

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2019-01

Date – April 17, 2019

APPLICATION

Applicant:	Scott Webb, Architect
Location:	117 East Walnut Street
Owner:	Thomas and Sarah Conrad
 Action Request:	 Variances to Section 1143.09(c)(1)(B) Office Residential District minimum lot width for a two-family dwelling and (A) Office Residential District minimum lot area for a two-family dwelling
 Current Use:	 Mixed: One Single Family Unit / One Professional Office
Zoning:	RO (Office Residential)
Surrounding Land Uses:	Single-Family, Two-Family, Multi-Family, Fraternity

DESCRIPTION

Architect Scott Webb is requesting, on behalf of the owners, relief from two zoning standards for the conversion of a building. The first standard is the minimum lot width requirement and the second is the minimum lot area requirement. The building is located at 117 East Walnut Street, which is located near the South Campus Avenue intersection.

BACKGROUND

Oxford Zoning Code Section 1143.09(c)(1)(B) requires that the minimum lot width for a two-family dwelling in the RO district be 75 feet. Oxford Zoning Code Section 1143.09(c)(1)(A) requires that the minimum lot area for a two-family dwelling in the RO district be 3,750 square feet per unit. The lot is 51.6 feet wide versus 75 feet required and is 4,257 square feet lot area versus 7,500 square feet required. The ground floor was most recently used as a professional (dentist) office while the second floor was used as a residence (approved rental unit). A building/zoning permit application submitted March 7, 2019 was put on hold by staff due to these zoning code findings. The plan is to convert the ground floor to a separate residence utilizing the existing front entry. The second floor has a separate existing entry at the side.

STAFF RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variances, 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 substantial evidence that supports the variance request for reduction in lot width. There is also sufficient evidence to support the variance request for reduction in lot area.** If the BZA does approve the variances it can make separate findings and attach any appropriate conditions it deems necessary as permitted by Section 1139.02(d)2.

Potential conditions, if the variances are found to be supported, could be:

- Gravel in side yard be replaced with grass and a staff-approved barrier preventing parallel parking along alley be installed

- Gravel in rear yard be replaced with pavement and a surrounding grass buffer as approved by staff

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

BZA SITE HISTORY

There is no prior BZA case history in available city records.

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 the variances, 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.

This building has existed for many years as one commercial unit and one residential unit. Therefore, regarding criterion A, it is staff's determination that the property could **yield a reasonable return without the variance**. No variance is needed to continue the existing uses. There is also a range of permitted and conditional uses allowed by the code, only one other of which has been pursued by this applicant.

Regarding criterion B, Staff believes that the variances **are not substantial** in consideration of the fact that no building expansion is proposed with this project. The actual lot width is 68.8% of the required width. The actual lot area is 57% of the required area. A condition that no building expansion is permitted without re-application to BZA may be appropriate in this case.

Regarding criterion C, whether or not the **essential character of the neighborhood** could be negatively altered by the granting of the variances: Again, since no changes are proposed to the building, the negative effect on the neighborhood is minimal. There will however likely be an increased demand for parking, depending on the number of resident tenants. A condition that reinforces the administrative requirement for off-street parking compliance may be appropriate in this case.

Regarding criterion D, Staff believes that the delivery of governmental services **is likely not negatively impacted**, as there were no departmental staff responses on this topic. As in criterion C, parking compliance is essential because of potential alley blockages. This is both an enforcement matter and an administrative plan review matter. Removal of the side yard parking space is essential in this case.

Regarding criterion E, **property owner awareness of zoning restriction**: Both the owner and the applicant are experienced with Oxford Zoning Codes.

Regarding criterion F, whether the **owner's predicament** can be obviated through some method other than a variance. The dentist office has closed therefore some other use is needed for the ground floor. Staff

agrees with the applicant's statement that 'changing from one permitted use to another within an existing building, should not prevent the use of the building.'

Regarding criterion G, whether **the spirit and intent behind the zoning requirements would be observed and substantial justice done** by granting the variances: The lot width and area requirements are intended to create sufficient area for typical buildings, leading to typical spaces between buildings. The spirit and intent was not to prevent a change from one permitted use to another.

A handwritten signature in dark ink, appearing to read "Sam Perry", with a long horizontal flourish extending to the right.

