

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: 1105 Kenilworth Ave. setback variance along
Broadmoor Ave.
HEARING DATE: May 11, 1999 at 4:30 PM
HEARING #: BZA 99/02

BACKGROUND

An application for variance has been filed by John A. Burns 1105 Kenilworth Ave. Napoleon, Ohio. The applicant is requesting variance to the front yard setback along Broadmoor Ave. along his east side property line. The applicant wishes to construct an attached garage up to the east side property line. The variance is to City Code section 1131.04 (d). The property is located in an R-2 Residential Zoning District.

RESEARCH AND FINDINGS

1. There is a 6" ACP water line two (2) feet east of the west right of way line of Broadmoor Ave. And there is a 8" sanitary sewer line eight (8) feet east of the west right of way line of Broadmoor Ave. *\$30.00 ft to move waterline*
2. By placing a garage on the on the Broadmoor right of way line would make it impossible to access the existing water main.
3. The only way this could work is if the water main were to be moved east to a point to obtain 10 feet of horizontal clearance between the sanitary sewer and the water main. The reason for this is that the water main and the sanitary sewer are very close to the same depth subsequently the only option is horizontal separation of 10 feet to meet the minimum EPA requirement.

ADMINISTRATIVE RECOMMENDATION & OPINION

I do not believe that a variance can be granted at this time due to the water main location.

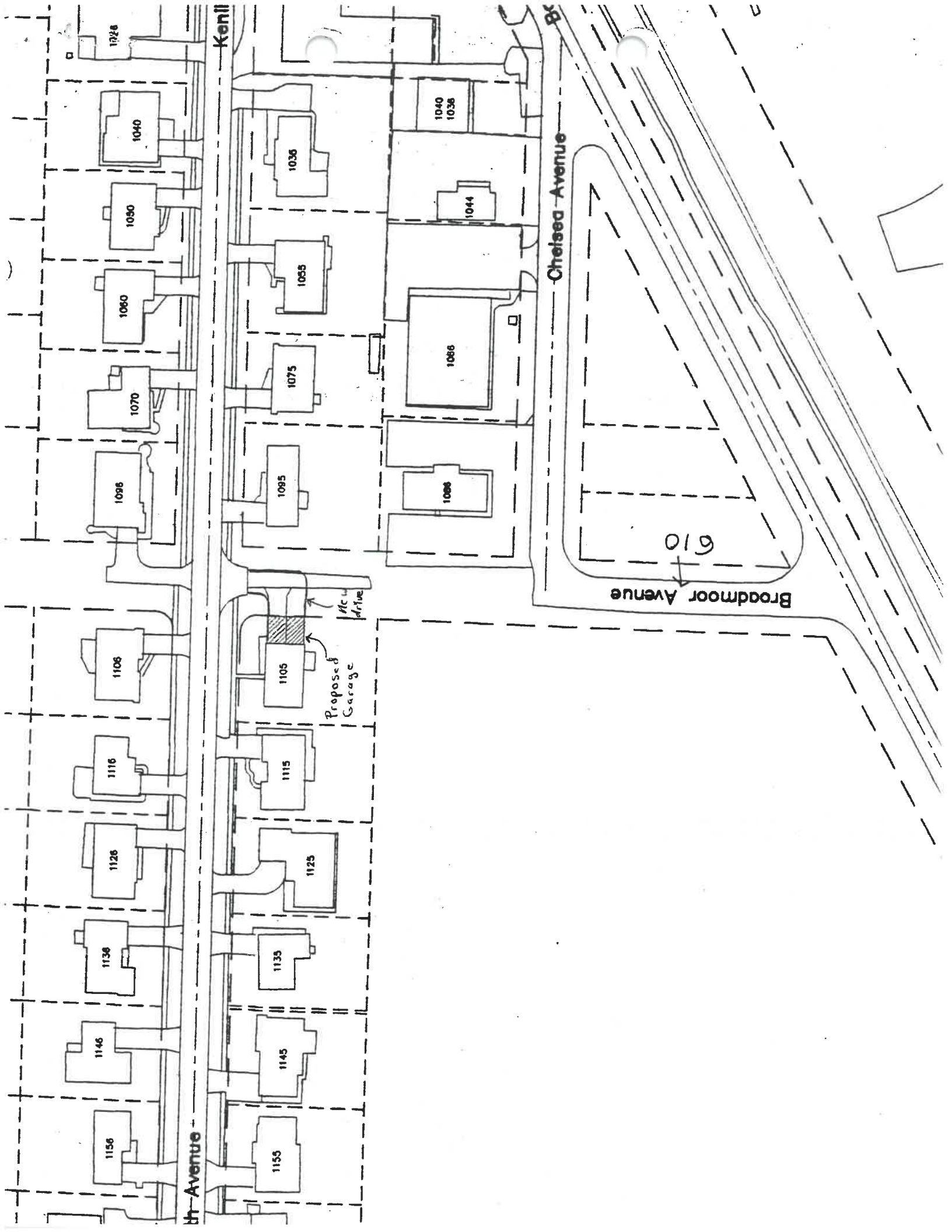
Therefore, I am recommending that the Planning Commission review the option of vacating the paper street, but not until the water main issue is properly addressed.

