

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-13-2008

Date – December 17, 2008

APPLICATION

Petitioner:	Ned Hoelzer/Park Place Management
Location:	25 W. Spring St.
Owner:	Hoelzer/Hoelzer Rentals, Inc.
Action Request:	Variances to Section 1149.03(a), Section 1149.04(b)(6), to allow gravel parking.
Current Use:	Single-family House
Zoning:	R2MS Single- and Two-Family Mile Square Residential
Surrounding Land Uses:	Residential

DESCRIPTION

The property is located on the south side of Spring St, between Main St and College Ave. The Applicant demolished an existing garage this summer without a valid permit. Staff sent warning and the notice of violation to the applicant concerning the demolition of the garage created many nonconformity issues that require approval from the Board.

There is an existing gravel driveway and a large area of gravel. Staff can not determine when the gravel driveway or gravel parking area was put in place. The issue the Board needs to decide is whether the applicant can be allowed to have gravel parking space at where the garage used to be.

It needs to be pointed out that the garage provided the only legal conforming parking spaces for this property prior to it being demolished.

VARIANCES REQUESTED

Section 1149.03(a): All off-street parking and maneuvering areas shall be hard surfaced, loose materials are not permitted.

- The gravel driveway is not permitted and must be hard surfaced.

Section 1149.04(b)(6): Residential Access & Maneuvering states driveways shall be a maximum of 18 feet wide at the right-of-way line.

- According to the site plan the driveway is 50 feet wide at the right-of-way line (alley side).

COMMENT FORMS

No public comments have been received from surrounding property owners regarding this request.

AGENCY REVIEW

Requests for review were sent to Engineering, Police and Fire. Police and Fire have returned with no comments.

ANALYSIS

The garage was the only area of the site that provided legal conforming parking spaces. The removal of garage has created the issue of increasing nonconformity of the property, since all other parking arrangements do not provide hard surfaced parking, per Chapter 1137 Nonconformities.

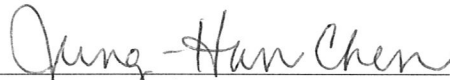
Upon review of the Applicant's narrative letter, staff does not feel that the variances for the gravel driveway satisfy Decision Standards "B", "C", "D", or "E".

RECOMMENDATION

Should the BZA recommend approval, Staff recommends the following conditions:

1. That, the area where the garage was must comply conform to the applicable Zoning Ordinance, and other City's regulations.
2. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.

SUBMITTED BY:


Jung-Han Chen, AICP,
Community Development Director

DATE: December 4, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/19/2008

To: (Fire Department) Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-13-2008

ADDRESS: 25 W. Spring St.

Description:

BZA-13-2008

25 W. Spring Street, Variance to Section 1149.03 (a) off street parking shall be hard surfaced, and Section 1149.04 (b)(6) driveway width, **Ned Hoelzer, Applicant**

☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/8/08 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:



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/19/2008

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_____X___ Review _____ Revisions _____ Other

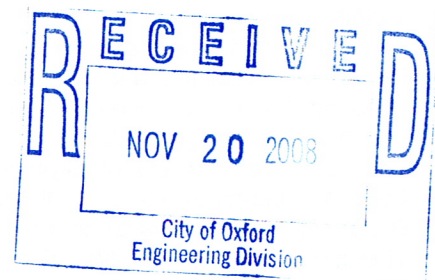
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Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

A. Popescu 11-20-08





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # BZA-13-2008
25 W. Spring Street

DATE: November 20, 2008

- As per 1149.04 (b) (6) "Driveways shall be a maximum of 18 feet wide at the right-of-way line."
- As per 1149.03 (a) "All off-street parking ... areas shall be hard surfaced..."

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/19/2008

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☒ Review

☐ Revisions

☐ Other

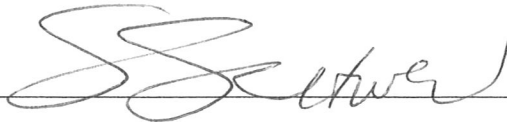
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without/comments

Drawings reviewed by: _____



City of Oxford
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ADDRESS: 25 W. Spring St.

