

MEMORANDUM

TO: Board of Zoning Appeals
 FROM: Roger O. Freytag, Zoning Administrator ROF
 SUBJECT: 5' x 8' billboard at #350 Independence Drive.
 DATE: December 2, 1988
 MEETING: December 13, 1988 at 4:30 P.M.

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for the construction of a 5' x 8' billboard to be located at #350 Independence Drive.

BACKGROUND

A request for Variance has been received from Francis Mullen of Napoleon, Ohio to allow the construction of a 5' x 8' billboard to be located near the right-of-way line of Independence Drive and the right-of-way of Oakwood Avenue. This is at address #350 Independence Drive, also known as Lot #6 TLR Second Addition. The Variance shall be to Sections 151.39(A)(7), 153.25, 153.29 of the City of Napoleon, Ohio, Code of Ordinances. The proposed development is located in a "PB" Planned Business District.

The definition for billboard is:

Section 151.01 (B) "BILLBOARD." A fixture made of wood, metal, or other material designed to present one or more surfaces for the display of directional matter, for advertising a product or service, for soliciting business or support of a cause, not located at the site of such display.

Section 151.50 Signs (B)(2)(e) permits billboards to be placed in the Planned Business District only.

In summary of the above, Section 151.39(A)(7) says the sign should not be within 20' of the front property line. Mr. Mullen is asking for a Variance to this setback requirement up to near the right-of-way lines of both Independence and Oakwood Avenue.

Section 151.25 says billboards are permitted only in the Industrial Districts of the City, Mr. Mullen is asking for a Variance to this requirement.

Section 153.29 says no billboard shall be located less than 5 feet from any building or the side of any lot, nor less than 10 feet from any street line. Mr. Mullen is asking for a Variance to this requirement.

After reviewing the request and considering the size use of and placement the billboard. I would recommend the Variance for the following reasons:

- (a) There is an extraordinary circumstance that applies to this property in that the sign will be located at the intersection of a major street near the bypass.
- (b) That such a Variance is necessary for the enjoyment of a property right permitted with the approval of a Variance even though it is not often requested.
- (c) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property in the vicinity or district.
- (d) That the granting of such Variance will not alter the land use characteristics of the vicinity or diminish the value of adjacent land or increase the congestion in the public streets.

ROF:skw

1108.45'

RD.

934.84'

872.04'

RD. R

206'
BABCOCK
387

178.0'
417

89.93'
435

FABER
ADDITION

2

1

344.96'

455'
BILJAX
385

383.06'

344.54'

324.99'

182.26'

92.05'

293.06'

572.27'

AVE.

462.04'
BOWLING ALLEY
380
7

NURSES
444
THEATER
440
DOCTOR
442

291.04'
TLR SECOND ADDITION

376.46'
TLR FOUR

227.10'	161.0'	120.02'	132.74'	132.74'
6 350	8 390	9 400	12 420	13 430
185.0'	185.0'	185.0'	185.0'	185.0'
146.43'	122.32'	40' 40'	161.0'	120.02'
119.36'			132.74'	132.74'

Proposed
Location
of Billboard

OAKWOOD

INDEPENDENCE DRIVE

299.52'
325
11

100.01'	100.02'	100.00'	96.00'
407	421	443	
1	2	3	
200.00'	200.00'	200.00'	200.00'
100.01'	100.02'	100.00'	96.00'

134.63'

140.27'

258.33'

160.33'

280.92'

1844

349'
392 TLR
394
396
398
399
395
397
388.71'

200'
22.50'
446.00'
TLR FIRST
473
THE M
475
481
477
47
59

202.93'

59'