

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Rear yard setback variance 1800 Industrial Dr.
HEARING DATE: January 12, 1999 at 4:30 PM
HEARING #: BZA 99/01

BACKGROUND

An application for variance has been filed by Steven Kloos on behalf of owners CCS Reality Co. 2800 Cloverleaf Ct. Sioux City, Iowa. The owners are requesting a minor setback variance in order to construct a warehouse addition at the location of 1800 Industrial Dr. Napoleon, Ohio. The variance is to City Code section 1135.02 (c). The property is located in an I-1 Enclosed Industrial zoning district.

RESEARCH AND FINDINGS

1. The proposed warehouse addition measures 200 feet wide by 210 feet long.
2. The proposed addition would be within 8.65 feet of the rear property. The owners of Cloverleaf have and exclusive ingress/egress easement over the land to the east of the addition. This would make the land behind non-buildable. This I believe is the exceptional and/or extraordinary circumstance which should warrant the variance. Since the easement rights they have control the use of the land along the rear yard area of their property where the variance is being requested.
3. I have not had any comment on the issue positive or negative.

ADMINISTRATIVE RECOMMENDATION & OPINION

Allowing the proposed addition to protrude beyond the existing structure certainly is more architecturally pleasing. However, I am uncertain that this point alone can justify the granting of such variance. As always I have concerns regarding setting precedence. It is my belief that there are no extraordinary circumstances present in this case which warrant a variance. The standards for variance are in place so that this board can make decisions and not have to be concerned about setting precedence.

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.

VACANT PARCEL

'16'19" E, 769.22'

ZONING SETBACK LINE

100

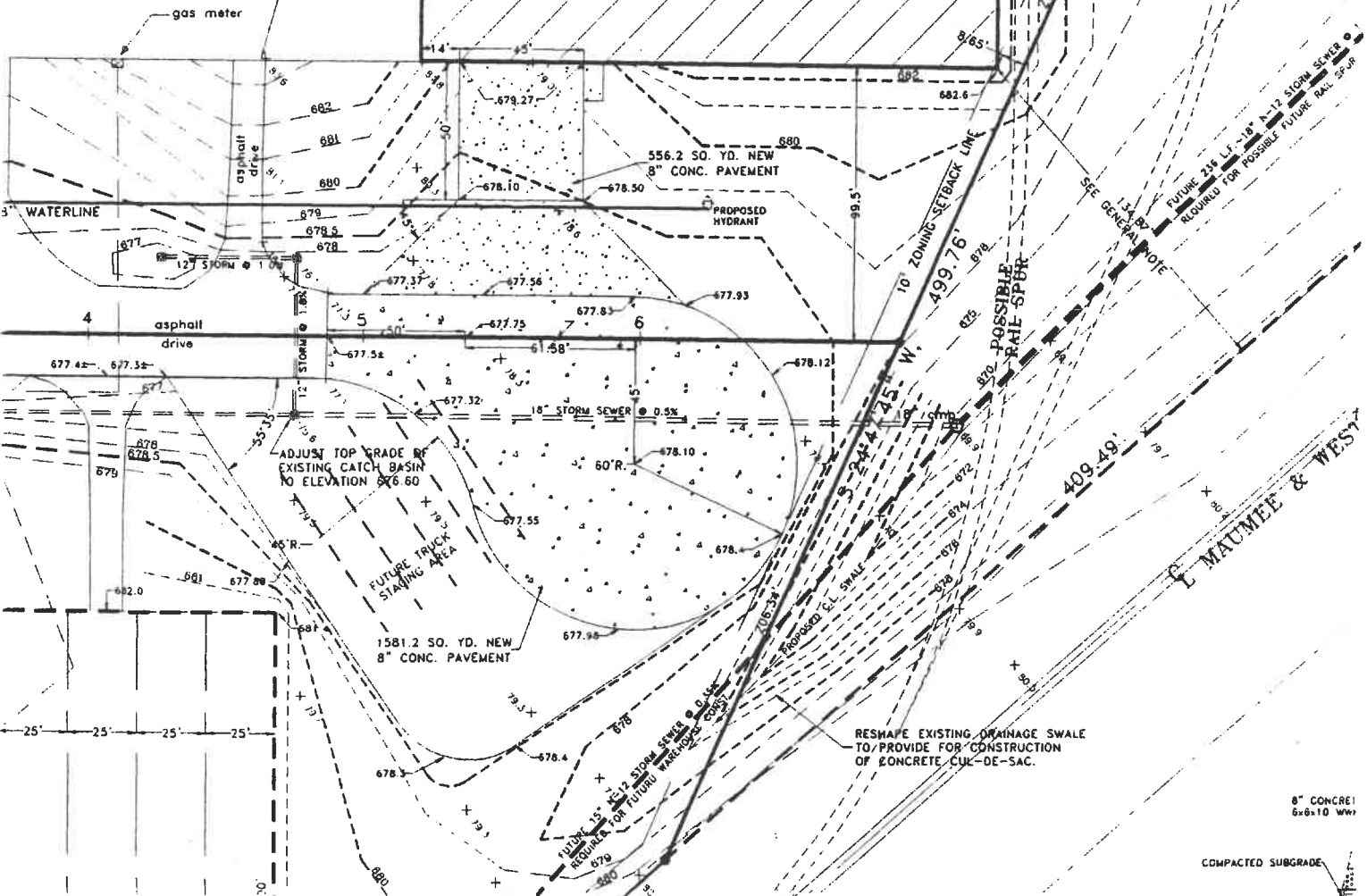
ADS M-12 @ 0.1%

PARCEL A
6.528 AC.

PROPOSED
WAREHOUSE BUILDING
42,000 sq. ft.

PARCEL B
1.447 AC.
NON-BUILDABLE

ANCH MARK
FINISHED FLOOR @ EAST OVERHEAD
CROSSING, ELEVATION = 683.60



8" CONCRETE
6x6x10 W/IR

COMPACTED SUBGRADE



City of NAPOLEON, OHIO

255 WEST RIVERVIEW AVENUE, P.O. BOX 151
NAPOLEON, OHIO 43545-0151
(419) 592-4010
FAX (419) 599-8393

February 11, 1999

Mayor
Donald M. Stange

Mr. Ron Sonnenberg
New Dimensions
1445 North Scott Street
P.O. Box 174
Napoleon, Ohio 43545

Members of Council
Michael J. DeWit, President
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Finance Director
Gregory J. Heath

Law Director
David M. Grahn

City Engineer
Adam C. Hoff, P.E.

Re: City of Napoleon
Cloverleaf Cold Storage
1800 Industrial Drive
Plan Review

Dear Mr. Sonnenberg:

On behalf of the City of Napoleon, I hereby approve the plans as submitted for the referenced project. Please provide my office with one (1) copy of the description for the proposed water main easement and information regarding the appropriate corporate officers for the execution of the easement.

If you have any questions or require additional information, please call me at (419) 592-4010.

Yours truly,

Adam C. Hoff, P.E.
City Engineer

ACH:rd
cc: Mr. Steve Kloos, Cloverleaf Cold Storage
Ms. Debbie Ko, Ohio EPA NWDO Div. of Drinking Water

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