SUBMITTED BY: _____

Sam Perry, AICP
Director, Community Development Department

DATE: April 11, 2019

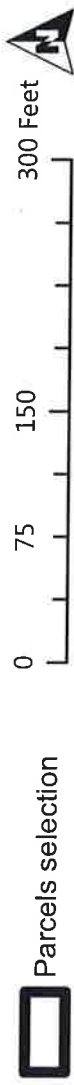
Aerial Map

 Parcels selection

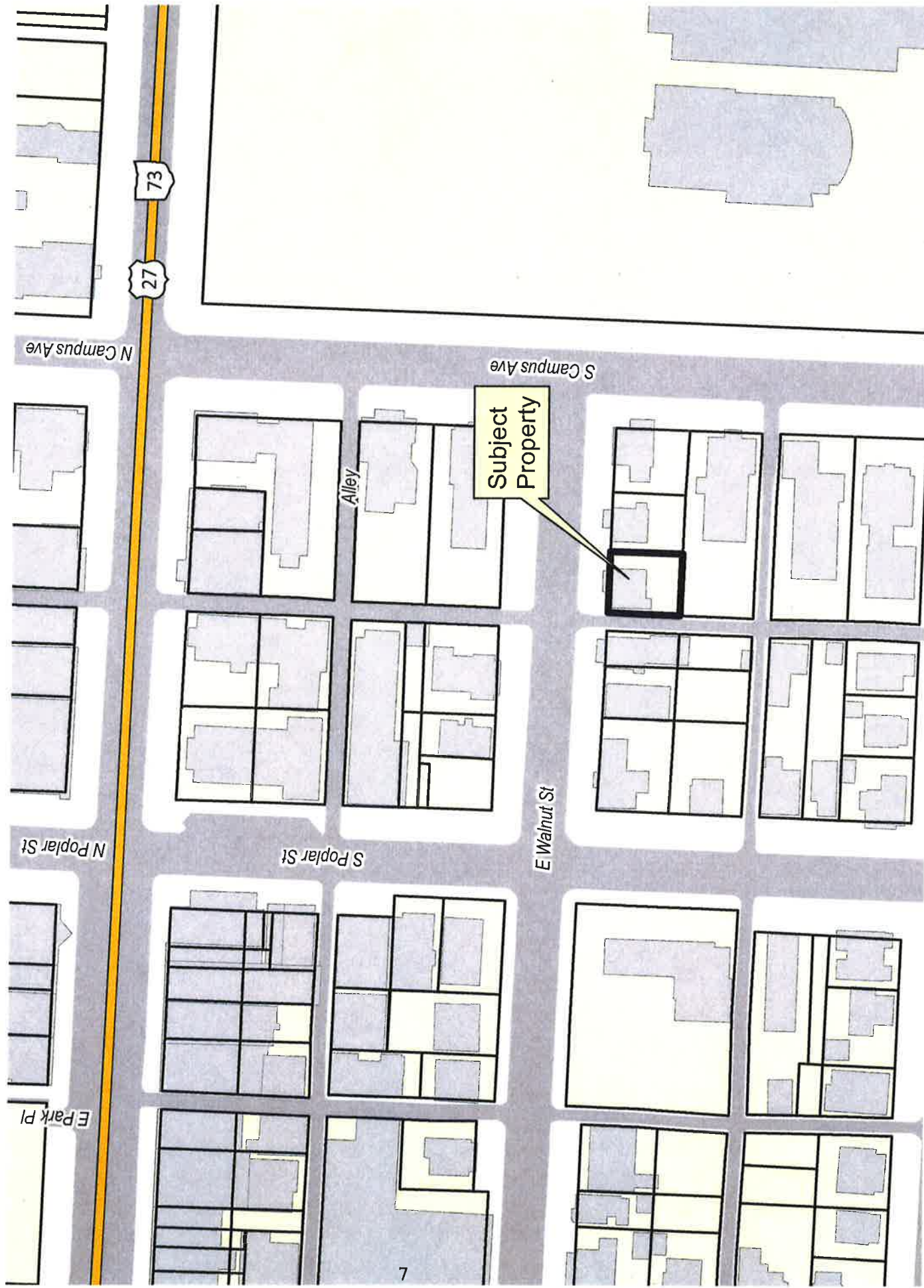
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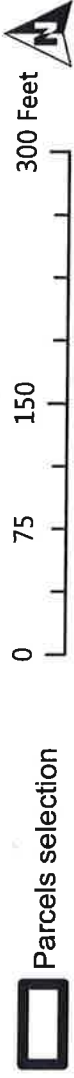
Location Map



 Parcels selection



Zoning Map



✓

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 21, 2019

To: ~~Fire Department~~ Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2019-01, 117 E. Walnut Street, variances to Section 1143.09(c)(1)A, B, minimum lot width and lot area for a two family dwelling, **Scott Webb, Appellant**

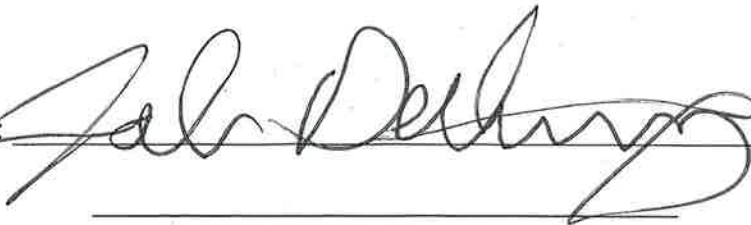
 X Review Revisions Other

Please return no later than: **April 8, 2019** 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: 3-26-19

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 21, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2019-01, 117 E. Walnut Street, variances to Section 1143.09(c)(1)A, B, minimum lot width and lot area for a two family dwelling, **Scott Webb, Appellant**

☒ Review ☐ Revisions ☐ Other

Please return no later than: **April 8, 2019** 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:

Scott Otto

Date:

3/28/19

Scott Otto

PRINTED NAME



BZA-2019-01 Surrounding Property Owners Map

Legend

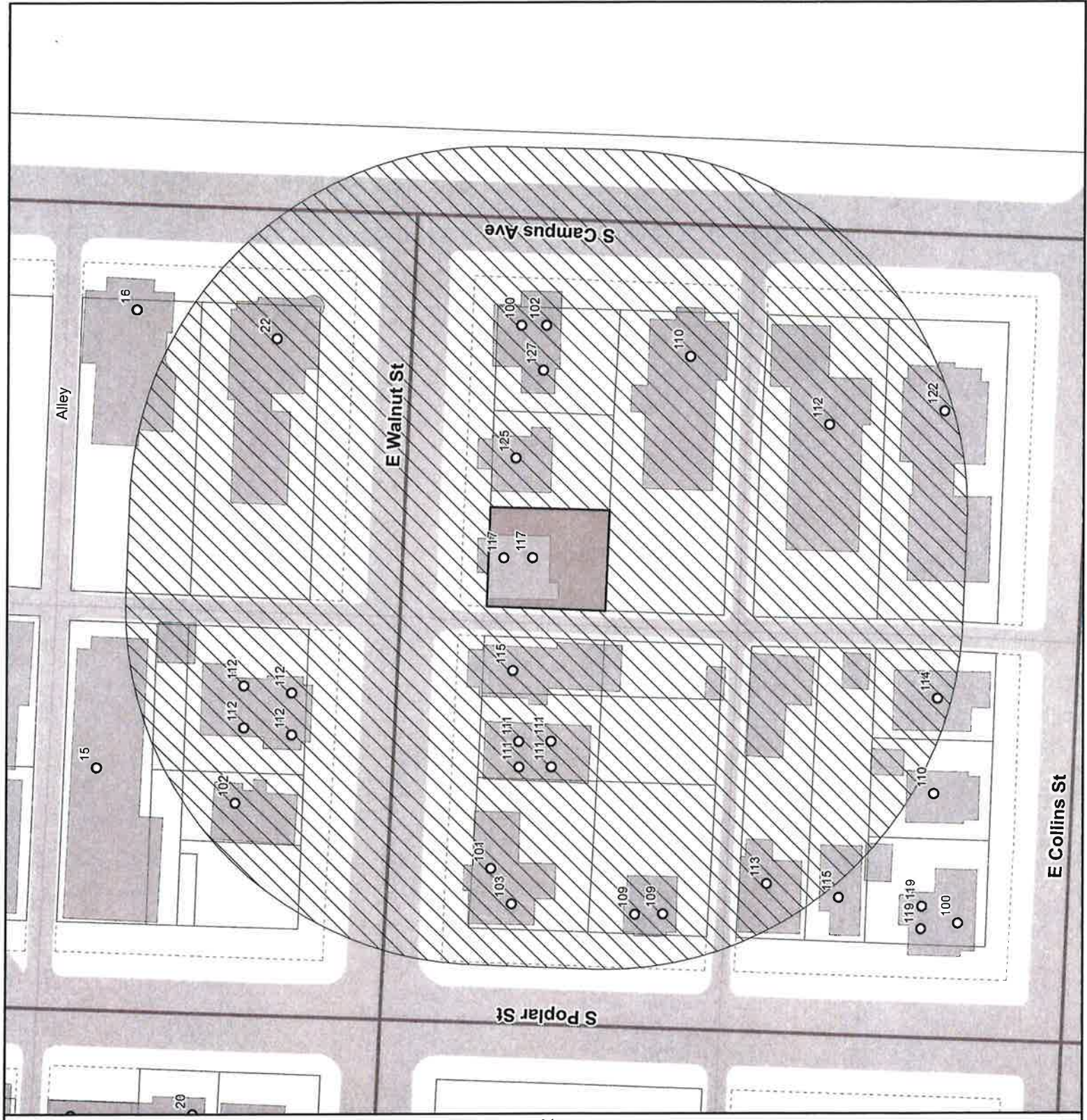
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corporation Limit
- Parcel
- Vacated Right-of-Way
- Building Footprint
- Paved Roadway



1 inch = 75 feet

Prepared on Tuesday, April 2, 2019

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.





Internal Use Only:

Case No.

BZA-2019-01

Date Filed

3/18/19

Petition for Zoning Variance

Petitioner Information

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

Name * Scott Webb

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitectom

Owner Information

Name * Thomas Conrad

Mailing Address * 942 Woodbine Lane

City, State & Zip Code * Northbrook, Illinois 60062

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

Email Address tom@schmatesrentals.com

Variance and Lot Information

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

1143.09(c) (1) Requires a minimum lot width of 75' and 7,500 s.f. of Lot Area for a Two- Family dwelling

Location of Requested Variance * 117 East Walnut Street

Name of Building Dr. Schindler (ground floor) / Residence above

Legal Description * H4100003000217

Zoning District * RO Total Acreage * .097

Existing Use of Site * Office & Residential

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.

Conversion of former ground floor office to new dwelling unit

- 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.

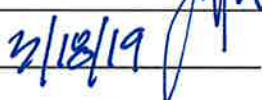
Fees & Receipt

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 *

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>

Board of Zoning Appeals
City of Oxford
South College Avenue
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 Area
& Minimum Lot Width
Partial Change of Occupancy
117 East Walnut Street

March 15, 2019

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 area and lot width requirements of the underlying Zoning District relating to the partial change of occupancy from one permitted use (Dentist Office) to another permitted use (2-Family Structure) in the RO Residential Office Zoning District.

With the retirement of Dr. Schindler, the existing permitted use of (1) office and (1) dwelling unit is proposed to be replaced with the other permitted use in this district; (2) dwelling units.

1143.09(c) (1) 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 51' of Lot Width (nearly 70% of the width requirement) and 4,257 s.f. of area (nearly 57% of the area requirement).

No addition to the building is proposed. There are currently two distinct and separate entrances, with no interior connection between the ground and upper floors. While the lot is small, the proposal at hand represents a less intense use than the ground floor dentist office, which accommodated more than (3) employees, and traffic throughout the day.

The requirements for lot width and area described in our Zoning Code simply do reflect the size of the lots in the district.

There are (30) lots on Walnut Street between College Street & Campus Avenue. Of those lots:

- (3) Lots provide the required 7,500 s.f. for a two-family structure (10%)
 - Holy Trinity Church
 - 103 W Walnut Offices
 - 33 West Walnut Offices (If the lots were combined)
- (5) Lots meet the width standard for a two family structure. (16.7%)
- (15) meet the width standard for single family lots (50%)
- (7) meet the minimum width requirement for a Two-Family. (23.3%)

Further, the actual lot sizes and limited lot coverage requirements make nearly every lot in the district non-conforming.

