

MEMORANDUM

TO: Members of the Board of Zoning Appeals *BND*  
FROM: Brent N. Damman, Zoning Administrator  
SUBJECT: Front & rear yard setback 650 Trail Drive.  
HEARING DATE: May 9th, 1995 at 4:30 PM  
HEARING #: BZA 95/05

BACKGROUND

An application by Kevin Vajen (Dba) Robert Lee Homes 14-620 Rd. K Napoleon, Ohio, requesting a minor variance to the front and rear yard setbacks at 650 Trail Dr. Napoleon, Ohio. The purpose of the request is to allow the construction of U-Lock type storage buildings on the subject property. The variance request is to section 151.39 (D)(1) of the City of Napoleon Ohio Code of General Ordinances, and is located in an "PB" Planned Business Zoning District.

RESEARCH AND FINDINGS

1. The request is for a 2.5 foot variance to the front setback and a 2.5 variance to the rear yard setback.
2. The plans reflect compliance with all other zoning and engineering related issues.

ADMINISTRATIVE OPINION

I am recommending the Board grant the setback variance as request.

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

- (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.