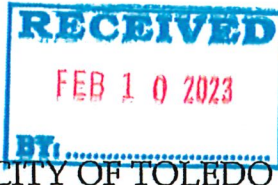


toledo.bi@toledo.oh.gov



CASE # BZAZ3-0004

**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 1108 N Highland/Sylvania Rd. Zoning District CR Date 2-9-23

Legal Description See attachments

Applicant's Name (print) Jeffrey M. Stopar

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

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

TMC § 1107.2000 Sight Distance Setback

Applicant Signature [Signature] Phone (419) 517-7377

Applicant's Street Address 7255 Crossleigh Ct, STE 104 Fax 419-517-7378

Applicant's City, State, Zip Toledo, OH 43617 E-Mail Stopar@semrohenry.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 X Letter X Proper Site Plan X SWO \_\_\_\_\_

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

Code Enforcement notified if orders are being appealed. X Permit Tech's Initials [Signature] Date 2/13/23

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Staff Recommendation DIVISION OF TRAFFIC MANAGEMENT DOES NOT RECOMMEND APPROVAL OF THIS KIND OF LANDSCAPING IN THE LOCATION SHOWN,

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

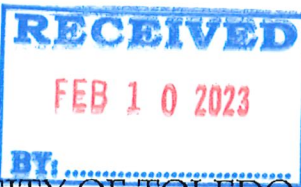
P: Inspection, BZA

3/15/2022 kjr

MOONGLOW JUNIPERS CAN REACH A WIDTH OF 8 FT. OR MORE WHEN MATURE AND WOULD START TO IMPEDE SIDEWALK PEDESTRIAN TRAFFIC, EXISTING ARBOVITE ALREADY CAUSES A LINE OF SITE ISSUE FOR THE EXISTING PROPERTY OWNER WHEN LEAVING AND SAME FOR THE PROPERTY OWNER TO THE NORTH.

arvon Galambos 2-13-23

2-1

CASE # BZA23-0004

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 1108 N Holland-Sylvania Rd. Zoning District CR Date 2-9-23Legal Description See attachmentsApplicant's Name (print) Jeffrey M. StoparAppeal (Dept. of Inspection ruling - Title Nine Sign Code) \_\_\_\_\_ Hardship Variance X

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

TMC § 1107.2000 Sight Distance SetbackApplicant Signature [Signature] Phone (419) 517-7377Applicant's Street Address 7255 Crossleigh Ct, STE 104 Fax 419-517-7378Applicant's City, State, Zip Toledo, OH 43617 E-Mail Stopar@semrohenry.com

## Applications must be accompanied with:

1. 3 photos - showing different views of the site
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+++++ OFFICE USE +++++

Permit Tech Checklist: Application complete X Photos X Letter X Proper Site Plan X SWO \_\_\_\_\_Copy Zoning Map X <http://local.live.com/> Transportation notified to check site distance hazard XCode Enforcement notified if orders are being appealed. X Permit Tech's Initials [Signature] Date 2/13/23

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Staff Recommendation \_\_\_\_\_

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

P:, Inspection, BZA

3/15/2022 kjr

2-2

HEARING DATE: March 20, 2023

BZA NO: BZA23-0004

APPLICANT: Jeffrey Stopar

SITE LOCATION: 1108 N Holland Sylvania

ZONING DISTRICT: CR

SWO or NOL Issued: N/A

ANALYSIS: Applicant requests variance from TMC 1107.2000 to maintain foliage within the minimum front sight distance setback as installed 5ft from the sidewalk.

STAFF COMMENTS: N/A

**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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2-3



Board of Zoning Appeals  
One Government Center, STE 1600  
Toledo, Ohio 43604


Re: Zoning Variance Application - Hardship Letter  
For Parcel No. 20-17261

Dear Board Members,

During March 2022, Mr. Besesio, owner of the above cited parcel, decided that he wanted to plant various trees along his property to provide some privacy. He went to One Government Center to see what, if any, approvals, were required. He was told that he did not need a permit to plant the trees, but it was suggested that he go to the planning department. He met with Mathew Lascheid at the regional planning department and had a meeting with him about the trees, and Mr. Lascheid provided assistance and insight on how and where the trees should be planted. Thereafter, after considering the matter, Mr. Besesio sent Mr. Lascheid the proposed plan, which Mr. Lascheid impliedly approved. See attached a copy of the March 18, 2022, email exchange between Mr. Besesio and Mr. Lascheid.

