

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Variance request to the rear setback by
Donald Beals.
HEARING: October 13th, 1992 at 4:30 PM
HEARING #: BZA 92/10

BACKGROUND

An application by Donald Beals 980 Moser Dr. Napoleon, Ohio requesting a variance to the rear yard setback requirements for the purpose of constructing an attached roof over an existing patio. The variance request is to section 151.33 (D)(1) of the City of Napoleon Ohio Zoning Code, and is located in an "A" Residential Zoning District.

RESEARCH AND FINDINGS

1. The above request is for the purpose of constructing a 14.5' x 24' covered patio to the existing dwelling structure.
2. The site plan submitted indicates a 4 foot deficit to the rear setback requirements.
3. There is an existing patio slab which measures 14.5' x 31.5'.

ADMINISTRATIVE OPINION

The proposed covered patio addition in my opinion would not adversely affect the neighboring properties.

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.

01808003.27

Huddle Road

DON BEALS

Moser Drive

Existing House
At 980 Moser Drive

Proposed Line

Existing Home
At 494 Huddle Rd,

148'

14'6"

11"

Existing
Patio

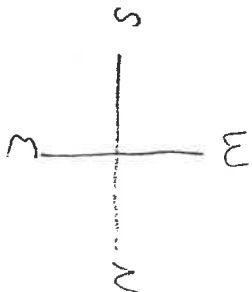
24'

to be covered

31'6"

25'6"

19'4"



Proposed Roof Over
Existing Patio with
12" Gable End Overhang,
Roof To Cover 24' OF
Patio From The NORTH
END AND THEN OUT THE
FULL 14'6" EAST

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Richard A. Hayward, City Manager ^{RAH}
SUBJECT: Request for Variance - Donald E. Beals.
DATE: May 12, 1987

BZA 87-08

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for Donald E. Beals to allow the construction of a porch within the front yard setback at 980 Moser Drive.

BACKGROUND

A petition has been received from Donald E. Beals, 980 Moser Drive, requesting a Variance to Section 151.33(D)(1) of the City of Napoleon, Code of Ordinances to allow the construction of a porch within the front yard setback on his property. The request is to construct a 9 foot by 20 foot porch on the property that extends 14 feet into the front yard setback. The front yard setback in the "A" Residential Zoning District is 30 feet.

The lot in question is located on a private street. There do not appear to be any exceptional reason to grant the Variance except that the house is already in the front setback and cannot be improved without it.

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

- 1) The house is already in the front yard setback and cannot be improved without the Variance which make this an exceptional request.
- 2) The Variance is necessary to allow construction on this 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