



BOARD OF ZONING AND BUILDING APPEALS

May 11th, 2026

CALL TO ORDER:

6:30 P.M.

ROLL CALL:

MICHAEL ARENDS	2025 - 2029
MICOLE SPICER	2023 - 2027
KAHASSAI TAFESSE	2024 - 2028
CATRENA CANNON	2024 - 2028
LORI WATSON	2024 - 2028

EXCUSE ABSENT MEMBERS:

APPROVAL OF MINUTES:

April 13, 2026

CASE(S) FOR CONSIDERATION:

CASE BA-26-07: Nicholas Butler is requesting an administrative appeal under Code Section 1125.04 to challenge a code enforcement violation issued on November 23, 2025 related to Code Section 1113.13 for the parking of commercial vehicles. The property is located at 776-778 Elaine Rd., Whitehall, OH 43213 (Parcel ID: 090-004189).

OTHER BUSINESS:

POLL PUBLIC:

POLL BOARD MEMBERS:

ADJOURN:

CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS

Meeting Minutes
April 13, 2026

CALL TO ORDER

The City of Whitehall Board of Zoning and Building Appeals meeting was called to order on Monday, April 13, 2026, at 6:34pm.

ROLL CALL

Chairperson Lori Watson requested a roll call.

Board members present include Lori Watson, Michael Arends, Catrena Cannon, and Micole Spicer.

Kahassai Tafese was absent.

EXCUSE ABSENT MEMBERS

Member Arends moved to excuse Member Tafese. Seconded by Member Cannon. Motion passed unanimously with all members voting yes.

APPROVAL OF MINUTES

Chairperson Watson noted February 9, 2026, meeting minutes had been sent by email the previous week and asked if there were any corrections needed. Hearing no corrections, she called for a motion for approval.

Member Arends moved to approve the minutes as recorded. Seconded by Member Cannon. Motion passed unanimously with all members voting yes.

CASES FOR CONSIDERATION

Case BA-26-05: 3750-3776 East Broad Street and 3790-3944 East Broad Street, Parcel Nos. 090-000191 and 090-005608.

Chairperson Watson introduced the case seeking variances from Whitehall Code Sections 1112.13(B) for freestanding sign height, 1112.12(B) for total sign area and 1112.11(B) for number of signs permitted per lot.

Planning and Development Intern, Curtis Nutter, presented the proposal for Town and Country Shopping Center, owned by TCCI Broad Street and managed by Casto. The proposal included five signs in total: three large brick-faced monument signs and two small monument signs. These five signs would replace two existing signs that are approximately 20 feet tall. The proposed signs would be 15 feet tall and 126 square feet in area, while code allows only 8 feet tall signs with 40 square feet of area.

Mr. Nutter explained that Town and Country Shopping Center currently has two signs along East Broad, while businesses across the street can have up to ten freestanding signs due to

CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS

Meeting Minutes
April 13, 2026

having ten separate parcels. The applicant modified their original "hyper modern" design to brick facing at staff's suggestion to better fit the neighborhood character.

Staff Analysis:

The staff evaluated the proposal using the Duncan factors and found that the property would continue to function as a shopping center without the variance, but the 25 businesses at Town and Country would face a clear disadvantage compared to competitors across the street. The variance request was deemed insubstantial, and the proposed brick design would enhance the area's aesthetic appeal. Staff recommended favorable consideration for all variances without conditions.

Board Discussion:

Member Spicer asked about the placement of signs, confirming that large signs would be at major intersections with smaller signs between them. Mr. Nutter confirmed this arrangement and explained that existing 20-foot signs would be replaced with 15-foot signs, with one new sign built toward the Kroger-owned vacant lot.

Chairperson Watson inquired about visibility concerns, and Mr. Nutter explained that the signs are set back significantly from the road, accounting for pedestrian walkability and visibility.

Applicant Presentation by Eric Leibowitz:

Eric Leibowitz from Casto thanked the board and staff, noting that Town and Country Shopping Center has been a collaboration between Whitehall and Casto for almost 100 years, coinciding with Casto's centennial anniversary. He explained that modern retail tenants require recognition and signage to compete effectively, especially with new brands like Chick-fil-A opening nearby.

Mr. Leibowitz emphasized that the goal is to modify existing signs to make them smaller and more tasteful while providing better presence for tenants along East Broad Street, particularly with the new shared-use path.

Board Discussion:

Member Spicer expressed strong support for the signage upgrade, explaining that while long-term residents know what businesses are in Town and Country, visitors driving or walking wouldn't be able to identify the businesses without proper signage. She emphasized this would help people discover the various stores and restaurants available.

