

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-09

Date – March 21, 2018

APPLICATION

Applicant:	Scott Webb / Architect
Location:	209 North Campus Ave
Owner:	Oberlin Court LLC / Tom Conrad

Action Request:	Variance to Section 1143.05(c), R2MS Lot Width Reduction of 75 feet to 60 feet and Front Yard Lot Coverage Increase of 5% to 6.6%. Section 1143.05(c), maximum front yard lot coverage of 5%
-----------------	---

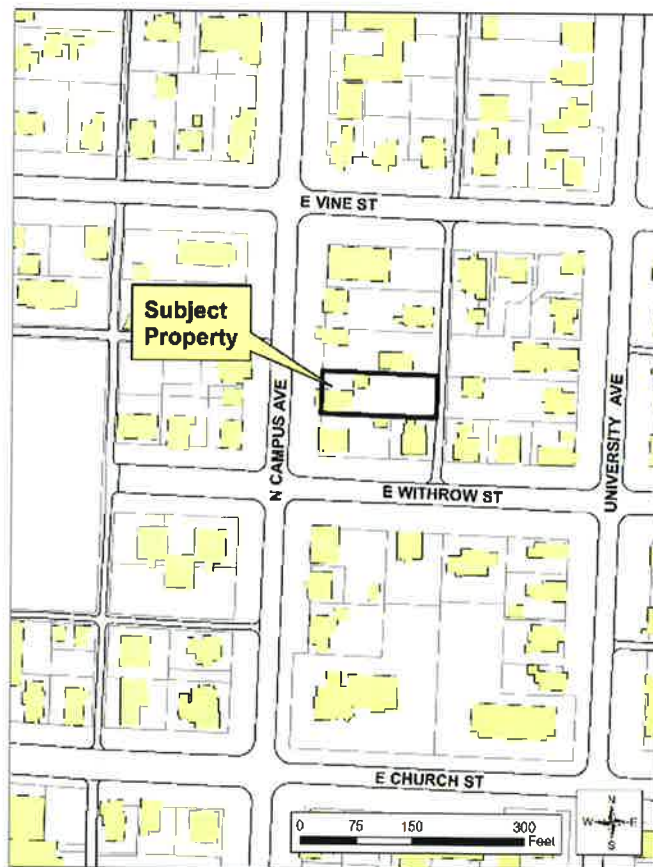
Current Use:	Single Family
Zoning:	R2MS (Single and Two Family Mile Square Residential)
Surrounding Land Uses:	Single, Two and Multi Family Residential

DESCRIPTION

Architect Scott Webb is requesting lot width and lot coverage variances on behalf of Tom Conrad of Schmates Rentals / Oberlin Court LLC. The location is 209 North Campus Ave. The requests are a result of a request to remove the current building and replace it with a new two family structure.

BACKGROUND

Oxford Zoning Code Section 1143.05(c) requires at least 75 feet of lot width for a two-family dwelling. The existing lot is 60 feet wide. Code also limits the front yard coverage to 5%. The proposed coverage is 6.6%. In 2017, Mr. Webb applied for a zoning map amendment to R3MS for seven parcels in this area. The amendment was denied. All of the parcels on this side of Campus Avenue meet the zoning code lot width requirement for a single-family residence. The zoning district is Single & Two Family, not Two-Family only.



COMMENT FORMS

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

AGENCY REVIEW

The variance request has been reviewed by City departments.

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

BZA SITE HISTORY

BZA-2006-04: Lot width variance request-withdrawn by applicants

ANALYSIS

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

Regarding Criterion A, Whether or not there **can be a reasonable return or whether there can be any beneficial use of the property without the variance**: The property is currently developed with a single family home, which is sufficient evidence to demonstrate that beneficial use exists without the variance. There have been five building permits since 2000 listed in city records, as well as an active rental permit for up to four unrelated occupants. The rental permit last passed an inspection by a City of Oxford inspector on August 23, 2016. Minor corrections were required by the City.

Regarding criterion B, Staff believes that **neither variance is substantial** because the lot width of 80% of the required width and the front yard lot coverage increase would be hardly noticeable at 6.6% instead of 5%.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: There is a mixture of single, two, three, and multi-family structures in this area. A new two-family structure with required parking from the alley **would not negatively alter** the essential character of the neighborhood.

