

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-05-2008

Date – May 21, 2008
REVISED – JUNE 18, 2008

APPLICATION

Petitioner:	Scott Webb
Location:	112 S. Poplar
Owner:	CKC Rentals, LLC (Jim Clawson)
Action Request:	Variances to Sections 1143.05(c)(4)B.1 & B.2, 1143.05(c)(2)C., 1149.02 (a), 1137.04(a), 1137.05(b) and 1137.06 (a) & (b), to allow a front porch addition on a nonconforming use, structure and lot that exceeds the lot coverage, encroaches into the required side yard setback and has a gravel driveway.
Current Use:	Nonconforming 3-family <i>112 S. Poplar – 2-family</i> <i>112.5 S. Poplar – single family</i>
Zoning:	R2MS Single & Two-Family Mile Square Residential
Surrounding Land Uses:	Residential & Holy Trinity Episcopal Church

DESCRIPTION

At the May 21, 2008 BZA meeting the Applicant requested that the application be tabled due to additional variances needed.

The property is the first house on the west side of Poplar Street, just past the Holy Trinity Episcopal Church containing approximately 9,220 sq. feet. The property has three structures located on it; a two-story, two-family rental closest to Poplar Street (112 S. Poplar), a one-story, single family rental just behind the two-family (112½ S. Poplar) and a detached garage along the alley.

The Applicant is proposing to construct a front porch addition onto the 112 S. Poplar two-family structure. According to the site plan the proposed porch would be roughly 10' x 26' with the exception of the current entry bump out. The Applicant calculation indicates that the porch addition will contain 192 sq. ft., but the drawing indicated slightly more at approximately 230 sq. ft.

VARIANCES REQUESTED

Section 1143.05(c)(4)B.1.: Total Lot Coverage for a lot with vehicular access from a rear or side alley shall not exceed 40% of the lot.

- The lot coverage would increase from 49% to 51.3%.

Section 1143.05(c)(4)B.2.: Lot Coverage of all enclosed buildings with vehicular access from a rear or side alley shall not exceed 25% of the lot.

- Total building coverage would increase from 33.7% to 35.8%.

Section 1143(c)(2)C.:

Minimum Side Yard requirement for the “R2MS” zoning district shall be 7.5 feet.

- The proposed porch addition encroaches into the alley right-of-way.

Section 1149.02(a):

Vehicle Management Chapter states that any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current vehicle management regulations for the entire use and structure and site.

- The existing gravel parking area would have to conform to the current parking regulations, including paving, unless a variance was granted.

Section 1137.04(a):

Nonconforming Land Uses states that a legal nonconforming land use may continue, but shall not be expanded either on the same or adjoining land, except that such use may be extended throughout those parts of an existing building that were clearly arranged or designed for such use at the adoption of this Code.

- This is a nonconforming, 3-family use, thus an addition would result in an expansion of the nonconforming use to a portion of the building that was not clearly arranged or designed for such use at the adoption of this Code.

Section 1137.05(b):

Nonconforming Lots states that additions to a conforming/permitted use and structure on a nonconforming lot are permitted if the addition satisfies all dimensional requirements of the code.

- This is a nonconforming lot that does not meet the lot width requirement and has a 3-family use that is not permitted in the “R2MS” District. Furthermore, as mentioned above, lot coverage and side yard setbacks are not satisfied for the proposed addition.

Section 1137.06(a) & (b):

Nonconforming Structures states:

(a) *Additions to a nonconforming structure are permitted if the addition satisfies all dimensional requirements of the code and the use occupying the building is an approved permitted or conditional use.*

- These are nonconforming structures that do not meet the minimum setback requirements with a 3-family use that is not permitted in the “R2MS” District. Furthermore, as mentioned above, lot coverage and side yard setbacks are not satisfied for the proposed addition.

(b) *No nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.*

- This is a nonconforming, 3-family use that is not permitted in the “R2MS” District. Furthermore, as mentioned above, lot coverage and side yard setbacks are not satisfied.

COMMENT FORMS

No public comment has been received from surrounding property owners regarding this request.

AGENCY REVIEW

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

Police:	Returned with no comment.
Fire:	Returned with no comment
Engineering:	The proposed addition would enhance the appearance of the structure.

ANALYSIS

Upon review of the Applicant's narrative letter, staff does not feel that the 8 variances requested collectively satisfy the Decision Standards. The overall requested variances are not individual and need to be considered as a whole. If one variance is denied, the request for the porch addition is too intertwined with the other variance requests that the project as a whole will not occur. Staff recommends that the BZA considers all the variances collectively; otherwise the Board starts to redesign the project for the applicant.

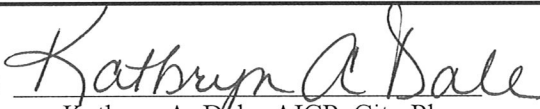
Decision Standard "A" can be argued that this would be an expansion of a use that is not permitted in the "R2MS" zoning district per Chapter 1137. Decision Standard "C" as it relates to the gravel driveway are a direct result of the Applicant's actions of modifying the structure on the site. The addition of the porch and maintaining the gravel drive would confer a special privilege, "D" of the decision standards, because recent requests for keeping a gravel drive have been refused, and staff is unaware of any structure being permitted to construct in alleyway right-of-way. This particular request by the Applicant in regards to the side yard setback, Section 1143(c)(2)C., and constructing in the alleyway right-of-way really should be out of the BZA's consideration because it absolutely not permitted. Finally, decision standards "E" & "F" are not met because it does not appear that these are the minimum variances necessary and the Applicant still is permitted a reasonable use of the land without the requested variances.

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, Ordinances 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
Community Development Department

DATE: May 14, 2008

REVISED – June 3, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

BZA-05-2008 **112 S. Poplar**, requesting a variance to Sections 1143.05(c)(4)B.1 & B.2, 1143.05(c)(2)C., 1149.02 (a), 1137.04(a), 1137.05(b) and 1137.06 (a) & (b), to allow a front porch addition on a nonconforming use, structure and lot that exceeds the lot coverage, encroaches into the required side yard setback and has a gravel driveway. **Scott Webb, Architect, Applicant**

Description:

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 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: Sen Endress Fire Chief

****This is a second review request, as this case was tabled at the May BZA meeting due to the addition of several variances pertaining to allowing for a front porch addition on a nonconforming use, structure exceeding lot coverage, encroachment into the required side yard setback and a gravel driveway.**

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

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Description:

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/11/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

THE PROPOSED ADDITION WILL ENHANCE THE APPEARANCE OF THE EXISTING STRUCTURE.

Drawings reviewed by: *A. P. Jensen* 6-10-08

****This is a second review request, as this case was tabled at the May BZA meeting due to the addition of several variances pertaining to allowing for a front porch addition on a nonconforming use, structure exceeding lot coverage, encroachment into the required side yard setback and a gravel driveway.**



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

BZA-05-2008 **112 S. Poplar**, requesting a variance to Sections 1143.05(c)(4)B.1 & B.2, 1143.05(c)(2)C., 1149.02 (a), 1137.04(a), 1137.05(b) and 1137.06 (a) & (b), to allow a front porch addition on a nonconforming use, structure and lot that exceeds the lot coverage, encroaches into the required side yard setback and has a gravel driveway. **Scott Webb, Architect, Applicant**

Description:

_____X___ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 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: JS 5/29/8

****This is a second review request, as this case was tabled at the May BZA meeting due to the addition of several variances pertaining to allowing for a front porch addition on a nonconforming use, structure exceeding lot coverage, encroachment into the required side yard setback and a gravel driveway.**

CKC Rentals, LLC
125 West Spring Street — Oxford, OH 45056
(513) 523-7263 / FAX (513) 523-9415

April 14, 2008

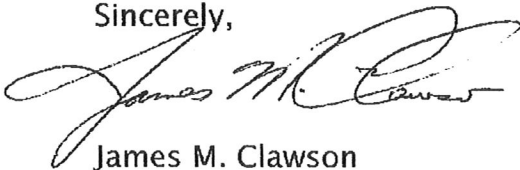
City of Oxford
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb is permitted to act on our behalf for all matters related to the 112 South Poplar Street porch project. Scott is authorized to speak and act on our behalf before City Council as well as Board of Zoning Appeals.

Should you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read "James M. Clawson". The signature is fluid and cursive, with a large initial "J" and a stylized "C" at the end.

James M. Clawson
Stewart Developers, LLC

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner:

CKC Rentals LLC. / Scott Wilds Architect
(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address:

125 W. Spruce 103 W. Walnut St.

Telephone Number(s):

523-7263 523-3838

Requested Variance:

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

~~1143.05(c)(4)(a) lot coverage~~
1143.05(c)(4)(b)
1143.05(c)(4)(b) 5/22/08 1137.05(b)
1143.05(c)(2)(c) 1137.05(a) & (b)
1143.05(c)(2)(c) 1137.05(a)
1141.02(a)

new

Location of Requested Variance:

112 South Poplar Street

Legal Description:

Survey provided

Zoning District:

B2M1A

Total Acreage:

.212 Acres

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.

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.

