

Case No:
BZA-2021-05



Meeting Date:
October 26, 2021

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Chris Norman
Location	310 Bishop Street
Owner	Gamma Kappa House Corp of Theta Chi
Action Request	Variance to Section 1141.03(c)(6)(F) for minimum rear and side yard setbacks for patio
Lot Size	9,174 square feet
Lot Width	56 feet
Current Use	Fraternity House
Current Zoning	R3MS Single-, Two-, and Three-Family Mile-Square Residential District
Surrounding Land Uses	Fraternity House to north (Delta Kappa Epsilon); alley right-of-way to the west; two-family residential dwellings to the south

BACKGROUND

This request pertains to a known zoning violation at 310 Bishop (Theta Chi Fraternity) involving a new concrete patio, which replaced a previously existing wooden deck. The patio is located in the northwestern corner of the property and totals approximately 466 square feet. The patio contains perimeter benching along three sides, and is elevated slightly above the rest of the parking surface to the rear of the building. The fraternity had hired a contractor to pour the new patio without first obtaining a Permit from the City.

The violation first became known following a complaint received from the adjoining property at 325 E Sycamore St (Delta Kappa Epsilon) on July 30. The adjoining owner suspected that work was taking place across the property line, on their fraternity property. An inspector was sent to the site on August 2 to observe site conditions; at that time, a small concrete wall (to support the benches) had been constructed, along with 4x4 posts, but the patio floor had not yet been poured. Community Development staff followed up with the property manager to determine the scope of work that had taken place. After determining that a previously existing wooden deck had been removed to make way for the new patio, staff instructed the property manager to cease work and apply for an “after the fact” Building Permit. Staff was later contacted on September 14 by Nick Schubert, who is affiliated with the ownership of the property. Mr. Schubert was able to provide a surveyed site plan showing as-built conditions, as well as before and after photos; by this time, the patio project had been completed. Staff returned a Preliminary Zoning Review to Mr. Schubert, citing

non-compliance with the Zoning Code's patio setback provisions, thus allowing the fraternity to apply for an "after the fact" Variance request.

DESCRIPTION

The applicant's requested variance can be summarized as follows:

Requirement	Code Section	Standard	Proposal
Patio – Minimum Rear Yard Setback	1141.03(c)(6)(F)	15 feet	0 feet (None)
This Code provision is fairly new, having been adopted as part of a large package of Zoning Code amendments adopted by Council on January 19 of this year. Previously, patios were subject to the same setback requirements as porches and decks, in having to follow district setbacks. This had proved to be problematic for some applicants in a rear yard setting, as many districts have deep rear yard setback requirements (anywhere from 30 to 40 feet). Therefore, new setback distances were established specifically for patios. Although the site plan shows that the existing patio straddles the property line and encroaches into the City's alley right-of-way, the BZA's authority only pertains to the portion of the patio falling on private property. The Service Director has informed Community Development staff that no enforcement action is planned on the right-of-way portion at this time.			
Patio – Minimum Side Yard Setback	1141.03(c)(6)(F)	5 feet	0.27 feet
The same section of the Zoning Code provides a minimum side yard setback distance in addition to one for the rear yard. The side yard setback is 5 feet, as opposed to 15 feet for the rear yard. The submitted site plan indicates that the wall is 0.27 feet (3.24 inches) from the property corner shared between 310 Bishop, 325 E Sycamore, and the alley right-of-way.			

PUBLIC COMMENTS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. No official public comments have been received as of this writing.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Copenbaker, Assistant to the City Manager	Returned with Comments
<i>While the project completed at 310 Bishop clearly violates established City set-back and right-of-way guidelines, there is no indication that this project as completed poses any impact to the economy of Oxford.</i> <i>The Economic Development staff have no comment or concern at this time.</i>		
Engineering	Scott Otto, City Engineer	Not Returned
Fire	John Detherage, Fire Chief	Returned with Comments
<i>Being familiar with the dilapidated condition of the property in general, I took the time to drive by this location to look at the improvement. I'm not sure how this project made it to the top of the list with the condition of this property and the building itself. The property is in a general state of disrepair. The fence is falling down. There is trash everywhere. The building has at least one broken window that I saw. The improved public health and safety mentioned in the submitted decision standards document seems to have reverted to its previous condition. There is also a makeshift fence around parts of the patio constructed with 4x4's, snow fence, and palets. I'm not sure why a variance should be granted to any property that is in the condition this one is.</i>		
Police	John Jones, Police Chief	Not Returned

BZA SITE HISTORY

There is no prior BZA case history available in City records for this property.

DECISION CRITERIA

In accordance with **Section 1139.02(c)(1)**, the burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for Variance. Furthermore, per **Section 1139.02(c)(2)** the BZA must find that **practical difficulties** exist that would render strict application of the Code unreasonable. In determining whether such difficulties exist which are sufficient to warrant the Variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed narrative addressing the review criteria from Mr. Norman.

If the BZA determines that difficulties exist which are sufficient to warrant the Variance, staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. If the BZA does approve the Variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by **Section 1139.02(d)(2)**.

Staff's review of the criteria is outlined in the table below. At the time of this report, staff believes **there is substantial evidence** to support the Variance request.

Criterion A	Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance
Does not support granting the Variance	The existence, and possible acceptance via a Variance approval, of the patio feature does not itself impede the use of the property as a fraternity house. For this reason, staff finds that this particular criterion does not support Variance approval.
Criterion B	Whether the variance is substantial
Does not support granting the Variance	The applicant is asking for a 100% reduction (elimination) of the rear yard setback, a 94.6% reduction (near elimination) of the side yard setback. On its face, these requests are substantial as compared to the numerical code provisions, so staff finds that this particular criterion does not support Variance approval.
Criterion 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
✓ Supports granting the variance	Staff is under the impression that the potential encroachment conflict between the subject property and the northern property (325 E Sycamore) has been resolved with the surveying of the property, which revealed that construction activity has not taken place on the 325 property. The function and usage of this area would likely remain unchanged from its prior condition when a wooden deck/platform was in place.
Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
✓ Supports granting the variance	Staff does not believe government services will be adversely impacted. The function and usage of the northwestern corner of the property should in essence remain unchanged from the previous condition. The Fire Chief has provided comments regarding the general condition of the overall property, which the owner may want to take into account moving forward. The City recently hired a new Code Enforcement Officer to inspect rental properties and enforce the City's Property Maintenance Code (PMC). Although these aspects are important to the overall health, safety and welfare of the community, staff does not believe there is a direct nexus between the Variance requested and the conditions observed.
Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
✓ Supports granting the variance	The Auditor website notes that the building at 310 Bishop was constructed in 1971, and has likely been owned and used as a fraternity house since its inception. Although actual ownership may not have changed over the decades, staff believes this criterion can be reasonably applied to acknowledge the owner's lack of knowledge of the zoning restriction, given the deck feature which previously existed on the property for many years.

Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
✓ Supports granting the variance	The owner's predicament at this point is to acquire "after the fact" approval for an existing property improvement, albeit one that was sought without first obtaining a Permit. The Variance process is the only method by which approval can be potentially granted. If the Variance is denied, the owner would be responsible for removing the patio entirely as the Zoning Code does not allow it by-right.
Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
Mixed evidence	This criterion actually poses two questions: (1) whether the "spirit and intent" is observed; and (2) whether "substantial justice" is done. Generally speaking, a variance of this magnitude does not really observe the spirit and intent of the Code to provide for sufficient patio setbacks, for the general purpose of creating breathing room between properties so that noise/activity/gathering on a patio does not impose on neighbors. However, this is another example of a Code standard that is applied universally across all zoning districts, and given the project's location in an area of town dominated by fraternities and student housing in close proximity to campus, it is probably more acceptable for features like patios and decks to be situated closer to property lines in a denser environment. Staff does believe substantial justice would be done in granting this Variance, given the fraternity's prior belief they were essentially improving an existing feature on their property, even though from a Code standpoint it is considered a substitution of features thus triggering the need to comply with setbacks.
Criterion H	Any other relevant factor
✓ Supports granting the variance	Staff believes the difference in application of Code should be taken into account. Even though the previous deck and new patio features resemble one another in terms of use/area/function, the new Code standards apply essentially because of a difference in materials (wood vs. concrete). The previous deck was unusual in that it was not beside/attached to the principal building on site. If the owner had only been resurfacing an existing patio or concrete surface, no Permit would have been required.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: October 13, 2021

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA-2021-05**, being a Variance to Section 1141.03(c)(6)(F) for minimum rear and side yard setbacks for patios:

Mr./Ms. _____ hereby moves that the Board adopt and make the following findings of fact:

- A. The property in question (**will / will not**) yield a reasonable return or (**can / cannot**) be used beneficially without the variances because:_____
- B. The variance (**is / is not**) substantial because:_____
- C. The essential character of the neighborhood (**would / would not**) be substantially altered by the variance and adjoining properties (**would / would not**) suffer a substantial detriment as a result of the variance because:_____
- D. The variance (**would / would not**) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because:_____
- E. The property owner (**did / did not**) purchase the property with knowledge of the zoning restriction because:_____
- F. The property owner's predicament (**can / cannot**) feasibly be obviated through some method other than a variance because:_____
- G. The spirit and intent behind the zoning requirement (**would / would not**) be observed and substantial justice done by granting the variance because:_____
- H. Other relevant factors, if any, considered include:_____

It is further moved that after considering and weighing these factors, the Board should find that practical difficulty (**is/is not**) shown sufficient to warrant granting the Variance requested, and that the Variance should be accordingly (**APPROVED / DENIED / APPROVED WITH THE FOLLOWING CONDITIONS**). The conditions for approval, if any, include:

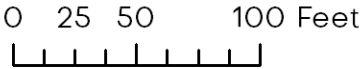
Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____



