

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2017-01

Date – January 18, 2017

APPLICATION

Applicant:	Kyle Murr
Location:	5966 Fairfield Road
Owner:	Kyle Murr
Action Request:	Variance to Sections 1143.02(c)(2)C and 1129.01
Current Use:	Single Family Residential
Zoning:	R1B (Single Family Medium Density Residential)
Surrounding Land Uses:	Single Family Residential

DESCRIPTION

Mr. Kyle Murr, is requesting approval of a variance to reduce the side yard setback from 8 feet to 1.5 feet. The house is an existing single-family home within the R1B Zoning district.

BACKGROUND

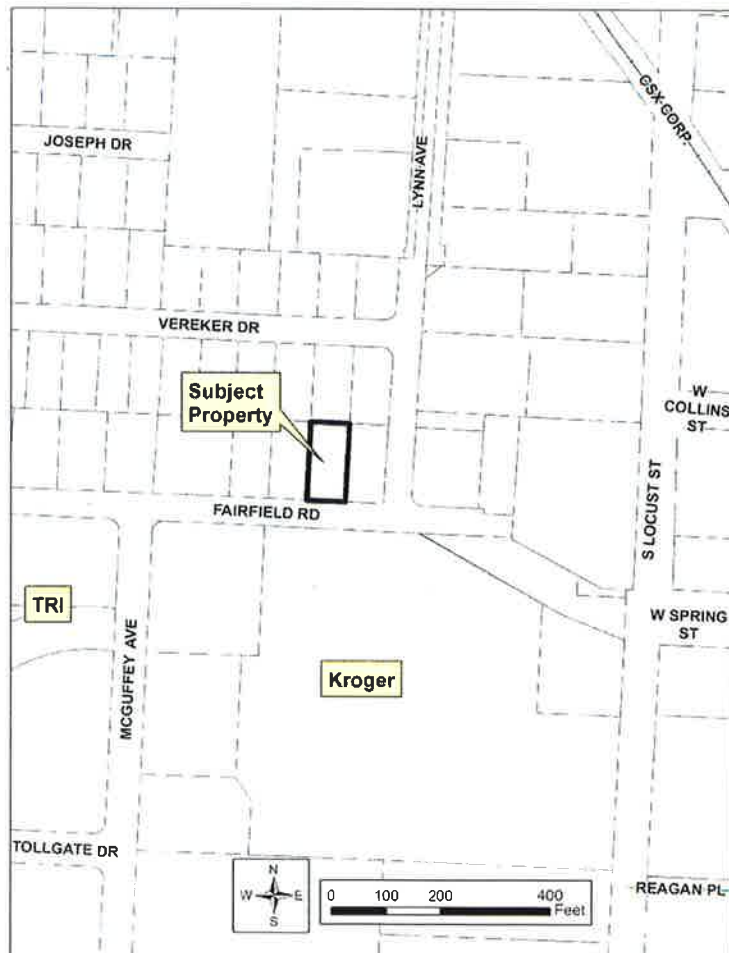
Oxford Zoning Code Section 1143.02(c)(2)C requires at least 8 feet of side yard between the principal building and the side property line. Mr. Murr constructed a lean-to addition on the side of the house which extends into the required side yard 6.5 feet. Additionally Mr. Murr requests relief from the requirement of Section 1129.01 to obtain a permit prior to construction.

COMMENT FORMS

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

AGENCY REVIEW

The variance request has been reviewed by City departments.



Fire	Returned without comments
Police	Returned without comments
Engineering	Returned without comments
Economic Development	Returned without comments

BZA SITE HISTORY

There are no documented records of prior BZA cases for the subject property.

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance(s) (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 1139.02(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed letter addressing the review criteria from Mr. Murr. The staff's review of the criteria is included below.

The house, similar to others in the same area has existed and been used without significant modifications, therefore can **yield a reasonable return without the yard variance**.

Regarding criterion B, Staff believes that the degree of variance is **substantial** as there would be an 80% reduction in the side yard. However, the addition, as constructed is open on two sides unlike a principal building. Even if the yard variance were approved, allowing such a project without a building permit **would also be substantial** as it is clear according to zoning code this requires a zoning certificate (permit).

Regarding criterion C, Staff believes that the variance would **negatively alter the essential character of the neighborhood** due to the building addition materials, but less so, the yard reduction itself. However it is not the role of the BZA to re-design the project.

Regarding criterion D, Staff believes that the delivery of governmental services is **not negatively impacted**, with this request.

Regarding criterion E, **property owner awareness of zoning restriction**, staff believes that the applicant had no awareness of the Oxford Zoning Code requirements.

Regarding criterion F, the **owner's predicament** is stated to be the lack of protection for a boat. This **may be obviated other ways** which could be challenging on this 69' wide lot as well as zoning code prohibition of driveway boat storage.

Regarding criterion G, Staff believes that the **spirit and intent** of the zoning requirement for minimum side yard setbacks is general health (open space) and public safety (fire prevention). Substantial justice would not be done by the granting of the variance as presented.

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variances, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variances request. At the time of this report, **staff believes there is not substantial evidence that supports the variance requests.** If the BZA does approve the variances it can attach any appropriate conditions necessary.



SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

DATE: January 11, 2017

City of Oxford
Inter-Office Review Transmittal Sheet

Date: Wednesday, December 21, 2016

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-01 BZA-2017-01, 5966 Fairfield Road, variances to Section 1143.02(c)(2)C side yard requirements and Section 1129 permitting requirements, Kyle Murr, Applicant
Kyle Murr, Petitioner
5966 Fairfield Rd

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, January 11, 2017**

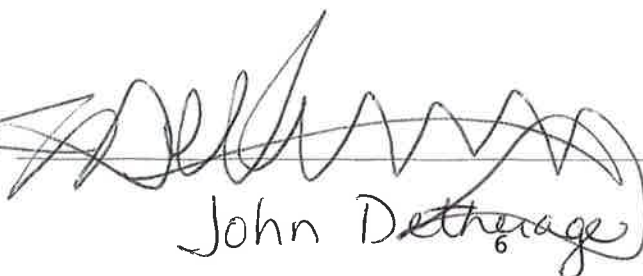
Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By:


John Dethierage

Date:

1-5-17

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Wednesday, December 21, 2016

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

RECEIVED

DEC 21 2016

City of Oxford
Service Department

Drawings are being submitted to you for the following:

BZA-2017-01 BZA-2017-01, 5966 Fairfield Road, variances to Section 1143.02(c)(2)C side yard requirements and Section 1129 permitting requirements, Kyle Murr, Applicant
Kyle Murr, Petitioner
5966 Fairfield Rd

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Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, January 11, 2017**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By:


VICTOR POPESCU

Date: 12-22-16

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Wednesday, December 21, 2016

To: Fire Division
Engineering Division
~~Police Division~~
Economic Development

From: Community Development

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Drawings are returned

with comments

without comments

Reviewed By: _____



John Jones

Date: _____

1/10/17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: Wednesday, December 21, 2016

