

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2016-08

Date – July 20, 2016

APPLICATION

Applicant:	Scott Webb, Architect
Location:	203 South Locust Street
Owner:	Ohio Valley Goodwill (Keith Koerner)
Action Requests:	Variance to Oxford Zoning Code Section 1149.05(e)(4)R
Current Use:	Commercial / Personal Service
Zoning:	General Business (GB)
Surrounding Land Uses:	Commercial / Retail / Utility

DESCRIPTION

Mr. Scott Webb, on behalf of Ohio Valley Goodwill, brings forward a variance request associated with a required pedestrian walkway across a new parking lot. The parking lot where the walkway is located is part of the newly redeveloped Goodwill Donation Center at 203 South Locust Street.

Section 1149.05(e)(4)R, regarding Parking Lot Design, states:

- R. **Pedestrian Safety.** The design standards described below shall be provided for multi-family residential developments of 5 or more units and for commercial, mixed-use, and/or industrial developments that are 80 feet or more in depth and/or include 50 or more parking spaces.
1. **Pedestrian Safety.** Parking lot design should be laid out in a way to minimize the times pedestrians would typically have to walk between parked cars and then cross a drive aisle to get to locations on the site. Internal circulations systems shall be clearly defined. For example, walkways should be incorporated into the median or landscape of some double loaded parking bays that terminate close to access points such as building entries or adjacent street intersections.
 2. **Materials and Width.** Walkways shall provide at least 5 feet of unobstructed width and be hard-surfaced with a material that differs from the drive aisle by composition, texture, or through the use of a differing color that is integral to the material. For areas beyond ADA accessible spaces, a combination of stepping stones and landscaping can be used, however ADA compliance must also be demonstrated.
 3. **Identification.** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method. **Surface striping alone, is insufficient.**
 4. **Separation.** Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel

lane by a raised curb at least 6 inches high, decorative bollards, or other physical barrier.

The current walkway is surface-applied stripes, which, according to the above code section is not sufficient marking.

BACKGROUND

The former *Vehicle Management* Chapter of the Oxford Zoning Code was amended in 2015 to be titled the *Parking and Site Access* Chapter of the Oxford Zoning Code. This major amendment moved the intent of the chapter to focus equally on other modes of transportation besides primarily automobiles. The new chapter included provisions for pedestrians, bicycles and other modes.

The Goodwill building permit application was submitted August 2015 after the new code was in place in April 2015. The plan approved in October 2015 included a code compliant pedestrian crossing. (See enclosed excerpt from plans) The designer chose concrete to differentiate from the asphalt parking. The Certificate of Occupancy for building code compliance was granted in May however the Certificate of Code Compliance from all city departments has not been issued due to the non-compliance with zoning. The owner has opted to seek a variance rather than correct the issue in the field.

COMMENT FORMS

At the time of this report writing, no public comments were received from surrounding property owners regarding this request.

AGENCY REVIEW

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

SITE HISTORY

BZA-2015-02 – BZA approved three variances in February 2015 – GB district façade glazing (storefront window) percentage, GB district façade material percentage and Vehicle Management parking spaces in required 35 foot front yard

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance (Section 1139.02(c)(1)). Furthermore, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 1139.02(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed letter addressing the review criteria from Mr. Webb. The staff's review of the criteria is included in this report below:

Regarding criterion A, Staff believes that the property **can yield a reasonable return without the variance**, given that code compliant plans were presented and approved. There are a variety of options for differentiating parking lot walkways other than surface striping.

Regarding criterion B, Staff believes that this **is substantial** to the pedestrian user because it increases the feeling of safety to the pedestrian. To the vehicle operator it **is also substantial** because it sends a clear message of pedestrian value and public awareness.

Regarding criterion C, Staff believes that the variance **would not negatively alter the essential character** of the neighborhood because it would not be noticeable from off of the site and there are similar pedestrian facilities on adjacent properties.

Regarding criterion D, Staff believes that the **delivery of governmental services would not be altered** by the granting of this variance.

Regarding criterion E, the owner **did not have knowledge** of the zoning restriction prior to the purchase of the property.

Regarding criterion F, Staff believes **that there is no predicament to obviate** because the approved plans demonstrate that compliance is possible.

Regarding criterion G, staff believes that the spirit and intent of the zoning code requirement and **substantial justice would be not be achieved** by the granting of the variance. A concerted effort was made to specify detailed requirements for pedestrian crossings in parking lots. The new ordinance was intended to bring equal treatment to various transportation modes; therefore justice would be achieved by **not granting the variance**.

RECOMMENDATION

Staff recommends denial of this variance request because of insufficient evidence to warrant the variance.

