

City of Oxford
Community Development Department
STAFF REPORT
Board of Zoning Appeals

Case # BZA-02-2009

Date – February 18, 2009

APPLICATION

Petitioner:	City of Oxford, Applicant
Location:	H4100119000029 (4300 Block of Oxford-Reily Road)
Owner:	City of Oxford
Action Request:	Variance from Section 1151.06(b)(2)
Current Use:	Vacant Residential Property
Zoning:	"R1B" Single-Family Medium Density
Surrounding Land Uses:	Single-Family & Bowling Alley ("OI" Office Industrial)

DESCRIPTION

The property is located near the southwest corner of SR 732 (Oxford-Reily Road) and Brookville Road. The site is approximately 47 acres. The Applicant wishes to advertise the sale of the property with a sign larger than a typical 2' x 3' real estate sign seen advertising the sale of residential property. The Applicant is proposing a 4-foot high by 6-foot wide single panel sign approximately 2-3 feet off the ground, located only along SR 732 (Oxford-Reily Road) across from the bowling alley property.

SITE HISTORY

No Prior BZA History.

VARIANCES REQUESTED

Section 1151.06(b)(2): **TEMPORARY SIGNS.** Real Estate. No more than one sign per lot per adjacent public right-of-way as follows to advertise real estate:

(2) No more than 6 square feet in area per side in a residential zoning district.

ANALYSIS

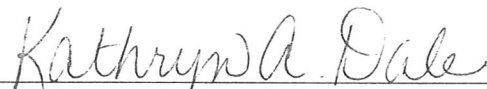
The proposed sign does not exceed the size or square footage otherwise allowed in the City of Oxford Zoning Code for a non-residential zoning district. The subject property has approximately 2,300 feet of frontage on two public roadways. One, six square foot sign is not an unreasonable size to advertise the sale of 47 acres with this much road frontage. Additionally, if the bowling alley wished to advertise the sale of its property (1.167 acres), a similar sign could be temporarily posted in this same general area. With this in mind, it would then seem that adjoining properties would not suffer a substantial detriment as a result of the variance.

RECOMMENDATION

The Board of Zoning Appeals determines practical difficulties exist sufficient to warrant granting the requested variance from Section 1151.06(b)(2) on the basis that the adjoining properties would not suffer a substantial detriment as a result of the variance, the request is the minimal method necessary to alleviate the property owners practical difficulty. The Board of Zoning Appeals Approves BZA Case#02-2009 with the following conditions:

1. That, the proposed work complies in all other respects with all applicable codes and the City of Oxford Zoning Code.
2. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.

SUBMITTED BY:


Kathryn A. Dale, AICP
City Planner

DATE: January 28, 2009

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/ 2009

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-02-2009

ADDRESS: 4300 Block of Oxford-Reily Road

Description:

BZA-02-2009 – 4300 Block of Oxford-Reily Road, Variance to Section 1151.06(b)(2) Temporary Signs, City of Oxford, Applicant

☒ X Review

☐ Revisions

☐ Other

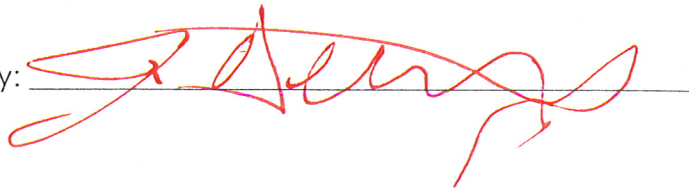
Comments or status update requested by: Lynn Taylor

Please return no later than: **2/12/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/ 2009

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-02-2009

ADDRESS: 4300 Block of Oxford-Reily Road

Description:

BZA-02-2009 – 4300 Block of Oxford-Reily Road, Variance to Section 1151.06(b)(2) Temporary Signs, City of Oxford, Applicant

_____X_____ Review

_____ Revisions

_____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/12/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments

without/comments

Drawings reviewed by: _____

A. Popescu 2-9-09

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-02-2009

ADDRESS: 4300 Block of Oxford-Reily Road

Description:

BZA-02-2009 – 4300 Block of Oxford-Reily Road, Variance to Section 1151.06(b)(2) Temporary Signs, City of Oxford, Applicant

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/12/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: 

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: CITY OF OXFORD
(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address: 101 E HIGH ST. OXFORD OH 45056

Telephone Number(s): 524-5201 524-5238

Requested Variance: TO EXCEED THE SQUARE FOOT ALLOWANCE FOR A
(Indicate nature of variance TEMPORARY REAL ESTATE SIGN IN A RESIDENTIAL
and applicable section(s) DISTRICT. WE ARE REQUESTING A TEMPORARY SIGN OF
of the Zoning Code.) 24 SQUARE FEET.
151.06 TEMPORARY SIGNS (b) REAL ESTATE (2) NO MORE
THAN 6' SQ FT.

Location of Requested Variance: 4300 BLOCK OF OXFORD - REILLY RD.