To: Fire Division
Engineering Division
Police Division
~~Economic Development~~

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-01 BZA-2017-01, 5966 Fairfield Road, variances to Section 1143.02(c)(2)C side yard requirements and Section 1129 permitting requirements, Kyle Murr, Applicant
Kyle Murr, Petitioner
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Comments or status update requested by: Lynn Taylor

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Drawings are returned

with comments

without comments

Reviewed By: _____



Alan Kyger

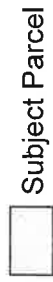
Date: _____

1-3-17

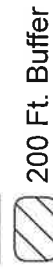


BZA-2017-01 Surrounding Property Owners Map

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit



Parcel



Vacated Right-of-Way



Building Footprint

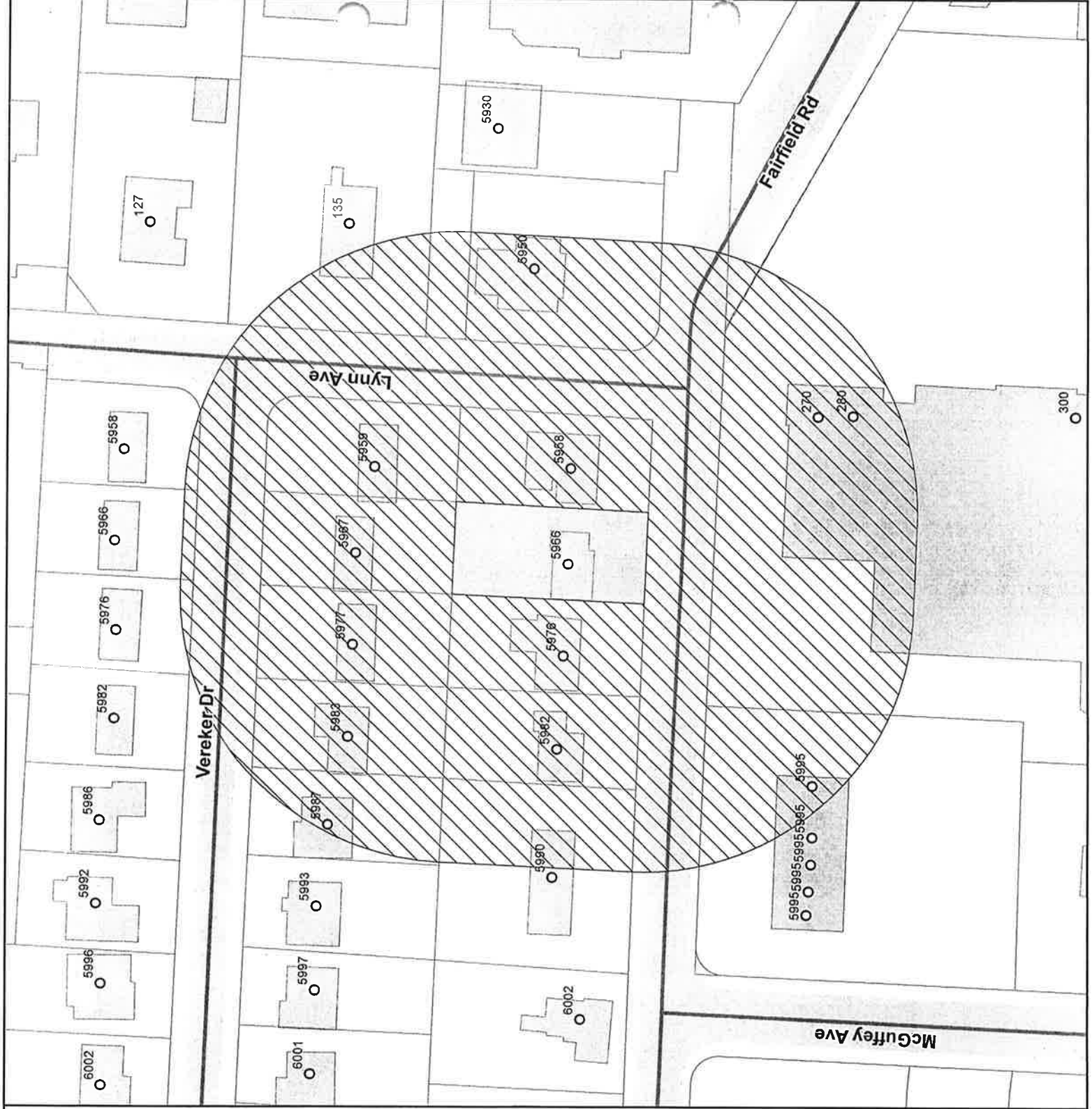
Paved Roadway



1 inch = 100 feet

Prepared on Friday, January 06, 2017

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.



Bearings shown hereon are based on an assumed meridian and are used to denote angles only.

VEREKER DRIVE (50.00' R/W)

Plat of Survey

Plot Plan, Lot #968 Sunvale Subdivision,
Section A, Plat Book 16, Page 43,
City of Oxford
Butler County, Ohio

For: Dean Scales
Date: 10/21/2015
Scale: 1"=20'



LYNN STREET (50.5' R/W)



FAIRFIELD ROAD (50.00' R/W)

Lot Coverage		
House	2090	
Concrete Driveway		
Concrete Private Walk		
Concrete Parking Lot	2212	Total
	4302	Sq. Ft.
4302		
10,031	X 100 = 42.88%	
Building Coverage		
House	2090	
2090		
10,031	X 100 = 20.83%	
Front yard Coverage (based on 35' setback)		
Front Yard	6120	Sq. Ft.
Parking lot & Drive way	1022	
House	1156	
Side Walk	304	
	Total	2482 Sq. Ft.
2482		
6120	X 100 = 40.55%	

By: Brosey Land Surveyors
-----513-863-0237-----

I certify that the hereon platted property
was measured to acceptable Survey
Standards only.

NOTES

- 1) Source documents are as shown hereon.
- 2) Occupation in general fits Survey except as shown.
- 3) Monumentation found is in good condition.
- 4) -o- Indicates 5/8" Iron rod with I.D. cap unless otherwise noted.
- 5) It appears that additional right of way has been conveyed to the City of Oxford, due to the fact that city utilities are in and near the Southeast corner of Lot #968. No record of said additional right of way found.

Registered Surveyor, 6492 in Ohio





Internal Use Only:

Case No.

BZA-2017-01

Date Filed

12/6/16

Petition for Zoning Variance

Petitioner Information

Attach a Letter of Agency if the Petitioner is not the property owner.

Name *

Kyle Murr

Mailing Address *

5966 Fairfield Rd.

City, State & Zip Code *

Oxford, OH 45056

Telephone Number(s) *

(513) 394-9078

Email Address

kylemurr6@gmail.com

Location of Property *

5966 Fairfield Rd.

Name of Building *

Owner Information

Name *

Kyle Muir

Mailing Address *

5966 Fairfield Rd.

City, State & Zip Code *

Oxford, OH 45056

Telephone Number(s) *

(513) 394-9078

Email Address

kylemurr6@gmail.com

Variance and Lot Information

Requested Variance. Indicate the nature of variance and applicable section(s) of the Planning and Zoning Code.

