

OXFORD BOARD OF ZONING APPEALS

Wednesday, March 12, 2008

Meeting Minutes

The March 12, 2008 meeting of the Oxford Board of Zoning Appeals was called to order at 7:34 p.m. by Todd Hollenbaugh, Chair. Also present were Gary Meyer, Vice Chair; George Prentice; William Houk; John Barnhart; Kathryn Dale, City Planner; and Steve McHugh, Legal Counsel.

Ms. Dale called the roll.

Chairman Hollenbaugh invited a motion for approval of the agenda, and suggested the Executive Session follow the discussion of the case, but prior to the approval of the minutes.

Mr. Meyer moved approval of the agenda with the Executive Session following any public hearing, but prior to approval to meeting minutes. Mr. Barnhart seconded. The motion passed 5-0-0.

PUBLIC HEARING

BZA 01-2008 218 N. University Variance for Section 1143.05(c)(1)A; Section 1143.05(c)(2)A; Section 1143.05(c)(4)A2; Section 1143.05(c)(4)A3; Section 1137.06(a)&(c); Section 1149.02(a); Section 1149.03(a); Section 1129.01 for Second Story Addition to a Non-Conforming Structure, **Michael Jarman, Applicant**

Mr. Meyer moved to enter into public hearing BZA 01-2008. Mr. Barnhart seconded. The motion passed 5-0-0.

Ms. Dale noted she would attempt to summarize the case very succinctly since it involved various sections of the Code.

Chairman Hollenbaugh noted the absence of a narrative statement attached to the application; however, suggested the Applicant has satisfactorily addressed each variance in his letter addressed to the Board. Chairman Hollenbaugh indicated the letter would be an acceptable narrative statement unless Board members objected.

Ms. Dale stated the property is located on the southwest corner of Vine and University at 218 N. University. Ms. Dale noted the lot is irregular in shape and slightly over 4100 square feet in size. Ms. Dale stated the property is located in the R2MS District and is presently a non-conforming lot as the R2MS District requires 5,000 square feet. Ms. Dale explained the Applicant is proposing to construct a second story addition over the existing footprint of the house with the exception of a stairwell addition at the rear of the house. Ms. Dale noted the house is considered non-conforming, as there is presently a zero yard setback since it is on a corner yard and requires a 20-foot setback from both

OXFORD BOARD OF ZONING APPEALS

March 12, 2008

Page 2 of 5

Vine and University, which would be taken from the property line. Ms. Dale stated there is currently a 16 and a half foot vacated right-of-way on both frontages. Ms. Dale noted with the 16-1/2 feet and the additional 20 feet, it would be almost 40 feet from the back of the sidewalk to where a house would be permitted to sit. Ms. Dale stated the house presently sits 16 and a half feet back from the sidewalk and right on the property line. Ms. Dale explained the Code reads an addition is permitted on a non-conforming structure provided that the addition meets the setback. Ms. Dale noted the existing footprint would not meet the required setback of 20 feet. Mr. Dale stated overall the Applicant is requesting to put on a second story addition on the existing foundation. Ms. Dale stated the subject property currently exceeds lot coverage, and with a rear staircase addition as well as a driveway extension, the lot coverage would increase. Ms. Dale noted Code states additions to a non-conforming structure or lot cannot make the structure or use any more non-conforming. Ms. Dale explained the Applicant is currently aware of the requirement for a paved driveway, and has agreed to comply with such requirement.

Chairman Hollenbaugh asked how the solid surface existing driveway and the expansion-parking pad would affect the lot coverage.

Ms. Dale stated it would be minimal.

Chairman Hollenbaugh asked if the driveway was factored into the building coverage equation.

Ms. Dale noted it was included. Ms. Dale referred to the staff report on page four addressing the gravel driveway, and suggested a gravel driveway be denied.

Ms. Dale stated staff felt a second story addition would satisfy the decision standards due to the first story and foundation of the house remaining unchanged. Ms. Dale noted some level of concern regarding the proposed stairwell addition. Ms. Dale stated should the BZA recommend approval, staff would recommend the proposed work comply in all other respects with all applicable codes, ordinances and City of Oxford Zoning Code and that the proposed work be constructed as approved with this appeal and that no changes or modifications be made without consent of this Board.

Chairman Hollenbaugh referred to the large map supplied, and asked for several clarifications.

Ms. Dale explained the lot consists of three "part" lots, which have been consolidated.

Mr. Barnhart asked if the carport is located on the property line.

Ms. Dale stated it isn't.

Chairman Hollenbaugh invited comments from the Applicant.