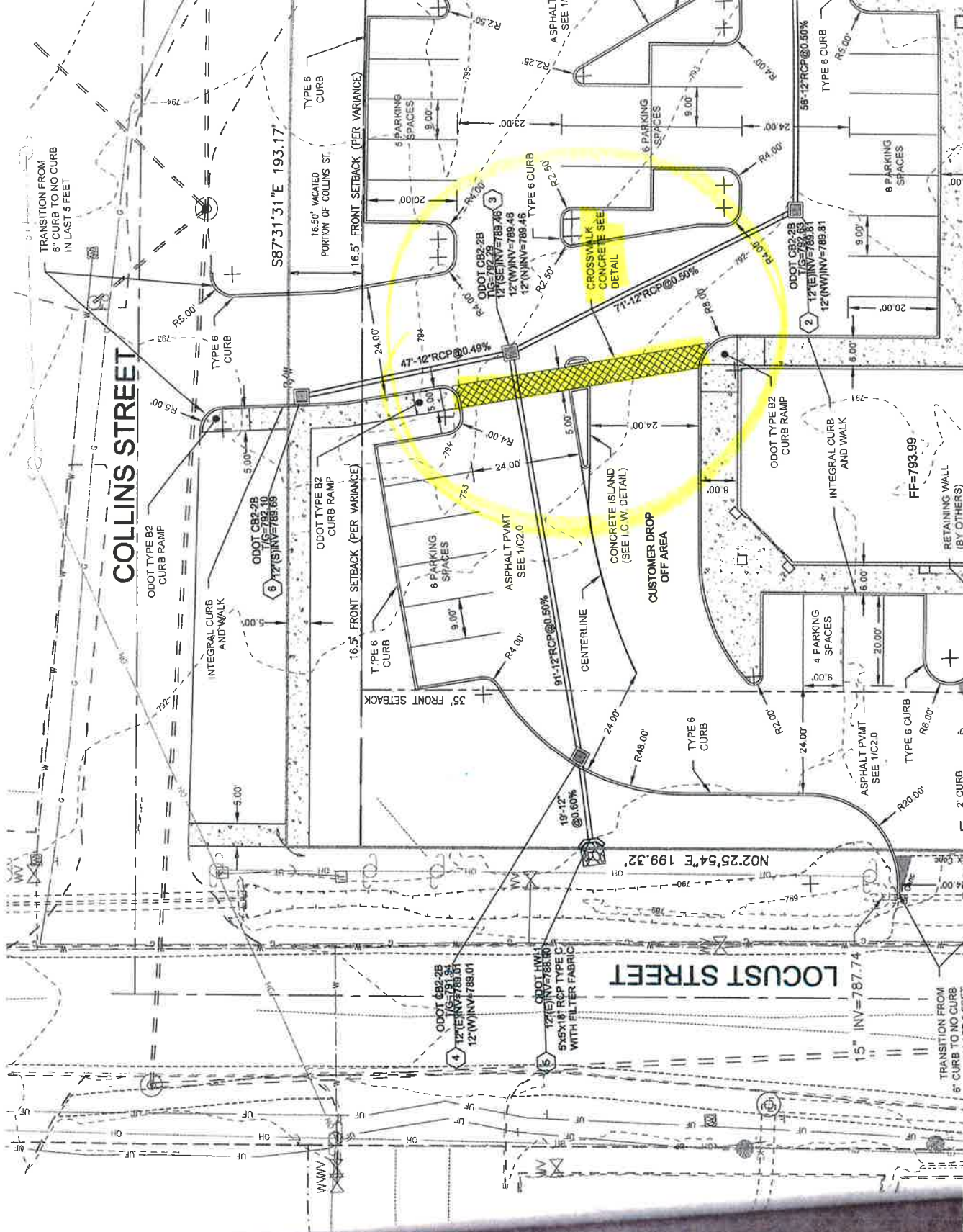


SUBMITTED BY: _____

Sam Perry, AICP, Planner
Community Development Department

DATE: July 13, 2016

Exhibit A



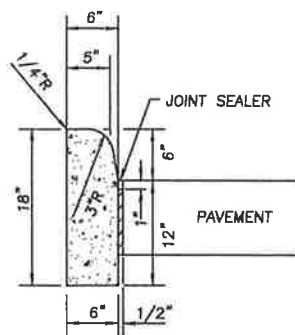
SECTION.
IFY THE LOCATION AND DEPTH OF THE EXISTING SANITARY LATERAL TO ENSURE PROPER COVER IS PROVIDED
DAGING DOCK.

LEGEND

SED CONCRETE PAVEMENT (2/C2.0)

SED CROSSWALK CONCRETE
ENT (3/C2.0)

SED CONCRETE WALK (4/C2.0)



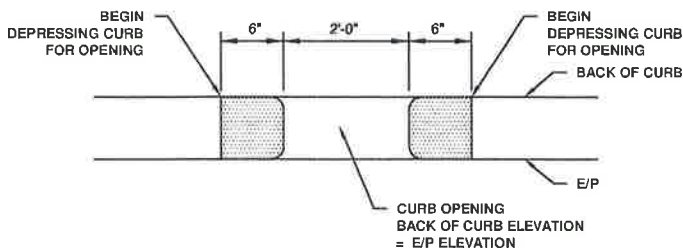
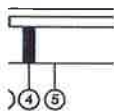
O.D.O.T. TYPE 6 CURB DETAIL

NOT TO SCALE

*NOTE: EXPANSION JOINT MATERIAL & JOINT SEALER ARE NOT REQUIRED FOR THAT PORTION OF THE CURB WHICH IS ADJACENT TO A FLEXIBLE TYPE PAVEMENT. BOTH MATERIALS ARE REQUIRED FOR THE FULL HEIGHT OF RIGID PAVEMENT AND CONCRETE BASES.

