

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Variance to front setback for storage building by Michael Hoover.
HEARING DATE: November 9th, 1993 at 4:30 PM
HEARING #: BZA 93/11

BACKGROUND

An application by Micheal Hoover 1482 Ohio St. Napoleon, Ohio requesting variance to the 50 ' front yard setback requirement for accessory buildings. The variance is to section 151.33 (D)(2) 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 placement of a storage building on the east side of the residence.
2. The front yard setback for a storage building in the A residential zoning district is 50'.
3. The building lot will not allow this setback due to inadequate depth.
4. The Hoovers had begun building the structure prior to making application to the board as they were unaware of the setback requirement.
5. After I informed them of the requirements, they made application for a hearing, requesting variance to the 50' front yard setback requirement.

ADMINISTRATIVE OPINION

I believe this request meets the standards for variation listed below. Therefore I am recommending approval of the request as there is no other viable option due to the shallow lot depth.

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.