

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-07-2012

Date – July 12, 2012

APPLICATION

Applicant:	Scott Webb, Architect
Location:	15 South Beech Street
Owner:	David Wespiser, Stewart Developers, LLC
Action Requests:	Variance to Section 1143.10(c)(3)(B)(1), Gross Floor Area Ratio and, Variance to Section 1143.10(c)(3)(B)(1)(b), Residential Floor Area Ratio
Current Use:	1 story commercial, vacant former Oxford Press building
Zoning:	UP - Uptown
Surrounding Land Uses:	Commercial and Residential

DESCRIPTION

This property is located on the east side of South Beech Street adjacent to an alley. The lot frontage faces west and is currently occupied by a vacant one story building. The building permit application proposes a new mixed use four story building. The lot area is approximately 7,758 sq. ft. (not including the 16.5' vacated South Beech Street right-of-way). *The attached site plan, elevation drawings and 3-dimensional drawings illustrate the proposed building.* A complete set of construction drawings is available in the Community Development Department and will also be available at the meeting.

VARIANCES REQUESTED

Uptown Zoning District- Site Development Regulations

Section 1143.10(c)(3)(B)(1): The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)

Request is to allow 24,055 sq. ft. instead of the maximum 23,273 sq. ft. This is an increase of 782 sq. ft.

Section 1143.10(c)(3)(B)(1)(b): Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following: Outdoor patios, decks and balconies for residential use shall be computed into the maximum 2:1 ratio.

Request is to allow 17,693 sq. ft. instead of the maximum 15,515 sq. ft. This is an increase of 2,177 sq. ft.

PERTINENT ZONING SECTIONS

Section 1159.13(7): **Definition of Lot Area** – The total horizontal area within the lot lines of the lot except any portion in the right-of-way.

Section 1159.07(8): **Definition of Floor Area Ratio (FAR)** – The gross floor area of all buildings or structures on a lot divided by the total lot area, excluding any land vacated by Ordinance No. 103 (16.5 ft vacated right-of-way)

Section 1159.07(6): **Definition of Gross Floor Area** – The sum of the gross horizontal areas of all floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Section 1143.10(c)(4): **Uptown Zoning Maximum Residential Density** – Occupancy shall be limited to one person per 200 square feet of lot area.
For subject property: 7,758 sq. ft / 200 = 38

COMMENT FORMS

No public comments were received from surrounding property owners regarding this request.

AGENCY REVIEW

Fire	Returned with comments attached
Police	No comments returned
Engineering	Returned without comments
Economic Development	Returned with comments attached

SITE HISTORY

March 7, 2012 – The Historic and Architectural Preservation Commission (HAPC) approved a Certificate of Appropriateness for the demolition of the Oxford Press building and the conceptual design of the new proposed mixed use building.

March 19, 2012—A Variance application to Section 1141.03(b) was submitted, to allow a principle entrance to not be upon a street – Approved April 18 by BZA.

April 6, 2012 – A Demolition permit application was submitted to the City.

May 10, 2012 – A Building permit application was submitted to the City.

May 23, 2012 – Administrative Zoning review completed.

June 18, 2012 – A Variance application for the requested variances herein was submitted.

APPLICANT’S NARRATIVE

The applicant’s attached narrative highlights the maximum occupancy (based on the lot area) as the over-arching **basis supporting the variance requests**. The applicant’s reasoning is that the Maximum Residential occupancy of 38 persons is not met or exceeded, therefore any dimensional variances needed for a building under that occupancy, should be approved (paraphrasing). The proposed building is designed by the applicant for 36 persons (12 - 2 bedroom apartments and 4 - 3 bedroom apartments). Rental Housing has also reviewed the plan, and approved 36 occupants, based upon the proposed floor plan for each unit.

ANALYSIS

The burden of proof is upon the applicant to present reliable and substantial evidence that supports the request for variances (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 113902(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight criteria (A-H) in its deliberation.

The higher courts determinations on variances, stemming from the creation of the 1986 “Duncan Standards” in Ohio, have since been mixed, meaning that local BZAs are understood to have expertise in local land use and land area decisions¹. This means that proper due process is essential because the higher courts will weigh in on procedural errors, more often than not.

Staff provides the following facts for four of the eight criteria (A-H):

1. A mixed use (commercial/residential) building can still be developed on this site without the variance; therefore the property **can be used beneficially without the variance** (Criterion A).
2. There is sufficient evidence available from the granting of the Certificate of Appropriateness (COA) on March 7, 2012, that the **essential character** (Criterion C) would not be substantially altered. The granting of a COA indicates that the building is designed in appropriate context with the Uptown Historic District and its design guidelines. The COA approval did not and cannot supersede any zoning standards, but does indicate contextual sensitivity, regarding architectural style and materials.
3. As stated in the applicant's narrative, the property was purchased **with knowledge of the zoning restrictions** (Criterion E).
4. The applicant could remove 2,177 square feet from the residential floor area, which would allow the building permit to be approved without either variance request herein (Criterion F – **obviate the predicament through some other means**).

It is clear that the proposed occupancy is less than the maximum. It is also clear that the building code minimums for habitable spaces are exceeded with the proposed floor plan. However, the Zoning Ordinance does not prioritize one development standard above another. If the Planning Commission and City Council were to determine that habitable spaces needed to be increased for apartments, it could pass a local amendment raising the standard. Staff has provided analysis on four of the eight criteria. Ultimately, the BZA needs to identify and ascertain the practical difficulty and also make sufficient findings before it could approve the variance requests.

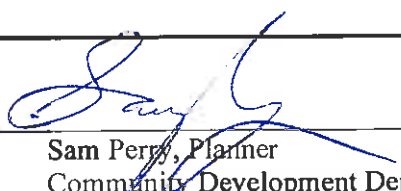
RECOMMENDATION

If the BZA determines that there is sufficient evidence to find practical difficulties which warrant the approval of the variances, the staff recommends that the BZA attach the following conditions:

1. Maximum occupancy allowed is 36. (This would be less than the 38 that the lot area would allow.)
2. The development adheres to the floor plans proposed; specifically the habitable apartment spaces which are above the minimums.

Note: Two motions will be needed from the BZA because there are two separate variance requests within this report.

SUBMITTED BY:


Sam Perry, Planner
Community Development Department

DATE: July 12, 2012

Reference:

- ¹ Meck, Stuart and Pearlman, Kenneth. Ohio Planning and Zoning Law. P. 477-478. Thomson Reuters/West, Cleveland, Ohio, 2008.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/27/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-07-2012

ADDRESS: 15 S. Beech Street

BZA-07-2012 15 S. Beech Street, variance to Section 1143.10(c)(3)B 3% increase in gross floor area ratio and Section 1143.10(c)(3)B(b) 14% increase in residential floor area ratio, permitted in the Uptown (UP) District, **Scott Webb, Applicant, Agent**

____X____ Review

____ Revisions

____ Other

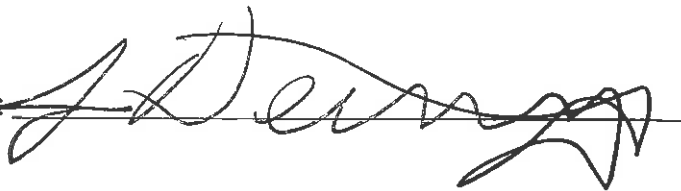
Comments or status update requested by: Lynn Taylor

Please return no later than: 7/10/12 Note: If no comments are received, we will assume the project meets your department's standards.

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

See attached.

Drawings reviewed by:



Date: 7-10-12

Memo

To: Lynn Taylor
From: John Detherage, Fire Chief
CC:
Date: 7/10/2012
Re: 15 S. Beech, BZA-07-2012

In response to the request for a variance to the maximum square footage allowed at 15 S. Beech St. I offer the following:

I still believe that the egress situation for the upper floors into the alley creates a safety concern for not only the residents but also the firefighters that will be called upon to serve this building. You will see in the first picture below that the span of electric lines runs the entire length of the lot. Should these wires go down in an emergency situation ALL residential egress from and firefighter ingress to the building will be blocked.

The second picture below shows the S. Beech St. side of the building. The front of this property has NO wires which is contrary to statements made in BZA hearing #BZA-04-2012 (minutes also attached).

Should this variance be approved, the residents of this structure would be well served by utilizing this additional square footage for a safer egress toward the S. Beech side of the building.

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____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **7/10/12** 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. [Signature]

Date: 7-12-12

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/27/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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____X____ Review

____ Revisions

____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **7/10/12** Note: If no comments are received, we will assume the project meets your department's standards.

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

When the Gross Floor Area Ratio, Commercial Space ratio, Residential Space ratio and the Maximum Residential Density ratio were put into the code in 2007 and amended in 2008, I believe the intent was the following:

Gross Floor Area Ratio: To prevent or discourage Uptown buildings from being built lot line to lot line, four stories tall. The goal of this standard was to create buildings with varied heights and rooflines.

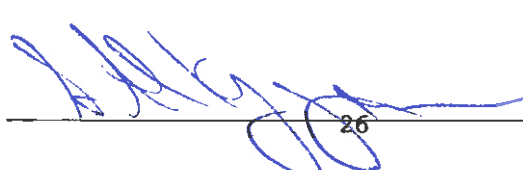
Commercial Space Ratio: To prevent or discourage Uptown buildings from being built with suburban architecture verses urban architecture.

Residential Space Ratio: To prevent or discourage Uptown buildings from being built with little or no commercial space, while still having multiple upper residential floors.

Maximum Residential Density Ratio: To control the density levels in the Uptown District. In other districts, lot coverage and parking requirements assist in density management.

It seems the design of this project meets the intent of the 2008 Uptown District zoning changes. It is not all four stories tall. It has architectural features. It has lower residential density than is permitted.

It will add over 6,000 sq ft of new fresh commercial space. The Uptown District needs additional commercial space. Currently, there are only 2 commercial spaces available in the Uptown District.

Drawings reviewed by:  _____

Date: 7-10-12

BZA-07-2012

A

Property
notification

Alley

W High St

N Beech St

W Park Pl

W High St

N Main St

E High St

Alley

S Main St

E Walnut St

S Main St

W Walnut St

Legend



Oxford Corporation Limit



15 South Beech Street



200 Ft. Buffer

Parcels



1 Inch = 75 feet

Stewart Development, LLC
125 West Spring Street -- Oxford, OH 45056
(513) 524-9500 / FAX (513) 523-9415 .

