

Board of Zoning Appeals

January 26, 2026

Toledo Lucas County Plan Commissions Recommendations

1111.1705 Approval Criteria.

Zoning variances shall only be approved when the Board of Zoning Appeals finds substantial evidence in the official record to support at least five of the following findings:

- A. Unnecessary hardships or practical difficulties apply to the subject land, buildings or uses which are not generally applicable to other land, buildings, structures, or uses in the same zoning district;
- B. The undue hardship or practical difficulties are not the result of the actions of the property owner or applicant, their agent, employee, or contractor;
- C. Granting the requested variance will not result in advantages or special privileges to the applicant or property owner that the Zoning Code denies to other land, structures, or uses in the same district, and that the variance is the minimum variance necessary to provide relief;
- D. The variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance;
- E. The variance is not inconsistent with the stated purpose and intent of this Zoning Code (See Section 1101.0400);
- F. Granting this request will not change or alter the overall image and character of the neighborhood, or introduce new materials or colors that are incompatible with the neighborhood; and
- G. The variance is not an after-the-fact approval of an intentional violation.

2255 Central Grove

The Plan Commission recommends approval of this request. The applicant has demonstrated a unique hardship that meets at least five (5) of the required approval criteria: Unique Conditions (A), No Advantages or Special Privileges (C), Consistent with Purpose of Zoning Code (E), Impact of Neighborhood (F), Approval before Construction (G). The narrow configuration of the property and structures limits the ability of the dumpster to be located in a way that meets zoning requirements while being as far from residential uses as possible. This unique configuration would not result in special privileges denied to other properties. The request is consistent with the purpose of the Zoning Code as dumpsters for all new developments are required to be fully screened. The request will have limited visual impact on the neighborhood. The property is located on a dead-end street and the proposed location is more or less in line with the front building line of the homes along Brookford. The applicant is also requesting approval prior to construction instead of after-the-fact.

325 Whittemore St

The Plan Commission recommends disapproval of this request. The applicant has not demonstrated a unique hardship meeting at least five (5) of the approval criteria: No Unique

Condition (A), Special Privilege/Advantage (C), Negative Impact on Neighborhood Aesthetics (F), and Retroactive Approval (G). The property is a standard corner lot with no unusual shape, topography, or physical constraints that distinguish it from other corner lots in the city, except for the position of the structure. Corner lots typically face challenges with rear yard sizes because they are situated along two roadways and have two front yards. Approval of this request would grant a special privilege denied to many other corner lots. Additionally, there are no fences of this height in the general vicinity. Front yard regulations are intended to maintain open sight lines, preserve neighborhood character/aesthetics, and promote traffic safety, particularly on corner lots where visibility is critical. Granting this variance would undermine these objectives. The site had a chain-link fence that met the zoning requirements, but the owner installed a 6-foot fence without obtaining the necessary permits and is now requesting a variance after the fact.

Additionally, the applicant is requesting a waiver to park multiple personal vehicles, including a recreational vehicle, in the front yard and on gravel. TMC 1107. 1802 requires recreational vehicles and trailers to be stored in the rear of the building and setback appropriately. The zoning code explicitly prohibits the storage of vehicles in the front yard or the side yard. TMC. 1107.1202 also prohibits parking in the front yard except on a driveway leading to a garage. The applicant has an existing 21' x 24' garage that could accommodate two (2) vehicles with the existing driveway on the property. The need for additional front-yard vehicle storage is based on the applicant's choice to store vehicles beyond what can be accommodated by the existing driveway and garage. This condition is self-created and does not constitute a hardship under the zoning ordinance. Allowing vehicle storage in the front yard on gravel would be inconsistent with the established character of the neighborhood, which is primarily composed of homes with landscaped front yards and paved driveways. Approval of the variance would negatively affect the visual appearance of the neighborhood.

Finally, the applicant's waiver request for an additional accessory structure should be denied. The applicant has an existing garage and shed that provide storage and support customary residential use. A reasonable use of the property exists without the need for approval of an additional shed. Approving the variance also creates a precedent, making it difficult to deny similar requests in the future.

Modified Waiver – Presented to the applicant and rejected. Included for information purposes.

Staff will support a modified waiver request due to the site's configuration. The current fence shall be relocated and aligned with the houses along Valentine St and Whittemore St. Additionally, the third accessory structure (shed) shall be repositioned adjacent to the building on site as shown in **Exhibit A**. The alternative fence design is consistent with the scale and character of the neighborhood. It also maintains visibility and avoids creating a visual barrier that is inconsistent with the front yards in the vicinity. Staff also supports parking in the front yard by extending the driveway to accommodate a vehicle. The area must be paved and should not extend to the property line or span the full length of the driveway, as shown in **Exhibit B**. This modification represents a limited deviation from the zoning standards and provides a reasonable use of the property without exceeding what is necessary. This also cleans up the site and brings the site closer into compliance.

