



MEMORANDUM
Community Development Department
513-524-5204

TO: Oxford Board of Zoning Appeals

FROM: Zachary Moore, AICP
Planner

DATE: July 14, 2021

RE: BZA-2021-02 | 407 N Campus Ave | Variance Extension Request

At its meeting on February 17, 2021, the Board of Zoning Appeals approved the following two Variance requests for 407 N Campus Avenue:

Requirement	Code Section	Standard	Granted
Maximum Lot Coverage	1143.07(c)	45%	55.2%
Minimum Required Parking Spaces	1149.03(i)	8	4

These two variances were requested for the purpose of demolishing a deteriorated three-family structure and replacing with a brand new three-family structure which would otherwise conform to current Building, Zoning, and related codes.

The variance requests had been approved contingent on the successful acquisition of an additional 4-foot-wide strip of land from the neighbor to the south in order to boost the total lot area above the 8,000 square feet necessary in order to establish a new three-family dwelling by Code. That step has since been completed by the applicant, via City approval (Case No. PC-2021-10) and two individual recordings with the County Recorder. The lot split that actually created the 4-foot wide sliver of land was processed by the County on May 17, and the new sliver was consolidated into the rest of the 407 N Campus lot via a separate recording on June 22. The subject lot now totals 8,038 square feet in size.

Section 1139.02(e)(2) of the Oxford Zoning Code provides that *no order of the Board permitting erection or alteration of a building or the use of a building or premises shall be valid for a period longer than six (6) months, and upon the expiration of such period shall automatically be deemed revoked, unless a building permit for such erection or alterations is obtained and the work is started within such period, or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.*

Based on the Code provisions above, in order for the project to be fulfilled as previously presented the applicant would need to apply for a Building Permit, obtain approval of such Permit, and begin construction, all prior to August 17, 2021. The applicant does not feel these three things can be accomplished prior to the August 17 date, and has thus requested the timeframe of validity for the prior variance requests be extended an additional six months to February 17, 2022.

The Zoning Code does not expressly provide guidance on what the Board should consider in choosing whether or not to grant an extension request. It has been the past practice of the City that the Board should only consider whether the scope of the project has changed, or whether the facts and details that influenced the prior decision are different.

The scope of the project has not changed, and staff does not believe any of the details are substantially different in a manner that should necessitate a new hearing on these two particular variances. Staff recommends the BZA grant the request to extend the deadline for obtaining Building Permit approval and beginning construction to no later than **February 17, 2022**.

For reference, copies of the prior approval letter and site plan from the February hearing are attached.



February 18, 2021

Mr. Scott Webb
103 W. Walnut Street
Oxford, OH 45056

BZA-2021-02, 407 N. Campus Avenue, variance to Section 1143.07(c) maximum lot coverage, Section 1149.03(i) required parking spaces, Scott Webb, Appellant

Dear Mr. Webb:

The Oxford Board of Zoning Appeals met on February 17, 2021 and voted 5-0-0 to approve your variance requests as proposed, contingent on successful acquisition of the additional 4 feet of land from the neighbor to the south, as was included in your application.

Per Section 1139.02(e), this approval is only valid for six months, unless a building permit is obtained and the work has started within such period, or an extension is requested in writing and granted by the Board. And,