Chairperson Watson, Member Cannon and Member Arends agreed about the importance of visibility for attracting customers and supporting the effort to make Whitehall more attractive for shopping and living.

Member Arends moved to approve variances for sections 1112.11(b) for number of freestanding signs permitted, 1112.12(b) for total sign area, and 1112.13(b) for freestanding sign height, citing favorable staff recommendation. Second, by Member Cannon. Motion passed unanimously with all members voting yes.

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BOARD OF ZONING AND BUILDING APPEALS

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Case BA-26-06: 4600 East Broad Street, Whitehall, OH 43213, Parcel Nos: 090-008249 and 090-008427.

Chairperson Watson introduced the case seeking variances from Whitehall Code Sections:

- 1104.06(c)(1)(b) for front yard setback
- 1111.02(c) and 1111.02(d) for pickup and drop off parking spaces.
- 1104.06(b) for permitted building type in the community crossroads district, and
- 1104.06(d)(2) for required frontage type.

Staff Presentation

Mr. Nutter announced that the applicant had withdrawn three variances (1111.02(c), 1111.02(d), and 1104.06(c)(1)) by redesigning the building. Mr. Nutter noted that 1104.06(c)(1) did not make the agenda.

The remaining variances sought were for:

- building typology (1104.06(b)),
- maximum setback (1104.06(c)(1)(b)), and
- required frontage type (1104.06(d)(2))

The Mannik and Smith Group, representing Meyer Development, is proposing a Culver's restaurant at the former Applebee's site, which has been vacant for about a decade. The building will run parallel to East Broad with the drive-through entering from a private drive shared with Discover's parking lot, ensuring no drive-through traffic will access East Broad Street directly.

Variance Details:

- **Building Typology:** The Community Crossroads District ("CCD") is designed for large, multi-story buildings, but the proposed single-story restaurant matches neighboring Huntington Bank and PNC Bank buildings.
- **Maximum Setback:** The CCD requires buildings to be 0-15 feet from the property line, but Culver's proposes a 43-foot setback, which is still closer than existing neighboring buildings.
- **Required Frontage Type:** Due to drive-through placement toward the road to prevent East Broad traffic issues, the building features four-sided architecture that looks attractive from all angles, including what is technically the "back" facing East Broad.

Mr. Nutter noted the development would bring an estimated 80-90 employees to the area and that the design had been vetted multiple times, including coordination with the Director of Public Service regarding potential road construction impacts.

Duncan Factors Analysis:

Staff found that the long-vacant lot is unlikely to be developed without variances due to its narrow configuration. The variances are essential for Culver's functionality and traffic management. The design fits the area's character and won't adversely affect municipal services. The unique access to private drives and the lot's narrow shape create exceptional circumstances justifying the variances.

CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS

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Staff recommended favorable consideration with the condition that a special use permit for the drive-through is granted by Whitehall City Council.

Board Discussion:

Member Spicer expressed enthusiasm about the drive-through arrangement and noted that the area is large enough to accommodate the design. Member Arends confirmed the relationship between existing private drives and the new access pattern.

Chairperson Watson asked about visibility from East Broad Street, and Mr. Nutter explained that while the drive-through would be visible, Culver's uses pull-forward stations that often eliminate the need for cars to wait at the pickup window, improving the view. The east-facing patio would be clearly visible to passing traffic and residents of the nearby apartment building.

Member Cannon noted the advantageous positioning for evening dining, as the setting sun wouldn't affect the east-facing patio.

Applicant Presentation by Steve Hermiller:

Steve Hermiller from Mannik and Smith Group thanked the board and staff for their accommodation throughout the process. Mr. Hermiller represents Meyer Foods of Indianapolis, describing them as one of the largest Culver's franchisees in the country.

Mr. Hermiller emphasized the excitement surrounding Culver's expansion and the brands quality food and healthy options. He explained that the horizontal drive lane would improve traffic circulation safety in the area and that Culver's pull-forward stations would minimize visible queuing from East Broad Street.

Board Discussion:

Chairperson Watson expressed excitement about development at the long-vacant site. Member Arends asked about construction timeline, and Mr. Hermiller estimated approximately six months of construction once plans are finalized, likely to open around the same time next year.

Member Spicer noted community desire for different types of dining options and her positive experience at other Culver's locations, expressing support for bringing this option to East Broad Street.

Member Cannon moved to approve variances for building typology (1104.06(b)), maximum setback (1104.06(c)(1)(b)) and required frontage type (1104.06(d)(2)), all conditioned upon the applicant receiving a special use permit for drive-through operations in the Community Crossroads District from Whitehall City Council. Motion was seconded by Member Arends. Motion passed unanimously with all members voting yes.