Description:

BZA-13-2008 **25 W. Spring Street**, Variance to Section 1149.03 (a) off street parking shall be hard surfaced, and Section 1149.04 (b)(6) driveway width, **Ned Hoelzer, Applicant**

_____X___ Review _____ Revisions _____ Other

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Please return no later than: 12/8/08 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:  _____

NOTICE OF VIOLATION – ORDER TO COMPLY

September 3, 2008

Hoelzer / Hoelzer Rentals, Inc.
3088 Oxford Millville Road
Oxford, Ohio 45056

Park Place Management
12 W. Park Place
Oxford, Ohio 45056

Re: 25 W. Spring Street – Demolition of detached garage and driveway expansion without proper permits.

To Whom It May Concern:

Please be advised that on September 3, 2008 the following violations of City of Oxford Zoning Code are continuing at 25 W. Spring Street;

- **Section 1129.01:** No building, or other structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land use be established or changed in use without certificates therefore issued by the Zoning Administrator.
- **Section 1129.03(e):** Authority to proceed with Construction. No excavation or construction shall commence unless the plans, specifications, and the intended use conform to the provisions of the zoning code and the zoning certificate has been obtained. (Ord. 2947. Passed 3-6-07.)
- **Section 1129.05:** Failure to obtain a zoning compliance permit or certificate of occupancy shall be a violation of this Ordinance. (Ord. 2947. Passed 3-6-07.)
- **Section 1149.03(a):** All off-street parking and maneuvering areas shall be hard surfaced. Loose materials are not permitted.
- **Section 1149.04(b)(6):** Driveways shall be a maximum of 18 feet wide at the right-of-way line.

On August 20, 2008 you signed a certified mail receipt confirming you received an official "Warning of Zoning Violation". As stated in that July letter, you had 7 days to apply for the proper permits.

To date no applications have been filed. This letter serves as a second notice; an official "Notice of Violation-Order to Comply". **All proper applications shall be applied for within 7 days upon receipt of this notice.** Once the appropriate application(s) is received, additional regulations of the Planning and Zoning Code may apply to determine that the driveway is in compliance with all other code regulations. The Zoning Code and the appropriate permitting process should be carefully followed to avoid violations in the future.

Sincerely,

Kathryn A. Dale, AICP
City Planner

WARNING OF ZONING VIOLATION

August 19, 2008

Hoelzer / Hoelzer Rentals, Inc.
3088 Oxford Millville Road
Oxford, Ohio 45056

Park Place Management
12 W. Park Place
Oxford, Ohio 45056

Re: 25 W. Spring Street – Demolition of detached garage and driveway expansion without proper permits.

To Whom It May Concern:

It has come to the attention of the City of Oxford's Community Development Department (CDD) that a zoning violation is occurring at 25 W. Spring Street, which is located in the "R2MS" Single & Two-Family Mile Square Residential Zoning District. On August 18, 2008, CDD observed that a detached garage has been demolished and a gravel driveway has been installed without the appropriate permits in violation of the following sections of the City of Oxford Zoning Code:

- **Section 1129.01:** No building, or other structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land use be established or changed in use without certificates therefore issued by the Zoning Administrator.
- **Section 1129.03(e):** Authority to proceed with Construction. No excavation or construction shall commence unless the plans, specifications, and the intended use conform to the provisions of the zoning code and the zoning certificate has been obtained. (Ord. 2947. Passed 3-6-07.)
- **Section 1129.05:** Failure to obtain a zoning compliance permit or certificate of occupancy shall be a violation of this Ordinance. (Ord. 2947. Passed 3-6-07.)
- **Section 1149.03(a):** All off-street parking and maneuvering areas shall be hard surfaced. Loose materials are not permitted.
- **Section 1149.04(b)(6):** Driveways shall be a maximum of 18 feet wide at the right-of-way line.

Proper permits or BZA application shall be applied for within 7 days upon receipt of this notice. Once a zoning application is received, additional regulations of the Planning and Zoning Code may apply to determine that the driveway is in compliance with all code

regulations. The Zoning Code and the appropriate permitting process should be carefully followed to avoid violations in the future. Additionally, please contact Becky Kolb at 524-5209 with the Building Department & Inspections for information regarding the demolition of the detached garage.

Thank you in advance for your timely response to this matter.

