

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Roger O. Freytag, Zoning Administrator **ROF**
SUBJECT: An application for Variance to allow a 6'
high fence within the front yard setback
DATE: 7 November 1989
MEETING: 14 November 1989 at 4:30 PM
MEETING NO.: BZA 89/15

RECOMMENDATION

It is recommended that the Board of Zoning Appeals Not allow a 6' fence within the front yard setback at 130 Orchard Lane.

BACKGROUND

An application for Variance by Michael and Carol Russell Napoleon, to allow a 6' fence within the front yard setback at 130 Orchard Lane. The Variance shall be to Section 151.27(A) of the City of Napoleon, Ohio, Code of Ordinances. The fence is located in an "S" Residence District.

The standards for variation to be considered are as follows:

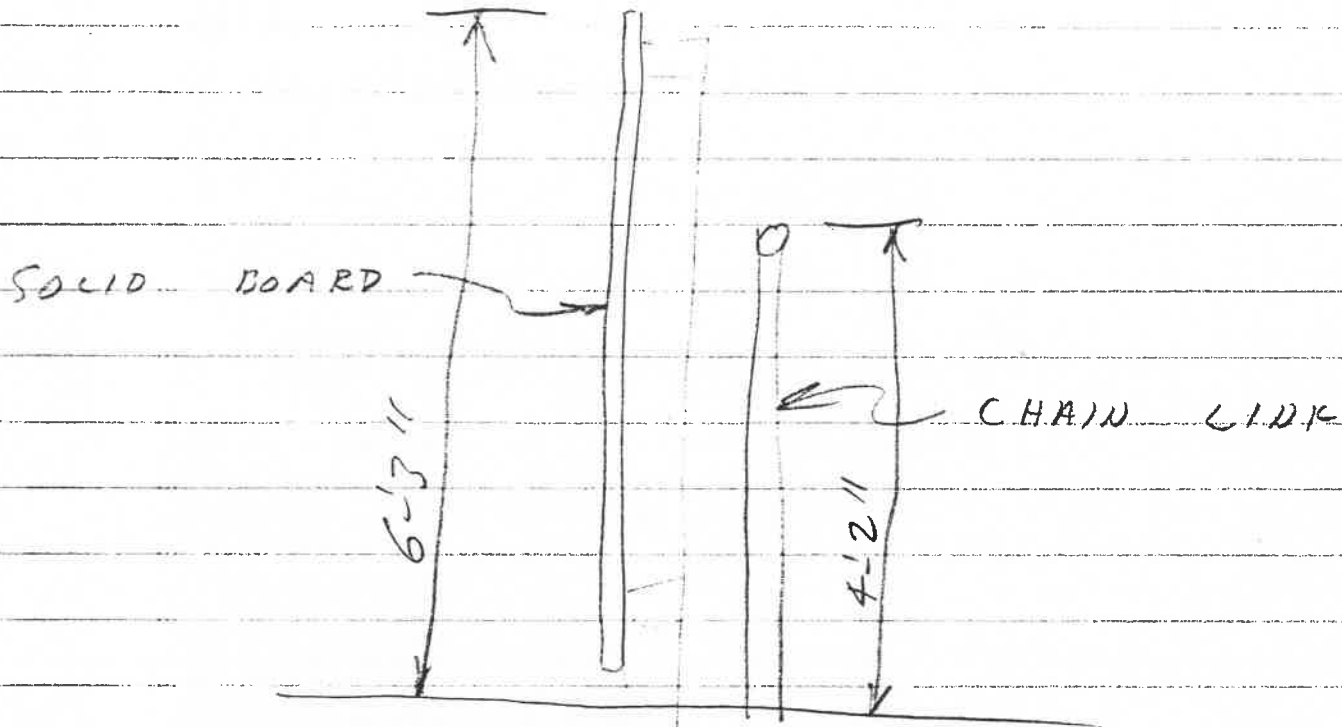
- a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity of district.
- b) That such Variance is necessary for the preservation and enjoyment of a substantial 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.

After reviewing this request the City Staff recommends against this variance for the following reasons:

1. There are no 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 of district.
2. This type of Variance has not been granted to anyone else in the area.

