

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Brent N. Damman, Zoning Administrator  
SUBJECT: Variance request to front setback by Boes  
Subway.  
HEARING: March 9th, 1993 at 4:30 PM  
HEARING #: BZA 93/03

BACKGROUND

An application by James Boes on behalf of Boes Subway Inc. 630 N. Clinton Defiance, Ohio owner of a parcel of land now known as 2251 N. Scott St. Napoleon requesting variance to the front setback to Scott St. for the purpose of constructing a new restaurant at said location. 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 SUBWAY sandwich drive through style restaurant.
2. Due to the unusual shape of the lot and its topographical contours it has become necessary to request the variation to the front setback as total compliance may make the project cost prohibitive.
3. The owner is requesting a 20' variance to the 60' requirement, I have suggested he also present a compromise plan displaying a 10' variation as the 20' request may not be acceptable.
4. The site plan submitted displays compliance to all zoning requirements except the front setback.

ADMINISTRATIVE OPINION

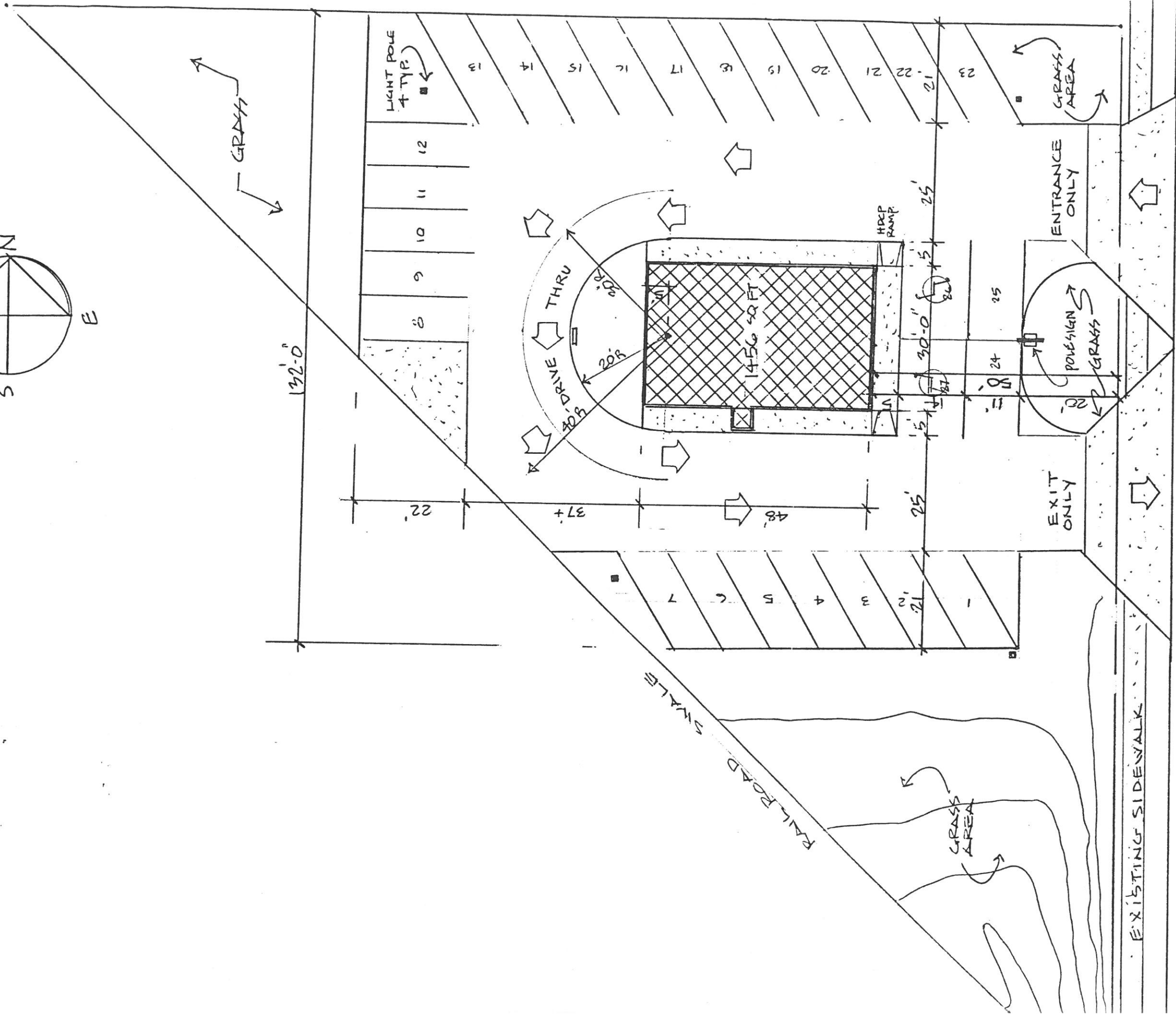
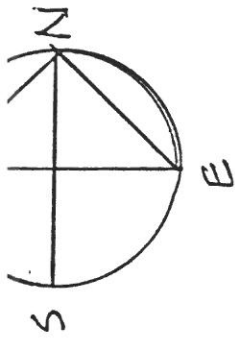
I am recommending acceptance of the 10' variance as this would be reasonable and most compatible with the majority of the businesses along N. Scott St.

