



City of Napoleon, Ohio

Kevin Schultheis, Zoning Admin.

Code Enforcement

255 West Riverview

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

MAY 2, 2023

Memorandum

To: Members of the Board of Zoning Appeals

From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Reference: Variance to Property Side Setbacks / Non-Conforming Residence

Meeting Date: October 29, 2024 @ 4:30 pm

Hearing: BZA-24-05

Background:

An application for a public hearing has been file by Jim Bersee of 908 W. Riverview Ave. Napoleon, Ohio 43545. The applicant is requesting a variance to Section 1147 regarding the building side setback in an R-2 Low-Density Residential District. The applicant is requesting the variance to build an addition onto his existing garage that sits just off the west side of the property line. The applicant is asking to come in on the west side of the garage a few inches and then straight out to the north and not impeding or encroaching the nearby neighbor.

Research and Findings:

Upon approval of this variance and issuance of a zoning permit, a building permit from Wood County Building Inspection shall be required.

Standards for a Variance:

1129.03 NONCONFORMING LOTS.

When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements cannot reasonably be complied with, then the Board of Zoning Appeals may allow deviations from the applicable setback requirements if it finds that:

- (1) The property cannot reasonably be developed for the use proposed without such deviations.
- (2) These deviations are necessitated by the size or shape of the nonconforming lot, and
- (3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

The Board, after a hearing, may grant a variation from the regulations of the City's Planning and Zoning Code, but only when such variation is in harmony with the general purpose and intent of the Planning and Zoning Code, and the Board finds all of the following:

- (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 granting such variance will not be materially detrimental to the public welfare or injurious to the property of improvements in the vicinity or district in which the property is located;
- (d) That granting such variance will not alter the land use characteristics of the vicinity or district, diminish the value of adjacent land and improvements, or increase the congestion in the public streets.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

BOARD OF ZONING APPEALS REPORT TO CITY COUNCIL

This form records the vote of each member of the Board of Zoning Appeals and the reason for disapproval in the matter of:

BZA-00-00

	<u>Approval</u>	<u>Disapproval</u>	<u>Absent</u>
Larry Vocke	<u>✓</u>	<u> </u>	<u> </u>
Ethan Plummer	<u> </u>	<u> </u>	<u> </u>
David Dill	<u>✓</u>	<u> </u>	<u> </u>
Lynn Rausch	<u>✓</u>	<u> </u>	<u> </u>
Kelly Burkhardt	<u>✓</u>	<u> </u>	<u> </u>

Member _____
Reason stated for
disapproval: _____

Member _____
Reason stated for
disapproval: _____

Member _____
Reason stated for
disapproval: _____

Member _____
Reason stated for
disapproval: _____

Application for Public Hearing

City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

Planning Commission

(MZON 100.1700.46690)

- Conditional Use
\$125.00
- Amendment
\$125.00
- Subdivision in City
\$75.00 + \$5.00 each, after two
- Preliminary Plat of Development
\$125.00
- Alley Vacation
\$25.00 + publication cost

Preservation Commission

(MZON 100.1700.46690)

- Certificate of Appropriateness
\$25.00

Board of Zoning Appeals

(MZON 100.1700.46690)

- Certificate of Zoning
\$25.00
- Re-Zoning
\$125.00
- Variance
\$125.00
- Administrative Appeal
\$50.00

Address of property: 908 W. Riverview

Description of request: Addition to back of existing garage

Jim Bersee
OWNER(S) NAME (PRINT)

908 W. Riverview
ADDRESS- CITY, STATE, ZIP

419-349-2626
PHONE NUMBER

SIGNATURE

*****Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled.*****

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

Josh Saputo
APPLICANT NAME (PRINT)

[Signature]
APPLICANT SIGNATURE

908 W. Riverview
ADDRESS

Napoleon Oh 43545
CITY, STATE, ZIP

419-572-1514
PHONE

Hearing #: _____ Hearing Date: _____ Zoning District: _____

Office Use Only		
Batch # _____	Check # _____	Date _____

-005

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MAINSTREET RENOVATIONS, LLC
P O BOX 788
NAPOLEON, OH 43545

56-734/412

2276

DATE 10/7/2024 FMP

PAY TO City of Napoleon \$ 25.00
THE ORDER OF Twenty five & 00/100
DOLLARS

← Heat Reactive Ink



MEMO

[Handwritten Signature]

MP

⑆04⑆20734⑆⑆ 21⑆⑆91651⑆⑆ 2276

LOOK FOR FRAUD-DETERRING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.