



BOARD OF ZONING APPEALS

August 17, 2020

City of Toledo



ADMINISTRATIVE BOARD OF ZONING APPEALS (BZA)

Monday August 17, 2020 - 10:00 a.m. City Council Chambers, First Floor Government Center

BZA BOARD APPROVAL CASE ORDER

DOCKET#	CASE NO	ADDRESS
1	20-10	2303 BROOKFORD DR
2	20-11	2210 ROBINWOOD AVE

MEETING: A

August 17, 2020 10:00 A.M. CITY COUNCIL CHAMBERS
1st Floor
GOVERNMENT CENTER

Agenda

BOARD MEMBERS
STEPHEN SERCHUK- CHAIRMAN
FANNY FFIER
ROBERT PASKER
MARY GLOWACKI
PAUL RASMUSSON
JAMES MOSSING-VICE CHAIRMAN
DOUG LALONDE - SECRETARY
KEN FISCHER - COMMISSIONER
MATI CHERRY

ATTENDANCE

City of Toledo - Administrative Board of Zoning Appeals

BOARD					
STAFF COMMENTS	Letters are 14" over the max 10" height allowed. Signage will face Anthony Wayne trail.	I. Fence is 6" over max height allowed within the front yard setback. 2. The Old West End has approved the new request.			
Zoning	RS9	RD6			
WAIVER REQUEST	Applicant requests variance from TMC 1387.02(3) to install 24" high letters on the fence on the face of the building within a residential district.	Applicant requests variance from TMC 1105.0301 (A) to install a 4' high fence within the front yard setback along Scottwood frontage.			
Applicant Name		Matthew & Laura Mishler		B	
Waiver Bldg#	2303 Brookford Dr Toledo, OH 43609	2210 Robinwood Ave Toledo, OH 43620			
CASE	UP12	20-11			
HEARING DATE	August 17, 2020	August 17, 2020			
BZA#	BZA20-0014	BZA20-0015			
Case	-	2			



P/Inspection/Forms: BZA application form



CITY OF TOLEDO

CASE # 20 - 10

Rev. 10-11-13. CJZ

Department of Inspection Division of Building Inspection

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

APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA) TMC Chapter 1112.0200

	Zoning District RS9	
Legal Description River Tract 16 W 590, 56 Pt on White	Pt N & Eof Anthony Wayne Trail	EXCN45H Also PH C
Applicant's Name (print) BRIAN HEIL / TOL	EDO SIGN CO. Burnley	woods +Ads (See)
Appeal. (Dept. of Inspection ruling – Title Nine Sign Code) Hards	ship VarianceException	Appeal decision
TMC § 1387.02(3) FASCIA SIGN L		
	Phone 419 244-	
Applicant's Street Address 2021 April 57.	Fax <u>419 244-6</u> E-Mail <u>Brianc</u> [6546
Applicant's City, State, Zip 101500, DH 43604	E-Mail BRIANC	OLEDOSIGN. CON
Applications must be accompanied with:	Applicant:	
 3 photos – showing different views of the site Letter explaining your zoning request with full and accurate Complete, clear site plan – recommended scale 1"=20' on 8 showing dimensions to all lot lines and the size of all structu Fee = \$150. Checks may be made payable to "City of Tole" 	You should receive the staff recomme Wednesday preceives on the premises.	eive a written notice of ndation no later than ding the hearing date. 245-1220 if you do not
Return the application documents by mail to: Division of Building or in person with the application documents and fee. Applications are allow proper notification of neighbors. Meetings are typically held the to One Government Center, Toledo, OH 43604. The applicant or the appli	due at least 30 days before the Board of Zon third Monday of every month at 1:30 p.m. in licant's representative must be present.	ing Appeals' meeting to City Council Chambers,
++++++++++++++++++++++++++++++++++++++		
Permit Tech Checklist: Application complete Photos	Letter Proper Site Plan	SWO
Copy Zoning Maphttp://local.live.com/	Transportation notified to check site distance	ce hazard
Code Enforcement notified if orders are being appealed	Permit Tech's Initials Da	ite
Reviewed by Date Staff Recommendation		
Board Decision	Data	==

CASE NO:	20-10
APPLICANT:	Brian Heil/Toledo Sign Co.
SITE LOCATION:	2303 Brookford Dr
ZONING DISTRICT:	RS9
SWO or NOL Issued:	SWO
ANALYSIS:	Applicant requests variance from TMC 1387.02(3) to install 24" high letters on the fence on the face of the building within a residential district.
STAFF COMMENTS:	1. Letters are 14" over the max 10" height allowed. 2. Signage will face A.W. trail.
BOARD ACTION:	
MOTION TO APPROVE/D	LEFT 1 ST/2ND
Paul Rasmusson	
Mary Glowacki	
Matt Cherry	
Fanny Effler	
Robert Pasker	
Jim Mossing	
Steve Serchuk	
VOTING RESULTS	S:
APPROVED	DISAPPROVED DEFERRED WITHDRAWN
CONDITIONS OF APPR	OVAL:

HEARING DATE:

August 17, 2020

July 17, 2020

Administrative Board of Zoning Appeals One Government Center Toledo OH 43604

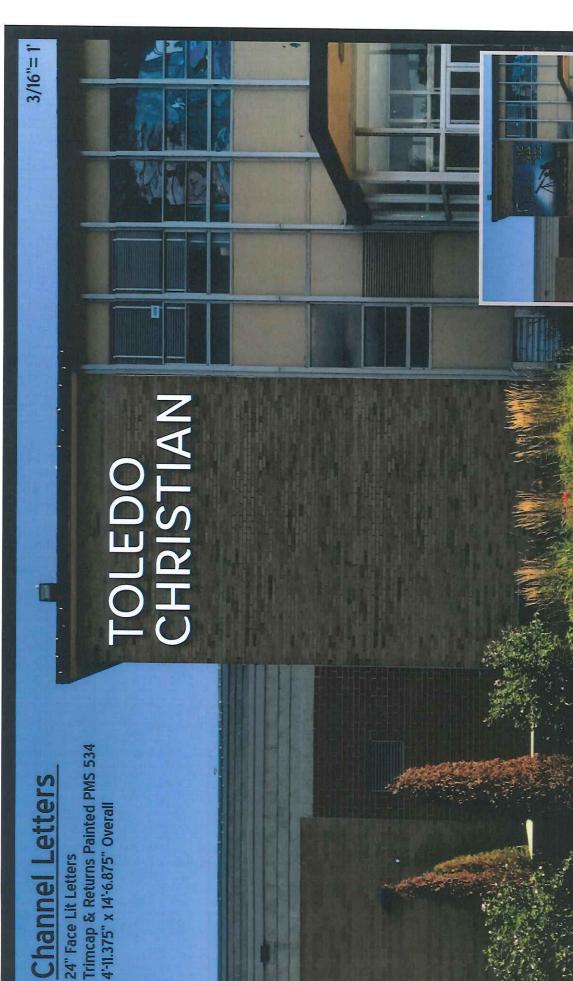
Dear Board Members,

Toledo Christian Schools is looking to replace the existing main identification sign. The existing sign totals 192 square feet. They would like to replace it with a set of lighted channel letters which would only total 51.2 square feet.

We feel the proposed sign is aesthetically pleasing and be an asset to the school as well as the surrounding area. It would also reduce the amount of signage by 141 square feet. Therefore we are hoping the board will grant this variance.

