

## BOARD OF ZONING APPEALS

June 21, 2021

# City of Toledo



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

MONDAY, JUNE 21, 2021 - 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>
1	BZA21-0011	1446 MACOMBER ST
2	BZA21-0012	1841 CHASE ST
3	BZA21-0014	3608 SHAMROCK DR
4	BZA21-0015	2101 DUNDEE ST
5	BZA 21-0016	2868 107 <sup>TH</sup> ST

MEETING: June 21, 2021  
10:00 A.M.

CITY COUNCIL CHAMBERS  
1st Floor

BOARD MEMBERS

STEPHEN SERCHUK- CHAIRMAN  
FANNY EFFLER  
ROBERT PASKER  
MARY GLOWACKI  
PAUL RASMUSSEN  
JAMES MOSSING-VICE CHAIRMAN  
DOUG LALONDE- SECRETARY  
KEN FISCHER- COMMISSIONER  
MAIT CHERRY

ATTENDANCE

## City of Toledo - Administrative Board of Zoning Appeals

Agenda

Case	BZA #	HEARING DATE	Address	Applicant Name	WAIVER REQUEST	Zoning District	STAFF COMMENTS	BOARD ACTION
1	BZA21-0011	June 21, 2021	1446 Macomber St Toledo, OH 43606	Jackson Industries Corp.	Applicant requests variance from TMC 1105.0301 (A) to install 7' high fence within front yard setback.	RD6	1. Residential zoned property without primary structure. 2. Disapproved BZA Case 35-17 (July 2017)	
2	BZA21-0012	June 21, 2021	1841 Chase St Toledo, OH 43611	Karen Zaborski	Applicant requests variance from TMC 1105.0301 (B) to install a 6' high fence within the side yard setback.	RS6	1. Maximum fence height allowed within side yard is 4'.	
3	BZA21-0014	June 21, 2021	3608 Shamrock Dr Toledo, OH 43615	Barbara Mioduszewski	Applicant requests variance from TMC 1105.0301 (A) to install a 6' high fence within the secondary frontage along Carskaddon Ave.	RS12	1. Maximum height allowed within any front yard setback is 3.5' (42").	
4	BZA21-0015	June 21, 2021	2101 Dundee St Toledo, OH	Richard Osborn	Applicant requests variance from TMC 1105.0301 (A) to replace a 6' high fence within secondary frontage along Myers St.	RS6	1. Maximum height allowed within any front yard setback is 3.5' (42"). 2. Owner is replacing existing fence with same height and location.	
5	BZA21-0016	June 21, 2021	2868 107th St Toledo, OH 43611	Arnold J and Carol K Discher	Applicant requests variance from TMC 1106.0101 to construct a 9'-8" addition within the front yard setback.	RS6	1. Minimum required front setback is 25'. 2. Applicant's property has an irregular shaped property line due to radius of cul de sac.	





RECEIVED

APR 23 2021

# CITY OF TOLEDO

Division of Building Inspection

BZAZI-0011

## 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](http://www.toledo.oh.gov)

Site Location 1446 MACOMBER Zoning District RDC Date 4/17/21

Legal Description AUBURNDALE LOTS 59-61

Applicant's Name (print) JACKSON INDUSTRIES CORP.

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

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

TMC § 1105.0301 Res. Districts To Allow 3.5' over the allowed 3.5' in height in the front yard setback.

Applicant Signature James J. Jelko Jr. Phone (419) 215-6292

Applicant's Street Address 1489 MILBURN AVE Fax (419) 244-0401

Applicant's City, State, Zip TOLEDO OH 43606 E-Mail 4 Jacksonindustries@aol.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 X Photos X Letter X Proper Site Plan X SWO \_\_\_\_\_

Copy Zoning Map 17 <http://local.live.com/> Transportation notified to check site distance hazard yes

Code Enforcement notified if orders are being appealed. \_\_\_\_\_ Permit Tech's Initials STB Date 5/12/21

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Staff Comments: TRANSPORTATION IS ONLY OK WITH THE ALTERNATE FENCE LOCATION THAT IS 20' SET BACK. Adam Jelko 5-13-21

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

1-1



HEARING DATE: **June 21, 2021**

BZA NO: **BZA21-0011**

APPLICANT: **Jackson Industries Corp.**

SITE LOCATION: **1446 Macomber St**

ZONING DISTRICT: **RD6**

SWO or NOL Issued: **N/A**

ANALYSIS: **Applicant requests variance from TMC 1105.0301 (A) to install 7' high fence within front yard setback.**

STAFF COMMENTS: **1. Residential zoned property without primary structure. 2. Disapproved BZA Case 35-17 (July 2017)**

**BOARD ACTION:**

	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
MOTION TO APPROVE/DISAPPROVE:							
Mary Glowacki	_____	_____	_____	_____	_____	_____	_____
Matt Cherry	_____	_____	_____	_____	_____	_____	_____
Fanny Effler	_____	_____	_____	_____	_____	_____	_____
Robert Pasker	_____	_____	_____	_____	_____	_____	_____
Paul Rasmusson	_____	_____	_____	_____	_____	_____	_____
Jim Mossing	_____	_____	_____	_____	_____	_____	_____
Steve Serchuk	_____	_____	_____	_____	_____	_____	_____

**VOTING RESULTS:**

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

CONDITIONS OF APPROVAL:

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RECEIVED

APR 23 2021

# Jackson Industries Corp.

Certified City of Toledo Minority Business Enterprise  
BY Ohio Nursery & Landscaping Association  
Ohio Dept. of Transportation D.B.E.  
Certified Master Technician  
Minority Business Enterprise  
State of Ohio MBE-20247  
Edge Certification  
State of Ohio EDGE-20165

419-215-6292

Thomas Jackson

A Landscaping & Snow Removal Firm

Fax: 419-244-0401

Email: jacksonindustries@aol.com

April 21, 2021

To The City of Toledo,

Good Day! Jackson Industries Corporation/Mighty Organics is petitioning for a seven foot fence for security reasons.

