

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2020-02

May 20, 2020

APPLICATION

Applicant:	Scott Webb Architect
Location:	220 East Withrow Street
Owner:	Irish Redhawk LLC c/o Tom Conrad
Action Request:	Variances to Section 1149.03(c) Size of Required Parking Spaces and Section 1149.04(a) Location of Required Parking Spaces
Current Use:	Single-Family Dwelling
Zoning:	R-2MS Single- and Two-Family Mile-Square Residential District
Surrounding Land Uses:	Single- and Two-Family Dwellings

BACKGROUND

Scott Webb Architect is requesting, on behalf of the owner, relief from required parking space size and location standards specified in Chapter 1149 of the Zoning Code. Staff issued a stop work order on March 26 when it was discovered the property owner had converted the existing attached garage into additional living space without a permit. The owner then employed the services of Architect Scott Webb, who submitted a Building Permit on April 14 in order to recognize and approve the work already begun.

Section 1149.02(a) provides that *any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current parking and site access regulations for the entire use and structure and site*. Staff considered the repurposing of the former garage space into additional living space to be an expansion of the use, and thus constituted a *redevelopment* triggering the need to comply with the current parking requirements. The applicant must now account for 2 required parking spaces on the site per Section 1149.03(i) in order to receive zoning approval. Though the applicant submitted plans showing 2 spaces on an existing driveway linking the previous garage to the alley, a number of size and location standards were not met, thus staff denied the permit on April 16.

DESCRIPTION

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

Requirement	Code Section	Standard	Proposed
Minimum Parking Space Length	1149.03(c)	18 feet	15.7 feet approx.
Explanation: The standard length of a parking stall is 18 feet. Though the site plan depicts 2 stalls each 18 feet in length, approximately 2.3 feet of the length is located within the alley right-of-way. The entire stall must fall on the subject property in order to be considered "off-street." The requested variance is a 12.8% reduction.			
Minimum Parking Space Width	1149.03(c)	9 feet	8 feet
Explanation: The standard width of a parking stall is 9 feet, thereby requiring 18 feet of total width for 2 side-by-side parking spaces. The site plan depicts a total paved width of 17.5 feet between two existing retaining walls, comprised of 8-foot wide spaces and ¾ foot buffers on the outside. The requested variance is an 11.1% reduction.			

Minimum Setback from Lot Lines	1149.04(a)(3)	3 feet	4.8 feet approx. (complies)
Explanation: The Code specifies that all required parking spaces for residential use are not to be located within 3 feet of any lot line. However, as the applicant correctly points out in his letter, staff has historically allowed parking spaces to directly abut right-of-way lines when access is provided. Therefore, this standard is only observed in relation to the northern property line. Based on the site plan provided, the setback shown is approximately 4.8 feet away which actually complies with the Code. A variance to this standard would only be necessary if the width and/or location of spaces was changed to fall within 3 feet of the northern property line.			
Minimum Setback from Principal Structure	1149.04(a)(4)	3 feet	0 feet
Explanation: The Code specifies that unenclosed parking spaces cannot be located within 3 feet of any principal structure. The applicant shows the proposed parking spaces as directly abutting the structure, therefore staff interprets the requested distance to be 0 feet. The requested variance is a 100% reduction.			

STAFF RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variance, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. At the time of this report, **staff believes there is not substantial evidence to support the variance request** to allow for changes in parking space size and location.

If the BZA does approve the variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by Section 1139.02(d)(2).

COMMENT FORMS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. 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.

AGENCY REVIEW

The variance request has been reviewed by City departments:

Fire	Returned with comments
Police	Returned without comments
Engineering	Returned with comments
Economic Development	Returned without comments

BZA SITE HISTORY

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

ANALYSIS

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

Regarding **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**: The property's previous and continued use as a single-family dwelling is sufficient to demonstrate that there can be beneficial use of the property without the variance.

Regarding **Criterion B, whether the variance is substantial**: The applicant is asking for a **12.8%** decrease in parking space length, an **11.1%** decrease in parking space width, and a **100%** decrease (elimination) of the

principal structure setback. Expressed another way, if you consider the principal structure setback to be met then the parking space length decrease would be a **29.4%** reduction (18 feet to 12.7 feet). While the applicant alludes to the Code's alternative compact space standards (8 feet x 16 feet), these only apply to up to 25% of 40 or more parking spaces, and thus are not applicable to a single-family residential situation. Staff believes the percentage reduction in parking space size deserves greater scrutiny than other dimensional standards, such as those for building height or setbacks, since the allotted area is intended to accommodate standard sizing of vehicles. The average width of a car is around 6 to 6.5 feet, and the average length is about 17 feet long. Therefore, staff considers a request to reduce car stall dimensions down to 8 feet x 15.7 feet to be substantial.

Regarding **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**: By granting these variances, this would invite the possibility of cars parking in a 90-degree manner with bumpers overhanging the alley, or only 1 car parking in a sideways fashion on the existing driveway, potentially having a negative effect of impeding access for other nearby residents utilizing the same alley. Though these types of situations may have already been occurring prior to the garage conversion project, staff must consider the practical implications of designating 2 legal required parking spaces within a smaller confined area near an alley. It should also be noted that the alley width is only around 13 feet wide with retaining walls on the neighboring property to the west (214 East Withrow), making maneuverability into the driveway a challenge, especially to accommodate two vehicles vs. only one. By contrast, for a brand new parking area with 90-degree stalls the required aisle width is 24 feet, nearly double the existing width.

Regarding **Criterion D**, **whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)**: Garbage pickup for this property occurs on the public street, not the alley, so it is unlikely garbage collection will be impacted by granting the variance. Staff does not believe any other governmental services will be negatively impacted.

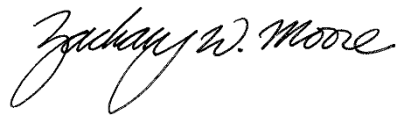
Regarding **Criterion E**, **whether the property owner purchased the property with knowledge of the zoning restriction**: Mr. Webb's letter makes the argument that the property owner did not know the unused garage was considered a required parking space. The applicant's claim that the permit denial was based on eliminating an existing parking space, albeit one that was unused, is incorrect. The permit was in fact denied due to the expansion of the use and failure to provide adequate parking per the Zoning Code. The previous condition of the site in terms of the number of required parking spaces that may or may not have existed was not relevant to the decision to deny. The owner has however previously submitted a number of Building Permit applications to the City, and thus should have been familiar with the required process before undergoing work at the property.

Regarding **Criterion F**, **whether the property owners' predicament feasibly can be obviated through some method other than a variance**: An extra layer of complexity is added due to the work completed on the property without prior approval of a Building Permit. Denial of the variance could necessitate the applicant making more substantial structural changes on the site to accommodate parking in a way that complies with the Code, or alternatively the garage may have to be restored for use as parking with the additional living space eliminated.

Regarding **Criterion G**, **whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance**: Staff does not believe the requested variances uphold the spirit and intent of the Zoning Code. Had this request been brought forward prior to the commencement of work, the practical consequences of reducing parking space dimensions would have been the same and led to the same conclusions.

Regarding **Criterion H**, **any other relevant factor**: There are no other factors staff believes warrant comment, but the BZA may rely on other evidence contributed by the applicant.

SUBMITTED BY:

A handwritten signature in black ink that reads "Zachary W. Moore". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Zachary Moore, AICP
Planner, Community Development Department

DATE: May 6, 2020

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA 2020-02**, being a Variance to Sections 1149.03(c) and 1149.04(a), requirements for parking space size and location.

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:_____

Inter-Office Review Transmittal Sheet

Date: April 21, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2020-02, 220 E. Withrow Street, Variances to Section 1149.03(c), size of the minimum parking space and 1149.04(a), location of parking spaces, Scott Webb, Appellant

Information to share:

This case involves the conversion of an existing garage into additional living space. When an expansion of this nature occurs, our Zoning Code requires the entire site to meet standard parking requirements even if parking was previously non-compliant. With the garage no longer available for parking, the applicant shows two spaces on a short driveway linking the garage to the alley; however, the size and location of the spaces does not comply with Zoning. In order to legally provide the 2 required spaces, the applicant is asking for variances to the following code requirements: (1) a 3-foot setback from lot lines; (2) a 3-foot setback from the structure; (3) 9-foot minimum space width; and (4) 18-foot minimum space length

<u>X</u>	Review	<u> </u>	Revisions	<u> </u>	Other
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Please return no later than: **May 6, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

I'm glad this project was caught so we would be aware of additional residents in rear of structure.

