

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2017-14

Date – November 15, 2017

APPLICATION

Applicant:	Sunday Bougher / SGA Design Group
Location:	5720 College Corner Pike
Owner:	Walmart Real Estate & Trust
Action Request:	Variance to Section 1151.05(c)(4)A, directional sign size and Variance to Section 1151.05(c)(4)B, directional size height
Current Use:	Retail Service: Department Store
Zoning:	GB (General Business)
Surrounding Land Uses:	Light Industry, Vacant/Agricultural, Retail Services

DESCRIPTION

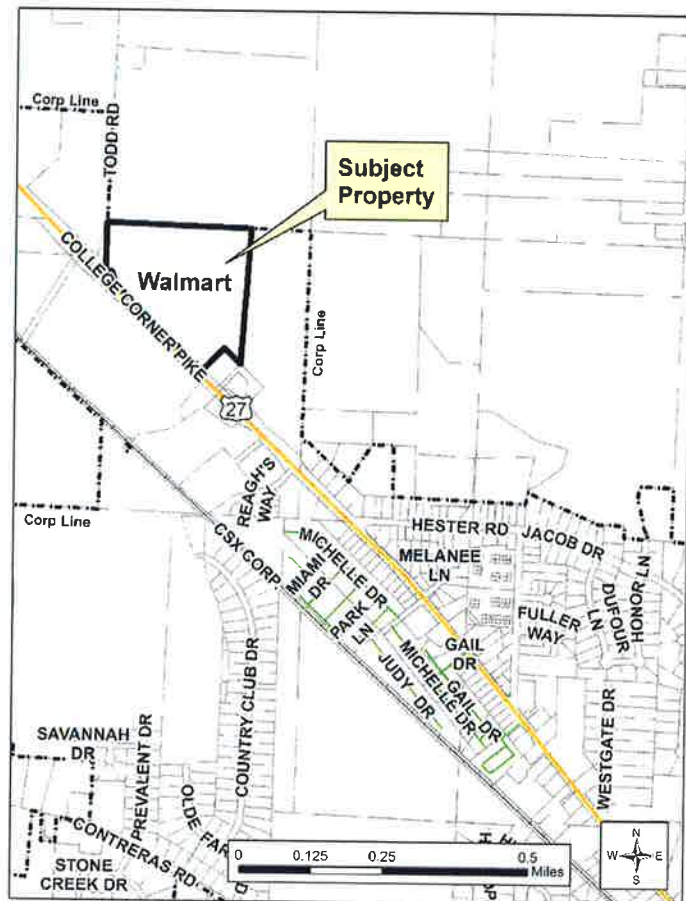
Sunday Bougher of SGA Design Group is requesting 2 variances on behalf of Walmart Real Estate. The requested variances are associated with the Online Grocery Pickup (OGP) service now available.

BACKGROUND

Oxford Zoning Code Section 1151.05(c)(4)A & B provides for on-site directional signs to guide vehicular travel. The code limits the size to 2 square feet in area, no higher than 4 feet, no closer than 5 feet to lot line and no display of commercial message. The proposed signs are compliant with two of the four requirements. The signs are 3 square feet and 8 feet in height. There are 11 such signs spread throughout the property based upon the map provided.

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

BZA-2004-05: Variances regarding pole, building and directional signs, denied

BZA-2004-07: Variances regarding pole, building and directional signs, approved with conditions

BZA-2005-02: Variance regarding additional wall sign for leasee, approved with conditions

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 from Ms. Bougher. The staff's review of the criteria is included below.

Regarding Criterion A, Whether or not there **can be a reasonable return or whether there can be any beneficial use of the property without the variances**: No evidence regarding 'reasonable return' has been provided by the applicant. The store has existed at this location since 2006 which indicates some beneficial use. However staff is also aware of ever-changing consumer preferences for obtaining merchandise that is apparent by the growing shift toward internet-based sales.

Regarding criterion B, Staff believes that the variances **are not substantial** due to the size of the property and the spacing between signs (see included map from the applicant). The signs are installed at heights similar to road sign ground clearance requirements.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variances: Staff believes that essential character would not be negatively altered due to the spacing of the signs and the size of the property.

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

Regarding criterion E, **property owner awareness of the zoning restriction** prior to the purchase of the property: Staff findings are that both zoning regulations in question have not changed since the lot was purchased. The 2004 directional sign variances that were approved did not have to do with these types of signs.

Regarding criterion F, the **owner's predicament** appears to be that there is a standard size and height of directional sign used at all OGP conversions. The request is to not customize the standard for Oxford. The predicament may also be that the site is several acres with three entry points and multiple drive aisles.

Regarding criterion G, whether **the spirit and intent behind the zoning requirements would be observed and substantial justice done** by granting the variances: Three pertinent statements from the purpose of the sign chapter are:

- Reduce sign clutter (**spaced appropriately**)
- Maintain a safe and orderly pedestrian and vehicular environment (**guides drivers**)

- Eliminate conflicts between private signs and public traffic control signs (**not located in public right of way**)

Based upon the above excerpts, with staff comments in **bold**, the spirit and intent would be observed and substantial justice done by granting the variances.

RECOMMENDATION

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



SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

City of Oxford
Inter-Office Review Transmittal Sheet



Date: 10/13/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-14, 5720 College Corner Pike, Walmart, variance to Section 1151.05(c)(4)A directional sign size and 1151.05(c)(4)B, directional sign height, **Sunday Bougher, SGA Design Group Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 11/6/2017 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 Dethierage
PRINT NAME

Date: 10-19-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/13/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-14, 5720 College Corner Pike, Walmart, variance to Section 1151.05(c)(4)A directional sign size and 1151.05(c)(4)B, directional sign height, **Sunday Bougher, SGA Design Group Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 11/6/2017 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: 11/2/17

Scott Otto

PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/13/2017

To: Fire Department Engineering Division, Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-14, 5720 College Corner Pike, Walmart, variance to Section 1151.05(c)(4)A directional sign size and 1151.05(c)(4)B, directional sign height, **Sunday Bougher, SGA Design Group Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 11/6/2017 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: _____

