

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-17

Date – October 17, 2018

APPLICATION

Applicant:	Joseph Simpson / Oxford Presbyterian Church
Location:	101 North Main Street
Owner:	Oxford Presbyterian Church
Action Request:	Variance to Section 1141.03(c)6B Supplemental Regulations requirement limiting projections into front yard setback to 6 feet
Current Use:	Place of Worship
Zoning:	Uptown Zoning and Uptown Historic District Overlay
Surrounding Land Uses:	Professional Offices, Parking Lot, Mixed-Use

DESCRIPTION

On behalf of Oxford Presbyterian Church, Mr. Joe Simpson is requesting a variance to allow the construction of an accessible ramp on the main front entrance of the Oxford Presbyterian Church. The steps would remain with the ramp being an additional method of access. The church is addressed as North Main Street but faces East Church Street, along with a courtyard and attached east wing.

BACKGROUND

Uptown Zoning District Oxford Zoning Code Section 1143.10(c)2 requires at least 16.5 feet of front yard setback. However, the building encroaches into this required yard by 5 feet, having been built in the 1920s prior to the code requirement. The ramp will extend an additional 15 feet. Following both state and federal guidelines in the 1990s, accessibility options have come to be expected for most buildings. In their attempts to meet this demand the church has discovered that Supplemental Regulations of Oxford Zoning Code Section 1141.03(c)6B does allow projections into the required front yard, but limits it to 6 feet. Due to the fact that the building is already encroaching 5 feet into the required yard, this eliminates the opportunity for accommodations on the front of the building without a variance. The entrance slope to the ramp encroaches 15 feet of the required 16.5 foot front yard. There is an alternative entrance from the courtyard that is accessible but that is less desirable to the congregation.

The Certificate of Appropriateness for the architectural design of the ramp has been approved administratively by the Historic and Architectural Preservation Commission.

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	Returned with comments

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. Simpson. 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**: There is an accessible entrance that can continue to be used without a variance.

Regarding criterion B, Staff believes that the variance is **substantial** because the front yard setback is requirement is 16.5 feet and the proposal is 15 feet.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: A COA has been approved by the HAPC. The BZA could find that the HAPC has determined that there is not a negative impact on the character of the area, which is a historic district in this case.

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**, no because of the property ownership has not changed since the building was built. The restriction came after the building construction.

Regarding criterion F, the **owner's predicament** is that there is not acceptable access to the sanctuary of the church. This could be obviated by using the existing entrance, which enters at front of the sanctuary. The main entrance is at the rear which is more desirable/equitable to the congregation.

Regarding criterion G, whether or not **the spirit and intent behind the zoning requirement would be observed and substantial justice done** by granting the variance: The front yard setback requirement for the Uptown District is intended to maintain a consistent street wall. The allowance for some minimal projections is to accommodate alterations without zoning code obstacles. In this case, the projection is minor in scale with the historic church.

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 black ink that reads "Sam Perry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

SUBMITTED BY:

Sam Perry, AICP
Community Development Director

City of Oxford
Inter-Office Review Transmittal Sheet



Date: August 7, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2018-17, 101 N. Main Street, Oxford Presbyterian Church, variance to Section 1141.03(c)6B, setback and yard requirements, to allow for the construction of a handicap ramp in the front yard,
Joseph Simpson, Trustee, Oxford Presbyterian Church, Applicant

 X Review Revisions Other

Please return no later than: **September 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:



PRINTED NAME

Date:

8-14-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2018-17, 101 N. Main Street, Oxford Presbyterian Church, variance to Section 1141.03(c)6B, setback and yard requirements, to allow for the construction of a handicap ramp in the front yard, **Joseph Simpson, Trustee, Oxford Presbyterian Church, Applicant**

 X Review Revisions Other

Please return no later than: **September 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: _____



Date: 8-13-18

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BZA-2018-17, 101 N. Main Street, Oxford Presbyterian Church, variance to Section 1141.03(c)6B, setback and yard requirements, to allow for the construction of a handicap ramp in the front yard,
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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