- North arrow
- Scale
- Vicinity map
- All existing and proposed lot lines within the site
- Dimensions of all lots and of the entire site and any adjacent rights-of-way
- Location, height, and use of all proposed and existing structures
- Location and design of all proposed vehicle management areas
- Location, size, and type of all proposed signs
- Location, height, and type of all proposed screening and landscaping
- Distances to residential zoning districts if within 1,000 feet
- The use of land and location of structures on adjacent property and across adjacent rights-of-way
- An indication of the regulation from which the variance is requested
- 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

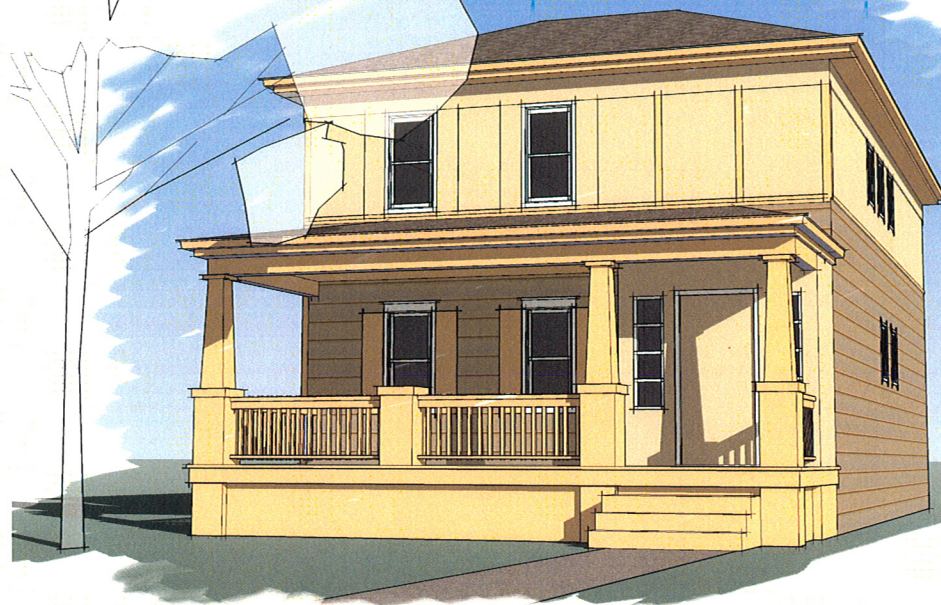
SIGNATURE OF APPLICANT: _____

Date: April 14, 2008

PRINTED NAME OF APPLICANT: _____

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 13712



PROPOSED FRONT PORCH ADDITION



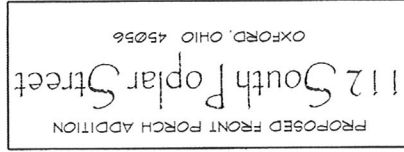
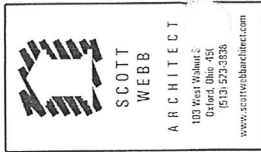
Existing Building, facing Poplar Street



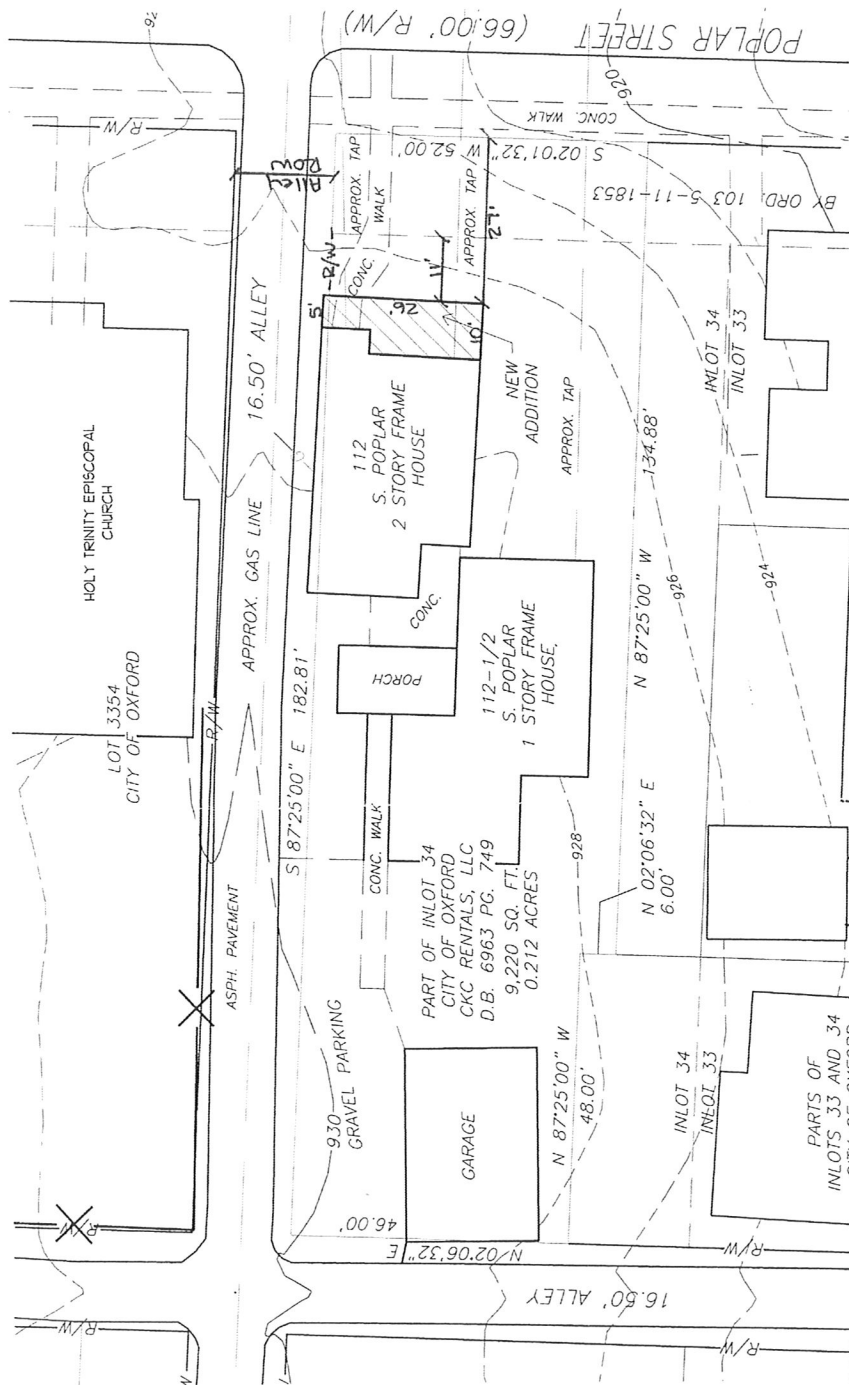
Existing Building with Church in Background



Existing "Addition" to rear



DATE	April 14, 2008
REVISIONS	



SITE PLAN

1" = 20'-0"

SURVEY INFORMATION FROM: DDS SURVEYING, LLC.
PLAT OF SURVEY, PART OF INLOT 34, CITY OF OXFORD
FOR CKC RENTALS, LLC.
D.B. 6963 PG. 749
FILE: 28021DWG DATE: MARCH 20, 2008

Side yard setback 7.5' (1143.05(c)(2)(c).)
Total Bldg. Cov. = 25% Ex. = 3108/9220 = 34% (33.7%) A-1
(1143.05(c)(4)B.2 Prop. = 3300/9220 = 36% (35.8))

1149.02(a) - Gravel must be paved

LOT COVERAGE

OVERALL LOT AREA:	9,220 SF
EXIST. BUILDINGS:	3,108 SF
EXIST. GRAVEL PARKING:	928 SF
EXIST. SIDEWALKS:	504 SF
PROPOSED ADDITION (FRONT PORCH):	192 SF
TOTAL:	4,732 SF
ACTUAL LOT COVERAGE:	4,732 SF / 9,220 SF = 51.3%
ALLOW. LOT COVERAGE:	R-2MS = 40%

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-03-2008

Date – May 21, 2008
REVISED – June 18, 2008

APPLICATION

Petitioner:	Phyllis Wilkins, Owner & Patrick Reist, Triangle Sign Co.
Location:	5041 College Corner Pike
Owner:	Phyllis Wilkins, Owner
Action Request:	Variances to Section 1151.05(a)(3)C.1.b for a freestanding sign higher than 6 feet and Section 1151.03(d)(1) sign setback requirement.
Current Use:	Commercial Store "Car Quest"
Zoning:	"GB" General Business
Surrounding Land Uses:	Commercial & Offices

DESCRIPTION

At the May 21, 2008 BZA meeting the Applicant was made aware that the site plan they submitted did not satisfy the setback requirement and was actually located in the public right-of-way. Although they had not initially indicated that they wished to include a request for relief to the setback, they were given the option to table and add the additional variance. The Applicant had not realized the right-of-way line had adjusted as much as it had during the road improvements and did request to table the hearing to modify their application.

The store is located on 27 North across from Kentucky Fried Chicken. During the 27 North road improvements, this sign was compensated for and identified as an effected sign to be relocated. According to the Nonconforming Regulations Section 1137.10(b)1.& 2., any nonconforming sign that is relocated or replaced loses its nonconforming status and must comply with the applicable sign requirements. The Applicant intends to utilize the existing sign case and panels that is at the top of the current pole sign.

Due to a slight slope from the street leading downward to the building, the proposed sign is 8 feet high from finished grade. Sign height is defined as the distance between any part of the sign face area and the natural finished grade directly below it. The Applicant is also requesting to place the proposed sign one foot from the new right-of-way instead of the required 8 feet.

VARIANCES REQUESTED

Section 1151.05(a)(3)C.1.b: No combination of a freestanding sign structure and sign shall be higher than 6 feet.

- The proposed sign is 8 feet high from finished grade.

Section 1151.03(d)(1): A freestanding sign shall not be closer to a lot line or the public right-of-way than the height of the sign.

- The proposed sign is one foot from the new right-of-way line.

COMMENT FORMS

No public comment has been received from surrounding property owners regarding this request.

AGENCY REVIEW

Requests for review were sent to Engineering, Police and Fire. All returned their comment forms without comment.

ANALYSIS

In regards to the variance requested, height of the sign, all of the Decision Standards for a variance would be satisfied. The setback request arguably does not satisfy Decision Standard "F"; minimum variance necessary.

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, Ordinances and the City of Oxford Zoning Code, including the required setback.
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
Community Development Department

DATE: May 15, 2008

REVISED - May 23, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-03-2008 ADDRESS: 5041 College Corner Pike

Description:

BZA 03-2008 5104 College Corner Pike, Variances to Section 1151.05(a)(3)C.1.b for a freestanding sign higher than 6 feet and Section 1151.03(d)(1) sign setback requirement, Patrick Reist, Applicant

_____X___ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 Note: If no comments are received, we will assume the project meets your department's standards.

