

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2015-15

Date – November 18, 2015

APPLICATION

Applicant: Scott Webb, Architect
Location: 115 Bishop Street
Owner: Tom Kacachos, et al

Action Requests: Variance to R2MS Zoning Site Development Regulations, Section 1143.05(c)(1), Two-Family Lot Width Requirement of 75 feet

Current Use: Single-Family Residential
Zoning: Single and Two Family Mile Square Residential (R2MS)
Surrounding Land Uses: Two-Family, Multi-Family and Fraternity

DESCRIPTION

This variance request is relief from the requirement of the minimum 75 feet lot width in order to build a new two-family residence on the existing lot. The existing lot is 66.29 feet or 88% of the minimum required. A highlighted excerpt of the Zoning Code Section 1143.05(c) is below:

(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 (Unless superseded by Conditional Use Requirements) Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design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.

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

BACKGROUND

There is currently a single-family dwelling on the lot. The four-bedroom dwelling is considered a lodging house because it is permitted for up to seven (7) unrelated occupants, while zoning code only permits four (4) unrelated persons per dwelling unit. Therefore the property is considered a legal non-conforming land use as long as the use is not abandoned per Oxford Zoning Code Chapter 1137.

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	No comments received

SITE HISTORY

There is no prior history of BZA Cases at this address.

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 **has yielded a reasonable return without the variance**, due to the fact that a rental permit has been maintained for the existing building since 1999.

Regarding criterion B, Staff believes that the linear distance of the subject variance **is not substantial** as the lot is 11.6% narrower width than required. Additionally, as the applicant points out in his letter, the plan for wider side setbacks results in a similar potential outcome for building spacing.

Regarding criterion C, Staff believes that the variance **would not negatively alter the essential character** of the neighborhood because the building design is consistent with the Mile Square Design Guidelines.

Regarding criterion D, Staff believes that the **delivery of governmental services would be improved** with the variance request because the site redevelopment would result in removal of excess paving that encourages tandem parking. Per Fire and Police Department enforcement records, tandem parking and alley parking have contributed to the service vehicle access problem through this alley.

Regarding criterion E, it is unknown if the **property owner purchased the property in 2010 with the knowledge of the zoning restriction**. Even as the property was zoned R-5 previously, the lot width requirement was also 75 feet for two-family dwellings prior to 2003.

Regarding criterion F, Staff believes that **there is no other way to achieve a two-family dwelling without the variance**.

Regarding criterion G, staff believes that the **spirit and intent** of the zoning requirement for the lot width would be observed by the increased side setbacks that are proposed.

Regarding criterion H, staff believes **that a relevant factor** is the fact that Oxford Zoning Code Nonconforming Section 1137.04 does allow renovation of a nonconforming use without a permit occupancy reduction. Renovation is defined in 1159.19 as interior or exterior maintenance and upgrades that do not involve any structural alterations.

RECOMMENDATION

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

A recommended condition may be that the side setback distances be maintained as proposed.



SUBMITTED BY: _____

Sam Perry, AICP, Planner
Community Development Department

DATE: November 10, 2015

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/20/2015

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-15 115 Bishop Street, variance to Section 1143.05(c)(1)(B) minimum lot width,
Scott Webb, Applicant/Agent

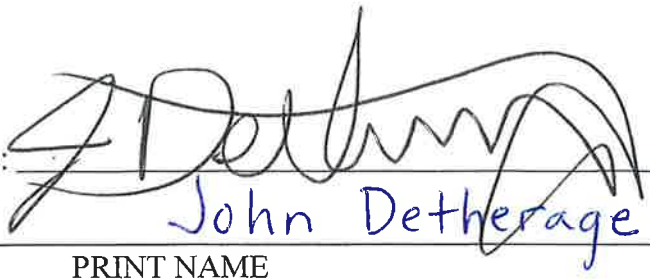
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/10/2015** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:


John Detherage
PRINT NAME

Date: 10-23-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/20/2015

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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BZA-2015-15 115 Bishop Street, variance to Section 1143.05(c)(1)(B) minimum lot width,
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 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/10/2015** 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: 10-21-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/20/2015

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-15 115 Bishop Street, variance to Section 1143.05(c)(1)(B) minimum lot width,
Scott Webb, Applicant/Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/10/2015** 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: R.B. Holzworth

Date: 10/26/2015

ROBERT B. HOLZWORTH
PRINT NAME

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 Two-Family residence at 115 Bishop Street.