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

Regarding criterion E, **property owner awareness of the zoning restriction** prior to the purchase of the property. This property was purchased by Tom Conrad in July 2016 with knowledge of the zoning code requirement for lot width.

Regarding criterion F, in summary, the **owner's stated predicament** appears to be that the zoning code stands in the way of gaining compliance with city codes. Staff believes there is no predicament at all, because all applicable codes are in compliance. If there were a current code or safety violation, the City would not permit building occupancy. Additionally, the Schmates Rentals website lists this property as rented through the 2019-20 school year.

Regarding criterion G, whether **the spirit and intent behind the zoning requirements would be observed and substantial justice done** by granting the variances: The spirit and intent of the lot width requirement is to ensure a predictable ratio of building size with space between buildings. Since this district permits both single and two family, and the lot width is already sufficient for single family, justice is already done without a variance being granted. Granting the front yard lot coverage variance for a standard sidewalk would not be contrary to the intent of the zoning code.

Regarding criterion H, whether there are any **other relevant factors**:

1. In 2017, the City of Oxford denied the requested zoning map amendment to R3MS. The amendment would not have changed the 75' lot width requirement for a two family building.
2. In 2017, City Council amended the text which included increasing the lot coverage, decreasing the side setback for all R2MS districts.
3. There are four other R2MS districts. There was no stated intent for any particular R2MS district to be a transitional zone.

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variance, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance requests. At the time of this report, **staff believes there is not substantial evidence that supports the lot width variance request**. If the BZA does approve the variance it can attach any appropriate conditions necessary as permitted by Section 1139.02(d)2.



SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

City of Oxford
Inter-Office Review Transmittal Sheet



Date: 2/26/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

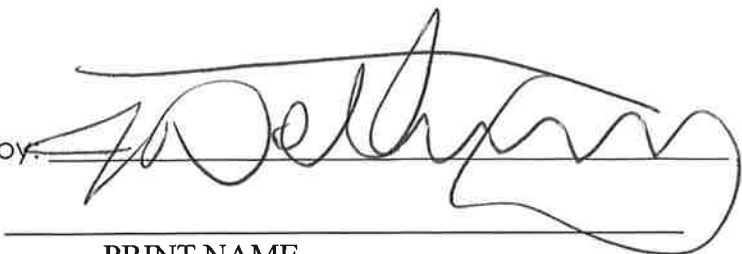
BZA-2018-09, 209 N. Campus Avenue, variance to Section 1143.05(c), minimum lot width 75' and 7,500 sf of lot area for a two-family dwelling; and Section 1143.07(c) maximum front yard lot coverage of 5%, **Scott Webb, Appellant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 3/13/2018 Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: 

Date: 3-12-18

PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/26/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-09, 209 N. Campus Avenue, variance to Section 1143.05(c), minimum lot width 75' and 7,500 sf of lot area for a two-family dwelling; and Section 1143.07(c) maximum front yard lot coverage of 5%, **Scott Webb, Appellant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 3/13/2018 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: 2-28-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/26/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-09, 209 N. Campus Avenue, variance to Section 1143.05(c), minimum lot width 75' and 7,500 sf of lot area for a two-family dwelling; and Section 1143.07(c) maximum front yard lot coverage of 5%, **Scott Webb, Appellant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 3/13/2018 Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____


