

February 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1	2	3
4	5 6:45pm VFFDFB 6:50pm VPODFB 7:00pm City Council	6	7	8	9	10
11	12	13 4:30pm BZA 5:00pm Planning Commission	14	15	16	17
18	19 6:00pm Parks and Rec Commission 6:00 Tree Commission 7:00pm City Council	20 6:30pm- Charter Review Commission	21	22	23	24
25	26 6:30pm Finance and Budget 7:30pm Safety and Human Resources	27 4:30pm Civil Service	28 6:30pm Parks and Rec Board	29	1	2



City of Napoleon, Ohio

*255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com*

Memorandum

To: Board of Public Affairs, City Council, Mayor, City Manager, City Finance Director, City Law Director, Department Supervisors, News-media
From: Amanda Griffith, Clerk
Date: February 09, 2024
Subject: Board of Public Affairs Meeting Canceled

The regularly scheduled meeting of the Board of Public Affairs for Monday, February 12, 2024, at 6:30 pm has been CANCELED by the chair.



City of Napoleon, Ohio

*255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545
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Memorandum

To: Electric Committee, City Council, Mayor,
City Manager, City Finance Director, City Law
Director, Department Supervisors, News-media
From: Amanda Griffith, Clerk
Date: February 09, 2024
Subject: Electric Committee Meeting Canceled

The Electric Committee meeting scheduled for Monday,
February 12, 2024, at 6:30 pm has been CANCELED by the chair.



City of Napoleon, Ohio

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Memorandum

To: Water, Sewer, Refuse, Recycling & Litter Committee,
City Council, Mayor, City Manager, City Finance
Director, Law Director, Department Supervisors, News-
media

From: Amanda Griffith, Clerk

Date: February 09, 2024

Subject: Water, Sewer, Refuse, Recycling & Litter
Committee Meeting Canceled

The regularly scheduled meeting of the **Water, Sewer, Refuse, Recycling and Litter Committee** for Monday, February 12, 2024, at 7:00 pm has been CANCELED due to lack of agenda items.



City of Napoleon, Ohio

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Telephone: (419) 592-4010 Fax: (419) 599-8393
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Memorandum

To: City Council, Mayor, City Manager, City Finance
Director, Law Director, Department Supervisors,
News-media
From: Amanda Griffith, Clerk
Date: February 09, 2024
Subject: Municipal Properties, Building, Land Use and
Economic Development Committee – Cancellation

The regularly scheduled meeting of the Municipal Properties, Building, Land Use and Economic Development Committee for Monday, February 12, 2024, at 7:30 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio
BOARD OF ZONING APPEALS
Meeting Agenda

BZA 24-01 – Variance for Commercial use – 1600 Glenwood Ave.
BZA 24-02 – Variance for an accessory building size and height - 230 Glenwood Ave.

Tuesday, February 13, 2024, at 4:30 pm

Location ~ Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

1. Call to Order
2. Approval of Minutes – September 12, 2023. (In the absence of any corrections or objections, the Minutes shall stand approved)

3. New Business

BZA 24-01 – Variance for Commercial use at 1600 Glenwood Ave.

An Application for a public hearing has been filed by Mr. Steve Kauffman of 115 Pheasant Ln, Archbold Ohio. The applicant is requesting a variance to Section 1147 of the City of Napoleon Codified Ordinance regarding an additional building to be built within the Fenced in area of the existing property of 1600 Glenwood Ave. City of Napoleon, Henry County Ohio. This property is now in a C-4, Planned Commercial District and therefore will need a variance in order to build the last of the remaining storage unit. The units were approved by the Planning Commission in 2009 prior to the zoning change. This property is now in a non-conforming district and should be allowed to continue the construction of the Storage unit.

BZA 24-02 – Variance for an accessory building size and height at 230 Glenwood Ave.

An Application for a public hearing has been filed by Gary Malone of 230 Glenwood Ave. Napoleon Ohio 43545. The applicant is requesting approval of a variance to section 1147 regarding the building square footage and height requirements in an R-2 low-density Residential District. The Applicant is requesting a variance to Place a 40'x60' accessory building that equals 2,400 square feet in size and the height of the building to excess 18' feet in height.

5. Closing Remarks
6. Adjournment.


Amanda Griffith –Clerk

BOARD OF ZONING APPEALS MEETING MINUTES

Tuesday, September 12, 2023 at 4:30 pm

BZA 23-02 ~ Variance to Property Setback at 800 Clairmont Ave.

PRESENT

Board Members	David Dill-Chair, Larry Vocke, Steve Small, Jordan McBride
City Staff	Kevin Schultheis-Code Enforcement/Zoning Administrator
City Manager	J. Andrew Small
Clerk	Marrisa Flogaus
Others	News- Media
	David Johnson
ABSENT	Lynn Rausch

CALL TO ORDER

The Board of Zoning Appeals the meeting was called to order by the Chairman Dill at 4:30 pm.

APPROVAL OF MINUTES

The minutes from the June 13, 2023 meeting were approved as presented.

NEW BUSINESS

BZA 23-02 - Variance to Section 1147 regarding Building Setback at 800 Clairmont Ave. Dill read the background on BZA 23-02. An application for a public hearing has been file by Patrick Hoover of 800 Clairmont Ave. Napoleon, Ohio 43545. The applicant is requesting a variance to Section 1147 regarding the building setback in an R-2 Low-density residential District. 800 Clairmont Ave. PN: 410095500340. The applicant is requesting the variance to build a new garage structure where the old garage was that was damaged by fire. The Variance would be for a side set back of 7' feet.

RESEARCH AND FINDINGS

Schultheis presented his research and findings for BZA 23-02: Variance to Section 1147 regarding Building Setback at 800 Clairmont Ave. Upon approval of this variance and issuance of a zoning permit, a building permit from Wood County Building Inspection shall be required.

Under Section 1129.05 Repair and Maintenance Reconstruction:

(a) Any nonconforming structure or portion thereof containing a nonconforming use, ordinary repairs and routine maintenance to the structure and property is allowed; provided however, that the cubic content existing when it became nonconforming is not increased.

(b) Should the nonconforming structure or nonconforming portion thereof be damaged by more than fifty percent of its fair market value, as estimated by a professionally recognized or certified appraiser, by fire, neglect, or by an act of God, it may, only after a zoning permit is issued, be reconstructed as it previously existed and restored on the same building footprint.

All remaining debris shall be cleared away and disposed of properly within two months of the time of destruction. The nonconforming structure may be restored on the same footprint, provided such restoration begins two months after the damage occurred and is completed by the time period designated in the zoning permit.

(c) The Zoning Administrator shall issue a permit if he or she finds that in completing the renovation, repair, or replacement work that the permittee will comply to the extent reasonably possible with all provisions of this Planning and Zoning Code.

STANDARDS FOR A VARIANCE:

The Board, after a hearing, may grant a variation from the regulations of the City's Planning and Zoning Code, but only when such variation is in harmony with the general purpose and intent of the Planning and Zoning Code, and the Board finds all of the following:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity or district;
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied to the property in question;
- (c) That granting such variance will not be materially detrimental to the public welfare or injurious to the property of improvements in the vicinity or district in which the property is located;
- (d) That granting such variance will not alter the land use characteristics of the vicinity or district, diminish the value of adjacent land and improvements, or increase the congestion in the public streets.

Schultheis stated they are basically asking to put the same garage on the same footprint it was before it burnt down. Small asked for some clarification. If the property was damaged by fire didn't result in greater than 50% of the estimated value it could have been rebuilt without coming to us? Schultheis replied that's absolutely correct. Small asked if it's because we're doing it on the same footprint and not adding anything? Schultheis replied yes, unlike the last one on Strong St. In this situation I could have just issued a zoning permit, however I felt like it was something the Board needed to hear just in case. Dill asked if this has been approved through their insurance? Schultheis replied yes. They've already started on the house. I'm not sure how far they've got on that. Now, they are waiting to get this approved to put the garage up. Dill asked if there were any other questions on this matter? Johnson stated I'm here for this matter. I live next door at 790 Clairmont. Years ago I recommended them to buy my land to prevent this easement problem and they turned it down. Again, after the fire I recommended them to buy it again, but they told me they would rather get a variance. They have had an eye sore there with their garage and they don't maintain their property. I have pictures. I can't put a fence there unless I'm going to sacrifice some of my property. They have enough property they could move the garage behind their house and still have access to a garage or they could work out an agreement, in which I'm very applicable with, of purchasing 9 feet of the side yard so it could become their tax liability. I've been there for 23 years and I feel that I've been paying taxes for their property because their property is right on mine and I can't develop it or put a fence up without diminishing my property value. I don't see why they just can't make it so we didn't have to have a meeting. Schultheis asked Johnson when his house was built? Johnson replied somewhere between 1963-1965. I understand that was an existing structure, but now this building is burnt to the ground. Schultheis stated back then they didn't have the ordinances they do now. Johnson replied right. When I bought the property I understood that and I took that on. Now the property is gone and I would just like existing zoning regulations to be applied