Thank-you,

Signed: _____

Tom Kachos

Tom Kachos

Park Place Real Estate

10/19/2015

Date:



Internal Use Only:	
Case No.	BZA-2015-15
Date Filed	10/19/15

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) * 523-3838

Email Address scott@scottwebbarchitect.com

Location of Property * 115 ~~University~~ BISHOP

Name of Building *

Owner Information

Name * Park Place Real Estate

Mailing Address * 116 East High Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-2015

Email Address tkacachos@parkplacerealestate.net

Variance and Lot Information

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

1143.05(c)(1)(B) min. lot width in R2MS two-family residential district

Location of Requested Variance * 115 ~~University~~ Bishop

Legal Description * Survey Included

Zoning District * R2MS Total Acreage * 0.255

Existing Use of Site * Non-conforming Lodging House

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.

New Two-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 *

10/19/2015

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 *

10/20/15

Receipt Number *

67587

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

ARCHITECT

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

www.scottwebbarchitect.com

Re: Variance to Minimum Lot Width
Demolition of Existing Lodging house
& Construction of a 2-Family Dwelling
115 Bishop Street

October 19, 2015

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the minimum lot width requirement of the underlying Zoning District relating to the demolition of an existing Lodging House and the construction of a new two-family dwelling at 115 Bishop Street.

The existing Dwelling is a non-conforming Lodging house located in the R2MS district, currently housing (7) unrelated residents. The Building and Zoning Codes have changed significantly over that life of this structure, and the existing small house does not meet current Building or Zoning Code standards regarding room sizes, fire separation, egress etc.

The elimination of the non-conforming use and structure will result in a two-family dwelling in a two family district. All other requirements of the zoning district including lot coverage, parking, building height, setbacks etc. are met by this application.

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

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

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

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

The existing building has been a student rental for many years, converted from a single family home to a Lodging House. The existing frame structure does not meet current building and zoning code requirements, including minimum room sizes and egress windows.

While the property may continue to function as a Lodging house, the project described herein represents a major investment in the neighborhood replacing an outdated structure and improving the living conditions of the residents, as well as bringing the site into compliance with the intentions of the Zoning Code for this area.

b) Whether the variance is substantial;

The variance is not substantial, as the existing property is 88% of the required minimum, being over 66' wide where the minimum is 75'. The proposed new structure has been designed to reflect the narrow lot, providing generous side yard setbacks on each side, exceeding these mins. by over 100%.

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

The essential character of the neighborhood would be simply improved, removing a dilapidated building in favor of a new safer structure, meeting the Mile Square Design Guidelines. Additionally, green space will replace some of the excess paving in the rear yard.

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

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

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

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

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

The owner could remodel the existing structure, reducing the occupancy to (5), and remain a lodging house. It has been the goal of the Planning Commission and City Council to eliminate rooming houses in the Mile Square. The variance addressed herein, allows for the construction of a new Building and Zoning Code compliant building.

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

The spirit of the Zoning Code is observed, allowing a two-family residence in a two-family district.

h) Any other relevant factor;

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, improving the property aesthetically, and with regard to the safety of its occupants.

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, stylized script.

