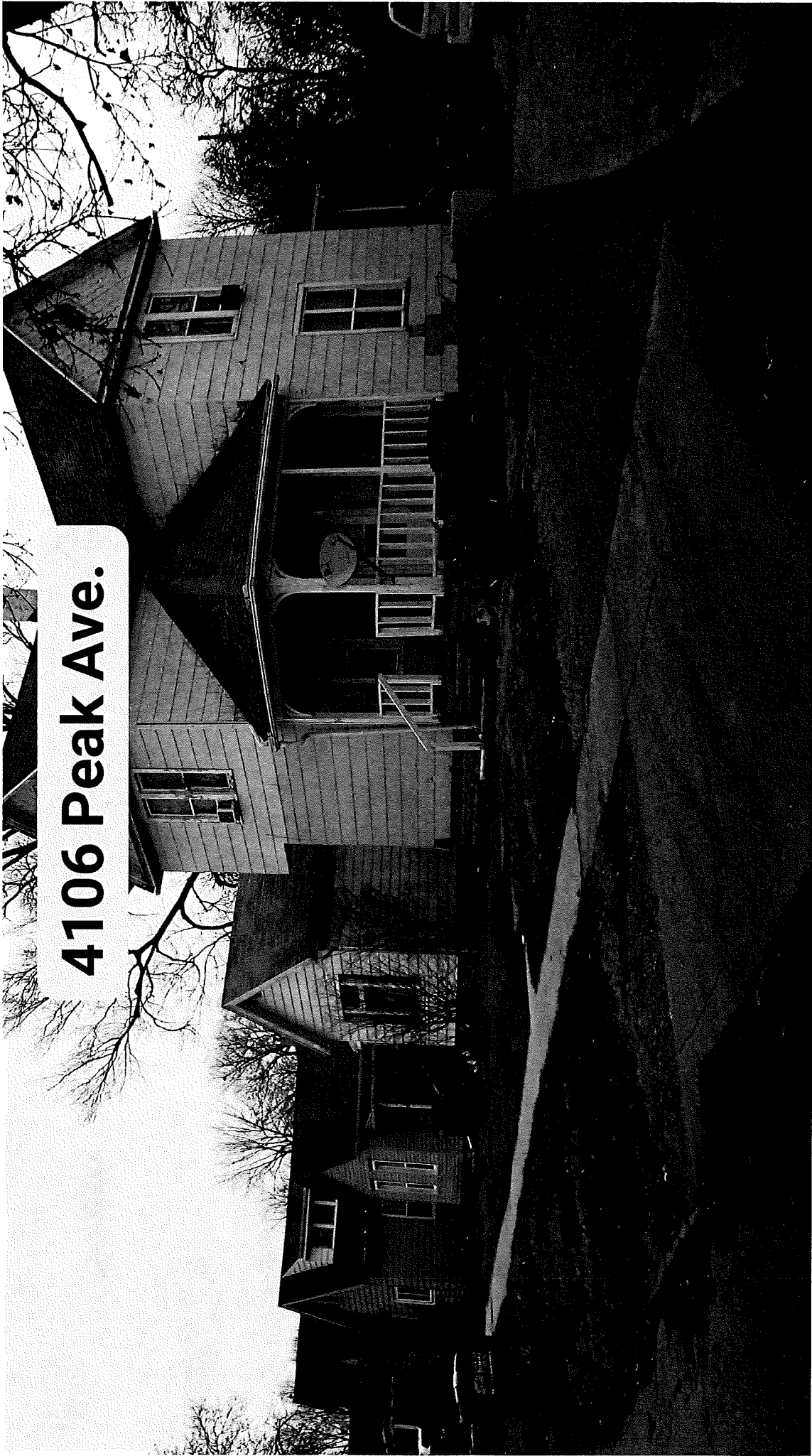




4037-4039 Peak Ave.







