

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-09

Date – March 21, 2018

APPLICATION

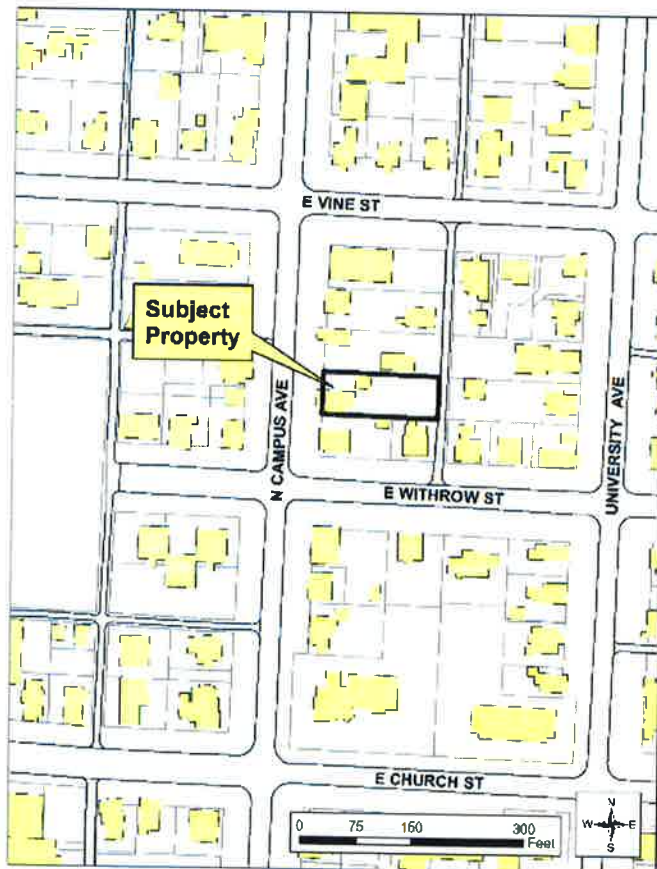
Applicant:	Scott Webb / Architect
Location:	209 North Campus Ave
Owner:	Oberlin Court LLC / Tom Conrad
Action Request:	Variance to Section 1143.05(c), R2MS Lot Width Reduction of 75 feet to 60 feet and Front Yard Lot Coverage Increase of 5% to 6.6%. Section 1143.05(c), maximum front yard lot coverage 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BZA-2006-04: Lot width variance request-withdrawn by applicants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**

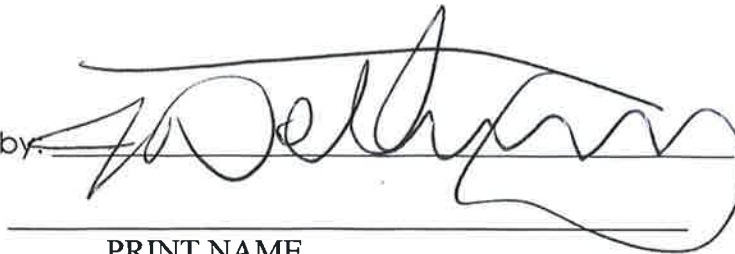
☒ Review ☐ Revisions ☐ Other

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:



PRINT NAME

Date: 3-12-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/26/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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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:

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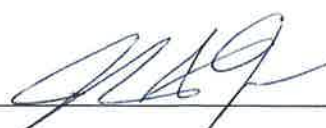
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Drawings are returned: w/comments without/comments

Drawings reviewed by: 

Date: 2/27/18

John A. Jones

PRINT NAME



BZA-2018-09 **Surrounding** **Property Owners** **Map**

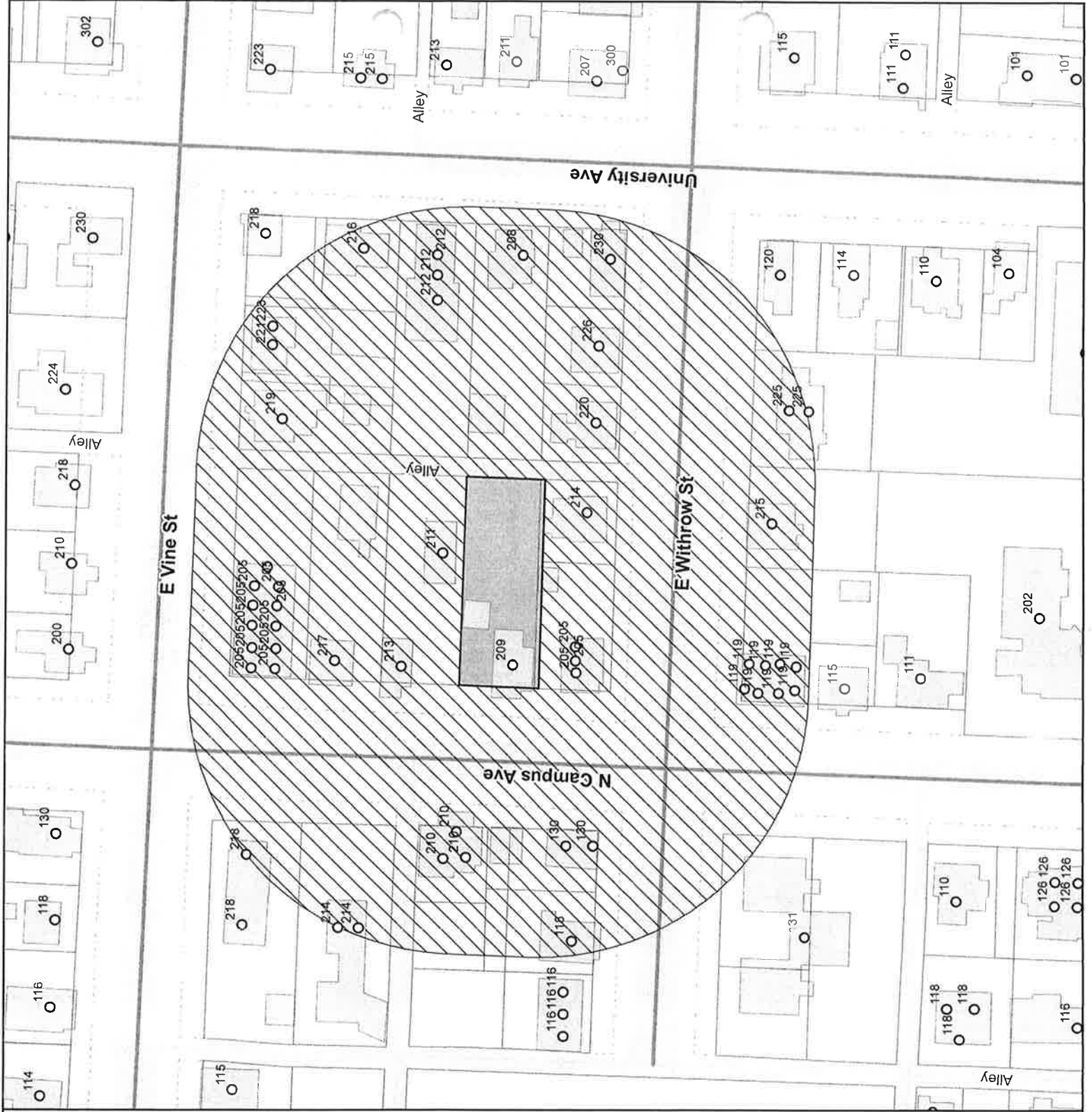
Legend

-  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.



handed out @
March BZA

Dear Board of Zoning Appeals:

We see that a neighbor of ours at 209 N. Campus is requesting a lot width variance in order to build a two-family home on their property. We would like to let you know that we are in support of this property getting this variance. Building an updated structure on this property could only add value to the rest of our homes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah", is written over a horizontal line.

Campus and Vine LLC

Dear Board of Zoning Appeals:

We received the notice of the Adjudication Hearing to be held on March 21 regarding a neighboring property, 209 N. Campus. We are fully in support of this property securing a variance to build a two-family dwelling.

Our home is across the street on N. Campus. Replacing that home at 209 N. Campus would add value to our neighborhood.

We are in full support of this variance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ian + Sarah", is written over a horizontal line.

Pucker Up LLC

Dear Lynn Taylor and the BZA:

We recently received in the mail a notice of the Adjudication Hearing to be held on March 21 regarding a lot width variance for 209 N. Campus in order to build a two-flat on this property. We are fully in support of this property securing a variance to build a two-family dwelling.

Our home is around the corner, at 219 E. Vine. Building a two-flat on this property at 209 N. Campus would make our neighborhood even better.

We are in full support of this variance.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Vino #1 LLC', written over a horizontal line.

Vino #1 LLC

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.

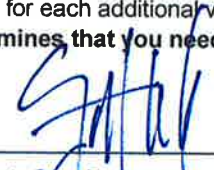
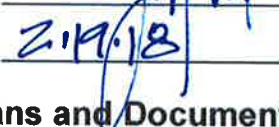
Fees & Receipt

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 *

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.

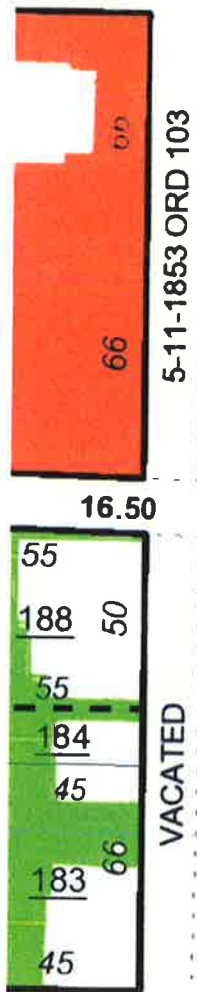
While Planning Commission & City Council were not inclined to upzone this block to the most dense in the Mile Square, their intention for this area to be a transitional area of less dense, two- family structures would be observed in granting this variance.

