

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-13

Date – June 20, 2018

APPLICATION

Applicant:	James M. Rupel
Location:	424 N. Campus Ave
Owner:	College Street Properties Inc (Matt Rupel)
Action Request:	Variance to Section 1143.07(c) R3MS District Front Yard Setback – To Reduce from 15' to 12.5'
Current Use:	Two-Family
Zoning:	R3MS (Single, Two and Three Family Residential)
Surrounding Land Uses:	Single, Two and Three Family Residential

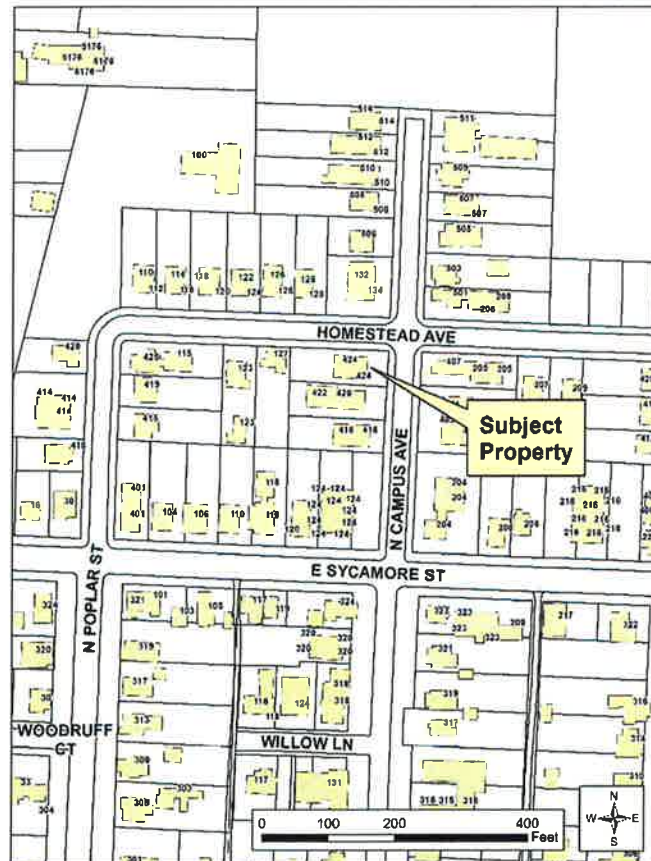
DESCRIPTION

Mr. Rupel is requesting a reduction in the front yard setback in order to add a new front porch to the existing building at 424 N. Campus Ave. The property is located at the intersection with Homestead Ave.

BACKGROUND

Oxford Zoning Code Section 1143.07(c) requires at least 15 feet of front yard setback from the street right of way to the building wall. The property is a corner lot, so a front yard setback is also required from Homestead even though the address is Campus. The existing building is built at 12.5 feet from the Homestead Ave right of way; therefore, a porch addition following the same building wall conflicts with the Code. The owner is upgrading the building and would like to have a covered entry as part of this summer's renovations.

The building is considered a nonconforming structure per Oxford Code 1137.06 because it does not comply with current yard setback requirements. Therefore, a porch addition following the same setback is not permitted without a variance.



COMMENT FORMS

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

AGENCY REVIEW

The variance request has been reviewed by City departments:

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

BZA SITE HISTORY

There are no BZA cases of record for this property.

ANALYSIS

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

Regarding Criterion A, Whether or not there can be **any beneficial use of the property without the variance**: The property has been an actively permitted rental for many years, however staff is not aware of the occupancy rate from year to year. The porch is minimal upgrade to provide a covered entry.

Regarding criterion B, Staff believes that the variance **is not substantial** because the front yard setback is requirement is 15 feet and the proposal is 12.5.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: Front porches are encouraged by all of the Mile Square Design Guideline Districts of the Oxford Zoning Code. Therefore adding a front porch entry **would not** negatively alter the essential character of the neighborhood.

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

Regarding criterion E, **property owner awareness of the zoning restriction**, likely yes; although the restriction was recently reduced from 20 feet to 15 feet.

Regarding criterion F, the **owner's predicament** is that there is not a covered entry and that the location of the existing entry door forces the porch to be aligned with the corner closest to Homestead Ave.

Regarding criterion G, whether or not **the spirit and intent behind the zoning requirement would be observed and substantial justice done** by granting the variance: Planning Commission and City council added a provision for exempting front porches on nonconforming buildings in 2013. However, the front porches had to comply all setbacks and lot coverages. That said, the spirit and intent of that 2013 Code amendment is that front porches are minimally invasive and should be allowed whenever possible.

RECOMMENDATION

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

A handwritten signature in cursive script, reading "Sam Perry", written in black ink.

SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/3/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-13, 424 N. Campus Avenue, variance to allow for the existing front yard setback to remain,
College Street Properties, Inc., James M. Rupel, Appellant

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 6/11/2018 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:



PRINT NAME

Date: 6-5-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/3/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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Drawings are returned: w/comments without/comments

Drawings reviewed by: *H. Popescu*

Date: 6-5-18

VICTOR POPESCU
PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

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Drawings reviewed by: 

Date: 6/4/18

John A. Jones

PRINT NAME



BZA-2018-13 Surrounding Property Owners Map

Legend

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



1 inch = 100 feet

Prepared on Wednesday, June 06, 2018

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





Internal Use Only:	
Case No.	BZA-2018-13
Date Filed	5/21/18

Petition for Zoning Variance

Petitioner Information

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

Name * James M. Rupel, owner
Mailing Address * 316 S. College Street
City, State & Zip Code * Oxford, OH 45056-0693
Telephone Number(s) * 513-523-5133
Email Address collegestreetproperties@gmail.com

Owner Information

Name * College Street Properties, INC
Mailing Address * 316 S. College Street
City, State & Zip Code * Oxford, OH 45056-0693
Telephone Number(s) * 513-523-5133
Email Address collegestreetproperties@gmail.com

Variance and Lot Information

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

For new proposed covered front porch on corner lot (front of porch facing N. Campus Ave. and side facing Homestead Ave.) : request to allow side of porch facing Homestead Ave. to match existing frontyard setback of 12.5' rather than meet new required 15' set-back. Section 1137.06 NON-CONFORMING STRUCTURES (a) (b) (c) "dimensional requirements"

Location of Requested Variance * 424 N. Campus Avenue, Oxford, OH 45056
Name of Building NA
Legal Description * 520. Residential Two-family Dwelling
Zoning District * R3MS Total Acreage * .1722
Existing Use of Site * Two-family duplex residential 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.

NA- no use change

May 21, 2018

Zoning Variance Request: 424 N. Campus Avenue
Oxford, OH 45056
Butler County # H 4100010000034

Owner: College Street Properties, Inc (James M. Rupel)
316 S. College Ave, Oxford, OH 45056-
Ph: 513-523-5133

Request: For the construction of a new front entry porch on a corner lot, request for variance from the current 15' min. front yard setback requirement at Homestead Ave., and to retain/meet existing setback of 12.5'.

DECISION STANDARDS Narrative statement(s):

A. *Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance:*

- Granting of the variance would allow for exterior structural improvements to the property, affecting the overall positive first impression and appeal of the property, and reasonably producing an increased 'reasonable return' of the property's value and income potentials.

B. *Whether the variance is substantial:*

- Granting the variance does not represent a substantial change from the existing conditions in place since 1979. The existing concrete entry stoop sits at a front yard setback of 12.5' from Homestead Ave.; the proposed porch, which would replace the stoop, would sit at the same setback distance.

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:*

- Granting of the variance would allow for the porch addition, creating an improved street character to the property, and providing built designated spaces supporting increased neighbor interactions.

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

- Granting of the variance would allow for the front porch addition, making the structural entry point into the two dwelling units more visible and defined at the street, and from greater distances. Thus assisting life safety services in potentially responding swifter and more decidedly. No adverse affect to the delivery of governmental services would be created.

