

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	David H. Kellems
Location	224 E Vine
Owner	PJ Kellems Consulting LLC
Action Request	Variances to Section 1143.07(c) for minimum rear yard depth and maximum lot coverage, and Section 1143.07(d)(13)(A) for a new curb cut on a public street
Lot Size	6,414 square feet
Lot Width	86 feet on street side; 75 feet on alley side
Current Use	Single-Family Dwelling
Current Zoning	R3MS Single-, Two-, and Three-Family Mile-Square Residential District
Surrounding Land Uses	Single-Family Dwellings; One (1) Two-Family Dwelling & One (1) Apartment Building across E Vine on same block

BACKGROUND

The applicant has requested three Variances in pursuit of expanding an existing single-family structure to accommodate an additional dwelling unit, and thus convert to a two-family structure. The new unit is proposed on the east side of the existing lot and if approved, would be addressed as 226 E Vine. An existing side porch is also to be removed to accommodate proposed expansion of the building. With the exception of the existing porch, a little over half of the subject lot is currently undeveloped and has available frontage on E Vine Street.

The existing single-family structure at 224 E Vine holds a valid Rental Permit and is permitted for up to 4 unrelated occupants. The applicant has verbally stated that the existing garage is currently used for parking, and its driveway provides sufficient room for another parking space, thus making the site's existing use compliant with parking requirements. Adding a second dwelling unit to the site requires an additional 2 spaces to be provided somewhere on site; to meet this requirement, the applicant proposes situating a new concrete driveway and curb cut to the east of the dwelling unit addition. The presence of the existing structure and its proximity to the northern lot line impedes the ability to provide additional parking/access from the alley. The history and explanation behind the existing nonconforming setback is discussed later in this report. Nevertheless, **Section 1137.06** allows for additions to nonconforming structures so long as the addition contains a permitted use and satisfies all other dimensional Code requirements.

DESCRIPTION

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

Requirement	Code Section	Standard	Proposal
Minimum Rear Yard Setback	1143.07(c)	35 feet	23.7 feet
The minimum rear yard setback in the R3MS zoning district is 35 feet. For lots with frontage on one public street and one alley, a side yard setback is provided along the alley and a rear yard setback is provided along the back, per language provided in Section 1141.03(c)(3) . The applicant's site plan shows a 23.7-foot rear yard setback, which provides roughly 68% of the required distance. An earlier version of the site plan reviewed by staff showed a 16.8-foot rear setback, so the applicant has taken steps to try to produce a more compliant site plan.			
Maximum Lot Coverage	1143.07(c)	45%	46.3%
The maximum total lot coverage in the R3MS zoning district is 45%. The applicant's surveyor has calculated the resulting lot coverage at 45.7% (2,931 sq ft ÷ 6,414 sq ft). Staff always performs a quality check on coverage calculations by calibrating a measuring tool in Adobe Acrobat, and re-measuring coverage areas. Staff turned up a calculation of 46.3% resulting lot coverage (2,969 sq ft ÷ 6,414 sq ft). Despite the subtle difference in calculations, the BZA may base its decision on the development layout depicted on the submitted site plan. In other words, if the BZA approves the variance, the site plan associated with this Variance application will become the mechanism to ensure that the coverage limit remains compliant at the Building Permit stage.			
Driveway Curb Cut on Public Street	1143.07(d)(13)(A)	None allowed if alley is present	Allow a curb cut despite presence of alley
Many Mile Square district standards currently encourage the provision of access and parking off alleyways wherever possible, in order to preserve front lawns and historic character in the central neighborhoods of Oxford. For example, coverage maximums are written to allow less coverage in front yards when a rear or side alley is available. While the front yard coverage may be compliant, the R3MS Mile Square Design Standards additionally specify in Section 1143.07(d)(13)(A) that <i>individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys must be utilized as much as possible to provide automobile access.</i> Because an additional curb is strictly prohibited due to the presence of an alley, approval of a variance is necessary in order to accommodate one. Unlike projects which may involve a demo/rebuild or may have additional availability to a rear alley, the subject property poses a challenge in terms of expanding the number of parking spaces accessed from the alley.			

PUBLIC COMMENTS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. The notice specifically addressed possible changes to the date, location and format of the meeting due to the COVID-19 pandemic, including the possibility of a video conference and/or teleconference format. No official public comments have been received as of this writing.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Copenbaker, Assistant to the City Manager	Returned with Comments
<i>Project raises no concerns nor represents significant impact, positive or negative, to Ec Dev at this time</i>		
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned without Comments

BZA SITE HISTORY

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

Case No.	Request(s)
BZA-1987-08	Variance to Rear Yard Setback
The purpose of this variance request was to accommodate a new screened porch, a structural element that still exists to this day (although now open-air). The zoning classification at the time was R-2. The single-family structure in existence at the time (which according to the Butler County Auditor was originally built in 1927) was located 10.5 feet away from the northern lot line; the porch was proposed to be located at the same 10.5-foot setback, 24.5 feet short of the minimum. The Board granted the request, allowing the porch project to move forward.	
BZA-2012-09	Variances to Principal Entrance and Front Yard Coverage
This BZA case technically corresponded to 222 E Vine, the property directly to the north of the subject property. However, the relationship between the 222 E Vine and 224 E Vine properties played a part in this case, thus the reason why commentary is provided in this report. The applicant/owner had initially applied for two variances corresponding to property now addressed as 222 E Vine, which had previously been identified as Parcel No. H4100-006-000-035 (now H4100-006-000-189). The two variance requests were: (1) allowance for a principal entrance upon an alley instead of a street; and (2) allowance for 18.6% front yard coverage, exceeding the Code maximum by 13.6%. City staff at the time maintained a position that the northern parcel and the southern parcel (which is the subject of this 2021 case; previously Parcel No. H4100-005-000-036 but now identified as H4100-006-000-188) had been consolidated in 1991 by the prior owner for the purpose of building an addition; however, despite garnering City approval, the consolidation was never recorded at the County. Finding there to be two uses on one lot (thus requiring a use variance, prohibited by Code), as well as an issue with rear yard setback compliance, staff advised the Board they could not approve the requested variances. The Board denied the two variances by a 5-0-0 vote on September 19, 2012.	