1. Vandalism deterrent
2. Theft deterrent
3. Deer damage to corps
4. To secure new 25k greenhouse
5. To secure water tap box that is placed between sidewalk and shrubbery @ southern end of property

We would truly appreciate your approval to move forward. Thank you.

Sincerely,



Thomas J. Jackson, Jr. - Owner  
Jackson Industries Corp/Mighty Organics



**ORD. 119-21**

**Granting a Special Use Permit, for a stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-11006-20) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 14, 2021, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio.

On February 17, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio and all other things required by law to be done, have been done. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That a Special Use Permit for stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

Parcel no. 0107977

AUBURNDALE LOTS 59 - 61

SECTION 2. That the approval of the Special Use Permit for a stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 32 conditions as follows:

The following thirty-two (32) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

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

Division of Engineering Services: 419-245-1315, fax 419-936-2850  
Right-of-Way and Inspection: 419-245-1341  
Roadway: 419-245-1344

1-A

Water: 419-936-2163

Stormwater Drainage: 419-245-3221; 419-245-1338

Sanitary Sewers: 419-936-2276

2. All proposed sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening. Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Plans for new water service line shall be submitted to the Division of Engineering Services for review and approval.
8. Plans for new water meter shall be submitted to the Division of Water Distribution for review and approval.
9. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
11. New water service taps will be installed by City of Toledo at the developer's expense.
12. In the event of site plan approval as-is without stormwater planning shown, the applicant shall understand that no construction is permissible without the future submittal and acceptance of a stormwater plan. The site plan approval process can proceed in the meantime with this condition noted and the assumption that it is likely possible to achieve stormwater acceptance without the need for a site plan change.



13. At the time of approval of stormwater plans, the applicant will likely be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on the application process can be found at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>

#### Sewer & Drainage Services

14. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
15. S&DS requires that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to Sewer & Drainage Services demonstrating the lines cleaning and integrity.

#### Fire Prevention

16. Approved Premises identification is required.

#### Division of Environmental Services

17. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
- a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
  - b. Construction BMPs shall be in place prior to the start of construction activities.
  - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
18. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
19. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
20. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\\_to\\_Ohio\\_Invasive\\_Plant\\_Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
21. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's
- 1-6

Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Plan Commission

22. All activities on site shall be subject to the Use Regulations of TMC§1104.2400 – Urban Agriculture.
23. All structures used for agriculture shall comply with the Division of Building Inspection regulations (TMC§1104.2404). The proposed greenhouse is subject to obtaining the proper building permits through the Division of Building Inspections.
24. In the event the activities on site generate traffic and the need for a designated off-street parking area, the applicant shall submit a revised site plan depicting the parking areas subject to the approval by the Division of Transportation.
25. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot.
26. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code (if applicable).
27. No free-standing signs greater than forty-two inches (42”) from grade are permitted – any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.
28. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A Type A Landscape Buffer is required along the east side of the property where it abuts the residential property. The Type A Landscape Buffer shall be a minimum of ten-feet (10') in width with a solid privacy fence, wall, or berm six-feet (6') to eight-feet (8') in height and consist of a minimum of four (4) trees and fifteen (15) shrubs for every 100 linear feet. Not acceptable as depicted on site plan. A solid privacy fence shall be installed along the eastern property line.
  - b. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage.



- c. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards.
  - d. The location, height and materials for any fencing to be installed and maintained; not acceptable as depicted on site plan. A solid privacy fence shall be installed in the Type A Landscape Buffer area; and
  - e. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
29. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
30. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
31. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
32. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 12, nays 0.

Passed: March 2, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:  
Wade Kapszukiewicz  
Mayor

March 5, 2021



**POLICE REPORT**TOLEDO POLICE  
DEPARTMENT, TOLEDO OH☐ No Crime ☒ Crime ☐ Supplement

VICTIM <b>JACKSON, THOMAS</b>	RB # <b>000433-21</b>
Location of Occurrence <b>2325 SWILER DR, TOLEDO, OH 43606</b>	CAD # <b>TOP20240293</b>
Location Type <b>STREETS ALLEY ETC</b>	Supplement Date and Time

Occurred Date and Time <b>10/28/2020 21:30 - 10/28/2020 21:40</b>	Reported Date and Time <b>01/04/2021 11:09</b>	Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Comp Equip <input type="checkbox"/> Not App
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OFFENSES	Offense Description <b>1. AGGRAVATED MENACING KNOWINGLY CAUSE TO BELIEVE SERIOUS PHYSICAL HARM</b>		Violation <b>2903.21A ORC</b>	A/C <b>C</b>	F/M & Degree <b>M1</b>
	Method of Entry Burg / B&E Burglary Entry Point _____ Floor _____ Location _____		Burglary Exit Point _____ Floor _____ Location _____		
	Method of Entry <input type="checkbox"/> Force <input type="checkbox"/> No Force		Method of Entry Vehicle		
	Hate Bias Type <b>Not Reported</b>		Premise/Structure		
	Additional MO Details		Criminal Activity <b>No Gang Involvement</b>		
		Prem. Entered	If D.V., Child Present <input type="checkbox"/> Y <input type="checkbox"/> N	# Children Present	Weapon Used

VICTIM	Vict # <b>1</b>	#Victims Total <b>1</b>	Victim Type <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Financial Institution <input type="checkbox"/> Police Officer (in the line of duty) <input type="checkbox"/> Society <input type="checkbox"/> Other <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Religious Organization <input type="checkbox"/> Unknown <input type="checkbox"/> Staff <input type="checkbox"/> Other Person						
	Name (Last, First, Middle) <b>JACKSON, THOMAS</b>								
	Address (Street, Apt., City, State, Zip) <b>2325 SWILER DR, TOLEDO, OH 43606</b>								
	Place of Birth								
	Resident Status <b>NOT REPORTED</b>								
*Age <b>49</b>		*DOB <b>08/04/1971</b>	*Race <b>Black</b>	*Sex <b>Male</b>	Hgt <b>600</b>	Wgt <b>224</b>	Hair <b>Black</b>	Eyes <b>Brown</b>	Describe Injury
Statements Obtained <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Type: <input type="checkbox"/> Written <input type="checkbox"/> Oral <input type="checkbox"/> Taped <input type="checkbox"/> Other		Gang Affiliation		Assault Homicide Circumstance			
Victim is also Witness <input type="checkbox"/> PRO <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Suspect <input type="checkbox"/>		Victim/Suspect Relationship <b>Neighbor</b>		Offense/Victim Link <b>1</b>					