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

- While construction of a new separate second open stoop construction would serve to create basic entry into the ground level Unit 'A', a variance is required to create a unified entry stoop or covered porch to serve both dwelling units. A more visually appealing covered porch providing weather-protected entries is the preferred solution, and more in keeping with the community's Mile Square design goals. The proposed porch footprint cannot be altered to meet the required 15' setback as the porch's side wall structure would then intersect midpoint of the existing entry doorway into unit 'B'; this doorway cannot be moved or altered.

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

- The proposed porch addition, and its related new patio and walkways, meet all other current zoning criteria for the R3MS district, except for the setback requirement at the Homestead Ave. front yard and subject of this variance request. The granting of the variance would not change the existence of an entry structure (retain existing stoop or build new porch) standing at the current Homestead Ave. setback of 12.5'. Granting of the variance would not result in any increase in non-conformity, but would provide a remedy to the non-conformity at the N. Campus Ave front yard as the porch addition would move the front façade of the building closer to the street and meet the current zoning code setback requirements.

H. *Any other relevant factor:*

- The requested Homestead Avenue setback variance if granted would allow for the building of the porch, and would place its footprint inline with the other set back distances already existing for neighboring properties. The proposed porch addition would continue the visual character of the residential dwellings standing at the corner sites of the intersection of N. Campus and Homestead avenues; all the other buildings have entry porches as dominant design features.



EXISTING CONDITIONS (FRONT FACADE ON N. CAMPUS AVENUE: VIEWED TO WEST)

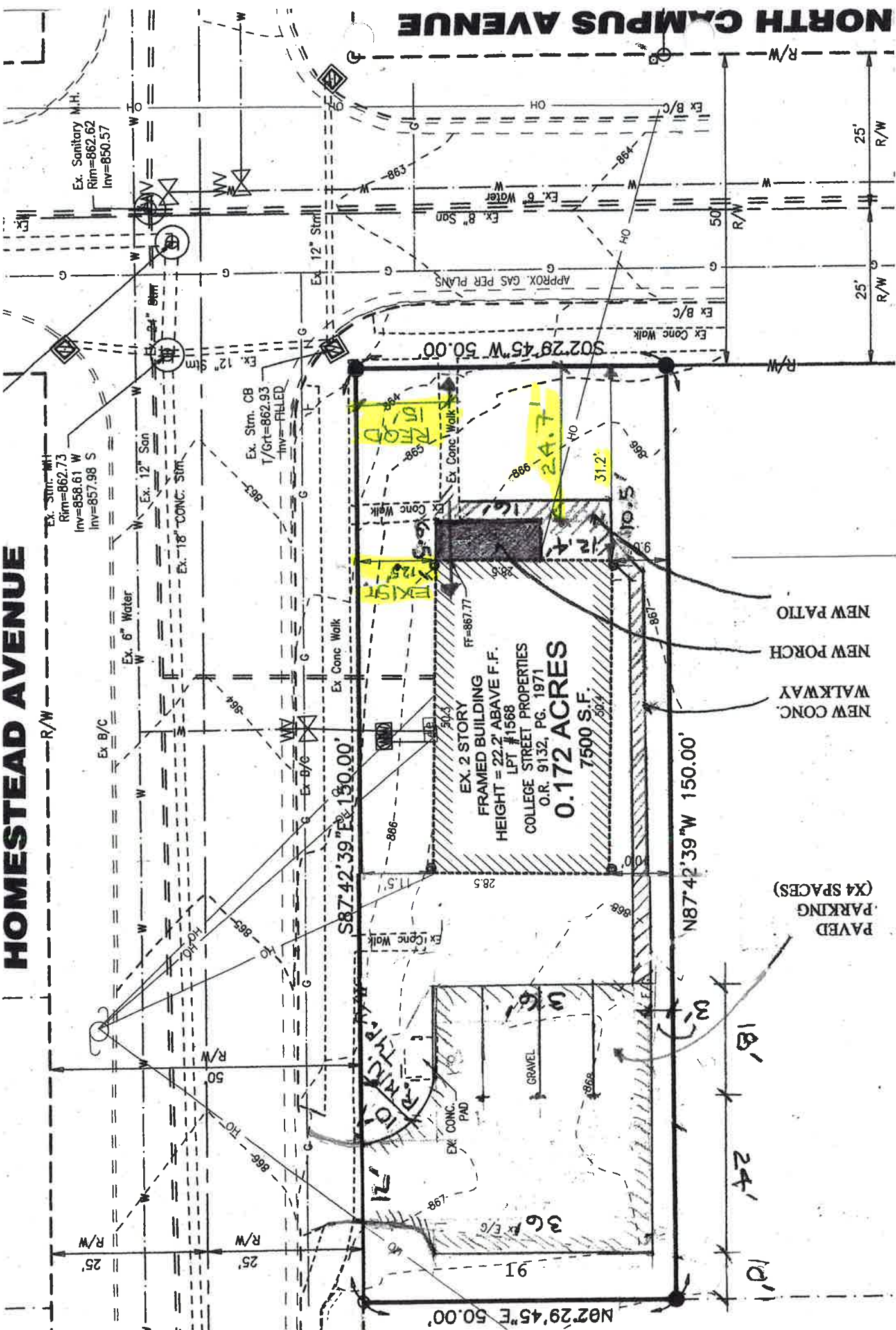
Zoning Variance Request: 424 N. Campus Avenue, Oxford, OH: Butler County # H 4100010000034

(Corner Lot Porch Addition/Front Yard set-back requirement on Homestead Ave.)

Owner: College Street Properties, Inc (James M. Rupel), 316 S. College Ave, Oxford, OH 45056-0693 Ph: 513-523-5133

May 21, 2018

HOMESTEAD AVENUE



SITE PLAN W/PROPOSED PORCH ADDITION

1' = 20'

Zoning Variance Request: 424 N. Campus Avenue, Oxford, OH: Butler County # H 4100010000034
(Corner Lot Porch Addition/Front Yard set-back requirement on Homestead Ave.)
Owner: College Street Properties, Inc (James M. Rupel), 316 S. College Ave, Oxford, OH 45056-0693 Ph: 513-523-5133



May 21, 2018

May 21, 2018

Zoning Variance Request: 424 N. Campus Avenue, Oxford, OH: Butler County H4100010000034
(Corner Lot Porch Addition/Front Yard set-back requirement on Homestead Ave.)

Owner: College Street Properties, Inc (James M. Rupel), 316 S. College Ave, Oxford, OH 45056 Ph: 513-523-5133

A EXISTING STOOP (EXIST. SHARED ENTRY HALL)

- Existing (built 1979) two-family duplex of two residential dwelling flats stacked with a shared entry hall with foyer/stairway. Corner lot with two existing front yard setbacks, which do not comply with current R3MS zoning code of 15' min. and 25' max. distances.

B ALTERNATE STOOPS (NEW SEPARATED ENTRIES WITHOUT VARIANCE)

- To upgrade/renovate the existing two-family with a shared entry hall, current code requires the installation of a sprinkler fire suppression system throughout the building (the shared entry hall now designates the building as a 'commercial' apartment type). As an alternate to this prohibitive cost requirement, and to preserve the building under 'residential' type codes, the owners shall be separating the entryways of each dwelling unit giving each unit its own unique direct entry from the street. At the existing shared foyer/stairway, the doorway into ground floor Unit 'A' shall be removed and permanently abandoned. This foyer/stairway will now serve the second storey Unit 'B' only. The front ganged window units of Unit 'A' s living room will be removed and a new garden style entry door unit shall be installed. The existing front concrete stoop shall now serve Unit 'B' only, and Unit 'A' s new garden door entry will require at minimum a new concrete stoop construction.
- Unit 'A' s new concrete stoop can be constructed to meet the current code requirements for the R3MS zone; but this stoop will be visually unappealing as it will not span the entire width of the new garden door unit, and additionally its required configuration presents potentials for trip and fall hazards because of its proximity to and disjointed connection alongside the existing stoop of Unit 'B'. For this Building, current code for the R3MS zone does not allow for the construction of a single unified stoop, which would address these negative issues.
- A variance would be needed to construct a safer more visually appealing single stoop at the building's front façade. A new single stoop to serve both entry points would require replacement and/or alterations to the existing stoop and an expanded footprint. As the existing stoop does not meet current front yard set-back requirements any alterations to it would not comply with Oxford Zoning Code: **1137.06 NONCONFORMING STRUCTURES:** (a) (b) (c) . Additionally the expanded single stoop footprint required to span both doorways, and meet the current set-back requirements at the N. Campus Ave. front yard, would exceed the 50 sf maximum stoop size requirement set forth in **1143.07 R3MS SINGLE, TWO AND THREE-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT;** (d) *Mile Square Design Standards:* (7) *Porches Stoops, Decks & Patios:* (c).

