

**AGENDA
BOARD OF ZONING APPEALS**

Wednesday, October 15, 2008

7:30 p.m.

Oxford Courthouse – 118 W. High Street

MEMBERS

Todd Hollenbaugh, Chair

Gary Meyer, Vice-Chair
William Houk

George Prentice
John Barnhart

STAFF

Kathy Dale, Planner

Jung-Han Chen, Director, Community Development

Rob Jacques, Legal Counsel

MEETING PROCEDURE: The Board of Zoning Appeals is a quasi-judicial Board. Unlike other City Boards and Commissions, we accept only sworn testimony that is germane to the case(s) on the agenda during the public hearing. Please wait until you are recognized by the Chair, proceed to the podium, state your name and address so that your comments may be properly recorded and limit your remarks to a period of three minutes or less. Once the Board has returned to regular meeting, no further public comment is permitted. Applicants are to limit their presentation/testimony to 15 minutes.

I. Call to Order

II. Executive Session

III. Public Hearing*

**BZA-11-2008 105 Sycamore Street, Variance to Section 1143.03(c)(2)(A) and 1143.03(c)(2)(B) , front
yard/back yard setbacks, Terry Dudley, Applicant** **2**

IV. Approval of Minutes of the September 17, 2008 regular meeting* **14**

V. Old Business

VI. Other Business

VII. Adjournment

*Attachments

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-11-2008

Date – October 19, 2008

APPLICATION

Petitioner:	Terry Dudley
Location:	105 E. Sycamore Street
Owner:	Mary Baker
Action Request:	Variances to Section 1143.03(c)(2)A & Section 1143.02(c)(2)B, to allow for a reduction in front and rear yard setbacks.
Current Use:	Single-family house
Zoning:	R1B Single-Family Medium Density Residential
Surrounding Land Uses:	Single-Family

DESCRIPTION

The property is located on the south side of Sycamore between N. Poplar and N. Campus Avenue. The site is 74.5 feet wide by 70.2 feet deep. This is a non-conforming lot; however Section 1137.05(a) states that a lot in a residential zoning district that does not satisfy the dimensional regulations for any permitted use in that district may be a single-family use if the lot has a minimum area of 3,000 sq. ft. and a minimum lot width of 33 feet.

The subject property has access from an alley; however, this is not a dedicated alley and is identified as an easement. Due to the alley not being dedicated, the subject property is viewed as having its primary access from a public street and this is the reasoning for applying the lot coverage calculations from a public street.

The Applicant is proposing to construct a 2-story, four-bedroom home with a covered front porch. The existing home is a non-conforming structure because it encroaches into the required front, side and rear setbacks and is proposed to be demolished. The proposed house satisfies all applicable district regulations with the exception of the front and rear yard setbacks.

	<u>Required:</u>	<u>Existing:</u>	<u>Proposed:</u>	
Front Yard Setback:	20' (16.5' Min)	6.6'	10'	Variance
Side Yard Setback:	7.5'	5.3'	7.6'	Satisfied
Rear Yard Setback:	35'	15.2'	16.2'	Variance
Total Lot Coverage:	35%	33.4%	31%	Satisfied
Building Coverage:	25%	24%	24%	Satisfied
Front Yard Coverage:	25%	27%	13%	Satisfied

VARIANCES REQUESTED

Section 1143.03(c)(2)A:

The minimum front yard setback in the "R1MS" Single-Family Mile Square Residential District shall be 20 feet.

- The Applicant is proposing a 10 foot front yard setback. This is more conforming than what currently exists on the property, but still requires a variance. Section 1141.03(e)(2) states that an average front yard may be established when more than 50% of the lot has been developed within the block face. The average front yard setback required shall, in no circumstances, be less than 16.5 feet, or more than 30 feet. The average front yard setback for the block face is 9.9 feet.

Section 1143.03(c)(2)B:

The minimum rear yard setback in the "R1MS" Single-Family Mile Square Residential District shall be 35 feet.

- The Applicant is proposing a 16.2 foot rear yard setback. The current rear yard setback is 15.2 feet.

COMMENT FORMS

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

AGENCY REVIEW

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

Engineering: Returned with no comments.
Econ. Dev.: Returned with no comments.
Police: Returned with no comments.
Fire: Returned with no comments.

