

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: An application for Variance by Larry Hilvers
for rear & side yard setbacks.
HEARING: May 14th, 1991 at 4:30 PM
HEARING #: BZA 91/04

BACKGROUND

An application for Variance by Larry Hilvers 831 N. Scott St. Napoleon, Ohio, for rear and side yard setback as to allow construction of a garage. The Variance request is to Section 151.35 (D)(1) of the City of Napoleon, Ohio Code of Ordinances. The above mentioned residence is located in a "C" Residential District.

RESEARCH AND FINDINGS

1. That the above mentioned lot is located in an "C" Residential District with a side yard setback requirement of 5' and a rear yard setback of 15'.
2. The purpose of this variance is to remove the existing garage structure which is 3' off the south side P/L, 2' off the north side P/L and 2' off the west ~~side~~ rear P/L, to allow construction of a new garage, which will be within 5' of the ^{west} rear property line and 5' off south side property line and 2' off the north side property line.
3. By removing the old garage which has a total setback side and rear of 7' and constructing a new one in the proposed location would be an improvement due to the fact that the proposed total setback side and rear will be 12'.
4. The fact that the above mentioned lot abuts an alley to the south and west and a street to the east, limits expansion 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.

