



Board of Zoning Appeals

June 7, 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, June 7, 2023, at 6:00 p.m. in the Whitehouse Village Hall, 6925 Providence Street, Whitehouse, OH.

AGENDA

1. Call to Order.
2. Approve Minutes of the May 3, 2023 meeting.
3. Review, discuss and finalize a ruling regarding Appeal #02-2023 submitted by Theresa Torio and Justin Keeler, homeowners, for construction of a pole building.
4. Any other business as appropriate under the Village Charter.
5. Adjourn.

Joshua Hartbarger
Chief Operating Officer

**VILLAGE OF WHITEHOUSE
BOARD OF ZONING APPEALS MINUTES
May 3, 2023**

Board members present: Julie Studer, Dennis Kennedy, Wendy Gehring and Dave Riggenschach. Also present were John and Kendal Shaffer, Planning Administrator Tiffany Bachman and Zoning Clerk Jennifer Herman.

The Board of Zoning Appeals (BZA) meeting was called to order by Julie Studer at 6:01 p.m.

First item on the agenda was to elect officers for the 2023 year. Julie Studer made a motion to elect Mike Walters as Chairman, Dennis Kennedy seconded, motion passed. Dennis made a motion to elect Julie Studer as Vice Chairman, seconded by Dave Riggenschach, motion passed. Julie made a motion to elect Wendy Gehring as Secretary, seconded by Dave, motion passed.

Second item on the agenda is to approve the minutes of the October 5, 2022, meeting. Dennis made a motion to accept, seconded by Dave. Motion passed 4-0.

Third item on the agenda is to review, discuss and finalize a ruling regarding Appeal #01-2023, submitted by John and Kendal Shaffer, homeowners, for construction of a front porch. The home was built on the thirty-five-foot building line set back, so the porch would extend past that. Dave asked if the current deck extends beyond the line, the homeowners confirmed it does. Dennis said he drove by the house and wanted to confirm they were adding the gables onto the front as well, yes, they are. They are putting an addition onto the back of the house with cathedral ceilings, which will raise the pitch of the roof beyond the current roof, so the front gables will tie it all together. The gables will have wood shingles on the front and wood pillars on the porch. Dennis asked if they would grant the variance for the porch if it would impact any drainage issues for being past the building line. Tiffany said it would not. Dave made a motion to grant the variance for the porch, Wendy seconded. Motion passed 4-0.

With no other business to come before the committee, Dennis made a motion to adjourn, Dave seconded. The meeting was adjourned at 6:13 pm.

Respectfully submitted,

Tiffany Bachman
Planning Administrator

STAFF REPORT
BOARD OF ZONING APPEALS #02-2023
June 7, 2023

Applicants: Theresa Torio & Justin Keeler

Date Appeal Filed: May 8, 2023

Subject Property: 10816 Toledo Street, Whitehouse, OH, Zoned C-2 Village Center

Request: Applicants are requesting to build a pole barn on their parcel of land next to their existing residence. Chapter 1257.02(C) prohibits pole barns in any district other than “Agricultural.”

Adjacent Zoning: To the north, south, east and west: C-2 Village Center

Adjacent Uses: To the north: Residential
To the south: Parkland
To the east: Residential
To the west: Residential

CONSIDERATIONS:

1. On April 17, 2023, a zoning permit was requested to build a pole barn next to the existing residence at 10816 Toledo Street by Justin Keeler.

2. The applicant was sent a letter by the Zoning Official, denying the request for a zoning permit because pole barns are not allowed in “C-2” Village Center Districts. On May 8, 2023, Applicant submitted an appeal for a variance to the Board of Zoning Appeals and paid the \$100.00 filing fee.

3. Chapter 1257.02 of the Whitehouse Zoning Code states:

(C) Pole Barn Construction

1. The construction and/or erection of pole-type buildings and barns shall be permitted only within the specific areas of the Village, as are now or shall be henceforth zoned “Agricultural.” “Agricultural” zoned areas of the Village are those areas so designated in Chapter 1250 (Establishment of Districts).