STAFF ANALYSIS

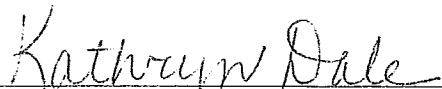
Due to the short depth of the lot, if the Applicant were to satisfy the front and rear yard setbacks, the Applicant would only be able to construct a 15 foot deep structure. The Applicant is apparently trying to center the structure on the lot. Even if the Applicant were to satisfy the front yard setback, they would still need a rear yard variance and vice versa. Upon review of the application, staff has brought to the Applicant's attention that the maximum driveway width is 18 feet at the property line (in this case we will require the 18 feet at the easement line). The Applicant has indicated that they will show this corrected on the application for new construction and are not requesting a variance.

RECOMMENDATION

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

1. That, the proposed work complies in all other respects with all applicable codes, Ordinances and the City of Oxford Zoning Code.
2. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.

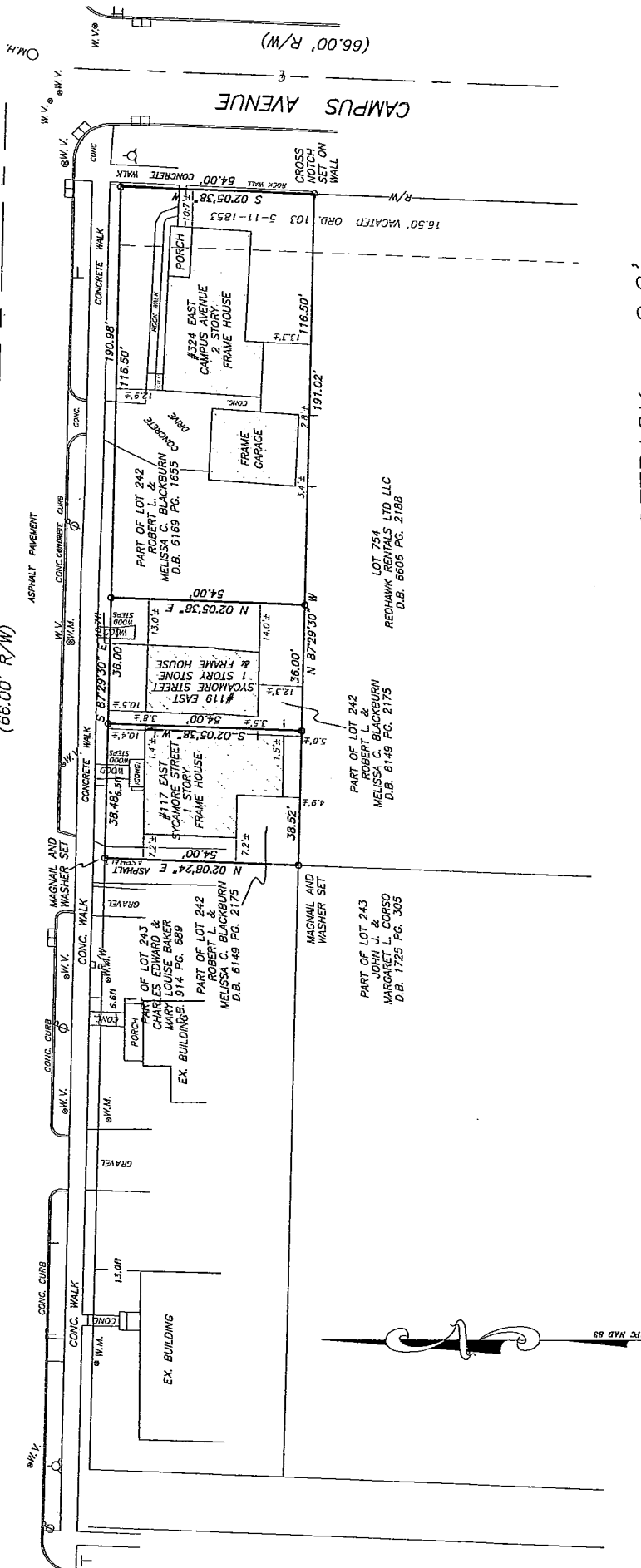
SUBMITTED BY:


Kathryn A. Dale, AICP, City Planner
Community Development Department

DATE: September 24, 2008



SYCAMORE STREET (66.00' R/W)

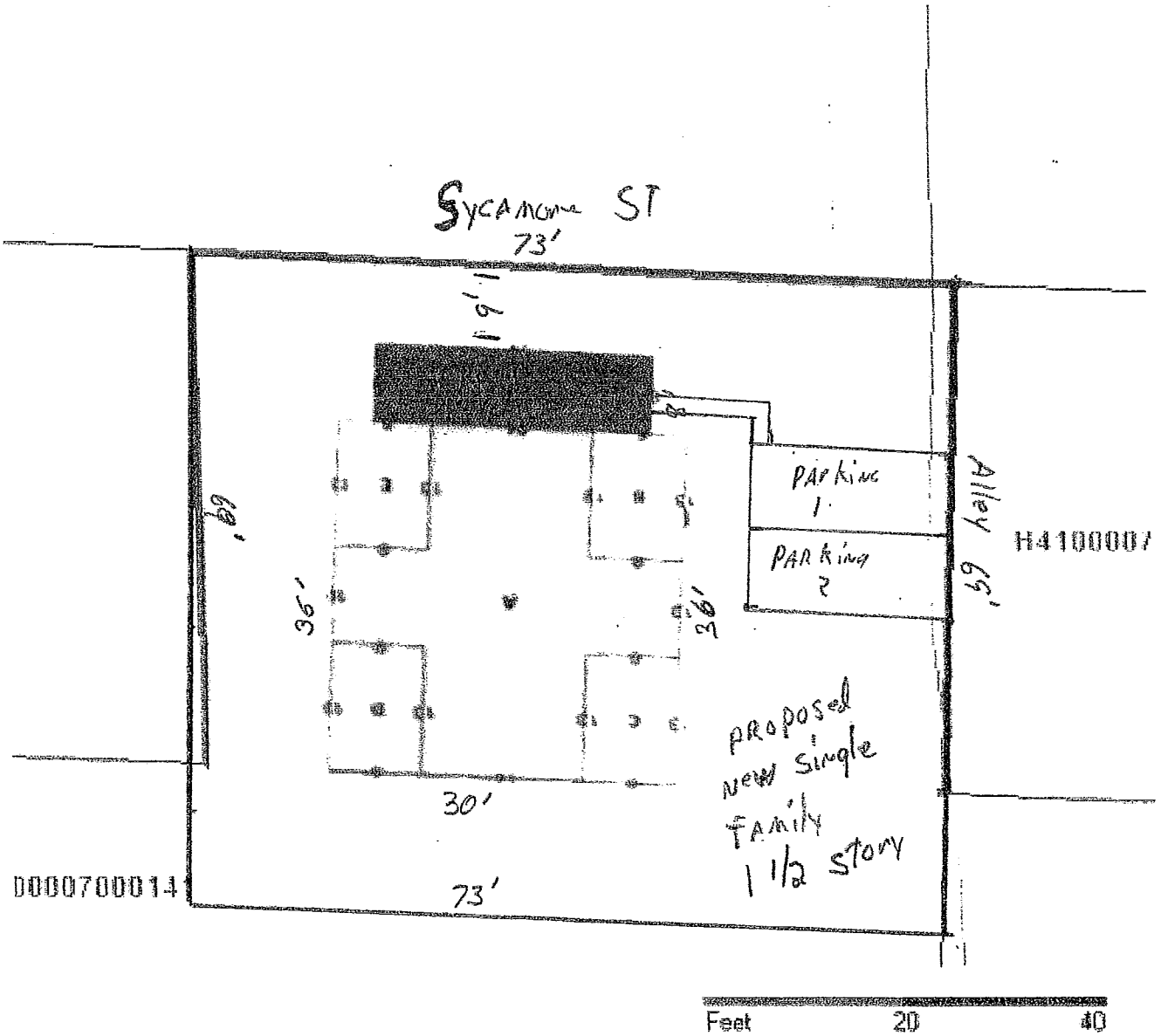


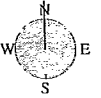
AVERAGE SETBACK = 9.9'



		PROJECT TITLE: 117 EAST SYCAMORE STREET PARTS OF OUTLOT 242 CITY OF OXFORD BUTLER COUNTY, OHIO FOR BOB BLACKBURN	
DATE: 7/7/2005 SCALE: 1" = 20' BY: AUC PROJECT NO.: 250705TBK		MARKING TITLE: AVERAGE SETBACKS	
NO.: ADJUSTING: DATE: BY: SCALE: DATE: NOTES:		MARKING NO.: 1	

5037 SQ FT LOT
1684 SQ FT COVERAGE
33.4 % COVERAGE





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City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/22/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-11-2008

ADDRESS: 105 Sycamore St.

