

MEMORANDUM

TO: Land Use Committee, Mayor & Members of City Council.
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Special Use Permit to allow the operation of an automobile repair garage at 134 Brownell.
PC HEARING #: PC 94/16
COUNCIL DATE: November 7th, 1994, 7:00 PM

BACKGROUND:

An application by David Gunn 134 Brownell Napoleon, Ohio, requesting a Special Use Permit to allow the operation of an automobile repair shop in a detached garage at his residence. The request is pursuant to section 151.33 (A,2) and 151.43 (A,1) of the City of Napoleon Ohio Code of General Ordinances, and is located in a "B" Residential Zoning District.

RESEARCH AND FINDINGS:

1. The proposed is located in a low density residential area, in which most dwellings are single family.
2. The general nature of an auto repair business certainly has the potential of causing disturbance to the peaceful enjoyment of the surrounding property owners.
3. The use does not qualify as a home occupation.

ADMINISTRATIVE OPINION AND RECOMMENDATIONS:

I believe it would not be in the best interest of the surrounding property owners to permit this type of residential land usage.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends that City Council approve the special use permit to allow the operation of an automobile repair garage at 134 Brownell with the following condition.

1. That the use shall be inspected by the zoning inspector for compliance with the City of Napoleon Chapter 92 Nuisance Code, on an annual basis.

MINUTES OF THE CITY OF NAPOLEON PLANNING COMMISSION HEARING # PC 94/16 HELD ON OCTOBER 11th, 1994

MEMBERS PRESENT WERE: Larry Haase, Ann Luzny, Mayor Robert Heft, Brent Damman (secretary).

OTHERS PRESENT WERE: M & M David Gunn (owners), M & M Donald Slagle (P/O 203 Brownell), Richard Berg (P/O 109 Brownell).

Sec: Read public notice, research and finding's and recommendation.

Heft: Ask if there was anyone present to speak for this request.

Gunn: Explained that the building had been used by Freytag Electric before he owned it and that it has always been a commercially used building.

Sec: Explained that there had been a period of over two years during which the building had not been used commercially which causes the use to revert back to residential.

Gunn: Presented a petition with 11 property owners signatures who live within two blocks of the proposed.

He went on to say that his neighbors approved of his operation and that he was very particular about how he kept things around his garage.

Haase: Stated that the special use permit would be issued to him only and would not be transferable to anyone else.

Gunn: I have no problem with that.

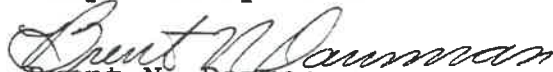
Motion By: Luzny, To approve the Special Use with the following condition.

1. That the use shall be inspected by the zoning inspector for compliance with the City of Napoleon Chapter 92 Nuisance Code, on an annual basis.

Seconded By: Haase

Vote Cast: Haase - In Favor
Luzny - In Favor
Heft - In Favor

Respectfully Submitted


Brent N. Damman
Building & Zoning
Administrator

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