Sincerely,

Kathryn A. Dale, AICP
City Planner

Cc: Jung-Han Chen, CDD Director

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner:

Ned C. Hoelzer / Park Place Management
(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address:

3088 Oxford-Millville Oxford Ohio 45056

Telephone Number(s):

523-8217

Name of Property Owner:

Ned C. Hoelzer

Mailing Address:

3088 Oxford-Millville Rd. Oxford OH 45056

Telephone Number(s):

523-8217

Requested Variance:

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

Section 1149.03^a - drive already graveled only fill in
forexisting garage
Section 1149.04^b

Location of Requested Variance:

25 W. Spring- rear
garage

Legal Description:

Zoning District:

Total Acreage:

Acres

Existing Use of Site:

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.*

demolition of structurally damaged garage.
Will not rebuild but needed to fill in hole where
garage was for safety.

REQUIRED INFORMATION

Eight complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant is encouraged to contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

(1) **SITE PLAN** – A scaled site plan shall include the following information in detail and must be prepared by an Ohio licensed surveyor. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

- a) North arrow
- b) Scale
- c) Vicinity map
- d) All existing and proposed lot lines within the site
- e) Dimensions of all lots and of the entire site and any adjacent rights-of-way
- f) Location, height, and use of all proposed and existing structures
- g) Location and design of all proposed vehicle management areas
- h) Location, size, and type of all proposed signs
- i) Location, height, and type of all proposed screening and landscaping
- j) Distances to residential zoning districts if within 1,000 feet
- k) The use of land and location of structures on adjacent property and across adjacent rights-of-way
- l) An indication of the regulation from which the variance is requested
- m) Other information as required by the Board of Zoning Appeals.

(2) ELEVATIONS – Elevations of proposed structure, or typical elevations if structures are not yet designed, may be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.

(3) OTHER – Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.

(4) On a separate sheet, provide the names and mailing addresses of all property owners within 200 feet of all boundaries of the property in question, provide parcel numbers as well. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

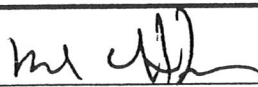
(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant a variance. A separate response is required for each subsection.

- a) *The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and*
- b) *Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and*
- c) *The conditions upon which the application is based are not the result of actions of the applicant; and*
- d) *The variance would not confer a special privilege to the applicant but would relieve a hardship; and*
- e) *The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and*
- f) *The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and*
- g) *The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.*

Submit this application with required attachments and a **\$150.00 filing fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 35 days prior to the proposed Board of Zoning Appeals meeting at which the action is requested.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT:  Date: 9/14/08

