

*LUCAS COUNTY
PLAN COMMISSION
REPORT*

February 24, 2016

Toledo-Lucas County Plan Commissions

One Government Center, Suite 1620, Toledo, OH 43604

Phone 419-245-1200, FAX 419-936-3730

MEMBERS OF THE TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

TOLEDO CITY PLAN COMMISSION

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(Chairman)

KEN FALLOWS
(Vice Chairman)

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LUCAS COUNTY PLANNING COMMISSION

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LISA COTTRELL, ADMINISTRATOR

**TOLEDO-LUCAS COUNTY PLAN COMMISSIONS
APPLICATION DEADLINE, AGENDA, STAFF REPORT AND HEARING
SCHEDULE - 2016**

| APPLICATION DEADLINE* | AGENDA SET | STAFF REPORT DISTRIBUTED | HEARING DATE |
|--|-------------------|---------------------------------|---------------------|
| CITY PLAN COMMISSION (<i>HEARINGS BEGIN AT 2PM</i>) | | | |
| November 30 | December 28 | December 31** | January 14 |
| December 28 | January 25 | January 29 | February 11 |
| January 25 | February 22 | February 26 | March 10 |
| February 29 | March 28 | April 1 | April 14 |
| March 28 | April 25 | April 29 | May 12 |
| April 25 | May 23 | May 27 | June 9 |
| May 30 | June 27 | July 1 | July 14 |
| June 27 | July 25 | July 29 | August 11 |
| July 25 | August 22 | August 26 | September 8 |
| August 29 | September 26 | September 29 | October 13 |
| September 19 | October 17 | October 31 | November 3** |
| October 17 | November 14 | November 18 | December 1** |
| COUNTY PLANNING COMMISSION (<i>HEARINGS BEGIN AT 9AM</i>) | | | |
| December 14 | January 11 | January 15 | January 27 |
| January 11 | February 8 | February 12 | February 24 |
| February 8 | March 7 | March 11 | March 23 |
| March 14 | April 11 | April 15 | April 27 |
| April 11 | May 9 | May 13 | May 25 |
| May 9 | June 6 | June 10 | June 22 |
| June 13 | July 11 | July 15 | July 27 |
| July 11 | August 8 | August 12 | August 24 |
| August 15 | September 12 | September 16 | September 28 |
| September 12 | October 11** | October 14 | October 26 |
| October 3 | October 31 | November 4 | November 16** |
| October 31 | November 28 | December 2 | December 14** |

* County deadlines are for Preliminary Drawings

** Date shifts are due to holidays

**Conversion Table
Toledo Zoning Code Update - Zoning District Designations**

| Existing District | New District Effective June 6, 2004 |
|--|--|
| R-A, Single Family | RS12, Single Dwelling |
| R-B, Single Family | |
| R-1, Single Family | RS9, Single Dwelling |
| R-2, Single Family | RS6, Single Dwelling |
| R-3, Two Family | RD6, Duplex |
| R-2A, Restricted Multi Family | RM12, Multi Dwelling |
| None | RM24, Multi Dwelling |
| R-4, Multi Family | RM36, Multi Dwelling |
| R-4A, Multi Family | |
| R-5, Multi Family | |
| R-MH, Manufactured Home | RMH, Manufactured Housing Park |
| Commercial Districts | |
| C-1, Neighborhood | CN, Neighborhood |
| N-MX, Neighborhood Mixed Use | |
| C-2, Restricted Office | CO, Office |
| C-7, Office Park | |
| C-6-HS Redevelopment - Heritage South* | CS, Storefront |
| C-6-LA, Redevelopment - Lagrange* | |
| C-MX, Community Mixed Use | CM, Mixed Use |
| C-3, Commercial | CR, Regional |
| C-4, Shopping Center | CR-SO, Regional - Shopping Ctr. Sign Overlay |
| C-5, Central Business District | CD, Downtown |
| Industrial District | |
| M-1, Restricted Industrial | IL, Limited Industrial |
| M-2, Industrial | IG, General Industrial |
| M-4, Warehouse | |
| M-3, Planned Industrial | IP, Planned Industrial/Business Park |
| Special Purpose District | |
| P, Parks | POS, Park & Open Space |
| None | IC, Institutional Campus |
| Overlay Districts | |
| CUP, Community Unit Plan | None |
| D.O.D, Downtown | -DO, Downtown |
| HD, Historic District | -HO, Historic District |
| MR-O, Maumee River | -MRO, Maumee River |
| None | -UNO, Urban Neighborhood |
| None | -PO, Pedestrian |
| None | -SO, Shopping Center Sign |

*The Heritage South and Lagrange C-6 Standards remain unless repealed

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

February 24, 2016

9:00 A.M.