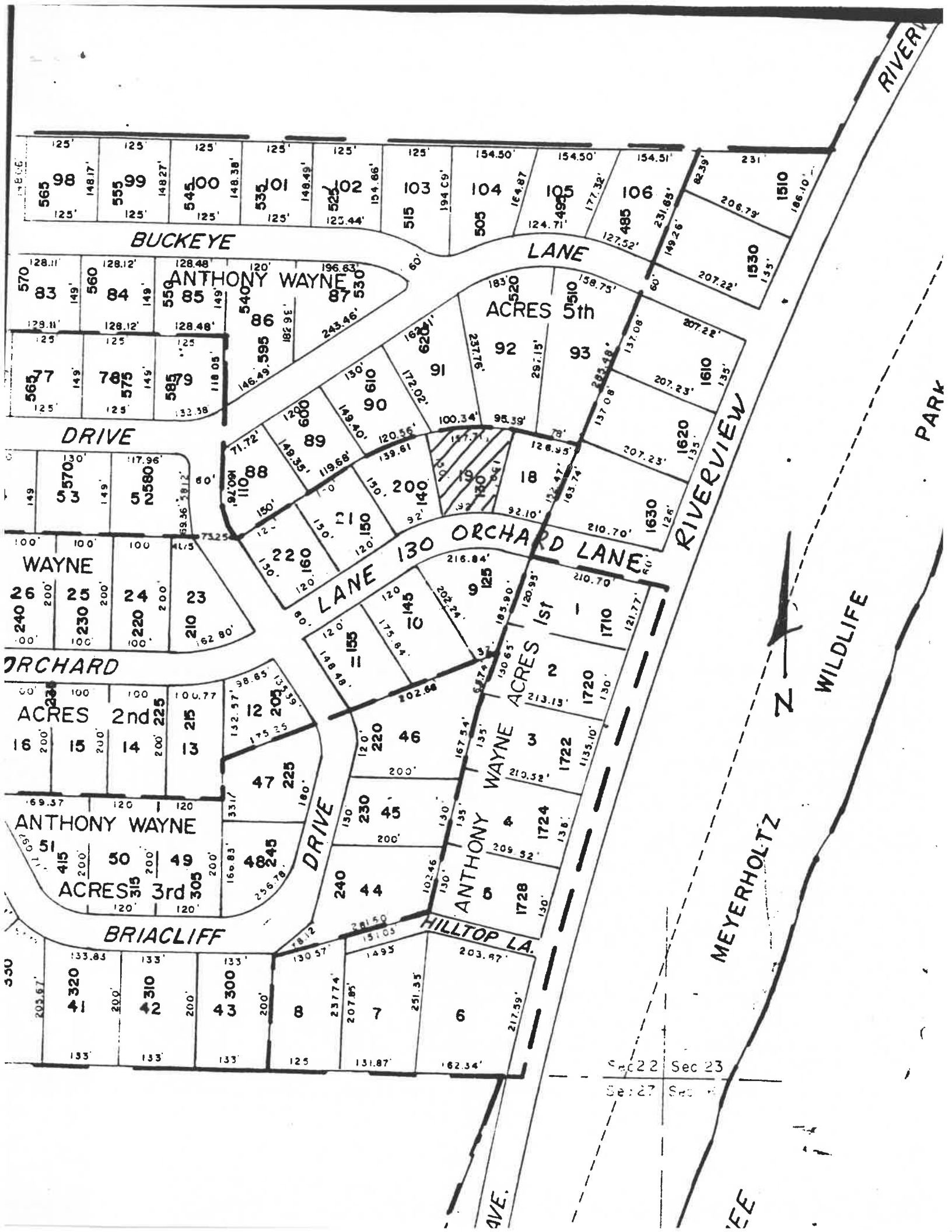
Rossell Hood @ 170 DICKINSON AVE

2 - FENCES IN SIDE YARD TO SOUTH END



UD (W.





BUCKEYE

LANE

ANTHONY WAYNE ACRES

5th

DRIVE

ORCHARD LANE

RIVERVIEW

WAYNE

ORCHARD

ACRES

ANTHONY WAYNE

ACRES

BRIACLIFF

HILLTOP LA.

MEYERHOLTZ

WILDLIFE

Sec 22 Sec 23

Sec 27 Sec 28