

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Dammman, Zoning Administrator
SUBJECT: Variance to front setback for Terry Michealis
HEARING: June 11th, 1991 at 4:30 PM
HEARING #: BZA 91/05

BACKGROUND

An application for Variance by S.E.A. Builders Inc. P. O. Box 30 Pettisville, Ohio on behalf of Terry Michealis 1212 W. Riverview Napoleon, Ohio requesting a change from 80' to 46.5' to the front setback at 1410 N. Scott Street to allow an extension of a non conforming building. The Variance request is to Section 151.39 (D)(1) of the City of Napoleon, Ohio Code of Ordinances. The above mentioned is located in a "P.B." Planned Business District.

RESEARCH AND FINDINGS

1. That the above mentioned lot is located in an "PB" Planned Business District which fronts State Route 108 and requires a 80' front setback.
2. The purpose of this variance is to extend the existing showroom by enclosing a now open corner of said showroom. (See attached drawing).
3. The proposed expansion would not extend beyond the existing structure.
4. The fact that this lot fronts a State Route limits expansion to the front without variance.

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 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.

The City Staff believes that a Variance for this situation would meet the above criteria.

01808002.31BZA91/05

2 N. SCOTT ST RT 108

Proposed Addition Area

EXIST SHOWROOM
4572 SQ. FT. TYPE 24 CONCT.

EXIST SALES & AUTOMOBILE SHOWROOM
2121 SQ. FT. TYPE 24 CONCT.

46'-6"
Front setback

R/W LINE

76'-6"±

30'

?
27

