

3920 Angola, 4004 Angola, and 0 S. Byrne

Toledo Lucas County Plan Commission's Recommendation to BZA

Plan Commission recommends disapproval of the request.

The applicant outlined five reasons for the appeal:

First, Rocky Ridge is not engaged in mining. The Toledo Municipal Code (TMC) defines mining in TMC 1116.0232 as the “extraction of mineral or aggregate resources from the ground for off-site use.” The site was originally approved for use as a wetland and without another primary use on the property any earth material that left this site during the creation of the wetlands or after is considered mining. Documentation from the Ohio Department of Natural Resources indicates permits for mining were approved in 2013, and amended in 2021, 2022, and 2025. The permits list materials that would be removed including topsoil and sand.

Second, only one of four parcels is designated RS6 zoning. This is incorrect. There was an attempt to trigger a zoning change, approved in 2000, that would convert most of the land to IG (General Industrial) zoning subject to a plat being filed for the land. However, the owner was missing parcels from the 2000 approval needed to convert the zoning. To date, only 1 parcel, 3920 Angola, is entirely non-residential along with the easternmost portion of 0 Byrne. The remaining parcels, where most of the activity is occurring, are zoned residentially.

Third, Rocky Ridge has been performing the same work for years per the contract with the City of Toledo for spent lime. The site was approved for the creation of wetlands to convert spent lime in 2020. The approval specifically stated that the approval was for wetlands only. The removal of earth material was not permitted. Additionally, and upon further review, the original permit that approved the wetlands, BCZ20-00610, was issued in error. Due to the inclusion of spent lime from the City of Toledo's wastewater treatment plant, this use should have been classified as a Utilities and Services, Major use and required a Special Use Permit (SUP) approval before any work was done. Any further use of wetlands for spent lime is prohibited unless the appropriate permit is obtained.

Fourth, state permits require the site be reclaimed. Information was falsely submitted to the state to receive mining permits as far back as 2013. The owner at the time, Dennis Topsoil, indicated on his mining permit that “Toledo has no zoning ordinances regarding mining or agricultural ponds.” This is false, the current definition and classification of mining has been in place since 2004 and required IG zoning along with a SUP. Additional permits submitted to ODNR in 2021 and 2025 indicated that they complied with local zoning regulations when in fact they did not.

Fifth, two of the parcels identified in the non-compliance notice are not owned by Rocky Ridge. The information was obtained from the zone change cases ZC25-0001, ZC25-0002, ZC25-0007 that were applied for 3920 Angola, 4004 Angola, and 0 S. Byrne this year. Rocky Ridge was listed as the applicant on all three zone change cases. Section 1115.0300 of the Toledo Municipal Code allows broad discretion for who is issued citations. This includes: tenants, occupants, vendors, authorized agents, or any person who knowingly participates in the violation.