

## MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Brent N. Damman, Zoning Administrator  
SUBJECT: Rear setback variance for storage building at  
1072 Willard.  
HEARING: August 11th, 1992 at 4:30 PM  
HEARING #: BZA 92/08

## BACKGROUND

An application by Herbert D. Peters 1072 Willard Napoleon, Ohio, requesting a Variance to the rear setback of lot 77 of Mary Dodds 2nd Addition for the purpose of constructing an addition to an existing storage building which is located in the south east corner of said lot. The Variance request is to Section 151.33 (D)(1) of the City of Napoleon, Ohio Code of Ordinances, requiring 10' minimum setback to the rear lot line, existing structure is at 6'. The lot in request is located in an "A" Residential Zoning District.

## RESEARCH AND FINDINGS

1. The above request is for the purpose of constructing a 12' x 16' addition to an existing legal dimensionally nonconforming structure, the east side of which is three feet off a dead end public alley, which is used to access said structure and has been maintained by the applicant.
2. The existing structure is only nonconforming to the rear setback, the addition to this structure would be used to store items that are now store out in the open, thus would improve the appearance of the property.

## ADMINISTRATIVE OPINION

The above request I believe is reasonable and meets the (c,d) standards for variance.

## 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.

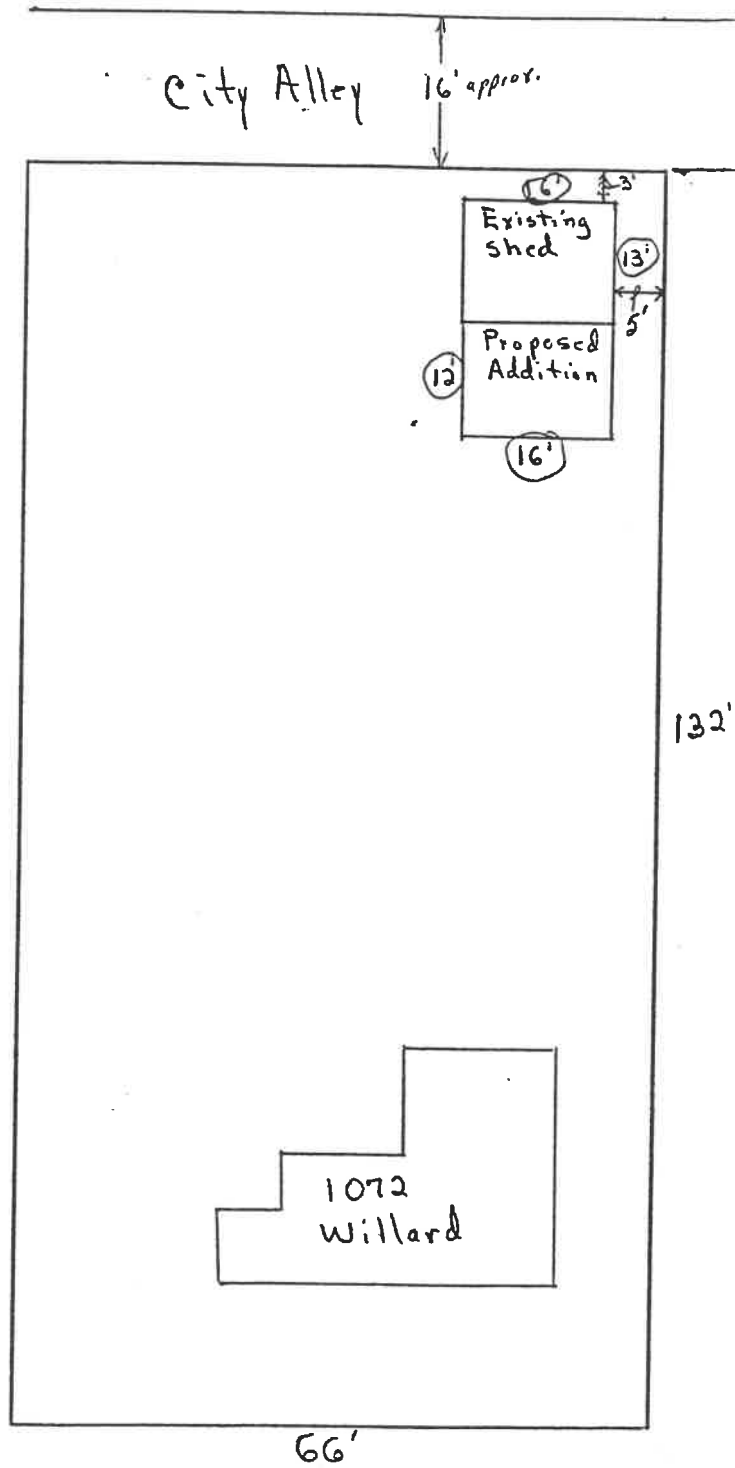
- (c) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or district in which the property is located.
- (d) That the granting of such a Variance will not alter the land use characteristics of the vicinity of district, diminish the value of adjacent land and improvements or increase the congestion in the public streets.

Herbert D. Peters  
1072 Willard  
Ph. 592-6290



C/K Ohio

C/K Willard



Scale 1" = 20'