Drawings reviewed by:

by: John P. Bellamy

Date: 2-4-2021

John Detherage, Fire Chief

PRINTED NAME _____

City of Oxford
Inter-Office Review Transmittal Sheet

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From: Community Development Department

BZA-2020-02, 220 E. Withrow Street, Variances to Section 1149.03(c), size of the minimum parking space and 1149.04(a), location of parking spaces, **Scott Webb, Appellant**

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 X Review Revisions Other

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Drawings are returned: w/comments without/comments

see memo dated 5/5/20.
-SAO

Drawings reviewed by: *Scott Otto* Date: 5/5/2020

 Scott Otto

PRINTED NAME



Memo

Service Department
Engineering Division
fax 513/524-5267

513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: BZA-2020-02
220 E. Withrow St.

DATE: May 5, 2020

The Engineering Division offers the following comments:

- The proposal of two parking spaces in this limited space will likely have problems with maneuvering a vehicle into the spaces, especially when one space is already occupied when trying to enter the other space.
- The existing retaining wall to the north could limit the ability to open a car door on that side.
- If a vehicle is parked in the proposed south parking space, it will be extremely difficult to gain access to the adjacent steps and door to the east.
- Any vehicle of average length or greater would be extended out into the alley travel way and/or be parked up against the structure.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 21, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

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BZA-2020-02, 220 E. Withrow Street, Variances to Section 1149.03(c), size of the minimum parking space and 1149.04(a), location of parking spaces, **Scott Webb, Appellant**

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 X Review Revisions Other

Please return no later than: **May 6, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____


John Jones

Date: _____

4/23/20

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 21, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2020-02, 220 E. Withrow Street, Variances to Section 1149.03(c), size of the minimum parking space and 1149.04(a), location of parking spaces, **Scott Webb, Appellant**

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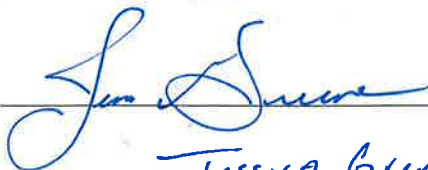
 X Review Revisions Other

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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:



PRINTED NAME

Date:

5/6/20

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 our property at 220 East Withrow Street.

Thank you,

Signed: _____
Thomas Conrad



4/16/20
Date: _____



Internal Use Only:

Case No.

BZA - 2020 - 02

Date Filed

4/20/20

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 * Irish Redhawk LLC

Mailing Address * 942 Woodbine Lane

City, State & Zip Code * Northbrook, Illinois 60062

Telephone Number(s) * tom@schmatesrental.com

Email Address (847) 274-6600

Variance and Lot Information

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

1149.03(c) Size of Minimum Parking Space

1149.04(a) Location of Parking Spaces

Location of Requested Variance * 220 East Withrow Street

Name of Building

Legal Description * Parcel # H4100006000051

Zoning District * R-2MS Total Acreage * .084

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.

Single Family Dwelling

- 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.

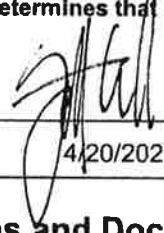
Fees & Receipt

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 *


4/20/2020

Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fees and postage charge, made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Variance to Parking Size and Location Requirements
Interior Finish of Existing Attached Garage
220 East Withrow Street.

April 20, 2020

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the parking size and location requirements of the R-2MS Zoning District.

1149.02(a) Requires that any change to a structure or site meet the current parking and site access regulations.

The project at hand is to convert an undersized and unused garage into additional living space. No change to the current parking arrangement is anticipated by this alteration

1149.03(c) Minimum Size or parking spaces

The driveway/parking area is existing to remain. It is located between the existing building and alley and is bordered by a retaining wall to accommodate a difference in grade to the north. While full size parking spaces have never been available at this property, the site nearly provides enough space for the recently approved compact car spaces.

1149.04(a)(3) Parking located a Minimum of 3 feet from any lot line

Parking has historically been allowed directly off a dedicated alley without requiring an additional 3' of paving. Parking is approximately 3' from north property line.

1149.04(a)(4) Parking located a Minimum of 3 feet from any principal structure.

The existing driveway/parking area abuts the former garage door and remains unchanged from the construction of the residence.

The zoning denial from which these variances are requested are based on the idea that a parking space is being eliminated by the garage finish. This is simply not the case, as the existing single car garage has not been used for parking in a generation.

Subsequently, the parking in this neighborhood is unaffected by the proposed garage finish.

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 may continue with its current parking arrangement, unfinished, and without parking in the undersized garage.

- b) *Whether the variance is substantial;*

The variance is not substantial. No change in occupancy is proposed in this application and no change in the parking arrangement.

The existing parking area provides 85% of the total required area for (2) full size parking spaces. 97% of the required width is provided. 87.5% of the required depth is provided.

The existing area exceeds the width required for compact spaces and is only 3.5" short of the required depth.

- 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 "substantially altered" by the alternate use of the existing garage area. There is no change in occupancy and the available parking remains unchanged.

- 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 not aware that the unused garage was a required parking space.

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

Denial of this variance would simply prohibit this improvement to the property. The garage could be returned to its unusable state.

- 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 improvements to existing buildings that do not negatively affect the health safety and welfare of the neighborhood and the community.

- h) *Any other relevant factor;*

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, improving the property aesthetically, and with regard to the safety of its occupants.

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

Respectfully,

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

Scott Webb, Architect

BZA-2020-02

Surrounding Property Owners Map

Legend

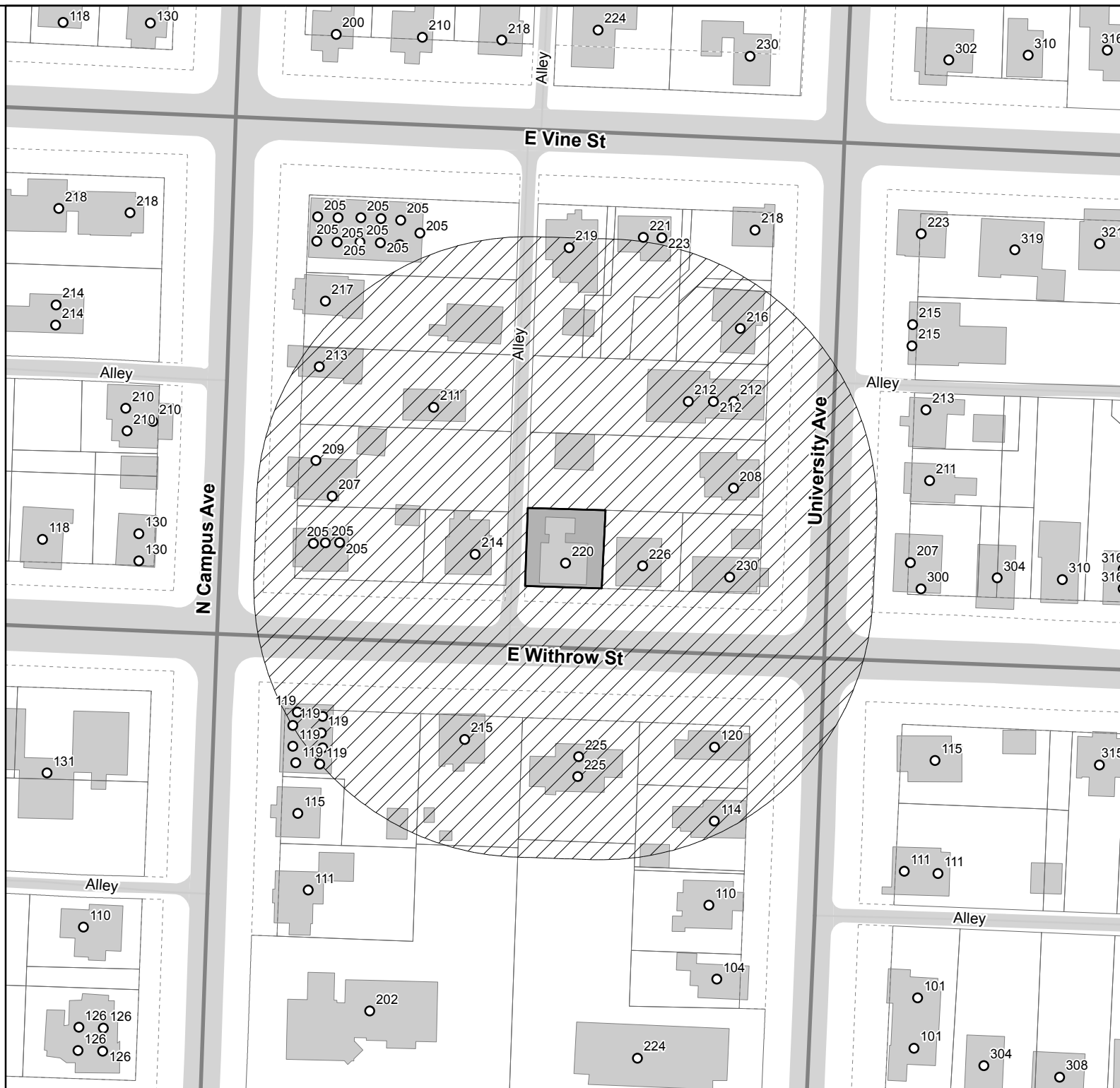
-  Subject Parcel
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  Vacated Right-of-Way
-  Building Footprint
-  Paved Roadway