Description:

BZA-11-2008 **105 Sycamore Street**, Variance to Section 1143.03(c)(2)(A) and
1143.03(c)(2)(B) , front yard/back yard setbacks, **Terry Dudley, Applicant**

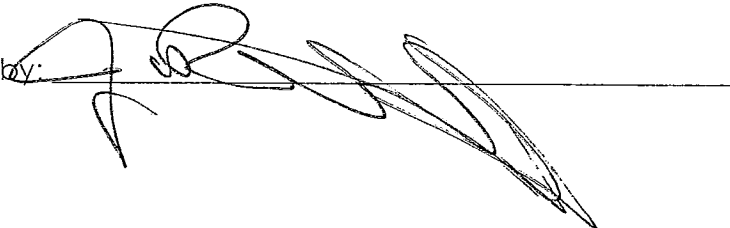
____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 10/7/08 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:



City of Oxford
Inter-Office Review Transmittal Sheet

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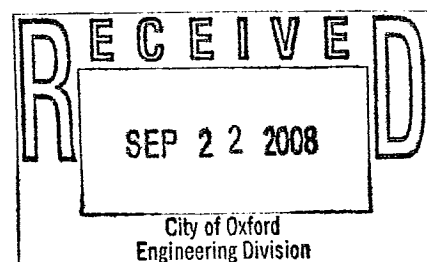
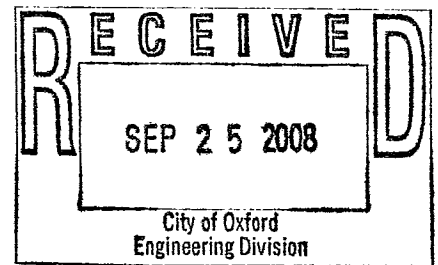
Please return no later than: 10/7/08 Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

A. Popescu 9-25-08



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/22/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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ADDRESS: 105 Sycamore St.

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 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 10/7/08 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: SSC/WE

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/22/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-11-2008

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_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 10/7/08 Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

407-
6245

Drawings reviewed by: _____

Petition for Zoning Variance
City of Oxford, Ohio

Oct. 15, 2008

REQUIRED INFORMATION

Name of Petitioner: Terry Dudley
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 6744 CONTRERAS Rd Oxford Oh. 45056
Telephone Number(s): 513-523-8230
Name of Property Owner: MARY BAKER 523 6731
Mailing Address: 105 SYCAMORE ST Oxford OH 45056
Telephone Number(s): 523-6731
Requested Variance: Front yard set back Back yard set back
(Indicate nature of variance
and applicable section(s)
of the Zoning Code.) 1143.03 Subsection "C" "2A"
"C" "2B"
Location of Requested Variance: 105 SYCAMORE ST Oxford Oh 45056
Legal Description: ATTACHED
Zoning District: R-1MS
Total Acreage: 73X69 Acres
Existing Use of Site: Single Family
Proposed Use: (if applicable) Single Family
*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.

- a) *The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and*
- b) *Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and*
- c) *The conditions upon which the application is based are not the result of actions of the applicant; and*
- d) *The variance would not confer a special privilege to the applicant but would relieve a hardship; and*
- e) *The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and*
- f) *The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and*
- g) *The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.*

Submit this application with required attachments and a **\$150.00 filing fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 35 days prior to the proposed Board of Zoning Appeals meeting at which the action is requested.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: _____ Date: 9/8/08

PRINTED NAME OF APPLICANT: Terry Dudley

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 14092

BOARD OF ZONING APPEALS

Meeting Minutes

Wednesday, September 17, 2008

Call to Order

The September 17, 2008 meeting of the Oxford Board of Zoning Appeals was called to order at 7:33 p.m. by Todd Hollenbaugh, Chair.