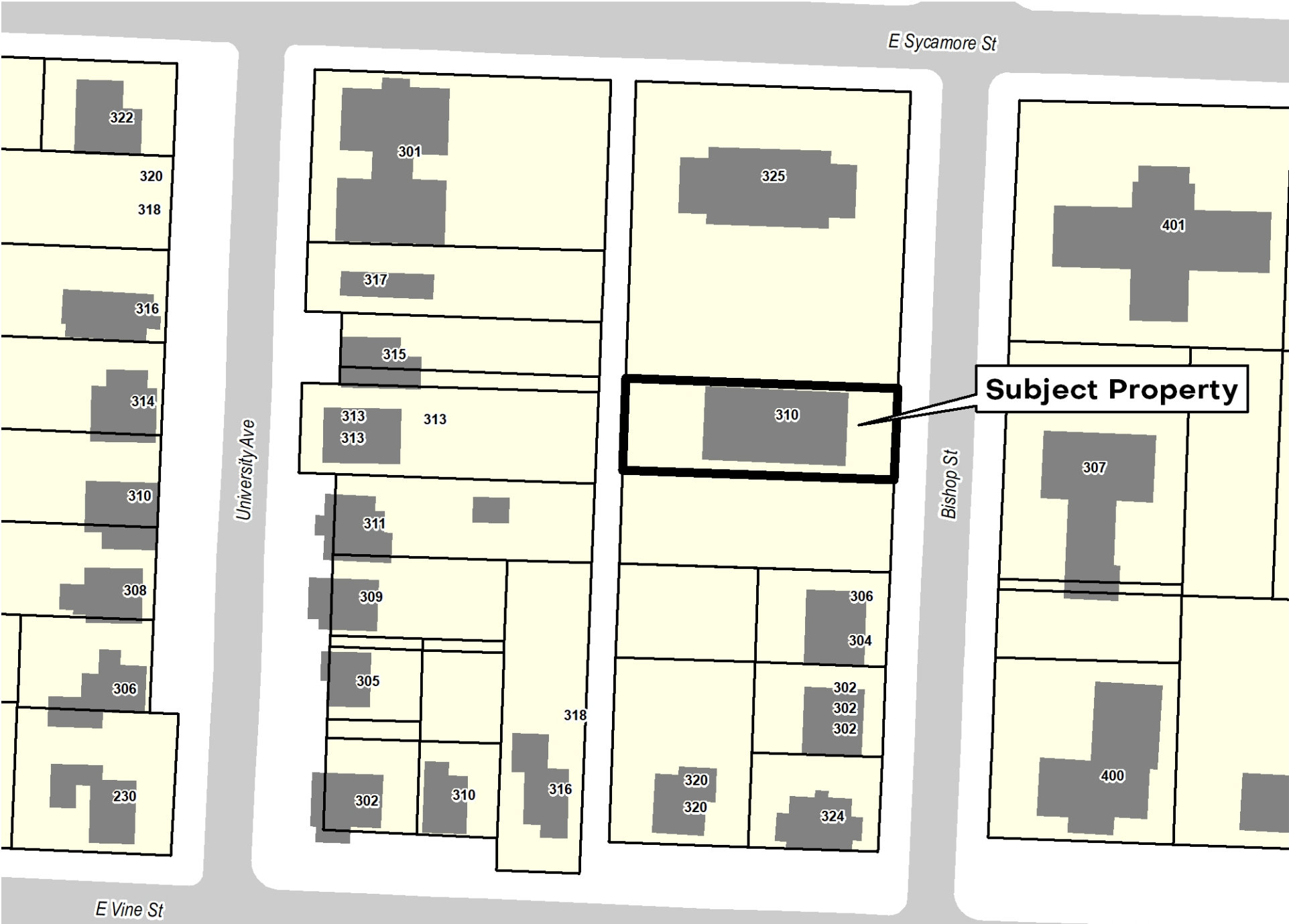
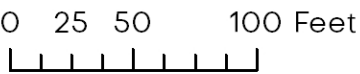
Location Map

 Site Parcel(s)



Location Map

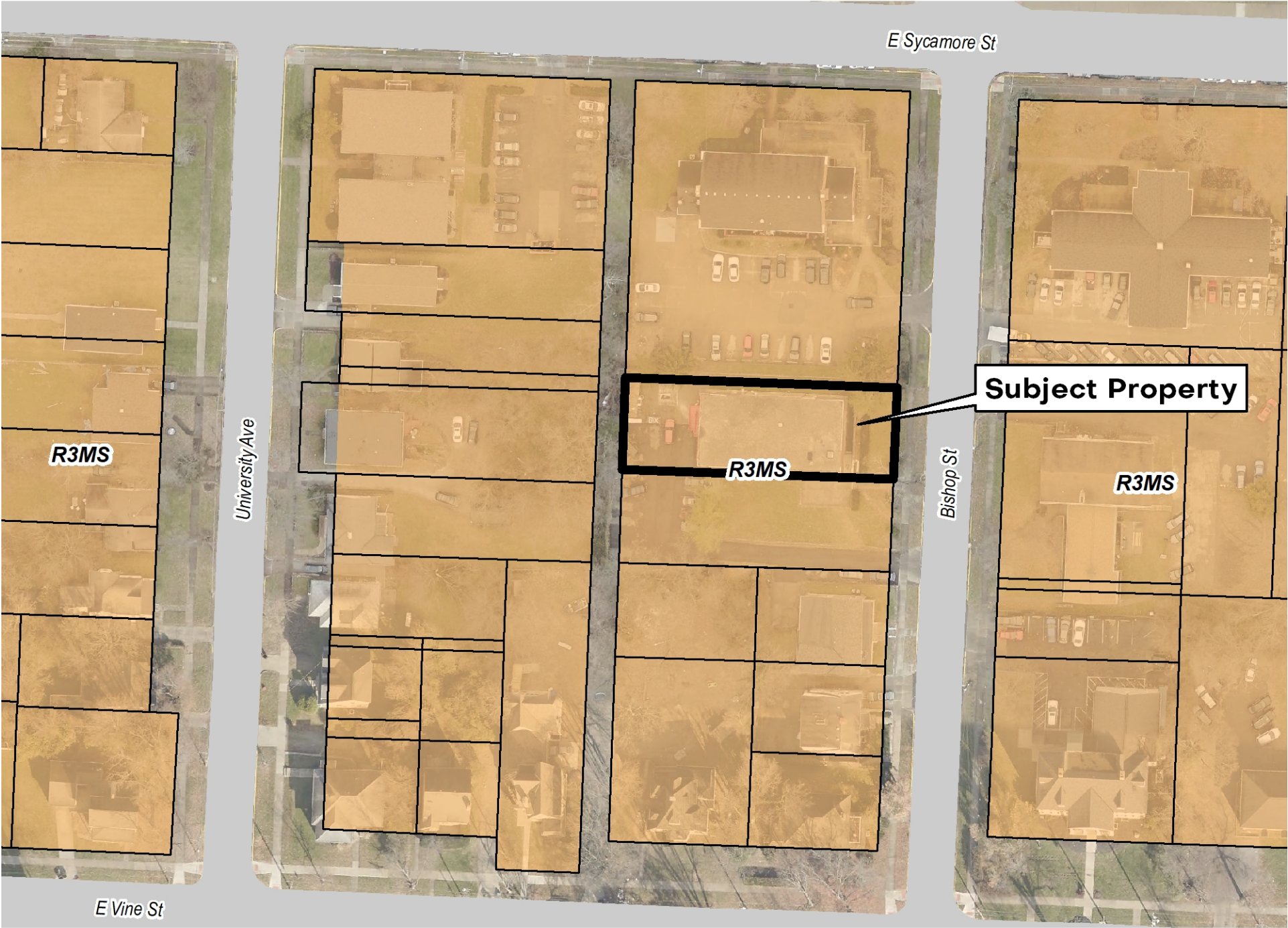
 Site Parcel(s)



Location Map

 Site Parcel(s)

0 25 50 100 Feet

**Internal Use Only:**

Case No.

BZA-2021-05

Date Filed

9/27/2021

Petition for Zoning Variance

Petitioner Information

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

Name * Chris Norman

Mailing Address * 310 N Bishop St

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 614-562-7304

Email Address chrisknorman628@gmail.com

Owner Information

Name * GAMMA KAPPA HOUSE CORP OF THETA CHI

Mailing Address * 3582 SHADY TIMBER DR

City, State & Zip Code * TWINSBURG OH 44087

Telephone Number(s) * 614-440-9768

Email Address oxgammakappahousing@gmail.com

Variance and Lot Information

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

Section 1141.03(c)(6)(F) - after-the-fact variance

Patio encroaches five (5) feet from the side lot line and fifteen (15) feet from the rear lot line

Location of Requested Variance * 310 N. Bishop St, northern and western property lines

Name of Building Theta Chi Fraternity

Legal Description * Commercial

Zoning District * R3MS Total Acreage * .2106

Existing Use of Site * Fraternity Housing

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.

Private patio for residents of Theta Chi Fraternity

- 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 \$300.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00, plus \$10.00 postage charge. **Fees may increase if staff determines that you need more variances.**

Sign and Date

Petitioner Signature *



Date *

9.24.2021

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 fees and postage charge, made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, 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).**

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>



GAMMA KAPPA HOUSE CORPORATION OF THETA CHI FRATERNITY

LETTER OF APPOINTMENT

September 22, 2021

Zachary Moore, Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Dear Mr. Moore:

As Secretary of the Gamma Kappa House Corporation of Theta Chi Fraternity I authorize Christopher Norman – Live-in Chapter Advisor, to sign all documents and in all ways act as the Authorized Agent of Gamma Kappa House Corporation of Theta Chi Fraternity relative to the Board of Zoning Appeals hearing in the matter concerning the patio and variance application for 310 N. Bishop Street, Oxford, Ohio 40556.

Sincerely,

Michael T. Roney
Secretary, Gamma Kappa House Corporation of Theta Chi Fraternity
oxgammakappahousing@gmail.com
(630) 251-8968

Decision Standards from Section 1139.02(c)(2).

