

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Variance to the minimum flood elevation at 563 E. Riverview.
HEARING DATE: October 11th, 1994 at 4:30 PM
HEARING #: BZA 94/11

BACKGROUND

An application by Everett C. Johnson 1125 Chesterfield Napoleon Ohio, requesting variance to the minimum flood elevations, to allow construction of a warehouse at 563 E. Riverview Napoleon Ohio. The variance request is pursuant to the provisions of Chapter 155 of the City of Napoleon Ohio Code of General Ordinances, and is located in a "PB" Planned Business District.

RESEARCH AND FINDINGS

1. To achieve the 100 year flood elevation for this building site would cause undue hardship regarding lot drainage as well as excessive site filling expense.
2. Mr. Johnson's project meets the necessary requirements to exempt it from the mandatory flood insurance requirements.
3. The Board of Zoning Appeals may grant reasonable variations to the minimum 100 year flood elevation's, if the project is exempt from the mandatory flood insurance requirement's.
4. If at some point Mr. Johnson or future owner's would want to purchase federal flood insurance for this proposed building, he could not do so according to the current National Flood Insurance Program.
5. Also persons who would rent space or use the building could not purchase federal flood insurance for the contents of the building.

ADMINISTRATIVE OPINION

As long as Mr. Johnson understands the above restrictions, I do not see a problem with granting this variance.

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.

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