and have some offset from my property line, so I don't have a nuisance in my view. Dill asked Schultheis if there was 7 feet between the garage and the property line? Schultheis replied no, I would have to bring it up on the GIS map and measure it. Johnson stated I have 129 feet from marker to marker. When the City came through before the development of Becks site when they put sewer through the front they put pins up in the back two corners of my lot, but they never put a new pin in the front corner at the Hoovers driveway. They ripped all that out and put a 16 foot hole through the area, which ripped out all the existing markers. Now, there are no property markers at the front corner. I have 129.6 feet going side to side and 129.3 going front to back. Schultheis replied it says here 129.12 and I can't see what you have up front on this picture. Johnson stated there's only around a 6 inch difference between my front and back. If I'm right on his property line at the front of his garage granted that might be a slight deviation there can only be so much deviation in the back if you actually get the proper markers down and figure out where the line is at. All I'm requesting is since I have such a large lot I'm willing to bring my lot down to 120 feet, which is a standard double lot, and give him 9 feet off the side. I was looking around \$9,000 because I would have to get it surveyed and get everything done to get the property through, but he passed up on the offer. Now he's coming here to ask for a variation to continue to build. I feel that I would be the one paying the taxes for his property because I can't develop that land. Dill stated unfortunately our situation here doesn't involve the personal part of that. We can't force someone to buy that land. By City law he's legal to ask for a variance on the property. He's had a footprint there beforehand. It would be different if he was making the building bigger or extending it more towards your side. I don't think there's much we can do between you and the neighbor at this point. Small asked how long has the garage been there? Schultheis replied probably since the existence of the home. Johnson stated I looked online at the satellites for historical view and it looks like it was put up in the 60's or 70's. Dill stated the driveways the same situation for you. Johnson replied like I said I have no problem with this. I'm not being unreasonable here. They've been using my side yard as a parking lot. I have no problem with it and I haven't mentioned it to them. I'm even supplying electricity for the rebuild. I'm doing everything in my power to get their house back up and facilitate them getting back into their home. It's not like we have a bad relationship. Our kids play together. It's just the fact that the garage is so close to our property line and nobody else on the street has to deal with that. I can go out and video it all the way through and there is nowhere else something is that close to the property line. I understand it was existing, but now it's completely gone. Having an external garage is not detrimental to them moving back into their home. It's an external structure and they have enough property to put the garage behind the house and have a driveway where they pull into their garage. It doesn't need to be set there. That's all I'm saying. There's other options to work around this problem other than to put it where it currently existed. Dill asked if they lived in that house now? Johnson replied no. It burnt down and was pretty much uninhabitable. The garage itself is nonexistent. That's why I kind of laughed when you said damaged. It's literally a piece of concrete. There's nothing left of that garage. Right now, they haven't mowed the back yard or anything since the fire. It's just a big weed pile. We understand they're going through some stuff, but that's how they were even before the fire. I can show you pictures. That garage has been nothing but weeds and a mess. We don't have a lot of options to cover it up. We can't put a privacy fence up unless we put fencing up right next to his garage, but then he'd be annoyed. My option is then to move three feet off his garage and sacrifice my land so that he can maintain his property, which he isn't doing already. We can't force someone to garden. If he would move his garage off the

Motion: Small Second: Vocke

to approve BZA 23-02, as a variance to Property Setbacks at 800 Clairmont Ave, Napoleon, OH

Yea-5, Nay-0. Motion Passed.

ADJOURN

Yea-5, Nay-0. Motion Passed.

4

David Dill - Chair

DRAFT



City of Napoleon, Ohio

Kevin Schultheis, Zoning Admin.

Code Enforcement

255 West Riverview

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: Members of the Board of Zoning Appeals

From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Subject: Variance for Commercial use in a C-4 Planned Commercial District

Meeting Date: February 13, 2024 @ 1630 hrs.

Hearing: BZA-24-01

Location: 1600 Glenwood Ave. Napoleon, Ohio 43545, The U-lock Storage units, Henrys Pond, LLC.

Background:

An Application for a public hearing has been filed by Mr. Steve Kauffman of 115 Pheasant Ln, Archbold Ohio. The applicant is requesting a variance to Section 1147 of the City of Napoleon Codified Ordinance regarding an additional building to be built within the Fenced in area of the existing property of 1600 Glenwood Ave. City of Napoleon, Henry County Ohio. This property is now in a C-4, Planned Commercial District and therefore will need a variance in order to build the last of the remaining storage unit. The units were approved by the Planning Commission in 2009 prior to the zoning change. This property is now in a non-conforming district and should be allowed to continue the construction of the Storage unit.

RESEARCH AND FINDING:

Upon approval of this variance and issuance of a zoning permit, a building permit from Wood County Building Inspection shall be required followed by a Certificate of Occupancy. The building and site plan must be reviewed and approved by the Napoleon City Engineer prior to approval along with any Detention calculations regarding water runoff.

STANDARDS FOR A VARIANCE:

The Board, after a hearing, may grant a variation from the regulations of the City's Planning and Zoning Code, but only when such variation is in harmony with the general purpose and intent of the Planning and Zoning Code, and the Board finds all of the following:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity or district;
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied to the property in question;
- (c) That granting such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or district in which the property is located;
- (d) That granting such variance will not alter the land use characteristics of the vicinity or district, diminish the value of adjacent land and improvements, or increase the congestion in the public streets.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Application for Public Hearing
BOARD OF ZONING APPEALS
City of Napoleon, Ohio

To: Building and Zoning Department
and Members of the Board of Zoning Appeals

Hearing#: _____
Hearing Date: _____
Zoning District: _____

☒ Board of Zoning Appeals Hearing (Dimensional) \$125.00 (100-3100-46690)
☐ Administrative Appeal \$50.00 (100-3100-46690)

Address of property: 1600 Glenwood Ave Napoleon, OH 43545

I/We herby file a petition for variation to City Zoning Code Section: 175.07 STANDARDS FOR VARIATIONS

Brief description of request: Complete our storage facility building project at 1600 Glenwood (Parcel 411100360100).

In 2009, we received a conditional use under a C4 (Commercial Warehouses) to construct a storage facility. In 2011, self-storage facilities were reclassified to category C5 and we are unable to finish our project. This zoning variance seeks approval for a C5 construction on an existing site within a C4 zoned area. This site currently features C5 buildings, and the proposal aims to complete the proposed building within the existing property confines.

Public hearings are held on the second Tuesday of each month, this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. ***All plans, plats and information must accompany this application before the hearing will be scheduled.***

Steve Kauffman

Owner's Name(s)

116 Pheasant Ln

Street

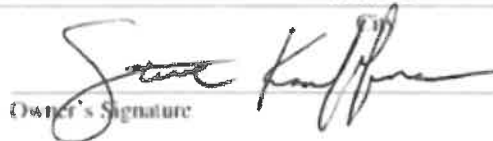
Archbold

OH

419-445-1769

Phone Number

Owner's Signature



State

.....
Owner's Name(s)

Street

City

State

Phone Number

Owner's Signature

Office Use Only

Batch # _____ Check # _____ Date _____



City of Napoleon, Ohio

Code Enforcement

Kevin Schultheis, Inspector/Zoning Administrator

255 West Riverview Avenue

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

BZA-24-02

Variance for an accessory building size and height

Location: 230 Glenwood Ave. Napoleon, Ohio

Memorandum

To: Members of the Board and Zoning Commission

From: Kevin L. Schultheis, Zoning Administrator/Code Enforcement Officer

Subject: Variance for Building Square Footage and Height Requirements

Meeting Date: February 13, 2024 4:30 PM

Hearing #: BZA-24-02

Background:

An application for public hearing has been filed by Gary Malone of 230 Glenwood Ave. Napoleon Ohio 43545. The applicant is requesting approval of a variance to section 1147 regarding the building square footage and height requirements in an R-2 low-density Residential District. The Applicant is requesting a variance to Place a 40'x60' accessory building that equals 2,400 square feet in size and the height of the building to exceed 18' feet in height.

Research and Findings

1. Under section 1131 residential districts (5) (A) no more than two accessory buildings or structures with a combined gross floor area of 1000 square feet shall be allowed on a residentially zoned building lot.
2. Under 1147 of the Napoleon Codified Ordinance, Table of requirements for Zoning Districts an accessory building cannot exceed 18 feet in height in an R-2 low Density Residential District.
3. The property located at 230 Glenwood Ave. has 2.1183 acres which equals to 92,273.148 square feet. With 35% of the property that can be used minus the home, which is roughly 3,962 square feet and with the added 2,400 square feet the property owner still have approximately 25,933.55 square feet of yard left. There would also be no need for any side or rear setbacks standards which is well within the regulated area. The property would not be detrimental to any surrounding neighbors or traffic and the existing Driveway would be utilized

Standards for a Variance

The board, after a hearing, may grant a variation from the regulations of the City's Planning and Zoning Code, but only when such variation is in harmony with the general purpose and intent of the Planning and Zoning Code, and the Board finds all of the following:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity or district.
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied the property in question.
- (c) That granting such variance will not be materially detrimental to the public welfare or injurious to the property of improvement in the vicinity or district in which the property is located;
- (d) That granting such variance will not alter the land used characteristics of the vicinity or district, diminish the value of the adjacent land and improvements, or increase the congestion in the public street

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer.

