

City of NAPOLEON, OHIO

255 WEST RIVERVIEW AVENUE, P.O. BOX 151
NAPOLEON, OHIO 43545-0151
(419) 592-4010
FAX (419) 599-8393



December 31, 2001

Mayor
J. Andrew Small

Mr. James Tonjes
910 Hobson St.
Napoleon, Ohio 43545

Members of Council
Michael J. DeWit, President
Terri A. Williams
James Hershberger
Travis B. Sheaffer
John A. Helberg
Jean A. Steele
Glenn A. Miller

Re. Special Use Permit 325 Shelby St. (attached to 320 E. Clinton St.)

Dear Jim

I have received numerous complaints regarding the keeping of building materials, vehicles, trailers, and miscellaneous materials outside of the garage at 325 Shelby St. (attached to 320 E. Clinton St.). The Special Use Permit issued by Council Motion 130-91 (copy attached) clearly states that the garage shall be used only for the permit holders (James Tonjes) personal items and items directly related to the maintenance or repair of rental properties owned by the permit holder. Your brother Jerry has expanded the use to include his construction business storage and operation, bulk outside storage of building materials, trucks, trailers and miscellaneous materials. This is a clear violation of the Special Use Permit issued 11/04/91.

City Manager
Dr. Jon A. Bisher

Therefore, I am requesting that the use of this property be scaled back to the original permitted uses as specified in Council Motion # 130-91.

Finance Director
Gregory J. Heath

Please contact me to discuss this issue and review possible remedies to the violations.

Law Director
David M. Grahn

City Engineer
Joseph R. Kleiner, P.E.

Sincerely

A handwritten signature in cursive script that reads 'Brent N. Damman'.

Brent N. Damman
Zoning Administrator

MOTION NO. 130-91

A MOTION ACCEPTING THE WRITTEN REPORT, FINDINGS OF FACT AND RECOMMENDATION OF THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO; AND APPROVING THE ISSUANCE OF A SPECIAL-USE PERMIT TO JAMES TONJES TO PERMIT MORE THAN ONE PRINCIPAL BUILDING AND MORE THAN ONE PRINCIPAL USE ON THE PREMISES KNOWN AS 320 EAST CLINTON STREET IN THE CITY OF NAPOLEON, OHIO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, an application by James Tonjes for a special-use permit to permit more than one principal building and more than one principal use on the premises known as 320 East Clinton Street in the City of Napoleon, Ohio (hereinafter called "the City") was filed with the City Zoning Administrator pursuant to certain provisions of Chapter 151 of the City's Revised Code of General Ordinances; and

WHEREAS, the City Planning Commission held a public hearing on such application on October 29, 1991 (i.e. Hearing #91/20) and, as a result thereof, made certain written findings of fact and a recommendation to this City Council that such special-use permit be granted.

NOW, THEREFORE, BE IT MOVED AND APPROVED BY THE COUNCIL OF THE CITY OF NAPOLEON, STATE OF OHIO:

Section 1. That the written report, findings of fact and recommendation of the Planning Commission of the City of Napoleon, Ohio (hereinafter called "the City") for the issuance of a special-use permit to James Tonjes to permit more than one principal building and more than one principal use on the premises known as 320 East Clinton Street in the City as set forth in the application therefor, subject to certain conditions, are

accepted.

Section 2. That such special-use permit is approved, subject to the following conditions:

(A) That the north-end garage structure shall be used only as a storage facility for the permit-holder's personal items and for items directly related to the maintenance or repair of rental properties owned by the permit-holder; and

(B) All activities in and about the north-end garage structure shall be conducted during reasonable hours and in accordance with any and all noise-control laws of the City; and

(C) If there is any change of ownership of the permit premises or if there is any change of use with respect to the north-end garage structure, this permit thereupon shall be null and void without any further action being necessary; and

(D) If the City Zoning Administrator, or his designee, determines that such special-use permit or any condition for the issuance of such special-use permit, has been violated, the City Zoning Administrator, or his designee, in addition to any other remedies available at law or in equity, shall give written notice thereof to the permit-holder and such violation shall be submitted to the City Planning Commission for a public hearing. Upon hearing and upon finding that such violation occurred, or continues to occur, the City Planning Commission shall make and submit to City Council written findings of fact and shall recommend to City Council that such special-use permit be amended, suspended or revoked, or that no action be taken. Upon receipt of the City Planning Commission's written findings of fact and recommendation, City

Council shall commence to act to accept, reject, modify or otherwise act upon such recommendation within thirty (30) days after receipt thereof.


Section 3. That it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Motion were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the City's Revised Code of General Ordinances.

Section 4. That this Motion shall be in full force and effect immediately after its passage.

Passed: November 4th, 1991


Steven R. Lankenau, Mayor

Attest:


Rupert W. Schweinhagen, Finance Director

TONJES.MOT