



AGENDA
BOARD OF ZONING APPEALS
TUESDAY, April 23, 2024
6:30 P.M.

MEMBERS

Kate Rousmaniere, Vice Chair
Calvin Conrad, Secretary D. Chadwick Smith
Matt Wyatt Philip Russo

STAFF

Sam Perry, Director, Community Development
Zachary Moore, City Planner/GIS Coordinator
Christopher Conard, Law Director

MEETING PROCEDURE: The Board of Zoning Appeals is a quasi-judicial Board. Our primary function is to hear testimony and issue decisions. Unlike other City boards and commissions, we only hear relevant, sworn testimony from the Applicant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Applicant has the right to cross-examine any testimony given. Our hearings are open to public attendance, but public comment, opinion and discussion are not considered testimony and will not be heard.

Please wait until you are recognized by the Chair, state your name and address so that your comments may be properly recorded. Applicants are to limit their testimony to fifteen (15) minutes, including any information presented by his/her duly appointed agent or attorney. This time limit may be extended if the Board requests or approves further testimony. Other persons with standing are encouraged to testify and ask questions about the nature of the appeal, but must be acknowledged by the Chair prior to speaking.

- I. Call to Order
- II. Election of Officers and Swearing In BZA Members
- III. Approval of November 28, 2023 Minutes of the Regular Meeting* 1
- IV. New Business*

 BZA-2024-01, 207-209 W Collins Street, VARIANCE to Section 1143.03(c) maximum front yard coverage, Scott Webb Architect, Applicant/Agent **4**
- V. Adjournment

*Attachments



OXFORD BOARD OF ZONING APPEALS

Meeting Minutes

Tuesday, November 28, 2023

[Link for website video here](#)

Meeting procedure: The Board of Zoning Appeals is a quasi-judicial Board. Our primary function is to hear testimony and issue decisions. Unlike other City boards and commissions, we only hear relevant, sworn testimony from the Applicant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Applicant has the right to cross-examine any testimony given. Our hearings are open to public attendance, but public comment, opinion and discussion are not considered testimony and will not be heard.

Please wait until you are recognized by the Chair, state your name and address so that your comments may be properly recorded. Applicants are to limit their testimony to fifteen (15) minutes, including any information presented by his/her duly appointed agent or attorney. This time limit may be extended if the Board requests or approves further testimony. Other persons with standing are encouraged to testify and ask questions about the nature of the appeal, but must be acknowledged by the Chair prior to speaking.

Roll Call

Roger Ames, Chair

D. Chadwick Smith

Kate Rousmaniere, Vice Chair

Calvin Conrad

Philip Russo

[Time: 0:55](#)

A regular meeting of the Oxford Board of Zoning Appeals was called to order by Chair Roger Ames on Tuesday, November 28, 2023 at 6:30 p.m.

Members in attendance were Calvin Conrad, Philip Russo, Kate Rousmaniere, and D. Chadwick Smith

Members excused: None

Staff Members in Attendance

Mr. Zachary Moore, City Planner/GIS Coordinator

Staff Members Excused

Mr. Sam Perry, Director, Community Development, Ms. Eunike Miller, Administrative Assistant

Approval of September 26, 2023 Minutes of the Regular Meeting

[Time: 0:59](#)

Motion – To approve the minutes as written

(Voice Vote) 1st Mr. Russo

2nd Ms. Rousmaniere

AYE: (5)

NAY: (0)

ABS: (0)

New Business

BZA-2022-04

[Time: 1:18](#)

Page 4 of the Agenda Packet

1. BZA-2022-04, 10 N Beech Street, VARIANCE, minimum building height requirement in the UP Zoning District, Robert Humphrey, Applicant/Agent – EXTENSION REQUEST

Motion – To Enter into Adjudication Hearing

(Voice Vote) 1st Mr. Ames

2nd Mr. Russo

AYE: (5)

NAY: (0)

ABS: (0)

Comments from the Public

There were no comments from the public.

Motion – To approve the variance extension request until February 28, 2024 conditioned upon obtaining a building permit during this time period

(Roll Call Vote) 1st Mr. Russo

2nd Ms. Rousmaniere

AYE: Mr. Rousmaniere, Mr. Conrad, Mr. Smith, Mr. Russo, Mr. Ames (5)

NAY: None (0)

ABS: None (0)

Motion to Adjourn Meeting at 6:48 p.m.

Time: 18:16

(Voice Vote) 1st Mr. Russo

2nd Ms. Rousmaniere

AYE: (5)

NAY: (0)

ABS: (0)

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Scott Webb, Architect
Location	Alley Lot behind 207/209 W Collins St
Owner	Clawson Properties II LLC, c/o James M. Clawson
Action Request	Variance to Section 1143.03(c) front yard coverage
Lot Size	4,323 square feet
Lot Width	65.12 feet
Current Use	Undeveloped / Off-site parking area for 207/209 W Collins
Current Zoning	R-1MS Single-Family Mile-Square Residential District
Surrounding Land Uses	Four-family dwelling to the north (207/209 W Collins); Lodging House to the east (201 W Collins); Single-family dwellings to northwest, west, and south

BACKGROUND

In pursuit of developing a new single-family dwelling on an alley lot located behind an existing four-family structure at 207 & 209 W Collins, the applicant is requesting a Variance to one provision contained in the Oxford Zoning Code for maximum front yard coverage.

The subject parcel has frontage on alley public right-of-way on its southern side, and otherwise adjoins other residential properties on the remaining three sides. The lot immediately to the west (213 W Collins) is also an alley parcel (though fronting on two alleys) and supports an existing single-family dwelling. The parcel immediately to the north has frontage on a public street (W Collins), and is in the same ownership as the subject parcel. The subject parcel currently contains an off-street parking area with signage identifying the parking spaces as reserved parking for the occupants of 207-209 W Collins St, with walkways leading up to the existing dwelling. However, since the subject parcel is separate and distinct from the parcel supporting the existing four-unit building, it is considered a separate “lot of record” and thereby makes the existing parking present on it “off-site” from its associated use.

The R-1MS District normally requires a minimum of 6,000 square feet and a lot width of at least 60 feet in order to establish a new single-family dwelling. In this case, the subject parcel meets the width requirement but not the area requirement. Per **Section 1137.05(a)**, a lot in a residential zoning district that does not satisfy the site development regulations for any permitted use in that District may have erected on it a single-family dwelling

if the lot has a minimum area of 3,000 square feet and a minimum lot width of 33 feet. Given that the subject parcel totals 4,323 square feet, single-family residential is a potentially allowable use even though it does not meet the minimum R-1MS lot area. The single-family use allowance per **Section 1137.05(a)** applies provided the new dwelling is designed to conform to *the height, lot coverage, vehicular access and yard or setback requirements of the District where the property is located.* There is a particular lot coverage standard that cannot be met based on the currently proposed layout, therefore the applicant is requesting a Variance in order for the project to move forward. The applicant has otherwise demonstrated compliance with front, side and rear yard setback requirements, at least as are currently interpreted for lots with only alley frontage.

On April 2, the Oxford City Council passed a moratorium on all alley development. A moratorium is essentially a formalized temporary “pause” on certain forms of development, so as to give City staff enough time to research and develop proper regulations. This moratorium is currently in effect for a 6-month period, lasting until October 2, 2024, unless extended by Council for good cause.

The moratorium was brought forward to Council for a variety of reasons related to public health, safety and general welfare. The Zoning Code was previously amended in September 2017 to allow for construction fronting exclusively on alleys, primarily by adjusting the requirement specific to principal entrance orientation. Several alley houses have been built since 2017, causing City departments to report a number of issues related to infrastructure and adequate provision of public services. Issues also stem, in part, from improper application of zoning standards which are normally meant to apply to conventional lots fronting on public streets; this is an apparent shortcoming of the 2017 amendments, as they did not go far enough to clarify a direction for alley development.

The belief at present is that sites fronting exclusively on alleys deserve the application of an entirely separate palette of zoning standards, inclusive of standards for maximum coverage and minimum setbacks. Case in point, in observing the submitted building rendering for this Variance request, it should appear obvious that the way in which setbacks are being applied has resulted in a rather unusually shaped structure that no doubt would stand in dramatic contrast to the urban environment in which it is situated. This is not an issue for the BZA to consider directly, as the Planning Commission and Council have the role of reviewing changes to legislation that in turn impact development. However, staff would be remiss not to mention the current status of affairs as it pertains to alley development in Oxford.

DESCRIPTION

The applicant’s requested variance can be summarized as follows:

Requirement	Code Section	Standard	Proposal
Maximum Front Yard Coverage	1143.03(c)	15%	24.8%
The minimum front yard setback in the R-1MS District is 20 feet. The applicant has submitted a site plan showing a dwelling positioned at the front setback line; therefore, all developed surfaces falling between the front lot line and the dwelling are counted toward the overall front yard coverage. The front yard area totals 1,302 square feet, with 323 square feet of proposed coverage within. Therefore, the coverage percentage equates to 24.8% ($323 \div 1,302$), a difference of 9.8% from the usual maximum of 15% for <i>lots with vehicular access from a rear or side alley with no access from a public street</i> . The applicant argues that a much higher standard of 30% – normally applicable to <i>lots with vehicular access from a public street</i> – should apply in this situation, seeing as how the paradigm since 2017 has been to “pretend” that alley lots are the same as conventional street-facing lots (which of course they are not). Despite the supposed inconsistency, staff believes the literal wording of the existing Code should be respected, hence why a Variance request is now being brought forward to the BZA for consideration. However, it can be recognized there is a difference between how a Code standard is applied “on its face” administratively, versus what is viewed as a reasonable deviation that can be approved on a more discretionary basis.			

PUBLIC COMMENTS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. No official public comments have been received as of this writing.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Copenbaker, Assistant to the City Manager	Returned without Comments
Engineering	Scott Otto, City Engineer	Returned with Comments
<i>Water, sanitary sewer, and storm sewer are not located adjacent to this parcel from the alley. These utilities will need to be extended in the alley or through adjacent properties by easement.</i>		
Fire	John Detherage, Fire Chief	Returned with Comments
<i>This plan is not a good idea. If you can get by the fact that this is a three story house that is eleven feet wide you still have the access issues of being in an alley.</i>		
<i>The plan shows the structure at twenty feet from the alley. IF you could get a fire truck in the alley, that will most likely be blocked by misplaced dumpsters and cars not parked appropriately, a high priced piece of equipment will be in the collapse zone of the building. The truck would also be susceptible to radiant heat damage. The proposed parking area would block any ground ladder access to the windows on the East side of the building. It would be impossible to access this building with a ladder truck should it be necessary for firefighting or rescue from the upper floor.</i>		
<i>There also remains the difficulty in finding this building in the case of an emergency. Will it be addressed on W. Collins? The primary entrance faces away from Collins. When an EMS crew is dispatched to 207 W. Collins they will have to push a cot through the yard past the first house, into the back yard and around the second house. Not a good plan if there is a life threatening emergency.</i>		
<i>A back yard is a back yard, not a place for a primary residence. If we continue to let stick built, non-sprinkled houses with no access to be packed into these close quarters, we will burn down an entire block. It's just a matter of time. I will also mention again, the proposed structure is a three story, eleven feet wide house and just because something is manipulated enough to meet the Code, it doesn't mean that it's a good idea.</i>		
Police	John Jones, Police Chief	Returned with Comments
<i>Alley development presents a unique problem with addressing for emergency responders trying to locate the property. In this case, it is given a W. Collins Street when in actuality, it is better for a responding officer to come from S. College Street. These numbers will not be visible from any public street unless a creative solution for addressing is developed.</i>		

BZA SITE HISTORY

Past BZA case history for the subject property is outlined in the table below:

Case No.	Request(s)
BZA-2018-10	Variances to Rear Yard Setback, Front Yard Coverage, & Front Yard Parking
The first Variance application for this property came in early 2018, where the same applicant requested: (1) a reduction of the 35 foot rear yard setback to 17 feet; (2) an increase in front yard coverage from 5% to 58%; and (3) an increase in front yard parking spaces from 1 to 4. It should be noted the Code's maximum front yard coverage requirement has since increased from 5% to 15%. The Board of Zoning Appeals convened on June 20, 2018 and voted 4-0-0 to deny the applicant's requested Variances, based upon the findings that the variances were substantial, could affect delivery of governmental services, and property owner awareness of zoning restrictions.	
BZA-2021-11	Variances to Front Yard Coverage, Front Yard Parking, Driveway Width/Angle
The next attempt came in 2021, where the same applicant requested the following: (1) an increase in front yard coverage from 15% to 46.2%; (2) an increase in front yard parking from 1 to 2 spaces; (3) an increase in driveway width from 18 feet to 22 feet 11 inches; and (4) an increase in driveway angle from 30 degrees to 63 degrees. The Board of Zoning Appeals convened on November 22, 2021 and voted 5-0-0 to deny the applicant's requested Variances, based upon Decision Standards B-G.	

DECISION CRITERIA

In accordance with **Section 1139.02(c)(1)**, the burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for Variance. Furthermore, per **Section 1139.02(c)(2)** the BZA must find that **practical difficulties** exist that would render strict application of the Code unreasonable. In determining whether such difficulties exist which are sufficient to warrant the Variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed narrative addressing the review criteria from Mr. Webb.

If the BZA determines that difficulties exist which are sufficient to warrant the Variance, staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. If the BZA does approve the Variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by **Section 1139.02(d)(2)**.

Staff's review of the criteria is outlined in the table below:

Criterion A	Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance
Mixed evidence	The property is virtually undeveloped, thus it currently does not provide a <i>direct</i> financial return for the owner. There is at least an <i>indirect</i> benefit by providing off-street parking for the adjoining four-family use at 207/209 W Collins. In cases where lot sizes predate the minimum area required by current district standards, Section 1137.05(a) provides for the possibly of at least a single-family dwelling use to ensure reasonable economic value can be gained. However, it is staff's belief that the spirit of this nonconforming lot provision is most directly applicable to standard lots with frontage on public streets. This parcel, for all intents and purposes, <i>should</i> simply be considered a rear yard for 207/209 W Collins despite the property line division running between.

Criterion B	Whether the variance is substantial
Supports granting the Variance	The applicant is asking for a 9.8% increase in allowable front yard coverage, which represents a 65% increase in comparison to the usual standard (24.8% ÷ 15%). This standard is usually easily met for alley lots fronting on the corner of two alleys, as the extra front yard space diminishes the overall coverage percentage. The applicant is providing a Code-compliant driveway and pedestrian walkway, which for all intents and purposes should be allowable without issue, as it would be if the house were fronting on a public street.
Criterion C	Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance
Supports granting the Variance	It is clear the proposed building footprint and oddly-shaped design – influenced by the applicable setback provisions – would be uncharacteristic of the surrounding neighborhood; however, these elements are not under direct consideration with the requested Variance. The only Variance being requested is for front yard coverage. Absent the abnormal house design, covered surfaces along alleys are a common sight in Oxford. For lots fronting on both a public street and public alley and containing houses oriented toward the street, the area in question would effectively be considered the “rear” and could support a continuous row of off-street parking spaces. For these reasons, regardless of the broader issues at play with respect to alley development, staff believes the essential character of the neighborhood would not be altered by having additional coverage in the “front” yard area.
Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
Mixed evidence	Given the Fire and Police Chief comments regarding visibility and emergency access, it would appear that granting the Variance and thereby allowing development of a significantly sized single-family structure would have an adverse effect on the delivery of governmental services. However, the issues being identified by the Chiefs are inherent to much larger structural issues with the Zoning Code, rather than the issue of front yard coverage alone, which in and of itself is minor in comparison. Therefore, staff rates this criterion as “mixed evidence.”
Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
Does not support granting the Variance	The most recent transaction for this property was in 2005, when both the parcel in front (207/209 W Collins) and the subject parcel were transferred simultaneously. It is reasonable to assume the investment-backed expectation at that time was only for retention of the existing four-family dwelling. It is true that following a 2017 Code amendment allowing principal entrances on alley lots to face either alley, this opened up the door for potential development on the subject parcel so long as all other relevant Code requirements could be met.

Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
Supports granting the Variance	Under the present palette of Code restrictions and past history of staff interpretations, it seems there would be no other way to develop this lot without obtaining approval for the requested Variance to front yard coverage. Even if the walkway to the front door was eliminated, the resulting coverage percentage would still be over the 15% limit.
Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
Mixed evidence	Staff does not believe the spirit and intent of the Code is being met when the standards applied result in a structure that is only 11 feet wide and 3 stories tall. Substantial justice would be better served by maintaining or improving the current use, or by designing a structure more akin to an accessory dwelling unit (ADU) that is smaller in bulk/scale, and thus more clearly secondary to the existing four-family dwelling. However, for better or worse, the City decided in 2017 to grant rights to develop principal single-family uses on properties such as this one, so it is only natural for a property owner to want to exercise those rights. So in essence, perhaps there are competing interests of what constitutes the exact "spirit and intent" embedded within the present Zoning Code, which hopefully can be more definitely determined in the coming months.
Criterion H	Any other relevant factor
Mixed evidence	The fact that a moratorium is currently in effect for alley development may deserve some weight in the decision-making process for this Variance. More than likely, upon the conclusion of the moratorium, a brand new set of restrictions would be adopted into the Zoning Code to apply to developments in an alley-only context. Adopting new standards could possibly render a decision on the present request moot. Over the next few months, City staff (in cooperation with the Planning Commission) plans on researching and developing amendments to the Zoning Code to more explicitly define regulations applicable to alley sites – including, but not limited to: setbacks, lot coverage, and building/entrance orientation – in an effort to address the objectives of the Oxford Tomorrow Comprehensive Plan in a balanced manner which respects property rights, but also does not compromise or critically endanger the public health, safety, or welfare.

