

MEMORANDUM

TO: Board of Zoning Appeals  
FROM: Roger O. Freytag, Zoning Administrator ROF  
SUBJECT: Variance for above ground swimming pool within  
the side yard setback.  
DATE: March 17, 1989  
MEETING: March 22, 1989 at 4:30 p.m.

RECOMMENDATION

BZA 89-02

It is recommended that the Board of Zoning Appeals approve a Variance for the construction of an above ground swimming pool at 207 Sycamore Drive.

BACKGROUND

An application for Variance has been received from Samuel Helms on behalf of Martin Jackson, Jr. to allow the construction of an above ground swimming pool within the required side yard setback at 207 Sycamore Drive. The Variance shall be to Section 151.32(D) of the City of Napoleon, Ohio, Code of Ordinances. The location is in an "S" Suburban Residence District.

The request is as follows:

To waive the ten foot setback on the West side of the property. The purpose of this request is to have enough area to install an above ground swimming pool. This would be the only way possible to install a pool due to a twenty foot utility easement in the rear of the property.

City Staff does recommend in favor of this request considering the circumstances as long as there are not complaints from the neighbors.

The standards for variation to be considered are as follows:

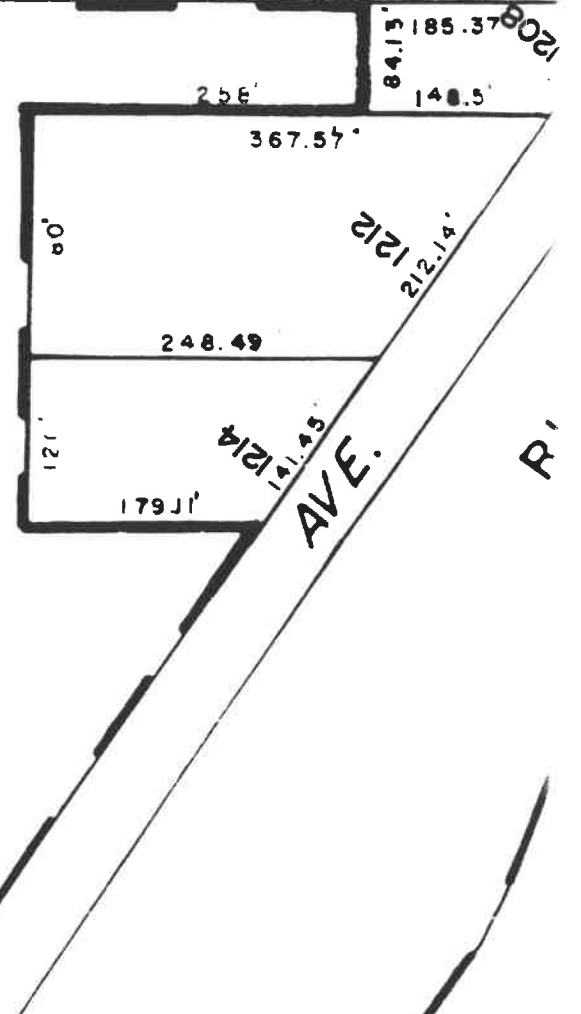
- a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity or district.
- b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied to the property in question.

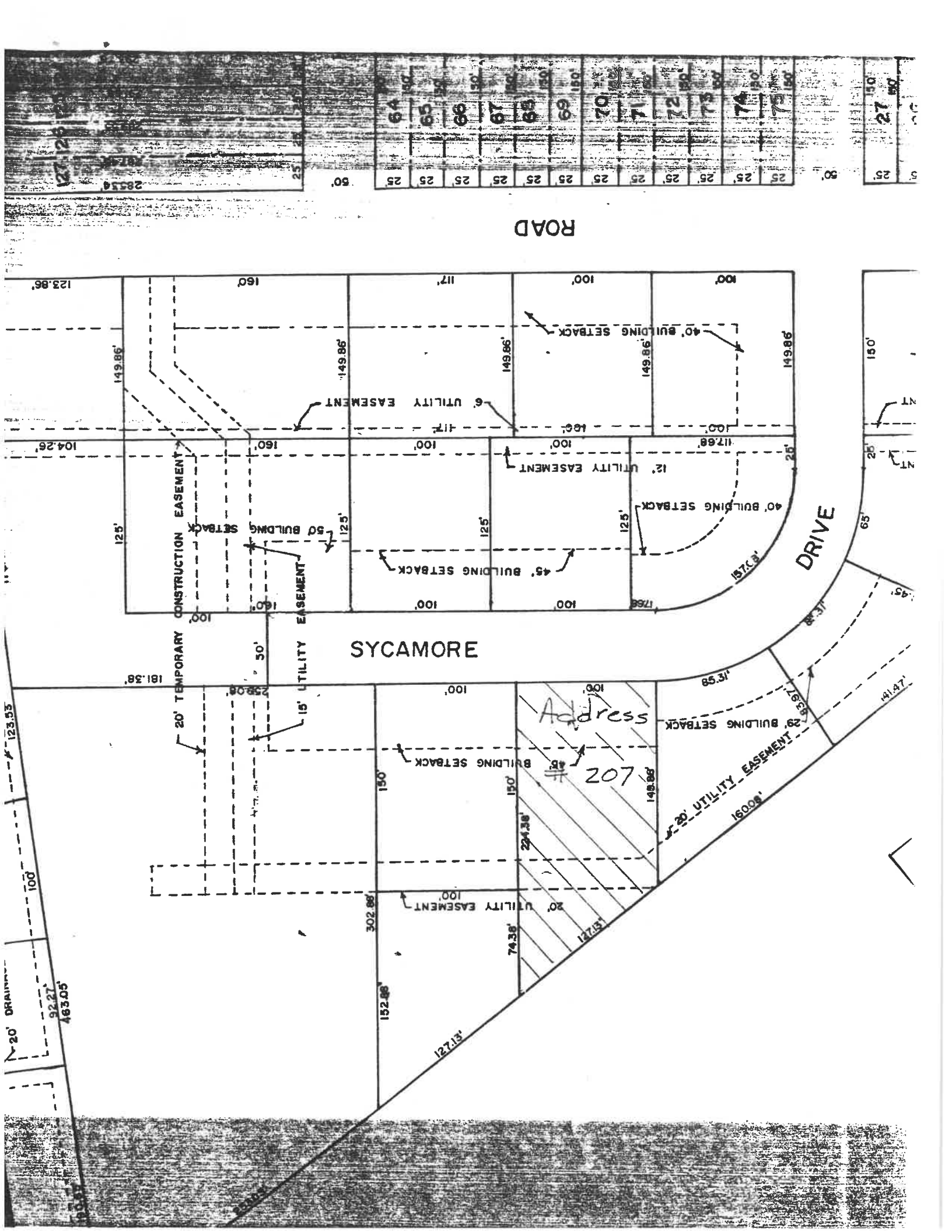
- c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or district in which the property is located.
- d) That the granting of such variance will not alter the land use characteristics of the vicinity or district, diminish the value of adjacent land and improvements or increase the congestion in the public streets.

ROF:skw



HEIGHTS  
 CREEK  
 IV.





127.26  
28514

64	65	66	67	68	69	70	71	72	73	74	75	27
25	25	25	25	25	25	25	25	25	25	25	25	25
50	50	50	50	50	50	50	50	50	50	50	50	50

ROAD

SYCAMORE

DRIVE

Address  
207

