

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2017-04

Date – March 15, 2017

APPLICATION

Applicant:	Carol Michael
Location:	409 East Chestnut Street
Owner:	Carol Michael
Action Request:	Variance to Section 1141.01(a)(1)(C), accessory building size limit
Current Use:	Single Family Residential
Zoning:	R1A (Single Family Low Density Residential)
Surrounding Land Uses:	Single Family Residential

DESCRIPTION

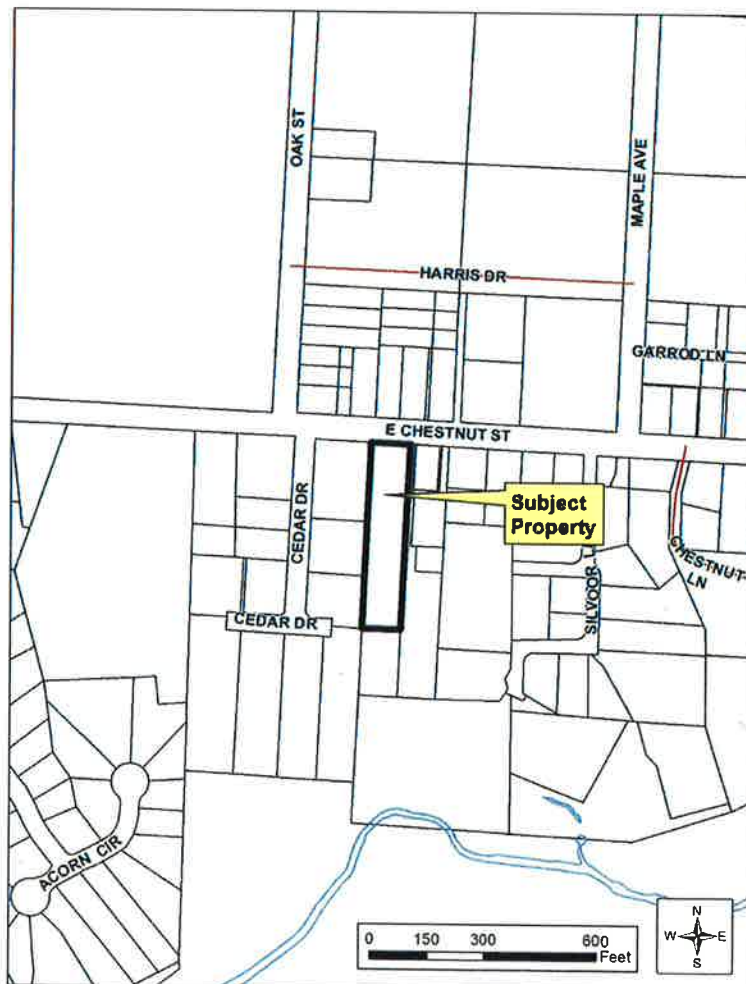
Ms. Carol Michael, is requesting a variance from the accessory building size limit. Approval for a new 560 square feet storage building is requested which exceeds the limit of 359 square feet.

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 1,554 square feet which limits the accessory building footprint to 777 square feet. The total of all accessory buildings are limited to this number. The proposed building and a 419 square foot garage will be the only accessory buildings on the property. In order to avoid a variance, the proposed new building is limited to 359 square feet. A minimum of 10 foot gap is required between buildings.

COMMENT FORMS

Notification was mailed to property owners within 200 feet and a sign



was placed on the property. One walk-in inquiry from an adjacent owner was 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	Not returned

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 Ms. Michael. The staff's review of the criteria is included below.

There is an existing garage on the property and the property has continued as-is for many years. Therefore regarding criterion A, it is staff's determination 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 26% more accessory building footprint square footage than permitted by zoning code. This is a total of 979 square feet, which is 202 square feet over the 777 square foot limit set by the 1,554 square foot house size.

SQ FT SUMMARY	
Home	1,554
Existing accessory	419
Code limit total	777
Proposed total	979
Code limit new	359
Proposed new	560
Difference total	202

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: Although two accessory buildings of this size would be unusual in the surrounding neighborhood, the placement of the proposed building mitigates any potential impact of the additional 202 square feet size.

Regarding criterion D, Staff believes that the delivery of governmental services **is not negatively impacted**, with this request as there is no utility or street access issue.

Regarding criterion E, **property owner awareness of zoning restriction**, Staff believes that the owner was likely not aware of the restriction until pursuing the proposed project.

Regarding criterion F, the **owner's predicament** is stated to be the lack of sufficient square footage for hobby activities. This **may be obviated other ways** but the only one presented is to build a new building limited to 359 square feet.

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 overall lot size, lot depth and placement of the proposed building would likely mitigate any potential impact of the larger accessory building.

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 variance it can attach any appropriate conditions necessary, such as but not limited to a condition that the variance only be valid for the proposed building size and location.



SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

DATE: March 8, 2017

City of Oxford
Inter-Office Review Transmittal Sheet



Date: 2/17/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-04, 409 E. Chestnut Street, Variance to Section 1141.01(a)(1)(c) exceeding of accessory structure square footage requirement, Carol Michael, Applicant, Owner

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 3/7/2017 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:


John Dethenage
PRINT NAME

Date: 2-21-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/17/2017

To: Fire Department Engineering Division Police Department Economic Development

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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:


VICTOR POPESCU

PRINT NAME

Date: 2-24-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/17/2017

To: Fire Department Engineering Division Police Department Economic Development

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BZA-2017-04, 409 E. Chestnut Street, Variance to Section 1141.01(a)(1)(c) exceeding of accessory structure square footage requirement, **Carol Michael, Applicant, Owner**

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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: 

Date: 3/6/17

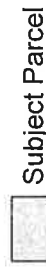
JOHN A. JONES POLICE CHIEF

PRINT NAME

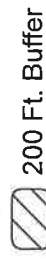


BZA-2017-04 **Surrounding** **Property Owners** **Map**

Legend



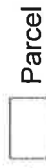
Subject Parcel



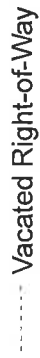
200 Ft. Buffer



Oxford Corporation Limit



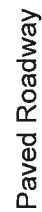
Parcel



Vacated Right-of-Way



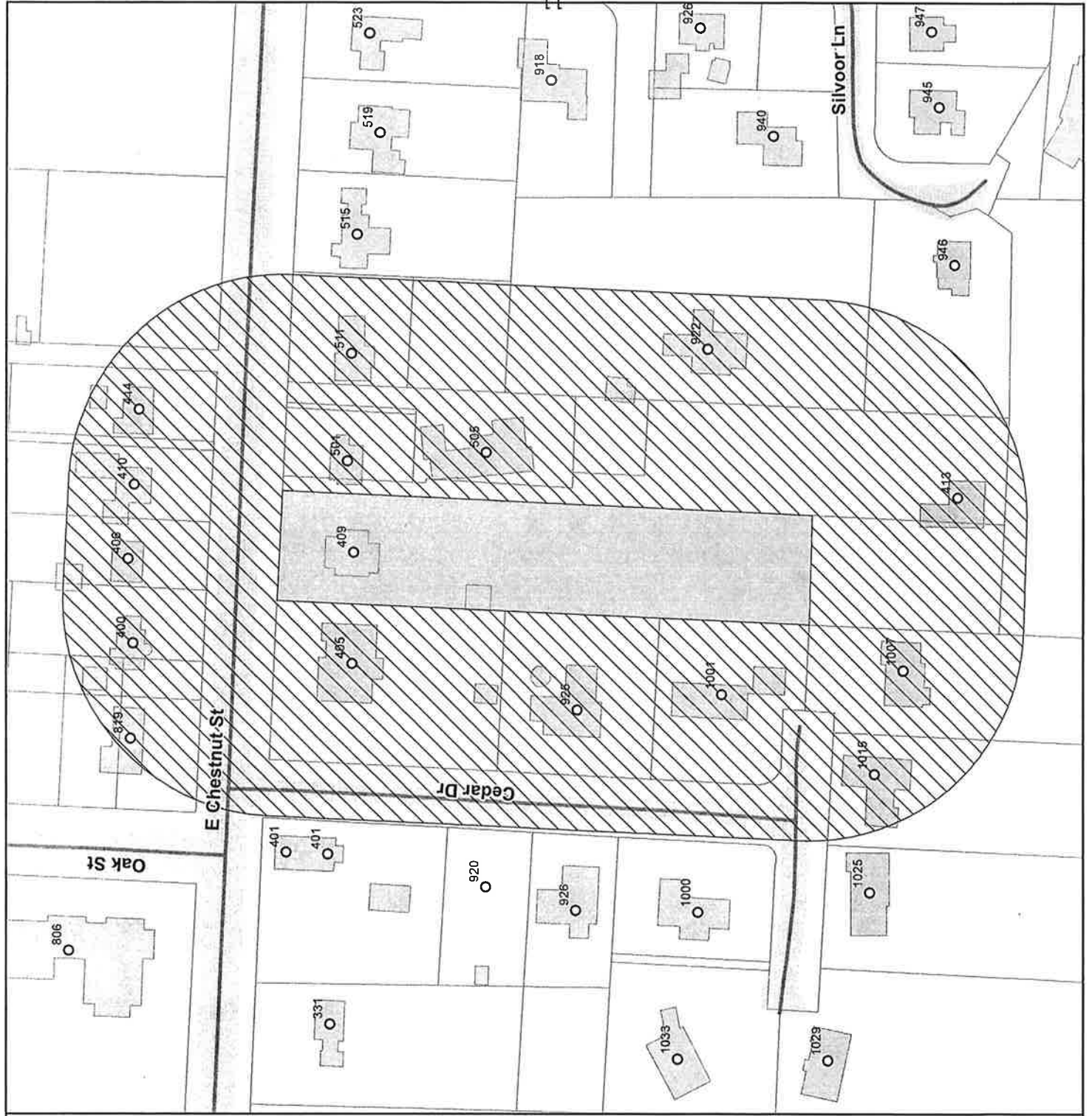
Building Footprint



Paved Roadway



1 inch = 125 feet



Prepared on Thursday, February 23, 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.