March 20, 2012

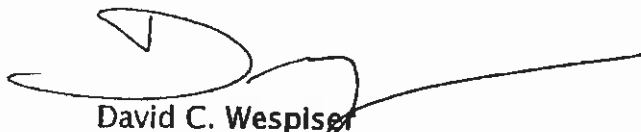
City of Oxford
Board of Zoning Appeal
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb is permitted to act on our behalf for all matters related to the demolition and redevelopment of Stewart Developers, LLC's land at 15 South Beech Street. Scott is authorized to speak and act on our behalf before the Board of Zoning Appeal.

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

Sincerely,



David C. Wespiser
Stewart Development, LLC

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:

102 W. Walnut St. Oxford OH 45056 125 West Spring St.

Telephone Number(s):

523-3838 524-9500

Email Address

scott@scottwebbarchitect.com

Name of Property Owner:

Mailing Address:

Telephone Number(s):

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

Variance to floor area ratio in up district 114³10^C(2)(B)
requesting additional square footage
No increase in occupancy

Location of Requested Variance:

15 South Beech St.

Legal Description:

Zoning District:

UP.

Total Acreage:

.2032 Acres

Existing Use of Site:

former Oxford Press office

Proposed Use: (if applicable)

New Mixed-Use Building

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 and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: _____

Date: _____

PRINTED NAME OF APPLICANT: _____

FEE / RECEIPT

\$400 plus Actual Postage Fee Paid / Receipt Number: 17753.11

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Additional Building Area
Proposed new Mixed-Use Building
15 South Beech Street

June 14, 2012

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to section 1143.10(c)(3)B regarding the gross floor area of a building in the Uptown District which is limited by the Floor Area Ratio (F.A.R.)

Floor Area Ratio (F.A.R.) is defined in 1159.07(8) which states:

The gross floor area of all buildings or structures on a lot divided by the total lot area, excluding any land vacated by Ordinance No. 103 (16-1/2 foot vacated right of way).

Section 1143.10(c)(3)B limits the gross floor area of a building in the Uptown District by the Floor Area Ratio (F.A.R.) as follows:

The maximum permitted gross floor area of a structure at or above grade in the Uptown District shall be 3. (lot area x 3 = total building square foot.)

The lot in question contains 8851 square feet reduced to 7757.7 square feet by the vacated right of way, allowing 23,273 total square feet of total building area. The building at hand contains 24,055 square feet, 782 square feet over the allowable resulting in a 3% increase.

Section 1143.10(c)(3)B(b) further limits the residential space to two times the lot area regarding the gross floor area of a building in the Uptown District which is limited by the Floor Area Ratio (F.A.R.)

Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following;

- i. Outdoor patios, decks, and balconies for residential use shall be computed into the maximum 2:1 ratio*

The lot in question contains 8851 square feet reduced to 7757.7 square feet by the vacated right of way, allowing 15,515 total square feet of residential area. The building at hand contains 17,693 square feet, 2177 square feet over the allowable resulting in a 14% increase.

No Change in Occupancy is requested

It is important to note that no increase in occupancy is allowed by the increase in square footage of the building, as that is limited by Section 1143.10(c)(4) to one person per 200 square feet of lot area resulting in a maximum occupancy of 38 persons.

The building as designed and reviewed by the Housing Department includes space for 36 residents, representing a decrease of (2), or 5% less than would be allowed.

While there are no minimum apartment sizes in the Uptown District, the apartment sizes in the building are currently in line with the requirements in our other districts in the City.

Individual components of the apartments, including bedrooms, living rooms, and number of bathrooms, are provided above the minimum size requirements.

Further, corridors are significantly wider than the minimums.

Commercial space is described as a minimum of .7 times the lot area, requiring only 5,430 square feet, where 6,362 square feet is included, providing 17% more ground floor commercial space than is required.

In response to the decision standards outlined in the application, we offer the following:

- 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 Variance requested is to build more square footage than is allowed for fewer occupants than would be allowed. The building would actually be more profitable as a smaller building with more occupants.

The additional square footage requested is to create larger apartments, larger components inside the apartments including larger bedrooms & additional bathrooms, as well as providing wider common corridors, elevator lobby & stairs.

Additional ground floor commercial space, above the minimum required also contributes to the overall increase in size of the building.

- b) *Whether the variance is substantial;*

The variance is not substantial, resulting in a building just 3% over what would be allowed by right.

- 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*

From an architectural standpoint, the building has been approved by the HAPC, signifying its compatibility with the neighborhood. Further, the building as proposed provides less housing on the site than would be allowed, adding fewer residents to the neighborhood than would be allowed..

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

The building as proposed houses fewer people than would be allowed, lessening the burden on utilities & government services.

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

The property was purchased with knowledge of the current Zoning Code.

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

While there are no minimum apartment sizes in the Uptown District, the apartments as shown are in line with the minimum sizes described in other districts. Subsequently, the only way to achieve the allowable occupancy would be to reduce interior components to their minimums, making the building less attractive to potential residents.

- 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 envelope requirement in the Zoning Code was to prevent buildings from becoming 4-story monoliths covering entire sites. The building as designed is not a complete rectangle, and provides an additional setback along the alley with a fourth floor held back from the street.

- h) *Any other relevant factor;*

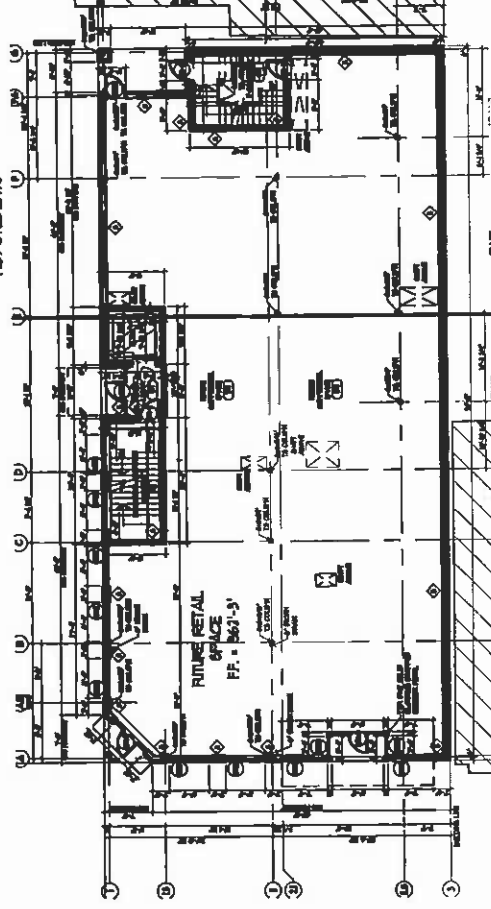
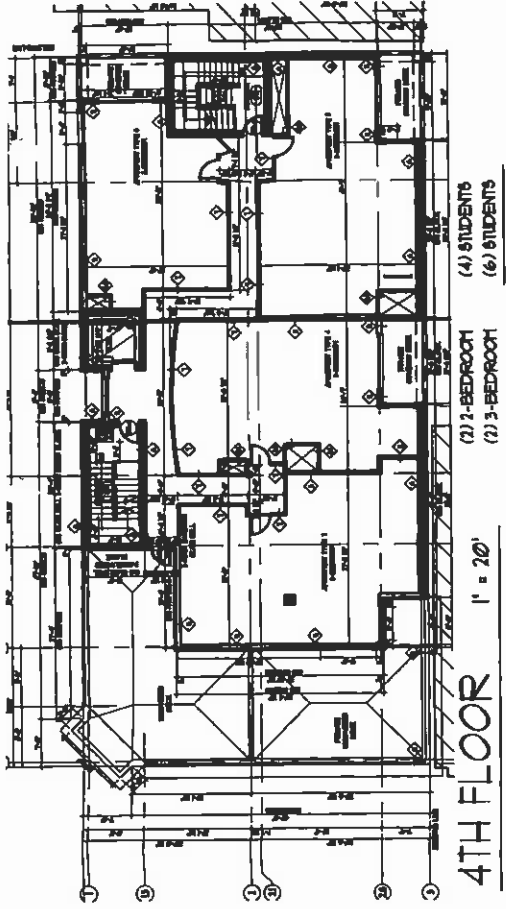
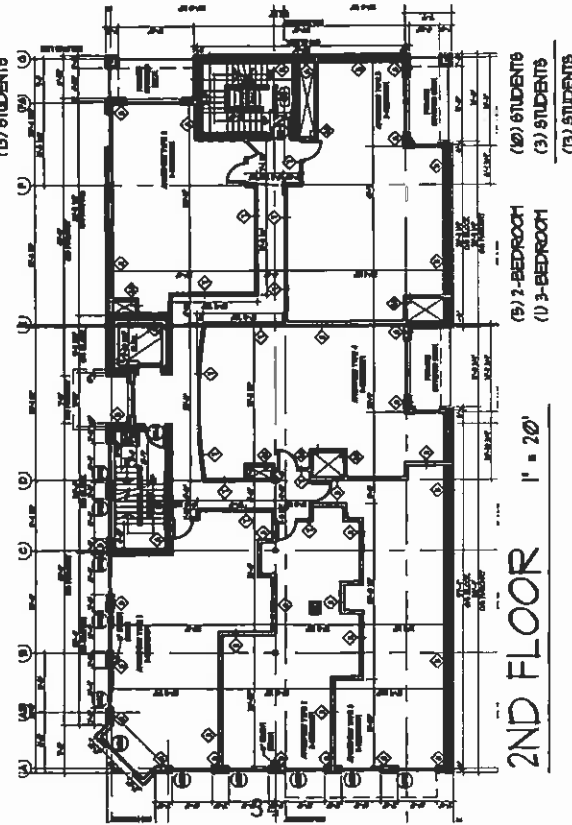
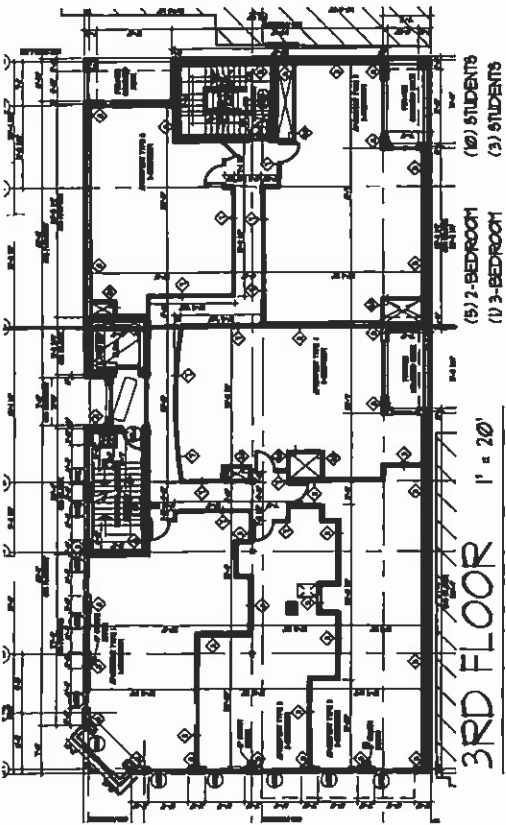
The building would like to simply provide a little more "elbow" room for the occupants it will house.

