

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Richard A. Hayward, City Manager
SUBJECT: Request for Variance - Kendall Rettig
DATE: July 15, 1987

BZA 87-21

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for Kendall and Kay Rettig to allow the construction of an enclosed porch in the side yard setback at 215 Fifth Street.

BACKGROUND

A petition has been received from Kendal V. and Kay Rettig, 215 Fifth Street Napoleon, Ohio, requesting a Variance to allow the construction of an enclosed porch in the side yard setback. The porch would extend 4 feet into the 7 foot side yard setback required in the "A" Residential Zoning District.

Staff has reviewed the request and find no problems. The location of the house on the lot is such that the construction of the porch cannot take place on the lot without a Variance.

The request meets the Standards for Variation in the following manner:

- 1) Nothing can be built on the lot without a Variance which creates an exceptional situation.
- 2) The Variance is needed to allow construction on the 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.

Under the provisions of the Zoning Code, the Board must find that the request meets all four criteria in order to issue the Variance. Should the Board wish to issue a Variance in this case, you would have to establish what the exceptional situation is.

RAH:skw