PRINTED NAME OF APPLICANT: Ned C. Haelzer

FEE / RECEIPT
\$150 Fee Paid / Receipt Number: 14277

BZA app-- 25 W. Spring

November 17, 2008

Board of Zoning Appeals
City of Oxford

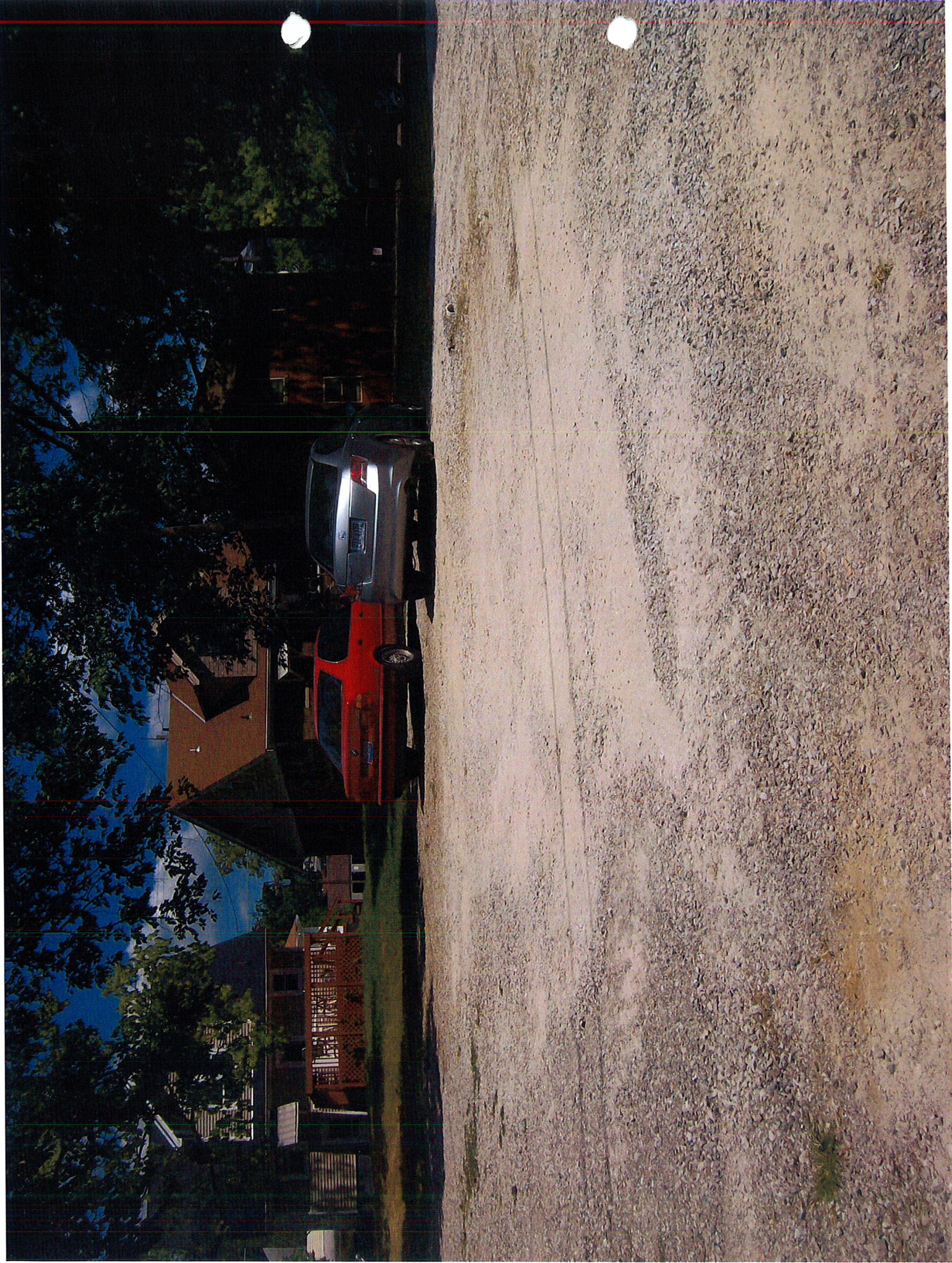
Re; Application for variance narrative statement
25 W. Spring St

Non-conformity in question; Driveway width exceeds the 18' maximum at the right-of-way line
Section 1149.04(b)6 Oxford Zoning Code

- a) No change in use is requested for this application
- b) The increase in width was due to the demolition of an old, dilapidated garage. That area was filled with gravel however the driveway serving the garage remains resulting in the increase in driveway width. The garage was accessed from the alley and the right-of-way line of Spring St is not involved.
- c) The driveway serving the garage was existing.
- d) The variance would not confer a special privilege to the applicant as Zoning Code requires fill to be placed in the area. Area was filled with gravel.
- e) The literal interpretation of the Zoning Code is for 18' Maximum width at the right-of-way line. The subject area is off the alley, not the right-of-way.
- f) Parking access for the property is from the alley and there will be no increase in parking area nor access.
- g) This entire area is comprised mostly of rental property. The variance will not be detrimental to public health, safety or general welfare. The general intent of the Zoning Code will be maintained as the 18' wide maximum was probably to ensure a minimum amount of curb cut at the right-of-way line.









City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-14-2008

Date – December 17, 2008

APPLICATION

Petitioner:	Ned Hoelzer/Park Place Management
Location:	129 W. Walnut St.
Owner:	Hoelzer/Hoelzer Rentals, Inc.
Action Request:	Variances to Section 1149.03(a), Section 1149.04(b)(6), to allow gravel parking.
Current Use:	Single-family House (Lodge House)
Zoning:	RO, Office Residential
Surrounding Land Uses:	Residential

DESCRIPTION

The property is located at the southwest corner of Walnut St. and College Ave. The Applicant demolished an existing garage this summer without a valid permit. Staff sent a warning and notice of violation to the Applicant concerning the demolition of the garage created many nonconformity issues requiring approval from the Board.

The parking access for this property is accessed through an east-west alley. Staff cannot determine when the gravel parking area was added to the site. The issue the Board needs to decide on is whether the Applicant can be allowed to have gravel parking spaces where the garage used to be. The existing concrete pad is not considered a parking space due to its insufficient size.