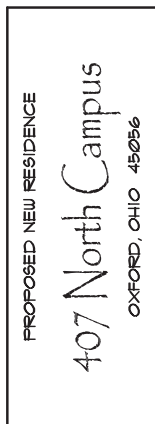
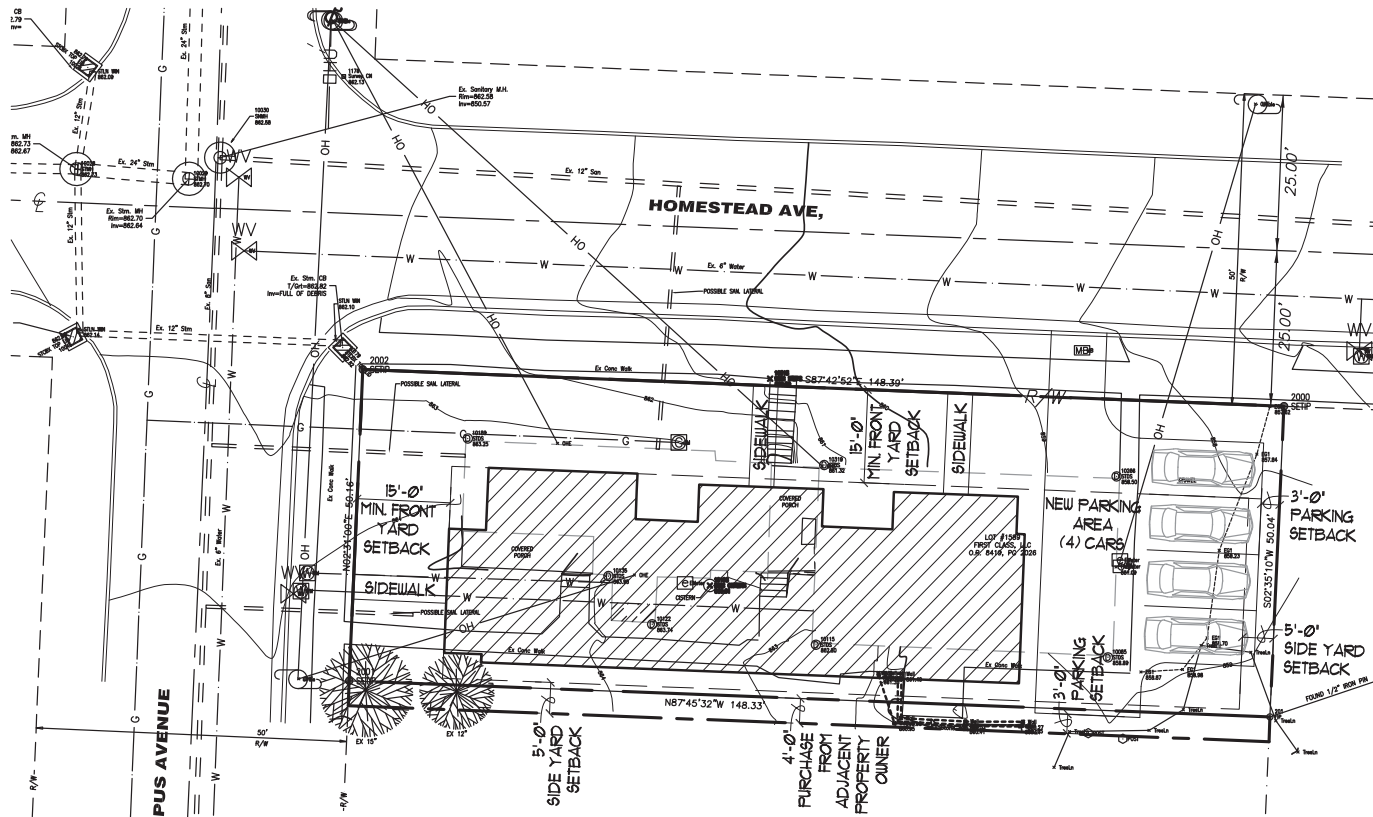
Per Section 1139.02(f)(1) appeals to this decision shall be made to the Court of Common Pleas of Butler County.

Should you have any questions or need additional information regarding this action, please contact the Community Development Department at 524-5204.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Taylor".

Lynn Taylor
Administrative Assistant
Community Development Department
cc: Case File



SITE DEVELOPMENT REGULATIONS

LOT COVERAGE

PROPOSED NEW 3-FAMILY DWELLING:	2,614 SF
DRIVEWAY & PARKING:	1,630 SF
SIDEWALKS:	190 SF
TOTAL:	4,434 SF

ACTUAL LOT COVERAGE:	4,434 SF / 8,026 SF = 55.2%
ALLOW. LOT COVERAGE:	R3MS = 45%
ACTUAL FRONT YARD:	565 SF / 2,812 SF = 20.1%
ALLOW. FRONT YARD (ACCESS FROM STREET):	R3MS = 35%

PARKING

(8) SPACES REQUIRED @ 2.5 PER UNIT - (4) PROVIDED

REQUIRED VARIANCES

1143.07(c) MAX LOT COVERAGE

1149.03(1) NUMBER OF PARKING SPACES

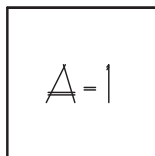
PRELIMINARY SITE PLAN 1" = 20'-0"

ZONING

(R3MS ZONING DISTRICT)

EXISTING LOT AREA: (8,000 SF MIN. FOR 3-FAMILY)	7,433 SF
ADDITIONAL 4'-0" PURCHASE FROM SOUTH	593 SF
TOTAL LOT AREA: (8,000 SF MIN. FOR 3-FAMILY)	8,026 SF
OVERALL LOT WIDTH FOR 3-FAMILY: (60' MIN.)	148.39'

DATE	January 14, 2021
REVISIONS	

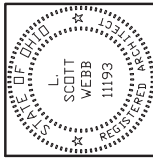




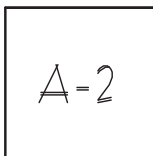
PRELIMINARY STREET VIEW

NO SCALE

HOMESTEAD CORNER LOOKING SOUTH



DATE	
January 14, 2021	
REVISIONS	



FIRST CLASS LLC
Tomdudley7474@gmail.com
513-255-4338/513-255-0214

City of Oxford
Zach Moore
Planner
June 16, 2021

Dear Mr. Moore,

First Class LLC requests an additional six month extension for the variance approvals originally granted by the BZA on February 17, 2021 for 407 North Campus Avenue. We wish for the details of the previous application to remain the same.

Since the time of this original approval, it has taken considerable time to prepare and record the deeds associated with the lot split and consolidation involving the neighboring property to the South.

We are also working with, Scott Webb, architect, to have our building permit plans prepared and submitted, but feel we may not be able to begin construction within the six month time frame as the zoning code requires.

We ask that you please place our request in the next available BZA agenda for consideration.

Thank you

First Class LLC

Tom and Diane Dudley