Date: _____

8/8/18

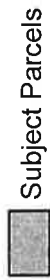
John A Jones
PRINTED NAME



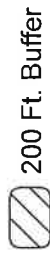
BZA-2018-17

Surrounding Property Owners Map

Legend



Subject Parcels



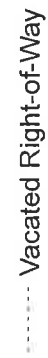
200 Ft. Buffer



Oxford Corporation Limit



Parcel



Vacated Right-of-Way



Building Footprint

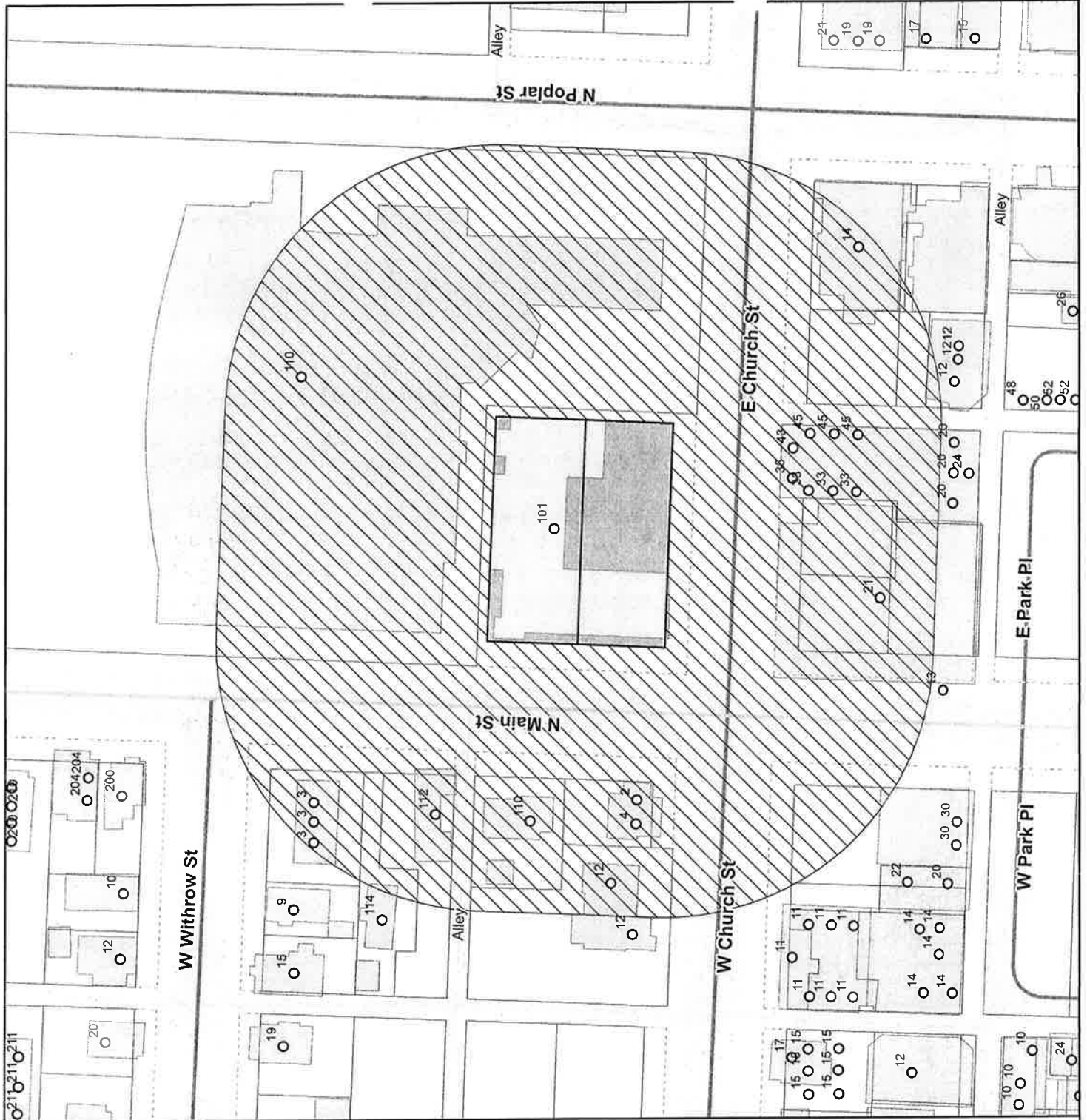
Paved Roadway



1 inch = 100 feet

Prepared on Monday, August 27, 2018

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





Internal Use Only:	BZA-2018-17
Case No.	
Date Filed	7/25/18

Petition for Zoning Variance

Petitioner Information

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

Name * Joseph C. Simpson, Trustee
Mailing Address * 1325 Dana Drive
City, State & Zip Code * Oxford, Ohio. 45056
Telephone Number(s) * (513) 523-8363
Email Address Simpsojc@miamioh.edu

Owner Information

Name * Oxford Presbyterian Church
Mailing Address * 101 North Main Street
City, State & Zip Code * Oxford, Ohio, 45056
Telephone Number(s) * (513) 523-6364
Email Address office@ofordpresbychurch.org

Variance and Lot Information

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

Relief from the uptown zoning requirement (front yard setback) for an ADA compliant ramp.

