



Board of Zoning Appeals

August 7, 2024

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, August 7, 2024, 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 2024 (Chairman, Vice Chairman, Secretary)
3. Approve Minutes of the September 6, 2023 meeting.
4. Review, discuss and finalize a ruling regarding Appeal #01-2024 submitted by Bryan and Maria Stachowiak, homeowners, for construction of a pole building.
5. Any other business as appropriate under the Village Charter.
6. Adjourn.

Joshua Hartbarger
Deputy Administrator/COO

**VILLAGE OF WHITEHOUSE
BOARD OF ZONING APPEALS MINUTES
September 6, 2023**

Board members present: Mike Walters, Julie Studer, Dave Riegenbach and Dennis Kennedy. Also present were Garis & Brigitte Martin, Deputy Administrator Josh Hartbarger and Mayor Keogh.

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

First item on the agenda is to approve the minutes of the June 7, 2023, meeting. Julie made a motion to accept, seconded by Dave. Motion passed 4-0.

Second item on the agenda is to review, discuss and finalize a ruling regarding Appeal #03-2023, submitted by Garis & Brigitte Martin, homeowners, for construction of a two-story detached garage in the rear yard in a R-3 Single-family Residential District. They are asking for a three-and-a-half-foot height variance. Mike stated the plans show an apartment above the garage. Mr. Martin said there would not be an apartment. It will mainly be for storage, but he might put a TV and recliner up there. They picked these plans because they liked the outside appearance and materials of these plans. Brigitte said the house currently does not have a garage and it would be a selling point later. They are also renovating the house. Mike asked if the house currently has a driveway. There is an approach in the front, but there is not a driveway. Garis said there is an alley out back wondered if they could use it. Brigitte said it has been used as an approach to the house behind them for many years. Dennis asked if the sheds would be removed. Brigitte said yes, the sheds would be removed. Dennis asked if a driveway would run to the garage on North Street. Garis said they would like to use the alley. There is a "paper alley" at the back of these properties on North Street and Long Street. Dennis described a "paper alley" as one that was platted out but never maintained and has gone back to nature. Brigitte said they would like to face the garage doors to the back of the property and utilize the "paper alley" for driveway access. Dennis clarified that it would face to the west. The Martins confirmed that yes it would. Dennis asked if they had ever considered combining the two parcels. Brigitte said no that they are two separate parcels and would not be good for resale value if they ever sell one of them. Dave asked for clarification on which direction the garage would face. The Martins said they would like to face it towards the "paper alley." Mike asked for a motion. Dennis said he does not have any problems with sky, air, or light pollution if the variance were granted, but it is considered a recreational space. Details would need to be worked out for driveway access. Brigitte clarified there would not be an apartment upstairs, it just happened to be on the plans. Dennis made a motion to approve the height variance, Julie seconded. Motion passed 4-0.

With no other business to come before the committee, Dave made a motion to adjourn, Dennis seconded. The meeting was adjourned at 6:25 pm.

Respectfully submitted,
Joshua Hartbarger
Deputy Administrator, COO



PETITION

Before the Board of Zoning Appeals

REQUEST FOR VARIATION

Docket No. _____

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: July 17, 2024 Time: 11:45 am
Date set for Hearing: August 7, 2024 Time: 6:00 pm
Fee Paid on: July 17, 2024 Amount: \$ 100.00
Comments: requesting a variance for a pole barn

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): BRYAN + MARIA STACHOWIAK

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

3) Name of Applicant(s): BRYAN STACHOWIAK

4) Address of Applicant(s): 11755 WATERVILLE ST
WHITEHOUSE OHIO 43571

5) Applicant(s) phone number: Home 419-290-8075 Office _____
Home _____ Office _____

6) Property interest of Applicant:

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

7) Address of property in question: 11755 WATERVILLE ST
WHITEHOUSE OHIO 43571

8) Size of parcel: 150.34 X 500/302.12

9) Present zoning category:

- | | | |
|---|------------------------------|-------------------------------|
| ☐ A | ☐ R-4 | ☐ C-4 |
| ☒ S-1 | ☐ R-5 | ☐ M-1 |
| ☐ R-1 | ☐ C-1 | ☐ M-2 |
| ☐ R-2 | ☐ C-2 | ☐ B.P. |
| ☐ R-3 | ☐ C-3 | |

10) Adjacent Zoning:

To the North: S1
To the South: A
To the East: S1
To the West: S1

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

NEW BUILDING WILL CLEAN UP YARD

12) Present Use:

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

13) Adjacent Uses:

To the North: S1 HOUSE
To the South: A FARM FIELD
To the East: S1 HOUSE
To the West: S1 HOUSE (IN WOODS)

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

POLE BUILDING 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? WHITEHOUSE OHIO SECTION 1257.02(C)(1)

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

☐ Too small

☐ Too shallow

☐ Elevation

☐ Slope

☐ Shape

☐ Soil

☐ Subsurface

☒ Other (Specify)

POLE STRUCTURE

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

REQUESTING TO PUT UP A POLE STRUCTURE

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

under the terms of the Zoning Ordinance? _____

ALL USABLE

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) PUT UP A POLE BUILDING

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

☐ Yes

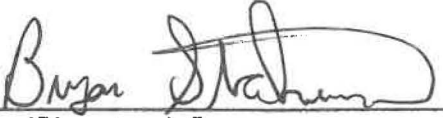
☐ No If no, how many other properties in your immediate vicinity to the best of your knowledge are similarly affected? _____

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)

I WANT TO PUT UP A POLE BUILDING
TO CLEAN UP MY YARD FROM MY
GARDEN + LAWN STUFF SMALL BOAT + TRAILER
MAKE ROOM IN MY GARAGE FOR CARS.
THERE ARE SEVERAL NEIGHBORS WHO HAVE
POLE BUILDING ALREADY! MY NEIGHBORS ARE
GOOD WITH THE BUILDING I WANT TO
POT UP!

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

7-17-24
(Date)


(Signature) Applicant

7-17-24
(Date)

Whitehouse

July 17, 2024

Bryan & Maria Stachowiak
11755 Waterville St
Whitehouse, OH 43571

Re: Zoning permit-11755 Waterville St

Mr. & Mrs. Stachowiak:

I have reviewed the application requesting a permit for construction of a pole barn at 11755 Waterville 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 "S-1". 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.

The next Board of Zoning Appeals meeting is scheduled for Wednesday, August 7, 2024, at 6:00 pm. The paperwork and filing fee will need to be submitted on or before Thursday, July 18, 2024, in order to be placed on the August agenda.

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

Sincerely,

Jennifer Herman

Jennifer Herman
Zoning Clerk

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: SUBURBAN RESIDENTIAL Lot # 9801997 Address of Parcel: 11755 WATERVILLE ST
Owner: BRYAN + MARIA STACHOWIAK Phone # 419-290-8073 Email: bry-dawg12@hotmail.com
Contractor: Schockman Lumber Co Phone # 419 678 4198
Address: 342 W COLUMBUS ST Email: WWW.SCHOCKMANLUMBER.COM
HENRY OHIO 45883
Lot size: 150.34 x 500 Frontage: 150.34 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 1 Building size: 24 ' x 40 ' Height: 14 Stories: 1
Roof pitch 4/12 Eave overhang 1' Construction value: \$ 20,000
Square footage (including garage and basement): 960

Remodel: Size of Area: _____ Explain changes: _____
Addition: Size: _____ 'x _____ ' Location: Front ☐ Back ☐ Side ☐
Garage: Size: 24 'x 40 ' Square footage: 960 Height: 14' Use: STORAGE
Shed: Size: _____ 'x _____ ' Square footage: _____ Height: _____ Use: _____
Deck: Size: _____ Location: Front ☐ Back ☐ Side ☐
Remarks: POLE CONSTRUCTION

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: Bryan Stachowiak Date: 7-17-24