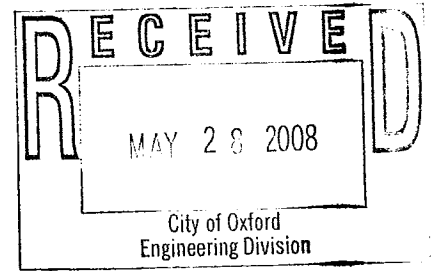
.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: Sen Endress, Fire Chief

****This is a second review request, as this case was tabled at the May BZA meeting due to the addition of Section 1151.03(d)(1) sign setback requirement.****

City of Oxford
Inter-Office Review Transmittal Sheet



Date: 5/27/08

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-03-2008 ADDRESS: 5041 College Corner Pike

Description:

BZA 03-2008 ⁵⁰⁴¹~~5004~~ **College Corner Pike**, Variances to Section 1151.05(a)(3)C.1.b for a freestanding sign higher than 6 feet and Section 1151.03(d)(1) sign setback requirement, **Patrick Reist, Applicant**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 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 6-5-08.

Drawings reviewed by: *A. P. [Signature]* 6-5-08

****This is a second review request, as this case was tabled at the May BZA meeting due to the addition of Section 1151.03(d)(1) sign setback requirement.****



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 # BZA-03-2008

DATE: June 5, 2008

The Engineering Division recommends approval of this case.

The improvements to USR 27N has created an unusual situation for the location of a sign for the existing business. If the existing sign was to be relocated, as per applicable codes, the sign would either be relocated within the area occupied by the building or along the side of the building. Either location would limit the visibility of the sign.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-03-2008

ADDRESS: 5041 College Corner Pike

Description:

BZA 03-2008 5104 College Corner Pike, Variances to Section 1151.05(a)(3)C.1.b for a freestanding sign higher than 6 feet and Section 1151.03(d)(1) sign setback requirement, **Patrick Reist, Applicant**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 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: J. J. Weaver 5/29/08

****This is a second review request, as this case was tabled at the May BZA meeting due to the addition of Section 1151.03(d)(1) sign setback requirement.****

Refile of BZA-03-2008
Petition for Zoning Variance
City of Oxford, Ohio

Case No.: BZA-03-2008
Date Filed: 5/23/08

REQUIRED INFORMATION

Name of Petitioner: PATRICK REIST - TRIANGLE SIGN
(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address: 221 N. B ST. HAMILTON, OH 45013

Telephone Number(s): 513-863-2578

Requested Variance: - 1151.05 (a)(3)C, 1.b - NO SIGN SHALL BE
(Indicate nature of variance HIGHER THAN 6' TALL
and applicable section(s) - 1151.03 (a)(1) - NO SIGN SHALL BE CLOSER TO A LOT
of the Zoning Code.) LINE OR PUBLIC RIGHT OF WAY THAN THE HEIGHT OF SIGN.

Location of Requested Variance: 5041 COLLEGE CORNER RD.

Legal Description: 1180 ENT

Zoning District: G13

Total Acreage: .8752 Acres

Existing Use of Site: RETAIL AUTO PARTS SALES

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

(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.)

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- a) *The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and*
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- 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: 5/23/08

PRINTED NAME OF APPLICANT: PATRICK REIST

FEE / RECEIPT
\$150 Fee Paid / Receipt Number: 13692

City of Oxford, Ohio
101 East High Street
Oxford, OH 45056-1887

May 23, 2008

Dear Zoning Appeals Committee,

This letter is being written to explain the proposed variance for 5041 Oxford College Corner Rd, Car Quest. This is a retail auto parts store owned by Follick-Wilkins Auto Parts, Inc. The property in question is a currently commercial use, and is owned by Rodefeld Realty Company.

The conditions which the application was denied are based on Section 1151.05 (a) (3) c. 1. b and Section 1151.03 (d) (1).

Section 1151.03 (a) (3) c. 1. b., states that no sign shall be higher than 6' tall. The sign in question is currently a 6' tall x 8' wide illuminated pylon sign, and is mounted approximately 10' above the finished grade. Because of the road construction on College Corner Rd., Car Quest was required to re-locate their existing sign. The road has been widened, and the existing sign now sits above the sidewalk, and right of way. Car Quest would like to locate the sign 30" above grade so that the bottom of the sign is flush with the grade at the sidewalk.

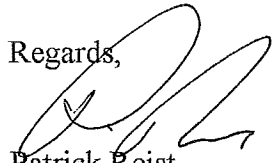
Car Quest is requesting in this variance the permission to re-use and re-locate their current sign, near the middle of the building at a height of approximately 8'-6" above grade. Because of the slope of the grade at the proposed sign location, grade level at the sign location is approximately 30" below the grade of the sidewalk and street. Therefore, the sign must be mounted at least 30" above the ground in order to bring the bottom of the sign up to the street grade level.

Car Quest would also like to petition section 1151.03 (d) (1) which states that no sign shall be closer to a lot line or public right of way than the height of the sign. The current right of way is located approximately 8' behind the sidewalk. If Car Quest would be required to place the sign 8'-6" behind the right of way, the sign would be in the structure of the building. There is currently only 19'-6" of lineal space from the sidewalk to the front of their building. Car Quest would like to locate the sign approximately 12" behind the right of way, or 9' behind the sidewalk. This would allow minimal room for Triangle Sign Co. to install the sign in the front portion of the middle of the building using their crane and equipment. This would also only allow 30" between the back of the sign and the building. The current layout of the land and the overhang of the building will not allow the sign to be placed any closer to the building.

The overall condition of the land at the proposed sign location is substantially different than the surrounding businesses because of the change in the width of College Corner Rd. This change in the road has created a small hill in the front of the property. It has also shortened the distance from the right of way to the front of the building. These conditions are not the result of actions by the applicant, but are results of the Ohio Department of Transportation's decision to widen this road. Any denial of section 1151.05 (a) (3) c. 1. b, would require Car Quest to purchase a totally new sign, thus creating an undue financial hardship on this business entity. Also the denial of section 1151.03 (d) (1) would require Car Quest to place the sign 16'-6" back from the sidewalk which would place the sign behind the front portion of the building, limiting its visibility from traffic heading northbound on route 27.

Approval of this variance would allow Car Quest to be in harmony with the rest of the businesses currently located in the general vicinity. This would allow them to place their sign in the front of the building, similar to all businesses in the area. There is no additional detriment to public health, safety, or general welfare. It is our belief that this variance will satisfy the general intent of this zoning code.

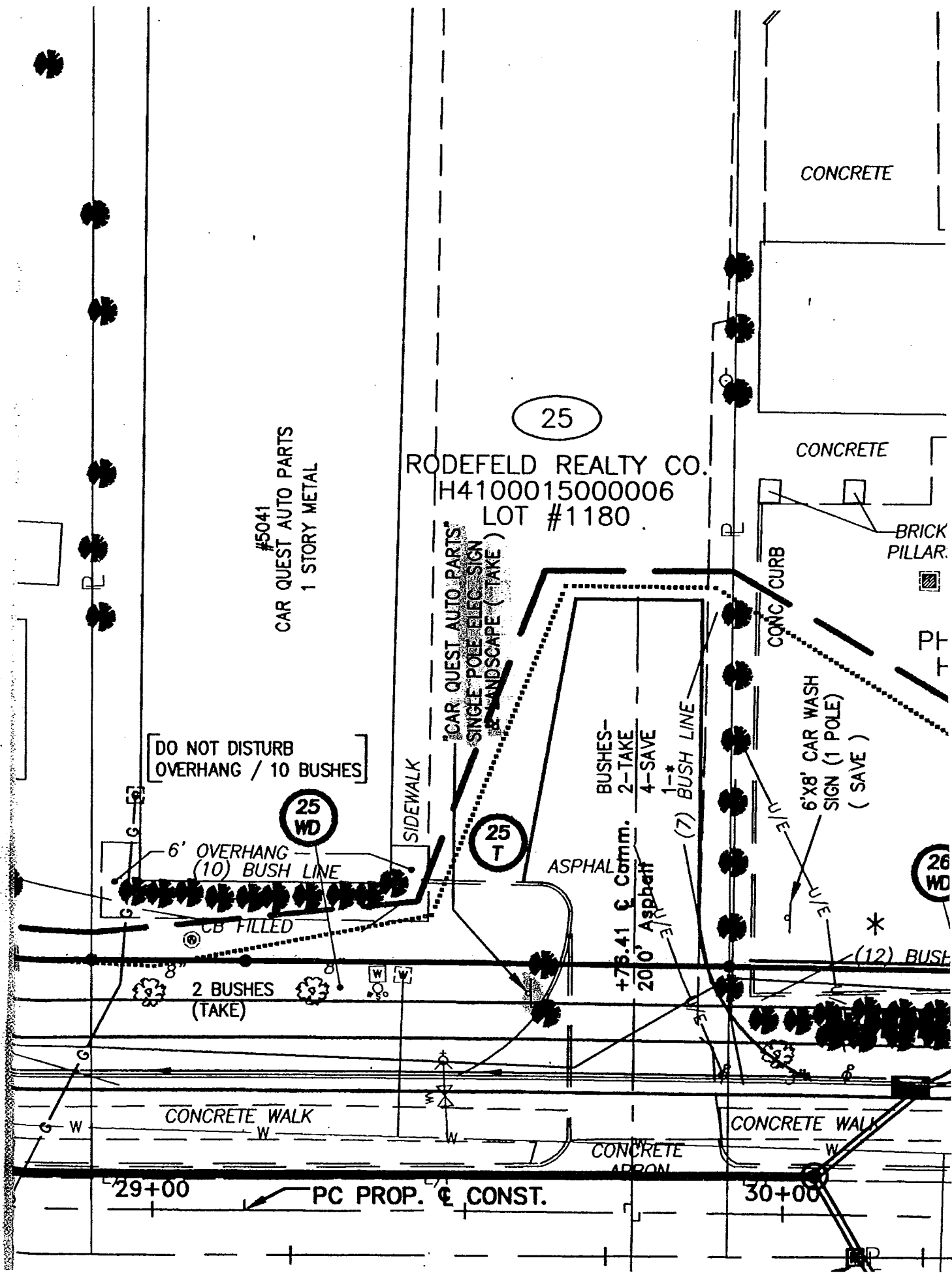
Regards,

A handwritten signature in black ink, appearing to read 'PR', is written over the word 'Patrick' in the following line.

