



NOTICE OF REFUSAL

March 20, 2012

Application Number: 12-033
Address: East Vine Street (lot 345 W 85 – parcel H4100006000035)

Applicant: Pamela J. Kellems
8747 Mt. Hope Road
Harrison, OH 45030

Your application received on **March 12, 2012** for a zoning certificate for a **new single-family dwelling** located on **vacant lot 345 W 85/parcel H4100006000035, Oxford, Ohio 45056** is hereby refused on this **20th day of March, 2012** under **Chapter 1131, Chapter 1133, Section 1141.03(b), Section 1143.03(c)(3)(D)(3) and Section 1149.03(c)** of the Oxford Planning & Zoning Code in that,

Chapter 1131 & 1133 of the Oxford Planning & Zoning Code designates the location of this property as “R1MS” Single-Family Residential Mile-Square District.

1. **Section 1141.03(b):** Supplemental Regulations. Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot. For the purpose of this provision an alley is not considered as a street.
- The principal entrance of the proposed dwelling faces an alley.
2. **Section 1143.03(c)(3)(D)(3):** Site Development Regulations for R1MS. Lots with vehicular access from a rear or side alley, and no access from a public street: Front yard – 5 percent of front yard.
- The proposed driveway and walk would cover 18.6% of the required front yard.
- Section 1149.03(c):** Vehicle Management General Regulations. All off-street parking spaces shall contain a rectangular area a minimum of 9 feet wide and 20 feet long, except that parallel parking spaces shall be a minimum of 22 feet long.
- The proposed garage contains a parking space that is 9 feet wide and 13 ½ feet long.
- Applicant corrected this →*

An appeal from this decision to the City of Oxford Board of Zoning Appeals is governed under Section 1129.03 d., Section 1129.09, Section 1129.10 and Chapter 1139 of the City of Oxford Zoning Ordinance.

Andrew R. Wilson
Technical Assistant

Note: The applicant has 30 days to submit revisions or to appeal this decision to the Board of Zoning Appeals. A new application will be required, including payment of a new fee, if the applicant fails to submit adequate revisions within this time period. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. This review is only for compliance with the zoning regulations. Other departments may also have comments that will need to be addressed before any permits can be issued.

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-06-2012

Date – June 20, 2012

APPLICATION

Applicant:	Pamela and Dave Kellems
Location:	Vacant parcel behind 220 E. Vine St, Parcel # H4100006000035
Owner:	Pamela and Dave Kellems
Action Request:	Variances to Section 1141.03(b) principal entrance upon a street bordering such lot; Section 1143.03(c)(3)(D)(3) front yard lot coverage
Current Use:	Single-family House
Zoning:	R1MS Single and Two-Family Mile Square Residential
Surrounding Land Uses:	Residential

DESCRIPTION

This parcel is currently vacant and is located behind 220 E. Vine St. which is located on north side of Vine Street between University Avenue and N. Campus Avenue. The lot is adjacent to an improved north-south alley. The parcel is measured 56' x 85.98'. The applicant is contemplating to build a single family residence on this site.

VARIANCES REQUESTED

Section 1141.03(b):	Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot. . For the purpose of this provision, an alley is not considered as a street. • The proposed dwelling does not have its principal entrance upon a street.
Section 1143.03(c)(3)(D)(3)	Site development regulations for R1MS: lots with vehicular access from a rear or side alley, and no access from a public street. Front yard lot coverage - 5%. • The proposed driveway and walk would cover 18.6% of the required front yard.

AGENCY COMMENTS

Fire	Returned without comment
Police	No comments returned
Engineering	Returned without comment
Economic Development	Returned without comment

PUBLIC COMMENT FORMS

None received.

ANALYSIS

The lot is located in an R1MS (Single-Family Residential Mile Square) District and is currently a vacant lot. The applicant is contemplating to build a single family dwelling on the lot. The lot is measured approximately to be 56' x 86'. The lot does not meet the underlying zoning district dimensional requirements. However, Oxford Zoning Code Section 1137.05 Nonconforming Lot allows a single-family dwelling to be erected provided that the lot has a minimum of 3000 square feet and a minimum lot width of 33 feet. This provision, Section 1137.05, shall apply even though the lot fails to meet the requirements for lot area, lot depth, lot width, or any combination thereof that are generally applicable in the zoning district and provided that the new single-family conforms to the height, lot coverage, vehicular access and yard or setback requirements of the district where the property is located.