ADJOURN

Motion to adjourn by Member Spicer. Seconded by Member Cannon. The meeting adjourned at 7:26pm.

CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS

Meeting Minutes
April 13, 2026

Submitted by: _____ Date: _____

Natia Hinton
BZBA Clerk

Approved: _____ Date: _____

Lori Watson
BZBA Chairperson



April 21, 2026

Notice of Whitehall Board of Zoning and Building Appeals Meeting

CASE BA-26-07: Nicholas Butler is requesting an administrative appeal under Code Section 1125.04 to challenge a code enforcement violation issued on November 23, 2025 related to Code Section 1113.13 for the parking of commercial vehicles. The property is located at 776-778 Elaine Rd., Whitehall, OH 43213 (Parcel ID: 090-004189).

Dear Neighboring Property Owner,

The Board of Zoning and Building Appeals of the City of Whitehall, Ohio, will consider the administrative appeals request for the property located at the above-referenced address.

The Board will hold a public hearing on **Monday, May 11, 2026, at 6:30 p.m.** in the Municipal Building, located at 360 South Yearling Road, Whitehall Ohio 43213 in the City Council Chambers. If you wish to attend, please enter through the front door.

Copies of the application, site plan, and other supporting documents are on file in the Department of Public Service for review. If you would like to examine these documents, please call file a public records request through the Whitehall Records Request Portal (<https://cityofwhitehalloh.nextrequest.com/>) or visit in-person during regular operating hours.

Respectfully,

A handwritten signature in black ink, appearing to read "Curtis Nutter", with a long horizontal flourish extending to the right.

Curtis Nutter
Planning and Development



BOARD OF ZONING AND BUILDING APPEALS

CITY OF WHITEHALL

360 S. Yearling Road
Whitehall, Ohio 43213
614-237-8612

Building-Department@whitehall-oh.us
www.whitehall-oh.us

ADMINISTRATIVE APPEAL

This form provides information to staff and the Board of Zoning and Building Appeals about your request for an appeal of a violation.

An appeal is not a request for a variance, but a question of if the code section cited on a notice of violation is relative to the situation and if the code application of law. Appeals do not signal a need to change the code, and the Board of Zoning and Building Appeals does not have the authority to change the code.

You, your attorney, or your representative may appear at the Board of Zoning and Building Appeals meeting for hearing evidence you present related to the violation. Please fill out all sections of the form and include a copy of your notice(s) of violation(s).

BOARD OF ZONING AND BUILDING APPEALS

SECTION 56. POWERS AND DUTIES.

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, and housing in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council; and such Board shall have such other powers as may be granted to it by Council.

151.03 PROCEDURE FOR ADMINISTRATIVE APPEAL.

(a) Administrative Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer of the City affected by any decision of the administrative officer charged with the enforcement of the zoning and building ordinances and regulations of the City.

(b) Notice of Appeal. Such appeal shall be taken within twenty days after the decision by filing with the officer from whom the appeal is taken and with the Chairman of the Board, a notice of appeal specifying the grounds for such appeal. The officer from whom the appeal is taken shall transmit to the Board all the papers constituting the record upon which the action was taken. (Ord. 16-67. Passed 2-21-67.)

LOCATION OF ISSUED NOTICE OF VIOLATION

CERTIFIED ADDRESS:

776-778 Elaine Rd

CITY:

Columbus

STATE:

OH

ZIP:

43213

PARCEL NUMBER:

VIOLATION NUMBER:

OWNER OF RECORD

NAME: Nicholas Butler

HOME ADDRESS:

776 Elaine Rd

CITY:

Columbus

STATE:

OH

ZIP:

43213

EMAIL:

Nbutler.official@gmail.com

PHONE:

(614) 955 -9723

APPELLANT (FILL THIS OUT ONLY IF YOU ARE NOT THE PROPERTY OWNER)

NAME:

HOME ADDRESS:

CITY:

STATE:

ZIP:

EMAIL:

PHONE:

() -

ATTORNEY / AGENT (CIRCLE ONE OF THE TWO)

NAME:

ADDRESS:

CITY:

STATE:

ZIP:

EMAIL:

PHONE:

() -

SIGNATURES

PROPERTY OWNER SIGNATURE

Nicholas Butler



APPELLANT SIGNATURE

ATTORNEY OR AGENT SIGNATURE

STOP – OFFICE USE ONLY

DATE APPLICATION RECEIVED:	
CASE NUMBER:	
BZBA CASE DATE:	

