

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Richard A. Hayward, City Manager ^{RAH}
SUBJECT: Request for Variance - Fritz Freytag
DATE: February 12, 1987

BZA 87-03

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for Frederick P. Freytag for the purpose of constructing an addition on his property located at 464 E. Riverview.

BACKGROUND

An application has been received from Frederick P. Freytag, 18-713 Rd Q-1 Rt 4, Napoleon, Ohio requesting that he be granted a Variance to section 151.40(C) of the City of Napoleon, Code of Ordinances to allow him to build an addition in the 10 foot side yard setback on his property located at 464 E. Riverview, in Napoleon. The property is located in an "I-1" Enclosed Industrial District which requires a 10 foot side yard setback. The building Mr. Freytag wishes to build will extend 8 feet 8 inches into the setback.

Staff has reviewed the request and finds nothing wrong in allowing it. It meets the requirements of the code on granting the Variance in the following manner:

1. The request is exceptional due to the fact that the building is a non-conforming use and cannot be expanded without a Variance.
2. The Variance is necessary to preserve a property right enjoyed by others in the area.
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.

Mr. Freytag's building is presently on a small lot. The building already violates the side yard setback requirements by 1 foot 8 inches. Without the Variance, the type of expansion Mr. Freytag wants is not possible.

RAH:skw