

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-04-2013

Date – April 17, 2013

APPLICATION

Applicant:	Scott Webb, Architect
Location:	215 University Ave
Owner:	D & B Family Trust (representative Dennis Day)
Action Requests:	Variance to 1143.05(c)(1), minimum lot width for two family
Current Use:	Two-Family Residential
Zoning:	R2MS, Single and Two-Family Residential
Surrounding Land Uses:	Single Family and Two-Family Residential

DESCRIPTION OF REQUEST

On behalf of the D & B Trust, the applicant is proposing to demolish the existing two-family dwelling and build a new two-family dwelling. The lot width is approximately 59.64 feet. The required minimum lot width for a two-family dwelling is 75 feet. Therefore, the lot width is approximately 15 feet too narrow for a two-family dwelling.

The applicant has submitted a site plan which demonstrates compliance with minimum yard setback requirements and maximum building and lot coverage requirements. No building plans have been submitted.

BACKGROUND INFORMATION

The property is 186 feet deep and approximately 11,000 square feet in area. There is a large lawn behind the existing building. The south property line is adjacent to an alley which runs between University Avenue and Bishop Street. The vehicular access is shown on the site plan to be from the alley. University Avenue is a one way street with a dedicated bike lane on one side.

PROCEDURE AND CRITERIA

Per City of Oxford Code, the applicant shall be required to present reliable and substantial testimony and evidence that supports the request. The BZA will consider the effect of the request on the public health, safety and welfare. Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Planning and Zoning Code unreasonable. This determination shall be made **without regard to the existence of variances and nonconformities on other land**, sites or structures not presently under consideration. In determining whether practical difficulties exist sufficient to warrant a variance, the BZA shall consider and weigh factors found in Oxford Code Section 1139.02(c)(2)A. through H. Staff has summarized the criteria below and provided staff comments after each.

- A. **Reasonable return:** The property is already being used as a two-family residential dwelling; therefore there is evidence that beneficial use of the property has been established without the need for a variance.

- B. **Is the Variance substantial:** To be determined at BZA hearing and deliberation
- C. **Essential character:** There are other single and two family dwellings in the immediate area, many with smaller lots and more residents per square foot of land. The proposed site layout meets the required yard setbacks and lot coverage. Therefore, with the minimal information submitted, it appears that the essential character of the neighborhood would not be substantially altered.
- D. **Governmental services:** The ability of governmental services to be delivered to this site appears to be the same due to the fact that the site layout and access would be the same as existing.
- E. **Knowledge of the zoning restriction:** The applicant states in the submitted letter that the restriction came after the property was purchased.
- F. **Methods other than variance:** The existing two-family home is permitted for eight persons and is not considered a non-conforming use, therefore the interior could be completely remodeled without any occupancy reduction or variances being required. Additionally, a new single-family home could be constructed on the lot without a variance being required, due to the fact that the minimum lot width for a single family is 50 feet.
- G. **Spirit and intent:** The effect on public health, safety and welfare should be considered to make this determination.
- H. **Any other factor:** To be determined.

PUBLIC COMMENTS AND INQUIRIES

One phone call inquiry came from a property owner at 213 University Drive. One written comment was received from a property owner at 316 E. Vine Street (Attached).

AGENCY REVIEW

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

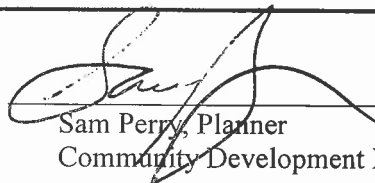
SITE HISTORY

According to an Ohio Historic Inventory Site Sheet, this house was built in 1932. No BZA history was found with this property.

RECOMMENDATION

If the BZA determines that there is sufficient evidence to find practical difficulties which warrant the approval of the minimum lot width variance request, the staff recommends that the BZA cite the specific evidence before approving the variance request.

SUBMITTED BY:


Sam Perry, Planner
Community Development Department

DATE: April 11, 2013



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/29/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

CASE #: BZA-04-2013

ADDRESS: 215 University

BZA-04-2013 215 N. University Variance to Section 1143.05 R2MS Single- and Two- Family Mile Square Residential District, specifically 1143.05(c)(1)(B) minimum lot width for a two-family dwelling, **Scott Webb, Applicant, Agent**

 X Review

 Revisions

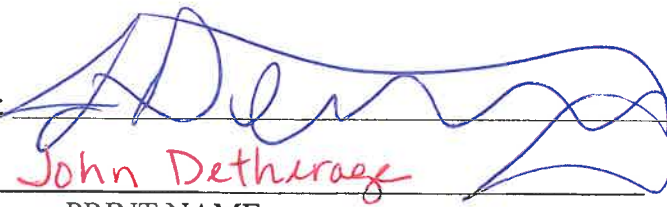
 Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **4/10/13** 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 Detharage

PRINT NAME

Date: 4-2-13

FILE COPY

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Inter-Office Review Transmittal Sheet

Date: 3/29/13

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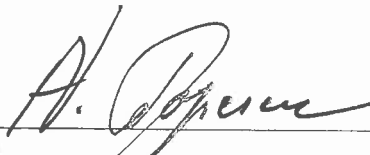
 X Review Revisions Other

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Drawings are returned: w/comments without/comments

Drawings reviewed by: _____


VICTOR POPESCU

PRINT NAME

Date: 4-5-13

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/29/13

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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

Date: 4/3/13

R.B. HOLZWORTH
PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/29/13

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____X____ Review _____ Revisions _____ Other

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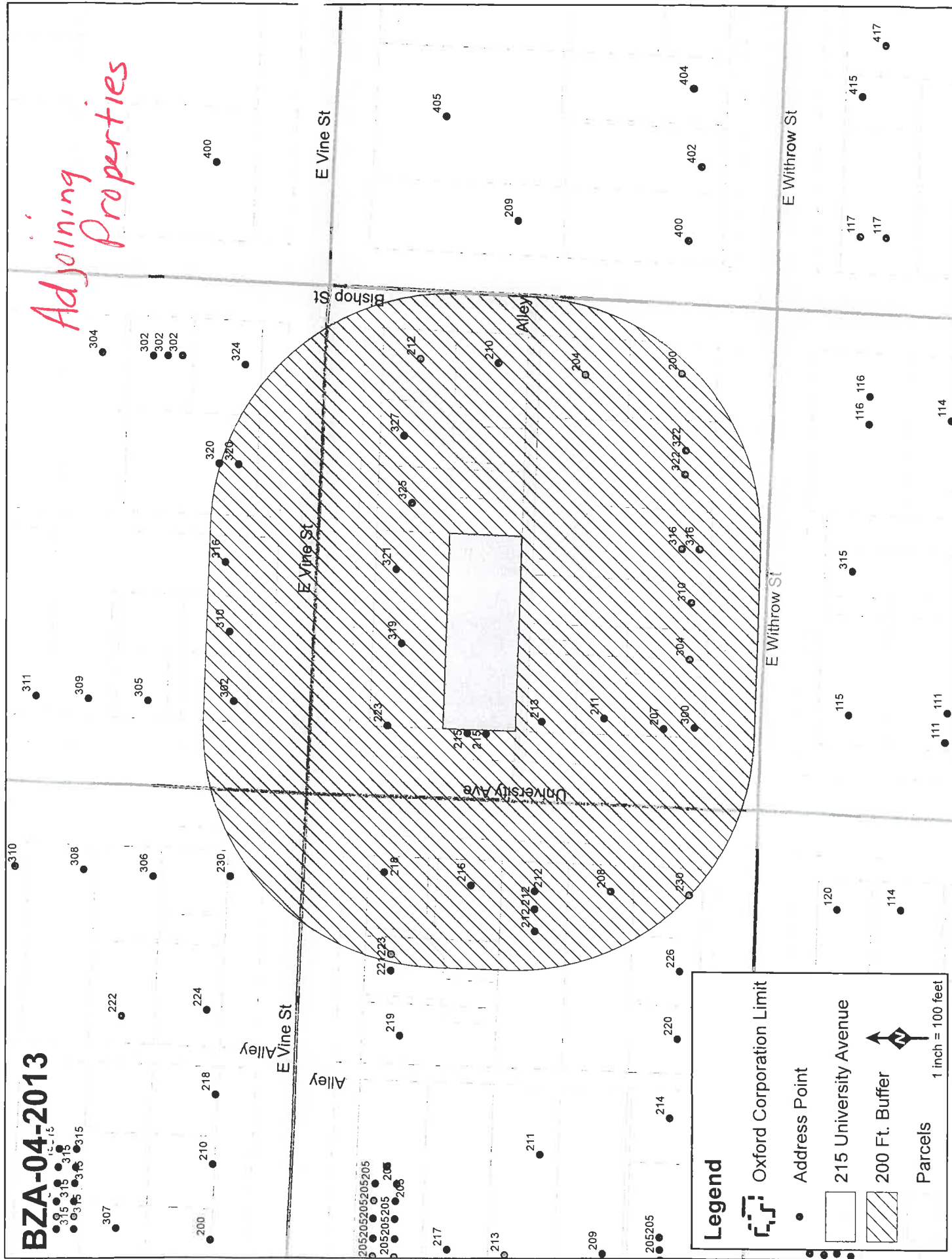
Drawings reviewed by: _____

Date: _____

G. Alan Kucera
PRINT NAME

BZA-04-2013

Adjoining
Properties



Sam Perry

From: Schmates Rentals <tom@schmatesrentals.com>
Sent: Thursday, April 11, 2013 3:30 PM
To: Sam Perry
Cc: Tom Conrad - 316 E Vine
Subject: Adjudication meeting for April 17th mtg re:215 N University

Sam, please submit. Thanks, Tom

As a property owner in one of the three R2MS zones created in 2003 by the city of Oxford and a neighbor of the applicant, I am in favor of this project.

When the R2MS overlay districts were created in 2003, it effectively made ALL properties in this area non-conforming. There are no lots in the entire R2MS zone that are 75ft wide to accommodate a 2 unit building. This property owner has the square footage required along with more than ample area for parking on the property.

The young adults attending Miami want to live close to campus. Therefore, they require fewer parking spaces for cars since they can walk to classes. In the area of my property this is now the fourth such request going to the BZA. Two were approved by the BZA, one applicant denied for seeking one variance (lot width). Property owners want to make investments in their properties and bring a more up to date product to the young adults renting the homes. This requires them to be able to use the property to its highest and best use.

Students & parents are being squeezed financially with ever rising tuition & housing costs driving students to nearby off campus housing. Miami is charging record amounts for their two new dorms and Heritage Commons/Miami. Students & parents are looking for more economical alternatives. The parents & young adults want lower priced housing alternatives. This is compounded as Miami continues to accept record numbers of students each year therefore driving more people to find nearby off campus housing where transportation is not needed. I believe this was the spirit when the three R2MS areas were created. The two largest R2MS areas which constitute well over 80% of the area, are within 2-3 blocks walking distance to campus.

Best regards, Tom Conrad

Schmates Home Rentals

"A home for you but a reputation to us!"

Providing only the finest rental homes within walking distance to Miami University and Uptown.

visit us at www.muoh.net

LETTER OF AGENCY

To Whom It May Concern:

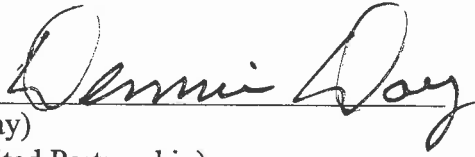
Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for Board of Zoning Appeals hearing April 17, 2013 regarding the reconstruction of a two-family residence at 215 North University, Oxford, Ohio 45056

Thank-you,

Signed: _____

(Dennis Day)

(DBL Limited Partnership)



Date: _____

3-14-13

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Variance to Minimum Lot Width
Reconstruction of a 2-Family Dwelling
215 North University Street

March 18, 2013

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the minimum lot width requirement of the underlying Zoning District relating to the reconstruction of a two-family dwelling at 215 North University Street.

While the existing two-family dwelling is a conforming use located in the R2MS district, the existing house is small, and does not meet current Building or Zoning Code standards regarding room sizes, fire separation, egress etc.