Patrick Reist
Triangle Sign Company
221 North B St.
Hamilton, OH 45013

ON, RTE

1'-20'



City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-09-2008

Date – June 18, 2008

APPLICATION

Petitioner:	Matt Ostendorf
Location:	709/713 S. Main Street, Courtyards of Miami, Main & Central
Owner:	The Courtyards of Miami LLC
Action Request:	Variances to Section 1151.06(B)(2), 1151.06(B)(3), signage
Current Use:	Nonconforming Multi-family Complex
Zoning:	R2MS Single- and Two-Family Mile Square Residential
Surrounding Land Uses:	Mix of Residential

DESCRIPTION

The property is located on the south side of Central Avenue between Campus Avenue and Main Street. According to the application, the Applicant is requesting that a 4' x 8' real estate sign attached to the side of a building facing Main Street and another building facing Central Avenue may remain.

At the end of 2007 the Community Development Department (CDD) was requested by several City Council members to conduct an updated inventory of signs in the City of Oxford. Upon the completion of the sign inventory, the CDD received a directive to actively enforce sign violations across the City. CDD staff reviewed the photos from the sign inventory and made a list of signs to re-inspect that appeared to be in violation of the City of Oxford's Planning and Zoning Code Chapter 1151 Signs.

Properties found to be in violation, the owner first receive by regular mail a "Warning of Zoning Violation" which includes a picture of the violation. Once the specified time has expired and no application has been made to BZA, a re-inspection is conducted. If the violation continues, another picture is taken and a second notification is sent to the owner of record, "Notice of Violation - Order to Comply". If the violation is not corrected upon a third inspection, the owner is issued a Civil Offense Citation.

This property owner received a "Warning of Zoning Violation" letter dated March 31, 2008. The previous property owner received a similar "Notice of Violation - Order to Comply" letter in June 2006. There is no documentation on file from the City to the owner indicating if this issue was resolved. No citation was ever sent.

VARIANCES REQUESTED

Section 1151.06(B)(2): States that real estate signs in a residential zoning district shall be no more than 6 square feet in area per side.

Section 1151.06(B)(3): States that real estate signs must be freestanding.

COMMENT FORMS

No public comment has been received from surrounding property owners regarding this request.

AGENCY REVIEW

Requests for review were sent to Engineering, Police and Fire. Police and Fire have returned with no comments. Engineering has not returned their review to date.

ANALYSIS

The variance requested is that real estate signs shall be free standing and shall not exceed 6 square feet. Real Estate Sign is defined according to §1151.07 DEFINITIONS (ee) as:

"A sign advertising the sale, rental, open house, or lease or other disposition of the structure, property, or land on which it is installed."

The current sign regulations were adopted by City Council 07.05.2005 in Ordinance #2855 as amended. The Zoning Code prior to these amendments, 2003, states the following regarding real estate signs:

§1135.05 PERMITTED SIGNS IN ALL DISTRICTS

The following types of signs are permitted in all districts:

(a) Real Estate Sign. A sign which advertises the sale, lease, or rental of the premises on which the sign is located shall be permitted. Such sign shall not exceed six square feet in area, shall not be illuminated and shall not be located closer than ten feet to the front property. (No Permit Required)

The previous zoning regulations did not establish a freestanding requirement for real estate signage. If the Applicant can prove that the signage was mounted to the building prior to the 07.05.2005 ordinance adopting the current regulations, then the owner should be able to keep the sign posted to the building (grandfathered) as a nonconforming sign. If it is indeed determined that the sign is nonconforming, any modifications to the sign in the future would require compliance with the regulations in effect at the time the sign is modified. The CDD has photographs of 709 S. Main taken 10.03.2005 and 3 W. Central taken 10.28.2005 that do not show any signage attached to the building.

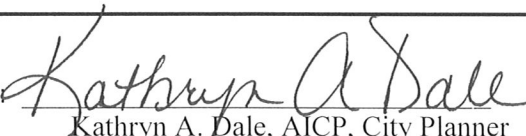
Upon review of the Applicant's narrative letter, staff does not feel that the variances for the real estate wall signs satisfy Decision Standards "B", "D", or "E". Staff agrees this is not a result of the Applicants' actions; however, there is no evidence that the signs were attached to the building prior to the code requirements changing that would allow the signs to continue in as nonconforming signs.

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, Ordinances 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
Community Development Department

DATE: June 3, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-09-2008 ADDRESS: Corner of Main & Central
Courtyards of Miami

Description:

**BZA-09-2008 Courtyards of Miami, Main & Central, Variances to Section 1151.06(B)(2),
1151.06(B)(3), signage, Matt Ostendorf, Applicant, Owner**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 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: Sen Endress, Eric Chang

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-09-2008

ADDRESS: Corner of Main & Central
Courtyards of Miami

709 S. Main

Description:

**BZA-09-2008 Courtyards of Miami, Main & Central, Variances to Section 1151.06(B)(2),
1151.06(B)(3), signage, Matt Ostendorf, Applicant, Owner**

_____X_____ Review _____ Revisions _____ Other

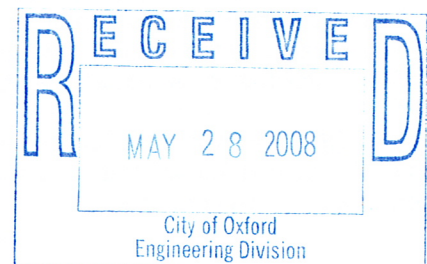
Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

IF THESE SIGNS WILL BE REPLACED BY FREE STANDING SIGNS,
THE OWNER MUST BE AWARE OF POSSIBLE UNDERGROUND UTILITIES
CONFLICTS.

Drawings reviewed by: A. Popescu 6-10-08



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-09-2008 ADDRESS: Corner of Main & Central
Courtyards of Miami

Description:

**BZA-09-2008 Courtyards of Miami, Main & Central, Variances to Section 1151.06(B)(2),
1151.06(B)(3), signage, Matt Ostendorf, Applicant, Owner**

____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 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: JSchwein 5/29/8



WARNING OF ZONING VIOLATION

• March 31, 2008 •

The Courtyards of Miami LLC
Matthew B. Ostendorf ET AL
C/O Carolyn Ostendorf
12148 Stone Mill Road
Cincinnati, Ohio 45251-4134

*4/10/08 - Caroline - owner
try to remove by 4/11*

RE: Sign Violation

To Whom It May Concern:

It has come to the attention of the City of Oxford's Community Development Department (CDD) that a zoning violation is occurring at **713 S. Main Street**, which is located in the "R2MS" Single and Two-Family Mile Square Residential Zoning District. On March 28, 2008, the CDD observed the following violation of the City of Oxford Zoning Code:

- Chapter 1151.06(a)(2) states that a temporary special event sign stretch between pillars in a residential zoning district shall not exceed 16 sq. ft. in area.
- Chapter 1151.06(b) states that there shall be no more than one real estate sign per lot per adjacent right-of-way.
- Chapter 1151.06(b)(2) states that real estate signs in a residential zoning district shall be no more than 6 square feet in area per side.
- Chapter 1151.06(b)(3) states that real estate signs must be freestanding.

The sign that depicts available real estate is oversized and attached to the building (see attached). The sign needs to follow the sign ordinance and either be taken down or freestanding in the yard. Furthermore the banner hanging from the pillars is oversized and should be removed. This request is also aligned with the interests expressed through the City of Oxford's Property Maintenance Code.

This unlawful situation must be corrected 7 days upon receipt of notice. The Zoning Code and the appropriate permitting process should be carefully followed to avoid sign violations in the future.

Additionally, if you as the property owner have any additional properties displaying such signs, The City of Oxford asks that you voluntarily remove them as well to avoid any future notice of violations. Thank you in advance for your timely response to this matter.

Sincerely,

Kathryn A. Dale, AICP
City Planner

NOTICE OF VIOLATION – ORDER TO COMPLY

June 14, 2006

Order Number: 2006-011

Oxford Real Estate
19 South Beech Street
Oxford, OH 45056

RE: 709 SOUTH MAIN STREET & 26 EAST WALNUT STREET

You are hereby notified that zoning violations are present at 709 South Main and 26 East Walnut Street in the R2-MS Single- and Two-Family Mile Square Residential Zoning District and the Uptown UP District. On the afternoon of June 13, 2006, I observed the following situations that violate the City of Oxford Zoning Code:

- A real estate sign that is permanently attached to the building, and obstructing a window. Also, a real estate sign that is attached to a fire escape (see attached).

Specific violations include:

- Chapter 1151.06 (b)(3) of the Oxford Zoning Code says that real estate signs must be free standing.
- Chapter 1151.03 (d)(7) of the Oxford Zoning Code says that no sign shall be attached in a place or manner that is likely to restrict free ingress or egress from any door, window, or fire escape.
- Chapter 1151.03 (d)(2) of the Oxford Zoning Code also says that no sign shall be attached to a standpipe, fire escape, utility pole, utility cabinet, or other utility or safety device.

The sign that depicts the real estate company is permanently attached to the respective buildings. The signs need to follow the sign ordinance and need to be taken down. Also, if you as the property owner have any additional properties displaying such signs, Staff asks that you voluntarily remove them as well to avoid any future notice of violations. Thanks in advance for your timely response to this matter.

