

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Brent N. Dammman, Zoning Administrator  
SUBJECT: An application for Variance by Milton Hahn for rear yard setback.

HEARING

DATE: April 9th, 1991 at 4:45 PM

HEARING #: BZA 91/02

BACKGROUND

An application for Variance by Milton Hahn 431 W. Clinton for side yard setback as to allow construction of an attached garage to the existing house structure. The Variance shall be to Section 151.34 (D)(1) of the City Of Napoleon, Ohio Code of Ordinances. The above mentioned residence is located in a "B" Residential District which requires a side yard setback of 5'.

RESEARCH AND FINDINGS

1. That the above mentioned lot is located in an "B" Residential District with a side yard setback requirement of 5' and a rear yard setback of 15'.
2. The purpose of this variance is to remove the existing garage structure which is 1' off the east side property line and 5' off the south side property line and to allow construction of a new garage which will be attached to the existing house structure, and will be within 3' of the south property line and 5' off the east side property line.
3. It is my opinion that by removing the old garage which has a total setback side and rear of 6' and constructing a new one in the proposed location would be an improvement due to the fact that the proposed total setback side and rear will be 8'.
4. The fact that the above mentioned lot is on the corner of Romain and W. Clinton there is limited space in which to expand without 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 of 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.

The City Staff believes that a Variance for this situation would meet the above criteria.

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