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;
 - a. **We were unaware of a need for variance given that the patio replaced the same footprint as a wooden deck that had been in place for decades. There would be no beneficial use of the space without the patio and returning the space to an unimproved condition would adversely affect the property.**
- B. Whether the variance is substantial;
 - a. **We do not believe the variance to be substantial given the amount of space between adjoining properties. Moreover, a variance only encumbers a currently unused and undeveloped property.**
- 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;
 - a. **We believe the patio is an improvement from the prior wooden deck structure and enhances the look of the properties and character of the neighborhood overall. Further, the installation of the patio resulted in the removal of garbage and other discarded items that had accumulated over several decades**
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
 - a. **We do not believe there are any adverse impacts to governmental services**
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
 - a. **We had no knowledge of the zoning restriction as the previous deck had been in place for several decades.**
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
 - a. **We do not believe there is an alternative solution.**
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
 - a. **Yes, this patio replaces a wooden deck that has been in place for many years that had fallen into severe disrepair. Replacing the deck and installing a patio on the same footprint has resulted in improved public health (removal of garbage), safety (removal of garbage, dismantling of an unsafe structure), and welfare.**



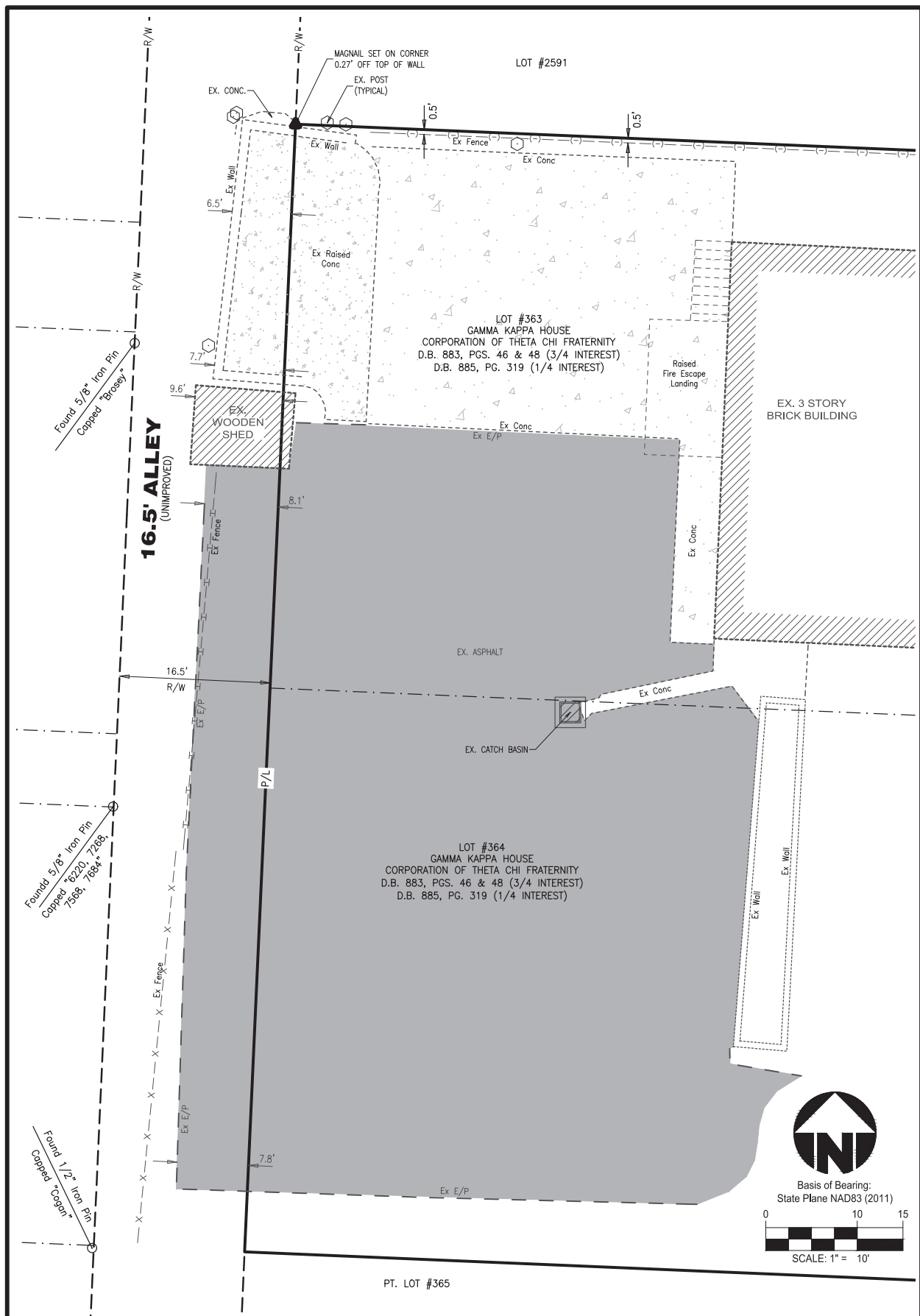
Concrete patio poured July 2021



Prior wooden deck in place for several decades



Prior wooden deck in place for several decades



Drawing: 21-0173 EX
Scale: 1"=10'
Drawn by: DDS
Checked By: BRJ
Issue Date: 09-20-21

LOTS #363 & #364
ADDRESS: 310 BISHOP STREET
SECTION 23, TOWN 5, RANGE 1
CONGRESS LANDS WEST OF THE MIAMI RIVER
CITY OF OXFORD
BUTLER COUNTY, OHIO

EXHIBIT

bayer becker
www.bayerbecker.com
110 S. College Avenue, Suite 101
Oxford, OH 45056 - 513.523.4270

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Scott Webb Architect
Location	822 S Beech Street
Owner	Jesse & Elizabeth Baker
Action Request	Variance to Section 1143.03(c) for minimum front and rear setbacks
Lot Size	4,269 square feet
Lot Width	58 feet
Current Use	Vacant lot – intended development as a single-family dwelling
Current Zoning	R-1MS Single-Family Residential Mile-Square District
Surrounding Land Uses	Single-family dwellings

BACKGROUND

In pursuit of developing the subject property with a single-family structure, the applicant is requesting relief from the R-1MS front and rear yard setback standards of the Oxford Zoning Code. The Board of Zoning Appeals previously granted variances to these two setback standards at its meeting on September 16, 2020. A Building Permit application to construct the new single-family residence was submitted to the Community Development office on October 22, 2020, and was fully approved by all City departments and ready for issuance as of November 9, 2020. However, the Permit was not picked up at this time and the previous Variance approvals eventually expired on March 16, 2021 per **Section 1139.02(e)(2)**.

The 822 S Beech property is one of three small lots near the corner of S Beech Street and W Chestnut Street, none of which presently conform to the 6,000 square foot minimum lot area or 60 foot minimum lot width required by the R-1MS district standards. Despite the inadequacy of the lot size and width, Oxford Zoning Code **Section 1137.05** expressly provides allowance for development of a single-family residential dwelling for any non-conforming lot as long as there is at least 3,000 square feet of area and 33 feet of lot width. However, the Code does not provide an exception for adherence to all other development standards, including building height, lot coverage and setbacks, thus Variances are necessary to granted relief from any of these requirements.

Except for the 2020 BZA case, staff has found no additional permits, cases or other documentation in City records for this address, suggesting that the property has not seen development activity since being platted as a single lot.

DESCRIPTION

The applicant's requested variance can be summarized as follows:

Requirement	Code Section	Standard	Proposal
Minimum Front Yard Setback	1143.03(c)	20 feet	13 feet
The R-1MS District requires a 20 foot minimum setback from the right-of-way line. The front lot line along the right-of-way is located approximately 4.7 feet further into the lot from the back of the existing sidewalk along S Beech Street. The new home is proposed to be situated 13 feet further in from the front lot line, thus leaving 17.7 feet between the home and the back of the sidewalk. The proposed front setback is in-line with the house to the north at 818 S Beech, and stands in fairly stark contrast to a very close setback located at 102 W Chestnut immediately to the south.			
Minimum Rear Yard Setback	1143.03(c)	35 feet	28 feet 10 inches
The R-1MS District requires a 35-foot minimum setback from the rear lot line. The applicant proposes to reduce the setback down to 28 feet 10 inches, a reduction of 6 feet 2 inches. The proposed setback is at a greater distance, by a few feet, when compared to the neighboring house at 818 S Beech to the north.			

PUBLIC COMMENTS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. No official public comments have been received as of this writing.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Copenbaker, Assistant to the City Manager	Returned with Comments
<i>It appears that this project was previously approved for the requested variance prior to the COVID-19 pandemic. The proposed development on this lot is in keeping with neighboring homes in this area.</i> <i>Given the uncertainty of the pandemic, and prior approval from BZA, the Economic Development staff would approve this proposed request without issue.</i>		
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned without Comments

BZA SITE HISTORY

Past BZA case history for the subject property is outlined in the table below:

Case No.	Request(s)
BZA-2020-06	Variance to Front and Rear Yard Setbacks
The Board of Zoning Appeals convened on September 16, 2020 and voted 5-0-0 to approve the applicant's requested Variances to front and rear yard setbacks, based upon Criteria C, D, and G. The request at hand (BZA-2021-07) is a re-application for the exact same adjustments to front and rear setbacks.	

DECISION CRITERIA

In accordance with **Section 1139.02(c)(1)**, the burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for Variance. Furthermore, per **Section 1139.02(c)(2)** the BZA must find that **practical difficulties** exist that would render strict application of the Code unreasonable. In determining whether such difficulties exist which are sufficient to warrant the Variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed narrative addressing the review criteria from Mr. Webb.

If the BZA determines that difficulties exist which are sufficient to warrant the Variance, staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. If the BZA does approve the Variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by **Section 1139.02(d)(2)**.

Staff's review of the criteria is outlined in the table below. At the time of this report, staff believes **there is substantial evidence** to support the Variance request.

Criterion A	Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance
✓ Supports granting the variance	Due to being vacant, there is currently no financial return for the subject property. Section 1137.07 of the Oxford Zoning Code, which applies universally across all residential zoning districts, guarantees a minimum use allowance for development of a single-family dwelling. Because of the smaller lot size, applying the normal district setbacks results in a smaller buildable area than what would be more typical of the district. By complying with all other code provisions including those for parking, the footprint of a resulting structure would only be approximately 683 square feet if the district setbacks were strictly adhered to. The applicant's requested setbacks result in a total proposed footprint area of 1,058 square feet, allowing a more feasible buildable footprint for a new single-family structure. Staff is of the belief that it would prove more difficult to yield a reasonable return without the Variances to allow for a more generous building footprint of 1,058 square feet.

Criterion B	Whether the variance is substantial
✓ Supports granting the variance	The applicant is asking for a 35% reduction in the front yard setback and a 17.6% reduction in the rear yard setback. An analysis of existing front setbacks on the western block face of S Beech Street reveals considerable variation among properties, due to varying lot depths. However, due to the pre-existing nature of this lot and others like it along the block, staff finds that the requested front and rear yard reductions are reasonable and not substantial, especially in comparison to the adjoining lot to the north at 818 S Beech.
Criterion 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
✓ Supports granting the variance	The development of this lot into a single-family dwelling, with the adjusted setbacks requested, would be in keeping with the essential character of the neighborhood. Staff believes the proposed site development plan for this lot is fitting and respectful, given its pre-established deficient qualities in terms of size and width.
Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
✓ Supports granting the variance	Staff does not believe governmental services will be adversely impacted. Engineering, Fire and Police Departments returned the application without comments; had any comments been received, these might have contributed to this criterion.
Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
Does not support granting the Variance	The applicant indicates in his letter that the property owner was made aware of development rights of the subject lot, despite its smaller size. It should be noted that while the ability to actually build a single-family dwelling is guaranteed by the Code, the ability to waive or vary development regulations such as building height, lot coverage, parking, or setbacks due to individual site circumstances is not guaranteed, as the authority to make these decisions rests with the BZA.
Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
✓ Supports granting the variance	For reasons already stated under Criterion A, while the applicant could certainly attempt to design a structure which strictly adheres to the prescribed district standards, staff finds that doing so would not reasonably obviate the predicament posed by the lot's limited area of developing a structure reminiscent of the rest of the neighborhood. A structure with a roughly 700 square foot footprint, especially if developed as a three-story structure, is uncharacteristic of neighboring house footprints each of which exceed 1,000 square feet in size.

Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
✓ Supports granting the variance	The spirit and intent of setback regulations is to ensure adequate spacing, light, and air between individual structures and the public roadway, and to ensure visual harmony and rhythm in the resulting urban fabric. This block of S Beech Street is unique in its varied and haphazard geometries of subdivision that have occurred over the years, resulting in a development pattern that is anything but uniform. Under such circumstances, staff is of the mindset that the subdivision tapestry must be accepted for what it is, with current Codes applied to achieve the best possible outcome. It is with this understanding that the scope of comparison should rightfully be reduced down to the immediate vicinity, comparing lots of similar shapes and sizes immediately to the north and south. With respect to the existing characteristics of these lots, staff finds that the spirit and intent would be observed by granting the requested variances.
Criterion H	Any other relevant factor
✓ Supports granting the variance	There has been very little change in the facts and conditions between the original BZA approval in September 2020 and now. The main reason the applicant must come before the BZA again for the same request is due to the Zoning Code's timing provision in <i>Section 1139.02(e)(2)</i>, which requires a Building Permit to be obtained and work begun within <i>6 months</i> of a BZA approval. This time horizon has proven hard to meet for many other applicants, especially in a market still experiencing effects from the pandemic. Staff is currently contemplating the initiation of a text amendment to extend out the BZA approval time horizon, possibly from 6 months to 12 months. However, until that happens, the BZA may well continue to see additional extension requests and/or re-applications in the near future.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: October 18, 2021

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA-2021-07**, being a Variance to Section 1143.03(c) for minimum front and rear yard setbacks in the R-1MS District:

Mr./Ms. _____ hereby moves that the Board adopt and make the following findings of fact:

- A. The property in question (**will / will not**) yield a reasonable return or (**can / cannot**) be used beneficially without the variances because:_____
- B. The variance (**is / is not**) substantial because:_____
- C. The essential character of the neighborhood (**would / would not**) be substantially altered by the variance and adjoining properties (**would / would not**) suffer a substantial detriment as a result of the variance because:_____
- D. The variance (**would / would not**) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because:_____
- E. The property owner (**did / did not**) purchase the property with knowledge of the zoning restriction because:_____
- F. The property owner's predicament (**can / cannot**) feasibly be obviated through some method other than a variance because:_____
- G. The spirit and intent behind the zoning requirement (**would / would not**) be observed and substantial justice done by granting the variance because:_____
- H. Other relevant factors, if any, considered include:_____

It is further moved that after considering and weighing these factors, the Board should find that practical difficulty (**is/is not**) shown sufficient to warrant granting the Variance requested, and that the Variance should be accordingly (**APPROVED / DENIED / APPROVED WITH THE FOLLOWING CONDITIONS**). The conditions for approval, if any, include:

Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____



BZA-2021-07

Surrounding Property Owners Notifications Map

Legend

- Subject Area
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- 16.5' Vacated ROW
- Building Footprint



1 inch = 100 feet

Prepared on Friday, October 08, 2021

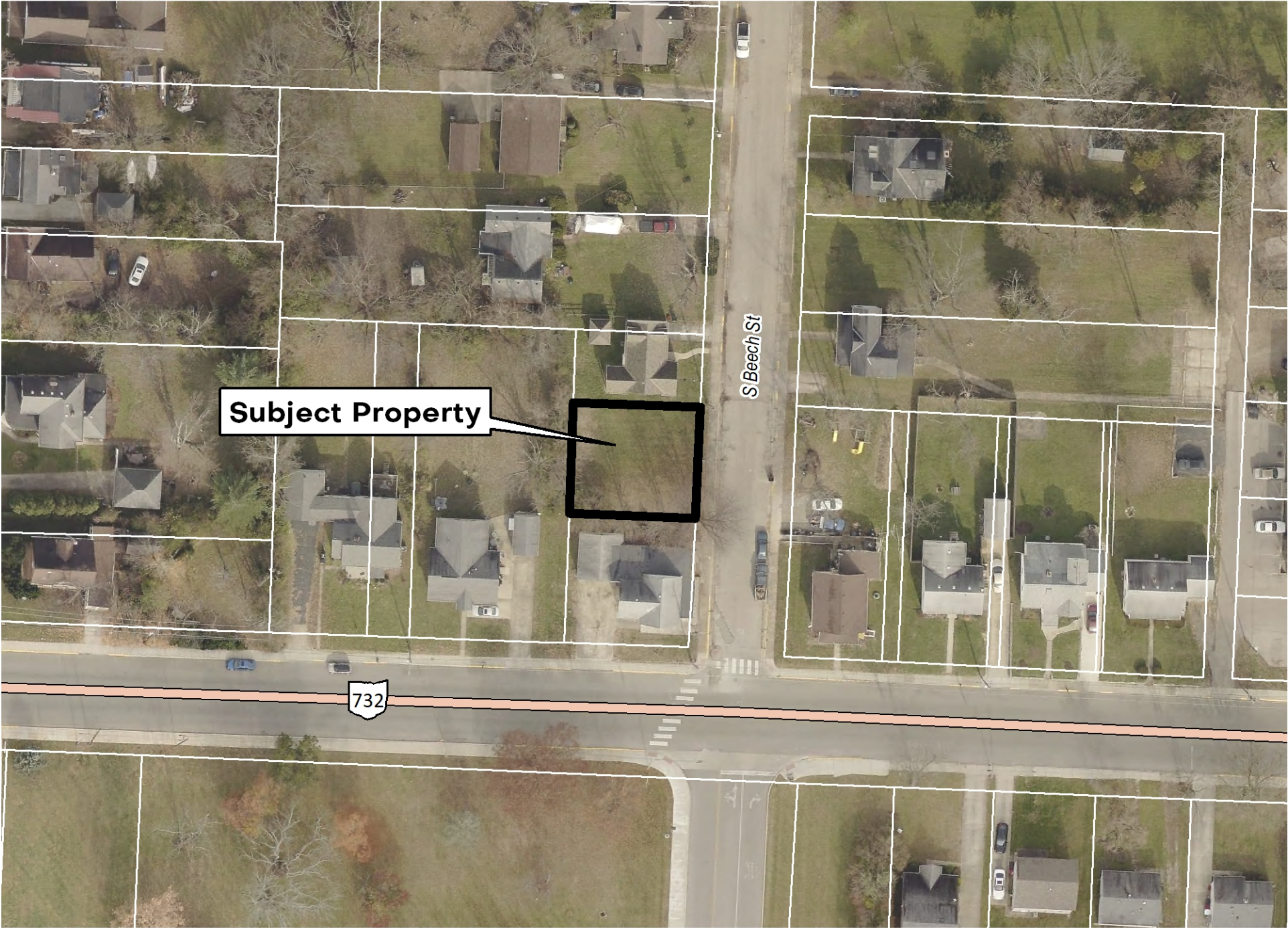
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