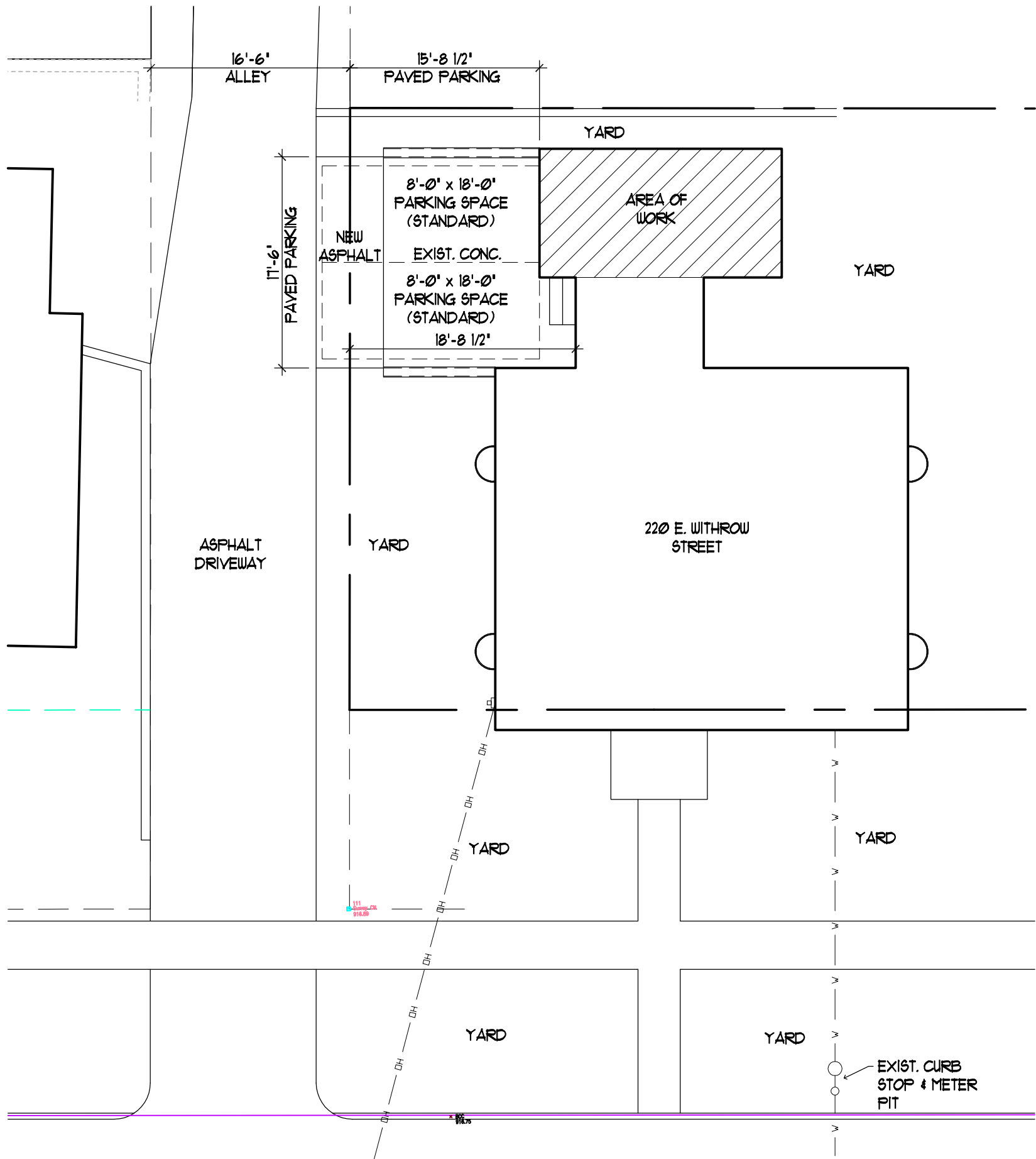


1 inch = 100 feet

Prepared on Thursday, April 30, 2020

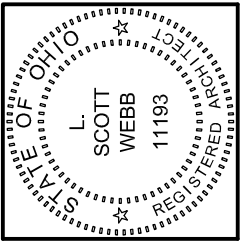
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.





SITE PLAN

1/4" = 1'-0"



SCOTT WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

PROPOSED INTERIOR REMODELING
220 E. Withrow Street
OXFORD, OHIO 45056

DATE	
April 15, 2020	
REVISIONS	

A=1



View North along Alley Showing Existing Parking



View of Former Garage & Existing Retaining Walls

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2020-03

May 20, 2020

APPLICATION

Applicant:	Scott Webb Architect
Location:	230 East Withrow Street
Owner:	Irish Redhawk LLC c/o Tom Conrad
Action Request:	Variance to Section 1143.05(c) front yard setback
Current Use:	Single-Family Dwelling
Zoning:	R-2MS Single- and Two-Family Mile-Square Residential District
Surrounding Land Uses:	Single- and Two-Family Dwellings

BACKGROUND

Scott Webb Architect is requesting, on behalf of the owner, relief from the required front yard setback of 20 feet in the R-2MS district. Staff issued a stop work order on March 26 when it was discovered the property owner had been converting an existing open-air porch into additional living space without a permit. The owner then employed the services of Architect Scott Webb, who submitted a Building Permit on April 14 in order to recognize and approve the work already begun.

Section 1137.06(b) provides that *no nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity (...)*. Staff considered the repurposing of an existing open-air porch into additional living space to be an expansion of the use which increases the structure's nonconformity, therefore requiring conformance with the current applicable zoning regulations. Since the 20 foot setback was not met, staff denied the permit on April 16.

DESCRIPTION

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

Requirement	Code Section	Standard	Proposed
Minimum Front Yard Setback	1143.05(c)	20 feet	11 feet 4 inches
Explanation: The existing porch is located 11.33 feet away from the front lot line along University Avenue. Presently, the porch can only be accessed from an exterior door, since there are no steps or ramp down to ground level. The applicant's Building Permit proposed an "infill" project that would erect new MDO board, trim and double hung windows in between the porch's supporting columns, preserving the existing foundation and roof structure. The total area of the porch measures a little over 100 square feet. According to the applicant's permit response comments, the porch will not be conditioned, with the thermal break between the home and the porch remaining.			

STAFF RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variance, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. At the time of this report, **staff believes there is substantial evidence to support the variance request** to allow for a decrease in the front yard setback.

If the BZA does approve the variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by Section 1139.02(d)(2).

COMMENT FORMS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. 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.

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	Returned with comments

BZA SITE HISTORY

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

ANALYSIS

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

Regarding **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:** The property's previous and continued use as a single-family dwelling is sufficient to demonstrate that there can be beneficial use of the property without the variance.

Regarding **Criterion B, whether the variance is substantial:** The applicant is asking for a **43.33%** reduction in the front yard setback. Due to the pre-existing foundation and roof, and the fact that the proposed project will not entail any new expansion or encroachment into the setback area, staff does not believe the variance request is substantial.

Regarding **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:** The outward appearance of the porch will not be substantially different from what already exists today, therefore staff believes granting the variance would not result in any other substantial detriment to the neighborhood.

Regarding **Criterion D, whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage):** Staff does not believe governmental services will be adversely impacted. Most City Departments returned the application with no comments; had any comments concerning governmental services been received, these might have contributed to this criterion. The Fire Chief did comment he felt the conversion of the space was acceptable, so long as it did not "morph" into a bedroom at a later point in time.

Regarding **Criterion E, whether the property owner purchased the property with knowledge of the zoning restriction:** Mr. Webb's letter mentions that the porch was previously screened in, but eventually converted to an open-air setup with a railing. He mentions that the owner was not aware that erecting walls and windows would be in violation of a zoning setback. The owner has previously submitted a number of Building Permit applications to the City for other properties, and thus should have been familiar with the

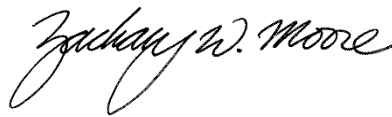
required process or at least contacted the Community Development office before undergoing work at the property.

Regarding **Criterion F, whether the property owners' predicament feasibly can be obviated through some method other than a variance:** The only way to add more living space within the front setback area is through means of a variance. The property owner will not be deprived of economic use of the property simply because an existing porch cannot be converted into additional living space. Should the variance not be granted, the porch could be returned to its previous function as the applicant suggests.

