

REQUEST TO ABATE NUISANCE

DATE REQUEST MADE:

July 18, 2003

Set up appt.
@ 4:00 pm
July 23, 2003

ADDRESS OF ALLEGED PUBLIC NUISANCE:

100 West Wood

NATURE OF REQUEST:

watching 8 kids, no license, don't pay taxes. The lady has 10 to 12 kids @ a time

PROPERTY OWNERS NAME:

SA Mr. Hill talked to David. ~~David~~ would like you to go out there today.

PROPERTY OWNERS ADDRESS:

Mrs. Borstelmann

PROPERTY OWNERS PHONE NUMBER (IF KNOWN):

592-3521

REQUESTING PARTIES NAME:

Mrs. Hill's Carolyn

ADDRESS:

125 Westwood

PHONE NUMBER:

419 599-3310

CHECKED DATE:

BY:

ACTION NEEDED:

LETTER TYPE #:

Child Care Home. A home for not more than nine (9) orphaned, abandoned, dependent, abused, or neglected children, together with not more than two (2) adults who supervise such children, all of whom live together as a single housekeeping unit.

Child Care Institution. An institutional facility housing more than nine (9) orphaned, abandoned, dependent, abused, or neglected children.

Circulation Area. That portion of the vehicle accommodation area used for access to parking to loading areas or other facilities on the lot. Essentially, driveways and other maneuvering area (other than parking aisles) comprise the circulation area.

City. The City of Napoleon, Ohio.

City Council. The City Council of the City of Napoleon.

Club. Buildings and facilities operated for a social, educational or recreational purpose, but not for profit or to render a service which is customarily carried out as a business.

Combination Use. A use consisting of combination on one (1) lot of two (2) or more principal uses separately listed in the Table of Permissible Uses. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established (see Accessory Uses). In addition, when two (2) or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use).

Conditional-Use Permit. A permit issued by the City Council that authorizes the recipient to make use of property in accordance with the requirements of this Chapter as well as any additional requirements imposed by the Council.

Convenience Store. A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. (Commonly referred to as a Convenience Store).

Council. The City Council of the City of Napoleon, Ohio.

Day Care Center. Any care arrangement that provides day care on a regular basis for more than four hours per day for more than five children or adults or a combination thereof.

Developer. A person who is responsible for any undertaking that requires a zoning permit, special-use permit, conditional-use permit, or sign permit.

Development. That which is to be done pursuant to a zoning permit, special-use permit, conditional-use permit, or sign permit.

Dimensional Nonconformity. A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

District (zoning). A geographically defined area subject to certain minimum zoning standards as established in this code.

Drive-in Establishment. Any place or premises used for the sale, dispensing, or serving of food, refreshments, beverages or services in automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.

Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Duplex. See Residence, Duplex.

Dwelling. A building, portion thereof, designed or used as living quarters, including single-family dwellings, two (2)-family dwellings, and multiple-family dwellings, but not including hotels or motels or rooming and boarding houses.



CITY OF NAPOLEON – Building & Zoning Division
255 W. Riverview Avenue, PO Box 151, Napoleon, OH 43545
Phone: 419-592-4010 - Fax: 419-599-8393

**BUILDING & ZONING
DIVISION**

Zoning Administrator
Building Commissioner
Brent N. Damman

September 09, 2003

Mr. & Mrs. Ronald Hills
125 Westwood Avenue
Napoleon, Ohio 43545

Re. Investigation of alleged Day Care operation at 100 Westwood Avenue Napoleon, Ohio.

Dear Mr. & Mrs. Hills

The City of Napoleon is in receipt of your numerous complaints regarding child care at 100 Westwood Avenue by Mrs. Elaine Borstelman. Upon investigation, I have determined that Mrs. Borstelman is operating within the limit of the City Zoning Code and I find no violation of such regulations. The operation does not fit the definition of "Day Care" and therefore does not require a special use permit from the City of Napoleon.

Upon instruction by City Law Director Mr. David Grahm, I hereby officially close this investigation and will no longer pursue the matter.

Regards

Brent N. Damman
Zoning Administrator

Cc. Mrs. Elaine Borstelman
Mr. David Grahm, Law Director City of Napoleon

COPY



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Phone: 419-592-4010 - Fax: 419-599-8393

**BUILDING & ZONING
DIVISION**

Zoning Administrator
Building Commissioner
Brent N. Damman

August 20, 2003

Mr. Ronald Hills
125 Westwood Avenue
Napoleon, Ohio 43545

Re. Child Care at 100 Westwood Avenue Napoleon, Ohio.

Dear Mr. Hills

The City of Napoleon is in receipt of your numerous complaints regarding the child care operation at 100 Westwood Avenue (Mrs. Elaine Borstelman). Upon investigation, I have discovered that Mrs. Borstelman is keeping five (5) children for more than four (4) hours a day and one (1) child for approximately two (2) hours a day. This particular arrangement is not in violation of City Code Chapter 1113 (attached day care definition). If Mrs. Borstelman were to keep more than five (5) children for more than four (4) hours a day, she would need to acquire a Special Use Permit from the City Planning Commission. If she would desire to keep more than six (6) children then she would need to attain a Day Care License from the State of Ohio as well (see attached State Code requirements).

Regards

Brent N. Damman
Zoning Administrator

Cc. Mrs. Elaine Borstelman
Mr. David Grahn, Law Director City of Napoleon



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Child Care in Ohio

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What is Covered by the Licensing Law In Ohio Ohio Law defines "child day care" as administering to the needs to the needs of children outside of school hours by persons other than their parents or guardians on a less than twenty four hour basis. Some types of child care must be regulated in Ohio; other types of child care may operate without a license.

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| | <p>Centers - seven or more children of any age. Centers must be licensed. The Ohio Department of Job and Family Services licenses over 3500 child care centers which care for over 215,000 children each day.</p> |
| | <p>Type A Homes - seven to twelve children (or four to twelve children if four children are under two years of age) cared for in the provider's personal residence. The provider's own children under six years of age must be included in the total count. Type A homes must be licensed. 60 type A family day care homes are licensed by the Department of Job and Family Services.</p> |
| | <p>Type B homes - one to six children cared for in the provider's personal residence. No more than three children may be under two years of age. The provider's own children under six years of age must be included in the total count. Anyone can operate a Type B Home without a license. However, care for more than 6 children requires a license. Type B homes must be certified by the county department of Job and Family Services if the child care is paid for with public funds. Approximately 7,000 type B homes are certified by local departments of Job and Family Services.</p> |
| | <p>Schoolage centers - seven or more children aged kindergarten and above. Schoolage centers must be licensed. 435 schoolage centers are licensed by the Department of Job and Family Services.</p> |
| | <p>Child day camps - Program which operates for less than seven hours a day and only during the vacation of the public schools, cared only for schoolage children, and which is at least 50% outdoor based. Child day camps must register with the department each year. If child care is paid for with public funds, the camp must also meet American Camping Association Accreditation standards, or be</p> |

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Types of Regulated Care in Ohio

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* What must be regulated?

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