



# City of Napoleon, Ohio

## Code Enforcement

*Kevin Schultheis, Inspector/Zoning Administrator*

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BZA-20-02

Variance to the Property Setback

Location: 115 Vincennes Dr.

### **Memorandum**

**To:** Members of the Board and Zoning Commission

**From:** Kevin L. Schultheis, Interim Zoning Administrator/Code Enforcement Officer

**Subject:** Variance to the Property Setback

**Meeting Date:** April 14, 2020 4:30 PM

**Hearing #:** BZA-20-02

### **Background:**

An application for public hearing has been filed by Chad Moll, 115 Vincennes Dr., Napoleon, Ohio 43545. The applicant is requesting approval a variance to section 1147 regarding the building setbacks in an R-2 Low-Density Residential District. The Applicant is requesting a variance to the back yard setback from 10 feet to 1 foot, and the side yard from 7 feet to 1 foot, to build a 16'x 12' shed, less than 200 square feet.

### **Research and Findings**

1. A variance is needed to allow better access to a utility pole located near the existing shed and by allowing the move would create a better space.
2. This would allow the required 15 feet from a built in fire pit, ensuring the safety of the structures and residence.
3. Scope of Project: (see attached)

### **Standards for a Variance**

The board, after a hearing, may grant a variation from the regulations of the City's Planning and Zoning Code, but only when such variation is in harmony with the general purpose and intent of the Planning and Zoning Code, and the Board finds all of the following:

- (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 the property in question.

- (c) That granting such variance will not be materially detrimental to the public welfare or injurious to the property of improvement in the vicinity or district in which the property is located;
- (d) That granting such variance will not alter the land used characteristics of the vicinity or district, diminish the value of the adjacent land and improvements, or increase the congestion in the public street. (Ord. 69-01. Passed 7-2-01)