

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-10-2013

Date – August 21, 2013

APPLICATION

Applicant:	Scott Webb, Architect
Location:	212 South Poplar Street
Owner:	Tres Walnut LLC (Park Place Real Estate Management)
Action Requests:	Variance to 1143.05(c)(1)A, minimum lot area for two family Variance to 1143.05(c)(1)B, minimum lot width for two family
Current Use:	Single-Family Residential Lodging House for Eight Occupants
Zoning:	R2MS, Single and Two-Family Residential
Surrounding Land Uses:	Single Family and Two-Family Residential

DESCRIPTION OF REQUEST

On behalf of Tres Walnut LLC, Mr. Scott Webb is proposing to demolish an existing building at 212 South Poplar Street and build a new two-family building. The existing building was built in the early 20th century and has had subsequent modifications. It has been considered a Lodging House by the City of Oxford since 2000. The Lodging House is a nonconforming land use, because it is a single-family dwelling permitted for more than four unrelated persons. Eight are permitted in the house. It is allowed to continue because it is considered a legal nonconforming use (grandfathered).

The applicant has submitted a site plan which demonstrates compliance with minimum yard setback requirements, and maximum building and lot coverage requirements. No building plans have been submitted, other than a building footprint on the site plan. Single and Two-Family dwellings are permitted in the R2MS District; however, the subject property does not have adequate lot width or lot area to meet the minimum requirements for a two-family building. The lot area and width does however meet the minimum requirement for a single-family building according to Section 1137.05(a) since the lot is pre-existing.



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The applicant is requesting two variances. The first variance is a lot area variance of 1,429 square feet in order to build a two-family dwelling. Section 1143.05(c) requires at least 7,500 square feet (instead of 6,071) for a two-family dwelling. This variance request represents approximately a 20% reduction in the required lot area.

The second variance is a lot width variance of 42 feet in order to build a two-family dwelling. Section 1143.05(c) requires at least 75 feet (instead of 33) of lot width for a two-family dwelling. This variance request represents approximately a 56% reduction in the required lot width. The lot is less than half of the required width for a two-family dwelling.

BACKGROUND INFORMATION

The property is 183.36 feet deep, 33 feet wide and 6,071 square feet in area. The lot is located near the intersection of South Poplar and Spring Streets. The lot abuts improved alleys on both the north and the west property lines. Section 1141.03(c)(3)B requires the front setback to be an average of those on the block face. The building footprint location shown on the site plan would need to be shifted further away from the street slightly, in order to comply with the average of 28 feet. There is sufficient room on the site to meet the average setback requirement without an additional variance. There are currently the following nonconformities on the property:

- Side setback zero feet instead of 7.5 feet
- Total lot coverage approximately 50% instead of 40%
- Gravel parking surface(s) instead of paved
- Eight persons permitted in the unit instead of four

Based on the applicant's site plan and attached letter, these nonconformities would be eliminated.

PROCEDURE AND CRITERIA

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

- Reasonable return:** The property is already being used as a residential dwelling; therefore there is evidence that beneficial use of the property has been established without the need for a variance.
- Is the Variance substantial:** The lot width is less than half of what is required for a two-family dwelling. The shortage of lot width is more than the actual lot width. Therefore, the shortage dimension, relative to the existing dimension, **is substantial, since it is greater.**
- Essential character:** The architectural styles in the neighborhood are mixed, as is typical in the Mile Square of Oxford. However, the majority of the buildings in the neighborhood have a width and depth ratio of nearly one to one, predominantly square or slightly elongated rectangular buildings [See attached aerial photo of the area]. The proposed building is nearly four times long as it is wide. Therefore, based only on the proposed building footprint, the **essential character of the neighborhood could be substantially altered.** More details may be available with a rendering of the exterior.

- D. **Governmental services:** The ability of governmental services to be delivered to this site appears to be the same due to the fact that the site access, street and alley frontages are the same as existing, on the site plan.
- E. **Knowledge of the zoning restriction:** City staff researched zoning codes back to April 3, 1979, which preceded the owner's purchase in the mid-1980s. [See attached 1979 code excerpt]. The lot width and area requirements for two-family dwellings have remained the same throughout the past 30+ years even though the name of the district has changed from R4B to R2MS. The last major zoning code re-write in 2003 also did not change the lot width and area requirements for two-family dwellings. Whether the owner was aware of the code requirements is unknown to staff.
- F. **Methods other than variance:** A two-family dwelling is not the only permitted use in the district. Additionally, no information was submitted with the application which identifies the attributes of the building that are not "code compliant" as stated in the architect's letter. Some effort could be made to modernize and improve the existing building without a request for variances. More information may be available from applicant testimony.
- G. **Spirit and intent:** The R2MS district purpose statement is: "This district is designed to preserve and encourage a mixture of single-family and two-family residences in the established residential areas of historically significant character." The fact that the purpose statement encourages a mixture of single and two family dwellings, and the code later outlines several other conditional uses, illustrates that the spirit and intent of the district is not exclusively for the development of two-family dwellings.
- H. **Any other factor:** To be determined.

