

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Dammman, Zoning Administrator
SUBJECT: Request for variance to the front setback at 146 W. Maumee by Glen Gilson.
HEARING: April 14th, 1992 at 4:30 PM
HEARING #: BZA 92/01

BACKGROUND

An application by Glen Gilson 735 Catherine Dr. Liberty Center Ohio, requesting a Variance to the front setback at 146 W. Maumee Ave. (lot 3 Curtis Subdivision Outlot 23 & 24) for the purpose of constructing a new home. The variance request is to Sections 151.31 (A) and 151.34 (D)(1) of the City Of Napoleon, Ohio Code of Ordinances. The above mentioned lot is located in a "B" Residential District.

RESEARCH AND FINDINGS

1. The above request is specifically for an eight (8) foot variance, reducing the front setback from the required twenty five (25) feet to seventeen (17) feet.
2. The majority of the homes to the east and to the west of this lot are further into the front setback than the proposed.
3. The reason for the request is Mr. Gilson does not feel comfortable constructing his new home in compliance to the front setback, do to the uncertainty of foundation integrity on the rear embankment.

ADMINISTRATIVE OPINION

The above request is in compliance with the conditions for variance as I perceive it.

CONSIDERATIONS

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.