C PROPOSED PORCH ADDITION (NEW SEPARATED ENTRIES WITH VARIANCE)

- It is not the wish of the owners to build onto the dwelling's front facade at minimum the allowable second small unattractive concrete stoop. In its stead, the construction of a single covered entry porch addition serving both dwelling units is proposed. The proposed porch would remediate the existing non-conforming setback along N. Campus Ave., bringing the front facade forward within the required 25' maximum setback distance and inline with other adjacent buildings. As well, the proposed addition and its related patio/walkway constructions would create a visual improvement to the site's flat box-like building facades and support continuity of the Mile Square District's urban form and character goals by matching the front porch features already existing within the immediate neighborhood.
- **To build the proposed porch addition, a variance to the front yard setback along Homestead Ave. is requested.** Current R3MS code requires a 15' min. setback distance. Setting the proposed porch footprint to meet the required set-back would not be feasible as the porch structure would intersect the existing entry to Unit 'B' midpoint of the door, the doorway cannot be relocated due to the existing structural configuration of the interior entry staircase.
- The entire north side/Homestead Ave. façade of the existing building and adjoining entry stoop were originally built at a 12.5' setback distance. Granting the variance does not increase the building's existing non-conformity. Should the variance allowing the new porch construction at the requested setback of 12.5' not be granted, the existing stoop serving Unit 'B' would remain located at the 12.5' setback just the same.

SMOKE/CO ALARM SYSTEM PER
CODE- SEE "A" GENERAL NOTES

CERAMIC TILE
BRD.: COORD.
DIO ONE
D CLG. 7'-4"
N/LIGHT UNIT
UOR @ SIDE

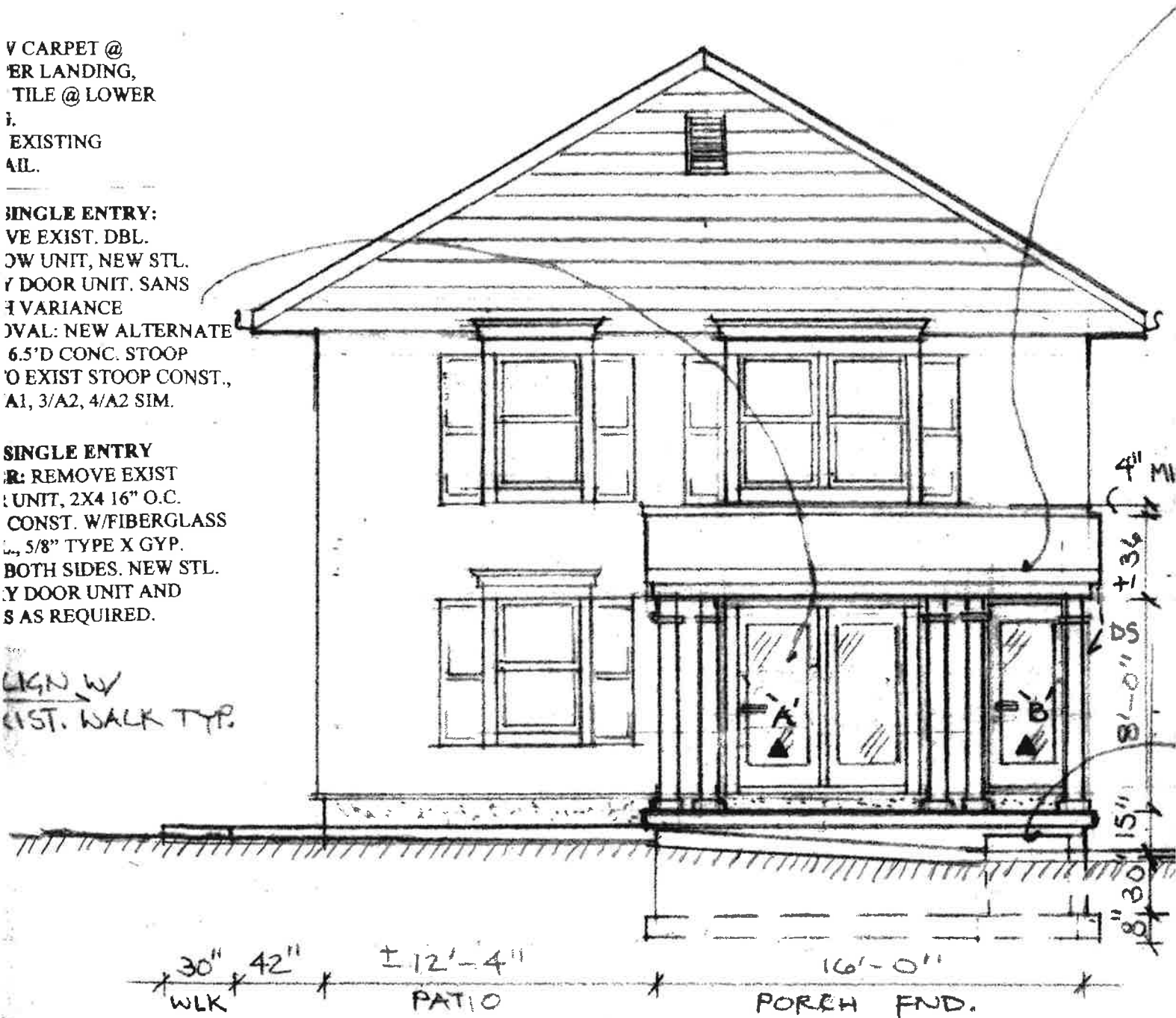


V CARPET @
ER LANDING,
TILE @ LOWER
i.
EXISTING
AIL.

SINGLE ENTRY:
VE EXIST. DBL.
OW UNIT, NEW STL.
Y DOOR UNIT. SANS
I VARIANCE
JVAL: NEW ALTERNATE
6.5'D CONC. STOOP
O EXIST STOOP CONST.,
A1, 3/A2, 4/A2 SIM.

SINGLE ENTRY
R: REMOVE EXIST
UNIT, 2X4 16" O.C.
CONST. W/FIBERGLASS
5/8" TYPE X GYP.
BOTH SIDES. NEW STL.
Y DOOR UNIT AND
S AS REQUIRED.

LIGN W/
DIST. WALK TYP.



③ FRONT ELEVATION (EAST, N. CAMPUS AVE
3/16" = 1'-0"

PROPOSED PORCH ADDITION (SEPARATED ENTRIES WITH VARIANCE)

Zoning Variance Request: 424 N. Campus Avenue, Oxford, OH: Butler County #H4100010000034