CONCLUSION

At the time of this report, staff believes **there is substantial evidence** to support the Variance request.

SUBMITTED BY:



Zachary Moore, AICP
City Planner / GIS Coordinator

DATE: April 10, 2024

BZA MOTION FOR VARIANCES

In the case of **BZA-2024-01** ...

1) Regarding the variance requested to *Section 1143.03(c)* for maximum front yard coverage ...

Mr./Ms. _____ hereby moves that the Board adopt and make the following findings of fact:

- A. The property in question (**will / will not**) yield a reasonable return or (**can / cannot**) be used beneficially without the variances because:_____
- B. The variance (**is / is not**) substantial because:_____
- C. The essential character of the neighborhood (**would / would not**) be substantially altered by the variance and adjoining properties (**would / would not**) suffer a substantial detriment as a result of the variance because:_____
- D. The variance (**would / would not**) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because:_____
- E. The property owner (**did / did not**) purchase the property with knowledge of the zoning restriction because:_____
- F. The property owner's predicament (**can / cannot**) feasibly be obviated through some method other than a variance because:_____
- G. The spirit and intent behind the zoning requirement (**would / would not**) be observed and substantial justice done by granting the variance because:_____
- H. Other relevant factors, if any, considered include:_____

It is further moved that after considering and weighing these factors, the Board should find that practical difficulty (**is/is not**) shown sufficient to warrant granting the Variance requested, and that the Variance should be accordingly (**APPROVED / DENIED / APPROVED WITH THE FOLLOWING CONDITIONS**). The conditions for approval, if any, include:

Motion Seconded by: Mr. / Ms. _____.

Vote: Aye: _____ Nay: _____



City of
Oxford OHIO
HOME OF MIAMI UNIVERSITY

BZA-2024-01

**Surrounding
Property Owners
Notifications Map**

Legend

-  Subject Area
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Building Footprint



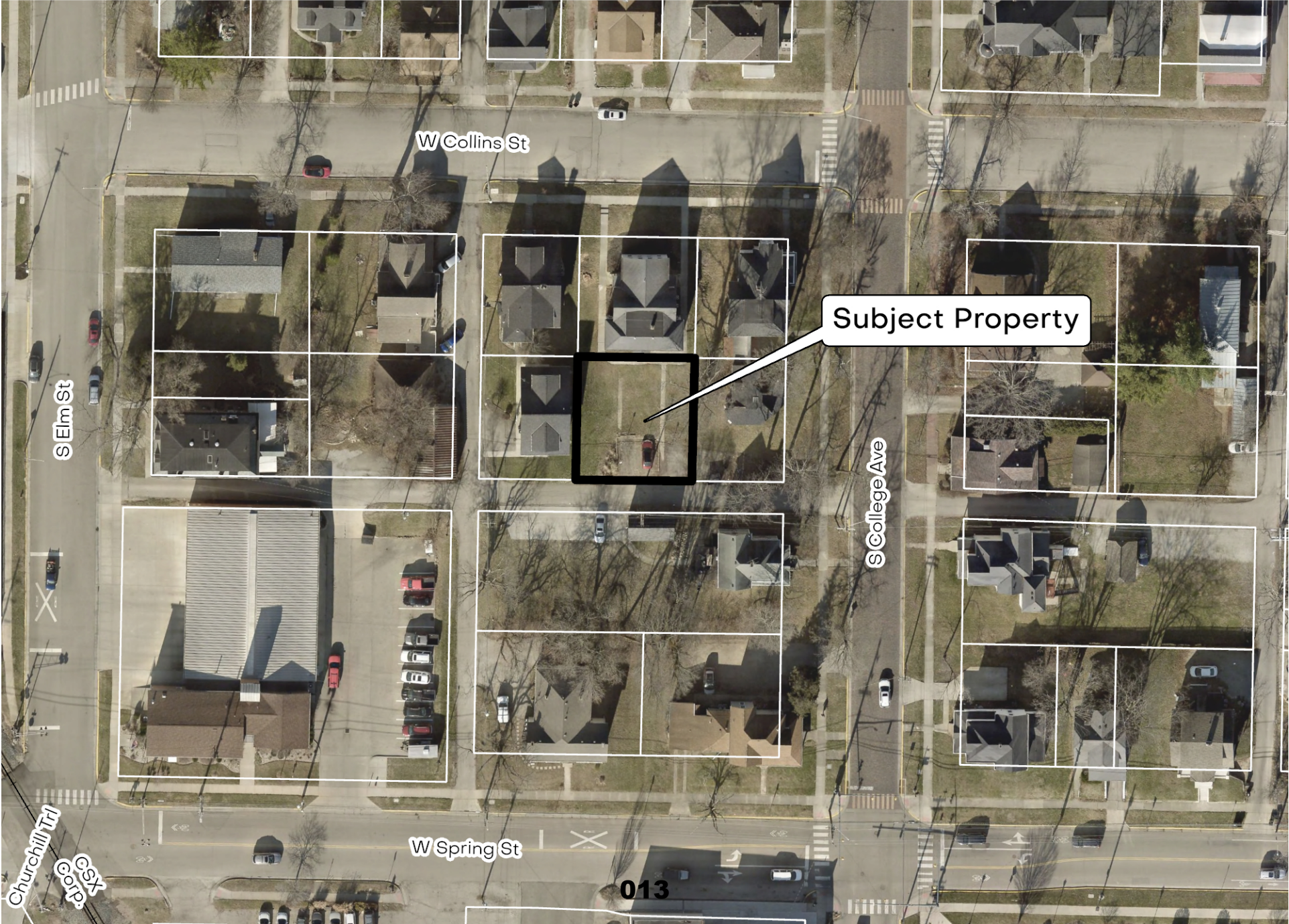
1 inch = 100 feet

Prepared on Tuesday, March 26, 2024

The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



Aerial Map



Zoning Map

 Site

0 50 100 200 Feet





Memo
Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PBZA-2024-01
207 W. Collins St. – Variance

DATE: April 9, 2024

The Engineering Division offers the following comment:

- Water, sanitary sewer, and storm sewer are not located adjacent to this parcel from the alley. These utilities will need to be extended in the alley or through adjacent properties by easement.