Scott Webb, Architect

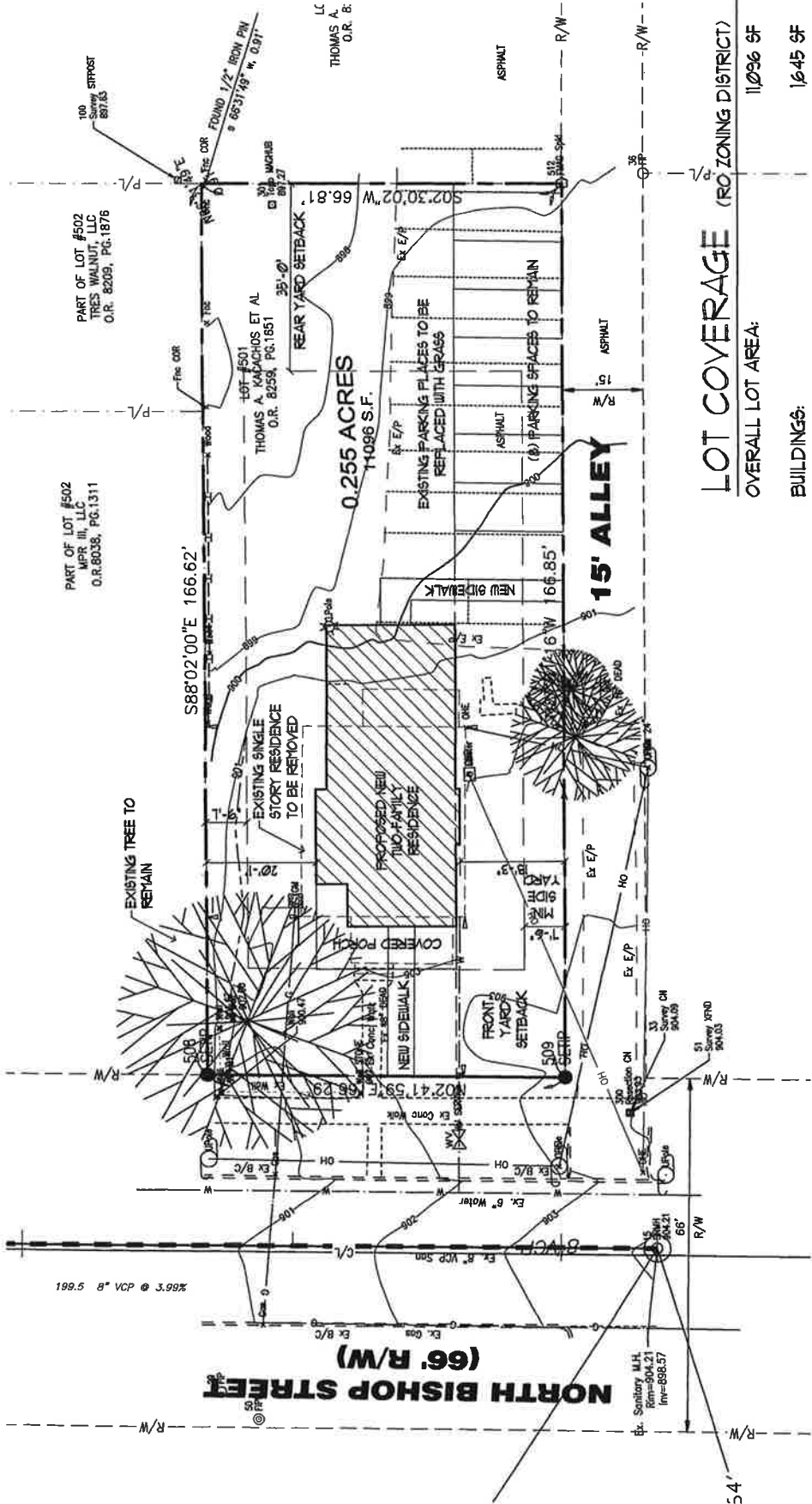


SCOTT WEBB ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-8838
www.scottwebbarchitect.com

PROPOSED NEW TWO-RESIDENCE
115 Bishop Street
OXFORD, OHIO 45056

DATE	October 18, 2016
REVISIONS	

A-1



SITE PLAN

TOPOGRAPHIC SURVEY 115 NORTH BISHOP STREET LOT #501
CONGRESS LANDS WEST OF THE MIAMI RIVER
CITY OF OXFORD BUTLER COUNTY, OHIO
DAVID DOUGLAS SMITH, P.S.
910 MARQUETTE DRIVE OFFICE (513) 523-9864
OXFORD, OHIO 45056 F-Mail: DMS@171WAL.COM

LOT COVERAGE (R0 ZONING DISTRICT)

OVERALL LOT AREA:	11,096 SF
BUILDINGS:	1645 SF
DRIVEWAY PARKING (OFF ALLEY):	1442 SF
SIDEWALKS:	302 SF
TOTAL:	3389 SF
ACTUAL FRONT YARD ALLOW. FRONT YARD:	140 SF / 1328 SF = 10.5% R0 = 25%
ACTUAL ENCLOSED BUILDING:	1645 SF / 11,096 SF = 14.8% ALLOW. ENCLOSED BUILDING: R0 = 25%
ACTUAL LOT COVERAGE:	3389 SF / 11,096 SF = 30.5% ALLOW. LOT COVERAGE (ALLEY ACCESS): R2M1S = 40%