Brian Heil Vice President Toledo Sign Co

- 3



White

HERE ARE REPRESENTATIVE AND MAY DIFFER FROM THE FINISHED PRODUCT, TSC © 2013

PAGE: 2 OF 2 DATE: 09/18/2019

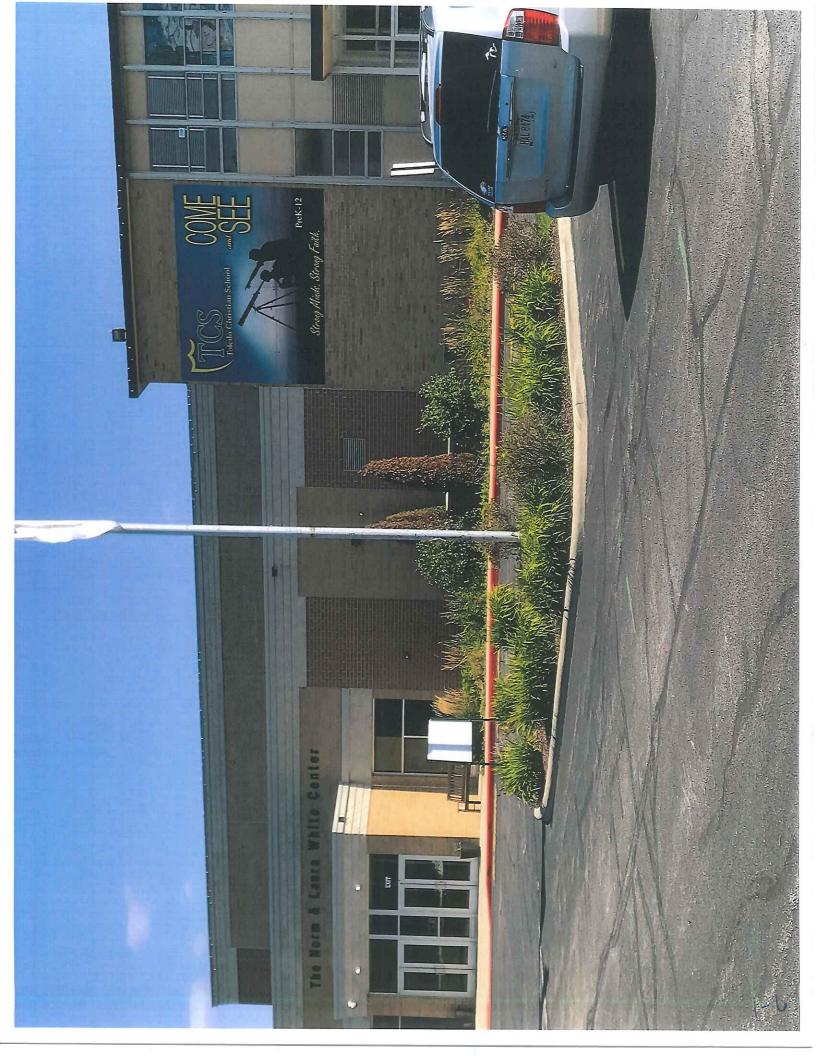
ID#: 028749- Ch Letters & Main Entrance

2303 Brookford Dr. Toledo Christian

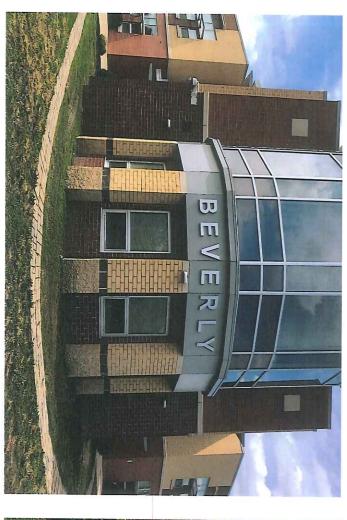
Brian J. Heil

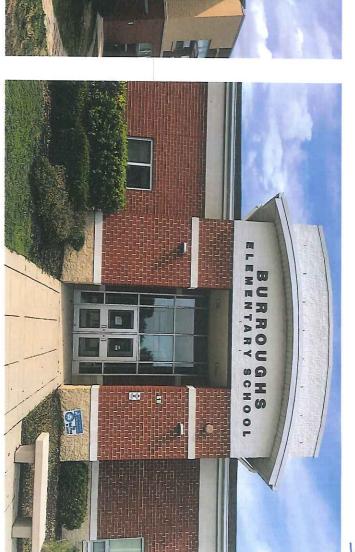
APPROVED BY:

PRINT



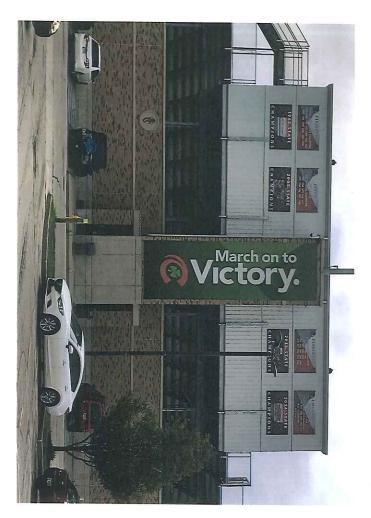










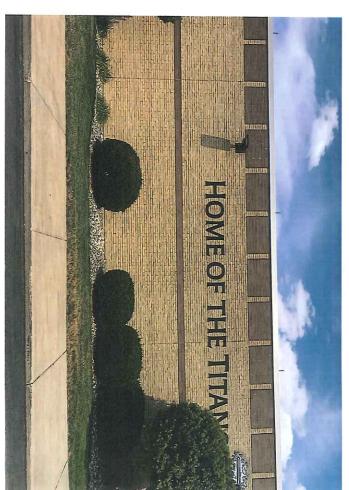




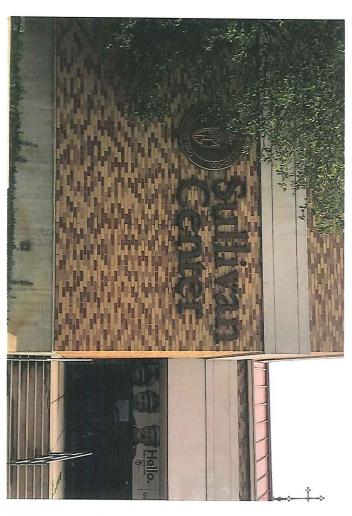


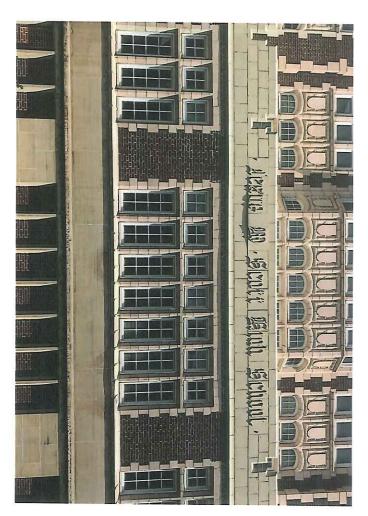




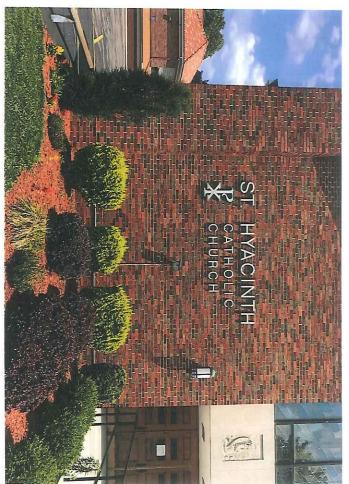












Print

Toledo Municipal Code

1387.02. Residential districts.

Within RS12, RS9, RS6, RD6, RM12, RM24, RM36 and RMH Residential Districts, signs are permitted as follows:

- (a) **Area Identification Sign.** Area identification signs are permitted to identify a unique subdivision or development. The sign shall be located only at the intersection of streets of the subdivision with major streets of the City. The sign shall be a part of a wall or fence, decorative in nature. It shall contain only the name of the subdivision or development. No part of the wall or fence within fifty feet of the edge of the pavement shall be of greater height than forty-two inches. The letters of identification on the sign shall be no larger than ten inches in height.
- (b) For permitted non-residential uses (institutions), not more than two of the following three signs are permitted unless the institution is located at the intersection of two major streets whereupon one additional low profile or identification facia sign is permitted:
- (1) **Institutional bulletin board.** One shall be permitted in the front yard but set back no less than twenty feet from property line with an area of no more than thirty-two square feet per sign face. Maximum height of sign shall be six feet.
- (2) Low profile sign. The top of the sign shall be no higher than forty-two inches from grade, with individual letters being no larger than ten inches in height, subject to an exception when the yard grade where the sign is located is more than eighteen inches higher than the street grade. When the yard grade where the sign is located, except for landscape mounds, is more than eighteen inches above street grade and the sign is set back at least twenty-three feet from the curb, or edge of pavement on an uncurbed street, then the height of the top of the sign may be measured from the yard grade provided the top of the sign shall be no more than sixty inches above street grade. Signs on landscape mounds shall maintain the maximum forty-two inches above street or curb grade to top of sign.
- (3) **Identification facia sign.** The individual letters shall be no larger than ten inches in height.

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

1-12

PARCEL ID: 1874614

MARKET AREA: 4002C

TOLEDO CHRISTIAN SCHOOLSINC

TAX YEAR: 2020

ASSESSOR#: 06022031

ROLL: RP_OH 2303 BROOKFORD DR

STATUS: Active

Summary - General

Tax District TOLEDO CITY - TOLEDO CSD

Class EXEMPT

Land Use 685 : E - CHURCHES ETC PUBLIC WORSHIP

Market Area 4002C - Click here to view map
Zoning Code 10-RS9 - Click here for zoning details

Zoning Description

Water and Sewer

Traffic

Single-Family Residence-9

CITY WATER / CITY SEWER

NO DIRECT OUTLET

Street Type

CONCRETE OR BLACKTOP

Owner TOLEDO CHRISTIAN SCHOOLSINC

Property Address 2303 BROOKFORD DR TOLEDO OH 43609

Mailing Address 2303 BROOKFORD DR TOLEDO OH 43609

Legal Desc. RIVER TRACT 16 W 590.56 FT ON N LINE PT N 1/2 E OF

ANTHONY WAYNE TRAIL EXC N 45 FT ALSO PT LOT 1 BURNLEY

WOOD S & ADJ (SEE 18-74615 FOR TAXABLE

Certified Delinquent Year

Census Tract 45.04

Summary - Most Recent Sale

Prior Owner MC AULEY HIGH SCHOOL

 Sale Amount
 \$1,500,000

 Deed
 88104641

 Sales Date
 22-JUN-88

Summary - Values

	35% Values	100% Values	35% Roll	100% Roll
Land	82,780	236,500	0	0
Building	2,222,540	6,350,100	0	0
Total	2,305,320	6,586,600	0	0

Tax Credits

Homestead Exemption	NO	
Owner Occupied Credit	NO	
CAUV	NO	
Agricultural District	NO	

Exemption Status

Exemption Type EX (600 SERIES)
Exemption Status APPROVED

Printed on Friday, August 07, 2020, at 10:10:08 AM EST



CITY OF TOLEDO

Division of Building Inspection



TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)

One Government Center, Suite 1600 ● Toledo, OH 43604 ● Phone (419) 245-1220 ● Fax (419) 245-1329 ●
Site Location_2210 Robinwood Toledo, OH Zoning District Date 6/25/20
Legal Description Parkwood Place extn. lot 31 a also lots 12 Subs 12 a 3 S80FT Robinwood address
Applicant's Name (print) Mathew & Laura Mishler
Appeal. (Dept. of Inspection ruling – Title Nine Sign Code) Hardship Variance
Exception Appeal decision ADA Accommodation
TMC & 1105.0301 Residential Districts A. Fences or hedges may not exceed 3/2 feet in height in requi
Requesting Variance of 1105.0301 A to allow the install of 48" tall fence in the front yard setback, 6" taller than he
Applicant Signature Fama Musler Phone 419-754-7373
Applicant's Street Address 2210 Robinwood Fax_
Applicant's City, State, Zip Toledo, OH 43620 E-Mail awamishler 6 @ 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. Permit Tech Checklist: Application complete Photos Letter Proper Site Plan SWO Copy Zoning Map SWO Transportation notified to check site distance hazard Code Enforcement notified if orders are being appealed Permit Tech's Initials Date 7 July 200 Reviewed by Date 7 Staff Comments:
Board Decision

