

TO: PLANNING COMMISSION
FROM: RICHARD G. HAYMAN
SUBJECT: 225 NORTHCREST DR. SPECIAL USE PERMIT
DATE: APRIL 1, 1985

HEARING: 4-85 April 9, 1985

Gwen Rohrbaugh is asking for a Special Use Permit to expand her home occupation use to a business allowing one outside operator to work in her home shop.

The shop was built to the rear of her home as a contingent use under the 1973 Zoning Code as a Home Occupation. Home occupation uses do not allow any one to work in the home except members of the immediate family. Robert Johnson sent Mrs. Rohrbaugh a letter on Jan. 17, 1978, explaining in detail exactly what had to be done to occupy the Home Occupation. The last part of that letter informed her that the use of the premises as a beauty salon is approved under Zoning Code Section 85.44 titled Home Occupation. The Home Occupation may be conducted only by persons living on the premises. This letter was acknowledged by Mrs. Rohrbaughs signature.

On November 17, 1980, just two years latter, we recieved a complaint about the amount of cars parked on Northcrest Drive in front of 225.

I went out and talked to Mrs. Rohrbaugh and explained the Home Occupation rules as per the Zoning Code. At that time she had an operator working with her and a sign was on the mailbox. She said she would remove the sign and let the operator go. I followed up with a letter on March 3, 1981.

On September 23, 1984, I recieved another call wanting to know how the City could allow a Business to operate in a residential area. I explained to the caller that it was a Home Occupation, not a Business.

The caller said that if they have an operator not a member of the immediate family, it was not consided a Home Occupation. I told the caller that Mrs Rohrbaugh had promised to remove the operator. I went out again and talked to Mrs. Rohrbaugh. She said she needed the operator to help her. I told her that it then became a business and could not be operated within a residential area. I told her I would send her a notice to discontinue.

Judge Lankenau then contacted me to find out what she would have to do to continue. I told him she could appeal under a Special Use Permit. I did not hear any thing for a couple of months, so I sent a second notice on February 8, 1985. On March 4, 1985 she filled for a Special Use Permit.

In all the Codes I've ever worked under including Napoleons, Home Occupations are permitted only if they are operated by an immediate member of the premises residing on the property and no commodity is sold on the premises. Home Occupations are allowed for an owner of a premises to produce a product and take it away from the home and sell it. There can't be any smell or noise that would be harmful to the public or to the occupants of the home.

I have no problem with Mrs. Rohrbaugh continuing the beauty business by herself, but it is not right to allow her to hire another operator so that her business can increase. I hold a managing cosmetologist license and would have given anything at the time I operated a shop to be able to operate out of my house and not have to pay the high rent for a commercial store front. Residential areas are for residential uses and should not be allowed to have business's operated out of the homes. A small one operator shop can only handle a few customers which would not make much difference on a street. Two operators or more would make a difference in the amount of traffic, coming and going and parking.

On her application, Mrs. Rohrbaugh put down that she wants one employee to help shampoo and answer phone, she will be part time help, she will do very few customers.

One operator can do four customers an hour, depending on the service. I used to do six an hour on Saturdays. Two operators if they got busy could have eight to twelve customers an hour which would mean twelve vehicles coming and going and parking every hour. Mrs. Rohrbaugh says she will do very few customers. Just being an employee would remove the operation from the Home Occupation status. Under the Home Occupation use group, the operation should not be allowed to get so big that the use needs an outside employee. If another employee is needed then the use should be moved into a commercial building.

Please read your finding of facts on page 54 of your Zoning Code. The recommendation would be for denial of the Special Use Permit.

