

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Dammman, Zoning Administrator
SUBJECT: An application for Variance by The City Of
Napoleon for minimum parking space change.

HEARING

DATE: October 2nd, 1990 at 5:30 PM

HEARING #: BZA 90/22

BACKGROUND

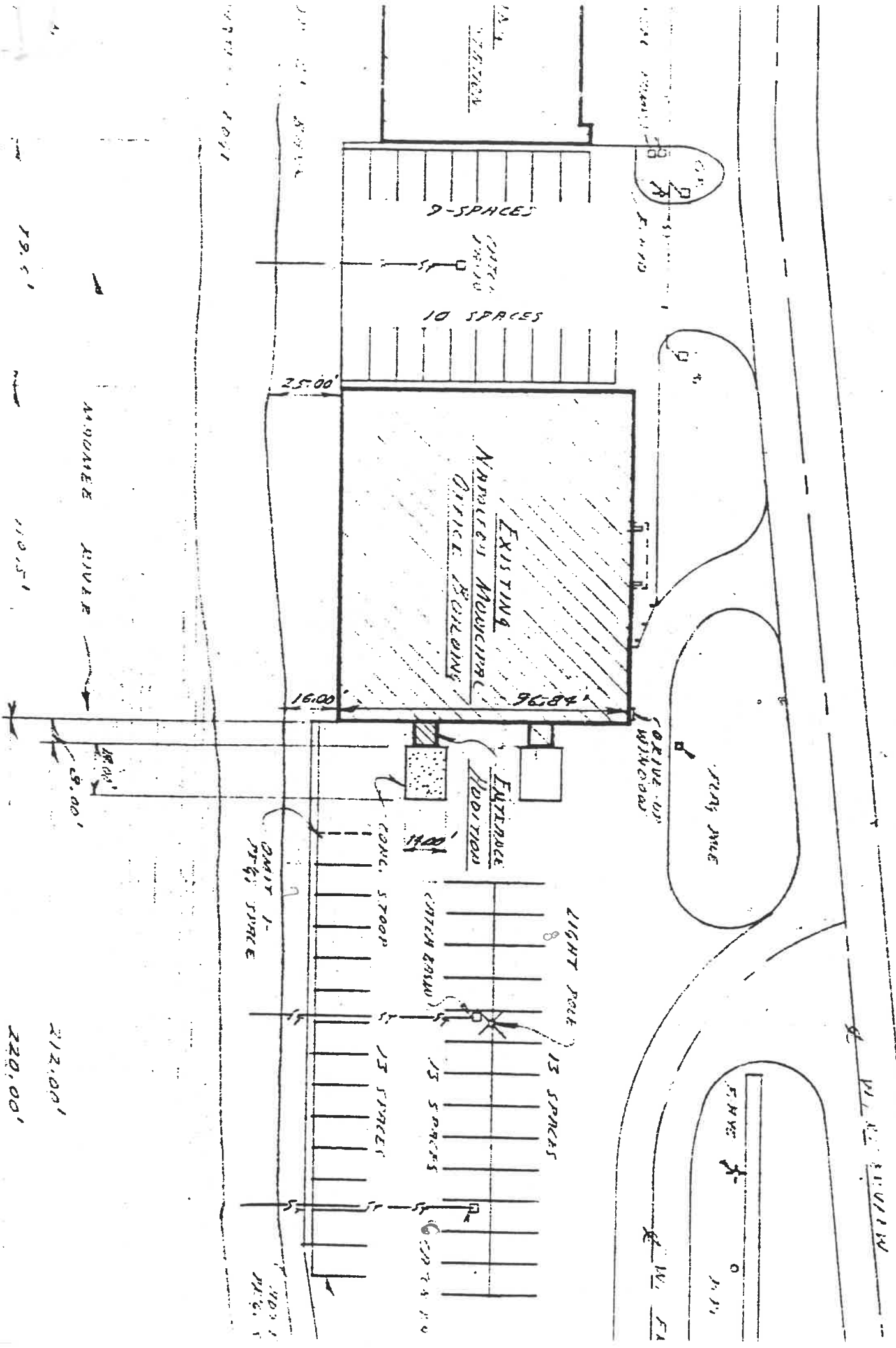
An application for Variance by The City of Napoleon, 255 W. Riverview to allow a deficit of 13 parking spaces from what is required based on office space. The Variance shall be to Section 151.49(D)(1) of the City of Napoleon, Ohio, Code of Ordinances. The building is located in a "GB" General Business District.