JOHN A. JONES

PRINT NAME

Date: 2/27/18



BZA-2018-09 Surrounding Property Owners Map

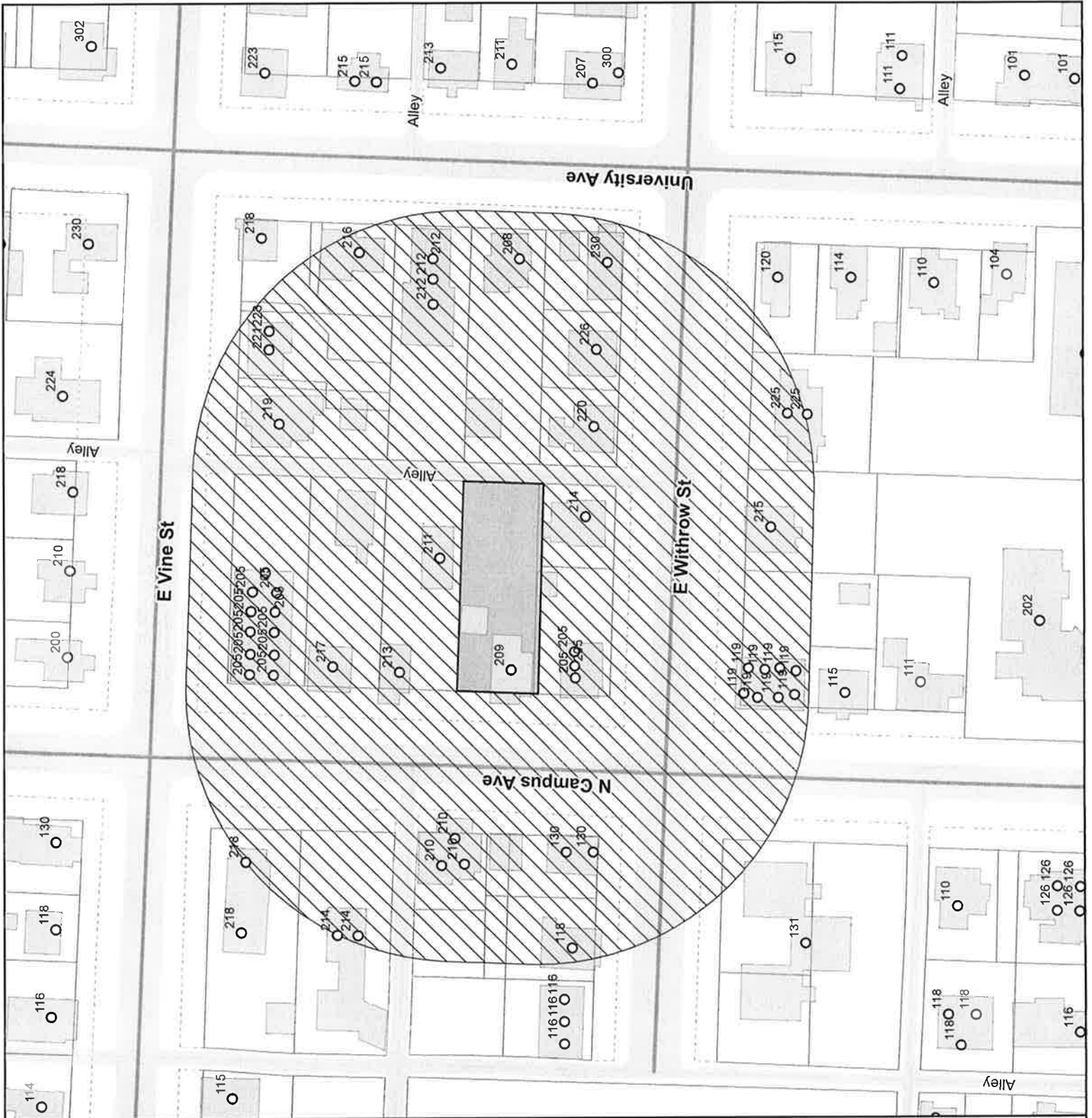
Legend

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



1 inch = 100 feet

Prepared on Wednesday, March 07, 2018
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



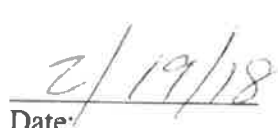
LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Board of Zoning Appeals regarding the construction of a new 2-Family home at 209 North Campus Ave..

Thank you,

Signed: 
Thomas Conrad, Schmates Rentals LLC


Date:



Internal Use Only:

Case No.

BZA-2018-09

Date Filed

2/20/18

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 * Schmates Rentals/Oberlin CT LLC

Mailing Address * 942 Woodbine Lane

City, State & Zip Code * Northbrook, Illinois 60062

Telephone Number(s) * (847) 274-6600

Email Address tom@schmatesrental.com

Variance and Lot Information

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

1143.05(c) Requires a minimum lot width of 75' and 7,500 s.f. of Lot Area for a Two- Family dwelling

1143.07(c) Maximum Front Yard Lot Coverage of 5%

Location of Requested Variance * 209 North Campus Street Ave.