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



E Vine St

66

E

N CAMPUS AVE

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VACATED 5-11-1853 ORD 103

VACATED

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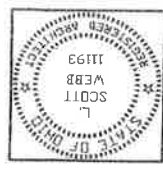
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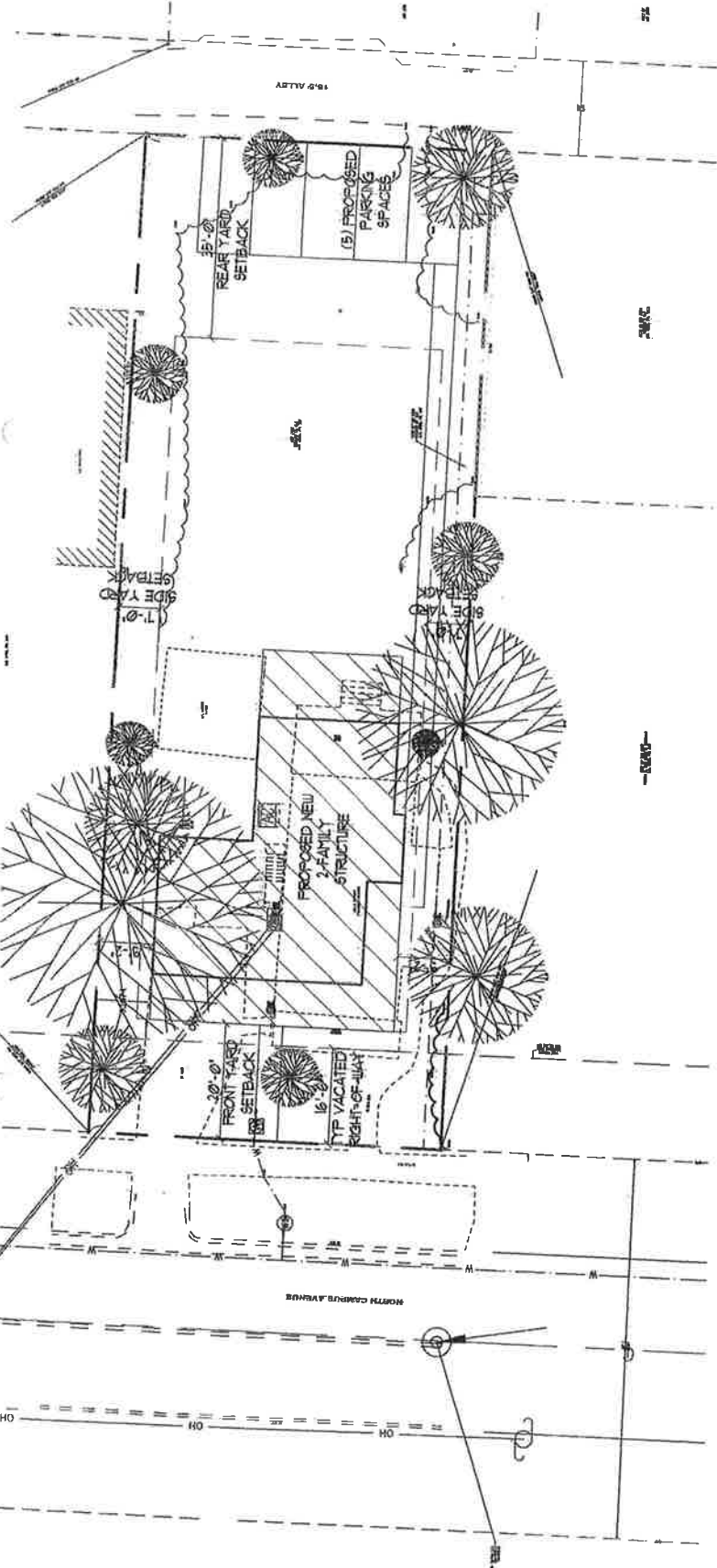


SCOTT WEBB ARCHITECT
103 West Main Street
Cincinnati, Ohio 45205
(513) 523-8805
www.scottwebbarchitect.com

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

DATE	February 11, 2016
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

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

ZONING (R2MS ZONING DISTRICT)	
OVERALL LOT AREA: (7500 SF MIN.)	10,502 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: 3601 SF / 10,502 SF = 34.28%	
ALLOW. LOT COVERAGE: R2MS = 45%	
ACTUAL FRONT YARD: 80 SF / 1208 SF = 6.6%	
ALLOW. FRONT YARD: R2MS = 5%	
PARKING	
(75) SPACES REQUIRED @ 25 PER UNIT - (8) PROVIDED	

143.05(c) 5% MAX. FRONT YARD LOT COVERAGE

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-11

Date – April 18, 2018

APPLICATION

Applicant:	Dan Thomas
Location:	5465 College Corner Pike
Owner:	Aroma Properties LLC / Marc Biales & Roger Atkin
Action Request:	Variance to Section 1149.05(a)1, to permit parking spaces in the 50 foot front yard setback
Current Use:	Vacant field
Zoning:	LI (Light Industrial)
Surrounding Land Uses:	Light Industry, Residential, Church

DESCRIPTION

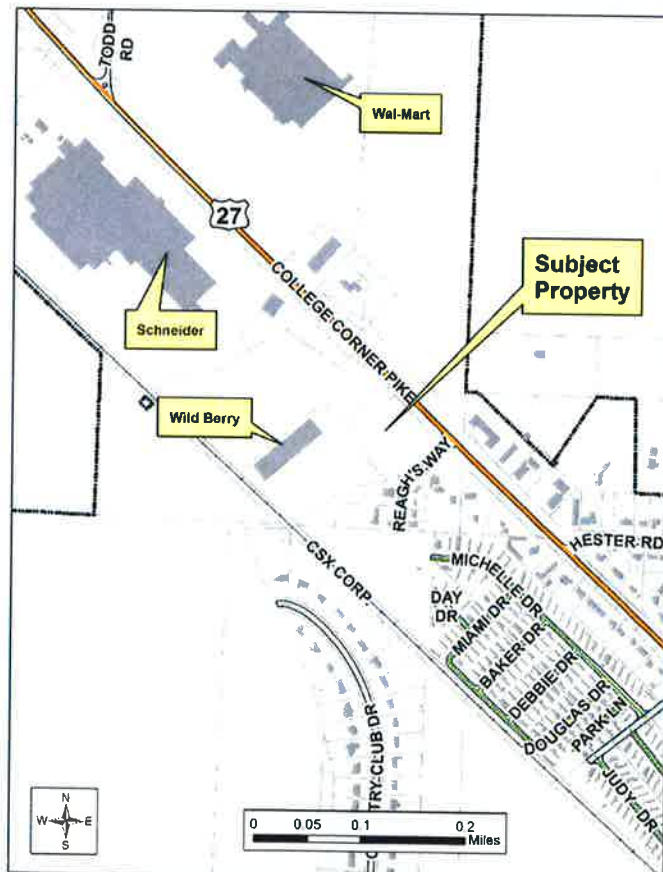
On behalf of Wild Berry Incense, Dan Thomas is seeking a variance to permit parking spaces in the front yard setback of a proposed new building. The proposed new 31,250 square foot building is to increase storage capacity for Wild Berry. Additional accessory uses such as office and customer space are also planned.

BACKGROUND

At the request of the owners of the property, the City rezoned this property to Light Industrial in December 2017. The LI District has a 50 foot front yard setback. Oxford Zoning Code Section 1149.05(a)(1) prohibits parking spaces within the front yard setback area for non-residential parking lots. This is a general standard for all non-residential and multi-family development parking lots. The front yard setback depth varies depending on the district.

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 BZA case history on this property or the adjacent Wild Berry property.

ANALYSIS

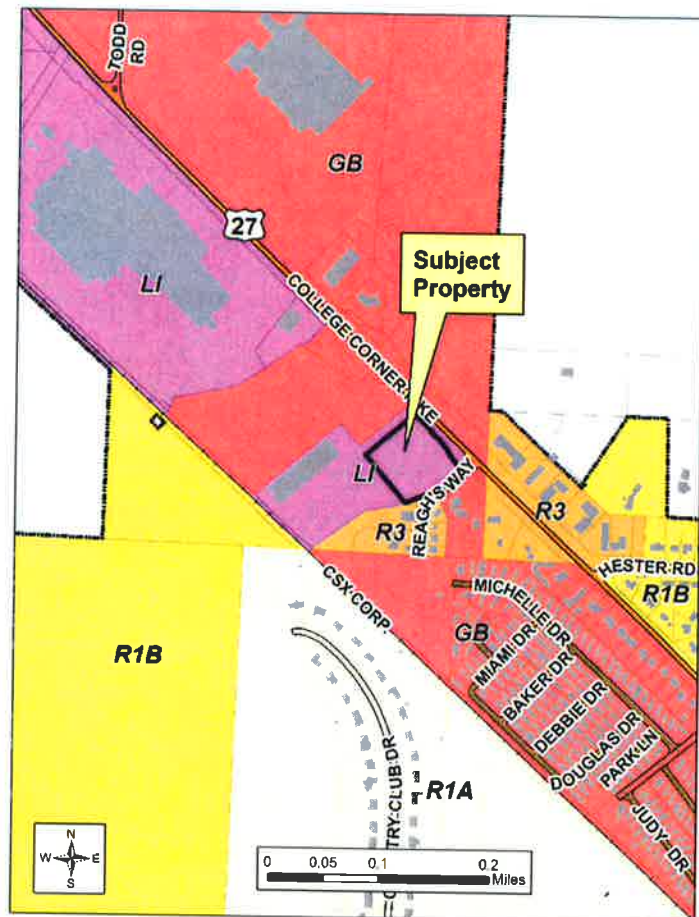
The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance(s) (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 1139.02(c)(2)).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

Regarding Criterion A, Whether or not there can be **any beneficial use of the property without the variance**: The property is undeveloped, so a beneficial use that is listed in the LI District has not yet been demonstrated.