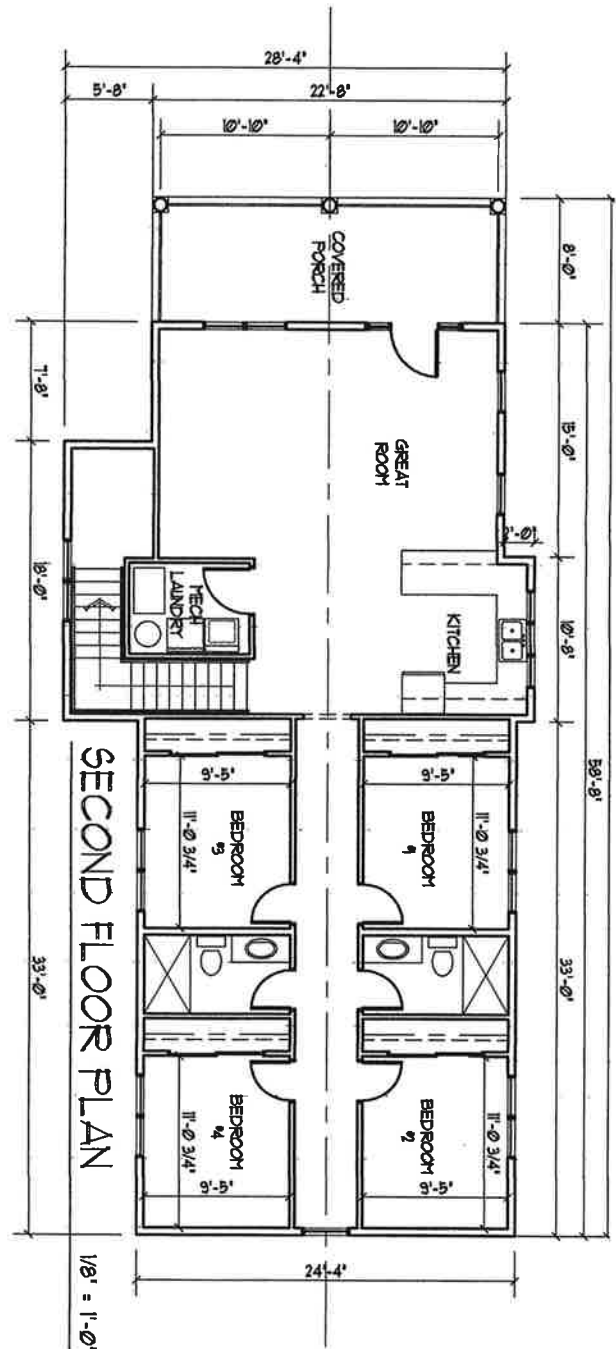
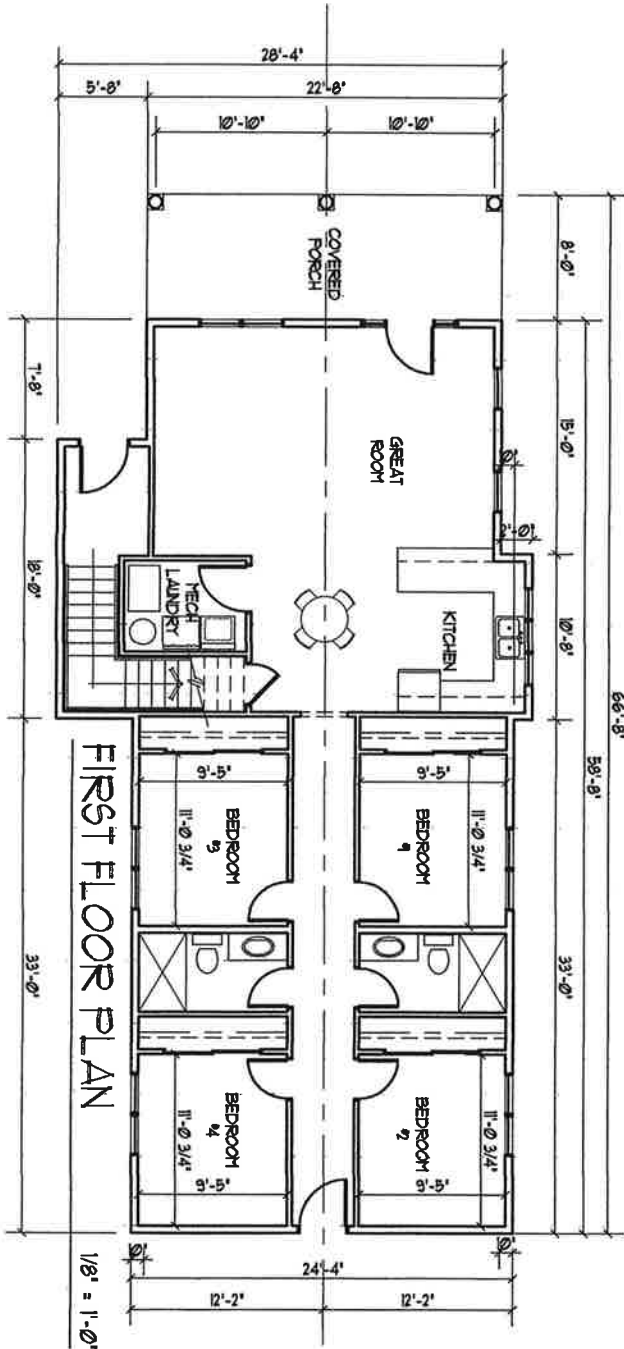