Requesting relief from 1143.02(C)2(C) R1B side yard setback requirement minimum of 8ft. As well as 1129 that requires a building/zoning permit prior to construction

Location of Requested Variance *

5966 Fairfield Rd.

Legal Description *

Lot #967

Zoning District *

Total Acreage *

Existing Use of Site *

Lean to for boat

Proposed Use (if applicable). A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

Fees & Receipt

The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00 plus postage charge.

Fees may increase if staff determines that you need more variances.

To calculate postage charges, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Petitioner Signature *

Date *


11/24/16

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fee(s) and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date *

12/6/16, 11/30/16 ^{\$300 total}

Receipt Number *

125648
126376

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

³ The United States Postal Service: <http://www.usps.com/>

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

Kyle Murr
5966 Fairfield RD
Oxford, OH 45056

- Section 1143.02(c)2(C) Side yard setback requirement minimum of 8 ft.
- Section 1129 Requires an application for building permit and zoning certificate prior to construction.

November 22, 2016

Board Members:

Please accept this letter as a formal petition for the board of zoning appeals review hearing for a variance of sections 1143.02(c)2(C) as well as section 1129.

In this circumstance it is a lean to on the side yard of our property.

I would like to add that the change that was made does not change the essential character of the property or the neighborhood. In fact, before building the new lean to, our side of the "property line" was completely covered in brush that made taking the trash out difficult, and couldn't even see the commercial property next to us through the thick brush. So we decided to do away with all the honey suckle that was in the brush line and clean that whole side up very well, and looks 110 percent better than before.

Also, I would like to say that seeing how our lot sits at the lowest point at the bottom of Fairfield Rd, in the rainy seasons of April and throughout the spring and summer the bottom of the hill collects water and where there is standing water, there are infestations of mosquitoes. My fiancé and I have two kids and getting rid of the mosquitoes had to be done, because we had already tried everything else.

There would also be no change in the delivery of utilities as well as government service.

After speaking with all of our neighbors, they have all agreed that this change was most beneficial to not just our house, but to the property next door as well. I know the man next door, and he doesn't mind the property line or the work that I did to make our property look its best on that side. I do construction for a living, so every thing is up to code and looks beautiful to a passer by. All of our neighbors have agreed to sign a letter agreeing to the changes made upon request.

I wanted to also remind everyone that the property on lot #966 and our property are definitely not 8 ft. of space between houses.

Again, I just wanted to thank you for your time and remind you that this change was much needed, and it was to better our home for the good and to everyone in the neighborhood.

Thank you again.

Kyle Murr

A handwritten signature in black ink, appearing to read 'Kyle Murr', written in a cursive style.

House

West

Garage

South

11'6"

SE W

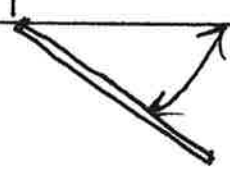
North 1'

21'0"

East

4x4

4x4



City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2017-03

Date – January 18, 2017

APPLICATION

Applicant: Sheldon Jennings / O'Reilly Auto Parts
Location: 5299 College Corner Pike
Owner: Rudy Allen / Oxford Baptist Church

Action Request: Variance to Section 1143.12(d)(4)(A), Minimum Glazing
Current Use: Vacant
Zoning: GB (General Business)
Surrounding Land Uses: Single Family Residential

DESCRIPTION

Mr. Craig Schneider, Architect, is requesting on behalf of O'Reilly Auto Parts, a variance to allow a reduction in the minimum percentage of glazing on the front façade of a new building in the GB district.

BACKGROUND

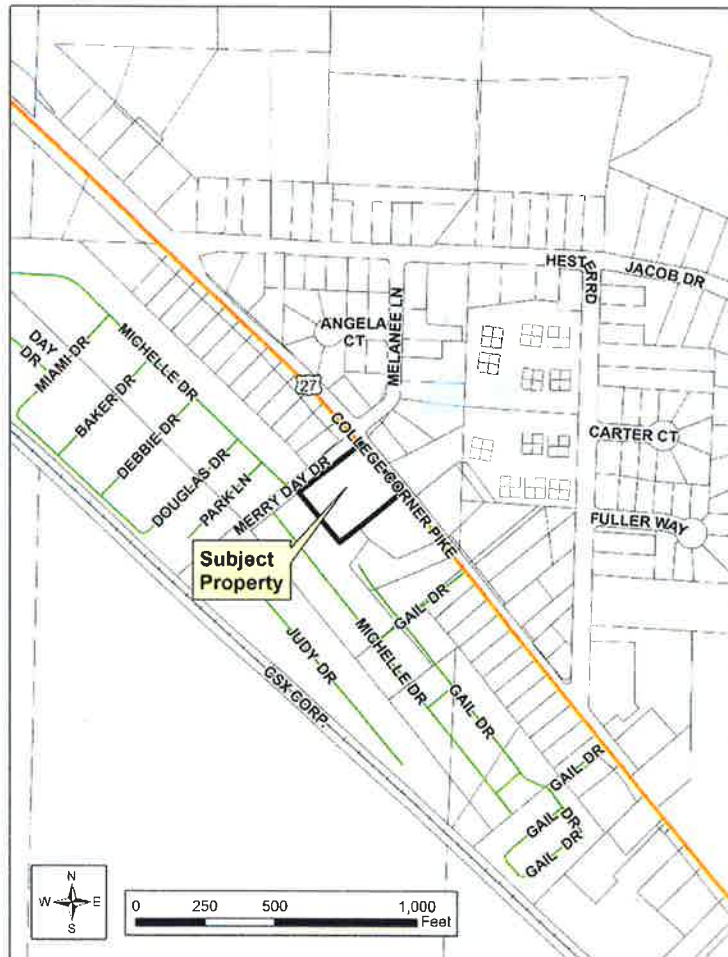
Oxford Zoning Code Section 1143.12(d)(4)(A) requires a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front façade to be windows. The proposed building design falls short of the requirement by 15%.

COMMENT FORMS

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

AGENCY REVIEW

The variance request has been reviewed by City departments.



Fire	Returned without comments
Police	Returned without comments
Engineering	Returned with comments
Economic Development	Returned with comments

BZA SITE HISTORY

There are no documented records of prior BZA cases for the subject property.

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance(s) (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 1139.02(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed letter addressing the review criteria from Mr. Schneider. The staff's review of the criteria is included below.

The site is vacant therefore there could be a variety of uses and building designs for the site. Regarding Criterion A, staff therefore believes that the property **could yield a reasonable return without the variance.**

Regarding criterion B, Staff believes that the degree of variance **is not substantial** as there would be a 15% reduction of required glazing provided. 60% is required but only 45% is proposed. Staff also acknowledges the information provided by the applicant that the overall square footage of the glazing exceeds the area required but not in the correct location.

Regarding criterion C, Staff believes that the reduction in glazing would **not negatively alter the essential character of the neighborhood** due to the building design proposed. Glazing is proposed on both facades but not to the minimum percentage required.

Regarding criterion D, Staff believes that the delivery of governmental services **is not negatively impacted**, with this request.

Regarding criterion E, **property owner awareness of zoning restriction**, staff prepared and sent a general letter referencing zoning code sections on September 29, 2016.

Regarding criterion F, the **owner's predicament** is stated to be the need for interior shelving of merchandise. This **may be obviated other ways** but no attempts have been explained within the narrative provided.

Regarding criterion G, Staff believes that the **spirit and intent** of the zoning requirement is part of a larger set of architectural requirements put in place to create an inviting, more walkable, retail atmosphere rather than blank walls ignored by passersby.

Regarding criterion H, the **corner lot location is a relevant factor**. The corner lot, is somewhat uncommon on this corridor. The corner lot requires a higher overall square footage of glazing because two facades are considered "front".

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variance, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. At the time of this report, **staff believes there is substantial evidence that supports the variance request**. If the BZA does approve the variances it can attach any appropriate conditions necessary.



SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

DATE: January 11, 2017

City of Oxford
Inter-Office Review Transmittal Sheet

Date: Wednesday, December 21, 2016

To: **Fire Division**
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-03 BZA-2017-03, 5299 College Corner Pike, variance to Section 1143.12(d)(4)(A) building façade window and transparent door requirements, Sheldon Jennings, O'Reilly Auto Parts, Applicant/Agent
Sheldon Jennings, Petitioner
5299 College Corner Pike

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, January 11, 2017**

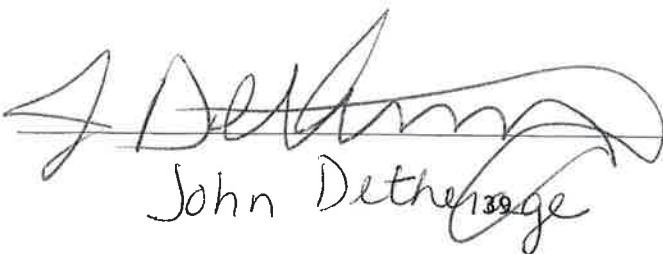
Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By:


John Dethlefsen

Date:

1-5-17

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Wednesday, December 21, 2016

To: Fire Division
Engineering Division
Police Division
Economic Development

 **RECEIVED**

From: Community Development

DEC 21 2016

City of Oxford
Service Department

Drawings are being submitted to you for the following:

BZA-2017-03 BZA-2017-03, 5299 College Corner Pike, variance to Section 1143.12(d)(4)(A) building façade window and transparent door requirements, Sheldon Jennings, O'Reilly Auto Parts, Applicant/Agent
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Drawings are returned

with comments

without comments

SEE MEMO DATED 1-6-2017

Reviewed By:



VICTOR POPESCU

Date:

1-6-2017



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development

FROM: Victor Popescu, P.E.
City Engineer

RE: BZA-2017-03
5299 College Corner Pike
O'Reilly's Auto Enterprises

DATE: January 6, 2017

The subject BZA Case concerns the lack of windows. The Engineering Division has no comment on this issue.

Note should be taken that the above statement does not constitute an approval of the site construction drawings.

The Engineering Division has not received the subject drawings. Once the site construction drawings are received, the Engineering Division will issue the review comments.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: Wednesday, December 21, 2016

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Engineering Division
Police Division
Economic Development

From: Community Development

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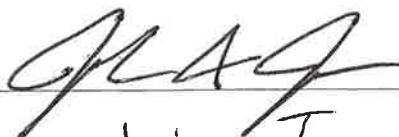
Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By: _____


John Jones

Date: _____

1-10-17

City of Oxford
Inter-Office Review Transmittal Sheet

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Economic Development

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Sheldon Jennings, Petitioner
5299 College Corner Pike

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, January 11, 2017**

Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned	with comments	without comments
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Currently Oxford has two business zoning classifications, 'GB' General Business and 'UP' Uptown. And as you can imagine, all businesses outside of the Uptown are in the GB districts. While not completed yet, discussions are taking place with the Planning Commission to create additional business zoning districts which will allow the business regulations to better reflect the types of businesses which the area desires to attract. During these discussions the College Corner Pike area is being considered as the best area for auto oriented businesses. This seems to be the perfect fit for this proposed business.

Many retailers have had difficulty with the current glazing requirement. Some have received variances and some (CVS, Walgreens) have constructed the windows, then obstruct the windows from the inside in-order to create retail shelving and display areas.

In my opinion, the building elevation which faces CCP is an appropriate design for this business district. My hope is the BZA agrees and will permit this project to move forward.

Reviewed By: _____

Date: _____

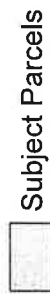

43 Alan Kyger

Jan - 9 - 2017

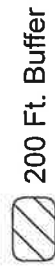


BZA-2017-03 Surrounding Property Owners Map

Legend



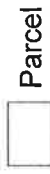
Subject Parcels



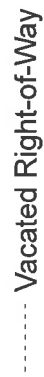
200 Ft. Buffer



Oxford Corporation Limit



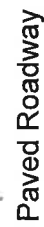
Parcel



Vacated Right-of-Way



Building Footprint



Paved Roadway



1 inch = 125 feet

Prepared on Friday, January 06, 2017

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.



OXFORD BAPTIST CHURCH

4111 TRENTON OXFORD RD.

OXFORD OHIO 45056

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Thomas Lundberg has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing Wednesday, January 18th, 2016 regarding the building construction for a New O'Reilly Auto Parts Store at our property located at 5299 College Corner Pike, Oxford, Ohio 45056.

Thank-you,

Signed:

Buddy S. Allen
(Oxford Baptist Church) - pastor

12/14/16
Date:



Internal Use Only:

Case No.

BZA-2017-03

Date Filed

12/19/16

Petition for Zoning Variance

Petitioner Information

Attach a Letter of Agency if the Petitioner is not the property owner.

Name * Sheldon Jennings

Mailing Address * 233 South Patterson Avenue

City, State & Zip Code * Springfield, MO 65802

Telephone Number(s) * 417-829-5896

Email Address sjennings@oreillyauto.com

Location of Property * 5299 College Corner Pike

Name of Building * New O'Reilly Auto Parts Store

Owner Information

Name * Oxford Baptist Church

Mailing Address * 4111 Trenton Oxford Road

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * Office: 513-523-2155, Mobile: 513-523-2207

Email Address

Variance and Lot Information

Requested Variance. Indicate the nature of variance and applicable section(s) of the Planning and Zoning Code.

Section 1143.12(d)(4)(A) of the Codified Ordinances of the City of Oxford states: "Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front facade..." We are requesting a variance to reduce the percentage of transparent windows / doors required.

Location of Requested Variance * 5299 College Corner Pike Oxford, OH 45056

Legal Description * Please refer to the attached Survey for the Legal Description.

Zoning District * GB (General Business) Total Acreage * 1.3515

Existing Use of Site * Vacant grassy lot.

Proposed Use (If applicable). A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

New building construction for the retail sale of auto parts.

- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

Fees & Receipt

The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00 plus postage charge. Fees may increase if staff determines that you need more variances.

To calculate postage charges, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Petitioner Signature *



Date *

12/14/16

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fee(s) and postage charges made payable to City of Oxford, to Community Development Director, 101 East High Street, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date *

\$ 200

Receipt Number *

128898

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

³ The United States Postal Service: <http://www.usps.com/>

architect

1736 E. SUNSHINE, SUITE 417
SPRINGFIELD, MO 65804

417.862.0558

FAX 417.862.3265

email: craig@esterlyschneider.com

December 16, 2016

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

Re: Variance Request
O'Reilly Auto Parts Store
5299 College Corner Pike
Oxford, OH 45056

Dear Board Members,

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for variances to the Oxford Zoning Code sections listed below.

The existing site is currently a vacant, grassy lot in the General Business District. A new O'Reilly Auto Parts store is being proposed as shown in the attached drawings. Typical Hours of operation are Monday through Saturday, 7:30 AM to 9:00 PM and Sunday, 9:00 AM to 7:00 PM. O'Reilly Auto Parts typically employs approximately 12 people, regularly, with 3 – 8 employees in the store at all times and expects to host 1 to 15 customers at any given time. Products stored in the building are automotive parts and related vehicle accessories. A semi-truck will make deliveries to the store five days of the week. A variance from the following Ordinance Section is requested, to allow for a lesser amount of windows as shown on the attached Sheet CE1:

1143.12(d)(4)(A) Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front facade. Glass block, opaque or darkly tinted glass is not considered to be transparent.

The following responses address the decisions standards outlined in the application:

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

Response: O'Reilly Auto Parts stores serve as a business for the retail sale of auto parts. Their stores contain a large amount of shelving to accommodate all of their products. Without the variance, a large amount of the shelving that they typically use would have to be omitted, which would have a negative impact on sales from this particular store. Even with the variance, some shelving would have to be omitted, but the quantity is significantly less.

Comment b: Whether the variance is substantial;

Response: The variance to the required amount of transparent windows and doors is substantial; however, the amount of windows provided as part of the requested variance will still address the intent of the ordinance. The amount of transparent windows and doors requested as part of the variance exceeds the typical amount provided for O'Reilly Auto Parts stores. The overall area of windows shown meets the required area; however, the area of windows that can actually be counted is not enough due the fact that only the windows measured between 2.5 and 7 feet in height above grade can be counted as

meeting the ordinance.

Comment 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;

Response: The character of the neighborhood would not be substantially altered and adjoining properties would not suffer any detriment as a result of the variance.

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

Response: The variance will have no effect on the delivery of governmental services.

Comment e: Whether the property owner purchased the property with knowledge of the zoning restriction;

Response: The property was purchased without the knowledge of this zoning restriction. However, the purchase of this property had a clear intention to improve the current property.

Comment f: Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

Response: The only way for the store to operate with a reasonable number of shelves to allow for the expected amount of sales for a store of this size would be for the variance to be granted.

Comment g: Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

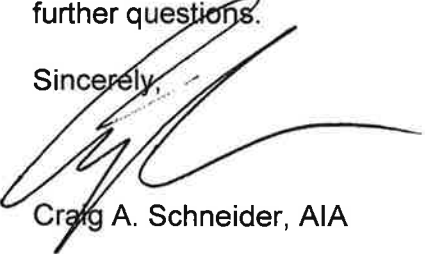
Response: The spirit and intent of the Zoning Code is respected, allowing a permitted use to improve the property. With approval of this variance, transparent doors and windows will still be provided along the front facade of the proposed building. As mentioned above, the overall area of windows shown meets the required area; however, the area of windows that can actually be counted is not enough due the fact that only the windows measured between 2.5 and 7 feet in height above grade can be counted as meeting the ordinance.

Comment h: Any other relevant factor;

Response: The required amount of transparent windows and doors would allow more sunlight into the store than a typical store of this size elsewhere. This could cause more expensive cooling bills during the summer, which would be a further detriment to the operation of this store.

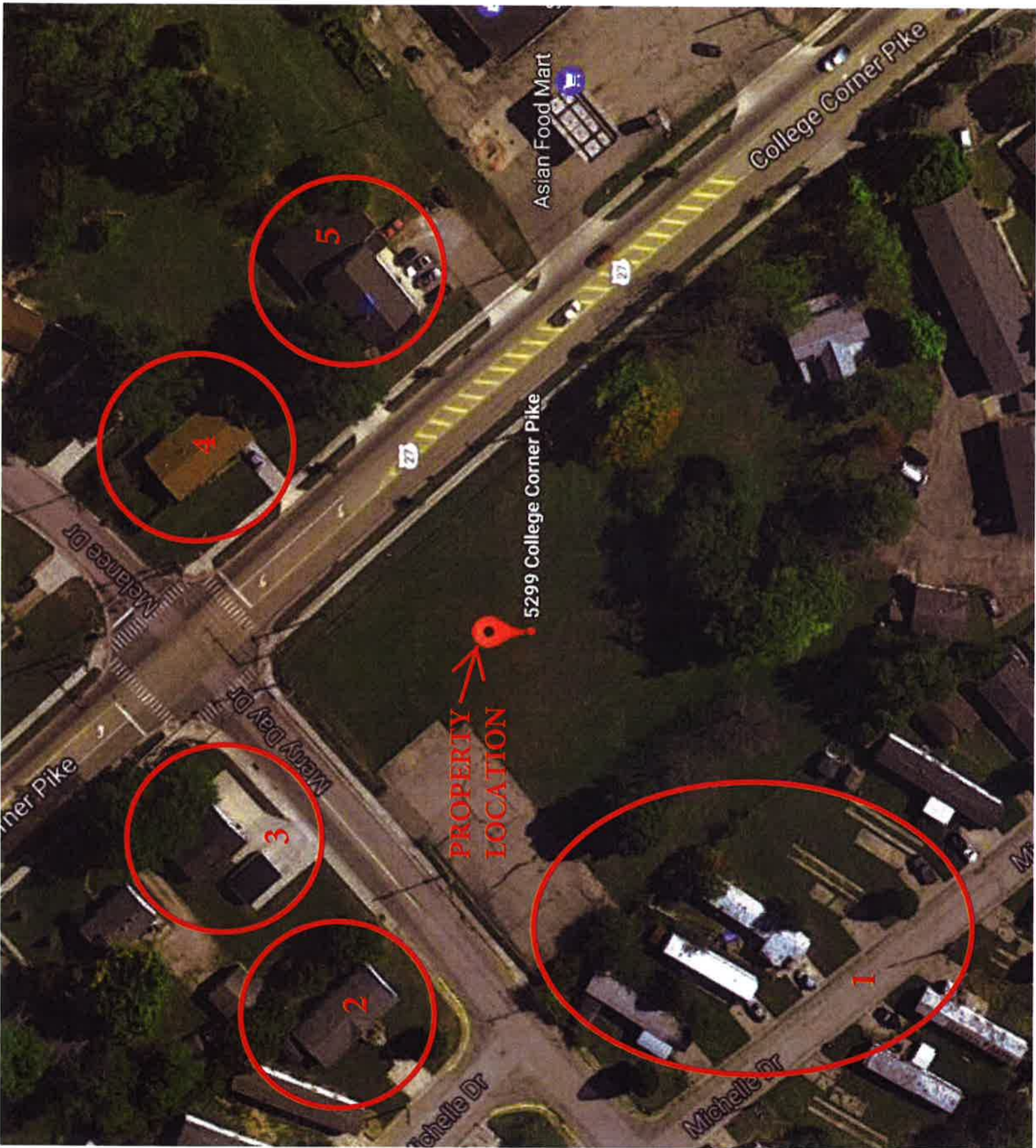
Thank you for your consideration of this application. Please contact our office if you have any further questions.

