



Board of Zoning Appeals

April 16, 2025

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, April 16, 2025, 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 2025 (Chairman, Vice Chairman, Secretary)
3. Approve Minutes of the October 23, 2024 meeting
4. Review, discuss and finalize a ruling regarding Appeal #01-2025 submitted by Rory Hartbarger of the Fallen Timbers Union Cemetery District for installation of a fence at Whitehouse Cemetery.
5. Any other business as appropriate under the Village Charter.
6. Adjourn.

Jennifer Herman
Zoning Clerk

**VILLAGE OF WHITEHOUSE
BOARD OF ZONING APPEALS MINUTES
October 23, 2024**

Board members present: Mike Walters, Dennis Kennedy, Bob Kimball and Joe Bublick. Also present were Josh Doyle, Cody Gable of DGL Consulting Engineers, Deputy Administrator Josh Hartbarger and Zoning Clerk Jennifer Herman.

The Board of Zoning Appeals (BZA) meeting was called to order by Mike Walters at 6:03 p.m.

No Minutes were presented for review. These will be provided at the next meeting.

Second item was to review Appeal #2-2024, RF Asset LLC. Mr. Doyle explained this was finishing the parking lot to improve where parking is in grass and stone now. He indicated that it would include green space and curbing with better directional flow. Mr. Walters indicated there were two items for review. One over a gas line easement area and another over the State Route 64 overlay area. Mr. Doyle showed some more details of the layout of the area. Mr. Doyle described the current parking issues and wants to increase the appeal and safety of the lot. He explained that he was just asking for a small (2 foot) variance in the gas easement. The other encroachment would be about 10 feet into the State Route 64 overlay easement. Dennis Kennedy asked on the elevation of the lots by the ditch. Mr. Doyle said no, it will be graded for appropriate drainage. He also asked on existing draining which will remain (2 catch basins). Mike Walters asked about the public entrance. My Doyle explained it will remain the same. Dennis Kennedy ensured 53 parking spaces were sufficient. He also asked at the vehicle entrance to the lot. Mike Walters asked about cleaning the ditch. Mr. Doyle stated that he would clear the ditch and make it look better. He also spoke on the spec house at the front. He could change the driveway from the parking lot to Finzel Road. Mike Walters asked if the property was sold, would it be disclosed to the next buyer. My Doyle indicated he would. Mr. Doyle thanked the body for the flexibility to meet early.

A motion was made by Dennis Kenedy and seconded by Joe Bublick to approve both variances. Motion passed. All Ayes.

A motion to adjourn was made by Bob Kimball and seconded by Dennis Kennedy. Motion passed. All Ayes. The meeting was adjourned at 6:20 pm.

Respectfully submitted,
Joshua Hartbarger
Deputy Administrator, COO

Whitehouse

PETITION

Before the Board of Zoning Appeals

REQUEST FOR VARIATION

Docket No. 01-2025

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: APRIL 3, 2025 Time: 11:30AM
Date set for Hearing: APRIL 16, 2025 Time: 6:00 PM
Fee Paid on: 4/3/25 Amount: \$100
Comments: REQUESTING SPECIAL MEETING DATE

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.

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) PRIVACY FENCE WILL HIDE DIRT PILES AND WE'LL HAVE A SAFE PLACE TO PARK EQUIPMENT WHEN NOT IN USE WHEN LEAVING OVERNIGHT.

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? _____

THE NEIGHBORING HOUSING HAS HIGH FENCE ON SOUTH SIDE.

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)

WILL CLEAN UP CEMETERY FOR COMMUNITY.

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): FALLEN TIMBERS UNION CEMETERY DISTRICT

2) If Land Trust, name(s) of all beneficial owners: N/A

3) Name of Applicant(s): RORY HARTBARGER - ADMINISTRATOR/SEXTON

4) Address of Applicant(s): MAIL: 651 FARNSWORTH RD - WATERVILLE, OH 43566

5) Applicant(s) phone number: Home SAME Office 419-962-4454
Home _____ Office _____

6) Property interest of Applicant:

☐ Owner

☐ Contract purchaser

☐ Attorney of owner

☒ Other (describe) ADMINISTRATOR - SEXTON

7) Address of property in question: 6645 CEMETERY RD - WHITEHOUSE, OH 43571

8) Size of parcel: SEE MAP - CEMETERY

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: R2
To the South: R4 PUD
To the East: R2 + CREEK
To the West: M1