BZBA RECOMMENDATION: FAVORABLE
 UNFAVORABLE

*Please attach written report with reasons of denial or approval

Commercial Vehicle NOV Appeal for BZBA

From Brad Nicodemus <brad.nicodemus@whitehall-oh.us>

Date Tue 2/3/2026 2:39 PM

To Lara Jones <lara.jones@whitehall-oh.us>

Cc Jackie Russell <Jackie.Russell@whitehall-oh.us>; Walt Sural <Walter.Sural@whitehall-oh.us>; Julie Harris <Julie.Harris@whitehall-oh.us>

 1 attachment (832 KB)

Xerox Scan_02032026135332.PDF;

Lara,

We're going have a commercial vehicle appeal for BZBA. Nicholas Butler received a warning, and then a citation, late last year as Council was contemplating changes to the commercial vehicle code. He was in court today, February 3, 2026, for a pre-trial, Case No. 25MCR00796. After talking with him, I think the best course of action is to have this go to BZBA for determination. Instead of dismissing this case and issuing a new notice of violation, to restart the appeal period, we're going to make an exception since his case arose during the discussions of this issue.

I've attached a copy of his notice of violation and picture of the truck. Walt will provide more pictures prior to the BZBA hearing. I told Mr. Butler that someone would reach out to him regarding scheduling the date of the BZBA hearing. His primary number is 614-955-9723 with a backup number of 614-980-1986. He confirmed his current mailing address is 5894 Little Brook Way, Columbus, OH 43232.

Should the BZBA determine this vehicle to not be a commercial vehicle, the citation will be dismissed. Additionally, future vehicles of similar size and mechanicals will not be noticed or cited as being in violation of the commercial vehicle code. If BZBA determines this vehicle is a violation of the commercial vehicle code, I will proceed with the case in mayor's court.

Please let me know if you have any questions. Thanks,
Brad

Bradley S. Nicodemus, Esq.

City Attorney

P: 614.237.9802 F: 614.237.9953

www.whitehall-oh.us

360 S. Yearling Road Whitehall, OH 43213



CONFIDENTIAL NOTICE: This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.



City of
WHITEHALL

Opportunity is Here

360 South Yearling Road, Whitehall, Ohio 43213

(Phone) 614-237-8612 (Fax) 614-338-3119 www.whitehall-oh.us

Notice of Violation

Division of Building and Zoning

11/13/2025

Location: 776 ELAINE RD -778

Parcel #: 090-004189

BUTLER NICHOLAS T
776 ELAINE RD
WHITEHALL, OH 43213

Dear Owner/Occupant,

You have been identified as the owner/occupant of the above-referenced property. Conditions at the property are in violation of the City of Whitehall Codified Ordinances. You are hereby ordered to correct the following violation before 12/1/2025.

1111.13 LIMITATION OF PARKING IN RESIDENTIAL DISTRICTS

The provision of parking space, either open or enclosed, for the parking or storage of vehicles in a residential or apartment zoning district shall be subject to the following:

(a) Commercial Vehicles. Not more than one truck limited to being a two-axle, four-tired pickup, panel or light truck and which has operating characteristics similar to those of a passenger car shall be allowed per one dwelling unit.

CORRECTION NEEDED:

A truck with a dump bed was observed parked at this property. Commercial type vehicles are prohibited in residential areas, please remove.

In accordance with the City of Whitehall Codified ordinance 151.03 Procedure for Administrative Appeal any person having a legal interest in the property may appeal the findings and order contained herein to the City of Whitehall's Board of Zoning and Building Appeals. Such appeal shall be in writing and shall be filed with the officer from whom the appeal is taken and with the Chairman of the Board within 28 days from the date of this Notice. Failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.

If this Notice is not complied with the City of Whitehall shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation. Any action taken on the premises listed above shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Sincerely,

WALT SURAL

Code Enforcement Officer



Commercial Vehicle. Any vehicle used or designed to be used for business or commercial purposes including but not limited to: buses, concrete trucks, dump trucks, garbage trucks, box trucks, stake bed trucks, flatbed trucks, semi tractors, semi-trailers, step vans, tack trucks, tar trucks, and tow trucks; whether used for business, commercial or personal purposes. Pickup trucks, panel trucks, or light trucks which have the operating characteristics similar to those of a passenger car are not considered commercial vehicles unless they are used for business or commercial purposes.

1111.13 LIMITATION OF PARKING IN RESIDENTIAL DISTRICTS.

The provision of parking space, either open or enclosed, for the parking or storage of vehicles in a residential or apartment zoning district shall be subject to the following:

(a) Commercial Vehicles. Not more than one (1) truck limited to being a two (2) axle, four (4) tired pickup, panel or light truck and which has operating characteristics similar to those of a passenger car shall be allowed per one (1) dwelling unit.