OXFORD BOARD OF ZONING APPEALS

March 12, 2008

Page 3 of 5

Mr. Michael Jarman, having been first duly sworn, stated he has attempted to create a second floor, which is a partial second story at the present time, while maintaining the same look and feel of the cottage style home. Mr. Jarman noted as an architect he performed ten different studies to ascertain the best location for the staircase. Mr. Jarman noted the door closest to the staircase is the actual front door.

Chairman Hollenbaugh asked if the slab on the north elevation would be removed.

Mr. Jarman stated it would be removed. Mr. Jarman noted has been able to reduce the staircase slightly. Mr. Jarman explained when he first began the project, he included the vacated right-of-way as part of the parcel.

Ms. Dale stated some properties have acquired the rights to the vacated right-of-ways and included them into their deeds, while others have not.

Mr. Jarman stated he would be willing to pave the driveway.

Chairman Hollenbaugh noted that while he can't speak for the entire Board, that would probably be denied, and would force the Applicant to pave the driveway. Chairman Hollenbaugh reiterated the Applicant fully addressed the variances in his letter to the Board.

Mr. Barnhart asked if there is an existing staircase.

Mr. Jarman explained there is a spiral staircase. Mr. Jarman noted the staircase had been closed off. Mr. Jarman stated the previous owner rented out the upstairs room. Mr. Jarman noted he could not stand up in the existing second floor.

Chairman Hollenbaugh asked Mr. Jarman if he had any intention of changing the location of the utility services, and Mr. Jarman stated he had no such plans, but would like to possibly camouflage them with plantings.

Mr. Jarman explained his daughter is a student at Miami and would be living in the house.

Chairman Hollenbaugh invited public comments, and there were none.

Mr. Barnhart moved to reconvene BZA 01-2008. Mr. Prentice seconded. The motion passed 5-0-0.

Mr. Meyer asked if there were any way to avoid additional paving by possibly supplying other options.

Ms. Dale addressed a possible Code rewrite slated for during the summer.

OXFORD BOARD OF ZONING APPEALS

March 12, 2008

Page 4 of 5

Mr. Meyer suggested relief from the parking requirement as opposed to additional paving.

Chairman Hollenbaugh asked if any trees would be removed to create the additional parking, and Mr. Jarman stated no trees would be removed.

Mr. Houk moved to deny variance to Section 1149.02(a) and 1149.03(a). Mr. Barnhart seconded. The motion passed with the following roll call:

AYE: Mr. Barnhart, Mr. Prentice, Mr. Houk, Mr. Meyer, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

Mr. Houk moved to approve BZA 01-2008, Variances for Sections 1143.05(c)(1)A; 1143.05(c)(2)A; Section 1143.05(c)(4)A2; 1143.05(c)(4)A3 and 1137.05(a)&(c) on the basis it meets the decision standards. Mr. Barnhart seconded. The motion passed with the following roll call:

AYE: Mr. Barnhart, Mr. Prentice, Mr. Houk, Mr. Meyer, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

EXECUTIVE SESSION

Mr. Meyer moved to adjourn to Executive Session at 8:05 o'clock p.m. Mr. Houk seconded. The motion passed with the following roll call:

AYE: Mr. Barnhart, Mr. Prentice, Mr. Houk, Mr. Meyer, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Meyer moved to reconvene to regular meeting from Executive Session. Mr. Prentice seconded. The motion passed with the following roll call:

AYE: Mr. Barnhart, Mr. Prentice, Mr. Houk, Mr. Meyer, Mr. Hollenbaugh (5)

OXFORD BOARD OF ZONING APPEALS

March 12, 2008

Page 5 of 5

NAY: None (0)

ABS: None (0)

APPROVAL OF MINUTES

Mr. Meyer moved approval of the January 15, 2008 regular meeting minutes.

Mr. Houk seconded. The motion passed 5-0-0.

OLD BUSINESS

There was none.

OTHER BUSINESS

Chairman Hollenbaugh noted Mr. McHugh would present a brief outline regarding rules and procedures.

Mr. McHugh addressed the outline of the agenda. Mr. McHugh suggested wording to the effect of Executive Session called for when needed.

Mr. McHugh referred to officers. Mr. McHugh suggested removing the executive secretary and maintaining the recording secretary.

Mr. Houk asked who would be responsible for signing the minutes.

Mr. McHugh reviewed the document with the Board and suggested several changes throughout.

Mr. McHugh addressed the specified time of when the Board's decision becomes final. Discussion ensued.

Chairman Hollenbaugh noted the suggestions would be reviewed and considered.

ADJOURNMENT

Mr. Barnhart moved to adjourn. Mr. Houk seconded. The motion passed 5-0-0. The meeting was adjourned at 8:47 o'clock p.m.