Submitted by (Please Print): BRYAN STACHOWIAK

OFFICE USE ONLY: Date Received: 7.17.24 Fee paid: _____ Check # _____ Receipt # _____

Re[2]: Pole building

Bryan Stachowiak <bry_dawg12@hotmail.com>

Fri 7/19/2024 9:13 AM

To: Jennifer Herman <jherman@whitehouseoh.gov>

 1 attachments (247 bytes)

ATT00001.png;

You don't often get email from bry_dawg12@hotmail.com. [Learn why this is important](#)

I am New at emailing so let me know if you got this information. Thank you for all your help. Bryan Stachowiak 11755 Waterville st 419-290-8075

Sent from myMail for iOS

Friday, July 19, 2024 at 9:08 AM -04:00 from Bryan Stachowiak <bry_dawg12@hotmail.com>:

I talked to my neighbors and they are good with the building! 11621 Waterville st Stan Wielinski 419-262-7907, 11725 Waterville st Brandon Jamison and 11855 Waterville st Al Marchal . These are the neighbors that touch my property? I couldn't get phone numbers from Al and Brandon but I will. The outside of the building will be 40 year warranty ribbed steel.

Sent from myMail for iOS

Wednesday, July 17, 2024 at 3:09 PM -04:00 from jherman@whitehouseoh.gov <jherman@whitehouseoh.gov>:

Bryan,

Attached is the denial letter for the pole building, so you have something for your records. I do need a couple other pieces of information from you yet.

1. If you could provide the names, addresses and phone numbers of the neighbors you talked to regarding the building
2. More detailed plans and/or drawings of the building so the members of the board have something to review before the meeting, e.g. what materials will be used on the outside, the overall look, that type of thing.

If you could have that information back to me by next week, July 24, that would give me time to prepare the packet and the board members time to look over your information before the meeting.

Thank you,

Jennifer Herman

Zoning Clerk-Village of Whitehouse

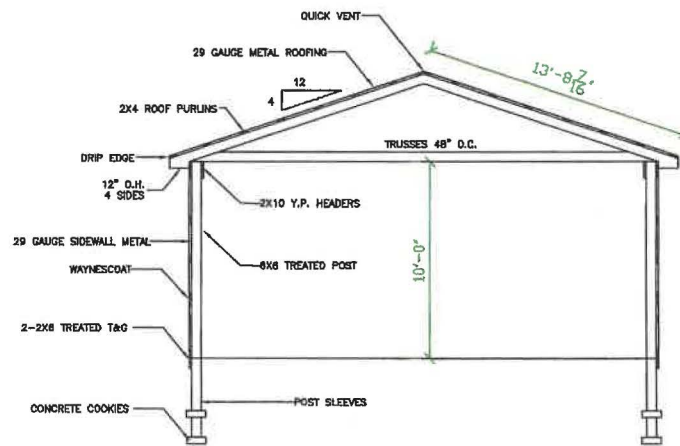
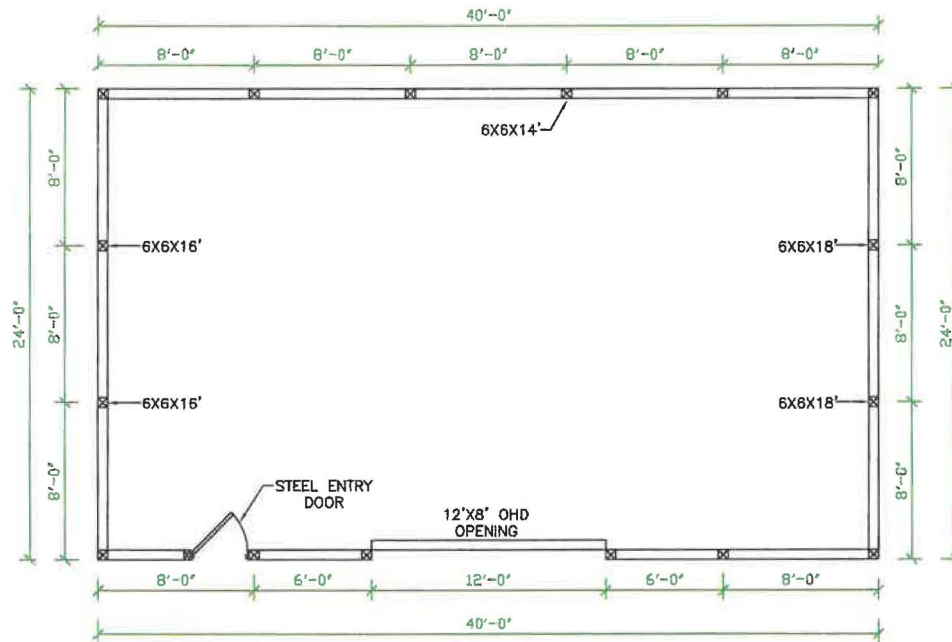
Safety Office Assistant-Whitehouse Police Department



