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## **Board of Zoning Appeals**

May 3, 2023

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, May 3, 2023, 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 2023 (Chairman, Vice Chairman, Secretary)
3. Approve Minutes of the May 4, 2022 meeting.
4. Review, discuss and finalize a ruling regarding Appeal #01-2023 submitted by John and Kendal Shaffer, homeowners, for construction of a front porch.
5. Any other business as appropriate under the Village Charter.
6. Adjourn.

Tiffany Bachman  
Planning Administrator

**VILLAGE OF WHITEHOUSE  
BOARD OF ZONING APPEALS MINUTES  
May 4, 2022**

Board members present: Mike Walters, Leroy Ryerson, Chuck Kethel, Julie Studer and Brian Carroll. Also present was Sonny Hamizadeh from Poggemeyer Design Group, Charles Grass, 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 item on the agenda is to approve the minutes of the April 6, 2022, meeting. Leroy made a motion to accept, seconded by Chuck Kethel. Motion Passed 5-0.

Second item on the agenda is to review, discuss and finalize a ruling regarding Appeal #03-2022 submitted by DEWESoft, LLC, business, for an addition on the existing building. They are looking for a variance of 33' on the front and 29' on the side. Sonny Hamizadeh, from Poggemeyer Design Group represented DEWESoft. Adjacent to the property is an apartment complex on one side and a garage on the other. Placement of a fire escape on the west side of the addition would need to be added because they want to have rooftop events and need emergency escape. The fire escape will be gated and alarmed so it will not be accessible to the public. Leroy asked how far from the wires it would be. It would be about 15' away. It's behind the garage that is next door. The addition would be 38' tall and would line up with the existing building, minus the stairs. Leroy Ryerson made a motion to grant the front and side variance for the addition, seconded by Chuck Kethel. Motion passed 5-0.

Third item is to review, discuss and finalize a ruling regarding Appeal #04-2022 submitted by Charles Grass, builder, for construction of an attached garage. Ultimately, he would like to reconstruct the house with the same footprint and add an attached garage for his daughter. She owns this lot and Charlie is the builder. He would need a 5' variance on the north for the garage and a 3' variance on the south if he reconstructs the house. Is the original foundation going to stay? Charlie said the foundation really isn't in good shape and would like to replace that as well. Part of the house is from 1912 and another part is from the 1950's. Charlie also owns the lots on either side of the house and wants to keep them as they are. The existing house does not sit parallel to the lot lines, so he would like to straighten it out if he can. Leroy Ryerson made a motion to grant the 5' variance on the north side and a 3' variance on the south side, allowing the garage to be built and a house on the existing footprint, seconded by Chuck Kethel. Motion passed 5-0.

Brian asked what is happening with the CycleWerks storage container. Tiffany stated a letter was sent to the owners letting them know they did not hold up their end of the agreement by having it painted within 45 days of the ruling. The owner called and said due to the weather they have not had a chance to get that done. Once the weather is nice enough, it will be completed. Tiffany said it has been moved closer to the building.

With no other business to come before the committee, Brian Carroll made a motion to adjourn, seconded by Julie Studer. The meeting was adjourned at 6:57 pm.

Respectfully submitted,

Tiffany Bachman  
Planning Administrator

**STAFF REPORT**  
**BOARD OF ZONING APPEALS #01-2023**  
**May 3, 2023**

Applicant: John and Kendal Shaffer

Date Appeal Filed: April 11, 2023

Subject Property: 7000 Heller Road, Whitehouse, OH

Request: Applicants are requesting a variance to construct a twenty-seven (27) foot by fifty-four (54) foot covered porch.

Adjacent Zoning: To the north: R-3  
To the east: R-4 PUD  
To the south: R-3  
To the west: R-3 PUD

Adjacent Uses: To the north: Single family home  
To the east: Two-family home  
To the south: Single family home  
To the west: Single family home

**CONSIDERATIONS:**

1. A zoning permit was requested on April 10, 2023, to build a covered porch on the front of the house at 7000 Heller Road.
2. The applicant was sent a letter on April 11, 2023, denying the request for a zoning permit due to the porch extending into the thirty-five (35) foot building line at the front of the property. Applicant submitted an appeal for a variance to the Board of Zoning Appeals on April 11, 2023.
3. Section 1242.03 (B) of the Zoning Code sets forth the powers and jurisdiction of the BZA as follows:

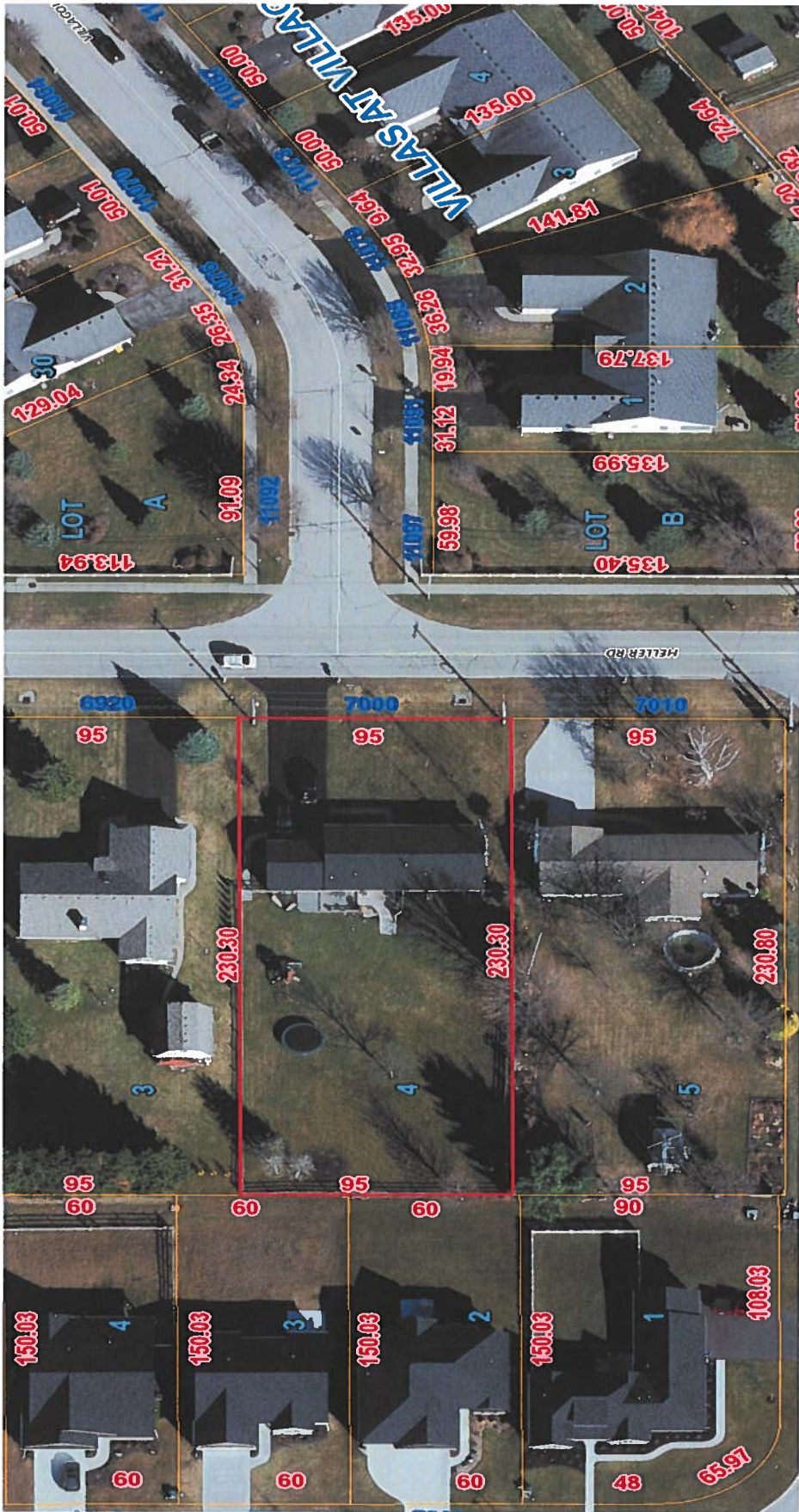
Variances. To authorize, upon appeal, a variance from the practical difficulties of strict application of the terms of this Zoning Ordinance, where the landowner would be deprived of reasonable return or beneficial use of property by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situation or condition of a lot, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent of the Zoning Ordinance, and provided further that no variance shall be granted unless the Board specifically finds that all of 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  
Tax Commissioner





May 3rd  
turn in by 12th



PETITION

Before the Board of Zoning Appeals

REQUEST FOR VARIATION

Docket No. \_\_\_\_\_

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: \_\_\_\_\_ Time: \_\_\_\_\_

Date set for Hearing: \_\_\_\_\_ Time: \_\_\_\_\_

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): John + Kendal Shaffer

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

3) Name of Applicant(s): Kendal Shaffer

4) Address of Applicant(s): 7000 Heller Road  
Whitehouse Ohio 43571

5) Applicant(s) phone number: Home (419) 340-3747 Office \_\_\_\_\_  
Home \_\_\_\_\_ Office \_\_\_\_\_