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

CEMETERY BURIALS

12) Present Use:

- ☐ Commercial
☐ Industrial
☐ Residential

☒ Other

(Describe) CEMETERY

13) Adjacent Uses:

To the North: RESIDENTIAL
To the South: "
To the East: "
To the West: FARM FIELD

14) A VARIATION is requested in conformity with the powers vested in the Board of Zoning Appeals to permit the FALLEN TIMBERS UNION
CEMETERY TO BUILD FENCE 35'x16'x8' 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). _____

CEMETERY FROM 1800'S TO PRESENT

18) From what zoning and/or sign ordinance are you requesting a variation? 125707B2

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)

ELEVATION

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

35' X 112' X 8' HEIGHT OF FENCE

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

ASKING FOR 8' HIGH TO SECURE EQUIPMENT LEFT ON GROUNDS.

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 _____

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.

Rory Hantberger

(Signature) Owner

4-3-2025

(Date)

ADMINISTRATOR / SEXTON

(Signature) Applicant

(Date)



APPLICATION FOR A FENCE / ZONING PERMIT

The undersigned hereby applies for a Zoning Permit for a fence, to be issued on the basis of the information contained herein, including attached drawings, all of which applicant says are true. See Chapter 1257.07 of the Whitehouse Zoning Code, attached.

Owner: FALLEN TIMBERS UNION CEMETERY Address: 651 FARNS WORTH RD - WATERHOUSE
Phone # 419-878-0360 Email: DESTROY RORYH@AOL.COM 43546
Contractor: TOLEDO FENCE & SUPPLY CO Address: 6645 CEMETERY RD - WHITEHOUSE OH
Phone # _____ Email: _____ 43570
Lot size: _____' x _____' Frontage: _____' Type of lot: Inside ☐ Corner ☐

Type of Fence: Split rail ☐ Privacy ☒ Aluminum ☐ Other ☐

Lineal feet of fencing to be installed : 102 Height: 8' (35' x 16' x 8')

If the fence is to be located on the property line, you will need written permission from your neighbors (attach to this Application). If your neighbors do not agree, the fence must be located inside the property line on your property.

Please be advised that by obtaining a zoning permit from Whitehouse, it does not release you from any deed restrictions or requirements to obtain permission from your HOA. It is suggested that you check with your HOA before proceeding with any permits.

Attach a plot plan showing entire lot, residence, pools, decks, sheds, etc. Indicate where the fence is proposed to be located. It is possible that your plot plan is available at Village Hall.

The finished side of the fence must face outwards of the lot being enclosed.

Be aware of any utility and/or drainage easements that might be located on your property. If access is needed, your fence can be removed by the utility company. Always call OUPS before digging.

A zoning permit fee of \$10 is due when the plans are delivered.

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

Signature: Rory Hartbauer Date: 4-2-2025

Submitted by (Please Print): ROBT HARTBAUER - ADMINISTRATOR/SECTION
FALLEN TIMBERS UNION CEMETERY DISTRICT

OFFICE USE ONLY: Date Received: 4.3.25 Fee paid: \$10 cash Check # _____ Receipt # _____

Whitehouse

April 3, 2025

Fallen Timbers Union Cemetery District
6645 Cemetery Rd.
Whitehouse, OH 43571

Re: Fence Permit Request for 6645 Cemetery Rd.

To Whom It May Concern:

I have reviewed the application requesting a permit for the construction of an 8' tall privacy fence at 6645 Cemetery Rd. in the Village of Whitehouse.

Chapter 1257.07 Fencing

B. General

2. Fences and walls in these required yards shall not exceed six feet in height above the natural grade.

Therefore, I must deny your request for a zoning permit due to the height of the fence not being allowed in a S-1 Suburban Residential District. 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, May 7, 2025, at 6:00 pm. The paperwork and filing fee have already been submitted, so you are set with that.