419.877.5383

jherman@whitehouseoh.gov

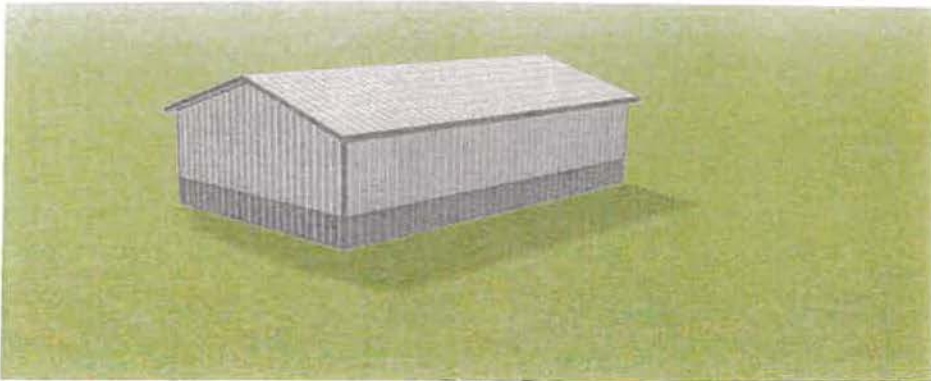
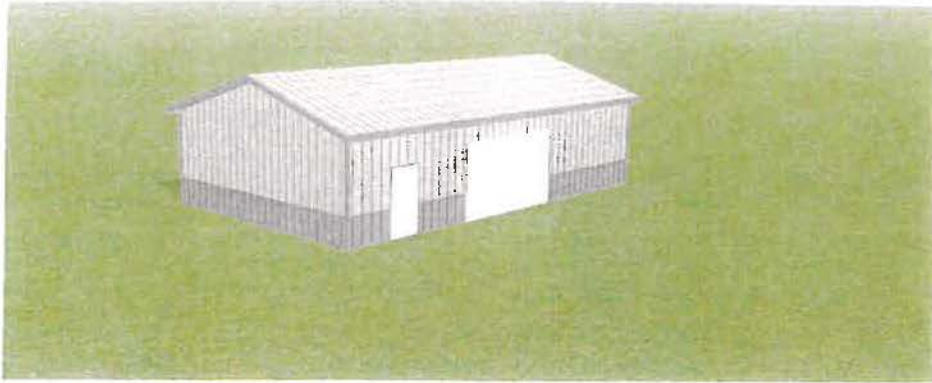
M-F 8:30am-4:30pm