In addition to the preponderance of non-conforming lots, the existing uses in the district are similarly an overwhelming majority, containing every type of residential use (single-family, two-family, multi-family, and lodging houses) with only (8) of the lots containing conforming uses (26.7%)

Disregarding these irregularities, one must look to the goals of the district, and the uses that are envisioned by the Zoning Code.

This district is designed to encourage a residential environment in established areas of historically significant character. Offices and service facilities are permitted to support community needs in suitable locations that do not produce incompatible effects on adjacent residential neighborhoods. A mix of uses within one structure is encouraged. This district is appropriate adjacent to higher volume thoroughfares, as well as between commercial areas and residential neighborhoods. This district shall be considered a residential district

The application at hand reflects these goals. A building that had two separate and distinct tenant spaces, each a permitted use, will continue with two separate and distinct tenant spaces, each still a permitted use.

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

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

The existing building has operated as a mixed-use building with a dentist office on the ground floor and a residence above. As Dr. Schindler retired, the building was listed for sale. The office use is no longer desirable in this location, with limited parking and lack of accessibility for disabled persons.

- b) *Whether the variance is substantial;*

While the variance is perhaps mathematically substantial, this is based on a standard of lot sizes and widths that is simply not reflected in the district. The lot in questions is similar to the other lots in this district, and has supported two separate tenants for years.

- 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 improved, eliminating the traffic an office use might require in favor of residents living less than 100 yards from Campus and a block from the central business district.

- 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 that the RO District allows either an office and one dwelling unit or two dwelling units.

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

The lot width and area are fixed.

The existing building was constructed with two separate and distinct tenant areas; each with a private entrance, with no connection between the ground floor and the upper floors.

The Zoning Code does not prefer one tenant arrangement to another. If there is room in the building for two separate and distinct tenants, the change from one permitted use on the ground floor to the other should not prevent the continued use of the building.

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

The spirit of the Zoning Code is observed, changing the ground floor from one permitted use to another, allowing a two-family occupancy in a two family district. Substantial Justice would be done by allowing the owner to replace one permitted type of tenant with another.

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.

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, stylized script.

Scott Webb, Architect



View of existing Residence showing (2) separate and distinct entrances to separate and distinct tenant spaces

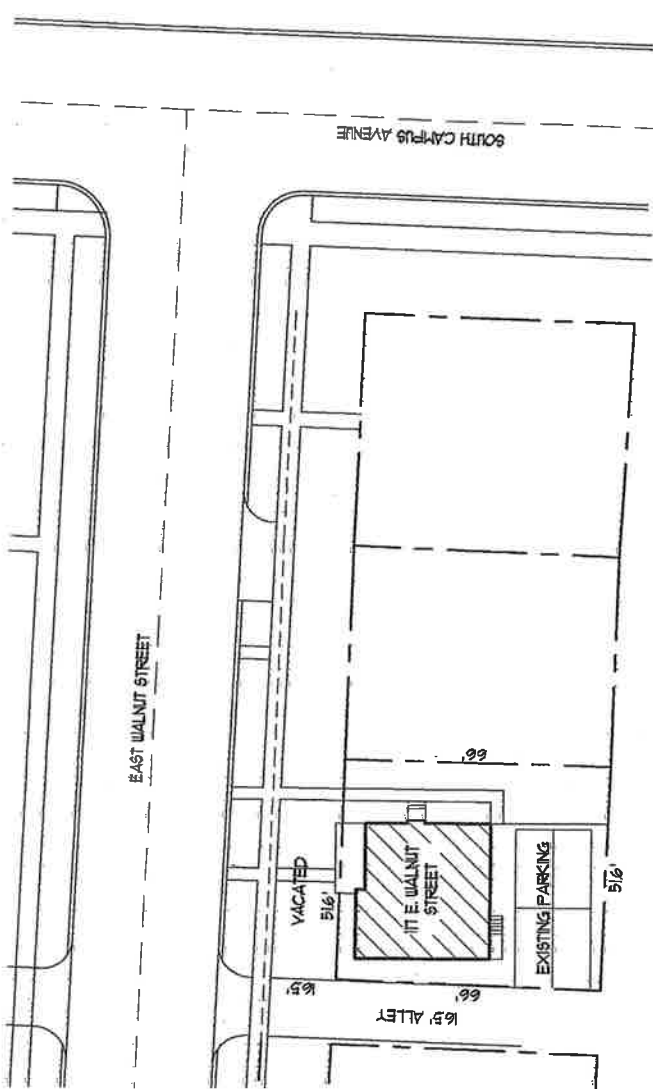


SCOTT WEBB ARCHITECT
103 West Walnut Street
Oxford, Ohio 45058
(613) 522-3838
www.scottwebbarchitect.com

PROPOSED REMODEL FOR NEW TWO-FAMILY
117 E. Walnut Street
OXFORD, OHIO 45058

DATE	March 13, 2018
REVISIONS	

A-1



SITE PLAN

1" = 30'-0"

SCOPE OF WORK: PROPOSAL CONTAINED HEREIN DESCRIBES THE INTERIOR REMODELING OF AN EXISTING 1ST FLOOR MEDICAL OFFICE INTO A DWELLING UNIT AND CONVERT THE BUILDING TO A TWO-FAMILY RESIDENCE. NO CHANGE IN LOT COVERAGE.