Based on preliminary research by staff with the Butler County's Auditor's office, this parcel was created prior to 1973. Given the lot number of this parcel, it may have been sometime in the 1930's and/or 1940's when the parcel was first subdivided from the original plat. The creation of this parcel was prior to the Zoning Code; and the parcel was legally established by the City of Oxford.

Given that the parcel was established prior to the current Zoning Code being put in place, it would be legally problematic for the City to enforce the current regulations when originally the City approved the lot creation. Therefore, the nonconforming section was formulated in order to allow for any nonconforming lot to become buildable lots they would still need to conform to the other site development regulations. In this particular case, the issues is the front yard lot coverage, since the lot was comparatively smaller than those lots that have structures on them. The lot cannot be developed without the requested variance.

In its current state, the property cannot yield a reasonable return and cannot be used beneficially without a variance, since the lot was created fronting an alley and the principal entrance will be fronting an alley. Additionally, the front yard lot coverage cannot be obviated without the variance for the fact that the lot was created smaller than those standard lots under the R1MS regulations.

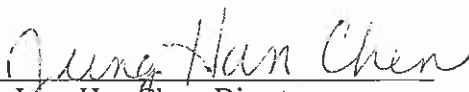
This is a predominately single-family dwelling neighborhood. It is safe to say that the characteristics of the neighborhood would remain the same with the proposed single-family dwelling. It is also assumed that all governmental services will and can be delivered to the site.

RECOMMENDATION

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

1. That, the proposed work be constructed as approved with this appeal, as submitted by the applicant with the date stamp by the Community Development on March 12, 2012, and that no changes or modifications be made without the consent of this Board.

SUBMITTED BY:


Jing-Han Chen, Director
Community Development Department

DATE: June 4, 2012

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

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

From: Community Development

Drawings are being submitted to you for the following:

BZA-06-2012 Vine Street, variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard coverage, **Dave & Pamela Kellems, Applicants**
(Note: no address has been assigned to this property – it is a vacant lot of record)

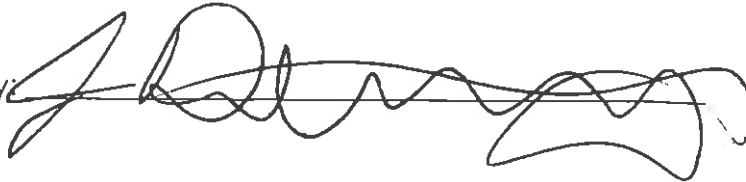
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/12/2012** 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:



Date: 5.21.12

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

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

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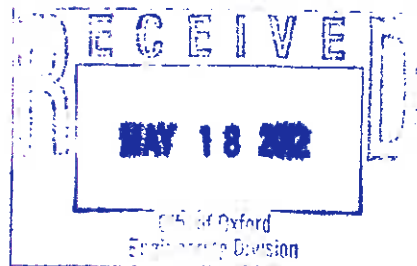
Comments or status update requested by: Lynn Taylor

Please return no later than: **6/12/2012** 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. Petersen

Date: 5-24-12



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-06-2012 Vine Street, variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard coverage, **Dave & Pamela Kellems, Applicants**
(Note: no address has been assigned to this property – it is a vacant lot of record)

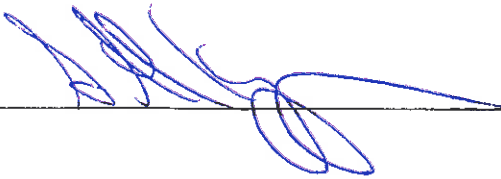
___X___ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/12/2012** 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: 

