



PAID

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CASE # BZA25-00033

CITY OF TOLEDO

Department of Economic and Business Development

Division of Building Inspection

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

APPLICATION TO THE ADMINISTRATIVE BOARD OF ZONING APPEAL (BZA)

TMC Chapter 1112.0200

Site Location 5457 Secor Road, Toledo, Ohio 43623 Zoning District IL Date 7/1/2025

Legal Description KETCHAMS SUBURBAN PL LOT 17 N 1/2 EXC ST

Applicant's Name (print) WHIRLWIND RESOURCE PROPERTIES LLC

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

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

TMC § 1111.2000; see enclosed letter appeal NOTICE OF non-compliance

for abandoned sign

Applicant Signature [Signature] Phone 419-247-1588

Applicant's Street Address One Seagate, 27th Floor Fax 419-247-1777

Applicant's City, State, Zip Toledo, Ohio 43699-0032 E-Mail kdtucker@eastmansmith.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 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 6 weeks before the Board of Zoning Appeals' meeting to allow proper notification of neighbors. Meetings are typically held the third Monday of every month at 1:30 p.m. 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 ✓ Photos ✓ Letter ✓ Proper Site Plan ✓ SWO ✓

Copy Zoning Map ✓ http://local.live.com Transportation notified to check site distance hazard N/A

Code Enforcement notified if orders are being appealed. \_\_\_\_\_ Permit Tech's Initials \_\_\_\_\_ Date \_\_\_\_\_

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Staff Recommendation \_\_\_\_\_

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

P: Inspection, BZA

3/15/2022 kjr

# EASTMAN & SMITH LTD.

ATTORNEYS AT LAW

*Established 1844*

## NOTICE OF APPEAL

Kyle D. Tucker  
Attorney at Law  
Direct Dial: 419-247-1588  
kdtucker@eastmansmith.com  
*Licensed in Michigan and Ohio*

One SeaGate, 27<sup>th</sup> Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
Telephone: 419-241-6000  
Facsimile: 419-247-1777

July 1, 2025

*Hand-delivered to:*  
Board of Zoning Appeals  
One Government Center, Suite 1600  
Toledo, Ohio 43604

RE: **5457 Secor Road, Toledo, Ohio 43623**  
Our File No. 9571-238729

To the Board of Zoning Appeals:

Pursuant to Sections 1111.2000 and 1113.0903 of the Toledo Municipal Code, Whirlwind Resource Properties LLC ("Whirlwind") appeals the decision of Zoning Specialist C. Cordell (the "Decision") dated June 11, 2025, regarding the signage on the property located at 5457 Secor Road, Toledo, Ohio 43623 (the "Property"). A copy of the Decision / Notice of Non-Compliance is enclosed. As noted, the Decision holds that a sign on the Property apparently lost its nonconforming use status because it had been abandoned for more than six (6) months.


The Decision is arbitrary, capricious, unreasonable, discriminatory, unconstitutional, and otherwise inconsistent with law. The grounds for this appeal include but are not limited to: (1) the sign was not abandoned, there has simply been a change in tenancy; (2) the TMC is impermissibly vague and was applied in a discriminatory manner; and (3) the approval criteria under TMC Section 1111.2008 of the Toledo Municipal Code can be met.

Whirlwind respectfully requests that the Board of Zoning Appeals find that the Decision is arbitrary, capricious or otherwise inconsistent with law and accordingly vacate said Decision and grant Whirlwind such other relief as is just and proper. Whirlwind reserves the right to assert additional grounds or affirmative defenses as their applicability becomes apparent during the course of this action.

Please feel free to contact me if you have any questions or require any additional information to process this appeal. Thank you.

Respectfully submitted,

EASTMAN & SMITH LTD.



Kyle D. Tucker

Enclosure

cc: Whirlwind Resource Properties via email (lkparadysz@gmail.com)  
Josh Lewandowski, Zoning Compliance Manager (joshua.lewandowski@toledo.oh.gov)

Columbus

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Detroit

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Findlay

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Toledo

*eastmansmith.com*



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

June 11, 2025

### NOTICE OF NON-COMPLIANCE

(Initial Warning of Violation)

Whirlwind Resource Properties LLC  
7213 Wildhaven Park  
Lambertville, MI 48144

**RE: Notice of Zoning Violation at 5457 Secor Rd.**

Whirlwind Resource Properties LLC,

The above referenced location was found to be in violation of the following Toledo Municipal Code zoning regulations:

- **[Ground, Pole] 1113.0802 Abandoned Sign** - A sign has been abandoned for more than six (6) months and does not fully conform with the Sign Code. The sign shall be removed or brought fully into compliance.