Legal Description: PARCEL # 410019000029, LEGAL - 2102 ENT LESS PTS

Zoning District: R1B

Total Acreage: Approx 47 Acres

Existing Use of Site: VACANT LAND

Proposed Use: (if applicable) PLACING ONE TEMPORARY REAL ESTATE SIGN
A description of operations, including ON THIS 47 ACRE PARCEL OF LAND.
type of goods sold, services performed,
and expected number of customers,
clientele, delivery, and service vehicles,
and the hours of operation.

REQUIRED INFORMATION

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.

(1) **SITE PLAN** – A scaled site plan shall include the following information in detail and must be prepared by an Ohio licensed surveyor. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

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

(2) **ELEVATIONS** – Elevations of proposed structure, or typical elevations if structures are not yet designed, may be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.

(3) OTHER – Photographs of the existing use and its surroundings

(4) On a separate sheet, provide the names and mailing addresses of all property owners within 200 feet of all boundaries of the property in question, giving lot numbers and house numbers. (This information is available at the Butler County Auditor's Office.)

(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant the area a variance. A separate response is required for each subsection.

- a) *The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and*
- b) *Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and*
- c) *The conditions upon which the application is based are not the result of actions of the applicant; and*
- d) *The variance would not confer a special privilege to the applicant but would relieve a hardship; and*
- e) *The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and*
- f) *The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and*
- g) *The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.*

Submit this application with required attachments and a **\$150.00 filing fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 35 days prior to the proposed Board of Zoning Appeals meeting at which the action is requested.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: _____