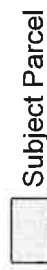
Date: 10/17/17

John A. Jones
PRINT NAME

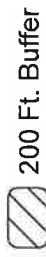


BZA-2017-14 Surrounding Property Owners Map

Legend



Subject Parcel



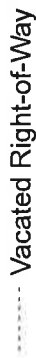
200 Ft. Buffer



Oxford Corporation Limit



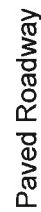
Parcel



Vacated Right-of-Way



Building Footprint



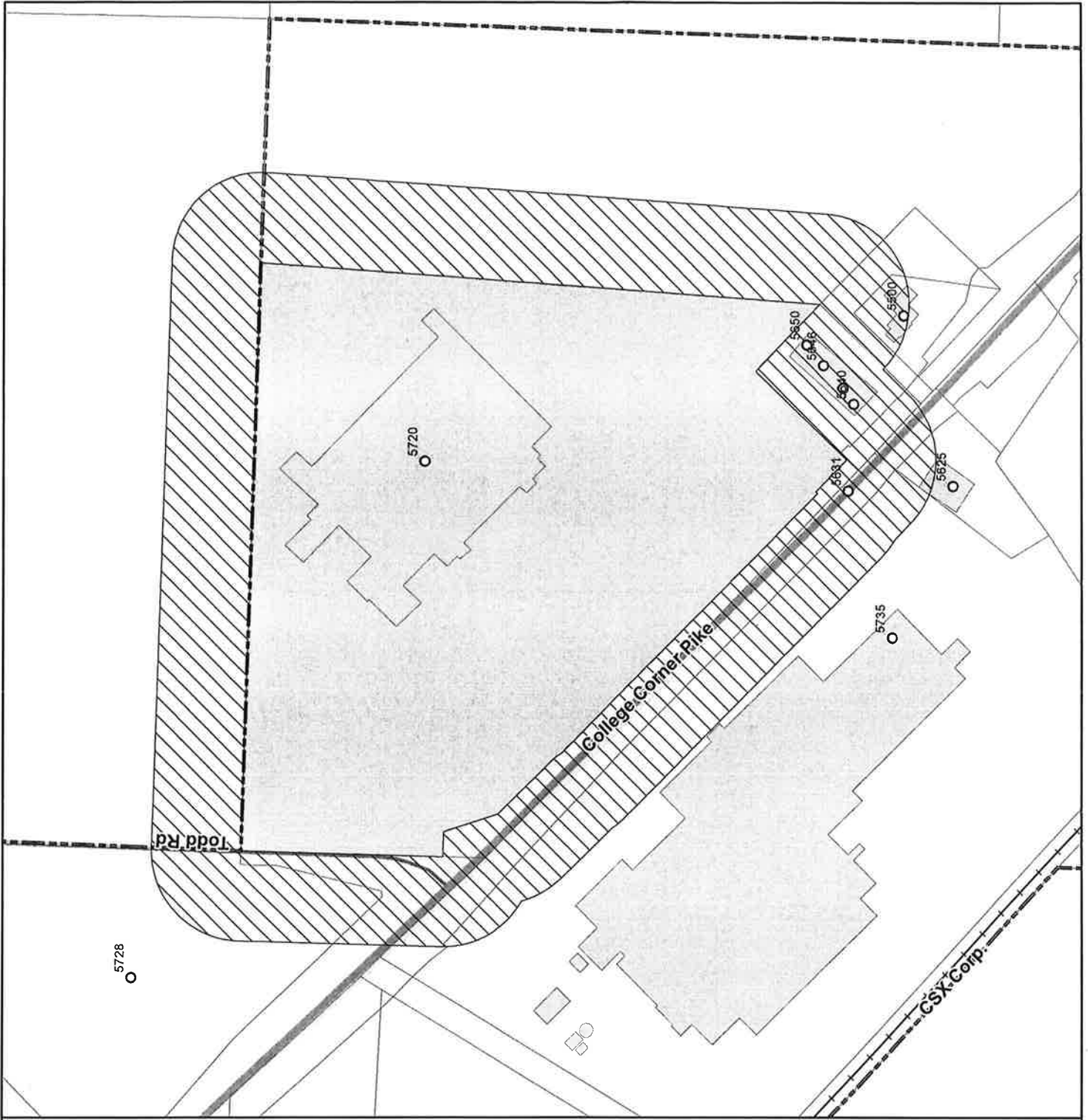
Paved Roadway



1 inch = 300 feet

Prepared on Tuesday, October 31, 2017

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.



AFFIDAVIT AND CONSENT OF PROPERTY OWNER

To Whom It May Concern:

Please be advised that Sunday Bougher, SGA Design Group has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing on September 20th, 2017 regarding the Walmart #2275 On Line Grocery Pick Up at our property located at 5720 College Corner Pike.



Signature of Affiant

Brian Frazier

Print Name

State of Arkansas

County of Benton

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared



, who acknowledged the execution of the above and foregoing instrument to its

voluntary act and deed on the 10th day of August, 2017.

1-20-2022

Commission Expiration Date



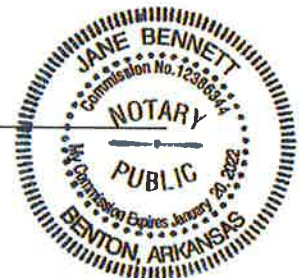
Notary

Benton

County of Residence

JANE BENNETT

Printed Name





SGA Design Group

LETTER OF AGENCY

City of Oxford
101 East High Street
Oxford, OH 45056

RE: Walmart # 2275
5720 College Corner Pike
Oxford, OH

To Whom It May Concern:

Please be advised that Sunday Bougher of SGA Design Group has permission to Represent our interest with the VCity of Oxford and act on our behalf for the variance hearing on 11/15/17 regarding the signage variance at our property located at 5720 College Corner Pike, Oxford OH 45056.

Thank you,

Signed: 

Brian Frazier, Senior Director, Walmart

Date

9/14/17



Internal Use Only:

Case No.

BZA-2017-14

Date Filed

10/4/17

Petition for Zoning Variance

Petitioner Information

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

Name * Sunday Bougher, SGA Design Group

Mailing Address * 1437 S Boulder, Suite 550

City, State & Zip Code * Tulsa, OK 74119

Telephone Number(s) * 918.587.8600 telephone 918.587.8601 fax

Email Address sundayb@sgadesigngroup.com

Owner Information

Name * Walmart Real Estate & Trust

Mailing Address * 2001 S E 10th Street

City, State & Zip Code * Bentonville, AR 72716

Telephone Number(s) * 479.277.4000

Email Address

Variance and Lot Information

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

We are respectfully requesting relief from Chapter 1151, Sign Regulation, Section 1151.05(c)(4) which limits the directional signage to no more than 2 square feet in area, no higher than 4 feet and does not permit the display of any commercial message.

1151.05(c)(4)(A)(B)

Location of Requested Variance * 5720 College Corner Pike

Name of Building Walmart #2275

Legal Description * attached

Zoning District * Commercial

Existing Use of Site * Retail

Total Acreage * 27.657

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.

The existing Walmart currently offers groceries, tire and lube service, pharmacy, on-line grocery pick up service. The store is open 24 hours a day, 7 days a week (with the exception of Christmas day). The On-Line Grocery Pick Up service is available between the hours of 8 a.m. to 8 p.m.. The operations and hours of operation will remain the same.

- 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.

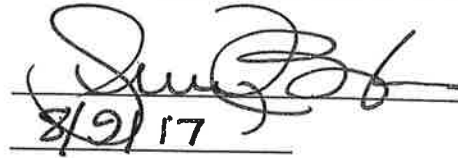
Fees & Receipt

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 *


8/9/17

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, 101 East High Street, 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>



August 9, 2017

City of Oxford
Board of Zoning Appeals
101 East High Street
Oxford, Ohio 45056

LETTER OF INTENT

RE: Walmart Neighborhood Market # 2275
5720 College Corner Pike
Oxford, OH

Honorable Members of the Board of Appeals,

In regards to the above referenced location, we respectfully request relief from City of Oxford Planning and Zoning Code, Section 1151.05(4)(c) (4) which limits directional signage to no more than 2 square feet in area, no higher than 4 feet in in height and does not permit the display of any commercial message.

We are requesting the following increase in signage:

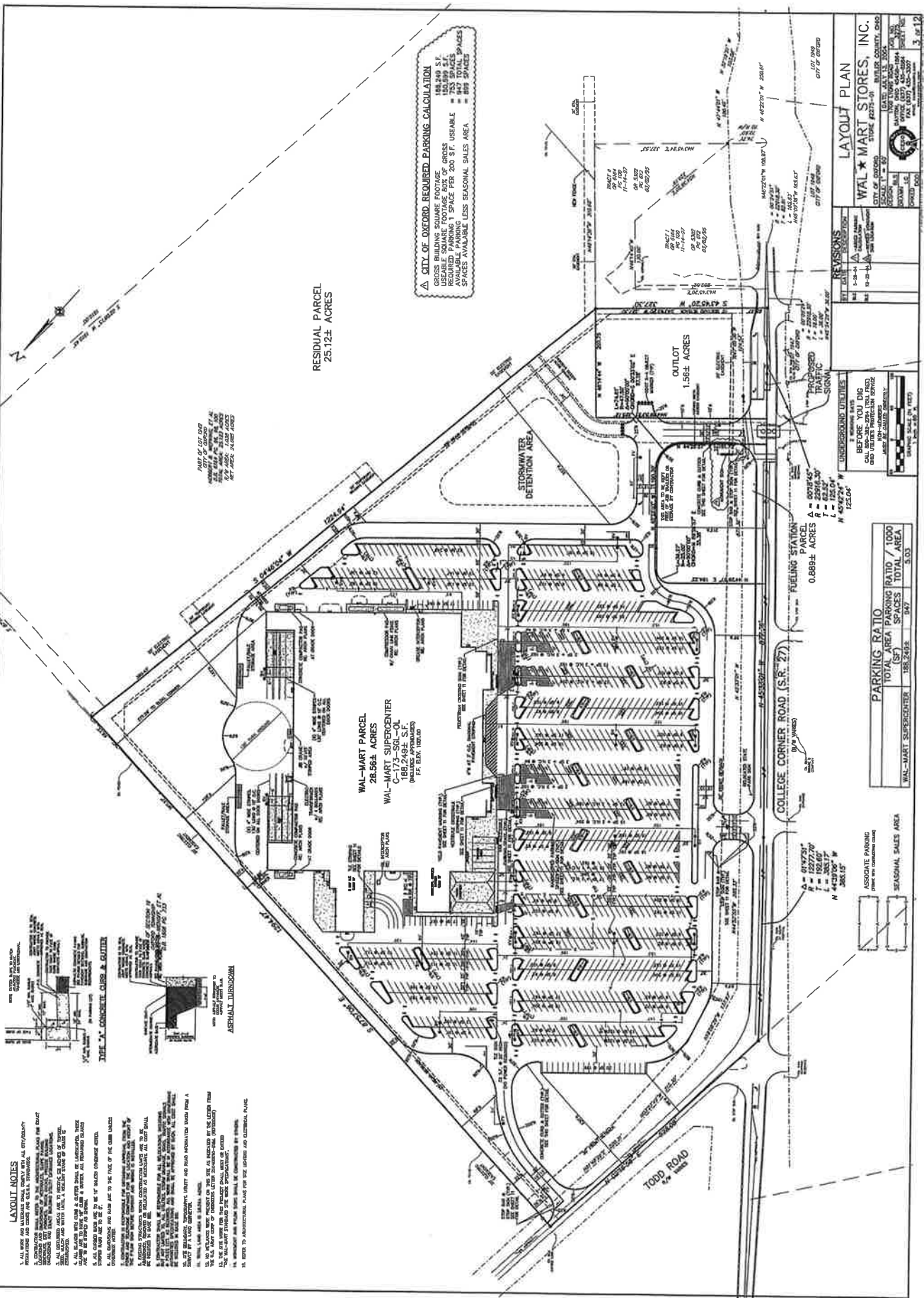
Directional Signage	5 signs additional	5.00 sf	not to exceed 8' in height
Parking Stall Signage	6 signs additional	47.28 sf	not to exceed 8' in height

The existing Walmart currently offers groceries, fueling center, and on line grocery pickup. The building of the site and structure is larger than the typical single user development and the layout of the site is one that is necessary to accommodate parking, access and site related issues.

The current ordinance is provided to limit the negative impacts on the community due to excessive signage and safety concerns. The intent behind the Zoning Code's sign regulation is, in part, to provide reasonable, yet appropriate conditions for identifying establishments in office, business and industrial districts by relating the size, the type and design of signs to the type and size of the office , business and industrial establishments. The desire to provide visual identification for the on-line grocery is reasonable and within the intended spirit and intent of Zoning Code. Granting a variance will in no way have a negative influence on public safety and welfare, but will allow for substantial justice from a proportional perspective.

Respectfully,

Sunday Bougher

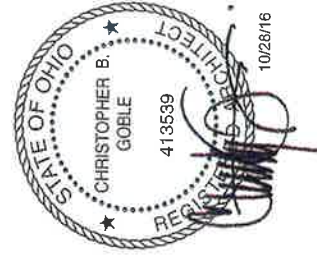


LAYOUT NOTES

- ALL WORK AND MATERIALS SHALL BE SUBJECT TO THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.
- ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OHIO'S SPECIFICATIONS FOR PUBLIC WORKS.