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.



Kenilworth Avenue

Kenil

Chelsea Avenue

Bx

Broadmoor Avenue

610

1128

1040

1050

1060

1070

1096

1106

1116

1126

1136

1146

1156

1036

1055

1075

1095

1105

1115

1125

1135

1145

1155

1040
1036

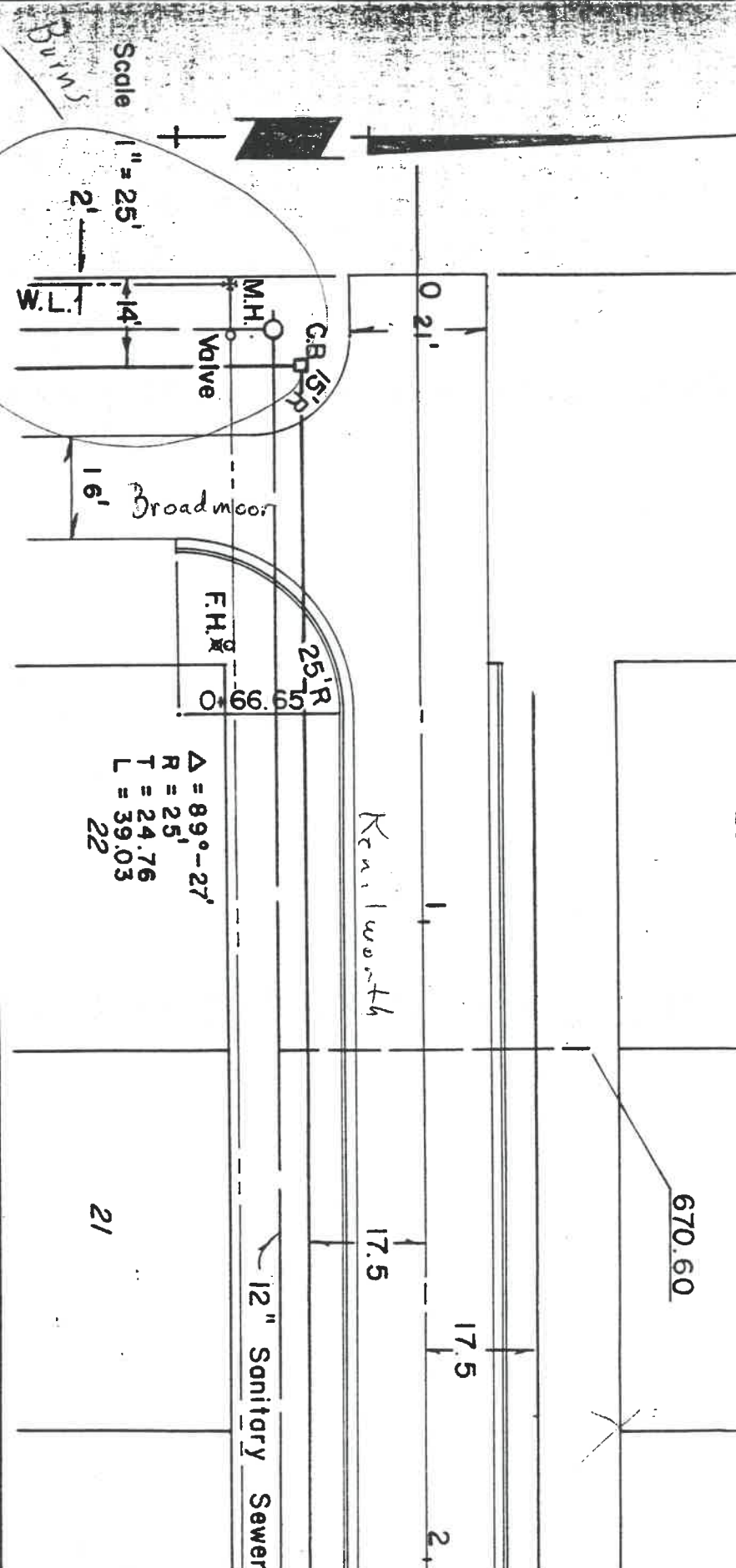
1044

1066

1086

Proposed Garage

AC Drive



$\Delta = 89^\circ - 27'$
 $R = 25'$
 $T = 24.76$
 $L = 39.03$
 22

Ken. Lenth

Scale 1" = 25'

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47 L.F. - 12" FT. at 0.40% - 17 1/2' R.I.

Existing Ground

Proposed G.P. Pav

670.60

17.5

17.5

21

12" Sanitary Sewer

F.H.R

G.B.S.P

M.H.

Valve

Broadmoor

W.L.

