

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Dammman, Zoning Administrator
SUBJECT: An application for Variance by Don Bergstedt to allow reconstruction of a dwelling that is in a nonconforming.

HEARING

DATE: November 13th ,1990 at 4:30 PM

HEARING #: BZA 90/30

BACKGROUND

An application for Variance by Donald Bergstedt 210 W. Maumee Napoleon, Ohio, to allow reconstruction of a fire damaged home located at 623 W. Washington lot 68 of Sheffields 2nd., which is within the side yard setback, and is over 60% damaged by fire. The purpose of this Variance is to bring it back to livable standards and rent it out as a duplex as it was a duplex before the fire occurred. Mr. Bergstedt will comply with all building codes and construction standards. The above mentioned property is located in a "B" Residential District in which duplex construction is allowed.

RESEARCH AND FINDINGS

1. That the above mentioned lot is located in an "B" Residential District and do to the extent of fire damage can not be reconstructed according to 150.30 of the City of Napoleon Ohio Code of ordinances unless certain criteria are met.
2. The purpose of this variance is to allow reconstruction according to the above mentioned ordinance criteria and to allow it to remain in its nonconforming position.
3. That this may be the most expedient manner in which to abate this nuisance.
4. Mr. Bergstedt has remodeled other homes within the city including, 1225 Oakwood, 826 Maple, 650 Welsted, 1051 Dodd, and his own home at 210 W. Maumee.
5. That there has been one negative response by Hermenia Reiser, She was concerned about the quality of people who would be renting this duplex and also if it would be kept up properly.

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 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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