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

Respectfully,

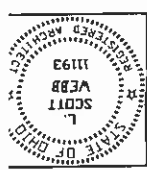
A handwritten signature in black ink, appearing to read 'Scott Webb', written over a horizontal line.

Scott Webb, Architect



RESIDENTIAL OCCUPANCY LIMITS:
 MAX OCCUPANCY = 1 PER 200 SF LOT AREA = 0.881 ACRE = 17200 = 44
 BUILDING AS SHOWN = 50 RESIDENTIAL OCCUPANTS

SF. REQUIREMENTS (GROSS)		BUILDING AS SHOWN (GROSS)	
MIN. 1ST FLOOR COMMERCIAL (MIN. 10% LOT AREA)	5,130 SF	6,362 SF	2ND FLOOR RESIDENTIAL (GROSS)
MAXIMUM RESIDENTIAL (GROSS)	11,693	6,333 SF	3RD FLOOR RESIDENTIAL (GROSS)
MAX 2x LOT AREA	11,693	5,073 SF	4TH FLOOR RESIDENTIAL (GROSS)
MAXIMUM BUILDING (GROSS)	23,713	11,693	TOTAL RESIDENTIAL (GROSS)
MAX 3x LOT AREA	23,713	24,095 SF	



SCOTT WEBB ARCHITECT
 103 West Walnut Street
 Oxford, Ohio 45058
 613-521-3338
 www.scottwebbarchitect.com

PROPOSED NEW MIXED-USE BUILDING
 15 South Beech Street
 OXFORD, OHIO 45056
 HDS LLC.

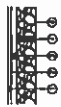
DATE	June 14, 2012
REVISIONS	

A-1



Know what's below.
Call before you dig.

LOCATION OF ALL UTILITIES SHOWN ON THIS
DRAWING IS THE FIELD PHOTO TO CONSTRUCTION



ASPHALT PAVEMENT SECTION

- NOT TO SCALE
- 1. 4" ASPHALT PAVEMENT
 - 2. 4" ASPHALT PAVEMENT
 - 3. 4" ASPHALT PAVEMENT
 - 4. 4" ASPHALT PAVEMENT
 - 5. 4" ASPHALT PAVEMENT
 - 6. 4" ASPHALT PAVEMENT
 - 7. 4" ASPHALT PAVEMENT
 - 8. 4" ASPHALT PAVEMENT
 - 9. 4" ASPHALT PAVEMENT
 - 10. 4" ASPHALT PAVEMENT



CONCRETE WALK SECTION

- NOT TO SCALE
- 1. 4" ASPHALT PAVEMENT
 - 2. 4" ASPHALT PAVEMENT
 - 3. 4" ASPHALT PAVEMENT
 - 4. 4" ASPHALT PAVEMENT
 - 5. 4" ASPHALT PAVEMENT
 - 6. 4" ASPHALT PAVEMENT
 - 7. 4" ASPHALT PAVEMENT
 - 8. 4" ASPHALT PAVEMENT
 - 9. 4" ASPHALT PAVEMENT
 - 10. 4" ASPHALT PAVEMENT

GENERAL NOTES

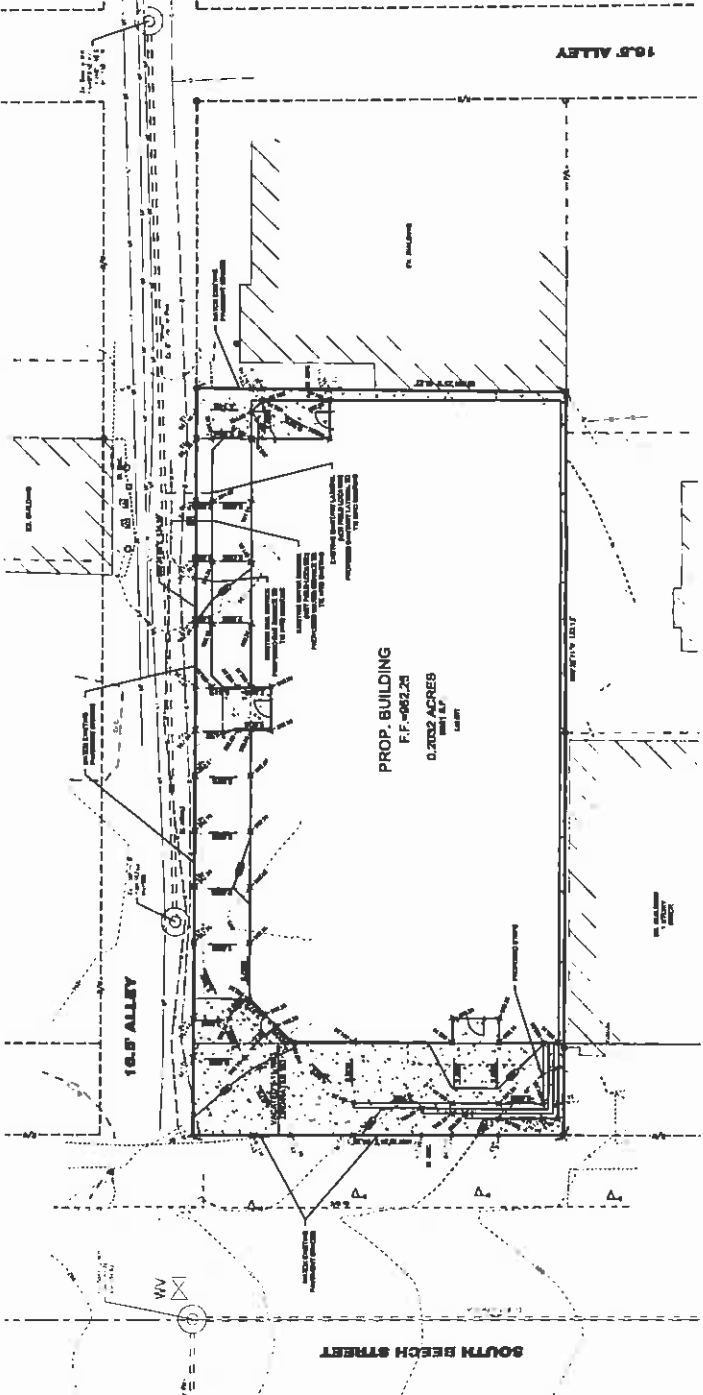
1. REFER TO THE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
2. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODES.
3. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES.
4. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODES.
5. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL HEALTH AND SAFETY CODES.
6. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENVIRONMENTAL CODES.
7. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ACCESSIBILITY CODES.
8. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SUSTAINABILITY CODES.
9. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESILIENCE CODES.
10. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL INCLUSIVE DESIGN CODES.

LEGEND

1	4" ASPHALT PAVEMENT
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PAVEMENT LEGEND

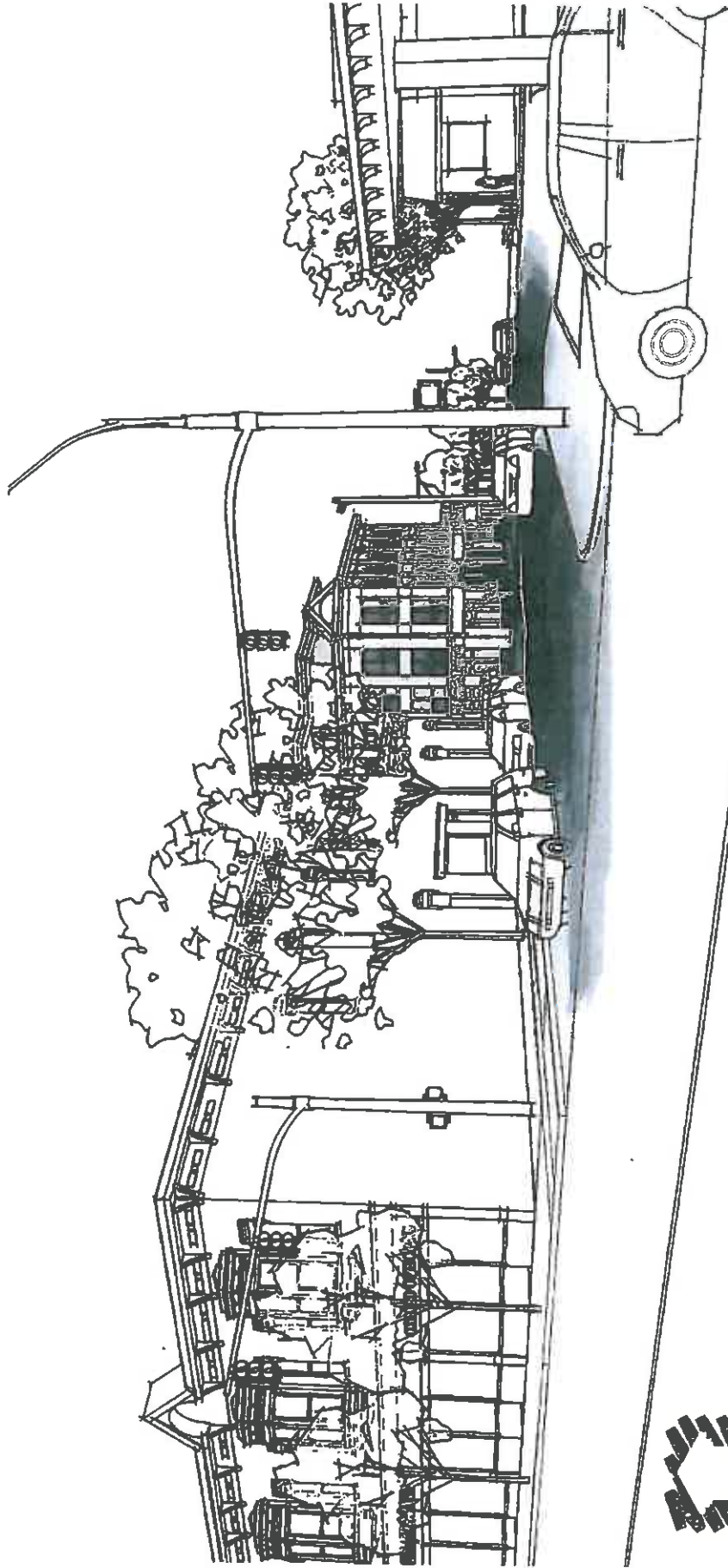
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE WALK