16'

0.21'

25' R

66.65

679.8
679.00

679.8
678.60

6" FT. 674.78

12" FT. 674.78

End 8' FT. - 17 1/2' R.I. 674.60

40 LF - 12" SP Extra Strength

674.44

674.04

679.5

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Variance to front yard setback to Broadmoor Ave. at 1105 Kenilworth
HEARING DATE: November 8th, 1994 at 4:30 PM
HEARING #: BZA 94/13

BACKGROUND

An application by Betty Burns 1105 Kenilworth Napoleon, Ohio (owner), requesting Variance to the front setback to Broadmoor Ave. (an unimproved street) for the purpose of constructing an attached garage to the existing dwelling structure. 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 construct an attached garage to the east side of the existing residence.
2. There is an unimproved street along the east side property line, which the City has on several occasions decided not to improve.
3. The front yard setback is thirty 30 feet (which applies to Broadmoor Ave.) and side yard setback in this "A" residential zoning district is seven (7) feet.

ADMINISTRATIVE OPINION

I believe it would be reasonable to assume that Broadmoor Ave. will likely not become an improved street.

Therefore, I am recommending a variance of twenty three (23) feet be granted, which would leave a seven (7) foot setback to Broadmore Ave., which would be consistent with the 7 foot minimum side yard setback which is required in this "A" residential zoning district.

We would in essence be treating this as a side yard setback.

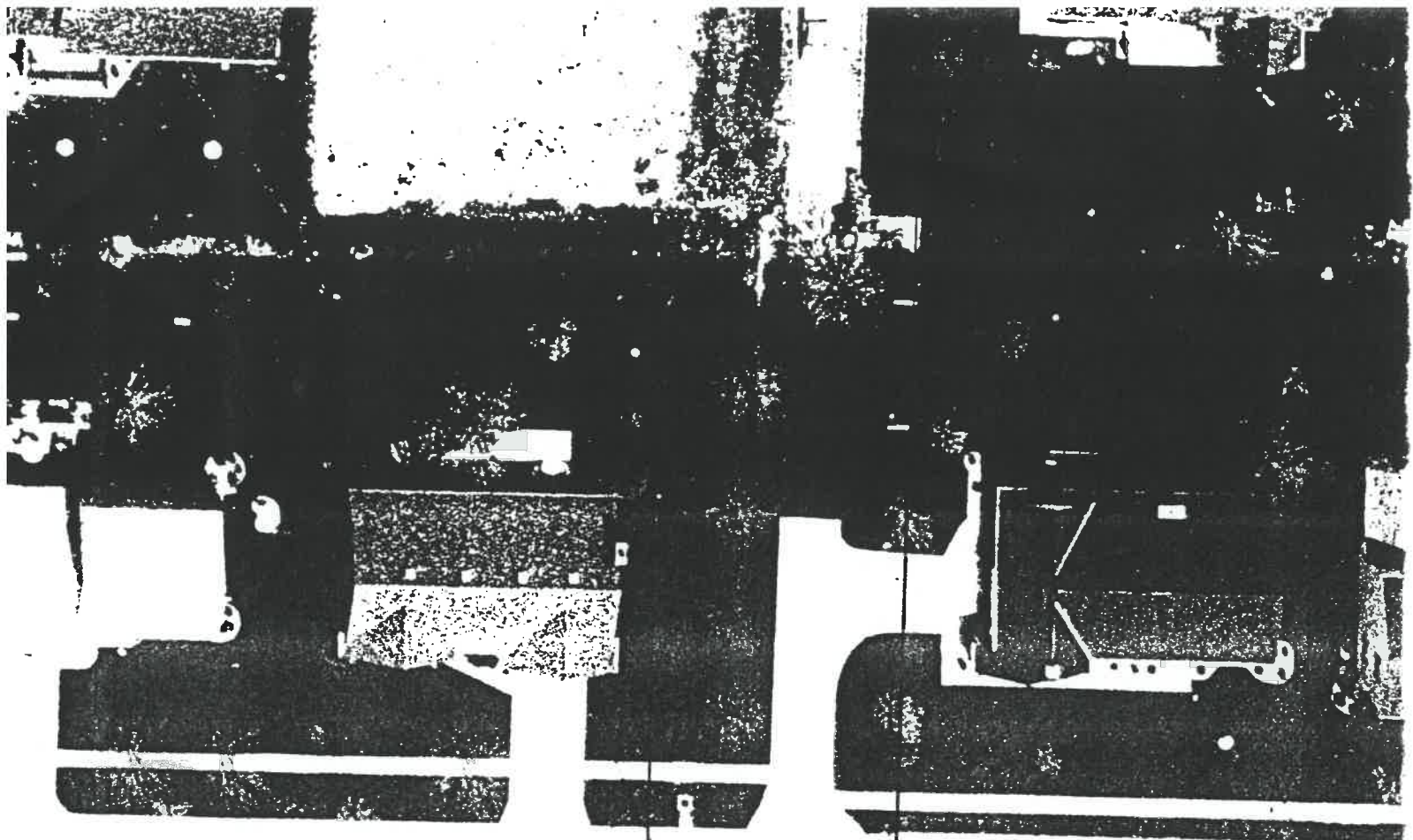
CONSIDERATIONS

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:

Survey required

- (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.



60'