Date: 6-4-2012

BZA-06-2012

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit



Parcel

16.5' Vacated ROW

Building Footprint

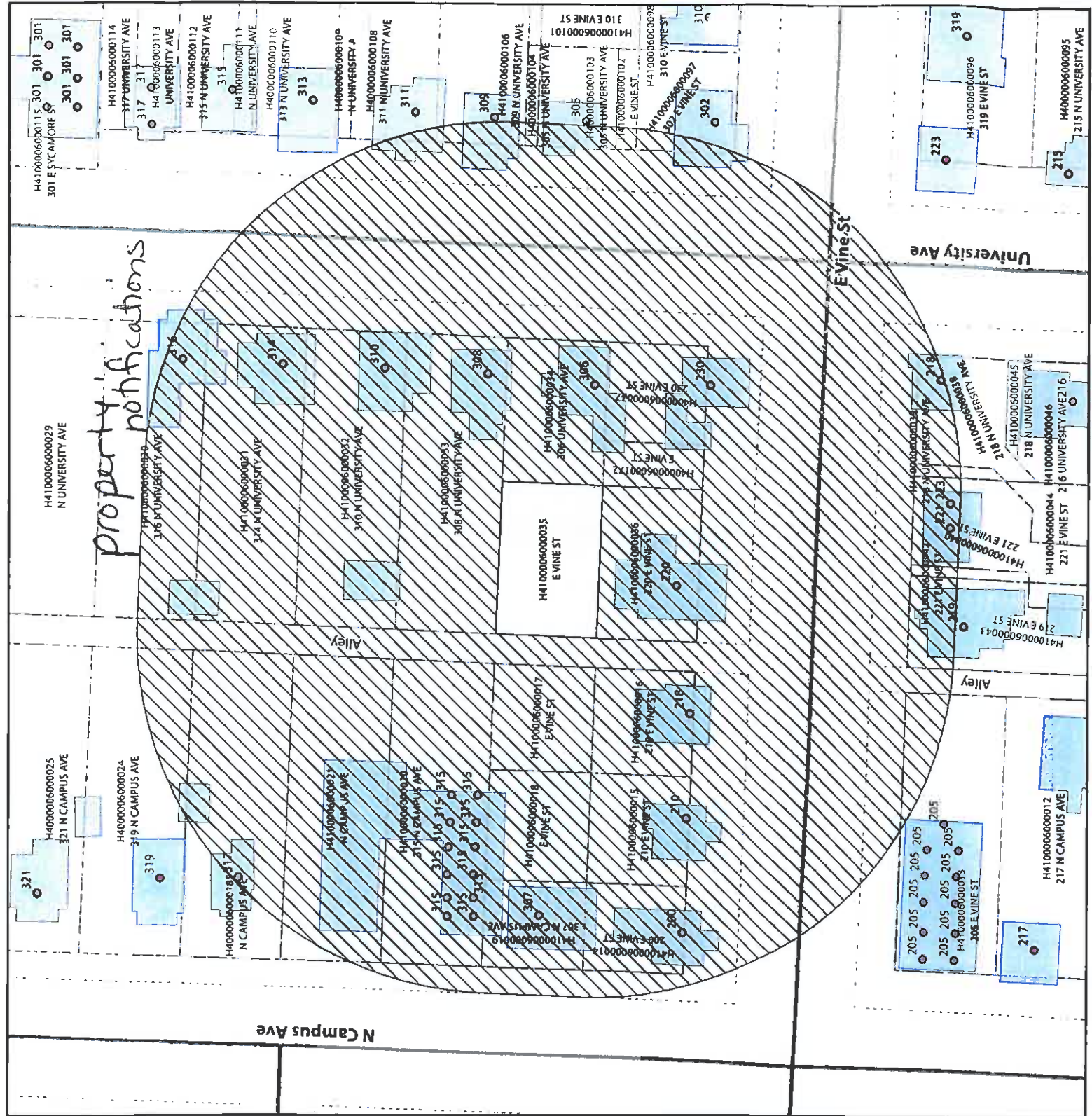
Paved Roadway



1 inch = 75 feet



The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.