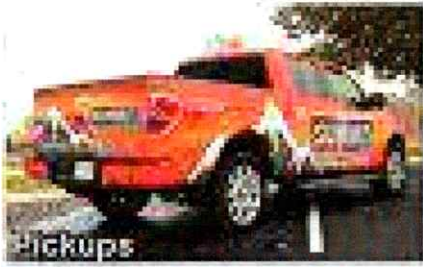
(b) Camping Vehicles, Trailers and Motor Homes. A camping vehicle, trailer (boat, horse, cargo or similar use), a camper body removed from a truck, a motor home or similar vehicle may be parked for a period not to exceed seventy-two (72) hours in front of a building line. For longer periods, such equipment shall be stored behind the building line.

No living quarters shall be maintained, nor any business conducted in connection therewith, while such vehicle is stored.

In a residential district where a lot will not allow storage behind the building line, an exception to this requirement may be issued by the Service Director if the abutting property owners have no objections.

(c) Inoperable Automobiles/Junk Vehicles. The parking or storage of junk vehicles shall be regulated as in Chapter 304 of the Traffic Code.

(Ord. 081-2023. Passed 10-3-23.)



VEHICLES USED FOR BUSINESS OR COMMERCIAL PURPOSES



SEMI TRAILER



BUS



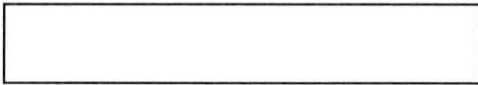
STEP VAN



PANEL TRUCK



TOW TRUCKS



GARBAGE TRUCK



CONCRETE TRUCK



TAR/TACK TRUCK



STAKE BED TRUCK



BOX TRUCK



SEMI TRACTOR



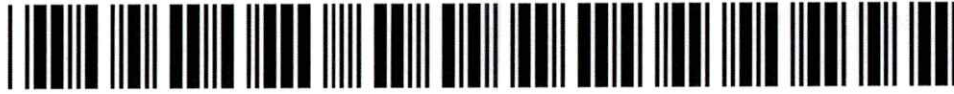
FLAT BED TRUCK

11/23/2025 Aerial Photo From FCA Website



776-778 Elaine Rd - Commercial vehicle

Mr. Butler
(614) 955-9723
Appeal



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	CERT	COPY
02/16/2023	202304701128	OHIO LLC - AMENDMENT (LAM)	50.00	0.00	0.00	0.00

Receipt

This is not a bill. Please do not remit payment.

NICHOLAS THOMAS BUTLER
776 ELAINE RD
COLUMBUS , OH 43213

**STATE OF OHIO
CERTIFICATE**

**Ohio Secretary of State, Frank LaRose
4218595**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for
PURE VISION LANDSCAPE & TREE SERVICES LLC
and, that said business records show the filing and recording of:

Document(s)
OHIO LLC - AMENDMENT

Document No(s):
202304701128

Effective Date: 02/16/2023



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio this
16th day of February, A.D. 2023.

Frank LaRose
Ohio Secretary of State

Form 611 Prescribed by:

Date Electronically Filed: 2/16/2023



Telephone: 877.767.3453

OhioSoS.gov | business@OhioSoS.gov

File online or for more information: OhioBusinessCentral.gov

Domestic Limited Liability Company Certificate of Amendment or Restatement

Filing Fee: \$50

Form Must Be Typed

(CHECK ONLY ONE (1) BOX)

(1) Domestic Limited Liability Company

Amendment (129-LAM)

(2) Domestic Limited Liability Company

Restatement (142-LRA)

PURE VISION LANDSCAPE SERVICES LLC
Name of Limited Liability Company

4218595
Registration Number

Optional: Effective Date (MM/DD/YYYY) Effective Time

Pursuant to Ohio Revised Code Section 1706.172(D), a certificate of amendment delivered to the Ohio Secretary of State for filing under this chapter may specify an effective time and a delayed effective date of not more than ninety days following the date of receipt by the Secretary of State. A certificate of amendment is effective as provided in Ohio Revised Code Section 1706.172(D).

If box (1) Amendment is checked, only complete sections that apply. If box (2) Restatement is checked, all sections below must be completed.

Name of Limited Liability Company

(Name must include one of the following words or abbreviations: "limited liability company", "limited", "LLC", "L.L.C.", "Ltd.", or "Ltd.")

Purpose

If applicable, attach a statement as provided in division (B)(3) of section 1706.761 of the Ohio Revised Code to state that the LLC may have one or more series of assets subject to limitations.

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document.

Required

This filing must be signed by at least one person authorized by the limited liability company.

If the person is an individual, then he or she must sign on the "signature" line and print his or her name in the "Print Name" Box.