Enclosed in this packet please find the following:

1. Mr. Johnsons letter dated January 17, 1978
2. Memo to Alan Tandy dated November 18, 1980
3. My first letter dated March 3, 1981
4. My letter dated September 24, 1984
5. My letter dated February 8, 1985
6. Drawing of shop
7. Drawing of Northcrest Drive

City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE — (419) 592-4010

January 17, 1978



Mayor
Robert G. Heft

Clerk-Treasurer
Rupert W. Schweinhagen

Members of Council
Vern Holers, President
James Jackson
William Young
Earl Richardson
Lawrence Haase
David Strobel

City Manager
Alan E. Tandy

Law Director
Keith Muehlfeld

Gwenn Rohrbaugh
225 Northcrest Drive
Napoleon, OH 43545

Dear Mrs. Rohrbaugh:

Permit #9-78 for the construction of a beauty salon at 225 Northcrest Drive, is being issued with the understanding that the work will be accomplished under the inspection procedures, of this Department, and to the following minimum specifications and conditions:

- 1) Partitions will be constructed of 2 X 4 studs, 16" on the center.
- 2) All walls and ceilings to be covered with $\frac{1}{2}$ " gypsum board, or approved equal.
- 3) The partition between the new room and the garage is to be covered with gypsum board on two sides.
- 4) Two additional windows to be installed in the salon area. Headers to be installed over the window area shall be not less than two 2 X 6's.
- 5) All electric work is to conform to the National Electric Code.
- 6) All plumbing work is to conform to the Ohio Building Code.
- 7) The owner will request an inspection of all framing work, prior to installation of wall or ceiling finish materials.
- 8) The owner will request an inspection of the electric work, prior to the installation of ceiling or wall finish materials.
- 9) It is the owners responsibility to request a final inspection, prior to occupancy of the remodeled area.

The use of the premises as a beauty salon is approved, under the Zoning Code Section 85.44 titled "Home Occupation". The "Home Occupation" may be conducted only by persons living on the premises. On site advertising shall be limited to one sign, not exceeding 1 sq. ft. in area. The sign may not be lighted or animated.


If you have any question regarding the ordinance regulations, please feel free to call.

Sincerely,



Robert E. Johnson
Dept. of Building & Zoning

REJ:dd



Acknowledged

TO: Alan Tandy, City Manager
FROM: Richard G. Hayman
SUBJECT: Beauty Salon On Northcrest
DATE: November 18, 1980

On November 17, 1980 I talked to Mrs. Rohrbaugh of 225 Northcrest about the Beauty Salon in her home. I informed her about the complaint we received concerning the amount of cars parked on the street. I also asked her if she had any operators working for her and she said she had one. I asked if the operator was related to her and lived in the dwelling. She said that she was not related and did not live on the premises.

I explained the Home Occupation Section of the Code and also explained that she was only allowed one sign and that the one on the mailbox would have to be removed.

She said the cars were from the nursing home across the street. I asked her to give me a call the next time there were a number of cars on the street.

She agreed to remove the sign on the mailbox and to dismiss the operator that is working for her.

RGH:dd



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE — (419) 592-4010

March 3, 1981

Mrs. Gwen Rohrbaugh
255 Northcrest
Napoleon, OH 43545

Mayor
Robert G. Heft

Dear Mrs. Rohrbaugh:

Clerk-Treasurer
Rupert W. Schweinhagen

I would like to apologize for not writing sooner. I had to get some definitions from the Law Director and these took time.

Members of Council
Lawrence Haase, President
James Jackson
William Young
Darel Austermilller
Darrell Fox
James Zumfelde

On January 17, 1978, Mr. Robert E. Johnson, the previous Building Commissioner issued a letter to you that was a review of what had to be done to add the beauty salon to the dwelling. The second to last paragraph was as follows:

City Manager
Alan E. Tandy

"The use of the premises as a beauty salon is approved, under the Zoning Code Section 85.44 titled "Home Occupation" may be conducted only by persons living on the premises."

Law Director
Keith P. Muehlfeld

The Code actually reads "an occupation or activity carried on by a member of the immediate family, residing on the premises. The definition of "the immediate family" given to me by Keith Muehlfeld, the Law Director, is the owner and his wife and their children. Immediate family would also include the husband or wives, mother or father. Immediate family would not include sister-in-law or brother-in-law.