ANALYSIS

The applicant presents an opportunity for this early 20th century building to be replaced with a modern building. However it is not the job of the BZA to review and approve "projects." The BZA's role is to hear and decide on requested variances as well as hear appeals of a Zoning Administrator's decision. While a more modern building may be indirectly related to a potentially approved variance request, the primary function of the BZA is to weigh the facts and hear testimony to decide if a practical difficulty exists which warrants a variance(s). The criteria above, coupled with the staff's awareness of facts at the time of this report are not sufficient to illustrate that a practical difficulty exists. More information should be required before the granting of these variances. Additionally, if the variances were to be granted, there may be conditions required that would mitigate the existence of a two-family dwelling on such a narrow lot.

PUBLIC COMMENTS AND INQUIRIES

Notice of the hearing was mailed to property owners within 200 feet, a sign was posted on the property and an announcement was placed in the local newspaper. One phone call came from Mr. Dave Kellems, nearby property owner of 21 and 23 East Collins Street. Mr. Kellems requested more information and has submitted a written comment for the BZA's review [See attached]. At the time of the writing of this report, no other parties have contacted the city or requested information about this request for variances.

AGENCY REVIEW

Fire	Returned without comments
Police	Not returned
Engineering	Returned without comments
Economic Development	Returned without comments

SITE HISTORY

There is no prior BZA history with this site.

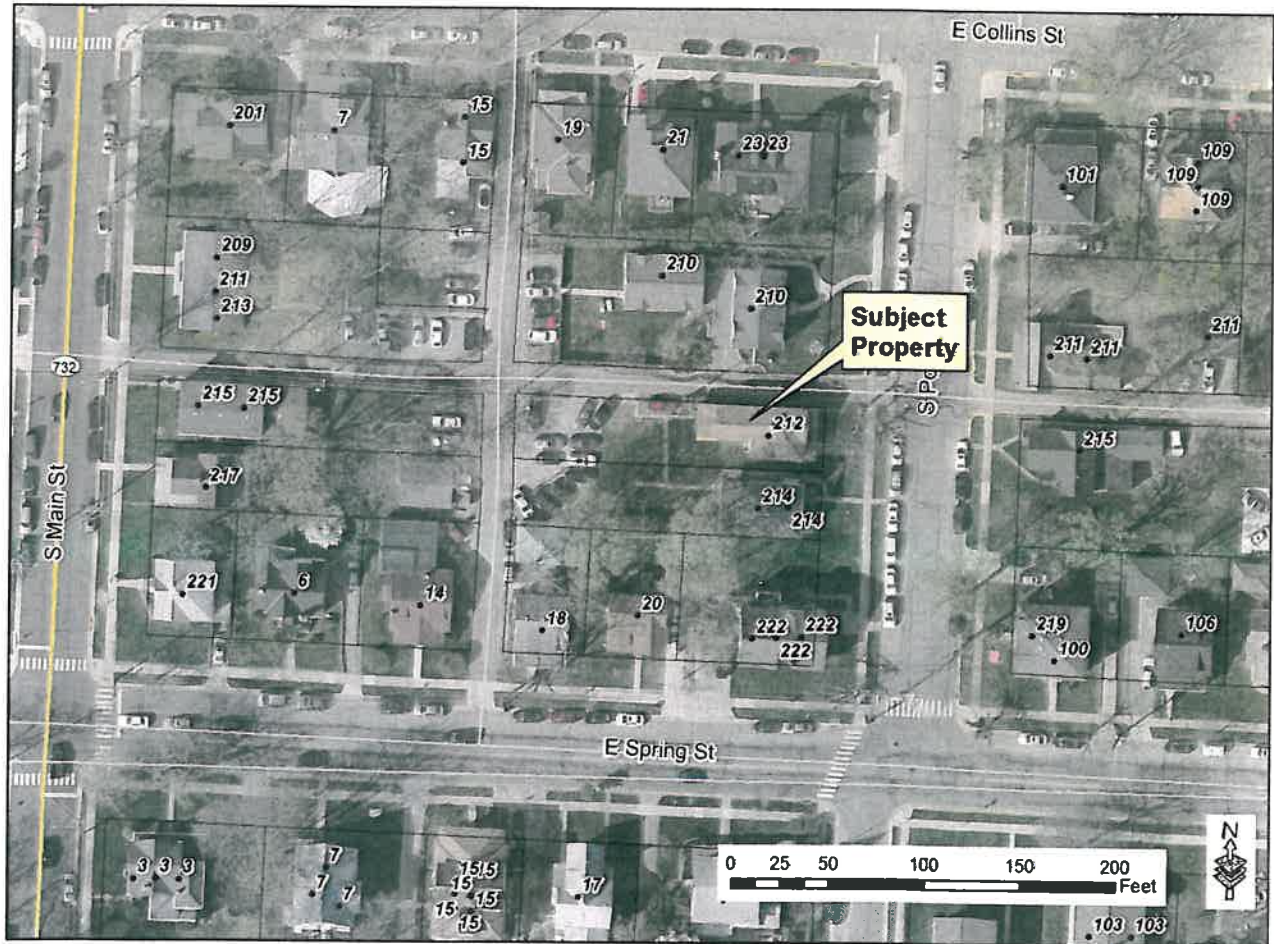
RECOMMENDATION

Based upon the information available, staff does not recommend approval of these variance requests.