If the person is a business entity, please print the name of the entity in the "Signature" box and an authorized representative of the business must sign in the "By" box and print his or her name and title or authority in the "Print Name Box."

NICHOLAS BUTLER

Signature

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

CITY OF WHITEHALL
 VIOLATION REPORT BY ADDRESS
 01/01/2015 TO 04/14/2026

04/14/2026
 10:03:20

ADDRESS: 776 ELAINE RD -778

SUB DIV:

ZONING:

R4

FILE #	DATE VIOLATION	DESCRIPTION OWNER NAME	NOTIF EXT DT	DEADLINE	COURT DT CITATION	WORKORDER INVOICED	CLOSED CLOSE CODE
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kept in front of, or at the side of, any residential unit.
 CORRECTION REQUIRED: The residents of 776-778 Elaine Rd. are storing trash improperly, cans are left at the street. All trash storage must comply as stated above.

2021001701	5/26/2021	517.21 WEEDS & GRASS BUTLER NICHOLAS T	MM	05/26/21	06/03/21		
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**** INSPECTIONS ****	FILE #	INSP DATE	COMPLIED	SCHEDULED
	2021001701	05/25/2021	N	
	2021001701		N	06/03/2021

2021002609	8/25/2021	903.32 PARKING ON GRASS BUTLER NICHOLAS T	MM	08/25/21	09/10/21		12/15/21 CLOSED ADMINISTRATIVELY
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VIOLATION NOTES:

The gravel surface you recently changed is too wide. The gravel parking surface can not extend past the property line which is approximately 13 feet from the street pavement edge. See the photo attached.

**** INSPECTIONS ****	FILE #	INSP DATE	COMPLIED	SCHEDULED
	2021002609	08/25/2021	N	

NOTES: The gravel surface you recently changed is too wide. The gravel parking surface can not extend past the property line which is approximately 13 feet from the street pavement edge. See the photo attached.

VIOLATIONS = 8 TOT FEES = \$0.00 TOT PAID = \$0.00 TOT OWED = \$0.00

CITY OF WHITEHALL
 VIOLATION REPORT BY ADDRESS
 01/01/2015 TO 04/14/2026

04/14/2026
 10:03:20

ADDRESS: 776 ELAINE RD -778

SUB DIV:

ZONING: R4

FILE #	DATE VIOLATION	DESCRIPTION OWNER NAME	NOTIF DT EXT DT	DEADLINE	COURT DT CITATION	WORKORDER INVOICED	CLOSED CLOSE CODE

****	INSPECTIONS	****	FILE #	INSP DATE COMPLIED	SCHEDULED		

			2019001849	N	06/14/2019		

2021001700	5/26/2021 Y	933.11 STORAGE OF TRASH BUTLER NICHOLAS T	MM	05/26/21	05/27/21		07/27/21 IN COMPLIANCE

VIOLATION NOTES:

933.11 STORAGE OF GARBAGE AND OTHER REFUSE. (a) All garbage shall be kept in rust-resistant containers with handles, in durable garbage bags designed for storage of garbage and securely fastened, or in other containers which are constructed in such a way as to securely hold the garbage intact. Containers shall be watertight, nonabsorbent, easily washable, and must be covered with tight fitting lids. (h) Cans containing refuse, trash, garbage, yard waste presented for curbside collection, recycling in approved containers and bulk items shall not be placed in front of any residential unit prior to sundown on the day which precedes the regular residential curb pickup. The only exception to this is during the City's designated annual spring clean-up period. (i) Refuse, trash and garbage cans, including yard waste and recyclable bins, shall be removed from the front of the residential unit no later than sundown of the day on which the collection is made. (j) All refuse, trash, and garbage containers including yard waste containers and recyclable bins, shall be kept or stored in the rear yard portion of all residential units. No debris, refuse, trash, or garbage cans shall be kept in front of, or at the side of, any residential unit.
 CORRECTION REQUIRED: The residents of 776-778 Elaine Rd. are storing trash improperly, cans are left at the street. All trash storage must comply as stated above.

