

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2014-11

Date – October 15, 2014

APPLICATION

Applicant:	Scott Webb, Architect
Location:	7 Wooster Place
Owner:	CKC Rentals (Jim Clawson)
 Action Request:	 Variance to 1143.03(c)(3)(C)(1). Total Lot Coverage R1MS District
Current Use:	Single Family Residential
Zoning:	R1MS, Single-Family Residential Mile Square
Surrounding Land Uses:	Single and Two Family Residential

DESCRIPTION

Mr. Scott Webb is requesting, on behalf of the owner, relief from the total lot coverage requirement for a recently constructed building on the corner of South Poplar Street and Wooster Place. The maximum total lot coverage in the R1MS District is 35%. The proposed lot coverage is 37.1%.

BACKGROUND

The subject property contained a vacant house in the recent past, which was recently completely remodeled. The building footprint stayed nearly the same, with the exception of a new rear balcony area to the south. A second story was added to an eastern portion of the house. A new central breezeway separating the garage from the main house was also incorporated. The main entry door stayed in the same location on the north side. Prior to the redevelopment of the site, the lot coverage was at the maximum of 35%. In order to accommodate the increased lot coverage from the new balcony, the driveway was narrowed. The on-site parking requirement of 2 spaces is met by the 2-car garage.



ZONING CODE SECTION

1143.03 R-1MS SINGLE-FAMILY RESIDENTIAL MILE-SQUARE DISTRICT; excerpt:

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements) Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.
(Ord. 3062 Passed 07-07-09)

- (1) Lot requirements.
 - A. Minimum lot area 6,000 sq. feet
 - B. Minimum lot width 60 feet
- (2) Yard requirements.
 - A. Minimum front yard depth 20 feet
 - B. Minimum rear yard depth 35 feet
 - C. Minimum side yard width 7.5 feet on each side
- (3) Structural requirements.
 - A. Maximum building height 35 feet
 - B. Lots with vehicular access from a public street
 - 1. Lot total – 35 percent**
 2. All enclosed buildings – 25 percent of lot
 3. Front yard – 25 percent of front yard
 - D. Lots with vehicular access from a rear or side alley, and no access from a public street
 1. Lot total – 40 percent
 2. All enclosed buildings – 25 percent of lot
 3. Front yard – 5 percent of front yard

COMMENT FORMS

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 are no BZA cases in city records for this property.

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance(s) (Section 1139.02(c)(1)). Further, 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**. A minor modification to the floor plan could have been or could be made to reduce the number of pedestrian egress points; thereby eliminating the demand for additional hard surface over and above the maximum.

Regarding criterion B, Staff believes that the 2.1% lot coverage over the 35% maximum **is not substantial** in percentage or in context with the immediate adjacent property to the south.

Regarding criterion C, Staff believes that the additional hard surface **would not negatively alter the essential character** of the neighborhood. The areas on the site of recently increased lot coverage are close to the building and therefore have less impact than the mass of the buildings in the neighborhood. The essential character of the neighborhood is low-medium density, with a variety of building sizes and ages, transitioning from university campus to newer medium density housing stock to older housing stock.

Regarding criterion D, Staff believes that the **delivery of governmental services is not affected** with or without the variance being granted.

Regarding criterion E, as noted in the applicant's narrative, **there was awareness of the zoning restriction**. There was a field change made to an already maximized total lot coverage situation. Additionally, it could have been expected that a new rear egress would typically demand subsequent hard surface improvements at some point in the future. However, the zoning code does not require any overages to be built into a site for future expansion. As long as the dimensional standards are met, the city must approve the plans.

Regarding criterion F, there are **other methods not requiring a variance**. The hard surface could be removed. The applicant noted in his letter that a mulch path could be put in place of the hard surface.

CONCLUSION

In conclusion, the BZA must consider the evidence presented at the hearing and evaluate it using the decision standards.

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant a variance, the staff recommends that the BZA cite the specific evidence and approve the variance request. At the time of this report, staff **does not believe there is substantial evidence** that supports the variance request.



SUBMITTED BY: _____
Sam Perry, Planner
Community Development Department

DATE: October 9, 2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/16/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-11 7 Wooster Place variance to Section 1143.03(c)(3)C1 lots with vehicular access from a public street, lot total 35%, **Scott Webb, Petitioner, Agent**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/3/14** 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 Dethenage
PRINT NAME

Date:

9-17-14

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/16/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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BZA-2014-11 7 Wooster Place variance to Section 1143.03(c)(3)C1 lots with vehicular access from a public street, lot total 35%, **Scott Webb, Petitioner, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/3/14** Note: If no comments are received, we will assume the project meets your department's standards.

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

PLANNING ISSUE.

Drawings reviewed by: *H. Popescu*

Date: 9-16-2014

VICTOR POPESCU
PRINT NAME

City of Oxford
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.....
Drawings are returned: w/comments without/comments

Drawings reviewed by:


R.B. Holzworth

PRINT NAME

Date: 9/16/2014

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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

Date: _____

PRINT NAME

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.

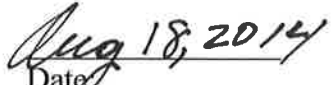
LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the September 17, 2014 Board of Zoning Appeals meeting regarding a single family residence at 7 Wooster Place

Thank-you,

Signed: 
(Jim Clawson)
(CKC Rentals)


Date

*missed deadline - pushed
to the October BZA mtg.*



Internal Use Only:

Case No.

BZA-2014-11

Date Filed

8/19/14

Petition for Zoning Variance

Petitioner Information

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

Name * Scott Webb

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-523-383

Email Address scott@scottwebbarchitect.com

Location of Property * 7 Wooster Place

Name of Building *

Owner Information

Name * CKC Rentals

Mailing Address * 125 West Spring Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-524-9500

Email Address jim@hoteldevelopment.net

Variance and Lot Information

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

1143.03(c)(3)C1 Lots with vehicular access from a public street; Lot total – 35 percent

Rear sidewalks exceed this restriction by 2.1%

Location of Requested Variance * 7 Wooster Place

Legal Description *

Zoning District * R1MS Total Acreage * 0.189

Existing Use of Site * Single Family Residence

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.

Single Family Residence

- 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.

Fees & Receipt

The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00 plus postage charge.

Fees may increase if staff determines that you need more variances.

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

Sign and Date

Petitioner Signature *

Date *

[Handwritten Signature]
[Handwritten Date: 8/19/14]

Submit Application, Plans and Documentation, and Fees

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 *

[Handwritten Date: 8/19/14]

Receipt Number *

[Handwritten Number: 3201]

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/>

Oct. Mtg



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

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

Re: Lot Coverage
7 Wooster Place
Oxford, Ohio 45056

August 18, 2014

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for variances to overall lot coverage requirements for the R1MS Zoning District.

Prior to this season's addition & remodeling, this home was vacant and abandoned for a number of years. The Existing footprint of the building exceeded the maximum 25% lot coverage restrictions. Meeting the total lot coverage restriction required the near complete removal of the existing two car driveway.

In the course of construction, stoops from the two existing rear doors were connected with a 6' sidewalk, adding 203 s.f. to the overall lot coverage. Doing so has exceeded the overall lot coverage limit of 35%, by 2.1%, making the total lot coverage for the property 37.1%

1143.03(c)(3)C1 Lots with vehicular access from a public street; Lot total – 35 percent.

The practical difficulty for this property is the existing building footprint leaves very little space for drives, sidewalks, etc.

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;*

The building was all but abandoned prior to the remodeling and addition. While it can still be occupied without the variance, the owners were hoping to avoid mud in the house by connecting the two rear stoops.

- b) *Whether the variance is substantial;*

The variance is not substantial, representing a increase of 2.1% above the allowable square footage.

- 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, and the small paved area to the rear of the house will not affect the neighboring properties..

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

The addition of this sidewalk area to the rear of the house would not affect the delivery of governmental services, as all utilities are existing on the site.

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

The property was developed with knowledge of this restriction. Good ideas presented in the field were accepted without the knowledge of this restriction.

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

The sidewalk could be removed in favor of a mulch path.

- 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, as the increase is very minor and the additional paving area is appropriate for the house.

- h) *Any other relevant factor;*

This sidewalk is typical for a home in this neighborhood.