Based on the fact that he did not need a permit and that he received direct and express assistance from the Toledo Lucas County Plan Commission in deciding where and which trees to plant, Mr. Besesio proceeded to plant the trees. Now, criminal charges have been filed, so a variance is required so that he can keep the trees where they are located.

Respectfully,



Jeffrey M. Stopar, Attorney  
for Mohd Beseiso

JMS/hmd  
Enclosures

4887-4016-8272, v. 1





North  
Side

↗ S

25





North  
Side

2-18









South  
Side

↑  
N

8-4





South Side

29



①

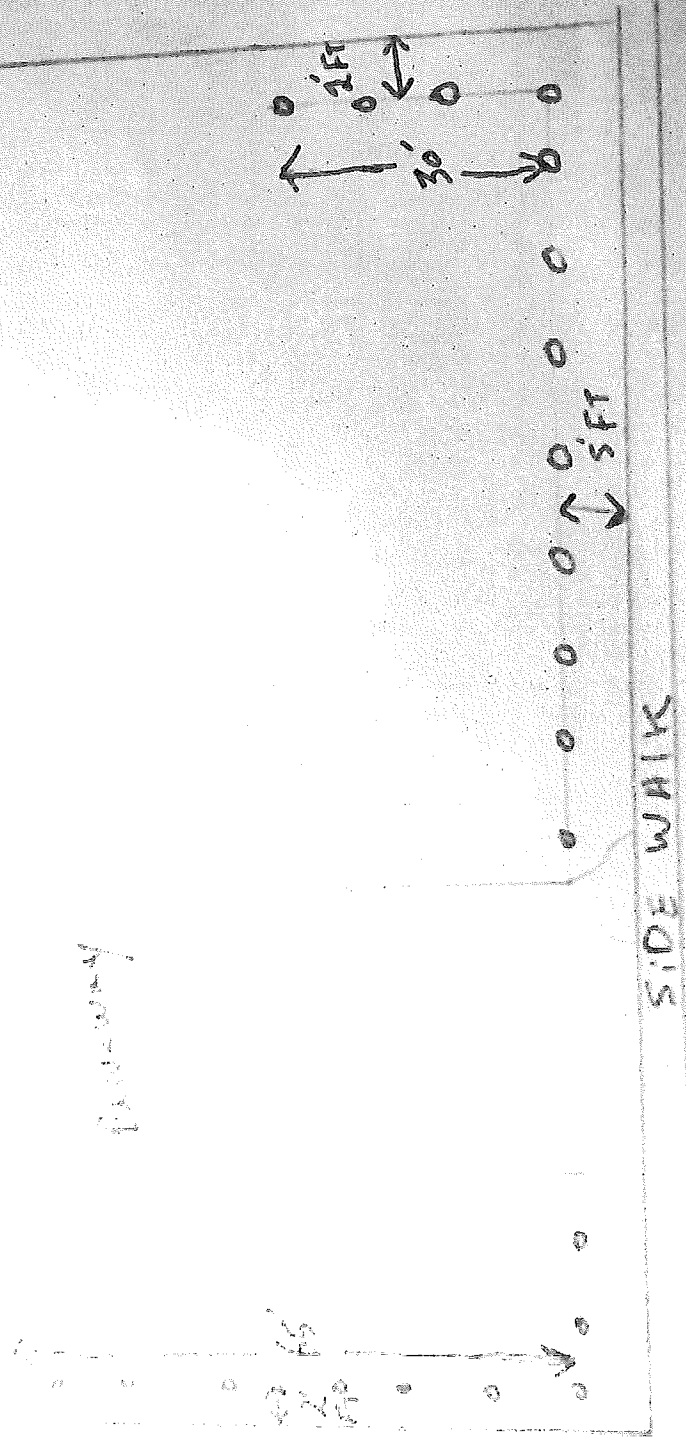
From: Suleiman Beseiso <[suleimanbeseiso@gmail.com](mailto:suleimanbeseiso@gmail.com)>  
Sent: Friday, March 18, 2022 1:04 PM  
To: Lascheid, Matthew <[Matthew.Lascheid@toledo.oh.gov](mailto:Matthew.Lascheid@toledo.oh.gov)>  
Cc: Saad <[sbeseiso@hotmail.com](mailto:sbeseiso@hotmail.com)>  
Subject: 1108 N Holland Sylvania Landscape