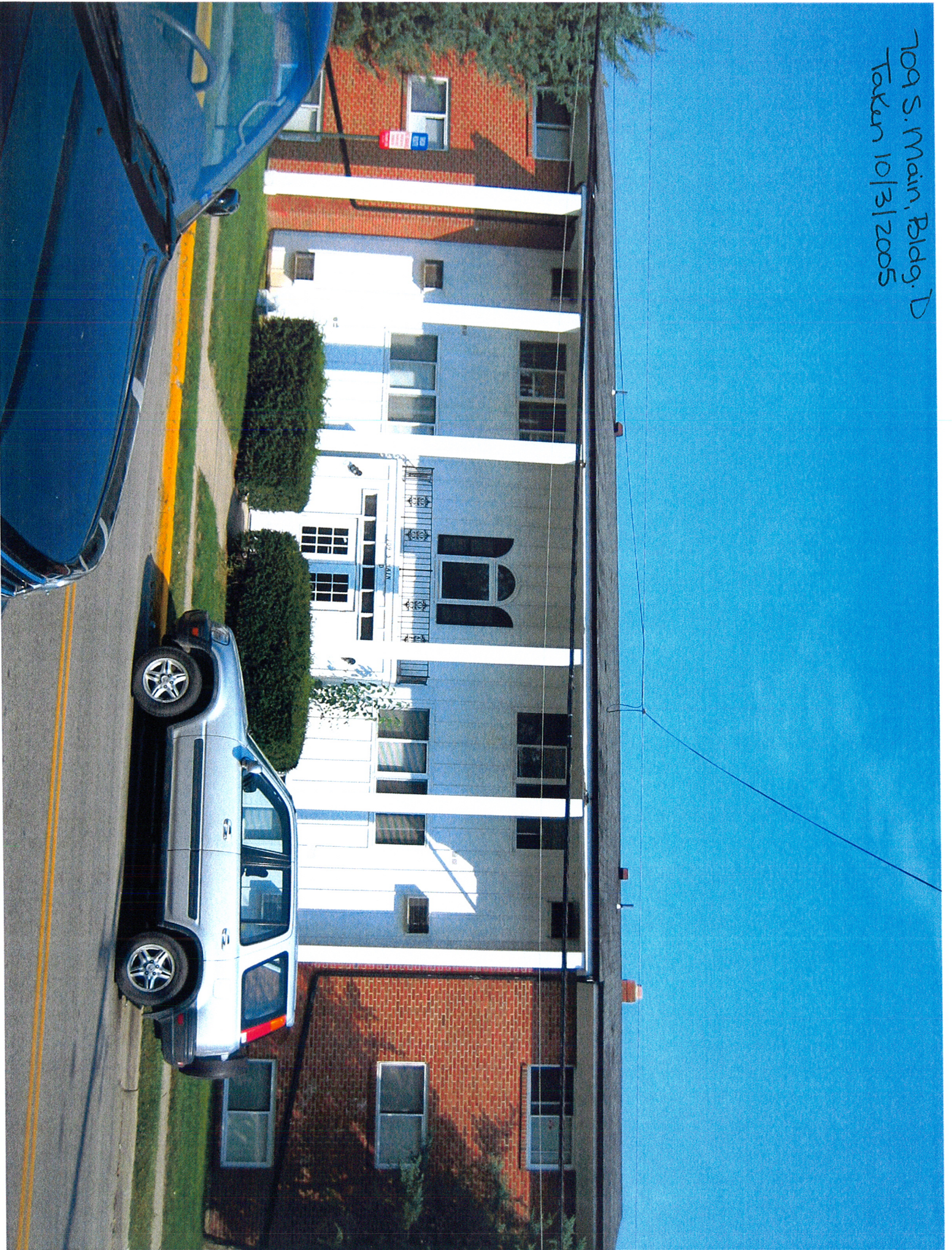
This unlawful situation must be corrected prior to June 30, 2006. You may appeal this order to the Board of Zoning Appeals. A violation of Chapter 11 is a misdemeanor as stated in section 1151.02 (f) which states, "Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor pursuant to Oxford Code Section 501.99. Each day's continuance of a violation shall be considered a separate offense."

The Zoning Code and the appropriate permitting process should be carefully followed to avoid any such issues in the future.

Sincerely,

Scott Headlee
Planner & Zoning Administrator

709 S. Main, Bldg. D
Taken 10/3/2005



3 E. Central, Bldg C
Taken 10/28/2005





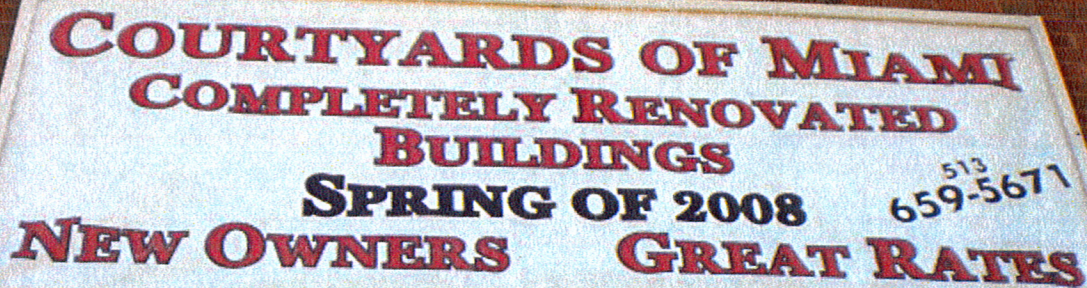
- Property line

- Wh sign located



Scale: 1 inch = 84.9 feet

40 inches x 46 inches



48 inches

94 inches



1 and 2 Bedroom Apartments

Utilities Included in Rent:
Heat, Water, Sewer & Trash

1. 姓名: 王德明 性别: 男 出生日期: 1985年10月15日 身份证号: 33010219851015001X
 2. 姓名: 李小红 性别: 女 出生日期: 1990年03月22日 身份证号: 33010219900322002Y
 3. 姓名: 张小明 性别: 男 出生日期: 1995年07月08日 身份证号: 33010219950708003Z
 4. 姓名: 赵国强 性别: 男 出生日期: 1988年12月01日 身份证号: 33010219881201004A
 5. 姓名: 陈丽娟 性别: 女 出生日期: 1992年05月10日 身份证号: 33010219920510005B
 6. 姓名: 周伟华 性别: 男 出生日期: 1980年09月30日 身份证号: 33010219800930006C
 7. 姓名: 吴小芳 性别: 女 出生日期: 1998年01月18日 身份证号: 33010219980118007D
 8. 姓名: 郑大刚 性别: 男 出生日期: 1983年06月25日 身份证号: 33010219830625008E
 9. 姓名: 孙美玲 性别: 女 出生日期: 1991年04月03日 身份证号: 33010219910403009F
 10. 姓名: 马建辉 性别: 男 出生日期: 1987年11月12日 身份证号: 33010219871112010G
 11. 姓名: 林小华 性别: 女 出生日期: 1993年08月27日 身份证号: 33010219930827011H
 12. 姓名: 王建国 性别: 男 出生日期: 1982年02月14日 身份证号: 33010219820214012I
 13. 姓名: 李秀英 性别: 女 出生日期: 1989年07月05日 身份证号: 33010219890705013J
 14. 姓名: 张志强 性别: 男 出生日期: 1996年03月19日 身份证号: 33010219960319014K
 15. 姓名: 赵海燕 性别: 女 出生日期: 1986年10月28日 身份证号: 33010219861028015L
 16. 姓名: 周小强 性别: 男 出生日期: 1994年05月11日 身份证号: 33010219940511016M
 17. 姓名: 吴国强 性别: 男 出生日期: 1981年09月07日 身份证号: 33010219810907017N
 18. 姓名: 陈丽霞 性别: 女 出生日期: 1997年02月23日 身份证号: 33010219970223018O
 19. 姓名: 马建明 性别: 男 出生日期: 1984年06月16日 身份证号: 33010219840616019P
 20. 姓名: 林小芳 性别: 女 出生日期: 1992年11月04日 身份证号: 33010219921104020Q

Model Apartment Shown by Appointment.

513-523-4532

5/12/08 Deadline
6/18/08 Hearing

Case No.: BZA-09-08
Date Filed: 5/12/08

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner:

Matt B. Ostendorf

(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address:

12148 Stone Mill Rd Cinti, Oh 45251

Telephone Number(s):

(513) 673-0606

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

would like to keep signs on
apartment buildings
Sec 1151.06 (B) (2)
Sec 1151.06 (B) (3)

Location of Requested Variance:

Legal Description:

Zoning District:

Total Acreage:

Apartment buildings of Courtyards of Miami (Main & Central)
0.45 N50 OF 377 1/2 OF W 242.50
2.30 L 455 151.5 OF N 170.5
Acres

Existing Use of Site:

Commercial Apartment Complex

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.

- Just Allowing to keep existing signs
on the buildings as they were.

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.

- North arrow
- Scale
- Vicinity map
- All existing and proposed lot lines within the site
- Dimensions of all lots and of the entire site and any adjacent rights-of-way
- Location, height, and use of all proposed and existing structures
- Location and design of all proposed vehicle management areas
- Location, size, and type of all proposed signs
- Location, height, and type of all proposed screening and landscaping
- Distances to residential zoning districts if within 1,000 feet
- The use of land and location of structures on adjacent property and across adjacent rights-of-way
- An indication of the regulation from which the variance is requested
- 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: Matt Ostendorf Date: 4/30/08

PRINTED NAME OF APPLICANT: Matt B. Ostendorf

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 13823

The Courtyards Of Miami
5 East Central #7
Oxford, Ohio 45056
513-673-0606

May 8, 2008

Attention: Board of Zoning

I am writing to inform you that I am trying to obtain a variance for the buildings that I own on the corner of Main and Central.

I recently purchased these buildings and would like to put new signs up where the existing signs are currently. These signs are not any smaller or larger than the ones previously posted. The variance will be the minimum necessary to permit reasonable use of the land, site, structure, or element for which is sought, and is no different than what is existing now.

The situation permitted by the variance will be in harmony with the general vicinity, and will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this zoning code.

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. This would prohibit me from being able to rent the property and maintain it in the way that I have demonstrated that I will.

The variance would not confer a special privilege to the applicant but would relieve a hardship and simply let what has been on the buildings for the last ten years stay there. The new signs are new and cleaner by design. The condition upon which the application is based, are not the result of actions on the part of the applicant but upon the City of Oxford.

Thank you,

A handwritten signature in cursive script, appearing to read "Matt Ostendorf".

