

BOARD OF ZONING APPEALS MINUTES

February 10, 1987

The meeting was called to order by Chairman McBroom at 4:38 P.M.

The Secretary called the roll showing Messers McBroom, Luzny, and Downey present, and Messers Overhulse and Yackee absent.

HEARING 1-87

The Chairman read the Public Hearing Notice on a request for a Variance by Douglas L. Bischoff, Susan K. Bischoff, and Donald F. Bischoff Jr., 19 Lakeview Dr., Napoleon, Ohio for the purpose of expanding a existing du-plex into a tri-plex located at 602 East Washington Street, Napoleon, Ohio. The Variance applied for is to the City of Napoleon, Code of Ordinances, Section 151.39(B) and (C) which only allows planned apartment development in a Planned Business District. The locating of the Variance shall be known as the west 1/2 of lots 33 and 34 of R.K. Scott's First Addition to the City of Napoleon, Henry County, Ohio which is in a "PB" Planned Business Zoning District.

The Chairman asked for the Secretary to state the staff's position.

The Secretary stated that the staff had reviewed the request. That it met the criteria for a Variance, and that unless there was a protest from the neighbors the recommendation would be for approval.

Mr. Overhulse arrived at this point the time being 4:41 P.M.

The Chairman asked if there was anyone present who wished to speak against the request.

Eldor Behnfeltd - I am concerned about this. It will increase traffic, there will be more people, more parking will be needed for a three family building. We already have to have the Police down about the noise. I want to know who I am supposed to call at 2:00 in the morning.

Douglas Bischoff - I just recently purchased the property. The lease on the upstairs apartment is up March 1 and they are moving out. We only rent to good tenants.

Behnfeldt - two weeks ago I was up until 3:30 in the morning. There were 20 to 25 cars.

Robert Weitzel - Yes, they were parked up and down the street.

Behnfeldt - I don't have any problem with the request if he can guarantee we won't have problems.

Mr. Luzny - I know we have a problem with vandalism on our car lot.

Bischoff - I don't know how I can guarantee.

Behnfeldt - Last week the Police couldn't get it stopped. They would drive by and the people would duck down behind the cars until the Police had gone. I don't want to have any more problems. I want someone I can call other than the Police.

Bischoff - You can call me at home.

Weitzel - I am concerned too. But Mr. Bischoff has made some improvements to the property and if he continues to do so as he has said, it should eliminate the nuisance. I also want to make sure that the parking is not on the street. Should be off street parking. The property has had a bad reputation over the past 3 years. Mr. Bischoff has convinced me he will maintain the property.

There followed a discussion on the Planned Business District Zoning, what it meant to the property owners and what would have to be done to get it changed.

The Chairman asked for comments from the Board. There were none.

It was moved by Mr. Luzny that the Variance to allow the conversion of 602 East Washington Street from a du-plex into a tri-plex be granted.

The motion was seconded by M. Downey.

There was a roll call vote on the motion with those voting yes being: Messers Luzny, Downey, McBroom and Overhulse. There were no dissenting votes.

HEARING 2-87

The Chairman then read the Public Hearing Notice for a request by Douglas M. Rudolph, 611 Jahns Road, Napoleon, Ohio for the purpose of constructing an addition to an existing house located at 611 Jahns Road, Napoleon, Ohio. The Variance applied for is to the City of Napoleon, Code of Ordinances, Section 151.33(D)(1) which

requires a front yard setback of 30 feet and a side yard setback of 7 feet and to Section 151.49(C)(7) which prohibits the location of a required parking space in the side yard setback in an "A" Residential Zoning District. The location of the Variance shall be know a Lot #4, Riviera Heights Addition to the City of Napoleon, Henry County, Ohio, which is in an "A" Residential Zoning District.

The Chairman asked the Secretary for the Staff's position.

The Secretary stated that the staff had reviewed the request and that the only concern was that the Shop area not be turned into a Home Occupation. That if that stipulation was made and there were no protests from the neighbors, the requests met the Standards for a Variation.

The Chairman asked if there was anyone to speak in favor of the request. There was no one.

The Chairman asked if there was anyone to speak against the request. There was no one.

The Chairman asked if any members of the Boards had any comments.

Mr. Downey - I went out and looked at the property and there doesn't appear to be any problems.

Mr. Luzny - I am concerned about the shop.

Mr. Downey - We should put something in the approval that the workshop should remain a hobby and not become a commercial use.

Chairman - Can that be put on the Building Permit.

Secretary - Yes, it can.

Mr. Luzny - It should be stated that it not become a Home Occupation.

It was moved by Mr. Downey that the Variance be granted with the provision that the workshop remain a hobby area and that it be placed on the Building Permit that it is not to become a Home Occupation.

The motion was seconded by Mr. Overhulse.

There was a roll call vote on the motion with those voting yes being: Messers Luzny, Downey, Overhulse and McBroom. There were no dissenting votes.

The Board then asked the Secretary about the meeting to be held February 17. There was no discussion.

The Chairman asked the Mayor, Robert Heft, who was present, if he had any comments.

The Mayor praised the Board for its dedication.

There being no further business, the Board adjourned at 5:04 P.M.

C. Richard McBroom,
Chairman