PROPOSED NEW MIXED-USE BUILDING
15 SOUTH BEECH STREET
DAVIE, FL 33317
SOUTH BEECH STREET
DAVIE, FL 33317
SOUTH BEECH STREET
DAVIE, FL 33317



C1.0



VIEW FROM BEECH & HIGH

PROPOSED NEW MIXED-USE BUILDING

15 South Beech Street

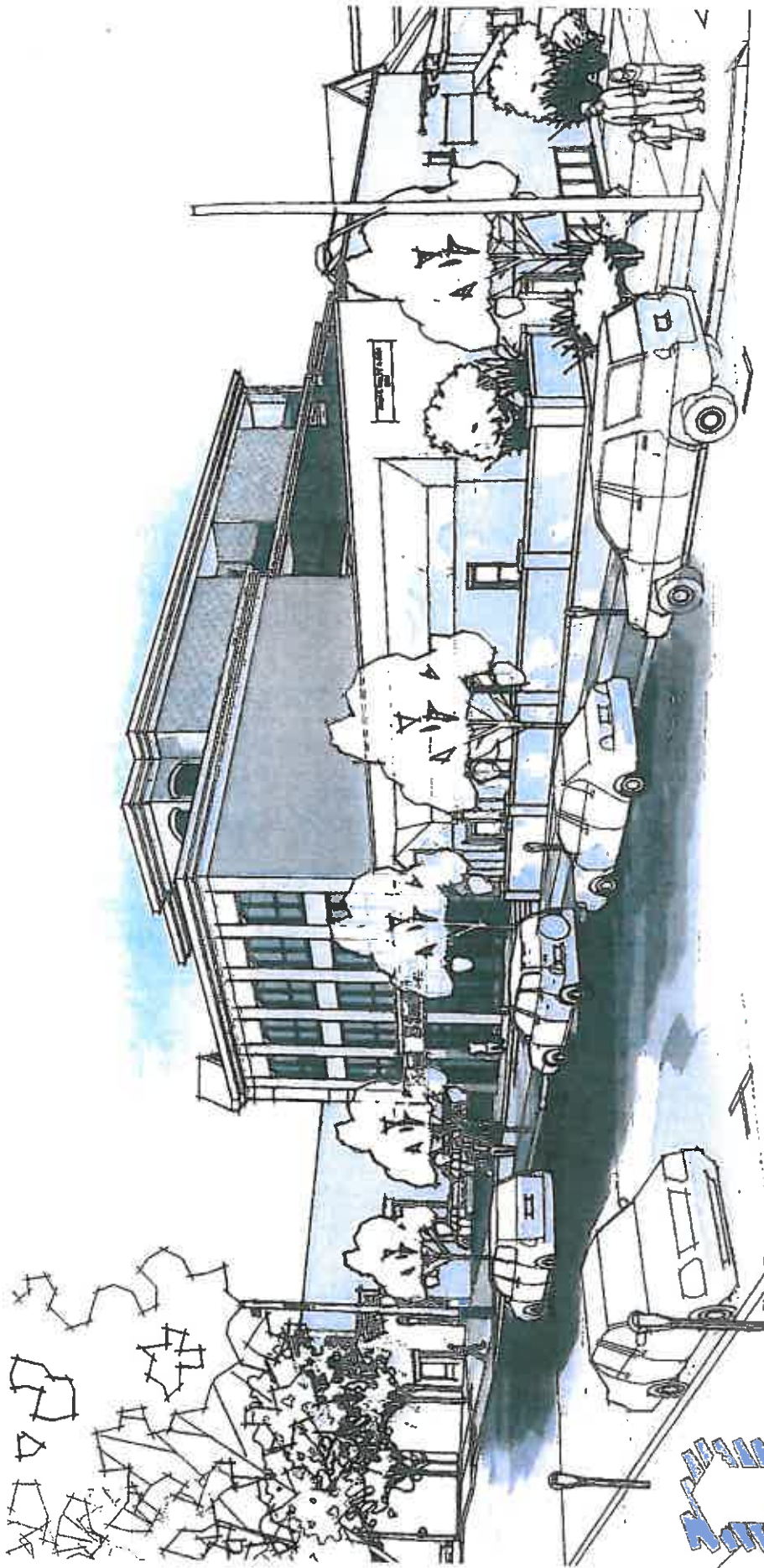


SCOTT
WEBB

ARCHITECT

103 West Walnut Street
Oxford, Ohio 46068
(513) 523-3838

www.scottwebbarchitect.com



VIEW FROM SOUTH BEECH STREET

PROPOSED NEW MIXED-USE BUILDING

15 South Beech Street

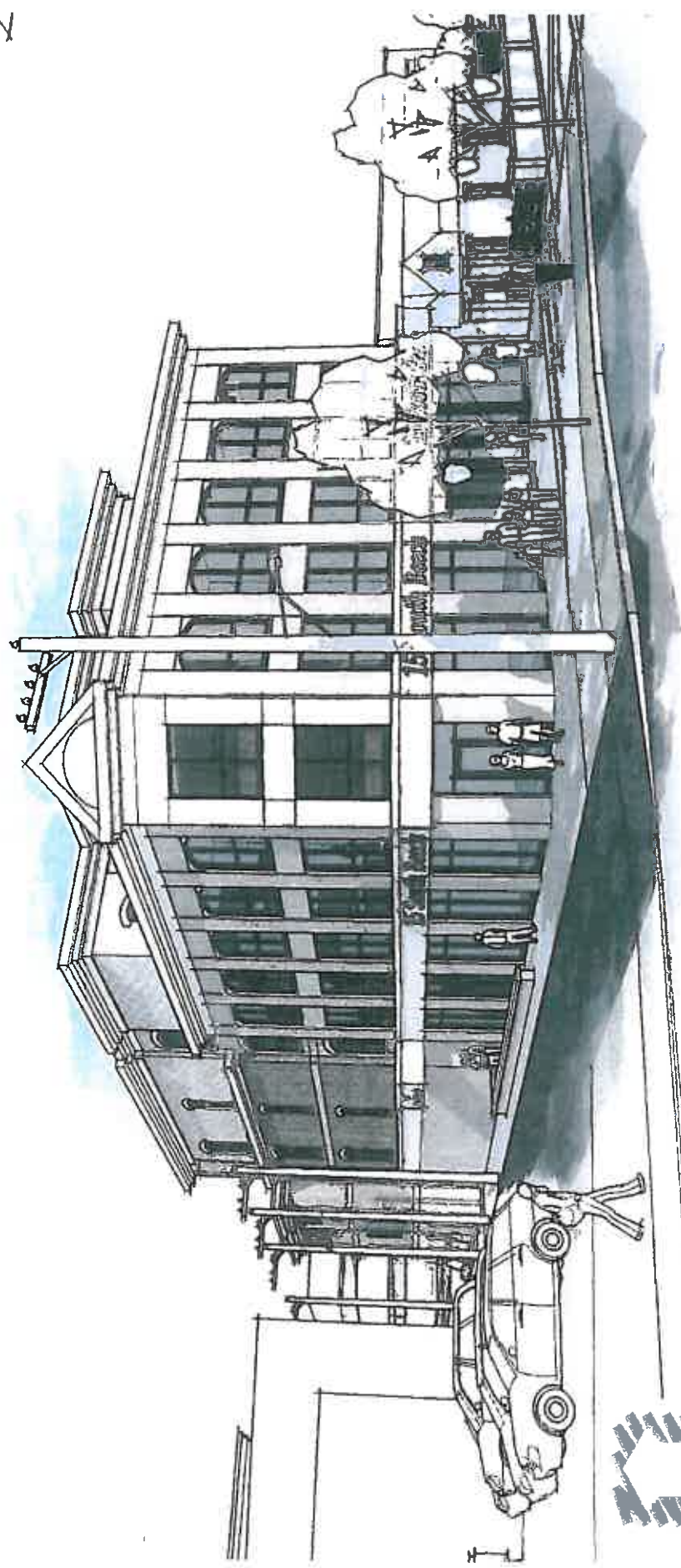
SCOTT
WEBB

ARCHITECT

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3836

www.scottwebbarchitect.com

Y



VIEW FROM BEECH STREET

PROPOSED NEW MIXED-USE BUILDING

15 South Beech Street

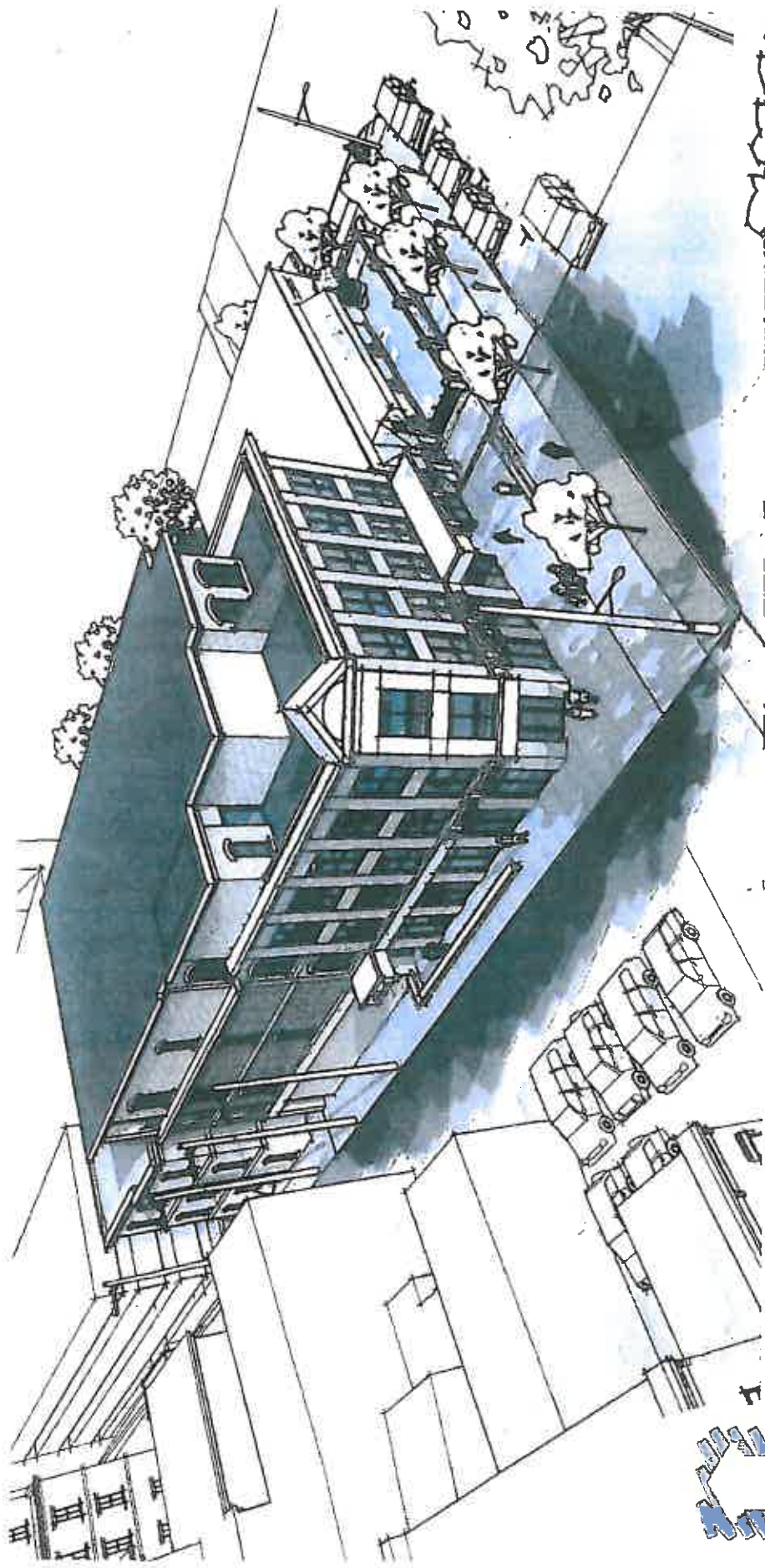


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WEBB

