



City of Napoleon, Ohio

Zoning Department

255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545

Kevin Schultheis Code Enforcement / Zoning Administrator
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com

CONDITIONAL USE PERMIT

Date: December 12, 2023

Hearing No.: PC-23-05

Address: 690 E. Riverview Avenue

Applicant: Marvin Drummond
10-322 County Road O
Napoleon, Ohio 43545

Permitted Use: Residential dwelling to be used as a residence.

Conditions:

- 1.
- 2.
- 3.



Kevin Schultheis
Code Enforcement/Zoning Administrator

CITY PLANNING COMMISSION OF NAPOLEON, OHIO

In the matter of:

HEARING NO. PC-23-05


Marvin Drummond
10-322 County Road O
Napoleon, Ohio 43545

**FINDINGS OF FACT
RECOMMENDATIONS**

An application filed by Marvin Drummond requesting the approval of a Subdivision of a Re-Plat of the Original Plat of the City of Napoleon, State of Ohio, parcel number 28.0700200000, 0.519 acres situated in the State of Ohio, County of Henry. The request is pursuant to Chapter 1141 of the Codified Ordinance of the City of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District. The hearing was held on December 12, 2023.

Based on evidence presented at the hearing, it is the Finding of this Commission as follows: That the factors listed in 1141.02 (e) (1-8) listed below have been met if the conditions A thru H in the Motion expressed by this Commission are followed.

- 1 () The proposed use is in fact a use subject to the issuance of a conditional use permit as established under the provisions of the City's planning and zoning Code, and that the use is not otherwise expressly prohibited by said planning and zoning Code;
- 2 () The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's master plan and the City's planning and zoning code;
- 3 () The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- 4 () The use will not be hazardous or disturbing to existing or future neighboring uses;
- 5 () The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse, disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such services;
- 6 () The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 7 () The use will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors; and,
- 8 () The use will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.



Tim Barry,
Chairman of Planning Commission

CITY PLANNING COMMISSION OF NAPOLEON, OHIO

In the matter of:

HEARING NO. PC-23-05

Marvin Drummond
10-322 County Road O
Napoleon, Ohio

MOTION:

(v) **To recommend that City Council issues a conditional use permit.**

Made by: Suzette Gerken

Second by: Cory Niekamp

Conditions:

- 1.
- 2.
- 3.

	Approval	Disapproval	Abstain
Tim Barry, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cory Niekamp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Vocke	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suzette Gerken	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jason Maassel, Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: All must be marked Yes to Recommend Approval, unless a provision is determined and marked (NA) Not Applicable by the Commission

PLANNING COMMISSION REPORT

The Vote as to each member of the Planning Commission in the matter of PC-23-05 regarding the recommendation of approval of the issuance of the Conditional use permit is as follows:

	Approval	Disapproval	Abstain
Tim Barry, Chair	<u>✓</u>	_____	_____
Cory Niekamp	<u>✓</u>	_____	_____
Larry Vocke	_____	_____	_____
Suzette Gerken	<u>✓</u>	_____	_____
Jason Maassel, Mayor	_____	_____	_____

Reasons for Disapproval: (If there is disapproval of any Commission Member)

