

MEMORANDUM

7/3 Webster

TO: Members of the Planning Commission
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: An application for a Special Use Permit by
Ned Giffey.
HEARING DATE: July 9th, 1991 5:00pm
HEARING #: PC 91/09

approved

BACKGROUND

An application by Ned Giffey 305 W. Clinton Napoleon, Ohio for a Special Use Permit to allow more than one principle building on a building lot. The application is pursuant to section 151.43 (A)(1) of the City of Napoleon Ohio code of Ordinances. The proposed is located in a "C" Residential District.

RESEARCH AND FINDINGS

1. That the above listed is located in a "C" Residential District in which this type of use is not permitted except by special use .
2. There are two (2) homes which exist on Mr. Giffey's lot, his principle residence and a rental property.
3. The purpose of this special use is so he may demolish the existing rental home, and then construct a new rental home which will be in compliance with all setback regulations.

ADMINISTRATIVE OPINION: We should take a good look at the fact that if this is granted we will be improving the property as far as appearance and setbacks are concerned.

Also we must look at the flip side and realize that we will be creating another non conforming situation which may exist for decades.

The Planning Commission shall make written findings of fact and shall submit same together with its recommendation to the City Council after the close of the hearing on a special use. The Planning Commission's report to the City Council shall indicate the vote of each member present and shall contain a statement of reasons why a member or members did not vote in favor of a recommendation. No special use shall be recommended by the Planning Commission unless the Commission finds that:

- (1) The establishment maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
- (2) The special use will not be injurious to the use and enjoyment of lawfully used property in the immediate vicinity or substantially diminish or impair property values within the neighborhood.
- (3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) The special use shall conform to the applicable regulations of the district in which it is located except as such regulations may in each instance, be modified by the conditions of the special use permit.

The above paragraphs shall be addressed and it shall be determined whether or not this Special Use will meet this criteria and explanations as to why it will or will not meet each set of criteria.