Application for Public Hearing

City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

Planning Commission
(MZON 100.1700.46690)

☐ Conditional Use
\$125.00
☐ Amendment
\$125.00
☐ Subdivision in City
\$75.00 + \$5.00 each, after two
☐ Preliminary Plat of Development
\$125.00
☐ Alley Vacation
\$25.00 + publication cost

Preservation Commission
MZON 100.1700.46690)

☐ Certificate of Appropriateness
\$25.00

Board of Zoning Appeals
(MZON 100.1700.46690)

☐ Certificate of Zoning
\$25.00
☐ Re-Zoning
\$125.00
☒ Variance
\$125.00
☐ Administrative Appeal
\$50.00

Address of property: 230 Glenwood Ave

Description of request:

Stick Frame 40x60 accessory building on a Concrete Foundation

Gary Malone

OWNER(S) NAME (PRINT)

230 Glenwood - Napoleon, OH 43545

ADDRESS- CITY, STATE, ZIP

419-591-6101

PHONE NUMBER

Gary H. Malone

SIGNATURE

*****Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled. *****

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

GARY H. MALONE

APPLICANT NAME (PRINT)

Gary H. Malone

APPLICANT SIGNATURE

230 Glenwood Ave.

ADDRESS

Napoleon, Ohio 43545

CITY, STATE, ZIP

419-591-6101

PHONE

Hearing #: _____ Hearing Date: _____ Zoning District: _____

Office Use Only

Batch # _____

Check # _____

Date _____

SUBDIVISION OF LOT 3 IN MARGARET C. SCHULTZ SUBDIVISION

LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (1/4), OF
SECTION 23, T-5-N, R-6-E, NAPOLEON TOWNSHIP, HENRY COUNTY, OHIO,
AND IN THE CITY OF NAPOLEON, OHIO

DESCRIPTION OF SUBDIVISION
MARGARET C. SCHULTZ

A parcel of land situated
(1/4), of Section 23, T-5-N,
in the City of Napoleon, Ohio, or

Beginning at an iron pin at the
Street with the Easterly right of
30.00 feet Southerly and
Post of Section 23, T-5-N,
thence N 89° 33' 00" E a
distance of 183.46 feet to
West line of Richters Park Lane
thence N 89° 33' 00" E on
Street a distance of 91.73 feet
Lane Addition; thence S 0°
thence a distance of 352.86 feet
Subdivision; said iron pipe cap
38' 45" W along the North
and cap; thence N 0° 00' 00" E
Glenwood Avenue and the E
pin and cap; thence N 89°
120.00 feet to an iron pin at
thence N 0° 00' 00" E a
distance of 276.64 feet to an iron pin
Glenwood Avenue and the S
BEGINNING.

Containing 2.135 Acres

PLANNING COMMISSION

Under authority provided by the
Napoleon Code of Ordinances
the City of Napoleon

DATE: _____

CITY COUNCIL CERTIFICATE

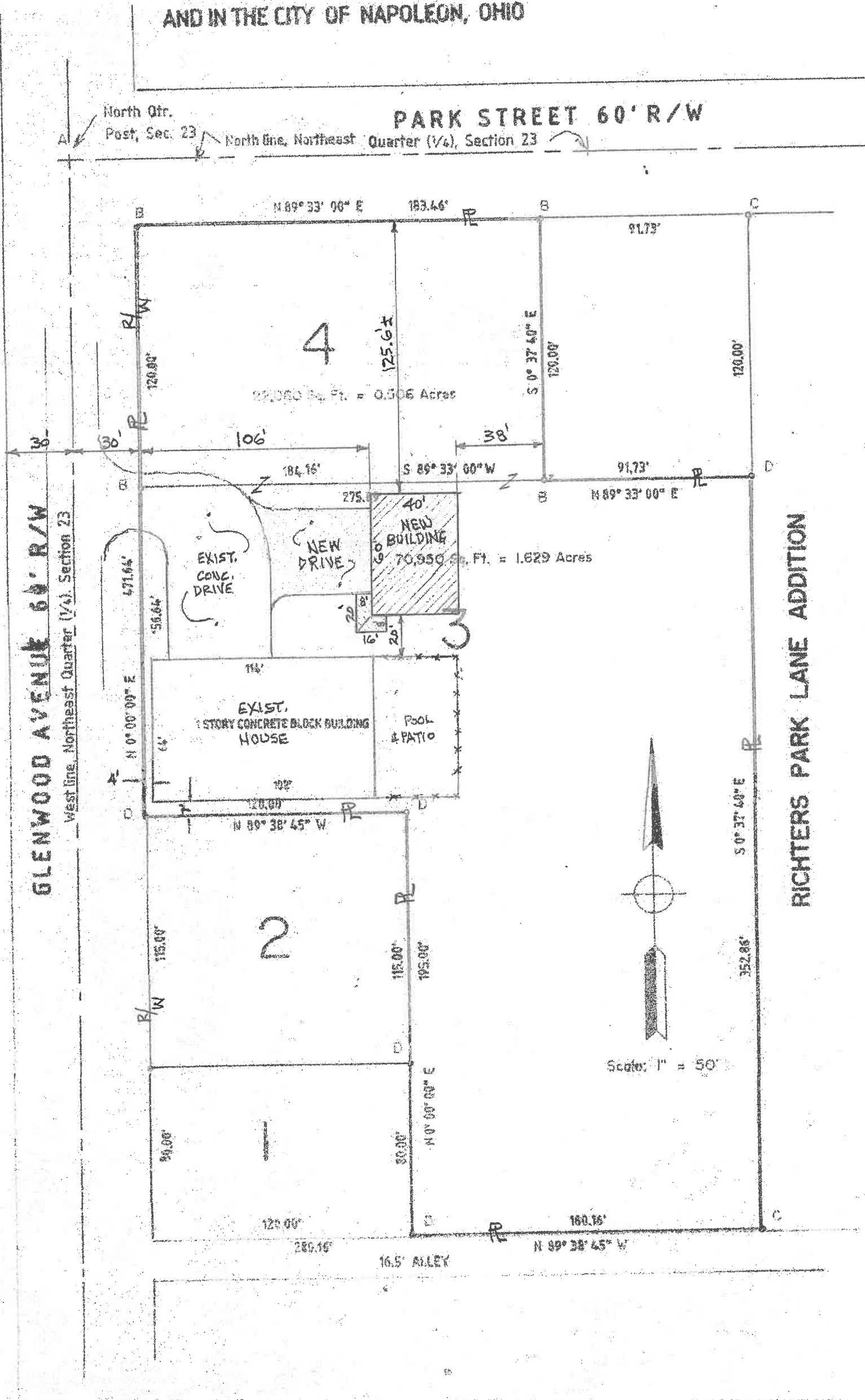
Under authority provided by the
Napoleon Code of Ordinances
City of Napoleon, Ohio.

