

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Variance to front yard fence height.
HEARING DATE: July 26th, 1994 at 4:30 PM
HEARING #: BZA 94/06

BACKGROUND

1088 Lagrange
An application by Douglas Snyder ~~1201 Willard~~ Napoleon Ohio, requesting a variance to the maximum height of a front yard fence, to allow the placement of a 4' high fence within the front yard setback. The variance request is to section 151.27 of the City of Napoleon Ohio Code of General Ordinances, and is located in a "A" Residential Zoning District.

RESEARCH AND FINDINGS

1. The purpose of this request is to allow a 4 foot height fence within the front yard setback, the zoning code allows a maximum of 3 foot high in the front yard.
2. The area to be fenced is the only back yard area attached to this property, and a 3 foot high fence simply does not allow privacy.
3. I have tested the neighboring driveways for sight distance clear view and the fence does not appear to obstruct the view.

ADMINISTRATIVE OPINION

I believe this request is reasonable and meets the standards for variation listed below, and should be granted as requested.

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.