You told me that your sister-in-law was the other person working in the shop with you. Under the Code this use would not be a home occupation but a Commercial Business which is not permitted in a B Residential District.

Your operation will have to be conducted on the basis on which it was approved -- that is as a home occupation, as defined above. If it is not, the next time we receive a complaint about parking

Gwen Rohrbaugh
March 3, 1981
Page 3

or the operation in general, we will be forced to
withdraw permission for you to operate.

Your cooperation is needed on this matter.

Yours truly,

Richard G. Hayman
Building Commissioner

RGH:dd

City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010
NAPOLEON, OHIO 43545-0151

September 24, 1984

5991861



Mayor
Robert G. Heft

Mrs. Gwen Rohrbaugh
225 Northcrest Dr.
Napoleon, OH 43545

Clerk-Treasurer
Rupert W. Schweinhagen

Dear Mrs. Rohrbaugh:

Members of Council
Darel Austermliller, President
William Young
Lawrence Haase
Darrell Fox
Donald Morford
Lynn Wachtmann

The City has received complaints again in regard to your beauty salon and the number of persons working there.

Under the home occupation rules, only persons of the immediate family living on the premises may work in a home occupation.

City Manager
Richard A. Hayward

A letter was sent to you by Mr. Johnson around January 17, 1978 stating, "the use of the premises as a beauty salon is approved, under the Zoning Code Section 85.44 titled Home Occupation. The home occupation may be conducted only by persons living on the premises."

Law Director
Keith P. Muehlfeld

Your signature is on that letter, that you acknowledge the rules of the City of Napoleon. The rules for a home occupation have not changed over the years.

You are requested to remove any operator or operators working on the premises and not one of the immediate family residing within the residence.

When outside help is employed, the business is no longer a home occupation and shall be required to either close or move into a business occupancy.

This violation of the Zoning Code shall be corrected within 30 days of date of this notice. Your cooperation is appreciated.

Yours truly,

Richard G. Hayman
Building Commissioner

RGH:dd

*second
notice
sent
2/2/85*



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010
NAPOLEON, OHIO 43545-0151

February 8, 1985

Mayor

Robert G. Heft

Members of Council

William Young, President

Lawrence Haase

Darel Austermilller

Darrell Fox

Donald Morford

Steve White

City Manager

Richard A. Hayward

Clerk-Treasurer

Rupert W. Schweinhagen

Law Director

Keith P. Muehlfeld

Mrs. Gwen Rohrbaugh
225 Northcrest Dr.
Napoleon, OH 43545

Dear Mrs. Rohrbaugh:

This letter is the second notice regarding the number of persons working in your Home Beauty Salon.

I want to impress on you again, that under the Home Occupation Regulations, only persons of the immediate family living on the premises may work in your salon.

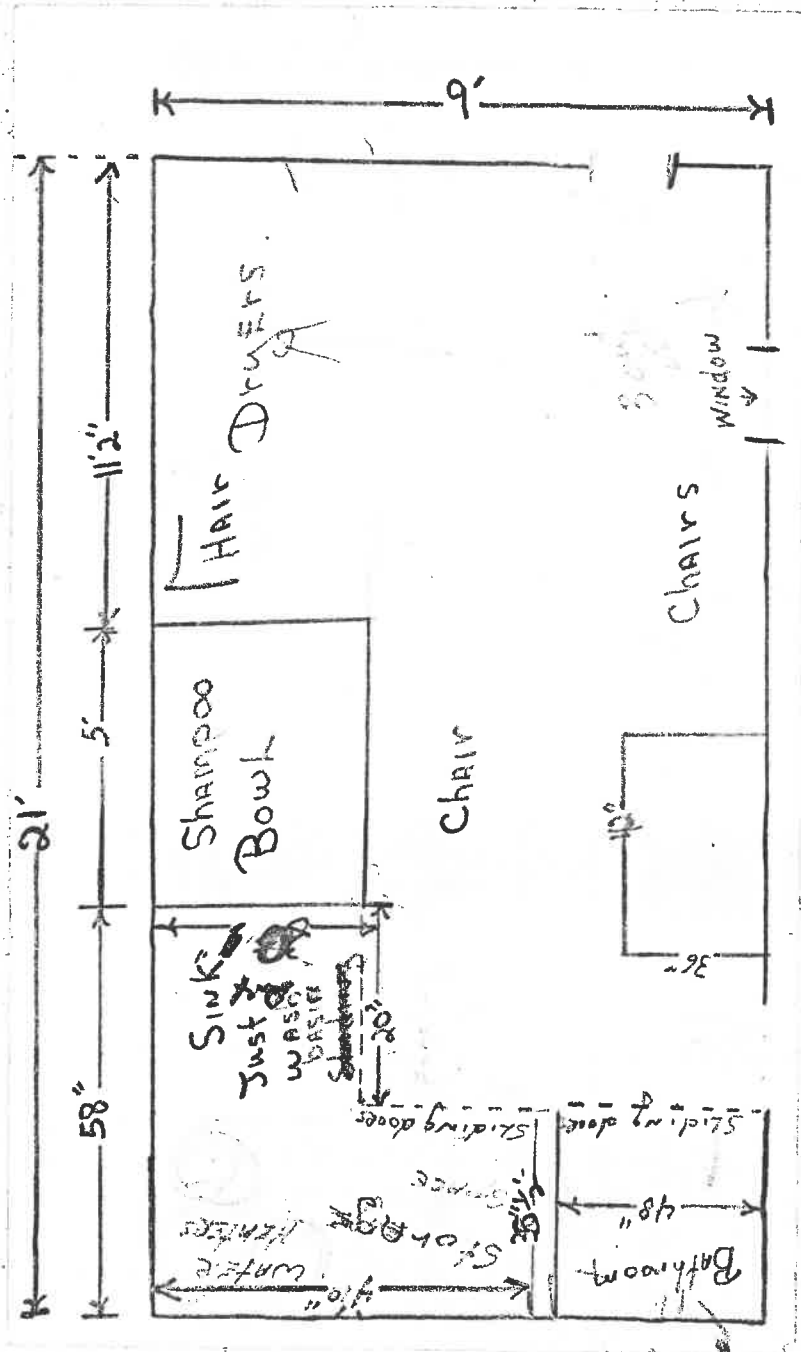
This violation of the City of Napoleon Regulations shall be corrected within 30 days of date of this notice, or the City may file a suit for injunction or take other measures to correct the violation.

