

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Richard A. Hayward, City Manager <sup>TWH</sup>  
SUBJECT: Request for Variance - Vetland.  
DATE: March 12, 1987 BZA 87-06

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for Douglas Burgei and Greg Edwards dba Vetland to allow for the expansion of an existing Veterinarian Clinic in a Local Business District.

BACKGROUND

A petition has been received from Douglas Burgei and Greg Edwards dba Vetland, 1331 N. Scott Street, Napoleon, Ohio, requesting a Variance to Section 151.37(B) of the City of Napoleon Code of Ordinances for the purpose of allowing the expansion of an existing Veterinarian Clinic in a Local Business Zoning District. The petitioners would like to construct an addition to their building in order to give them more room.

A veterinary hospital is not a permitted use in a Local Business Zoning District. It is permitted in a Planned Business Zoning District, which the clinic borders on two sides.

Staff has reviewed the request and finds no problems in it. To date no protests to the request have been received. It was the Staff's determination that the clinic was improperly zoned at the time of the 1979 Code. It should have been included in the Planned Business District. It is Staff's feeling that the owners of the clinic should not be made to suffer due to an administrative oversight.

The request meets the Standards for Variation in the following manner:

- 1) The clinic was existing before the 1979 Code and was miss zoned. The clinic could have been placed in a Planned Business District and been a proper use of the land. This makes the request exceptional.

- 2) The Variance is necessary to allow the clinic to expand which is a right held by properly zoned property in the District.
- 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.

RAH:skw