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Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com



VIEW FROM ABOVE LOOKING SOUTH

PROPOSED NEW MIXED-USE BUILDING

15 South Beech Street

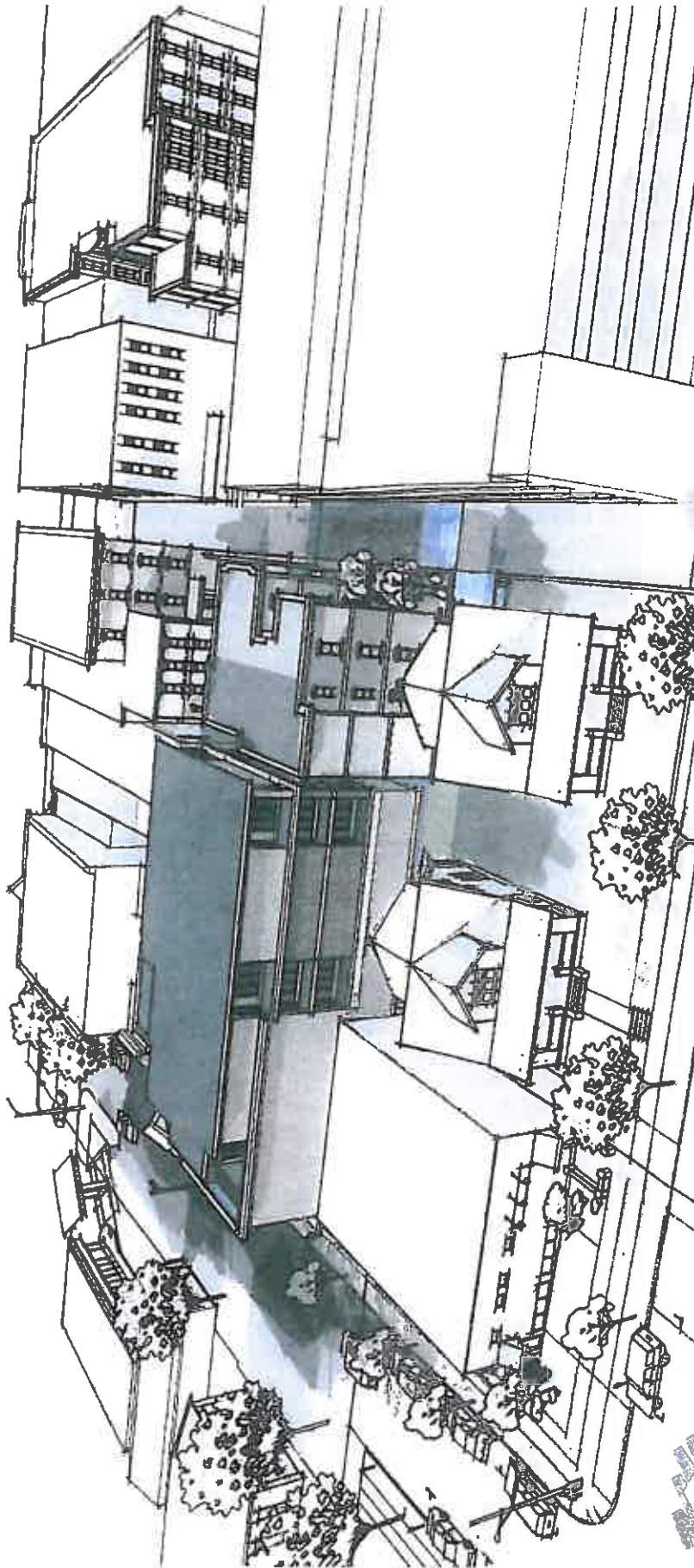


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WEBB

ARCHITECT

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Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com



VIEW FROM ABOVE LOOKING NORTH

PROPOSED NEW MIXED-USE BUILDING

15 South Beech Street



SCOTT
WEBB

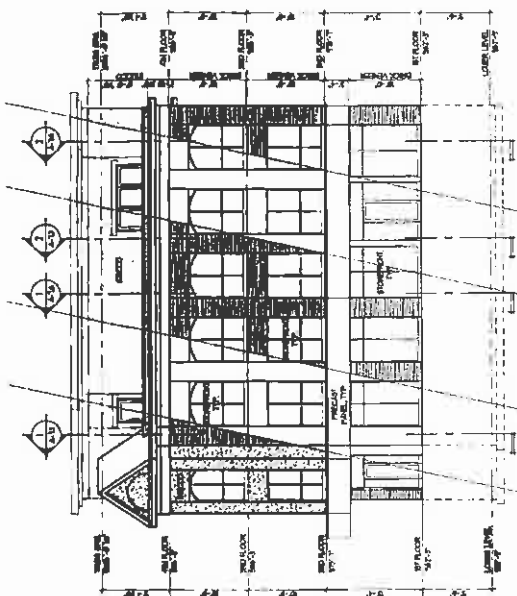
ARCHITECT

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

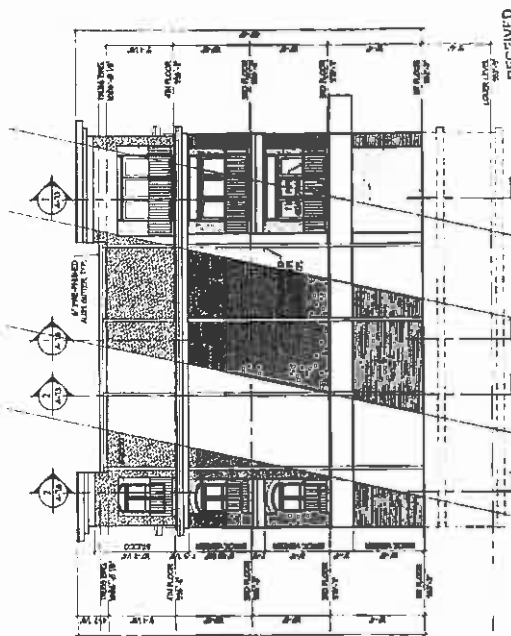
www.scottwebbarchitect.com

DOE-1474

A-5.1



WEST ELEVATION 10' - 1'-0"