It needs to be pointed out that the garage provided the only legal conforming parking spaces for this property prior to it being demolished.

VARIANCES REQUESTED

Section 1149.03(a): All off-street parking and maneuvering areas shall be hard surfaced, loose materials are not permitted.

- The gravel driveway is not permitted and must be hard surfaced.

Section 1149.04(b)(6): Residential Access & Maneuvering states driveways shall be a maximum of 18 feet wide at the right-of-way line.

- According to the site plan the driveway is 50 feet wide at the right-of-way line (alley side).

COMMENT FORMS

No public comments have been received from surrounding property owners regarding this request.

AGENCY REVIEW

Requests for review were sent to Engineering, Police and Fire. Police and Fire have returned with no comments.

ANALYSIS

The garage was the only area of the site that provided legal conforming parking spaces. The removal of the garage has created the issue of increasing the nonconformity of the property, since all other parking arrangements do not provide hard surfaced parking, per Chapter 1137 Nonconformities. Additionally, the gravel parking space on the vacated right-of-way portion is not legal, because Ordinance 103 prohibits the use of the vacated right-of-way to be only for municipally controlled parking space, sidewalk or landscape.

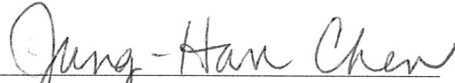
Upon review of the Applicant's narrative letter, staff does not feel that the variances for the gravel driveway satisfy Decision Standards "B", "C", "D", or "E".

RECOMMENDATION

Should the BZA recommend approval, Staff recommends the following conditions:

1. That, the area where the garage was must conform to the applicable Zoning Ordinance, and other City regulations.
2. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.

SUBMITTED BY:


Jung-Han Chen, AICP,
Community Development Director

DATE: December 4, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/19/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-14-2008

ADDRESS: 129 W. Walnut

Description:

BZA-14-2008

129 W. Walnut, Variance to Section 1149.03 (a) off street parking shall be hard surfaced and Section 1149.04 (b)(6) driveway width at right-of-way, **Ned Hoelzer, Applicant**

☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/8/08 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:



City of Oxford
Inter-Office Review Transmittal Sheet

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☒ X Review

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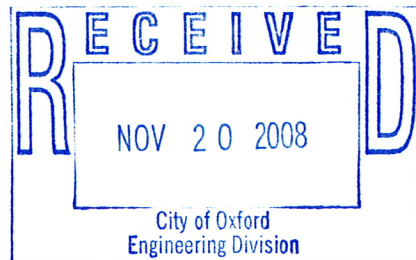
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.....
Drawings are returned: w/comments without/comments

Drawings reviewed by:

A. P. P. 11-20-08





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # BZA-14-2008
129 W. Walnut Street

DATE: November 20, 2008

- As per 1149.04 (b) (6) "Driveways shall be a maximum of 18 feet wide at the right-of-way line."
- As per 1149.03 (a) "All off-street parking ... areas shall be hard surfaced..."

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Drawings are returned:

w/comments

without/comments

Drawings reviewed by: SEWEN

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Inter-Office Review Transmittal Sheet

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To: Fire Department Engineering Division Police Department Economic Development

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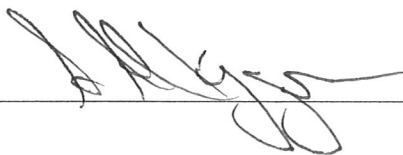
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Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



NOTICE OF VIOLATION – ORDER TO COMPLY

September 3, 2008

Hoelzer / Hoelzer Rentals, Inc.
3088 Oxford Millville Road
Oxford, Ohio 45056

Park Place Management
12 W. Park Place
Oxford, Ohio 45056

Re: 129 W. Walnut Street – Demolition of detached garage and driveway expansion without proper permits.

To Whom It May Concern:

Please be advised that on September 3, 2008 the following violations of City of Oxford Zoning Code are continuing at 129 W. Walnut Street;

- **Section 1129.01:** No building, or other structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land use be established or changed in use without certificates therefore issued by the Zoning Administrator.
- **Section 1129.03(e):** Authority to proceed with Construction. No excavation or construction shall commence unless the plans, specifications, and the intended use conform to the provisions of the zoning code and the zoning certificate has been obtained. (Ord. 2947. Passed 3-6-07.)
- **Section 1129.05:** Failure to obtain a zoning compliance permit or certificate of occupancy shall be a violation of this Ordinance. (Ord. 2947. Passed 3-6-07.)
- **Section 1149.03(a):** All off-street parking and maneuvering areas shall be hard surfaced. Loose materials are not permitted.
- **Section 1149.04(b)(6):** Driveways shall be a maximum of 18 feet wide at the right-of-way line.