PUBLIC HEARING WILL BE HELD AT ONE GOVERNMENT CENTER

AT JACKSON BOULEVARD AND ERIE STREET

IN COUNCIL CHAMBERS

ON THE FOLLOWING CASES

AGENDA

ROLL CALL – Lucas County Planning Commission

PROOF OF NOTICE

SWEARING IN

MINUTES

FINAL PLATS

ZONING – SPRINGFIELD TOWNSHIP

1. Z19-C638: Zone Change from M-1 and RA-4 to RA-4 at 7555 Angola Road (bh)
2. Z19-C639: Zoning Resolution Amendment eliminating Section 1908 *Noise* (bh)

ZONING – SYLVANIA TOWNSHIP

3. Z20-C977: Zoning Resolution Amendment of Section 2502, requiring Plan Commission review of conditional use permits (bh)

ZONING – SWANTON TOWNSHIP

4. Z33-C143: Zoning Resolution Amendments – multiple sections (bh)

CHAIRMAN’S REPORT

DIRECTOR’S REPORT

ADJOURNMENT

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GENERAL INFORMATION

Subject

- Request - Zone Change from M-1 Limited Industrial & RA-4 Rural Residential to RA-4 Rural Residential
- Location - 7555 Angola Road
- Applicant - Roy & Jeannette Showman
7555 Angola Road
Holland, OH 43528

Site Description

- Zoning - M-1 Limited Industrial & RA-4 Rural Residential
- Area - ± 5.35 Acres
- Frontage - ± 265 Feet along Angola Road
- Existing Use - Single Family Residential

Area Description

- North - Single Family Residential / RA-4 Rural Residential
- South - Single Family Residential / RA-4 Rural Residential
- East - Single Family Residential / RA-4 Rural Residential
- West - Vacant Parcel, Springfield Twp Hall / RA-4 Rural Residential & P/O Public Open Space

Parcel History

- Z19-C128 - Zone Change from A-4 Rural Residential to M-1 Limited Industrial (Planning Commission Disapproved 7/10/69, Trustees Approved M-1 on northern 300 feet 8/19/69)

Applicable Plans and Regulations

Springfield Township Zoning Resolution
Springfield Township Community Master Plan 2004
Lucas County Subdivision Rules and Regulations
Lucas County Land Use Policy Plan (within the “expansion zone”)

STAFF ANALYSIS

The request is for a Zone Change at 7555 Angola Road from M-1 Limited Industrial & RA-4 Rural Residential to RA-4 Rural Residential. The parcel is 5.35 acres and currently contains a single family residence. Adjacent land uses include the Springfield Township Hall that also contains the Sheriff Substation to the west and single family residences to the north, south and east.

In July 1969, the Plan Commission recommended disapproval of a Zone Change from A-4 Rural Residential to M-1 Limited Industrial for this parcel and the parcel fronting onto Wentworth Avenue to the Sylvania Township Trustees. The Trustees approved that Zone Change with the modification that only the northern 300 feet of both lots would be rezoned, with the parcel fronting along Wentworth Avenue being modified to C-2 Commercial and the subject parcel to M-1 Limited Industrial. With the exception of the existing residence the parcels were never developed. In 2006 the lot fronting Wentworth Avenue was down zoned to RA-4 at the request of the owner.

The 2004 Springfield Township Community Master Plan recommends this area for Single Family Residential uses. The RA-4 request is consistent with the 2004 Master Plan. Additionally, the request is compatible with the residential character of the area and would not negatively impact surrounding property owners, while bringing the single family residence into compliance with zoning.

STAFF RECOMMENDATION

Staff recommends that the Lucas County Planning Commission recommend approval of Z19-C638, a Zone Change request from M-1 Limited Industrial & RA-4 Rural Residential to RA-4 Rural Residential for property located at 7555 Angola Road, to the Springfield Township Zoning Commission and Trustees for the following three (3) reasons:

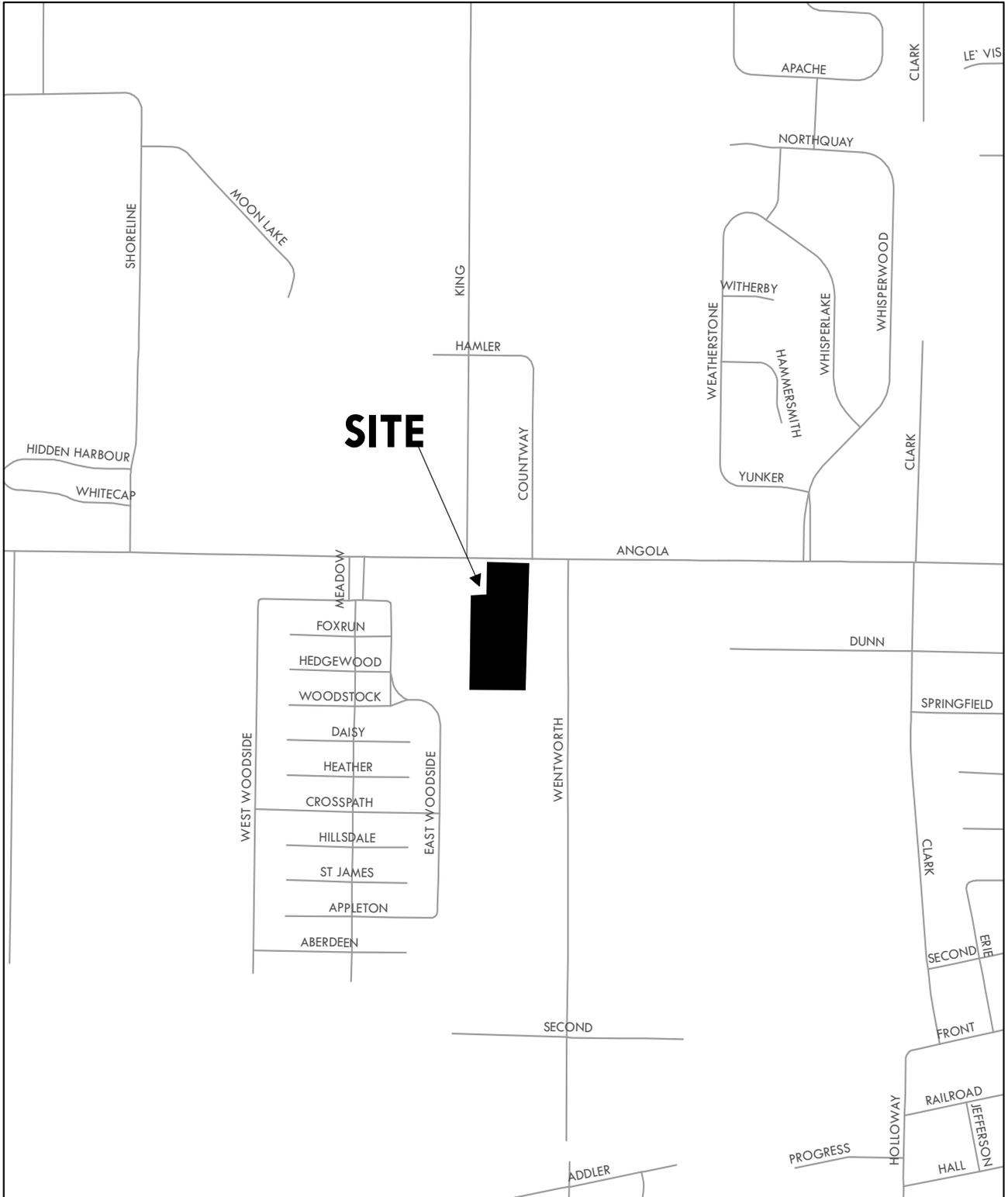
1. The request is consistent with the 2004 Springfield Township Community Master Plan;
2. A Zone Change to RA-4 Rural Residential Zoning is consistent with the surrounding zoning and uses;
3. The Zone Change will bring the single-family residence into conformance with the zoning resolution;

ZONE CHANGE
SPRINGFIELD TOWNSHIP
LUCAS COUNTY PLANNING COMMISSION
REF: Z19-C638
DATE: February 24, 2016
TIME: 9:00 a.m.