SUBMITTED BY:

Sam Perry
Sam Perry, Planner
Community Development Department

DATE: August 16, 2013



April 3, 1979 Zoning Code excerpt

1129.06 R-4B URBAN MULTIPLE DWELLING DISTRICT

A. Purpose It is the purpose of the R-4B District to encourage the establishment and preservation of residential neighborhoods characterized by one-family, two-family, and three-family dwelling units per lot in the multiple-family residential districts located in that portion of Oxford which is described in Section 2.11 (4) of the Oxford City Charter. These requirements permit development of approximately fourteen units per net acre.

B. Principal Permitted Uses No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Chapter 1133 (Nonconforming Uses).

- Single-Family Dwellings
- Two-Family Dwellings
- Three-Family Dwellings
- Accessory Uses
- Home Occupations
- Plant Cultivation
- Signs, as permitted by Section 1135
- Rooming Houses (owner occupied)

C. Additional Uses Council by special action may authorize additional uses in the R-4B District which are otherwise prohibited or limited. Council may impose appropriate conditions and safeguards which may include a specified time period for the permit in order to preserve the Comprehensive Plan and protect the character of the neighborhood. Procedures for obtaining permission for an additional use are described in Section 1129.13. The only additional uses which are eligible for consideration in the R-4B District are listed below:

- Parks
- Public Uses
- Semipublic Uses
- Public Service Facilities
- Planned Unit Development (See Section 1129.15)
- Recreation Facilities, Noncommercial
- Nursing Home
- Professional Office Building
- Offices of Physicians, Dentists or of similar professionals
- Clinics

D. Minimum Requirements

1. Dimensional Requirements

	<u>Lot Width</u>	<u>Lot Area/ Dwel. Unit</u>	<u>Frnt. Yard</u>	<u>Rear Yard</u>	<u>Small. Sd. Yd.</u>	<u>Sum Sd. Yds</u>	<u>Max % Lot Cvg</u>	<u>Max. Height</u>
Sing-Fam	50'	5,000 sq ft	*30'	35'	7.5'	15'	33%	3 stories, not to exceed 35'
* Two-Fam	75'	3,750 sq ft	*30'	30'	7.5'	15'	33%	"
Thr-Fam	90'	3,000 sq ft	*30'	35'	15'	30'	33%	"

*Handwritten note: *2 → = 7,500*

(a) Where a lot is located at the intersection of two (2) or more streets, the depth and width along each street shall be not less than thirty feet.

(b) Every dwelling shall have a total floor area of not less than seven hundred fifty square feet total minimum floor area per unit as follows:

(1) Every single-family dwelling unit shall have a total floor area of not less than seven hundred fifty square feet, for one store or one thousand square feet for a more than one story building.

(2) Every unit in a multiple-family dwelling shall have a total floor area of not less than five hundred square feet or eight hundred square feet for each unit having more than one story, with the exception of efficiency units which require a floor area of not less than four hundred square feet.

*(c) When a lot fronts on a major street, a forty foot setback shall be maintained.

(d) Where a platted front yard or side yard exceeds the minimum requirements of this section, the greater dimension as shown on the Plat shall be required.

(e) On any lot having as a portion of its area, land vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping and sidewalks.

2. Parking Requirements

(a) One (1) off-street parking space is required for each single-family dwelling and for each unit in a two-family dwelling.

(b) Two (2) off-street parking spaces are required for each unit in a multiple-family dwelling, except efficiency units, where one space is required per unit.

(c) Parking requirements for additional uses are found in Section 1129.13.

1129.07 R-5 UNIVERSITY DISTRICT

A. Purpose It is the purpose of the R-5 District to encourage the establishment and the preservation of residential neighborhoods characterized by one, two and three-family dwellings and fraternity houses. These requirements permit development of approximately fourteen units per net acre.

- F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- G. Schools: primary, intermediate, and secondary, both public and private.
- H. Places of worship.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

		<u>1-family</u>	<u>2-family</u>
(1)	<u>Lot requirements.</u>		
	A. Minimum lot area	6,000 sq. ft.	7,500 sq. ft.
	B. Minimum lot width	60 feet	75 feet
(2)	<u>Yard requirements.</u>		
	A. Minimum front yard depth	30 feet	30 feet
	B. Minimum rear yard depth	30 feet	30 feet
	C. Minimum side yard width	7.5 feet	7.5 feet
(3)	<u>Structural requirements.</u>		
	A. Maximum building height	35 feet	35 feet
(4)	<u>Lot coverage.</u>		
	A. Lots with vehicular access from a public street		
	1. Lot total - 35 percent		
	2. All enclosed buildings - 25 percent of lot		
	3. Front yard - 25 percent of front yard		
	B. Lots with vehicular access from a rear or side alley, and no access from a public street		
	1. Lot total - 40 percent		
	2. All enclosed buildings - 25 percent of lot		
	3. Front yard - 5 percent of front yard		
	(Ord. 2782, Passed 5-20-03)		

1143.05 R-2MS SINGLE- AND TWO-FAMILY MILE SQUARE RESIDENTIAL DISTRICT.

(a) Purpose. This district is designed to preserve and encourage a mix of single-family and two-family residences in the established residential areas of historically significant character.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Accessory buildings and uses incidental to the principal use that does not include any activity conducted as business.
- D. Day Care Home Type B family.
- (2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1141.
 - A. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - B. Shared Housing and Congregate Housing for the elderly.
 - C. Government owned and/or operated parks and recreation facilities.
 - D. Bed and breakfast homes.
 - E. Publicly owned and operated neighborhood recreation centers.
 - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.

