

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Brent N. Damman, Zoning Administrator  
SUBJECT: Variance to the setback to Harmony Dr. at 1475  
Glenwood Ave.  
HEARING DATE: December 13th, 1994 at 4:30 PM  
HEARING #: BZA 94/16  
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BACKGROUND

An application by Edwin C. Rosebrock 1475 Glenwood Ave. Napoleon, Ohio, requesting Variance to the front yard setback to Harmony Dr., for the purpose of constructing an attached garage. The Variance request is to section 151.33 (D,1) of the City of Napoleon Ohio Code of General Ordinances, and is located in an "A" Residential Zoning District.

RESEARCH AND FINDINGS

1. The owner wishes to convert his existing garage to a living area and add a new garage to the west side of his dwelling.
2. The subject lot is on a corner and is subject to two front setbacks which limits the design possibilities.
3. The proposed addition roof lines would connect much better if the variance were granted.

ADMINISTRATIVE OPINION

I am recommending the Board grant the variance as there are extraordinary circumstances which warrant such action.

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