Location of Requested Variance * 101 North Main
Name of Building Memorial Oxford Presbyterian Church
Legal Description * Lots 51 and 52
Zoning District * UP Total Acreage *
Existing Use of Site * Church

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.

Church

- 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 *

Joseph C Simpson
July 24th, 2018

Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fees and postage charge, made payable to **City of Oxford**, to Community Development Director, 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
101 East High Street
Oxford, Ohio 45056

Re: Variance to intrude on uptown setback.

July 28, 2018

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review for intrusion on the uptown setback by a handicap accessibility ramp.

1141.03(c)6B Requires a 16.5 foot setback from the south property line. The existing structure protrudes at least 5 feet into the setback established 25 years after the building was constructed. The proposed handicap ramp will meet the sidewalk, 0.5 feet south of the property line. In addition, the existing stairs and landing will be extended to the south to provide a safe space to maneuver on and off of the ramp.

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 sanctuary of the Oxford Presbyterian church has been in use since 1925. There is a somewhat circuitous route to the sanctuary that does not involve stairs. Many mobility impaired congregants refuse to use this circuitous route. The Oxford Presbyterian Church wishes to provide a welcoming and safe entrance to the narthex of the church for mobility impaired persons.

B. Whether the variance is substantial;

The setback intrusion will be between 15 and 15.5 feet. Note this includes an existing intrusion of the Sanctuary of at least 5 feet.

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 church's property is separated from McCollough-Hyde Memorial Hospital by an alley and from all other adjacent properties by city streets. The ramp will match the architecture of the church building and immediately faces the municipal parking lot.

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

No government services will be affected by this ramp.

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

No. The zoning restriction was added 25 years after the building was consecrated.

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

Many mobility impaired congregants will not use the existing alternate method of ingress. We station ushers to assist them, but the transition is dangerous and unwelcoming. The church evaluated a powered lift and installing an east entrance into the narthex to resolve this. Both of these solutions would also require a variance.

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

I do not know the intent of the zoning variance. The ramp will be constructed to match the existing architecture. The session of Oxford Presbyterian Church has voted to construct this ramp to encourage mobility impaired people to attend church safely and comfortably and with a sense of community fostered by a common shared entrance to sacred space.

H. Any other relevant factor.

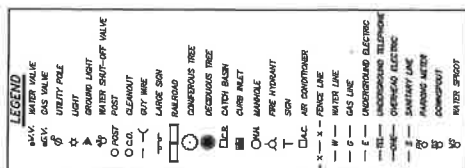
None

Thank you for your consideration of this application.

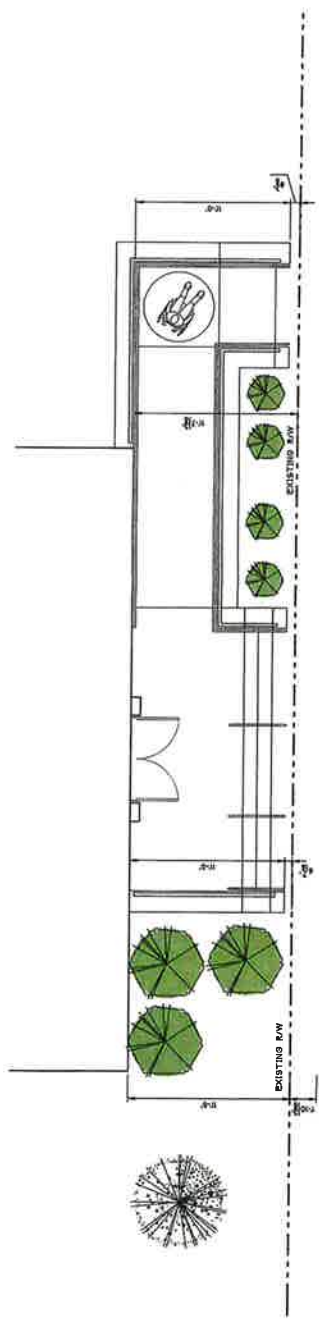
Respectfully,

A handwritten signature in cursive script that reads "Joseph C. Simpson". The ink is dark and the signature is fluid.

