



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010
NAPOLEON, OHIO 43545-0151

January 22, 1988

City of Napoleon, Ohio
255 Riverview
Napoleon, Ohio 43545

Mayor
Steven Lankenau

Attention: Mr. Roger Freytag
Zoning Administrator

Members of Council
James Hershberger, President
William Young
Donald Stevens
Terri A. Williams
John E. Church
Randy J. Bachman

RE: Owner: Peggy (VanDenberghe) Brubaker
Property: 850 Monroe Street

City Manager

Dear Roger:

You requested the opinion of the Law Director concerning the proposed subdivision of the real property owned by Peggy (VanDenberghe) Brubaker and located at 850 Monroe Street in Napoleon, Ohio. This proposed subdivision involved a transfer by adjoining property owners, Mr. and Mrs. Samuel Homan, of approximately 1.5 feet of their property to the southerly line of the Brubaker property.

Clerk-Treasurer
Rupert W. Schweinhagen

It is my opinion that this proposed subdivision of real property is an exception under Section 154.07(B) of the Napoleon Subdivision Control Code. It is my understanding that notice of such proposed subdivision has been submitted to you as Zoning Administrator, together with a survey of the premises in question.

Law Director
Michael J. Wesche

It is also my opinion that this proposed subdivision is in compliance with the Napoleon Zoning Code because, pursuant to Section 151.31, it constitutes a nonconforming building and/or use. Pursuant to Subsection (A), this proposed subdivision does not extend the nonconforming use beyond the area of the building or premises which existed lawfully at the time the Napoleon Zoning Code was adopted.

Assistant Law Director
Jeffrey R. Lankenau

Mr. Roger Freytag
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Therefore, it is my advice that you, as the Zoning Administrator, may, in the name of the City of Napoleon, sign the survey and release the document for recording .

Very truly yours,

CITY OF NAPOLEON, OHIO

By: Michael J. Wesche
Michael J. Wesche, Law Director

MJW:ln

cc: Mr. Lawrence R. Haase
Acting City Manager