Regarding **Criterion G, whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance:** Staff believes granting the requested variance will uphold the spirit and intent behind the front setback requirement. The Code does provide for an alternative average front setback adjustment, pursuant to Section 1141.03(c)(3)(B), though a distance less than 16.5 feet cannot be accommodated by-right. However, the spirit of said section is to observe the characteristics of other properties in the vicinity in order to determine whether a lesser standard is acceptable. In this case, staff believes a lesser standard is acceptable for two reasons: (1) the fact that the porch is a pre-existing feature; and (2) other properties in the vicinity, including 207 University Avenue across the street, also possess similar setback conflicts.

Regarding **Criterion H, any other relevant factor:** There are no other factors staff believes warrant comment, but the BZA may rely on other evidence contributed by the applicant.

SUBMITTED BY:



Zachary Moore, AICP
Planner, Community Development Department

DATE: May 6, 2020

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA 2020-03**, being a Variance to Section 1143.05(c), front yard setback of 20 feet.

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:_____

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 21, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2020-03, 230 E. Withrow Street, Variance to Section 1137.05(c) setback requirements for an alteration., **Scott Webb, Appellant**

Information to share:

This case involves the conversion of an open-air porch into additional enclosed living space. The existing porch is non-conforming because it protrudes into the front yard setback (20 feet). The Zoning Code specifies that a non-conforming structure cannot be made *more* non-conforming. Staff concluded that even though the porch footprint is not expanding, the nature of this "infill" project would make it more non-conforming and thus the permit was denied. In response, the applicant is requesting a variance to the 20 foot front yard setback.

 X Review Revisions Other

Please return no later than: **May 6, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: Scott Otto Date: 5/5/2020

Scott Otto
PRINTED NAME

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

BZA-2020-03, 230 E. Withrow Street, Variance to Section 1137.05(c) setback requirements for an alteration., Scott Webb, Appellant

This case involves the conversion of an open-air porch into additional enclosed living space. The existing porch is non-conforming because it protrudes into the front yard setback (20 feet). The Zoning Code specifies that a non-conforming structure cannot be made *more* non-conforming. Staff concluded that even though the porch footprint is not expanding, the nature of this “infill” project would make it more non-conforming and thus the permit was denied. In response, the applicant is requesting a variance to the 20 foot front yard setback.

 X Review Revisions Other

Please return no later than: **May 6, 2020** 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: [Signature] Date: 4-23-2020

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 21, 2020

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

From: Community Development Department

BZA-2020-03, 230 E. Withrow Street, Variance to Section 1137.05(c) setback requirements for an alteration., **Scott Webb, Appellant**

Information to share:

This case involves the conversion of an open-air porch into additional enclosed living space. The existing porch is non-conforming because it protrudes into the front yard setback (20 feet). The Zoning Code specifies that a non-conforming structure cannot be made *more* non-conforming. Staff concluded that even though the porch footprint is not expanding, the nature of this "infill" project would make it more non-conforming and thus the permit was denied. In response, the applicant is requesting a variance to the 20 foot front yard setback.

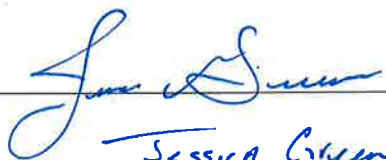
 X Review Revisions Other

Please return no later than: **May 6, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

See attached memo.

Drawings reviewed by: _____



JESSICA GREENE

PRINTED NAME

Date: Re 5/16/20



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

MEMO

TO: Board of Zoning Appeals
FROM: Jessica Greene, Assistant City Manager/Economic Development
DATE: May 6, 2020
SUBJECT: BZA 2020-03, 230 E. Withrow Street.

The Economic Development Department supports this improvement. An economic development goal for the City of Oxford is resident attraction and encouraging residents to reside here 12 months a year.

One of the steps toward resident attraction is making our community attractive and this includes efforts toward property upkeep and improvements in our community.

This project will enhance the esthetics of the property and make improvements to an existing structure. These property improvement efforts are supported.

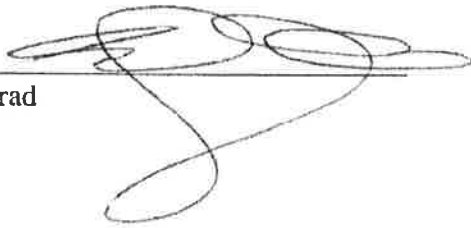
LETTER OF AGENCY

To Whom It May Concern:

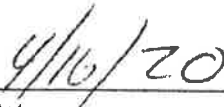
Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Board of Zoning Appeals regarding our property at 230 East Withrow Street.

Thank you,

Signed: _____
Thomas Conrad

A handwritten signature in black ink, appearing to be 'T. Conrad', written over a horizontal line.

Date: _____

A handwritten date '4/16/20' in black ink, written over a horizontal line.



Internal Use Only:	BZA-2020-03
Case No.	
Date Filed	4/20/20

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 * Irish Redhawk LLC

Mailing Address * 942 Woodbine Lane

City, State & Zip Code * Northbrook, Illinois 60062

Telephone Number(s) * tom@schimatesrental.com

Email Address (847) 274-6600

Variance and Lot Information

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

1137.05c) Setback Requirement for alteration

Location of Requested Variance * 230 East Withrow Street

Name of Building

Legal Description * Parcel # H4100006000049

Zoning District * R-2MS Total Acreage * .108

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.

Single Family Dwelling

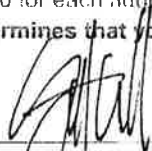
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method 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 *

4/20/2020

Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fees and postage charge, made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

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



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Variance to enlargement of a Non-Conforming
Structure & Front Yard Setback
Installation of glass in an existing porch
230 East Withrow Street.

April 20, 2020

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the limitations on alterations to non-conforming structures in relation to the setback requirements of the R-2MS Zoning District.

1137.06(b) "Provides" that no nonconforming building or structure may be enlarged or altered in a way that increases its non-conformity

The proposed project intends to repair and improve an existing, enclosed covered porch. Over the years, the existing patio has been finished in a variety of ways, from completely open, to rails, to half walls with screens. The design as presented restores the look of the original porch with glass replacing the former screens. The porch will remain unconditioned.

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.

1143.05(c) Minimum Front Yard Setback Requirements

While the existing porch is located on the side of the house, as a corner lot, front yard setbacks are required on two sides. No change to the size or location of the existing porch.

The application at hand addresses the ability of the property owner to repair and improve his property within the existing footprint. The ability to change an existing screen porch to a "3-Season Room" is a desirable improvement to the property that does not affect the occupancy of the building or negatively affect the neighborhood.

Replacing screens with glass while repairing an existing porch is not enlarging this non-conforming structure in a way that increases its non-conformity.

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

Consulting Code Studies Site Planning Schematic Design Construction Documents Construction Management

- 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 porch is an amenity to the property that was in need of repair. The repair presented an opportunity to restore and improve this amenity

The existing porch may be repaired and remain in the setback area.

- b) *Whether the variance is substantial;*

The variance is not substantial. Replacing screen panels with windows in the original openings is not a significant "enlargement" of a non-conforming structure.

The installation of the windows has no effect on the porch's location in the second required front yard setback.

- 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 "substantially altered" by the glass installation. The neighborhood is improved by investment, repairing an existing porch and improving sound privacy.

- 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 not aware that screens could not be replaced with windows if the existing porch is in the setback.

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

Denial of this variance would simply prohibit this improvement to the property. The porch could be returned to its latest configuration.

- 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 improvements to existing buildings that do not negatively affect the health safety and welfare of the neighborhood and the community.

- h) *Any other relevant factor;*

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, improving the property aesthetically, and with regard to the safety of its occupants.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'S Webb', written in a cursive, stylized script.

