

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator *AND*
SUBJECT: Side yard setback variance 414 Euclid Ave.
HEARING DATE: September 08, 1998 at 4:30 PM
HEARING #: BZA 98/06

BACKGROUND

An application for variance has been filed by Mrs. Carolyn Greenhagen 414 Euclid Ave. Napoleon, Ohio. The applicant is requesting variance to the side yard setback to allow the construction of a carport to the east side of her dwelling. The variance request is to City Code section 1131.05 (d). The property is located in an R-3 Residential Zoning District.

RESEARCH AND FINDINGS

1. According to the attached survey drawing the proposed ~~nine (9)~~ ¹⁸ foot wide car port would be two (2) feet off the east property line.
2. In discussing the proposal with Mrs. Greenhagen, she indicated that this is the only type of structure that could fit her budget. Any detached structure would add significant cost beyond what she believes she can afford.

ADMINISTRATIVE RECOMMENDATION & OPINION

If the Board is so inclined to approve this request, I would suggest that the following limitations be attached to the zoning variance certificate;

- a. That the variance be only for the proposed attached carport, and;
- b. that the carport be limited to a width of ~~nine (9)~~ ^{14' x 18'} feet and a length of ~~twenty (20)~~ ¹⁸ feet, and;
- c. that the sides of the carport may not be permanently enclosed with structural materials and that it may only be used as a carport so long as it remains in place, and;
- d. that if any of the restrictions are violated the variance will automatically terminate causing the removal of the carport.

CONSIDERATIONS

The Board shall not render a decision on this request until it has reviewed the following standards for variation.

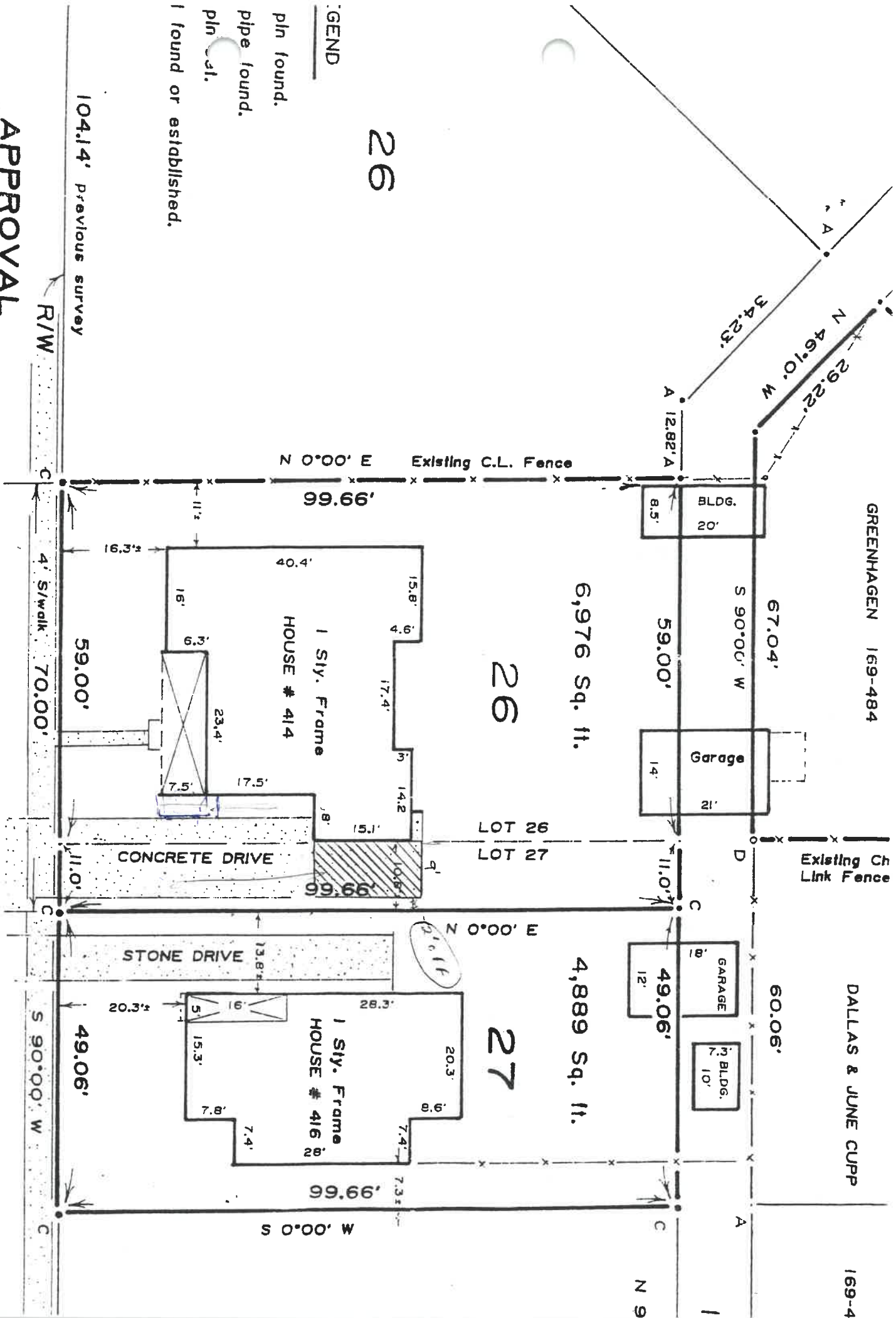
The standards for variation to be considered are as follows:

- (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 or district, diminish the value of adjacent land and improvements or increase the congestion in the public streets.

GREENHAGEN 169-484

DALLAS & JUNE CUPP

169-4



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26

27

LEGEND

pln found.

pipe found.

pln est.

pl found or established.

104.14' previous survey

APPROVAL

Under authority provided by Chapter 711 of the Ohio Revised Code and Chapter 154.07 (B) of the Napoleon Code of Ordinances, the plat is approved by the City Council of the City of Napoleon

EUCLID

I hereby certify that