

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Variance to green belt by Don Martin
HEARING DATE: June 8th, 1993 at 4:30 PM
HEARING #: BZA 93/09

BACKGROUND

An application by Donald Martin 5232 Eagle Ridge Ln. Toledo, Ohio, on behalf of Rick Holland 1555 S. Nevada St. Colorado Springs, Colorado, owner of Wendys Restaurant 1429 N. Scott St. Napoleon, Ohio, requesting variance to a certain green belt requirement. The Variance is to section 151.39 (A)(6) of the City of Napoleon Ohio Zoning Code, and is located in a "PB" Planned Business Zoning District.

RESEARCH AND FINDINGS

1. The purpose of this request is to develop additional parking for the Wendy's Restaurant.
2. A 49' wide parcel is proposed to be purchased from Keith Fruchey who owns property directly west of Wendys existing parking lot.
3. If the proposed piece is split from Mr. Fruchey's parcel the remaining piece will still meet the minimum width, square footage, parking and other zoning criteria.
4. The green belt variance is for the space between Mr. Fruchey's building and the west edge of the proposed parking lot.

ADMINISTRATIVE OPINION

I am recommending acceptance of the request due to existence of extraordinary circumstances.

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.