Location Map

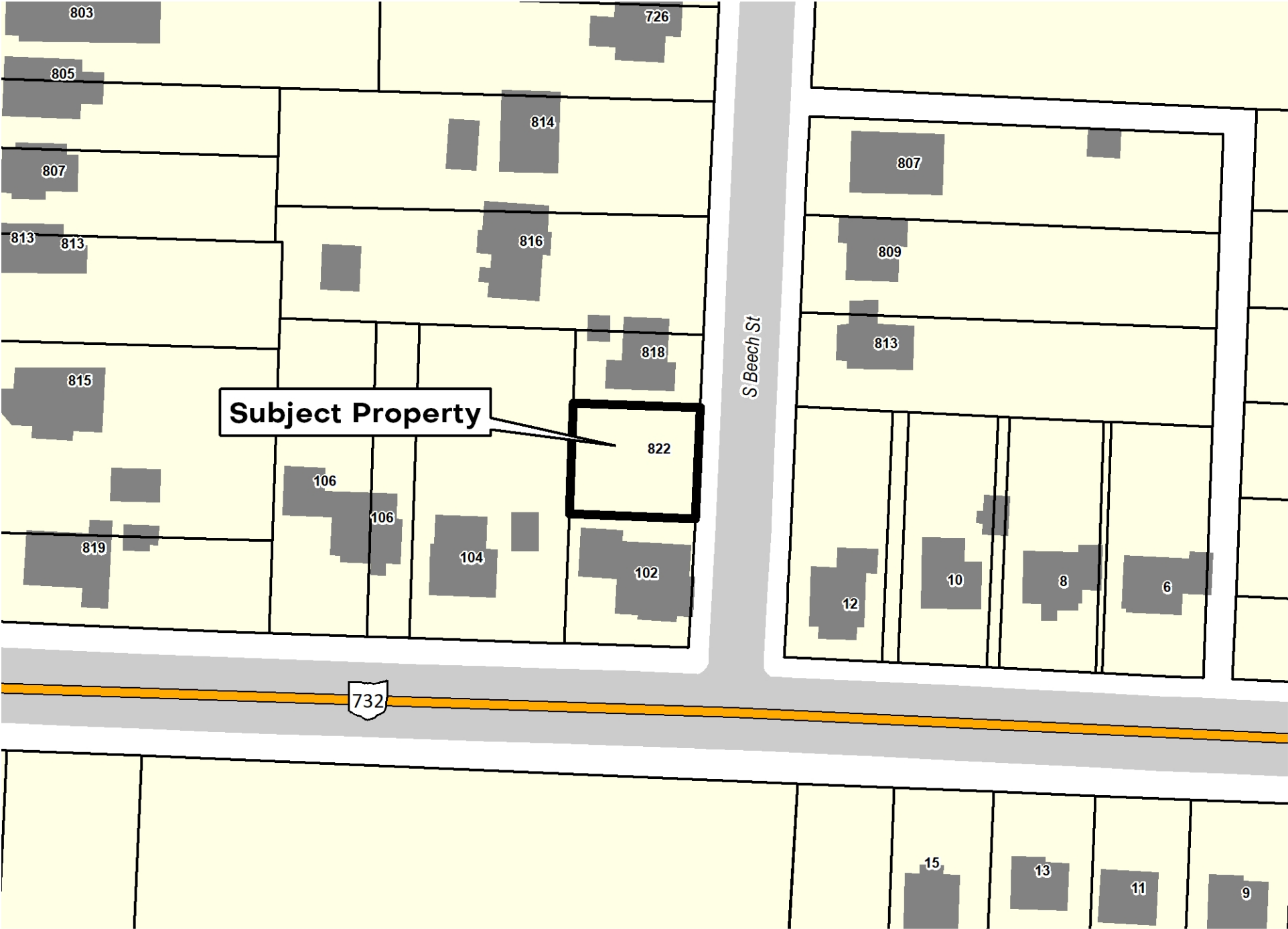
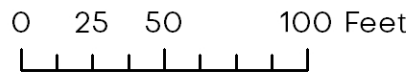
 Site Parcel(s)

0 25 50 100 Feet



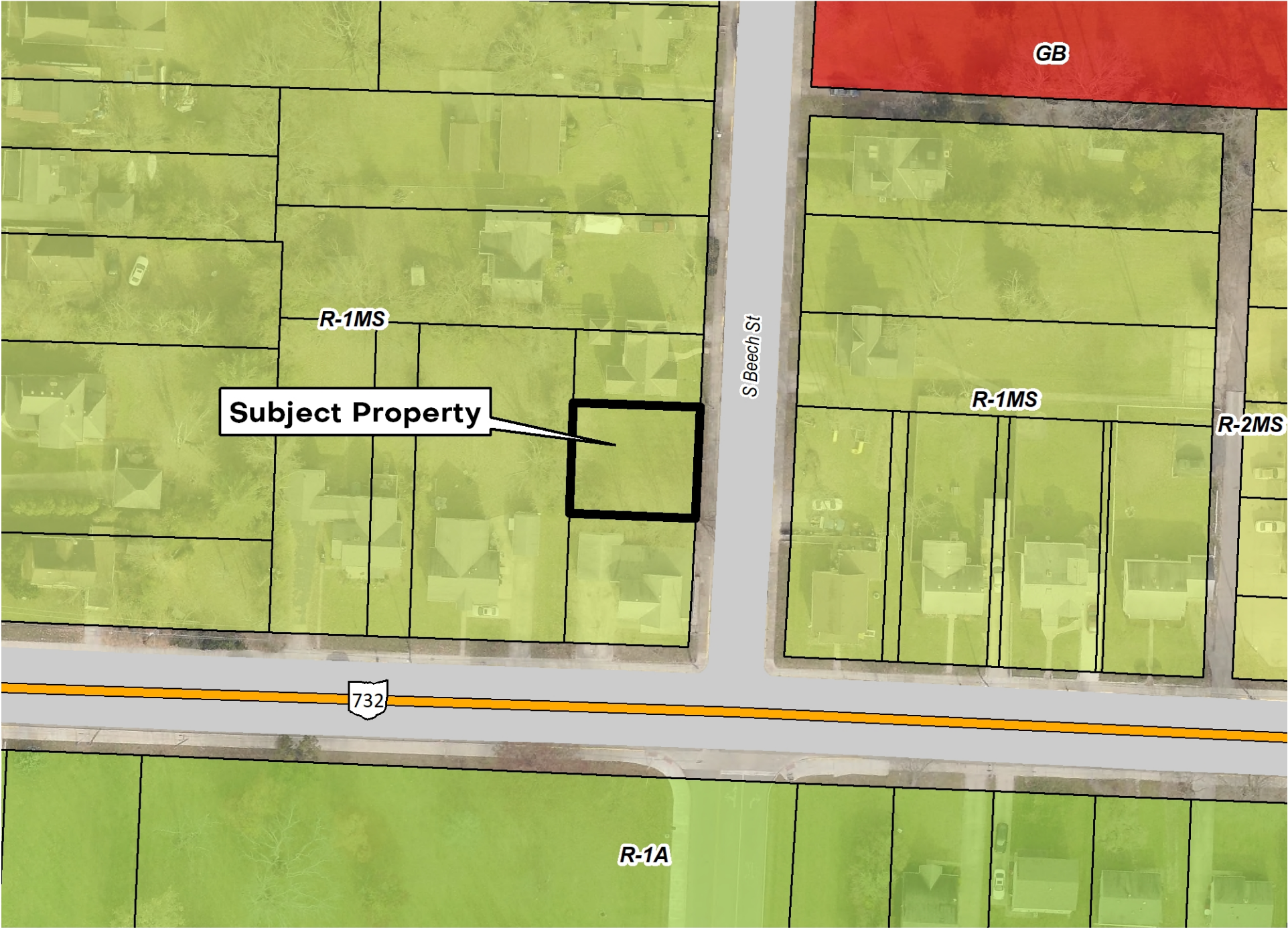
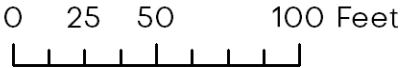
Location Map

 Site Parcel(s)



Location Map

 Site Parcel(s)





Internal Use Only:

Case No.

BZA-2021-07

Date Filed

9/27/21

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

Owner Information

Name * Jesse & Elizibeth Baker

Mailing Address * 6301 Big Woods Circle

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 200-6084

Email Address bakerj28@hotmail.com

Variance and Lot Information

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

1143.03(c) Front 7 Rear and Setback requirements

Location of Requested Variance * 822 South Beech Street

Name of Building

Legal Description * Parcel #H4100105000089

Zoning District * R-1MS Total Acreage * .098

Existing Use of Site * Vacant Lot

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 Single Family Residence

Required Plans and Documentation

From Section 1139.02(a)².

- (1) Contents of application for variance. **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.
 - A. Application Fee.
 - B. Description of Use and Site.
 - C. The name, mailing address, and telephone number of the applicant and the property owner.
 - D. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf (Letter of Agency).
 - E. A legal description of the site, including all separate lots.
 - F. A description of the existing uses of the site.
 - G. The zoning district in which the site is located.
 - H. A description of the existing and proposed use.
 1. A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles.
 2. The hours of operation.
 - I. The nature and magnitude of the requested variance.
 - J. The Code section from which the variance is requested.
 - K. A separate narrative statement that explains how the proposed variance satisfies **each** of the Decision Standards required to grant a variance ([see Decision Standards section](#)).
 - L. A list of the names and mailing addresses of all landowners within 200 feet of the perimeter of the site ([see Surrounding Property Owners section](#)).
- (2) Site Plan. A scaled site plan shall include the following information in detail. 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.
- (3) Elevations. Elevations of proposed structures, 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.
- (4) 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.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)¹ is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Standards

From Section 1139.02(c)(2). *See Chapter 1139 Variances*² for the full text.

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

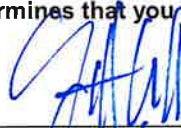
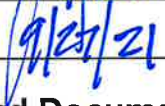
Fees & Receipt

The variance fee is \$300.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00, plus \$10.00 postage charge. **Fees may increase if staff determines that you need more variances.**

Sign and Date

Petitioner Signature *

Date *

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 fees and postage charge, made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, 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).**

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>

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's Board of Zoning Appeals regarding a New Single-family Dwelling at 822 South Beech Street.

Thank you,

Signed: _____
Jesse Baker

Date: _____

Jesse Baker 9-27-21

Board of Zoning Appeals
City of Oxford
15 South College Avenue
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Variance to Front & Rear Yard Setback requirements
New Single Family Residence
822 South Beech Street

September 27, 2021

Board Members

Please accept this letter as a formal petition for a second Board of Zoning Appeals review hearing for a variance to the Rear Yard Setback requirement in the R1MS District.

The variance request described below was approved, but through the uncertainty of the COVID19 pandemic, the building permit was never executed, and the variance approvals expired. My client is asking the Board of Zoning Appeals to reapprove the requested variance so construction can begin.

While the existing lot does not meet the minimum requirements of the Zoning District in either area or lot width, the lot in question is in fact a lot of record, exceeding the minimum 3,000 s.f. lot size allowed by 1137.05(a), guaranteeing the ability to construct a single family residence.