SUSPECT	Susp # <b>1</b>	Juvenile <input type="checkbox"/>	Check Appropriate Category <input type="checkbox"/> Runaway <input type="checkbox"/> Missing <input type="checkbox"/> Other _____	<input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Warrant Issued <input type="checkbox"/> Charges Filed?					
	Name (Last, First, Middle) <b>MCCOY, WILLIAM</b>								
	Alias								
	Address (Street, Apt., City, State, Zip) <b>2328 AUBURN AVE, TOLEDO, OH 43606</b>								
	Place of Birth								
*Age <b>55-59</b>		*DOB	*Race <b>Black</b>	*Sex <b>Male</b>	*Hgt <b>510</b>	*Wgt <b>170</b>	*Hair	*Eyes	Potential Injuries?
Statements Obtained <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Type: <input type="checkbox"/> Written <input type="checkbox"/> Oral <input type="checkbox"/> Taped <input type="checkbox"/> Other		Gang Affiliation					
Suspected of Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs		Armed With		Arrest 1. <input type="checkbox"/> Complaint 3. <input type="checkbox"/> Warrant 5. <input type="checkbox"/> Protection Order Type 2. <input type="checkbox"/> On View 4. <input type="checkbox"/> Summons 6. <input type="checkbox"/> Other					

NARRATIVE	On the above listed date time and place the listed victim states that he has some gardens on a couple of properties he owns. The neighbor Suspect #1 (bill McCoy) had some guests over and a few of them parked on top of his gardens. Bill took offense that the victim asked if they could move the cars. The 2 men began to tussle a bit and Suspect #1 brandished a gun. They struggled over the gun for a minute. Then had a few choice words and parted ways. The victim just wants it documented no charges at this time. Victim advised on follow up.
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Report Made By: Officer(s) Name(s) I.D.# Unit No./Section <b>2374 LETT, D TRU DAY</b>	Car # <b>0</b>	Officer Assigned to Case	Camera on Scene <b>No</b> Camera Active <b>No</b>	Supervisor's Approval <b>2235 GILLEN, A</b>
DISPOSITION <b>R REPORT WRITTEN</b>				DATE <b>01/04/2021</b>

1-10

**POLICE REPORT**TOLEDO POLICE  
DEPARTMENT, TOLEDO OH☒ NoCrime ☐ Crime ☐ Supplement

VICTIM <b>JACKSON-JR, THOMAS J</b>		RB # <b>038155-20</b>
Location of Occurrence <b>1607 MILBURN AVE, TOLEDO, OH 43606</b>		CAD # <b>TOP20175046</b>
Location Type <b>OTHER OUTSIDE LOCATION</b>		Supplement Date and Time

Occurred Date and Time <b>09/01/2019 00:00 - 11/01/2019 00:00</b>	Reported Date and Time <b>09/18/2020 10:22</b>	Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Comp Equip <input type="checkbox"/> Not App
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OFFENSES	Offense Description <b>1. INVESTIGATION: FIRE</b>	Violation	A/C <b>C</b>	F/M & Degree <b>UC</b>

Vict # <b>1</b>	#Victims Total <b>1</b>	Victim Type <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Financial Institution <input type="checkbox"/> Police Officer (in the line of duty) <input type="checkbox"/> Society <input type="checkbox"/> Other <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Religious Organization <input type="checkbox"/> Unknown <input type="checkbox"/> Staff <input type="checkbox"/> Other Person
Name (Last, First, Middle) <b>JACKSON-JR, THOMAS J</b>		
Address (Street, Apt., City, State, Zip) <b>1489 MILBURN AVE, TOLEDO, OH 43606</b>		
Place of Birth <b>ALABAMA</b>		Resident Status <b>NOT REPORTED</b>
*Age <b>49</b>	*DOB <b>08/04/1971</b>	*Race <b>Black</b>
*Sex <b>Male</b>	Hgt <b>600</b>	Wgt <b>225</b>
Eyes <b>Brown</b>		Describe Injury
Statements Obtained <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Type: <input type="checkbox"/> Written <input type="checkbox"/> Oral <input type="checkbox"/> Taped <input type="checkbox"/> Other
Victim is also Witness <input type="checkbox"/> PRO <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Suspect <input type="checkbox"/>		Victim/Suspect Relationship
Offense/Victim Link <b>1</b>		Assault Homicide Circumstance

Susp # <b>1</b>	Juvenile <input type="checkbox"/>	Check Appropriate Category <input type="checkbox"/> Runaway <input type="checkbox"/> Missing <input type="checkbox"/> Other _____	<input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Warrant Issued <input type="checkbox"/> Charges Filed?
Name (Last, First, Middle) <b>HUGHES, JANICE</b>			Phone
Alias			FBI BCI RID
Address (Street, Apt., City, State, Zip)			SSN Alt. Phone
Place of Birth		*Resident Status <b>UNKNOWN</b>	Driver's License & State Marital Status
*Age <b>Not</b>	*DOB	*Race <b>Unknown</b>	*Sex <b>Unknown</b>
*Hgt	*Wgt	*Hair	*Eyes
Statements Obtained <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			Type: <input type="checkbox"/> Written <input type="checkbox"/> Oral <input type="checkbox"/> Taped <input type="checkbox"/> Other
Suspected of Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs			Armed With
Arrest 1. <input type="checkbox"/> Complaint 3. <input type="checkbox"/> Warrant 5. <input type="checkbox"/> Protection Order			2. <input type="checkbox"/> On View 4. <input type="checkbox"/> Summons 6. <input type="checkbox"/> Other