Current
Code

- G. Schools: primary, intermediate, and secondary, both public and private.
- H. Places of worship.
- I. Fraternity and sorority houses.
- J. Parking lots. (Ord. 2980. Passed 10-16-07.)

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements) Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein. (Ord. 3062. Passed 7-7-09.)

1-family 2-family

- (1) Lots requirements.
 - A. Minimum lot area 5,000 sq. ft. 7,500 sq. ft.
 - B. Minimum lot width 50 feet 75 feet
- (2) Yard requirements.
 - A. Minimum front yard depth 20 feet 20 feet
 - B. Minimum rear yard depth 35 feet 35 feet
 - C. Minimum side yard width 7.5 feet 7.5 feet
- (3) Structural requirements.
 - A. Maximum building height 35 feet 35 feet
- (4) Lot coverage.
 - A. Lots with vehicular access from a public street
 - 1. Lot total - 35 percent
 - 2. All enclosed buildings - 25 percent of lot
 - 3. Front yard - 25 percent of front yard
 - B. Lots with vehicular access from a rear or side alley, and no access from a public street
 - 1. Lot total - 40 percent
 - 2. All enclosed buildings - 25 percent of lot
 - 3. Front yard - 5 percent of front yard

(d) Mile Square Design Standards. The Mile Square Design Standards encourages all new and renovated building to be outstanding examples of architecture and planning. These standards are a planning instrument. It does not dictate any architectural style or design. Design regulations are intended to allow imaginative design that is respectful to its neighbors. The regulations are meant to help achieve good design and to establish consistent framework for assessing proposed development. The Mile Square Design Standards are intended to be predictable. It is also intended that it be flexible. The predictability and flexibility embodied in these standards are intended to permit creativity and diversity in architectural design, because the construction, renovation, and maintenance of outstanding buildings and public spaces continue to contribute to the health, welfare, character, and history of the City and its citizens. The design of all new construction and exterior renovation in the R1-MS, Single-Family, Mile-Square Residential District shall conform to the following requirements.

- (1) Streetscape.
 - A. The restoration or alteration of existing buildings must follow the historical characteristics of the existing building.
 - B. Commercial Appearance at ground level must agree to the following guidelines:
 - 1. Storefronts must be aligned with the modular bays.
 - 2. Upper Stories must have a repetitive solid/void organization, ranging from narrow piers between openings (as in the main facade of the Bank One building) to spaces of equal width to the window openings.

3. Front facades of new buildings must follow guidelines similar to those enumerated above. Equal bays must be used with their division by wall and openings following a regular pattern. If an entry bay is to be indicated (either on center to the overall width, as in the Kyger Block, or to one side) its proportions must clearly indicate this differentiation. In either case, a clear storefront must be present at ground level to help reinforce the definition of the bays.
 - C. In new or altered buildings the storefront height must fall between 10 feet and 14-1/2 feet.
 - D. New construction must follow the rhythm of facades, overall spacing, setbacks, and proportions of existing adjacent structures of that block face, as well as those on the opposing block face.
 - E. For both residential and commercial structures, the buildings themselves must have their fronts oriented parallel to the adjacent street. In addition, buildings must be oriented perpendicular to the adjacent street (i.e., the building must not be situated on the lot at an irregular angle).
- (2) Foundations.
 - A. New construction must not include exposed poured concrete, concrete block or cinder block foundations. If this material will be above grade (due to a sloped lot or other unavoidable geographic reason), historically appropriate facing treatment must be applied to the exposed portions of the foundations.
- (3) Masonry.
 - A. Masonry veneers that face main streets shall not have exposed cinder block or concrete block or poured concrete foundation.
 - B. Brick, stone, authentic stucco or material replicating stone veneer are acceptable materials.
 - C. The masonry of any additions must resemble the existing structure utilizing like materials and style in order to be compatible.
- (4) Siding.
 - A. No vertical siding may be incorporated into any structure. Plank treatments are to remain horizontal in fashion.
 - B. Decorative, wood shingles are an acceptable treatment for the residential structures in the Single- and Two-Family, Mile-Square Residential District.
 - C. Since artificial siding tends to differ from the original historic material in size, design, and texture, the use of artificial aluminum or vinyl siding for residential structures within the Mile Square is strongly discouraged. However, vinyl siding can be acceptable only when it meets the requirements of ASTM D3679.
 - D. Widths, lengths, and composition of siding must be consistent between existing structures and any new additions. Decorative trim, such as window trim, fascia boards, and cornice work must also be consistent with the existing structure.
- (5) Roofs.
 - A. Any new roof must relate to the architectural theme and details of the existing structure.