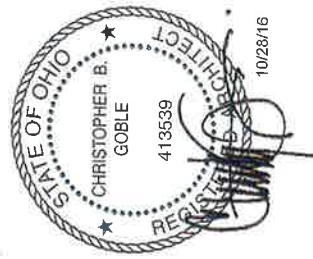
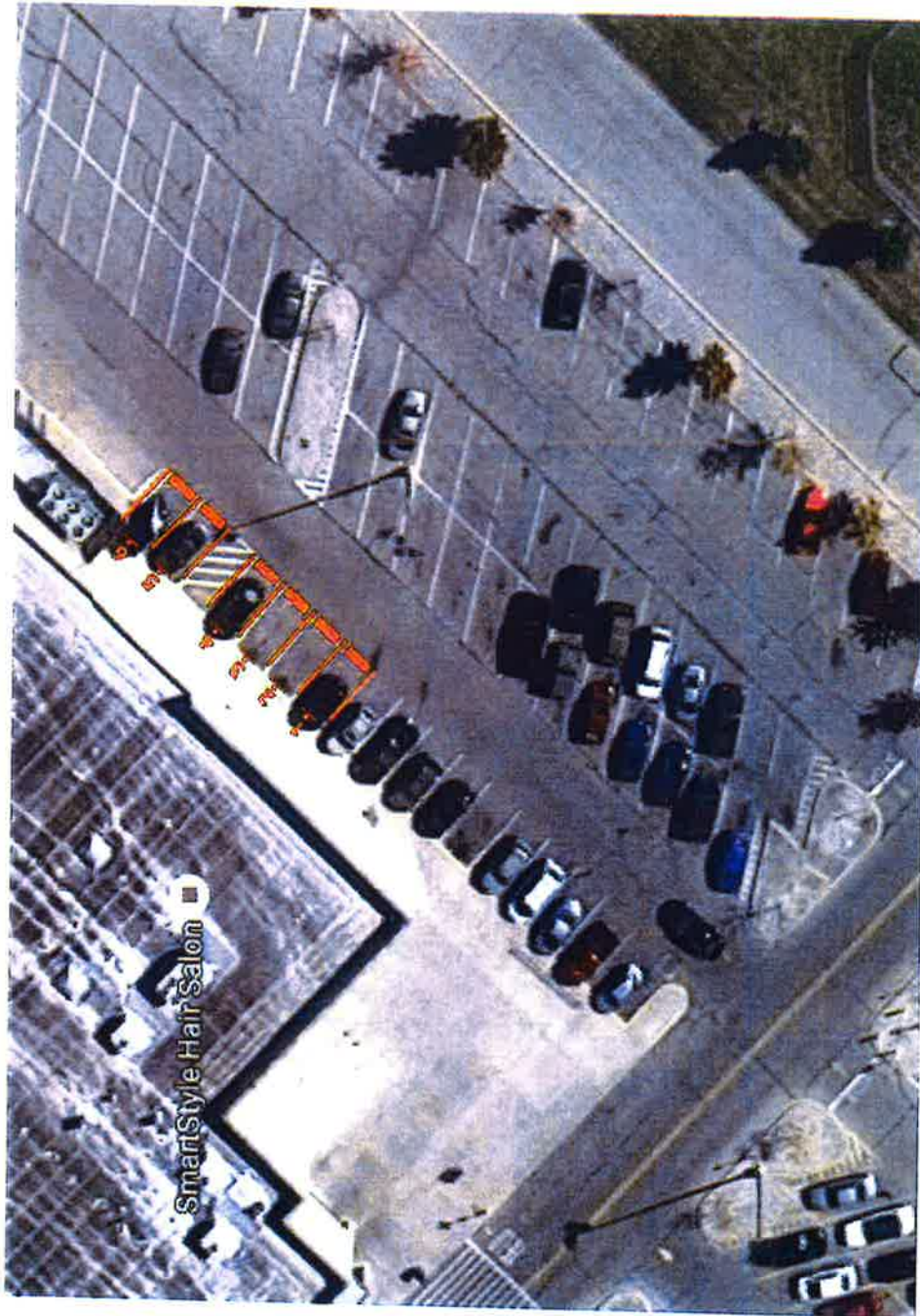
△ CITY OF OHIO REQUIRED PARKING CALCULATION

185,248 S.F.
REQUIRED SQUARE FOOTAGE BOX OF GROSS
REQUIRED PARKING SPACE PER 200 S.F. USABLE
= 753 SPACES
SPACES AVAILABLE LESS SEASONAL SALES AREA
= 847 SPACES



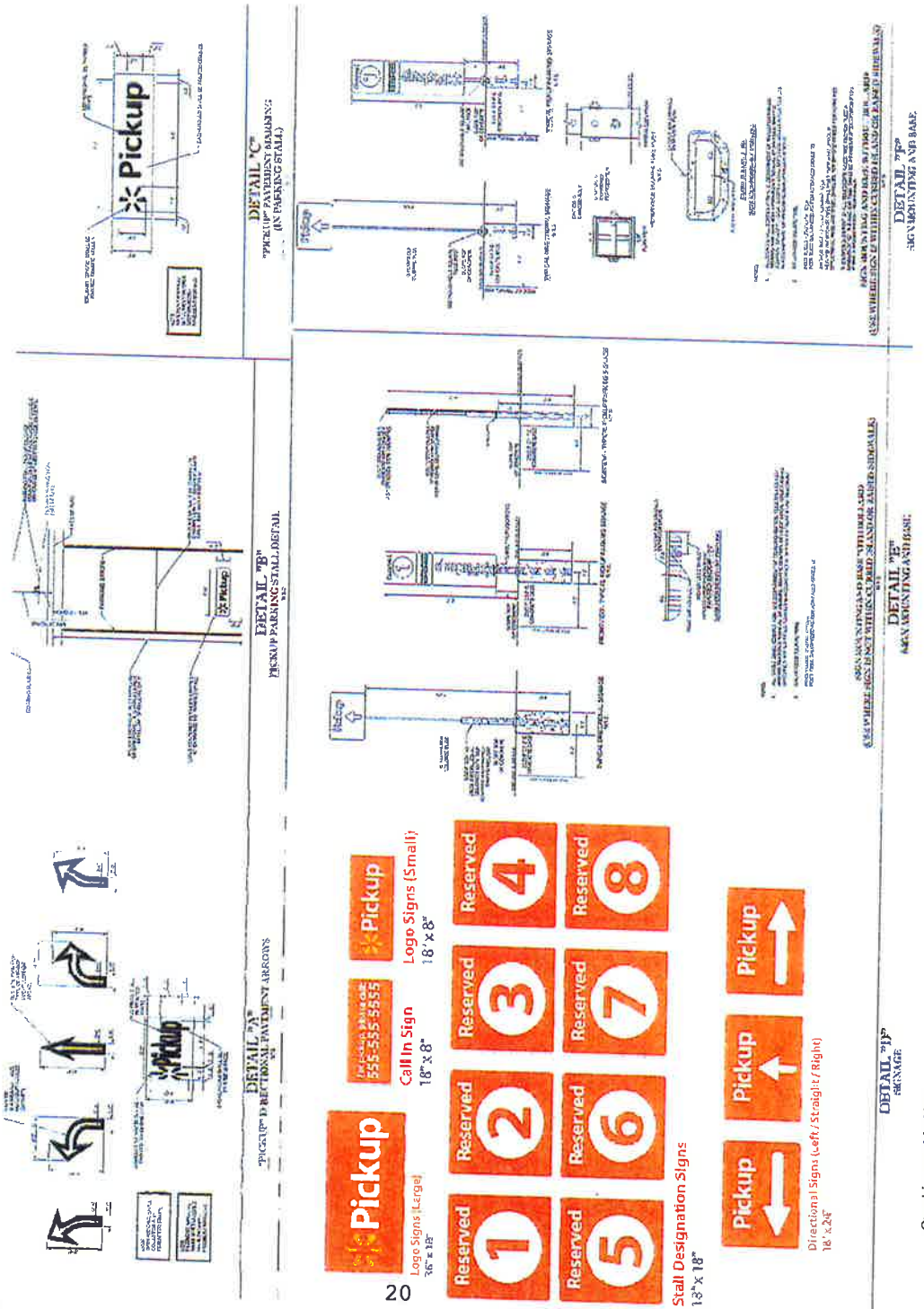
Graphic provided by:
Walmart Realty Construction