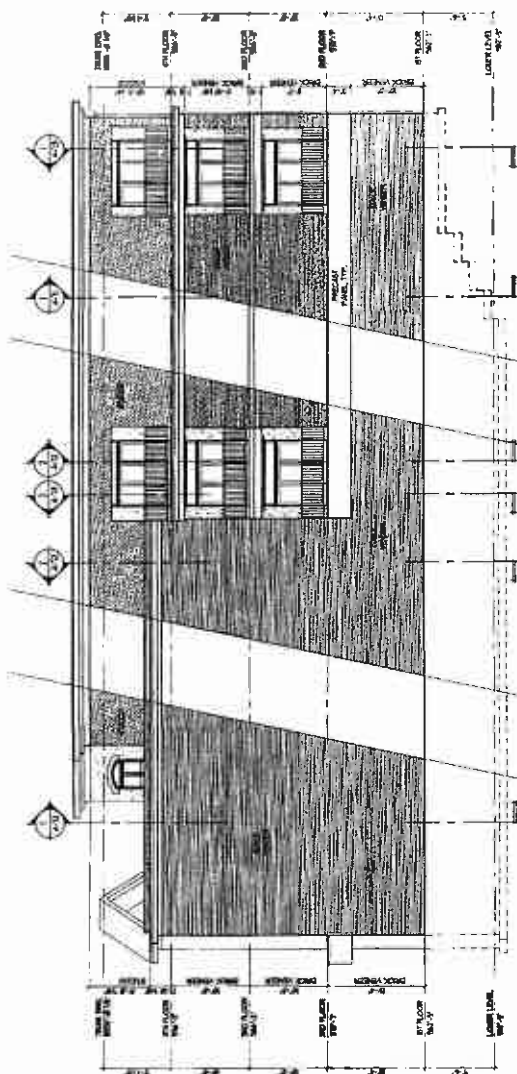
EAST ELEVATION

ELEVATION LEGEND

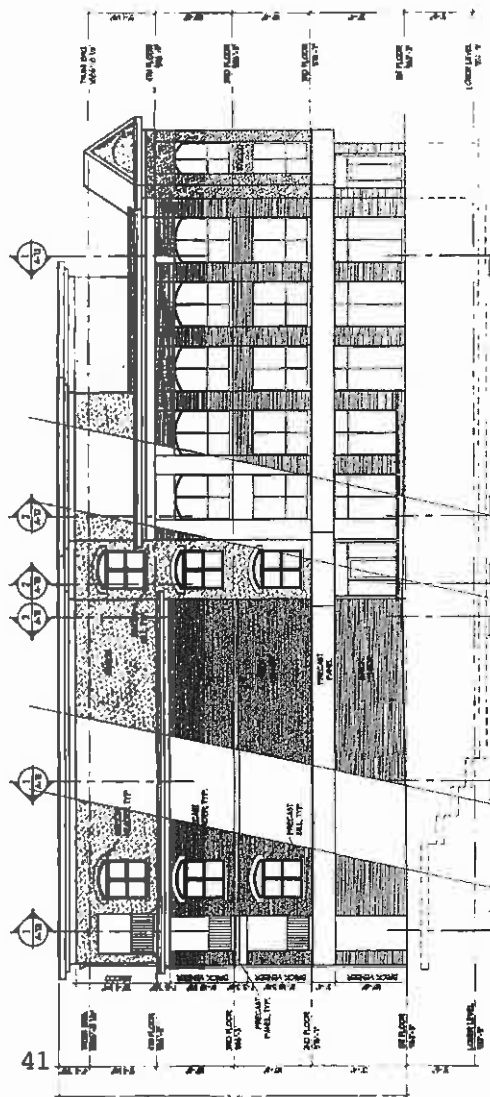
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SOUTH ELEVATION 18 • 1-40



NORTH ELEVATION **WP-1-C**

MEMORANDUM

TO: Todd Hollenbaugh , Chair
Members of Oxford Board of Zoning Appeals

FROM: Jung-Han Chen
Community Development Director

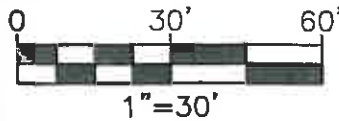
DATE: July 11, 2012

SUBJECT: Revised site plan for BZA application 06-2012 Vine Street, Parcel #
4100006000035

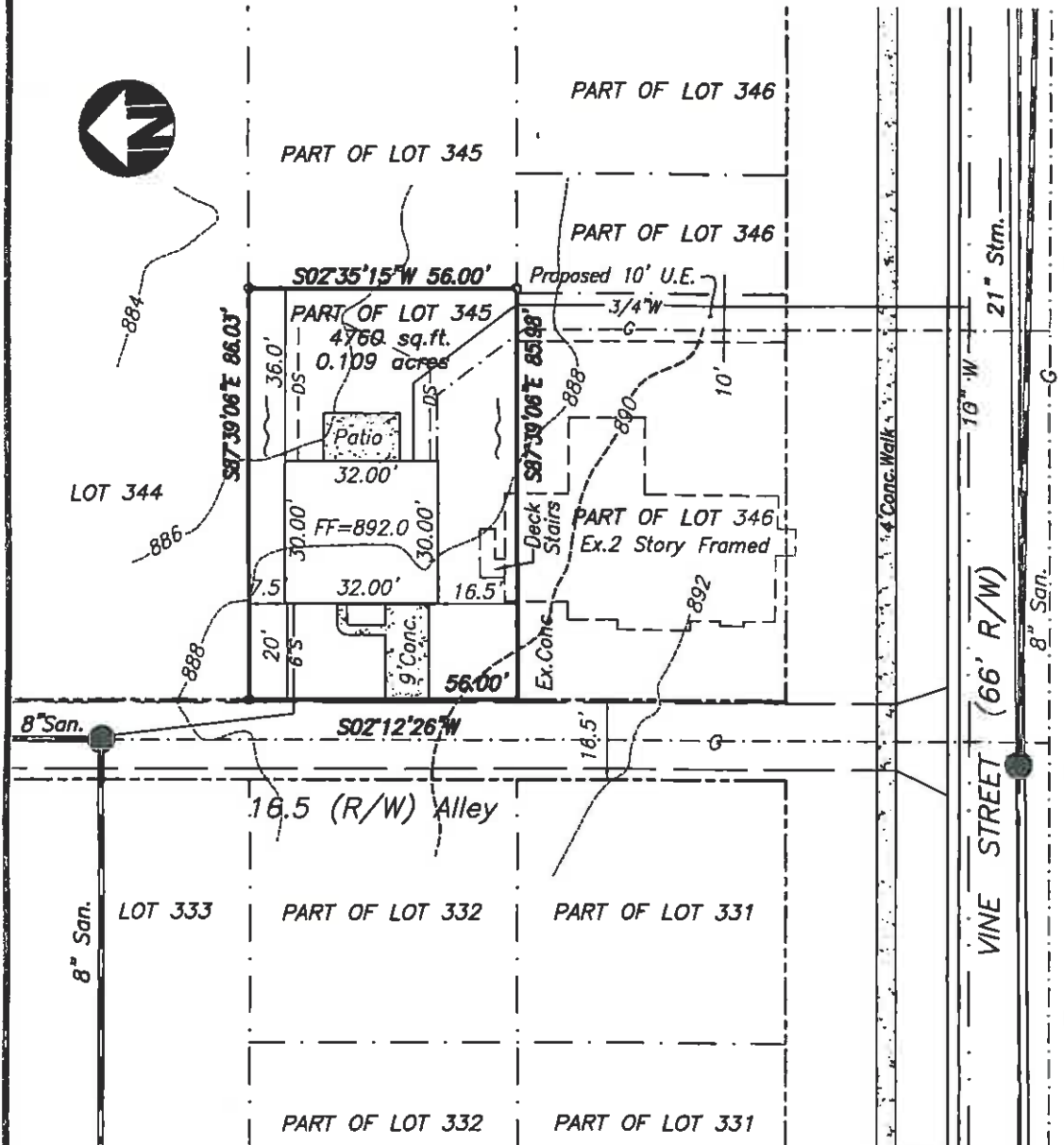
During last month's regular BZA meeting, the issue came up that two site plans included in the June packet did not have the same information, specifically, the building footprint of 220 E. Vine Street on this parcel.

The Applicant provided a revised plan showing that information on this site plan. Additionally, the footprint of the proposed building has been reduced from 40' to 32' in width. Additionally, it also shows a 10' utility easement running through Lot 346 to this parcel. The reduction does not have any implications to the requested variances. The variances being requested remain the same.

If you need any further information, please let me know.



UNIVERSITY AVENUE



Revised
Site
Plan

Submitted by
the applicant

RECEIVED
JUL 01 2012

CITY OF OXFORD

Lot Area = 4816 S.F.

Lot Coverage

House = 960 S.F.

Porch = 160 S.F.

Drive = 208 S.F.

Encroachment = 153 S.F.

1481 S.F.

4816 S.F. = 31%

Bldg. Coverage

960

4816 = 20%

Front Yard = 1120 S.F.

Front Yard Coverage

Drive & Walk = 208 S.F.

Encroachment = 60 S.F.

304 S.F.

1120 S.F. = 24%

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

11039.345

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



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.

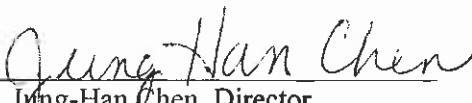
This is a predominately single-family dwelling neighborhood. It is safe to say that the characteristics of the neighborhood would remain the same with the proposed single-family dwelling. It is also assumed that all governmental services will and can be delivered to the site.

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)

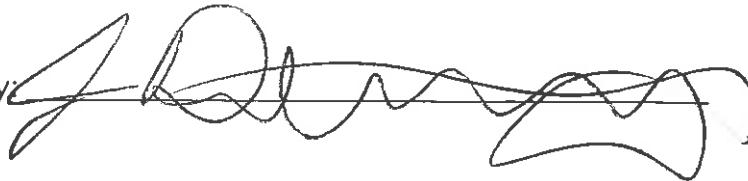
☒ Review ☐ Revisions ☐ Other

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

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: 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:

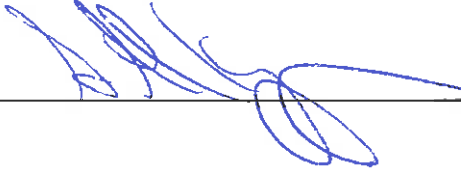
BZA-06-2012 Vine Street, variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard coverage, **Dave & Pamela Kellems, Applicants**
(Note: no address has been assigned to this property – it is a vacant lot of record)