Case No.	Request(s)
BZA-2013-07	Variances to Principal Entrance, Front Yard Coverage, and Rear Yard Setback
In response to the September 2012 denial, the applicant filed a 2506 Administrative Appeal. The City and applicant later entered mediation and reached a Settlement Agreement in July 2013. As part of the Settlement, the parties agreed to: (1) split 3 feet off from the northern lot and consolidate with the southern (subject) lot, to alleviate issues of encroachment and multiple uses on one lot; (2) specific dimensions for the new structure on the northern lot, including a 32-foot rear yard setback (3 feet less than the normal Code minimum); and (3) dismissal of claims would be contingent on approval of the necessary variances by the BZA. At its meeting on June 19, 2013, the Board voted 5-0-0 to approve the following variances for 222 E Vine: (1) principal entrance upon an alley; (2) 32-foot rear yard setback; and (3) front yard coverage of 20%, 15% greater than the Code maximum.	

DECISION CRITERIA

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

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

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

Criterion A	Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance
Mixed evidence	The property is currently developed as a single-family dwelling and has been utilized for many years as a rental, which is sufficient evidence to demonstrate there is currently beneficial use without the variance. However, staff also acknowledges that the zoning classification implies that there are additional possible rights for use expansion, seeing as how the subject property is located in a district (R3MS) that has the potential to accommodate two-family and three-family dwellings. The applicant states “The property could remain as is, but in current condition would not harmonize with new zoning code” (sic). It should be noted that the subject property does fall within an area of the Mile Square up-zoned in 2017 from R1MS to R3MS to allow for additional density in close proximity to campus. For these reasons, staff believes this criterion should be rated as “mixed evidence.”
Criterion B	Whether the variance is substantial
✓ Supports granting the variance	The applicant is asking for a 1.3% increase in total lot coverage (45% to 46.3%), which represents a 2.8% variation ($1.3\% \div 45\%$) from the present standard. Furthermore, the applicant is asking for a 32% decrease in the required rear yard depth, resulting in a distance of 23.7 feet as opposed to 35 feet, which would also represent an offset from the existing structure which does not conform to the setback. Staff also recognizes that a significant portion of the structure currently exists within the rear yard setback area, effectively impeding the ability to provide additional parking off the alley without entailing some demolition which would increase the overall financial cost of densifying the property. For these reasons, staff does not believe any of the variance requests are substantial.
Criterion C	Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance
✓ Supports granting the variance	A curb cut on E Vine Street already exists for the unit immediately adjacent to the east (230 E Vine), as well as for two other residential properties to the south at 221/223 E Vine and 218 E Vine. Therefore, an additional curb cut would not be contrary to a trait that has already manifested along the block in question. Staff also does not believe the other two variances requested for lot coverage and a reduced rear yard setback will have a detrimental effect or be contrary to the essential character of the neighborhood.
Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
✓ Supports granting the variance	Staff does not believe government services will be adversely impacted. Engineering, Police and Fire Departments all returned the application without comments; had any comments been received, these might have contributed to this criterion.

Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
Mixed evidence	The property was previously zoned R-1MS, so the applicant/owner would have been under the impression that the existing single-family use was the extent of allowable development at the time of purchase. The applicant rightfully points out that the Zoning Code allowance has since changed, allowing for potential upgrade of use on the site so long as all other Code requirements can be met or achieve Variance approval. For these reasons, staff believes this category should be rated as “mixed evidence.”
Criterion F	Whether the property owners’ predicament feasibly can be obviated through some method other than a variance
✓ Supports granting the variance	Although the site plan could be adjusted to comply with the minimum rear yard setback distance, in staff’s opinion this would result in an oddly shaped building addition that would be less complementary to the existing structure already present on site. The difference in lot coverage is fairly miniscule by comparison to the Code’s maximum requirement. In terms of parking, the applicant could at a larger cost demolish the rear portion of the structure (which happens to be the newest portion, circa early 1990s) to make way for an extended driveway that supports 4 parking spaces. The applicant could also choose to demolish the existing structure and redesign the entire site to be Code compliant. However, staff feels the option being pursued is the least invasive as most respectful of preserving a historic home in the Mile Square, and for these reasons believes the predicaments could be best be addressed by the requested Variances at hand.
Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
✓ Supports granting the variance	The spirit and intent of maximum lot coverage standards is to ensure adequate preservation of open and green spaces interspersed throughout all properties, thus avoiding a neighborhood condition characterized by an abundance of paved surfaced and building foundations; staff believes these purposes would be met by the proposed site plan. Minimum setback standards are meant to ensure appropriate separation between uses and for the adequate provision of light and air. The existing structure at 222 E Vine already provides a 15-foot setback to the 224 E Vine structure, which is nearly twice that of the required side yard setback (7.5 feet). With respect to the proposed addition, providing a setback of 23.7 feet would make the “tangible” setback between structures approximately 39 feet, which is more than adequate. It is also worth noting that the removal of the porch and replacement with the proposed addition would actually decrease the resulting setback distance by roughly 10 feet. Finally, with regard to parking, staff believes the overall spirit of the Code is to encourage alley access wherever possible. In this particular case, there are other overriding factors that deserve attention, thus influencing an ultimate position on whether to provide additional curb cut. Staff is of the opinion that all three requested variances would sufficiently uphold the spirit and intent of the Code and substantial justice would be done.

Criterion H	Any other relevant factor
N/A	The BZA may rely upon additional factors or evidence contributed by the applicant.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: April 14, 2021

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA 2021-03**, being Variances to Sections 1143.07(c) for minimum rear yard depth and maximum lot coverage and 1143.07(d)(13)(A) for an additional curb cut:

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

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

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

Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____

BZA-2021-03 Surrounding Property Owners Map

Legend

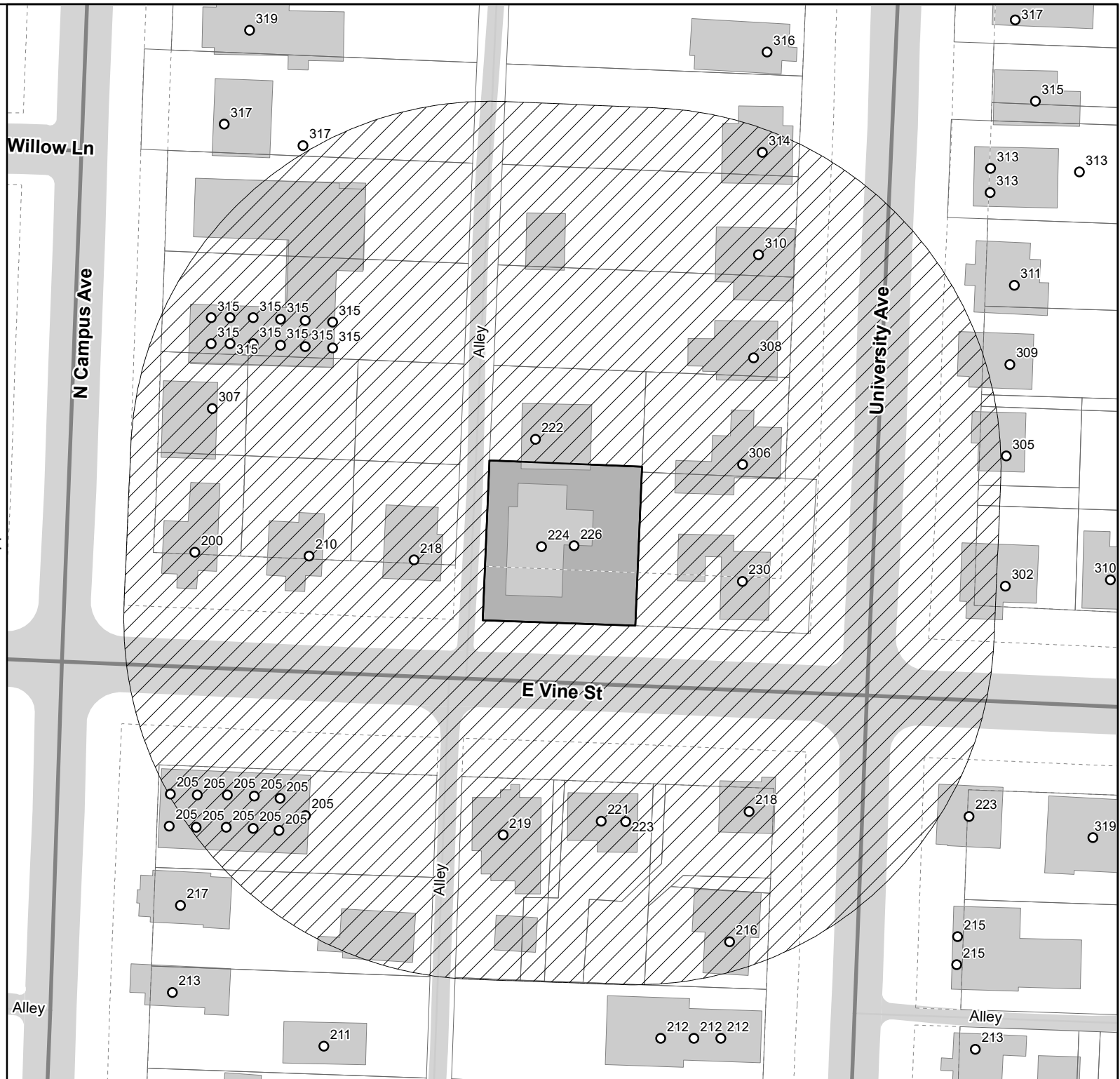
-  Subject Parcel
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  Vacated Right-of-Way
-  Building Footprint
-  Paved Roadway



1 inch = 75 feet

Prepared on Friday, April 2, 2021

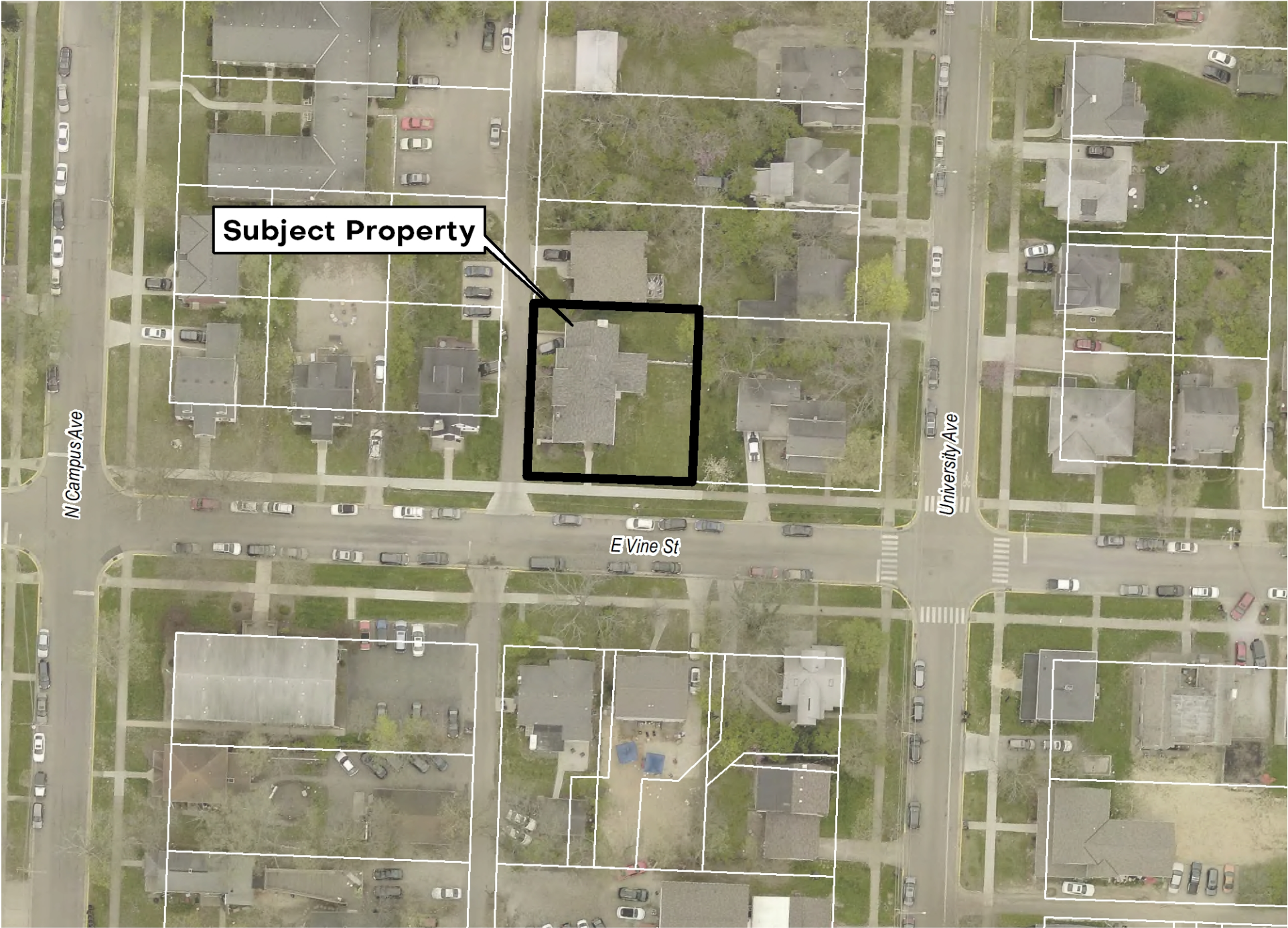
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