Date: 1-12-2009

PRINTED NAME OF APPLICANT: _____

G. ALAN KYCER

FOR THE CITY OF OXFORD -

FEE / RECEIPT

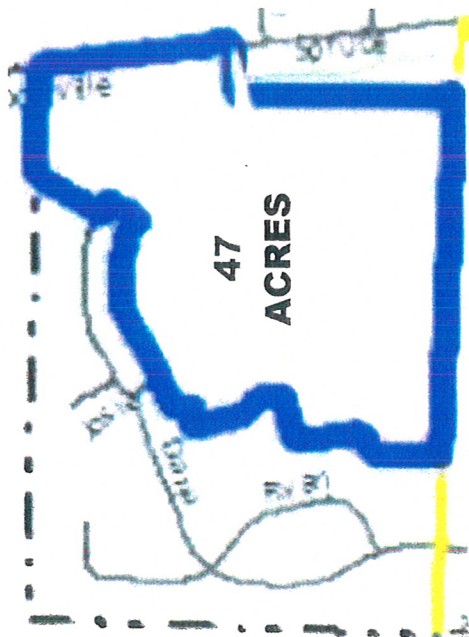
\$150 Fee Paid / Receipt Number: NA

LAND FOR SALE

47 ACRES

UTILITIES

WILL DIVIDE

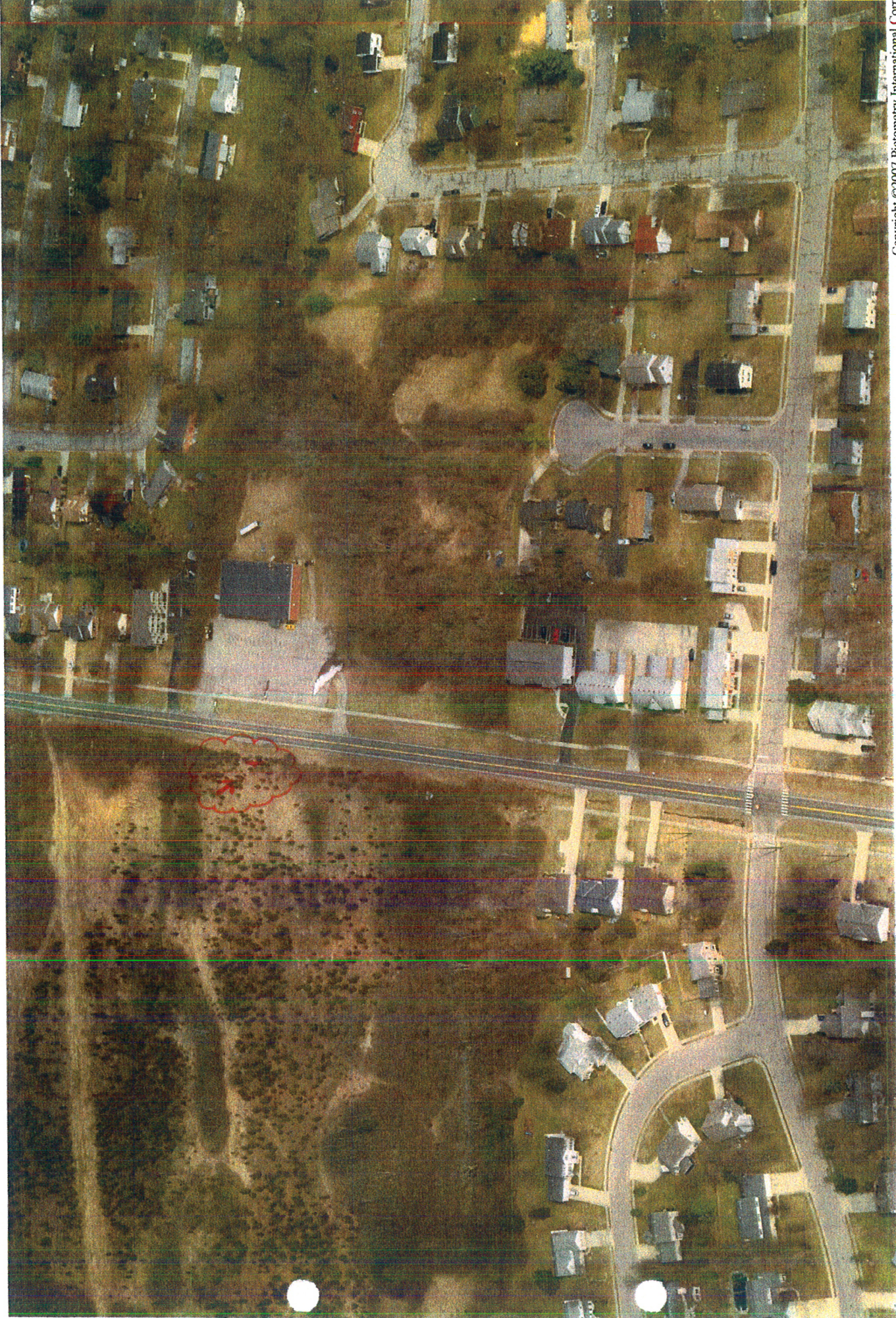


G. Alan Kyger

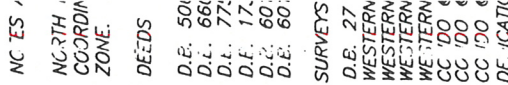
513-524-5201











City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-03-2009

Date – February 18, 2008

APPLICATION

Petitioner:	Scott Webb
Location:	210 S. Poplar St.
Owner:	J.P. Green Living LLC
Action Request:	Variance to Section 1141.03(e)(4) Principal Entrance and Section 1141.03(j) Residential Building Additions
Current Use:	Single-family House
Zoning:	R2MS Single and Two-family Mile Square Residential
Surrounding Land Uses:	Residential

DESCRIPTION

This property is located on the west side of Poplar Street between Collins and Spring Streets. In November the BZA granted two variances to this property (Case# 15-2008) in regards to the parking width and minimum lot size for a two-family lot.

The Applicant wishes to construct a two-story dwelling unit addition to an existing single family thus making it a two-family unit at this location. However, the principle entrance to the second unit would not be along a public street, but rather facing an alleyway.

VARIANCES REQUESTED

Section 1141.03(e)(4): Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot.

Section 1141.03(j): Residential Building Additions. Any addition to a residential building that results in or enables a new dwelling unit is not permitted.

- Additional information regarding this provision of the code will be presented by Legal Council at the hearing.

AGENCY REVIEW

Requests for review were sent to Engineering, Economic Development, Police and Fire.

Econ. Dev.:	No comments returned to date.
Police:	Comments noted.
Fire:	No comment.
Engineering:	Comment noted.

ANALYSIS

According to the definitions:

§1159.17 (13) PRINCIPAL ENTRANCE - The place of ingress and egress used most frequently by the public.

§1159.20 (12) STREET - Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action.

§1159.02 (10) ALLEY - A service, space, or roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

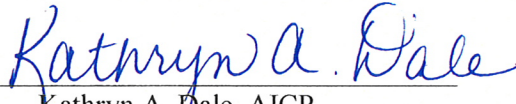
At the November BZA hearing regarding this property, the question was raised regarding the entrance and these very provisions that the Applicant is requesting relief of. The record shows that the Applicant testified that the building had not yet been designed and that this unit could have its access through the front structure.

RECOMMENDATION

Should the BZA recommend approval, Staff recommends the following conditions:

1. That, the proposed work complies in all other respects with all applicable codes and the City of Oxford Zoning Code.
2. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.

SUBMITTED BY:


Kathryn A. Dale, AICP
City Planner

DATE: January 30, 2009

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 Planning and Zoning Code inequitable. 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 factors:

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-03-2009

ADDRESS: 210 S. Poplar

Description:

BZA-03-2009 – 210 S. Poplar, Variance to Section 1141.03(e)(4)Principal Entrance and Section 1141.03(j) Residential Building Additions, Scott Webb, Applicant, Agent

☒ X Review

☐ Revisions

☐ Other

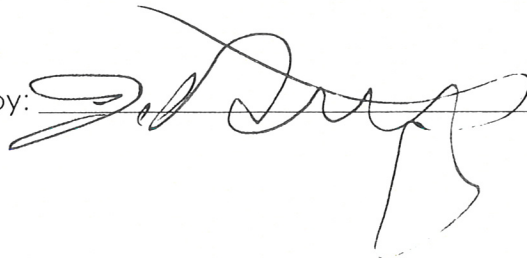
Comments or status update requested by: Lynn Taylor

Please return no later than: **2/12/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/ 2009

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-03-2009

ADDRESS: 210 S. Poplar

Description:

BZA-03-2009 – 210 S. Poplar, Variance to Section 1141.03(e)(4)Principal Entrance and Section 1141.03(j) Residential Building Additions, Scott Webb, Applicant, Agent

☒ X Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/12/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

SEE MEMO DATED 2-10-09.