ZONING

(RO ZONING DISTRICT)

OVERALL LOT AREA:
OVERALL LOT WIDTH (75' MIN)

4,251 SF
51.6 FEET

VARIANCES REQUIRED

143.0% (C1) 7500' MIN LOT AREA FOR TWO-FAMILY
143.0% (C1) 75' MIN LOT WIDTH FOR TWO-FAMILY

LOT COVERAGE

EXISTING BUILDING: 995 SF
EXISTING PORCHES: 144 SF
EXISTING PARKING: 982 SF
EXISTING SIDEWALKS: 135 SF
TOTAL: 2230 SF

ACTUAL LOT COVERAGE:
ALLOW LOT COVERAGE:

2230 SF / 4,251 SF = 52.4%
RO = 40%

ACTUAL FRONT YARD:
ALLOW FRONT YARD:

94 SF / 4,251 SF = 2.2%
RO = 5%

ACTUAL ENCLOSED BUILDINGS:
ALLOW ENCLOSED BUILDINGS:

995 SF / 4,251 SF = 23.4%
RO = 25%

PARKING

(4) SPACES REQUIRED - (4) PROVIDED
(4) EXISTING DRIVEWAY

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2019-02

Date – April 17, 2019

APPLICATION

Applicant:	Scott Webb, Architect
Location:	106 Olde Farm Road
Owner:	Chad and Ginny Reynolds
 Action Request:	 Variance to Section 1141.03(h)(1)(A) requirements for building addition materials and proportions
 Current Use:	 Single-Family
Zoning:	R1A (Single-Family Low Density Residential)
Surrounding Land Uses:	Single-Family

DESCRIPTION

Architect Scott Webb is requesting, on behalf of the owners, relief from the requirement that additions to buildings have similar materials. Mr. Webb is proposing a master suite addition to an existing single-family home in the Heritage Subdivision. The material on the existing home is brick. The addition is proposed to be cement board lap siding.

BACKGROUND

Oxford Zoning Code Section 1141.03(h)(1)(A) requires that all additions *be constructed of similar material, in similar proportions, to the façade that is being extended or altered (i.e. if the side façade of a dwelling is constructed of brick and will be extended or altered, the expanded or altered area shall also be constructed of brick)*. The building permit submitted on March 7, 2019 was put on hold due to this issue. The fiber cement lap siding proposed to wrap around the entire addition does not comply with this standard, as the walls adjoining it are brick veneer. The code specifically gives this example scenario.

STAFF 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 request. At the time of this report, **staff believes there is substantial evidence that supports the variance request for the differing exterior material proposed.** 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.

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

BZA SITE HISTORY

There is no prior BZA case history in available city records.

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance (Section 1139.02(c)(1)). 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 the 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.

This building has existed for many years as a single family home. Therefore, regarding criterion A, it is staff's determination that the property could **yield a reasonable return without the variance** for the material associated with the proposed addition.

Regarding criterion B, Staff believes that the variance is **not substantial** in consideration of the fact that it is on the rear of the home in a developed subdivision.

Regarding criterion C, whether or not the **essential character of the neighborhood** could be negatively altered by the granting of the variance: the addition is on the rear of the home. The home is painted brick, likely minimizing the material difference. Though none were received, neighbor comments could contribute to this decision standard determination.

Regarding criterion D, Staff believes that the delivery of governmental services **is likely not negatively impacted**, as there were no departmental staff responses on this topic.

Regarding criterion E, **property owner awareness of zoning restriction**: It is unlikely that the owners were aware of this specific code with the specific example of brick material.

Regarding criterion F, whether the **owner's predicament** can be obviated through some method other than a variance. If the predicament is that more ground floor area is needed, then brick material would solve the issue without the need for a variance.

Regarding criterion G, whether **the spirit and intent behind the zoning requirements would be observed and substantial justice done** by granting the variance: Staff agrees with the applicant that this is a design issue more typical of historic districts.