Sincerely,



Craig A. Schneider, AIA

ghh



FINISH LEGEND:

	PAINTED BRUT FACE CMU COLOR: SHERWIN WILLIAMS "LATTIE" SW6108
	PAINTED BRUT FACE CMU COLOR: SHERWIN WILLIAMS "BORTER TAN" SW6141
	CUSTOM RED MIX BY ORPVT COLOR: SHERWIN WILLIAMS "BORTER TAN" SW6141
	EIFS AROUND SIGN COLORANT (FACTORY MIXED ONLY) KAWNEER "DARK IVY"
	STOREFRONT - KAWNEER "DARK IVY"



Craig A. Schneider, AIA
ARCHITECT
1736 EAST SMITHSON, SUITE #117
SPRINGFIELD, MISSOURI 65804
P: 417.862.2355
F: 417.862.2355
E: csa@caschneider.com

PROJECT:
NEW O'REILLY AUTO PARTS STORE
5299 COLLEGE CORNER PIKE (U.S. 27)
OXFORD, OH
COLOR ELEVATIONS

O'Reilly
CORPORATE OFFICE
213 SOUTH PATTERSON
SPRINGFIELD, MISSOURI 65802
(417) 862-2874 TELEPHONE
(417) 862-2874 TELEPHONE

CUSTOMER #
DATE
PROJECT NO.
SHEET NO.

CE1

NOT FOR CONSTRUCTION



1 EAST EXTERIOR ELEVATION

CE1 SCALE: 1/8" = 1'-0"



2 NORTH EXTERIOR ELEVATION

CE1 SCALE: 1/8" = 1'-0"



3 WEST EXTERIOR ELEVATION

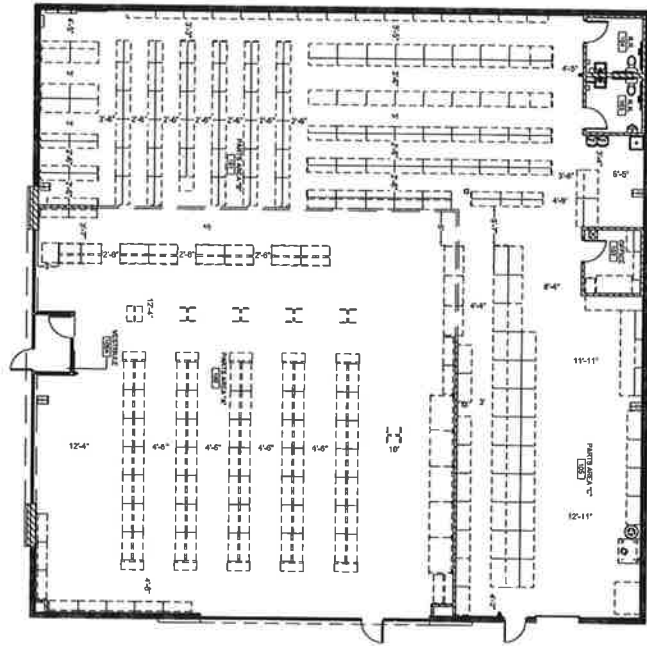
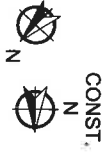
CE1 SCALE: 1/8" = 1'-0"



4 SOUTH EXTERIOR ELEVATION

CE1 SCALE: 1/8" = 1'-0"

1 FLOOR PLAN
 PLAN SCALE: 1/8" = 1'-0"



City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2017-02

Date – January 18, 2017

APPLICATION

Applicant:	Eric Steffen
Location:	4328 Kehr Road
Owner:	Jennifer Robb
Action Request:	Variance to Section 1141.01(a)(1)(C)
Current Use:	Single Family Residential / Undeveloped
Zoning:	R1A (Single Family Low Density Residential)
Surrounding Land Uses:	Single Family Residential

DESCRIPTION

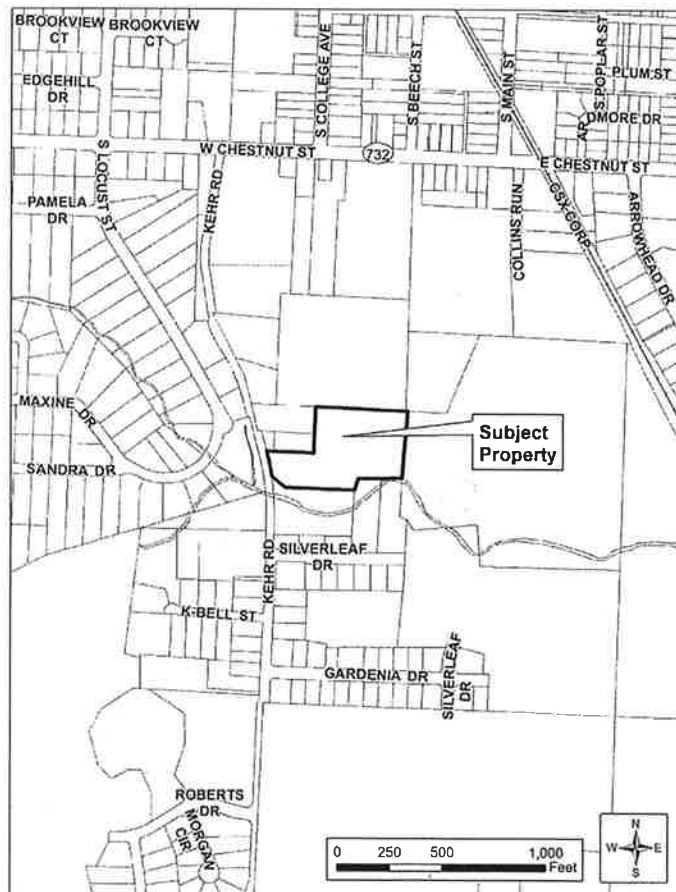
Mr. Eric Steffen, is requesting on behalf of spouse/owner Jennifer Robb, a variance from the accessory building size limit. Approval for a new 1,152 square foot detached garage is requested which exceeds the limit of 667 square feet.