MMMARY

- 1 SPACES
- 2 SPACES
- 3 SPACES



CURB OPENING DETAIL

NOT TO SCALE

HALT IT DETAIL

SCALE

URFACE COURSE

COAT, TO BE APPLIED
GAL. PER SQ. YD.
IMMEDIATE COURSE

REGATE BASE

ADE COMPACTION

CRETE IT DETAIL

SCALE

2. PAVEMENT
2.9 x W2.9

REGATE BASE

ADE COMPACTION

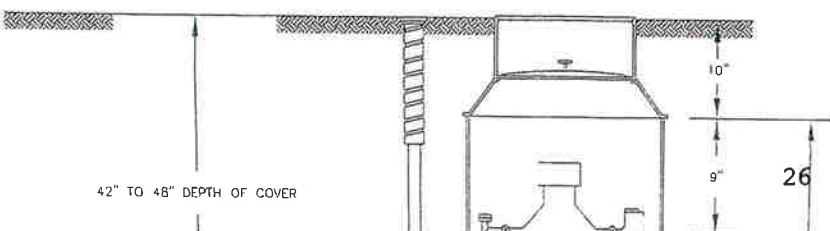
3
C2.0

CROSSWALK CONCRETE PAVEMENT DETAIL

NOT TO SCALE

- 1 ITEM 608 - 5" CONCRETE SIDEWALK, CLASS C
- 2 ITEM 304 - 4" AGGREGATE BASE
- 3 ITEM 204 - SUBGRADE COMPACTION

meter Pit and Assembly)
be "furnished" and "purchased from" the City of Oxford.
Flare F-600-4 Compression FB-1000-4) shall be installed at a 22-1/2 degree
3:00) 1" standard or utility approved equal.
be K-Copper Tubing only. 1" standard from water main to copper setter
(Ford®B-44-444 Compression, or Ford®B-22-444 Flare, 1" standard or Utility approved equal.
Tyler®2-piece or Utility approved equal.
rigid PVC 20" width x 30" depth (Sono-lac®) or Utility approved equal.
be Ford®W3-T Double Lid Meter Pit Cover w/Aluminum (not plastic) frost lid and single
for 11-1/2" lid size and 20" meter pit.
(Copper Setters) shall be Ford®VBHC72-18W44-44 with incorporated #7 Dual Check Valve.
on the copper setter is to be utilized for stabilization with the appropriate size
Utility approved equal.
all be sand, #9's, pea gravel or approved equal by the Utility. With a minimum cover of 12"
ervice line.



42" TO 48" DEPTH OF COVER

IONS, AND ELECTRONIC MEDIA PREPARED OR FURNISHED BY BAYER BECKER (BB), ARE INSTRUMENTS OF BB'S PROFESSIONAL SERVICE, AND IS THE EXCLUSIVE PROPERTY OF BB. NO DISCLOSURE, USE, REPRODUCTION, OR DUPLICATION IN WHOLE, OR IN PART, MAY BE MADE WITHOUT WRITTEN PERMISSION OF BB, AND IS DON



Item	Revision Description	Date	Drawn	Chk
1	REVISE PER CITY OF OXFORD COMMENTS	08-01-15	BJS	USD

OHIO VALLEY GOODWILL

203 SOUTH LOCUST STREET

CITY OF OXFORD

BUTLER COUNTY, OHIO

SITE LAYOUT AND UTILITY PLAN

bayer
becker

v.bayerbecker.com
South College Ave.
H 45056 - 513.523-4270

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/24/2016

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2016-08 203 S. Locust Street, Variance to Section 1149.05(e)(4)R(2) Pedestrian Safety, walkway surface material requirements within parking areas, Scott Webb, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **7/13/2016** 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: _____



VICTOR POPESCU

PRINT NAME

Date: 6-28-16

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/24/2016

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2016-08 203 S. Locust Street, Variance to Section 1149.05(e)(4)R(2) Pedestrian Safety, walkway surface material requirements within parking areas, Scott Webb, Applicant, Agent

 X Review Revisions Other

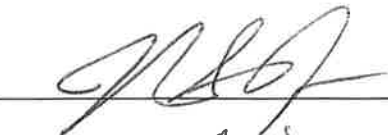
Comments or status update requested by: Lynn Taylor

Please return no later than: **7/13/2016** 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 A. Jones

PRINT NAME

Date: 6/28/16



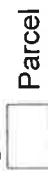
BZA-2016-08 Surrounding Property Owners Map

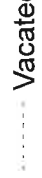
Legend

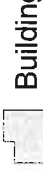
 Subject Parcel

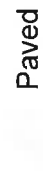
 200 Ft. Buffer

 Oxford Corporation Limit

 Parcel

 Vacated Right-of-Way

 Building Footprint

 Paved Roadway



1 inch = 100 feet

Prepared on Wednesday, July 06, 2016

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.





Internal Use Only:	
Case No.	BZA-2016-08
Date Filed	6/20/16

Petition for Zoning Variance

Petitioner Information

Attach a Letter of Agency if the Petitioner is not the property owner.

Name *	Scott Webb, Architect
Mailing Address *	103 West Walnut Street
City, State & Zip Code *	Oxford, Ohio 45056
Telephone Number(s) *	513-523-3838
Email Address	scott@scottwebbarchitect.com
Location of Property *	203 South Locust Street
Name of Building *	Goodwill Donation & Retail Center

Owner Information

Name *	Ohio Valley Goodwill
Mailing Address *	10600 Springfield Pike
City, State & Zip Code *	Cincinnati, Ohio 45215
Telephone Number(s) *	513-771-4800
Email Address	kkoerner@cincigoodwill.org

Variance and Lot Information

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

1149.05(e)(4)R(2) requires "walkways" through parking areas to be of a different material

Location of Requested Variance *	203 South Locust Street		
Legal Description *			
Zoning District *	GB	Total Acreage *	1.161
Existing Use of Site *	Goodwill Donation & Retail Center		

Proposed Use (if applicable). A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

- ## Fees & Receipt

To calculate postage charges, multiply the number of adjoining properties by current postage rate³.