No change in occupancy is proposed in this reconstruction. All other requirements of the zoning district including lot coverage, parking, building height, setbacks etc. are met by this application.

1143.05(c)(1)(B) Requires a minimum lot width of 75' for a two family dwelling

The Zoning Code has made this entire neighborhood a R2MS District, while none of the lots in the district are in fact 75' wide. One can only presume the intention of City Council was to allow two-family dwellings in this neighborhood when making the most recent Zoning change, regardless of the existing property dimension in the area

No increase in occupancy is proposed in this attempt to provide a more compliant structure.

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

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

The existing building has been a student rental for many years, converted from a single family home to a two-family dwelling. The existing two-family frame structure does not meet current building and zoning code requirements, including minimum sizes and egress.

While the property may continue to function as a two-family rental house, the project described herein represents a major investment in the neighborhood for the sole purpose of improving structure and living conditions of the residents.

b) *Whether the variance is substantial;*

The variance is not substantial, as the property is currently occupied by a two-family residence in a two-family district.

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

The essential character of the neighborhood would be simply improved, removing a dilapidated building in favor of a new safer structure, meeting the Mile Square Design Guidelines.

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

No change in the delivery of utilities & government services is necessitated by this application.

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

The property was purchased many years ago, and has been made non-conforming based on changes in the Zoning Code over the years.

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

The variance addressed herein, is required to replace an aged building, bringing it closer to Building and Zoning Code compliance.

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

The spirit of the Zoning Code is observed, allowing a two-family residence in a two-family district.

h) *Any other relevant factor;*

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, improving the property aesthetically, and with regard to the safety of its occupants.

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

Respectfully,



Scott Webb, Architect

Petition for Zoning Variance
City of Oxford, Ohio

4/17 mtg

REQUIRED INFORMATION

Name of Petitioner:

Gust Wdch. Architect / D & B Ltd. Partnership
(Attach a Letter of Agency if the Applicant is not the property owner.)

Mailing Address:

103 W. Walnut St. Oxford Oh. 45050

Telephone Number(s):

523-2838

Email Address:

Gust@GustWdchArchitect.com

Name of Property Owner:

D & B Family Ltd. Partnership

Mailing Address:

P.O. Box 249, Oxford Oh. 45050

Telephone Number(s):

523-0917

Requested Variance:

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

R2MS Lot width for two-family Residence
~~1143.05~~ 1143.05(C)(1)(B)

Location of Requested Variance:

215 N. University

Legal Description:

Zoning District:

R2MS

Total Acreage:

.25 Acres

Existing Use of Site:

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.*

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 **\$400.00 plus Actual Postage 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. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

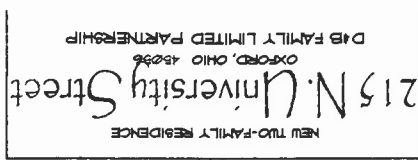
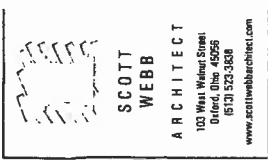
SIGNATURE OF APPLICANT: _____

