



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

REF: V-487-20

DATE: January 15, 2021

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Vacation of a portion of Deepwood Lane at 2776 Hemlock Drive

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 14, 2021 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Vacation of a portion of Deepwood Lane at 2776 Hemlock Drive
Applicant	-	Matthew Cherry 2776 Hemlock Drive Toledo, OH 43614

#### Site Description

Zoning	-	RS9 Single-Dwelling Residential – 9,000 sq. ft.
Area	-	± 7,560 Feet
Dimensions	-	± 63 x 120 Feet
Existing Use	-	Driveway
Proposed Use	-	Driveway

#### Area Description

North	-	Single Dwelling Residential / RS9 <i>Single Dwelling Residential</i>
South	-	Single Dwelling Residential / RS9 <i>Single Dwelling Residential</i>
East	-	Single Dwelling Residential / RS9 <i>Single Dwelling Residential</i>
West	-	Toledo Country Club / RS9 <i>Single Dwelling Residential</i>

## **GENERAL INFORMATION (cont'd)**

### Parcel History

- |          |   |   |
|----------|---|---|
| V-68-95  | - | Resolution 68-95; Vacation of Deepwood Lane extension on Hemlock Drive. Plan Commission recommended approval 9/14/95. Applicant withdrew request 10/25/95.                            |
| V-308-53 | - | Resolution 308-53; Vacation of that portion of Deepwood Lane contained in Meadowlawn Subdivision. Plan Commission recommended disapproval 12/3/53. City Council disapproves 12/21/53. |

### Applicable Plans and Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

## **STAFF ANALYSIS**

The request is a Vacation of a dead end paper street between 2776 and 2770 Hemlock Drive. The paper street was part of the original development and designed as a secondary connection between adjacent residential blocks. The developer requested a vacation in 1953 but the city objected at the time due to the potential of future development and a dead end street without an adequate turnaround. The vacation was revisited by a previous property in 1995 to allow for the construction of a garage, but was withdrawn by the applicant for unspecified reasons. During that review Edison requested an easement to access to their facilities which may have been a factor.

There are currently two driveways within this portion of the right of way that provide access to 2776 & 2770 Hemlock Drive. The property owner at 2776 Hemlock Drive is requesting the vacation to correct the driveway encroachment and to obtain additional space to build a swimming pool in their backyard.

Staff is supportive of the Vacation for two reasons. First, there is residential development on all sides of this right of way which blocks any connections and limits the potential uses for the roadway purposes. Second, approval of the request would resolve the issue of private driveway encroaching into the public right of way while creating

## **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of V-487-20, a **Vacation of a portion of Deepwood Lane at 2776 Hemlock Drive**, to Toledo City Council for the following **two (2)** reasons:

1. The right of way has limited potential for roadway purposes; and
2. The vacation will resolve the encroachment of driveways into the public right of way.

The Toledo City Plan Commission further recommends approval of V-487-20, a **Vacation of a portion of Deepwood Lane at 2776 Hemlock Drive**, to Toledo City Council subject to the following **two (2)** conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

### Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

### Transportation

2. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

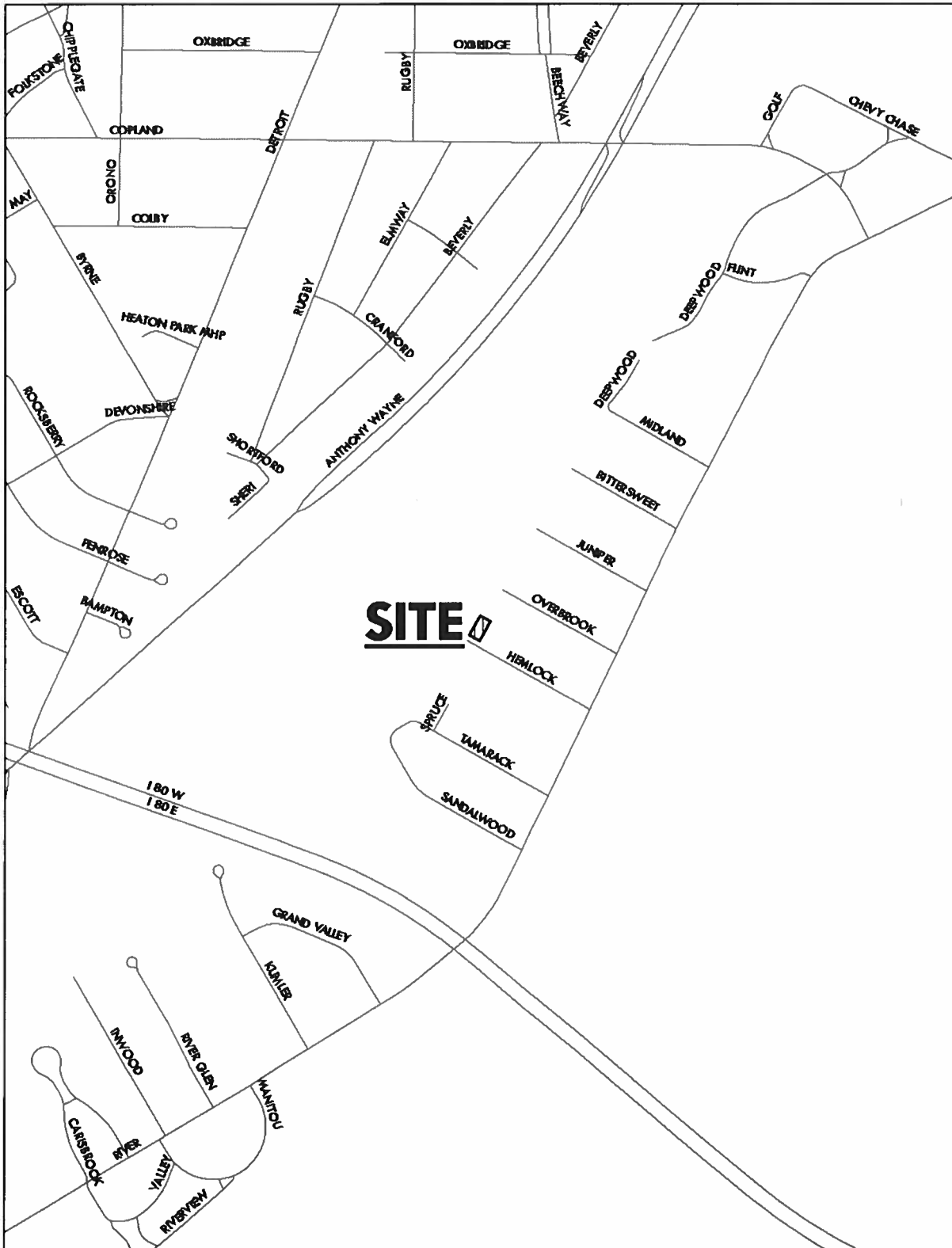
TO: President Cherry and Members of Council  
January 15, 2021  
Page 4

REF: V-487-20

Cc: Commissioner, Division of Engineering Services  
Commissioner, Division of Transportation  
Lisa Cottrell, Administrator  
Josh Lewandowski, Principal Planner