Regarding criterion B, Staff believes that the variance **is not substantial** because the surrounding properties are zoned General Business, which has a front yard requirement of 35 feet, which would allow parking spaces 15 feet closer to the street than the Light Industrial District.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: The immediate area has three different zoning districts; therefore the essential character is widely varied and would not be impacted any more than the rezoning that just occurred.

Regarding criterion D, Staff believes that the **delivery of governmental services** would not be adversely affected by the granting of this variance request. The request has been reviewed by Police, Fire and Service Departments.



Regarding criterion E, **property owner awareness of the zoning restriction**; the property has been owned by the current owner for many years, prior to the current zoning codes. The previous zoning designation would not have permitted the proposed land use.

Regarding criterion F, the **owner's predicament** is primarily based upon the desire for the truck dock to be located at the rear of the building. Additionally, the topography of the site limits the accessibility of parking spaces to the building. Oxford Zoning Code does not prevent paving and drive aisles to be located in the front yard setback; therefore the proposed parking spaces are encroaching 10 feet into the required front yard. It is unknown at the time of this report if the current design can simply be shifted 10 feet further away from College Corner Pike.

Regarding criterion G, whether or not **the spirit and intent behind the zoning requirement would be observed and substantial justice done** by granting the variance: This cannot be answered without knowing the feasibility of shifting the design further away from the street.

The applicant may not have been aware during design that paving and drive aisles are permitted in the front yard setback but that parking spaces are not.

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**. 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: 3/27/2018

To: **Fire Department** Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-11, 5465 College Corner Pike, WildBerry, variance to Section 1149.05(a)(1), parking regulations in a non-residential front yard setback, **Dan Thomas, Bunnell Hill Construction/Schueler Group, Appellant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 4/9/2018 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: 3-28-18

PRINT NAME

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 X Review Revisions Other

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Drawings reviewed by: *A. Popescu*

Date: 3-28-18

VICTOR POPESCU
PRINT NAME



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Drawings reviewed by: _____

Date: 4/3/18

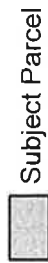
John A. Jones
PRINT NAME



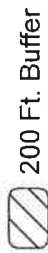
BZA-2018-11

Surrounding Property Owners Map

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit



Parcel

Vacated Right-of-Way



Building Footprint

Paved Roadway

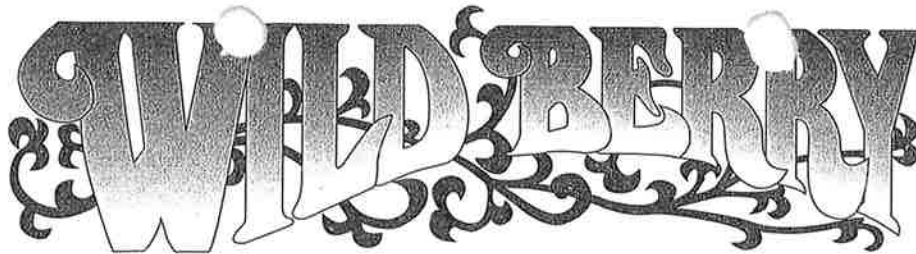


1 inch = 125 feet

Prepared on Friday, April 06, 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.





Premium Hand-Dipped Incense

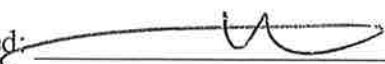
LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Bunnell Hill Construction has permission to represent our interest with the City of Oxford and act on our behalf for the Commission hearing April 18, 2018 regarding the Wild Berry Incense construction project at our property located at 5465 College Corner Pk., Oxford, Ohio 45056

Thank-you,

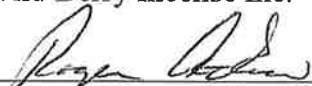
Signed:



Marc Biales
Wild Berry Incense Inc.

Date: March 7, 2018

Signed:



Roger Atkin
Wild Berry Incense Inc.

Date: March 7, 2018



Internal Use Only:

Case No.

BZA-2018-11

Date Filed

3/16/18

Petition for Zoning Variance

Petitioner Information

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

Name * Bunnell Hill Construction / Schueler Group - DAN THOMAS
Mailing Address * 3000 G Henkle Drive
City, State & Zip Code * Lebanon, Ohio 45036
Telephone Number(s) * 513-932-6090 office / 513-382-0343 Dan Thomas cell
Email Address dthomas@hsabh.com

Owner Information

Name * Wild Berry - Owners (Marc Biales & Roger Atkin)
Mailing Address * 5475 College Corner Pike
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number(s) * 513-523-8583
Email Address biales53@gmail.com & rlatkin@aol.com

Variance and Lot Information

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

Wildberry is requesting automobile parking to be allowed in the front yard area of their 2.413 Ac. parcel along College Corner Pike. The request is required do to limited site constraints, to locate the loading docks at the rear corner of the building and locate ADA accessible parking near the front door. Zoning Code Section 1149.05(a)(1).

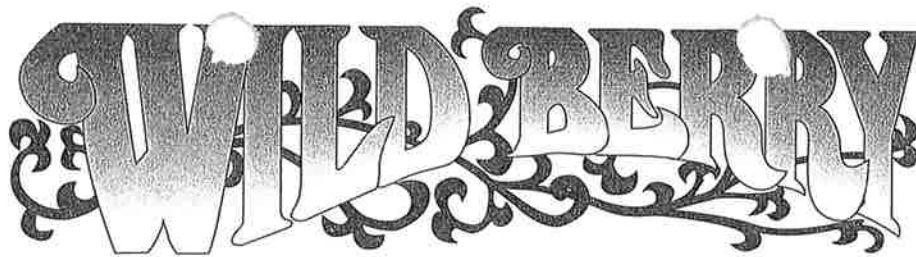
Location of Requested Variance * 5465 College Corner Pike Oxford, Ohio 45056
Name of Building Wild Berry
Legal Description * Refer to the attached deed
Zoning District * LI - Light Industrial Total Acreage * 2.413
Existing Use of Site * Vacant Lot

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 building will be 31,250 s.f. - Mixed Use - B- Business & S-1 - Storage Moderate Hazard

Operations in the new building will be warehouse storage and business (internet sales area & factory outlet area)

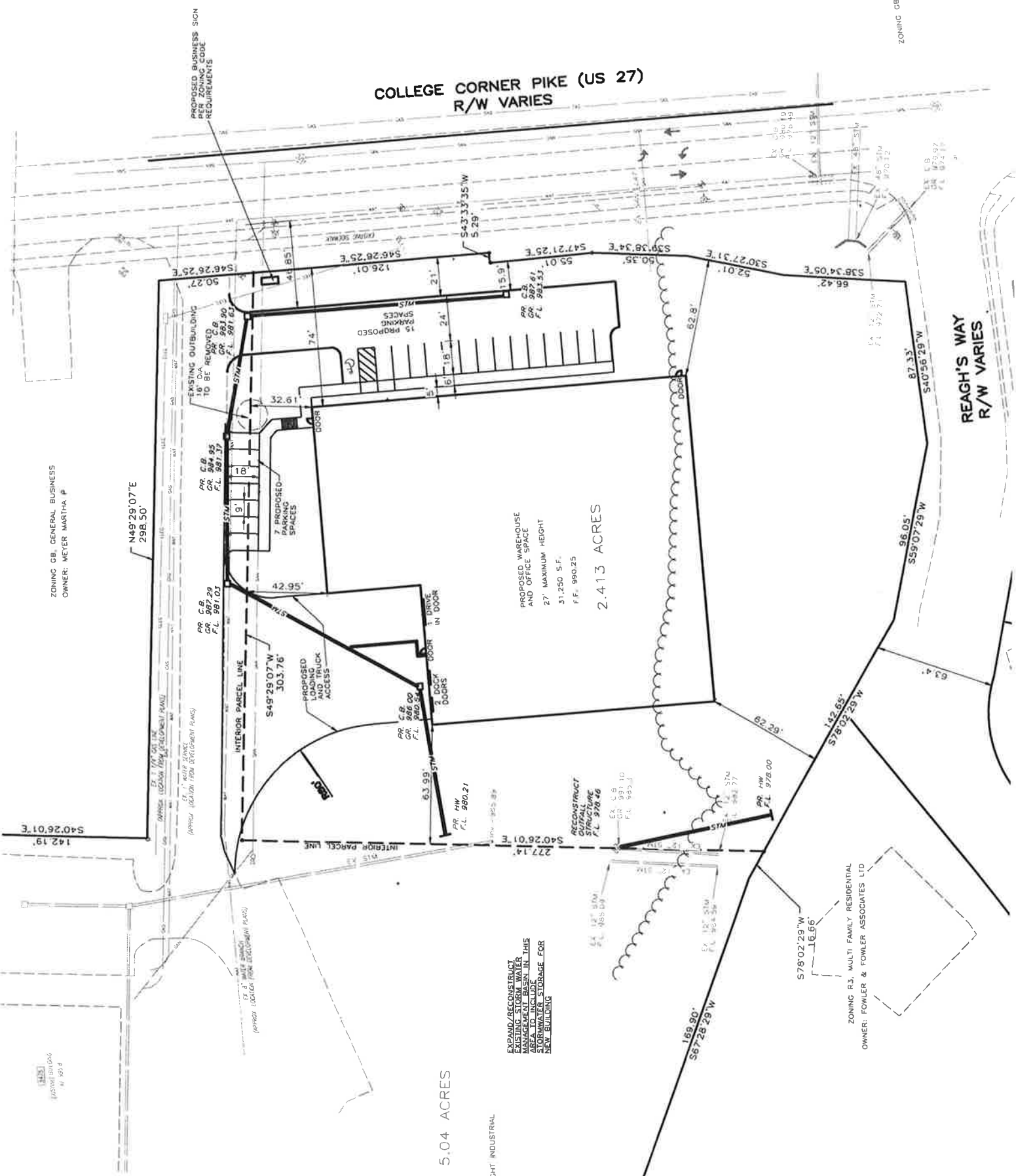
Expected customers 1-20 per 8 hour day - operations will be from 9:00am-5:00pm and deliveries from 9:00am - 4:30pm



