

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Roger O. Freytag, Zoning Administrator RUF  
SUBJECT: An application for Variance to construct and  
enlarge a new canopy at 1201 N. Scott Street  
within the front yard setback.  
DATE: 1 June 1989  
MEETING: 6 June 1989 at 4:30 PM  
MEETING NO.: 89/09

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve the Variance to construct and enlarge a new canopy at 1201 N. Scott Street within the front yard setback.

BACKGROUND

An application for Variance by Richard C. Will, Independence, Ohio, on behalf of BP Oil Co. Independence, Ohio, to construct and enlarge a new canopy at 1201 N. Scott Street within the front yard setback. The Variance shall be to Section 151.37(D)(1) of the City of Napoleon, Ohio, Code of Ordinances. The proposed development is located in a "LB" Local Business District.

The edge of the existing canopy is 5' away from the street right-of-way and does not seem to cause any problems where it is. The new street will be constructed more toward the East away from the canopy in order to accommodate the new curve to be constructed on Scott Street.

After reviewing this request, the City staff does recommend in favor of granting this request for the following reasons:

1. The canopy is not a permanent building and only the edge of it overhangs the setback.
2. The canopy will not be in the way of future construction for the Scott Street widening.
3. The canopy will be a good improvement to the site.
4. The canopy existed in this location before now and has not caused a problem yet.

The standards for variation to be considered are as follows:

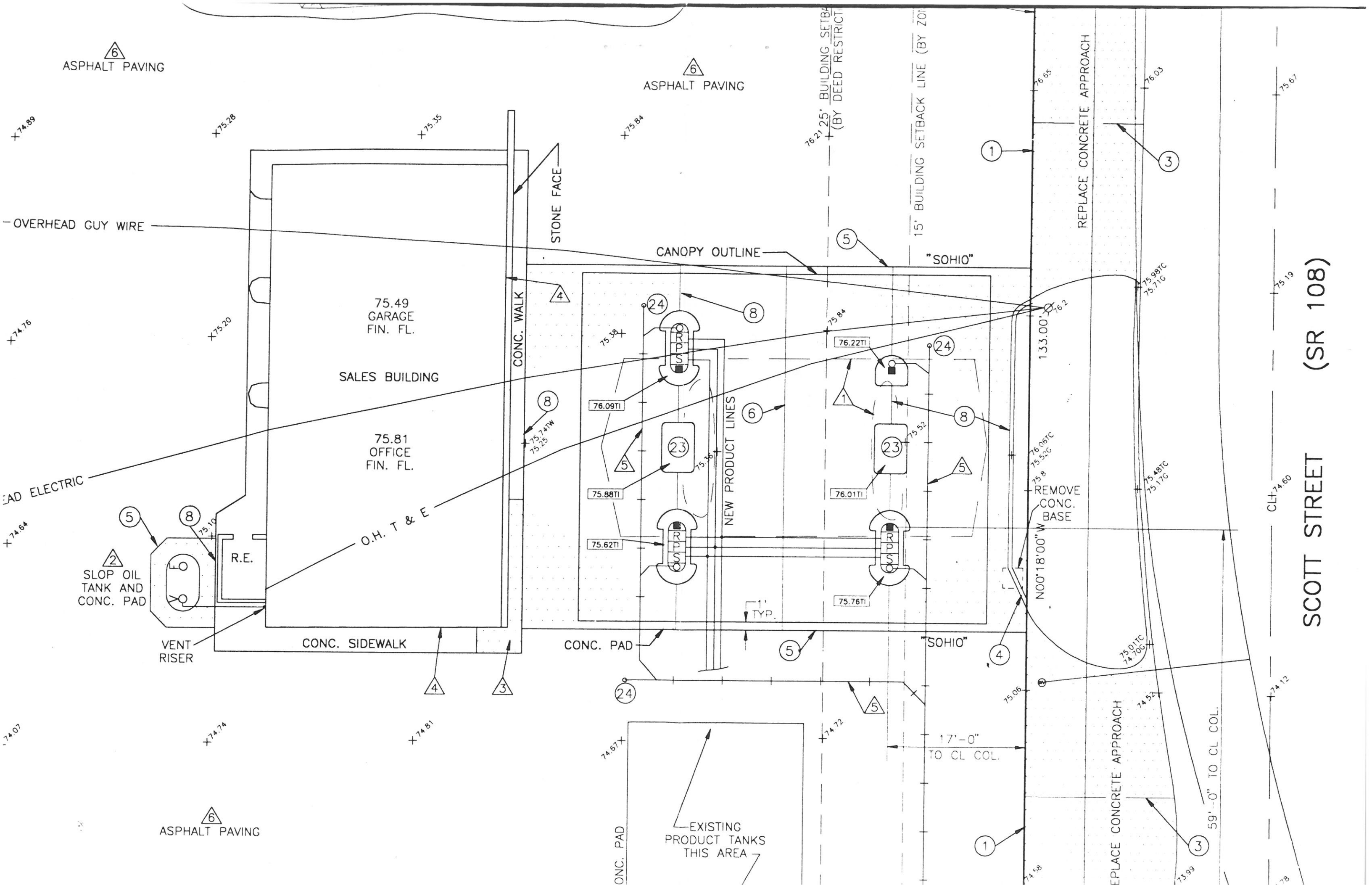
- a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity of district.

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.





6  
ASPHALT PAVING

6  
ASPHALT PAVING

6  
ASPHALT PAVING

OVERHEAD GUY WIRE

LEAD ELECTRIC

2  
SLOP OIL  
TANK AND  
CONC. PAD

VENT  
RISER

75.49  
GARAGE  
FIN. FL.

SALES BUILDING

75.81  
OFFICE  
FIN. FL.

O.H. T & E

R.E.

CONC. SIDEWALK

CONC. PAD

CONC. PAD

EXISTING  
PRODUCT TANKS  
THIS AREA

STONE FACE

CANOPY OUTLINE

NEW PRODUCT LINES

"SOHIO"

"SOHIO"

REPLACE CONCRETE APPROACH

REPLACE CONCRETE APPROACH

(SR 108)

SCOTT STREET

+74.89

+75.28

+75.35

+75.84

76.21 25' BUILDING SETBACK  
(BY DEED RESTRICT)

15' BUILDING SETBACK LINE (BY ZONING)

+76.83

+76.03

+75.67

+74.76

+75.20

75.38

75.84

133.00'

+76.2

75.98TC  
75.71G

+75.19

+74.64

+75.10

8

76.09TI

76.22TI

76.06TC  
75.52G

75.48TC  
75.17G

CLL 74.60

+74.07

+74.74

+74.81

74.67

+74.72

17'-0"  
TO CL COL.

75.06

74.52

+74.12

59'-0" TO CL COL.

1

3

78