Matt; please find attached a simple Drawing showing the proposed Landcape for your approval before we go ahead with the job and weather you might have any comments or suggestions Your timely response is greatly appropriated as we are planing doing the work no later than Monday if that's possible

2-10



Building



0 Trees 3 Feet apart (5' away from side walk) (2' away from property line on both sides)  
 Approximate number of trees 20-30

On Mar 18, 2022, at 1:23 PM, Lascheid, Matthew

<[Matthew.Lascheid@toledo.oh.gov](mailto:Matthew.Lascheid@toledo.oh.gov)> wrote:

3

Good afternoon,

Thank you for sharing the proposed landscape plan. I would recommend using a couple different species of evergreen trees to add visual variety and improve the appearance of the property. Using a combination of Arborvitae, Blue Point

Junipers, Moonglow Junipers, and other evergreen trees at slightly varied distances from the sidewalk and distances from one another will make the site look more natural and less like a "wall." Having slightly greater gaps between the trees will also make the site look more natural, allow more visibility and sunlight, and will help the trees to grow to full maturity.

I appreciate you reaching out, feel free to share any proposed changes.

Matt Lascheid

City Planner

Toledo-Lucas County Plan Commissions

[matthew.lascheid@toledo.oh.gov](mailto:matthew.lascheid@toledo.oh.gov)

office 419-245-1201

One Government Center, Suite 1620

Toledo, OH 43604

2-18

From: Suleiman Beseiso

suleimanbeseiso@gmail.com

4

Subject: Re: 1108 N Holland Sylvania Landscape

Date: Mar 18, 2022 at 2:03:19 PM

To: Suleiman Beseiso

suleimanbeseiso@gmail.com

Cc: Lascheid, Matthew

Matthew.Lascheid@toledo.oh.gov, Saad

sbeseiso@hotmail.com

Matt; how about with the different kind of trees to add some Tall ornamental grass all with different distances from the sidewalks (3 to 5 feet)

Sent from my iPhone

On Mar 18, 2022, at 1:50 PM, Suleiman Beseiso

<[suleimanbeseiso@gmail.com](mailto:suleimanbeseiso@gmail.com)> wrote:

Thank you Matt for your quick response and suggestion I agree with your direction and thoughts on this as using different kinds of trees will make look more appealing and natural I will share your suggestions with Landcape guy

Should I send you another drawing with the names of the other trees we are planing to use?

Thanks

2-B



From: Suleiman Beseiso

suleimanbeseiso@gmail.com

Subject: Re: 1108 N Holland sylvania

Date: Mar 18, 2022 at 4:51:06 PM

To: Lascheid, Matthew

Matthew.Lascheid@toledo.oh.gov

Cc: Saad sbeseiso@hotmail.com

5

Thanks for your time Matt I think we will proceed as the last plan.... I will send you a picture after we are done thanks again for your help and assistance

Sent from my iPhone

On Mar 18, 2022, at 4:16 PM, Lascheid, Matthew  
<[Matthew.Lascheid@toledo.oh.gov](mailto:Matthew.Lascheid@toledo.oh.gov)> wrote:

Looks great, thank you for sharing!