Christopher B. Goble, License #41359
Expiration Date 12/31/17



Christopher B. Goble, License #41359
Expiration Date 12/31/17

Graphic provided by:
Walmart Realty Construction



Logo Signs (Large)
16" x 18"

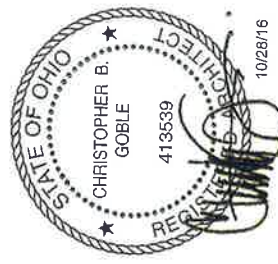
Logo Signs (Small)
18" x 8"

Call In Sign
18" x 8"

Reserved 1	Reserved 2	Reserved 3	Reserved 4
Reserved 5	Reserved 6	Reserved 7	Reserved 8

Small Designation Signs
13" x 18"

Directional Signs (Left / Straight / Right)
18" x 24"



Christopher B. Goble, License #41359
Expiration Date 12/31/17

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2017-15

Date – November 15, 2017

APPLICATION

Applicant:	Scott Webb / Architect
Location:	211 West Collins
Owner:	College Street Properties Inc. / Matt Rupel
Action Request:	Variance to Section 1149.04(a)(1) front yard parking quantity
Current Use:	Accessory Use / Garage
Zoning:	R1MS (Single Family Mile Square Residential)
Surrounding Land Uses:	Single, Two and Multi Family Residential, Fire Station

DESCRIPTION

Architect Scott Webb is requesting on behalf of College Street Properties a variance regarding the residential parking requirements. College Street Property's plan is to demolish the garage on this existing alley lot and build a new single family residence. No more than one required parking space is permitted in the front yard/setback. The proposal is to have two parking spaces within the 20 foot front yard/setback area.

BACKGROUND

As part of a series of several revisions to Oxford Zoning Codes in 2017, Ordinance 3430 was approved by City Council on September 19, 2017. This ordinance revised the Supplemental Chapter of Oxford Zoning Code, 1141, which removed the prohibition of the development of alley lots without the principal entrance being upon or 'facing' the street. Therefore the proposal could be presented to the City absent a variance request for relief from the principal entrance requirement. The only request of the BZA at this time is the location of the required parking spaces. Oxford Zoning



Code Section 1149.04(a) lists four location requirements for residential property development (single, two and three-family). The proposal is to re-use the existing driveway access to the garage for the new building to be built on this alley lot. There is an existing retaining wall and two parking spaces. Section 1149.04(a)(1) limits the number of parking spaces in the required front yard to one (1). The proposal is to retain both spaces. This is not permitted without a variance from the BZA because of Section 1149.02(a) which requires that "any change to a use or structure or site shall meet the current parking and site access regulations." Two parking spaces are required to be located on-site by Section 1149.03(i), therefore the owner seeks relief from the front yard location restriction.

As has been raised on other cases involving alley lots, staff findings are that there is not a housing agreement connecting this alley lot to the front street lot.

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

No records found.

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 (separately for each variance) from Mr. Webb. The staff's review of the criteria is included below.

Regarding Criterion A, Whether or not there **can be a reasonable return or whether there can be any beneficial use of the property without the variance**: The property is currently developed with a garage that has existed for many years, indicating that there is beneficial use.

Regarding criterion B, Staff believes that the variance is **not substantial** due to the number of parking space increase being one (1).

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: An alley lot in a developed area, is not particularly visible from the public right of way and surrounding neighborhood. Therefore, the re-development of an alley lot has a more limited impact on the character of the neighborhood than a street lot.

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

Regarding criterion E, **property owner awareness of the zoning restriction** prior to the purchase of the property: Staff findings are that this zoning restriction was in existence many years prior to the purchase of the property. As an experienced owner, it would be the responsibility of the owner to research codes and vet options for development. On May 22, 2017 a permit application was submitted by the same owner and

same applicant for a rear addition to the house on the front street lot. After receiving review comments from the City, the applicant evidently chose not to proceed and instead wait until zoning ordinances were revised and submit a plan for a new, separate building on the alley lot.

Regarding criterion F, the **owner's predicament** appears to be that the City of Oxford guarantees that this alley lot can be developed, therefore any variances regarding parking should be granted to facilitate that guarantee. **No other method except a variance** has been articulated by the applicant. It is not the responsibility of the BZA to design options that are feasible, however there may be options feasible.

Regarding criterion G, whether **the spirit and intent behind the zoning requirements would be observed and substantial justice done** by granting the variance: Staff's belief is that the limit on number of parking stalls in the front yard setback was intended to apply to lots that front on a public street. However, since the development of alley lots has intensified in recent years, as well as the principal entrance requirement lifted in 2017, this restriction has not been revised to specifically address alley lots. Staff's belief is that the original intent was to reduce the prominence of vehicles in neighborhood corridors, under the premise that "people live in neighborhoods, not cars."