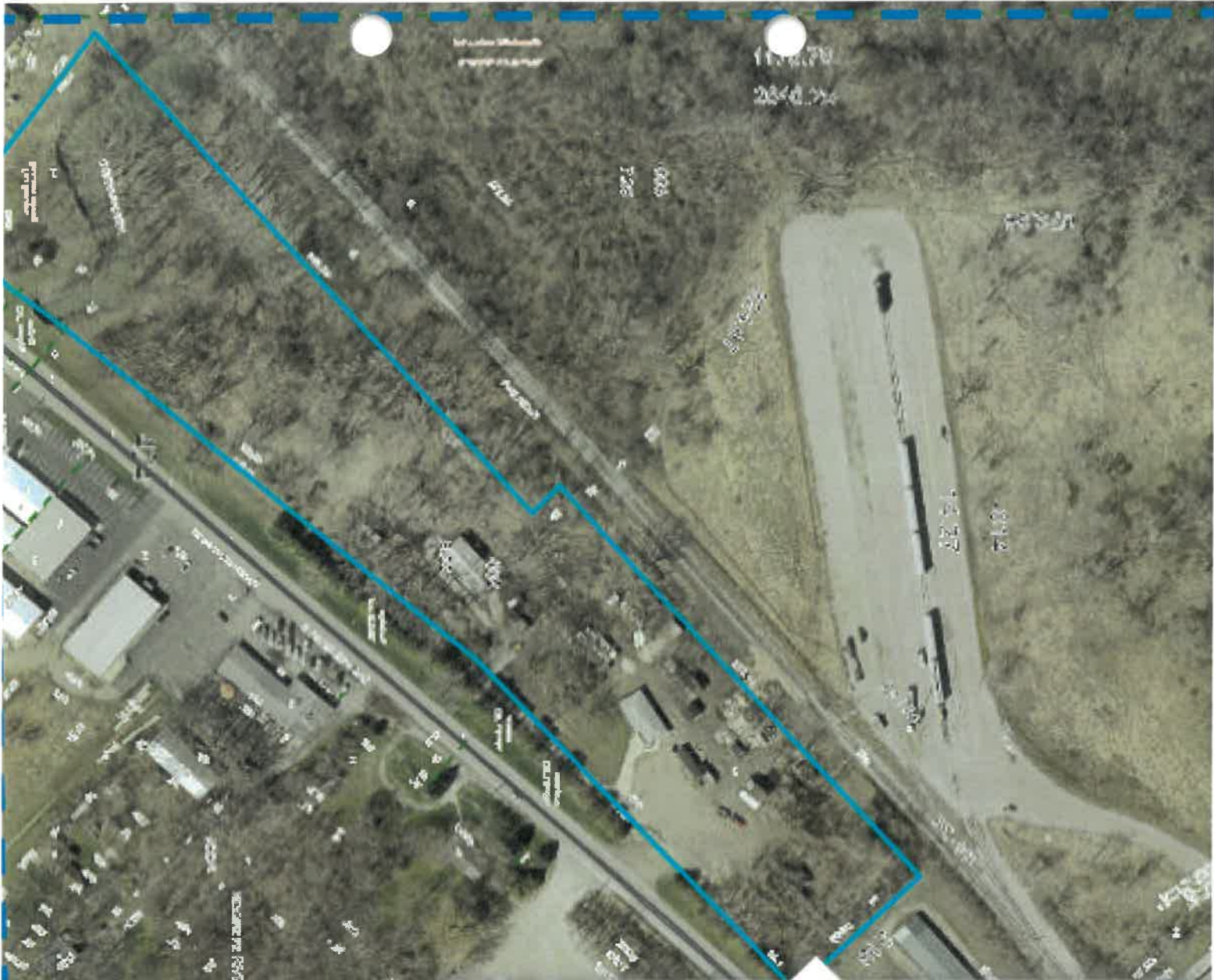
Member
Reason Stated:

Member
Reason Stated:

Member
Reason Stated:

Member
Reason Stated:

Member
Reason Stated:



DRUMMOND, MARVIN L.

Parcel Number: 2807002000000

Parcel Info: [Parcel Info Web Link](#)

Property Location: 690 EAST RIVERVIEW AVE

Last Sale Date: 10/27/2020

100% Market Value: \$44,000.00

Mailing Address: 10-322 COUNTY ROAD O,
NAPOLEON OH 43545

Acres: 8.02

Legal Description: E PT SW SW FL

Volume: 321 Page: 2407

Map Number: 0607351002

Township: LIBERTY TWP

Land Value: \$22,000.00

Building Value:

100% Total Value \$44,000.00

[Zoom to](#)