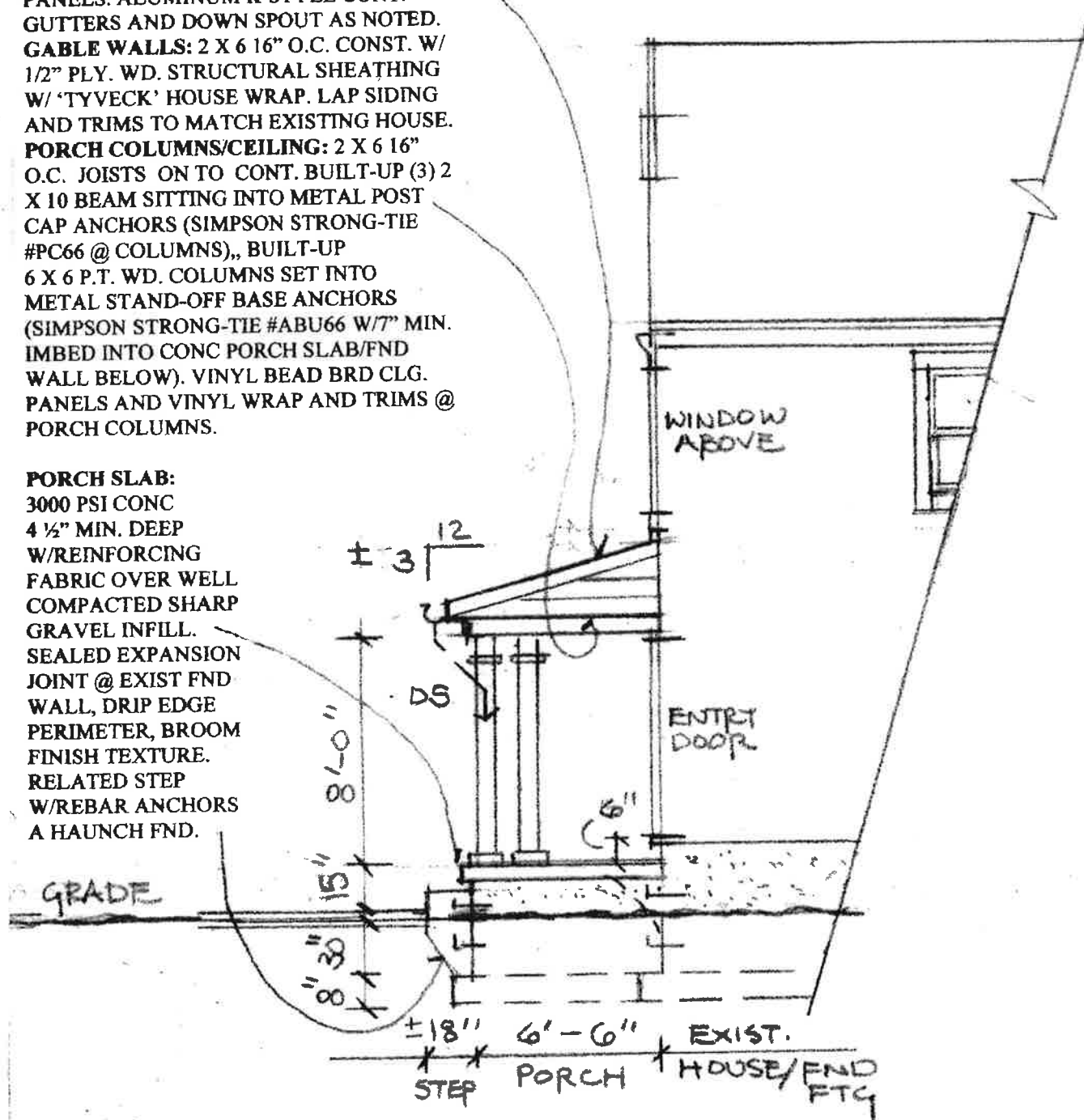
May 21, 2018

(Corner Lot Porch Addition/Front Yard setback requirement on Homestead Ave.)

Owner: College Street Properties, Inc (James M. Rupel), 316 S. College Ave, Oxford, OH 45056-0693 Ph: 513-523-5133

RAFTERS W/ SIMPSON STRONG-TIE'
 RAFTER TIES @ BEAM SEATS, UP IN T'
 X 12 LEDGER BRD @ HOUSE TIE-IN.
 EAVES: METAL DRIP EDGES, EDGE BRD.
 AND BLKG. AS REQUIRED W/ VINYL
 EAVE WRAP AND VENTALATING SOFFIT
 PANELS. ALUMINUM K-STYLE CONT.
 GUTTERS AND DOWN SPOUT AS NOTED.
 GABLE WALLS: 2 X 6 16" O.C. CONST. W/
 1/2" PLY. WD. STRUCTURAL SHEATHING
 W/ 'TYVECK' HOUSE WRAP. LAP SIDING
 AND TRIMS TO MATCH EXISTING HOUSE.
 PORCH COLUMNS/CEILING: 2 X 6 16"
 O.C. JOISTS ON TO CONT. BUILT-UP (3) 2
 X 10 BEAM SITTING INTO METAL POST
 CAP ANCHORS (SIMPSON STRONG-TIE
 #PC66 @ COLUMNS), BUILT-UP
 6 X 6 P.T. WD. COLUMNS SET INTO
 METAL STAND-OFF BASE ANCHORS
 (SIMPSON STRONG-TIE #ABU66 W/7" MIN.
 IMBED INTO CONC PORCH SLAB/FND
 WALL BELOW). VINYL BEAD BRD CLG.
 PANELS AND VINYL WRAP AND TRIMS @
 PORCH COLUMNS.

PORCH SLAB:
 3000 PSI CONC
 4 1/2" MIN. DEEP
 W/REINFORCING
 FABRIC OVER WELL
 COMPACTED SHARP
 GRAVEL INFILL.
 SEALED EXPANSION
 JOINT @ EXIST FND
 WALL, DRIP EDGE
 PERIMETER, BROOM
 FINISH TEXTURE.
 RELATED STEP
 W/REBAR ANCHORS
 A HAUNCH FND.



4
 A1

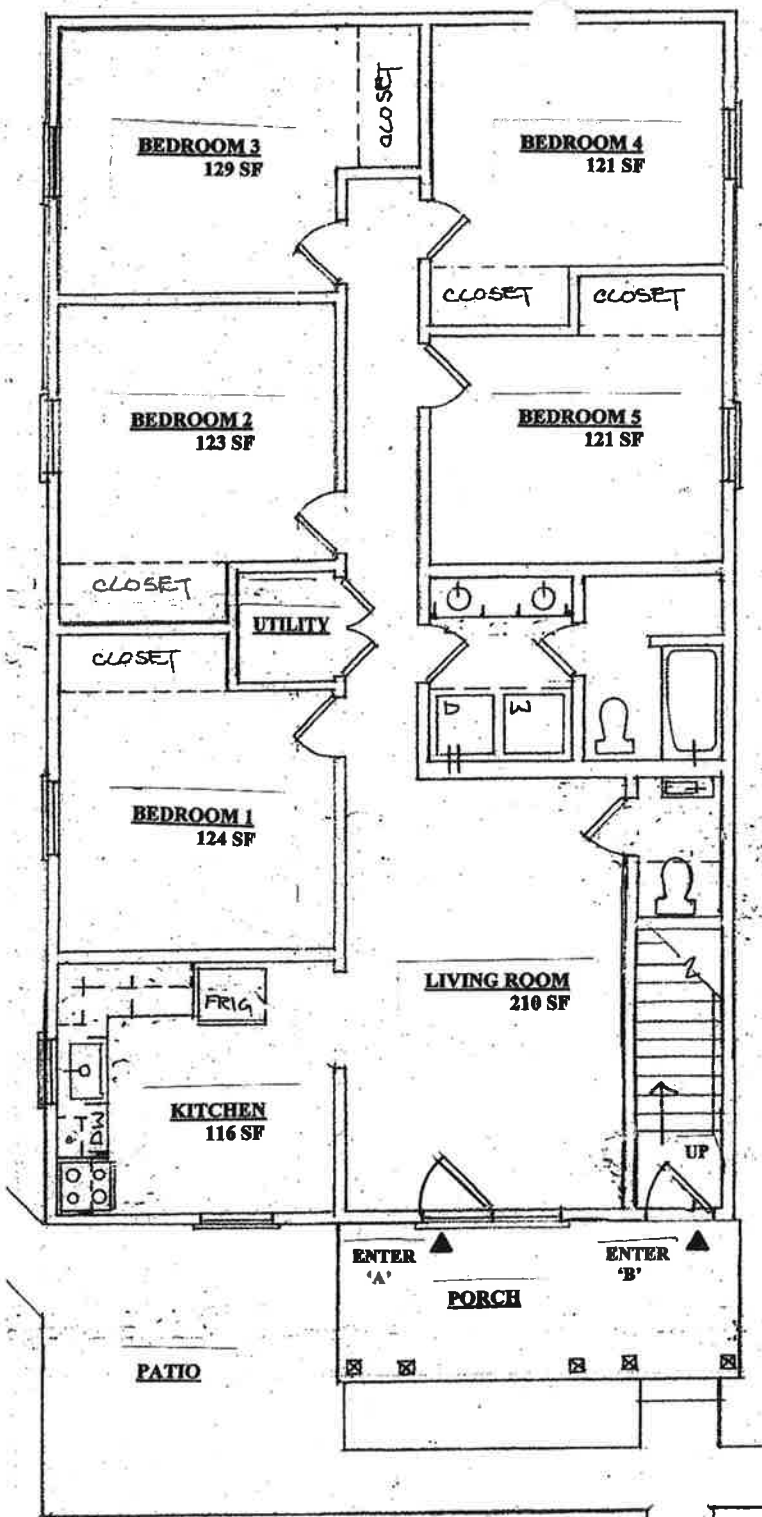
SIDE ELEVATION (NORTH) HOMESTEAD
 AVI
 3/16" = 1'-0"