**Location Map
BZA 06-2012**

**Parcel # H41000060000035
Variance Request
David and Pamela Kellems**

June 20, 2012



Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: DAVID A. & PAMELA J. KELLEMS
(Attach a Letter of Agency if the Applicant is not the property owner.)
Mailing Address: 8747 MT. HOPE RD
HARRISON, OH 45030
Telephone Number(s): HM. 513-367-6039 513-505-4918
Email Address: _____
Name of Property Owner: DAVID A & PAMELA J. KELLEMS
Mailing Address: 8747 MT. HOPE RD, HARRISON, OH 45030
Telephone Number(s): 513-367-6039 CELL 513-505-4918
Requested Variance: DWELLING FACE
(Indicate nature of variance SECT 1141.03(b)
and applicable section(s) 1143.03(c)(3)(D)(3)
of the Zoning Code.) PER ANDREW R. WILSON NOTICE
Location of Requested Variance: E. VINE ST., OXFORD, OH 45056
Legal Description: 345 W 85
Zoning District: R2X5
Total Acreage: Acres RIMS
Existing Use of Site: VACANT LOT OF RECORD
Proposed Use: (if applicable) SINGLE FAMILY DWELLING
A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

REQUIRED INFORMATION

Eight complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant is encouraged to contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

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

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

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

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

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

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

- a) Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;
- b) Whether the variance is substantial;
- c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- d) Whether the variance would adversely affect the delivery of governmental services (i.e., water, sewer, garbage);
- e) Whether the property owner purchased the property with knowledge of the zoning restriction
- f) Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;
- h) Any other relevant factor.

Submit this application with required attachments and **\$400.00 plus Actual Postage fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 35 days prior to the proposed Board of Zoning Appeals meeting at which the action is requested. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT:

David A. Kellemis
Pamela J. Kellemis

Date: 4/24/12

PRINTED NAME OF APPLICANT:

DAVID A. KELLEMIS
PAMELA J. KELLEMIS

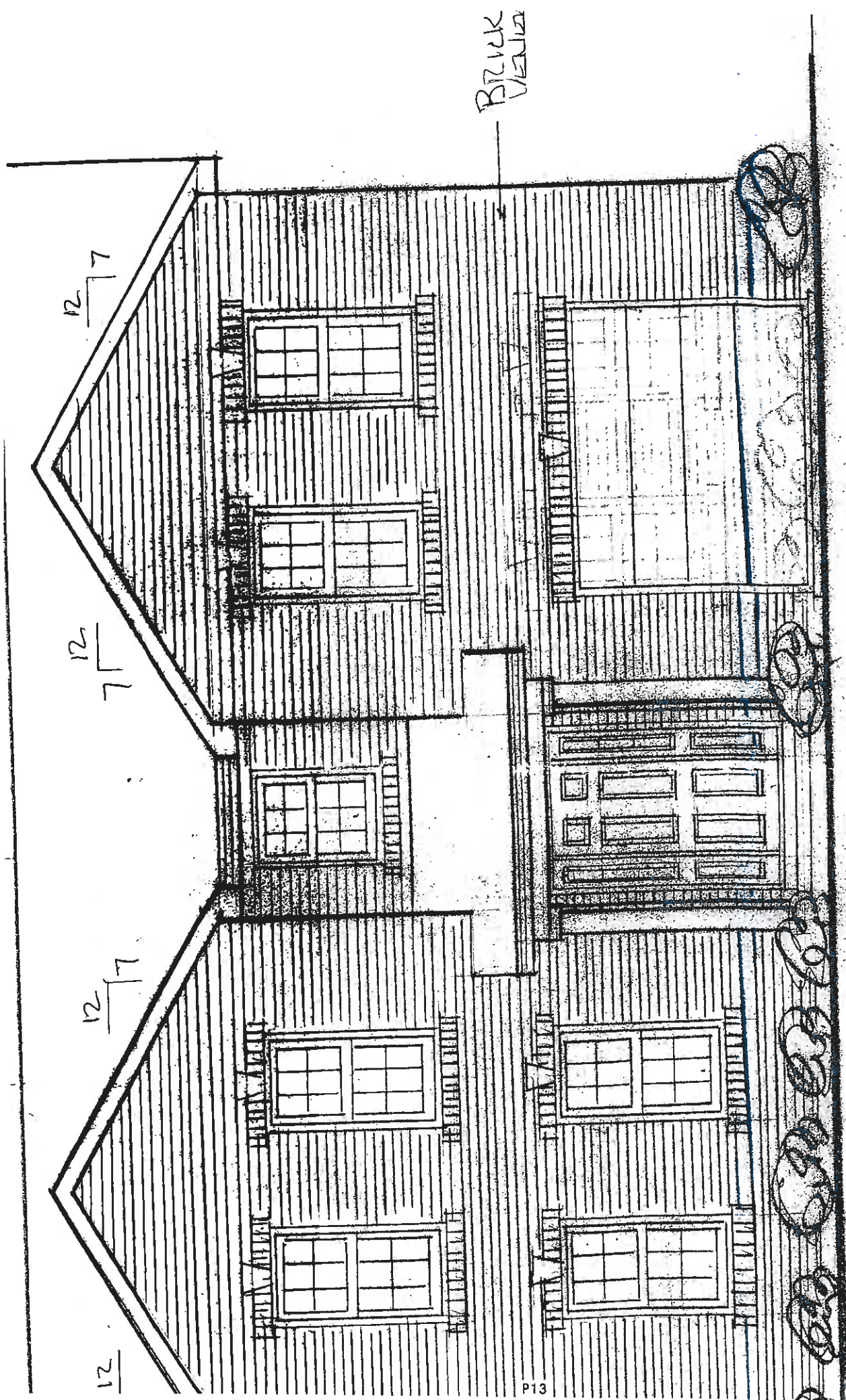
FEE / RECEIPT

\$400 plus Actual Postage Fee Paid / Receipt Number: 17588.25

PETITION FOR VARIANCE: DAVID A. KELLEMS

(5)

- a) The property in question yields no return in its present state.
- b) The variance is not substantial because it presently faces a considered "Public Way" Sect 1159.17 (19) and is a lot of record.
- c) The character of the neighborhood is made up mostly of single-family homes and the intention of the proposed use is single family home.
- d) Governmental services would not be affected as there are currently other homes and apartments that receive services from the Public Way.
- e) I do have knowledge of the zoning regulations and have ~~not~~ yet to find a section that pertains to this parcel.
- f) My predicament cannot be feasibly corrected other than by the variance because the lot is unchangeable.
- g) The spirit and intent behind the supposed zoning requirement would be observed and substantial justice done by granting the supposed variance.
- h) This is a lot of record, on a public way (which in zoning code definitions states no difference between street and alley).