NARRATIVE	On 09/18/2020 at 10:22 hours this officer was working TRU and contacted Thomas J Jackson-jr (V1), by phone, reference a past offense Arson. Thomas J Jackson-jr (V1) stated the following: that he was calling to file a report because he owns 4 urban gardens throughout the city and someone has been trying to burn them. He stated that one garden, located at 2325 Swiler Dr, was lit on fire on 07/31/2017. The second garden, located at 1607 Milburn AVE Toledo OH 43606, was lit on fire sometime in the "fall" of 2019. At that time there was no damage to either gardens and there was no suspect information, so Thomas J Jackson-jr (V1) didn't necessarily want anything done. However he now has a possible suspect in these two incidents. He stated that a friend of his, Danielle Sanders, gave him some information that may be relevant. Danielle Sanders told Thomas J Jackson-jr (V1) that a co-worker of hers, identified as Janice Hughes (S1), recently admitted that she lives next to the garden at <b>1607 Milburn AVE 2325 Swiler</b> Toledo OH 43606. Apparently Janice Hughes (S1) is upset with the garden being there and as a result paid someone to burn the gardens that belong to Thomas J Jackson-jr (V1). Thomas J Jackson-jr (V1) stated that again there was no damage, but he wants it documented since it appears that Janice Hughes (S1) may be harassing him and he wants to speak to the prosecutor. At the time of the initial report, Thomas J Jackson-jr (V1) didn't have
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Report Made By: Officer(s) Name(s) I.D.# Unit No./Section <b>2766 KIEFFER, B TRU DAY</b>	Car # <b>TRU</b>	Officer Assigned to Case	Camera on Scene <b>No</b> Camera Active <b>No</b>	Supervisor's Approval <b>2382 WILLIAMSON, S</b>
DISPOSITION <b>R REPORT WRITTEN</b>				DATE <b>09/18/2020</b>

038155-20

1-11



**POLICE REPORT**  
TOLEDO POLICE  
DEPARTMENT, TOLEDO OH

VICTIM  
JACKSON-JR, THOMAS J

RB #  
038155-20  
CAD #  
TOP20175046

Page 2 of 2

any contact information for Danielle Hughes but said he would be able to get a phone number for her.

~~SANDERS~~

On 09/20/2020 this officer attempted to contact Thomas J Jackson-jr (V1) to obtain information on Danielle Hughes, but couldn't get through as his phone was busy on repeated attempts.

~~SANDERS~~

This officer attempted several records checks but was unable to locate any possible information.

This officer located RB#035075-17, which documented the incident at 1489 Milburn Ave.

This officer advised Thomas J Jackson-jr (V1) of this report and of the follow up procedure.

