

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Richard A. Hayward, City Manager <sup>RAH</sup>  
SUBJECT: Request for Variance - German Mutual Insurance  
DATE: July 20, 1987

BZA 87-20

RECOMMENDATION

It is recommended that the Board of Zoning Appeals to approve a Variance for the German Mutual Insurance Company to allow the construction of a building in the front yard setback, to permit a reduction in the parking requirement by 3 spaces, and to permit parking in the front yard and side yard setbacks at 1044 Chelsea Avenue.

BACKGROUND

A petition has been received from The German Mutual Insurance Company, 1044 Chelsea Avenue, Napoleon, Ohio, requesting a Variance to four sections of the Zoning Code to allow them to construct a building in the front yard setback, to permit a reduction in the parking requirement by 3 spaces, and to permit parking in the front yard and side yard setbacks. The proposed building will provide 5,940 sq. ft. of office space for the Company.

The property in question is located in a "PB" Planned Business District just off Bales Rd. between Glenwood Avenue and Broadmore Street. The building will extend into the front yard setback about 10 feet. The building could be moved back on the lot 10 feet, however, it would eliminate at least two additional parking spaces. As well, the owners would like to keep the building in line with the other businesses on the street which are about 10 feet into the front yard setback.

The total usable area of the building for the purpose of determining the parking requirement will be 3,572 sq. ft. of the 5,490 sq. ft. At 1 parking space per 125 sq. ft. of usable floor space the total required is 29. Staff has worked out the potential parking from the site plan we were provided with and have determined that a total of 26 spaces are available. This seems sufficient for the use.

The portion of the Zoning Code that refers to parking is contradictory on the subject of parking in side and front yards. In one section it says it is fine and in another it is prohibited. As such, Staff recommends that the Board approve a Variance to clear the matter up in this case. Staff also recommends that the Board request that the City Council amend the Zoning Code to eliminate this problem.

The request meets the Standards of Variation in the following manner:

- 1) The 40 foot front yard setback of the district creates a hardship on the building that creates an exceptional situation.
- 2) The Variance is needed to allow construction on the property which is a right enjoyed by others in the district.
- 3) Granting the Variance will not be materially detrimental to the public welfare.
- 4) Granting the Variance will not alter the land use characteristics of the district.

RAH:skw