

BZA03-04

Grogan's Town – Sign front yard setback variance @ 500 E. Clinton St.

MEMORANDUM

TO: Members of The Board of Zoning Appeals

FROM: Brent N. Damman, Zoning Administrator *BND*

SUBJECT: Variance to the requirements of City Code section 1133.06 (d)(7) related to frontyard setback.

MEETING DATE: June 10, 2003 @ 4:30 PM

HEARING #: BZA-03-04

Tomi - Need sign permit

BACKGROUND:

for

An application for public hearing has been filed by Mike Farber on behalf of Grogan's Town Chrysler, Jeep, and Dodge 500 E. Clinton St. Napoleon, OH. The applicant is requesting variance to the front yard building setback requirement at said location. The request is pursuant to City Code Chapter 1117. The property is located in a C-4 Planned Commercial Zoning District.

RESEARCH AND INFORMATION:

1. The applicant is requesting to place a free standing post sign within three (3) feet of the front property line.
2. There is an excessively wide right of way along the subject front property line which includes a strip of the old canal lands.
3. The Ohio Department of Natural Resources is desirous to vacate the unneeded canal right of way through certain parts of the City. The owners of property may submit petitions to the ODNR to vacate the excess canal lands.
4. The exceptional and/or extraordinary circumstance sited herein should make the applicants request eligible for a variance.

Sign permit # 116710

Zoning - 116717

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ADMINISTRATIVE OPINION AND RECOMMENDATIONS:

Based on my review of the subject site and surrounding properties, it would appear that the Standards for Variance have been satisfied. Therefore, I am recommending approval of Board of Zoning Appeals Resolution # BZA-03-04.

Standards for Variance.

The Board, after hearing, may grant variance from the regulations of this Zoning Code, but only when such variation is in harmony with the general purpose and intent of this Zoning Code and the Board finds all of the following:

- (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 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 granting 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 it is located;
- (d) That granting such variance will not alter the land use characteristics of the vicinity or district, diminish the value of adjacent land and improvements, or increase the congestion the public streets

Board of Zoning Appeals Resolution # BZA-03-04

**A RESOLUTION OF THE CITY OF NAPOLEON BOARD OF ZONING APPEALS
GRANTING VARIANCE TO CITY CODE SECTION 1133.06 (D)(7) RELATED TO A
REDUCTION TO THE FRONT SETBACK FOR THE PLACEMENT OF A POST SIGN
AT THE LOCATION OF 500 E. CLINTON STREET NAPOLEON, OHIO**

WHEREAS, Chapter 175 of the Codified Ordinances of the City of Napoleon, Ohio provides that the Board of Zoning Appeals may grant such variance to certain zoning requirements based on the criteria set forth therein.

WHEREAS, the Board of Zoning Appeals has heard testimony regarding the requested variance and is satisfied that such evidence presented is satisfactory and that such variance to code section 1133.06 (d)(7) be granted as specified herein.

BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the Board of Zoning Appeals hereby grants such variance to section 1133.06 (d)(7) of the Codified Ordinances of the City of Napoleon, Ohio, at the location of 500 E. Clinton Street Napoleon, Ohio, allowing a post sign to be placed within three (3) feet of the front property line in accordance with the attached site plan marked as Exhibit A-BZA03-04.

Section 2. That, it is found and determined that all formal actions of this Board of Zoning Appeals concerning and relating to the adoption of this Resolution were adopted in open meetings of this Board of Zoning Appeals, and that all deliberations of this Board of zoning appeals and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 3. That, if any other prior Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 4. That, this Resolution shall take effect at the earliest time permitted by law.

Passed

Chairman

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Clerk/Finance Director

I, _____ Clerk/Finance Director of the City of Napoleon, do hereby certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Clerk/Finance Director