MEMORANDUM

Fire Department

513-523-6324

TO: Community Development

FROM: John Detherage
Fire Chief

DATE: 03-29-2024

RE: 207 W. Collins St.

This plan is not a good idea. If you can get by the fact that this is a three story house that is eleven feet wide you still have the access issues of being in an alley.

The plan shows the structure at twenty feet from the alley. IF you could get a fire truck in the alley, that will most likely be blocked by misplaced dumpsters and cars not parked appropriately, a high priced piece of equipment will be in the collapse zone of the building. The truck would also be susceptible to radiant heat damage. The proposed parking area would block any ground ladder access to the windows on the East side of the building. It would be impossible to access this building with a ladder truck should it be necessary for firefighting or rescue from the upper floor.

There also remains the difficulty in finding this building in the case of an emergency. Will it be addressed on W. Collins? The primary entrance faces away from Collins. When an EMS crew is dispatched to 207 W. Collins they will have to push a cot through the yard past the first house, into the back yard and around the second house. Not a good plan if there is a life threatening emergency.

A back yard is a back yard, not a place for a primary residence. If we continue to let stick built, non-sprinkled houses with no access to be packed into these close quarters, we will burn down an entire block. It's just a matter of time. I will also mention again, the proposed structure is a three story, eleven feet wide house and just because something is manipulated enough to meet the Code, it doesn't mean that it's a good idea.



VARIANCE APPLICATION

Please print legibly. To apply, email completed form and plans in PDF format to commdev@cityofoxford.org

BOX 1 | APPLICATION DETAILS

Property Address/Location 207 W Collins (Alley Site)	
Total Site Acreage 0.18	Total Building Square Footage 1,600 (3-Stories)
Project Description New Single Family Residence	
1143.05(c) Front Yard Lot Coverage	
Requested Variance(s) Cite Zoning Code Sections	

BOX 2 | APPLICANT INFORMATION

Is the applicant also the current property owner?	
☐ Yes (You may skip Box 3) ☒ No (Do not skip Box 3, and include a Letter of Agency with your submittal)	
Applicant Name Scott Webb	
Applicant Company Name Scott Webb, Architect	
Mailing Address 103 W. Wlanut Street, Oxford Ohio 45056	
Email Address scott@scottwebbarchitect.com	
Telephone Number (513) 523-3838	

BOX 3 | PROPERTY OWNER INFORMATION ☐ Check if same as Applicant

Property Owner Name Clawson Properties II LLC
Property Owner Company Name Clawson Properties LLC
Mailing Address 125 W Spring Street, Oxford OH 45056
Email Address Jim@Hoteldevelopment.net
Telephone Number (513) 524-9500

BOX 4 | ATTACHMENT CHECKLIST ☐ Submit all contents in PDF format. No printed copies are necessary.

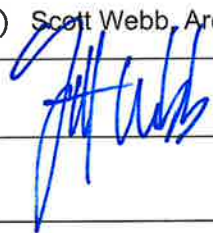
☒ Narrative/Cover Letter addressing all components required by Section 1139.02(a)(1) – more information on Page 3
☒ Site Plan(s) including all details and information required by Section 1139.02(a)(2) – more information on Page 3
☒ Building Elevations of any proposed or modified structures, including dimensions and exterior material details
☒ Floor Plans of building interior(s), and/or typical floor plans if the project involves multiple residential units
☒ Photos of existing site conditions and surroundings
☒ Copy of Preliminary Zoning Review or Permit Zoning Review containing reference to Code section(s) where variance relief is now being requested
Note: Upon checking an application for completeness, staff may require additional information and/or materials above and beyond the items listed above in order to perform a complete evaluation for compliance with relevant Code provisions. You are welcome to contact Community Development at 513-524-5204 ahead of submission to determine whether additional items may be required.

BOX 5 | APPLICANT SIGNATURE

As the owner or owner's agent, I hereby agree all information contained in this application is true, accurate, and complete to the best of my knowledge. I acknowledge the application will first be checked by City staff for completeness prior to determining a hearing date with the Oxford Board of Zoning Appeals. I also acknowledge that one or more signs may be placed on the subject property advertising scheduled public hearings for this application, and assume responsibility for removing signs at the completion of the hearing(s).

Applicant Name (Print) Scott Webb, Architect

Applicant Signature



Date 3/22/2024

Processing Fee

The appropriate processing fee amount will be determined during a completeness check by Community Development staff. It may take 1-2 business days for a completeness check to be performed. The applicant will receive a digital copy of a processing fee invoice via email once it is ready. Fees may be paid in-person by check or credit card at the Finance Department window on the first floor of the Oxford Municipal Building, 15 S College Avenue, Oxford OH 45056. For credit card payments, the City accepts Visa, MasterCard, or Discover, and such payments may also be taken over the phone by calling our Finance Department Utilities line at 513-524-5221, Option 1.

Narrative/Cover Letter Requirements For source text see Oxford Zoning Code [Section 1139.02\(a\)\(1\)](#)

- A description of the existing uses of the site.
- The zoning district in which the site is located.
- A description of the existing and proposed use.
- For a proposed commercial use, include: (1) a description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles; and (2) the hours of operation.
- The nature and magnitude of the requested Variance.
- The Code section from which the Variance is requested.
- Separate narrative statements that explain how the proposed Variance satisfies each of the Decision Standards required to grant a variance. If multiple Variances are being requested, including a separate list of narrative statements for each Variance sought.