Drawings reviewed by:

A. Presen 2-10-09



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #03-2009
210 S. Poplar St.

DATE: February 10, 2009

Interesting definition of a principal building. Connecting buildings with breezeways and, ultimately, consolidating lots, the entire city could become a principal building.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-03-2009

ADDRESS: 210 S. Poplar

Description:

BZA-03-2009 – 210 S. Poplar, Variance to Section 1141.03(e)(4)Principal Entrance and Section 1141.03(j) Residential Building Additions, Scott Webb, Applicant, Agent

 X Review

 Revisions

 Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/12/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

SS Selwen

To build a new building and connect it to the existing building, then call the two combined buildings the "principal building" is beyond the grasp of logic for this simple police officer.

To build a new building and connect it to the existing building, then call the two combined buildings the "principal building" is beyond the grasp of logic for this simple police officer.

Lynn Taylor
City of Oxford

Per you letter regarding the BZA MEETING ON 2/18/09 AT 7:30PM regarding BZA-03-2009 210 S Poplar. By copy of this letter I appoint Dave Kellums as my duly appointed agent to represent me for this meeting.

I am against the proposed addition to the property.

Dave Kellums can be reached at 513-505-4918 should you have any questions or I can be contacted at 847 274 6600.

Best regards,

Signed Tom Conrad 1/26

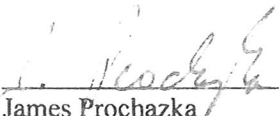
October 9, 2008

To: Scott Webb Architect
Attention: Scott Webb
& Oxford Board of Zoning
103 West Walnut Street
Oxford, OH 45056
P: (513) 523-3838
e-mail: scott@scottwebbarchitect.com

From: J.P. Green Living, LLC.
James Prochazka
408 W. St. Clair Ave.
Suite # 226
Cleveland, OH 44113
P: (216) 701-6203
e-mail: johnprochazka1@hotmail.com

Re: Letter of Agency

Please let it be known that Mr. Scott Webb of Scott Webb Architect is the acting Agent of the real property known as 210 South Poplar, Oxford, OH in front of the Board of Zoning Appeals of Oxford.


James Prochazka

Petition for Zoning Variance

City of Oxford, Ohio

Feb 18, 2009**REQUIRED INFORMATION**

Name of Petitioner:

Scott Webb, Architect

(Attach a Letter of Agency if the Applicant is not the property owner.)

Mailing Address:

103 W. Walnut St. Oxford Ohio 43050

Telephone Number(s):

923-3838

Name of Property Owner:

J.P. Green Living LLC

Mailing Address:

408 W. St. Clair Ave, Suite 2200 Cleveland OH 44113

Telephone Number(s):

(216) 701-6203

Requested Variance:

(Indicate nature of variance
and applicable section(s)
of the Zoning Code.)1141.03(c)(4)principal entrance facing a public street

Location of Requested Variance:

210 S. Poplar

Legal Description:

Zoning District:

B2MS

Total Acreage:

.278

Acres

Existing Use of Site:

Single-family Residence

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.2-family Residence**REQUIRED INFORMATION**

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.

(1) **SITE PLAN** – A scaled site plan shall include the following information in detail and must be prepared by an Ohio licensed surveyor. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

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

(2) ELEVATIONS – Elevations of proposed structure, or typical elevations if structures are not yet designed, may be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.

(3) OTHER – Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.

(4) On a separate sheet, provide the names and mailing addresses of all property owners within 200 feet of all boundaries of the property in question, provide parcel numbers as well. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant a variance. A separate response is required for each subsection. In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors:

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

Submit this application with required attachments and a **\$150.00 filing fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 35 days prior to the proposed Board of Zoning Appeals meeting at which the action is requested.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: _____

Date: Jan 12, 2009

PRINTED NAME OF APPLICANT: _____

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 3629

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: Proposed Dwelling Unit Addition
210 South Poplar Street

January 12, 2009

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the following Sections:

1141.03(e)(4) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have it's principal entrance upon a street bordering such lot.

1141.03(j) Residential Building additions: Any addition to a residential building that results in or enables a new dwelling unit is not permitted.

The proposal contained herein describes the construction of an addition to convert the existing single family residence into a two-family residence in the Mile square.