Matt Lascheid

City Planner

Toledo-Lucas County Plan Commissions

[matthew.lascheid@toledo.oh.gov](mailto:matthew.lascheid@toledo.oh.gov)

office [419-245-1201](tel:419-245-1201)

One Government Center, Suite 1620

Toledo, OH 43604

2-14

From: Suleiman Beseiso

suleimanbeseiso@gmail.com

Subject: 1108 N Holland sylvania

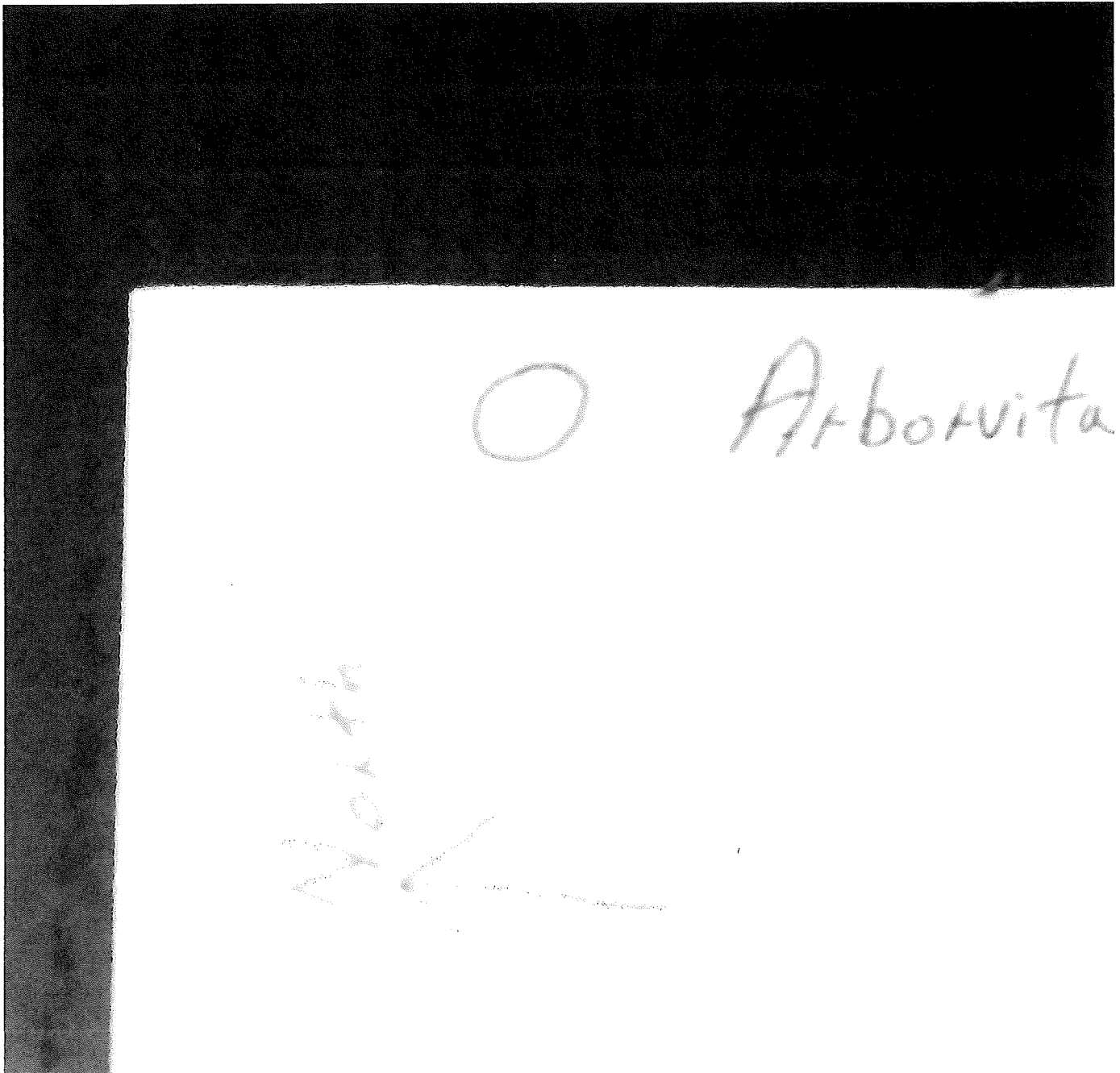