Premium Hand-Dipped Incense

Regarding Decision Standards for Wild Berry Incense Expansion

- A. This variance allows the truck docks and refuse and recycling containers to be out of sight behind the building. It allows parking for handicap and other spaces to be level with the front of the building. It avoids stairs and handicap ramp should there only be parking on the side of the building. It will also create a more visible, lighted area closer to College Corner Pike for the safety of pedestrians.
- B. The variance is substantial to our success, but minor in design.
- C. This variance does not change the character of the neighborhood, although the increased visibility should provide a safer route for pedestrians along College Corner Pike.
- D. Government services will not be impacted.
- E. We purchased the property in 1995.
- F. This variance is based on the topography of the site. We can not see another feasible method to alleviate this issue.
- G. This variance request is in the spirit and intent of the zoning requirements.
- H. Wild Berry Incense has always been a good neighbor in our community. Our building and surrounding property has always been well maintained. Our facility is clean and safe. Our employees have benefits and enjoy their work.



COLLEGE CORNER PIKE (US 27)
R/W VARIES

REAGH'S WAY
R/W VARIES

ZONING GB, GENERAL BUSINESS
OWNER: MEYER MARTHA P

ZONING GB

5.04 ACRES

2.413 ACRES

EXPAND/RECONSTRUCT
EXISTING BUILDING
MANAGEMENT BASIN IN THIS
AREA TO INCLUDE
NEW BUILDING

PROPOSED WAREHOUSE
AND OFFICE SPACE
27' MAXIMUM HEIGHT
31,250 S.F.
F.F. 990.25

ZONING R3, MULTI FAMILY RESIDENTIAL
OWNER: FOWLER & FOWLER ASSOCIATES LTD

CHT INDUSTRIAL

March 7, 18

In using this map provided by the Butler County Engineer's Office, you accept the data as is, without warranty of any kind, either expressed or implied. The Butler County Engineer's Office shall not be held liable for any claim for any loss or damage as a result of reliance on the information contained in this website



OWNER: WILD BERRY
130 WEST HIGH STREET
OXFORD, OHIO 45056
PH: (606) 342-3779

DESIGNER: SCHUELER GROUP
1500 W. STATE AVE
OXFORD, OHIO 45056
(606) 588-7933

PRELIMINARY



NO.	DESCRIPTION	DATE
1	DESIGNED BY JSM	03/13/18
2	DESIGNED BY EDS	03/13/18
3	DATE	03/13/18

WILD BERRY
OXFORD TOWNSHIP, CITY OF OXFORD
BUTLER COUNTY, OHIO
ZONING VARIANCE
PLAN

PROJECT NO.	180122
DRAWING NAME	VAR EXHIBIT
SHEET	20



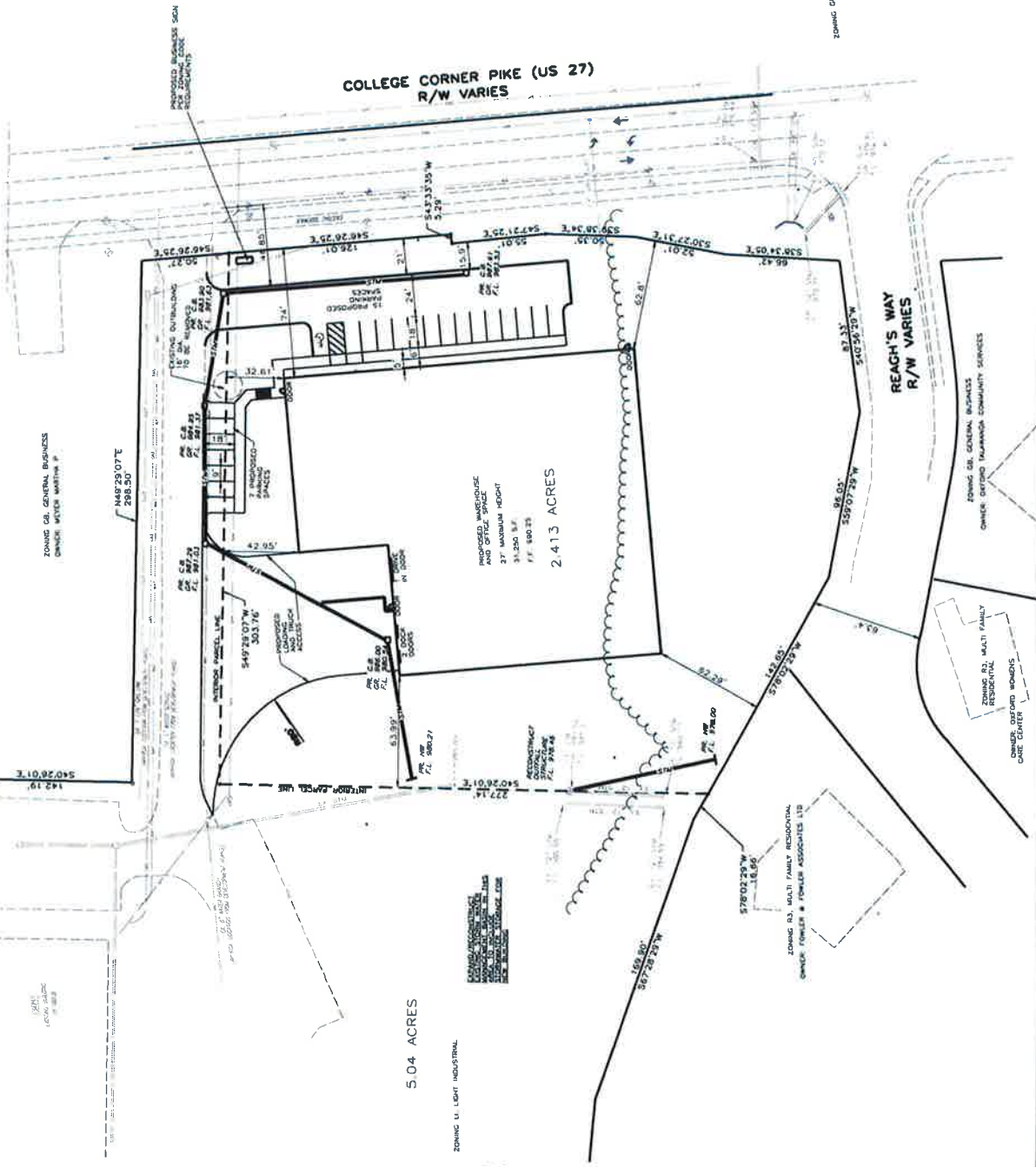
VICINITY MAP
(N.T.S.)

VARIANCE REQUESTED
LOCATION OF PARKING
IN FRONT YARD SETBACK
ZONING CODE SECTION 1149.05(g)(1)



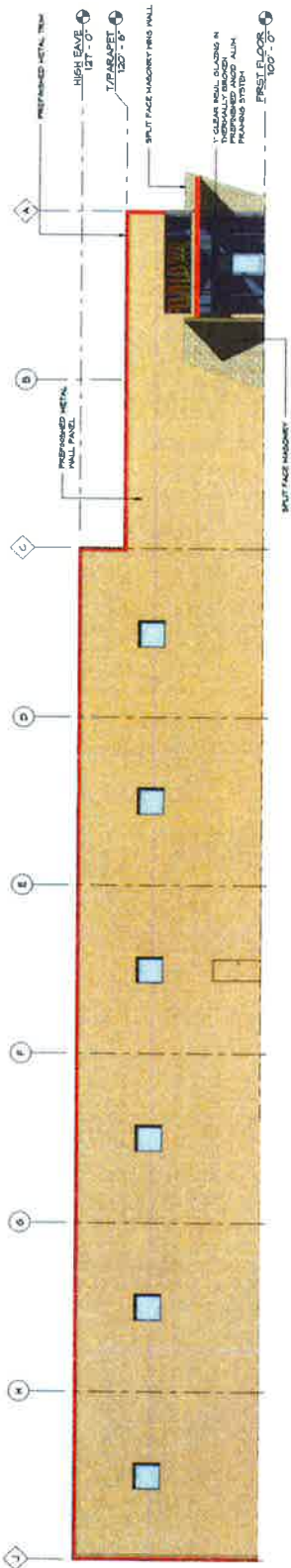
ZONING INFO
CURRENT ZONING: U LIGHT INDUSTRIAL
SITE AREA: 2.413 ACRES
YARD REQUIREMENTS
MINIMUM FRONT YARD AND SIDE YARD: 30' FOR EXISTING INDUSTRIAL DISTRICT
50' FOR PROPOSED INDUSTRIAL DISTRICT
MINIMUM REAR YARD: 10' FOR EXISTING INDUSTRIAL DISTRICT
20' FOR PROPOSED INDUSTRIAL DISTRICT
OTHERWISE, SIDE AND REAR YARDS
EQUAL TO BUILDING HEIGHT.
MINIMUM LOT COVERAGE: 45%
PROPOSED LOT COVERAGE: 48%