Internal Use Only:

Case No.

BZA-2017-04

Date Filed

2/13/17

Petition for Zoning Variance

Petitioner Information

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

Name *

Carol Michael

Mailing Address *

409 E. Chestnut St.

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number(s) *

(513) 523-3376

Email Address

michael.cm@miamioh.edu

Location of Property *

409 E. Chestnut St.

Name of Building *

Owner Information

Name *

Same as above

Mailing Address *

City, State & Zip Code *

Telephone Number(s) *

Email Address

Variance and Lot Information

Please see Typed Section Attached

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

1/41.01(a)(1)(c) Code states total square foot area of all accessory building on a lot shall not exceed 1,000 ft. or 50% of footprint of original structure whichever is smaller. Requesting 26 % degree of variance from code to build detached storage building

Location of Requested Variance *

Same as above

Legal Description *

Part Lot # 791

Zoning District *

R-1A

Total Acreage *

1.136

Existing Use of Site *

Residential

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 accessory building, See attached.

- 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 *

Carol Michael

Date *

2/10/2017

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 *

2/13/17

Receipt Number *

136102

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/>

Variance and Lot Information

A. Application Fee. Included

B. Description of Use and Site.

The site is on a 1.136 acre lot on the south side of East Chestnut Street. Over 90% of this expansive lot is lawn. A large portion of the back of the lot is wooded, but is still on lawn which needs to be mowed.

A two-story residential dwelling sits towards the front center of the lot close to the street. It is 1554.40 square feet. This house was built in 1925.

Approximately 400 feet back from the street, just off of the west property line, is a one-car detached garage built in 1925 with 418.65 square feet.

The proposed storage building would be built directly behind the detached garage on land which is currently a fenced-in dirt dog yard and grass.

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

Applicant: Carol Michael Address: 409 E. Chestnut St., Oxford, OH 45056
phone: 513-523-3376
e-mail: michaecm@miamioh.edu

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.

N/A

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

Part Lot #791 . 1.136 acres of residential property. Contains two-story family with 1554.40 sq. ft. footprint. Detached one-car garage with 418.65 sq. ft. footprint.

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

G. The zoning district in which the site is located. R-1A

H. A description of the existing and proposed use.

Existing use of the area to be used for the proposed accessory building is fenced dirt dog yard and grass behind detached garage.

Proposed use is for a detached storage building with larger storage for new riding lawn mower (very tight fit in current garage bay) and lawn mower trailer, future leaf attachment, additional push mower, and much-needed additional space for retirement hobbies: a woodworking shop including work tables and equipment and other hobby work area for metalworking requiring substantial equipment and space.

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 property maintenance and hobby work space.

2. The hours of operation.

N/A

I. The nature and magnitude of the requested variance.

I request a variance of 26% from code in square feet to allow a larger storage building. This is so that I have adequate/more suitable storage available to house the lawn mowers, future leaf attachment and trailer needed to maintain the large lot as well as adequate workspace for two workshop-requiring retirement hobbies. The currently allowed 18 x 20 structure is not large enough to meet my needs.

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.

I am requesting a 26% variance in square feet allowed from this code to allow a larger accessory building.

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, I will be limited to a 18 x 20 building. This will give more room for my mowers, trailer and future leaf attachment and other yard maintenance equipment, but will not give enough space for the workshop areas my retirement hobbies both require. Woodworking requires a lot of space. Another hobby, metalworking, also involves a lot of equipment and workspace.

B. Whether the variance is substantial.

At 20 x 28 I am requesting a fair-sized building, requiring a 26% variance. However, as the board can see in the supporting documentation, pictures, and site plans, it is modest in terms of the total lot space, matches the existing nature of the garage which it will be behind (i.e. same wooden siding and general roof design), and is still smaller and less substantial than the main dwelling. I am requesting, in my belief, the smallest building that will fulfill the intended purposes of the building. The 18 x 20 space for an accessory building currently allowed by code is not a standard size building; the 20 x 28 building is the standard size offered by Weaver Barns, my chosen builder for the structure. This company is known for high quality buildings.

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. The proposed building is so far back from East Chestnut Street (approximately 435 feet), sitting directly behind the current garage of the same width, that only a portion of the roof line of the new building would be seen from the street.

There are only two neighbors with adjoining properties who would frequently see this structure close to their lots, both on the west side of my property. The first west neighbor, who has an East Chestnut Street address, has a main dwelling far away from the proposed lot, like mine. The building site is only close to the very rear of their lot. In addition, they have recently planted a privacy row of juniper bushes all along the back half of their property next to my lot. The building site is closest to the back yard of a second west neighbor who has a property facing Cedar Drive. They have some years ago planted privacy bushes and trellis all along the rear of their property line which adjoins mine. To minimize impact, I will place the building so that it does not go beyond the highest juniper of that neighbor's privacy plantings so that their view of the mid-part and back of my lot is not restricted. I am willing to eliminate a tree to do this. The third property, much further back on the west side facing Cedar Drive, has both fencing and privacy bushes surrounding their back yard.