Joseph C. Simpson, Trustee, Oxford Presbyterian Church

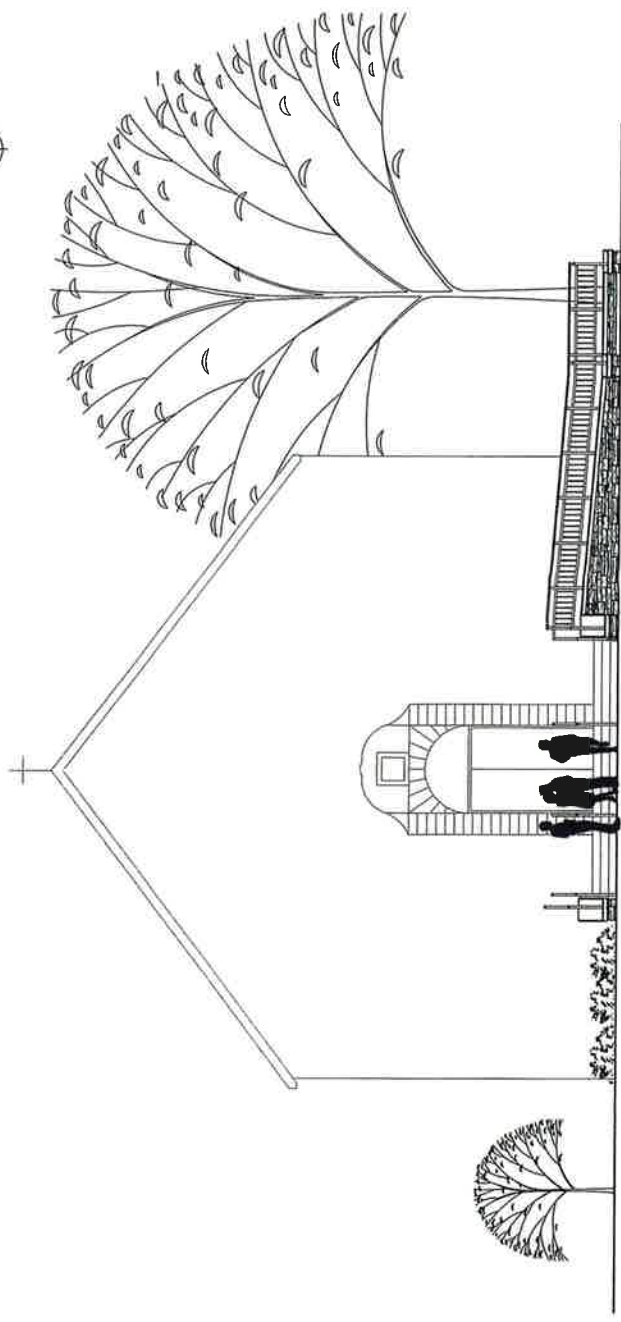


 SURVEYING, INC. DAVID HODGKINS SMITH, P.S. one hundred and one eastern ave. room 200 p.o. box 100000 cleveland, ohio 44101	PROPERTY ADDRESS _____ _____ _____		PROPERTY TITLE: OXFORD PRESBYTERIAN CHURCH D.B. 21 P. 388 and D.E. 58 P. 119 ALL OF LOTS 51 AND 52 BUTLER COUNTY, OHIO		PROPERTY TITLE: _____		PROPERTY NO. 00115		DATE _____		BY _____		SCALE 1" = 20'		DATE 3/2/88		REMARKS		ANALYST		ANALYST TITLE:		ANALYST NO.	
	PROPERTY ADDRESS _____ _____ _____		PROPERTY TITLE: _____		PROPERTY NO. 00115		DATE _____		BY _____		SCALE 1" = 20'		DATE 3/2/88		REMARKS		ANALYST		ANALYST TITLE:		ANALYST NO.			