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.



ST. RT. 108

NORTH SCOTT ST.

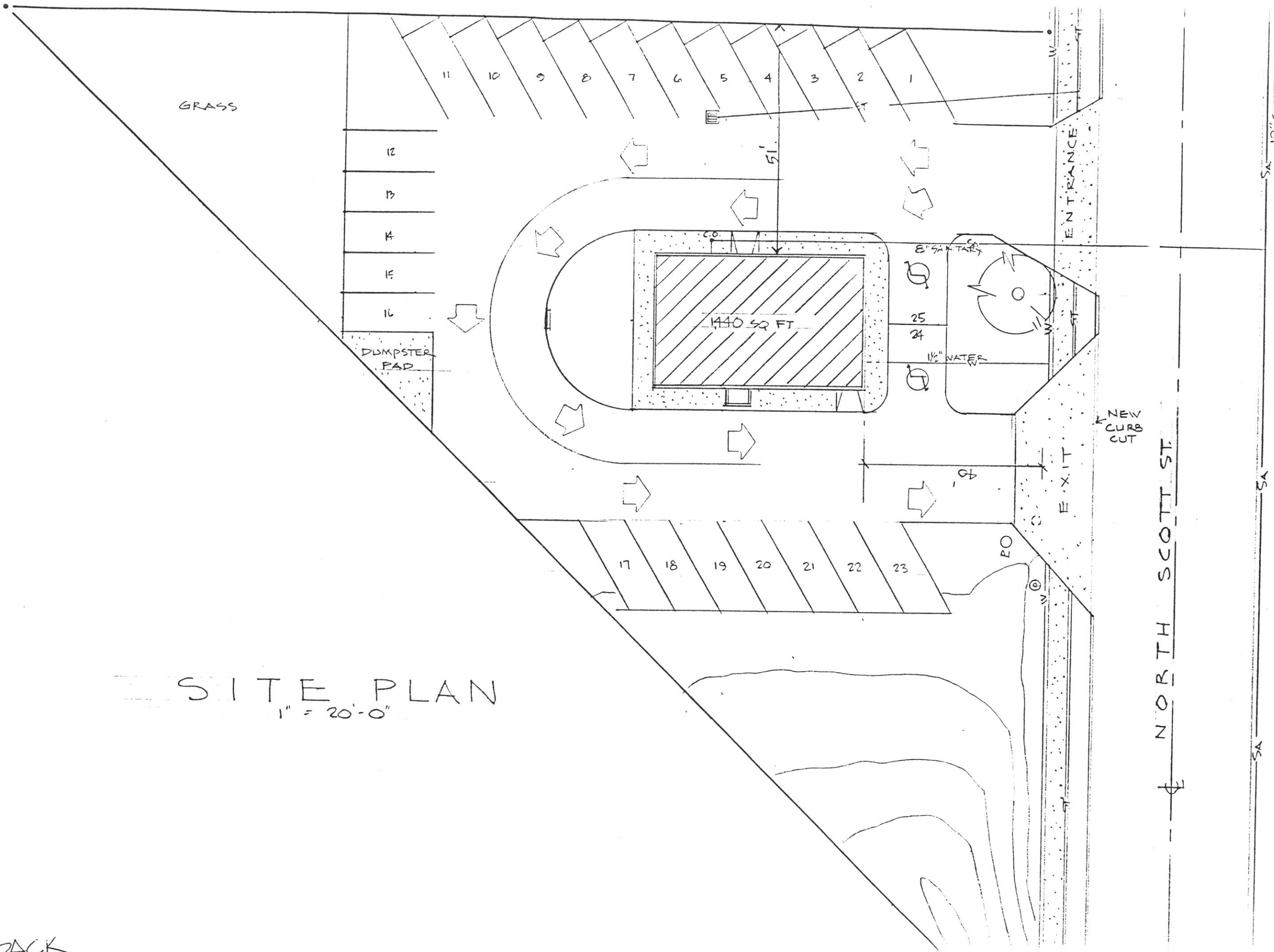
RUPP  
CONTRACTORS



ROSEBROCK  
MANAGERS

PROPOSED SITE PLAN  
 BOES SUBWAY INC.  
 NAPOLEON STORE

50' SETBACK  
 SK-3193



GRASS

12  
13  
14  
15  
16

DUMPSTER PAD

1440 SQ FT

8" SANITARY  
25  
24  
1/2" WATER

ENTRANCE

EXIT

NEW CURB CUT

NORTH SCOTT ST.

SA 12" SANITARY

SA

SA

SITE PLAN  
1" = 20'-0"

40' SETBACK