You have thirty (30) days to correct the issue(s). Failure to do so would be considered a violation of the zoning code and subject to fines and/or legal action.

Please contact me at 419-245-1200 with any questions. Thank you for your cooperation in this matter.

Respectfully Submitted,

C. Cordell  
Zoning Specialist

Cc: E&S Registered Agent LLC, One Seagate, 27th Floor, Toledo, OH 43604, LLC Agent  
Josh Lewandowski, Zoning Compliance Manager



5457 500R





5457 SEADR





5457 2/10/2008





5457 SECOR

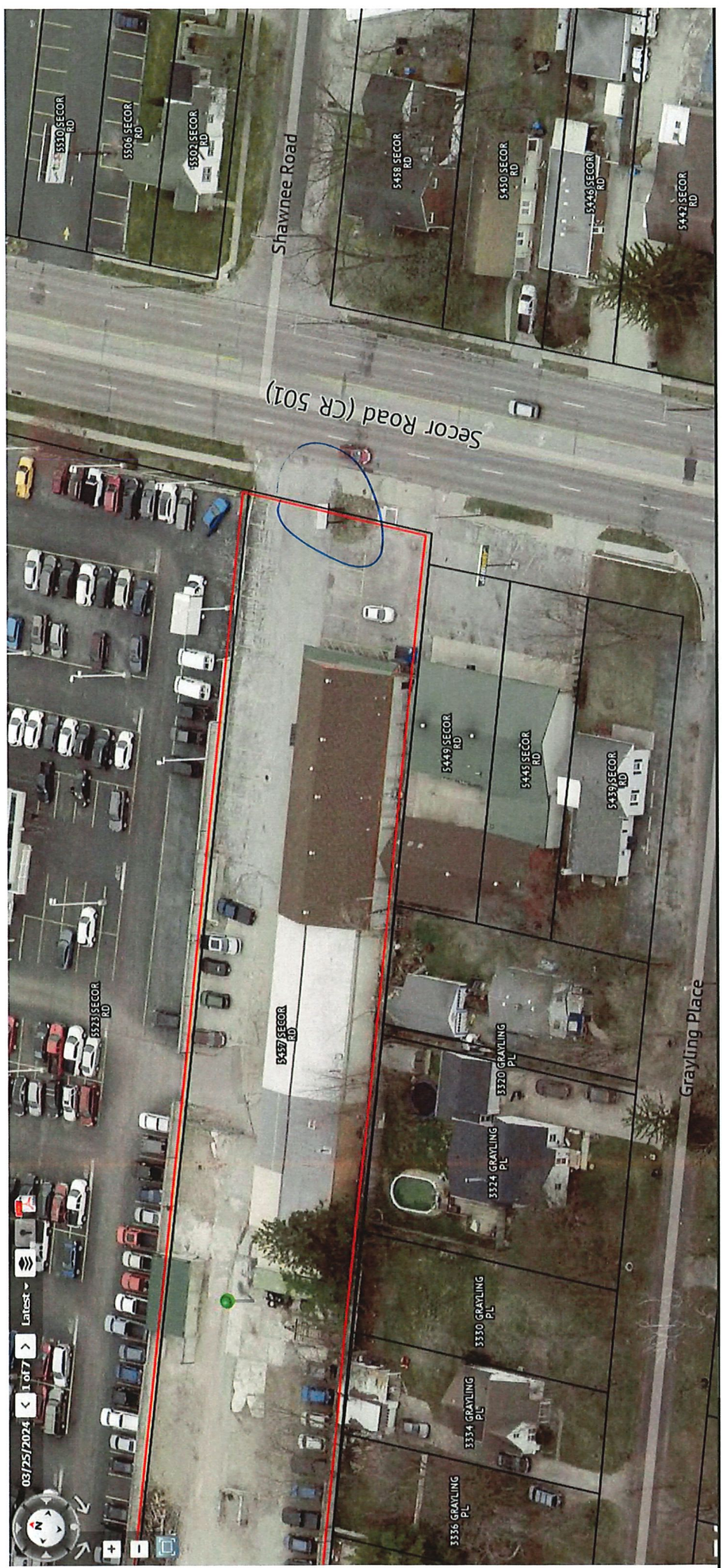
PARCEL ID: 2336107  
MARKET AREA: 5002C  
WHIRLWIND RESOURCE PROPERTIES LLC  
TAX YEAR: 2025