Logged with 212









1-14





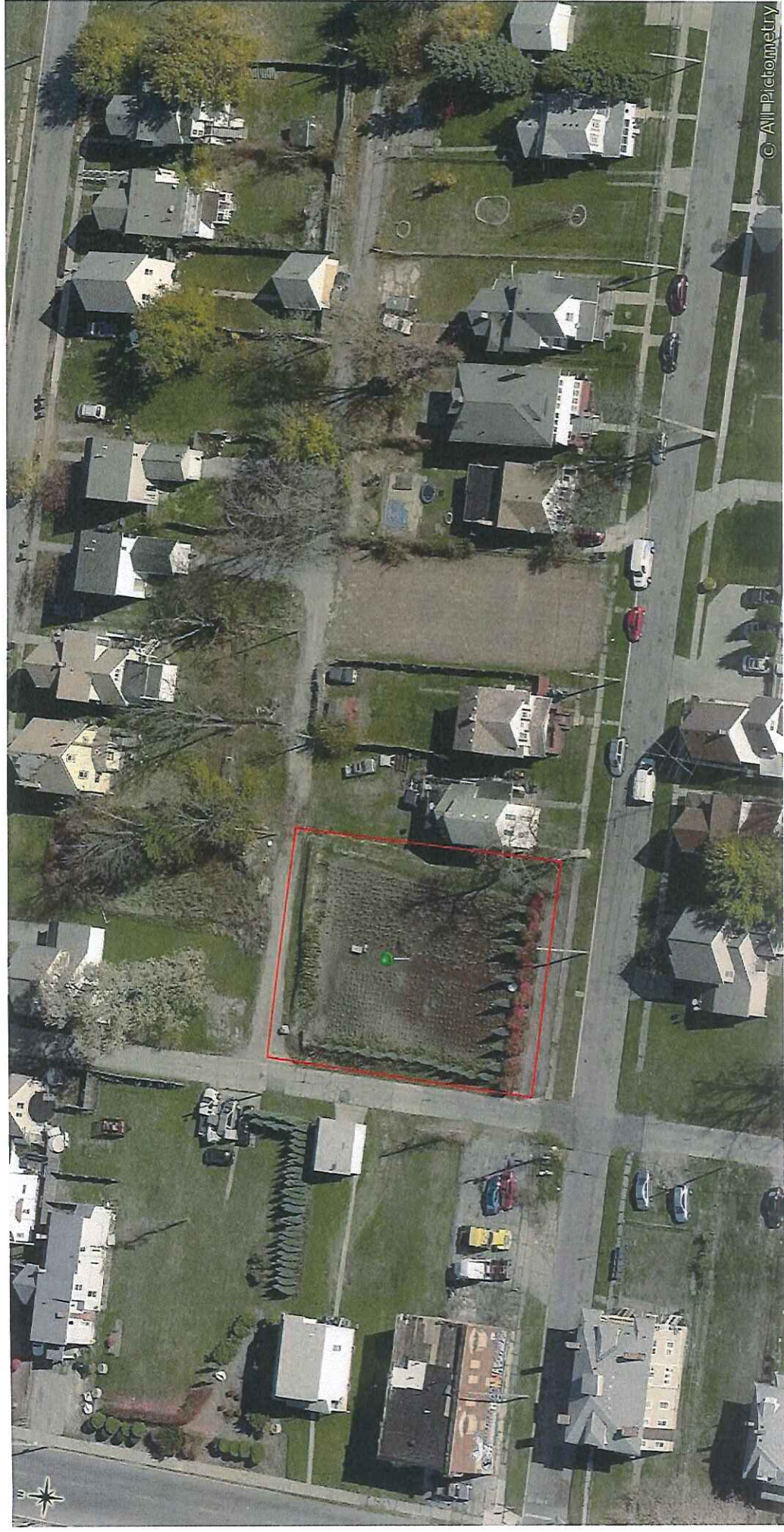
1-15







# 1446 MACOMBER ST

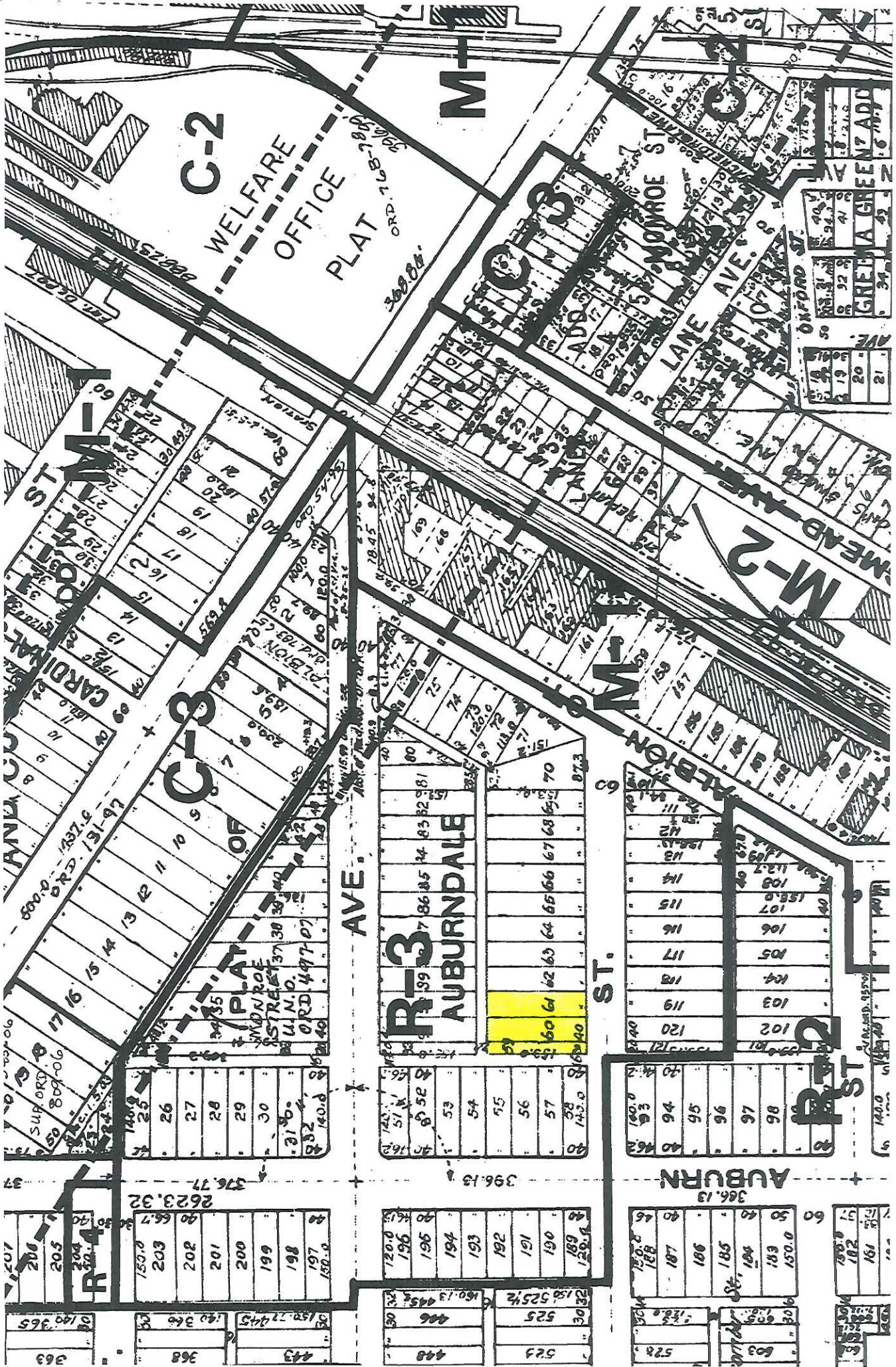


© All Pictometry

11/07/2020

1-17





MAP # 17

81-18







# City of Toledo



## Building Inspection

Telephone 419-245-1220 [www.toledo.oh.gov](http://www.toledo.oh.gov) Fax 419-245-1329

### BOARD OF ZONING APPEALS KENNETH FALLOWS – CHAIRMAN

JULY 19, 2017

THOMAS JACKSON/JACKSON INDUSTRIES  
1489 MILBURN AVE  
TOLEDO, OH 43606

RE: BOARD OF ZONING APPEAL CASE# 35-17 1446 MACOMBER ST TOLEDO, OH

HEARING DATE: JULY 17, 2017

CASE SUMMARY: APPLICANT REQUESTS VARIANCE FROM TMC 1105.0300 (A) FOR 42" OVER THE MAXIMUM ALLOWED 42" HEIGHT FOR THE FRONT AND SIDE YARDS FOR A 7' FENCE ON A VACANT LOT FOR THEIR RESIDENTIAL PROPERTY/LOT. DEFERRED FROM THE JUNE 19, 2017 BOARD OF ZONING APPEAL HEARING.

