

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Brent N. Dammmman, Zoning Administrator  
SUBJECT: Request for variance to the side setback & extension of a non conforming structure.  
HEARING: June 9th, 1992 at 4:30 PM  
HEARING #: BZA 92/02

BACKGROUND

An application by Henry County Board of Developmental Disabilities 115 Northcrest Dr. Napoleon Ohio on behalf of the Henry County Commissioners for Variance to the side setback and extension of a legal nonconforming structure at 340 E. Clinton for the purpose of constructing an addition. The Variance request is to Sections 151.35 (D)(1) of the City Of Napoleon, Ohio Code of Ordinances. The above mentioned dwelling is located in a "C" Residential Zoning District.

RESEARCH AND FINDINGS

1. The above request is for the purpose of constructing a 13' x 25' addition on the north end (rear) of the structure, causing the west side of the structure to be lengthened 13' straight north, this portion of the building is only 3' off the west property line thus creating a more nonconforming situation.
2. The site plan submitted indicates there exist three (3) non conforming conditions and by granting this request as submitted would create an additional non conforming condition.

ADMINISTRATIVE OPINION

The above request I believe to be unreasonable for the following reasons.

1. There are currently three non conforming conditions on this lot.
2. The proposed addition could very easily be reduced in size by eliminating two (2) feet off the west side of the proposed.
4. Convenience does not constitute a condition for variance.

Therefore I am recommending that the board consider scaling back the size of the addition to 13'x 23' and by doing so would be granting the extension of a legal non conforming structure, this I believe would meet the conditions for variance.



## CONSIDERATIONS

The standards for variation to be considered are as follows:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity or district.
- (b) That such Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied to the property in question.
- (c) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or district in which the property is located.
- (d) That the granting of such a Variance will not alter the land use characteristics of the vicinity of district, diminish the value of adjacent land and improvements or increase the congestion in the public streets.