OFF-STREET PARKING REQUIREMENTS
MINIMUM OFF-STREET PARKING: 1 SPACE PER 1,000 S.F.
MINIMUM OFF-STREET PARKING: 2 PER EACH 5 GARAGES
ON LARGEST LOT
OR 1 PER 1,000 S.F.
PARKING SPACES PROVIDED: 22 SPACES

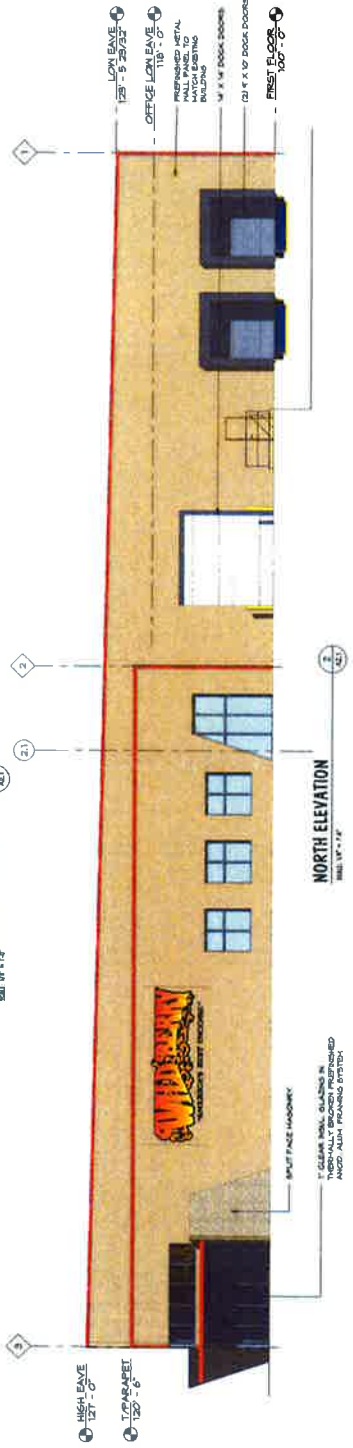


OWNER: WILD BERRY
130 WEST HIGH STREET
OXFORD, OHIO 45056
PH: (606) 342-3779

DESIGNER: SCHUELER GROUP
1500 W. STATE AVE
OXFORD, OHIO 45056
(606) 588-7933



EAST ELEVATION
 SCALE 1/8" = 1'-0"



NORTH ELEVATION
 SCALE 1/8" = 1'-0"



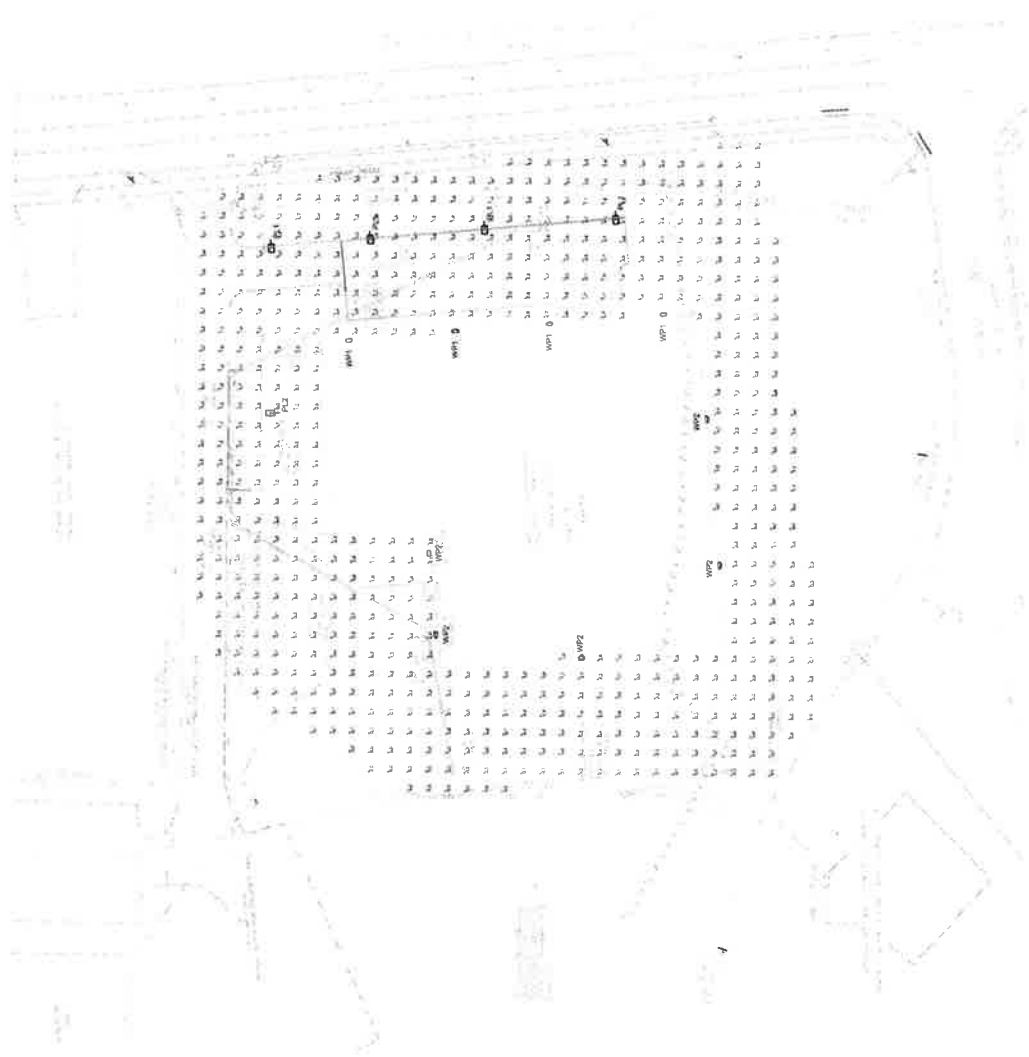
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Drawn By: Author Checked By: Checker



Date: 03/15/18 Job No: 18.031
A2.1

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NOTES:
1. THIS FLOOR PLAN IS A PRELIMINARY DESIGN. IT IS SUBJECT TO CHANGE WITHOUT NOTICE.
2. THE FLOOR PLAN IS BASED ON THE ASSUMPTIONS THAT THE BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES.
3. THE FLOOR PLAN IS BASED ON THE ASSUMPTIONS THAT THE BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES.
4. THE FLOOR PLAN IS BASED ON THE ASSUMPTIONS THAT THE BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES.

THIS DOCUMENT IS THE PROPERTY OF KING LIGHTING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KING LIGHTING, INC. ANY VIOLATION MAY BE SUBJECT TO LEGAL ACTION.

King Lighting, Inc.
10000 W. 10th Ave., Suite 100
Denver, CO 80231
(303) 751-1000
www.kinglighting.com

Lighting Calculations for
Wild Berry - Site
(Figure 1)

DESIGNER	DATE	CHECKED	DATE
King Lighting, Inc.	03/19/08	King Lighting, Inc.	03/19/08

PROJECT	DATE	CHECKED	DATE
Wild Berry - Site	03/19/08	King Lighting, Inc.	03/19/08

PROJECT	DATE	CHECKED	DATE
Wild Berry - Site	03/19/08	King Lighting, Inc.	03/19/08

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-12

Date – April 18, 2018

APPLICATION

Applicant:	Phillip Ping
Location:	225 W. Withrow Street
Owner:	Thomas M and Jean A Coakley Trust
 Action Request:	 Variance to Section 1149.03(i) parking space requirement
 Current Use:	 Vacant single family
Zoning:	R-2MS (Single and Two-Family Mile Square Residential District)
Surrounding Land Uses:	Residence, fraternity and sorority headquarters

DESCRIPTION

The applicant is seeking a variance to keep the number of existing off-street parking spaces while converting this single family residential to a two-family rental. The existing driveway could be counted as two-parking spaces. The proposed conversion from a single-family to a two-family would require a total of four (4) parking spaces.

BACKGROUND

The property is zoned R-2MS (Single- and Two-Family Mile Square Residential) District allows single and two-family residential dwellings, subject to the size, width of the lot.

The subject property is surrounded by student rental to the east, north and west, and fraternity

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 with comments
Engineering	Returned without comments
Economic Development	Not returned

BZA SITE HISTORY

There is no BZA case history on this property.

ANALYSIS

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

Regarding Criterion A, Whether or not there can be **any beneficial use of the property without the variance**: The property is currently a single family dwelling, which is sufficient evidence to demonstrate that beneficial use exists.

Regarding criterion B, Staff believes that the variance **is substantial** because the surrounding properties are all rental properties and parking is already a challenge. Reducing the required off-street parking would impact an already stressed parking situation.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: The adjoining properties are all rental properties, reducing the required parking would not alter the character of the neighborhood.

Regarding criterion D, Staff believes that the **delivery of governmental services** would not be adversely affected by the granting of this variance request. The request has been reviewed by Police, Fire and Service Departments.

Regarding criterion E, **property owner awareness of the zoning restriction**; the property owner indicated that he was aware of the zoning restriction when he purchased the property.

Regarding criterion F, the **owner's predicament can be obviated through some other method other than a variance**. The need for additional off-street parking could be met with additional parking on site without the requested variance. The owner indicated the desire to maintain the existing parking and not add more parking to keep the existing residential character.

Regarding criterion G, whether or not **the spirit and intent behind the zoning requirement would be observed and substantial justice done** by granting the variance: The existing structure is suitable for a single family. Since the property is planned to be converted to a two-family residential dwelling, additional parking is required as mandated by the Oxford Zoning Code to alleviate on-street parking congestions, which is already stressed, given the comments made by the Oxford Police Chief.

