

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Richard A. Hayward, City Manager
SUBJECT: Request for Variance - Gary and Lila Wernecke
DATE: March 13, 1987

BZA 87-04

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for Gary and Lila Wernecke for the purpose of constructing a new garage and remodeling a kitchen at 704 W. Clinton Street.

BACKGROUND

A petition has been received from Gary and Lila Wernecke of 704 W. Clinton Street, Napoleon, Ohio requesting a Variance to Section 151.34(D)(1) of the City of Napoleon, Code of Ordinances to allow them to erect a new garage and remodel a kitchen. The proposed construction would violate both the front and side yard setbacks of the "B" Residential Zoning District.

The lot in question is a corner lot, which requires the front yard setback on both street side dimensions. In the "B" District this is 25 feet. The side yard setback is 5 feet.

The proposed garage will be located 1 foot from the lot line, which will violate the setback by 4 feet. This is the setback of the existing garage. The garage will also be in line with the exist wall of the house in the side front yard setback. This is 22 feet which violates the setback by 3 feet.

The request meets the standards for variation in the following manner:

- 1) The request is exceptional in nature because the lot is on a corner and already is in violation of the side front yard setback.
 - 2) The Variance is necessary to allow the property owners to improve their 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.
- In the past, the Board has granted a Variance in similar situation. It is recommended that the Board do so in this case.

RAH:skw