



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: June 12, 2020

REF: M-1-20

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Request for a Text Amendment to modify TMC§1112.0202(C) – BZA Composition (adding alternate for Plan Commission member).

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 11, 2020 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Text Amendment to modify TMC§1112.0202(C) – BZA Composition (adding alternate for Plan Commission member).
Applicant	-	Toledo City Plan Commission One Government Center, Suite 1620 Toledo, Ohio 43604

#### Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

### STAFF ANALYSIS

The proposed text amendment to modify TMC§1112.0202(C) – *Composition*, will allow for the addition of a Board of Zoning Appeals alternate for the Plan Commission member. Currently TMC§1112.0202(C) requires that one member of the Board of Zoning Appeals shall also be a member of the Plan Commission. Unfortunately, this provision does not allow there to be an appointed alternate on behalf of the Plan Commission member. The proposed text amendment will provide an option for the Plan Commission to appoint an alternate elector as a member of the Board of Zoning Appeals as shown in Exhibit “A”.

The current Zoning Code text reads, “*The other five members shall have been electors of the City for at least 3 years preceding the date of their appointment. One of such electors shall also be a member of the Plan Commission*”. Whereas the proposed text amendment will include “*or appointed alternate*” at the end of said section.

**STAFF ANALYSIS (cont'd)**

Staff recommends approval of the proposed text amendment in order to provide an option for an alternate member, appointed by the Plan Commission, to be a member of the Board of Zoning Appeals. The appointed member would need to satisfy the Plan Commission's criteria for the position with a background and/or specialization in planning policy. Additionally, staff recommends approval of the proposed text amendment because it corrects an inconsistency in the Zoning Code where appointed members are typical across government review boards and commissions. Furthermore, appointed members on behalf of the Plan Commission will satisfy the intent and purpose of their membership on the Board of Zoning Appeals, due to their background in planning. Therefore, the proposed text amendment will meet the challenge of a changing condition.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of the Text Amendment to modify TMC§1112.0202(C) – BZA Composition (adding alternate for Plan Commission member), to the Planning and Zoning Code as shown in Exhibit “A”, to the Toledo City Council for the following two (2) reasons:

1. The proposed text amendment corrects an inconsistency in the Zoning Code (TMC§1111.0506(A) *Review and Decision-Making Criteria*); and
2. The proposed text amendment meets the challenge of a changing condition (TMC§1111.0506(A) *Review and Decision-Making Criteria*).

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Thomas C. Gibbons", written in a cursive style.

Thomas C. Gibbons  
Secretary

RS  
Exhibit “A” follows

**Exhibit "A"**

(Proposed additions are shown in *underlined italics*,  
proposed deletions are shown in strikethrough text)

**1112.0200 | Board of Zoning Appeals**

**1112.0201 Creation**

A Board of Zoning Appeals is hereby established.

**1112.0202 Composition**

The Board of Zoning Appeals shall consist of seven members.

- A.** One of such members shall be a member of the City Council who shall serve during his or her current elected term as councilperson.
- B.** One member shall be the Director of Public Service or his or her designee.
- C.** The other five members shall have been electors of the City for at least 3 years preceding the date of their appointment. One of such electors shall also be a member of the Plan Commission *or appointed alternate*.
- D.** The Mayor may, with the advice and consent of the City Council, appoint two designated alternates. One alternate shall be a member of City Council, to serve as a substitute for the appointed councilperson and one shall be a member of the Plan Commission, to serve as a substitute for the appointed Plan Commission member.