THE ADMINISTRATIVE BOARD MADE THE FOLLOWING DECISION CONCERNING YOUR APPEAL:

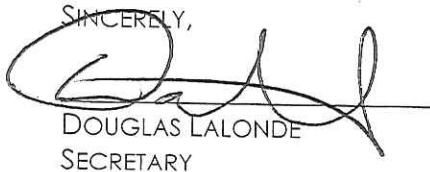
#### **DISAPPROVED**

PURSUANT TO RULE OF PROCEDURE, ARTICLE III, ITEM 4, THIS PROJECT MUST BE COMMENCED WITHIN ONE YEAR FROM ABOVE HEARING DATE, OTHERWISE SAID APPROVAL OR WAIVER SHALL BE NULL AND VOID.

**PRIOR TO COMMENCING THIS PROJECT YOU MUST SECURE THE REQUIRED PERMIT(S).**

YOUR ATTENTION IS DIRECTED TO THE FACT THAT DIRECTION OR ALTERATION TO ANY STRUCTURE IN VIOLATION OF DETAILED STATEMENTS OR PLANS WHICH WERE SUBMITTED FOR APPROVAL BY THE ADMINISTRATIVE BOARD, INCLUDING UNAUTHORIZED OCCUPANCY, ARE CONSIDERED A MISDEMEANOR, AS DEFINED BY THE TOLEDO MUNICIPAL CODE, CHAPTER 1105.99.

SINCERELY,



DOUGLAS LALONDE  
SECRETARY

DL: DF

**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. 170-04. Passed 3-23-04; Ord. 402-11. Passed 8-23-11.)

1-21

**PARCEL ID: 0107977**  
 MARKET AREA: 408R  
 JACKSON INDUSTRIES CORPORTATION  
 TAX YEAR: 2021

**ASSESSOR#: 04113020**  
 ROLL: RP\_OH  
 1446 MACOMBER ST  
 STATUS: Active

### Summary - General

Tax District	TOLEDO CITY - TOLEDO CSD
Class	RESIDENTIAL
Land Use	500 : R - RESIDENTIAL, VACANT LAND, LOT
Market Area	408R - <a href="#">Click here to view map</a>
Zoning Code	10-RD6 - <a href="#">Click here for zoning details</a>
Zoning Description	Duplex Residence
Water and Sewer	CITY WATER / CITY SEWER
Traffic	RESIDENTIAL SIDE STREET
Street Type	CONCRETE OR BLACKTOP
Owner	JACKSON INDUSTRIES CORPORTATION
Property Address	1446 MACOMBER ST TOLEDO OH 43606
Mailing Address	1489 MILBURN AVE TOLEDO OH 43606
Legal Desc.	AUBURNDAL E LOTS 59 - 61
Certified Delinquent Year	
Census Tract	14

### Summary - Most Recent Sale

Prior Owner	LUCAS COUNTY LAND REUTILIZATION CORPORAT
Sale Amount	\$0
Deed	12204395
Sales Date	24-JUL-12

### Summary - Values

	35% Values	100% Values	35% Roll	100% Roll
Land	140	400	140	400
Building	0	0	0	0
Total	140	400	140	400

### Tax Credits

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

Printed on Wednesday, May 12, 2021, at 1:11:20 PM EST

1-22





RECEIVED

MAY 10 2021

## CITY OF TOLEDO

Division of Building Inspection

BZ21-0012

## 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](http://www.toledo.oh.gov)Site Location 1841 Chase St. Toledo, OH Zoning District RS6 Date 05/7/2021Legal Description Greens sub stickneys Lot 24Applicant's Name (print) Karen Zaborski

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

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

TMC § 1105.0301(B) To allow 2' over the allowed 4' height in the side setback.Applicant Signature Karen R. Zaborski Phone 419-205-1820Applicant's Street Address 1845 Chase St Fax \_\_\_\_\_Applicant's City, State, Zip Toledo, OH 43611 E-Mail \_\_\_\_\_

## 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 X Photos X Letter X Proper Site Plan X SWO \_\_\_\_\_Copy Zoning Map 4 <http://local.live.com/> Transportation notified to check site distance hazard \_\_\_\_\_Code Enforcement notified if orders are being appealed. \_\_\_\_\_ Permit Tech's Initials STB Date 5Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Staff Comments: TRANSPORTATION HAS NO ISSUES. Aaron Salambor 5-14-21

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

2-1

HEARING DATE: **June 21, 2021**  
 BZA NO: **BZA21-0012**  
 APPLICANT: **Karen Zaborski**  
 SITE LOCATION: **1841 Chase St**  
 ZONING DISTRICT: **RS6**  
 SWO or NOL Issued: **N/A**  
 ANALYSIS: **Applicant requests variance from TMC 1105.0301 (B) to install a 6' high fence within the side yard setback.**  
 STAFF COMMENTS: **1. Maximum fence height allowed within side yard is 4'.**

**BOARD ACTION:**

	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
MOTION TO APPROVE/DISAPPROVE:							
Mary Glowacki	_____	_____	_____	_____	_____	_____	_____
Matt Cherry	_____	_____	_____	_____	_____	_____	_____
Fanny Effler	_____	_____	_____	_____	_____	_____	_____
Robert Pasker	_____	_____	_____	_____	_____	_____	_____
Paul Rasmusson	_____	_____	_____	_____	_____	_____	_____
Jim Mossing	_____	_____	_____	_____	_____	_____	_____
Steve Serchuk	_____	_____	_____	_____	_____	_____	_____

**VOTING RESULTS:**

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

CONDITIONS OF APPROVAL:

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May 07,2021

To whom it may concern,

I am requesting the approval of a 6ft privacy fence around the property currently located at 1841 Chase St. Toledo, Ohio 43611. The property is currently in the process of being torn down and conjoined to my home property (1845 Chase St. Toledo, Ohio 43611). In 2013 when we bought the side lot on the other side of our home from the Lucas County Land we won the appeal to have a 6ft privacy fence on that side of property. I have attached a copy of the approval. I would like for my fence height to match all the way around my property. Recently the city opened the fence at the end of our dead end street to allow access to a bike trail. Now we receive lots of foot traffic and I am not comfortable with my children playing in a 4ft fenced in yard. With only a 4ft fence down the alley anyone cutting through would have access to my children. My neighbor who is on the other side of where I will be putting the 6ft fence also has 6ft fencing around their property and down the alley. I have attached photos showing my home property with the approved fencing, where we plan on putting the new fencing and the alley with my neighbors fencing.