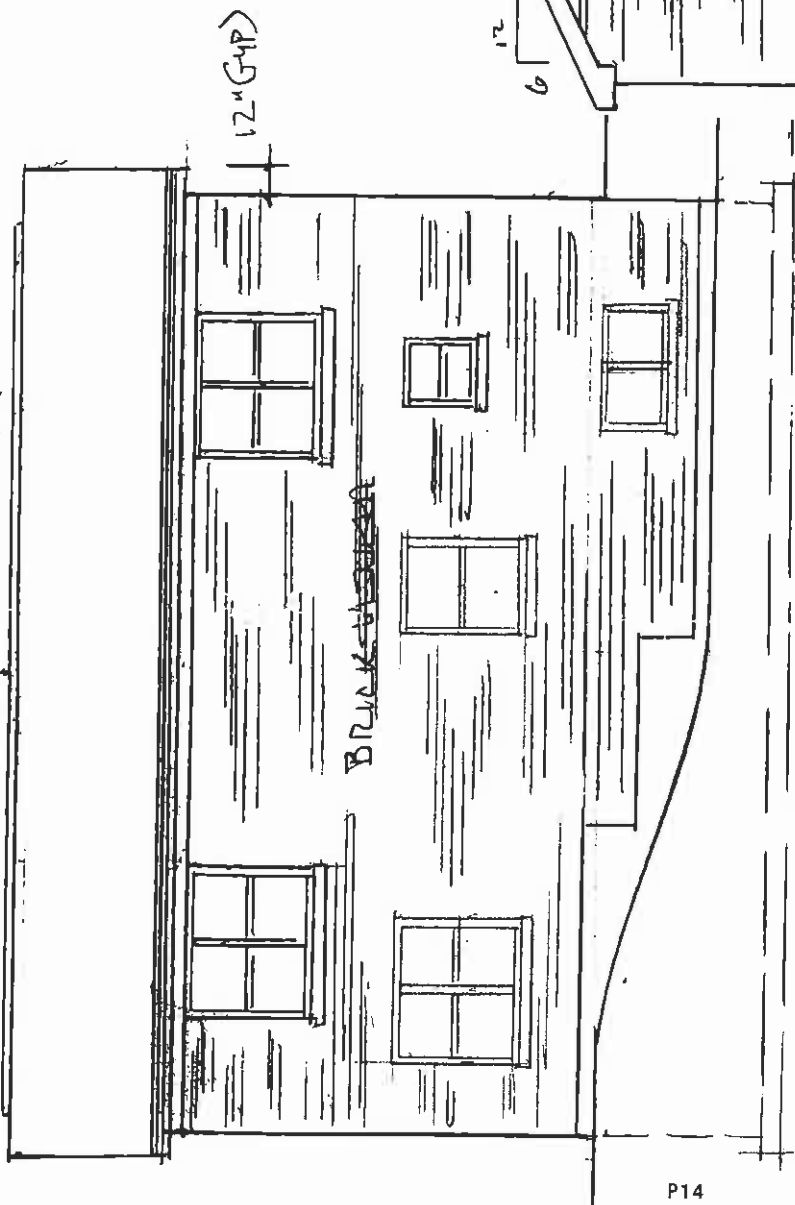


BRICK
VENTILATION

FRONT ELEVATION

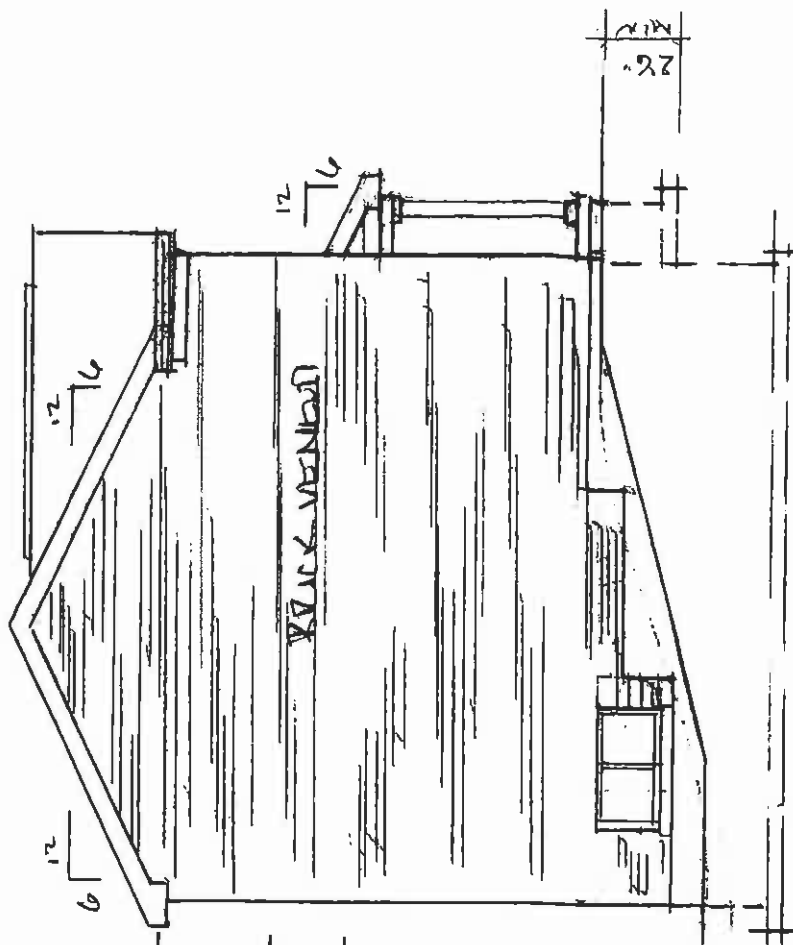
SCALE 1/4" = 1'-0"

(RIDGE VIEW (TYP))