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PROPOSED NEW TWO-RESIDENCE
 115 Bishop Street
 OXFORD, OHIO 45056

DATE	October 19, 2015
REVISIONS	

A-3



A-2

DATE	October 18, 2005
REVISIONS	

PROPOSED NEW TWO-RESIDENCE
115^{1/2} Bishop Street
OXFORD, OHIO 45056

ARCHITECT
SCOTT
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100 West Walnut Street
Oxford, Ohio 45056
(614) 525-8588
www.scottwebbarchitect.com



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

OCT 19 2015
CITY OF



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Addition to 20-24 East High Street
Sigma Chi Founding Site
Demolition of 48-56 East Park Place

October 19, 2015

Board Members,

Please accept this letter as a formal petition for an extension of the Certificate of Appropriateness, granted by this body on September 17, 2014.

Since the granting of the COA for this project, the Sigma Chi Foundation continued its research into the existing building structure and utilities, as we looked to ward demolition. Drawings were completed, and the project was put out to bid. Once a true price was received, the Sigma Chi Foundation, being a non-profit, needed approval of the Board before proceeding. This approval took longer than anticipated, and once completed, the bids had expired.

Bids were reopened, and negotiations began with the selected contractor, late this summer. Final changes were made to the scope of the utility work, and the permits were ready, when the COA expired.

The Sigma Chi Foundation is ready to proceed with the project and are therefore, asking for an extension of nine months, allowing construction to begin no later than May 2016.

No changes have been considered to the approved plan that would change the variance that was granted; simply more time is required to get to the building permit application.

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

Respectfully,

Scott Webb, Architect



**Community Development Department
101 E. High Street, Oxford, Ohio 45056
513-524-5204**

October 19, 2015

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

RE: Building/Demolition Permit #15-055 – Park Place East – Sigma Chi Foundation property

Dear Mr. Webb:

Consistent with our letter of October 8, 2015, we are placing your building permit #15-055 on hold until such time that an Appeal/Certificate of Appropriateness (COA) extension is granted by the Board of Zoning Appeals. As stated previously, the BZA approved the COA on September 17, 2014, which then expired September 17, 2015.

If we do not hear from you by November 8, 2015, we will deny the building permit and close the HAPC Case #2014-08, which will require a new Certificate of Appropriateness application submitted to the Oxford Historic and Architectural Preservation Commission.

Case Reference #'s:

BZA-2014-12
HAPC – 2014-08

You may appeal this decision per Section 1129.11 of the Oxford Zoning Code.

Sincerely,

Sam Perry, AICP
Planner

sperry@cityofoxford.org

513-524-5204

CC: Jung-Han Chen, Community Development Director



Community Development Department
513-524-5204

October 8, 2015

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

RE: Certificate of Appropriateness for Sigma Chi Foundation property (20-24 E. High St/48-56 Park Place East)

Dear Mr. Webb:

Via Case #BZA-2014-12, the Oxford Board of Zoning Appeals approved your Certificate of Appropriateness for the proposed demolition and addition at the above address on September 17, 2014. Per Section 1331.06(b)(4), the COA is only valid for one year, at which time all work shall be substantially completed. One year has passed and the project has yet to begin. Therefore, in order for work to proceed, an extension must be requested and granted by the Board of Zoning Appeals.

We understand you are seeking to complete building permit #15-055. Please file a letter of request for extension with our office and we will place it on the soonest available BZA agenda. If we do not hear from you within 30 days we will close the COA file, which will require a new COA application submitted to the Oxford Historic and Architectural Preservation Commission.

You may appeal this decision per Section 1129.11 of the Oxford Zoning Code.

Sincerely,

Sam Perry, AICP
Planner

sperry@cityofoxford.org

513-524-5204

CC: Jung-Han Chen, Community Development Director
Paul Brady, BZA Chair