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

Sincerely,

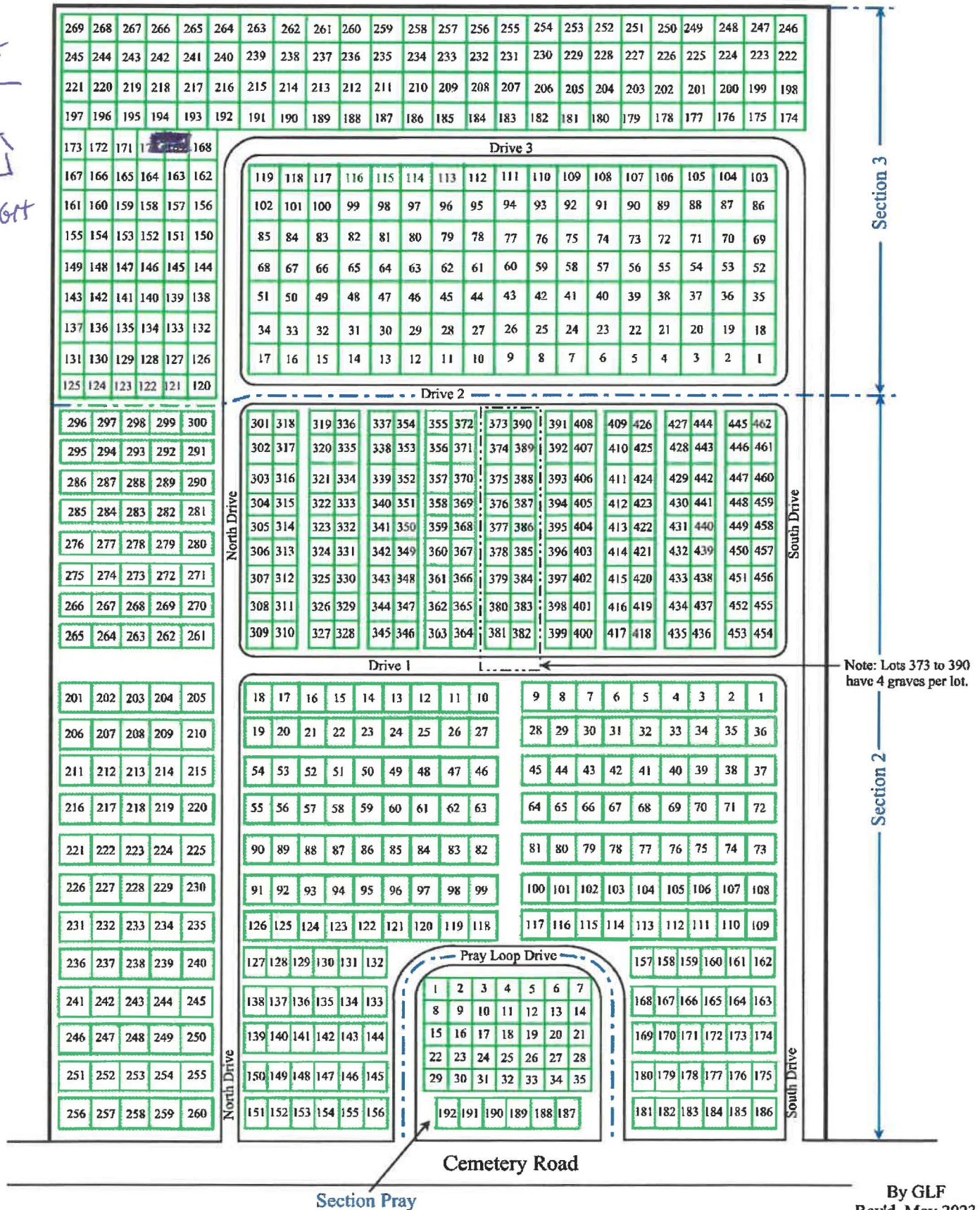
Jennifer Herman

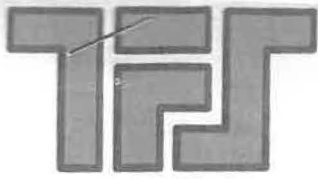
Jennifer Herman
Account Clerk



Fallen Timbers Union Cemetery District Whitehouse Cemetery 6645 Cemetery Road / Whitehouse, OH

FENCE
25'
16'
8 FT HIGH





TOLEDO FENCE & SUPPLY CO.
2525 HILL AVE. TOLEDO, OHIO 43607
(419) 535-6833 FAX: # (419) 535-5943
www.toledofence.com