****	INSPECTIONS	****	FILE #	INSP DATE COMPLIED	SCHEDULED		

			2021001700	05/25/2021	N		
NOTES:	933.11 STORAGE OF GARBAGE AND OTHER REFUSE. (a) All garbage shall be kept in rust-resistant containers with handles, in durable garbage bags designed for storage of garbage and securely fastened, or in other containers which are constructed in such a way as to securely hold the garbage intact. Containers shall be watertight, nonabsorbent, easily washable, and must be covered with tight fitting lids. (h) Cans containing refuse, trash, garbage, yard waste presented for curbside collection, recycling in approved containers and bulk items shall not be placed in front of any residential unit prior to sundown on the day which precedes the regular residential curb pickup. The only exception to this is during the City's designated annual spring clean-up period. (i) Refuse, trash and garbage cans, including yard waste and recyclable bins, shall be removed from the front of the residential unit no later than sundown of the day on which the collection is made. (j) All refuse, trash, and garbage containers including yard waste containers and recyclable bins, shall be kept or stored in the rear yard portion of all residential units. No debris, refuse, trash, or garbage cans shall be						

CITY OF WHITEHALL
 VIOLATION REPORT BY ADDRESS
 01/01/2015 TO 04/14/2026

04/14/2026
 10:03:20

ADDRESS: 776 ELAINE RD -778

SUB DIV:

ZONING:

R4

FILE #	DATE VIOLATION	DESCRIPTION OWNER NAME		NOTIF DT EXT DT	DEADLINE	COURT DT CITATION	WORKORDER INVOICED	CLOSED CLOSE CODE
202300453	4/21/2023 Y	517.21 WEEDS & GRASS BUTLER NICHOLAS T	MM	04/21/23	05/01/23			
**** INSPECTIONS ****								
		FILE #		INSP DATE	COMPLIED	SCHEDULED		
		202300453		04/21/2023	N			
202303161	11/13/202 Y	1126.13 RESIDENTIAL TRUCK BUTLER NICHOLAS T	MM	11/13/25	12/01/25			
VIOLATION NOTES:								
truck with a dump bed								
**** INSPECTIONS ****								
		FILE #		INSP DATE	COMPLIED	SCHEDULED		
		202303161		11/13/2025	N			
		NOTES: truck with a dump bed						
202303247	12/12/202 Y	1126.13 RESIDENTIAL TRUCK BUTLER NICHOLAS T	MM	12/12/25	12/13/25	01/06/26 12/12/25		
**** INSPECTIONS ****								
		FILE #		INSP DATE	COMPLIED	SCHEDULED		
		202303247		12/12/2025	N			
2019001694	5/31/2019 Y	933.14(B) CURBSIDE TRASH BUTLER NICHOLAS T	MM	05/31/19	06/05/19			
**** INSPECTIONS ****								
		FILE #		INSP DATE	COMPLIED	SCHEDULED		
		2019001694		05/31/2019	N			
		2019001694			N	06/05/2019		
2019001849	6/13/2019 N	A COMPLAINT REPORTED BUTLER NICHOLAS T						
VIOLATION NOTES:								
06/13/2019: Resident states trash cans are left at curb week after week. LLM								



STAFF REPORT

Board of Zoning & Building Appeals
May 11, 2026

Case BA-26-07

Prepared by: Curtis Nutter

Applicant:	Nicolas Butler
Owner:	Nicolas Butler
Site:	776-778 Elaine Rd, Parcel 090-004189
Acreage:	0.12 +/- acres
Zoning:	Single and Two Unit Residential
Request:	Applicant is seeking an administrative appeal for Case 25MCR00796; violation to Code Section 1111.13 Limitation of Parking in Residential Districts.

Request and Background

Mr. Butler is seeking an appeal from Code Section 1111.13 Limitation of Parking in Residential Districts. November 13, 2025, Code Enforcement Officer Walt Sural issued a notice of violation to 776 Elaine Road for the parking of multiple commercial vehicles in a residential district. Mr. Butler did not amend the violation by December 1, 2025 and was issued a formal citation into Mayor's Court. The notice of violation presented on November 13, 2025 contained information on the appeal process and timeline.

In a February 3, 2026 pretrial hearing, City Attorney Brad Nicodemus talked with Mr. Butler regarding his case and offered an extension for the ability to appeal through the Board of Zoning and Building Appeals. Following Attorney Nicodemus's opinion, Economic Development Specialist Lara Jones called the appellant multiple times to receive an application for the administrative appeal. On April 5, 2026, Mr. Butler submitted an application for administrative appeal.

The question of this case is whether the below vehicle is classified as a commercial vehicle under Whitehall City Code as determined by the Director of Public Service's designee, Code Enforcement Officer Walt Sural.



*Photo Taken November 13, 2025 by Code Enforcement Officer Walt Sural depicting a truck with a dump bed in the rear of 776 Elaine Road.

Mr. Butler has owned the property since March 28, 2019. Since he purchased the land, he has had 7 code violations. All have been closed and paid.