Scott Webb, Architect



H4100006000049 05/10/2018

Previous Enclosure of Existing Porch



Earlier Open Porch

BZA-2020-03 Surrounding Property Owners Map

Legend

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



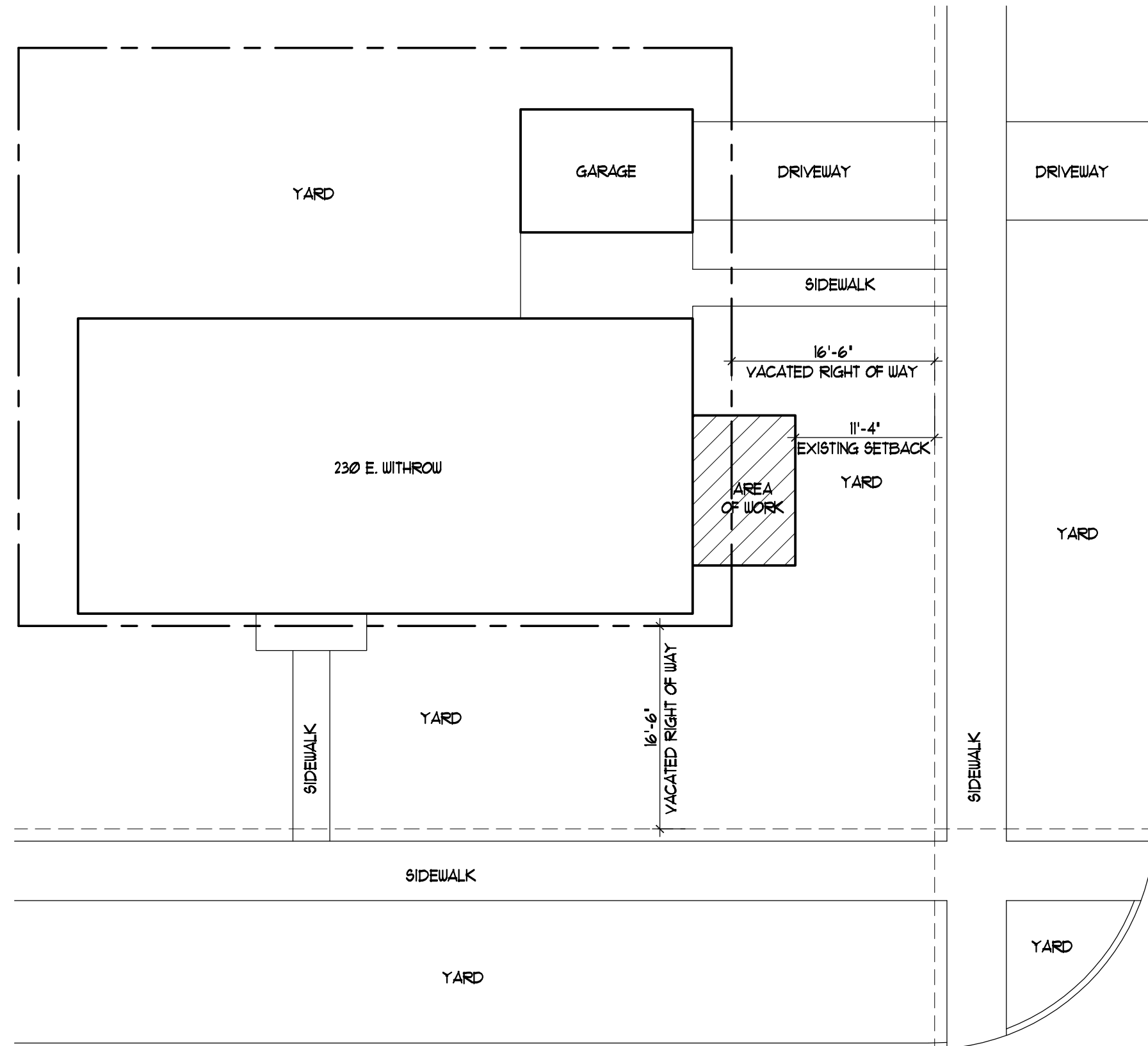
1 inch = 100 feet

Prepared on Thursday, April 30, 2020

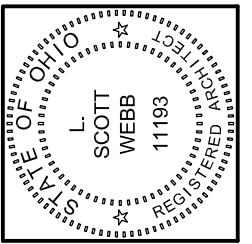
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



1.



SITE PLAN

$$1'' = 1\cancel{0}' - \cancel{0}'$$
$$A = 1$$


**SCOTT
WEBB**
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

PROPOSED REMODELED PORCH
230 E. Withrow Street
OXFORD, OHIO 45056

DATE	
April 14, 2020	
REVISIONS	

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2020-01

April 15, 2020 Postponed
May 20, 2020

APPLICATION

Applicant:	Scott Webb, Architect
Location:	5111 Morning Sun Road
Owner:	H&M Properties c/o Shane Coffman
 Action Request:	 Variance to Section 1143.16(c)(4) 50% lot coverage in a Neighborhood Business District
 Current Use:	 Vacant (intended conversion to Mixed Use)
Zoning:	NB Neighborhood Business District
Surrounding Land Uses:	Single-Family & Multi-Family, Office (Vet Clinic), Hotel

DESCRIPTION

Architect Scott Webb is requesting, on behalf of the owner, relief from a 50% lot coverage maximum in the NB zoning district. The subject lot is located at the northwest corner of Sycamore Street and Morning Sun Road. The legal boundaries of the existing lot, which includes a portion of the right-of-way along Morning Sun Road, comprise 50,662 square feet (1.163 acres) of area. However, in applying the standards of the Zoning Code the area less the right-of-way is observed, which in this case equals 40,435 square feet (0.928 acres). In order to accommodate an intended development which includes two buildings, shared access parking situated to the side and rear, and a shared plaza between the buildings, the resulting coverage is 21,671 square feet or 53.58% of the overall site. For each structure, commercial is planned for the first floor and two residential dwelling units are planned for the second floor. Parking for the upper units is shown located underneath the structures.

The applicant recently submitted an application to divide the subject lot into two triangle-shaped lots (as shown on the submitted site plan), with a southwest lot totaling 19,837 square feet and a northeast lot totaling 20,608 square feet. When considering each proposed lot separately, the resulting coverages are 50.53% and 56.51% respectively. The purpose of the split was to allow for two 2,500 square foot buildings by-right, one on each lot, so that a Conditional Use process would not be necessary to achieve the development. Both proposed lots met dimensional zoning requirements and were approved administratively by the Director and Planning Commission Chair, and reported at the March 10 Planning Commission meeting. As of the writing of this report, it appears the lot split has yet to be recorded with Butler County. The applicant has 6 months from the date of approval to record the Plat of Survey and submit proof to the Community Development Department.

BACKGROUND

The subject lot is presently the only property within the City of Oxford zoned as NB Neighborhood Business. The Code provides that the NB district *is intended to provide small-scale retail and services on sites in or near residential areas, while having little impact on them. Uses are limited in scope to promote local orientation.* The Code further emphasizes development in the district should be pedestrian-oriented, or have limited auto-orientation if adjacent to collector streets. Since this is the first potential NB

development site, it is important that a strong precedent be established for any future NB rezonings or developments.

STAFF RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variance, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. At the time of this report, **staff believes there is substantial evidence to support the variance request** to allow for an increase in the maximum lot coverage.

If the BZA does approve the variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by Section 1139.02(d)(2).

COMMENT FORMS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. 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.

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	Returned with comments

BZA SITE HISTORY

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

ANALYSIS

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

Regarding **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:** The property is currently vacant, and has been for some time. Staff believes there can in fact be beneficial use of the property that would yield a reasonable return without the variance. The property as currently exists is developable by-right under the standards of the NB district, which allows for a number of permitted uses and also a host of conditional uses.

Regarding **Criterion B, whether the variance is substantial:** The applicant is asking for a **6.51%** increase to the maximum lot coverage, from 50% to 56.51%, which is a **13.02%** difference in value. Based on these figures, staff does not believe the variance request is substantial.

Regarding **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:** Staff does not believe the essential character of the neighborhood will be negatively affected, but rather will be complemented in a way that embraces the vision for the NB district expressed by the Code. The shared plaza space between the two buildings is a welcome addition and would further contribute to the overall pedestrian orientation of the development.

Regarding **Criterion D**, whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage): The Fire Chief has provided comments concerning the accessibility and orientation of the proposed off-street parking area for emergency vehicles. While these comments are certainly pertinent to the overall design and development of the site, Community Development staff does not believe an increase in allowable lot coverage would have a *more* adverse impact on this issue than the normal coverage limit of 50% would. Staff shared the Fire Chief's comments with the applicant since this issue may trigger the need to modify the parking lot design, and could in effect spur the need for a *greater* coverage variance. In the absence of a variance request, this type of issue is normally addressed during departmental review of the Building/Zoning Permit. Staff does not believe any other governmental services will be adversely effected as a result of the variance.

Regarding **Criterion E**, whether the property owner purchased the property with knowledge of the zoning restriction: As Mr. Webb's letter states, the property owner was previously aware of the lot coverage restriction when the property was rezoned to NB Neighborhood Business in October 2018. The NB zoning provisions were initially adopted by Council in August 2016.

Regarding **Criterion F**, whether the property owners' predicament feasibly can be obviated through some method other than a variance: The owner's predicament could possibly be obviated by redesigning the site in a way that strictly adheres to the 50% coverage maximum. However, a number of accessibility features, including pedestrian spaces/connections and pavement widths could be reduced as a result. The building sizes could also be reduced, but this would diminish the allowance expressly provided by the Code for a 2,500 square foot structure on each lot.

Regarding **Criterion G**, whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: One of the key standards of the NB Neighborhood Business District is to have all parking located to the side or to the rear of the building, in keeping with qualities of a walkable urban neighborhood. No more than 50% of the frontage upon a street is allowed to be used for parking drives or spaces. In this scenario, the parking-related standards compete with the maximum lot coverage allowance, because side and rear parking require more surface area in order to sufficiently connect to curb cuts on the public street. In addition, a shared patio/plaza space is proposed as an amenity feature to connect the buildings together which also happens to contribute to the bottom line coverage percentage. Staff believes the applicant has made a good faith attempt at adhering to the most important standards of the underlying district, while only slightly compromising the resulting lot coverage. Therefore, staff believes granting the variance would observe the spirit and intent of the Code.