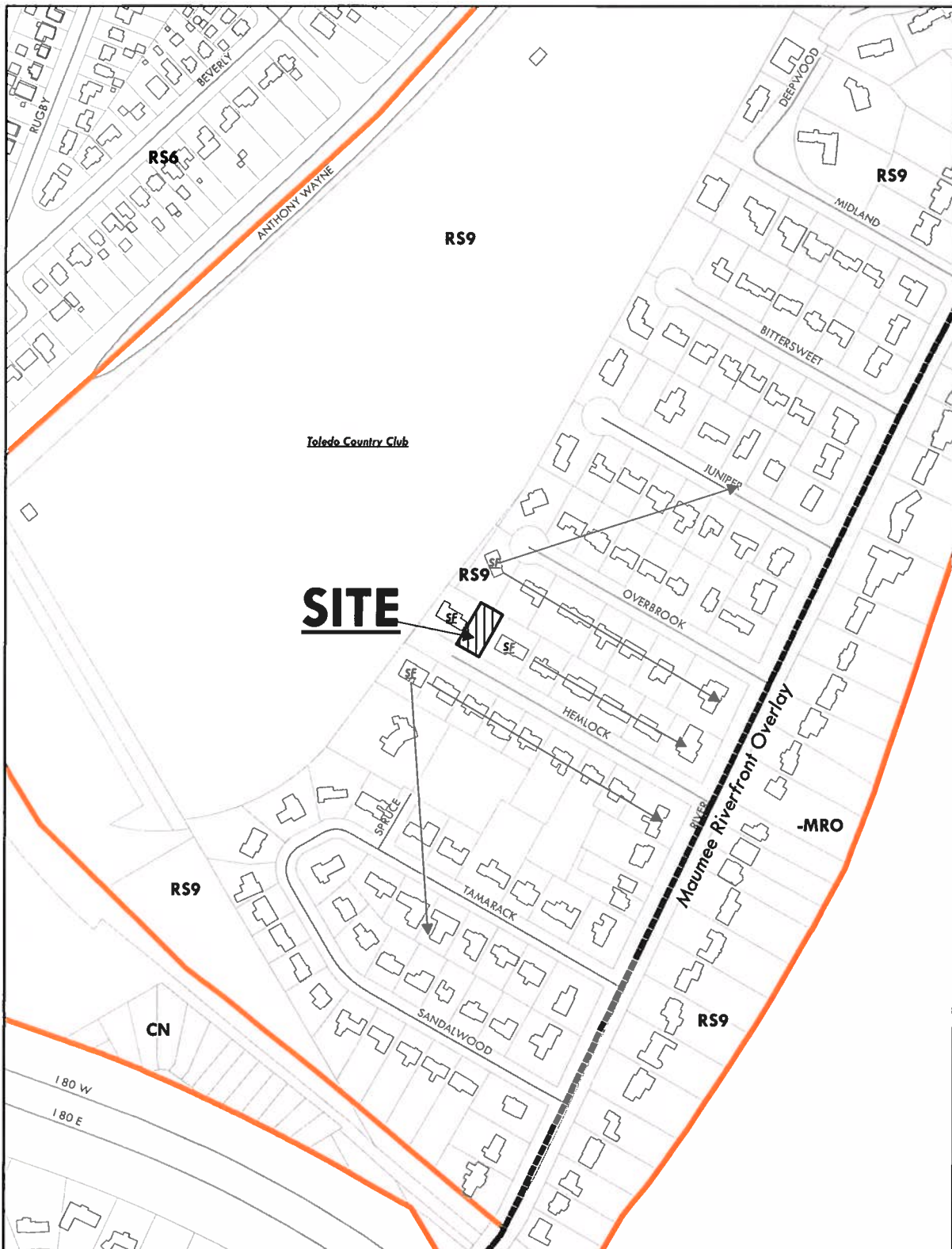
# GENERAL LOCATION

V-487-20  
ID 43



# ZONING & LAND USE

V-487-20  
ID 43



parid	owner	mailing address 1	mailing address 2
105274	WINDOM MARK R	2659 OVERBROOK DR	TOLEDO OH 43614 5523
105294	BRUBAKER CATHERINE	2645 OVERBROOK DR	TOLEDO OH 43614 5523
105351	BEHRMAN JOEL E	2667 OVERBROOK DR	TOLEDO OH 43614
1043821	WILHELM MICHAEL JR	2751 HEMLOCK DR	TOLEDO OH 43614 5520
1043824	WARNS CAROLYN J	2755 HEMLOCK DR	TOLEDO OH 43614 5520
1043827	SCHORSCH ERNEST H & CAROL L	2765 HEMLOCK DR	TOLEDO OH 43614 5520
1043831	CHAMBERS NATHAN & CLARA (ORSURVTC)	2760 HEMLOCK DR	TOLEDO OH 43614
1043834	BURFORD JUDITH CASSIDY-	2750 HEMLOCK DR	TOLEDO OH 43614
1043851	JOHNSON ROBERT E & JANE I CO-TRUSTEES	2775 HEMLOCK DR	TOLEDO OH 43614 5520
1043854	CHERRY MATTHEW A & NICOLE L (ORSURVTC)	2776 HEMLOCK DR	TOLEDO OH 43614
1875671	TOLEDO COUNTRY CLUB	3949 W RIVER RD	TOLEDO OH 43614



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: December 21, 2020  
REF: V-487-20  
PLANNER: Josh Lewandowski

### NOTICE OF PUBLIC HEARING

on

**Date: Thursday, January 14, 2021**

Request: Vacation of a portion of Deepwood Lane

Location: 2776 Hemlock

The complete legal description of the land in question is on file at the office of the Toledo City Plan Commission, located at One Government Center, Suite 1620, Toledo, Ohio 43604.

Notice of this hearing is mailed to the **project applicant** as well as owners of property within and contiguous to and directly across the street from subject parcel (or parcels at the addresses of such owners appearing on the County Auditor's current tax list). Please share this notice with neighbors that may lie beyond the range of this mailing. They may attend the public hearing and/or otherwise make their feelings known about this case.