ORDER #:	DATE: <u>12/4/2024</u>
NAME: <u>Falling Timbers Union Cemetery Dist.</u>	JOB NAME: <u>Whitehouse Cemetery</u>
STREET: <u>651 Farnsworth Rd.</u>	JOB LOCATION: <u>6645 Cemetery Rd.</u>
CITY/STATE: <u>Waterville, Ohio 43566</u>	
ATTN: <u>Rory Hartberger</u>	(419) Home: <u>902-4454</u> (419) Business: <u>878-0360</u>

Style Treated Gauge dog ear Height 8' Total Footage 86' plus
Solid board Type 2"x4" backers gates on Steel Frame
Line Posts 4"x6" Treated Rail 8' x 8' panels

Gate _____
Gate _____
Gate _____
End Posts _____
Cor. Posts _____
Gate Posts 4" 5d470
Complete Fence to Cost \$11,223.00
M _____ L _____
Terms Tax Exempt

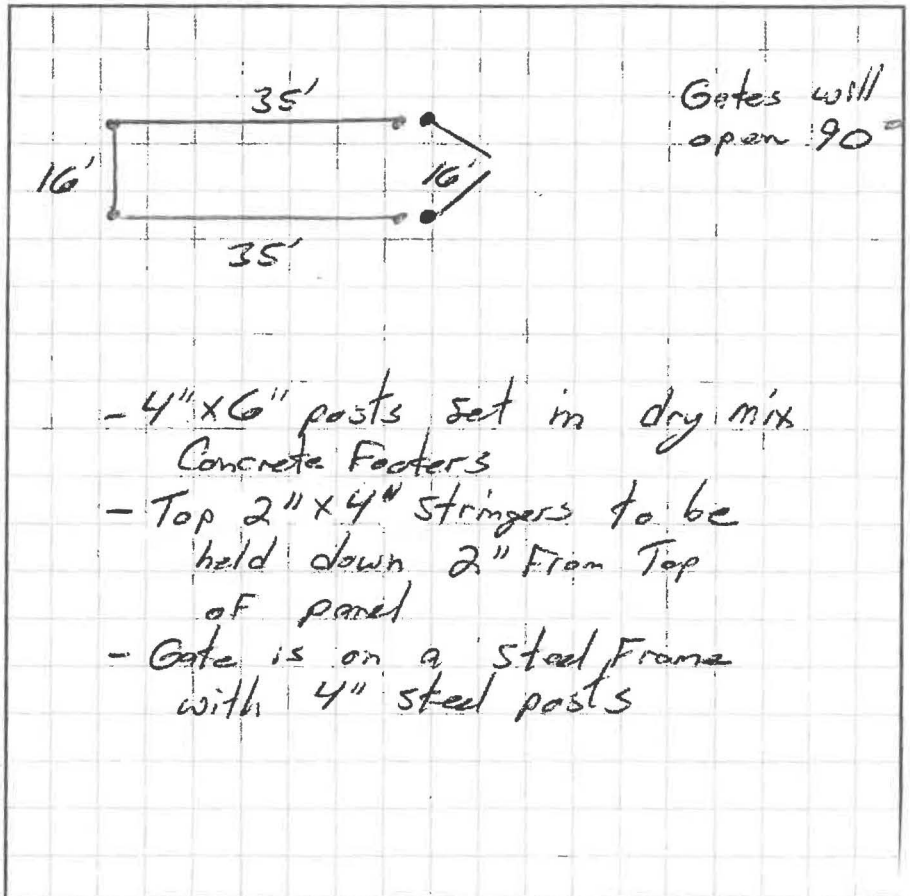
1/2 DOWN WITH SIGNED COPY OF CONTRACT REFUNDED IF JOB IS CANCELED. BALANCE PAID TO CREW ON COMPLETION.
All accounts 30 days past due are subject to 1 1/2% per month
FINANCE CHARGES (Equal To 18% per year) on unpaid balance.