1143.03(c) Requires a 20' Front Yard Setback and a 35' Rear Yard Setback. The front yard may be reduced to an average of the neighboring properties, but not less than 16'-6" per 1141.03(c)(3) B.

With Front Yard Setback requirement of 20' and a Rear Yard of 35' the existing 74' deep lot is left with 22'-6" of buildable area. The proposal at hand is to allow 32' of depth for construction of the new house

The proposal at hand is to reduce the front yard setback to 13'-0" and the rear yard to 28'-10". The reduction of the Front Yard places the building in line with the setback of the building to the north and provides a greater setback than the residence to the south. The rear yard setback reduction allows for a useable depth for construction while maintaining over 80% of the required rear yard depth

The Lot in question is one of (3) small lots near the corner of South Beech Street and West Chestnut, none of which met the minimum lot size or minimum lot width for the R1MS Zoning District. In fact, very few lots in this portion of the Mile Square meet both of these requirements, most of which providing less than the 60' minimum lot width. While a 35' rear yard setback would be reasonable on a lot of the size prescribed for the Zoning District, the Practical Difficulty here lies in the size of the existing single family lot.

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 combination of front and rear yard setbacks on this small lot, leave the property with a compromised buildable area limiting its ability to yield a reasonable return without a variance.

- b) *Whether the variance is substantial;*

The Front Yard setback variance is not substantial, as the new house would align with the neighbor to the north yet be setback farther than the neighbor to the south. The rear yard setback variance represents over 80% of what is required. All other site development regulations are met by this proposal with no other variances required.

- 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. As described above, this portion of the Mile Square is composed of smaller lots than the minimum currently prescribed. Development of this lot would result in a building similar to its neighbors.

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

All utilities are available at this location.

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

The owner of the property was made aware that this site is a buildable lot despite its smaller size.

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

The buildable area between the front and rear yard setbacks significantly limits the footprint of the house. The combination of a front yard variance, allowing alignment with the neighbors, and a minor reduction in the rear yard provides a buildable area with minimal effects in the neighborhood..

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

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.

Setback variances are necessary for any code compliant structure to be constructed.

- 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

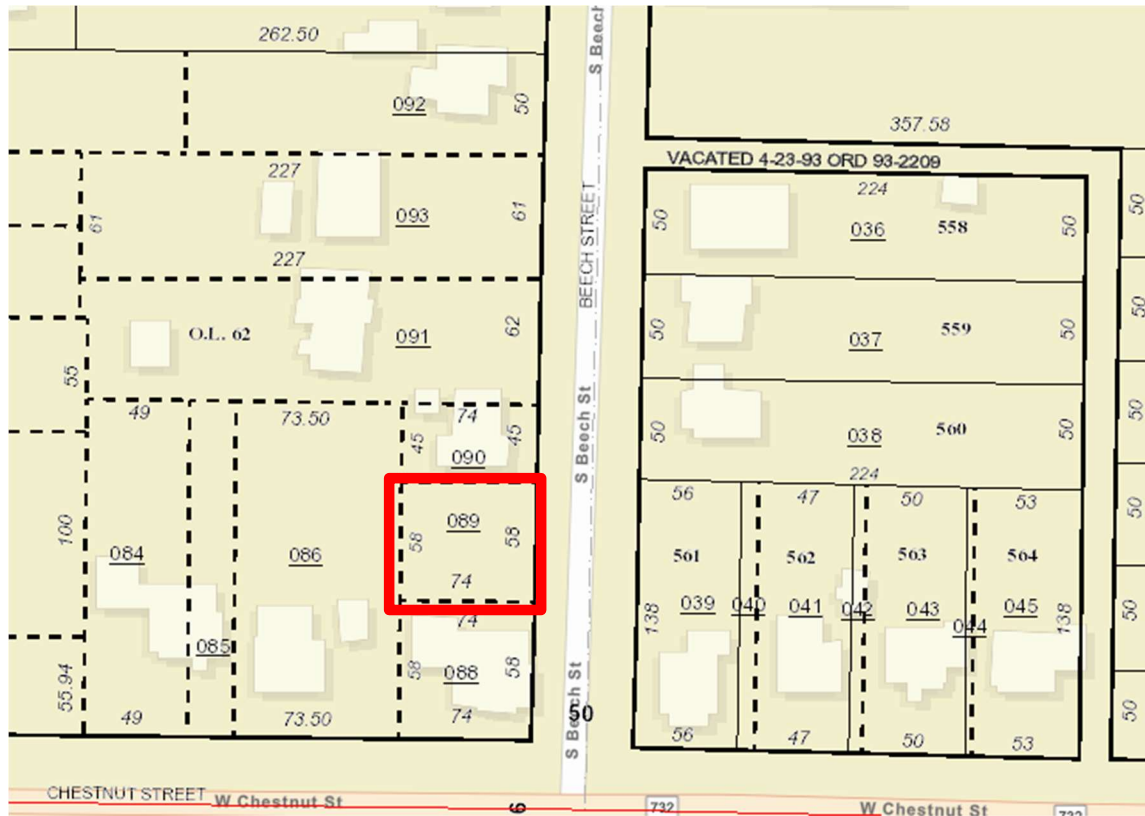
access to public transit, open space, and the Uptown, and Stewart Square commercial districts

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

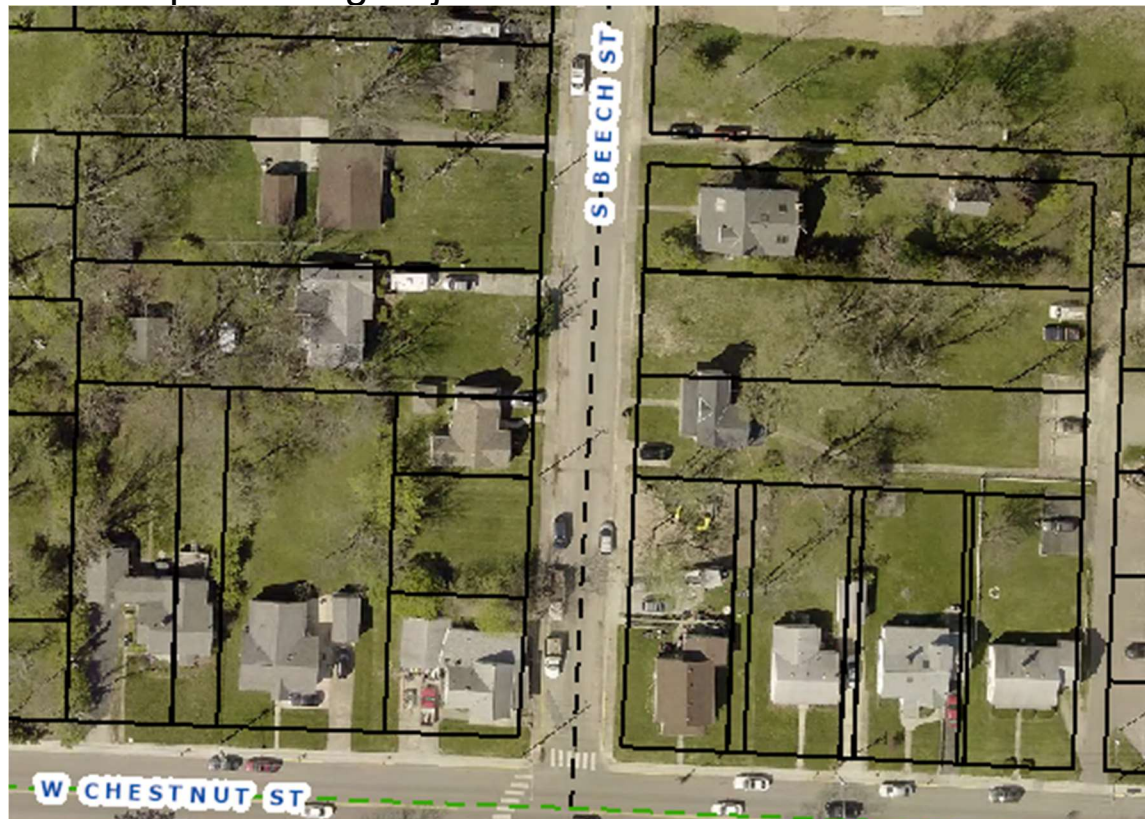
Respectfully,

A handwritten signature in dark ink, appearing to read "Scott Webb", is written over a light blue rectangular background.

Scott Webb, Architect



Area Map Showing Adjacent Lot Dimensions



Area Map Showing Existing Development Pattern



View of Lot Looking South

(RIMS ZONING DISTRICT)

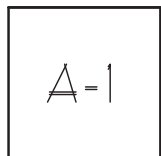
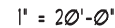
BUILDINGS:	1,042 SF
DRIVEWAY PARKING:	358 SF
SIDEWALKS:	90 SF
TOTAL:	1,490 SF

ACTUAL FRONT YARD: 490 SF / 2084 SF = 23.5%
ALLOW. FRONT YARD: RIMS = 25%

ACTUAL LOT COVERAGE: 1,490 SF / 4,280 SF = 34.8%
ALLOW. LOT COVERAGE: RIMS = 45%

(2) SPACES REQUIRED - (2) PROVIDED)

1143.03(c): REAR YARD SETBACK





PRELIMINARY RENDERING



PROPOSED NEW RESIDENCE
 822 S Beech Street
 OXFORD, OHIO 45056

DATE	
August 17, 2020	
REVISIONS	

A-2

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Terry Dudley
Location	212 N Elm Street
Owner	Dudley Prime Properties
Action Request	Appeal of Administrator's Decision – <i>Section 1141.01(a)(1)(D)</i> interpretation of setbacks & <i>1143.03(c)</i> calculation of lot coverage
Lot Size	4,328 square feet
Lot Width	50 feet
Current Use	Vacant lot – intended development as a single-family dwelling
Current Zoning	R-1MS Single-Family Residential Mile-Square District
Surrounding Land Uses	Single-family residential dwellings; Multi-family residential building on the other side of N Elm St nearby

BACKGROUND

The applicant/owner submitted a Building Permit application on August 19 in pursuit of constructing a new single-family dwelling on the property at 212 N Elm Street. The owner intends to retain the existing garage structure on the property and build a new house in front. Two previous Permit applications for a new single-family dwelling were attempted in December 2018 and March 2020, but neither had progressed to the point of being approved by all departments.