Thank You,

Karen L. Zaborski

2-3

# CITY OF TOLEDO

Department of Inspection

Chris J. Zervos  
Director of the Department of Inspection  
Commissioner of Building Inspection



**MICHAEL P. BELL**  
**MAYOR**

Division of Building Inspection

David M. Golis, P.E.  
Certified Building Official  
Floodplain Administrator

October 22, 2013

Ms Karen L. Austin  
1845 Chase Street  
Toledo, Ohio 43611

Re: 1845 Chase Street, Toledo, OH 43611. Parcel 06-11511.  
Zoning variance of fence height in side yard per BCZ13-064 and Log #52-13

Dear Ms. Austin:

This letter responds to your request for a variance of the fence height in a side yard. The Toledo Municipal Code (TMC) empowers the Commissioner of Building Inspection to grant waivers of certain zoning codes on an administrative basis; hence, the purpose of this letter.

After due consideration, and in concert with the administrative staff of the Board of Zoning Appeals, I grant you a waiver of TMC §1105.0301B to permit the installation of a 6'-0" high privacy fence in your side yard. This office recognizes the unique lay-out of your home and the vacant property you've recently acquired which creates a new side yard. After due consideration and in concert with the administrative staff of the Board of Zoning Appeals, I grant this waiver to you.

Mayor Mike Bell's Administration and the City of Toledo congratulate you on being a responsible property owner by seeking relief for your project through the Board of Zoning Appeals.. Responsible property owners reinvesting in their neighborhoods make Toledo a better place in which to work, play and reside.

Sincerely,

Chris J. Zervos,  
Commissioner of Building Inspection  
Director of the Department of Inspection  
One Government Center, Suite 1600  
Toledo, Ohio 43604  
419-245-1229 office  
[chris.zervos@toledo.oh.gov](mailto:chris.zervos@toledo.oh.gov)

2-A







neighbors →  
fence



← Alley





← our approved  
fencing

our property





34' Privacy fence

6' Privacy approved

X = Permit

72' Privacy fence

Alley

6' Privacy approved

44' Privacy fence

House

Pool

Deck

41'

10' 20' 10'

41'

5' Porch 12'

22'

6' Privacy fence Approved

17' from Sidewalk

2-9

Driveway

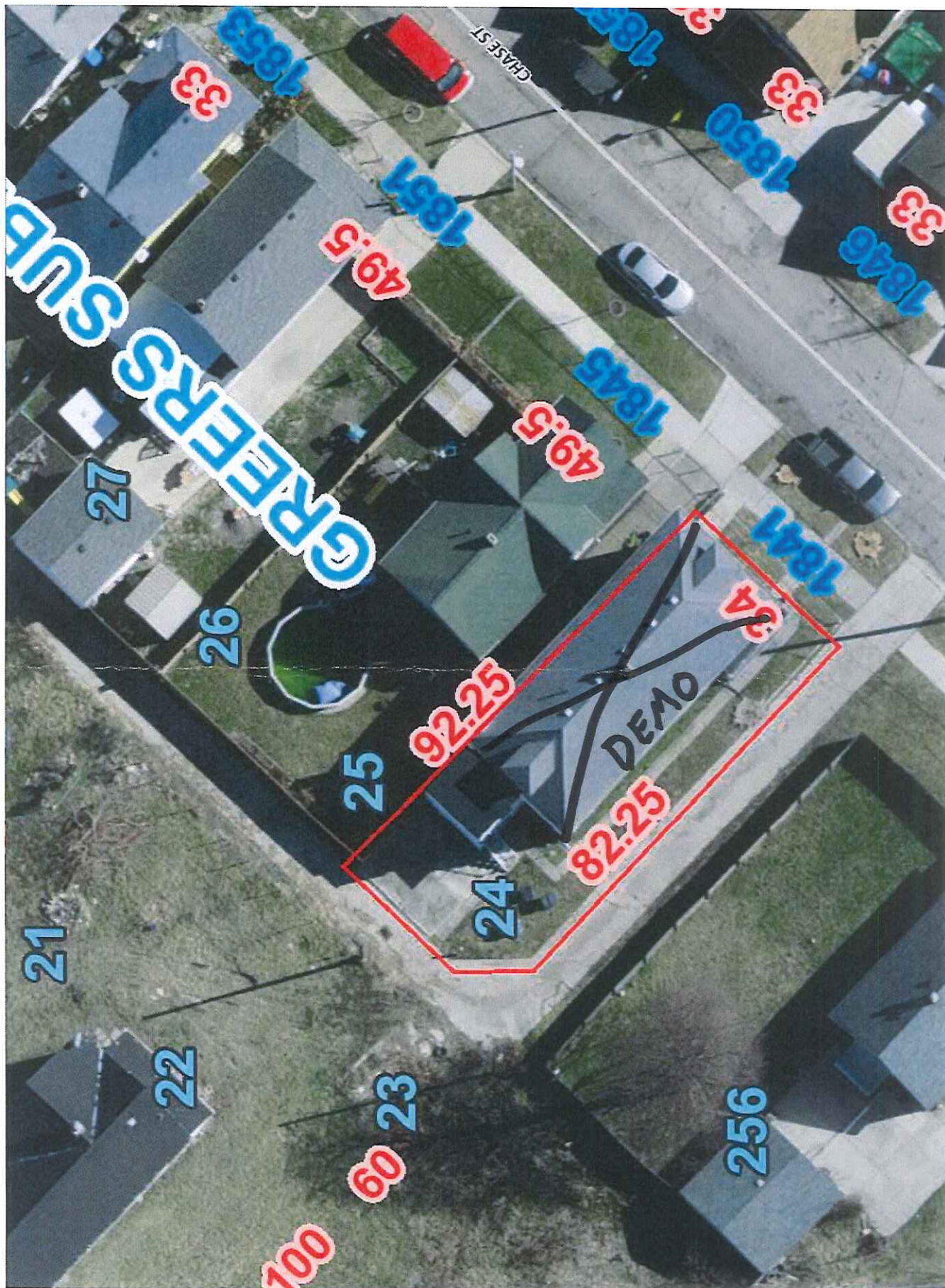
22' from Sidewalk

41' 32'