On November 19, 2008 variances to 1143.05(c)(1)(B) Minimum Lot Width, and 1149.04(b)(6) were granted, allowing a two-family residence at this location, and the reduction of the driveway width as presented, allowing the project to proceed.

I will address the two variances separately as follows:

1141.03(e)(4), regarding the requirement that the principal entrance must face the street:

After the November 19, 2008 approvals, the Community Development department was asked for an interpretation of section 1141.03(e)(4) regarding the principal entrance to the additional dwelling unit and correspondence was exchanged via email and face to face discussions. It was the decision of the Community Development Director, that application must be made for a variance to this section for the entrance to the second dwelling unit (the addition as approved at the November 19, 2008 BZA meeting).

I do not believe a variance to this section is required, based upon the following:

- Section 1141.03(a) prohibits two buildings on the same lot in a residential district.
- However, a second Dwelling Unit is allowed in the R2MS District. The definition of "Dwelling, Two Family, Section 1159.05(8)(D) defines a two family dwelling as a building consisting of two single dwelling units, detached, or separated from other dwelling units by open spaces.

- In discussions with the Community Development Department, it was determined that there is nothing in the Zoning Code that prohibits constructing a breezeway to connect the proposed addition to the existing building, so the entire building could be considered as one principal building
- Finally, there is no requirement that all dwelling units must face the Street; only that principal buildings do.

It is therefore my opinion that the building as presented, meets the code as follows:

Section 1141.03(a) says no more than one "principal building" per lot in a residential district.

- The existing building is the principal building

Section 1141.03(e)(4) says every building shall have its "principal entrance" face the street.

- The existing building is the principal building on the lot and has its principal entrance facing the street.

Section 1159.05(8)(F) states that "Publicly accessible space separates a dwelling unit from any other dwelling unit"

- The two dwellings are separated by a passageway.

Section 1141.03 (f) states that multi-family dwellings shall be considered as one building with regard to yard requirements

The design meets all the yard/setback requirements as shown or as granted relief by the Board of Zoning Appeals.

There is no basis in the code to require two separate "principal entrances", as two principal buildings would be prohibited.

There is no code requirement for multi-family buildings that addresses multiple entrances.

There is no code section that requires all dwelling units to face the street, only principal buildings.

1141.03(j) Residential Building additions, regarding the requirement that the prohibition of an addition that results in a new dwelling unit:

This code section, was added to the Zoning Code by City Council, Ordinance No. 3005, and made effective July 17, 2008, and is in clear conflict with other sections of the Zoning Code.

An attempt by the Community Development Department to delete this contradictory section is scheduled to begin at Planning Commission, January 13, 2009. In the Staff report for that meeting, the Community Development Director stated

"this section could also be construed to prohibit any additional dwelling to be added to a single family dwelling in a two family district. It actually forces the demolition of an existing single family structure in order to build a two family dwelling, since the language outright prohibits an additional unit."

While this attempt at removing contradictory language in the code makes its way through the legislative process, my client should not be forced to raze the existing building in order to build the new unit.

Secondly, the approvals granted by this body on November 19, 2008 were based on drawings renderings, site plans, required to be submitted. The drawings, renderings, etc. were reviewed for compliance with the applicable codes by staff and presented to the Board of Zoning Appeals for their consideration. The drawings clearly show the addition as the means to create the new dwelling unit.

To deny this application after the review and approval of the submitted plan is an unfair and arbitrary application of the rules.

Decision Standards

In response to the decision standards outlined in the application, we offer the following:

- 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 location of the proposed entrance has no bearing on the return or beneficial use of the property.

The prohibition of an additional dwelling unit limits the property owner's the right to improve his property in a manner consistent with the Zoning district in which it resides.
- b) Whether the variance is substantial;

The Variance is not substantial. If a variance is even required, it will not affect the size or location of the previously approved building/site plan.

The variance required to build the addition will not affect the previously approved site plan. Compliance with the strict interpretation of the code would require razing of the existing historic home to realize the allowable potential of the site.
- 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 variances, if required, would not substantially alter the essential character of the neighborhood, nor would any adjoining property suffer a substantial detriment.
- d) Whether the variance would adversely affect the delivery of governmental services (i.e., water, sewer, garbage);

The variances, if required, has no affect on the delivery of services.
- e) Whether the property owner purchased the property with knowledge of the zoning restriction

The property owner was well aware of the restrictions for which relief has already been granted. In the application at hand, the property owner does not believe such a variance is required.

The property was purchased prior to the modification of the supplemental regulations of the Zoning Code.
- f) Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

The internal design of the building could be slightly modified, changing the front entrance to the side and vice versa, but that would be less desirable for the owner, his potential tenants, and the neighborhood itself.

The existing historic home would have to be razed in order to meet the code as written.

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

The requirement that entrances to principal structures face the street has been met, and the scale, and design of the neighborhood is maintained. To require that all entrances of a two family dwelling unit must face the street is not supported by our code, and would place an arbitrary and unfair burden on my client.