Criteria H, whether there are any other relevant factors for consideration: The desire to maintain the residential character as stated by the property owner, maintain green space to reduce runoff is commendable. However, the site is sufficiently large to provide the necessary off-street parking as required by the Oxford Zoning Code.

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 does not believe there is substantial evidence that supports the 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: _____

Jung-Han Chen
Community Development Director

City of Oxford
Inter-Office Review Transmittal Sheet



Date: 3/27/2018

To: **Fire Department** Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-12, 225 E. Withrow , Variance to Section 1149.03 parking requirement, **Phillip Ping,**
Appellant

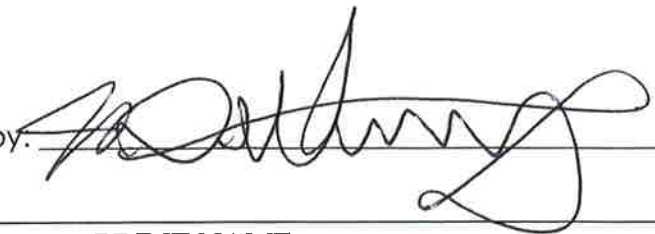
____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 4/9/2018 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: _____



PRINT NAME

Date: 3-28-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/27/2018

To: Fire Department **Engineering Division** Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-12, 225 E. Withrow , Variance to Section 1149.03 parking requirement, **Phillip Ping,**
Appellant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 4/9/2018 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: *H. Popescu*

Date: 3-28-18

VICTOR POPESCU
PRINT NAME



City of Oxford

Inter-Office Review Transmittal Sheet

Date: 3/27/2018

To: Fire Department Engineering Division **Police Department** Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-12, 225 E. Withrow , Variance to Section 1149.03 parking requirement, Phillip Ping, Appellant

X Review _____ Revisions _____ Other _____

Comments or status update requested by: Lynn Taylor

Please return no later than: 4/9/2018 Note: If no comments are received, we will assume the project meets your department's standards.

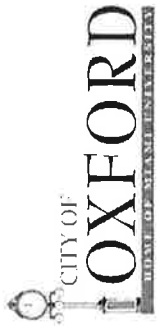
Drawings are returned: ☒ w/comments ☐ without/comments

The applicant's statement in paragraph "H" is NOT enforceable and unlikely to happen. This will add to an already stressed parking situation in that area.

Drawings reviewed by:

Date:

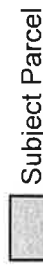
PRINT NAME _____



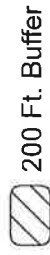
BZA-2018-12

Surrounding Property Owners Map

Legend



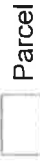
Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit



Parcel

Vacated Right-of-Way



Building Footprint

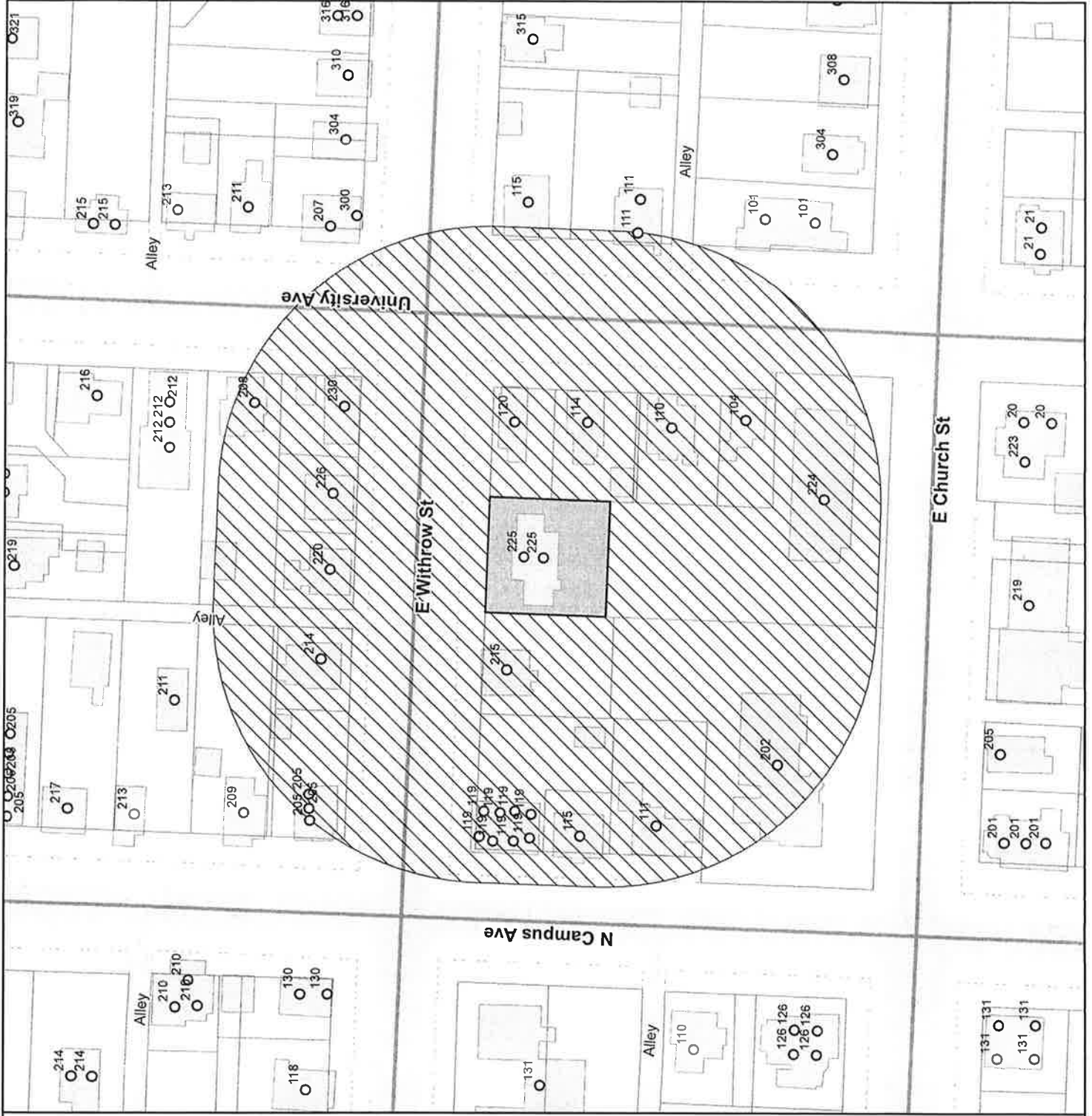
Paved Roadway



1 inch = 100 feet

Prepared on Friday, April 06, 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.





Internal Use Only:	BZA-2018-12
Case No.	
Date Filed	3/19/18

Petition for Zoning Variance

Petitioner Information

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

Name * Phillip E Ping PW Oxford Property, LLC
Mailing Address * 1073 Obannonville Rd.
City, State & Zip Code * Loveland, Ohio 45140
Telephone Number(s) * 513-256-0419
Email Address philsfinewoodworking@gmail.com

Owner Information

Name * Thomas M Coakley and Jean A Coakley Trust. Phillip E Ping Trustee
Mailing Address * 1073 Obannonville Rd.
City, State & Zip Code * Loveland, Ohio 45140
Telephone Number(s) * 513-256-0419
Email Address philsfinewoodworking@gmail.com

Variance and Lot Information

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

1149.03 Variance from required 2 parking spaces/unit for proposed alteration of single family dwelling to a 2 family dwelling; to keeping existing 2 parking space driveway.

Location of Requested Variance * 225 E Withrow St. Oxford, OH 45056
Name of Building
Legal Description * Parcel Id: H4100006000052
Zoning District * R2MS Total Acreage * .2235
Existing Use of Site * SINGLE FAMILY DWELLING

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.

Convert existing single family dwelling with 4 bedrooms, into a two unit student rental.

First floor unit to have 4 bedrooms, with a occupancy of 4. Second floor unit to have 3 bedrooms, with a occupancy of 3.

- 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 *

Phillip Ping

Date *

03/16/2018

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>

Phillip E Ping
PW Oxford Property, LLC
1073 Obannonville Rd.
Loveland, Ohio 45140
513-256-0419

March 16, 2018

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

Dear Board members,

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the Oxford Zoning Code section listed below.

The existing property is currently used as a single-family dwelling. The existing driveway has off street parking for 2 cars

We are planning to convert the existing house into a 2-apartment rental. The first floor apartment will have 4 bedrooms. The second floor apartment will have 3 bedrooms. We have submitted complete drawings to the city planning department for review and are currently waiting for approval.

A variance of: CE 1149.03 (requiring 2 off street parking spaces per residence) is requested to maintain the existing 2-car driveway as is.

The following responses address the decision 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:

Keeping the existing driveway, and not creating a parking lot in the middle of the block, will enhance this property and surrounding properties by maintaining the residential feel of the neighborhood. It will also preserve existing green space, and help reduce storm water run off.

B. Whether the variance is substantial:

The variance will maintain the existing driveway and will not change use, or general appearance of the site.

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 character of the neighborhood would not be changed in any substantial way by the variance and adjoining properties would not suffer any detriment.

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

The variance would have no effect on the delivery of governmental services

E. Whether the property owner purchased the property with knowledge of the zoning restriction:

We were aware of this zoning restriction when we purchased the property. Given the proposed alteration of the house we feel a variance would help to maintain the residential quality of the neighborhood.

F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance:

Due to the small size of the lot and its close proximity to neighboring properties this seems the best method of maintaining the residential feel of the neighborhood, and preserving green space areas on the property.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance:

The spirit and intent of the zoning requirement is to maintain the value, appearance, and safety of the neighborhood. The variance will help meet those goals by preserving existing green space, reducing storm water runoff, reducing traffic volume, and preserving the residential quality of the neighborhood.

