

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Rear yard setback variance at 505 High.
HEARING DATE: May 8, 1995 at 4:30 PM
HEARING #: BZA 96/051

BACKGROUND

An application by Joseph Moser 505 High St. Napoleon, Ohio, requesting variance to the rear yard setback requirement. The applicant wishes to construct an in ground swimming pool closer to the rear property line than what is allowed by the Zoning Code. The subject property is located in an "R-3" Residential Zoning District.

RESEARCH AND FINDINGS

1. Mr. Moser is proposing to construct a 16' x 32' in-ground swimming pool. However his lot has an irregular shape which makes it difficult to fit the proposed pool on it and still maintain the minimum setbacks.
2. Mr. Moser has met all other requirements with his proposal.

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

