

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Richard A. Hayward, City Manager <sup>RAH</sup>  
SUBJECT: Request for Variance - Kenneth S. Woods.  
DATE: May 13, 1987 BZA 87-10

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for Kenneth S. Woods to allow the construction of a house within the Front yard setback at 194 Old Creek Drive.

BACKGROUND

A petition has been received from Kenneth S. Woods, 608 Avon, requesting a Variance to Section 151.32(D)(1) of the City of Napoleon, Code of Ordinances to allow the construction of a house within the front yard setback on his property at 194 Old Creek Drive. The request is to allow him to construct a house 10 feet into the 40 foot front yard setback. The front yard setback in the "S" Residential Zoning District is 40 feet.

The lot in question is located on a steep hill. Unless the 10 foot Variance is approved it will be generally impossible to build on the lot. The other houses in the same situation were built into the setback without a Variance. The reason for this is unknown. However, this does create an exceptional situation for the construction of this house.

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

- 1) The lot is on a steep hill and a house cannot be built without this Variance which make this an exceptional request.
- 2) The Variance is necessary to allow construction on this 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