

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Richard A. Hayward, City Manager *RAH*
SUBJECT: Request for Variance - Roger Cramer.
DATE: October 20, 1987

BZA 87-27

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for Roger Cramer to allow the construction of an accessory building in the side and rear yard setbacks at 1213 Ohio Street.

BACKGROUND

A petition has been received from Roger Cramer, 1213 Ohio Street, Napoleon, Ohio, requesting a Variance to Section 151.33(D)(2) of the Zoning Code to allow him to construct an accessory building in the rear and side yard setbacks. The accessory building is to be located 7.5 feet into the 10 foot rear yard setback and 5 feet 8 inches into the 7 foot side yard setback. The building is to be on a concrete pad which will also extend into the setbacks.

The property in question is located in an "A" Residential Zoning District on Ohio Street, between Michigan and Sheffield. Staff has reviewed the request and finds no problem with it except that Mr. Cramer started to construct the building without permits. As such, he put in a portion of the concrete pad over a City sewer in designated easement. Staff requests that the Board require the removal of the portion of the pad over the sewer as part of any approval.

The request meets the Standards of Variation in the following manner:

- 1) There is no exceptional situation, however, other property owners in the area have buildings located in the setback and the Board has approved requests of this nature in the past.
- 2) The Variance is needed to allow construction on the property which is a right enjoyed by others in the district.
- 3) Granting the Variance will not be materially detrimental to the public welfare.
- 4) Granting the Variance will not alter the land use characteristics of the district.

RAH:skw