H. Any other relevant factor:

Due to the property's close proximity to the Uptown area and the University, and the high walkability of the neighborhood, the need for a student to have a car available for daily use is greatly reduced. The student renters of the property will be aware of the limited off street parking at the residence and can plan ahead to leave their personal cars in Campus parking, or at home.



www.ButlerCountyAuditor.org

Courtesy Butler County Auditor

H4100006000052 04/27/2012



- Profile
- Proposed Levies for May 8th, 2018 Election
- Transfers
- Residential
- Manufactured Homes
- Commercial
- Out Buildings
- Permits
- Land
- Photos
- Tax Distribution
- Tax Detail 2017
- Tax Detail 2016
- Tax Detail 2015
- Tax Detail 2014
- Tax Detail 2013
- Tax Detail 2012
- Tax Detail 2011
- Tax Detail 2010
- Tax Detail 2009
- Tax Detail 2008
- Tax Detail 2007
- Tax Detail 2006
- Tax Detail 2005

PARID: H4100006000052
COAKLEY THOMAS M &

225 E WITHROW ST

enter a parcel id





Scale: 1/8" = 1'-0"

EXISTING DIMENSIONS & SITE CONDITIONS TO BE FIELD VERIFIED.
EXISTING INFORMATION SHOWN ON THIS PLAN IS FROM OWNER
PROVIDED PLOT PLAN

2.7.18

◆ Proposed Alteration ◆
Conversion of 1 Family to 2 Family Dwelling
225 E. Withrow St. ◆ Oxford, OH

MARY_CASSINELLI ARCHITECT, LLC
1743 Madison Road ♦ Cincinnati, OH 45206
(513) 321-5556 marycassinelli@gmail.com

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-10

Date – March 21, 2018

APPLICATION

Applicant: Scott Webb / Architect
Location: 207 West Collins Street rear
Owner: Clawson Properties II LLC / Barbara Clawson

Action Request: **3 Variances:** Section 1143.03(c) R1MS Rear Yard Setback Reduction from 35' to 17', 1143.03(c) Front Yard Lot Coverage Increase from 5% to 58% and 1149.04(a)(1) Increase of Allowed Number of Parking spaces in Front Yard from 1 to 4.

Current Use: Vacant / Rear Yard and Parking
Zoning: R1MS (Single Family Mile Square Residential)
Surrounding Land Uses: Single, Two and Multi Family Residential, Fire Station

DESCRIPTION

Architect Scott Webb is requesting on behalf of Clawson Properties three variances associated with building a new single-family building on a vacant alley lot behind 207-209 West Collins Street. The variances are rear yard setback, front yard lot coverage and number of parking spaces in the front yard.

BACKGROUND

The subject parcel appears as a rear yard and parking area for the four unit building on the adjacent lot; however it is a separate and distinct land parcel. There is no city record that connects the parking spaces on this parcel to the front building in order to meet the parking requirement.

In response to Mr. Webb's narrative, there is no zoning code text that requires the City of Oxford to permit construction or waive other requirements because the minimum lot size requirement is satisfied. All zoning codes must be in compliance or variances granted before a building permit is issued.



The proposal is to construct a single-family building on a lot that meets the square footage and lot width requirements. After the front and rear setbacks are subtracted, there is only 11 feet of buildable area remaining. Therefore, the lot may be too small for a dwelling of this size. The request proposes to reduce the rear setback to 17 feet. The proposal is to provide four parking spaces instead of two required. This increases the front yard lot coverage from 5% to 58% and the allowable number of parking spaces in the front by fourfold.

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

No records found.

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 (separately for each variance) 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 variances**: The property is currently being used as a rear parking area for 207-209 West Collins Street. There are three parking spaces with sidewalk leading to 207-209 West Collins Street. Therefore, there is beneficial use of the property.

Regarding criterion B, Staff believes that the variances **are substantial** based on the following facts:

- The rear yard setback distance is reduced by half
- The number of parking spaces in the front yard is four times permitted
- The front yard lot coverage is 11 times the limit

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: An alley lot in a developed area, is not particularly visible from the public right of way and surrounding neighborhood. Therefore, the re-development of an alley lot has a more limited impact on the character of the neighborhood than a street lot. However, the parking space demand is a net increase that can affect the conditions of adjacent streets and alleys.

Regarding criterion D, Staff believes that the **delivery of governmental services** could be adversely affected by the granting of the variance requests; based upon the Fire Chief's comments.

Regarding criterion E, **property owner awareness of the zoning restrictions**: The most recent transaction of this property was in 2005, when both parcels were transferred simultaneously.

Regarding criterion F, the **owner's predicament** appears to be that the City of Oxford guarantees that this alley lot can be developed, therefore any variances should be granted to facilitate that guarantee. Staff does

not believe there is a guarantee or a predicament. The BZA should consider that the lot is too small for this type of building and requested additional parking.

Regarding criterion G, whether **the spirit and intent behind the zoning requirements would be observed and substantial justice done** by granting the variances: Based upon the information available from the applicant and staff findings, substantial justice **would be better served** by maintaining the current use or finding another less conflicting use. It is not the job of the BZA to design a building project.

Regarding criterion H, whether there are any **other relevant factors**, Staff believes that the 2008 Comprehensive plan does prefer infill development as opposed to suburban sprawl where infrastructure does not currently exist. However, it does not specifically mention alley lots in the Mile Square.

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 not substantial evidence that supports the variance requests**. 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-2018-10, 207 W. Collins Street, variance to Section 1143.05(c) 5' rear yard setback; variance to Section 1143.05(c) front yard lot coverage limited to 5% when the site is accessed from an alley; variance to Section 1149.04(a)(1) parking limits in the required front yard to one required parking space, **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

Buildings in alleys are extremely hard to locate and difficult to access in fire and other emergency situations.

Drawings reviewed by: 

Date: 3-7-18

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:

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 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: _____

A. Popescu
VICTOR POPESCU

PRINT NAME

Date: 3-1-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/26/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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 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: _____



PRINT NAME

Date: _____

2/27/18



BZA-2018-10 **Surrounding** **Property Owners** **Map**

Legend

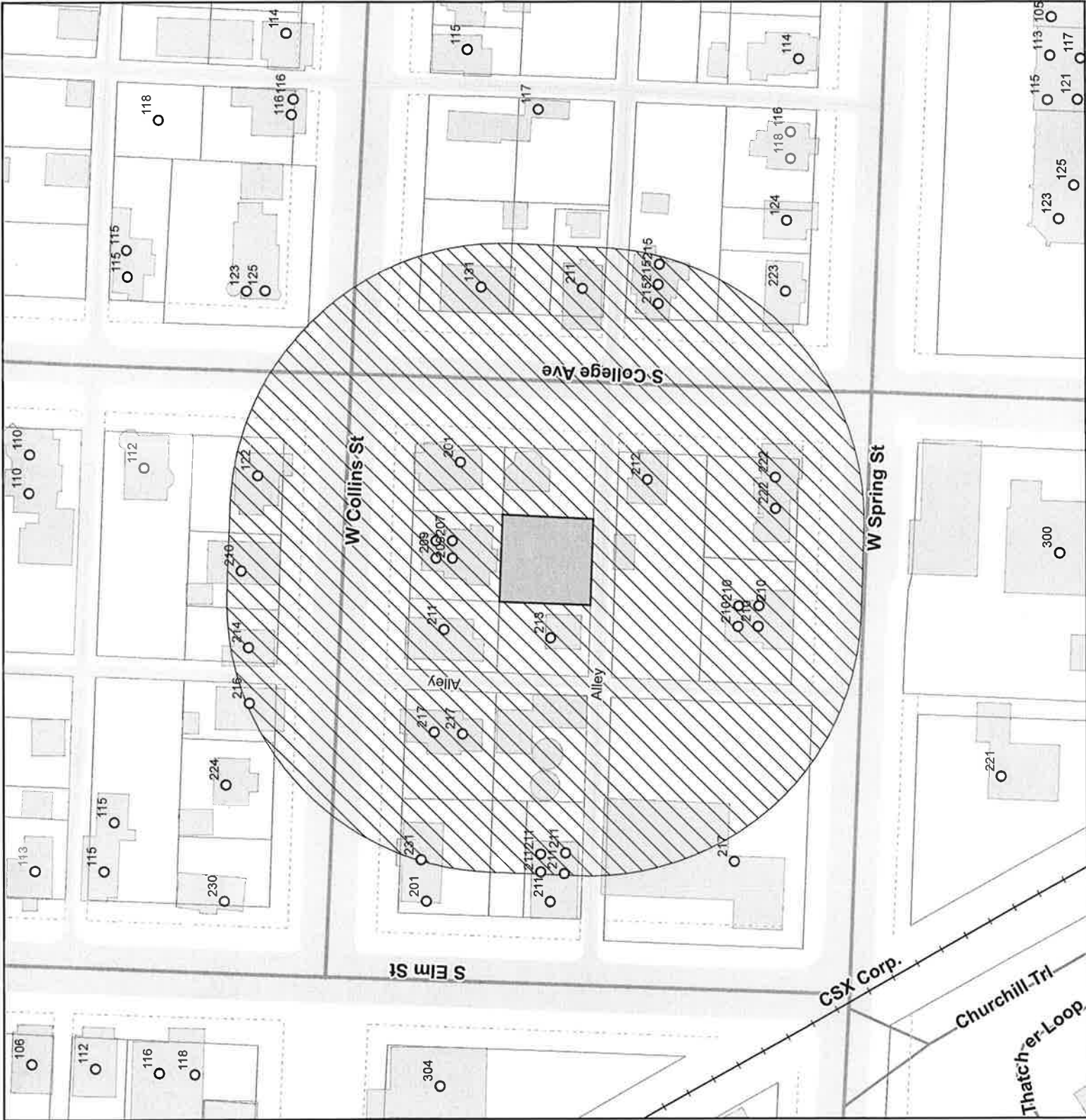
-  Subject Parcel
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  Vacated Right-of-Way
-  Building Footprint
-  Paved Roadway



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 single family home on the lot behind 207 West Collins Street.

