

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Roger O. Freytag, Zoning Administrator *ROF*  
SUBJECT: An application for Variance to reduce the front yard setback from 15' as required to 2'-5" at the proposed building corner and to reduce the rear and side yard setback from 30' with 6' landscaping screen to 8.25' with an evergreen planting screen.  
DATE: 13 April 1990  
MEETING: 17 April 1990 at 4:30 PM  
MEETING NO.: BZA 90/04

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a variance to reduce the front yard setback from 15' as required to 2'-5" at the proposed building corner and to reduce the rear and side yard setback from 30' with 6' landscaping screen to 8.25' with an evergreen planting screen.

BACKGROUND

An application for Variance by Edwin Saneholtz on behalf of Saneholtz Supply Company, Napoleon, to reduce the front yard setback from 15' as required to 2'-5" at the proposed building corner and to reduce the rear and side yard setback from 30' with 6' landscaping screen to 8.25' with an evergreen planting screen. The Variance shall be to Section 151.41(C)(1) of the City of Napoleon, Ohio, Code of Ordinances. The proposed development is located at 350 East Washington Street, East of the office at 302, in an "I-2" Open Industrial District.

There was a question about the canal lands in that area and after much research, It is believed that there may have been a canal road way in this area at one time, but it was never a legal dedicated street. It was being used more or less without the property owners permission and therefore now is the property of Mr. Saneholtz.

Because of the closeness to the downtown business district which does not require a setback and because of the width of the Right-of-way of Riverview, I don't think there will be a problem with allowing the Variance.

The standards for variation to be considered are as follows:

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- (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 of 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.

The City Staff believes that a Variance for this situation would meet the above criteria.

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