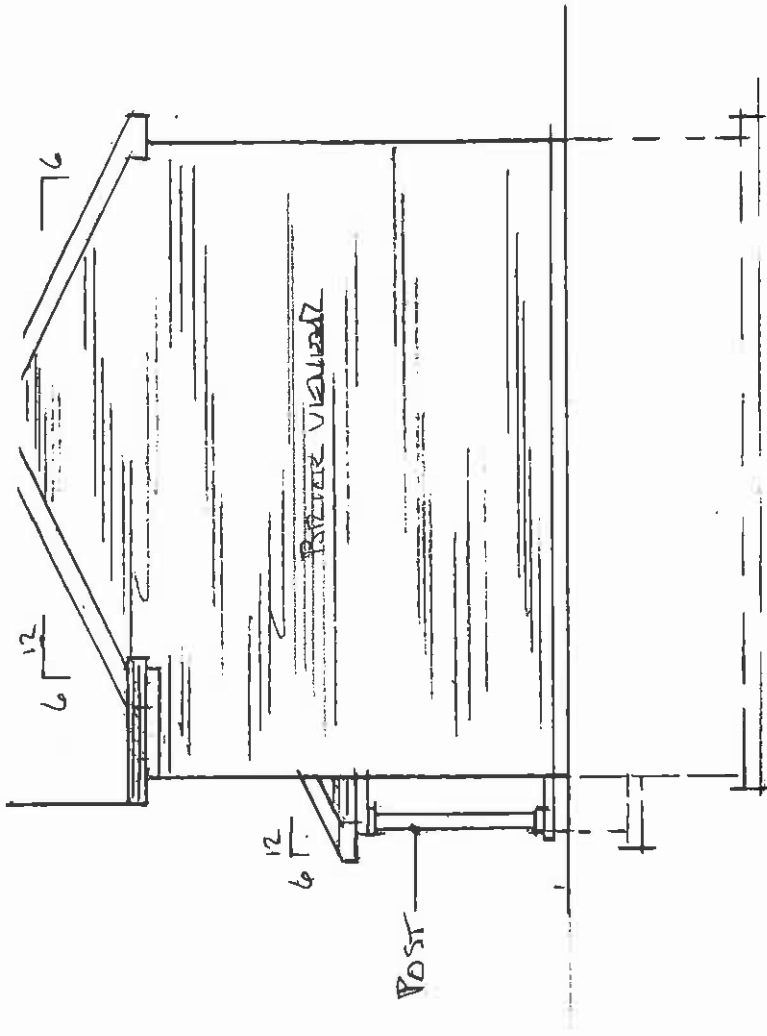
REAR ELEVATION

SCALE 1/8" = 1'-0"



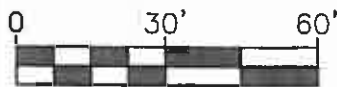
LEFT SIDE ELEVATION

SCALE 1/8" = 1'-0"



