

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Variance to front setback to allow conversion
to a duplex dwelling.
HEARING DATE: July 26th, 1994 at 4:30 PM
HEARING #: BZA 94/05

BACKGROUND

An application by Neal Thomas 12-564 Rd. P Napoleon Ohio on behalf of Bertha L. Boyer owner of a property at 323 Union, Napoleon Ohio, requesting variance to the front setback at 323 Union St. to allow the conversion of a single family residence to a two family residence. The variance request is to section 151.35 (D)(2) of the City of Napoleon Ohio Code of General Ordinances, and is located in a "C" Residential Zoning District.

RESEARCH AND FINDINGS

1. The purpose of this request is to allow variation to the existing structure front setback so the single family unit may be converted to a duplex dwelling.
2. In order to convert an existing single family dwelling unit, into a duplex dwelling unit, all zoning provisions must be in compliance. The front setback was the only item which was not in compliance with the applicable zoning district regulations.

ADMINISTRATIVE OPINION

I believe this request is reasonable and meets the standards for variation listed below.

Also the purchaser/contractor has a history of completing projects to code specifications.

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.

NOTICE OF PUBLIC HEARING RESCHEDULE

Please take notice:

A Public Hearing will be held by the Board of Zoning Appeals of the City of Napoleon, Ohio in the Council Chambers of the City Building, located at 255 W. Riverview Avenue, on July 12th, 1994 4:30 p.m. instead of June 14th, 1994, @ 4:30 p.m. to consider the following item(s)

An application by Neal Thomas 12-564 Rd. P Napoleon Ohio on behalf of Bertha L. Boyer owner of a property at 323 Union Napoleon Ohio, requesting variance to the front setback at 323 Union St. to allow the conversion of a single family residence to a two family residence. The variance request is to section 151.35 (D)(2) of the City of Napoleon Ohio Code of General Ordinances, and is located in a "C" Residential Zoning District.

All persons desiring to speak for or against said Variance may appear at the Hearing and be heard thereon.

C. Richard McBroom
Chairman, Board of Zoning Appeals,
City of Napoleon, Ohio

Neal 592-7390