BACKGROUND

Oxford Zoning Code Section 1141.01(a)(1)(C) limits the size of residential accessory buildings to 50% of the footprint square footage of the home. The home is 1,332 square feet which limits the accessory building footprint to 667 square feet. The total of all accessory buildings are limited to this number. The proposed garage and a 120 square foot shed will be the only accessory building on the property. A building permit has not been submitted however upon review of the plans with Mr. Steffen it has been determined that all other zoning codes will be in compliance.

COMMENT FORMS

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



AGENCY REVIEW

The variance request has been reviewed by City departments.

Fire	Returned without comments
Police	Returned without comments
Engineering	Returned without comments
Economic Development	Returned without comments

BZA SITE HISTORY

There are no documented records of prior BZA cases for the subject property.

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance(s) (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 1139.02(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed letter addressing the review criteria from Mr. Steffen. The staff's review of the criteria is included below.

Staff agrees with the applicant analysis that the property could not **yield a reasonable return without the variance**. The size and type of property requires maintenance equipment storage.

Regarding criterion B, Staff believes that the degree of variance is **substantial** as there would be 46% more accessory building footprint square footage than permitted by zoning code. The total of both accessory buildings is 1,272 square feet, which is 96% of the footprint of the house. The limit is 50% or 1,000 square feet, whichever is smaller.

Regarding criterion C, Staff believes that the footprint square footage variance would not **negatively alter the essential character of the neighborhood** due to the overall property size. The property size will be over four(4) acres once the lot consolidation is complete.

Regarding criterion D, Staff believes that the delivery of governmental services is **not negatively impacted**, with this request.

Regarding criterion E, **property owner awareness of zoning restriction**, staff agrees with the applicant statement that there was no awareness of the restriction.

Regarding criterion F, the **owner's predicament** is stated to be the lack of protection from the elements for maintenance equipment. This **may be obviated other ways** such as but not limited to an attached garage or a significant increase in home size.

Regarding criterion G, Staff believes that the **spirit and intent** of the zoning requirement for the limit on accessory building square footage is to maintain the low density residential character of neighborhoods by avoiding buildings out of scale with surrounding houses. The large lot size will mitigate any potential impact of the larger accessory building. The likelihood of a lot split for additional homes is low due to the limited road frontage.

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variance, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. At the time of this report, **staff believes there is substantial evidence that supports the variance request.** If the BZA does approve the variances it can attach any appropriate conditions necessary.



SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

DATE: January 11, 2017

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Wednesday, December 21, 2016

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-02 BZA-2017-02, 4328 Kehr Road, variance to Section 1141.01(a)(1)C accessory total square foot area, Erik Steffen, Applicant/Agent
Erik Steffen, Petitioner
4328 Kehr Rd

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, January 11, 2017**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By: _____

Date: _____

1-5-17

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Wednesday, December 21, 2016

To: Fire Division
~~Engineering Division~~
Police Division
Economic Development

From: Community Development

RECEIVED
DEC 21 2016
City of Oxford
Service Department

Drawings are being submitted to you for the following:

BZA-2017-02 BZA-2017-02, 4328 Kehr Road, variance to Section 1141.01(a)(1)C accessory total square foot area, Erik Steffen, Applicant/Agent
Erik Steffen, Petitioner
4328 Kehr Rd

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, January 11, 2017**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By: _____


VICTOR POPESCU
21

Date: _____

12-22-16

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Wednesday, December 21, 2016

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-02 BZA-2017-02, 4328 Kehr Road, variance to Section 1141.01(a)(1)C accessory total square foot area, Erik Steffen, Applicant/Agent
Erik Steffen, Petitioner
4328 Kehr Rd

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, January 11, 2017**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By:

John A. Jones
John Jones

Date: *1-3-17*

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Wednesday, December 21, 2016

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-02 BZA-2017-02, 4328 Kehr Road, variance to Section 1141.01(a)(1)C accessory total square foot area, Erik Steffen, Applicant/Agent
Erik Steffen, Petitioner
4328 Kehr Rd

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, January 11, 2017**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By: _____



Date: _____

1-3-17



BZA-2017-02 Surrounding Property Owners Map

Legend

- Subject Parcels
- 200 Ft. Buffer
- Oxford Corporation Limit
- Parcel
- Vacated Right-of-Way
- Building Footprint
- Paved Roadway



1 inch = 150 feet

Prepared on Friday, January 06, 2017

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.



LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Erik Steffen has permission to represent our interest with the City of Oxford and act on our behalf for the Zoning Board hearing Jan 18, 2017 regarding the 4328 Kehr Road Variance Application for Garage Size - Owner Jennifer Robb at our property located at 4328 Kehr Road, Oxford, Ohio 45056

Thank-you,

Signed: 

(Property Owner Name Printed)

(Company Name/Owner/Organization)

12.14.16

Date:



Internal Use Only:	BZA-2017-02
Case No.	
Date Filed	12/16/16

Petition for Zoning Variance

Petitioner Information

Attach a Letter of Agency if the Petitioner is not the property owner.

Name *	Erik Steffen
Mailing Address *	4328 Kehr Rd
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	513-593-4108, 219-208-5240
Email Address	ews12682@gmail.com, jennly16@gmail.com
Location of Property *	4328 Kehr Road, South of Chestnut, East of Kehr, North of Collins Creek.
Name of Building *	Residential dwelling, detached garage

Owner Information

Name *	Jennifer Robb
Mailing Address *	4328 Kehr Rd
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	219-208-5240
Email Address	jennly16@gmail.com

Variance and Lot Information

Requested Variance. Indicate the nature of variance and applicable section(s) of the Planning and Zoning Code.

1141.01 (a)(1)(C) - Code states total square foot area of all accessory buildings on a lot shall not exceed 1,000 ft or 50% of footprint of original structure - whichever is smaller. Requesting 46% degree of variance from code to build detached garage. Home is 1332 sq ft. Proposed 3 car detached garage is 36 x 32 or 1152 sq feet.

Location of Requested Variance *	Rear of main structure		
Legal Description *	Detached Accessory Garage on Residential Lot		
Zoning District *	R1A Low Density Residential	Total Acreage *	4.1
Existing Use of Site *	Gravel Parking Area		

Proposed Use (if applicable). A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

3 Car Garage - 2 bays for parking personal vehicles, 1 bay for equipment necessary to maintain 4 acres of land, including Gator, Lawn Tractor, Mower, 15ft Trailer and other future equipment acquired to improve and maintain land.

- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

Fees & Receipt

The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00 plus postage charge. **Fees may increase if staff determines that you need more variances.**

To calculate postage charges, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Petitioner Signature *



Date *

12-14-16

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fee(s) and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date *

12/16/16

Receipt Number *

128407

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

³ The United States Postal Service: <http://www.usps.com/>

Zoned R1A - Low Density Residential

(1) Contents of application for variance. Eight complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant is encouraged to contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

A. Application Fee.

Included

B. Description of Use and Site.

The site is approximately 4 acres along Collins Creek, elbowing up the hill towards Chestnut st, lying adjacent to the Miami University parking area and intramural fields. Approximately 75% of the lot is wooded (The northern "elbow" - up the hill). The acre that is unwooded is mostly grass with a tree line along the north, east and south ends of the property.

