

Board of Zoning Appeals

November 13, 2025

Members present: Phil Rooney, Chairperson; Blaine Wells; Scott Brecheisen; Brody Yingling and Shaun Mason.

Phil Rooney called the meeting to order at 6:00 p.m. and the general rules were reviewed.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-38-2025-66512

Address: 1848 Cherry Lane

Zone: Large Lot Residential, R-1

This case was filed by Joe Warner, who is requesting a variance from Section 1121.04(A) of the Zoning Ordinance to construct a new accessory structure at 1848 Cherry Lane. The proposed structure would be located 10 feet from the rear property line, which, because the parcel abuts Bright Road, is classified as a front yard under the Zoning Ordinance. The Ordinance requires a 30-foot setback from any front yard property line.

The subject property is uniquely configured as a triple-frontage lot, with street frontage along Cherry Lane, Bright Road, and Drake Avenue, which is an additional side street. Because of this layout, the property is considered to have two front yards and a street-side yard under the Zoning Ordinance, leaving no traditional rear yard area where an accessory structure could be located by right.

Bright Road functions as a major thoroughfare, and while the Zoning Ordinance designates the property line along it as a front yard, it serves as the functional rear yard for this home. The applicant proposes to construct the accessory structure 10 feet from the Bright Road property line, behind the principal dwelling.

In typical R-1 lots within the immediate neighborhood, accessory structures are permitted as close as 5 feet from the rear property line, and several nearby properties have sheds and similar structures that meet this setback. The requested 10-foot setback is consistent with neighborhood development patterns and maintains adequate separation from the right-of-way.

Given the unique triple-frontage condition of the parcel and the presence of a major roadway limiting available rear yard space, the City finds the variance to be reasonable and consistent with the intent of the zoning regulations.

The City recommends approval of the variance request to allow construction of an accessory structure 10 feet from the Bright Road property line at 1848 Cherry Lane.

Mr. Joe Warner, owner of 1848 Cherry Lane, was sworn in. He stated he wants to maximize the space in his back yard for a new shed. He stated the neighbor has an 8-foot high fence, like his, but you can see through it, so he wants to put the shed there to keep from seeing in. He also wants to put his mower and things in it to save room in the garage.

Mr. Rooney asked Mr. Adkins if there were any communications on this case.

Mr. Adkins stated there was no communication on this case.

Mr. Wells asked if there is an existing shed there.

Mr. Warner stated, yes, there is, but it's not even big enough for his mower. He thinks it is approximately 8 feet x 12 feet.

Mr. Wells asked if the new one will be replacing the old one.

Mr. Warner stated, "Yes".

Mr. Yingling asked if he had a fence.

Mr. Warner stated yes.

Mr. Yingling made a motion to approve the requested variance on the conditions that all necessary permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance on the conditions that all necessary permits be obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-39-2025-66576 and BZA-40-2025-66577

Address: 2727 N. Main Street

Zone: General Commercial, C-2

This case was filed by Circle K, who is requesting two variances from Section 1161.12.19(A) of the Zoning Ordinance related to modifications of an existing non-conforming sign at 2727 N. Main Street.

The first request (BZA-39-2025-66576) seeks a variance to modify the existing sign panels from three faces to two faces. The second request (BZA-40-2025-66577) seeks a variance to add an Electronic Message Center (EMC) cabinet to the existing sign structure.

The existing freestanding sign is a non-conforming pole sign because it exceeds the current maximum height of 8 feet now required for monument-style signs under the most recent sign code update adopted by City Council. The Ordinance prohibits modifications to non-conforming signs, including changes to panels or the addition of electronic components.

The existing freestanding pole sign was installed legally under a previous sign code but became non-conforming following the most recent zoning update, which limits new freestanding signs in the C-2, General Commercial District to monument signs no taller than 8 feet.

The applicant proposes to modernize and update the existing sign with modifications that include reducing the number of sign faces from three to two and integrating an EMC display within the existing sign cabinet. The proposed changes will not increase the non-conformity but will instead improve the sign's functionality, visual appearance, and compatibility with surrounding commercial signage.

The City supports both requests, as the changes represent an enhancement to an existing non-conforming condition and promote compliance with the spirit and intent of the City's sign regulations.

Ms. Barb Fisk, representing the owner, Circle K, 5924 America Road E, Toledo, Ohio, was sworn in. She stated Circle K is taking over for Marathon and the Circle K face is replacing Marathon at the top and the unleaded pricer is going to replace the Circle K face and the smaller pricer. They are going to make one face instead of two (this is for the first request).

She stated the second request is to replace the bottom Fresh Food with an EMC. It will make it about a foot and a half bigger, but the structure is staying the same.

Mr. Brecheisen stated that on the images, there is a proposed and an existing; she said the EMC would replace the Fresh Food, but on the proposed it has the Fresh Food still.

Discussion took place regarding the Fresh Food panel...

Mr. Wells asked for confirmation that this is increasing the square footage.

Ms. Fisk stated, yes, by a little less than a foot and a half.

Mr. Wells asked if the EMC meets all the necessary rules, etc?

Mr. Adkins stated he does not know if they plan on having a permanent advertisement or if there will be blinking or flashing.

Ms. Fisk stated it will change to whatever they need it to be.

Mr. Wells stated they should make sure it meets the code when installing it or they will have to seek another variance.

Mr. Rooney asked Mr. Adkins if there were any communications on this case.

Mr. Adkins stated there was no communication on this case.

Case Number -: BZA-39-2025-66576:

Mr. Wells made a motion to approve the requested variance on the conditions that all necessary permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance on the conditions that all necessary permits be obtained within 60 days, 5-0.

Case Number - BZA-40-2025-66577:

Mr. Wells made a motion to approve the requested variance on the conditions that all necessary permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance on the conditions that all necessary permits be obtained within 60 days, 5-0.

The October 09, 2025 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary