

Plan Board Meeting 11-23-59
Members present Puterbaugh
Schell, Holmes & Arnold. Mr.
Abramowitz of Pulp Woodport Co
presented Section 5 of Son Develop-
ment Co's Plat #3

Moved by Mr. Puterbaugh
that above plat be accepted.
Second by Mr. Schell
Motion carried

Application of Son Development
Co for addition to building on
lot #210 is rejected. Insufficient
drawings and not paper going for
ultimate use of building.

Moved by Mr. Puterbaugh, Second
by Mr. Schell
Motion carried

^{Revised}
Acceptance of preliminary drawing
of entire Plat #3 - for Son Develop-
ment Co.

Moved by Mr. Holmes Second
Mr. Schell Motion carried

Frank L. Smith, Secy
Carlene T. Holmby, Secy

FRANCIS DEAN SCHNACKE
W. WALKER LEWIS, JR.
THOMAS T. VRADELIS
SAMUEL A. MCCRAY
FORD W. EKEY
LLOYD H. OHARA
ALBERT H. SEALY, JR.
PAUL E. LACOUTURE
JAMES T. LYNN, JR.
JOSEPH A. WILLIAMS
JAMES J. MULLIGAN
STANLEY A. FREEDMAN
THEODORE J. VRADELIS
DEAN E. DENLINGER
ANTHONY J. VRADELIS
M. THOMAS MURRAY
HOWARD N. THIELE, JR.
RALPH E. HEYMAN
CLIFTON E. PLATTENBURG, JR.

SMITH & SCHNACKE
ATTORNEYS AT LAW
TALBOTT BUILDING
DAYTON 2, OHIO

MURRAY SMITH
1891-1955
BOYD M. COMPTON
1894-1955
TELEPHONE
BALDWIN 2-0481

December 3, 1959

Mr. Frank L. Arnold
Village Planning Commission
140 North Main Street
Centerville 59, Ohio

Dear Frank:

I am writing you with regard to the proposed addition to the Son Development Company residence presently and temporarily being used as the office of the corporation for sales and its other business. We understand that Son Development Company presently uses one of its residential properties for an office in connection with plat development and the sale of residential property. This corporation proposes to make an addition to this house which is located on Route 48, in order to provide additional temporary office facilities. We understand further that the corporation intends to convert the use to one which is strictly single family residential upon completion of its development and sale of the residential properties in Plat 3.

It is our opinion that this temporary use, and the proposed addition to the structure is permissible under our Zoning Ordinance without appeal to the Zoning Board of Appeals. It is our further opinion that Article 16, creating the Zoning Board of Appeals and establishing its jurisdiction, does not apply to such a temporary usage which does not constitute any variance from the comprehensive plan established by the ordinance.

On the other hand, the Zoning Ordinance seems to be self-executing at Article 15 (Exceptions and Modifications) in permitting temporary structures used in connection with construction work in progress. We believe that the intent and purpose of Article 15, Section 4, relating to temporary uses during construction is broad enough to include this proposed use.

Such use, however, should be granted only upon the condition precedent that the developer will assure the Village Planning Commission, in writing, that such use in connection with the business of the corporation, which is the construction

SMITH & SCHNACKE

Mr. Frank L. Arnold

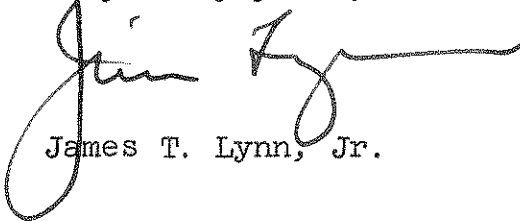
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December 3, 1959

and selling of residential property, is temporary, that the property will revert to residential use upon completion of the building project, to wit: Plat 3, and the developer, or any person holding under it, shall relinquish any claim of waiver by the Village of any provision in the Zoning Ordinance.