The Toledo City Plan Commission will hold a hearing to consider this request at **2:00 p.m.** on Thursday, **January 14, 2021** as a Zoom meeting. You may attend this hearing by using the following link at the time of the hearing. You will then be added as an "attendee" and will have opportunity to communicate via a "question and answer" tab. We will receive your comments/questions, and a facilitator will communicate them to the Commission Members. **If you are the project applicant, please make every effort to attend the hearing.**

#### **Zoom Link:**

Join from PC, Mac, Linux, iOS or Android: <https://toledo-oh-gov.zoom.us/j/81582335037>  
Or Telephone: Dial 888 204 5987 US Toll-free (Conference Code 165882)

You may also call the office of the Toledo City Plan Commission at 419-245-1200 or email any comments that you have to the planner at [joshua.lewandowski@toledo.oh.gov](mailto:joshua.lewandowski@toledo.oh.gov). We will ensure that your comments are incorporated as part of the public record.

**TOLEDO CITY PLAN COMMISSION**



**CITY OF TOLEDO, OHIO**

Clerk of Council  
One Government Center  
Toledo, Ohio 43604

Julie A. Gibbons  
Assistant Clerk of Council

Telephone  
419-245-1060

Date: December 21, 2020  
Ref: V-487-20

**NOTICE OF PUBLIC HEARING**

Wednesday, February 17, 2021

The Zoning and Planning Committee of Council, at a Zoom meeting to be held on Wednesday, February 17, 2020 at 4:00 p.m., will consider the following request:

**Vacation of a portion of Deepwood Lane at 2776 Hemlock Drive**

When: Feb 17, 2021 04:00 PM Eastern Time (US and Canada)  
Topic: Zoning & Planning Committee Meeting

**Zoom Link:**

<https://toledo-oh-gov.zoom.us/j/84938443246?pwd=bm5DVjVvNEtQcnJlN2ZIY2h5WVY0dz09>  
Passcode: 253123

Or Telephone:

Dial:

USA 602 333 2017 US Toll  
USA 888 204 5987 US Toll-free  
Conference code: 62376

Julie A. Gibbons  
Assistant Clerk of Council

**\*\* Failure of applicant to appear may result in a denial or deferral of your request.**

**NOTICE PUBLISHED IN TOLEDO CITY JOURNAL**