6) Property interest of Applicant:

- Owner
- Contract purchaser
- Attorney of owner
- Other (describe) \_\_\_\_\_

7) Address of property in question: 7000 Heller Road  
Whitehouse Ohio 43571

8) Size of parcel: 1/2 acre

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 type="checkbox"/> C-2 | <input type="checkbox"/> B.P. |
| <input checked="" type="checkbox"/> R-3 | <input type="checkbox"/> C-3 |                               |

10) Adjacent Zoning:

To the North: \_\_\_\_\_

To the South: \_\_\_\_\_

To the East: \_\_\_\_\_

To the West: \_\_\_\_\_

11) How is the property in question presently improved? Adding a  
covered porch

12) Present Use:

Commercial

Industrial

Residential

Other

(Describe) \_\_\_\_\_

13) Adjacent Uses:

To the North: residential

To the South: \_\_\_\_\_

To the East: \_\_\_\_\_

To the West: \_\_\_\_\_

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

addition of covered porch 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? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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? 1256.02

\_\_\_\_\_

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?

Too narrow

Shape

Too small

Soil

Too shallow

Subsurface

Elevation

Other (Specify)

Slope

\_\_\_\_\_

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

Variance needed for porch ~ left out from house  
while house currently is on building line

22) How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance? na

\_\_\_\_\_  
\_\_\_\_\_

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) WANT to be able to add ~left covered porch

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

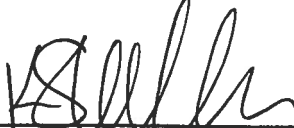
- Yes
- No If no, how many other properties in your immediate vicinity to the best of your knowledge are similarly affected? \_\_\_\_\_

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)


the addition of the porch + "face lift" of the property will visually improve the home + improve look of the street + contribute to better property value for the property in question + neighboring properties

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

4.4.23  
(Date)

  
\_\_\_\_\_  
(Signature) Applicant

4.10.23  
(Date)

# Whitehouse

## 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: 7000 Heller Rd  
Owner: John + Kendal Shaffer Phone # 419 575 2612 Email: johnshaffer1986@yahoo.com  
Contractor: Jim Thomas Phone # 419 350-4001  
Address: \_\_\_\_\_ Email: jtsb1td@gmail.com

Lot size: 95 ' x 230 ' Type of lot: Inside  Corner

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

### Fill in all that apply:

Dwelling: # of Families 1 Square footage (including garage and basement) 3400  
Building size: 27 ' x 54 ' Height: \_\_\_\_\_ Stories: \_\_\_\_\_ Roof pitch \_\_\_\_\_  
Eave overhang \_\_\_\_\_ Construction value: \$ \_\_\_\_\_

Remodel: Size of Area: \_\_\_\_\_ Explain changes: \_\_\_\_\_  
Addition: Size: \_\_\_\_\_ ' x \_\_\_\_\_ ' Location: Front  Back  Side   
Garage: Size: \_\_\_\_\_ ' x \_\_\_\_\_ ' Square footage: \_\_\_\_\_ Height: \_\_\_\_\_ Use: \_\_\_\_\_  
Shed: Size: \_\_\_\_\_ ' x \_\_\_\_\_ ' Square footage: \_\_\_\_\_ Height: \_\_\_\_\_ Use: \_\_\_\_\_  
Deck: Size: 6' x 18' 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.