- B. Flat roofs are prohibited for residential buildings except for porch roofs.
- C. New roof forms must complement existing roofs in material and style.
- D. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required
- E. Decorative cornices and parapets are encouraged.
- (6) Gutters & Downspouts.
 - A. Gutters and downspouts shall be an integrated component of the structure.
 - B. Gutters and downspouts are to be located on the roof corners, where they will not interfere with the appearance of the structure.
- (7) Entrances & Doors.
 - A. For all doors, the recommended material is "wood appearing" type of material.
 - B. Commercial structures must avoid using doors, screen doors, and storm doors, which are clearly designed for residential purposes.
 - C. Screen/storm doors must be simple in design and contain full-height screening or glass. Mill finish is not allowed. Wood is the preferred material and any treatment must match the color of the existing door/trim or be a clear varnish.
 - D. Entrances and doors which are to be closed-off must not be removed and the hole filled in with some type of permanent material. Rather, the door must be left hanging and fixed shut so it is possible to reopen it in the future.
- (8) Windows.
 - A. Windows must be proportionally vertical.
 - B. Reflective glass (such as blue or gold tinted glass) is prohibited.
 - C. Skylights can be added to increase the availability of natural light. These must generally be flat and unobtrusive (especially from any public ways). They must not be on front side of the roof slope facing the street.
 - D. All window openings, sash appearances, and materials must be consistent and architecturally appropriate to the building style.
 - E. Windows which are to be closed-off must not be removed and the hole filled in with some type of permanent material. Rather, the window must be maintained.
 - F. Original features such as corner boards, brackets, hoodmolds, and other details must be preserved, repaired, and/or replaced.
- (9) Porches & Stoops, Decks & Patio.
 - A. Any newly constructed or reconstructed porch or stoop must be compatible with the architectural style of the building to which it is attached.
 - B. New residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood. Porches have roofs. Decks are not allowed on the front façade. Stoops may not exceed 50 square feet.
 - C. All porches shall satisfy the required setbacks and lot coverage of the zoning district.

- (10) Storefronts.
A. Storefronts must be open and must utilize large amounts of glass. Window glass must extend at least from the top of the first floor to knee level. This does not necessarily mean that a large single pane of glass must be used. The openness creates an inviting feeling to pedestrians that helps set the ground floor commercial uses apart.
- (11) Garages & Outbuildings.
A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.
B. An attached garage shall not be located closer to the right-of-way than the residential structure itself (i.e., no snout garage)
C. It is recommended that a detached garage to be accessed from the alley if alleys are available for vehicular traffic.
- (12) Awnings & Canopies.
A. Awnings and canopies must be flat, downward sloping at a sharp angle, and have open ends or triangular end pieces matching the main structure. Basic design shapes (umbrella, diagonal, concave, etc.) are recommended.
B. Solid, dark colors are preferred.
C. Awnings and canopies must be proportional in size and shape to the opening or area that they are covering. Avoid irregular shapes or styles.
D. Soft, pliable materials are encouraged. Metal or other similar material is not recommended.
E. Retractable awnings and canopies are encouraged, as they can be closed in the winter months to allow more sunlight into an establishment.
F. Awnings and canopies must be designed without ground supporting members which attach to a public sidewalk.
G. The Zoning and Building Codes must be consulted for other specific requirements.
- (13) Fences & Gates.
A. Chain link fences are prohibited.
B. Traditional fence forms, such as picket fences and plain board fences, must be utilized and they must be kept as low as possible.
C. Traditional materials, such as wood and wrought iron, are strongly encouraged.
- (14) Chimney & Flues.
A. Where a building is designed with chimneys or where a chimney is to be added to an existing structure, brick or stone are the preferred materials.
- (15) Shutters.
A. Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.

- (16) Utilities.
A. This element is covered by other City Codes and standards. Please remember to consult with City staff before planning your project to learn how the codes will affect your proposal.
- (17) Home Security.
A. Guidelines for Entrances & Doors and Storefronts must also be consulted in relation to the recommendations given below.
- (18) Driveways & Parking Lots.
A. Individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys must be utilized as much as possible to provide automobile access.
- (19) Landscaping.
A. Existing mature trees should be preserved and maintained when possible.
B. Public and private space shall utilize natural landscaping materials and ground cover shall be utilized for the perimeter to delineate individual property boundary line.
- (20) Graphics, Signage, & Building Identification.
A. The Sign Code of the City of Oxford must be consulted for specific sign regulations in addition to these guidelines.
- (21) Height.
A. The scale and mass of the building shall consider the mass of the adjoining properties of that block face. Please consult with the dimensional regulations of the Oxford Zoning Ordinance for the specific zoning district which the building is located.
B. Buildings on corner lots must relate in setback and height to the structures along both adjacent blocks.
(Ord. 2980. Passed 10-16-07.)