Location Map

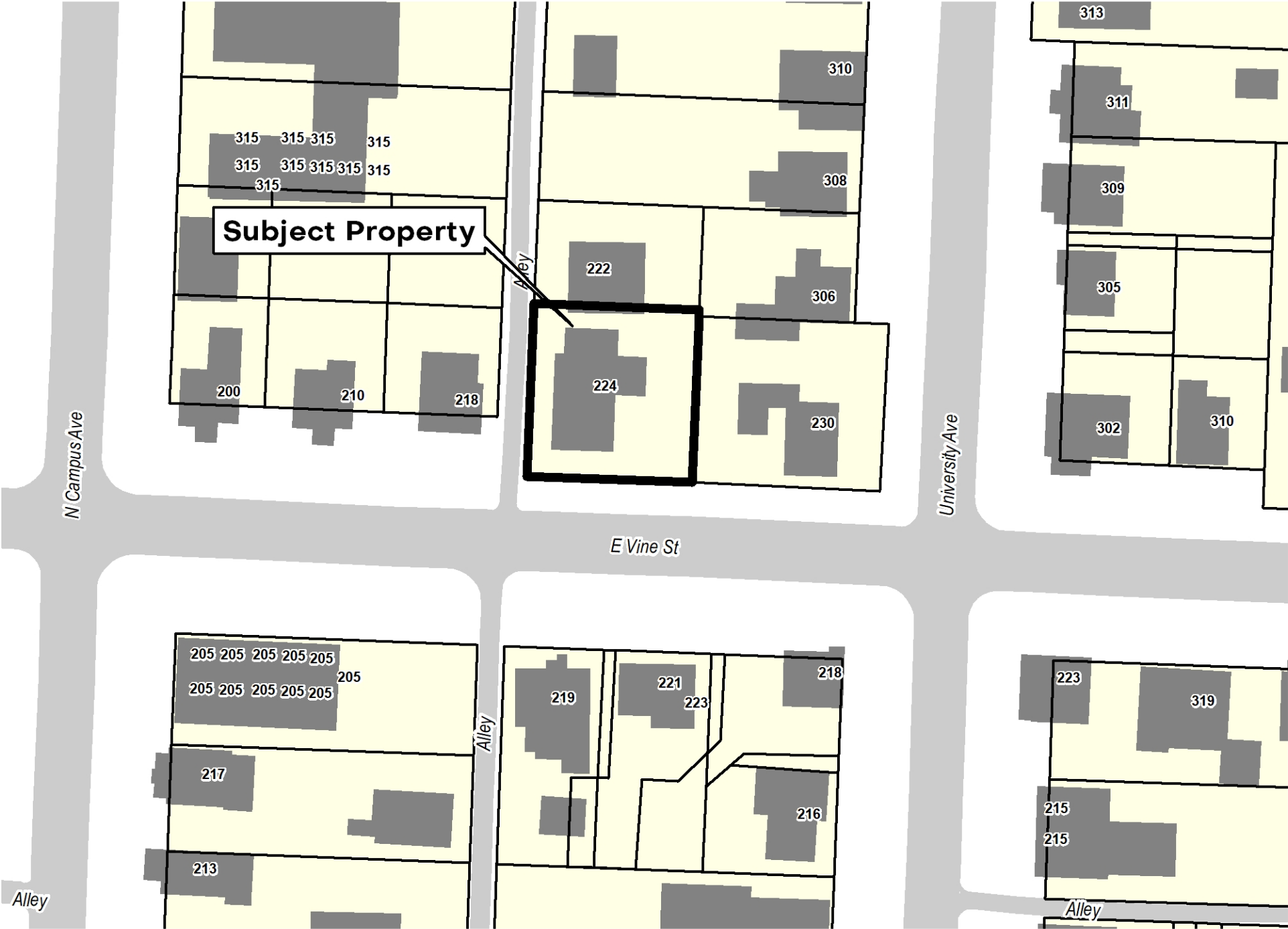
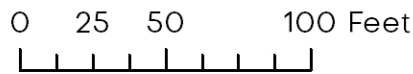
 Site Parcel(s)

0 25 50 100 Feet



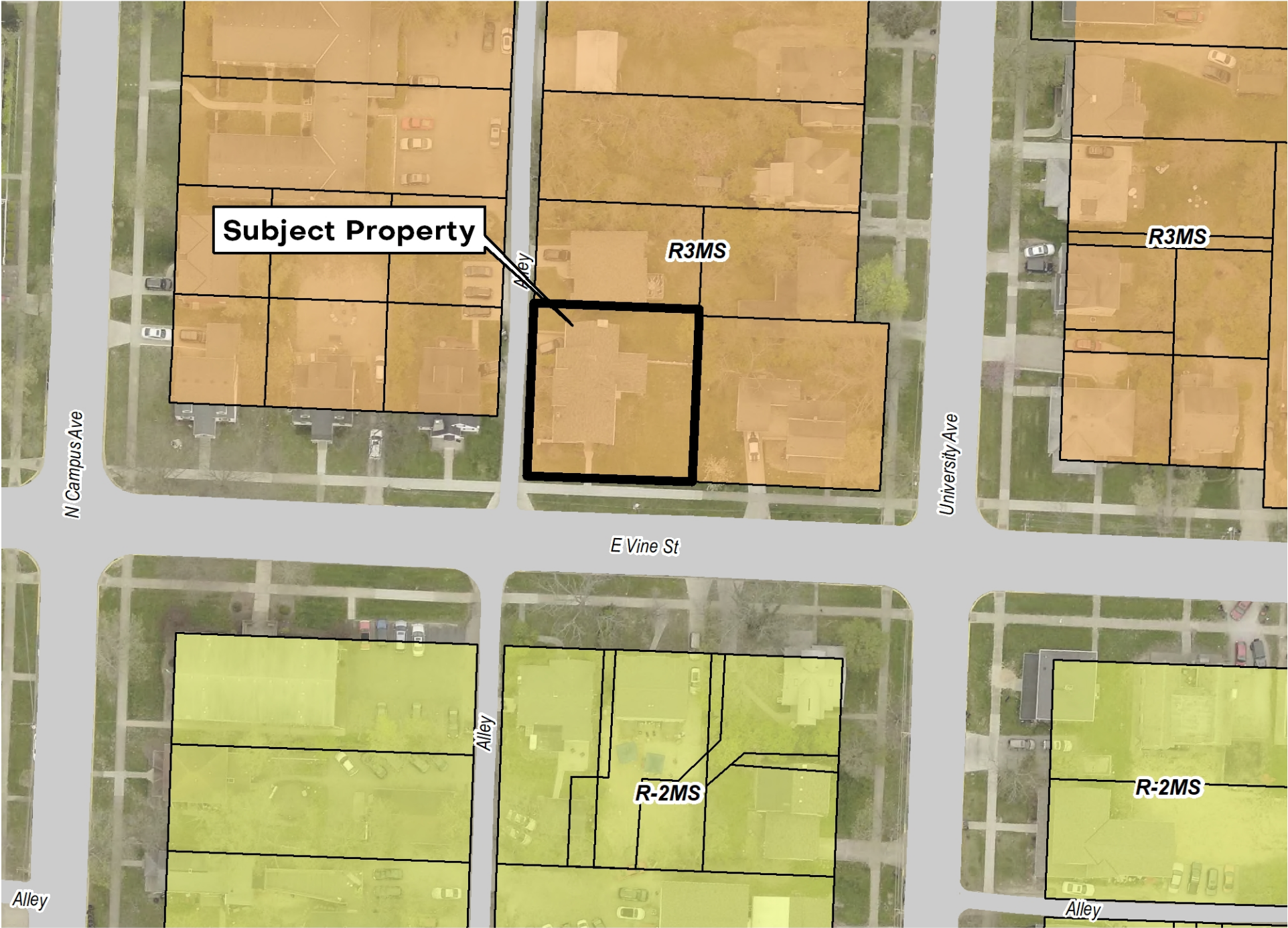
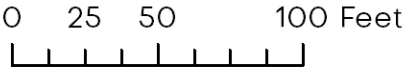
Location Map