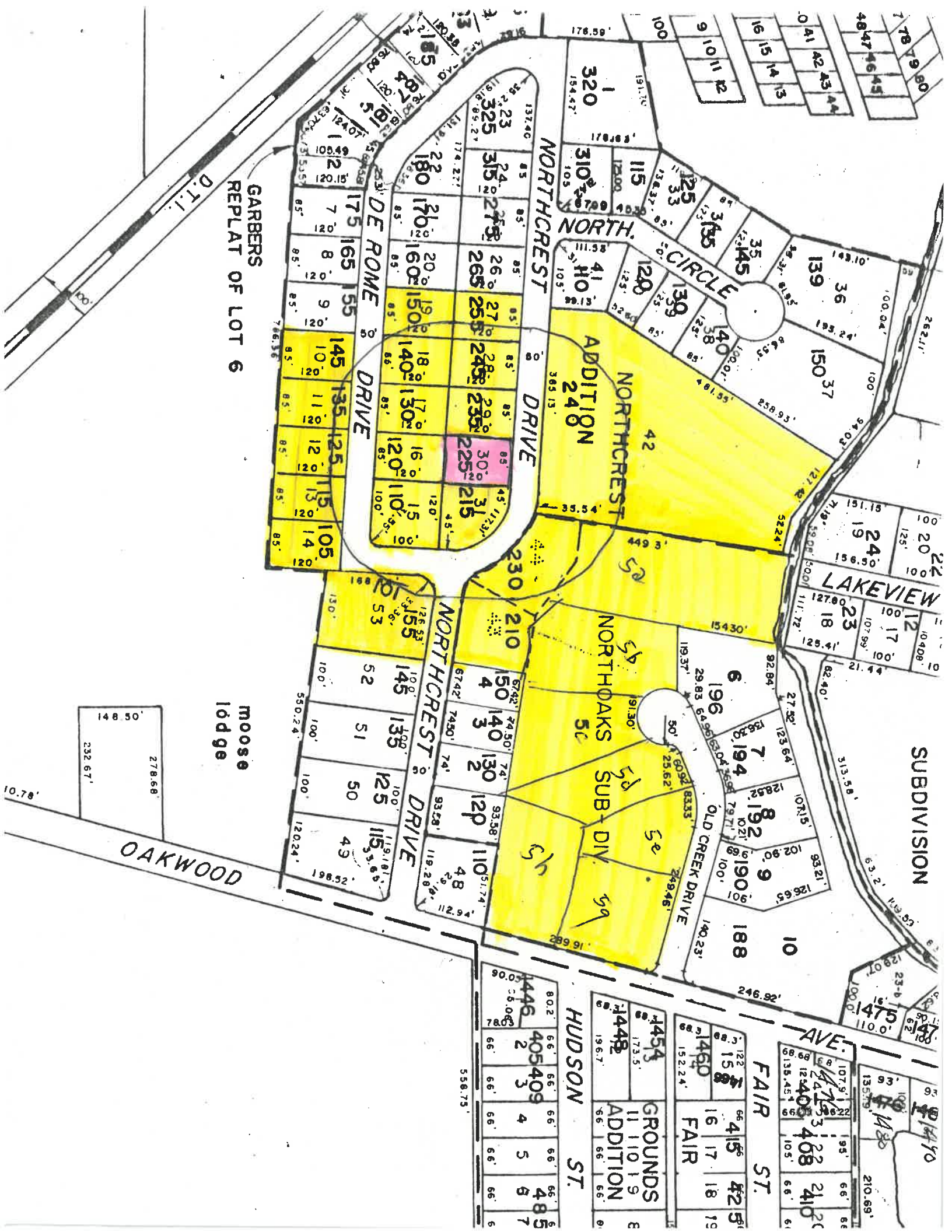
Your cooperation in this matter is appreciated.

Yours truly,

Richard G. Hayman
Building Commissioner

RGH:dd





GARBERS
REPLAT OF LOT 6

moose
lodge

OAKWOOD

HUDSON ST.

FAIR ST.

SUBDIVISION

LAKEVIEW

NORTH

NORTHCREST

CIRCLE

NORTHCREST

NORTHOAKS

SUB-DIV

OLD CREEK DRIVE

NORTHCREST

DRIVE

DE ROME

DRIVE

ADDITION

ADDITION

ADDITION

ADDITION

ADDITION

ADDITION

ADDITION

ADDITION

ADDITION

ADDITION

1446	2	3	4	5	6	7
405	409	410	411	412	413	414

1454	1448	1450	1451	1452	1453	1454
11	11	11	11	11	11	11

1450	1451	1452	1453	1454	1455	1456
16	17	18	19	20	21	22

1457	1458	1459	1460	1461	1462	1463
23	24	25	26	27	28	29

1464	1465	1466	1467	1468	1469	1470
30	31	32	33	34	35	36

1471	1472	1473	1474	1475	1476	1477
37	38	39	40	41	42	43

148	150	232	67	278	68
-----	-----	-----	----	-----	----