PROPOSED PORCH ADDITION (SEPARATED ENTRIES WITH VARIANCE)

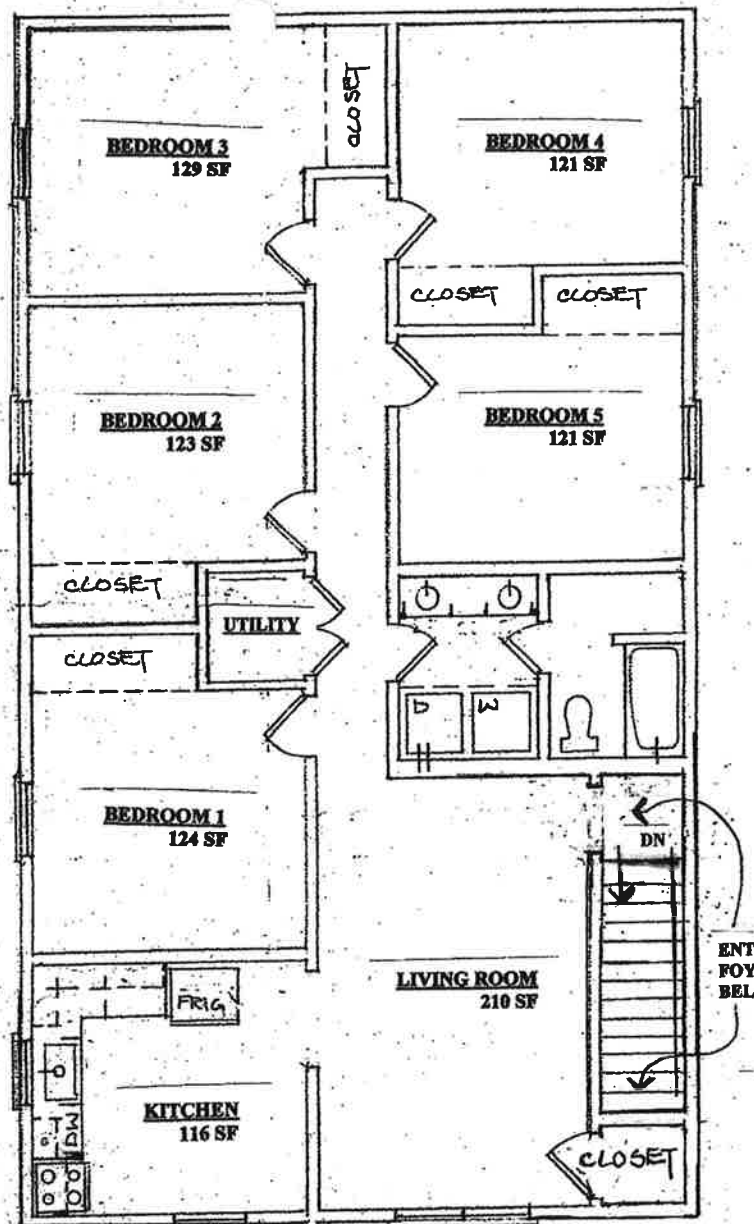
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UNIT 'A' (FIRST STOREY)
424 N. CAMPUS AVENUE
OXFORD, OH 45056



UNIT 'B' (SECOND STOREY)
424 N. CAMPUS AVENUE
OXFORD, OH 45056

NEW SEPARATED 'A' + 'B' ENTRIES WITH PROPOSED PORCH ADDITION

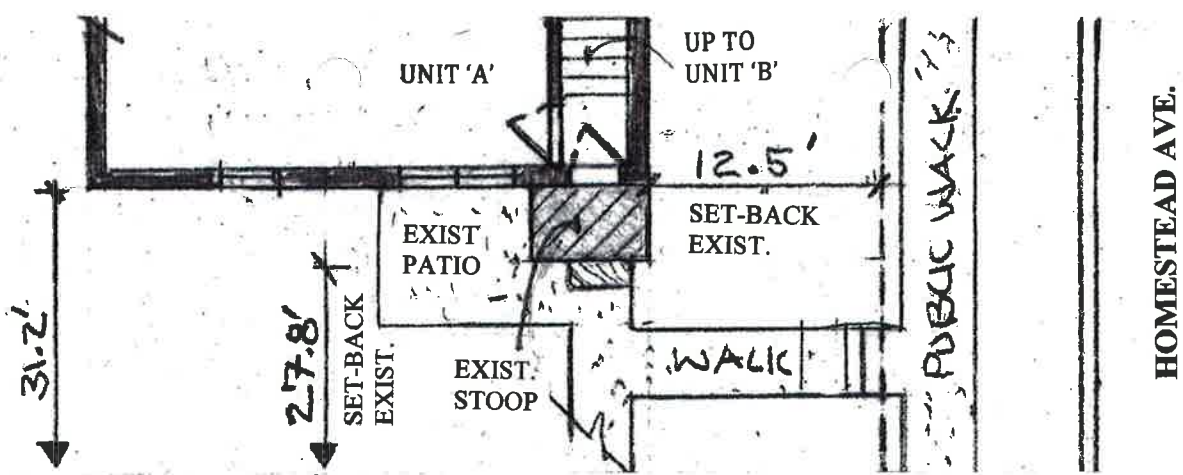
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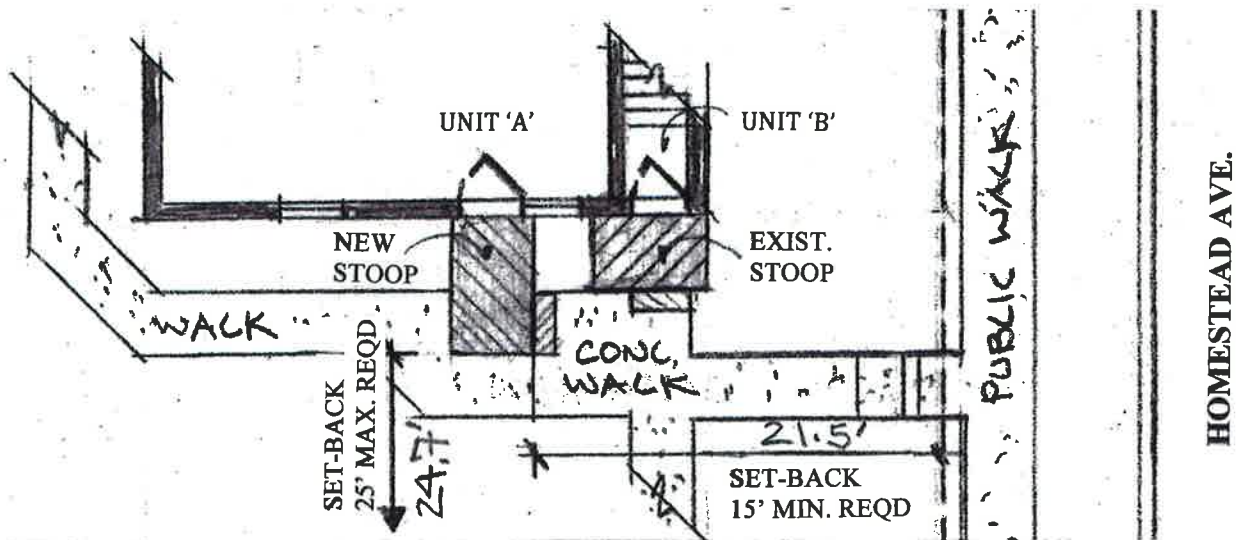
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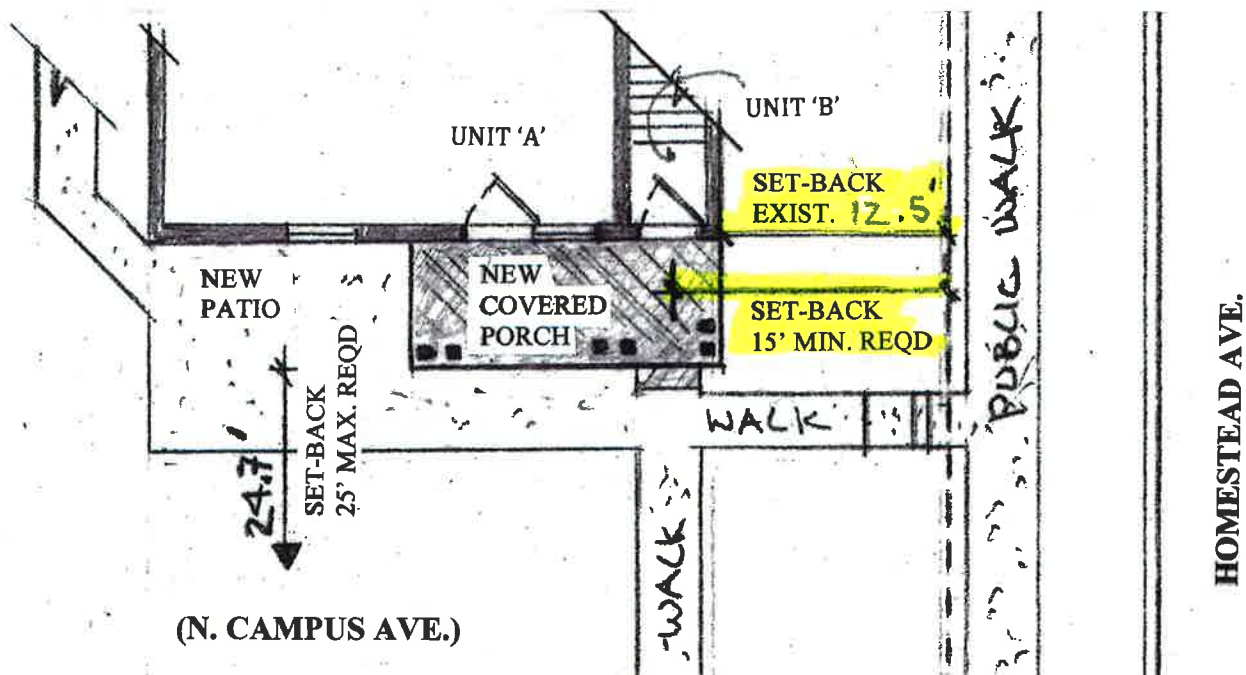
Ph: 513-523-5133