1143.06 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose. This zone is intended to accommodate multi-family structures suited to the lifestyles of individuals and families, generally located in areas adjacent to major thoroughfares and commercial areas.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Multi-family dwellings.
- D. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as business.
- E. Day Care Home Type B family.

(2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

- A. Community-Oriented Residential Social Service Facilities (CORSSF's).
- B. Shared Housing and Congregate Housing for the elderly.
- C. Government owned and/or operated parks and recreation facilities.
- D. Bed and breakfast homes.
- E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 2, 2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

BZA-10-2013 212 S. Poplar Street variance to Sections 1143.05(c)(1)A minimum lot area,
1143.05(c)(1)B minimum lot width in an R2MS District **Scott Webb Applicant, Agent**

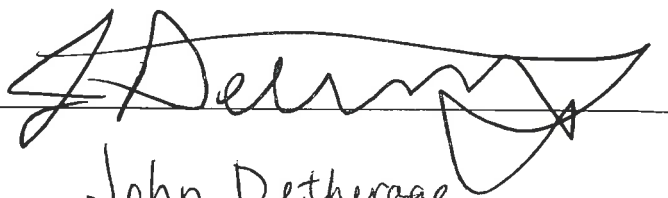
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 8/14/13 Note: If no comments are received, we will assume the
project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Detherage
PRINTED NAME

✓
Date: 8-12-13

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 2, 2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

BZA-10-2013 212 S. Poplar Street variance to Sections 1143.05(c)(1)A minimum lot area,
1143.05(c)(1)B minimum lot width in an R2MS District **Scott Webb Applicant, Agent**

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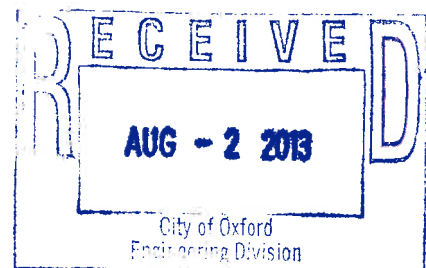
.....
Drawings are returned: w/comments without/comments

Drawings reviewed by: *[Signature]*

Date: 8-2-13

VICTOR POPESCU

PRINTED NAME



City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 2, 2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

BZA-10-2013 212 S. Poplar Street variance to Sections 1143.05(c)(1)A minimum lot area,
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.....
Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

Date: 8-7-13

G. ALAN RYGER
PRINTED NAME

David A. Kellems
8747 Mt. Hope Road
Harrison, Ohio 45030

August 15, 2013

BZA Oxford, Ohio

Dear Sirs or Madams:

Location, location,...location. This is a very viable rental location. Rental ability is not a concern here.

I would be in favor of a new single family residence at 212 South Poplar St., and no variances would be required.

I am not in favor of a new two family residence that requires one monumental variance and another lesser variance. The lot width requires a 56% variance and the lot area requires a 20% variance.

I do not believe this lot was ever meant to sustain a two family house....not even in 1935 when it was developed.

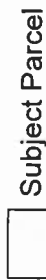
Sincerely,
Dave Kellems

23 S. Collins St. property owner / corner of Poplar St and Collins St.

BZA-10-2013

Property
notifications

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.

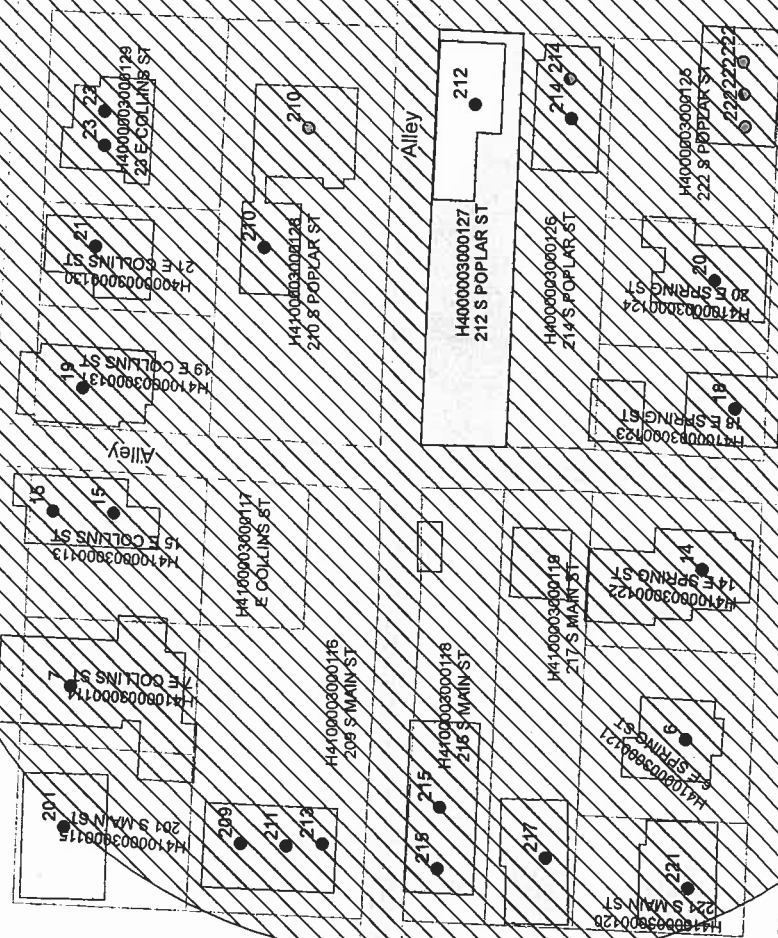
S Main St

E Collins St

E Spring St

S Poplar St

Alley



LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing August 21, 2013 regarding the reconstruction of a two-family residence at 212 South Poplar

Thank-you,

Signed: Tom Kach
(Tom Kachos)
(Tres Walnut, LLC)

7/22/2013
Date:

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner:

Scott Webb, Architect

(Attach a Letter of Agency if the Applicant is not the property owner.)