Date Erected _____

REMARKS

OUPS Reference No. A508 404 433
Date Ready: 3/28/25 @ 8AM
County: Lucas City of PWP Whitehouse

DATE	TIME	CREW



At Rupp Cemetery, Out in walk gate

* WE ARE NOT RESPONSIBLE FOR BOUNDARY LINES, PRIVATE UNDERGROUND UTILITIES OR SPRINKLERS, WHICH MUST BE LOCATED BY THE PROPERTY OWNER. EXTRA CHARGE WILL BE MADE WHERE SHALE OR STONE IS ENCOUNTERED IN DIGGING POST HOLES.

The undersigned has read and agrees to provisions set forth on the reverse side here

Customer Signature _____

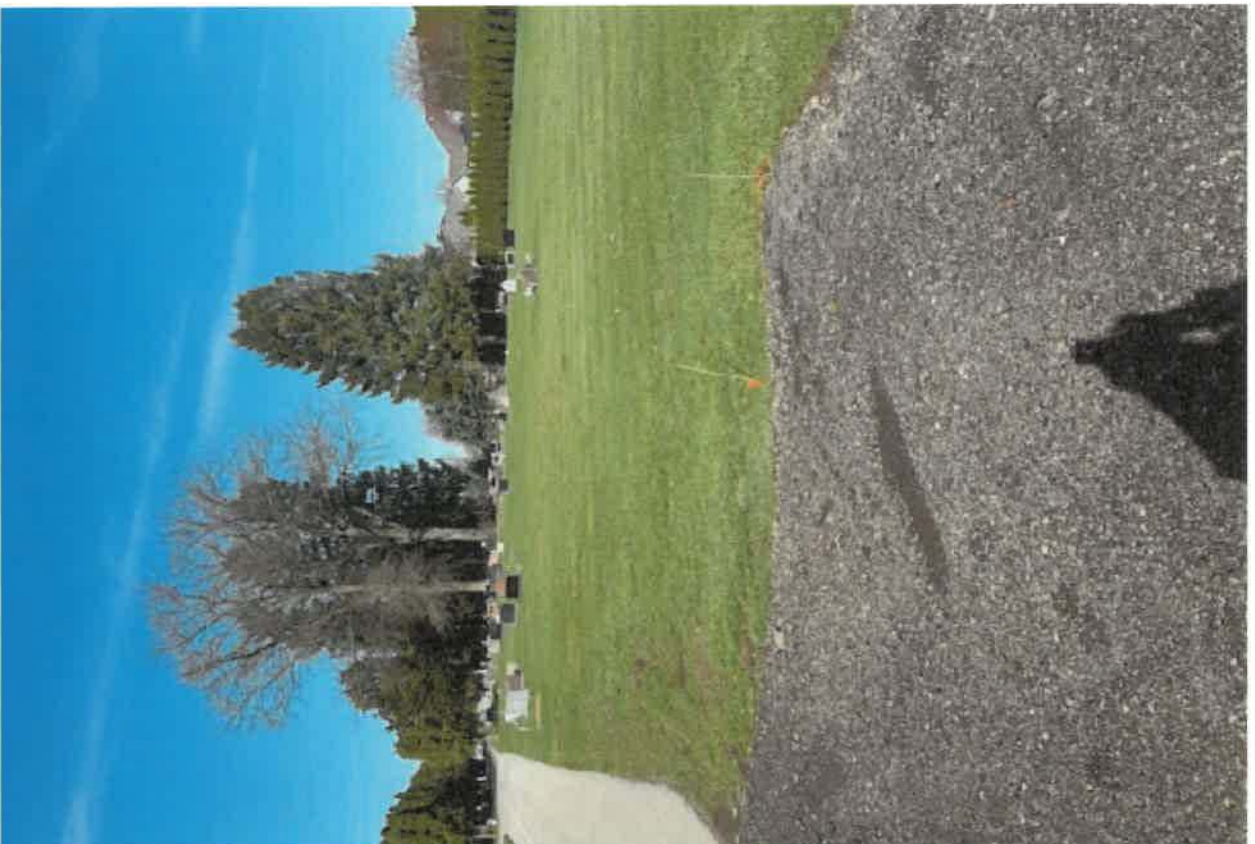
Address _____

Down Payment: _____

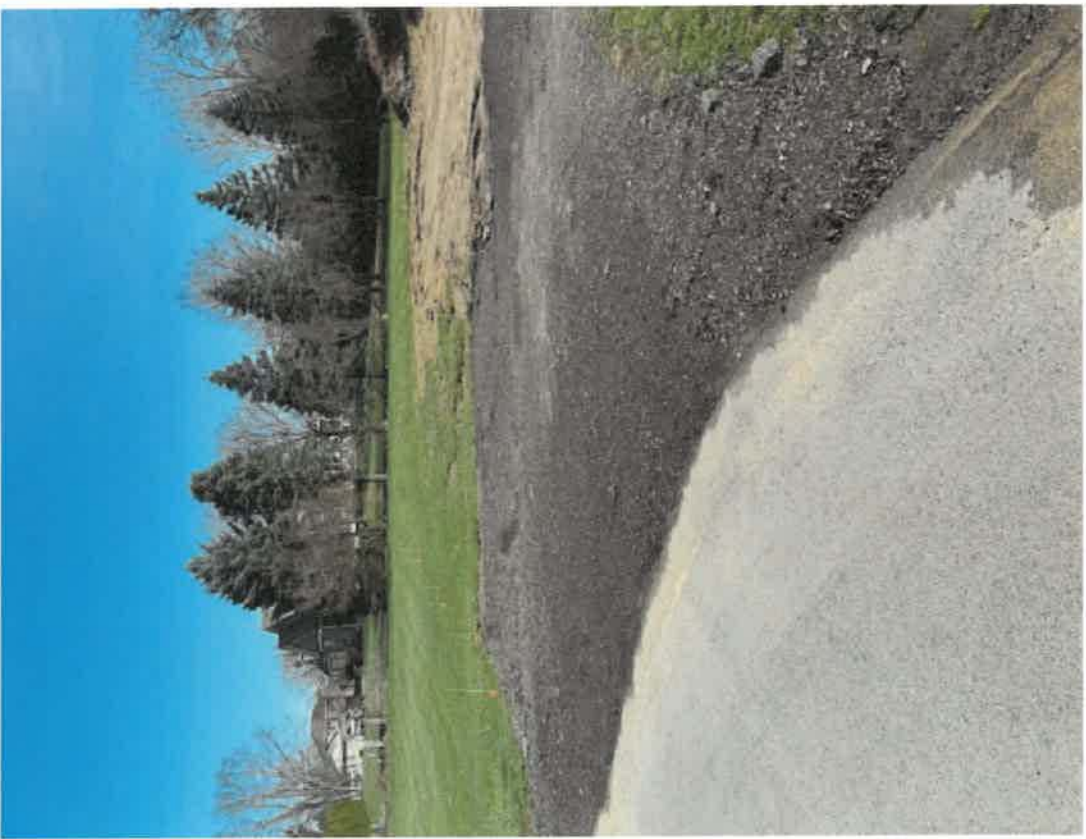
Balance Due: _____

THE TOLEDO FENCE AND SUPPLY CO.

By Steven Harrington







STAFF REPORT
BOARD OF ZONING APPEALS #01-2025
April , 2025

Applicants: Fallen Timbers Union Cemetery District

Date Appeal Filed: April 3, 2025

Subject Property: 6645 Cemetery Road, Whitehouse, OH
Zoned S-1 Suburban Residential

Request: Applicants are requesting a variance on the height of a fence. Chapter 1257.07(B)(2) Fencing-Residential Districts. Fences and walls in these required yards shall not exceed six feet in height above the natural grade.

Adjacent Zoning: To the north: R-2 Single-Family Residential
To the south: R-4 PUD Planned Unit Development
To the east: R-2 Single-Family Residential
To the west: M-1 Light Industrial/Office

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

CONSIDERATIONS:

1. On April 3, 2025, a zoning permit was requested for an eight (8) foot tall privacy fence at the Whitehouse Cemetery at 6645 Cemetery Road by Rory Hartbarger.

2. The applicant was sent a letter by the Zoning Official, denying the request for a zoning permit because of the height of the fence not being allowed in “S-1” Suburban Residential Districts. Applicant submitted an appeal for a variance to the Board of Zoning Appeals and paid the \$100.00 filing fee.

3. Chapter 1257.07 of the Whitehouse Zoning Code states:

4. Applicants are asking for a variance of Chapter 1257.07 (C) to allow the construction of an eight-foot tall privacy fence 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,

Jennifer Herman
Zoning Clerk