 Site Parcel(s)



Location Map

 Site Parcel(s)





Internal Use Only:

Case No.

Date Filed

BZA-2021-03

3/19/21

Petition for Zoning Variance

Petitioner Information

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

Name *

Mailing Address *

City, State & Zip Code *

Telephone Number(s) *

Email Address

David H. Kellens
8747 NW Hope rd
Harrison, Ohio 45030
513-367-6039 513-505-4918
hogan knows best @ msn.com

Owner Information

Name *

Mailing Address *

City, State & Zip Code *

Telephone Number(s) *

Email Address

Same

Variance and Lot Information

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

1143.07(c) rear yard depth, # 1143.07(c) lot
coverage # 1143.07(d)(13)(a) curb cut (P.P.)

Location of Requested Variance *

Name of Building

Legal Description *

Zoning District *

Existing Use of Site *

224 east line

3807

R-3 MS

single family

Total Acreage 39.74 6414

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.

2 Family

- 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 *

David D. Holland

Date *

3/12/21

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>

Decision Standards

- 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 property could remain as is, but in current condition would not harmonize with new zoning code.
- B. Whether the variance is substantial
 - I do not believe it is
- 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
 - No change
- D. Whether the variance would adversely affect the delivery of governmental services
 - No change
- E. Whether the property owner purchased the property with knowledge of the zoning restriction
 - Zone code restriction was changed
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance
 - No
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
 - Misnomers in code
- H. Any other relevant factor
 - 1141.03 (4)A Rear yards minimum 20'
 - 1149.4 (a) (1) (2) Residential parking regulations
 - 1159.05 (10) Lot coverage
 - i. Retaining walls
 - ii. a/c pads
 - iii. gas meter
 - iv. driveway
 - v. steps

ZONED R3MS (SINGLE, TWO & THREE FAMILY)
LOT AREA 6,000 SQ.FT.

LOT #3807 - 6,414 SQ. FT.
LOT COVERAGE
LOT 6,414 SQ. FT.

EXISTING HOUSE 1,743.00 SQ. FT.
EXISTING DRIVEWAY 248 SQ. FT.
EXISTING CONCRETE WALK & STEPS 67 SQ. FT.
EXISTING HOUSE 258 SQ. FT. (TO BE REMOVED)
EXISTING STONE WALL 15 SQ. FT.
PROPOSED ADDITION 792 SQ. FT.
PROPOSED DRIVE 324 SQ. FT.