Regarding criterion H, whether there are any **other relevant factors**, Staff believes that the 2017 Zoning Study sought to find ways to remove restrictions and limitations that prevent housing development in the eastern half of the Mile Square. The study resulted in the passage of ten ordinances which revised the map and the text. The principal entrance restriction was one of those limits which was removed; although it was not specific to address the location within the Mile Square, any connection to the street lot, or any existing buildings on the alley lot to be developed.

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.

Although the Community Development Department acts as the addressing authority, there is no specific city ordinance regarding street addressing, therefore staff recommends that if the variance is granted, that a condition be added that the applicant be required to obtain a new and distinct street address prior to building permit submittal, in order to differentiate the alley lot house from the street lot house.



SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

✓

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/17/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-15, 211 W. Collins Street, variance to Section 1141.03(b) principal entrance upon a street bordering such lot, and Section 1149.04(a)(1) one parking space in a required front yard, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 11/6/2017 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 Dethmager
PRINT NAME

Date: 10-20-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/17/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-15, 211 W. Collins Street, variance to Section 1141.03(b) principal entrance upon a street bordering such lot, and Section 1149.04(a)(1) one parking space in a required front yard, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 11/6/2017 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: 11/2/17

Scott Otto

PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/17/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-15, 211 W. Collins Street, variance to Section 1141.03(b) principal entrance upon a street bordering such lot, and Section 1149.04(a)(1) one parking space in a required front yard, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 11/6/2017 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: 11/2/17

Chief John A. Jones

PRINT NAME



BZA-2017-15 **Surrounding** **Property Owners** **Map**

Legend

 Subject Parcels

 200 Ft. Buffer

 Oxford Corporation Limit

 Parcel

 Vacated Right-of-Way

 Building Footprint

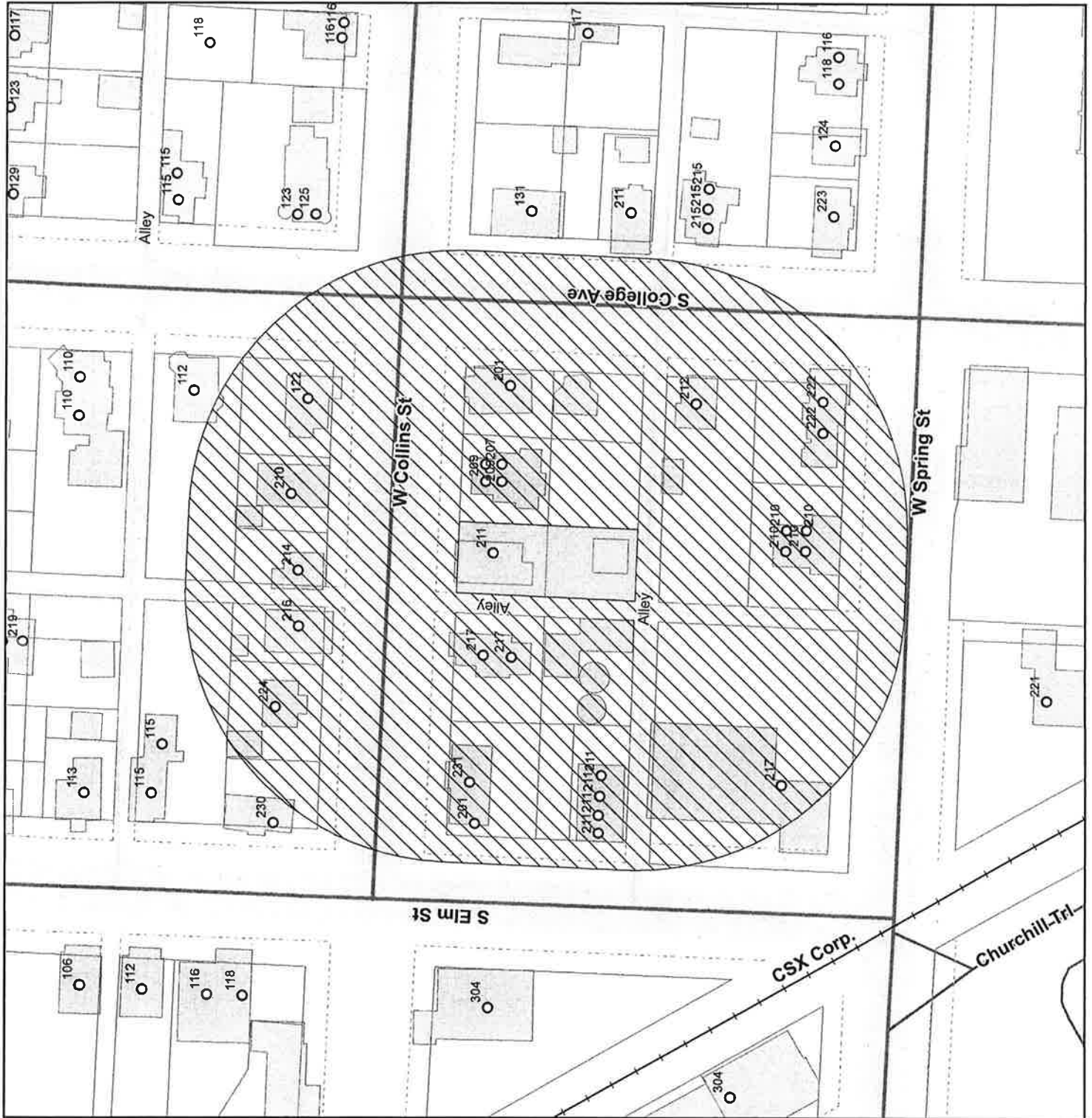
 Paved Roadway



1 inch = 100 feet

Prepared on Tuesday, October 31, 2017

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.



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 a new single family structure on lot #104 at 211 West Collins Street.

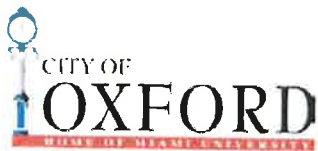
Thank you,

Signed:

Matt Rupel

College Street Properties Inc.

10/15/17
Date:



Internal Use Only:	BZA-2017-15
Case No.	
Date Filed	10/16/17

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 * College Street Properties Inc.
Mailing Address * 316 South College Avenue
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number(s) * 256-4965
Email Address collegesreetproperties@gmail.com

Variance and Lot Information

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

1141.03(b) Entrance facing a Street

1149.04(a)(1) Number of Parking space in Front Yard

Location of Requested Variance * lot #14 (behind 211 West Collins Street)
Name of Building
Legal Description *
Zoning District * R2MS Total Acreage * .076
Existing Use of Site * Unused Garage

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.