Name of Building

Legal Description * H4100006000010

Zoning District * R2MS Total Acreage * .241

Existing Use of Site * Single Family 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.*

Proposed New 2-Family Structure

- 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 \$10.00 postage charge. **Fees may increase if staff determines that you need more variances.**

Sign and Date

Petitioner Signature *

Date *

[Handwritten Signature]
[Handwritten Date: 2.19.18]

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, 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).**

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>

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



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Variance to Minimum Lot Width
& Front Yard Lot Coverage
Demolition of Existing Single Family Residence
& Construction of a New 2-Family Dwelling
209 N Campus Ave.

February 19, 2018

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 Single Family Structure and the construction of a new Two-family dwelling at 209 N. Campus Ave. in the R2MS Two Family Zoning District.

1143.05(c) Requires a minimum lot width of 75' and 7,500 s.f. of Lot Area for a Two-Family dwelling

The Lot in Question has Over 60' of Lot Width (over 80% of the width requirement) and 10,502 s.f. of area (over 140% of the area requirement).

Despite the slightly narrower lot width, the design as proposed exceeds the minimum side yard setbacks, providing greater separation from the neighboring properties than is required.

1143.07(c) Maximum Front Yard Lot Coverage of 5%

The simple, straight 48" sidewalk from the setback line to the property line exceeds this maximum.

None of the lots along this side of N. Campus Ave. meet the minimum lot width requirements for the district and 5 out of 6 properties are currently occupied by non-conforming uses. In light of Planning Commission's recent Map Amendments, an application was made to Planning Commission to add this group of parcels to the new R3MS districts, but was ultimately rejected by City Council.

The application at hand addresses the ability of a single property owner to construct a two-family residence in a two-family district, similar & complementary to its neighbors. With a lot exceeding 140% of the minimum size, the project is able to meet or exceed all other zoning provisions and dimensional requirements including lot coverage, setback requirements and parking.

The Front yard lot coverage is being reduced and a curb cut eliminated. A variance is required to simply provide a paved sidewalk from the public way through the front yard setback area as is required.

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 was purchased in a state of disrepair, and while my client has been investing in and maintaining the property, its condition and location have encouraged him to consider a more significant investment; replacing the structure entirely.

The existing frame structure does not meet current building code requirements

While the property may continue in its current configuration and continue to yield a reasonable return, the project described herein represents a major investment in the neighborhood replacing an outdated structure and improving the living conditions of the residents and neighbors.

- b) *Whether the variance is substantial;*

The variance is not substantial, as the existing property represents over 80% of the required minimum, being over 60' wide where the minimum is 75'. This is offset by the fact that the lot provides over 140% of the minimum lot area.

The proposed new structure has been located and designed to provide generous side yard setbacks on each side, exceeding the minimum requirements that provide separation between neighboring structures.

- 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 building that has outlived its life expectancy and replacing it with a new safer structure, meeting the Mile Square Design Guidelines.

- 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 owner was aware of the zoning restriction.

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

An attempt was made by all affected property owners to rezone the this block face to reflect its configuration & use, but Planning Commission & City Council were not inclined to allow 3-family structures in this area. The property could remain in its current configuration or a new single family structure could be constructed. There is no way a two structure can be built in this two-family district with this width variance.

- 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 structure in a two family district. Substantial Justice would be done by allowing the improvement of a property

resulting in a more code compliant structure that reflects Planning Commission & City Council's decision to allow higher density in the Mile Square in such locations.

Further, it reflects Planning Commission's discovery that the lot requirements in the section of the Mile Square do not reflect the lot sizes in the 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.