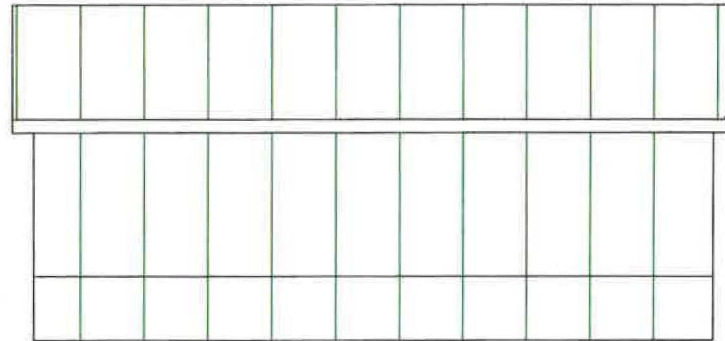
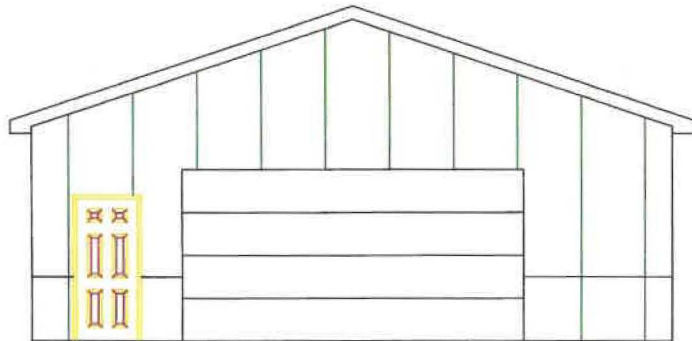
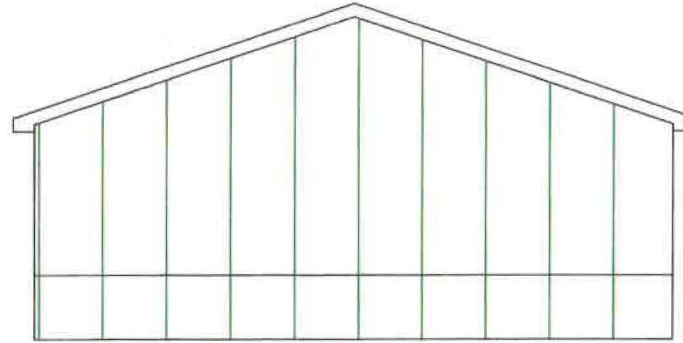
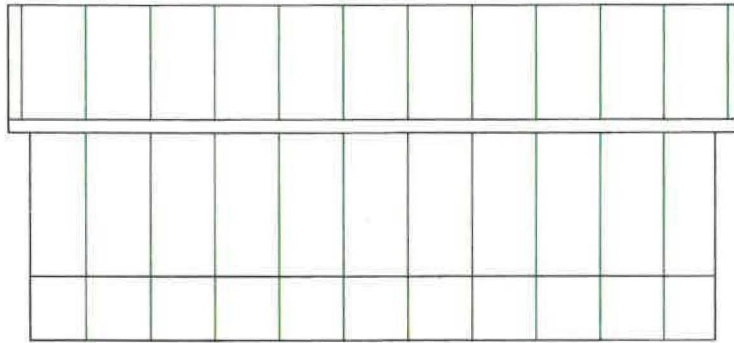


NOTE
 CONCRETE AND BUILDING
 CONTRACTORS TO VERIFY
 ALL MEASUREMENTS AT
 JOB SITE

THE
SCHOCKMAN
 LUMBER CO.
 419-678-4198
 FAX 419-678-2693

DWG. TITLE: Bryan Stachowiak
 DWG. No.: 1681
 DATE: 7-19-2024 HOME PH.
 SCALE: WORK PH.
 DR. BY: Ryan Clune SHT.: 1 OF: 1





<u>NOTE</u> CONCRETE AND BUILDING CONTRACTORS TO VERIFY ALL MEASUREMENTS AT JOB SITE	
THE SCHOCKMAN LUMBER CO. 419-678-4198 FAX 419-678-2693	
DWG. TITLE: Bryan Stachowiak	
DWG. No.: 1681	
DATE: 8-12-2023	HOME PH.
SCALE:	WORK PH.
DR. BY: Ryan Clune	SHT.: 1 OF: 1