 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



**Location Map
BZA 06-2012**

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

June 20, 2012



BZA-06-2012

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit



Parcel

16.5' Vacated ROW



Building Footprint

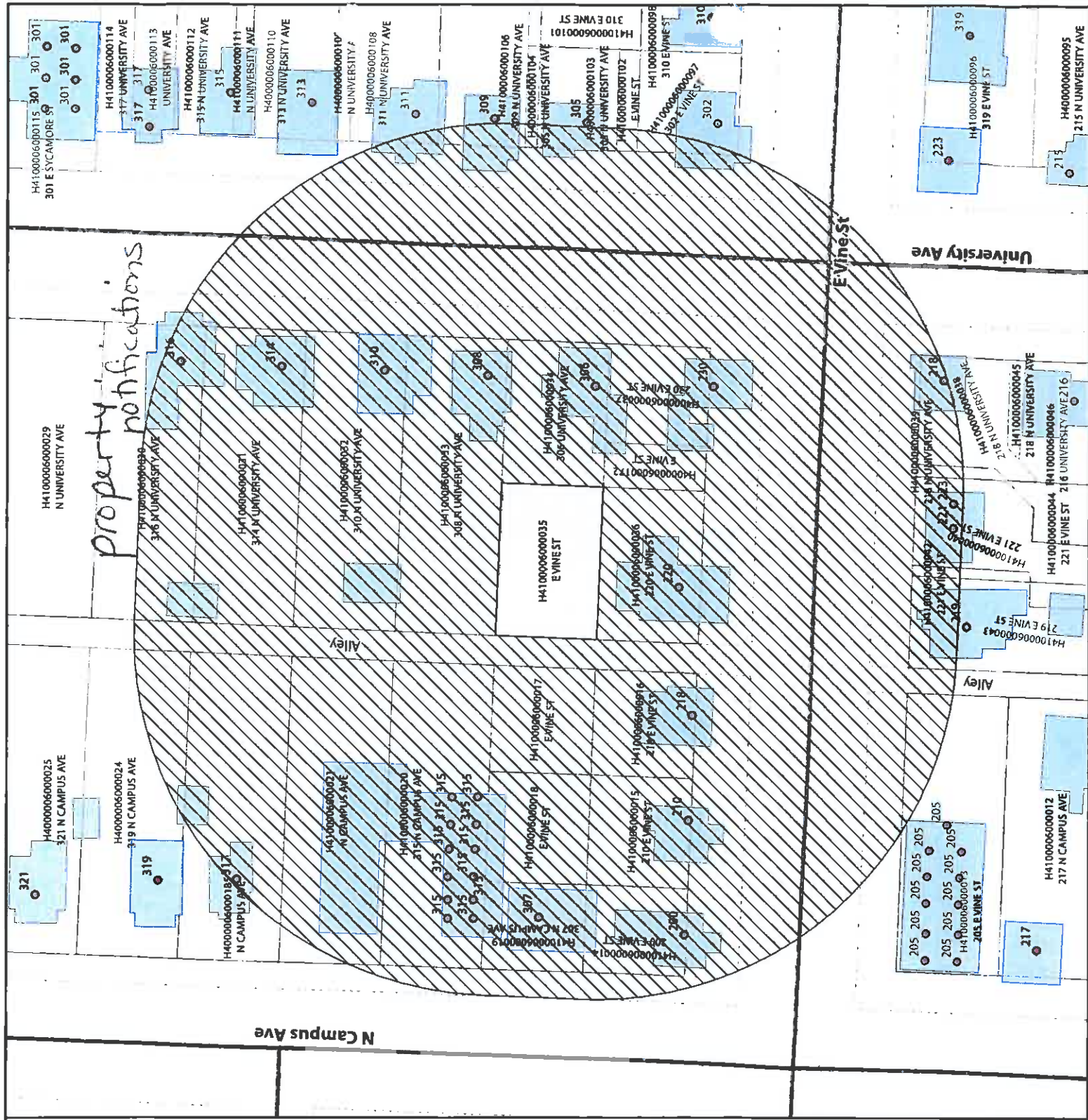
Paved Roadway



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.



Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: DAVID A. & PAMELA J. RELLEMS
(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. RELLEMS

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 and applicable section(s) of the Zoning Code.) SECT 1141.03(b)
1143.03(c)(3)(D)(3)
PER ANDREW R. WILSON NOTICE

Location of Requested Variance: E. VINE ST., OXFORD, OH 45056

Legal Description: 345 W 85

Zoning District: ~~R2XS~~ R1MS

Total Acreage: _____ Acres

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. Kellem
Pamela J. Kellem

Date: 4/24/12

PRINTED NAME OF APPLICANT:

DAVID A. KELLEMS
PAMELA J. KELLEMS

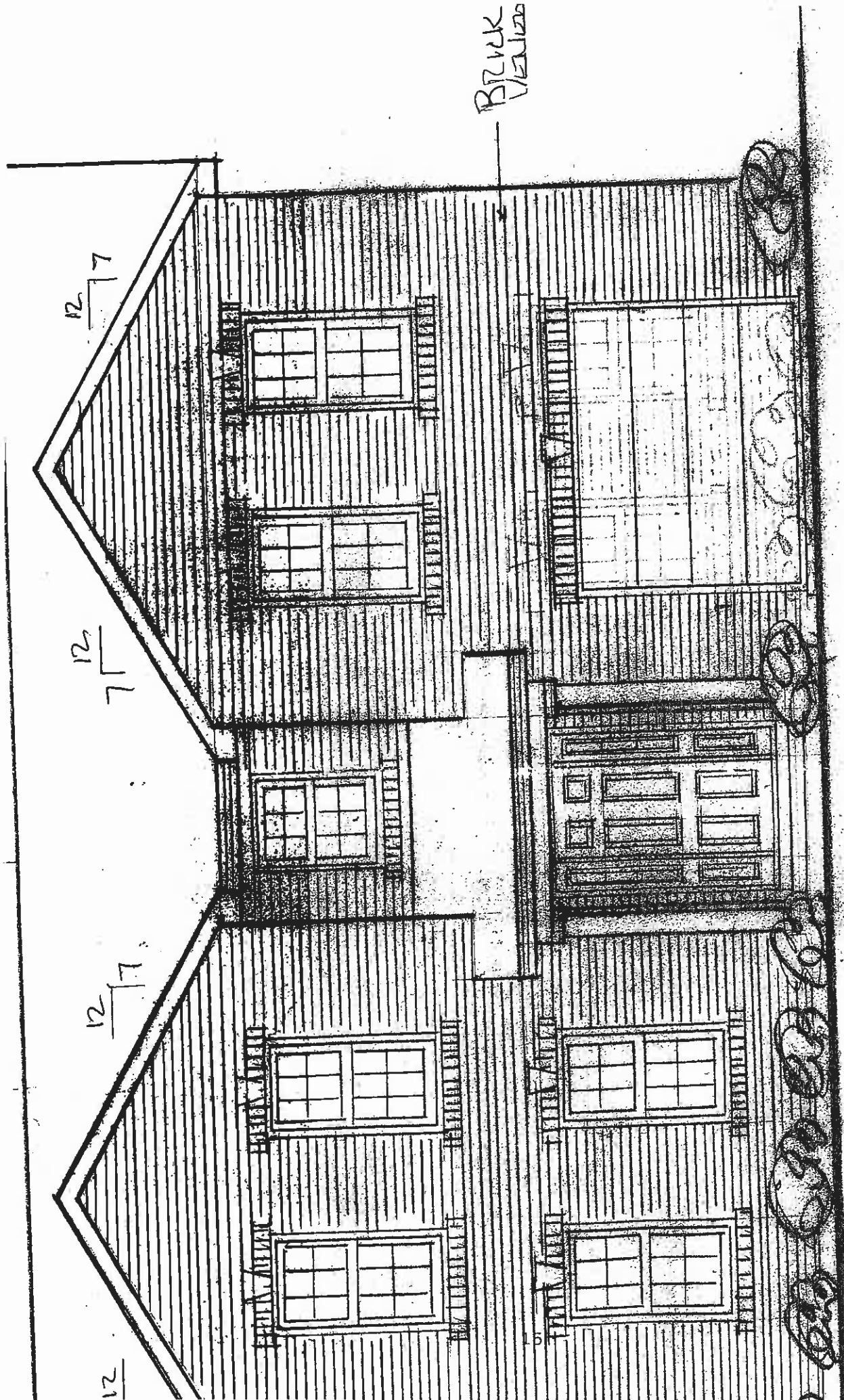
FEE / RECEIPT

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

PETITION FOR VARIANCE: DAVID A. KELLEMS

(5)

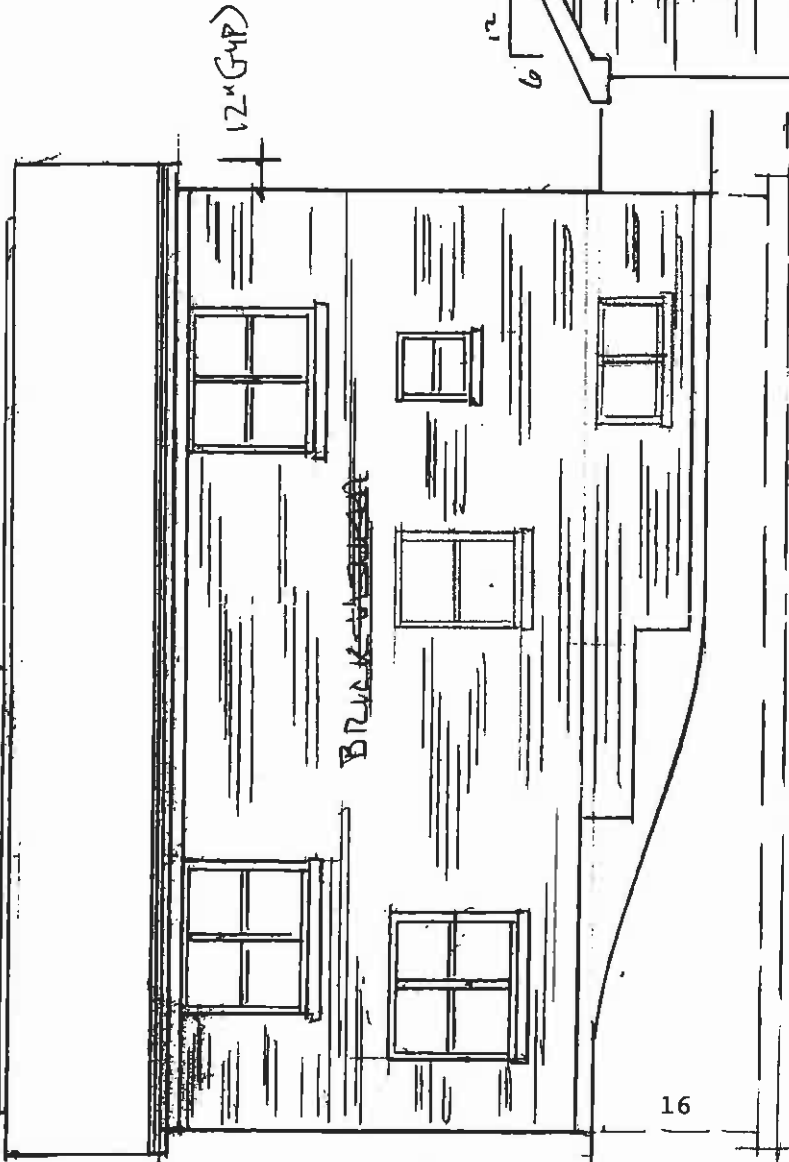
- a) The property in question yields no return in its present state.
- b) The variance is not substantial because it presently faces a considered "Public Way" Sect 1159.17 (19) and is a lot of record.
- c) The character of the neighborhood is made up mostly of single-family homes and the intention of 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 ~~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).