**4106 Peak Ave.**



4124 Peak Ave.

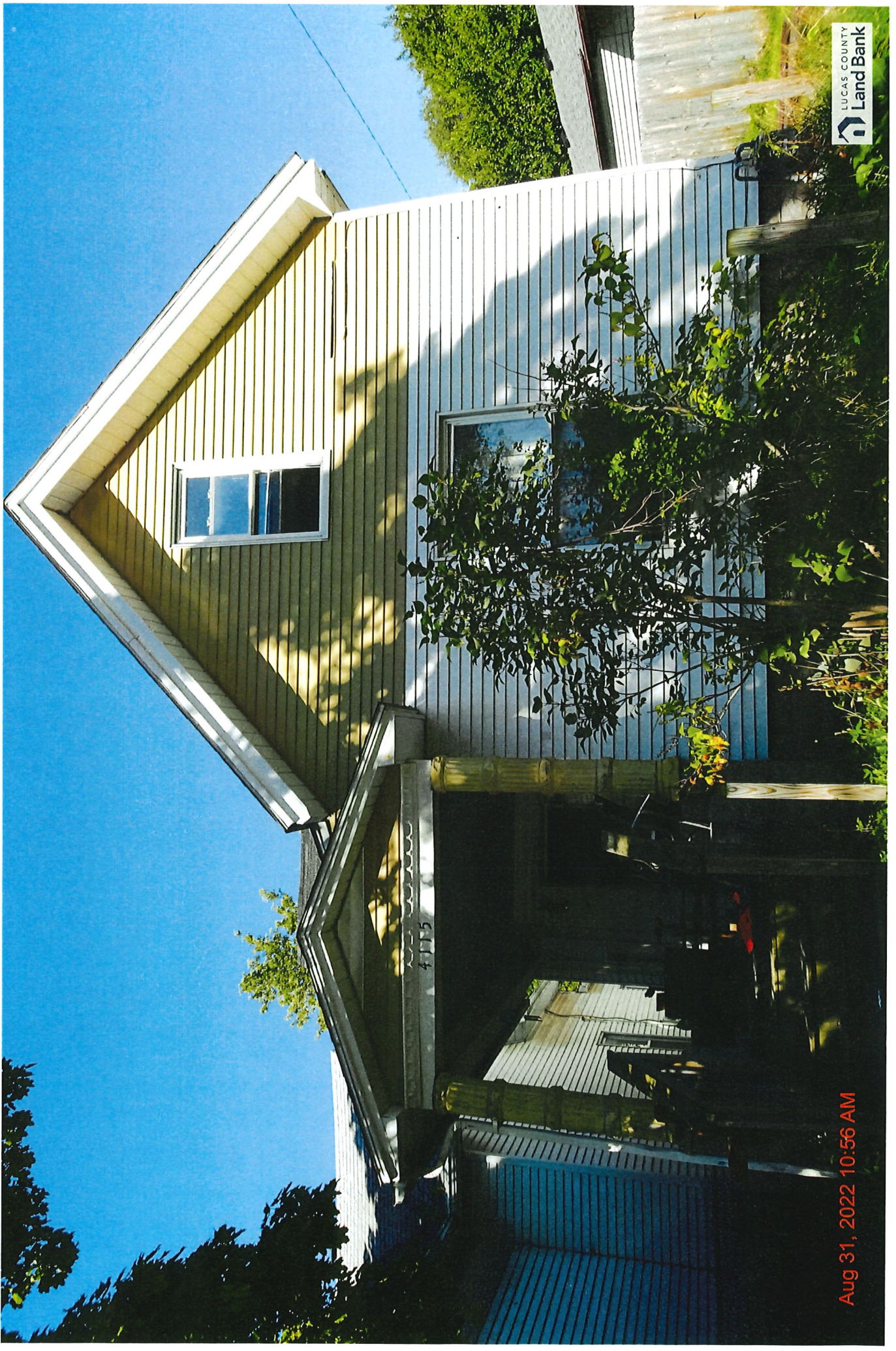


**EXHIBIT B**



Aug 31, 2022 10:56 AM

1-19





Aug 31, 2022 10:56 AM

one







Aug 31, 2022 10:56 AM

1-21



**EXHIBIT C**



7-9-14 S.W. 1/4

2-119

10  
WHITE

DEVYDEN

DRIVE

2-240

2-195