The standards for variation to be considered are as follows:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity of district.
- (b) That such Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied to the property in question.
- (c) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or district in which the property is located.
- (d) That the granting of such a Variance will not alter the land use characteristics of the vicinity of district, diminish the value of adjacent land and improvements or increase the congestion in the public streets.

The City Staff believes that a Variance for this situation would meet the above criteria.

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PC 93-03
255 W. Riverview


NOTICE OF PUBLIC HEARING

Please take notice:

A Public Hearing will be held by the Planning Commission of the City of Napoleon, Ohio in the Council Chambers of the City Building, located at 255 W. Riverview Avenue, on January 5th, 1993 at 5:00 P.M. to consider the following item(s):

The City of Napoleon has developed a New Zoning Code which will be presented to the City Planning Commission for review on the above date. This public hearing is in accordance with the provisions of Chapter 151 of the City of Napoleon Ohio Code of General Ordinances.

All persons desiring to speak regarding said proposal may appear at the Hearing and be heard thereon.


C. Richard McBroom Chairman
of the Planning Commission
City of Napoleon, Ohio

City of Napoleon

265 W. Riverview Napoleon, Ohio Ph. 592-4010

Memorandum

To: Mayor, City Manager & Members of City Council
From: Brent N Damman, Zoning Administrator *AMD*
Meeting Date: 02/05/96
Subject: Canal Lands Subdivision (W. Front Street) & vacation
Hearing #: PG 96/01 & PG 96/02

Background:

An application was made by Ronald & Patricia Birr 403 W. Front, James H. & Virginia James 393 W. Front, Keith & Jean Keller 170 Wayne Park Dr. and Midred Palmer 345 W. Front Napoleon, Ohio. The applicants are requesting that the City consider Final Plat approval of a Major Subdivision to be known as CANAL LANDS SUBDIVISION. The subdivision is located between the north bank of the Maumee River and West Riverview Avenue adjacent to and including the applicants' properties. This request is pursuant to City Code Chapter 154.

An application was made by Ronald & Patricia Birr 403 W. Front, James H. & Virginia James 393 W. Front, Keith & Jean Keller 170 Wayne Park Dr. and Midred Palmer 345 W. Front Napoleon, Ohio. The applicants are requesting that the City consider vacating property that lies between West Front Street and West Riverview Avenue adjacent to theirs. This request is pursuant to Ohio Revised Code section 713.02.

Research and Findings:

1. The Final Plat as shown meets all the requirements of the Cities Subdivision rules and regulation and has been reviewed by City staff with their approval.
2. The applicants have agreed to pay all costs associated with the plating of their lots and for the additional land they will gain from the City. They have also agreed to pay the vacation costs of the now owned City properties and the relocation costs of certain power lines they have requested to be moved.

3. The total land area to be vacated is 69,670 square feet at 10 cents per square foot which is \$6,967.00 plus a processing fee of \$500.00. The cost for the survey work and plat development was \$6,500.00. The cost of recording the final plat is \$86.40. The total cost to the property owners is \$14,053.40, this figure will be divided among them based on the percentage of land owned of the total.
4. The City is paying \$3000.00 for a portion of the survey work and plating as we have now cleaned up an unplatted City owned area and given it an accurate description.
5. The City has retained easements for utility purposes and for a pathway along Riverview right of way.
6. The property owners have agreed to remove the existing W. Front St. pavement and extend their driveways to connect with Riverview Ave., this is to be completed within two years of signing the plat. (This will be a condition for approval and will reflect in the final ordinance document.)
7. The development of this plat will greatly assist the County Auditor in determining the property tax liabilities of the parcels within.
8. Lot numbers 1, 2, 3, 4, 5 and 6 will be re-zoned at a later date, the applicants have requested the designation of R-2 which is single family only. The City owned property shown as lot number 7 on the plat will remain as C-1 Commercial which it is now. (there will be no additional costs to the applicants for this request.)

Administrative Opinion and Recommendation :

I believe this plat has been well thought out and the City has no practical use for this property other than utilities and public pathway which are shown on the plat and protected with the proper easements thereon, therefore;

I am recommending the Planning Commission approve the Final Plat of Canal Lands Subdivision.