TOTAL COVERAGE

2931 SQ. FT. X 100 = 45.7%
6414 SQ. FT.

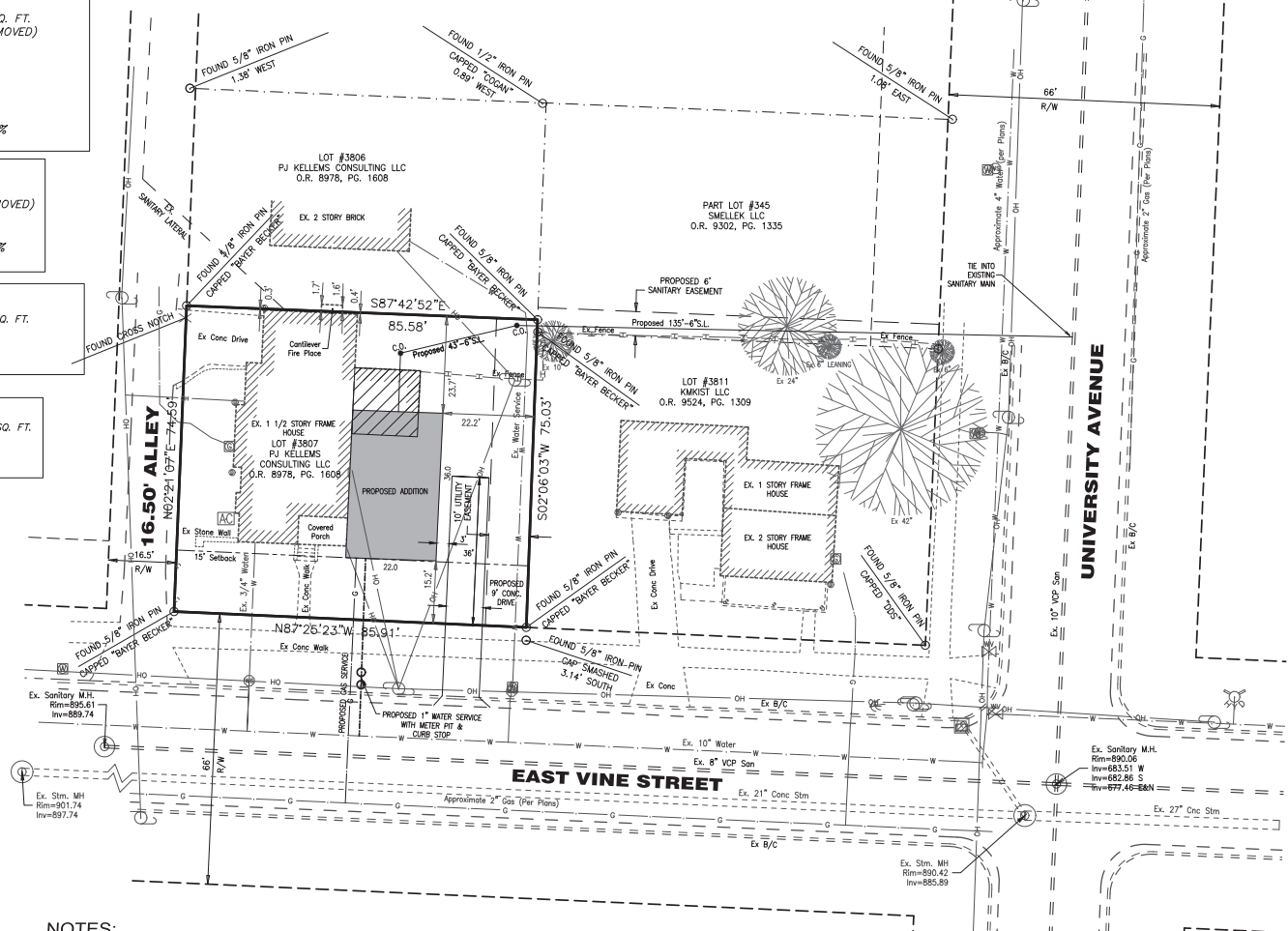
BUILDING COVERAGE

EXISTING HOUSE 1,743.00 SQ. FT.
EXISTING HOUSE 258 SQ. FT. (TO BE REMOVED)
PROPOSED ADDITION 792 SQ. FT.
2277 SQ. FT. X 100 = 35.5%
6,414 SQ. FT.

EX. FRONT YARD = 1,288 SQ. FT.
EXISTING WALK AREA IN FRONT YARD = 44 SQ. FT.
51 SQ. FT. X 100 = 3.9%
1,288 SQ. FT.

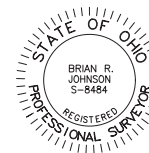
PROPOSED FRONT YARD
PROPOSED DRIVEWAY IN FRONT YARD = 135 SQ. FT.
135 SQ. FT. X 100 = 10.5%
1,288 SQ. FT.

LEGEND



NOTES:

- THIS DRAWING WAS PREPARED FOR HOUSE PERMITTING AND STAKING ONLY. IT DOES NOT WARRANT ANY ENVIRONMENTAL OR GEO-TECHNICAL CONDITIONS, AND IT DOES NOT REPRESENT A BOUNDARY OR "AS-BUILT" SURVEY.
- SURVEYOR ASSUMED NO RESPONSIBILITY EITHER THE DEPTH OR LOCATION OF THE SEWER LATERALS. CONTRACTOR TO VERIFY DEPTH OF SEWER LATERAL BEFORE ESTABLISHING FINAL FINISHED FLOOR (IF NEEDED).
- MINIMUM SETBACKS:
FRONT = 15 FEET
SIDE = 5 FEET
REAR = 35 FEET
- ALL DOWNSPOUTS TO DRAIN TO EAST.
- LOCATION OF WATER METER AND CLEANOUTS TO BE ACCEPTABLE TO THE CITY OF OXFORD AND MAY BE MOVED TO A DIFFERENT LOCATION AT THEIR REQUEST. (IF NEEDED)
- SILT FENCE TO BE MAINTAINED TILL COMPLETION OF PROJECT AND GRASS IS GROWING.
- GRADING TO MAINTAIN DRAINAGE AWAY FROM PROPERTY TO THE EAST.
- UTILITIES LOCATED IN THE FIELD AT TIME OF SURVEY. AS-BUILT UTILITY INFORMATION PROVIDED BY THE CITY OF OXFORD FOR SANITARY & WATER.



Know what's below.
Call before you dig.

BURIED UTILITIES NOTE:

THE UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE APPROXIMATE AND MAY NOT REPRESENT ALL UNDERGROUND INSTALLATIONS LOCATED ON THE SITE. THE UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE BASED ON THOSE MAPS AND MARKINGS, ALONG WITH EVIDENCE OBSERVED DURING THE FIELD SURVEY AND ANY ADDITIONAL DOCUMENTS PROVIDED BY THE CLIENT OR OWNER. IF THE EXACT LOCATION OF ANY UNDERGROUND UTILITY IS REQUIRED, THE CLIENT, AT THEIR OWN COST, SHOULD MAKE ARRANGEMENTS TO HAVE THE UTILITIES EXPOSED AND LOCATED APPROPRIATELY.

LOT #3807
224 E. VINE STREET
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 23, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY OHIO
PLOT PLAN

BRIAN R. JOHNSON
PROFESSIONAL LAND SURVEYOR
RESIDENTIAL SURVEYING
PHONE (513) 737-1511

Drawing: 224 E. VINE
Drawn by: B.R.J.
Checked By: B.R.J.
Issue Date: 3/16/2021

1/1



Site Photos





Community Development Department
Preliminary Zoning Review
513-524-5204

January 26, 2021

Dave Kellems
Smellek LLC
8747 Mount Hope Road
Harrison, OH 45030

VIA EMAIL:

hoganknowsbest@msn.com
brianjohnson@bayerbecker.com

RE: Preliminary Zoning Review for 224 E Vine

Dear Mr. Kellems:

As requested, I have reviewed your site plan received January 25, 2021 for a potential addition project at 224 E Vine in Oxford. The subject property is presently zoned R3MS Single, Two and Three-Family Mile-Square Residential District. Below are comments pertaining to review of the site plan for compliance with the Oxford Zoning Code.

This is only a preliminary review, as it does not address all zoning standards that would be applicable to such a project if submitted together with architectural plans for full review as a Building/Zoning Permit. I can only comment on those aspects depicted on the site plan.