HEARING DATE:	August 17, 2020
CASE NO:	20-11
APPLICANT:	Matthew & Laura Mishler
SITE LOCATION:	2210 Robinwood Ave
ZONING DISTRICT:	RD6
SWO or NOL Issued:	N/A
ANALYSIS:	Applicant requests variance from TMC 1105.0301 (A) to install a 4' high fence within the front yard setback along Scottwood frontage.
STAFF COMMENTS:	1. Fence is 6" over max height allowed within the front yard setback. 2. The Old West End has approved the new request.
BOARD ACTION:	
	$ \begin{array}{cccccccccccccccccccccccccccccccccccc$
MOTION TO APPROVE/D	ISAPPROVE:
Paul Rasmusson	
Mary Glowacki	
Matt Cherry	
Fanny Effler	
Robert Pasker	
Jim Mossing	
Steve Serchuk	
VOTING RESULTS	S:
APPROVED	DISAPPROVED DEFERRED WITHDRAWN
CONDITIONS OF APPR	OVAL:
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July 10, 2020

To Whom It May Concern:

We are requesting a zoning variance allowing our back yard fence to be 48 inches rather than 42 inches tall. Our home is on a corner lot so the area we would like the variance for is considered a front yard by the zoning board. We have a COA from the OWE Historic District Commission approving a 6 foot fence that is compliant for fences in the OWE. We would like the BZA to approve the additional height for these reasons:

- We are trying to install an inground pool in our back yard which requires a 4 foot fence to be installed. Without the variance we would need to install a second taller fence around the pool area which would be less attractive than one 48 inch fence around the property.
- 2. A 48 inch fence would provide more security for our yard.

We are not putting a fence up around the house. It will not obstruct the view of the house or the garage. We are asking for the variance to fence in what is our rear yard with the same materials as most yards in this neighborhood.

The Transportation department concluded last year that there are no visibility issues for the intersection with a taller fence.

There are other corner lots in the neighborhood that have fences over 42 inches, including the property directly across the street on Scottwood.

We have two abutting neighbors and they have no objections. Letters from them as well as our neighbors across the street are included.

A copy of our COA is included.

Matt & Laura Mishler

The Ann Manor Condominium Association



July 24, 2019

Toledo Plan Commission 1 Government Center – Suite 1620 Toledo, OH 43604

Re: Privacy fence at 2210 Robinwood Avenue

To Whom It May Concern:

We, the Board of Directors of the Ann Manor Condominium Association give our full support and approval of the installation of a privacy fence at the Mishler property located at 2210 Robinwood Avenue. Please note, we are not speaking on behalf of the entire Ann Manor community, but as the Board of Directors only.

We have spoken with Mr. Mishler and he has shared photos and plans of the fence he would like to install. From what he has shared, we do not find the fence to be obtrusive or esthetically unappealing to the neighborhood. We also understand his concerns for the safety and security of his property which is in an area of high pedestrian and automobile traffic.

Please give Mr. Mishler's permit request your most thoughtful consideration and approval.

Respectfully,

Ann Manor Board of Directors, Rhonda Lott – President Michael Katz – Treasurer Olga Martinez - Secretary This is to certify that David M and Lynn K LaPlante, residing at 2211 Scottwood Ave., have no objections to a fence being erected on the property owned by Matthew and Laura Mishler, at 2210 Robinwood Ave., which is adjacent to the property owned by David M and Lynn K LaPlante, 2211 Scottwood Ave., provided all permits have been obtained.

David M. LaPlante

MAR. 7, 2019

Date

Lynn K. LaPlante

Date

To the City of Toledo Variance Board at One Government Center, Toledo, Ohio.

I, Jason (Jay) Schneider, owner of 2220 Robinwood Ave. since 2008 would like to certify that I have no objection to and fully support my neighbors Matthew and Laura Mishler's fencing proposal to be erected on their adjacent property-residing at 2210 Robinwood Ave. I am truly lucky to have such a helpful, friendly and considerate family next door, and I appreciate all the hard work they have done to make the neighborhood a better place. Thank you for your consideration.

Sincerely, Jason (Jay) Schneider

Traynoff, Bryon

From: Sent: To: Cc:

Subject: Attachments:

Galambos, Aaron Friday, May 03, 2019 10:23 AM One Stop Shop; Stookey,Gary Traynoff, Bryon; Bartlett, Stephanle RE: 2210 Robinwood - Fence in Front Setback- BZA 20190503102702073.pdf

Transportation does not have any issues. See attachment.