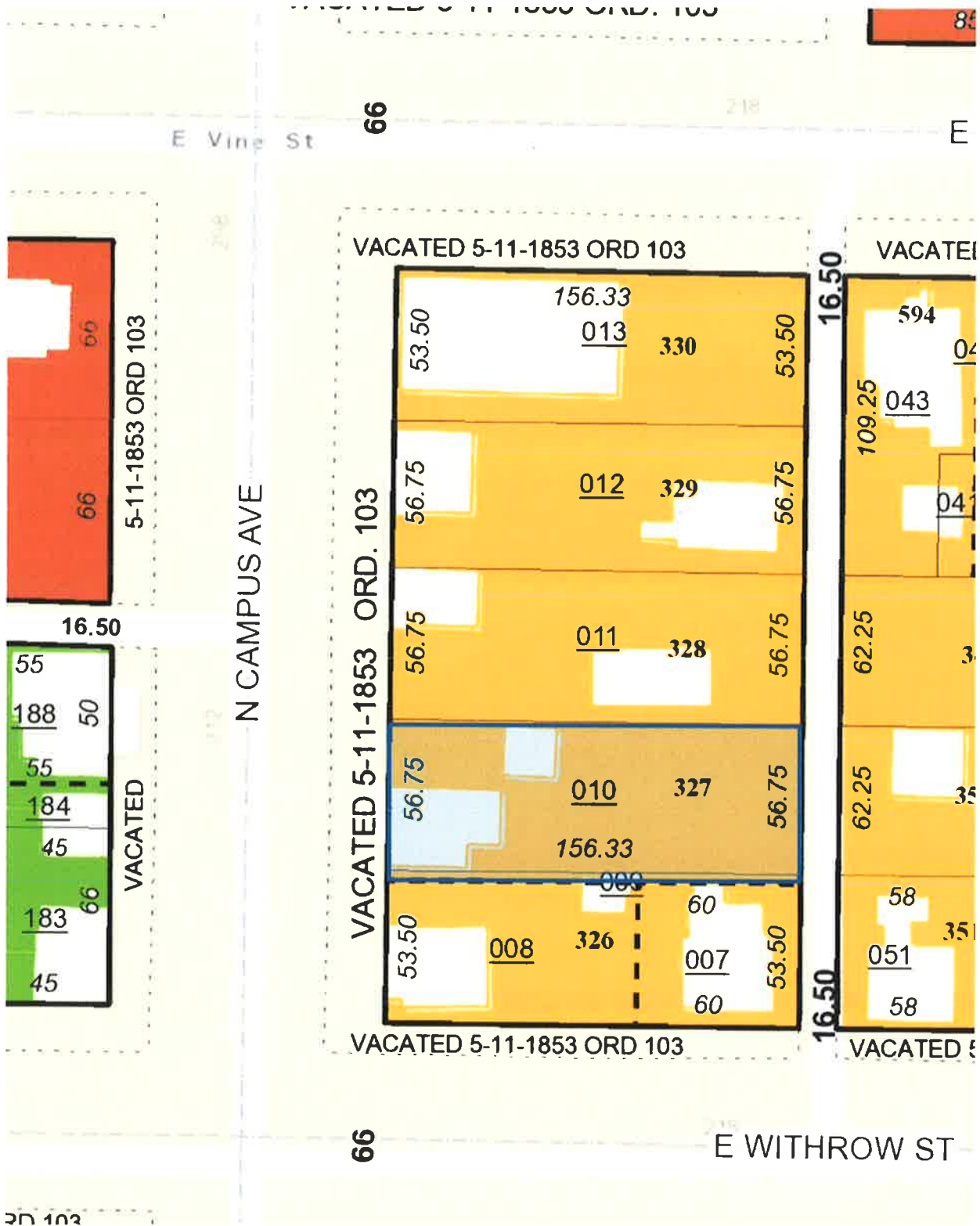
While Planning Commission & City Council were not inclined to upzone this block to the most dense in the Mile Square, their intention for this area to be a transitional area of less dense, two- family structures would be observed in granting this variance.

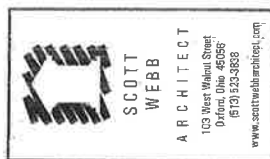
Thank you for your consideration of this application. If you have any questions or need any additional information, please call.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect

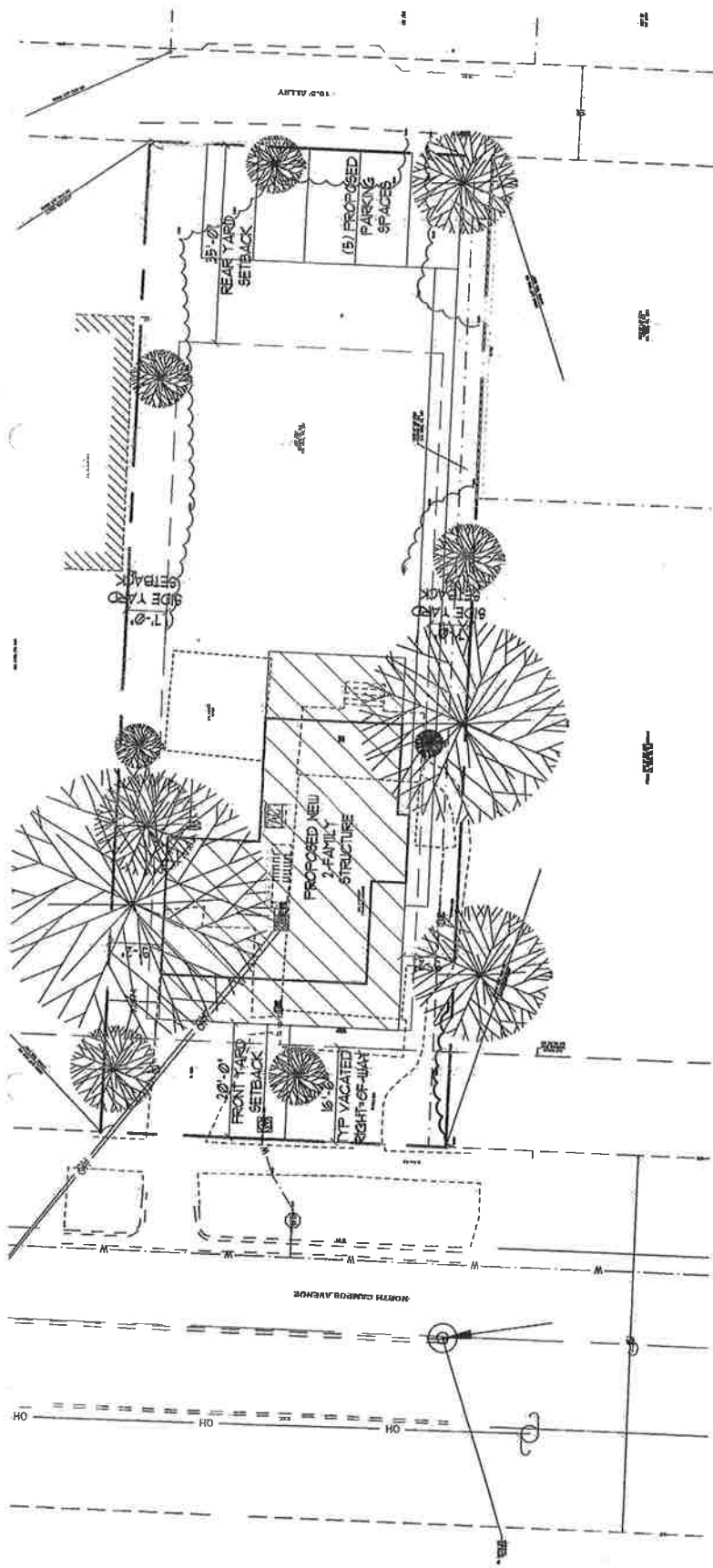




PROPOSED NEW 2-FAMILY RESIDENCE
209 North Campus Ave
OXFORD, OHIO 45056

DATE	February 13, 2019
REVISIONS	

A-1



PRELIMINARY SITE PLAN 1" = 20'-0"

SCOPE OF WORK:
PROPOSAL INCLUDES THE REMOVAL OF AN EXISTING SINGLE FAMILY STRUCTURE AND REPLACEMENT WITH A NEW 2-UNIT BUILDING IN THE R2MS ZONING DISTRICT

PROPOSAL INCLUDES (2) SEPARATE ENTRANCES TO EACH DWELLING UNIT FACING NORTH CAMPUS AVE

REQUIRED VARIANCES

1143.05(c) 75' MIN. LOT WIDTH FOR TWO-FAMILY

ZONING (R3MS ZONING DISTRICT)

OVERALL LOT AREA: (1300 SF MIN) 10502 SF
OVERALL LOT WIDTH: (75' MIN) 60.40 FEET

LOT COVERAGE	
BUILDINGS:	2,171 SF
DRIVEWAY PARKING (OFF ALLEY):	900 SF
SIDEWALKS:	530 SF
TOTAL:	3,601 SF

ACTUAL LOT COVERAGE: 3,601 SF / 10,502 SF = 34.28%
ALLOW. LOT COVERAGE: R3MS = 45%
ACTUAL FRONT YARD: 80 SF / 1203 SF = 6.6%
ALLOW. FRONT YARD: R3MS = 5%

PARKING
(75) SPACES REQUIRED @ 2.5 PER UNIT - (8) PROVIDED