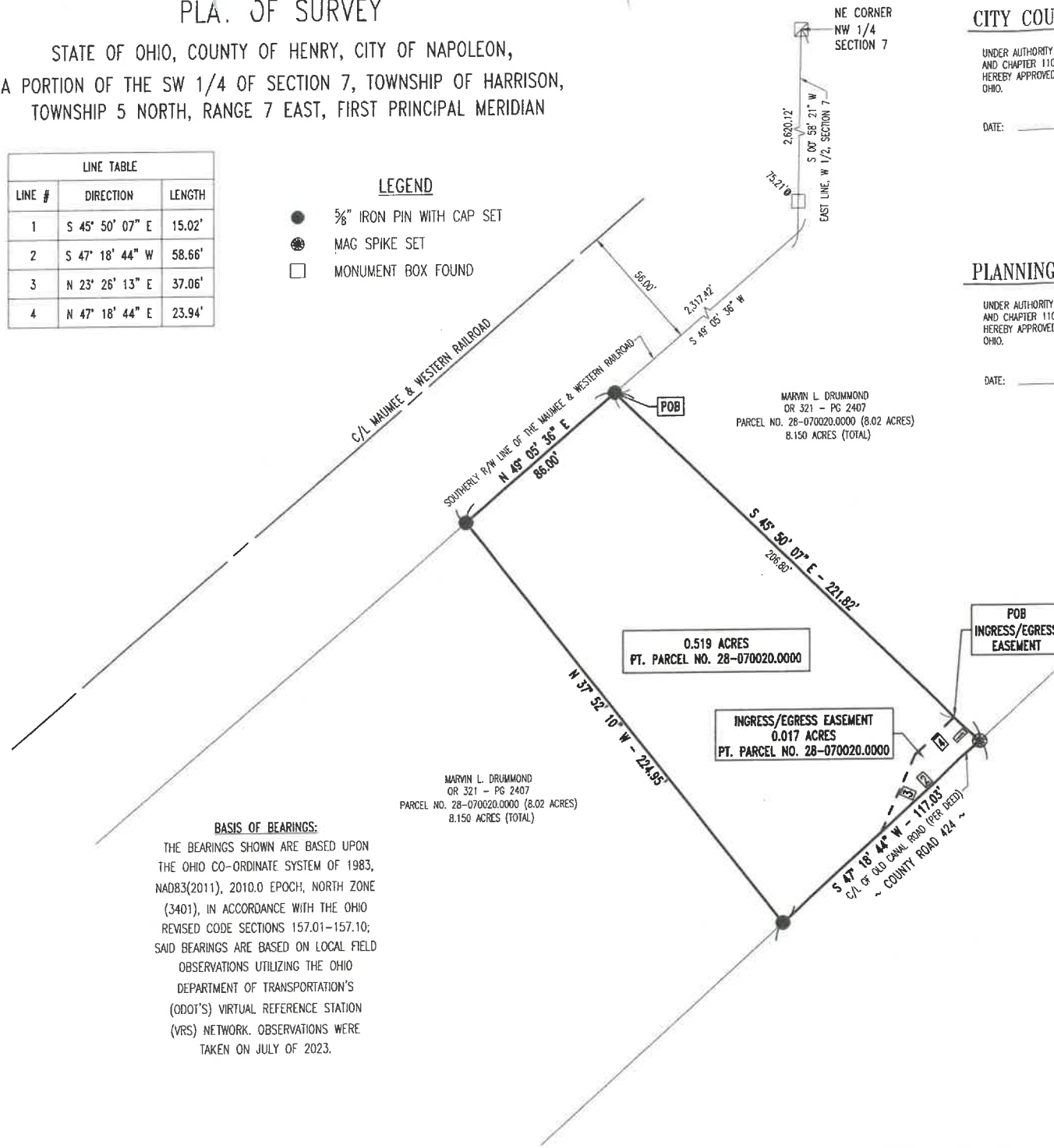


PLAT OF SURVEY

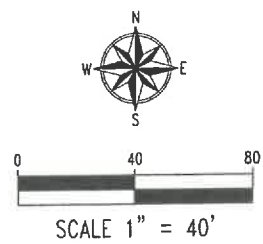
STATE OF OHIO, COUNTY OF HENRY, CITY OF NAPOLEON,
A PORTION OF THE SW 1/4 OF SECTION 7, TOWNSHIP OF HARRISON,
TOWNSHIP 5 NORTH, RANGE 7 EAST, FIRST PRINCIPAL MERIDIAN

LINE #	DIRECTION	LENGTH
1	S 45° 50' 07" E	15.02'
2	S 47° 18' 44" W	58.66'
3	N 23° 26' 13" E	37.06'
4	N 47° 18' 44" E	23.94'

- LEGEND**
- 5/8" IRON PIN WITH CAP SET
 - ⊙ MAG SPIKE SET
 - MONUMENT BOX FOUND



BASIS OF BEARINGS:
THE BEARINGS SHOWN ARE BASED UPON THE OHIO CO-ORDINATE SYSTEM OF 1983, NAD83(2011), 2010.0 EPOCH, NORTH ZONE (3401), IN ACCORDANCE WITH THE OHIO REVISED CODE SECTIONS 157.01-157.10; SAID BEARINGS ARE BASED ON LOCAL FIELD OBSERVATIONS UTILIZING THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT'S) VIRTUAL REFERENCE STATION (VRS) NETWORK. OBSERVATIONS WERE TAKEN ON JULY OF 2023.