Date: 3/18/15

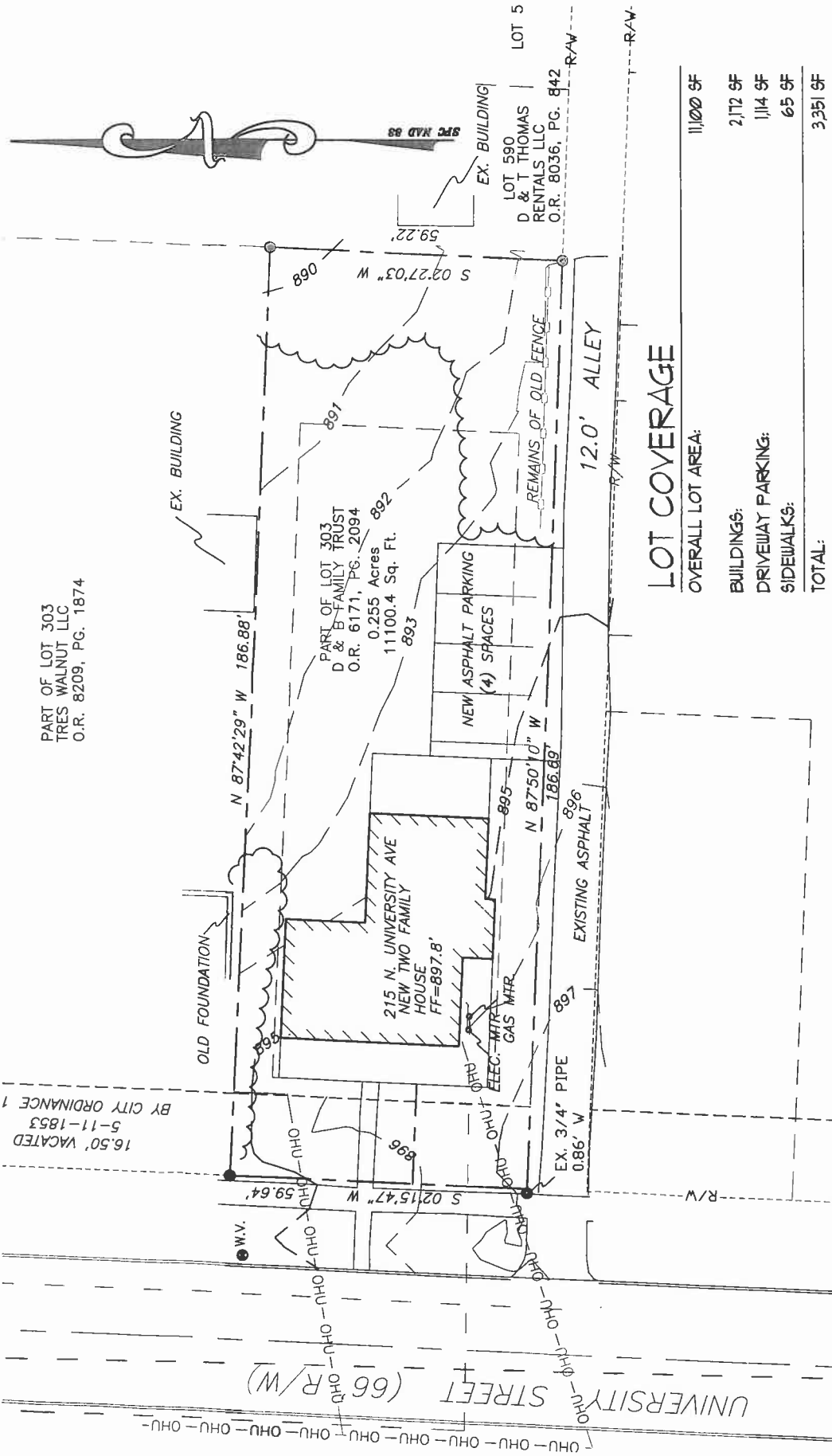
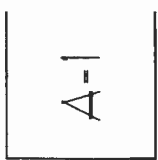
PRINTED NAME OF APPLICANT: _____

FEE / RECEIPT

\$400 plus Actual Postage Fee Paid / Receipt Number: 18624, 26



DATE	March 13, 2013
REVISIONS	



LOT COVERAGE

OVERALL LOT AREA:	11,100 SF
BUILDINGS:	2,172 SF
DRIVEWAY PARKING:	1,114 SF
SIDEWALKS:	65 SF
TOTAL:	3,351 SF
ACTUAL FRONT YARD ALLOW. FRONT YARD:	65 SF / 1,195 SF = 5% R2MS = 25%
ACTUAL ENCLOSED BUILDING ALLOW. ENCLOSED BUILDING:	1,440 SF / 11,100 SF = 12.9% R2MS = 25%
ACTUAL LOT COVERAGE ALLOW. LOT COVERAGE:	3,351 SF / 11,100 SF = 30.2% R2MS (VEHICULAR SIDE ACCESS) = 40%

SITE PLAN

BY D.D.S. SURVEYING INC.

1" = 20'-0"