Petitioner Signature ★

Date *

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fee(s) and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date ★

6/20/16

Receipt Number *

102406

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

³ The United States Postal Service: <http://www.usps.com/>

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 Crosswalk Material
New Goodwill Donation & Retail Center
203 South Locust Street
For Ohio Valley Goodwill Industries

June 20, 2016

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the Oxford Zoning Code section listed below regarding the new requirement that crosswalks be constructed of a material different from the parking

The addition & adaptive reuse are complete, with the store and donation center open and operating. A Certificate of Occupancy was issued April 27.

After the Certificate of Occupancy was issued, my client and I received an email from Sam Perry on May 5, stating that the pedestrian crossing of the parking lot should be concrete, per approved plans, not asphalt with striping.

A notice of Zoning Violation was received via email, June 20, 2016 clarifying the City's position on the crosswalk.

It is my client's assertion that the change in material shown in the approved plans was simply missed by the paving contractor, but was evident since the fall of 2015, and could have brought to the attention of the general contractor before the final top coat of paving was placed in the spring of 2016.

It is also our assertion that the striped crosswalk meets the spirit and intent of the zoning code provision, clearly delineating a pedestrian path, visible to motorists and pedestrians alike.

Further, the change in material is expensive; more so now that the building is open, and does not provide a greater level of safety for the pedestrians traversing the site than the striping currently in place.

As Ohio Valley Goodwill has dramatically improved a dilapidated, abandoned property under the budget constraints of a non-profit, the following variance is requested:

1149.05(e)(4)R(2) Requires "walkways" to be "at least 5 feet in width and be hard-surfaced with a material that differs from the drive aisle by composition, texture or through the use of a differing color that is integral to the material."

The crosswalk traversing the parking lot is outlined in white on black asphalt, and hatched with yellow, meeting the above standard by providing a walkway that "differs in composition".

The provisions of 1149.05(e)(4)R are applicable to commercial developments that are over 80 feet in depth and/or include 50 or more parking spaces.

While the development exceeds the 80 depth standard, the parking provides parking for a maximum of 45 cars.

The following responses address 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;*

Ohio Valley Goodwill is a non-profit company, creating jobs for the disabled through donations and resale of donated items. As such, they do not operate on typical retail margins, and would be unnecessarily burdened financially by the directive to cut and replace a portion of the new parking lot to meet this standard.

- b) *Whether the variance is substantial;*

The variance is not substantial. The spirit and intent of the provision is currently being met, providing a crosswalk that differs in color and composition from the surrounding pavement.

- 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 has been dramatically improved by Goodwill's investment in the community. Neighboring properties provide either no marked pedestrian path, or, like Walgreens, similar striped and hatched walkways through their parking lot.

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

The delivery of governmental services is unaffected by this variance.

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

This provision was passed in 2015, after the property was purchased. The owner was made aware of this provision during the building permit plan review.

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

The owner's predicament has been obviated by the striping and hatching described herein.

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

The spirit and intent of the Zoning Code is respected, providing a clear and distinct pedestrian path, visible to motorists and pedestrians on the site. The requirement to provide an entirely different material is an aesthetic provision, and does not increase the health, safety, or welfare of the citizens more than what has been provided.

- h) *Any other relevant factor;*

This redevelopment reflects a major investment in our community, redeveloping a derelict property and providing a valuable service to the community at large. Ohio Valley Goodwill is a non-profit company, creating jobs for the disabled and would prefer to spend money from donations toward that goal, rather than on minor aesthetic design requirements that do not improve the safety of the users of their facility.

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 'S. Webb', written in a cursive style.

Scott Webb, Architect

Pedestrian Walkway



Neighboring Property (Walgreens)



City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2016-06 – Revised Report

Date – July 20, 2016

APPLICATION

Applicant:	Scott Webb, Architect
Location:	116 West Collins Street
Owner:	Hoelzer Rentals / Tom Kacachos, agent
Action Requests:	Variance to Oxford Zoning Code Section 1141.03(b) principal entrance and Section 1149.04(a)1 parking in front
Current Use:	Vacant/gravel
Zoning:	Single and Two Family Mile Square Residential (R2MS)
Surrounding Land Uses:	Single and Two Family Residential

CASE TABLED AT JUNE 15 BZA BY REQUEST OF APPLICANT

DESCRIPTION

Mr. Scott Webb, on behalf of Hoelzer Rentals, brings forward variance requests associated with a proposed new single family dwelling located on an alley lot with no street frontage. Two variances have been requested. Oxford Zoning Code **Section 1141.03(b)** requires:

“Every building.....shall have its principal entrance upon a street... For the purposes of this provision an alley is not considered a street”

The alley lot location prevents a new building on the subject lot from meeting this requirement



Section 1149.04(a)1 requires:

“One parking space may be located in a required front yard”

The proposal requests relief from the restriction of no more than one in the front yard, to allow two.