BH
Two (2) sketches follow

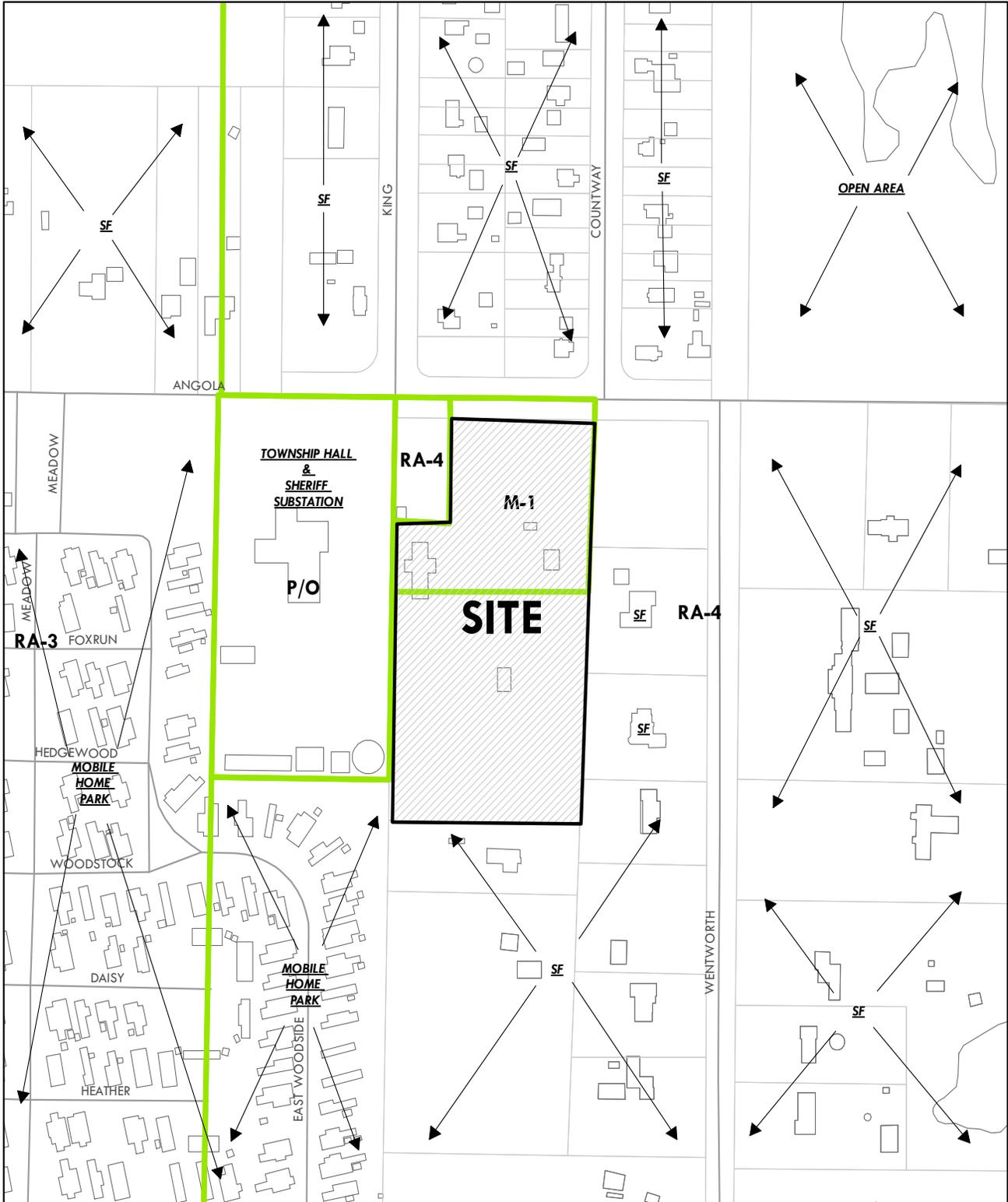
GENERAL LOCATION

Z19-C638
ID 125



ZONING & LAND USE

Z19-C638
ID 125



GENERAL INFORMATION

Subject

- Request - Amendment to the Springfield Township Zoning Resolution to Eliminate Section 1908.
- Location - Springfield Township
- Applicant - Springfield Township Zoning Commission

STAFF ANALYSIS

The Springfield Township Zoning Commission has requested to eliminate section 1908 from the Springfield Township Zoning Resolution at the guidance of the Lucas County Prosecutor. Springfield Township found this section to be in conflict with Ohio Revised Code (ORC) 505.172. It states that a township has limited ability to regulate noise and grants most noise control enforcement powers to local law enforcement officers whom have the authority to issue cease-and-desist orders and/or citations for noise violations.

Springfield Township Zoning Resolution Section 1908 states, “No person shall operate any machine, equipment or mechanical device, except for agricultural purposes and lawn maintenance equipment, at a level to exceed the standards outlined for each zoning district.” This may apply to a wide range of uses such as automobiles, amplified music or even manufacturing equipment. Staff analysis found that ORC 505.17 gives a township the authority to provide noise standards and enforce them, but primarily for noise on roadways and in residentially zoned areas. This would not cover all areas within the township creating potential issues with enforcement.

Based on the structure of the ORC and the advice from the Lucas County Prosecutor, staff is supportive of the amendment to the Springfield Township Zoning Resolution, but recommends that a paragraph be adopted concerning noise control and its enforcement through local law enforcement (See Exhibit “A”).

STAFF RECOMMENDATION

Staff recommends that the Lucas County Planning Commission, recommend approval of the proposed amendment to eliminate the text in Section 1908 and replace it with the language as shown in Exhibit “A”, to the Springfield Township Zoning Commission and Trustees.

REF: Z19-C639. . . February 24, 2016

TEXT AMENDMENT
SPRINGFIELD TOWNSHIP
LUCAS COUNTY PLANNING COMMISSION
REF: Z19-C639
DATE: February 24, 2016
TIME: 9:00 a.m.

BH
Exhibit "A" follows

Exhibit “A”

Township Text Amendment Proposal with Staff Changes

(Deletions in strikeout, additions in underline.
Staff changes in highlight.)

1908 NOISE

Noise Control will be enforced by local law enforcement in accordance with Chapter 505 of the Ohio Revised Code.