DATE: _____

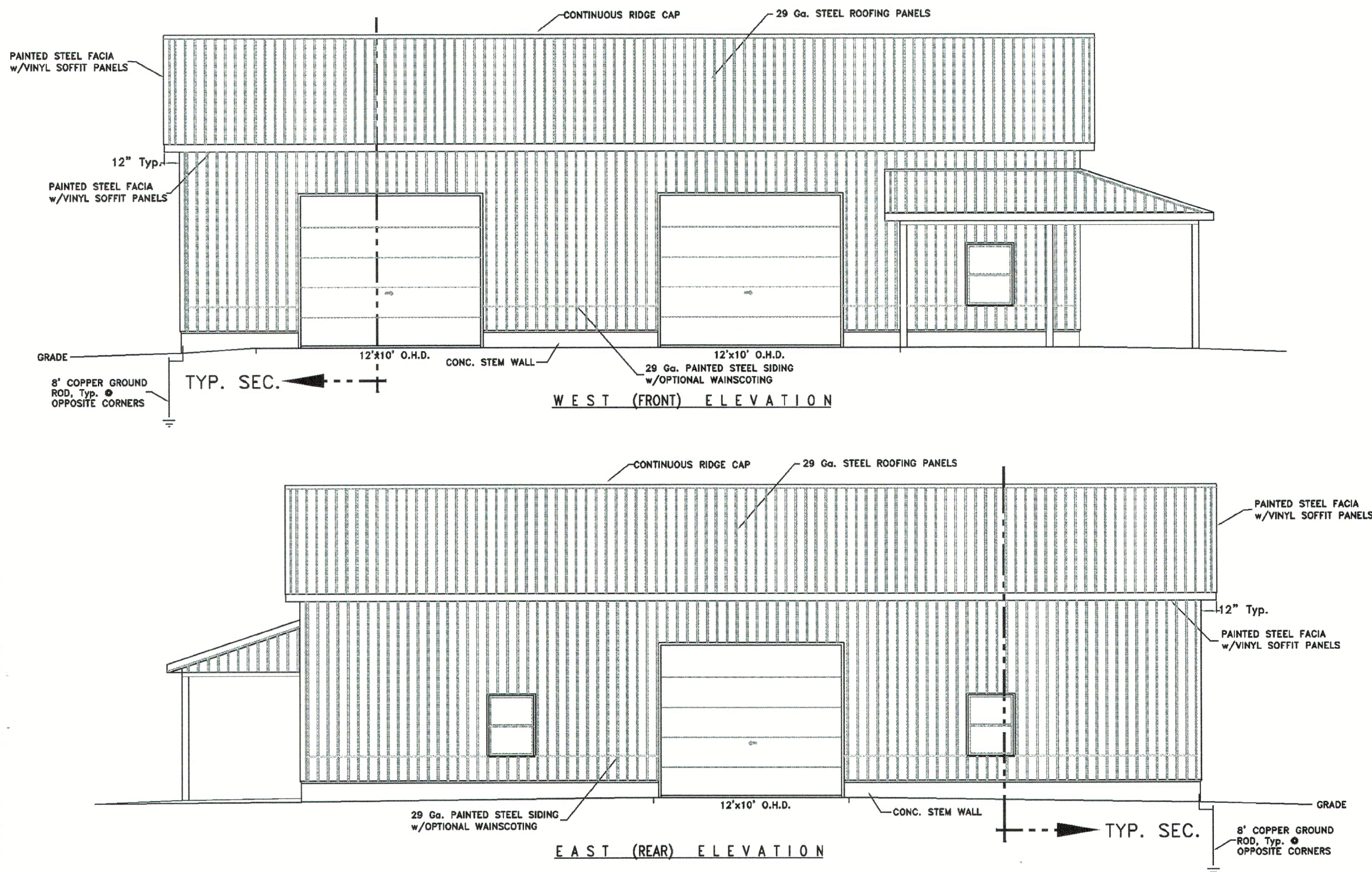
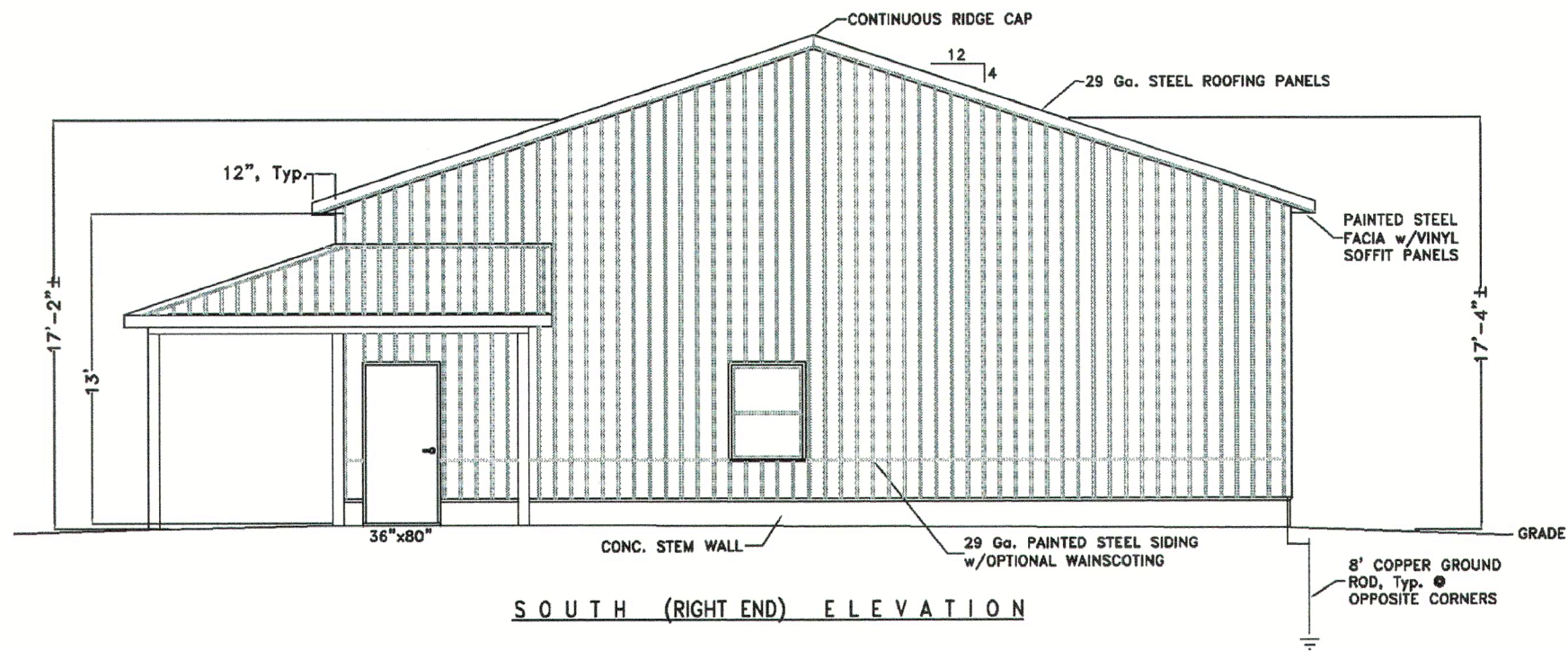
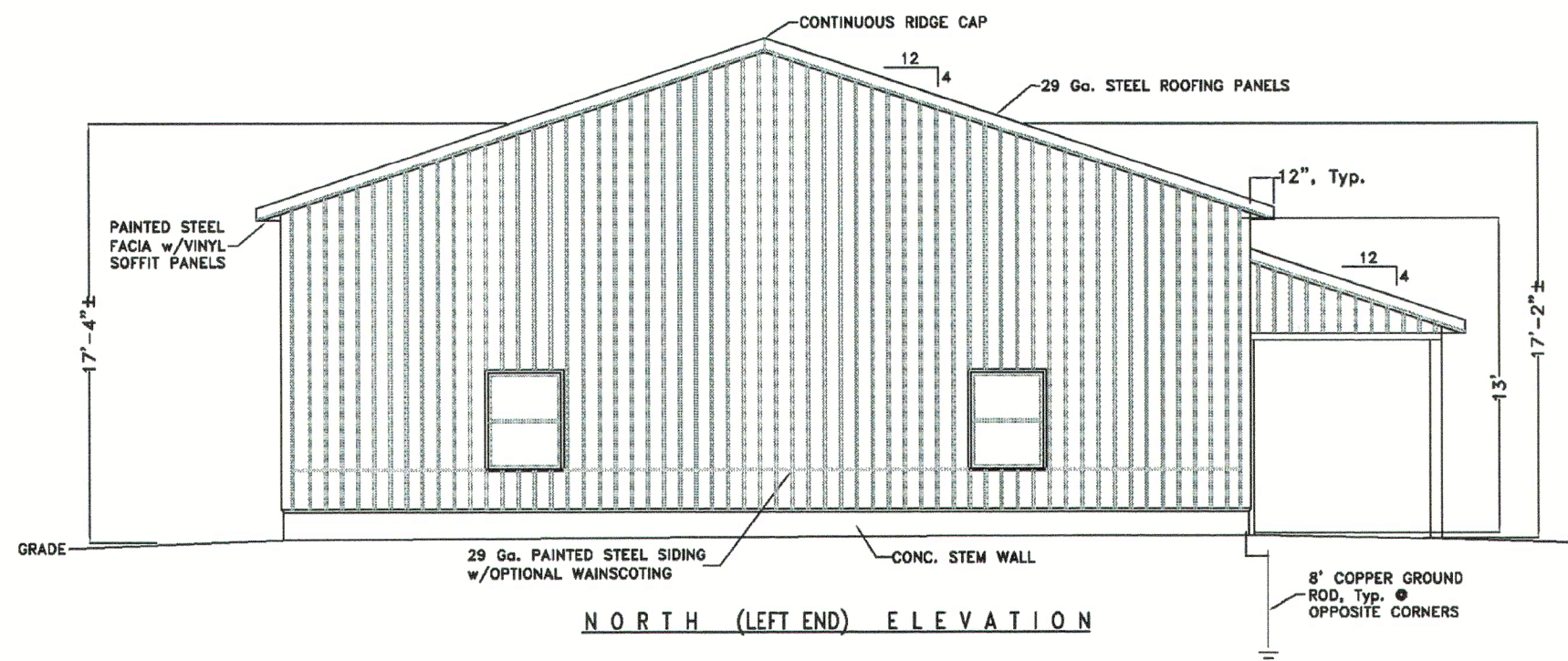
Ordinance No. _____