SUBMITTED BY: _____

Sam Perry, AICP
Director, Community Development Department

DATE: April 11, 2019

Aerial Map

Legend



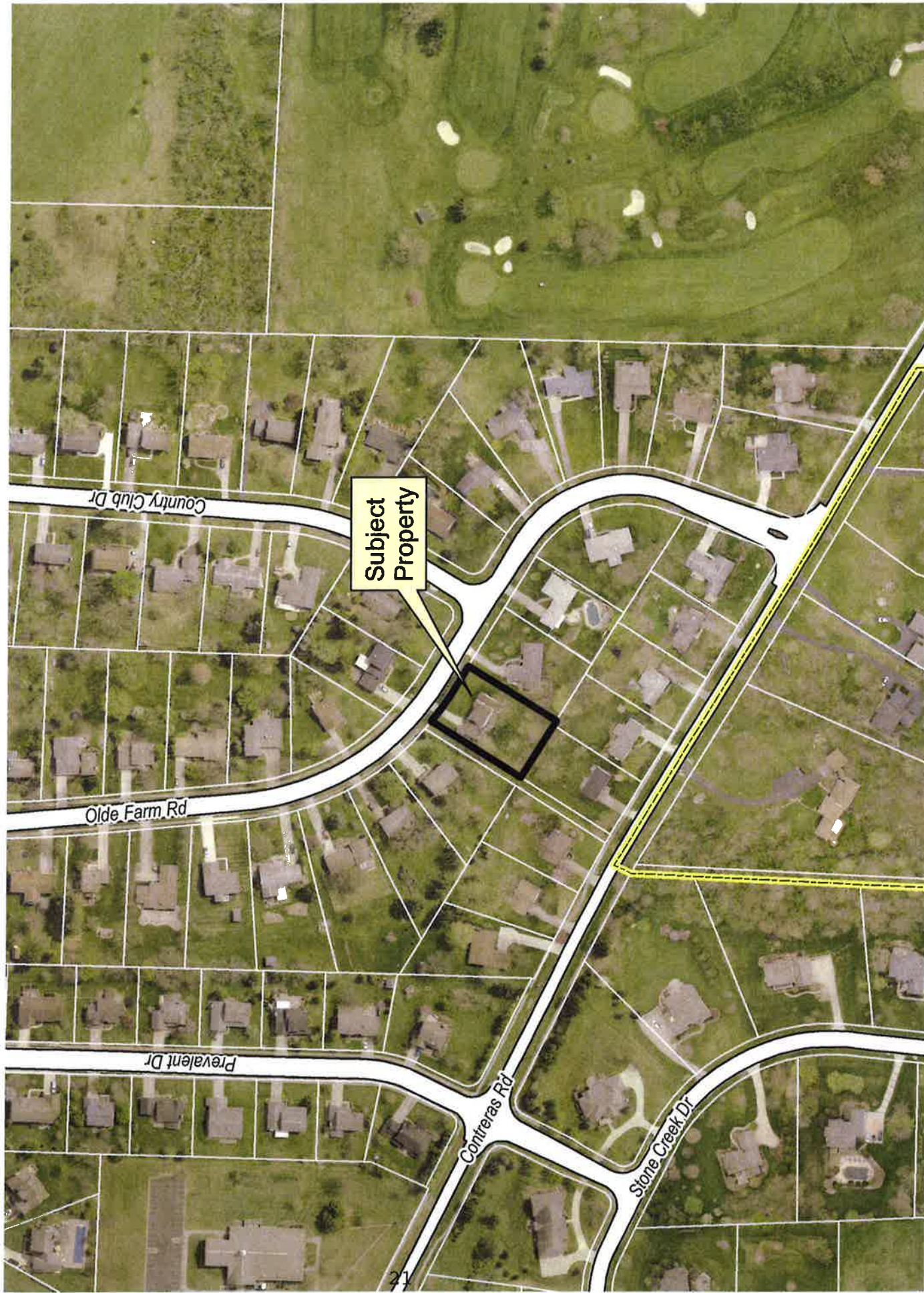
Parcels selection

500 Feet

250

125

0





0 125 250 500 Feet

Legend

 Parcels selection

Location Map



Zoning Map

Legend



Parcels selection



City of Oxford
Inter-Office Review Transmittal Sheet



Date: March 21, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2019-02, 106 Olde Farm Road, variance to Section 1141.03(h)(1)A, requiring additions to be constructed of similar material, in similar proportions, to the façade that is being extended or altered, Scott Webb, Appellant

 X Review Revisions Other

Please return no later than: **April 8, 2019** 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: 3-26-19

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 21, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2019-02, 106 Olde Farm Road, variance to Section 1141.03(h)(1)A, requiring additions to be constructed of similar material, in similar proportions, to the façade that is being extended or altered, Scott Webb, Appellant

 X Review Revisions Other

Please return no later than: **April 8, 2019** 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: Scott Otto Date: 3/28/19

Scott Otto
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 21, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2019-02, 106 Olde Farm Road, variance to Section 1141.03(h)(1)A, requiring additions to be constructed of similar material, in similar proportions, to the façade that is being extended or altered,
Scott Webb, Appellant

 X Review Revisions Other

Please return no later than: **April 8, 2019** 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

PRINTED NAME

Date: _____

3/28/19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 21, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2019-02, 106 Olde Farm Road, variance to Section 1141.03(h)(1)A, requiring additions to be constructed of similar material, in similar proportions, to the façade that is being extended or altered, **Scott Webb, Appellant**

 X Review Revisions Other

Please return no later than: **April 8, 2019** 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: 3-29-19

Co. ALAN RYAN
PRINTED NAME

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

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Board of Zoning Appeals regarding an addition to our home at 106 Olde Farm Road.

Thank you,

Signed: 
Chad/Ginny Reynolds

3/18/19
Date:



Internal Use Only:	
Case No.	BZA-2019-02
Date Filed	3/18/19

Petition for Zoning Variance

Petitioner Information

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

Name *	Scott Webb
Mailing Address *	103 West Walnut Street
City, State & Zip Code *	Oxford, Ohio 45056
Telephone Number(s) *	523-3838
Email Address	scott@scottwebbarchitectom

Owner Information

Name *	Chad & Ginny Reynolds
Mailing Address *	106 Olde Farm Road
City, State & Zip Code *	Oxford, Ohio 45056
Telephone Number(s) *	
Email Address	ginmurray80@yahoo.com / reynolcc@miamioh.edu

Variance and Lot Information

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

1141.03(h)(1)(A) Requires all additions to be constructed of similar material, in similar proportions, to the façade that is being extended or altered. Owners are seeking approval of alternate materials

Location of Requested Variance *	106 Olde Farm Road		
Name of Building	Private Residence		
Legal Description *	H4100025000014		
Zoning District *	R1A	Total Acreage *	
Existing Use of Site *	Private Residence		

Proposed Use (if applicable). A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

Ground Floor Master Suite Addition

- 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.