Aaron Galambos

Engineering Associate P:419-245-1314 City of Toledo Department of Public Service Division of Transportation

From: Traynoff, Bryon On Behalf Of One Stop Shop Sent: Thursday, May 2, 2019 9:26 AM

To: Stookey, Gary; Galambos, Aaron

iubJect: 2210 Robinwood - Fence in Front Setback- BZA

li Gary,

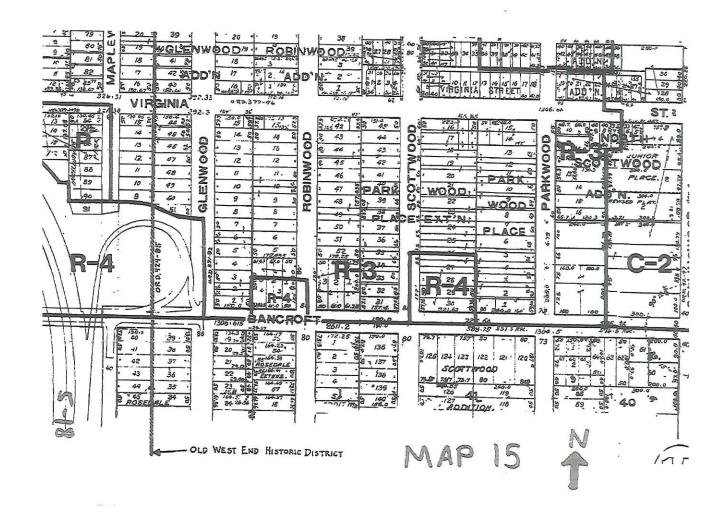
ould you review 2210 Robinwood for a BZA case for a 7' tall fence and sight restrictions. Please keep me informed on

ncerely,

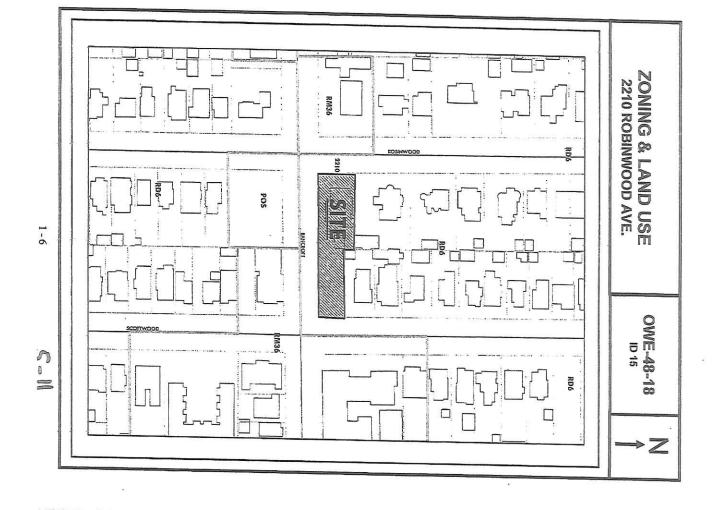
e Government Center - Suite 1600 ledo, OH 43604 3.245.1220 Office 3.245.1329 Fax yon Traynoff rmit Technician, Division of Building Inspection y of Toledo