Site Plan Requirements For source text see Oxford Zoning Code [Section 1139.02\(a\)\(2\)](#)

- North arrow.
- Scale.
- Vicinity map.
- All existing and proposed lot lines within the site.
- Dimensions of all lots and of the entire site and any adjacent rights-of-way.
- Location, height, and use of all proposed and existing structures.
- Location and design of all proposed vehicle management areas.
- Location, size, and type of all proposed signs.
- Location, height, and type of all proposed screening and landscaping.
- Distances to residential zoning districts if within 1,000 feet.
- The use of land and location of structures on adjacent property and across adjacent rights-of-way.
- An indication of the regulation from which the Variance is requested.
- Other information as required by the Board of Zoning Appeals.

Decision Standards For source text see Oxford Zoning Code [Section 1139.02\(c\)](#)

The Board of Zoning Appeals will consider the effect of the request on the public health, safety and welfare.

Variances shall be granted only upon a determination that **practical difficulties** exist with respect to the property in question that would render strict application of the Zoning Code unreasonable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration.

In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors¹:

- Whether the property in question will yield reasonable return of whether there can be any beneficial use of the property without the variance;
- Whether the variance is substantial;
- Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- Whether the property owner purchased the property with knowledge of the zoning restriction;
- Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- Any other relevant factor.

¹ The first seven factors are collectively known as the "Duncan standards" and are commonly referenced by municipal zoning jurisdictions in Ohio following the State Supreme Court's decision in [Duncan v Middlefield, 23 Ohio St. 3d 83 \(1986\)](#)

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that

Scott Webb

(Applicant Name)

has permission to represent our interest with the City of Oxford regarding
a variance through the Board of Zoning Appeals

(Application Description)

located at

New Single Family Residence at 207 West Collins Street (Alley Access)

(Property Address/Location)

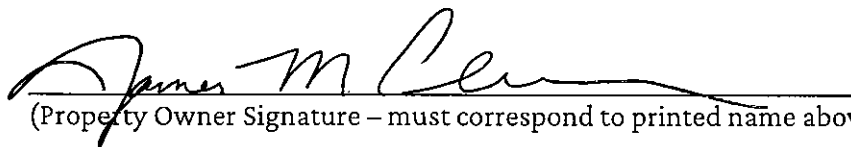
Thank you,

James M. Clawson

(Property Owner Printed Name – must be a person)

Clawson Properties II, LLC

(Property Owner Company Name – if applicable)


(Property Owner Signature – must correspond to printed name above)

3/22/2024
(Date)

Board of Zoning Appeals
City of Oxford
101 East High Street
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Variance to Front Yard Lot Coverage &
Off-Street Parking in Front Yard
New Single Family Residence
207 West Collins Street (Alley Access)

March 22, 2024

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the front yard lot coverage restriction regarding the required off-street parking relating to the construction of a new single family residence.

As a buildable lot per 1137.05(a) the project was originally presented to the Board of Zoning Appeals for a Rear Lot Setback Variance in 2018. The Variance was denied.

The project was redesigned to respect the Setbacks, needing Variances for the required parking spaces in the front yard and was presented to the Board of Zoning Appeals in 2021. These were likewise denied.

The project has been redesigned once again, respecting all setbacks, and removing the parking from the front yard, and providing the only means possible for parking.

Per the March 11, 2024 Preliminary Zoning Review provided by Zach Moore, the following Variance is required:

1143.05(c) Limits Front Yard Lot Coverage to 5% when the site is accessed from an Alley.

As a buildable lot per 1137.05(a) with its only access provided by an alley, the zoning code presents a conflict between this provision and the parking requirement.

The project is proposed with (2) required parking spaces.

The Front Yard Lot Coverage Restriction of 1143.03 (c) provides (2) options:

Lot Coverage for Lots with Vehicular Access from a Public Street is significantly greater to allow for a sidewalk and a driveway.

Lot Coverage for Lots with Vehicular Access from a Rear or Side Alley with no Access from a Public Street is significantly less, where no driveway will be required.

In the case at hand, all other zoning code provisions are based on the alley being our Front Yard (and sides & rears respectively). It is incongruous to then apply a Front Yard Lot Coverage standard as if our parking was somehow accessed from the rear instead of our front.

The lot in question exceeds the min. lot width requirement, yet a single 9' driveway represents nearly 14% of the available 15% of allowable lot coverage. Section 1137.05 actually allows a 33' lot width. A single driveway on the min. lot would represent over 27% without a sidewalk, making this Code standard impossible to meet.

The practical difficulty here is clear. The conflicting provisions of the Zoning Code require parking, but make it impossible to provide it without a variance, though the lot exceeds the minimum lot requirements of Section 1137.05 and the minimum lot width requirement for the Zoning District.

The following are responses to the decisions standards outlined in the application;

- a) *Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;*

The existing property is vacant, and not currently income producing. Since the property meets the guarantees provided in Section 1137.05(a) for a single family residence, to deny the variance would be to prohibit development of a vacant property.

- b) *Whether the variance is substantial;*

The parking location and resulting lot coverage is not substantial, resulting from the code conflict inherent in the lots location and access from the alley. The variance is required to meet the minimum parking requirement.

- c) *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance*

The essential character of the neighborhood would not be detrimentally affected by the new dwelling. Most neighboring properties are existing rental houses, and additional Dwelling units exist on each of the flanking lots along this alley.

- d) *Whether the variance would adversely affect the delivery of governmental services (i.e., water, sewer, garbage);*

All utilities are available at this location.

The lot coverage variance does not change the delivery of services.

- e) *Whether the property owner purchased the property with knowledge of the zoning restriction;*

The owner of the property was made aware that this site is a distinct and separate parcel through an inventory of their rentals and the development of the adjacent alley property.

The owner is also aware of the parking requirement and is seeking relief for the front yard lot coverage.