The proposal at hand is to construct a new single family residence on a parcel meeting the requirements of

1137.05(a), guaranteeing the ability to construct a single family residence

- 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 *

10/16/2017

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, 101 East High Street, 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



**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 Principal Entrance on a Street
& Off-Street Parking in Front Yard
New Single Family Residence
211 West Collins Street (Alley Access)

October 16, 2017

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the requirement for a principal entrance upon a street in the R2MS District and the location of the required off-street parking relating to the construction of a new single family residence.

1141.03(b) requires "Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall its principal entrance upon a street bordering such lot. For the purpose of this provision, an alley is not considered a street"

The lot in question is in fact a lot of record, and exceeds the minimum 3,000 s.f. lot size allowed by 1137.05(a), guaranteeing the ability to construct a single family residence. The application presented herein is for a single family residence only.

The lot in question also exceeds the minimum lot width of 50', and all other requirements & restrictions of the Zoning District are met.

1149.04(a)(1) Limits parking in the required front yard to 1 required parking space.

The lot in question is very small, and based on its location at the intersection of two alleys is effectively a corner lot, requiring (2) front yards and (2) 7'-6" side yards.

The proposal at hand is for the existing parking area and retaining wall remain with both of the required parking spaces in the western front yard. Doing so still allows the site to meet the lot coverage restrictions of front yards.

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 is vacant, and not currently income producing. Since the property meets the guarantees provided in Section 1137.05(a) for a single family residence, to deny the variances would be to prohibit development of a vacant property.

The parking location variance allows the existing driveway and retaining wall to remain, effectively maintaining the existing parking and accommodating the change in grade to the south.

b) Whether the variance is substantial;

The location of the lot on a public street is neither substantial, or not, and simply allows the owner to exercise his right to develop a vacant parcel.

The location of the parking variance is not substantial, as the parking location variance allows the existing driveway and retaining wall to remain, effectively maintaining the existing parking and accommodating the change in grade to the south. The proposed location is in conformance with the front yard lot coverage restrictions, meeting the intent of the code, and surrounded by parking on adjacent parcels.

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 detrimentally affected by the new dwelling. Most neighboring properties are existing rental houses, and the existing alley is currently cluttered with additions, garages and gravel parking. Development of this parcel is no different than the construction of a new structure on any vacant lot in the city.

The variance for the parking allows the existing parking to remain, with no change to the neighborhood.

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

All utilities are available at this location.

The location of the parking does not change the delivery of services.

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

The owner of the property was made aware that this site is a distinct and separate parcel by the Planning Department after the purchase of the house and property at 211 West Collins Street. The owner is aware of his right to develop this separate and distinct parcel.

The owner is also aware of the parking requirement, and is seeking relief for the location of the required parking based on the size of the lot, and the setback requirements.

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

The location of the lot of record is existing and cannot be accessed other than with this variance.

Rather ask for the existing parking area to remain, the owner could apply for a variance to reduce the provided parking.

To meet the parking requirement, with (2) front yards, it may be possible to design a structure with a smaller footprint, though doing so would result in a three-story structure, which would have a larger impact on the neighborhood.

- g) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;*

The zoning requirement that all lots to be on a street is intended to prohibit the creation of new isolated lots within the city. Substantial justice is achieved through section 1137.05(a) which guarantees a property owner the use and development of an existing lot of record such as this one.

The spirit and intent of the parking restriction is observed, providing limited lot coverage of the front yard. Substantial justice is achieved, as parking exists in similar locations on all adjacent properties.

- h) *Any other relevant factor;*

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging Infill development and redevelopment of underutilized sites as a priority, locating new residences where infrastructure is in place, and encouraging walkability access to public transit, open space, and the Uptown, and Stewart Square commercial districts

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 'Scott Webb', written in a cursive style.

Scott Webb, Architect

LOT COVERAGE (R2M6 ZONING DISTRICT)	
OVERALL LOT AREA:	3,335 SF
BUILDINGS:	876 SF
DRIVEWAY PARKING (OFF ALLEY):	349 SF
SIDEWALKS:	221 SF
TOTAL:	1,446 SF

ACTUAL LOT COVERAGE: 1,449 SF / 3,335 SF = 43.3%
 ALLOW. LOT COVERAGE: R2M6 = 45%

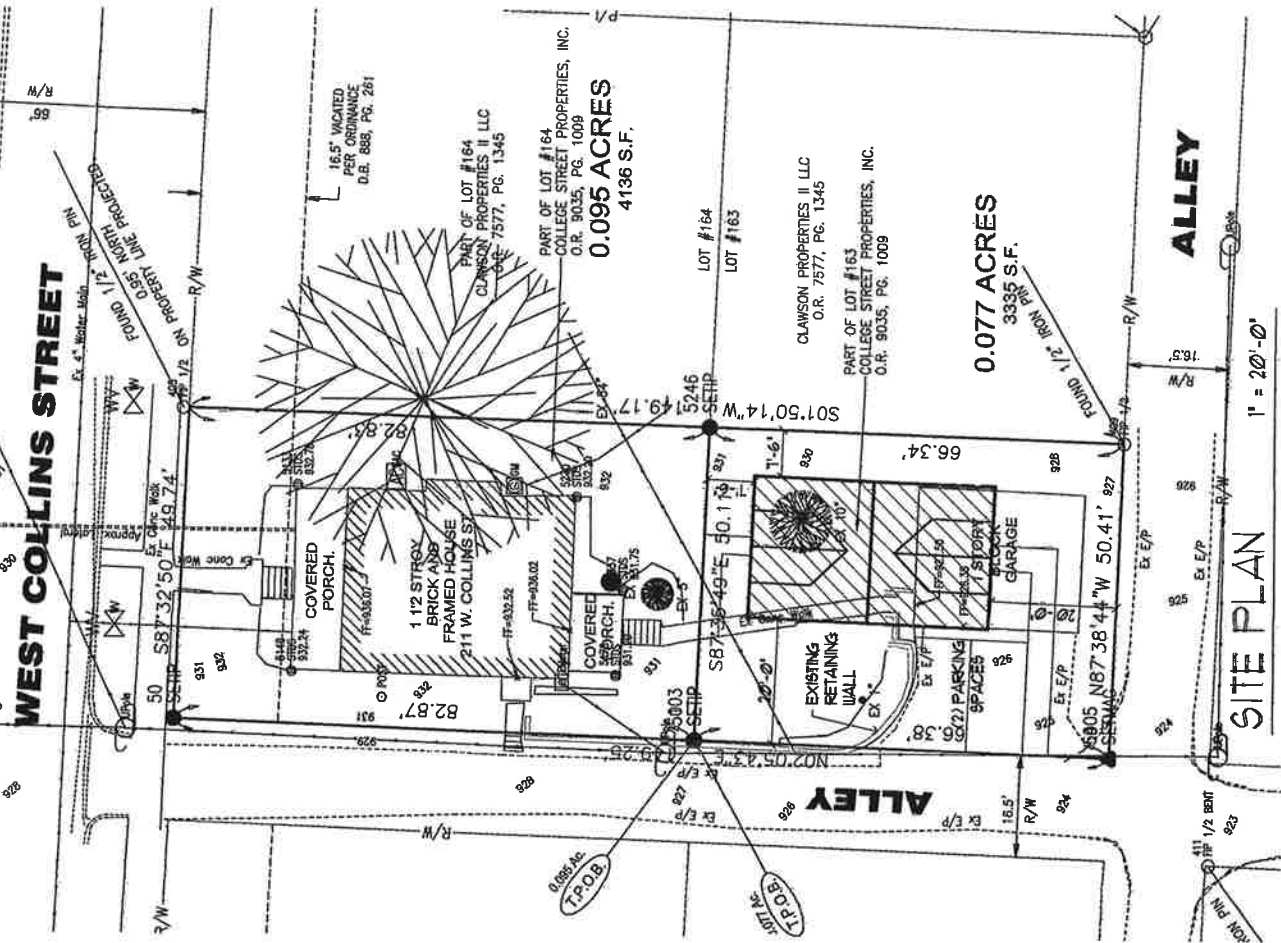
ACTUAL FRONT YARD: 50' SF / 1935 SF = 26.2%
 ALLOW. FRONT YARD (NO ACCESS FROM:
 (NO ACCESS FROM A PUBLIC STREET): R2M6 = 5%
 (ACCESS FROM A PUBLIC STREET): R2M6 = 30%