Date: Mar 18, 2022 at 4:09:03 PM

To: Saad sbeseiso@hotmail.com,

matthew.lascheid@toledo.oh.gov

6

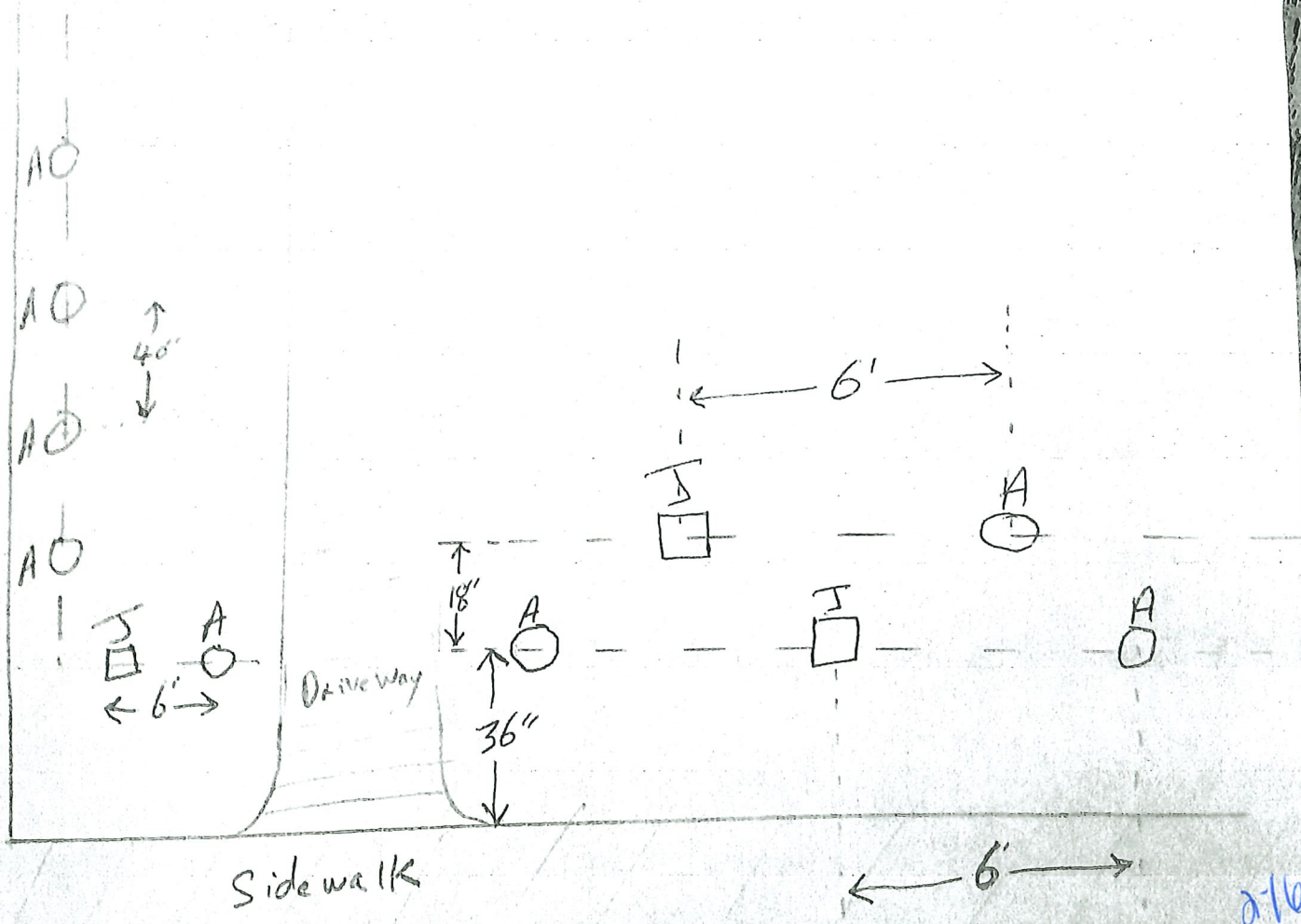
Matt, as you can see we split the front in two different distances from the sidewalk with a combination of c  
We kept the north and south sides the same as before as it's much smaller distance and not noticed much