2. Any and all pole-type construction and/or erection of such buildings shall be subject to all other codes and regulations of the Village as may be designated in applicable building or zoning codes and regulations for the Village.

4. Applicants are asking for a variance of Chapter 1257.02 (C) to allow the construction of a pole barn in an C-2 District.

5. Section 1242.03 of the Zoning Code sets forth the powers and jurisdiction of the BZA as follows:

(B) 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,

Joshua Hartbarger
Chief Operating Officer





145.92

141

165.1

GILEAD ST

132

142

66

10804

143

97

10816

TORREO AVE

26

66

40

31

144

35

167

166

35

145

66

10824

WHITEHOUSE

66

165

146

33

10830

66

33

66



May 8, 2023

Theresa Torio & Justin Keeler
10816 Toledo St.
Whitehouse, OH 43571

Re: Zoning permit-10816 Toledo St

Ms. Torio & Mr. Keeler:

I have reviewed the application requesting a permit for construction of a pole barn at 10816 Toledo St. in the Village of Whitehouse.

Section 1257.02(C)(1) of the Whitehouse Zoning Code states: *The construction and/or erection of pole-type buildings and barns shall be permitted only within the specific areas, as are now or shall be henceforth zoned "Agricultural".*

Therefore, I must deny your request for a zoning permit due to your property being zoned "C-2 Village Center Commercial". This letter serves as your official denial. 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 was received today.

The next Board of Zoning Appeals meeting is scheduled for Wednesday, June 7, 2023, at 6:00 pm at Village Hall in the Council Chambers.

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

Sincerely,

Jennifer Herman

Jennifer Herman
Zoning Clerk



PETITION

Before the Board of Zoning Appeals

REQUEST FOR VARIATION

Docket No. _____

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: May 8, 2023 Time: 9:00 AM

Date set for Hearing: June 7, 2023 Time: 6:00 PM

Fee Paid on: May 8, 2023 Amount: \$ 100.00

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): JUSTIN Keeler THERESA TORIO

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

3) Name of Applicant(s): JUSTIN Keeler THERESA TORIO

4) Address of Applicant(s): 10816 Toleno ST. WHITEHOUSE OH

5) Applicant(s) phone number: Home 419.320.1080 Office _____
Home 419.944.8648 Office _____

6) Property interest of Applicant:

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

7) Address of property in question: 10816 Toleno ST. WHITEHOUSE OH

8) Size of parcel: _____

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: _____

To the South: _____

To the East: _____

To the West: _____

11) How is the property in question presently improved? OLD GARAGE

Will be removed New better garage to be built

12) Present Use:

Commercial

Industrial

Residential

Other

(Describe) GARAGE - STORAGE

13) Adjacent Uses:

To the North: _____

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 NEW GARAGE

_____ 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? SECTION 1257.02 C. Pole Barn Construction

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? SECTION 1257.02 C.

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 type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Slope | |

N/A

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

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

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) _____

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


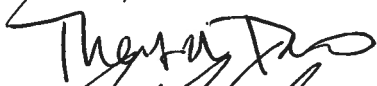
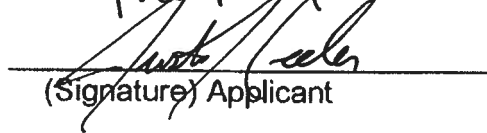
- Yes
- No If no, how many other properties in your immediate vicinity to the best of your knowledge are similarly affected? _____

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)

THIS NEW GARAGE WILL BE BETTER IN APPEARANCE AND MORE STRUCTURALLY SOUND. IT WILL GIVE ME THE STORAGE SO I CAN OBEY BY THE BOAT IN DANCEWAY ENFORCEMENT. WE WILL BE ABLE TO PARK OUR CARS IN THE GARAGE INSTEAD OF THE STREET.

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	<u>4/26/23</u> (Date)
 Theresa D...	5/8/23
 _____ (Signature) Applicant	<u>4/26/23</u> (Date)