Those members present: Todd Hollenbaugh, Gary Meyer, William Houk, George Prentice, and John Barnhart.

Those members excused: None.

Staff members present: Kathy Dale, Lynn Taylor, and Rob Jacques.

Staff members excused: None.

Executive Session

Chairman Hollenbaugh invited a motion for approval of the agenda with the deletion of the Executive Session.

Mr. Meyer moved approval of the agenda excluding the Executive Session. Mr. Houk seconded the motion. The motion passed 5-0

Public Hearing*

BZA-10-2008 5372 Hester Road, Variances to Section 1141.01(a)(1)C, 1143.02(c)(4)A.1 to allow for a garage, Jeffrey Toaddy, Applicant

Mr. Meyer moved to enter into public hearing BZA-10-2008. Mr. Houk seconded the motion. The motion passed 5-0.

Ms. Dale provided an overview of this case. Ms. Dale stated the Applicant was proposing to construct a 24'x30' detached garage and expand the driveway leading to the garage.

Mr. Hollenbaugh swore in Mr. Toaddy, the Applicant and Owner. Mr. Toaddy distributed an aerial photo of his property which showed an undeveloped lot behind his property.

Legal Counsel arrived at 7:38 p.m.

Mr. Toaddy provided a review of his application. Mr. Toaddy stated when purchased, the home's garage had already been converted to a first floor bedroom. Mr. Toaddy added that at the time of purchase, he was not aware of regulations regarding lot coverage. Mr. Toaddy stated he planned to locate the garage to the back and left side of the lot. Also, noted was an existing shed on the right side of the property near the tree line.

Mr. Barnhart moved to reconvene to regular meeting BZA-10-2008. Mr. Meyer seconded the motion. All were in favor.

Mr. Meyer inquired why such a large garage as it measured 24x30. Mr. Meyer inquired if the Applicant could reduce it 3 feet which would eliminate one of the variances. Mr. Meyer also stated he had a problem with all the concrete of the new driveway, which measured 797 square feet.

Mr. Barnhart stated he was concerned with the lot coverage. Mr. Barnhart inquired about the setbacks. Ms. Dale stated they were fine.

The BZA discussed the garage size; potentially reducing to 20x30 which would eliminate one variance and cut down on lot coverage.

Mr. Hollenbaugh asked the Applicant what would be the minimum dimension that would work for his garage. Mr. Toaddy stated he believed a 22x30 garage would work.

The BZA then discussed a 22x28 garage. Mr. Toaddy felt this size would work, thus eliminating 1141.01(a)(1)C variance request.

Mr. Toaddy officially withdrew his request for a variance to Section 1141.01(a)(1)C and reduced the size of the garage to 22x28.

Ms. Dale recalculated the lot coverage; with the revised garage dimensions, the lot coverage dropped to 45%.

It was noted that the gravel already existed where the proposed driveway would be placed.

The Decision Standards were discussed. All were met.

Mr. Houk moved to Approve BZA-10-2008 variance to Section 1143.02(c)(4)A.1 based on all Decision Standards having been met. Mr. Barnhart seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Houk, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

Approval of Minutes of the August 20, 2008 regular meeting*

Mr. Meyer moved to approve the minutes of the August 20, 2008 regular meeting. Me. Barnhart seconded the motion. The motion was approved 5-0.

Old Business

There was none.

New Business

Ms. Dale reviewed with BZA upcoming cases for October.

Mr. Hollenbaugh inquired about Kroger and when they would come before BZA. Ms. Dale stated would not hear before the Conditional Use was finalized.

Mr. Hollenbaugh inquired about timeline for implementing new Rules of Procedure. Discussion followed. It was determined should go into effect January 2009.

Mr. Hollenbaugh asked Ms. Taylor to send out a reminder to BZA regarding Planning Commission meeting on September 30 where discussion of Zoning Text Amendment Chapter 1139 Variances will take place.

Adjournment

Mr. Barnhart moved to adjourn the meeting. Mr. Meyer seconded the motion. The motion passed 5-0. The meeting was adjourned at 8:12 p.m.