○ Arborvitae.    □ Blue Moonglow Junipers

7

North  
←



2/16



04/18/2013  
TRANSFERRED BY: JR. \$0.50  
IN COMPLIANCE WITH SEC. 319.202 R.C.  
ANITA LOPEZ, AUDITOR  
LUCAS COUNTY, OHIO  
FEE: \$372.00 EX: MULTI:  
PARCEL: 20-17261 COUNT: 1  
TRANS. #: 13-102526

20130418-0020062  
Pages: 2 Fee: \$28.00  
04/18/2013 12:13:19 PM  
T20130016005  
Phil Copeland  
Lucas County Recorder DEED

### GENERAL WARRANTY DEED

**Sanwalk, Ltd.**, an Ohio limited liability company, of Lucas County, State of Ohio, for valuable consideration paid, grants with general warranty covenants to **Mohd K. Beseiso**, a married man, whose tax mailing address is 2405 St. James Wood Blvd., Toledo, OH 43617, all of its interest in the following described real property:

See Exhibit A hereto and made a part hereof.

Commonly known as 1108 North Holland-Sylvania Road, Toledo, OH 43615  
Parcel No. 20-17261

Subject to: Legal highways, governmental ordinances, zoning ordinances, easements, reservations, agreements, conditions and restrictions of record and taxes and assessments due and payable after delivery of this Deed

Prior instrument reference: Lucas County Deed Records 02-0568-E10

Executed this 17 day of April, 2013.

**Sanwalk, Ltd.**

By: Rosemary Sanders Trustee  
Rosemary Sanders, Trustee under The Edward W. Sanders, Jr. and Rosemary E. Sanders AB Living Trust, Sole Member

STATE OF OHIO )  
 ) ss:  
COUNTY OF LUCAS )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of April, 2013, by Rosemary Sanders, Trustee under The Edward W. Sanders, Jr. and Rosemary E. Sanders AB Living Trust, as Sole Member of Sanwalk, Ltd., an Ohio limited liability company, on behalf of said company.

This Instrument Prepared by  
Jon B. Liebenthal, Esq.  
Eastman & Smith Ltd.  
P.O. Box 10032  
Toledo, OH 43699-0032



Kellie M. Wheeler  
Notary Public

KELLIE M. WHEELER  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 04-20-2013

Midland  
134701


2-17

**Exhibit "A"**

1108 North Holland-Sylvania Road  
Toledo, Ohio

The south one hundred fifteen (115) feet of the north seven hundred seventy-five (775) feet of the east two hundred (200) feet of the west two hundred thirty (230) feet of that part of the west one-half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of Section two (2), Town two (2) in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, lying east of the center line of the Holland-Sylvania Road.

