

PROCEEDINGS OF THE BOARD OF ZONING APPEALS

NAPOLEON, OHIO

AUGUST 1, 1978

The Board of Zoning Appeals of the City of Napoleon, met in the Council Chambers of the City Building, 255 W. Riverview, Napoleon, Ohio, on August 1, 1978 at 4:30 p.m.

The purpose of the meeting was to consider variations from Section 85.45(b)(3) and Section 85.45(b)(5) of the Zoning Code to permit the construction of an addition to an existing building without providing the parking required by the Zoning Code. The property for which the variations were requested is located at 605 N. Perry.

The members present were Mr. Robert Meyers, Chairman, Mr. Howard Overhulse, Mr. Lynn Yackee and Mr. Robert Downey; Mr. Richard McBroom being absent. Mr. Robert E. Johnson acted as Secretary of the Board and Mr. Ronald Sonnenberg was also present, representing the Building Department.

All comments and testimony presented during the Public Hearing were recorded on tape, which may be found in the file of recordings, under the date of August 1, 1978.

The Chairman opened the meeting by reading the Notice of Public Hearing and recognized Mr. Don Bergstedt and Mr. Larry Hahn who were representing Mr. Cain, in his petition for variations. Mr. Bergstedt indicated that a 30'-long one-story addition was proposed to be constructed on the site to the rear of the existing building. He also noted that the proposed 30' addition would eliminate the parking of two vehicles in the construction area. Mr. Bergstedt testified that there would be parking for two vehicles to the rear of the new addition, and they would have access to the public way across an easement on adjacent property.

The Chairman read a letter submitted by Mr. David Meekison, owner of 609 N. Perry who suggested that a possible drainage problem could be created if approval for construction of this 30' addition was made without adequate consideration of surface water problem in the area.

Mr. James Donovan of 609 N. Perry was present in the audience and testified that he and Mr. Meekison had no desire to stop construction on their neighbor's premises, however, they asked that the Board take notice of the possible drainage problem and provide some relief by placing a condition on any approval for a variation.

Mr. Daryl Austermilller, also an owner of neighboring property indicated no objection to the request for variations.


Mr. Johnson noted that the Board could put a condition on the variation approval, to have the petitioners submit a topographic survey, indicating the existing grades and how the petitioner proposes to alleviate water problems on his neighbor's property to the Engineering Department of the City of Napoleon. The Engineering Department would check the plans to determine if adequate grades and drainage facilities were being proposed by the petitioner.

A motion was made by Mr. Yackee to grant the variation from Section 85.45(b)(3) and Section 85.45(b)(5) to permit the construction of the 30' addition without providing the parking for 15 vehicles, with the condition that the petitioner would submit a topographic survey of existing grades and also indicate the finished grades proposed to be installed following construction of the addition. Such survey is to be checked by the City Engineer and submitted to owners of adjacent property, for their approval prior to issuance of a Building Permit for the construction of the 30' addition.

The motion was seconded by Mr. Downey and unanimously carried by all members present.

There being no further business to be brought before the Board, the Chairman declared the Public Hearing closed.

Submitted by


Robert E. Johnson, Acting Secretary
Board of Zoning Appeals

REJ:dd