



Board of Zoning Appeals

March 2, 2022

6:00 p.m.

Notice is hereby given that the Board of Zoning Appeals of the Village of Whitehouse will hold a meeting on Wednesday, March 2, 2022, at 6:00 p.m. in the Whitehouse Village Hall, 6925 Providence Street, Whitehouse, OH.

AGENDA

1. Call to Order.
2. Elect officers for the calendar year 2022 (Chairman, Vice Chairman, Secretary)
3. Approve Minutes of the December 1, 2021 meeting.
4. Review, discuss and finalize a ruling regarding Appeal #01-2022 submitted by Julie Theroux and Jonathan Hoag, businessowners, for an extension of time for a portable storage unit.
5. Any other business as appropriate under the Village Charter.
6. Adjourn.

Tiffany Bachman
Planning Administrator

**VILLAGE OF WHITEHOUSE
BOARD OF ZONING APPEALS MINUTE
December 1, 2021**

Board members present: Chuck Kethel, Leroy Ryerson, Julie Studer and Mike Walters. Also present was Jim Thomas from J. Thomas Builders, Steve Rogers from Steve Rogers Ford and Planning Administrator Tiffany Bachman.

The Board of Zoning Appeals (BZA) meeting was called to order by Mike Walters at 6:00 p.m.

First agenda item is to approve the minutes from the October 6, 2021, meeting. Motion made by Leroy Ryerson seconded by Julie Studer to approve the minutes. Motion passed 4-0.

Second item on the agenda is to review, discuss and finalize a ruling regarding Appeal #06-2021 submitted by J Thomas Signature Builders for construction of a house on Otsego Street. Jim was asked by the committee to resubmit for a single-family ranch home instead of a two-story two-family unit. Jim has also obtained the paperwork from FEMA stating that this property is out of the floodplain and most of the dirt that is there will be removed during the construction process. Leroy made a motion to accept the variances and allow the home to be built, seconded by Chuck Kethel. Motion Passed 4-0.

Third item on the agenda is to review, discuss and finalize a ruling regarding Appeal #07-2021 submitted by Steve Rogers Ford for the placement of a sign. Mr. Rogers is moving the sign from the old property to the new property. The maximum height allowed is 8' and this sign is 24' tall. Mike is concerned that it will set a precedence for the empty lot next to the Ford dealership. Leroy said it should be looked at on an individual basis. Chuck made a motion to accept the variance for the sign, seconded by Julie. Motion passed 4-0.

With no other business to come before the committee, Chuck Kethel made a motion adjourn, seconded by Julie Studer. The meeting was adjourned at 6:14 pm.

Respectfully submitted,

Tiffany Bachman
Planning Administrator

STAFF REPORT
BOARD OF ZONING APPEALS #01-2022
March 2, 2022

Applicant: Jonathan Hoag & Julie Theroux

Date Appeal Filed: January 19, 2022

Subject Property: 6760 Providence Street, Whitehouse, OH

Request: Applicant is requesting a variance to have additional time with a portable storage unit.

Adjacent Zoning: North, East, South, and West: C-2 Village Center Commercial

Adjacent Uses: North: Bike Trail
East: Downtown Business
South: Apartment
West: Vacant Building

CONSIDERATIONS:

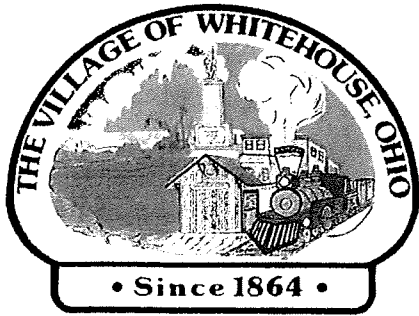
1. On February 3, 2021, a shed permit was given for 6760 Providence Street, Whitehouse. A shed was not constructed, and a portable storage unit was put on the property.
2. On January 13, 2022, the applicants were provided a letter that the shipping container is temporary and has been on the property without the required permit and has exceeded the allowed 90 days.
3. The applicants filed an appeal on January 19, 2022, for additional time with a portable storage unit.
4. **Section 1242.03 Powers and Jurisdiction** of the Zoning Code states that in order for the BZA to authorize a variance upon appeal, that all the following conditions exist:
 1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.
 2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.
 3. The condition from which relief or a variance is sought did not result from

action by the applicant.

4. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety, convenience or general welfare of the inhabitants of the Village.

Respectfully submitted,

Tiffany Bachman
Planning Administrator



PETITION

Before the Board of Zoning Appeals

REQUEST FOR VARIATION

Docket No. _____

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: 1-19-22 Time: _____

Date set for Hearing: 3-2-22 Time: 6 pm

Fee Paid on: — Amount: —

Comments: _____

NOTICE TO APPLICANTS

A Variation is a zoning adjustment which permits minor changes of district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of Variation is limited to the minimum change necessary to overcome the inequality inherent in the property. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

A variation recognizes that the same district requirements do not affect all properties equally; it is used to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district.

You must file this Petition along with the following: The filing fee established by the Village of Whitehouse; an 11 x 17 inch Site Plan and a 24 x 30 inch Site Plan giving dimensions and scale; a Legal Plat of Survey; proof of ownership; and a copy of any rough building plans giving dimensions and scale. You may also be required to submit additional information.

You must complete the following questions (if additional space is needed, attach extra pages to this Application).

1) Name of owner(s): Cycle Werks

2) If Land Trust, name(s) of all beneficial owners: _____

3) Name of Applicant(s): Jonathan Hoag/Julie Theroux

4) Address of Applicant(s): 6760 Providence
Whitehouse, OH 43571

5) Applicant(s) phone number: Home _____ Office 419-877-1000
Home _____ Office _____

6) Property interest of Applicant:

- Owner
- Contract purchaser
- Attorney of owner
- Other (describe) _____

7) Address of property in question: 6760 Providence

8) Size of parcel: 12,915 SF

9) Present zoning category:

- | | | |
|------------------------------|---|-------------------------------|
| <input type="checkbox"/> A | <input type="checkbox"/> R-4 | <input type="checkbox"/> C-4 |
| <input type="checkbox"/> S-1 | <input type="checkbox"/> R-5 | <input type="checkbox"/> M-1 |
| <input type="checkbox"/> R-1 | <input type="checkbox"/> C-1 | <input type="checkbox"/> M-2 |
| <input type="checkbox"/> R-2 | <input checked="" type="checkbox"/> C-2 | <input type="checkbox"/> B.P. |
| <input type="checkbox"/> R-3 | <input type="checkbox"/> C-3 | |

10) Adjacent Zoning:

To the North: Bike Trail - Public
To the South: Residential
To the East: Commercial
To the West: Commercial

11) How is the property in question presently improved? _____

Commercial Building

12) Present Use:

- Commercial
 - Industrial
 - Residential
 - Other
- (Describe) _____

13) Adjacent Uses:

To the North: Bike trail
To the South: Apartment
To the East: Commercial Business
To the West: Vacant building

14) A VARIATION is requested in conformity with the powers vested in the Board of Zoning Appeals to permit the _____

Storage Container on the
(Insert use of construction proposed)

property described above.

15) Permit applied for and denied:

- Yes
- No

16) Is the property in question currently in violation of the Zoning Ordinance?

- Yes
- No

If yes, how? passed the time limit for storage container.

17) Is the property in question presently subject to a variation?

- Yes No

If yes, list each date and ordinance granting the variation(s). _____

18) From what zoning and/or sign ordinance are you requesting a

variation? 1252.05

19) ATTACH LEGAL DESCRIPTION AS IT APPEARS ON THE DEED.

20) What characteristics of your property prevent it being used for any of the uses permitted in your zone?

- | | |
|--------------------------------------|---|
| <input type="checkbox"/> Too narrow | <input type="checkbox"/> Shape |
| <input type="checkbox"/> Too small | <input type="checkbox"/> Soil |
| <input type="checkbox"/> Too shallow | <input type="checkbox"/> Subsurface |
| <input type="checkbox"/> Elevation | <input checked="" type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Slope | |

21) Describe the items checked, giving dimensions where appropriate. _____

8 x 8 x 20

22) How do the above site conditions prevent any reasonable use of your land

under the terms of the Zoning Ordinance? N/A

23) Are the conditions on your property the result of other man-made changes (such as relocation of a road or highway)?

- Yes
 No If so, describe _____

24) Which of the following types of modifications will allow you a reasonable use of your land?

- Setback requirement
- Side yard restriction
- Area requirement
- Lot-coverage requirement
- Off-street parking requirement

Other (describe) Extended time

25) To the best of your knowledge, are the conditions of hardship for which you request a Variation true only of your property?