A EXISTING STOOP (EXIST. SHARED ENTRY HALL)



B ALTERNATE STOOPS (SEPARATED ENTRIES WITHOUT VARIANCE)



C PROPOSED PORCH ADDITION (SEPARATED ENTRIES WITH VARIANCE)



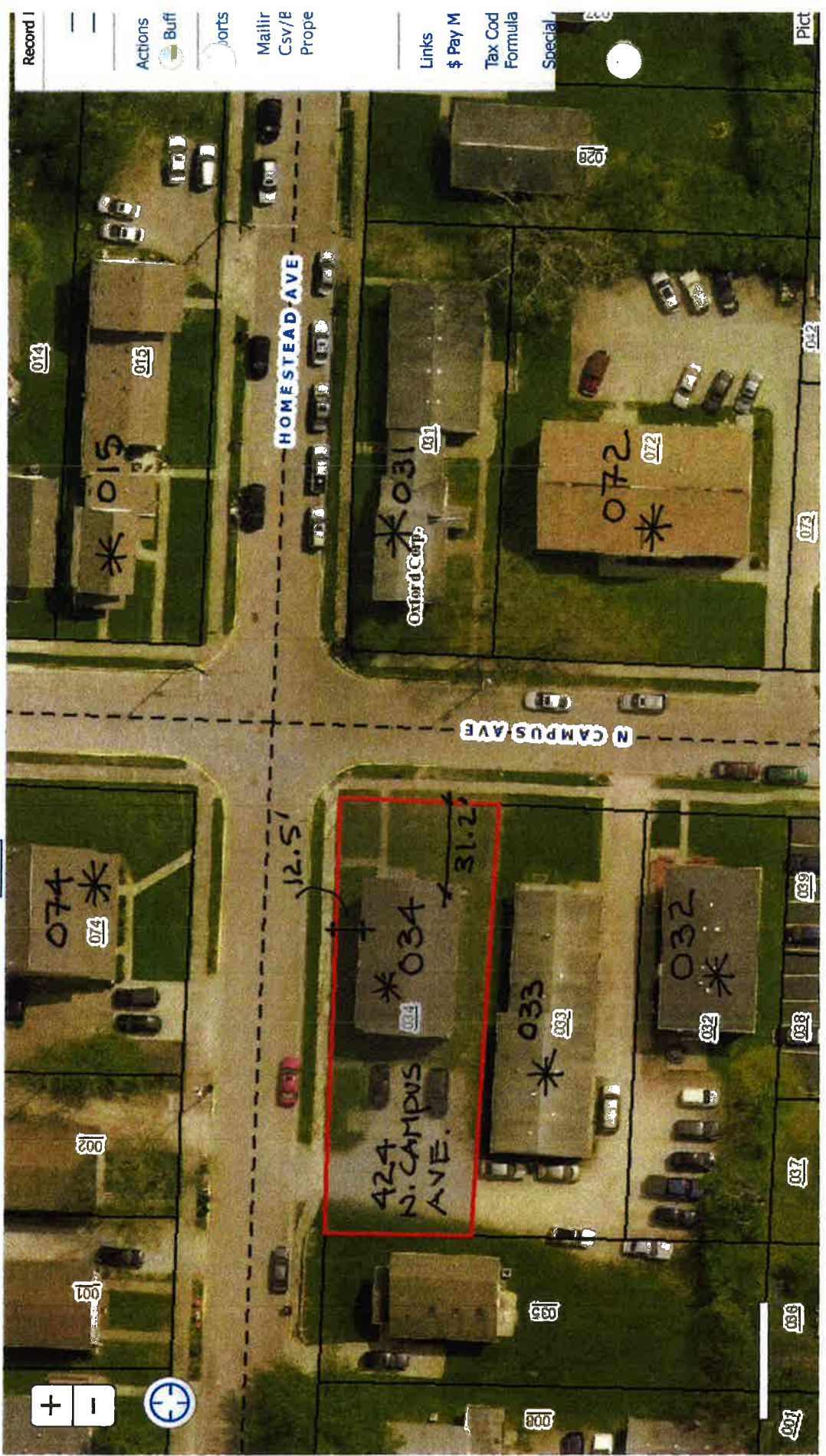
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PARID: H4100010000034
COLLEGE STREET PROPERTIES INC