The March 2020 application had included a site plan containing survey-quality lot line information, with proposed construction elements (house, walkways, driveway) hand-drawn within the site boundary. The August 2021 application, however, included a different version of the site plan that did not utilize the survey information. Staff therefore attempted to georeference the plan in GIS to acquire an understanding of how the planned development related to other existing infrastructure features (sidewalks, alley, etc.). During the course of this analysis, staff discovered the house to the north at 218 N Elm was situated fairly close to the 212 N Elm lot. No outline for the 218 N Elm house had been shown on previous surveys received from the applicant. Since enough doubt was raised as to whether this structure encroached onto the subject lot, staff requested the applicant provide a survey-quality site plan. A plan prepared by a professional surveyor was received on September 27 which confirmed the 218 structure does in fact encroach onto the 212 property by approximately 2 feet. Therefore, staff advised the applicant that a 10-foot setback needed to be provided between the buildings and that the portion of the 218 structure encroaching onto the subject lot would count

toward the overall lot coverage for the site. The applicant submitted an appeal request on September 27 challenging staff's interpretation of the Zoning Code section requiring a 10-foot setback between structures, as well as the measurement of lot coverage to include the encroaching structure. An updated site plan was also received on September 28, and is included in the Board's packet. No other applications to the Board of Zoning Appeals, including any Variances, have been submitted at this time.

DESCRIPTION

The applicant's appeals are summarized in the table below, along with analysis for each:

Requirement	Code Section	Standard
Accessory Building Setback	1141.01(a)(1)(D)	10 feet minimum
The Oxford Zoning Code specifies in Section 1141.01 (Accessory Regulations) that <i>a detached accessory building shall be at least ten feet from any dwelling or other accessory building or structure situated on the same lot or abutting.</i> It is true that the setback distance in this case is being measured between two principal buildings, one being already addressed as 218 N Elm and the other to be addressed as 212 N Elm. However, in cases where a principal building straddles the property line, staff's viewpoint is that an encroaching portion of a principal structure be treated the same as an accessory structure. The individual designated as the Zoning Administrator is given the ability to interpret the Zoning Code per Section 1127.01. It could be argued the prescribed setback standards as written anticipate "clean" situations where all principal and accessory structures are contained neatly within property lines, without abnormalities or interference from structures on other properties. The Mile Square area of Oxford, given its historical development predating the establishment of zoning, contains numerous grandfathered non-conformities which must be taken into account any time there is a change in development. The smallest minimum side yard setback distance of any Residential District in the Code is 5 feet, for the R-3MS District. Thus the spirit and intent of the Code is to have at least 10 feet of spacing between any two principal structures (5 feet provided on each side of a property line). The minimum side yard for the subject property, being in the R-1MS District, is 7.5 feet. While the applicant shows compliance with the 7.5-foot setback from the property line, it leaves only 5.4 feet of distance between structures.		
Lot Coverage Calculation	1143.03(c)	45% maximum
The second part of the applicant's appeal has to do with the calculation of lot coverage. The maximum percentage in the R-1MS District is 45%. The applicant's most recent site plan shows a resulting coverage of 47.44% (2,053 sq ft covered area ÷ 4,328 sq ft lot area). The encroaching portion of the 218 structure totals 55 sq ft area, split between 25 sq ft of the porch and 30 sq ft of the building itself. The applicant's opinion is that the 55 sq ft should not be counted toward calculation of coverage on the 212 lot. The structure in question was built in 1908 according to the Butler County Auditor, thus it predates zoning. No recent Building Permit information was found for 218 N Elm in the City's available records. Staff is following existing precedent by including all developed surfaces on the lot toward the calculation of coverage, no matter if the coverage is due to an encroaching building from a neighbor's lot. In other words, all new coverage, as well as coverage that is planned to remain, within the real property boundaries of the site is counted. If the BZA were to grant this appeal, it would change the way the Code is applied for future projects. In addition, if the appeal is granted, the resulting lot coverage not including the encroaching building would be 46.16% (1,998 sq ft ÷ 4,328 sq ft), which still would not comply with the 45% maximum and thus require either a plan revision or application for a Variance.		

PUBLIC COMMENTS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. No official public comments have been received as of this writing.

BZA SITE HISTORY

There is no prior BZA case history available in City records for this property.

DECIDING ON AN APPEAL

Oxford Zoning Code **Section 1129.11** provides that the *Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In exercising its powers to review administrative decisions, the Board may (...) **reverse or affirm** wholly or partly, or may **modify** the order, requirement, decision or determination as the Board of Zoning Appeals determines, and to that end **shall have the powers of the office** from whom the appeal is taken.*

See the enclosed application from Mr. Dudley.

Based on the facts and evidence presented, staff recommends the affirmation of both the interpretation of the setback standard in **Section 1141.01(a)(1)(D)**, and the calculation of lot coverage per **Section 1143.03(c)**.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: October 15, 2021

BZA MOTION FOR APPEALS

With regard to the Request for Variance # **BZA-2021-06**, being an appeal of the Zoning Administrator's interpretation of Section 1141.01(a)(1)(D) requiring a 10-foot setback, and calculation of lot coverage per the R-1MS district standards in Section 1143.03(c):

Mr./Ms. _____ hereby moves that the Board (**affirm** / **reverse**) the Zoning Administrator's determination on the basis that _____.

Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____



Location Map

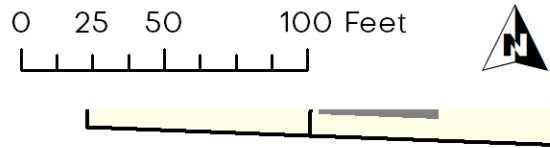
 Site Parcel(s)

0 25 50 100 Feet



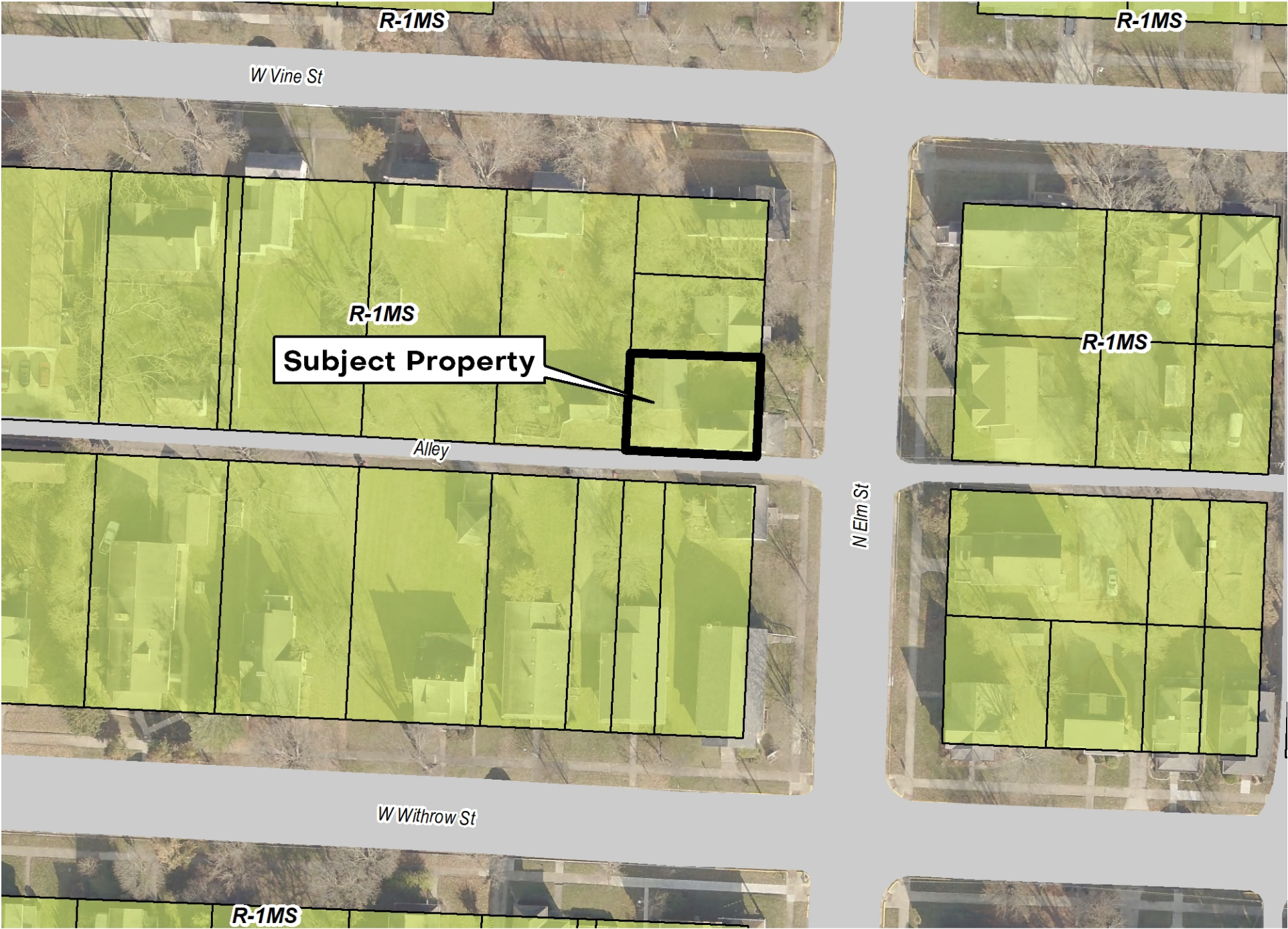
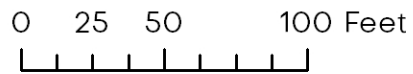
Location Map

 Site Parcel(s)



Location Map

 Site Parcel(s)





Internal Use Only:	
Case No.	BZA-2021-06
Date Filed	9/27/21

Application for Appeal of Administrator's Decision

Appellant Information

Name * Terry Dudley

Mailing Address * 6744 Contreras Rd

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-255-2604

Email Address Kathy Dudley @ Gmail.com

Required Documentation

From Chapter 1129.11(a)¹.