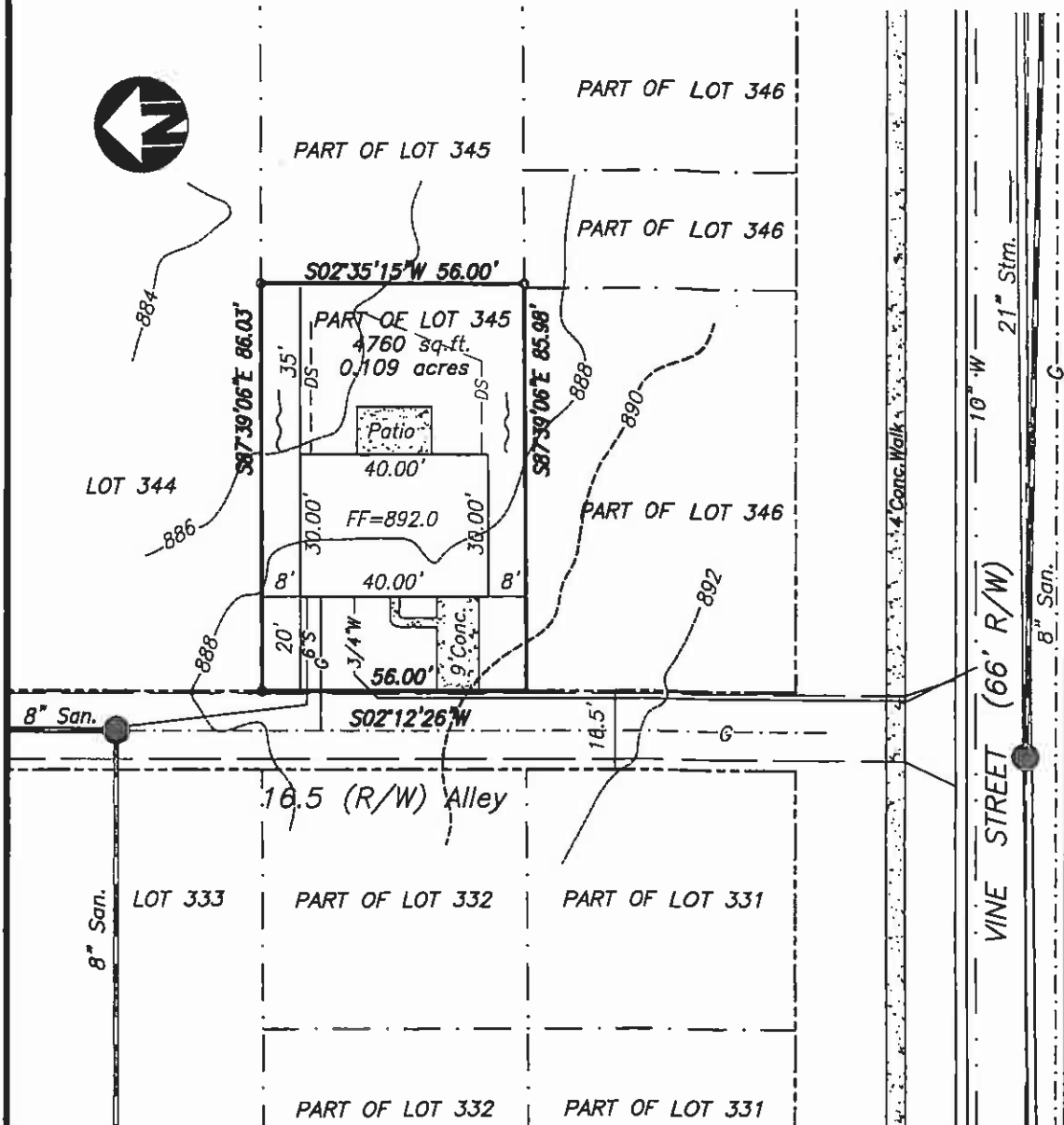
RIGHT SIDE ELEVATION

SCALE 1/8" = 1'-0"



1"=30'

UNIVERSITY AVENUE



Lot Area = 4816 S.F.

Lot Coverage

House = 1200 S.F.
Porch = 160 S.F.
Drive = 208 S.F.

$\frac{1568 \text{ S.F.}}{4816 \text{ S.F.}} = 33\%$

Bldg. Coverage

$\frac{1200}{4816} = 25\%$

Front Yard = 1120 S.F.

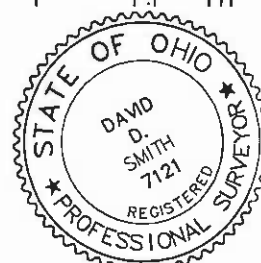
Front Yard Coverage
Drive & Walk = 208 S.F.

$\frac{208 \text{ S.F.}}{1120 \text{ S.F.}} = 18.6\%$

NOTE:

1) "This drawing was prepared for house permitting and staking only. It does not warrant any environmental or geo-technical conditions, and it does not represent a boundary or "As-Built" survey."

2) Bayer-Becker assumes no responsibility for either the depth or location of the sewer lateral.



Client: DAVE KELLEMS

Scale: 1"=30'

Drawn by: B.B.

Checked By: D.D.S.

Issue Date: 1/3/2012

117039.345

PLOT PLAN
PART LOT #345
CITY OF OXFORD
BUTLER COUNTY, OHIO

J:\PLOTPLANS\CITY OF OXFORD\LOT 345

**bayer
becker**

6900 Tylersville Road, Suite A
Mason, OH 45040 - 513.336.6600

X location

Borderline VB Oxford Site Map

Oxford City Street Map

1999 MAPQUEST