Regarding **Criterion H**, any other relevant factor: There are no other factors staff believes warrant comment, but the BZA may rely on other evidence contributed by the applicant.

SUBMITTED BY:



Zachary Moore, AICP
Planner, Community Development Department

DATE: April 7, 2020

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA 2020-01**, being a Variance to Section 1143.16(c)(4) requirement for a maximum lot coverage of 50%.

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: _____

City of Oxford
Inter-Office Review Transmittal Sheet



Date: March 18, 2020

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

From: Community Development Department

BZA-2020-01, 5111 Morning Sun Road variance to Section 1143.16(c)(4) 50% lot coverage in an Neighborhood Business District, Scott Webb, Appellant

 X Review Revisions Other

Please return no later than: **April 6, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

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

Will this lot design allow for access of fire apparatus?

Drawings reviewed by:


John Detherage, Fire Chief
PRINTED NAME

Date: 3-24-2020

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 18, 2020

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

From: Community Development Department

BZA-2020-01, 5111 Morning Sun Road variance to Section 1143.16(c)(4) 50% lot coverage in an
Neighborhood Business District, **Scott Webb, Appellant**

 X Review Revisions Other

Please return no later than: **April 6, 2020** Note: If no comments are received, we will assume the
project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: Scott Otto Date: 4/1/20

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 18, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2020-01, 5111 Morning Sun Road variance to Section 1143.16(c)(4) 50% lot coverage in an
Neighborhood Business District, **Scott Webb, Appellant**

 X Review Revisions Other

Please return no later than: **April 6, 2020** Note: If no comments are received, we will assume the
project meets your department's standards.

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

I support the proposed development of this land under the neighborhood business zoning district.

This proposal fits into the goal of this zoning district and allows for both the commercial and
residential needs of this area.

Drawings reviewed by: _____ Date: _____

Jessica Greene 4/6/2020

PRINTED NAME

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 proposed Neighborhood Business Development at 5111 Morning Sun Road.

Thank you,

Signed:

Shane Coffman

A handwritten signature in black ink, appearing to be 'SC' followed by a stylized flourish, written over a horizontal line.

3-16-20

Date:



Internal Use Only:

Case No.

BZA-2020-01

Date Filed

3/16/20

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 * H & M Properties - Shane Coffman

Mailing Address * 5282 West Booth Road

City, State & Zip Code * Liberty, Indiana 47353

Telephone Number(s) * (765) 580-0378

Email Address shanebcoffman@aol.com

Variance and Lot Information

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

1143.16(c) (4) Lot coverage for Neighborhood Business District

50.01% provided where 50% is the maximum allowed

Location of Requested Variance * 5111 Morning Sun Road (New Northeast Lot)

Name of Building

Legal Description * Survey included

Zoning District * NB Total Acreage * 0.704

Existing Use of Site * Vacant

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 Mixed Use Development

- 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.

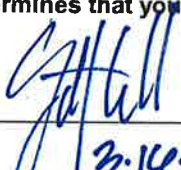
Fees & Receipt

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 *


3.14.20

Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fees and postage charge, made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

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



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Variance to Maximum Lot Coverage
New Mixed Use Development in the
Neighborhood Business District
5111 Morning Sun Road (Northeast Lot)

March 16, 2020

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the maximum lot coverage of a lot in the new Neighborhood Business Zoning District for a new mixed-use Structure. This application is for a new conforming lot created as half of a proposed overall development of the City's first Neighborhood Development Lot.

Please note that the included Lot Split Survey shows a lot area of 30,673 s.f as the total lot area. As this was once a County lot where lot lines were originally the centerline of the road, this total includes 10,065 s.f of Right-of-Way. This area has been deducted from the total lot area so the project can be evaluated like other lots in the Mile Square

1143.16(c) (4) Limits the maximum total lot coverage to 50% of the lot

The Proposed Development slightly exceeds this maximum with 56.51% total proposed lot coverage.

The proposal at hand represents the first Neighborhood Business District development proposal. Combined with the other lot that makes up the development, lot coverage is exceeded by the amount of driveway necessary to meet the requirement that all parking be in the side or rear yard and the owner's desire to provide a shared exterior plaza between the proposed buildings.

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 property has remained undeveloped for a number of years. Variance is necessary to accommodate the buildings and parking allowed by the new Zoning District.

b) *Whether the variance is substantial;*

The variance is not mathematically substantial, representing a minor increase in lot coverage in order to provide the required parking and a unique shared outdoor space.

- c) *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance*

The essential character of the neighborhood would be improved, developing a long vacant lot with new buildings that reflect the design guidelines of the Mile Square.

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

All utilities & government services are available at this location. Care has been taken to allow (2) entrances to the development to assist in emergency access, facilitated through a shared access agreement between the two parcels.

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

The property owner was made aware of the lot coverage restriction during the Zoning Map Amendment process but felt a variance was warranted to provide additional parking and outdoor space.

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

The development meets the minimum parking requirements for a retail use on the ground floor. In order to reduce the lot coverage, the exterior plaza connecting the two buildings could be eliminated.

- 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, providing the required parking in the rear and side of the building and providing inviting, active outdoor space in a comprehensively designed development.

- h) *Any other relevant factor;*

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, and providing the first Neighborhood Business District development that compliments the neighborhood.

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

Respectfully,



Scott Webb, Architect

NEW NORTHEAST LOT: 20,608 S.F.
PART LOT 1532

2,500 S.F. GROUND FLOOR COMMERCIAL SPACE
(2) UPPER LEVEL DWELLING UNITS

SITE DEVELOPMENT REGULATIONS:

MIN. LOT SIZE: NONE PER 1143.16(c)(1)

SETBACK REQUIREMENTS:

FRONT YARD: INSIDE MILE SQUARE = 20'-0"
REAR YARD: BUILDINGS UP TO 35' IN HEIGHT = 40'-0"
SIDE YARD: BUILDINGS UP TO 35' IN HEIGHT = 10'-0"

LOT COVERAGE:

PARKING & DRIVES: 6,491 S.F.
BUILDING LOT COVERAGE: 2,500 S.F.
SIDEWALKS: 2,656 S.F.
TOTAL LOT COVERAGE: 11,647 S.F.

MAX. LOT COVERAGE: (MAX 50%) 11,647 / 20,608 = 56.51% ———> 1143.16(c)(1) 50% MAX. LOT COVERAGE

PARKING REQUIREMENTS:

MAX 50% OF FRONT YARD MAY BE USED FOR PARKING

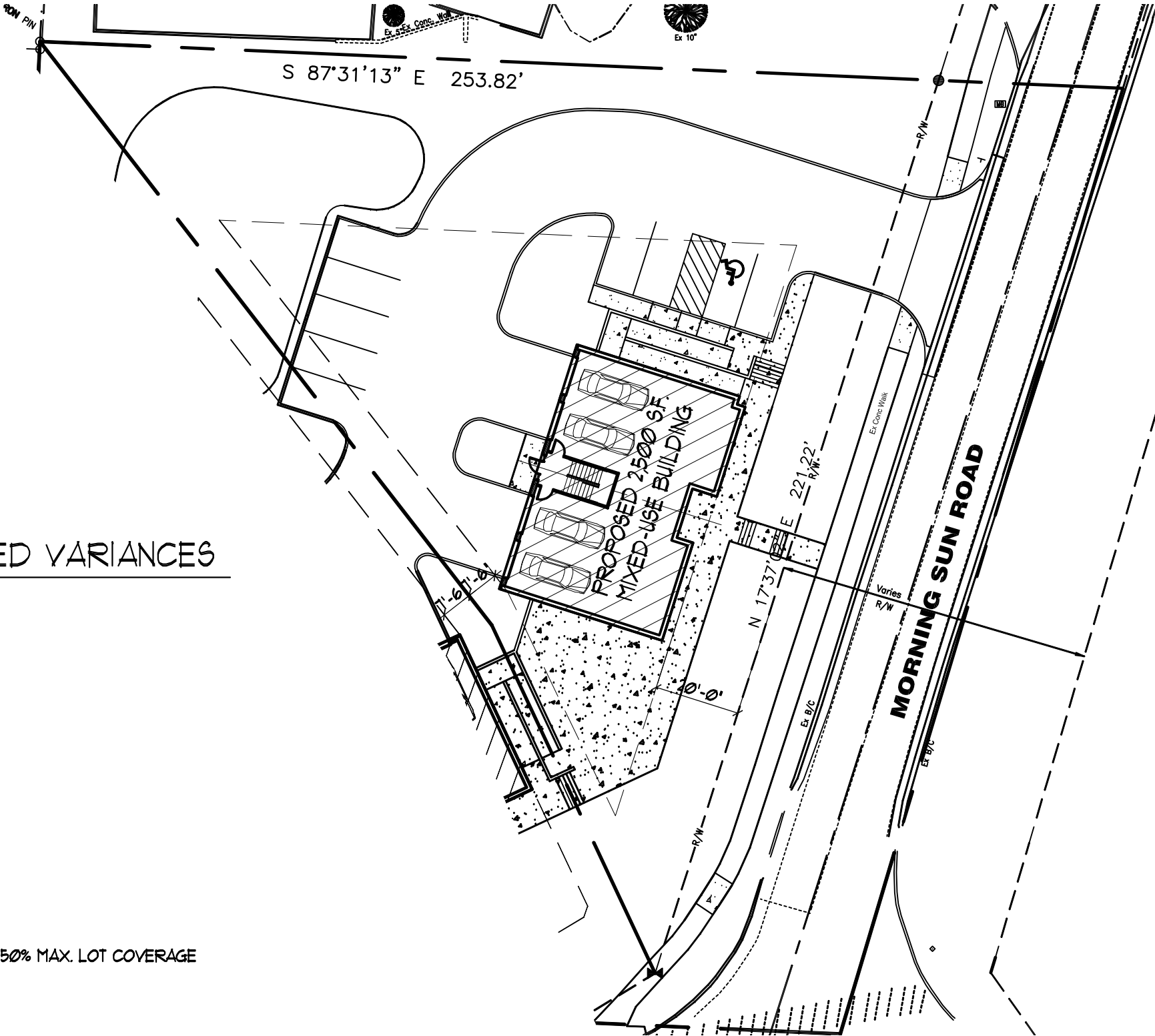
RESIDENTIAL PARKING REQUIREMENT:

- (4) REQUIRED @ (2) PER DWELLING UNIT
- (4) PROVIDED IN PRIVATE GARAGES

COMMERCIAL PARKING:

(9) SPACES PROVIDED

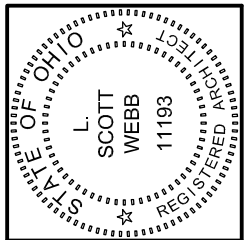
REQUIRED VARIANCES



NEW NORTHEAST LOT

PART LOT 1532

1" = 30'-0"



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OXFORD, OHIO 45056

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February 17, 2020	
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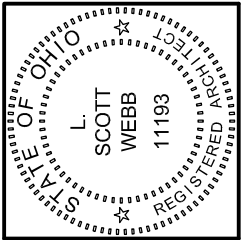
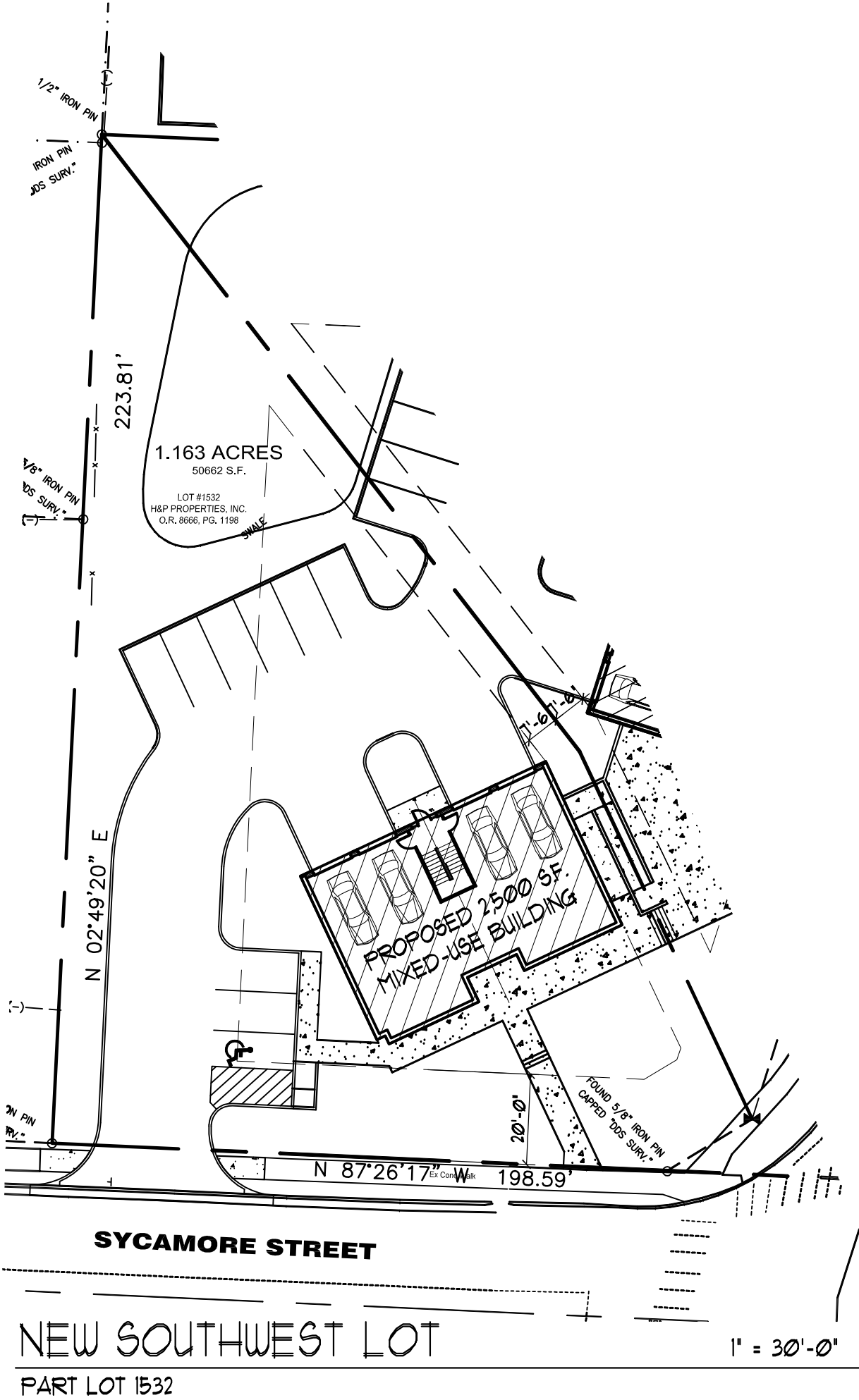
NEW SOUTHWEST LOT: 19,837 S.F. REQUIRED VARIANCES

PART LOT 1532
2,500 S.F. GROUND FLOOR COMMERCIAL SPACE
(2) UPPER LEVEL DWELLING UNITS

SITE DEVELOPMENT REGULATIONS:
MIN. LOT SIZE: NONE PER 1143.16(c)(1)
SETBACK REQUIREMENTS:
FRONT YARD: INSIDE MILE SQUARE = 20'-0"
REAR YARD: BUILDINGS UP TO 35' IN HEIGHT = 40'-0"
SIDE YARD: BUILDINGS UP TO 35' IN HEIGHT = 10'-0"

LOT COVERAGE:
PARKING & DRIVES: 6,221 S.F.
BUILDING LOT COVERAGE: 2,500 S.F.
SIDEWALKS: 1,303 S.F.
TOTAL LOT COVERAGE 10,024 S.F.
MAX. LOT COVERAGE: (MAX 50%) $10,024 / 19,837 = 50.53\%$ → 1143.16(c)(1) 50% MAX. LOT COVERAGE

PARKING REQUIREMENTS:
MAX 50% OF FRONT YARD MAY BE USED FOR PARKING
RESIDENTIAL PARKING REQUIREMENT:
(4) REQUIRED @ (2) PER DWELLING UNIT
(4) PROVIDED IN PRIVATE GARAGES
COMMERCIAL PARKING:
(9) SPACES PROVIDED



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LOT AREA CALCULATIONS

TOTAL LOT AREA PER SURVEY 50,662 S.F.
TOTAL LOT AREA
(LESS RIGHT-OF-WAY) 40,435 S.F.