Yes

No If no, how many other properties in your immediate vicinity to the best of your knowledge are similarly affected? _____

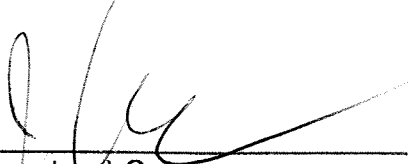
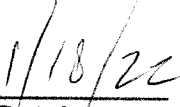
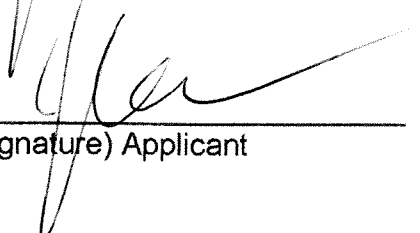
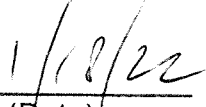
26) Explain why in your opinion the grant of the Variation requested will be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance. (Use additional pages if necessary)

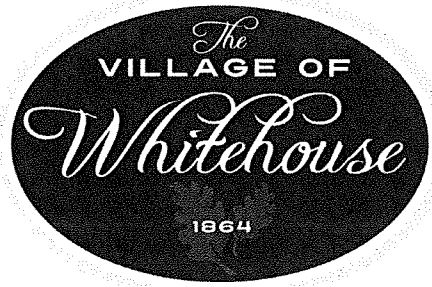
Our storage unit is used to store inventory and is necessary due to a systemic change in the way we have to do business with the current supply chain issues that everyone has to deal with. We have to carry more product because we are ordering a year in advance. Because it contains thousands of dollars in inventory, it has to be a secure, steel storage unit.

We understand the spirit of this rule is to keep the neighborhood appearance from deteriorating and we agree with that. Our intent is to paint the storage unit the same color as the building and to move it closer to the building. It will blend in and will not be noticeable.

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Whitehouse for the purpose of securing information, posting, maintaining and removing such notices as may be required by law.

 _____ (Signature) Owner	 _____ (Date)
 _____ (Signature) Applicant	 _____ (Date)



January 13, 2022

Cycle Werks
6760 Providence St.
Whitehouse, OH 43571

Re: POD/Shipping Container

Owners of Cycle Werks:

It was brought to my attention that a portable storage unit/shipping container has been on your property without a permit and past the allowable timeframe for such a unit. A shed permit was pulled and approved in February 2021, but a shipping container was brought in instead of a shed. A shed is a permanent structure with a foundation, placed upon a solid surface. A shipping container or portable storage unit is temporary and has its own set of zoning regulations, which are as follows:

*1257.22 Regulation and Registration of Portable/Temporary Storage Units (PSU) **

A. Registration and Permits.

1. No person shall have a PSU delivered to their home or business without first registering with the Zoning Department and receiving a permit for such unit.

1. The registration required by subsection (a) hereof shall be made by filing with the Zoning Inspector on forms furnished for such purpose the following information:

- a. Name and home address of the applicant;*
- b. Detailed site diagram showing the location where the PSU will be located on the premises;*
- c. Dates on which the PSU is to be used and located on the premises;*
- d. Number of previous permits issued to the applicant for the same premises on which the PSU is to be located during the calendar year.*
- e. Such other information as may be required to facilitate regulation of the PSU as determined by the Zoning Official or their designee.*

2. Permits shall be valid for thirty (30) calendar days. Commencement date shall be the date of placement of the PSU upon the subject premises. No more than (3) three permits may be issued to the same applicant for the same premises in any calendar year. Placement of the PSU shall not exceed a combined total of ninety (90) consecutive days upon the same premises.

B. Responsibilities of Permit Holder.

1. No permit holder shall continue to allow the PSU to remain upon the designated premises after the expiration of the permit date or in violation of the terms specified in the permit.

C. Penalty.

1. Whoever shall fail to obtain a permit or shall violate any provision of this section shall be guilty of a minor misdemeanor.

2. Each calendar day of any violation herein shall be a separate violation of this section.

You may appear before the Board of Zoning Appeals by filling out an application and returning it no later than January 21, 2022, to be put onto the March 2, 2022, Board of Zoning Appeals agenda.

If you have any questions, please feel free to contact me at 419-877-5383.

