

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Variance to maximum front yard fence height at
504 Monroe.

HEARING DATE: October 11th, 1994 at 4:30 PM

HEARING #: BZA 94/10

BACKGROUND

An application by Lillian Mizer (owner) 504 Monroe St. Napoleon, Ohio, requesting Variance to the three (3) foot front yard fence height maximum. The Variance request is to section 151.27 (A) of the City of Napoleon Ohio Code of General Ordinances, and is located in an "GB" General Business Zoning District.

RESEARCH AND FINDINGS

1. The request is to install a (4) four foot high chain link fence in the front yard area along E. Front St. to keep her dog on her own property. (front yard fence's may only be (3) three feet high).
2. The right of way width of E. Front St. is 82.5 feet which will place this fence approximately 25 feet off the edge of pavement.

ADMINISTRATIVE OPINION

I am recommending approval of this request as it is reasonable and should not affect the use of property in the immediate vicinity.

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.

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