SCHOCKMAN LUMBER COMPANY INC
342 W COLUMBUS STREET
ST HENRY, OH 45883
(419) 678-4198
FAX # (419) 678-2693
www.schockmanlumber.com
ESTIMATE BY: Ryan Clune

Bryan Stachowiak
11755 Waterville Street
Whitehouse, Ohio 43571

~~7-26-2013~~
7-26-24

24x40
~~30' x 10'~~ Post Frame Building

- 6x6 Treated Post
- 2 x 4 Roof & Sidewall Purlins
- 29 Gauge Metal Siding
- 29 Gauge Metal Roofing
- 3' Wainscoat
- Trusses 4' O.C.
- 12" O.H. 4 Sides
- 1 - 16' x 8' OHD Opening
- 1 - 3' Steel Entry Door
- Labor for Construction
- Equipment for Construction

Estimate Price -- \$19,620.00

- **Sales tax is not included in price
- **Estimate is good for 15 days from above date

OWNER TO PROVIDE

- Level job site
- Electric
- Insurance for building
- 25% Down payment
- State & Local Fees
- Permits If Required By Local Building Code
- Concrete Footers If Required By Local Building Codes
- Gravel Drive to Job Site
- Notify Local Utility Companies (OUPS)

SCHOCKMAN LUMBER COMPANY

Columbus & Railroad Street, St Henry, OH. 45883
(419) 678-4010 Fax (419) 678-2693

POLAR WHITE 860 IR=.55

BRITE WHITE 824 IR=.60

IVORY 883 IR=.62

LIGHT STONE 887 IR=.51

TAN 855 IR=.38

COCOA BROWN 856 IR=.35

DARK BROWN 859 IR=.30

ANTIQUE BRONZE 854 IR=.29

CARIBBEAN BLUE 881 IR=.27

GALLERY BLUE 826 IR=.29

Colors are as actual as allowed by the printing process. Actual metal samples are available; request samples prior to installation.

Note: colors vary depending on position and angles.