- f) *Whether the property owners' predicament feasibly can be obviated through some method other than a variance;*

The owner could ask for relief from the parking requirement entirely, rather than the variances required to provide it.

- g) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;*

Substantial justice is achieved through Section 1137.05(a) which guarantees a property owner the use and development of an existing lot of record such as this one.

The spirit and intent of the parking restriction is observed, creating parking to lessen the pressure on street parking. Substantial justice is achieved, allowing the only possible parking for the site.

h) Any other relevant factor;

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging Infill development and redevelopment of underutilized sites as a priority, locating new residences where infrastructure is in place, and encouraging walkability access to public transit, open space, and the Uptown, and Stewart Square commercial districts

Thank you for your consideration of this application. If you have any questions or need any additional information, please call.

Respectfully,

A handwritten signature in dark ink, appearing to read "Scott Webb", is written over a light blue rectangular background.

Scott Webb, Architect

Site Photos



Site view from Alley looking West



Site view from Alley looking East

(R-1MS ZONING DISTRICT)

OVERALL LOT WIDTH: (60' MIN. FOR 1-FAMILY) 65.44 FT

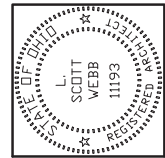
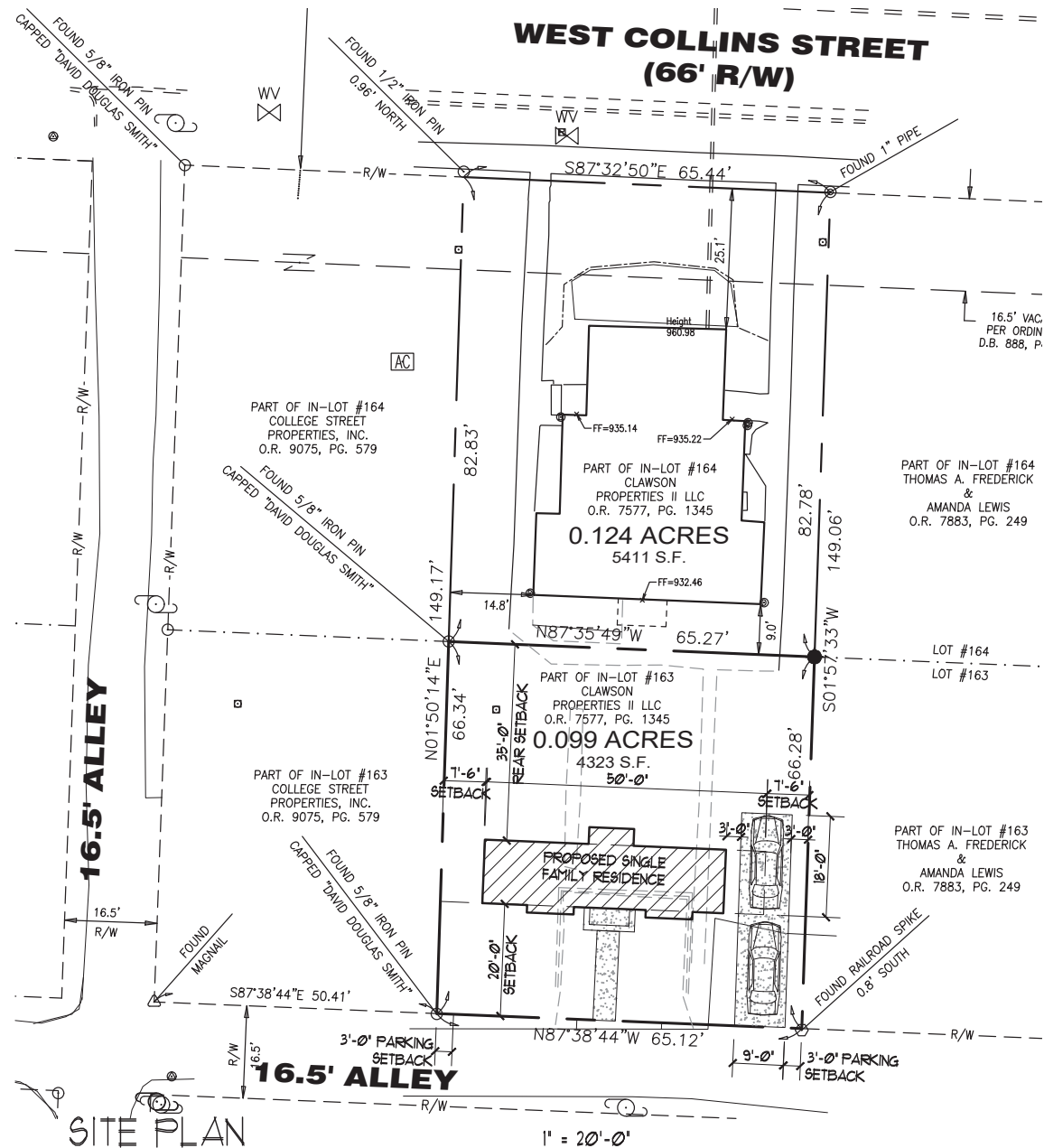
OVERALL LOT COVERAGE

TOTAL:	1,114 SF
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FRONT YARD LOT COVERAGE

FRONT YARD LOT COVERAGE: 302 SF / 1,302 SF = 23.2%
ALLOW. LOT COVERAGE: R-1MS = 15%

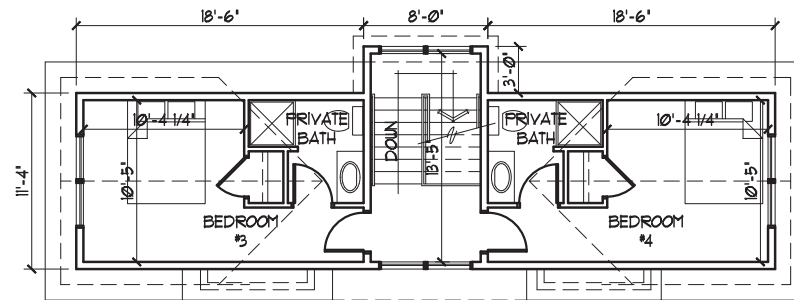
(2) SPACES REQUIRED - (2) PROVIDED)