NEW NORTHEAST LOT: 20,608 S.F.
2,500 S.F. GROUND FLOOR COMMERCIAL SPACE
(2) UPPER LEVEL DWELLING UNITS

LOT COVERAGE:

PARKING & DRIVES: 6,491 S.F.
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MAX. LOT COVERAGE: (MAX 50%) $11,647 / 20,608 = 56.51\%$

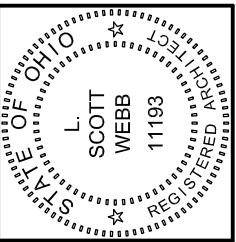
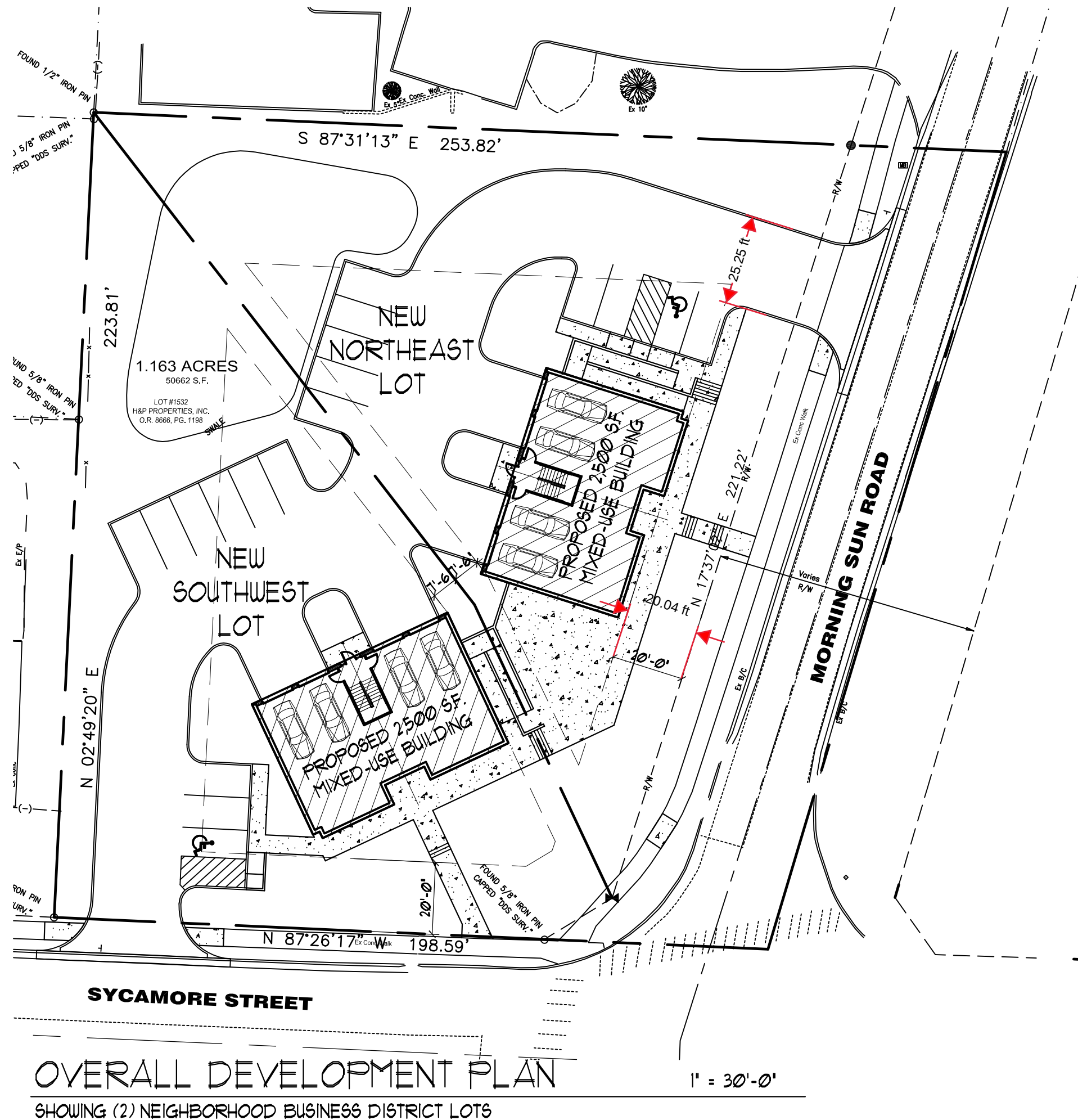
NEW SOUTHWEST LOT: 19,837 S.F.
2,500 S.F. GROUND FLOOR COMMERCIAL SPACE
(2) UPPER LEVEL DWELLING UNITS

LOT COVERAGE:

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SIDEWALKS: 1,303 S.F.
TOTAL LOT COVERAGE 10,024 S.F.
MAX. LOT COVERAGE: (MAX 50%) $10,024 / 19,837 = 50.53\%$

SHARED ACCESS AGREEMENT

SHARED ACCESS BETWEEN LOTS FOR PARKING
& EMERGENCY ACCESS

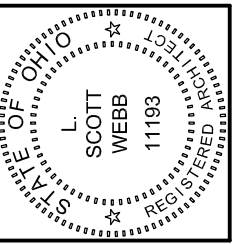
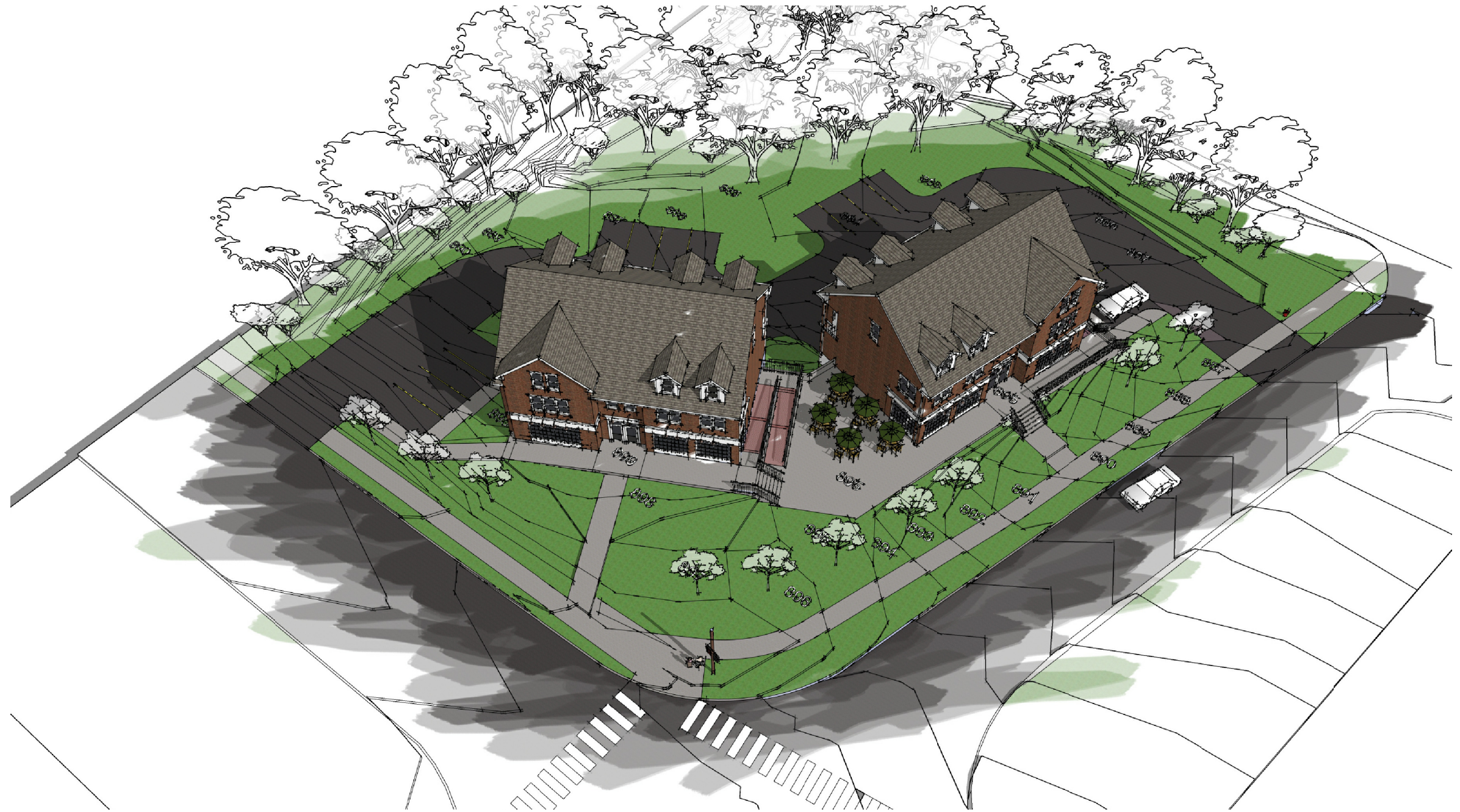


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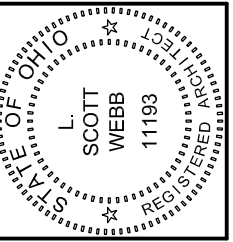



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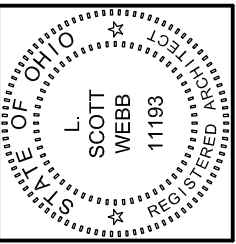
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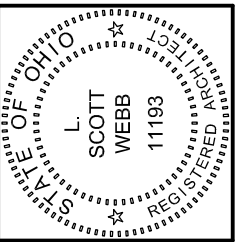

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