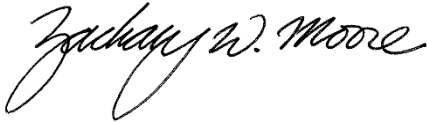
This review assumes that the proposed addition will house an additional dwelling unit, thus changing the use of the property from single-family to two-family. The City would address a new unit as **226 E Vine**. Also keep in mind that City Council recently approved text amendments to the Oxford Zoning Code on January 19 this year, due to become effective on February 18, and depending on the timing of an official submission may have an effect on how the application is reviewed:

1. **Section 1141.03(b)** provides that every building *shall have its principal entrance upon a street* bordering the subject lot. The site plan currently does not display a separate walkway to the dwelling unit addition, therefore it is assumed the doorway will be located off the existing covered porch (on the right/east side). A door in this location should comply with the requirement.
2. **Section 1143.07(c)** specifies a minimum rear yard depth of 35 feet. The proposed addition is shown to be 16.8 feet away from the rear lot line, 18.2 feet short of the minimum.
3. **Section 1143.07(c)** also specifies a maximum total lot coverage of 45 percent. The survey submitted indicates the resulting lot coverage is 45.8 percent (2,939 sq ft ÷ 6,414 sq ft). Staff's estimation of resulting lot coverage is 46.5 percent (2,985 sq ft ÷ 6,414 sq ft), 1.5 percent greater than the maximum. This calculation is under the assumption the existing covered porch attached to the east side of the building is to be removed and replaced with the addition footprint shown in grey.
4. **Section 1143.07(c)** also specifies a maximum front yard coverage of 5 percent. Under the assumption the newly adopted text amendments become effective on February 18, the new front yard coverage limit will be 15 percent. Staff calculates the proposed coverage at 14.5 percent (186 sq ft ÷ 1,285 sq ft), which presently does not comply but could after February 18.
5. **Section 1143.07(d)(8)(A)** (future citation following February 18 is **1143.07(d)(9)(A)**) provides that *street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face the street. (...) All garage doors shall be compatible with the dwelling style and colors.* The site plan shows a 9-foot wide driveway leading to what is presumed to be a one-car garage. Considering the frontage of the entire structure (existing dwelling unit + new dwelling unit), it appears a garage as configured would be acceptable.

6. **Section 1143.07(d)(12)(A)** (future citation following February 18 is **1143.07(d)(13)(A)**) provides that *individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present.* The subject lot borders an alley to the west, therefore no additional curb cuts from the public street (E Vine) are allowed by-right.
7. **Section 1148.04(b)(2)** requires a minimum of two (2) trees to be planted within the front yard area for a two-family residential use. Trees must be a minimum of 2 caliper inches and a species that appears on the [City's Tree List](#).
8. **Section 1149.03(i)** (future citation following February 18 is **Table 1149.05-1**) requires a minimum of four (4) off-street parking spaces for a two-family residential use. It appears there may be two parking spaces already provided on-site (1 space on driveway off alley, and 1 space within the garage). The garage must be available and utilized for parking in order to count as a space. Looking to the proposed driveway, a single space may be counted in front of the building, as well as an additional space inside a single-car garage.
9. Although no architectural details are shown at this point, please be aware of standards in **Section 1141.03(h)(1)** which requires additions to be *constructed of similar material, in similar proportions, to the façade that is being extended or altered and be designed in the same architectural style and character as the original building.* The new Code language (following February 18) is mostly the same as it pertains to additions containing new dwelling units.
10. Another notable new Code requirement set to come into effect in February is in **Section 1141.03(a)**, which requires a common wall at least 8 feet in length between dwelling units within the same structure. The submitted site plan appears to show 33 feet of common wall between the two units, which would comply.

Please contact me if you have any questions.

Respectfully,



Zachary Moore, AICP
Planner

zmoore@cityofoxford.org

513-524-5204

Plot Error: Jan 25, 2021 - 12:57pm
Drawing Name: L:\Oxford Surveys\224 E. Vine St. (Kellems)\224 E. VINE.dwg - Layout Tab PLAN

ZONED R3MS (SINGLE, TWO & THREE FAMILY)
LOT AREA 6,000 SQ.FT.

LOT #3807 - 6,414 SQ. FT.
LOT COVERAGE
LOT 6,414 SQ. FT.
EXISTING HOUSE 1,743.00 SQ. FT.
EXISTING DRIVEWAY 248 SQ. FT.
EXISTING CONCRETE WALK 44 SQ. FT.
EXISTING HOUSE 258 SQ. FT. (TO BE REMOVED)
PROPOSED ADDITION 1000 SQ. FT.
PROPOSED DRIVE 162 SQ. FT.

TOTAL COVERAGE
2939 X 100 = 45.8%
6414 SQ. FT.

BUILDING COVERAGE
EXISTING HOUSE 1,743.00 SQ. FT.
EXISTING HOUSE 258 SQ. FT. (TO BE REMOVED)
PROPOSED ADDITION 1000 SQ. FT.
2485 SQ. FT. X 100 = 38.7%
6,414 SQ. FT.

EX. FRONT YARD = 1,288 SQ. FT.
EXISTING WALK AREA IN FRONT YARD = 44 SQ. FT.
44 SQ. FT. X 100 = 3.4%
1,288 SQ. FT.

PROPOSED FRONT YARD
PROPOSED DRIVEWAY IN FRONT YARD = 162 SQ. FT.
162 SQ. FT. X 100 = 12.5%
1,288 SQ. FT.

LEGEND

- | | |
|--------------------------|-----------------------------|
| ○ - Ex Sanitary M.H. | ⊠ - Ex Gas Meter |
| ○ - Ex Storm M.H. | ⊠ - Ex Cable Box |
| ⊠ - Ex Storm Catch Basin | ⊠ - Ex Water Valve |
| ⊠ - Ex Storm Yard Drain | ⊠ - Ex Water Meter |
| ○ - Ex Storm Clean Out | ⊠ - Ex Water Service |
| ○ - Ex Storm Down Spout | ⊠ - Ex Post Indicator Valve |
| ⊠ - Ex Fire Hydrant | ⊠ - Ex Sign |
| ⊠ - Ex Elec. Meter | ⊠ - Ex Deciduous Tree |
| ⊠ - Ex Utility Pole | ⊠ - Ex Air Conditioning |
| ⊠ - Ex Guy Wire | |
| R/W - Ex Right of Way | |

- Found 5/8" Iron Pin (Unless Otherwise noted)
- ⊠ Found Cross Notch

— Ex Underground Water Main — W —
— Ex Underground Gas Main — G —
— Ex Overhead Utilities — OH —
— Ex Wood Fence — F —

