

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Variance to front yard setback at 1435 Taylor Dr.

HEARING DATE: October 11th, 1994 at 4:30 PM

HEARING #: BZA 94/08

BACKGROUND

An application by Otto Hahn R-870 Rd. 17 Napoleon, Ohio owner of lot 22 of the Taylor Addition to Napoleon located at 1435 Taylor Dr. Napoleon Ohio, requesting Variance to the front setback to Taylor Dr. for the purpose of constructing a single family residence. The Variance request is to section 151.33 (D,1) of the City of Napoleon Ohio Code of General Ordinances, and is located in an "A" Residential Zoning District.

RESEARCH AND FINDINGS

1. The owner wishes to construct a single story home on the subject property, but due to the unusual shape of the northeasterly property line's a variance is necessary.
2. The request is for a 5' foot variation to the 30' foot requirement.
3. There will only be a small triangular portion of the proposed new home placed in the front setback.

ADMINISTRATIVE OPINION

I am recommending approval of this request as it is reasonable, there are extraordinary circumstances involved and it should not negatively affect the neighboring properties.

CONSIDERATIONS

The Board shall not render a decision on this request until it has reviewed the following standards for variation.

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.

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