PROPOSED NEW RESIDENCE
207 West Collins Street (Alley Site)
OXFORD, OHIO 45056

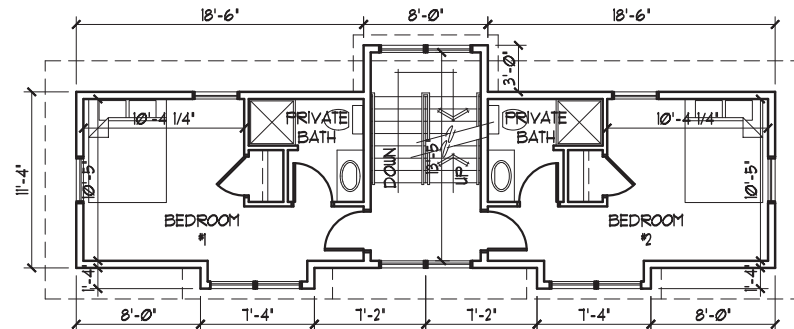
DATE	
March 22, 2024	
REVISIONS	

$$\Delta = 1$$



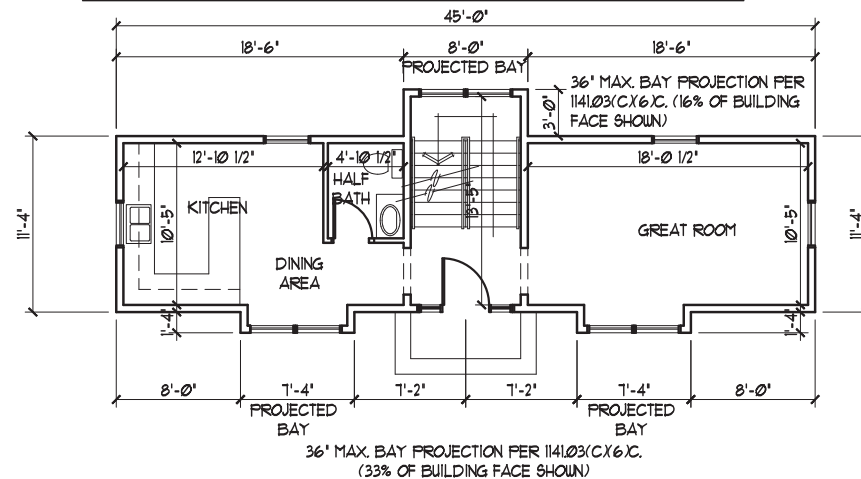
THIRD FLOOR PLAN

1/8" = 1'-0"



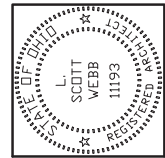
SECOND FLOOR PLAN

1/8" = 1'-0"



GROUND FLOOR PLAN

1/8" = 1'-0"



PROPOSED NEW RESIDENCE
207 West Collins Street (Alley Site)
OXFORD, OHIO 45056

DATE
February 20, 2024
REVISIONS

A-2



PROPOSED NEW DWELLING



PROPOSED NEW RESIDENCE
207 West Collins Street (Alley Site)
OXFORD, OHIO 45056

DATE
February 20, 2024
REVISIONS

A-3

Site Photos



Site view from Alley looking West



Site view from Alley looking East



Community Development Department
Preliminary Zoning Review
513-524-5204

March 11, 2024

Scott Webb, Architect
103 W Walnut Street
Oxford, OH 45056

VIA EMAIL:

scott@scottwebbarchitect.com

RE: Preliminary Zoning Review for Single-Family Dwelling behind 207/209 W Collins

Dear Mr. Webb:

As requested, I have reviewed your plans received February 20, 2024 for a new single-family dwelling on an alley parcel (Parcel ID H4000004000103) located directly behind an existing four-family dwelling at 207/209 W Collins Street. The property is zoned R-1MS Single-Family Residential Mile-Square District.

This is only a preliminary review based upon the details currently provided. A [Residential Building Permit application](#) is required to be submitted and approved by the City of Oxford prior to commencement of any construction. Any differences in plans submitted at the time of Permit review may reveal new or revised comments different than those appearing below. This review only observes compliance with respect to the Oxford Zoning Code, and not to any other codes or regulations including but not limited to the Property Maintenance Code or Residential Code of Ohio.

Preliminary comments are as follows:

1. [Section 1143.03\(c\)](#) restricts front yard coverage to a maximum of 15% for *lots with vehicular access from a rear or side alley with no access from a public street*. The submitted plot plan indicates the resulting front yard coverage is 24.8%, which exceeds the max of 15% for lots in the R-1MS District.
2. [Section 1148.04\(b\)\(1\)](#) requires a minimum of one (1) new tree to be planted within the front yard area. The location and species of this tree must be noted on the site plan, per [Section 1148.04\(d\)](#). You may refer to the [City's Tree List](#) for a list of acceptable species, or propose a species not listed for approval by the Zoning Administrator.
3. [Section 1149.06\(b\)\(4\)](#) provides that any *unenclosed parking spaces shall be located at least 3 feet from any principal structure*. It is not clear from the submitted plot plan what the distance is between the proposed house and driveway to the east.
4. Due to the unusual orientation that this potential dwelling unit presents by fronting exclusively on an alley (on one side) in the middle of a block and behind an existing dwelling, this poses a critical question of how to appropriately address the new unit so first responders can most intuitively reach the property in the event of an emergency. Answering this question will require input from the City of Oxford's Fire and Police Departments.

Please feel free to contact me if you have any questions.

Respectfully,

Zachary Moore, AICP
City Planner / GIS Coordinator

ATTACHMENT: Reviewed Plans