Parcel No. 20-17261







2-19







### **1107.2000 Sight Distance Setback**

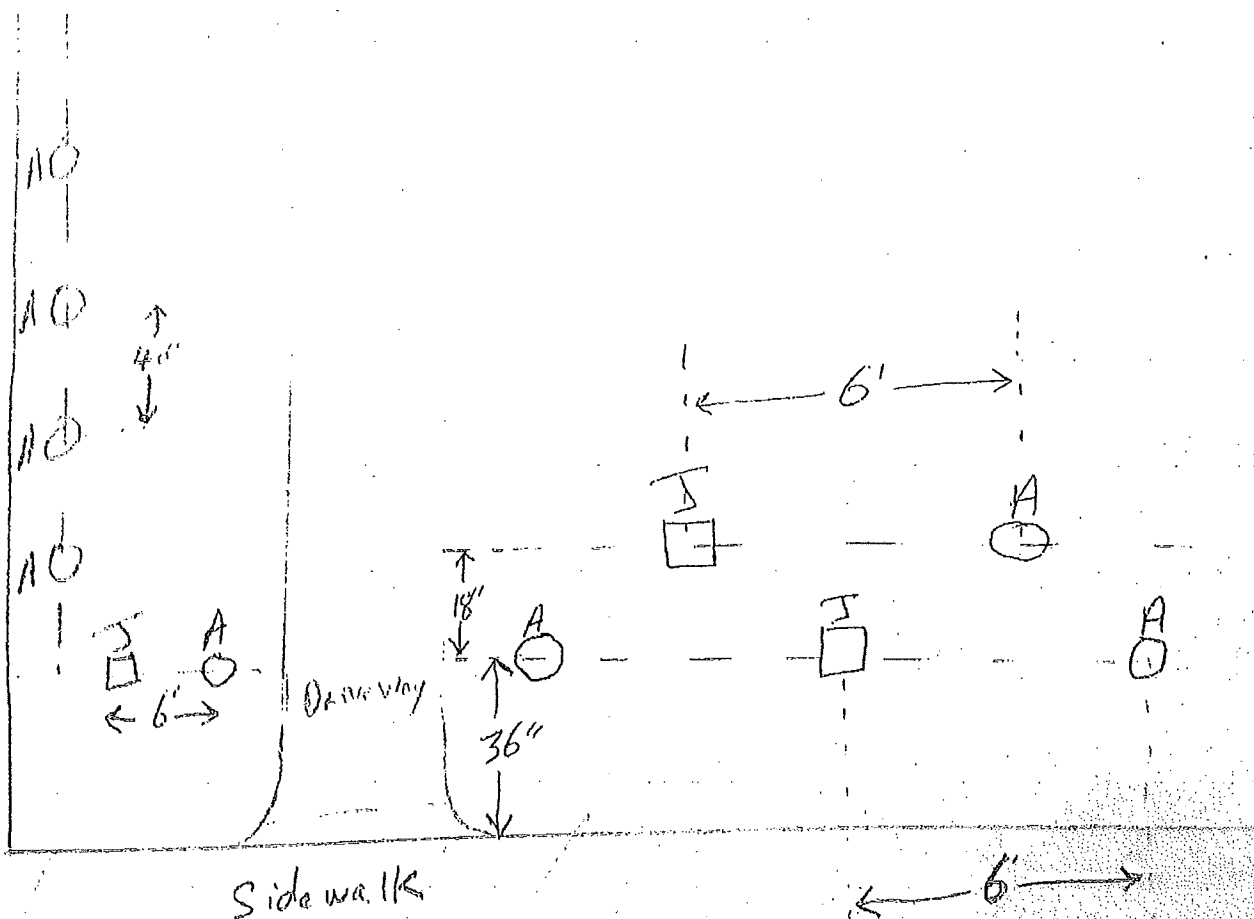
No fence, sign structure or planting which obstructs visibility between 42 inches and 84 inches above grade shall be maintained within 23 feet of the curb or pavement edge of any street.

(The trees are setback approximately 12 feet from curb)



○ Arborvitae, □ Blue Moonglow Junipers

7





From: Suleiman Beseiso <[suleimanbeseiso@gmail.com](mailto:suleimanbeseiso@gmail.com)>