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

Respectfully,

Scott Webb, Architect

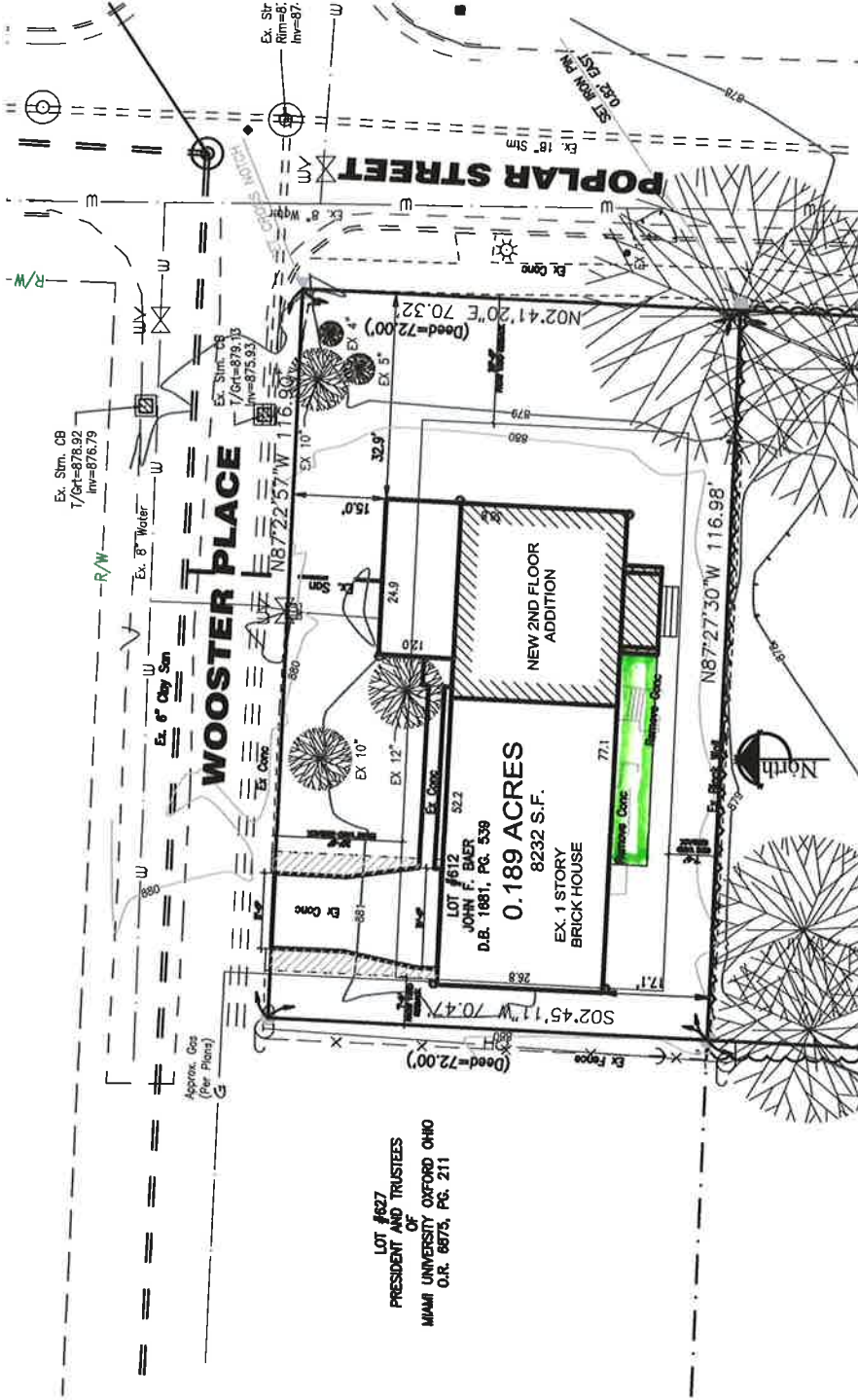


SCOTT
WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
scottwebbarchitect.com

PROPOSED NEW ADDITION & REMODELING
Wooster Place
OXFORD, OHIO 45056

DATE	August 13, 2014
REVISIONS	

A-2



LOT COVERAGE (RMS ZONING DISTRICT)

SITE PLAN 1" = 30'-0"

	BUILDING AS APPROVED	VARIANCE
OVERALL LOT AREA:	8,232 SF	
BUILDINGS:	2,301 SF	
DRIVEWAY & SIDEWALKS:	450 SF	
REAR DECK ADDITION:	107 SF	310 SF
TOTAL:	2,858 SF	3,061 SF
ACTUAL FRONT YARD:	381 SF / 3,336 SF = 11.4%	
ALLOW. FRONT YARD:	RMS = 25%	
ACTUAL ENCLOSED BUILDING:	2,301 SF / 8,232 SF = 27.9%	
ALLOW. ENCLOSED BUILDING:	RMS = 25%	
ACTUAL LOT COVERAGE:	2,858 SF / 8,232 SF = 34.7%	3,061 SF / 8,232 SF
ALLOW. LOT COVERAGE:	RMS = 35%	31%