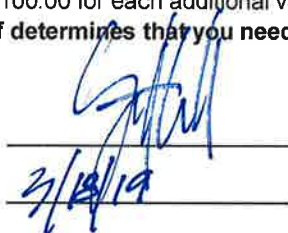
Fees & Receipt

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 and date 3/18/19

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>

Board of Zoning Appeals
City of Oxford
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 Material Requirements
Chad & Ginny Reynolds
106 Olde Farm Road

March 15, 2019

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the requirement that all additions be constructed of similar material as the portion of the building where the addition is attached.

Chad & Ginny Reynolds were hoping to construct a ground floor master suite and new sewing room to the rear of their family home on Olde Farm Road. The design features materials used on the house, similar proportions, details and trim.

1141.03(h)(1)(A) *Requires all additions to be constructed of similar material, in similar proportions, to the façade that is being extended or altered (i.e. if the side façade of a dwelling is constructed of brick and will be extended or altered, the expanded or altered area shall also be constructed of brick).*

The existing house represents a mix of materials, including both siding and painted brick. As everything is painted one color, these ultimately read as two textures, perhaps more than two materials.

The proposed addition is complimentary to the existing structure, using materials that match materials and colors found elsewhere on the home.

Care was taken to create a recess at the point of connection, creating a shadow line where materials change (not flush with existing brick). Roof pitches and overhang & eave details are designed to match the existing residence.

This is a situation where the specificity of the language requires "matching" over "complimentary". The specificity here is the practical difficulty, where homeowners and designers are limited by arbitrary provisions of the Zoning Code that do not promote health, safety or the general welfare of the community.

The intent of this zoning provision is to prevent additions that appear inappropriately tacked on to perhaps historic homes, presumably to protect the property values of the neighbors and to maintain the continuity of the neighborhood. The specificity however would seem to require the continuation of materials with no regard to their overall performance, aesthetics, maintenance requirements, or variety in design. (i.e. if you are adding to a portion of a home that is concrete block, the addition shall also be constructed of concrete block)

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 arbitrary requirement to match materials in the case at hand represents nearly three times the cost of the siding, already used elsewhere on the house. This arbitrary requirement affects the budget and the potential return on investment.

- b) *Whether the variance is substantial;*

The variance is not substantial. The proposed addition is designed to reflect the existing house, and specifies materials used elsewhere on the structure.

- 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*

Investment in this home improves the essential character of the neighborhood, improving property values, and allowing a family to grow and age in place.

- 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 owners were not aware that the regulations were not simply guidelines and best practices, but had been codified using "shall" in the text, eliminating their option on their private home.

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

The owners could spend significantly more money on brick, then paint it to match the painted brick on the lower level of the existing home.

- 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, presenting an addition that is complimentary to the existing home and uses materials and details found throughout.

- h) *Any other relevant factor;*

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging reinvestment in our established neighborhoods.

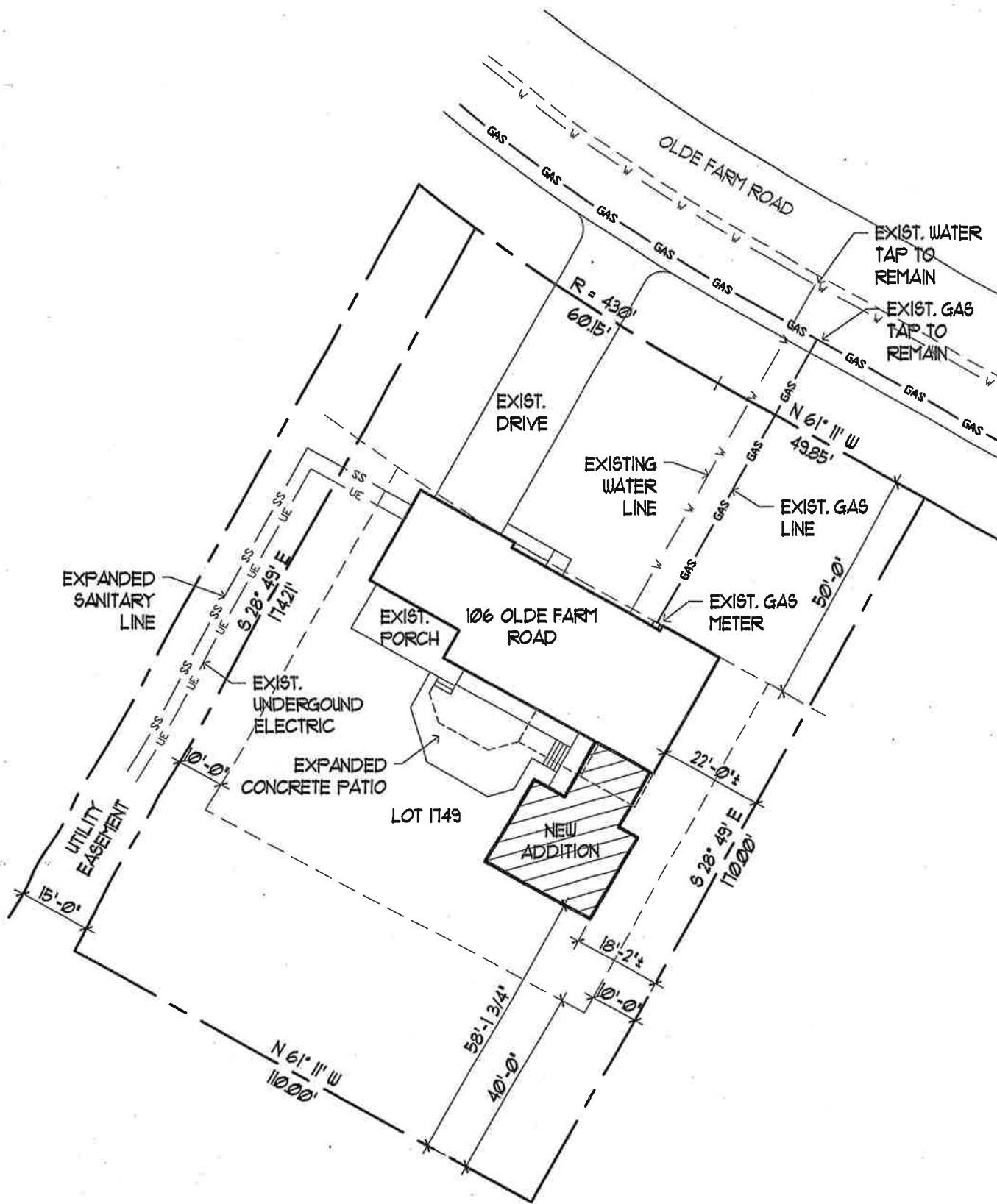
Thank you for your consideration of this application. If you have any questions or need any additional information, please call.

