

Board of Zoning Appeals

September 15, 2025

Toledo Lucas County Plan Commissions Recommendations

5439 Secor

Plan Commission recommends approval of a modified compromise for the 6' fence to be located 6' in front of the side door per the applicant's request. The primary access to the rear yard is through the door on this side of the house. The fence in this location would allow residents to open the door directly into their back yard.

5457 Secor Rd

Plan Commission recommends disapproval of the request. Per Toledo Municipal Code (TMC) 111.0802, a sign is deemed abandoned if it no longer contains copy or advertises goods, products, services, or facilities. Since June 2023, the sign has had no copy. Hence, it is considered abandoned per the code requirement.

The applicant letter identified three points for the appeal.

First, the sign was not abandoned, there was only a change in tenancy. They cited TMC 1113.0703, which states that a sign maintains legal non-conforming status if the site that the sign advertises is vacant for more than 6 months. This would be relevant if the sign contained copy related to the business on the property. However, pictures from 2023, 2024, and 2025 show that the sign has not been used for any copy related to a business. As a result, TMC 1113.0802 Abandoned Sign would apply because the sign "no longer contains copy or advertises goods, products, or services" on the property well beyond the minimum requirement of six months or more. The sign needs to fully comply with all regulations in the sign code.

Second, the TMC is impermissibly vague and applied in a discriminatory manner. We believe the code is clear on this matter as highlighted in the first point and not discriminatory. Nearly 200 letters were sent to property owners based on an initial sweep of the City. Additional, follow up sweeps will be required to ensure that all abandoned signage is addressed. Further, we demonstrated a willingness to work with the applicant by identifying a way to keep the sign by modifying it so that it complied with sign code regulations.

Third, TMC 1111.0208 allows an appeal of an administrative order to the Board of Zoning Appeals to be reversed when factual evidence is presented that the Planning Department erred. In our opinion and based on the evidence in this response, the applicant has failed to demonstrate and error in the zoning violation notice.

439 Eastern Ave

Plan Commission recommends disapproval of this request. The applicant has not demonstrated a unique hardship. The parking lot, which has been explored by the applicant since 2018, still remains far from being fully funded. A temporary variance without an end date and funding

uncertainties may result in the permanent approval of the gravel lot. It would also create a precedent for other parking projects in the City with funding challenges. Further, the owner was also cited by Building Inspection on 7/22/20 for the same issue: constructing a parking lot without permits/approvals. Because of the previous history of illegal work, the applicant should have known to check with the City, before completing any additional work.

1905 N. Summit St

Plan Commission recommends approval of the request. The applicant has demonstrated a unique hardship. The location of the house on the corner lot results in nearly no rear yard, making it difficult to meet any zoning regulations.