Mailing Address:

103 W. Walnut St. Oxford Ohio 45056

Telephone Number(s):

523.3838

Email Address:

scott@scottwebbarchitect.com

Name of Property Owner:

TREX WAREHOUSE

Mailing Address:

114 E. High St. Oxford Oh. 45056

Telephone Number(s):

523.2015

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

1143.05(c)(1)(A) min. Lot area
1143.05(c)(1)(B) min lot width

Location of Requested Variance:

212 S. Poplar St.

Legal Description:

Zoning District:

R2MS

Total Acreage:

.139 Acres

Existing Use of Site:

Non-Conforming Rooming/Lodging House

Proposed Use: (if applicable)

New 2-Family Structure

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.

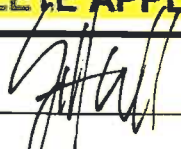
(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant a variance. A separate response is required for each subsection. In determining whether practical difficulties exist sufficient to warrant a variance, the Board 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 **FEES noted below plus actual postage fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT:  Date: 7/22/13

PRINTED NAME OF APPLICANT: Scott Webb

FEE / RECEIPT

At time of submittal please include postage charge (determined by the number of adjoining property owners x current postage rate – example \$.45) along with the variance fee.

***\$200 plus \$100 for each additional variance request up to a maximum of \$1,000.00 plus actual postage.**

***IT IS POSSIBLE FEES MAY INCREASE IF STAFF DETERMINES MORE VARIANCES ARE NEEDED**

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



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Variance to Minimum Lot Size & Width
Reconstruction of a 2-Family Dwelling
212 South Poplar Street

July 22, 2013

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the minimum lot width requirement of the underlying Zoning District relating to the reconstruction of a two-family dwelling at 212 South Poplar Street.

The existing lodging house is a non-conforming use located in the R2MS district. The existing house is small, and does not meet current Building or Zoning Code standards regarding room sizes, fire separation, egress etc. Further, the house has significant structural issues, and violates the current zoning requirements regarding setbacks.

The lot in question is 33' wide, and extends from South Poplar Street to the Alley to the rear, along an east/west alley, and comprises 6,071 square feet.

No change in occupancy is proposed in this reconstruction. The existing building is classified as a rooming house in the R2MS District with eight rental permits. Reconstruction of this property will allow greater compliance with the Zoning Code

All other requirements of the zoning district including lot coverage, parking, building height, setbacks etc. are met by this application.

1143.05(c)(1)(A) Requires a minimum lot area of 7500 s.f. for a two family dwelling

The property in question currently provides housing for (8) residents, and provides 80% of the lot requirement.

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

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

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

Practical Difficulty

Strict interpretation of the Zoning Code would prohibit the construction of a more compliant structure, allowing only a single family residence on this property, reducing the current occupancy by 50%.

Remodeling of the Structure would be cost-prohibitive, and would allow (6) residents to remain in a non-conforming use (lodging house) and would continue various other zoning violations.

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

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

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

The property may continue to function as an eight-occupant lodging house. Alternately, the house could be reconfigured and remain a non-conforming rooming house with (6) occupants. It has been a goal of the City to eliminate these lodging houses from the Mile Square in favor of conforming uses and code compliant structures.

- b) *Whether the variance is substantial;*

The variance is not substantial, as the property is currently occupied by a eight residents in a non-conforming rooming house with various setback and other zoning violations residence in a two-family district.

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

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

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

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

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

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

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

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

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

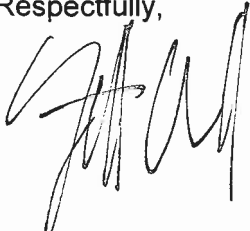
The spirit of the Zoning Code is observed, allowing a two-family residence in a two-family district. Further, it eliminates another lodging house in the Mile Square.

h) Any other relevant factor;

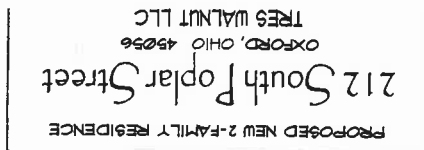
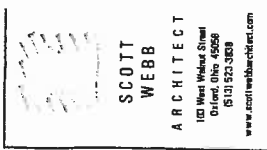
This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, improving the property aesthetically, and with regard to the safety of its occupants, and eliminating non-conforming uses in the Mile Square.