Date: March 18, 2022 at 1:03:42 PM EDT

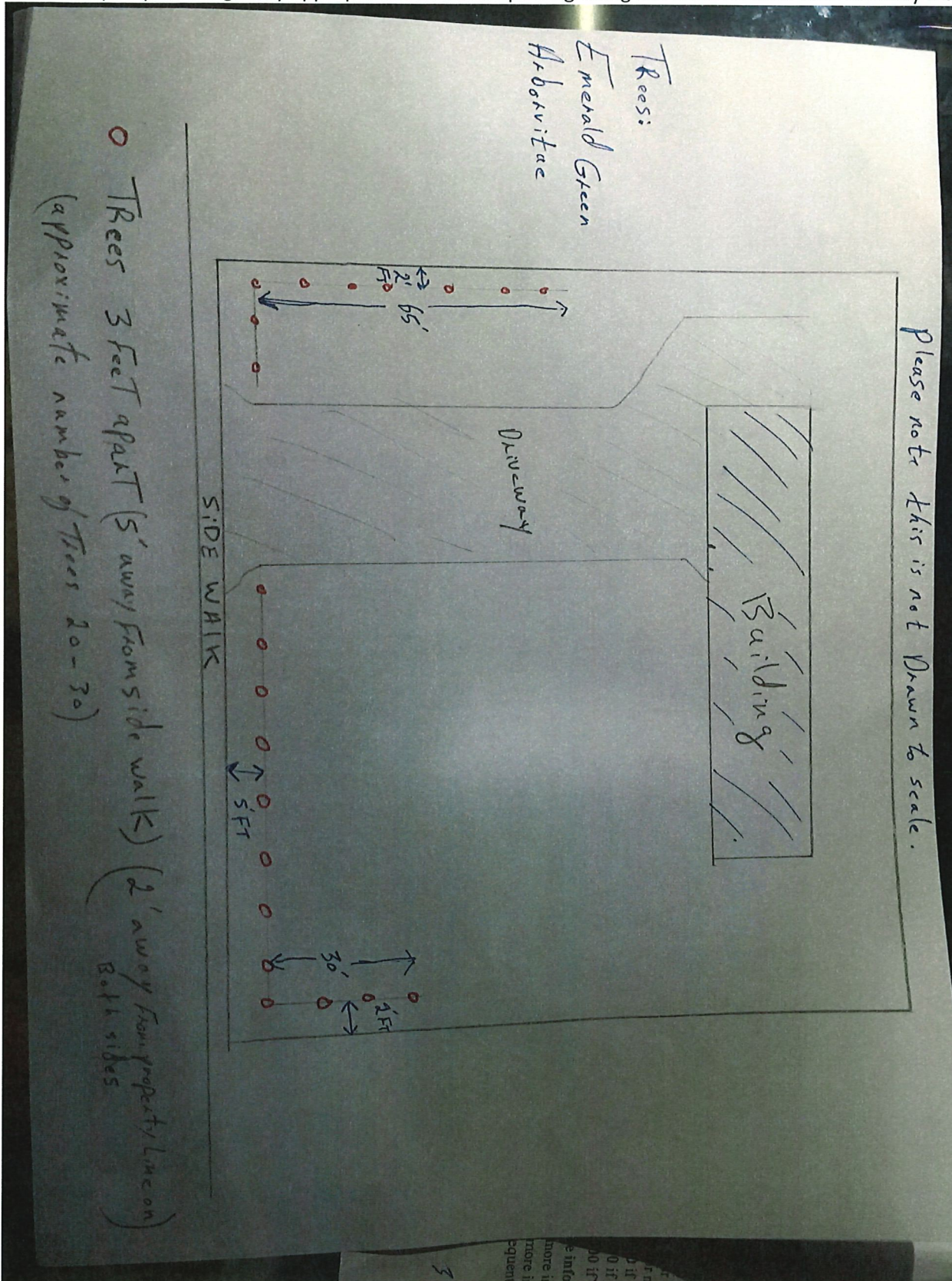
To: [matthew.lascheid@toledo.oh.gov](mailto:matthew.lascheid@toledo.oh.gov)

Cc: Saad <[sbeseiso@hotmail.com](mailto:sbeseiso@hotmail.com)>

Subject: 1108 N Holland Sylvania Landscape

Matt; please find attached a simple Drawing showing the proposed Landscape for your approval before we go ahead with the job and weather you might have any comments or suggestions

Your timely response is greatly appreciated as we are planing doing the work no later than Monday if that's possible





## ATTENDANCE

A                      A    A

A A

## City of Toledo - Administrative Board of Zoning Appeals

[illegible]

2-25