To grant approval of the previous application and then deny construction that matches the submitted plan would deny my client the ability to construct the project

- h) Any other relevant factor.

Staff has recognized the conflict in the code, and is working to rectify it through the legislative process.

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

Respectfully,

Scott Webb, Architect

Site Pictures – 210 South Poplar

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Existing Residence from Poplar Street



Existing Residence (Rear from Alley)



Existing Parking in Alley



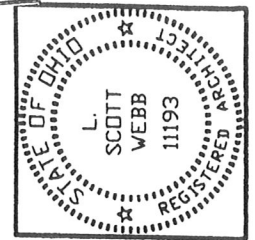
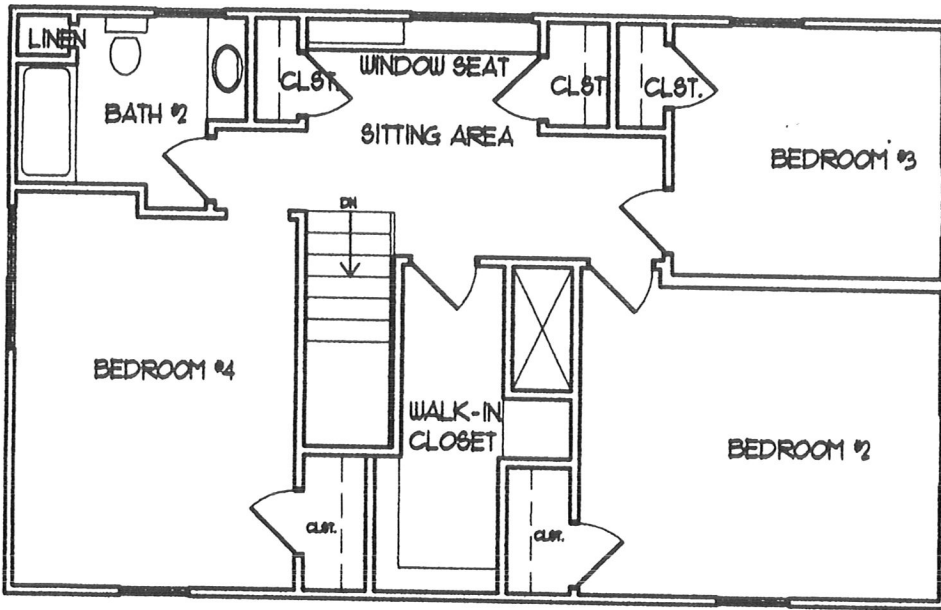
Existing Privacy Fence



Intersection of Alleys to Rear (looking East)



Intersection of Alleys to Rear (looking West)

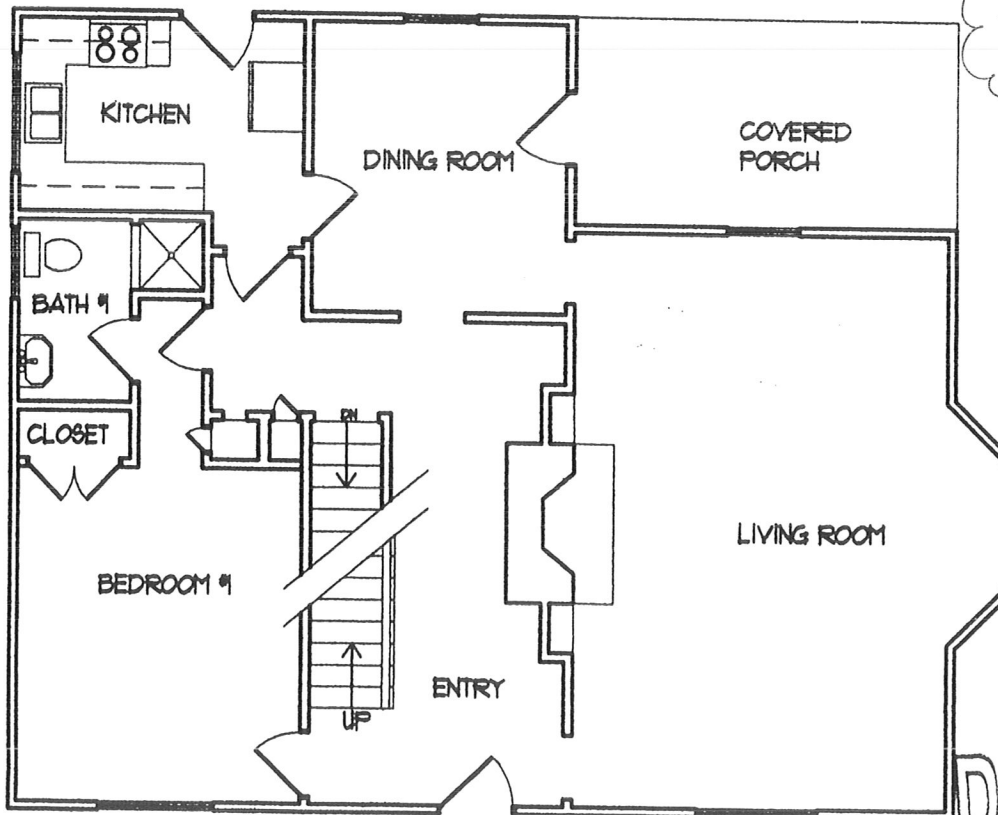


SCOTT WEBB
ARCHITECT

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Oxford, Ohio 45056
(513) 523-3838
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SECOND FLOOR PLAN