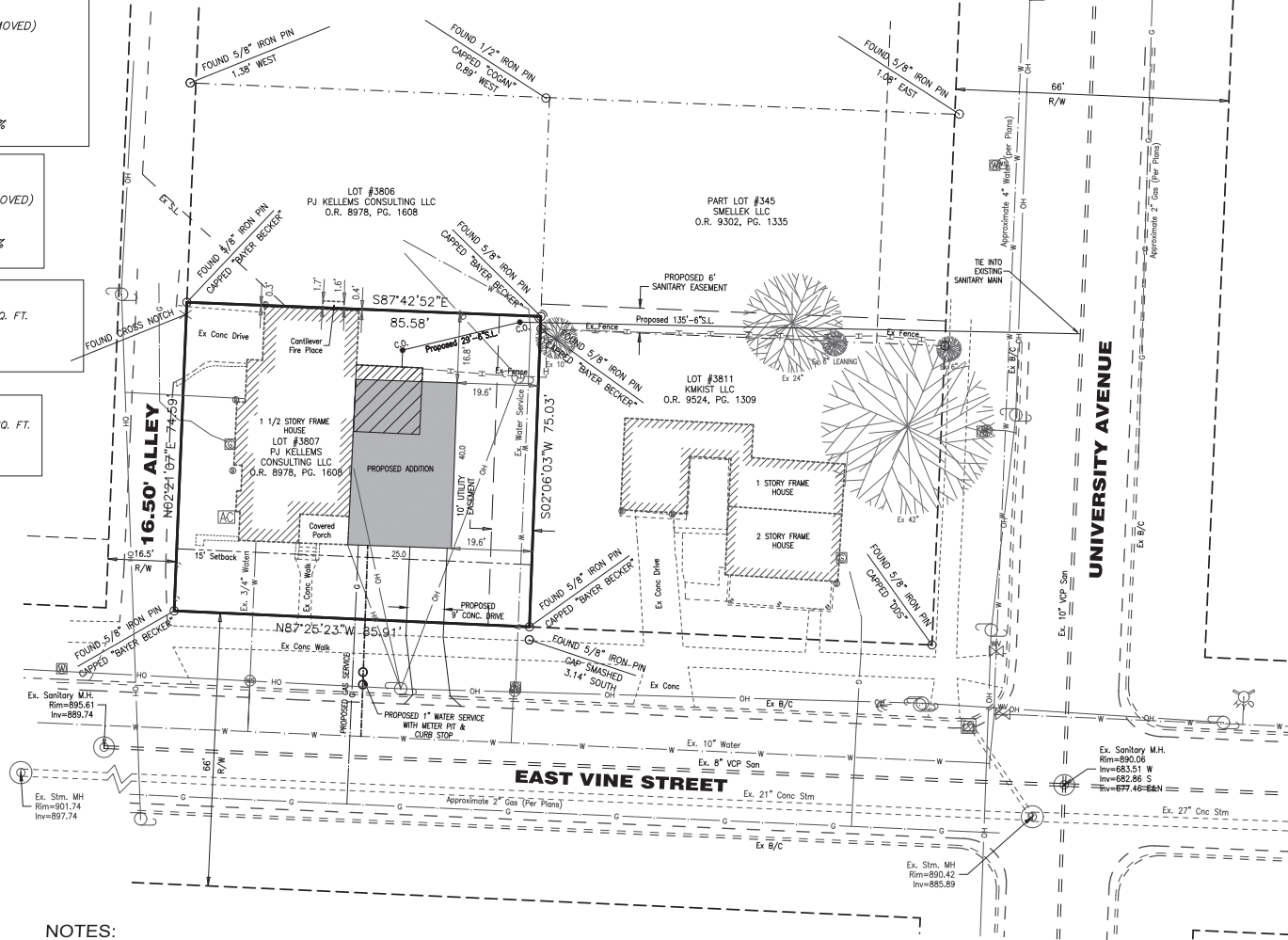


Existing Structure to be removed



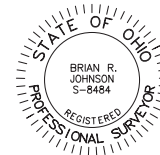
Proposed Structure

Original Plan



NOTES:

- THIS DRAWING WAS PREPARED FOR HOUSE PERMITTING AND STAKING ONLY. IT DOES NOT WARRANT ANY ENVIRONMENTAL OR GEO-TECHNICAL CONDITIONS, AND IT DOES NOT REPRESENT A BOUNDARY OR "AS-BUILT" SURVEY.
- SURVEYOR ASSUMED NO RESPONSIBILITY EITHER THE DEPTH OR LOCATION OF THE SEWER LATERALS. CONTRACTOR TO VERIFY DEPTH OF SEWER LATERAL BEFORE ESTABLISHING FINAL FINISHED FLOOR (IF NEEDED).
- MINIMUM SETBACKS:
FRONT = 15 FEET
SIDE = 5 FEET
REAR = 35 FEET
- ALL DOWNSPOUTS TO DRAIN TO EAST.
- LOCATION OF WATER METER AND CLEANOUTS TO BE ACCEPTABLE TO THE CITY OF OXFORD AND MAY BE MOVED TO A DIFFERENT LOCATION AT THEIR REQUEST. (IF NEEDED)
- SILT FENCE TO BE MAINTAINED TILL COMPLETION OF PROJECT AND GRASS IS GROWING.
- GRADING TO MAINTAIN DRAINAGE AWAY FROM PROPERTY TO THE EAST.
- UTILITIES LOCATED IN THE FIELD AT TIME OF SURVEY. AS-BUILT UTILITY INFORMATION PROVIDED BY THE CITY OF OXFORD FOR SANITARY & WATER.



Know what's below.
Call before you dig.

BURIED UTILITIES NOTE:

THE UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE APPROXIMATE AND MAY NOT REPRESENT ALL UNDERGROUND INSTALLATIONS LOCATED ON THE SITE. THE UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE BASED ON THOSE MAPS AND MARKINGS, ALONG WITH EVIDENCE OBSERVED DURING THE FIELD SURVEY AND ANY ADDITIONAL DOCUMENTS PROVIDED BY THE CLIENT OR OWNER. IF THE EXACT LOCATION OF ANY UNDERGROUND UTILITY IS REQUIRED, THE CLIENT, AT THEIR OWN COST, SHOULD MAKE ARRANGEMENTS TO HAVE THE UTILITIES EXPOSED AND LOCATED APPROPRIATELY.



Basis of Bearing:
State Plane NAD83 (2011)
0 20 30
SCALE: 1" = 20'

LOT #3807
224 E. VINE STREET
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 23, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY OHIO
PLOT PLAN

BRIAN R. JOHNSON
PROFESSIONAL LAND SURVEYOR
RESIDENTIAL SURVEYING
PHONE (513) 737-1511

Drawing: 224 E. VINE
Drawn by: B.R.J.
Checked by: B.R.J.
Issue Date: 1/23/2021

1/1



Sam Perry
Community Development Director

Dear Sam,

Per your email on March 5th, please add the Brick St Skydeck onto the BZA Agenda for the April 21st meeting to request an extension to our previous approval. By the time we received building department approval, Miami was back in session, so the project was pushed off until the Summer to not decrease the revenue at Brick St even more than already happening with State of Ohio Covid mandates.

Thank you very much and please reach out with any questions.

A handwritten signature in black ink, appearing to read 'Bob Riggs', is written over a light blue horizontal line.

Bob Riggs
Conger Construction Group
513-907-4130