~~No person shall operate or use any machine, equipment, or mechanical device on a lot, except for agricultural purposes and lawn maintenance equipment, so as to create any noise which would cause the noise level, measured at the lot line of the lot affected by the noise emission, to exceed the applicable fixed noise level set forth in this section. If the measurement location is on the boundary between two zoning districts, the lower noise level shall apply.~~

~~Noise limits shall not exceed the following:~~

| A. | Zoning District | Time Period | Sound Level (dbA) |
|---------------|-------------------------------------|------------------------------------|------------------------------|
| | P/O, RA-3, RA-4 | 10:00 p.m. to 7:00 a.m. | 55 |
| | RA-5, R-A, R-1, R-3, MHP | 7:00 a.m. to 10:00 p.m. | 60 |
| | O/R, C-1, C-2 | 10:00 p.m. to 7:00 a.m. | 65 |
| | | 7:00 a.m. to 10:00 p.m. | 70 |
| | M-1 | Anytime | 70 |
| | M-3 | Anytime | 75 |

~~B. Provisions of Section 1908 A. shall not be applicable to any governmental emergency signaling devices required by law, nor to any standby equipment operated only in a governmental emergency situation.~~

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GENERAL INFORMATION

Subject

- Request - Amendment to the Sylvania Township Zoning Resolution Requesting Conditional Uses be Reviewed by the Planning Commission.
- Location - Sylvania Township
- Applicant - Sylvania Township Zoning Commission

STAFF ANALYSIS

The Sylvania Township Zoning Commission submitted an amendment to Article 25 of the Sylvania Township Zoning Resolution to require that all Conditional Use applications be reviewed by the Toledo-Lucas County Planning Commission, with the exception of Home Occupation applications.

In February 2009, amendments to the Sylvania Township Zoning Resolution were approved and included a complete rewrite of the Conditional Use section of the resolution. As part of the reworking of the Conditional Uses, the requirement for a conditional use to be heard by the Toledo Lucas County Planning Commission prior to the Board of Zoning Appeals was removed.

Based on the uses that are subject to Conditional Use review, the need for additional time for public input and providing a venue to allow for additional recommendations and/or analysis from the Plan Commission, Sylvania Township has asked that the Toledo-Lucas County Planning Commission assist in the review of Conditional Uses with the exception of Home Occupations. Staff is supportive of the amendment to the Sylvania Township Zoning Resolution as proposed.

STAFF RECOMMENDATION

Staff recommends that the Lucas County Planning Commission, recommend approval of the proposed amendment to request that Conditional Use applications be reviewed by the Toledo-Lucas County Planning Commission as shown in Exhibit “A”, to the Sylvania Township Zoning Commission and Trustees.

TEXT AMENDEMENT
SYLVANIA TOWNSHIP
LUCAS COUNTY PLANNING COMMISSION
REF: Z20-C977
DATE: February 24, 2016
TIME: 9:00 a.m.

BH
Exhibit “A” follows

Exhibit “A”

Township Text Amendment Proposal with Staff Changes

(Deletions in strikeout, additions in underline.

Staff changes in highlight.)

2502 REVIEW BY PLAN COMMISSION

All requests for a Conditional Use, with the exception of *Home Occupation*, shall be reviewed by the Lucas County Plan Commission prior to the Board of Zoning Appeals public hearing. The above application for Conditional Use will be forwarded to the Plan Commission by the Township Planning and Zoning Department.

The Planning Commission shall hold a public hearing on the proposed Conditional Use and recommend approval or denial of the said use, or approval with conditions, and submit its recommendation to the Township Board of Zoning Appeals. When received, such recommendation shall then be considered at a public hearing held by the Board of Zoning Appeals on said proposed use.

GENERAL INFORMATION

Subject

| | | |
|-----------|---|--|
| Request | - | Amendments to the Swanton Township Zoning Resolution |
| Location | - | Swanton Township |
| Applicant | - | Swanton Township Zoning Commission |

STAFF ANALYSIS

The Swanton Township Zoning Commission has requested various amendments to the Swanton Township Zoning Resolution. Over the past three months amendments have been processed in a series to allow for Swanton Township to further examine issues that surfaced as part of the reviews. As a result, this is anticipated to be the final installment of amendments as all versions have been either been made, modified or eliminated through a proper analysis. This final set of amendments will address a rewrite of the Board of Zoning Appeals section and provide a procedural chart to further clarify procedural outlines.

Section 13 Board of Zoning Appeals

The Board of Zoning Appeals amendment was held to provide the Swanton Township Zoning Commission more time to explore if they wanted to change the special use section of the zoning resolution to conditional uses. The Zoning Commission has decided to not change from special uses at this time. In the future if a change is made to conditional uses, the Board of Zoning Appeals section will need to be further tailored to include conditional uses as a duty of this Board.

Furthermore, Swanton Township has asked that exceptions be removed from the zoning resolution. Exceptions are examples of variances that the Board of Zoning Appeals may grant such as multiple buildings on a lot. The removal of this section would not materially impact the variance process. Exhibit "A" includes language for the rewrite of Section 13 - Board of Zoning Appeals.