- NOTES:**
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE EXAMINATION AND DOES NOT REPRESENT A TITLE REPORT OR A GUARANTEE OF TITLE. THERE MAY BE APPARENT, RECORDED, OR UNRECORDED EASEMENTS NOT SHOWN ON THIS DRAWING.
 - THIS SURVEY USED THE LATEST RECORDED DEEDS AT THE DATE OF THIS SURVEY.
 - DISTANCES SHOWN HEREON, ARE GROUND DISTANCES. TO APPROXIMATE OHIO CO-ORDINATE 1983, NORTH ZONE (3401) GRID DISTANCES MULTIPLY THE DISTANCES BY THE COMBINATION FACTOR OF 0.9999293248.
 - IRON PINS CALLED FOR AS SET ARE NUMBER 5 REBAR, WITH A NOMINAL DIAMETER OF 5/8 OF AN INCH, A CROSS-SECTIONAL AREA OF 0.31 SQUARE INCHES, THIRTY (30) INCHES IN LENGTH, AND CAPPED WITH A PLASTIC YELLOW MARKER INSCRIBED WITH "NIESE/JHN-PS8727."
 - FOUND MONUMENTATION IN GOOD CONDITION UNLESS OTHERWISE NOTED.
 - OCCUPATION WITHIN REASON UNLESS OTHERWISE NOTED

I HEREBY DECLARE THAT THE FOREGOING PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PREMISES, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, CORRECTLY SHOWS THE LOCATION OF THE BOUNDARIES.

JUSTIN H. NIESE, P.E., P.S.
OHIO REGISTERED SURVEYOR NO. 8727

CITY COUNCIL CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NAPOLEON, OHIO.

DATE: _____ MAYOR _____
CLERK OF COUNCIL _____

PLANNING COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO.

DATE: _____ CHAIRMAN _____
CLERK OF COUNCIL _____

HENRY COUNTY RECORDER

I, THE HENRY COUNTY RECORDER DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN RECEIVED FOR RECORD AT _____ O'CLOCK _____ M AND RECORDED ON SLIDE _____ THIS _____ DAY OF _____, 20____.

FEE: _____ HENRY COUNTY RECORDER

HENRY COUNTY AUDITOR

I, THE HENRY COUNTY AUDITOR DO HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES ON THE PROPERTY HEREIN DESCRIBED AND CERTIFY THE SAME FOR TRANSFER.

TRANSFERRED THIS _____ DAY OF _____

_____ HENRY COUNTY AUDITOR

CITY ENGINEER CERTIFICATE

IN ACCORDANCE WITH OHIO R. C. 711.08, THE UNDERSIGNED BEING THE ENGINEER FOR THE CITY OF NAPOLEON, OHIO HEREBY APPROVES THIS PLAT AS SHOWN.

DATE: _____

_____ CITY ENGINEER

0.519 Acres

Situated in the State of Ohio, County of Henry, City of Napoleon, being that portion of the Southwest Quarter of Section 7, Township of Harrison, Township 5 North, Range 7 East, of the First Principal Meridian, being part of that 8.150 acre tract of land as described in a deed to Marvin L. Drummond, recorded in Official Record Volume 321, Page 2407 (reference recorded in the Recorder's Office, Henry County, Ohio), and being more particularly described as follows:

COMMENCING at a monument box found at the northeast corner of the Northwest Quarter of Section 7;

THENCE southerly with the east line of the West Half of Section 7, South 07° 58' 21" West, (passing a monument box found at 2,544.91 feet), a distance of 2,620.12 feet to the southerly right of way line of the Maumee and Western Railroad;

THENCE southwesterly with the southerly right of way line of the Maumee and Western Railroad, South 49° 05' 36" West, 2,317.42 feet to a 5/8" iron pin set at the **TRUE POINT OF BEGINNING**;

THENCE southeasterly through said 8.150 acre tract, South 45° 50' 07" East, 221.82 feet to a MAG nail set in the south line of said 8.150 acre tract, also being the centerline of old Canal Road;

THENCE southwesterly with the south line of said 8.150 acre tract, also being the centerline of Old Canal Road, South 47° 18' 44" West, 117.03 feet to a 5/8" iron pin set;

THENCE northwesterly through said 8.150 acre tract, North 37° 52' 10" West, 224.95 feet to a 5/8" iron pin set in the southerly right of way line of the Maumee and Western Railroad;

THENCE northeasterly with the southerly right of way line of the Maumee and Western Railroad, North 49° 05' 36" East, 86.00 feet to the **TRUE POINT OF BEGINNING**, containing 0.519 acres of land, more or less, as surveyed and described in July of 2023, by Ohio Registered Professional Surveyor Justin H. Niese, Ohio Surveyor No. 8727.

