

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Variance to front yard and side yard setback's
at 207, 215 & 217 E. Front St.
HEARING DATE: October 11th, 1994 at 4:30 PM
HEARING #: BZA 94/09

BACKGROUND

An application by John H. Hanna on behalf of Virginia Gilson, and Marjorie Farison owners of a parcel of land known as part of lot 5 and lot 6 of the Original Plat of Napoleon, further known as 207 E. Front (a single family dwelling), 215 and 217 E. Front St. (a two family dwelling) Napoleon, Ohio, requesting Variance to the front yard setback's to the above dwelling structure's and Variance to the side yard setback's at 215 & 217 E. Front structure. The Variance request's are to section 151.35 (D,1&2) of the City of Napoleon Ohio Code of General Ordinances, and the structure's are located in a "C" Residential Zoning District.

RESEARCH AND FINDINGS

1. The owners would like to subdivide the subject property but in order to do so the requested variance's must be granted.
2. The subdividing of this property should encourage owner occupancy of the single family dwelling at 207 E. Front which in turn should encourage improvements to both properties.

ADMINISTRATIVE OPINION

I am recommending approval of this request as it is reasonable and should cause improvements in this neighborhood.

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

- (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.

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MEMORANDUM

TO: Land Use Committee, Mayor & Members of City Council.
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Minor Subdivision 207, 215 & 217 E. Front St.
HEARING #: PC 94/15
COUNCIL DATE: November 7th, 1994, 8:00 PM

BACKGROUND:

An application by John H. Hanna on behalf of Virginia Gilson, and Marjorie Farison owners of a parcel of land know as part of lots 5 and 6 in the Original Plat of Napoleon, further known as 207, 215 and 217 E. Front St. Napoleon, Ohio requesting final plat approval of a Minor Subdivision. The request is pursuant to the City of Napoleon Ohio Code of General Ordinances Chapter 154 entitled "Subdivision Control Code", and is located in a "GB" General Business Zoning District and is subject to "C" residential zoning regulations.

RESEARCH AND FINDINGS:

1. There are two existing dwellings on the subject parcel, one single family and one two family.
2. The purpose of the proposed replat is to separate the two dwelling units so they may be sold as individual property's.

ADMINISTRATIVE OPINION:

I believe that by splitting this property most likely would result in owner occupancy of the single family dwelling and thus improvements may soon follow.

I am recommending the planning commission approve this proposed minor subdivision.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends that City Council approve the Minor Subdivision as requested.

MINUTES OF THE CITY OF NAPOLEON PLANNING COMMISSION HEARING # PC 94/15 HELD ON OCTOBER 11th, 1994

MEMBERS PRESENT WERE: Larry Haase, Ann Luzny, Mayor Robert Heft, Brent Damman (secretary).

OTHERS PRESENT WERE: Bill & Virginia Gilson (property owners) John Hanna (P/O legal advisor).

Sec: Read public notice, research and finding's and recommendation.

Haase: Ask when the homes were built on these lots.

Mrs. Gilson: Explained that the single family home was built in 1941 and after its completion the other home was converted to a duplex.

Haase: That was before there was a zoning code, is that right Brent.

Sec.: Yes, that makes the use a legal non-conforming.

Luzny: I agree that by splitting this property would be good for the neighborhood.

Heft: That's true, in the reality business when you split a property like this its a good move.

Motion By: Haase, To approve the Minor Subdivision as requested.

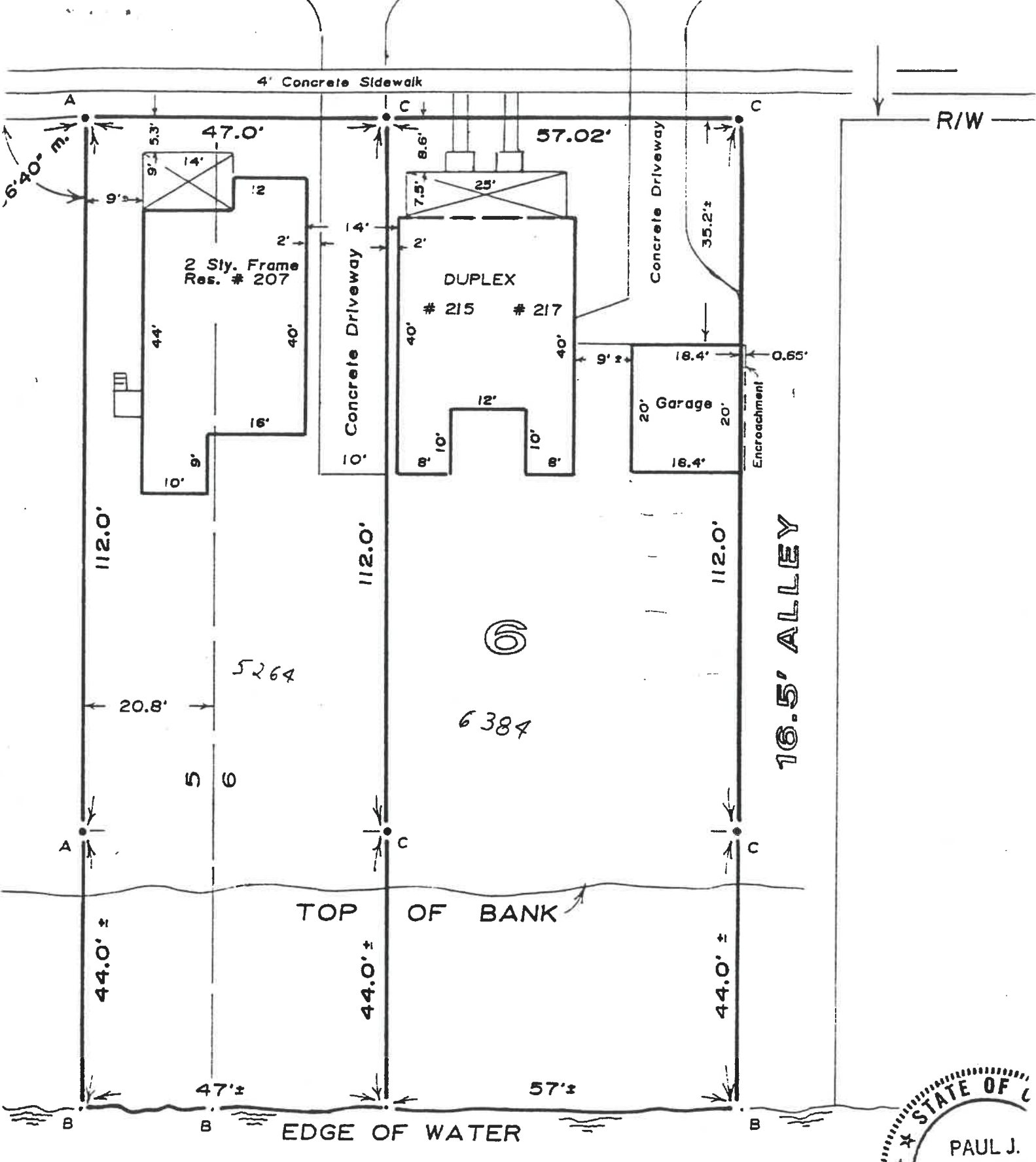
Seconded By: Luzny

Vote Cast: Haase - In Favor
Luzny - In Favor
Heft - In Favor

Respectfully Submitted

Brent N. Damman
Building & Zoning
Administrator

02218006.39



MAUMEE RIVER