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

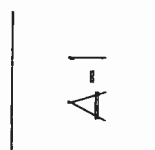
Respectfully,

A handwritten signature in black ink, appearing to be 'S Webb', written in a cursive, stylized font.

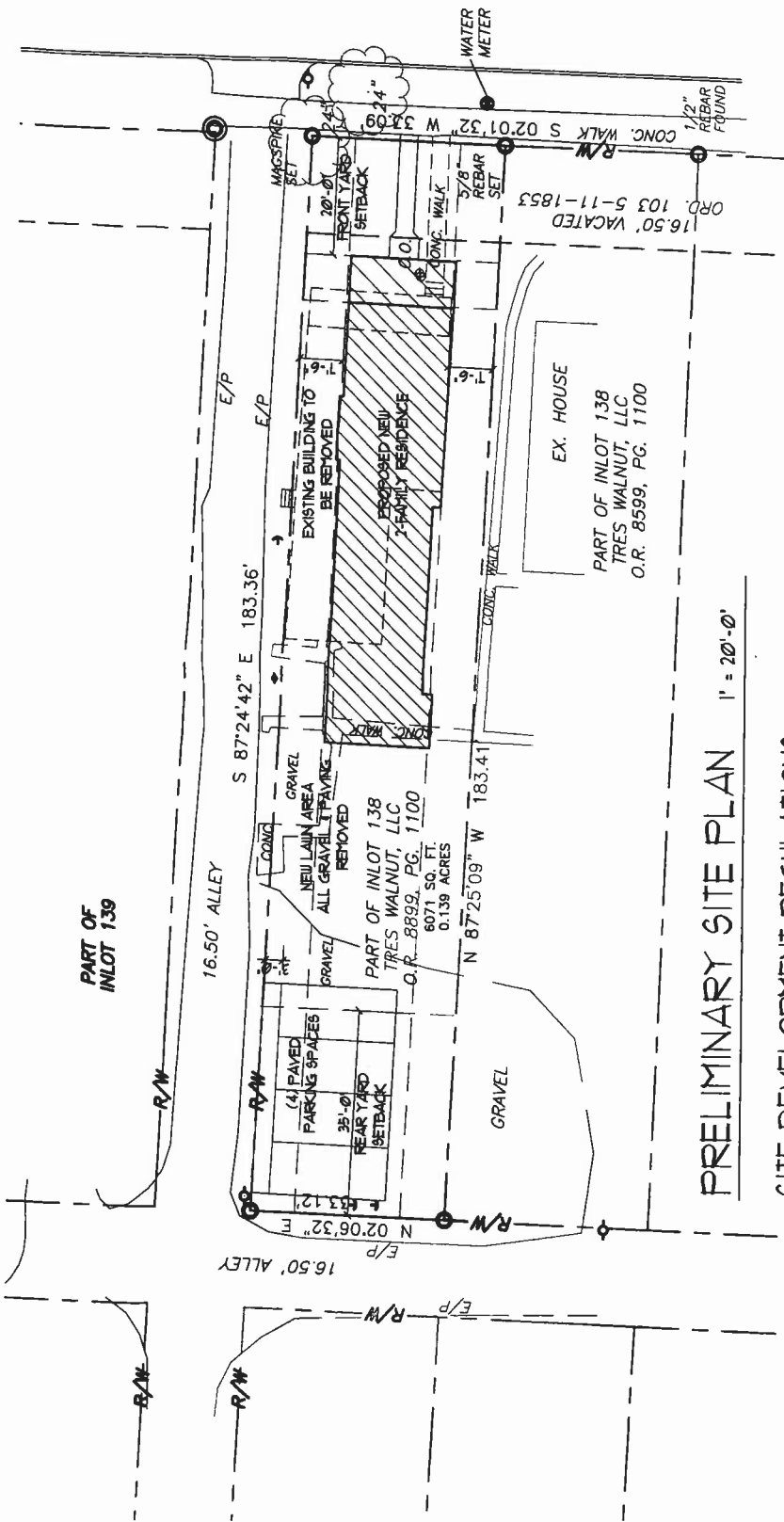
Scott Webb, Architect



DATE	July 22, 2019
REVISIONS	



SOUTH POPLAR STREET (66.00' R/W)



PRELIMINARY SITE PLAN 1" = 20'-0"

SITE DEVELOPMENT REGULATIONS (R2MS ZONING DISTRICT)

OVERALL LOT AREA:	6,071 SF
BUILDINGS:	1,442 SF
(4) NEW PARKING SPACES (2) PER DWELLING UNIT:	826 SF
SIDEWALKS:	68 SF
TOTAL:	2,336 SF
ACTUAL FRONT YARD:	68 SF / 661 SF = 10.3%
ALLOW. FRONT YARD:	R2MS = 25%
ACTUAL ENCLOSED BUILDING:	1,442 SF / 6,071 SF = 23.7%
ALLOW. ENCLOSED BUILDING:	R2MS = 25%
ACTUAL LOT COVERAGE:	2,336 SF / 6,071 SF = 38.5%
ALLOW. LOT COVERAGE (VEHICLE ACCESS FROM ALLEY):	R2MS = 40%