ENDURACOTE® COLOR CHART

BRICK RED 898 IR=.31

BRITE RED 845 IR=.32

CLASSIC BURGUNDY 853 IR=.26

HICKORY MOSS 870 IR=.36

PATINA GREEN 893 IR=.38

EVERGREEN 875 IR=.27

X LIGHT GRAY 889 IR=.31

X CHARCOAL GRAY 851 IR=.35

TRUE BLACK 882 IR=.30

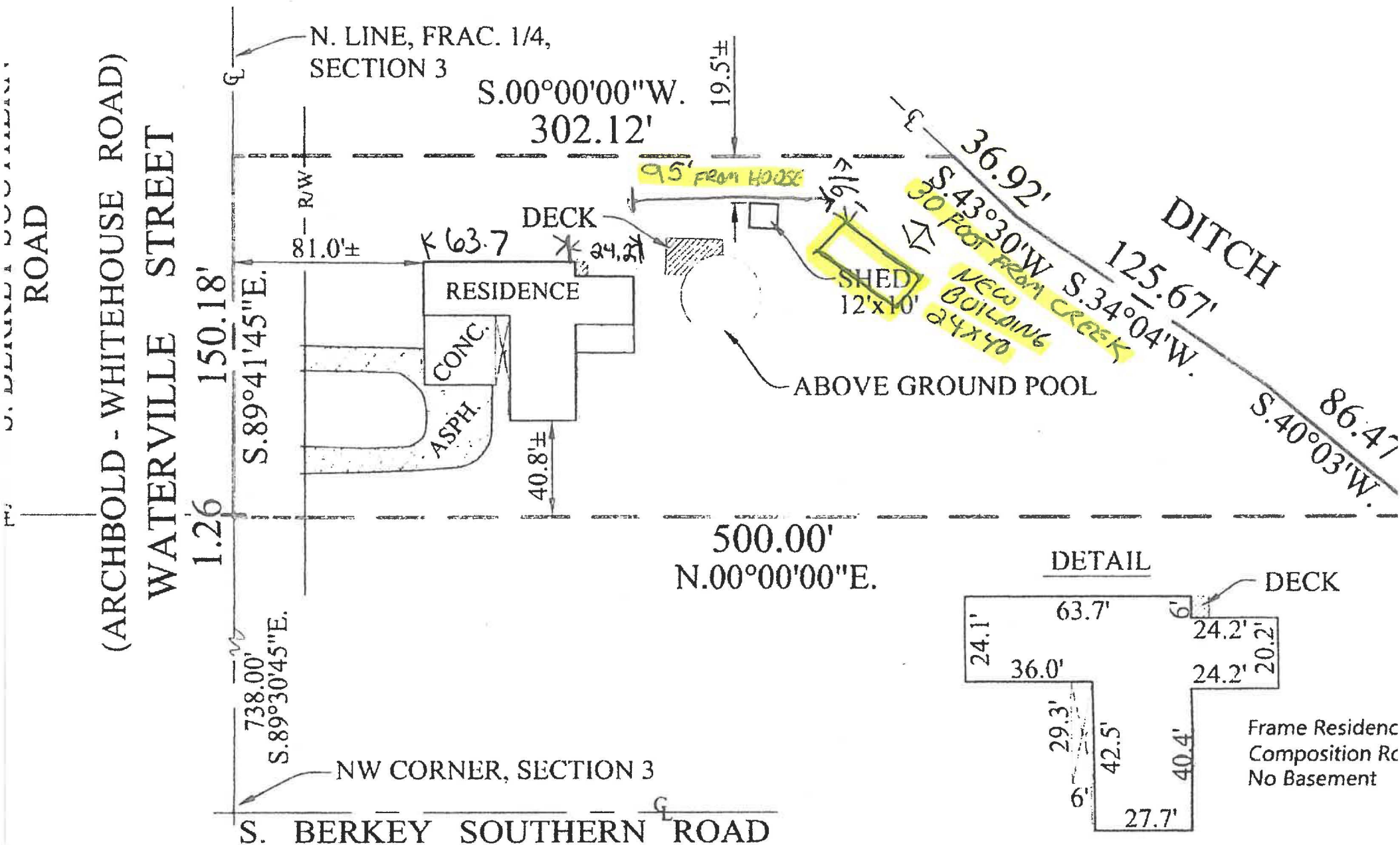
HARTFORD GREEN 821 IR=.29

To learn more contact us at 800.477.2741 or Fabral.com

FOR

FRANKLIN AMERICAN MORTGAGE COMPANY, ISAOA/ATIMA

RT OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 3, TOWN 6 NORTH, RANGE 9 EAS
VILLAGE OF WHITEHOUSE, LUCAS COUNTY, OHIO



[illegible]

A circular seal for the State of Ohio. The outer ring contains the text "STATE OF OHIO" at the top and "REGISTERED LAND SURVEYOR" at the bottom, separated by two stars. The center of the seal contains the name "MARY LOU CARR" and the number "6856".

Mary Ann Carr
M. FREELS SURVEY CO.
 5333 Secor Road Unit 4
 Toledo, Ohio 43623
 (419) 474-5716
 Fax (419) 474-7229
 Surveying And Engineering Services
 In Ohio And Michigan



STAFF REPORT
BOARD OF ZONING APPEALS #01-2024
August 7, 2024

Applicants: Bryan & Maria Stachowiak

Date Appeal Filed: July 17, 2024

Subject Property: 11755 Waterville Street, Whitehouse, OH
Zoned S-1 Suburban Residential

Request: Applicants are requesting to build a pole barn on their parcel of land behind 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: S-1 Suburban Residential

Adjacent Uses: To the north: Residential
To the south: Farm Field
To the east: Residential
To the west: Residential

CONSIDERATIONS:

1. On July 17, 2024, a zoning permit was requested to build a pole barn behind the existing residence at 11755 Waterville Street by Bryan Stachowiak.

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 “S-1” Suburban Residential Districts. On July 17, 2024, 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 a S-1 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