LEGEND

- A - RAILROAD SPIKE
- B - IRON PIN FROM PREVIOUS
- C - 2" IRON PIPE
- D - IRON PIN & CAP FROM PREVIOUS

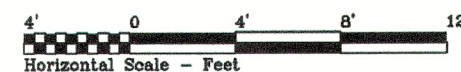


GARY MALONE PROPERTY
230 GLENWOOD AVE.
NAPOLEON, OHIO 43545
RESIDENTIAL STORAGE BUILDING

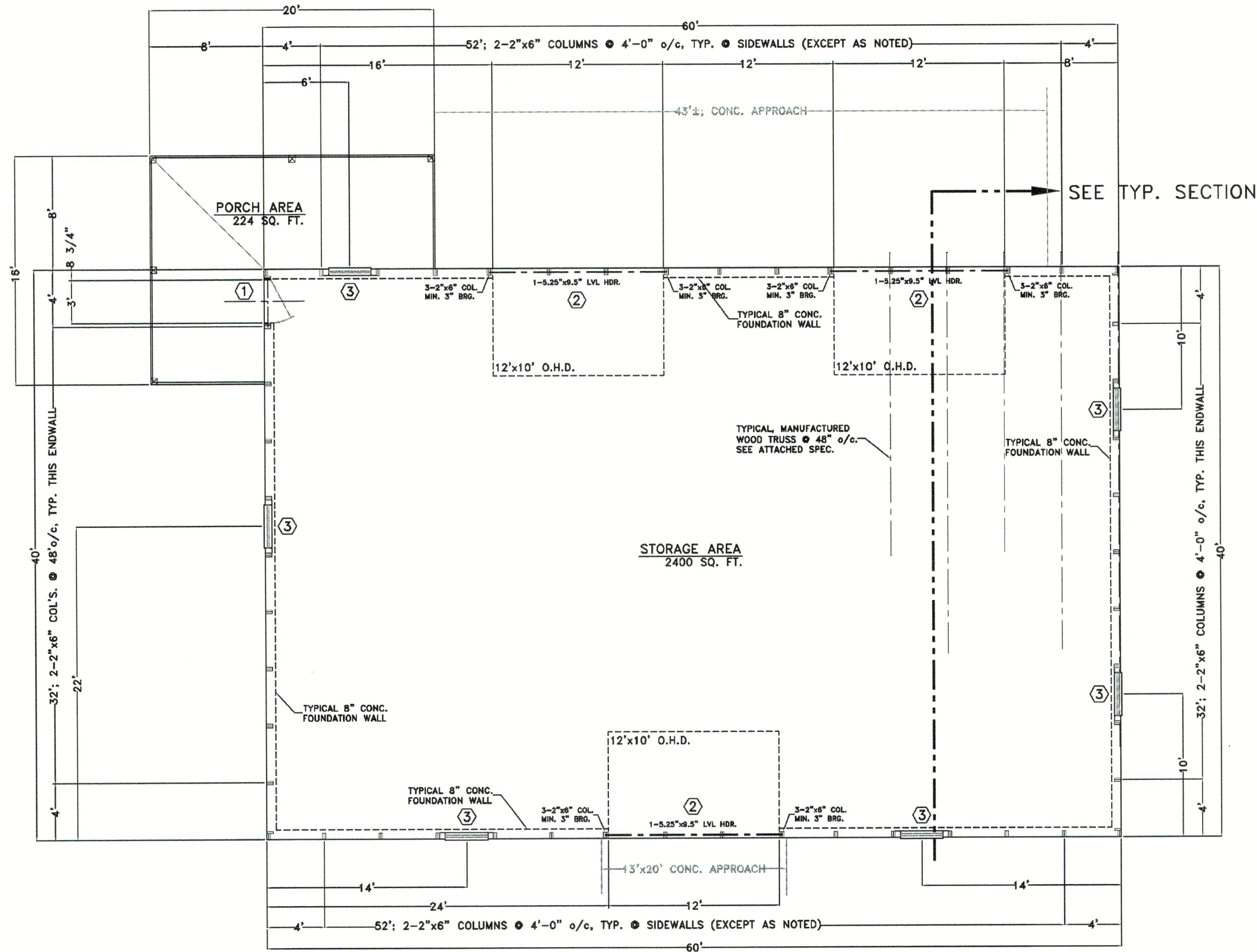


BUILDING DATA:
 RE: RESIDENTIAL CODE OF OHIO & 2017 O.B.C.
 USE GROUP: MIXED - "U" RESIDENTIAL UTILITY BUILDING
 CONSTRUCTION TYPE: 5B, COMBUSTIBLE-UNPROTECTED
 AREA: ALLOWABLE: 5,500 SQ. FT. (Table 506.2, O.B.C.)
 PROPOSED: 2,624 SQ. FT. (THIS PROJECT)
 HEIGHT: ALLOWABLE: 40' - 1 STORY (Tables 504.3 & 504.4 O.B.C.)
 PROPOSED: 17'4" ± - 1 STORY
 MAXIMUM OCCUPANCY LOAD: 5 PERSONS (Table 1004.1.2 O.B.C.)
 MAXIMUM EXIT ACCESS TRAVEL DISTANCE: 300' ALLOWABLE
 95' ± PROPOSED
 DESIGN LOADS: FIRST FLOOR; MIN. 125 psf. LIVE plus DEAD LOAD
 ROOF; 20 psf. LIVE LOAD plus DEAD LOAD
 20 psf. MIN. GROUND SNOW LOAD
 SNOW EXPOSURE FACTOR, $C_e = 0.9$
 SNOW LOAD IMPORTANCE FACTOR, $I = 1.0$
 THERMAL FACTOR, $C_t = 1.2$
 WIND; EXPOSURE "B", 89 nominal wind speed
 115 mph ultimate wind speed
 WIND IMPORTANCE FACTOR, $I_w = 1.0$
 BUILDING CATEGORY = I
 SEISMIC DATA: SITE CLASS = D
 USE GROUP = I
 SPECTRAL RESPONSE COEFFICIENTS, $S_{DS} = 0.280$
 $S_{M1} = 0.144$
 OCCUPANCY IMPORTANCE FACTOR = 1
 SEISMIC DESIGN CATEGORY: SHORT PERIOD = B
 1 SECOND PERIOD = C
 ANALYSIS PROCEDURE: SAP, (1617.5)
 BASIC STRUCTURAL SYSTEM: 1 BWS
 RESPONSE MODIFICATION COEFFICIENT: $R = 6.0$
 DEFLECTION APPLICATION FACTOR: $C_d = 4.0$
 SOIL BEARING CAPACITY: 1,500 p.s.f. (Class 4 Soils)

INDEX OF DRAWINGS:
 1) EXTERIOR VIEWS, BUILDING DATA, & INDEX OF SHEETS
 2) FLOOR PLAN & SCHEDULES
 3) FOUNDATION PLAN
 4) TYPICAL CROSS SECTION & SPECIFICATIONS
 S-1) SITE AND LOCATION PLAN
 ATTACHMENT: CERTIFIED ROOF TRUSS DIAGRAM



MALONE RESIDENTIAL STORAGE	
230 GLENWOOD AVENUE	NAPOLEON, OHIO
DIRECTORY: C:\ND\CUSTOM PROJECTS\FILE:G MALONE\RES STOR BLDG PLANS_2023	
DRAWN BY: R.D.S. ~ dba: NEW DIMENSIONS	REVISED:
EXTERIOR VIEWS, BUILDING DATA & INDEX OF SHEETS	SCALE: 1/4"=1'-0"
	DATE: DEC. 2023
	DRAWING NUMBER: 1 of 4



ROOM FINISH SCHEDULE

NAME	FLOORING	WALL	CEILING MATERIAL	HEIGHT
STORAGE AREA	SEALED CONCRETE	EXPOSED STUDS/GIRTS	EXPOSED TRUSSES/PURLINS	13'±

DOOR & OPENING SCHEDULE

NO.	SIZE	DOOR/WINDOW	TYPE FRAME	REMARKS/HARDWARE (a,b)
①	3'-0"x8'-8"	INSULATED HOLLOW METAL DOOR	WOOD	PROVIDE ENTRY LOCKSET KEYED o/s ONLY, WEATHER STRIP, ALL AROUND, SEE NOTE (b).
②	PER PLAN	INSULATED STEEL DOORS	WOOD	OVERHEAD DOOR AS MFG'D. BY CLOPAY, OR EQUAL, w/ ELECTRIC OPERATORS AS NOTED ON ELECTRICAL PLAN.
③	3'-0"x4'-0"	DOUBLE HUNG WINDOW	WOOD	VINYL WINDOW AS MFG'D. BY JELDWIN, OR EQUAL, w/INSULATED GLASS & WEATHER STRIP, ALL AROUND
(a) HARDWARE TO BE COMMERCIAL GRADE AS MANUFACTURED BY, RUSSWIN, SCHLAGE, VON DUPRIN, LNC CLOSERS, IVES, PLYCO, OR EQUAL, ADA APPROVED.				
(b) EGRESS DOOR SHALL BE KEYED OUTSIDE ONLY, WEISER LEVER LOCKSET #SP 501 D32D, OR EQUAL. USE OF LEVER HANDLE INSIDE SHALL UNLOCK DOOR HARDWARE, PUSH BUTTON OR THUMBTURNS INSIDE SHALL NOT PREVENT THE UNLOCKING OF HARDWARE WHEN THE HANDLE IS TURNED.				



MALONE RESIDENTIAL STORAGE	
230 GLENWOOD AVENUE DIRECTOR: C:\ND\CUSTOM PROJECTS\FILE:G MALONE\RES STOR BLDG PLANS_2023	NAPOLEON, OHIO
DRAWN BY: R.D.S. ~ dba: NEW DIMENSIONS	REVISED:
FLOOR PLAN AND FINISH, DOOR & WINDOW SCHEDULES	SCALE: 1/4"=1'-0" DATE: DEC. 2023
	DRAWING NUMBER: 2 of 4

City of *Napoleon*, Ohio

PLANNING COMMISSION MEETING AGENDA

PC-24-03- Change in Use or Conditional Use- 821 Haley Avenue

PC-24-04- Conditional Use Permit- 734 S. Perry Street

Tuesday, February 13, 2024, at 5:00 pm

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Call to Order
- 2) Approval of Minutes – January 9, 2024 (in the absence of any objections or corrections, the minutes shall stand approved)

3) **New Business**

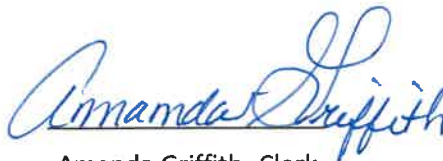
PC-24-03- Conditional Use Permit

An application for public hearing has been filed by Jessica Barton of 936 Daggett Avenue, Napoleon OH 43545 requesting the approval of a Conditional Use Permit to operate a restaurant/carry-out only (Barton's Bakery), featuring a variety of baked goods located at 734 S. Perry Street, Suite 5, Napoleon OH 43545. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon, Ohio. The property is in a C-3 Local Commercial District.