Exhibit A – Presented to the applicant and rejected. Included for information purposes.

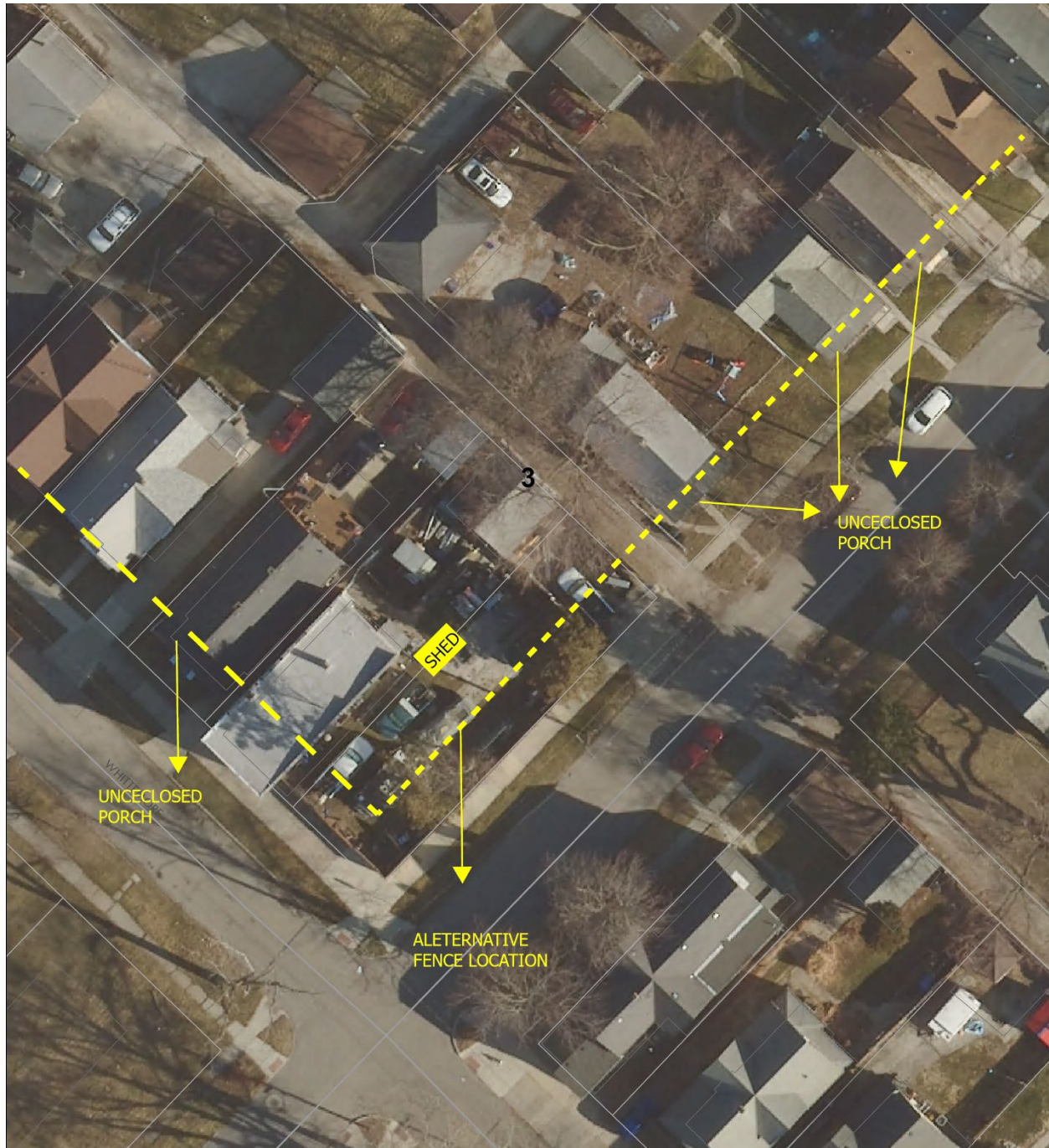


Exhibit B – Presented to the applicant and rejected. Included for information purposes.



2616 Glendale Ave

Plan Commission recommends disapproval of this request. The applicant has not demonstrated a unique hardship meeting at least five (5) of the approval criteria. However, staff will support a modified waiver request as shown in **Exhibit C**. The applicant has demonstrated a unique hardship for a modified waiver. Meeting at least four of the approval criteria: No Advantages or Special Privilege (C), Minimum Variance Needed (D), Consistent with Purpose of Zoning Code (E), Impact on Neighborhood Aesthetics (F). This waiver modification would not result in special privilege denied to other properties. The request will have a limited visual impact on the neighborhood. The property is situated on a corner lot, which makes it challenging to meet the required zoning requirements for fences. The proposed location generally aligns with the front building lines of homes along Stanwix Drive.

Exhibit C