Matt Ostendorf

Applicant for the Variance
The Courtyards of Miami

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-08-2008

Date – June 18, 2008

APPLICATION

Petitioner:	L. Holly Morrical
Location:	623 S. College
Owner:	L. Holly Morrical
Action Request:	Variances to Section 1149.02(a), Section 1149.03(a), Section 1149.04(b)(6), to allow gravel parking.
Current Use:	Single-family House
Zoning:	R1MS Single-Family Mile Square Residential
Surrounding Land Uses:	Residential

DESCRIPTION

The property is located on the east side of College Avenue. The Applicant is requesting approval to allow an existing gravel driveway remain on the site. A recent permit application for an addition to the property was filed and illustrated the existing gravel drive was to remain. According to the site plan submitted with this appeal application, which is also the site plan approved during review for an addition onto this single-family house, the site plan was approved as noted, stating that the driveway must be paved and shall not exceed the 18' driveway width at the alley right-of-way line.

Upon a final inspection of the property, the gravel drive had not been paved and the inspection was failed.

VARIANCES REQUESTED

- Section 1149.02(a):** Vehicle Management Chapter states that any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current vehicle management regulations for the entire use and structure and site.
- The existing gravel parking area has to conform to the current parking regulations, including paving due to the structure modification.
- Section 1149.03(a):** All off-street parking and maneuvering areas shall be hard surfaced, loose materials are not permitted.
- The gravel driveway is not permitted and must be hard surfaced.
- Section 1149.04(b)(6):** Residential Access & Maneuvering states driveways shall be a maximum of 18 feet wide at the right-of-way line.
- According to the site plan the driveway is 40 feet wide at the right-of-way line and tappers in to 31 feet wide.

COMMENT FORMS

No public comment has been received from surrounding property owners regarding this request.

AGENCY REVIEW

Requests for review were sent to Engineering, Police and Fire. Police and Fire have returned with no comments. Engineering has not returned their review to date.

ANALYSIS

Upon review of the Applicant's narrative letter, staff does not feel that the variances for the gravel driveway satisfy Decision Standards "B", "C", "D", or "E". The Applicant was aware at the time of the permit issuance that the driveway was required to be paved. Per the Applicant's narrative letter, they expressed concern about causing more water run-off onto a neighboring property across the alley located at 114 W. Central. Arguably, whether the driveway is paved or not, there will likely be run-off and flooding will continue to occur. Additionally, it is not known if the Applicant's property is the point source of the run-off problem or if other surrounding properties may be contributing to the problem as well.

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, Ordinances 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
Community Development Department

DATE: June 3, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-08-2008 ADDRESS: 623 S. College Avenue

Description:

BZA-08-2008 623 S. College Avenue, Variances to Section 1149.02(a), Section 1149.03(a),
Section 1149.04(b)(6), to allow gravel parking, **Holly Morrical, Applicant,**
Owner

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 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: Sen Endress Fire Chief

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-08-2008

ADDRESS: 623 S. College Avenue

Description:

BZA-08-2008 **623 S. College Avenue**, Variances to Section 1149.02(a), Section 1149.03(a),
Section 1149.04(b)(6), to allow gravel parking, **Holly Morrical, Applicant,**
Owner

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

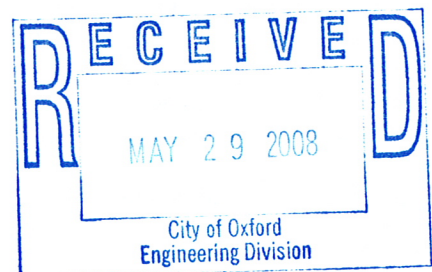
Please return no later than: **6/11/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

*THE ENGINEERING DIVISION RECOMMENDS THAT IMPROVEMENTS IN THE
PARKING LOT SURFACE ADDRESS DRAINAGE ISSUES, AS WELL.*

Drawings reviewed by: *A. Popescu* *6-6-08*



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: **BZA-08-2008**

ADDRESS: 623 S. College Avenue

Description:

BZA-08-2008 **623 S. College Avenue**, Variances to Section 1149.02(a), Section 1149.03(a),
Section 1149.04(b)(6), to allow gravel parking, **Holly Morrical, Applicant,**
Owner

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

*Engineering should be able to advise whether or
not paving the area would cause flooding at
Mr. Kennedy's yard SDS*

Drawings reviewed by: SSchwen 5/29/08

City of Oxford
Inter-Office Review Transmittal Sheet

Date: Nov. 21, 2007

To: Fire Department

Engineering Division

Zoning Division

From: Building and Housing Division

Drawings are being submitted to you for the following:

Permit #: 07-290

Address: 623 South College - Morrical

☒ Review ☐ Letter FYI ☐ Utility Estimate

☒ Approval ☐ Revisions ☐ Estimate for Bid

☐ Other – Explain _____

Comments: Parking must be paved and conform to 18' driveway width per 1149.02(a)

Approval or status update requested by:

Drawings are returned: approved approved as noted with comments no action taken

Drawings reviewed by: Kathryn A Dale Date 11/21/07

For completion by Engineering Division

Tap, meter or capacity fee due from applicant? Yes No

Is a Curb, Gutter, Sidewalk Permit required for this project? Yes No

Is a Street Cut Permit required for this project? Yes No

S:\users\bkolb\formletters\combinedapproval



REQUEST FOR ZONING INSPECTION

Date:

4-23-08

Contractor:

Phone Number:

Site Address for Inspection:

623 S. College

Type of Zoning Inspection:

Inspection:

Preliminary

Final

Other:

Requested Date for Inspection:

4-23-08

Results:

Pass

no

Fail

Other:

Inspector:

KAS

Date & Time

Inspected:

1:08 pm 4/24/08

Comments:

Driveway not paved as noted: sidewalk
in rear added

Permit # 07-290

Case No.: BZA-08-08
Date Filed: 5/9/08

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner:

L. HOLLY MORRICAL

(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address:

200 N. BEECH ST. OXFORD

Telephone Number(s):

(513) 524-3895 / 304-1002 CELL 523-6658 WORK

Requested Variance:

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

ZONING CODE # 1149.02 (a)

1149.03 (a)

1149.04 (b) (6)

5-29-08

Location of Requested Variance:

623 S. COLLEGE AVE. REAR OF HOUSE OFF ALLEWAY

Legal Description:

Zoning District:

Total Acreage:

Acres

Existing Use of Site:

EXISTING DRIVE/PARKING AREA

Proposed Use: (if applicable)

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

PLEASE SEE ATTACHED

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: 5-9-08

PRINTED NAME OF APPLICANT: _____

L. Holly Morrill

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 13423



COLLEGE CORNER RENTALS

I, Holly Morriscal is REQUESTING TO LEAVE THE PARKING AREA IN THE BACK OF 623 S. COLLEGE AS IS.

WE HAVE B-19 GRAVEL AS THE PERMEABLE MATERIAL AND SPACE OF 3 PARKING AREAS.

HARDSHIP CASE

WE BELIEVE THAT IF WE PAVE OR CONCRETE THIS AREA, THE HOUSE OWNED BY CHARLES KENNEDY ON THE ADJACENT SIDE OF ALLEY (114 W. CENTRAL / PARCEL # H4100105000061) WILL BE FLOODED IF WE COVER THIS AREA WITHOUT A PERMEABLE MATERIAL.

I WOULD LIKE TO THANK THE BZA IN ADVANCE FOR AT LEAST CONSIDERING THIS PROPOSAL

Sincerely,

Holly Morriscal

623 S. College



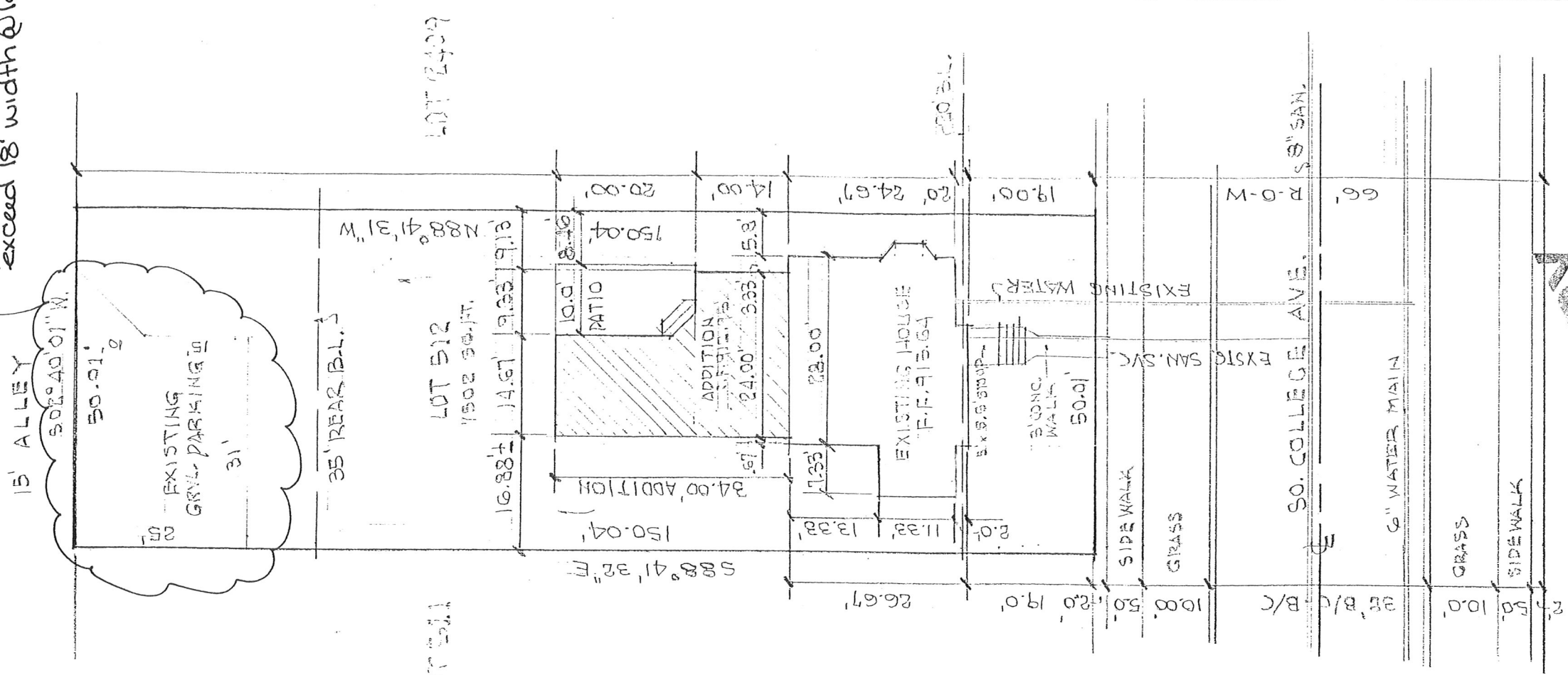


114 W. Centre

Charles Kennedy
property



* Driveway must conform to 1149.02(a) - must be paved - shall not exceed 18' width @ ROW



OFFICE PLAN RECEIVED
NOV 20 2007
1" = 20'

CITY OF OXFORD	
ADDITION TO SINGLE FAMILY RESIDENCE	
623 SO. COLLEGE AVE.	
OXFORD, OH 45056	
REVISIONS	EARL BRUMLEY, CONTRACTOR
512-304-3895	
DATE: NOV. 16, 2007	PLAN NO. SHEET NO.