PARKING

(2) SPACES REQUIRED - (2) PROVIDED

REQUIRED VARIANCES

1) PRINCIPAL ENTRANCE UPON A STREET
 1) MAXIMUM OF (1) PARKING SPACE IN FRONT YARD



SITE PLAN
 1" = 20'-0"



SCOTT WEBB ARCHITECT
 103 West Walnut Street
 Oxford, Ohio 45056
 (513) 525-3838
 www.scottwebbarchitect.com

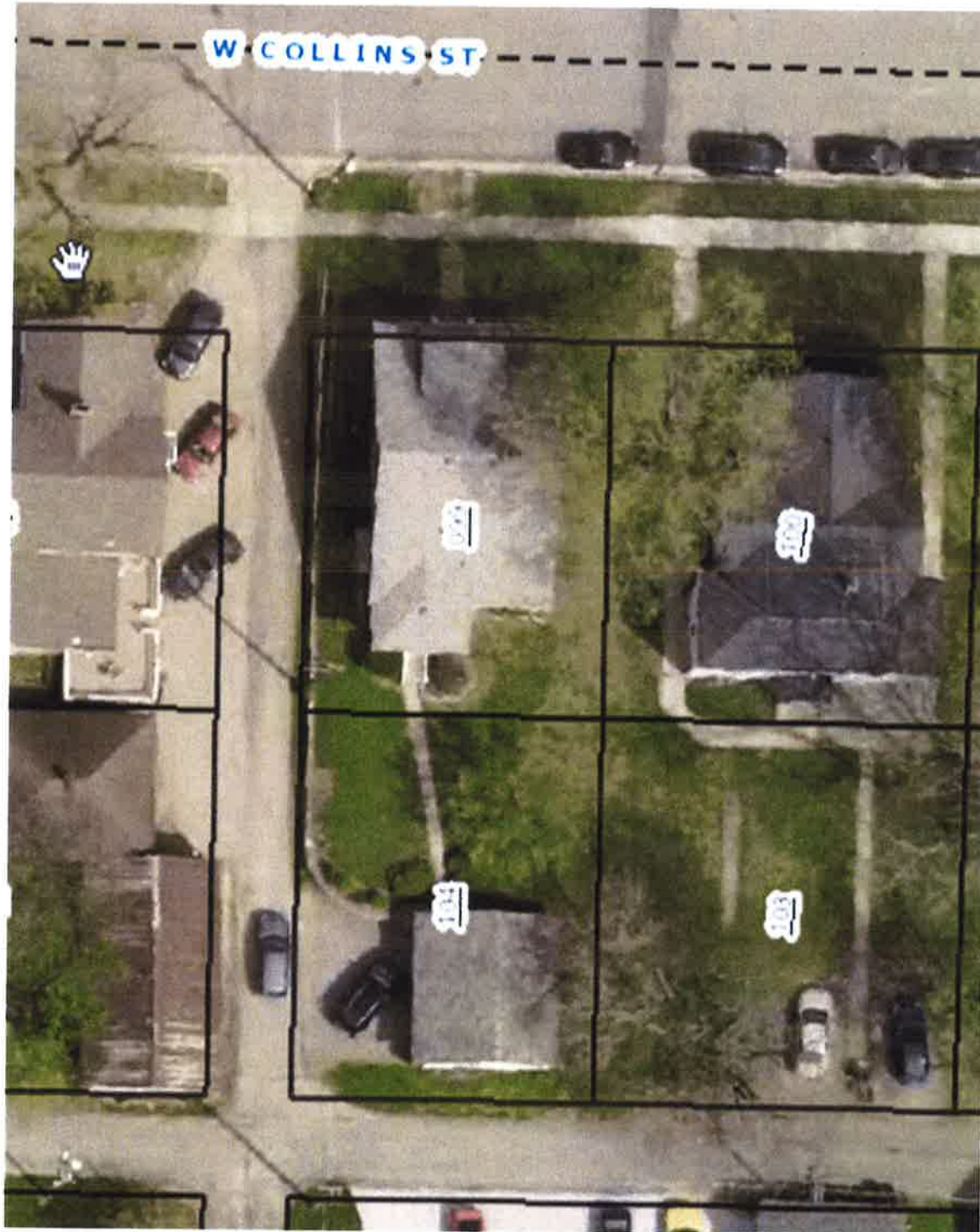
PROPOSED NEW RESIDENCE
 211 West Collins Street (Alley)
 OXFORD, OHIO 45056

DATE	October 9, 2017
REVISIONS	

A=1

211 West Collins Street (Alley Site)

Site Information & Pictures



Aerial View of Lots # 099 & 104 (Subject Property)



View from Alley Intersection showing rear of 211 West Collins (Lot #099) and Existing Garage to be removed from lot #104



Adjacent Property to West along Alley



Alley to Elm Street (West)



Fire Station Parking Lot to Southwest



Alley to South College Ave. (Looking East)



Alley to South College Ave. (Looking West toward Property)



Adjacent Rear Yard (207 West Collins)