

BOARD OF ZONING APPEALS
AGENDA
January 11, 1983

TIME: 4:30 p.m.

PLACE: Council Chambers, 255 W. Riverview

1. Chairman calls meeting to order.
2. Secretary calls roll.
3. Approval of minutes of October 12, 1982.

4. Public Hearing:

A variance request to the front setback requirements 151.34(D)(1) to enclose a porch approximately 6 ft. into the required building setback and Section 151.21(B) and 151.23(B) is requested by Rodney Wenner, Jr. of 833 Daggett Avenue and the property more particularly described as Lot Number Twenty seven (27) in W. F. Daggett's Subdivision of Outlot Number Seven (7) in John G. Lowe's Addition of Outlots to the Village (now City) of Napoleon, Henry County, Ohio.

5. Adjournment.

BOARD OF ZONING APPEALS REVIEW

Subject: Front yard setback - Rodney Wenner

Rodney Wenner is requesting a variance to the front yard setback requirements in a "B" Residential District. The front of Mr. Wenner's house now sets 22 ft. from the front property line. There is an open porch that sticks 3 ft. 9 in. closer to the street than the front line of the house. Mr. Wenner wants to close the front porch in with walls, windows and doors. The front line of this porch would be 18 ft. 1 in. from the front property line. The setback in "B" residential areas is 25 ft. Because the porch and the house are existing they would be considered legal non-conforming uses.

Section 151.21 - Application or District Regulations

The regulations set forth in this Code within each district shall be minimum regulations, and shall apply uniformly to each type of structure or use of land as hereinafter provided:

- A. Regulations apply - no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, moved or structurally altered except in conformity with the regulations herein specified for the district in which it is located.
- B. Lot areas and yards may not be encroached upon - no building shall be erected, reconstructed or structurally altered in any manner which will encroach upon or reduce the required yard setbacks.
- D. No reduction in yards - no yard or lot existing at the time of passage of this Chapter shall be reduced in dimension of area below the minimum requirements set forth herein. Yards of lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

151.23B - front yard encroachments -

No structure or part thereof shall project into a required front yard except:

- 3. Unenclosed, uncovered steps, entrances, platforms, terraces or landings not over 18 inches above grade which may project into the required yard a distance not more than 5 feet.

The existing porch would be considered an unenclosed entrance platform and would be allowed to stick out 5 ft. into the setback of the front yard. This porch is encroaching 1 ft. 9 in. over the 5 ft. now. It could exist as is, as long as it was not enclosed.

I just had a similar case across the street from this house. That owner put the wall in line with the house which would be permissible in this case. Mr. Wenner's problem is that if the wall is put in line with the house, the enclosed room would only be ft. deep with doors ft. apart. I have attached a drawing to make it clearer.

Encroachments into yard setbacks should not be allowed unless there is a hardship. I see no hardship here. The enclosure was started without a permit and I stopped the job.

I am asking that the Board read the standards for variation Section 151.13F, page 21 in your Zoning Code.

Richard G. Hayman