BACKGROUND

The lot pictured on the left is currently vacant gravel with no record of a previous City Occupancy Agreement tying the alley lot to the developed street lot. Therefore, the applicant and owner have standing to pursue these variances.

Below is a location map of the subject property.



COMMENT FORMS

At the time of this report writing, no public comments were received from surrounding property owners regarding this request.

AGENCY REVIEW

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

SITE HISTORY

There is no prior history of BZA Cases for this lot.

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)). Furthermore, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 1139.02(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed letter addressing the review criteria from Mr. Webb. The staff's review of the criteria is included in this report below:

Regarding criterion A, Staff believes that the property **can yield a reasonable return without the variances**, because the current owner has owned the property in its current condition for years. Meeting the 3,000 sq ft minimum lot size requirement of Section 1137.05(a) does not provide a guarantee that other zoning code requirements are automatically superseded or of less importance. Chapter 1129 clearly outlines that all requirements must be met treated with equal value unless relief is granted by a higher authority.

Regarding criterion B, Staff believes that this new alley lot building **could be substantial** if it is determined that a new nonconformity of inadequate parking is created.

Regarding criterion C, Staff believes that the variance **would negatively alter the essential character** of the neighborhood because there are no other principal buildings with alley entrances in this block.

Regarding criterion D, Planning staff believes that the **delivery of governmental services would be more limited** by the granting of these variances. However the City Engineer, Fire Chief and Police Chief have not commented on this issue. Alleys were originally designed for secondary access and now are also used for some utilities such as overhead lines. Streets afford more than two times the width of alleys for governmental services to be delivered.

Regarding criterion E, staff researched back to the 1963 Zoning Ordinance which contained the identical requirement stated in 1141.03(b) – ‘principal entrance upon a street’. Therefore, the zoning restriction was in place prior to the owner’s 1987 purchase of the property. It is unknown if the owner had actual **knowledge of the zoning restriction** prior to the purchase.

Regarding criterion F, Staff believes that the **owner’s predicament** is to seek a different use for this vacant parcel. Rather than seek the variances, the owner could: 1) consolidate the front and rear lots and formalize a rear yard recreation and landscaped area with rear parking, or 2) seek a zoning text amendment approval by City Council removing the requirements for a street entrance to the building

Regarding criterion G, staff believes that the **spirit and intent** of the zoning requirement for the street entrance requirement is, as noted in the applicant’s narrative, to prevent the creation of isolated lots. However, as noted in criterion D above, meeting the minimum lot size requirement is not a guarantee of development.

Regarding criterion H, staff believes **that a relevant factor** is the length of time this parcel has been either used as gravel parking or otherwise undeveloped/vacant.

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variances, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance requests. At the time of this report, **staff believes there is not substantial evidence that supports the variance requests.** If the BZA does approve the variances it can attach any appropriate conditions necessary.



SUBMITTED BY: _____

Sam Perry, AICP, Planner
Community Development Department

DATE: July 14, 2016

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2016-06 116 W. Collins, variance to 1141.03(b) Supplemental Regulations, principal entrance upon a street; 1143.09(a) parking in required front yard, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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 Detmerage
PRINTED NAME

Date: 5-24-16

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2016-06 116 W. Collins, variance to 1141.03(b) Supplemental Regulations, principal entrance upon a street; 1143.09(a) parking in required front yard, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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. Popescu

Date: _____

5-24-16

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2016-06 116 W. Collins, variance to 1141.03(b) Supplemental Regulations, principal entrance upon a street; 1143.09(a) parking in required front yard, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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: 5/24/16

John Jones

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 23, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2016-06 116 W. Collins, variance to 1141.03(b) Supplemental Regulations, principal entrance upon a street; 1143.09(a) parking in required front yard, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 7, 2016** 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:

5-24-16

G. Alan Kygan

PRINTED NAME



BZA-2016-06 Surrounding Property Owners Map

Legend

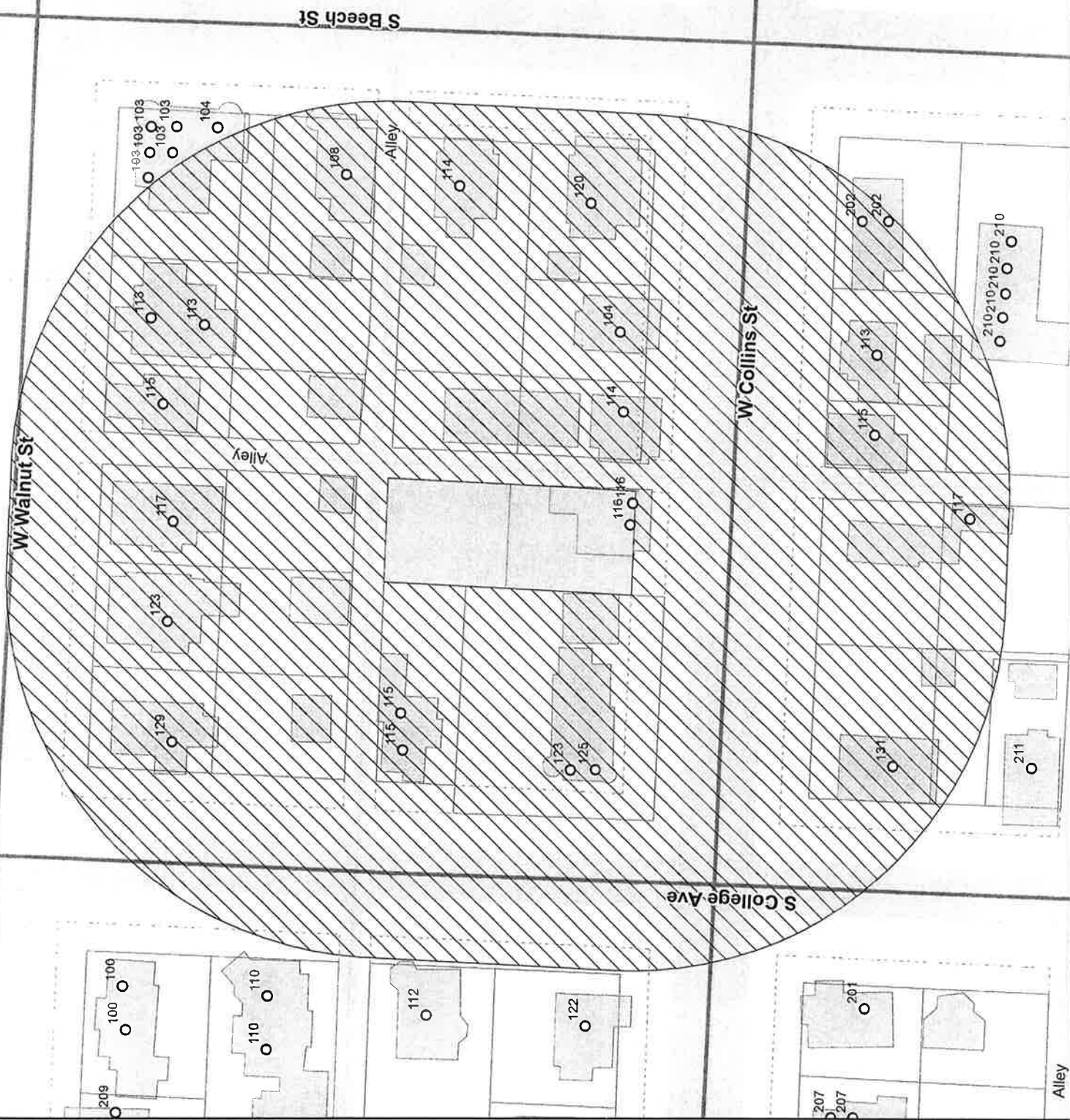
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corporation Limit
- Parcel
- Vacated Right-of-Way
- Building Footprint
- Paved Roadway



1 inch = 75 feet

Prepared on Thursday, June 02, 2016

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.



LETTER OF AGENCY

To Whom It May Concern:

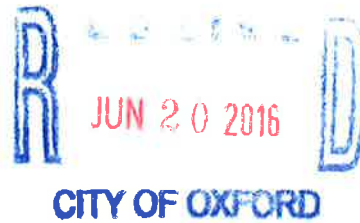
Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford Board of Zoning Appeals and act on our behalf regarding a new single family residence at 116 West Collins Street.

Thank-you,

Signed: Tom Kacachos
Tom Kacachos

May 13, 2016
Date:

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Variance to Principal Entrance on a Street
& Off-Street Parking in Front Yard
New Single Family Residence
116 West Collins Street (Alley Access)

June 20, 2016

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the requirement for a principal entrance upon a street in the R2MS District and the location of the required off-street parking relating to the construction of a new single family residence.

1141.03(b) requires "Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall its principal entrance upon a street bordering such lot. For the purpose of this provision, an alley is not considered a street"

The lot in question is in fact a lot of record, and exceeds the minimum 3,000 s.f. lot size allowed by 1137.05(a), guaranteeing the ability to construct a single family residence. The application presented herein is for a single family residence only.

The lot in question also exceeds the minimum lot width of 50', and all other requirements & restrictions of the Zoning District are met.

1149.04(a)(1) Limits parking in the required front yard to 1 required parking space.

The lot in question is very small, and based on its location at the intersection of two alleys is effectively a corner lot, requiring (2) front yards and (2) 7'-6" side yards.

The proposal at hand is to locate both of the required parking spaces in the northern front yard. Doing so still allows the site to meet the lot coverage restrictions of front yards.

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 property is vacant, and not currently income producing. Since the property meets the guarantees provided in Section 1137.05(a) for a single family residence, to deny the variances would be to prohibit development of a vacant property.

The parking location variance further allows the development of the property to meet the intent of the parking requirements of the zoning code for a new residence, while still meeting lot coverage restrictions.

b) Whether the variance is substantial;

The location of the lot on a public street is neither substantial, or not, and simply allows the owner to exercise his right to develop a vacant parcel.

The location of the parking variance is not substantial, as the proposed location is in conformance with the front yard lot coverage restrictions, meeting the intent of the code, and surrounded by parking on adjacent parcels.

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 not be detrimentally affected by the new dwelling. Most neighboring properties are existing rental houses, and the existing alley is currently cluttered with additions, garages and gravel parking. Development of this parcel is no different than the construction of a new structure on any vacant lot in the city.

The development of the site with (2) parking spaces would be an improvement to the corner of the ally, effectively reducing the existing non-compliant gravel parking and providing green space.

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

All utilities are available at this location.