2-193

2-189

3-11

S.P. 3127  
SCHOOL LOT

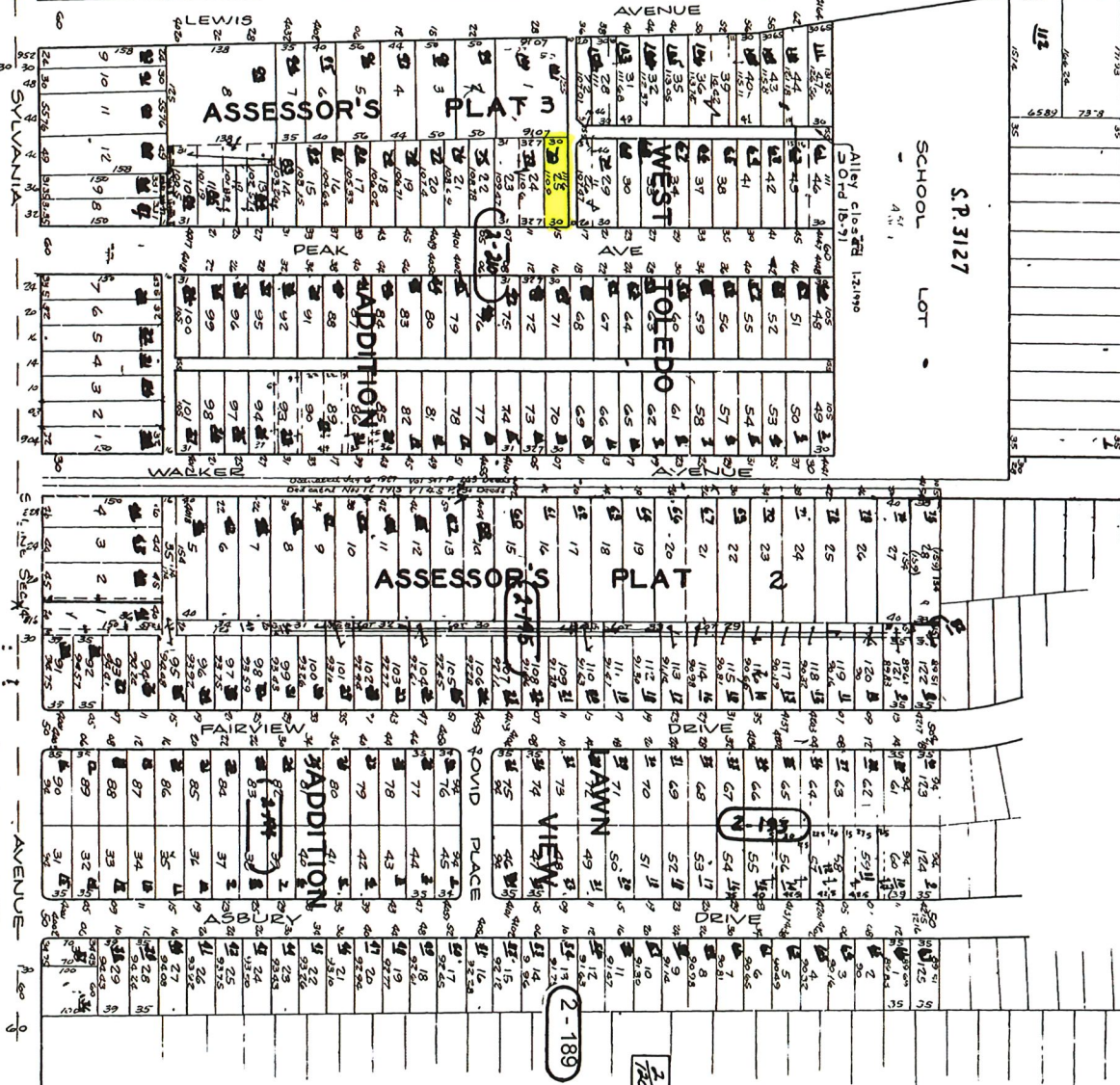
Alley closed 12.1.1990

3-12

1/8

W LINE SEC. 14

3-14



2-211

2-188

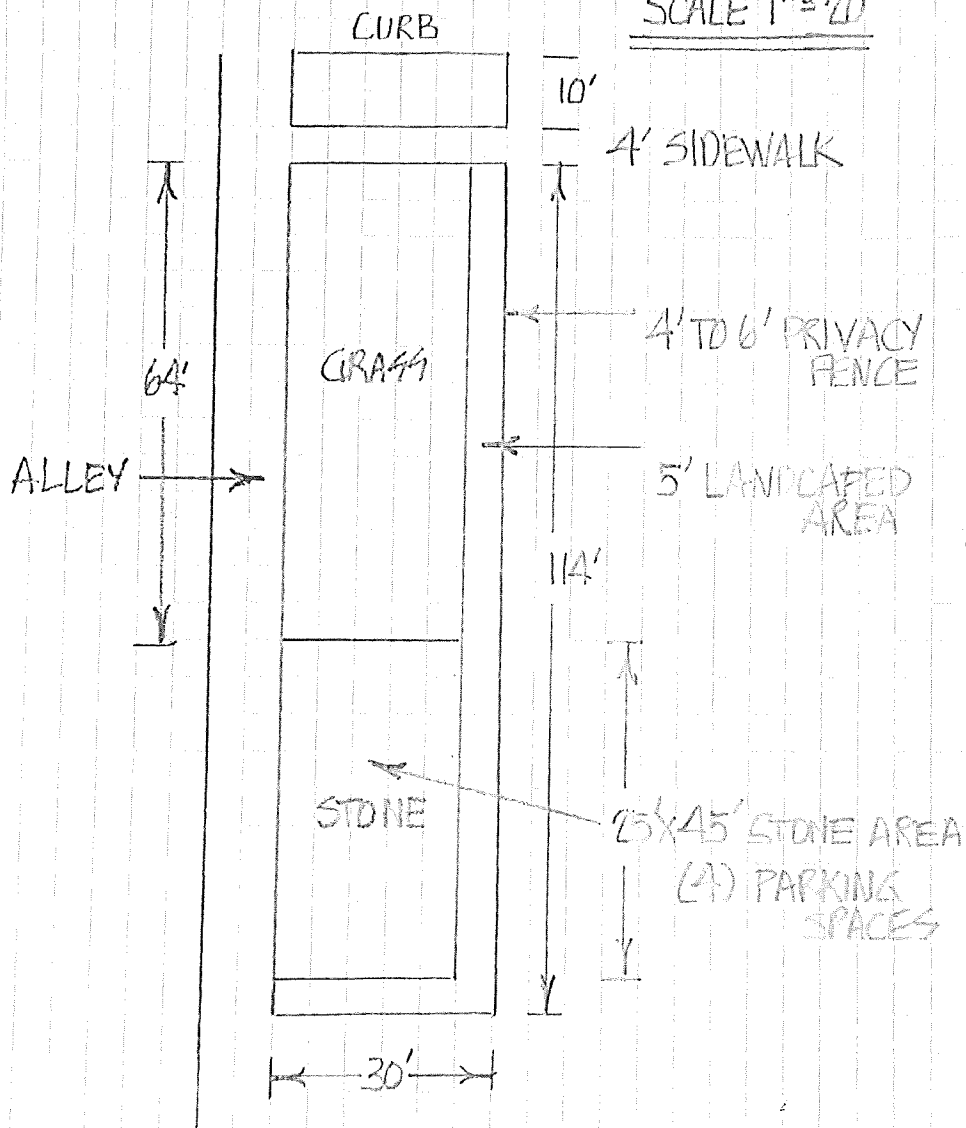
2-189

1-23



4115 PEAK ST.  
TOLEDO OHIO 43612

SCALE 1" = 20'



4113 Peak Ave.

4130 Lewis Ave.



**EXHIBIT D**

**Legal Description of Property**

**Lot number twenty-five (25) in West Toledo Addition in the City of Toledo, Lucas County, Ohio.**

**Known by the following addresses: 4115 Peak Avenue, Toledo, Ohio 43612**

**Parcel Number: 16-15727**

1-25