1/8" = 1'-0"



Front Bldg
Facing
Poplar St

RENTAL PLAN

210 S. Poplar
210 S. POPLAR
OXFORD, OHIO 45056

DATE

JUNE 2, 2008

REVISIONS

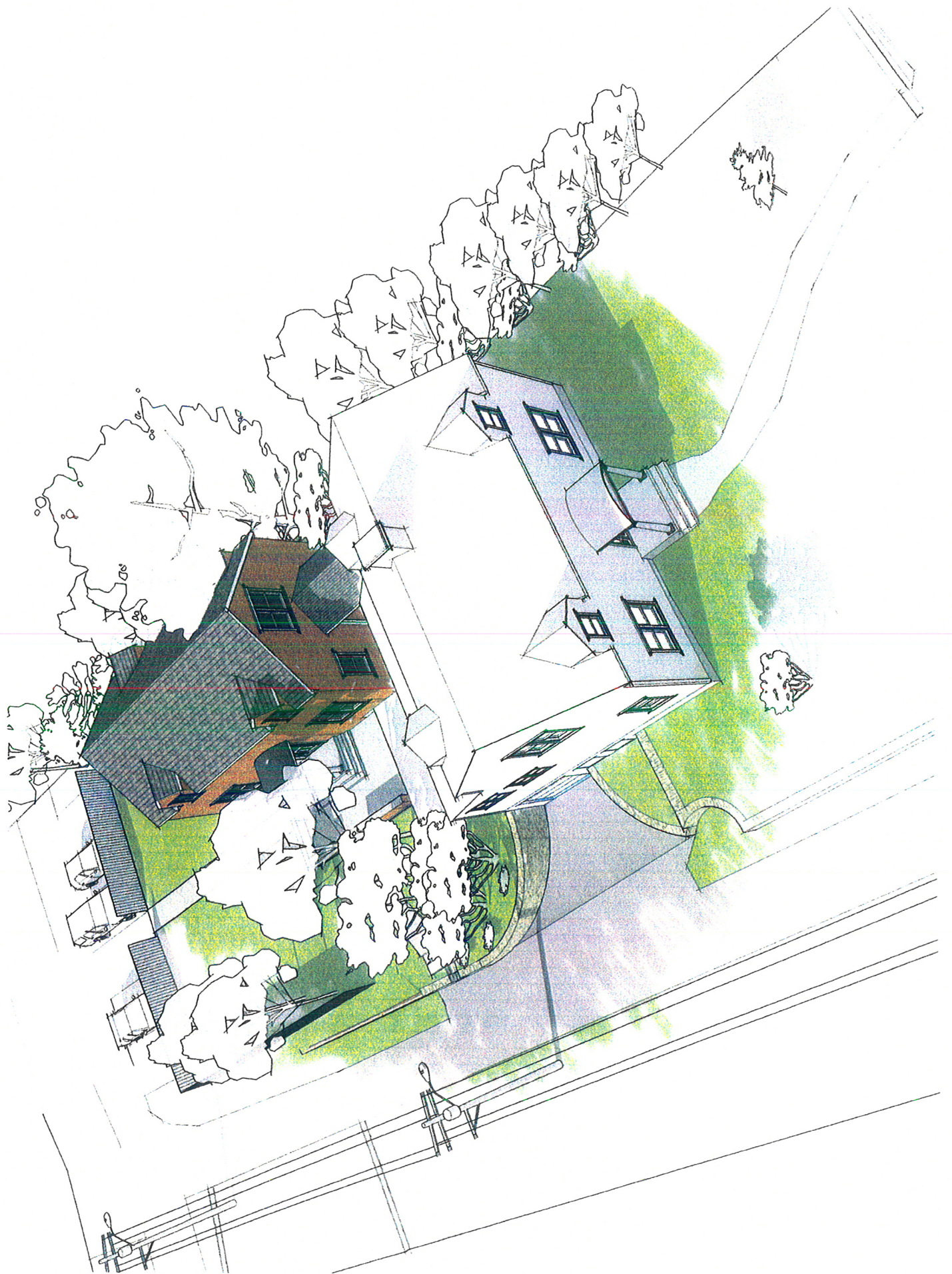
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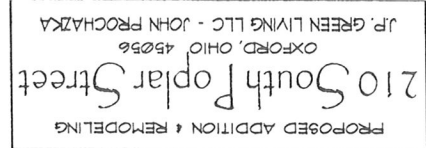
CITY OF OXFORD