A two-story residential dwelling sits towards the "front" or west end of the property.

Prior to purchasing the property at 4328 Kehr Rd., the previous owners had a 2 1/2 car detached garage. Deemed unsafe, we requested it be removed fully prior to sale. This was done and an empty gravel parking area remained immediately behind the principal dwelling.

The area is currently being used as an unpaved parking area.

C. The name, mailing address, and telephone number of the applicant and the property owner.

Applicant: Erik Steffen - 4328 Kehr Rd., Oxford, OH 45056 - 513-593-4108 -
ews12682@gmail.com

Owner: Jennifer Robb LCDR NC USN - 4328 Kehr Rd., Oxford, OH 45056 - 219-208-5240 -
Jennly16@gmail.com

D. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf (Letter of Agency).

Included

E. A legal description of the site, including all separate lots.

Single family dwelling on 4.1 acres of residential low density property. Two story primary dwelling with 1332ft footprint.

F. A description of the existing uses of the site.

Current use of area is gravel parking area where former 2 1/2 car detached garage used to sit.

G. The zoning district in which the site is located.

R1A

H. A description of the existing and proposed use.

Existing use is gravel parking area in rear of house.

Proposed use is 3-car, 36x32 detached garage with one large two-bay door and one smaller 1-bay door (on eastern end). The two-bay area is for personal vehicles and the third bay is for the utility area needed to maintain a 4 acre semi-wooded lot. We own a lawn tractor, 15ft trailer and multiple other yard equipment and plan to purchase more in order to adequately maintain and improve our large and eclectic property. There is a wooded hill, a large acre of grass, a creek and refuse area and the landscaped area immediately surrounding the primary dwelling.

We have plans for several future improvements including but not limited to -

1) Addressing the coding issue we discovered during this variance application process in that we are required to pave our driveway. We purchased this unit unaware of the code, and intended to pave the driveway down the road, but will now address it with prudence and urgency.

2) Building a deck on the North and East ends of the main dwelling.

3) Digging both a vegetable and flower garden on the eastern ends of the dwelling

4) Building a tree-house for the 3 children along the woodline on the Eastern end of the grassy area

5) Leveling, grading and re-seeding the lawn

6) (Various future plans including an addition to the home, finishing the basement, adding a hot-tub to the future patio, a fountain in the garden, etc...)

Let it be said that we love our property and are extremely motivated to improve it over time given our resources.

1. A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles.

Non-commercial site used for personal parking and property maintenance and utility.

2. The hours of operation.

N/A

I. The nature and magnitude of the requested variance.

We request a variance of 46% to code. This is so that we have adequate storage available in our detached facility and enough room to house our numerous pieces of equipment (and future equipment) necessary to maintain such a large and varied property.

J. The Code section from which the variance is requested.

1141.01 (a) Permitted Accessory Uses and Structures in Residential Districts. The following provisions pertain to accessory uses and structures when located in Residential Districts. Unless otherwise stated in this Section or exempted below, detached accessory buildings and uses shall be located in the rear yard.

(1) Accessory Buildings

C. The total square foot area of all accessory building on a lot shall not exceed 1,000 or 50% of the footprint of the principal structure whichever is smaller.

K. A separate narrative statement that explains how the proposed variance satisfies each of the Decision Standards required to grant a variance (see Decision Standards section).

A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;

* Without the variance, we will have extremely limited space in which to house and maintain our equipment required to maintain such a substantial property. Otherwise we will be required to not house our equipment but rather store it externally, exposing the risk of theft, excessive wear and corrosion and unsightliness.

B. Whether the variance is substantial;

*At 46%, we are requesting a large 3 car garage. However, as the board can see in the supporting documentation, pictures and site plans, it is modest, matches the existing nature of the property, and is still smaller and less substantial than the main dwelling (which we intend to expand in the future). We are requesting, in our belief, the smallest possible building that will fulfill the requirements of the property.

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;

*Neither the essential character of the neighborhood would be altered nor will adjoining properties suffer any detriment as a result of this variance. There are only two neighbors who would be able to visibly see this structure - one on the North and one on the South side of the property. Currently there is an empty gravel lot, so the addition of a garage will rather significantly improve the aesthetics and value of the property and adjoining properties.

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

*The building of a garage on this site will not impact the delivery of governmental services in any way what-so-ever.

E. Whether the property owner purchased the property with knowledge of the zoning restriction;

*We were not aware of the "mile-square" zoning requirements for our large wooded property on Kehr Rd. We discovered the zoning requirements when our contractor for the garage applied for a construction permit to build the garage on the site of a previous garage. In our estimation, we had property "outside of town." As soon as we were made aware of the zoning requirements, we halted the contractor's work, hired a surveyor, and began the variance process in accordance with City of Oxford Code.

Additionally - and to the benefit of the city and in good faith - we discovered two other items out of code about our property during the variance application process. The first being that we are required to have a paved driveway with specific dimensions and requirements. We will address this within the calendar year of 2017 as our resources are made available. Secondly, that our driveway extends across 3 different lots. We are actively in the process of consolidating our 3 lots to remedy this code issue as well. These are code violations we inherited from the previous owners and were not aware of when we purchased them. As soon as we became aware of the violations, we immediately began the process of remedying them.

F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

Without applying for a variance, we would be able to construct a normal-sized two-vehicle garage without issue. However, that would leave us with substantial equipment that we would have to store externally. That would leave us open to theft, undue wear and corrosion, and unsightliness on the property.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

It is our understanding that the spirit of the code in question is for the "mile square" of the City of Oxford. While we technically are situated within that mile square, our sprawling, dynamic property's essence is much more "country" - in that we have an acre of yard to maintain, 3 acres of woods that we are maintaining and actively clearing of brush, debris, trash and invasive plants such as out of control honeysuckle, and additionally intricate landscaping around the immediate dwelling which requires significant hands-on maintenance. Having a dedicated area to house and maintain the equipment necessary to not only maintain, but improve and beautify our property is imperative.

It is also our understanding that in the not-so-distant past, this property was allowed to fall to significant disrepair. To the credit of the previous owners, they gutted and remodeled the main structure. We intend to continue upon that spirit of improvement to the larger property.

H. Any other relevant factor.

The "essential nature" of the residences on Kehr Rd. is varied and eclectic. Each home is unique and not "cookie-cutter." We own one of those unique properties along the Northern side of Collins Creek. Only one neighbor is even visible 3 seasons of the year, and two other neighbors become visible once the leaves fall in the autumn.

Additionally, we will not be increasing the value of this property beyond the median value of other homes in the immediate neighborhood by building this garage. Rather, we will be putting it on par with a few of them.

This garage is not a detriment what-so-ever and rather is a significant and required improvement on land that needs lots of maintenance. We are confident that the board, upon seeing all supporting documentation, will understand the validity and nature of this variance request.

STREET-A-2