FRONT ELEVATION

SCALE 1/4" = 1'0"

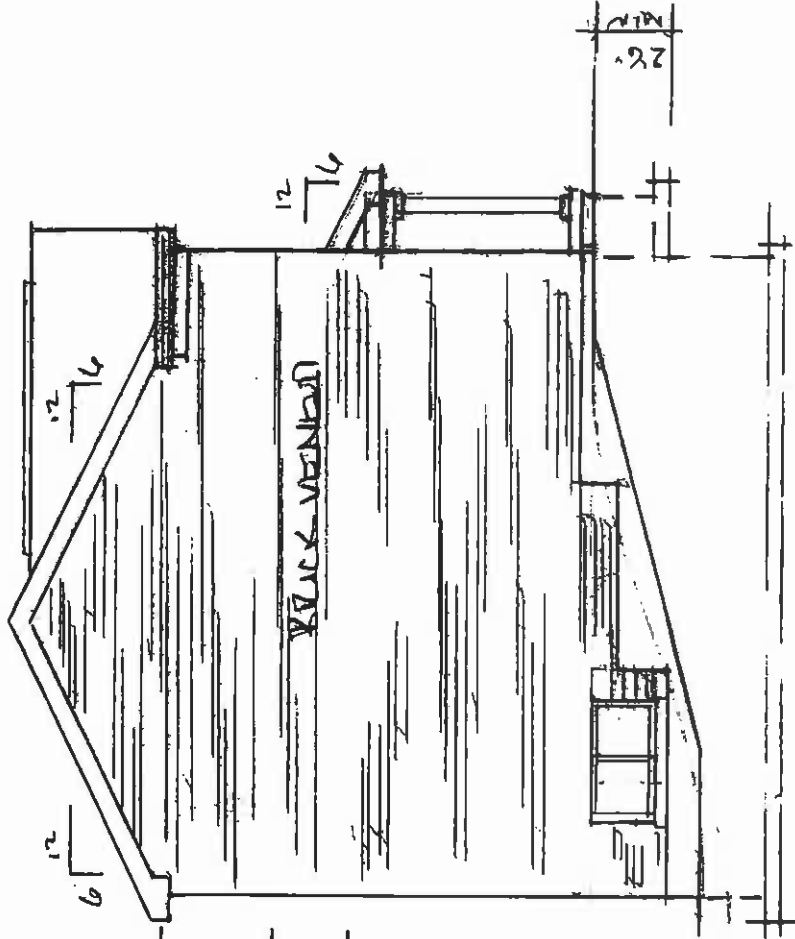
(RIDGE VIEW (TYP))



16

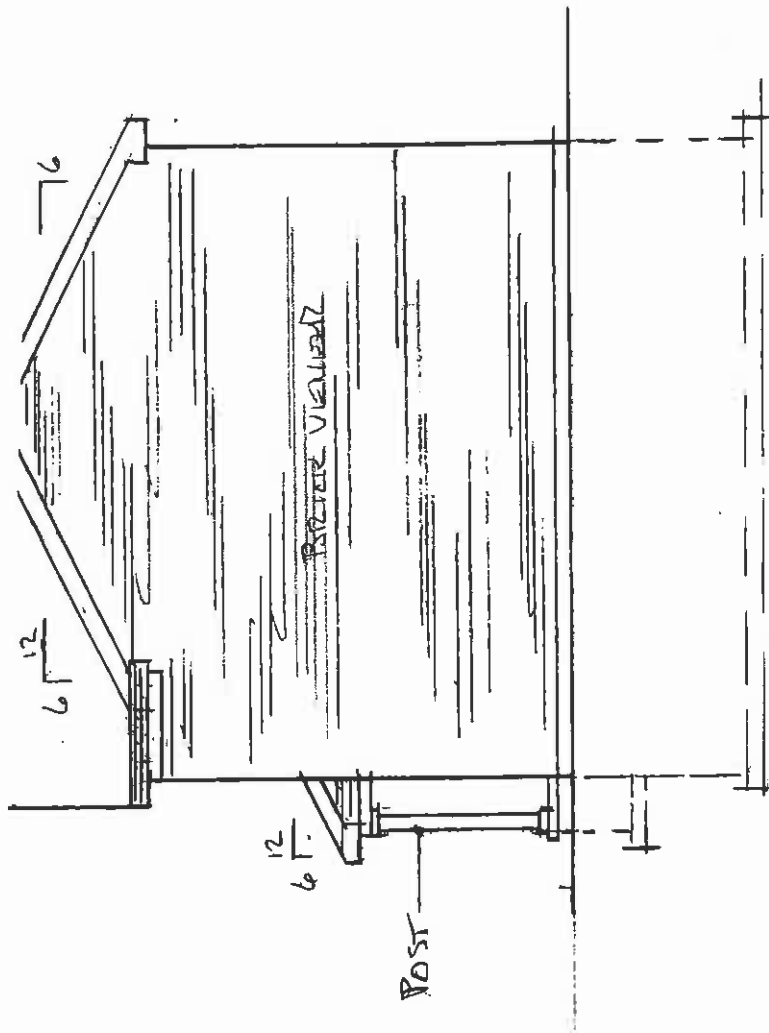
REAR ELEVATION

SCALE 1/8" = 1'-0"

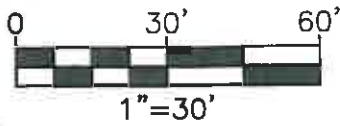


LEFT SIDE ELEVATION

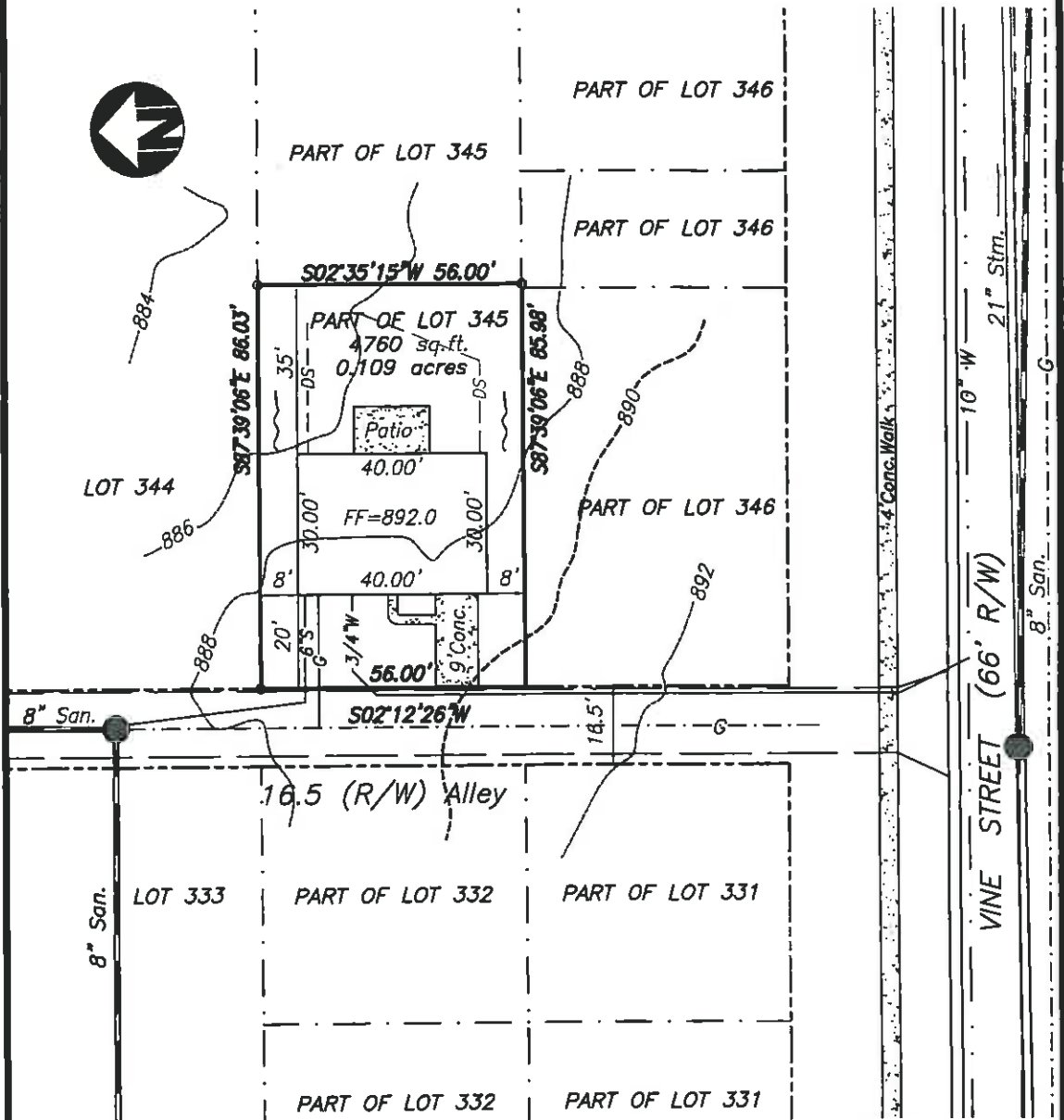
SCALE 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE 1/8" = 1'



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.



Submitted
in
June 20, 2012

Client: DAVE KELLEMS
Scale: 1"=30'
Drawn by: B.B.
Checked By: D.D.S.
Issue Date: 1/3/2012

11039.345

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

J:\PLOT PLANS\CITY OF OXFORD\LOT 345



6900 Tylersville Road, Suite A
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