1ST FLOOR PLAN

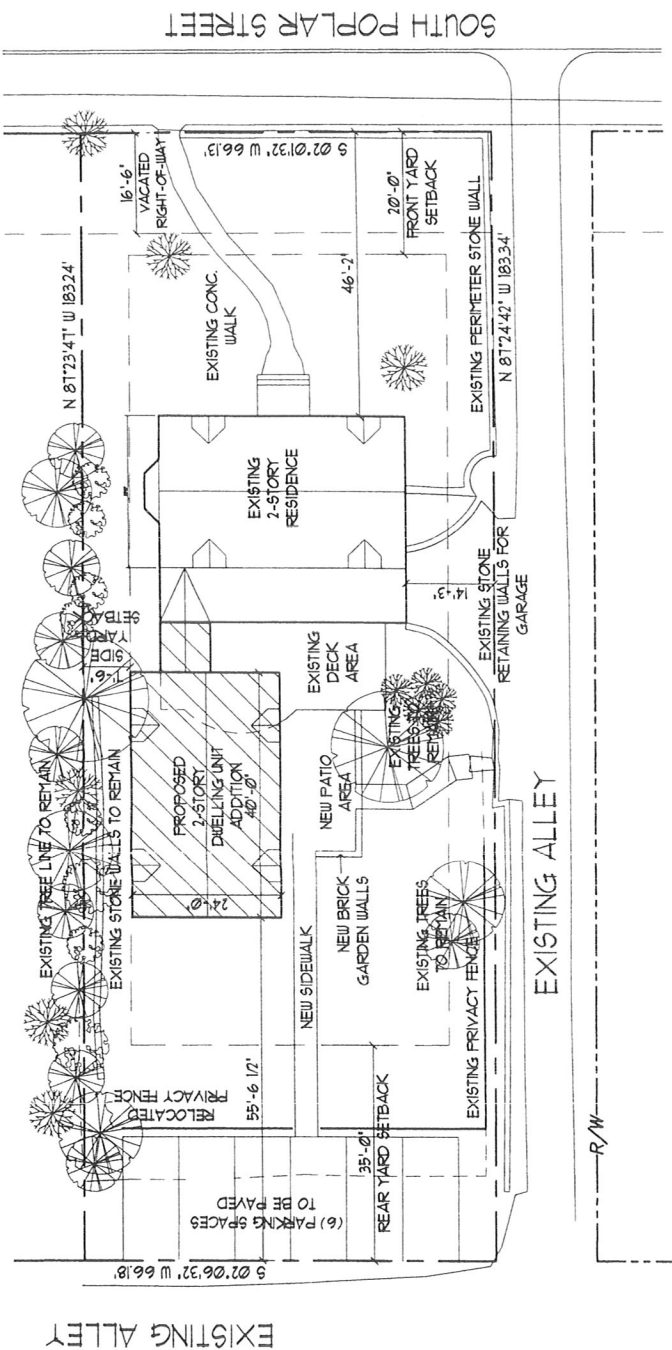
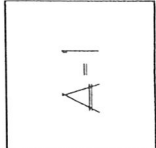
1/8" = 1'-0"

effective June 2008





DATE	October 10, 2008
REVISIONS	



SITE PLAN

1" = 20'-0"
SHOWING ADDITION OF 2-STORY DUELLING UNIT TO AN
EXISTING SINGLE FAMILY RESIDENCE, CREATING A
2-FAMILY RESIDENCE IN THE R2MS ZONING DISTRICT
SURVEY INFORMATION FROM: BAYER BECKER
EXISTING SITE PLAN OF 210 SOUTH POPLAR, LOT #139
9/05/08

LOT COVERAGE	EXIST. SITE	PROPOSED	TOTAL
OVERALL LOT AREA:	12,125 SF.		
BUILDINGS: MAX. 25% (3031 SF.)	1,359 SF.	1,000 SF.	2,359 SF. (19.5%)
DECKS, DRIVES & WALKS	1,051 SF.	360 SF. (NET)	1,411 SF. (11.6%)
(6) PARKING SPACES		1,081 SF.	1,081 SF. (8.9%)
TOTAL LOT COVERAGE: (40%)			4,880 SF. (40.0%)

1143.05(C)X4(B): LOTS WITH
VEHICULAR ACCESS FROM A
REAR OR SIDE ALLEY

YARD REQUIREMENTS

MIN. FRONT YARD DEPTH: 20'-0" (42'-2" PROVIDED)
MIN. REAR YARD DEPTH: 35'-0" (55'-0" PROVIDED)
MIN. SIDE YARD WIDTH: 7'-6" (7'-6" TO NORTH, EXIST 14'-2" TO SOUTH)

PARKING REQUIREMENTS

MIN. FRONT YARD DEPTH: 20'-0" (42'-2" PROVIDED)