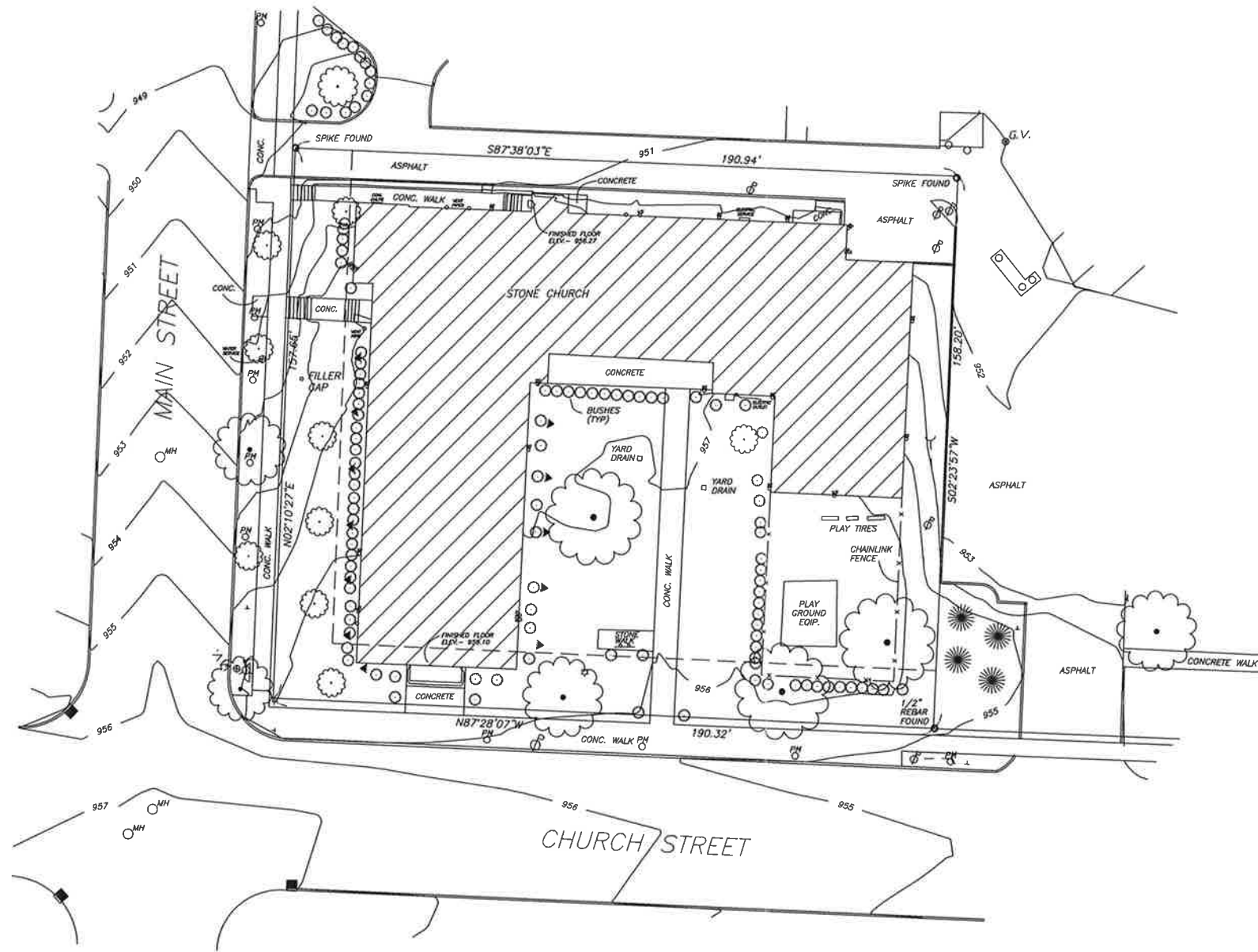
EXISTING WALK

EXISTING CURB

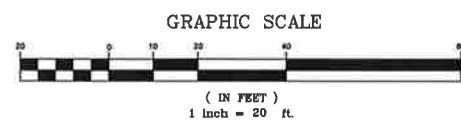


NORTH ELEVATION 1/4" = 1'-0"





LEGEND	
	W.V. WATER VALVE
	G.V. GAS VALVE
	UTILITY POLE
	LIGHT
	GROUND LIGHT
	WATER SHUT-OFF VALVE
	POST
	C.O. CLEANOUT
	GUY WIRE
	LARGE SIGN
	RAILROAD
	CONIFEROUS TREE
	DECIDUOUS TREE
	C.B. CATCH BASIN
	CURB INLET
	M.H. MANHOLE
	FIRE HYDRANT
	SIGN
	A.C. AIR CONDITIONER
	- X - FENCE LINE
	- W - WATER LINE
	- G - GAS LINE
	- E - UNDERGROUND ELECTRIC
	- TEL - UNDERGROUND TELEPHONE
	- OHE - OVERHEAD ELECTRIC
	- S - SANITARY LINE
	PM PARKING METER
	DS DOWNSPOUT
	WS WATER SPIGOT



DAVID DOUGLAS SMITH, P.S.
5905 FAIRFIELD ROAD
OXFORD, OHIO 45056
OFFICE (513) 513-4870
FAX (513) 513-4870
PROJECT SURVEYOR:

PROJECT TITLE:
OXFORD PRESBYTERIAN CHURCH
D.B. 21 PG. 398 AND
D.B. 58 PG. 119
ALL OF LOTS 51 AND 52
CITY OF OXFORD
BUTLER COUNTY, OHIO

NO.	REVISIONS	DATE	BY	DRAWN BY	DDS
				SCALE	1" = 20'
				DATE	3/5/98
				NOTES	
				PROJECT NO.	9912

DRAWING TITLE:
TOPOGRAPHIC SURVEY

DRAWING NO.
1
1
OP

