

**MEMORANDUM**

**TO:** Members of the Planning Commission  
**FROM:** Brent N. Damman, Zoning Administrator  
**SUBJECT:** Conditional Use Permit for Charles Burgoon  
to allow the use of a store basement as a  
residence.

**COUNCIL MEETING:** September 19th, 1994 at 8:00 PM  
**P/C HEARING #:** PC 94/13

**BACKGROUND:** An application by Charles Burgoon owner of the Main Office Supply Co. at 614 N. Perry Street Napoleon, Ohio requesting a Conditional Use Permit to allow the use of the basement of this store as his single family residence. The request is pursuant to section 151.38 (B)(38) and 151.46 of the City of Napoleon Ohio Code of General Ordinances, and is located in a "GB" General Business District.

**RESEARCH AND FINDINGS:**

1. To the best of the City's knowledge, the other situations that exist in the downtown area of people residing above a business are grandfathered by existing before the 1979 Zoning Code.
2. The General Business District does allow residential use but not combination business and residential uses.
3. There is some concern about children playing around and near surrounding business areas.

**ADMINISTRATIVE OPINION AND RECOMMENDATION:**

The City staff is not opposed to allowing this residence, but is concerned about health and safety issues as well as compatibility with surrounding business uses.

The conditions staff is recommending are:

1. That the residential use be limited to Mr. Burgoons immediate single family and to only the basement area now occupied.
2. That sub-leasing for residential use is prohibited.
3. That the conditional use permit automatically expire on June 2nd, 1995 ( the end of the school year).
4. That the front ground level exit door be affixed with a break bar to allow emergency exit.

they are not allowed out of the house until after 5:00pm and they take them to the park often to play.

**Luzny:** Concerned about children's safety.

**Haase:** Concerned about fire safety.

**Heft:** Understood Counties concerns, but there are many of kids that travel through this area after school and he did not have a particular problem with the request.

**Damman:** I would suggest that the permit automatically expire after the 1995 school year.

**McBroom:** Mr. Burgoon would you be agreeable to this ?

**Burgoon:** Yes

**Motion By:** Heft - To approve the Conditional Use permit with the following conditions.

1. That the residential use be limited to Mr. Burgoons immediate single family and to only the basement area now occupied.
2. That sub-leasing for residential use is prohibited.
3. That the conditional use permit automatically expire on June 2nd, 1995 ( the end of the school year).
4. That the front ground level exit door be affixed with a break bar to allow emergency exit.

**Seconded By:** Luzny

**Vote Cast:** Haase - In Favor  
Bisher - In Favor  
Luzny - In Favor  
Heft - In Favor  
McBroom - In Favor

**Respectfully Submitted**

Brent N. Damman  
Building & Zoning  
Administrator

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