The location of the parking does not change the delivery of services.

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

The owner is aware of his right to develop this separate and distinct parcel.

The owner is also aware of the parking requirement, and is seeking relief for the location of the required parking based on the size of the lot, and the setback requirements.

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

The location of the lot of record is existing and cannot be accessed other than with this variance.

While it may be possible to provide a parking space beyond the (2) front yard setbacks, doing so would likely require a three-story structure, which would have a larger impact on the neighborhood than allowing parking as provided on adjacent properties.

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

The zoning requirement that all lots to be on a street is intended to prohibit the creation of new isolated lots within the city. Substantial justice is achieved through section 1137.05(a) which guarantees a property owner the use and development of an existing lot of record such as this one.

The spirit and intent of the parking restriction is observed, providing limited lot coverage of the front yard. Substantial justice is achieved, as parking exists in similar locations on all adjacent properties.

h) Any other relevant factor;

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging Infill development and redevelopment of underutilized sites as a priority, locating new residences where infrastructure is in place, and encouraging walkability, access to public transit, open space, and the Uptown, and Stewart Square commercial districts

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 in a cursive style.

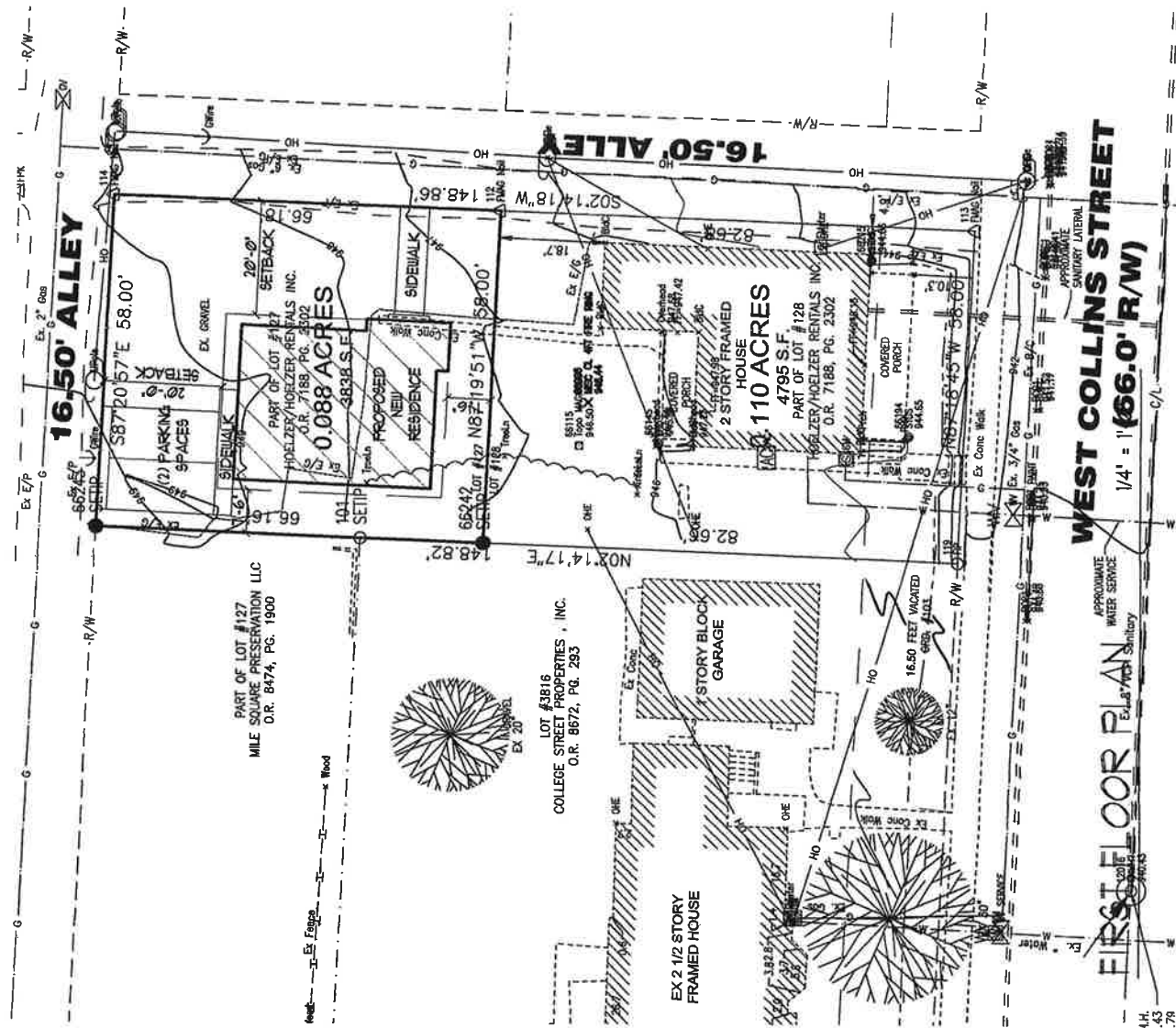
Scott Webb, Architect

LOT COVERAGE (R2MS ZONING DISTRICT)

OVERALL LOT AREA:	3,838 SF
BUILDINGS:	959 SF
DRIVEWAY PARKING (OFF ALLEY):	324 SF
SIDEWALKS:	166 SF
TOTAL:	1,449 SF
ACTUAL FRONT YARD:	490 SF / 2084 SF = 23.5%
ALLOW FRONT YARD:	RO = 25%
ACTUAL ENCLOSED BUILDING:	959 SF / 3838 SF = 25.0%
ALLOW ENCLOSED BUILDING:	RO = 25%
ACTUAL LOT COVERAGE:	1,449 SF / 3838 SF = 2637.1%
ALLOW LOT COVERAGE:	R2MS = 40%
PARKING	
(2) SPACES REQUIRED - (2) PROVIDED	

REQUIRED VARIANCES

- 114.03(b): PRINCIPAL ENTRANCE UPON A STREET
- 1149.04(a)(1): MAXIMUM OF (1) PARKING SPACE IN FRONT YARD



STATE OF OHIO
COUNTY OF CUYAHOGA
11193
L
SCOTT
WEBB
ARCHITECTS

SCOTT
WEBB
ARCHITECTS
103 West Highland Street
Cleveland, Ohio 44106
(613) 523-3888
www.scottwebbarchitects.com

PROPOSED NEW RESIDENCE
116 West Collins Street

DATE
May 12, 2016
REVISIONS

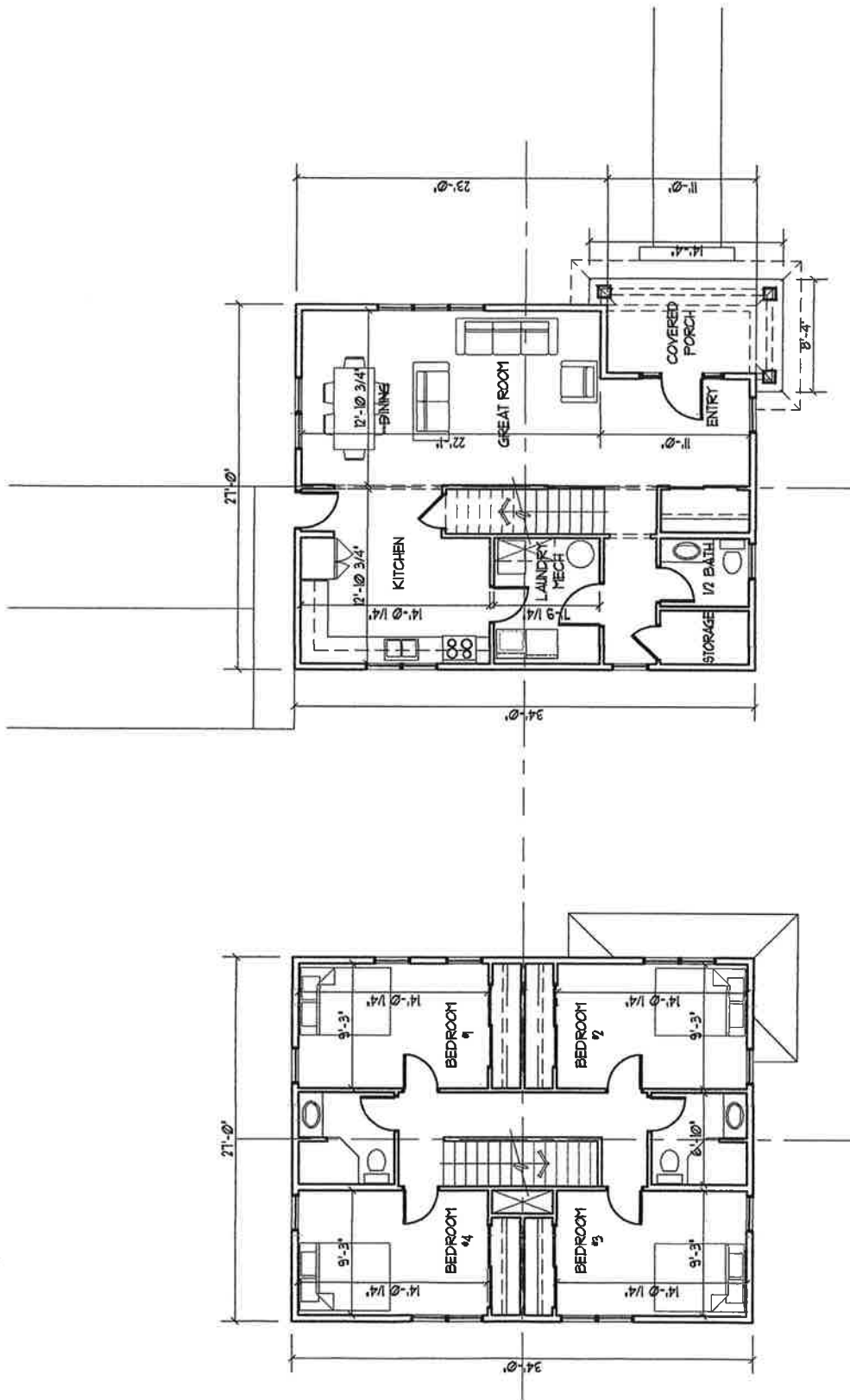
A-1



116 West Collins Street
OXFORD OHIO 45056
PROPOSED NEW RESIDENCE

DATE	May 12, 2016
REVISIONS	

A-2



FIRST FLOOR PLAN

1/8" = 1'-0"

SECOND FLOOR PLAN

1/8" = 1'-0"