

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Roger O. Freytag, Zoning Administrator ROF
SUBJECT: A Variance for moving a house away from the street and constructing a garage within the front yard setback.
DATE: April 12, 1989
MEETING: April 19, 1989 at 4:30 P.M.

RECOMMENDATION

BZA 89-05

It is recommended that the Board of Zoning Appeals approve a Variance for moving a house away from the street but constructing the house and a new garage within the 30' front yard setback.

BACKGROUND

An application for Variance has been received from Donald Bergstedt to allow the moving of a house and the construction of a 2 car garage 10' within the 30' required front yard setback at address 210 West Maumee. The Variance shall be to Section 151.33(D)(1) of the City of Napoleon, Ohio, Code of Ordinances. The location is in an "A" Residence District.

City Staff does recommend in favor of this request considering the circumstances:

- 1) The existing house was grandfathered out of the present front yard setback requirement as long as it is not moved or expanded.
- 2) It is being moved further away from the street than what it was.
- 3) A 2 car garage is a good addition to any home.
- 4) Moving this structure closer to the river on this lot would have caused an unreasonable hardship on the builder because of the contour of the land.

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 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.

ROF:skw

210 W. Maumee