34' 4'

Chain link

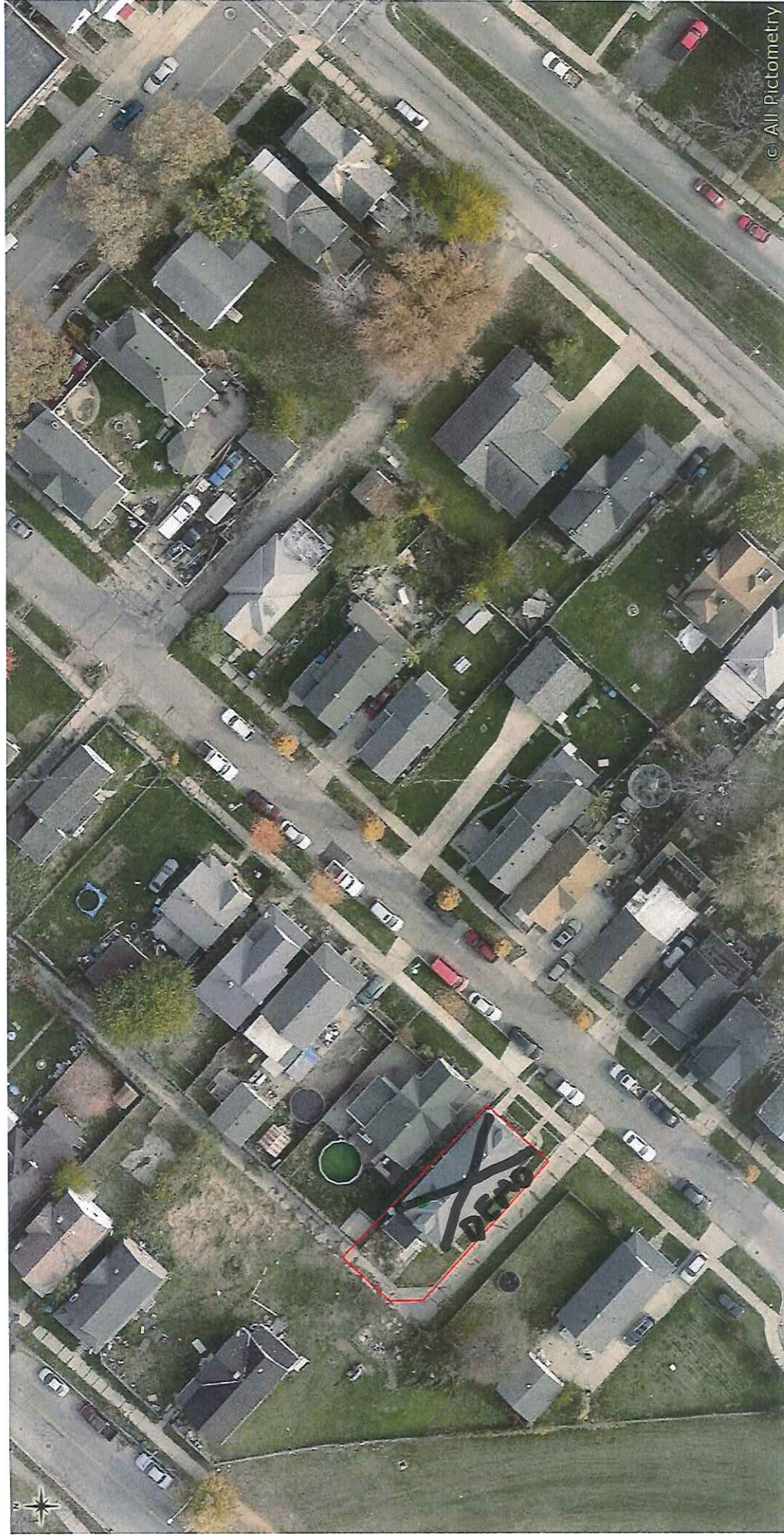
4' Chain link



2-10



# 1841 CHASE ST



11/08/2020

2-11







**1105.0301 Residential Districts.**

The following standards apply in all Residential Districts:

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- 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.)

2-13

**PARCEL ID: 0611507**

MARKET AREA: 902R

ZABORSKI KAREN L

TAX YEAR: 2021

**ASSESSOR#: 09089014**

ROLL: RP\_OH

1841 CHASE ST

STATUS: Active

**Summary - General**

Tax District	TOLEDO CITY - TOLEDO CSD
Class	RESIDENTIAL
Land Use	520 : R - TWO FAMILY DWELLING, PLATTED LOT
Market Area	902R - <a href="#">Click here to view map</a>
Zoning Code	10-RS6 - <a href="#">Click here for zoning details</a>
Zoning Description	Single-Family Residence-6
Water and Sewer	CITY WATER / CITY SEWER
Traffic	NO DIRECT OUTLET
Street Type	CONCRETE OR BLACKTOP

Owner	ZABORSKI KAREN L
Property Address	1841 CHASE ST TOLEDO OH 43611
Mailing Address	1845 CHASE ST TOLEDO OH 43611
Legal Desc.	GREERS SUB STICKNEYS LOT 24
Certified Delinquent Year	
Census Tract	20

**Summary - Most Recent Sale**

Prior Owner	J & K RENTAL MANAGEMENT LLC
Sale Amount	\$0
Deed	21202015
Sales Date	23-APR-21

**Summary - Values**

	35% Values	100% Values	35% Roll	100% Roll
Land	1,370	3,900	1,370	3,900
Building	2,590	7,400	1,300	3,700
Total	3,960	11,300	2,670	7,600

**Tax Credits**

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

Printed on Wednesday, May 12, 2021, at 2:29:00 PM EST

2-14