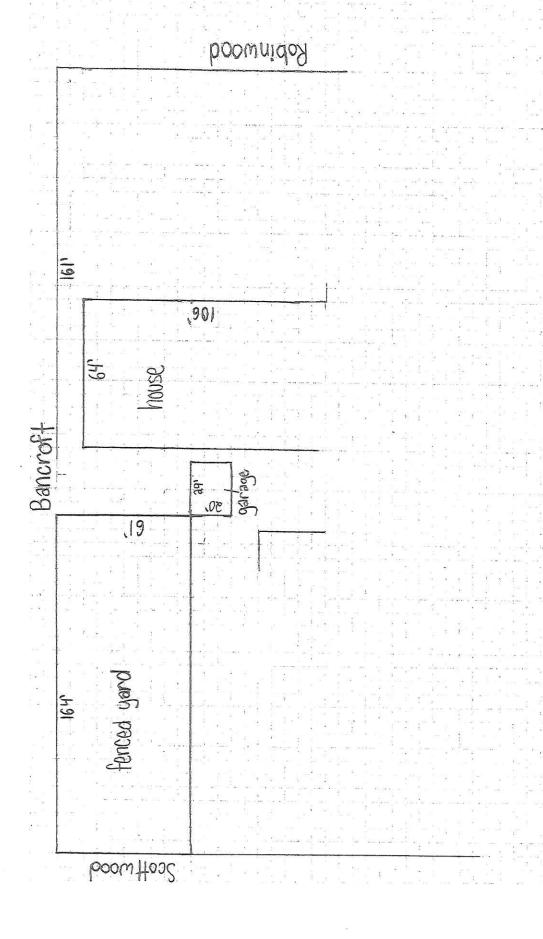
:.stop@toledo.oh.gov

2-7



2.8





TOLEDO HISTORIC DISTRICT COMMISSIONS

CERTIFICATE OF APPROPRIATENESS

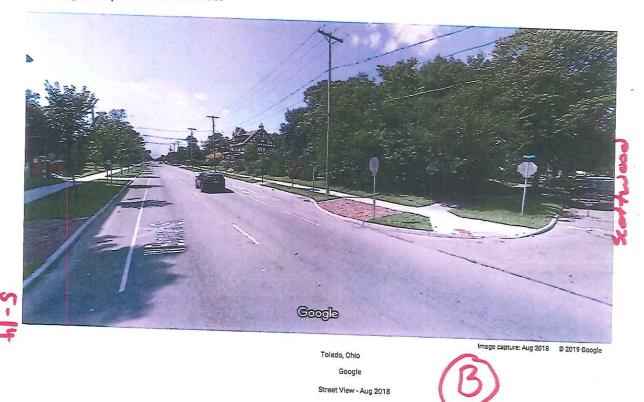
\$ 80.48E EST. OF	Application No.	-UWE-102-20
	Date Approved	25 Jun 20
CIRY 1. TE	Expiration Date	26 Jun 21
Property Owner Or Applicant-	en + laure	- Midden
Address of Environmental Change	Robinwoodt	Ar-
Approved Change	ustall awa	softence in the Front
a sideyard ar	I the beig	let of 31/2 for front
00 6-7- in 46	in Rearry	nd, Vulessa BZA
Waiver is Obstine	of From Sir	of Inspendion Ajorto Justel
Dr. Dwid Kosm	igna Mu	Thomas C. Salaban 44 Ma
Chairman Old WestÛ Vistula Toledo Cit		Director - Toledo Plan Commissions
	Annual Vision in the Control of the	

This Certificate Must Be Conspicuously Displayed With a Building Permit while Work is in Progress. Any deviation requires approval prior to starting the work. No work will be approved retroactively, and such work will result in the applicant being issued a stop work order by the City of Toledo. Anyone who fails to comply with this procedure will be subject to penalties as defined in Toledo Municipal Code 1115, (1105.99 old code), a minor a misdemeanor. Subsequent violations involving the same property and violator within a two-year period shall be subject to additional penalties, including a fourth degree misdemeanor. Any questions may be directed to the staff at the Toledo City Plan Commissions. (ph. 419-245-1200)





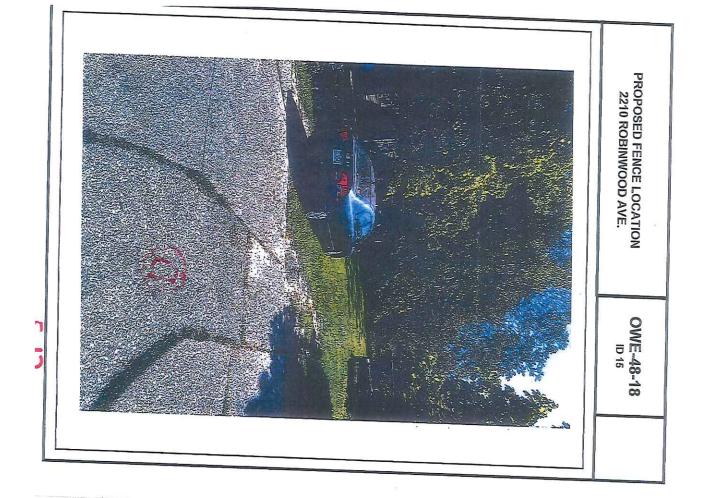
Google Maps 650 W Bancroft St



 $https://www.google.com/maps/place/2210+Robinwood+Ave, +Toledo, +OH+43620/@41.6638357, -83.5591601, 3a, 75y, 307.38h, \\ ... 4/16/2019 + 1$



 $https://www.google.com/maps/place/2210+Robinwood+Ave, +Toledo, +OH+43620/@41.6638233, -83.5601526, 3a, 75y, 46.74h, 1... \\ 4/16/2019 + 1$



