

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Rear setback variance at 929 Haley for James Hershberger.
HEARING DATE: April 11th, 1995 at 4:30 PM
HEARING #: BZA 95/04

BACKGROUND

An application by James Hershberger 929 Haley Ave. Napoleon, Ohio, requesting variance to the rear yard setback line. The purpose of the request is to allow an addition to be attached to the existing garage structure along the same alignment to the rear property line. The variance request is to section 151.34 (D)(2) of the City of Napoleon Ohio Code of General Ordinances, and is located in an "B" Residential Zoning District.

RESEARCH AND FINDINGS

1. Mr. Hershberger is proposing to construct an addition to the south side of his existing garage and he would like to use the same rear wall alignment.
2. If the garage addition were made to comply with the 10' minimum setback requirement the roof lines walls would not align and it simply would look right.

ADMINISTRATIVE OPINION

I am recommending the Board grant the setback variance as request.

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.