Thank you,

Signed: 
Barbara Clawson, Clawson Properties II, LLC

2/20/18
Date:



Internal Use Only:

Case No.

Date Filed

BZA 2018-10

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 * Clawson Properties II LLC
Mailing Address * 125 West Spring Street
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number(s) * 523-7263
Email Address jim@hoteldevelopment.net

Variance and Lot Information

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

1143.05(c) 5' Rear Yard Setback

1143.05(c) Front Yard Lot Coverage limited to 5% when the site is accessed from an Alley.

1149.04(a)(1) Limits parking in the required front yard to 1 required parking space

Location of Requested Variance * 207 West Collins Street (Alley Lot)
Name of Building
Legal Description * H4000004000103
Zoning District * R2MS Total Acreage * .124
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 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.

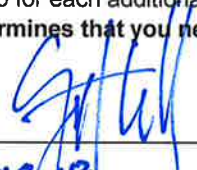
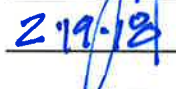
Fees & Receipt

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 *

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.

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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 Rear Yard Setback requirements
Front Yard Lot Coverage &
Off-Street Parking in Front Yard
New Single Family Residence
207 West Collins Street (Alley Access)

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 requirement for a principal entrance upon a street in the R2MS District and the location of the required off-street parking relating to the construction of a new single family residence.

- 1143.05(c) Requires a 35' Rear Yard Setback.
- With Front Yard Setback requirement of 20' and a Rear Yard of 35' the existing 66' deep lot is left with less than 12' of buildable area.
- The lot in question is in fact a lot of record, and exceeds the minimum 3,000 s.f. lot size allowed by 1137.05(a), guaranteeing the ability to construct a single family residence. The application presented herein is for a single family residence only.
- The lot in question also exceeds the minimum lot width of 50', and all other requirements & restrictions of the Zoning District are met.
- 1143.05(c) Limits Front Yard Lot Coverage to 5% when the site is accessed from an Alley.
- As a buildable lot per 1137.05(a) with its only access provided by an alley, the zoning code presents a conflict between this provision and the parking requirement.
- The project is proposed with (4) parking spaces where (2) are required intending to lessen the impact of the loss of the current parking spaces on this empty lot.
- 1149.04(a)(1) Limits parking in the required front yard to 1 required parking space.
- The lot in question is very small and is accessed only from the alley in the center of the block. Any parking provided would need to be located in this front yard.

As stated above, the project is proposed with (4) parking spaces where (2) are required intending to lessen the impact of the loss of the current parking spaces on this empty 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 unbuildable and unable to yield a reasonable return without a variance.

The parking location and resulting lot coverage variances allows parking to be provided for the new occupants, relieving the need for additional on-street parking.

- b) *Whether the variance is substantial;*

The rear yard setback variance represents 50% of what is required. The house has been carefully designed with a minimum depth to maintain as much of the setback as is practical.

The parking location and resulting lot coverage is mathematically substantial, resulting from the code conflict inherent in the lots location and access from the alley. The variance allows the required parking with (2) additional spaces to accommodate all of the anticipated residents.

- 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. Most neighboring properties are existing rental houses, and the existing alley is currently cluttered with additions, garages and gravel parking. Development of this parcel is no different than the construction of a new structure on any vacant lot in the city.

The proposed development of this lot is similar to the adjacent lot currently under construction.

The variance for the parking allows the existing parking to remain, lessening the change to the neighborhood that development of this lot would otherwise eliminate.

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

All utilities are available at this location.

The location of the parking and lot coverage does not change the delivery of services.

- 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 distinct and separate parcel through an inventory of their rentals and the development of the adjacent alley property.

The owner is also aware of the parking requirement, and is seeking relief for the location of the required parking based on the size of the lot, and the setback requirements.

- 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 do not allow the construction of a single family residence as is guaranteed through Section 1137.05(a)

Rather ask for the existing parking area to remain, the owner could apply for a variance for relief from the parking requirement entirely.

- 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.

The spirit and intent of the parking restriction is observed, creating parking to lessen the pressure on street parking. Substantial justice is achieved, as parking exists in similar locations on all adjacent properties.

- 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 black ink, appearing to read 'Scott Webb', is written over a light blue circular stamp.

Scott Webb, Architect

LOT COVERAGE

OVERALL LOT AREA:	4,323 SF
BUILDINGS:	959 SF
DRIVEWAY PARKING (OFF ALLEY):	648 SF
SIDEWALKS:	101 SF
TOTAL:	1,708 SF

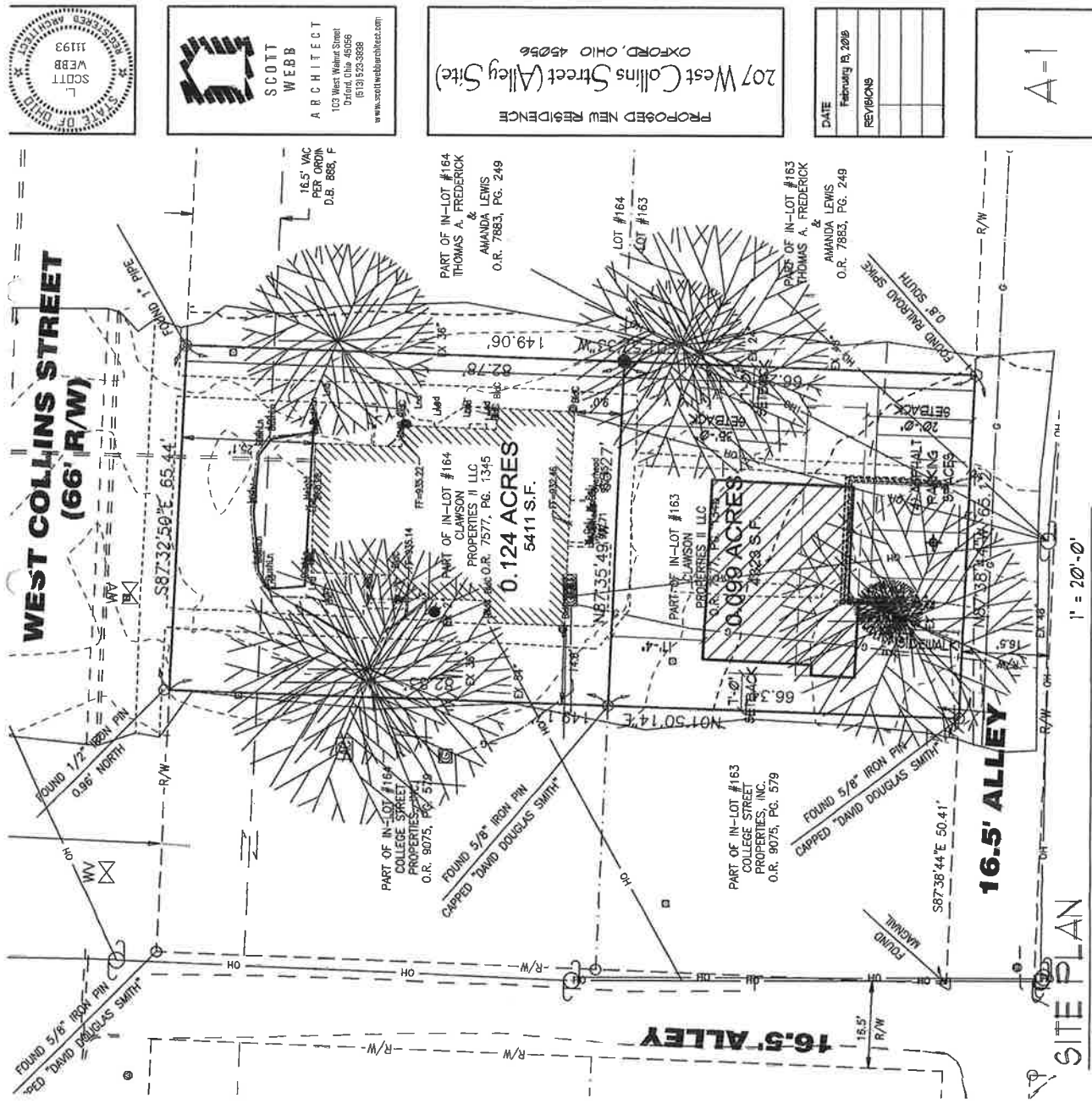
ACTUAL LOT COVERAGE:	1,708 SF / 4,323 SF = 39.5%
ALLOW. LOT COVERAGE:	R2M6 = 45%
ACTUAL FRONT YARD:	159 SF / 1302 SF = 58.3%
ALLOW. FRONT YARD (NO ACCESS FROM:	
(NO ACCESS FROM A PUBLIC STREET):	R2M6 = 5%
(ACCESS FROM A PUBLIC STREET):	R2M6 = 30%

PARKING

(2) SPACES REQUIRED - (4) PROVIDED

REQUIRED VARIANCES

- 1143.05(c): 35' REAR YARD SETBACK REQUIREMENT
- FRONT YARD LOT COVERAGE
- 1149.04(a)(1): MAXIMUM OF (1) PARKING SPACE IN FRONT YARD



SCOTT WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3888
www.scottwebbarchitect.com

PROPOSED NEW RESIDENCE
207 West Collins Street (Alley Site)
OXFORD, OHIO 45056

DATE	February 13, 2016
REVISIONS	

A-1

SITE PLAN

1" = 20'-0"