PC-24-04- Change in Use Permit or Conditional Use Permit

An application for public hearing has been filed by Steve and Julie Busch of 821 Haley Avenue, Napoleon, Ohio 43545. The applicant is requesting a Change in Use Permit or a Conditional Use Permit for the photography building located on the property. The applicant has now changed the photography studio into an apartment building which requires a Change in use or a Conditional Use Permit. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon, Ohio. The property is in an R-3 Moderate Density Residential District.

- 4) Closing Remark
- 5) Adjournment



Amanda Griffith- Clerk

City of Napoleon, Ohio

PLANNING COMMISSION MEETING MINUTES

Tuesday, January 09, 2024 at 5:00 pm

PC-24-01- Street Dedication- 700-B Trail Drive

PC-24-02- Subdivision of plat in the City of Napoleon and a Conditional Use Permit

PRESENT:

Commission Members	Tim Barry-Chair, Suzette Gerken, Cory Niekamp, Larry Vocke, Joseph Bialorucki
City Staff	Kevin Schultheis-Zoning Administrator/Code Enforcement Officer J. Andrew Small Greg Kulhman
Others	News-Media Nathan Waggner Jennifer Arps Ron Torrez Dustin Smith Allison Smith
Recorder	Marrisa Flogaus

ABSENT

Commission Members

CALL TO ORDER

Barry, Chairman of the Planning Commission called the meeting to order at 5:00 pm with a roll call noting a quorum was present.

APPROVAL OF MINUTES

In the absence of any objections or corrections, the December 12, 2023 Planning Commission meeting minutes were approved as presented.

NEW BUSINESS

PC-24-01- Street Dedication

Barry read the background on PC 24-01. An application that has been filed by Graben, LLC, in order to dedicate a section of Trail Drive, located in the 700 block of Trail Drive, in the City of Napoleon, Ohio. This request is pursuant to Chapter 1105.13 of the Codified Ordinances of Napoleon, Ohio. The property is located in an C-4 Planned Commercial Zoning District.

RESEARCH AND FINDINGS

Schultheis presented his research and findings.

1. That, it is the recommendation of this Planning Commission that the Plat known as the Beck & Schultz Replat of lot No. 7 Slide 202A Dedication Plat" situated in the City of Napoleon, County of Henry, State of Ohio, be approved, and the Right of Way (Street) be hereby accepted by the City as a public street.

That, it is found and determined that all formal actions of this Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Commission, and that all deliberations of this Commission and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

2. That, if any other prior Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail; further if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

DISCUSSION

Schultheis stated it's in front of the new apartments. They just want to dedicate it in order to get to the back portion of the field. Barry asked if everything's good, like the utilities and easements? Schultheis replied yes. There was a discussion of bond. We don't need a bond because it's been 10 years plus. The streets still in perfect condition.

Motion: Bialorucki Second: Vocke
to approve PC-24-01- Street Dedication- 700 Block of Trial Drive

Roll call vote on the above motion:

Yea- Niekamp, Bialorucki, Gerken, Vocke, Barry
Nay-

Yea-5, Nay-0. Motion Passed.

PC-24-02- Subdivision of plat in the City of Napoleon, and a Conditional Use Permit

Barry read the background on PC-24-02. An application for a public hearing has been filed by Nathan Waggner of 402 E. 13th Street, Ste. 101 Jasper, In. 47546, Graben, LLC. (Emily Collins and Sarah Luzny). The applicant is requesting the approval of a subdivision of a Re-Plat (Parcel Split) of a Parcel of land being part of the Southeast 1/4 of section 1 1, Town 5 north, range 6 east in the City of Napoleon, Henry County, Parcel number 411 100120000. The request is pursuant to Chapter 1141, and 1 105.01 of the Codified ordinance of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District. The split would occur at the bearings of S 88°51 '38" E 1024.80 and N 88°51 '38" W 1024.80.

The applicant is also requesting the approval of a Conditional use permit to have a planned Apartment Development located in the 800 and 900 block of Trail Drive Napoleon, Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon Ohio. The property is in a C-4 Planned Commercial District. At this time the Developer will remain on the North side of the plat split.

Schultheis stated I move to strike the parcel split. The parcel splits already been taken care of through the engineer's office at the county since it was over 5 acres. Barry said to confirm were striking the last sentence of the first paragraph and the last sentence of the second paragraph? Schultheis replied yes.

RESEARCH AND FINDINGS

Schultheis presented his research and findings.

1. A Conditional Use Permit is required for any Planned Apartment Development to be located in a C-4 Planned Commercial District as per 1145.01 Table of Permissible Uses and in 1105.01 of the Codified Ordinance. The Applicant may also request a building height variance taller than forty six feet (46) or to be determined by the Planning Commission as per section 1147 of the Codified Ordinance.
2. This Conditional Use Permit requested to permit the construction of seven (7) buildings, six (6) building consisting of Thirty six (36) units and one (1) small building at the Entrance of the property
3. The Conditional use would allow for the addition of much needed housing for the City of Napoleon. The use will be harmonious with and in accordance with the General objectives, or with any specific objective of the City's Master Plan and this Planning and Zoning Code. The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance.
4. The use will not be hazardous or disturbing to existing or future neighboring uses. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such services. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. The use will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors; and, The use will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Conditions: The Planning Commission may recommend such conditions or restrictions on the construction, location, use, and operation of a conditional use as shall be deemed necessary to adequately address the general objectives of the Master Plan and this Planning and Zoning Code after considering those things, as applicable, as listed in subsection (e).

Recommended Conditions: All revisions made to the plans by the surveyor of the project must be reviewed by the City Engineer, Chad Lulfs, Kevin Schultheis, Zoning Administrator/Code Enforcement officer prior to approval by the Board of Planning Commission.

DISCUSSION

Schultheis stated the property line would only extend as far south as the house being built on Glenwood now. There is no plans to go to Indiana Street. Barry asked if it would only be accessible from Trail? Schultheis replied yes, only one way in and one way out. Barry asked if the fire department is good with this? Schultheis replied as of now they are only asking for the conditional use permit. They haven't submitted the planning for the actual infrastructure yet. Barry asked if the general contractor wanted to come up and say anything? Waggner stated I'm

the engineer of records and submitted the application on behalf of the developer. As of now we have no plans to extend Trail Drive and connect to Indiana because of the wetlands. I'm making reservations that it could happen in the future. Gerken asked if it would potentially be extended out to Glenwood? Waggner replied it's the same problem. Gerken stated you're going to have all those people going from Trail Drive out to Scott Street. What if there's a fire? How do they access into there? Through Trail Drive? Waggner replied correct. Gerken stated one of my concerns is that I did a development in Napoleon and they were concerned that one of their streets deadened into my development. They wanted to have another access onto the street. Waggner asked Schultheis if the fire department already looked into it? Schultheis replied they briefed over it, but haven't said anything regarding the ins and outs. We haven't sit down and talked to them yet. Like I said before this is only for the approval of the conditional use permit. Waggner stated once they get back to the property there will be a loop around the entire property. Niekamp asked how tall are these units? Waggner replied three stories. Niekamp asked if there were 36 total or per building? Gerken stated that's 216 units. Waggner replied correct. Niekamp stated when you look through this the whole area is all residential houses. From a planning perspective and looking at the Master Plan, is this something that we want? I've been on Scott Street and there's only one stoplight out by Walmart. All that traffic and not having another access point. Schultheis replied it's been mentioned today that a traffic study would have to be conducted at the corner of Trail and Scott in order for a light to be inserted. That's hopefully considered down the road as part of the project. Gerken replied that's just a lot of people going out of there at one time. Schultheis replied absolutely. Small stated I can answer your questions as far as the Master Plan. It's certainly compatible with the Master Plan. It's a C-4 District, so its compatible use for this type of development. When you have an area like Scott Street that's fully commercialized and then residential areas it's always nice to build in a buffer type zone. Niekamp asked if someone could potentially build in the swamp land or is it a buffer between residential and apartments? Waggner replied you would have to get a permit and do mitigation, so it would be costly to do it. Bialorucki asked Waggner if he experienced that before? Waggner replied yes. Bialorucki asked how long that generally took? Waggner replied we've had one that's going on two years. It's a minimum of six months. The average is about a year. Right now they are extremely behind because they had a Supreme Court decision come down and the new guidance hasn't been released yet. They're still playing catch up from the past 18 months. The distance from the existing homes on Indiana would be over 500 feet away from these buildings. The buildings will be brick with a mix of cement or hardy board, not vinyl siding. Niekamp asked if there was a specific reason there's no access off of Glenwood? Waggner replied there's wetlands there too. Niekamp stated on the left side it looks. Small interjected you have the bridge. Schultheis stated the State of Ohio controls those bridged not the City of Napoleon. Waggner stated getting there is a challenge and the other challenge is proving to ODOT that we have site distance to have access. Bialorucki asked Schultheis if he could explain a conditional use permit? What does that allow them to do? Schultheis replied for building height because it exceeds over 46 feet. They need a conditional use permit to be on the property period. It's in the municipal rules as it either permissible or conditional use. In this case because it's a C-4 its conditional. Barry asked if the center area is for water run off? Waggner replied yes, it will be a detention area. Barry stated the floor is now open to the public. Torrez stated we're the ones building the house at 1490 Glenwood. If you look at the picture of my house is that going to be behind the barn? In the area between the barn and Rte.