The first neighbor on the east who has a dwelling close to East Chestnut like mine is far away from the proposed building and also has privacy bushes and fencing. The second neighbor's back yard (which runs along the side of my property on the other

side of a long lane) has tall privacy hedge all along the back of their property. The third neighbor's dwelling is way at the back corner of my lot outside of the sight range of the proposed building. They would only see the building as they travel on their long lane to or from East Chestnut Street.

Currently there is a fenced-in dirt dog yard and grass on the proposed building site. The addition of a nice building will rather significantly improve the aesthetics 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 storage building on this site will not impact the delivery of governmental services in any way.

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

I was not aware of this zoning restriction on accessory buildings when I purchased the property. However, I was made aware at the time of purchase that the lot, though quite large, could not be split/sold to be used for another major residential dwelling.

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

Without applying for a variance, I would be able to construct a storage shed smaller than my one-car garage without issue. However, that would not sufficiently alleviate my current equipment storage issues and still provide sufficient workspace for my hobbies, woodworking and metalworking, which both require a lot of space.

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

I have a much larger lot than anyone else on East Chestnut Street. I have a back yard which is like an expansive park. I currently have over 55 trees on my property, most substantial in size, as well as a lot of honeysuckle. I actively clear brush and invasive plants such as out of control honeysuckle and dispose of a lot of fallen branches all year. This requires significant hands-on maintenance. I also do all of the yard mowing myself. I recently purchased a larger riding mower (and also have a trailer) to make my property maintenance easier. Having a larger storage area for this maintenance equipment (current equipment tightly but barely fits into the side bay of my one-car garage) would be very helpful. I would like space for a future leaf catcher attachment. It is also very important to me to have sufficient space for my retirement hobbies, both of which require substantial equipment and space. Given the unusually large size of my lot, I think the variance space I am requesting is very

reasonable and will not detract from the attractiveness of my lot or my neighborhood. It will, in fact, be an improvement for the property. I trust that the board will understand the validity and value of this variance request.

Note: I will affirm and sign a legal document that I will not use this building as a garage either now or in the future. Please see letter attached.

February 10, 2017

Community Development Director
City of Oxford
101 East High Street
Oxford, OH 45056

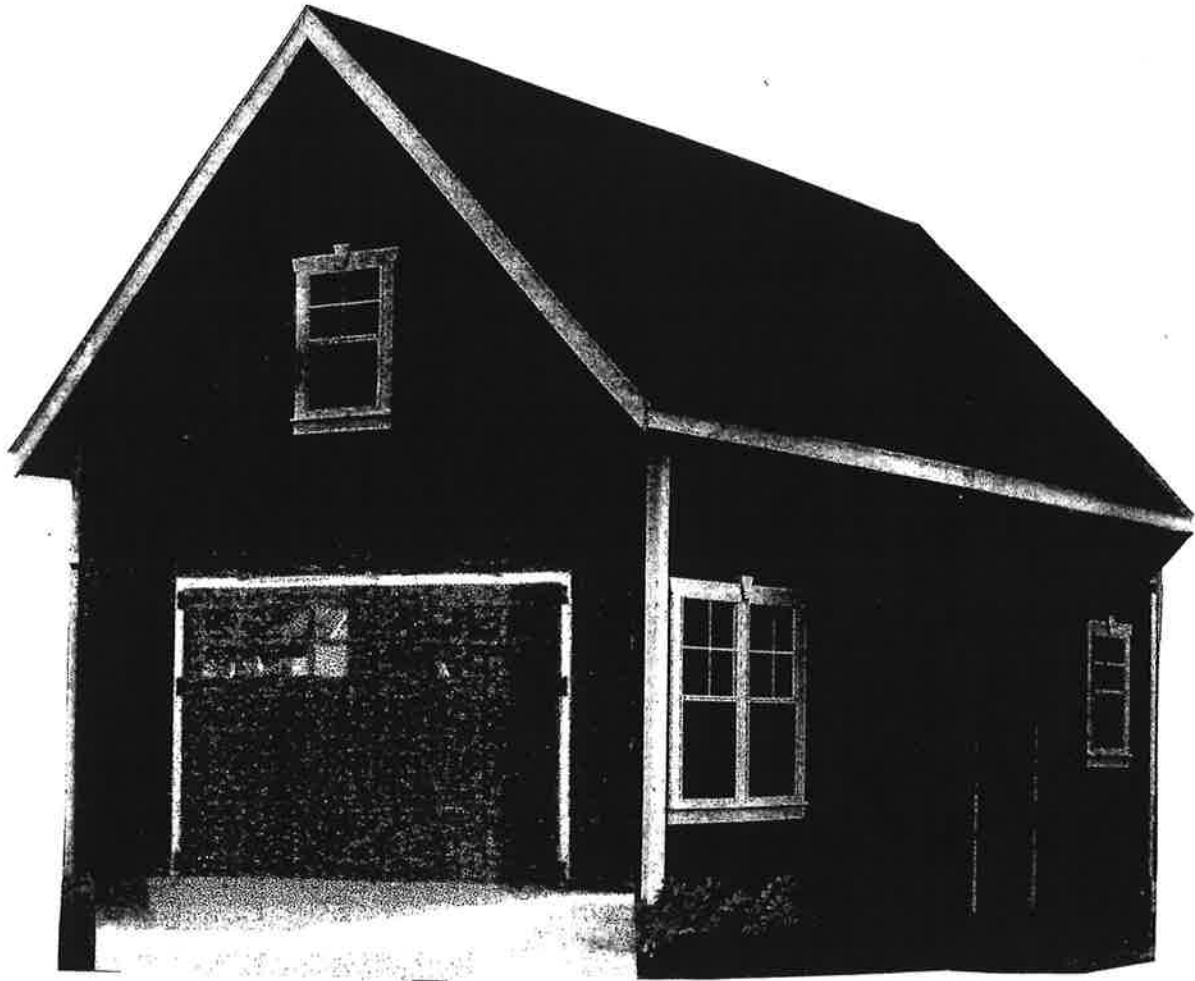
Dear Community Development Director:

I assure the City of Oxford that I will not use the proposed storage building addressed in this variance process/building permit process either now or in the future as a garage for a car or truck. I will use it for storage and workshop space. I affirm this and sign this to be recognized as a legal document.

Sincerely,

A handwritten signature in cursive script that reads "Carol Michael". The signature is written in dark ink and is positioned above the printed name.

Carol Michael



Design of Proposed 20 x 28 Shed
Double doors at Both ends
Siding + Color will Match Garage

Current property with footprints

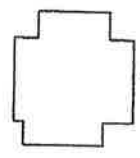
CHESTNUT STREET

(33' 1/2 RIGHT-OF-WAY)

100.00'

R/W

PART LOT #791



House



Garage

494.77'

494.77'

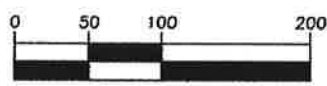
100.00'



Todd K. Turner

LEGEND:

- × - SET X-NOTCH 2' NORTH OF CORNER
- △ - SET STAKE ON PROPERTY LINE
- - CONCRETE MONUMENT
- - FENCE POST



(IN FEET)

1 inch = 100 ft.

GRAPHIC SCALE

TRI-STATE LOCATION SERVICES
4514 FOREST TRAIL LANE
LIBERTY TOWNSHIP, OH
45011-2483
(P) 513-829-7722

FIELD SURVEY EXHIBIT

MICHAEL PROPERTY
409 EAST CHESTNUT STREET
OXFORD, OHIO 45056

DRAWN BY: T.K.T., P.S.	DATE: JANUARY 27, 2017
SCALE: 1" = 100'	JOB NUMBER: 98657

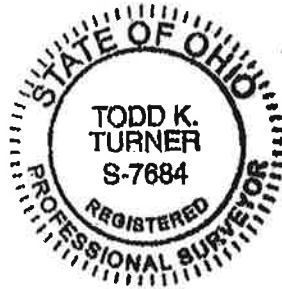
Property with Storage Shed Size by Current Code

PART LOT #791

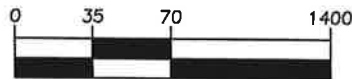
CHESTNUT STREET

(33' 1/2 RIGHT-OF-WAY)

100.00'



Todd K. Turner



(IN FEET)

1 inch = 70 ft.

GRAPHIC SCALE

R/W

1554.40 SQ FT
EX. RESIDENCE



House

418.65 SQ FT
EX. GARAGE



Garage

PROPOSED 18'X20'
SHED TO BE 13'
SOUTH OF GARAGE
AND 3' EAST OF
PROPERTY LINE

494.77'

494.77'

*Currently
accepted
Shed size
by Code*

100.00'

TRI-STATE LOCATION SERVICES
4514 FOREST TRAIL LANE
LIBERTY TOWNSHIP, OH
45011-2483
(P) 513-829-7722

FIELD SURVEY EXHIBIT

MICHAEL PROPERTY
409 EAST CHESTNUT STREET
OXFORD, OHIO 45056

DRAWN BY: T.K.T., P.S.

DATE: JANUARY 27, 2017

SCALE: 1" = 100'

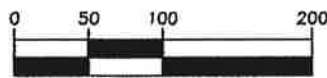
JOB NUMBER: 98657

Property with storage shed size with variance



Todd K. Turner

- LEGEND:
- x - SET X-NOTCH 2' NORTH OF CORNER
 - △ - SET STAKE ON PROPERTY LINE
 - - CONCRETE MONUMENT
 - - FENCE POST



(IN FEET)
1 inch = 100 ft.
GRAPHIC SCALE

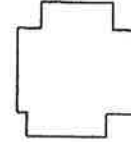
CHESTNUT STREET

(33' 1/2 RIGHT-OF-WAY)

100.00'

R/W

1554.40 SQ FT
EX. RESIDENCE



House

PART LOT #791

418.65 SQ FT
EX. GARAGE



Garage

494.77'