Respectfully,



Scott Webb, Architect

106 OL
OXFORD



SITE PLAN

1" = 30'-0"

ZONING

(RIA ZONING DISTRICT)

OVERALL LOT AREA: (15,000 SF MIN.)

OVERALL LOT WIDTH: (30' MIN.)

LOT COVERAGE

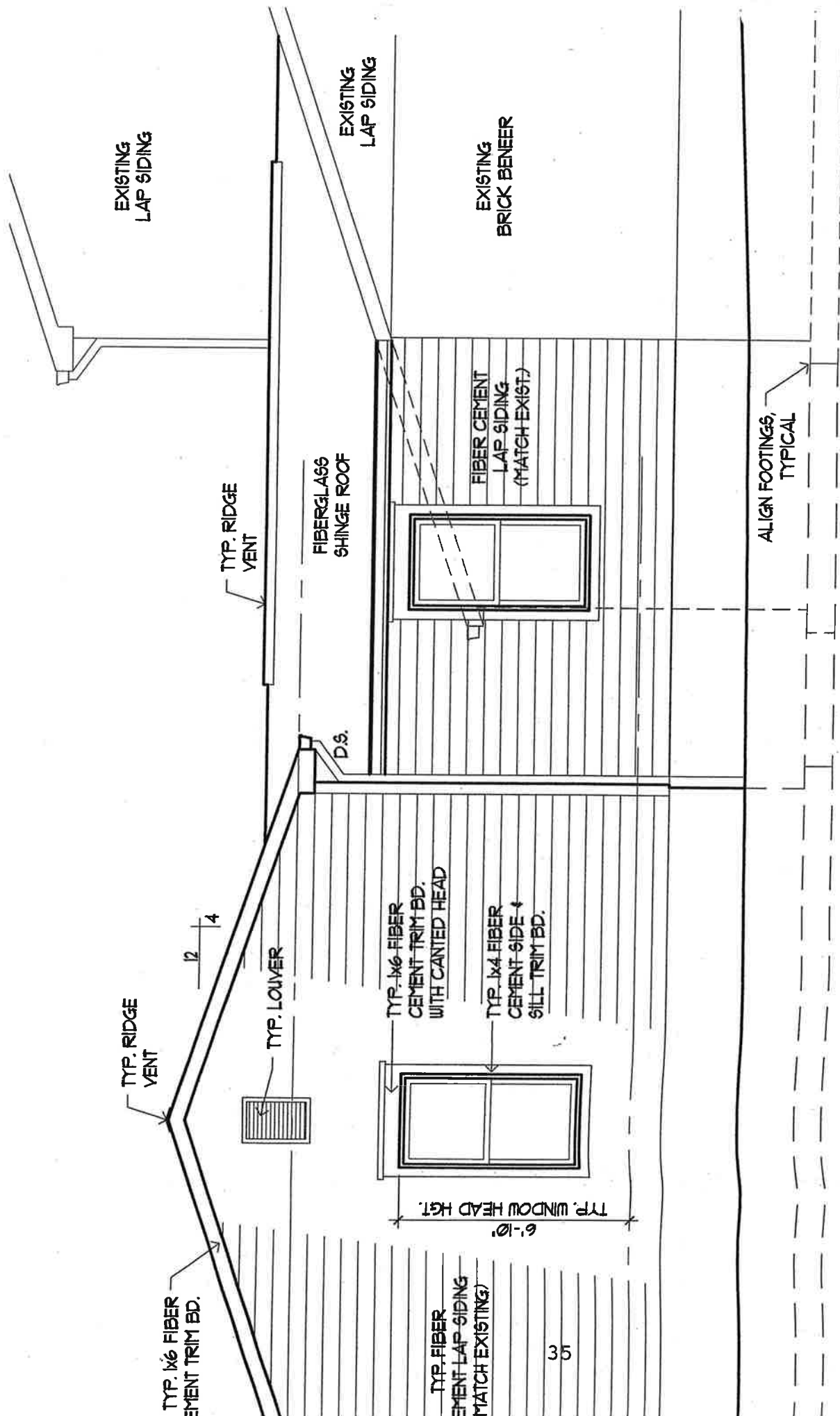
34

18,920 SF

110'

INDEX OF DIS

COVER	GENERAL NOTI
A-1	ELEVATIONS
A-2	FIRST FLOOR F
A-3	FOUNDATION F
A-4	BUILDING SEC'
A-5	BUILDING SEC'



RIGHT SIDE ELEVATION

1/4" = 1'-0"