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-07-2008

Date – June 18, 2008

APPLICATION

Petitioner:	Susan Klein
Location:	720 S. Campus
Owner:	Klein Holdings, LLC
Action Request:	Variances to Section 1149.03(a), Section 1129.04; and 1143.03(c)(3)C, to allow gravel parking
Current Use:	Single-family House
Zoning:	R1MS Single-Family Mile Square Residential
Surrounding Land Uses:	Residential & Miami University

DESCRIPTION

The property is located on the west side of Campus Avenue between Plum Street and Ardmore Drive. The Applicant is requesting approval of a gravel driveway that was installed, but not approved.

On July 7, 2004 a new building permit was applied for, for the construction of a new single family dwelling unit. On the approved plans a 9' x 52.5' driveway was shown for construction. However, upon final inspection at the completion of the project, gravel was extended off of the driveway at the rear of the house. A letter dated September 7, 2005 to Ms. Sue Klein, explained that there was a violation in regards to the lot coverage and gravel parking which needed to be corrected by removing the gravel and restoring with grass or landscaping, or a variance would need applied for to the Board of Zoning Appeals before the Certificate of Occupancy would be released. Another letter was sent March, 2006 indicating a final notice before a citation would be issued. There is no record that a citation was issued.

On January 11, 2008 a reinspection was conducted in an effort to close out old files. On January 24, 2008 the owner received a new Warning Letter explaining the history, violations and process to be followed regarding the violations. On March 28, 2008 a Notice to Comply letter was issued which resulted in the Applicant filing this appeal for variances.

VARIANCES REQUESTED

- | | |
|----------------------------|---|
| Section 1149.03(a): | All off-street parking and maneuvering areas shall be hard surfaced, loose materials are not permitted. <ul style="list-style-type: none">• The proposed gravel driveway is not permitted. |
| Section 1129.04: | Failure to obtain a zoning compliance permit or certificate of occupancy shall be a violation of this Ordinance. <ul style="list-style-type: none">• The subject property has never officially been released their occupancy permit for the premises. |

Section 1143.03(c)(3)C.:

The maximum total lot coverage in the "R1MS" district is 35%.

- According to the 2004/2005 approved site plan, the lot coverage for the single-family house & driveway was 34.9%. With the addition of the gravel parking area the total lot coverage would increase to 64%.

COMMENT FORMS

No public comment has been received from surrounding property owners regarding this request.

AGENCY REVIEW

Requests for review were sent to Engineering, Police and Fire. Police and Fire have returned with no comments. Engineering has not returned their review to date.

ANALYSIS

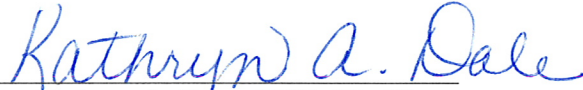
Upon review of the Applicant's narrative letter, staff does not feel that the variances for the gravel driveway and lot coverage increase satisfy Decision Standards "B", "C", "D", "E", or "F". Although inherited and an enforcement issue, the owner has been aware, as it is evident in the numerous letters sent, that violations were occurring on the property and that occupancy of the premises was not issued.

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, Ordinances 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
Community Development Department

DATE: June 3, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: **BZA-07-2008** ADDRESS: 720 S. Campus Avenue

Description:

BZA-07-2008 **720 S. Campus Avenue**, Variances to Section 1149.03(a), Section 1129.04; and 1143.03(c)(3)C, to allow gravel parking, **Susan Klein, Applicant, Agent**

____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 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: Sen Endress Fire Chief

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-07-2008

ADDRESS: 720 S. Campus Avenue

Description:

BZA-07-2008 **720 S. Campus Avenue**, Variances to Section 1149.03(a), Section 1129.04; and 1143.03(c)(3)C, to allow gravel parking, **Susan Klein, Applicant, Agent**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/11/2008** 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. P. Rosen* 6-6-08



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/27/08

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: **BZA-07-2008**

ADDRESS: 720 S. Campus Avenue

Description:

BZA-07-2008 **720 S. Campus Avenue**, Variances to Section 1149.03(a), Section 1129.04; and
1143.03(c)(3)C, to allow gravel parking, **Susan Klein, Applicant, Agent**

☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2008 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: JSchwarz



5/9/08 - BZA application
filed

NOTICE OF VIOLATION – ORDER TO COMPLY

March 28, 2008

Klein Holdings, LLC
1109 Fairway Drive
Troy, Ohio 45373-4401

**Re: 720 S. Campus Avenue
Oxford, Ohio
Parcel ID H4100106000118
Driveway Violation – No Occupancy Permit**

Dear Ms. Klein:

Please be advised that on March 28, 2008 the following driveway violation (Chapter 11) and failure to obtain Certificate of Occupancy violations continue to be present at 720 S. Campus Avenue;

1. Section 1149.03(a) – All off-street parking and maneuvering areas shall be hard surfaced, loose materials are not permitted.
2. Section 1129.04 - Failure to obtain a zoning compliance permit or certificate of occupancy shall be a violation of this Ordinance. (Ord. 2782. Passed 5-20-03.)

In a letter dated January 24, 2008, you received an official "Warning of Zoning Violation". Shortly after receiving this letter you came to my office and picked up a BZA application. As stated in that January letter, you had 30 days to appeal the warning to the Board of Zoning Appeals. We have delayed follow-up inspections only to provide you some time to submit the application, however no such appeal has been filed. Per the photographs, parking violations continue at this location. This letter serves as a second notice; an official "Notice of Violation-Order to Comply".

You have 30 days to appeal this Notice of Violation to the Board of Zoning Appeals. Once 30 days has expired and if no appeal has been filed, the Zoning Department can issue penalties as outlined in Section 1129.99 and Chapter 503 of the Oxford Codified Ordinance. This fine is issued to the person(s) responsible for the property, you the owner.

Should you have any questions, or would like to further discuss your options please, do not hesitate to call.

Professionally,

Kathryn A. Dale
City Planner
City of Oxford
Community Development Department



3.28.08
720 S. Campus



WARNING OF ZONING VIOLATION

January 24, 2008

Klein Holdings, LLC
1109 Fairway Drive
Troy, Ohio 45373-4401

**Re: 720 S. Campus Avenue
Oxford, Ohio
Parcel ID H4100106000118
Driveway Violation – No Occupancy Permit**

To Whom It May Concern:

Records indicate that you are the owners of the property at 720 S. Campus Avenue in Oxford, Ohio. It has come to the attention of the Zoning Department that the Certificate of Occupancy to occupy this premise has never officially been released by the City of Oxford due to a driveway violation.

Our records show that on July 7, 2004 a new building permit was applied for, for the construction of a new single family dwelling unit. On the approved plans a 9' x 52.5' driveway was shown for construction. However, upon final inspection at the completion of the project gravel was extended off of the driveway at the rear of the house. According to Section 1149.03(a) of the Oxford Planning & Zoning Code, requires that all off-street parking areas shall be a hard surface. Furthermore, the property is located in the "R1MS" Single-family Residential Mile Square District that allows maximum lot coverage of 35%.

A letter dated September 7, 2005 to Ms. Sue Klein explained that there was a violation and needed to be corrected by removing the gravel and restored with grass or landscaping or a variance applied for to the Board of Zoning Appeals before the Certificate of Occupancy would be released.

Upon reinspection by the Planning & Zoning Department January 11, 2008, the violation is still outstanding and the certificate to occupy the premise has never been released by the City of Oxford.

From this date forward the following steps shall be taken to remedy the situation. As stated at the beginning of this letter, this letter serves as your official Warning about the driveway violation (Chapter 11) and failure to obtain a Certificate of Occupancy, which includes:

1. Section 1149.03(a) – All off-street parking and maneuvering areas shall be hard surfaced, loose materials are not permitted.
2. Section 1129.04 - Failure to obtain a zoning compliance permit or certificate of occupancy shall be a violation of this Ordinance. (Ord. 2782. Passed 5-20-03.)

You have 30 days to appeal this warning to the Board of Zoning Appeals or remedy the violation. Should you decide not to apply for an appeal and the infractions continue, the second notice; an official "Notice of Violation-Order to Comply" will be sent. This decision again can be appealed to the Board of Zoning Appeals within 30 days of receiving notice. Once 30 days has expired and if no appeal has been filed, the Zoning Department can issue penalties as outlined in Section 1129.99 and Chapter 503 of the Oxford Codified Ordinance. This fine is issued to the person(s) responsible for the property, you the owner.

The Board of Zoning Appeals is a quasi-judicial board that has the right to overturn the strict interpretation of the Zoning Code and either grant special permission to allow this parking spot, or uphold the violation notice and deny your request. There is no guarantee that if the appeal is applied for that the request will be granted. If you chose to file for an appeal, please contact me or the City of Oxford Community Development Department to receive all necessary information about the process for completing such application.

Should you have any questions, or would like to further discuss your options please, do not hesitate to call.

