

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Dammman, Zoning Administrator
SUBJECT: Variance to setbacks and extension of a non
conforming structure by Frank Aten at 531 W.
Washington.
HEARING: January 14th, 1992 at 4:30 PM
HEARING #: BZA 91/12

BACKGROUND

An application by Frank Aten 531 W. Washington Napoleon, Ohio, for variance to the side setback and to allow extension of a non-conforming use structure, for the purpose of constructing a 2-story addition to the south side of the existing structure. The variance request is to Sections 151.31 (A) and 151.34 (D)(1) of the City Of Napoleon, Ohio Code of Ordinances. The above mentioned residence is located in a "B" Residential District.

RESEARCH AND FINDINGS

1. The structure in question is located in a "B" residential district in which the minimum side setback is 5' and the minimum lot width is 60 ' for a single family residence.
2. The existing structure is 1.5' from the east side property line, 3.5 ' from the west side property line and the lot width is 43.25'.

ADMINISTRATIVE OPINION

The extension of this nonconforming use structure in my opinion meets the standard criteria for variation.

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.