Section 14 Amendments

The Swanton Township Zoning Commission has asked that a procedural chart be added to the amendment section of the Zoning Resolution. Although the process is currently outlined in sections 14.2.1 through 14.2.9, having this information in one location would offer the public the ability see the process from application to effective date. Exhibit "B" includes language for the procedural outline in section 14 - Amendments.

Additional minor corrections and clarifications were also made by staff as shown in both Exhibit “A” and Exhibit “B”.

STAFF RECOMMENDATION

Staff recommends that the Lucas County Planning Commission, recommend approval of the proposed amendment, as shown in Exhibit “A” & Exhibit “B”, to the Swanton Township Zoning Commission and Trustees.

TEXT AMENDMENT
SWANTON TOWNSHIP
LUCAS COUNTY PLANNING COMMISSION
REF: Z33-C143
DATE: February 24, 2016
TIME: 9:00 a.m.

BH
Exhibit “A” follows
Exhibit “B” follows

Exhibit "A"

Township Text Amendment Rewrite with Staff Changes

(Deletions in strikeout, additions in underline.
Staff changes in highlight.)

SECTION 13 BOARD OF ZONING APPEALS

| | |
|-------------------------|--|
| SECTION 13.1 | General |
| SECTION 13.2 | Organization / Membership |
| SECTION 13.3 | Meetings |
| SECTION 13.4 | Powers / Duties |
| SECTION 13.5 | Appeal Requirements |
| SECTION 13.6 | Requirements for a Variance Request / Approval |
| SECTION 13.7 | Conditions of Approval |
| SECTION 13.8 | Applications / Procedure |

CROSS REFERENCE

| | |
|-----------|--------------------------------|
| SECTION 2 | Definitions |
| SECTION 3 | Establishment of Districts |
| SECTION 4 | Use Regulations |
| SECTION 5 | Off-Street Parking and Loading |

~~13.1~~ ~~General~~

~~Pursuant to Section 519.13 of the Ohio Revised Code (ORC), the Board of Swanton Township Trustees shall appoint the Swanton Township Board of Zoning Appeals in accordance with the provisions of said section.~~

13.1 Organization / Membership

Said Board shall organize, meet and act in accordance with the provisions of Section 519 of the Ohio Revised Code.

The Swanton Township Board of Zoning Appeals shall consist of five (5) members who shall be residents of Swanton Township. The terms of all members shall be so arranged so that the term of one (1) member expires each year. The Board of Township Trustees by Resolution shall appoint members to the Board and fill any vacancies including un-expired terms. Members of the board may be removed by a vote of the Board of Trustees.

Exhibit "A" (cont'd)

Township Text Amendment Rewrite with Staff Changes

(Deletions in strikeout, additions in underline.

Staff changes in highlight.)

13.2 Meetings

Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at other times the board determines. At the first meeting of each year the Board of Zoning Appeals shall elect a Chairperson and Vice-Chairperson for a term of one (1) year. A quorum of at least three (3) members is needed to conduct a meeting of the Board of Zoning Appeals. There shall be an assigned place of the meeting and all meetings shall be open to the public. The Board of Zoning Appeals shall keep a record of its proceedings indicating the actions of the Board and indicating the vote of each member on each request. All records of the Board of Zoning Appeals shall be filed in the Office of the Township Fiscal Officer.

13.3 Powers / Duties

13.3.1

The Board of Zoning Appeals shall have the authority:

- a) To organize, adopt rules, hold meetings and keep records as required by law.
- b) To hear and decide appeals, ~~exceptions and variances~~, only in such cases where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this resolution. This includes hearing and deciding matters of interpretation of the provisions of the text of this resolution and the Official Swanton Township Map.

In conformity with the provisions of this resolution, the Board of Zoning Appeals may affirm or reverse, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its option ought to be made in the premises; and to that end, shall have all the power of the Zoning Inspector from whom the appeal was taken.

- c) To authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. No variance shall be granted except in conformance with the provisions of Section 1904 of this Resolution.

Exhibit "A" (cont'd)

Township Text Amendment Rewrite with Staff Changes

(Deletions in ~~strikeout~~, additions in underline.

Staff changes in **highlight**.)

13.4 Appeal Requirements

13.4.1

Appeals to the board may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The following information shall be included in any application brought before the Board of Zoning Appeals for consideration of any appeal of matter of interpretation.

- a) The request shall include the action or order of the Zoning Inspector, such as the citation of zoning violation and / or Zoning Certificate being denied or revoked.
- b) The specific reference, including chapter (s) and sections (s), of the zoning text or portions of the Official Swanton Township Map that may be appealed.
- c) The facts and information showing the basis of the appeal, including factors of characteristics unique to a parcel.
- d) The specific remedy proposed or description of the proposed interpretation.