PROPOSED 28'X20'
SHED TO BE 13'
SOUTH OF GARAGE
AND 3' EAST OF
PROPERTY LINE

494.77'

*Shed
size
with
Variance*

100.00'

TRI-STATE LOCATION SERVICES
4514 FOREST TRAIL LANE
LIBERTY TOWNSHIP, OH
45011-2483
(P) 513-829-7722

EXHIBIT FOR 28X20 SHED

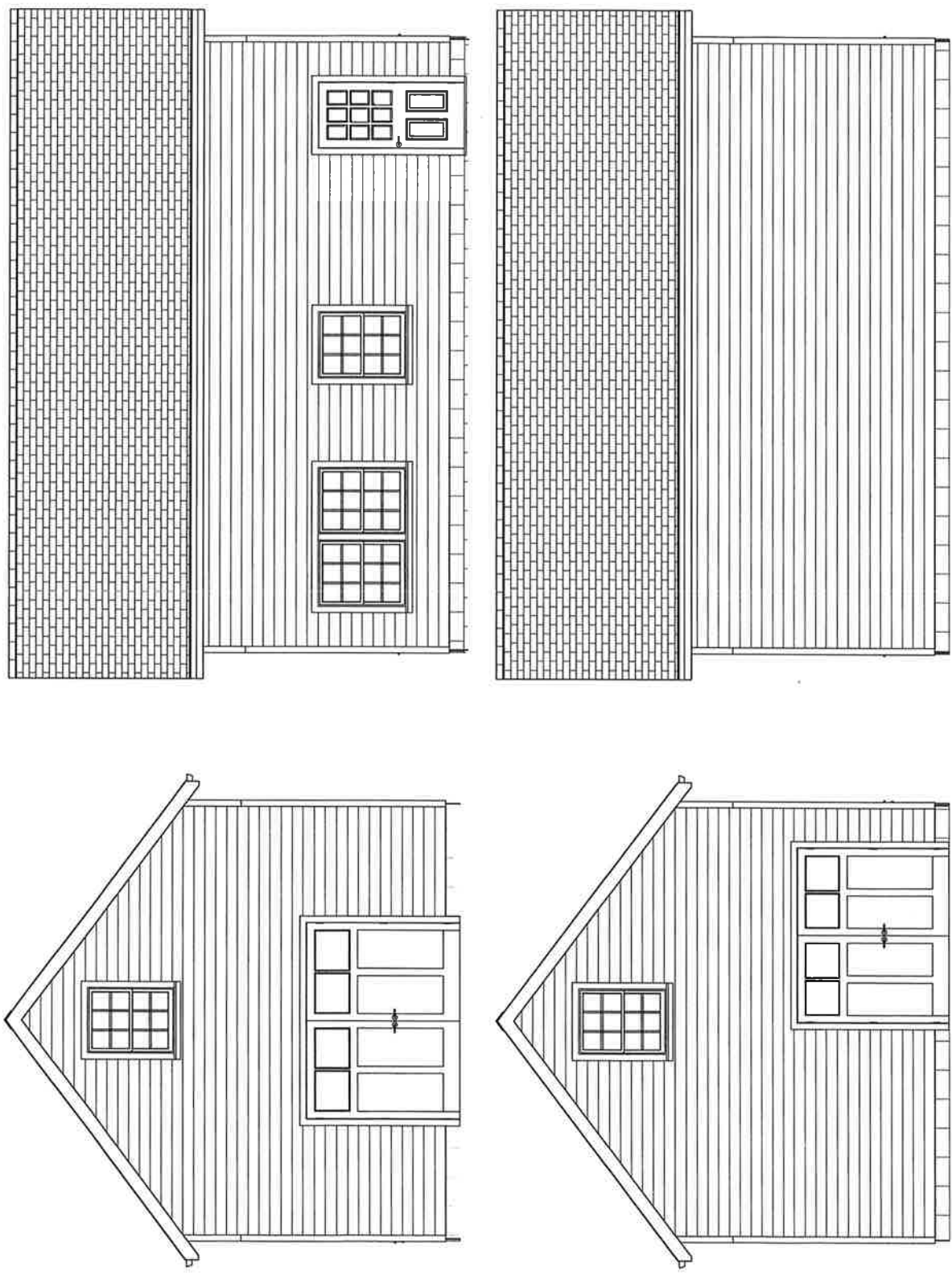
MICHAEL PROPERTY
409 EAST CHESTNUT STREET
OXFORD, OHIO 45056

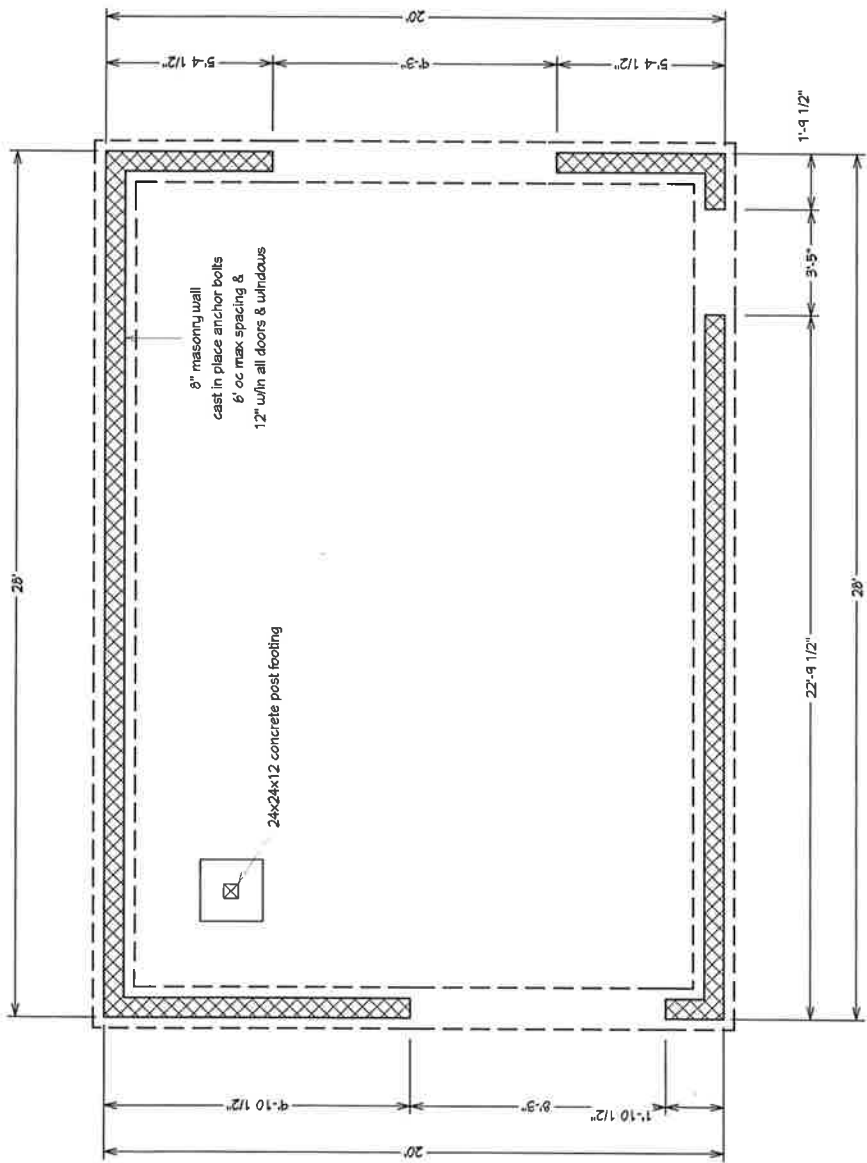
DRAWN BY: T.K.T., P.S.

DATE: JANUARY 27, 2017

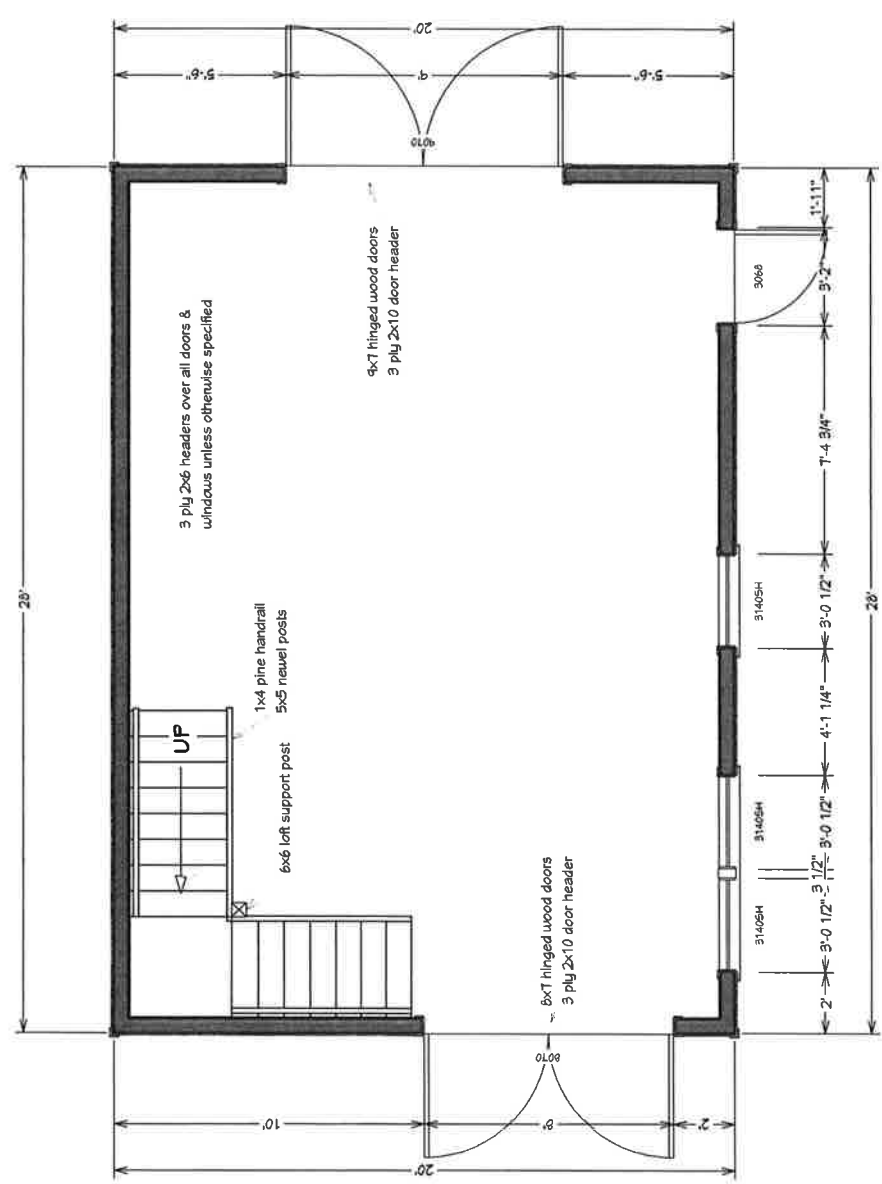
SCALE: 1' = 100'

