

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Roger O. Freytag, Zoning Administrator ROF  
SUBJECT: Request for Variances - East Riverdowns  
restroom building.  
DATE: February 23, 1988

BZA 88-02

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve Variances to allow the construction of a restroom building in the East Riverdowns Park.

BACKGROUND

A request has been received from Robert D. Barbosky, the Park Administrator for the City of Napoleon for Variances to the Flood Plain District to allow the construction of a restroom building at the East Riverdowns Park.

The request for Variances are for the following:

- (a) A Variance to Section 151.48(D)(1)(a). Although a Conditional Use Permit was granted P.C. 5-86, October 13, 1986 for Section 151.42(3)(h) a public park or public recreational facility. A Variance is requested for the requirement of constructing the lowest floor elevation being located 3 feet above flood height. Because of the development of the ball field which already exist, there is a great difference in the elevation of the ball field and the proposed elevation of the restroom floor. The restroom was designed with 4:1 slopes for easy mowing and easy handicapped accessibility. The floor was designed to be placed at 1' above the 100' year flood elevation as recommended by the Flood Insurance Study for the City of Napoleon, Ohio, Henry County from the Federal Emergency Management Agency September 4, 1987 page (9) (#4) Flood Plain Management Applications (4.2) Floodways Figure 3 - Floodway Schematic. If a Variance can be granted for this zoning requirement, it will save the City a substantial amount of money.
- (b) A Variance to Section 151.42(D)(2) which requires a 50' front setback and a 30' side yard setback. The Variance requested is for 43.66' setback from Main Street and a 16.16' setback from Wayne Street to conform to the existing baseball field and work out well grade wise with the surrounding streets, etc.

- (c) A Variance to Section 151.49 which requires off-street parking and loading areas to be used. The City is planning to have angle parking along both Main Street and Wayne Street for the use of the entire park. This parking will be permitted by Ordinance as per Section 76.05(A) of the Napoleon Code of Ordinances.

After reviewing these request, the City Staff does recommend in favor of granting the Variances by meeting the Standard of Variation in the following manner:

- (a) That there are extraordinary circumstances applicable to the property that do not apply generally to other property in the vicinity.
- (b) That such a Variance is necessary to enjoy a property right that was granted at the time the baseball fields were constructed.
- (c) That the granting of such a Variance will not be materially detrimental to the public welfare or injurious to the property improvements in the vicinity.
- (d) That the granting of such Variances will not alter the land use characteristics of the vicinity or diminish the value of adjacent land.

ROF:skw