

## MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Brent N. Damman, Zoning Administrator  
SUBJECT: Variance request to front setback 595  
E. Riverview Northwest Signal.  
HEARING DATE: May 11th, 1993 at 4:30 PM  
HEARING #: BZA 93/06

## BACKGROUND

An application by Germann Builders 970 Oakwood Ave Napoleon Ohio on behalf of Helen Kuser, owner of Napoleon Inc. (Aka) Northwest Signal, 595 E. Riverview Napoleon, Ohio. The request is for variance to the front setback, for the purpose of constructing an addition to the front door entry way. The Variance is to section 151.39 (D)(1) of the City of Napoleon Ohio Zoning Code, and is located in a "PB" Planned Business Zoning District.

## RESEARCH AND FINDINGS

1. The above request is for the purpose of constructing a vestibule to the front of the existing structure.
2. The existing structure encroaches the front setback 2.5', the proposal is add a 9' wide x 10' deep vestibule, making the total encroachment 12.5'.
4. The 80' setback in the Planned Business District has been recommended by the planning commission to change to 60'.

## ADMINISTRATIVE OPINION

I am recommending acceptance of the request with confidence the front setback will be changed in the planned business district.

## CONSIDERATIONS

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.