I am also recommending the Planning Commission approve the vacation of the City property which is shown within lot #s 1, 2, 3, 4, 5 and 6 with the following conditions.

1. That the pavement and stone street now known as W. Front St. be removed by the applicants and that their driveways be extended to connect with West Riverview Ave. and that this will be completed within Two (2) Years of signing the Final Plat of this Subdivision.
2. That the applicants pay the fee of \$6,500.00 for the survey work and plat development and the vacation costs of \$7,467.00 and the cost \$86.40 for recording the final plat, all within 30 days after the final approval by City Council.

Planning Commission Recommendation

THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE THE FINAL PLAT OF THE CANAL LANDS SUBDIVISION AS PRESENTED.

THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE THE VACATION OF CANAL LANDS SHOWN WITHIN THE PLAT PRESENTED WITH THE FOLLOWING CONDITIONS:

1. That the pavement and stone street now known as W. Front St. be removed by the applicants and that their driveways be extended to connect with West Riverview Ave. and that this will be completed within Two (2) Years of signing the Final Plat of this Subdivision.
2. That the applicants pay the fee of \$6,500.00 for the survey work and plat development and the vacation costs of \$7,467.00 and the cost \$86.40 for recording the final plat, all within 30 days after the final approval by City Council.

MINUTES OF THE CITY OF NAPOLEON PLANNING COMMISSION HEARING NUMBERS PC96/01 & PC96/02 HELD ON JANUARY 9, 1996 at 5:00PM:

Members Present: Mayor Don Stange, Chairman C. Richard McBroom, Ann Luzny, Larry Haase, Jon Bisher, Secretary Brent Damman.

Others Present: Mr. & Mrs. Ronald Birr (property owner), Mr. & Mrs. Keith Keller (property owner), Aurand Palmer (representing Mildred Palmer property owner).

McBroom: Called meeting to order, requested roll call from secretary.

Damman: Roll call taken, all members present.

McBroom: Read public notice for hearing # PC96/01 & PC96/02, asked if all persons were notified according to ordinance and requested secretary to read research and findings.

Damman: Stated that all persons had been notified according to law and there were no responses, then read research and findings along with recommendation and opinions as repeated in this memo.

McBroom: Asked for comments from the board.

Mayor Stange: I have no comment

Haase: Asked Damman if there was adequate right of way left after the vacation of the City property as proposed for future expansion of City utilities along Riverview Ave.

Damman: We have reviewed the plat and believe the 100 foot right of way of Riverview Ave. as shown on the plat is adequate as a large portion of the right of way is green area along south side of the roadway. Also we have secured dedicated easements on the plat for existing utilities which are more than adequate and have room for expansion.

Luzny: I think this is a good proposal and will be an asset to the community especially by the extension of the driveways to W. Riverview will make the area look much nicer.

Bisher: Asked if the property owners present were in favor of the proposal and if they were satisfied with what is being presented.

Property owners present nodded their heads and said separately that yes they had agreed to all the terms and conditions and are satisfied with the end result. The only complaint that was made was from Mr. Birr, he said it took three years to get this done he felt it took too long.

For the record it has taken less than two years since the original request was made to vacate this property, it would appear that Mr. Birr remembers big.

McBroom: I would entertain a motion, first for the vacation of the City property, then for the final plat of the subdivision.

Motion: PC 96/01

Bisher: That the Planning Commission recommend City Council approve the vacation of the Canal Lands as shown within the final plat submitted subject to the following conditions;

1. That the pavement and stone street now known as W. Front St. be removed by the applicants and that their driveways be extended to connect with West Riverview Ave. and that this will be completed within Two (2) Years of signing the Final Plat of this Subdivision.
2. That the applicants pay the fee of \$6,500.00 for the survey work and plat development and the vacation costs of \$7,467.00 and the cost \$86.40 for recording the final plat, all within 30 days after the final approval by City Council.

Luzny: Seconded

Motion: PC96/02

Haase: I will make a motion that the planning commission recommends that city council approve the final plat of the canal lands subdivision as presented.

Mayor Stange: Seconded

VOTE CAST:

HAASE:	In Favor
BISHER:	In Favor
LUZNY:	In Favor
MAYOR:	In Favor
MCBROOM:	In Favor

Respectfully Submitted



*Brent N Damman
Building & Zoning
Administrator*