13.5 Requirements for a Variance Request / Approval

13.5.1

The Board of Zoning Appeals may authorize in specific cases a variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Board of Zoning Appeals shall consider the following:

- a) That due to exceptional narrowness, shallowness, or shape, or exceptional topographic conditions or other extraordinary situation or condition of a lot, the strict application of the terms of this Resolution would result in peculiar and exceptional practical difficulties.
- b) That 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 building in the vicinity.

Exhibit “A” (cont’d)

Township Text Amendment Rewrite with Staff Changes

(Deletions in ~~strikeout~~, additions in underline.

Staff changes in **highlight**.)

- c) That a variance from the strict application is necessary to relieve such difficulties or hardship, and that such relief may be granted without substantial detriment to the public good and without substantially altering the intent of this Resolution.
- d) 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.
- e) The condition from which relief or a variance sought did not result from action by the applicant.
- f) No variance may be applied for or granted which would allow a use that is not allowed in a zoning district.
- g) The authorization of a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase danger of fire or imperil the public safety or unreasonably diminish or impair the health, safety, convenience, or general welfare of the inhabitants of the Township.

13.6 Conditions of Approval

13.6.1

In granting any appeal **or** variance ~~or exception~~, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with the Resolution. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue the permit listing the specific conditions or approval specified by the Board. Violations of such conditions and safeguards, when made a part of the terms under which the use is granted, shall be deemed a violation of this Resolution and punishable under Section 12.6.

13.7 Applications / Procedure

13.7.1 Application

All applications shall be in writing, shall be signed by the owner of the property involved or their duly authorized agent or attorney, specify the request and grounds thereof, and be filed in the office of the Zoning Inspector.

Exhibit "A" (cont'd)

Township Text Amendment Rewrite with Staff Changes

(Deletions in strikeout, additions in underline.

Staff changes in highlight.)

An appeal from any action, refusal or ruling of the Zoning Inspector shall be filed within 20 days after such action or refusal or the announcement of such ruling. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action or filing appealed from was taken.

13.7.2 Review by Other Officials

The Board of Zoning Appeals may request additional information or review of the appeal, variance, or request for an exception by other Swanton Township officials, Lucas County agencies, or the Lucas County Planning Commission. Said information or review shall be delivered to the Board of Zoning Appeals within 45 days after the receipt of the request. **Failure to disapprove the same within such period shall constitute approval therefore.**

13.7.3 Public Hearing / Notice

- a) Once the application has been received, the applicant shall post and maintain one or more on-site notices as provided. The applicant is responsible for removing the posted notices within ten (10) days after the decision of the Board of Zoning Appeals. No one except the applicant, agent or Swanton Township Official shall remove or tamper with any such notice during the time it is required to be posted and maintained.
- b) The Board shall schedule a reasonable amount of time for the hearing of a matter to come before it and shall give at least ten (10) days notice to the parties in interest, stating the time and place. In addition, notice of such public hearing shall be given in one publication in one or more newspapers of general circulation at least ten (10) days before the date of such hearing. The Board of Zoning Appeals shall make its findings and determination in writing within forty (40) days from the date of the filing of the request. At the hearings, any party may appear in person, by agent or by attorney and shall be given the opportunity to be heard. A copy of the findings and determination made by the Board of Zoning Appeals shall be transmitted to the applicant within fourteen (14) days following the hearing.

Exhibit “A” (cont’d)

Township Text Amendment Rewrite with Staff Changes

(Deletions in strikeout, additions in underline.

Staff changes in highlight.)

13.7.4 Schedule of Fees, Charges / Expenses

The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges and expenses and a collection procedure for appeals, variances or consideration of appeal for exception and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the Office of the Zoning Inspector and may be altered or amended only by the Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

13.7.5 Record of Appeals & Variances / ~~Exceptions~~

A public record of all appeals and variances and ~~appeals for exceptions~~ and their disposition shall be kept on file in the Office of the Zoning Inspector and the Swanton Township Fiscal Officer.

13.7.6 Appeal of Board Decisions

If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in writing within ten (10) days of the Board’s written decision.

13.7.7 The Board of Zoning Appeals has the power to revoke a variance ~~or exception~~ for noncompliance

The Board shall notify the affected party of their intent to revoke by mailing of a notification by certified mail. The affected party has the right to request a hearing within thirty (30) days of the mailing of the notification, in which case the Board shall notify the party of the time and place of the hearing. Revocation of a variance ~~or an appeal for exception~~ shall become effective thirty (30) days after notice has been given, unless a hearing has been requested.

Exhibit “B”

Township Text Amendment Rewrite with Staff Changes

(Deletions in strikeout, additions in underline.

Staff changes in highlight.)

SECTION 14 AMENDMENTS

14.2.1 Procedural Outline

The following procedural outline provides a general guide process for amendments in Swanton Township, additional details concerning this process can be found throughout this section.