JOB NUMBER: 98657



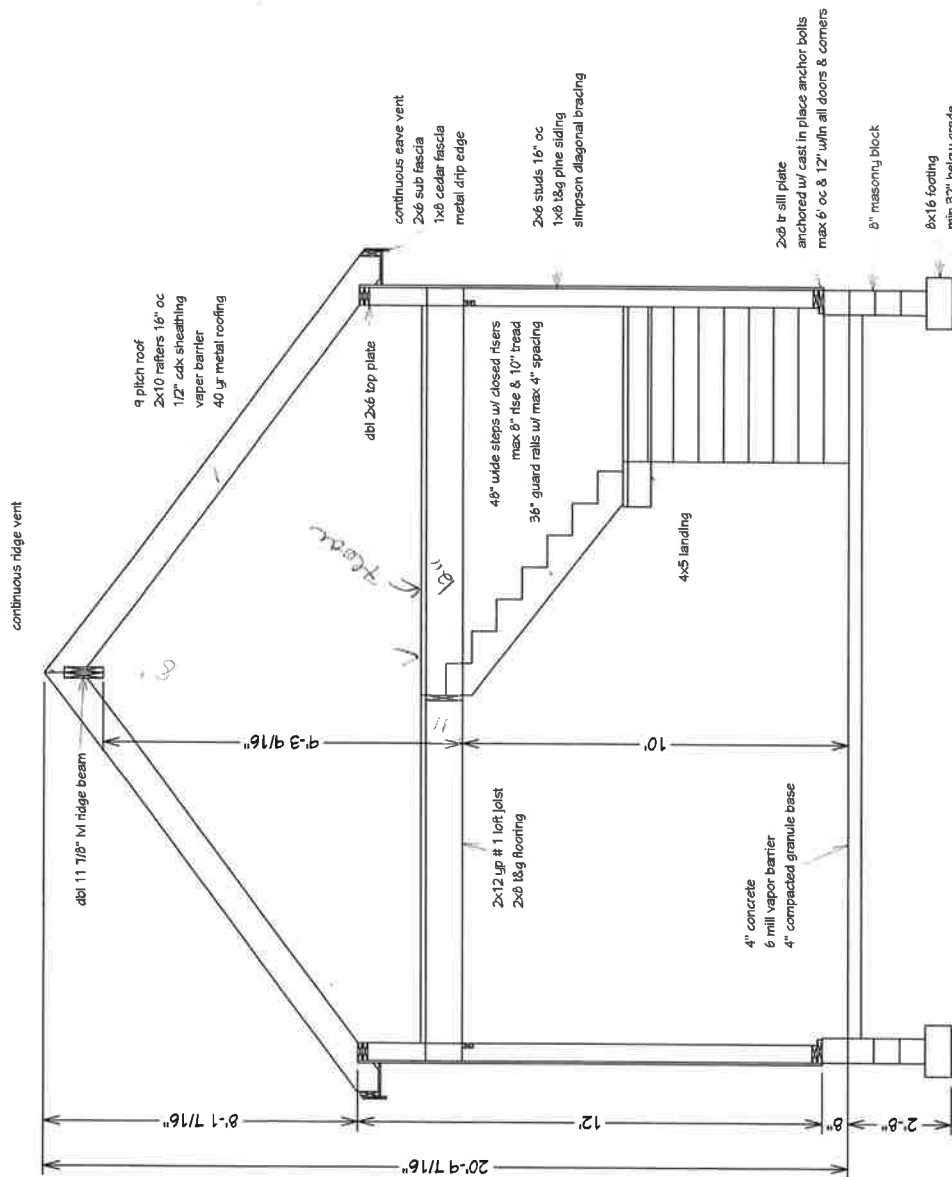


Foundation



LIVING AREA
560 SQ FT

1st Floor



Framing cross section