Subject to any and all legal right-of-ways, easements, exceptions, and/or restrictions whether apparent, recorded, and/or unrecorded.

Basis of Bearings: The bearings in the foregoing description are based upon the Ohio co-ordinate system of 1983, North zone (3401), in accordance with the Ohio Revised Code Sections 157.01-157.10; said bearings are based on local field observations utilizing the Ohio Department of Transportation's (ODOT's) Virtual Reference Station (VRS) Network.

Iron pins called for as set are number 5 rebar, with a nominal diameter of 5/8 of an inch, a cross-sectional area of 0.31 square inches, thirty (30) inches in length, and capped with a plastic yellow survey marker inscribed with "NIESE/JHN-PS8727."

Ingress/Egress Easement - 0.017 Acres

Situated in the State of Ohio, County of Henry, City of Napoleon, being that portion of the Southwest Quarter of Section 7, Township of Harrison, Township 5 North, Range 7 East, of the First Principal Meridian, being part of that 8.150 acre tract of land as described in a deed to Marvin L. Drummond, recorded in Official Record Volume 321, Page 2407 (reference recorded in the Recorder's Office, Henry County, Ohio), and being an ingress/egress easement more particularly described as follows:

COMMENCING at a monument box found at the northeast corner of the Northwest Quarter of Section 7;

THENCE southerly with the east line of the West Half of Section 7, South 07° 58' 21" West, (passing a monument box found at 2,544.91 feet), a distance of 2,620.12 feet to the southerly right of way line of the Maumee and Western Railroad;

THENCE southwesterly with the southerly right of way line of the Maumee and Western Railroad, South 49° 05' 36" West, 2,317.42 feet to a 5/8" iron pin set;

THENCE southeasterly through said 8.150 acre tract, South 45° 50' 07" East, 206.80 feet to the **TRUE POINT OF BEGINNING**;

THENCE continuing southeasterly through said 8.150 acre tract, South 45° 50' 07" East, 15.02 feet to a MAG spike set in the south line of said 8.150 acre tract, also being the centerline of Old Canal Road;

THENCE southwesterly with the south line of said 8.150 acre tract, also being the centerline of Old Canal Road, South 47° 18' 44" West, 58.66 feet;

THENCE northeasterly through said 8.150 acre tract, North 23° 26' 13" East, 37.06 feet;

THENCE northeasterly through said 8.150 acre tract, North 47° 18' 44" East, 23.94 feet to the **TRUE POINT OF BEGINNING**, easement containing 0.017 acres of land, more or less, as surveyed and described in July of 2023, by Ohio Registered Professional Surveyor Justin H. Niese, Ohio Surveyor No. 8727.

Subject to any and all legal right-of-ways, easements, exceptions, and/or restrictions whether apparent, recorded, and/or unrecorded.

Basis of Bearings: The bearings in the foregoing description are based upon the Ohio co-ordinate system of 1983, North zone (3401), in accordance with the Ohio Revised Code Sections 157.01-157.10; said bearings are based on local field observations utilizing the Ohio Department of Transportation's (ODOT's) Virtual Reference Station (VRS) Network.

Iron pins called for as set are number 5 rebar, with a nominal diameter of 5/8 of an inch, a cross-sectional area of 0.31 square inches, thirty (30) inches in length, and capped with a plastic yellow survey marker inscribed with "NIESE/JHN-PS8727."

NIESE SURVEYING & ENGINEERING, LLC

SURVEY PLAT FOR: MARVIN DRUMMOND

JUSTIN H. NIESE, P.E., P.S.
211 E. MAIN CROSS STREET
P.O. BOX 112
MILLER CITY, OHIO 45864
567-825-1523

JOB NUMBER:
2023-107

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