

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Front yard setback variance @ 435 Fillmore St.
HEARING DATE: July 9, 1996 at 4:30 PM
HEARING #: BZA 96/07

BACKGROUND

An application for variance has been filed by Colby Carroll 435 Fillmore Napoleon Ohio. The applicant is requesting a reduction in the front yard setback along Vocke St. located along the east side of his property. The variance request is to City Code section 151.53.4 and is located in an I-1 Industrial Zoning District which is subject to R-4 Residential District standards when used for such purpose.

RESEARCH AND FINDINGS

1. Mr. Carroll would like to construct a garage on his lot but there is not enough width to do so. This is compounded by the fact that his lot is on the corner of Fillmore St. and Vocke St. which causes two front yard setbacks.
2. When Mr. Carroll purchased his home he was told by the Realtor that the lot on which it was setting was 66' wide x 132' deep, however the actual lot width was 37'. This is why he is requesting the front yard variance to Vocke St.
3. The required setback in this district along a secondary front yard is 12.5', he would like to construct the garage within 6' of the Vocke St. front property line.

ADMINISTRATIVE OPINION

I am recommending the Board grant the setback variance as request based on extraordinary circumstances .

CONSIDERATIONS

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

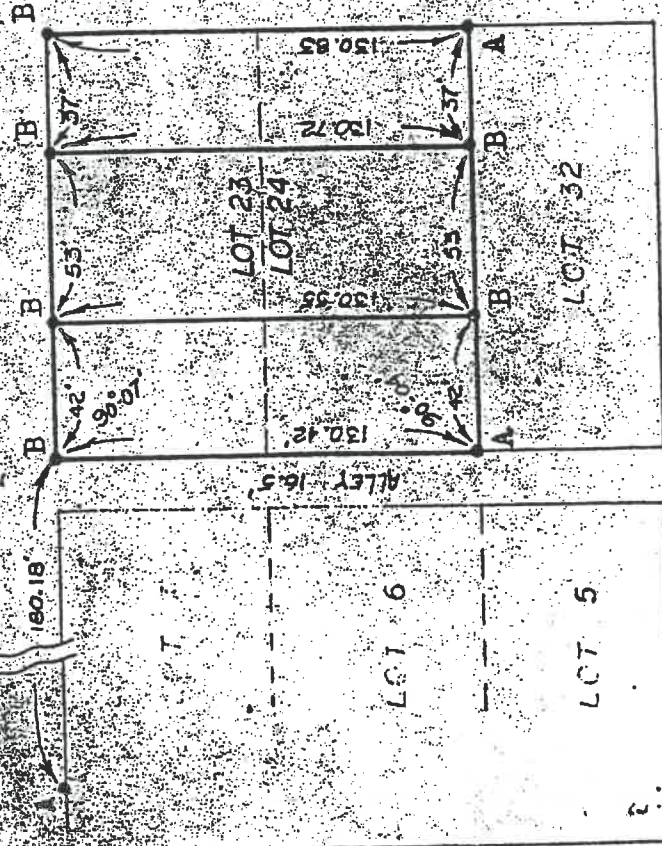
The standards for variation to be considered are as follows:

- (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.

Plat of Survey for Ed Fruth
 435 Fillmore Street
 Napoleon, Ohio
 Being Lots 23 & 24 of the J. A. Stout
 First Addition to the City of Napoleon,
 Ohio.



FILLMORE STREET 49.5' R/W N 63° 55' E



YOCKE STREET 66' R/W

- A - Iron Pins Found From Previous Survey
- B - Iron Pins Placed This Survey

I hereby certify this survey to be correct and true.

Robert C. Jones
 Robert C. Jones, S-5404
 Professional Engineer &
 Surveyor
 October 30, 1968

9-105

ZONING CERTIFICATE

Issued To: Colby Carroll 435 Fillmore Ave.

Lot Information:

Street Address 435 Fillmore

Lot No. Pt. 23+24 Subdivision J.A. Stouts First Add.

(or Legal Description)

Lot Dimensions 37' x 130.775 Yard Set Back: Front 25' Rear 10'

Lot Area 4838.68 Sq. Ft. Side 7' west Side 6' east

Zoning District I-1 Enclosed Industrial Description of Use Residential subject to

Lot Coverage 45% Max. Off Street Parking Spaces Required N/A

Height 45' Maximum Loading Spaces Required N/A

Petition or Appeal Required Yes Variance to front setback along Locke Street (east side)

Approved By: Zoning Inspector 7-10-96 Board of Zoning Appeals File # BZA 96/07

approved to place garage structure within 6' of east side property line

Date _____ Applicant Signature _____ (Owner-Agent)

White - Applicant Yellow - Board of Zoning Appeals Pink - Engineering