- enter a parcel id -



SITE MAP OF ADJOINING NEIGHBORHOOD PROPERTIES

May 21, 2018

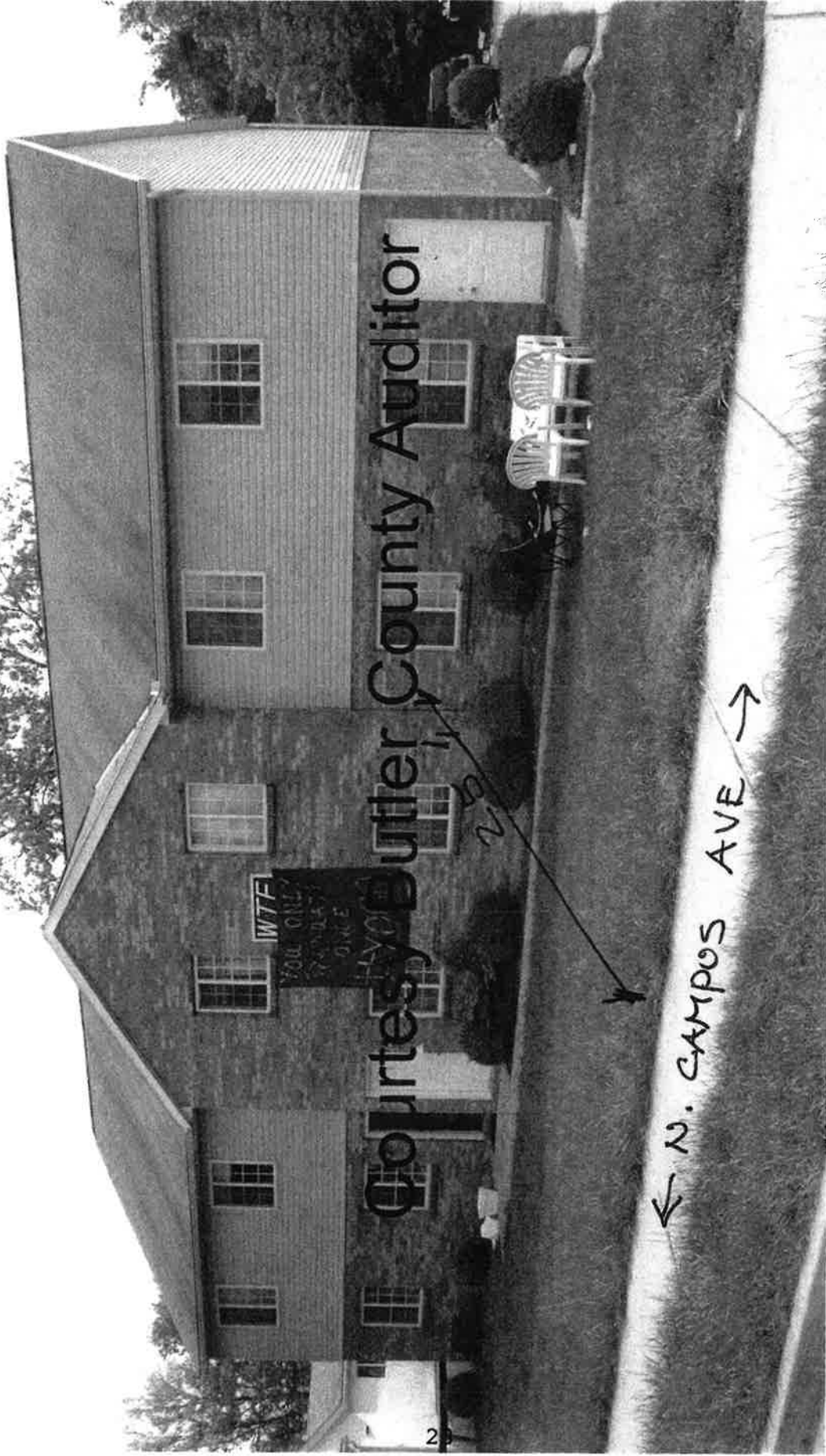
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www.ButlerCountyAuditor.org



← N. CAMPOS AVE →

H41000100000072 05/07/2012

-ACROSS STREET ONE DOWN SOUTH EAST

surrounding
property

www.ButlerCountyAuditor.org

Courtesy Butler County Auditor

H4100010000032 05/07/2012

- ONE NEIGHBOR AWAY TO SOUTH/SAME SIDE OF STREET
(EXACT DUPLEX FLOOR PLAN AS EXIST)