Google Maps 698 W Bancroft St



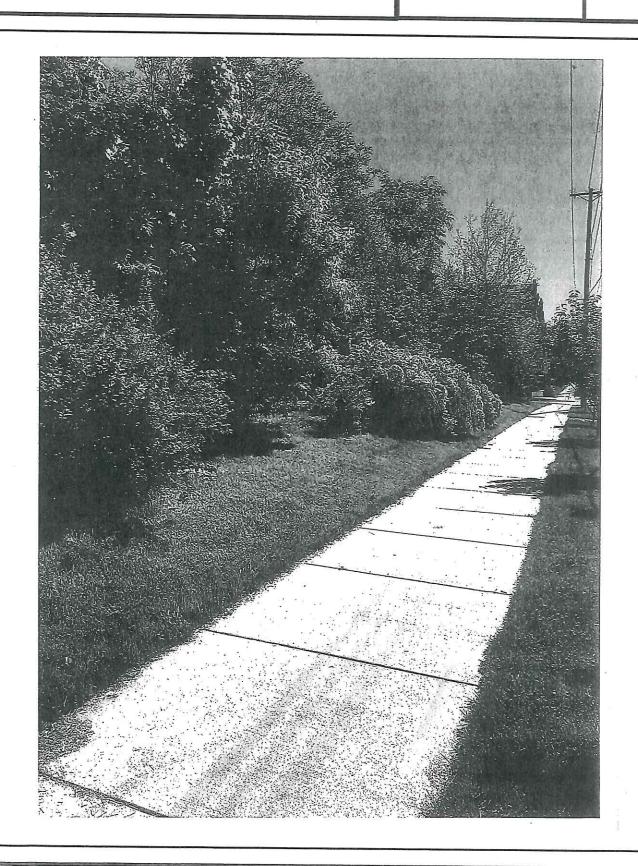
Street View - Aug 2018



https://www.google.com/maps/place/2210+Robinwood+Ave,+Toledo,+OH+43620/@41.6638176,-83.5604071,3a,75y,62.38h,1... 4/16/2019

PROPOSED FENCE LOCATION 2210 ROBINWOOD AVE.

OWE-48-18 ID 15



These are photos or the property directly across the street from us on Bancroft. Although the OWE Commons borders the sidewalk, the privacy fence that separates that from the private home is clearly visible from Bancroft. We are asking to be permitted to put a fence up that will provide privacy for our home which is not a park of pubic property. Many homes in the OWE have such fences in their yards.





This is a picture of a home in West Moreland on Bancroft with a tall, wooden privacy fence. This is also in a neighborhood that is an historic district.



Another home in West Moreland on a corner lot with a privacy fence.



Print

Toledo Municipal Code

1105.0301 Residential Districts.

The following standards apply in all Residential Districts:

- A. Fences or hedges may not exceed $3\frac{1}{2}$ 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. 170-04. Passed 3-23-04; Ord. 402-11. Passed 8-23-11.)

2.21

PARCEL ID: 1207434

MARKET AREA: 402R

MISHLER MATTHEW L & LAURAA

TAX YEAR: 2020

ASSESSOR#: 01523014

ROLL: RP OH 2210 ROBINWOOD AVE STATUS: Active

Summary - General

Tax District TOLEDO CITY - TOLEDO CSD

Class RESIDENTIAL

Land Use 510: R - SINGLE FAMILY DWELLING, PLATTED LOT

Market Area 402R - Click here to view map

Zoning Code 10-RD6 - Click here for zoning details

Zoning Description **Duplex Residence**

Water and Sewer CITY WATER / CITY SEWER Traffic RESIDENTIAL SIDE STREET Street Type CONCRETE OR BLACKTOP

Owner MISHLER MATTHEW L & LAURAA

Property Address

TOLEDO OH 43620 Mailing Address 2210 ROBINWOOD AVE

TOLEDO OH 43620 1019 Legal Desc. PARKWOOD PLACE EXTN LOT 31 & ALSO LOTS 1 & 2 S UBS 1 2

2210 ROBINWOOD AVE

& 3 S 80 FT ROBINWOOD ADDN

Certified Delinquent Year

Census Tract 21

Summary - Most Recent Sale

Prior Owner HARMON NANCY L

Sale Amount \$270,000 Deed 15102577 Sales Date 13-MAY-15

Summary - Values

	35% Values	100% Values	35% Roll	100% Roll
Land	7,420	21,200	7,420	21,200
Building	87,190	249,100	87,190	249,100
Total	94,610	270,300	94,610	270,300

Tax Credits

Homestead Exemption NO Owner Occupied Credit YES CAUV NO Agricultural District NO

Printed on Friday, August 07, 2020, at 10:10:30 AM EST

2-22

July 20, 2020 10:00 A.M. MEETING:

CITY COUNCIL CHAMBERS

1st Floor
GOVERNMENT CENTER

Minutes

City of Toledo - Administrative Board of Zoning Appeals

ATTENDANCE BOARD MEMBERS
STEPHEN SERCHUK-CHAIRMAN
FANNY EFFLER
ROBERT PASKER
MARY GLOWACKI
PAUL RASMUSSON
JAMES MOSSING-VICE CHAIRMAN
DOUG LALONDE-SECRETARY
KEN FISCHER - COMMISSIONER
MATI CHERRY

BOARD	Disapproved			
STAPF COMMENTS	42" fences are o secondary front			
Zoning	RD6			
WAIVERREQUEST	Zachary Fisher Applicant requests variance from TMC 1105.0301 (a) to install a 6' high fence within the front yard setback along the secondary frontage of Airline Ave.			
Applicant Name	Zachary Fisher			
Waiver Bldg#	227 Mayberry St Toledo, OH 43609			
CASE	20-8			
HEARING DATE	July 20, 2020			
BZA#	BZA20-0012			
Case	-			