

MEMORANDUM

TO: Board of Zoning Appeals  
FROM: Roger O. Freytag, Zoning Administrator ROF  
SUBJECT: Variance for addition to existing building at  
1086 Chelsea Avenue.  
DATE: March 17, 1989  
MEETING: March 22, 1989 BZA89-01

RECOMMENDATION

It is recommended that the Board of Zoning Appeals not approve a Variance for the addition of 28' of building onto the existing building located at 1086 Chelsea Avenue.

BACKGROUND

An application for Variance has been received from George Cochran on behalf of Mike Fleck to allow the construction of an addition to the existing building at 1086 Chelsea Avenue within the required front yard setback along Broadmoor Avenue. The Variance shall be to Section 151.39(D)(1) of the City of Napoleon, Ohio, Code of Ordinances. The proposed development is located in a "PB" Planned Business District.

The City Staff recommends against the addition for the following reasons:

- 1) The entire addition is within the required 40' setback required by the "PB" Planned Business District.
- 2) If Broadmoor Street would be used in the future, this addition would be too close to the right-of-way.
- 3) The City Staff would consider this addition if the people of the area were to petition to vacate Broadmoor and the City Council would approve of the vacation.

ROF:skw

# Additional Information From B.Z.A. meeting 1-79

## PROCEEDINGS OF THE BOARD OF ZONING APPEALS

NAPOLEON, OHIO

JANUARY 23, 1979

The Board of Zoning Appeals of the City of Napoleon, Ohio met on January 23, 1979 in the Council Chambers of the City Building, 255 W. Riverview Avenue, Napoleon, Ohio at 4:30 p.m.

The purpose of the meeting was to consider a request filed by Mr. Michael F. Fleck for a permit to occupy and use as a medical office, an existing building in the "Planned Business" zoning district, located at 1086 Chelsea Avenue.

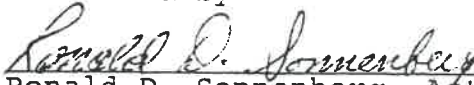
Members present were Mr. Robert Meyers, Chairman, Mr. Lynn Yackee, Mr. Robert Downey and Mr. Howard Overhulse; Mr. Richard McBroom was absent. Mr. Ronald Sonnenberg acted as Secretary to the Board and Mr. Bruce Weirauch was also present, representing the Building Department. There was no one present representing the applicant.

The Chairman opened the Hearing by reading the Notice of Public Hearing, he then asked for any comments regarding the matter. After some discussion by the Board, Mr. Ronald Sonnenberg stated that the existing Building and parking area on the site were constructed prior to adoption of the present Napoleon Zoning Code, and as such was a legal non-conforming use, that the Board should make a matter of record the fact that the blacktop parking area to the west of the existing building is encroaching on a 60' City street right-of-way by 10' to 12' and that it might be necessary at some point in the future to remove that portion of the parking area on the City street, also that the applicant should be required to mark an adequate number of parking spaces, as required by the Zoning Ordinance, on the premises.

After further discussion by the Board Members, a motion was made by Mr. Robert Downey to approve the request for use as a medical office provided the applicant understood that he might have to remove the encroachment upon City property at some point in the future and that he properly mark the required parking spaces as provided for in the Zoning Ordinance. The motion was seconded by Mr. Howard Overhulse and unanimously carried by all members present.

There being no further business, a motion was made by Mr. Lynn Yackee and seconded by Mr. Howard Overhulse that the meeting be adjourned, the motion was unanimously carried by all members present; the Chairman declared the Public Hearing closed.

Submitted by

  
Ronald D. Sonnenberg, Acting Sec.  
Board of Zoning Appeals