With such a letter in hand, it is our opinion that the Planning Commission may issue its authority for the continuing temporary use, and the proposed addition to the residence, as above outlined.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jim Lynn", with a long horizontal flourish extending to the right.

James T. Lynn, Jr.

JTL/fr

cc: Mr. Richard H. Packard

FRANCIS DEAN SCHNACKE
W. WALKER LEWIS, JR.
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December 9, 1959

Mr. Frank L. Arnold
Arnold, Hawk & Cuthbertson
Third National Building
Dayton 2, Ohio

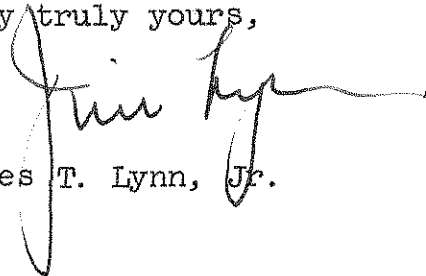
Re: Lot 210, Son Development Company, Plat
3, Section 1, 305 South Main Street,
Centerville, Ohio

Dear Frank:

I have the copy of Dick Packard's letter to you dated December 3, 1959. I think this letter is sufficient, and in accordance with my letter to you of recent date on the subject with respect to the applicable zoning law of Centerville, except the reference to "Concept Plat". I do not know what this means. Does it mean Plat 3, or does it mean something more? I think that if present Plat 3 development is completed and sold, this temporary use should then be abandoned; otherwise the developer may be building way beyond the corporate limits of Centerville in the southeastern portion of the County, but using this home as an office for a protracted period of time. In my conversation by telephone with Mr. Packard, I understood that this temporary use was to terminate when Plat 3 is fully developed.

Kindest personal regards.

Very truly yours,


James T. Lynn, Jr.

JTL/fr

PICKREL, SCHAEFFER AND EBELING
LAWYERS

14TH FLOOR THIRD NATIONAL BUILDING

DAYTON 2, OHIO

BALDWIN 4-3811

December 3, 1959.

WILLIAM G. PICKREL
VIRGIL SCHAEFFER (1932-58)
PHILIP C. EBELING
JACK F. PICKREL
MAURICE J. LEEN, JR.
BRADLEY J. SCHAEFFER
H. THOMAS HAACKE, JR.

RICHARD H. PACKARD
GORDON H. SAVAGE
F. THOMAS GREEN
KENNEDY LEGLER, JR.
WENDELL D. SELLERS
FRANK M. ROOT, JR.
JAMES F. BARNHART
WILLIAM R. COEN
DONALD G. SCHWELLER
WILBUR S. LANG

Mr. Frank A. Arnold,
President,
Centerville Planning Commission,
c/o Arnold, Hawk & Cuthbertson,
Third National Building,
Dayton 2, Ohio.

Re: Lot 210, Son Development Co., Plat No. 3, Section 1
305 South Main Street, Centerville, Ohio

Dear Sir:

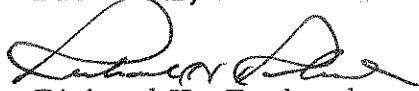
This is to advise that the structure located on the above lot is presently being used as an office by Son Development Co. in connection with the development and sale of lots and houses in the Concept Plat.

At such time as the development and sale of houses in Concept Plat is completed, use of said structure as an office will be discontinued and the property will no longer be used by Son Development Co., or anyone on their behalf or claiming interest through them, for purposes other than residential.

Specifically, Son Development Co. does not construe their privilege to use the said structure as an office in connection with the development and sale of houses in the Concept Plat as any waiver of the rights of the Village of Centerville to enforce its zoning ordinance, nor will such use be the basis for any future claim of waiver or estoppel.

Yours very truly,

PICKREL, SCHAEFFER AND EBELING


Richard H. Packard

RHP:MH

cc Mr. James T. Lynn, Jr.,
Attorney at Law,
Talbot Building,
Dayton 2, Ohio