surrounding
property

AVE. →

12. CARPUS

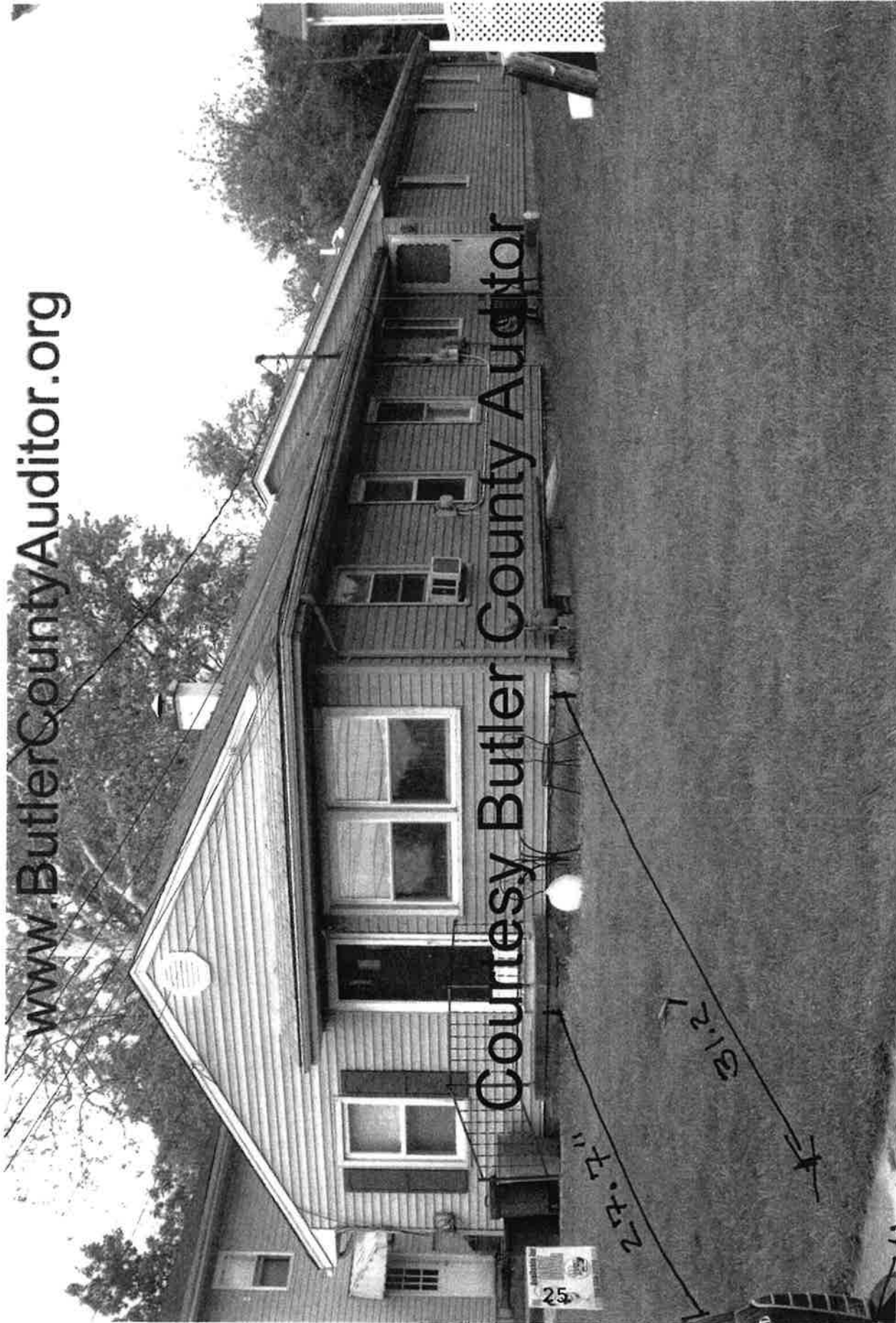
251

www.ButlerCountyAuditor.org

Courtesy Butler County Auditor

H4100010000033 05/07/2012

- ADJACENT NEIGHBOR TO SOUTH / SAME SIDE STREET
surrounding property



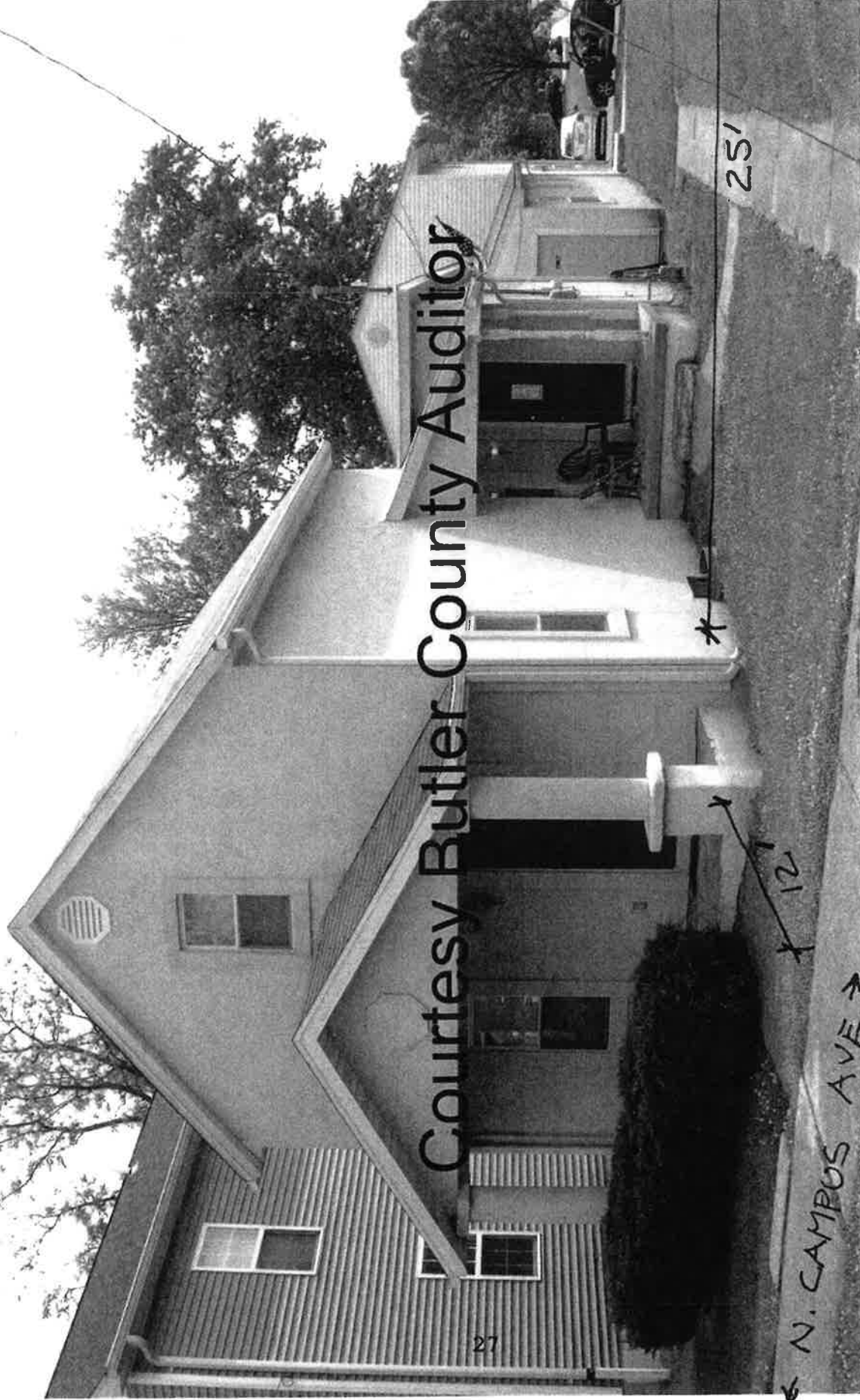


H4100010000074 05/04/2012

- NORTH WEST CORNER / ACROSS STREET @ NORTH SIDE STREET
FACADE

Surrounding property

Courtesy Butler County Auditor

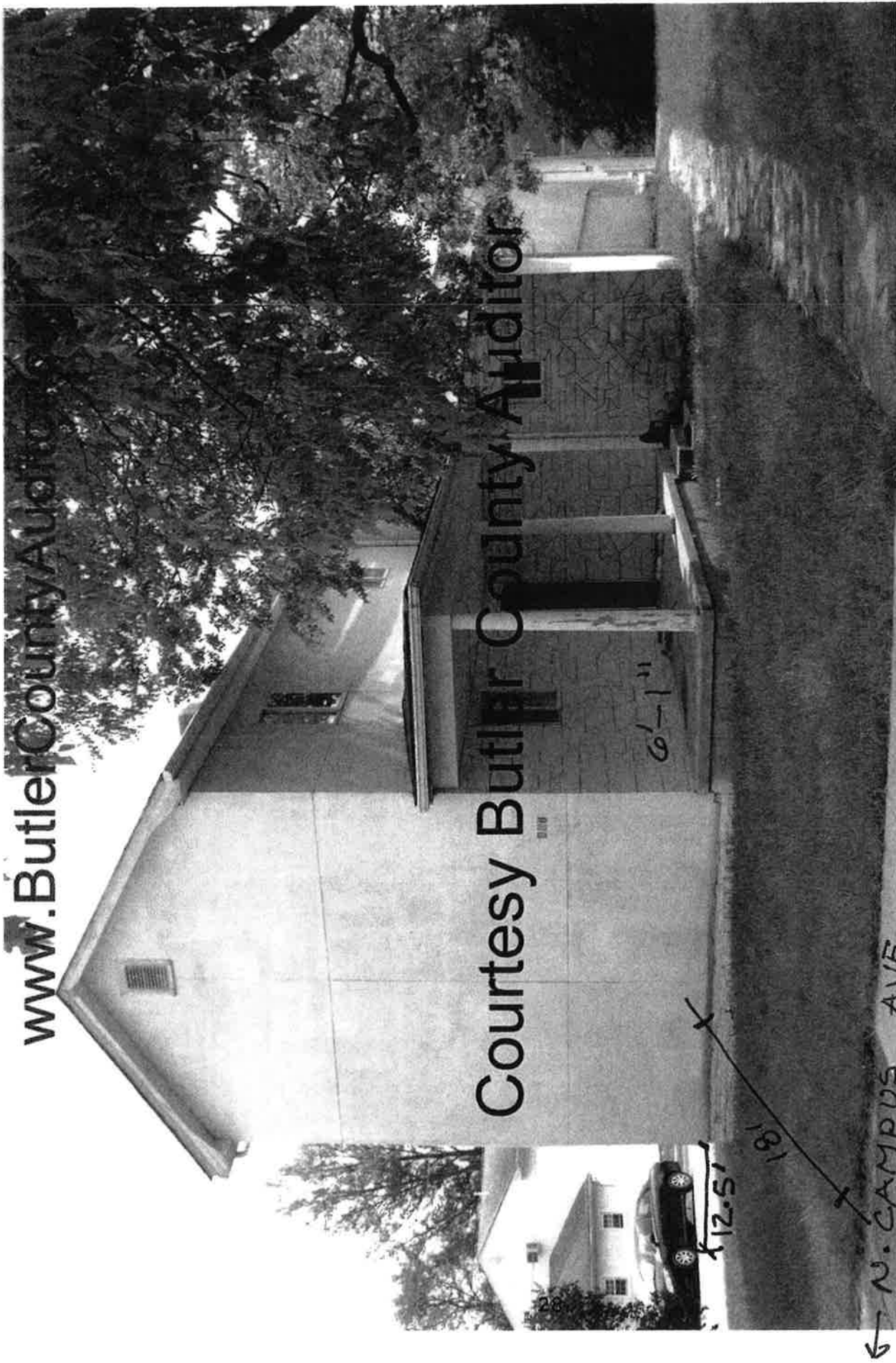


H4100010000015 05/07/2012

- NORTH EAST CORNER / ACROSS STREET DIAGONALLY OPPOSITE

*surrounding
property*

www.ButlerCountyAuditor.com



Courtesy Butler County Auditor

← N. CAMPUS AVE.

H400000100000031 05/07/2012

← SOUTH EAST CORNER / DIRECT ACROSS STREET 2 FRONT FACADE

Surrounding
Property