

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Variance to Broadmoor Ave. at 1105 Westmont
HEARING DATE: December 13th, 1994 at 4:30 PM
HEARING #: BZA 94/15

BACKGROUND

An application by David Rohrbaugh 1379 Richmar Ln. Napoleon, Ohio owners of lot 35 in the Gerken Hoeffel Third Addition to Napoleon, requesting Variance to the front yard setback to Broadmoor Ave. (an unimproved street). The Variance request is to section 151.33 (D,1) of the City of Napoleon Ohio Code of General Ordinances, and is located in an "A" Residential Zoning District.

RESEARCH AND FINDINGS

1. The portion of Broadmoor Ave. in question has not been built and its highly unlikely that it will be in the future.
2. The Board has granted variance to other lots along Broadmoor Ave. in the past.
3. There is a deed restriction which dictates a Ten (10) foot minimum setback to Broadmoor Ave., the zoning code requires a minimum setback of Thirty (30) feet.
4. The applicant is requesting that the land owners in this subdivision grant a variation to the Ten foot deed restriction, to date I have not heard if the request has been granted, therefore the Board may grant variance only up to the Ten foot deed restriction.

ADMINISTRATIVE OPINION

I am recommending the Board grant a variance of Twenty (20) feet this would leave a Ten (10) setback to Broadmoor Ave.

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.