1. May 31, 2019, Mr. Butler was cited for a violation to Code Section 933.14(B) Curbside Trash in Case File 2019001694.
2. May 26, 2021, Mr. Butler was cited for a violation to Code Section 933.11 Storage of Trash and Code Section 517.21 for Weeds & Grass.
3. August 24, 2021, Mr. Butler was cited for a violation to Code Section 903.32 Parking on Grass.
4. April 21, 2023, Mr. Butler was cited for a violation to Code Section 517.21 Weeds & Grass.
5. November 13, 2025, Mr. Butler was cited for a violation to Code Section 1111.13 Limitation of Parking in Residential Districts. This is the case challenged today.
6. December 12, 2025, Mr. Butler was cited for a violation to Code Section 1111.13 Limitation of Parking in Residential Districts.

Description of the Location

The site is located on Elaine Road, North of Wright Avenue. It fronts Elaine with access to a rear alleyway.



*Franklin County Auditor 2025 Aerial Photography

Surrounding Area

Direction	Zoning	Land Use
North	Single and Two Unit Residential	Residential
East	Single and Two Unit Residential	Residential
South	Single and Two Unit Residential	Residential
West	Single and Two Unit Residential	Residential

Evaluation of Appeal (1125.02(d))

The Board of Zoning and Building Appeals shall make findings and affirm, reverse, or modify an appealed interpretation of the Director of Public Service based on the following:

- (1) The interpretation's consistency with the goals of the Comprehensive Plan and any applicable purpose and intent statements within this Code.**

The interpretation of the zoning code by the code enforcement officer is consistent with the goals of Whitehall's Comprehensive Plan ensuring that residential districts support residential uses. The property in question is noted as Low-Density Residential within the 2019 Comprehensive Plan. This residential area is intended for a neighborhood character without commercial use.

(2) The interpretation's consistency with applicable provisions of this Code including but not limited to applicable definitions.

Commercial Vehicle - "Any vehicle used or designated to be used for business or commercial purposes including but not limited to: buses, concrete trucks, dump trucks, garbage trucks, box trucks, stake bed trucks, flatbed trucks, tar trucks, and tow trucks; whether used for business, commercial, or personal purposes. Pickup trucks, panel trucks, or light trucks which have the operating characteristics similar to those of a passenger car are not considered commercial vehicles unless they are used for business or commercial purposes."

Within the code enforcement officer's interpretation, the dump-bed truck falls within the "dump truck" application of the commercial vehicle code. If considering the vehicle a pickup truck alone, the business use of the vehicle is supported by the appellant's definition of "trucks/equipment". The vehicle in question falls within the definition of a commercial vehicle.

Zoning Code Purpose and Intent – Section 1101.03 - "The Application of this Zoning Code aims to achieve the following objectives:

1. Achieve the land use goals set out in the City's Comprehensive Plan and other adopted long-range plans.
2. Accommodate growth and foster vibrancy and resiliency for residents, businesses, and intuitions, and organizations.
3. Conserve and enhance the City's environment.
4. Conserve property values throughout Whitehall
5. Ensure adequate space for commercial, industrial, residential, and civic uses and activities, and facilitate harmonious and complementary interaction between these activities.
6. Promote equal opportunity to realize the benefits of living in the City of Whitehall."

The purpose of the Whitehall Zoning Code is supported by the interpretation of the code enforcement officer. First, the interpretation conserves and enhances the City's environment. The inclusion of this vehicle underneath the commercial vehicle code enhances the environment of the city by determining the scope of what a commercial vehicle includes. Additionally, this interpretation as applied to Mr. Butler's case ensures that the code provides equal opportunity to residents within the City of Whitehall. Exemptions from the code for some people but not all residents creates an imbalance of benefits for individuals living within the City.

(STUR) Single and Two-Unit Residential District – Section 1103.02(A) Intent – "The Single and Two-Unit Residential District is intended to support residential

neighborhood development consistent with established residential areas throughout the city. This district supports single- and two-unit along with auxiliary dwelling units.”

The intent of the Single and Two-Unit Residential District, STUR, is to support residential neighborhood development. This focus on residential buildings and environments is supported by the code enforcement officer’s interpretation as commercial vehicles have a defined scope and interpretation.

(3) If the affected work is eligible for a variance or other measure of relief in this Code, and if such measure of relief has been applied for and decided on.

The lot is eligible for a variance but has not sought a variance. Alternatively, the commercial vehicles could be parked on a differing property in Whitehall commercial districts.

(4) The anticipated effect of this interpretation on the work at hand.

If the Director of Public Service’s interpretation of a commercial vehicle is overturned, then it is likely that vehicles with dump beds would be permitted for parking in the City of Whitehall including with residential districts.

(5) The effect of this interpretation on other similar work, when such data is available.

This interpretation of the commercial vehicle is consistently applied to all code enforcement. Code Officer Walt Sural’s commercial vehicle with dump beds interpretation guide with visuals can be found attached to the report.