1. Cite specific provisions of this Zoning Ordinance that are alleged to have been interpreted in error of the specific decisions or action being appealed and the grounds on which the appeal is being made;
2. Include any required application fee in an amount set by the City;
3. Include such other information as the City or the Board may reasonably require; and
4. Include a statement as to why the appellant has standing to pursue the appeal from the administrative action by a statement of the way in which the administrative action adversely affects the appellant.

Attach additional pages if needed.

1. Section 1141.01 D Talks about Accessory Buildings & Doesn't mention Principal Structures & the Distants Between them. Since there is a 72' side yard set Back. If I Build within 72' I am within the Building Code or zoning Code.

4. I'm being harmed by shrinking the footprint of my house to a smaller version and devaluing my lot Property. I feel I'm Being Punished for lot Coverage I do not own. City of Oxford apparently let it happen years ago.

Fees & Receipt

The fee is \$50.00.

Sign and Date

Appellant Signature *

Terry Dudley

Date *

9/27/21

Submit Application, Documentation, and Fees

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

Send or drop off this application with required documentation as attachments and a check for the fee made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, 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.

For Staff Use Only

Fee Paid Date *

Receipt Number *

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

ORDINANCE NO. 3610

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1141 ENTITLED ACCESSORY, TEMPORARY, SUPPLEMENTAL AND ENVIRONMENTAL REGULATIONS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1141 ENTITLED ACCESSORY, TEMPORARY, SUPPLEMENTAL AND ENVIRONMENTAL REGULATIONS.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on December 8, 2020, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1141 entitled Accessory, Temporary, Supplemental and Environmental Regulations, and adopting new Oxford Codified Ordinance Chapter 1141 entitled Accessory, Temporary, Supplemental and Environmental Regulations.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council hereby repeals Chapter 1141 entitled Accessory, Temporary, Supplemental and Environmental Regulations and adopts new Chapter 1141 entitled Accessory, Temporary, Supplemental and Environmental Regulations as follows:

CHAPTER 1141

Accessory, Temporary, Supplemental and Environmental Regulations

1141.01 ACCESSORY REGULATIONS.

This section shall apply to accessory uses and structures in all zoning districts, unless otherwise provided for in the development requirements of the district in which the property is located or the respective planned development text.

(a) Permitted Accessory Uses and Structures in Residential Districts.

The following provisions pertain to accessory uses and structures when located in Residential Districts. Unless otherwise stated in this Section or exempted below, detached accessory buildings and uses shall be located in the rear yard.

(1) Accessory Buildings

- A. No accessory building shall be used as a dwelling unit, sleeping quarters, or business, except as may be allowed in the R-3MS District.
- B. There shall be no more than two detached accessory buildings on a lot in a Residential Zoning District. Only one of these accessory buildings can be a garage.
- C. The total square foot area of all accessory building on a lot shall not exceed 1,000 or 50% of the footprint of the principal structure whichever is smaller.
- D. A detached accessory building shall be at least ten feet from any dwelling or other accessory building or structure situated on the same lot or abutting.
- E. A detached accessory building shall not exceed 20 feet in height or the height of the principal structure whichever is less.
- F. All parts of a detached accessory building shall be at least three feet from all lot lines.
- G. Accessory buildings are not permitted in front of the principal structure or within a front yard.
- H. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(2) Swimming pools, hot tubs, and Private Residential Recreational Facilities.

A. Swimming Pools & Hot Tubs.

- 1. The pool and hot tub is to be used only by the occupants and guests of the principal use on the property.

principal building or use and is customarily incidental and ...

<https://anestwithayard.com> › Backyard

What Is An Accessory Building? All To Know In 2021

The **Definition** — What is an **accessory structure**? An **accessory structure** is an outdoor structure located on the same property as the house and is used by its ...

<https://www.realestateagent.com> › real-estate-glossary

Accessory Building - Real Estate Agent Directory

Definition of "Accessory Building" ... An **accessory building** is an outdoor structure used by the occupants of the main building or house. They have different ...

<https://financial-dictionary.thefreedictionary.com> › acce...

Accessory building - Financial Dictionary

A secondary **structure** that exists for the benefit of the main **building**, such as a tool shed or a detached garage. When drafting an offer to purchase real ...

<https://www.plaintownship.com> › zoningpermitsaccessory

Zoning Permits - Accessory Uses Buildings and Structures

An **accessory** use or **structure** is **defined** as: A use or **structure** subordinate to the principal use or **structure** on the lot or tract and serving a purpose ...

Related searches

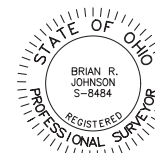
accessory structure examples	is a garage an accessory structure
is a deck an accessory structure	accessory structure biology
accessory structures definition anatomy	accessory structures building code
is a shed an accessory structure	is a fence an accessory structure



Basis of Bearing:
VOLUME 39, PAGE 76
0 10 20
SCALE: 1" = 10'

PT. LOT #423
212 N. ELM STREET
CONGRESS LANDS WEST OF THE MIAMI RIVER
CITY OF OXFORD
BUTLER COUNTY, OHIO

PLOT PLAN

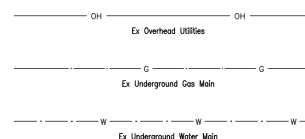
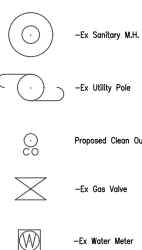


**Know what's below.
Call before you dig.**

BURIED UTILITIES NOTE:

ALL ABOVE GROUND FEATURES HAVE BEEN FIELD LOCATED. ALL BURIED UTILITIES HAVE BEEN SHOWN BASED UPON FIELD EVIDENCE, PROJECT UTILITY PLANS, AND/OR INFORMATION OBTAINED FROM UTILITY COMPANIES. THE UTILITIES SHOWN MAY OR MAY NOT BE SHOWN IN THEIR ACTUAL LOCATION. OTHER BURIED UTILITIES MIGHT EXIST ON THE SUBJECT PROPERTY WHICH ARE NOT SHOWN ON THIS DRAWING.

LEGEND



NOTES:

1. THIS DRAWING WAS PREPARED FOR HOUSE PERMITTING AND STAKING ONLY. IT DOES NOT WARRANT ANY ENVIRONMENTAL OR GEO-TECHNICAL CONDITIONS, AND IT DOES NOT REPRESENT A BOUNDARY OR "AS-BUILT" SURVEY.
2. SURVEYOR ASSUMED NO RESPONSIBILITY EITHER THE DEPTH OR LOCATION OF THE SEWER LATERALS. CONTRACTOR TO VERIFY DEPTH OF SEWER LATERAL BEFORE ESTABLISHING FINAL FINISHED FLOOR (IF NEEDED).
3. MINIMUM SETBACKS PER ZONING:
FRONT = 20 FEET
SIDE = 7.5 FEET
REAR = 35 FEET
4. LOCATION OF WATER METER AND CLEANOUTS TO BE ACCEPTABLE TO THE CITY OF OXFORD AND MAY BE MOVED TO A DIFFERENT LOCATION AT THEIR REQUEST.(IF NEEDED)
5. SILT FENCE TO BE MAINTAINED TILL COMPLETION OF PROJECT AND GRASS IS GROWING.
6. GRADING TO MAINTAIN DRAINAGE AWAY FROM PROPERTY TO THE WEST AND NORTH.
7. UTILITIES ARE FROM FIELD LOCATIONS AND PLANS PROVIDED BY THE CITY OF OXFORD AS-BUILTS.
8. OXFORD ZONING CODE SECTION 1148.04(B)(1) REQUIRES AT LEAST ONE (1) TREE TO BE PLANTED WITHIN THE REQUIRED FRONT YARD AREA. THE CHOSEN SPECIES MUST BE NOTED CONSISTENT WITH SECTION 1148.04(D). YOU MAY REFER TO THE CITY'S TREE LIST FOR A LIST OF ACCEPTABLE SPECIES, OR PROPOSE A SPECIES NOT LISTED FOR APPROVAL BY THE ZONING ADMINISTRATOR.

PT. LOT #422
YUYAN CHEN
O.R. 9130, PG. 708

PT. LOT #423
J.R.J. INVESTMENT CO., LLC
O.R. 7757, PG. 1390

EX. FRAME HOUSE
218 N. ELM

PT. LOT# 423
0.099 ACRES
4328 S.F.

PROPOSED SINGLE
FAMILY HOUSE

16.50' ALLEY

PT. LOT #410

ZONED R-1MS

LOT COVERAGE

PART OF LOT #423 4328 SQ. FT.
PROPOSED HOUSE 910 SQ. FT.
PROPOSED PORCH 160 SQ. FT.
PROPOSED FRONT WALK 51 SQ. FT.
PROPOSED REAR WALK 28 SQ. FT.
EXISTING CONC. DRIVE PAD 369 SQ. FT.
EXISTING CONC. PAD 22 SQ. FT. (TO BE REMOVED)
EXISTING FRAME GARAGE 480 SQ. FT.

(EXISTING HOUSE 218 N. ELM 30 SQ. FT.)
(EXISTING PORCH 218 N. ELM 25 SQ. FT.)

TOTAL COVERAGE

$\frac{2053 \text{ SQ. FT.}}{4328 \text{ SQ. FT.}} \times 100 = 47.44 \%$

R-1MS ALLOWABLE 45%

PROPOSED BUILDING COVERAGE
PROPOSED HOUSE 910 SQ. FT.
EXISTING GARAGE 480 SQ. FT.

$\frac{1390 \text{ SQ. FT.}}{4328 \text{ SQ. FT.}} \times 100 = 32.12 \%$

FRONT YARD = 1,000 SQ. FT.
NEW WALK IN FRONT YARD = 51 SQ. FT.
PROPOSED PORCH IN FRONT YARD = 60 SQ. FT.
 $\frac{60 \text{ SQ. FT.}}{1,000 \text{ SQ. FT.}} \times 100 = 11\%$

R-1MS ALLOWABLE 45%