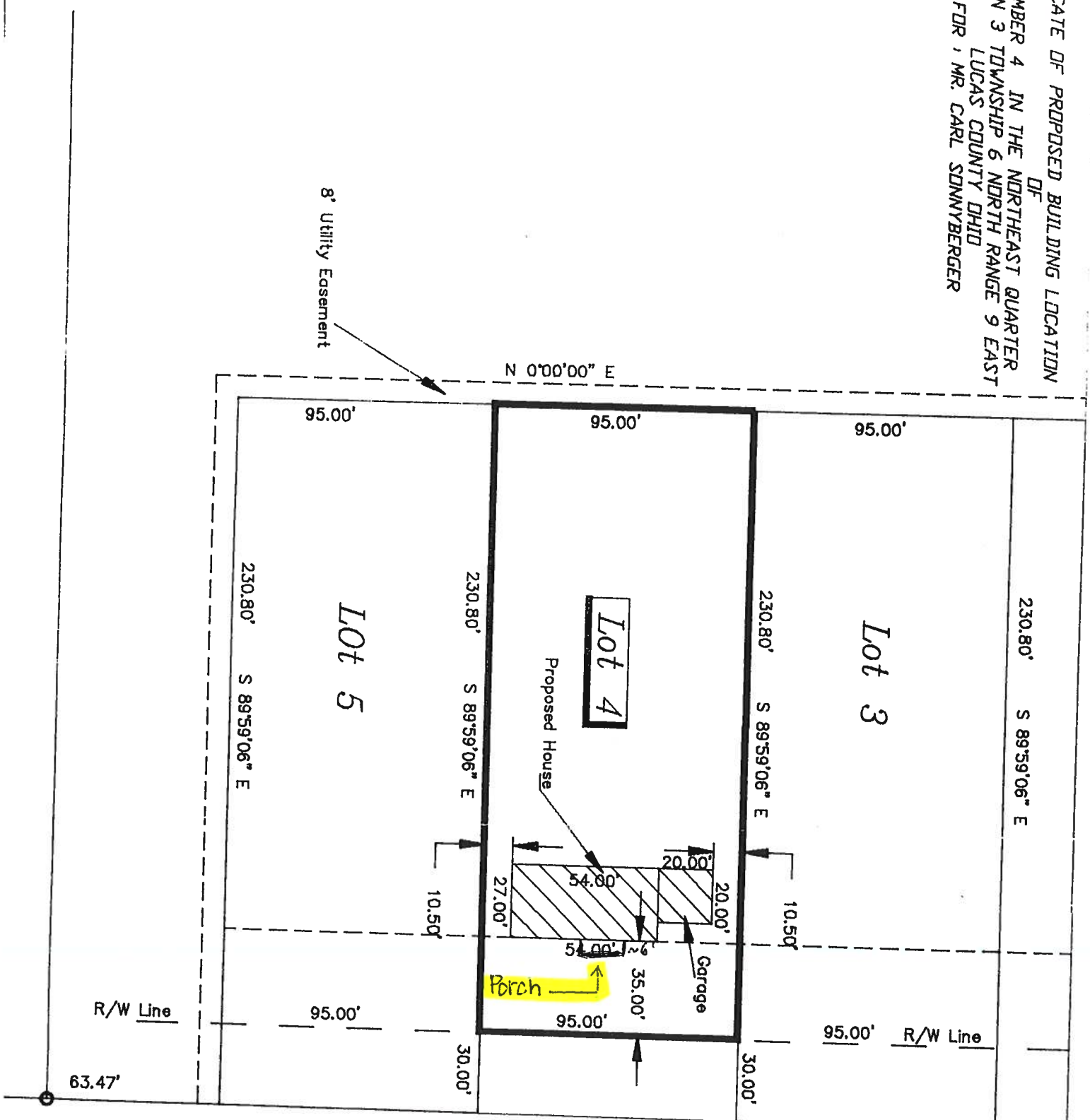
The undersigned states that this Application is true, accurate and complete with all required documentation. Whitehouse relies on the completeness, relevancy, and accuracy of the Application for Zoning Permit. I have read the foregoing application and agree. Any certificate issued upon a false statement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

Signature:  Date: 4 10 23

Submitted by (Please Print): John Shaffer

OFFICE USE ONLY: Date Received: 4.10.23 Fee paid: \_\_\_\_\_ Check # \_\_\_\_\_ Receipt # \_\_\_\_\_

CERTIFICATE OF PROPOSED BUILDING LOCATION  
OF  
LOT NUMBER 4 IN THE NORTHEAST QUARTER  
F. SECTION 3 TOWNSHIP 6 NORTH RANGE 9 EAST  
LUCAS COUNTY OHIO  
FOR MR. CARL SONNYBERGER



Heller Road

R/W Line

I HEREBY CEI  
A PLAT OF S  
DIRECT SUPER  
TO THE BEST  
THE MARKERS  
AS SHOWN

DAVID R. MAX  
REG. SURVEYOR  
DATE: 5/26/

REGISTERED SURVEYOR



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April 11, 2023

John & Kendal Shaffer  
7000 Heller Rd.  
Whitehouse, OH 43571

Re: Zoning permit-7000 Heller Rd.

Mr. & Mrs. Shaffer:

I have reviewed the application requesting a permit for construction of a front porch/deck at 7000 Heller Road in the Village of Whitehouse.

I must deny your request for a zoning permit due to the porch extending into the 35' building line at the front of the property. You may appeal against my decision by applying to the Board of Zoning Appeals. Appearing before the Board of Zoning Appeals requires an application to be filled out and a \$100 filing fee, which I did receive on April 10, 2023.

The next Board of Zoning Appeals meeting is scheduled for Wednesday, May 3, 2023, at 6:00 pm. You will receive notification and the agenda before the meeting on May 3.

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

Sincerely,

*Jennifer Herman*

Jennifer Herman  
Zoning Clerk