

**BOARD OF ZONING APPEALS MEETING MINUTES**

Tuesday, April 13, 2021 at 4:30 pm

BZA 21-01 – Variance to Property Setback – 12 Bauman Place

**PRESENT**

Board Members Tom Mack-Chair, David Dill, Lynn Rausch, Steve Small  
City Staff Kevin Schultheis-Code Enforcement/Zoning Administrator  
Clerk of Council Roxanne Dietrich  
Others News media via WebEx

**ABSENT**

Board Member Larry Vocke

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CALL TO ORDER

Chairman Mack called the Board of Zoning Appeals Order at 4:30 pm

ROLL CALL

Roll call was taken with the Chair noting a quorum was present.

APPROVAL OF MINUTES

Hearing no correction or objections, the minutes from the October 13, 2020 meeting were approved as presented.

NEW BUSINESS

**BZA 21-01 -Variance to Property Setback at 12 Bauman Place**

Mack read the background on BZA 21-01. An application for Public Hearing has been filed by Daphne Cole, 12 Bauman Place, Napoleon, Ohio. The applicant is requesting approval of a Variance to Section 1147 regarding the Building Setbacks in an R-1 Suburban Residential District. The applicant is requesting a Variance to the North portion of the driveway to build an onsite 36' x 56' Post Frame Building.

RESEARCH AND FINDINGS

Schultheis presented his research and findings.

A variance is needed to allow the post frame building to move inside the setback requirement of ten feet (10') of the property line. The move would create a better space and clearance from a steep drop to VanHying creek. This is an R-1 District, the side setbacks are ten feet (10'). The Cole's are asking to move a few feet inside of that. After a hearing, the Board 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:

- 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;
- 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;
- 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
- 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.

Schultheis noted all these conditions are met and will not vastly stop preservation or enjoyment of the area. It is back at the end of Bauman Lake and they have enough property for the extra building.



Roll call vote on the above motion:

Yea-Mack, Small, Rausch, Dill

Nay-

**Yea-4, Nay-0. Motion Passed.**

**Approved**

May 11, 2021

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Tom Mack - Chair

DRAFT