24? (Waggner explained the picture to Torrez off mic). Torrez stated I understand we need growth and everything, but we had a chance to sell that property and one of the reasons we chose to rebuild was because we liked the area and it was private. Our neighbors are a field away if we needed them. It's a nice little neighborhood there. I can tell you that I'm not in favor of this. I've heard people talk if that comes in their moving out. We have a nice little neighborhood there. I'm being selfish. Privacy and things like that. I've got 13 grandkids who love being able to run out there. I just see this not working out if these come in. That's all I wanted to express. Thank you. D. Smith stated I live on 960 N Harmony just a field away from where the Torrez's are building their house. What type of housing is this going to be? Low income? Waggner replied these will be market based housing. They're not tax credit or subsidized housing. They will have resident managers on site who work and live there. They'll encourage police officers to live there at a reduced rate just to have that presence. D. Smith replied thank you. I just have a few other points. I've lived on that northside of N Harmony for a mass majority of my life, from when I was born until I was 15 and when me and my wife decided to buy a home I wanted to go back to that area because I liked it so much. Along with what Torrez said about the privacy. Having that area of still living in the City of Napoleon, but having that feel of the open back yard having a little bit of county feel to it. We've loved that and our kids have loved that. Like I said the city need growth and that's understandable. It might sound selfish, but I would hate to see something like this go up in that area. Just because we plan to live in this area and raise our family here. We have no plans of going anywhere until something like this would pop up. If that's the case so be it, but I just wanted to express my feelings towards the whole thing. The only other thing is that there's no plans now to connect the road, but if that's a possibility in the future would all the people on N. Harmony and Indiana be negatively effected on property values in the future? That's just something else I've been thinking about since we've got this letter in the mail. Just expressing my concerns. Thanks. Schultheis asked Waggner if these are compared to the ones in Waterville? Waggner replied yes, the ones out by the highway. Bialorucki asked if they were the ones being built now behind the Kroger? Wagner replied yes. A. Smith stated I live at 960 N Harmony. I agree with everything that D. Smith said. Coming from a non-selfish side I want you guys to think about our true needs in our community. There's not a many low income housing areas. I work for public health and I see the people. We have a need for that type of housing. Selfishly I'm not saying that I want it to be right there, but I think we should consider our other needs in our community. From an emergency preparedness side having a housing or living complex next to a highway is a recipe for disaster if there were to be some sort of, god forbid, terrorism. If they're going to be at market price is that even going to be affordable? If I was going to move somewhere and had to pay more money for an apartment than for a house payment am I really going to do that? Those are just things to take into consideration. There's a lot of wetlands back there and native plants, which are going extinct. Kulhman asked how much they're going o be rented for? Waggner replied I don't know what the current market rate is right now. Kulhman asked if that's base on the rate in the community? Waggner replied yes. Kulhman stated I went up there today and looked at the apartments. They did a good job. They're around community housing in Waterville. There's a little bit more room out there then we have, but again from what I saw they had an in and out. If Napoleon ended up getting something like this we'd defiantly have to get another route in and out of that place. In my opinion you'd have to get Indiana in there right away. You wouldn't want to shuffle all that traffic onto Scott St. We're

fighting the way it is. If you bring it onto Scott Street you'd want to do it onto Lagrange where you have the most spread out. Again that's just my opinion. Arps stated that was my concern with Trail Drive. You have all those people trying to get in and out. Barry stated if we just cross over to the other side I don't know how many units we have in the trailer park, which is also a large volume of people. I'm not looking at that as a negative. I drive that road a lot and I don't experience a lot of traffic. I don't know if it's just because of the times I'm traveling. I know this is a little denser, but we only have one way in and one way out there. I'm assuming that's zoned similar. Schultheis replied yes, it's also a C-4. I know there's some concern about what the rate would be. I'm not sure if they plan on building all six units at the same time or wait until one sells. I know that's ahead of what we're doing, but I'm just trying to get as much information. Waggner replied I don't know the answer right now. My guess with economic conditions the bank would make them split it in half. I just ran numbers for a similar development to compare. Commercial traffic will generate 10-20 times the amount of traffic that we'll generate. For every car that we throw out there on Trail Drive you get 10-20 times more from a commercial development and they wouldn't be here asking for permission. Barry replied that's correct. Someone could request to put in something commercial on this property and its zoned to do that. Arps asked if there was any other consideration of another location? Waggner replied we've looked at other parcels, but settled with this one. Basically because it's a good buffer between single family, commercial and the highway. Most people don't want to live next to the highway especially a single family who owns their home. This would potentially be walkable to Walmart. Barry asked what is the mix up of the units? Waggner replied they're almost all two bedrooms. There's no three bedrooms. There are a handful of single bedrooms. Then there's a mix of two bed one bath and two bed two bath. Barry asked if the little building out front is onsite property managers? Waggner replied it's a leasing office with a business center and workout facility. Arps stated I would like to speak from an economics stand point. I work with the Henry County CIC Economic Development. I work with the businesses county wide, not just Napoleon. Honestly there's a need for all housing; low, medium and residential throughout everywhere. That's beyond Henry County. I'm looking at this as I can bring in a new company or an existing company can expand with these extra people. We are talking about residential single family housing as well, but I do also encourage this type of housing. I get location might not be ideal, but perhaps there could be stipulations in the design. For example fencing. I certainly encourage the growth. Thirty-six times six buildings for me I see bringing in younger workers, more families that then transition into housing. It creates that growth for us. That's something that I look at for the CIC. Personally I don't live on those roads, but I understand the frustration. That's why I asked if you've looked at any other locations. We've been told before by outside developers if you push away developments like this you're basically telling your younger generations to not come here. They're initially going to move into an apartment complex before transitioning into single family housing. That's just what I hear from businesses. That's just my input on this project. Whether it was at this location or any parcel throughout the county I would just encourage the opportunity for housing. Small stated I agree with almost everything that Arps said. I certainly support this from the city's perspective. As she alluded to one of the great impediments to growth is lack of housing. It's across the board regardless of where you are in this country there's a tremendous lack of housing. This offers that sector of housing that we sorely lack in the city. We have some low income and subsidized housing, but we don't have market rate apartments. We have a spec building that's nearly complete that

Motion: Vocke Second: Niekamp
to approve PC-24-02- Conditional Use Permit- 800 and 900 block of Trail Drive

Yea-5, Nay-0. Motion Passed.

Nay-

Yea-5, Nay-0. Motion Passed.

Approved

Tim Barry - Planning Commission Chair

DRAFT



City of Napoleon, Ohio

Kevin Schultheis, Zoning Admin.

Code Enforcement

255 West Riverview

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum:

PC-24-03

Conditional use Permit for a Restaurant Carry-Out only located at 734 S. Perry St. Suite 5.

To: Members of the City Planning Commission

From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Subject: Conditional Use Permit for a Restaurant Carry-Out only

Meeting Date: February 13, 2024 @ 5:00pm

Hearing: PC-24-03

Background:

An application for public hearing has been filed by Jessica Barton of 936 Daggett Ave. Napoleon, Ohio 43545. The applicant is requesting the approval of a Conditional Use Permit to operate a Restaurant Carry-Out only (Barton's Bakery), featuring a variety of baked goods located at 724 S. Perry St. Suite 5. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is located in a C-3 Local Commercial District.

Research and Findings:

1. A Conditional Use permit is required for a Restaurant Carry-Out only (Barton's Bakery) to be located in a C-3 Local Commercial District, as per Napoleon City Codified Ordinance 1145 Table of Permissible uses.
2. Definition: A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption off the premises.
3. The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Master Plan and this Planning and Zoning Code

Recommended Conditions:

In Accordance with Section 1141.02(f)

1. This permit is issued to the owners of 734 S. Perry St. Suite 5 Napoleon, Ohio, shall last for the duration of their agreement.
2. The Restaurant must meet all Safety and Health standards set by the State of Ohio prior to opening.
3. The Planning Commission may recommend such conditions or restrictions on the construction, location, use, and operation of a conditional use as shall be deemed necessary to adequately address the general objectives of the Master Plan and this Planning and Zoning Code after considering those things, as applicable, as listed in subsection (e)

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Application for Public Hearing

City of Napoleon, Ohio

CITY OF NAPOLEON UTILITY DEPARTMENT

Batch 51606
Sequence 70

Public hearing to consider the following:

Date 09 JAN 2024 Time 01:13PM

Account MZON
Name JESSICA BARTON
Document 114 ROHRS

Preservation Commission

(MZON 100.1700.46690)

Certificate of Appropriateness

\$25.00

Board of Zoning Appeals

(MZON 100.1700.46690)

Certificate of Zoning

\$25.00

Re-Zoning

\$125.00

Variance

\$125.00

Administrative Appeal

\$50.00

Pay Type CS
Refer

Amt Paid 125.00
Amt Tend 125.00
Change 0.00
100.1700.46690 125.00

or two
opment

\$25.00 + publication cost

Address of property:

114 ROHRS ST. 734 S. PERRY ST

Description of request:

REQUEST FOR CONDITIONAL USE PERMIT TO OPEN
A BAKERY AT 114 ROHRS ST., NAPOLEON.

Barton's Bakery

JESSICA BARTON

OWNER(S) NAME (PRINT)

936 DAGGETT AVE. NAPOLEON OH 43545

ADDRESS- CITY, STATE, ZIP

419 906 4024

PHONE NUMBER

Jessica Barton

SIGNATURE

***Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled. ***

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

JESSICA BARTON

APPLICANT NAME (PRINT)

Jessica Barton

APPLICANT SIGNATURE

936 DAGGETT AVE.

ADDRESS

NAPOLEON, OH 43545

CITY, STATE, ZIP

419-906-4024

PHONE

Hearing #:

Hearing Date:

Zoning District:

Office Use Only

Batch #

Check #

Date



City of Napoleon, Ohio

Kevin Schultheis, Zoning Admin.

