

MEMORANDUM

TO: Members of the Planning Commission  
FROM: Brent N. Damman, Zoning Administrator  
SUBJECT: James Tonjes, Special Use Permit.  
HEARING: October 29th, 1991 at 5:00 PM  
HEARING #: PC 91/20

BACKGROUND:

An application by James Tonjes 910 Hobson St. Napoleon, Ohio for a Special Use Permit to allow more than one principle building and more than one use on a building lot at 324 E. Clinton Napoleon, Ohio. The application is pursuant to section 151.35 (A)(4) of the City of Napoleon Ohio code of Ordinances. The proposed is located in a "C" Residential District.

RESEARCH AND FINDINGS:

1. That the above mentioned lot is located in an "C" Residential District in which it is allowable to apply for such a request through special use proceedings.
2. The lot in request has had two dwelling structures on for several years, one of which has not been unoccupied for a period of over 2 years which makes it subject to special use proceedings.
3. Mr. Tonjes has since added a garage to the north end of the vacant structure for storage of personal items and items related to maintenance of his rental properties.
4. Mr. Tonjes is also in the process of remodeling the vacant dwelling and is doing it in compliance with the current building code.

ADMINISTRATIVE OPINION:

I have a great concern regarding the use of the north end garage structure, for this reason I feel this request should be approved with the following conditions.

1. The north end garage structure shall only be used for storage of the owners personal items, and that activities within shall be directly related to the maintenance of rental properties serving only those properties owned by Mr. James Tonjes.
2. The activities within shall be performed during reasonable hours and at a reasonable noise level in accordance with the City of Napoleon Code of General Ordinances chapter 99 noise control ordinance.



3. That in the event the ownership of property would change, or there would be a change of use with the north end garage structure, the special use permit would be voided.

The Planning Commission shall make written findings of fact and shall submit same together with its recommendation to the City Council after the close of the hearing on a special use. The Planning Commission's report to the City Council shall indicate the vote of each member present and shall contain a statement of reasons why a member or members did not vote in favor of a recommendation. No special use shall be recommended by the Planning Commission unless the Commission finds that:

- (1) The establishment maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
- (2) The special use will not be injurious to the use and enjoyment of lawfully used property in the immediate vicinity or substantially diminish or impair property values within the neighborhood.
- (3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) The exterior architectural appearance and functional plan of the special use premises will not be incompatible with the architectural appearance and functional plan of any structures already in the immediate area, or with the character of the zoning district.
- (5) Adequate utilities, access roads, and drainage, water, sewer, and other environmental facilities have been or are being provided for the special use project.
- (6) Adequate measures have been or will be taken to provide ingress and egress to the premises so designated to minimize traffic congestion in the public street.
- (7) The special use shall conform to the applicable regulations of the district in which it is located except as such regulations may, in each instance, be modified by the conditions of the special use permit.

