



# City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE — (419) 592-4010

August 25, 1982

Mayor  
Robert G. Heft

Mrs. Jack Boyer  
380 N. Harmony Dr.  
Napoleon, OH 43545

Clerk-Treasurer  
Rupert W. Schweinhagen

Dear Mrs. Boyer:

Members of Council  
Darel Austermilller, President  
James Jackson  
William Young  
Lawrence Haase  
Darrell Fox  
James Zumfelde

Your question of whether your house on Harmony Drive meets the Code requirements of the City of Napoleon is a question that is not normally asked four years after construction is complete.

City Manager  
Richard A. Hayward

To answer this question, I had to review the 1973 Zoning Code. This Code was revised in 1979 and under the new code, your house would be in violation of the setback requirements if it was to be built after 1979.

Law Director  
Keith P. Muehlefeld

Your permit was approved in 1978 and under the 1973 Code the setback requirements were as follows:

"85.13(C) Minimum setback lines. (1) Front - 20% of the average depth of lots in the block frontage."

(This means the house would have to be set back from the front property line at least 25 ft., which it is.)

(2) Side - Each: 5 ft., provided that both side yards shall equal at least twenty percent (20%) of the actual lot width. (20% of the lot width would be 16.4 ft., which means you could have 5 ft. on one side and 11 ft. on the other.) Your plot plan for the permit shows 8 ft. on the east side and 8 ft. on the west side.

If the building was put up differently then what the plot plan shows, it would not be of any concern to me at this time or to any Inspector in the future, unless you wanted to put an addition on to the house that would extend into that setback that now exists.

I would like to ease your mind on this matter by stating that after a building is erected, according to the Code that existed at the time of erection, no one can change that structure, no matter how many times the Code was amended or rewritten.

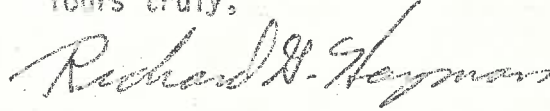
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Prior conforming uses or land would not be required to change if a new code was enacted or amendments made to that code.

I hope I have answered your question. If you need any future help, in any matter, please feel free to call.

Yours truly,

A handwritten signature in cursive script, reading "Richard G. Hayman".

Richard G. Hayman  
Building Commissioner

RGH:dd