Code Enforcement

255 West Riverview

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum:

PC-24-04

A Change in use of a conditional Use Permit located at 821 Haley Ave. Napoleon, Ohio

To: Members of the City Planning Commission

From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Subject: Change in Use Permit for The Photography Studio

Meeting Date: February 13, 2024 @ 5:00pm

Hearing: PC-24-04

Background:

An application for public hearing has been filed by Steve and Julie Busch of 821 Haley Ave. Napoleon, Ohio 43545. The applicant is requesting a change in use permit or a conditional use permit for the Photography building located on the property. The applicant has now changed the photography studio into an apartment building which requires a change in use or a conditional use permit. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is located in an R-3 Moderate-Density Residential District.

Research and Findings:

1. 1131.01 RESIDENTIAL DISTRICTS ESTABLISHED/GENERAL PROHIBITIONS.

(c) The R-3 MODERATE-DENSITY RESIDENTIAL DISTRICT provides for Moderate-Density single-family and two-family residential development and bed and breakfast facilities. This District is designed for areas having approved public water supply and sanitary sewer systems.

(e) Prohibitions in All Residential Zoning Districts. The following are prohibited in all residential zoning districts:

(1) No travel trailer, basement, tent, shack, garage, barn or shed shall at any time be used as a dwelling, temporary or permanent; nor shall any structure of a temporary character be used as a dwelling.

A violation of 1105.02 ESTABLISHMENT OF CONTROL; FEES:

(e) Certificate of Zoning.

(1) Certificate required. No land shall be occupied or used, and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of zoning has been issued by the Zoning Administrator, stating that the use is in compliance with all provisions of this Planning and Zoning Code.

(2) Change in use. No change shall be made in the use of land or the use of any building or part thereof now or hereafter erected, reconstructed, or structurally altered without a certificate of zoning having been issued by the Zoning Administrator. Certificate for change in a use shall not be issued unless the premise is in conformity with the provisions of this Planning and Zoning Code.

(f) Violations.

(1) No person shall recklessly violate any provision of this Planning and Zoning Code or any condition or restriction contained in a conditional use permit.

(4) Nuisances. Any buildings erected, raised, or converted, or land or premises used in violation of any provision of this Planning and Zoning Code, is declared to be a nuisance, and the owner thereof shall be liable for maintaining a nuisance, which may be restrained or enjoined or abated by appropriate action or proceeding.

2. Under section 1147 of the Codified Ordinance: Residential Use Requirements for Residential Districts. R-3 Moderate-Density Residential District, Minimum per dwelling unit Measured in square feet shall be no less than 1,000 square feet single story with a minimum of 5,000 Sq. Feet for the lot.
3. This address of 821 Haley St. was issued a Conditional use Permit in 1997 to be used for a Photography studio. In 1998 an addition was added onto the structure with another change of use permit added to allow a Temporary living space of 500 sq. ft. for living space in the building. Water and Sewer were added to the building, and is in a non-conforming district for the use.

Recommended Conditions:

In Accordance with Section 1141.02(f)

1. If approved, this permit is issued to the owners of 821 Haley Ave. Napoleon, Ohio, and shall last for the duration of their agreement.
2. The Planning Commission may recommend such conditions or restrictions on the construction, location, use, and operation of a conditional use as shall be deemed necessary to adequately address the general objectives of the Master Plan and this Planning and Zoning Code after considering those things, as applicable, as listed in subsection (e)
3. The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Master Plan and this Planning and Zoning Code

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Application for Public Hearing

City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

Planning Commission

(MZON 100.1700.46690)

☒ Conditional Use

\$125.00

☐ Amendment

\$125.00

☐ Subdivision in City

\$75.00 + \$5.00 each, after two

☐ Preliminary Plat of Development

\$125.00

☐ Alley Vacation

\$25.00 + publication cost

Preservation Commission

(MZON 100.1700.46690)

☐ Certificate of Appropriateness

\$25.00

Board of Zoning Appeals

(MZON 100.1700.46690)

☐ Certificate of Zoning

\$25.00

☐ Re-Zoning

\$125.00

☐ Variance

\$125.00

☐ Administrative Appeal

\$50.00

Address of property:

821 Haley Avenue, Napoleon OH

Description of request:

Property has a photography studio in a separate building. We would like to be able to use this as a short or long term rental.

Julie Busch

OWNER(S) NAME (PRINT)

821 Haley Avenue Napoleon, OH 43545

ADDRESS- CITY, STATE, ZIP

419-579-0357

PHONE NUMBER

SIGNATURE

*****Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled.*****

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

Julie Busch

APPLICANT NAME (PRINT)

Julie M. Busch

APPLICANT SIGNATURE

821 Haley Avenue

ADDRESS

Napoleon, OH 43545

CITY, STATE, ZIP

419-579-0357

PHONE

Hearing #: PC-24-03

Hearing Date: 2/13/24

Zoning District: R.3

Office Use Only

Batch #

Check # 2124

Date 1/8/2024

NOTICE

Oct 9, 1997

Please take notice:

The City of Napoleon has received a request from Steve and Julie Busch 821 Haley Ave. Napoleon Ohio. The applicants are requesting permission to utilize an accessory building (currently under construction) as a photography studio. The request is pursuant to City Code Section 1141.01 (G). The subject property is located in a "R-2" Single Family Residential Zoning District.

If you have a particular concern(s) please respond in writing no later than October 20, 1997. The City has the authority to impose reasonable restrictions on such operation as are deemed necessary. We are in need of your input, your concerns are very important to us and will be the basis of such restrictions as may be imposed.

Send your written response to my attention - City of Napoleon
P.O. Box 151 Napoleon, Ohio.

Sincerely



Brent N. Damman
Zoning Administrator



City of NAPOLEON, OHIO

255 WEST RIVERVIEW AVENUE, P.O. BOX 151
NAPOLEON, OHIO 43545-0151
(419) 592-4010
FAX (419) 599-8393

SCANNED

September 1, 1998

Mayor
Donald M. Stange

Resident in the vicinity of the Julie Busch Photo Studio

Re. Expansion and operation restrictions.

Members of Council
Michael J. DeWitt, President
Robert G. Heft
James Hershberger
David F. Miller
Travis B. Sheaffer
Char Weber
Terri A. Williams

Dear Resident

Please be informed I have issued a new Zoning Permit for the operation and expansion of the Julie Busch Photo Studio. You will note on the enclosed letter addressed to the Busch's that there have been numerous restrictions and limitations imposed on the operation. I would ask that you inform me of issues which may arise that violate any of the imposed restrictions.

City Manager
Jon A. Bisher

Finance Director
Gregory J. Heath

Law Director
David M. Grahn

City Engineer
Adam C. Hoff, P.E.

Sincerely

Brent N. Damman
Zoning Administrator

DOC\ZONINGS\BUSCH\SAM



City of NAPOLEON, OHIO

255 WEST RIVERVIEW AVENUE, P.O. BOX 151
NAPOLEON, OHIO 43545-0151
(419) 592-4010
FAX (419) 599-8393

September 01, 1998

Mr. & Mrs. Steven Busch
821 Haley Ave.
Napoleon, Ohio 43545

Mayor
Donald M. Stange

Re. Zoning Permit Restrictions & Conditions for the expansion and operation of a Photography Studio.

Dear Mr. & Mrs. Busch

Members of Council
Michael J. DeWit, President
Robert G. Heft
James Hershberger
David F. Miller
Travis B. Sheaffer
Char Weber
Terri A. Williams

This letter shall serve as an addendum to Zoning Permit number 98281. The conditions stated herein shall be binding. Noncompliance with any part of this addendum shall void the subject zoning permit. The following conditions and limitations are hereby applied to said permit:

1. There shall be established a minimum of three (3) approved off street parking spaces. The parking area shall be screened along the east and west sides by a dense hedge or a three foot high decorative fence.
2. Advertisement signage shall be limited to one (1) sign with no more than two (2) square feet of sign surface area and no more than four (4) feet high. The sign shall be setback fifteen (15) feet from the front property line and shall not be lighted.
3. The Zoning Permit shall automatically expire six (6) months from the date on issuance.
4. City right of way shall not be used at any time in connection with the operation of the photography business.
5. There shall be no expansion or enlargement of any buildings related to the operation of the photography business.
6. The hours of operation at the above premises shall be no earlier than 8:00AM and no later than 8:00 PM.
7. All activities related to the operations of the photo studio shall be conducted within said studio. With the exception that photo shoots may take place outside of the building.

City Manager
Jon A. Bisher

Finance Director
Gregory J. Heath

Law Director
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City Engineer
Adam C. Hoff, P.E.

If in the event the operation imposes adverse impact to the neighboring properties (as determined by the Zoning Administrator based on facts elicited), provisions shall be made to reduce said which may include but not limited to additional restrictions, change of operation, additional and/or change in parking requirements.

Sincerely

Brent N. Damman
Zoning Administrator

cc. Mr. & Mrs. Frank Saman, Mr. Wayne Eicher, Mr. & Mrs. Bill Foster, Mr. & Mrs. Richard Murray, Mrs. Lucille Grieser.

\\DOC\\ZONING\\SBUSCH.SAM