Enter an Intersection or Address



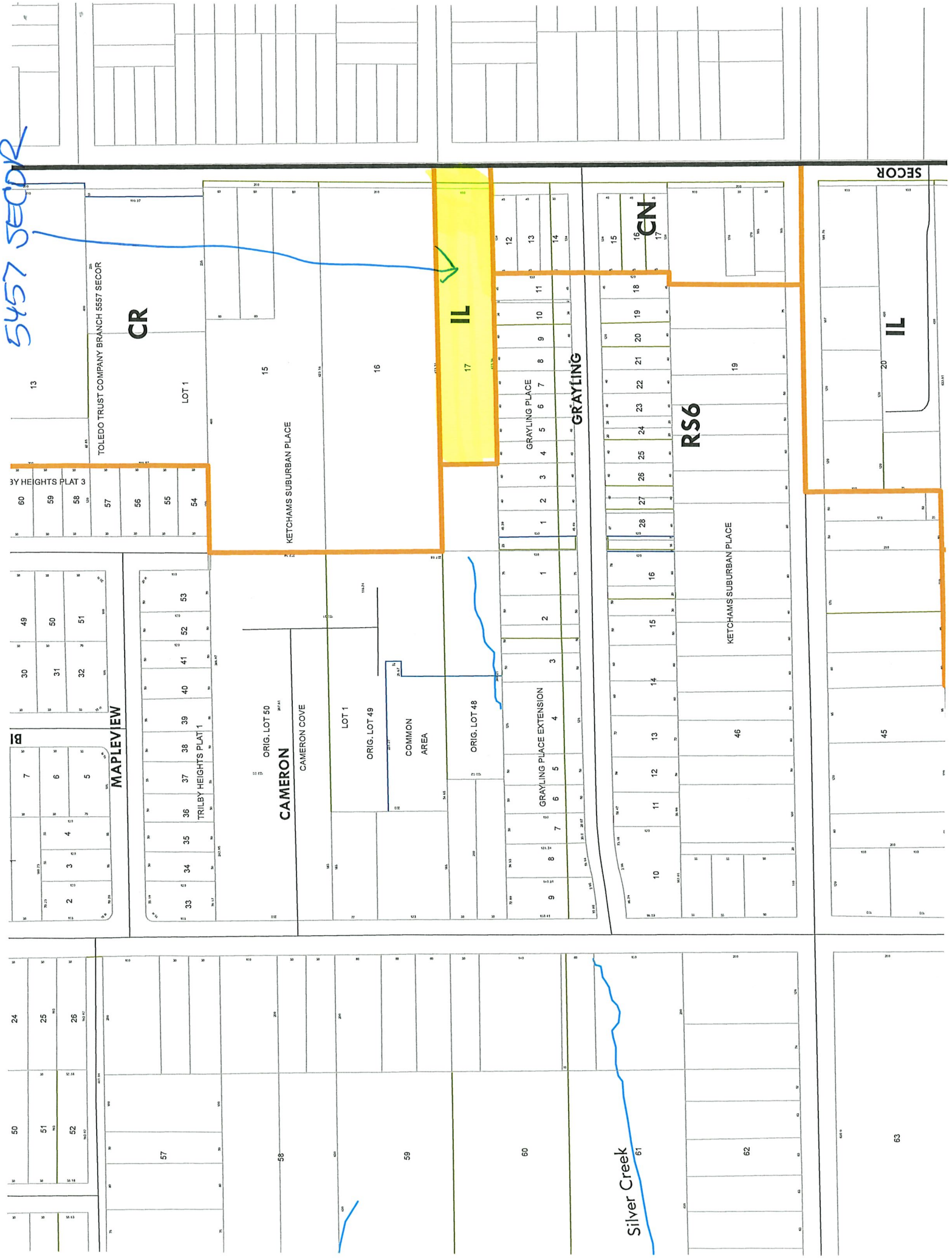




5457 SECOR



5457 SECOR



MAPVIEW

CR

IL

CN

RS6

SECOR

IL

CAMERON

ORIG. LOT 50

CAMERON COVE

LOT 1

ORIG. LOT 49

COMMON AREA

ORIG. LOT 48

GRAYLING PLACE EXTENSION

GRAYLING

KETCHAMS SUBURBAN PLACE

Silver Creek

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