Sincerely,

Jennifer Herman

Jennifer Herman
Zoning Clerk



ZONING PERMIT

Whitehouse, Ohio

Legal Description:

Street Address: **6760 Providence St, Whitehouse, OH 43571**

Land Owner: **CycleWerks**

Zoning District: **C-2**

Class of Work: **Shed in rear yard**

Lot size: **varies**

Building Size: **8' x 20' shed**

Application is also made for Certificate of Availability of Utilities: ___ Yes X No If Yes, check which of the following is needed: ___ Storm sewer ___ Sanitary sewer ___ Water

Attach plan showing lot size, buildings, their size and location including distance from property lines.

Date: February 3, 2021

Submitted by: CycleWerks

Street: 6760 Providence St

Town, Zip: Whitehouse, OH 43571

Phone: 419-877-1000

Email: shopcyclewerks@gmail.com

***** For Office Use Only*****

Zoning Permit issued: X Yes ___ No

With Addendum (attached): ___ Yes X No

Approved by: Jordan Daugherty Date: February 3, 2021
Jordan D. Daugherty, Village Administrator

Certificate of Availability of Utilities issued: ___ Yes X No

Approved by: Steven P. Pilcher Date: February 3, 2021
Steven Pilcher, Director of Public Service

Permit fee paid	<u>2/3/21</u>
Amount \$	<u>25.00</u>
Check No.	<u>4949</u>
Receipt No.	<u>163055</u>
Flood plain	_____



APPLICATION FOR A ZONING PERMIT

The undersigned hereby applies for a Zoning Permit for the following use and or building, to be issued on the basis of the information contained herein, including attached plot plans and drawings, all of which applicant says are true.

Subdivision: _____ Lot # _____ Address of Parcel: U 760 Providence
Owner: Cyclewerks Phone # 877-1000 Email: shopcyclewerks@gmail.com
Contractor: _____ Phone # _____
Address: _____ Email: _____

Lot size: _____ ' x _____ ' Frontage: _____ ' Type of lot: Inside Corner

Check all that apply: New dwelling Remodel Addition
Garage Shed Deck Other

Fill in all that apply:

Dwelling: # of Families _____ Building size: _____ ' x _____ ' Height: _____ Stories: _____
Roof pitch _____ Eave overhang _____ Construction value: \$ _____
Square footage (including garage and basement): _____

Remodel: Size of Area: _____ Explain changes: _____
Addition: Size: _____ ' x _____ ' Location: Front Back Side
Garage: Size: _____ ' x _____ ' Square footage: _____ Height: _____ Use: _____
Shed: Size: 8 ' x 20 ' Square footage: _____ Height: 6 ' Use: Storage
Deck: Size: _____ Location: Front Back Side
Remarks: _____

By signing below, I understand that Whitehouse is required to obtain National Pollution Elimination System (NPDES) general permit coverage for Municipal Separate Storm Sewer Systems under the purview of the Clean Water Act. I also understand that I must comply with certain regulations as outlined in the attached letter dated December 27, 2016. I hereby acknowledge that I have received a copy of the information and will abide by such regulations while working in Whitehouse.

The undersigned states that this Application is true, accurate and complete with all required documentation. Whitehouse relies on the completeness, relevancy, and accuracy of the Application for Zoning Permit. I have read the foregoing application and agree. Any certificate issued upon a false statement of any fact, which is material to the issuance hereof, shall be void.

Signature: Julie Theroux Date: 1/28/21

Submitted by (Please Print): Julie Theroux

OFFICE USE ONLY: Date Received: _____ Fee paid: _____ Check # _____ Receipt # _____



Property Search

Address Owner Parcel Number Assessor # Advanced County Map Multi-Year Search

Summary

MARKET AREA: 8003C
TNH HOLDINGS LLC AN OHIO LIMITED LIABILITY COMPANY
TAX YEAR: 2021

Pictometry

Transfers

Values

Residential Attributes

Commercial Attributes

Outbuildings

Land

Remarks & Splits

Permits

Current Taxes

Tax Distribution

By Fund

By Fund & Levy

Prior Taxes

Special Assessments

Payments

Levy Estimator

Prior Specials

Pro # Inquiry

CAUV

Agriculture

Forest

Mylar Tax Map

Photos

Sketch

Manufactured Home (MH_OH)

Manufactured Home (MH_EQ)

BOR/Appeals



over 10' on each side per Julie
over the phone