

MEMORANDUM

TO: Members of the Board of Zoning Appeals  
FROM: Richard A. Hayward, City Manager *RAH*  
SUBJECT: Request for Variance - Donald Stevens.  
DATE: August 31, 1987 *BZA 87-26*

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for Donald and Esther Stevens to allow the construction of a garage in the front yard setback at 231 Brownell Street.

BACKGROUND

A petition has been received from Donald and Esther Stevens, 231 Brownell Street, Napoleon, Ohio, requesting a Variance to Section 151.33(D)(1) of the Zoning Code to allow them to construct a garage in the front yard setback. The petitioner wishes to build a new garage to be located 7 feet back of an existing garage which is a non conforming use. As this is an unattached garage the front yard setback is 50 feet because it is considered an accessory building. This existing garage is right on the property line.

The property in question is located in an "A" Residential Zoning District at the corner of Brownell Street and Fourth Street. Staff has reviewed the request and finds no problem with it. The existing garage is already in the front yard setback and the new garage will be somewhat more in compliance. There do not appear to be any other problems. As such, Staff recommends approval.

The request meets the Standards of Variation in the following manner:

- 1) The existing garage is constructed in the front yard setback and the new garage will bring the property into closer compliance with the Code which creates an exceptional situation.
- 2) The Variance is needed to allow construction on the property which is a right enjoyed by others in the district.
- 3) Granting the Variance will not be materially detrimental to the public welfare.
- 4) Granting the Variance will not alter the land use characteristics of the district.

RAH:skw