- 1) Property owner submits application to Zoning Inspector, Zoning Commission adopts motion or Township Trustees adopt resolution.
- 2) Zoning Commission considers and accepts application or resolution at next meeting or requests additional information.
- 3) Zoning Commission sets a date for public hearing, publishes notices and forwards request to the Toledo Lucas County Planning Commission for recommendation.
- 4) Applicant posts notice on property during the period in which the application is being considered.
- 5) Zoning Commission recommends action after receiving Toledo Lucas County Planning Commission recommendation and forwards the request to Township Trustees.
- 6) Township Trustees publishes notice, hold a public hearing and takes action on the request.
- 7) If approved, amendment takes effect 30 days after action by Township Trustees.

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STAFF REPORT CONDITIONS OF APPROVAL – AGENCY SOURCE IDENTIFICATION

Recommendations for conditions of approval often originate from agencies that have reviewed plans and proposals under consideration by the Plan Commission. To indicate which agency requested which condition of approval, that agency's name is placed at the end of the condition in parenthesis. Agency names are listed below:

TOLEDO-LUCAS COUNTY
PLAN COMMISSIONS
ONE GOVERNMENT CENTER
SUITE 1620
TOLEDO, OH 43604
419-245-1200

FIRE PREVENTION
c/o BUILDING INSPECTION
ONE GOVERNMENT CENTER
SUITE 1600
TOLEDO, OH 43604
419-245-1220

TOLEDO EDISON COMPANY
CHRISTINE CUNNINGHAM
ENGINEERING SERVICES
6099 ANGOLA RD.
HOLLAND, OH 43528
419-249-5440

DIVISION OF WATER DISTRIBUTION
401 S. ERIE STREET
TOLEDO, OH 43604
419-936-2826

DIVISION OF FORESTRY
COMMISSIONER
2201 OTTAWA PARKWAY
TOLEDO, OH 43606
419-936-2326

UNITED STATES POST OFFICE
POSTMASTER
435 S. ST. CLAIR STREET
TOLEDO, OH 43601
419-245-6802

DIVISION OF WATER
RECLAMATION
COMMISSIONER
3900 N. SUMMIT STREET
TOLEDO, OH 43611
419-727-2602

DIVISION OF INSPECTION
COMMISSIONER
ONE GOVERNMENT CENTER
SUITE 1600
TOLEDO, OH 43604
419-245-1220

LUCAS SOIL AND
CONSERVATION DISTRICT
JEFF GRABARKIEWICZ
130-A W. DUDLEY
MAUMEE, OH 43537
419-893-1966

DIVISION OF TRANSPORTATION
COMMISSIONER
110 N. WESTWOOD
TOLEDO, OH 43607
419-245-1300

DIVISION OF
ENGINEERING SERVICES
COMMISSIONER
ONE LAKE ERIE CENTER
600 JEFFERSON AVENUE, STE 300
TOLEDO, OH 43604
419-245-1315

LUCAS COUNTY ENGINEER
KEITH EARLEY
1049 S. MCCORD ROAD
HOLLAND, OH 43528
419-213-2860

SERVICE DEPARTMENT
EDWARD MOORE, DIRECTOR
110 N. WESTWOOD
TOLEDO, OH 43607
419-245-1835

COLUMBIA GAS COMPANY
TONY BUCKLEY
FIELD ENGINEER TECHNICIAN
2901 E. MANHATTAN BLVD
TOLEDO, OH 43611
419-539-6078

LUCAS COUNTY
SANITARY ENGINEER
JIM SHAW
111 S. McCORD ROAD
HOLLAND, OH 43528
419-213-2926

TOLEDO-LUCAS COUNTY
HEALTH DEPT.
LANA GLORE, ENV. HEALTH SERV.
635 N. ERIE STREET ROOM 352
TOLEDO, OH 43604
419-213-4209

A T & T
ATTN: DESIGN MANAGER
130 N. ERIE, ROOM 714
TOLEDO, OH 43604
419-245-7000

BUCKEYE CABLESYSTEM, INC.
GARY KASUBSKI
4818 ANGOLA ROAD
TOLEDO, OH 43615
419-724-3821

VERIZON
BRAD SNYDER
300 W. GYPSY LANE
BOWLING GREEN, OH 43402
419-354-9452

WATERVILLE GAS
JAMIE BLACK
PO BOX 259
WATERVILLE, OH 43566
419-878-4972

OHIO GAS
MIKE CREAGER
13630 AIRPORT HWY.
SWANTON, OH 43558
419-636-1117

TIME WARNER
RAY MAURER
3760 INTERCHANGE ROAD
COLUMBUS, OH 43204
614-481-5262

EMBARQ
117 E. CLINTON STREET
NAPOLEON, OH 43545
419-599-4030

CENTURYLINK
TIM R. TAYLOR
375 E. RIVERVIEW AVE.
NAPOLEON, OH 43502