Professionally,



Kathryn A. Dale
City Planner
City of Oxford
Community Development Department

Cc: File
Jung-han Chen, Community Development Director

Enclosures (2) September 7, 2005 letter
Approved Site Plan

Community Development Department
Phone: 513-524-5204

March 8, 2006

Sue Klein
6083 Booth Road
Oxford, OH 45056

RE: 720 South Campus

Ms. Klein:

This is the third and final letter that will be sent regarding this matter. If the situation is not remedied within **30 Days from the date of this letter**, a zoning citation will be issued. To reiterate the issue at hand, a Certificate of Occupancy (CO) for this address has been issued by the Chief Building Official. It is currently being held by the City because of the parking issue in the rear of the property, and will not be released until this issue is resolved.

The site plan that was approved by this office included a driveway scaling 9 feet wide by 52.5 feet long. The construction was completed accordingly. However, a site visit revealed that the issue of the entire rear yard being covered with gravel and being used as a parking lot has not yet been resolved. This is a violation of the Oxford Zoning Code because 1) the construction exceeds the 35% allowable lot coverage and 2) the parking area is constructed of a loose gravel, which in section 1149.03 states, "All off-street parking and maneuvering areas shall be hard surfaced." This issue was discussed with your contractor, Tony Miller and was confirmed by the previous planner, Dan Johnson, as well as a letter in sent to you in September. A property in the R1-MS district, or any district for that matter, cannot exceed the allowable lot coverage without a variance from the Board of Zoning Appeals (BZA). The gravel needs to be removed and vegetation or landscaping restored, or you will need to apply for a variance and provide sufficient information for review and code compliance before the CO can be released by the city.

If you have any questions, please call me at 524-5204. Call when you have completed the correction so that it can be verified.

Thank you for your continued cooperation.

Sincerely,

Scott Headlee
Planner & Zoning Administrator



Community Development Department
Phone: 513-524-5204

September 7, 2005

Sue Klein
6083 Booth Road
Oxford, OH 45056

RE: 720 South Campus

Ms. Klein:

A Certificate of Occupancy (COA) for this address has been issued by the Chief Building Official. It is currently being held by the City because of the parking issue in the rear of the property, and will not be released until this issue is resolved.

The site plan that was approved by this office included a driveway scaling 9 feet wide by 52.5 feet long. The construction was completed accordingly. However, a site visit revealed as well as the pictures that accompany this letter, that the entire rear yard is being used as a parking lot. This is a violation of the Oxford Zoning Code because 1) the construction exceeds the 35% allowable lot coverage and 2) the parking area is constructed of a loose gravel, which in section 1149.03 states, "All off-street parking and maneuvering areas shall be hard surfaced." This issue was discussed with your contractor, Tony Miller and was confirmed by the previous planner, Dan Johnson. A property in the R1-MS district, or any district for that matter, cannot exceed the allowable lot coverage without a variance from the Board of Zoning Appeals (BZA). The gravel needs to be removed and vegetation or landscaping restored, or you will need to apply for a variance and provide sufficient information for review and code compliance before the COA can be released by the city.

If you have any questions, please call me at 524-5204. Call when you have completed the correction so that it can be verified.

Thank you for your continued cooperation.

Sincerely,

Scott Headlee
Planner & Zoning Administrator

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: Susan Klein for Klein Holdings, LLC
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 6083 Booth Rd. Oxford, OH 45056
Telephone Number(s): 513. 523. 8640
Requested Variance: Allow gravel in back yard of property - lot coverage
(Indicate nature of variance Allow parking on gravel (Section 1149.03)
and applicable section(s) Section 1149.03(a) KAG
of the Zoning Code.) Section 1129.04 KAG
Section 1143.03(c)(3) C
Location of Requested Variance: 720 S. Campus Ave. Oxford, OH
Legal Description: Parcel ID H4100106000118
Zoning District:
Total Acreage: 5350 sf / .12 Acres
Existing Use of Site: Residential Rental
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.

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

- NA (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: Susan Klein Date: 5/6/08

PRINTED NAME OF APPLICANT: Susan L. Klein

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: ~~13689~~ 13823

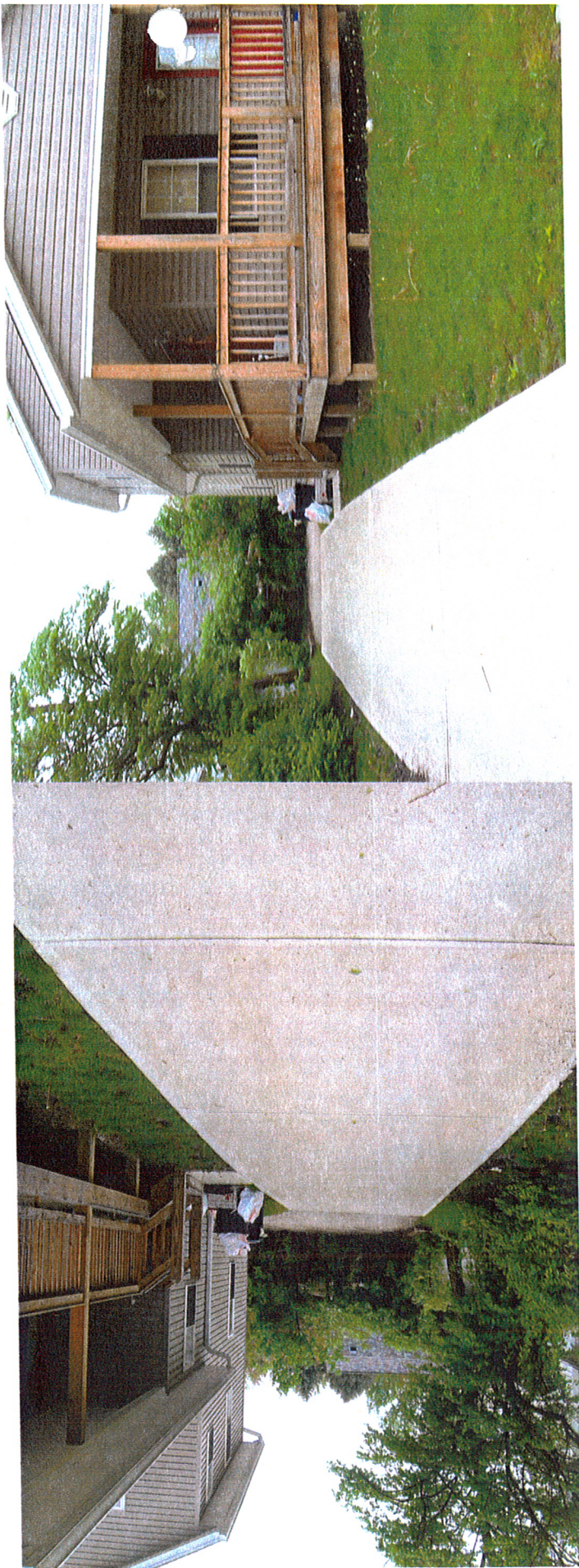
Petition for Zoning Variance
Klein Holdings, LLC
720 S. Campus Avenue
Oxford, Oh 45056

REQUIRED INFORMATION

(5) Explain how the proposed variance satisfies each of the following Decision Standards require to grant the area a variance.

- a) The variance would not alter the use of the residential use of the property for which the district is zoned.
- b) The conditions in the back yard of this home have always made it difficult to maintain a lawn. In the past we had mulched the entire yard to prevent it from being muddy.
Additionally, the city has placed parking meters all the way down Campus Avenue. This causes increased parking problems in the city and for our tenants.
- c) The gravel was placed in the backyard as a landscaping decision. The tenants have opted to use this as parking since there is no on street parking available without feeding a meter.
- d) The variance would relieve the hardship of removing the gravel and would relieve the hardship of our tenants by providing ample parking. It would relieve an ongoing parking issue in the campus area.
- e) The literal interpretation of this zoning rule does not allow us to make a landscaping decision which prevents a muddy backyard and thereby causes harm to the interior of the home. Additionally, the property is permitted for 4 but the available parking on the driveway only accommodates parking for 2 and the street is metered.
- f) We are asking that a variance be granted for lot coverage to allow for the gravel to remain and that parking be permitted on this gravel area to relieve the parking issue created by the meters.
- g) The variance will allow the property to be in harmony with others in the general vicinity. We have a nice lawn on the front of the house and a nice rock wall at the sidewalk. There is a privacy fence at the south side of the property and the gravel is not visible for the street. The gravel does not cause run off issues because it is permeable and it prevents erosion of the muddy soil that would be present without the gravel in place.

We respectfully request that we be granted a variance for both lot coverage and parking on a gravel area. We feel both variances are necessary to have reasonable use of the property.





PROPOSED SIGN LOCATION
12" BACK FROM RIGHT OF WAY

PROPOSED SIGN LOCATION
12" BACK FROM RIGHT OF WAY

RIGHT OF WAY LINE

BOTTOM OF SIGN IS TO BE FLUSH
WITH GRADE LEVEL AT SIDEWALK.

SIDEWALK GRADE AT SIDEWALK

8'

6" STEEL SQUARE SIGN POST WITH 1/2"
THICK MATCHING PLATE AT TOP OF SIGN.
THE EXISTING POST AND PLATE WILL BE
USED FOR RELOCATION OF SIGN. EXISTING
POST WILL BE CUT OFF AT BASE, AND
ELECTRIC TO BE SECURED.

19'-6"
FROM SIDEWALK
TO FRONT OF BUILDING

96"

12"

EXISTING 6' TALL X 8' WIDE
DOUBLE FACED
ILLUMINATED SIGN

OVERHANG - 72" PROJECTION

72"
CANOPY

30"
FROM BACK
OF SIGN
TO BLDG.

72"

BUILDING

11'-6"
FROM R/W
TO BLDG.

GRADE AT PROPOSED SIGN LOCATION

48"

2'-3" x 2'-3" x 48"
DEEP SIGN BASE
FILLED WITH
POURED CONCRETE

2'-3"



221 NORTH "B" STREET HAMILTON, OHIO 45013
PHONE 513-863-2578 FAX 513-863-8740

© pr Scale: 3/8" = 1'

Patrick Reist

Account Manager Triangle Sign Co.

REVISED 5/22/2008

REVISIONS

CUSTOMER APPROVAL

Car Quest
5041 Oxford College Corner Rd.
Oxford, OH 45056

DATE

$$z' = z_0'$$