On August 25, 2008 you signed a certified mail receipt confirming you received an official "Warning of Zoning Violation". As stated in that July letter, you had 7 days to apply for the proper permits.

To date no applications have been filed. This letter serves as a second notice; an official "Notice of Violation-Order to Comply". **All proper applications shall be applied for within 7 days upon receipt of this notice.** Once the appropriate application(s) is received, additional regulations of the Planning and Zoning Code may apply to determine that the driveway is in compliance with all other code regulations. The Zoning Code and the appropriate permitting process should be carefully followed to avoid violations in the future.

Sincerely,

Kathryn A. Dale, AICP
City Planner

ADMINISTRATIVE FINDING

August 21, 2008

Hoelzer / Hoelzer Rentals, Inc.
3088 Oxford Millville Road
Oxford, Ohio 45056

Park Place Management
12 W. Park Place
Oxford, Ohio 45056

**Re: Notice of Historic Preservation Administrator's Findings for
129 W. Walnut Street - Demolition of detached garage and driveway
expansion without proper HAPC Review.**

To Whom It May Concern:

It has come to the Historic & Architectural Preservation Commission's attention that you have demolished a detached garage at 129 W. Walnut Street without a Certificate of Appropriateness (COA) from the HAPC. While the Commission appreciates your desire to upgrade the property, it is important that you do so in compliance with the laws which govern the City of Oxford. Therefore, the Commission requests that **within 14 days from the date of this letter** you:

Submit an application for a Certificate of Appropriateness for the change in design and appearance at 129 W. Walnut Street.

Removal of a structure prior to the issuance of an approved Certificate of Appropriateness may be subject to a mitigation fee equal to fifty percent (50%) of the demolition cost and can be levied for each day after notification of said violation until said party files a plan for the re-use of the property and a performance bond with the Clerk of Council.

The purpose of the HAPC is, in part, to protect and preserve the basic characteristics and salient architectural details of structures. Their responsibility is to "recommend the designation of historic sites and review all plans for the construction, alteration, repairs, moving or demolition of historic sites and properties in a historic district, and it shall have the sole power to issue a Certificate of Appropriateness (Section 1331.04-(b))."

The Commission thanks you in advance for your attention to this matter. Should you have any questions please contact me at your earliest convenience at (513) 524-5204.

Sincerely,

Kathryn A. Dale
City Planner

Cc:	File
Enclosures (2):	Sketch Review & Certificate of Appropriateness Application Photographs

WARNING OF ZONING VIOLATION

August 19, 2008

Hoelzer / Hoelzer Rentals, Inc.
3088 Oxford Millville Road
Oxford, Ohio 45056

Park Place Management
12 W. Park Place
Oxford, Ohio 45056

Re: 129 W. Walnut Street – Demolition of detached garage and driveway expansion without proper permits.

To Whom It May Concern:

It has come to the attention of the City of Oxford's Community Development Department (CDD) that a zoning violation is occurring at 129 W. Walnut Street, which is located in the "RO" Office Residential Zoning District. On August 18, 2008, CDD observed that a detached garage has been demolished and a gravel driveway has been installed without the appropriate permits in violation of the following sections of the City of Oxford Zoning Code:

- **Section 1129.01:** No building, or other structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land use be established or changed in use without certificates therefore issued by the Zoning Administrator.
- **Section 1129.03(e):** Authority to proceed with Construction. No excavation or construction shall commence unless the plans, specifications, and the intended use conform to the provisions of the zoning code and the zoning certificate has been obtained. (Ord. 2947. Passed 3-6-07.)
- **Section 1129.05:** Failure to obtain a zoning compliance permit or certificate of occupancy shall be a violation of this Ordinance. (Ord. 2947. Passed 3-6-07.)
- **Section 1149.03(a):** All off-street parking and maneuvering areas shall be hard surfaced. Loose materials are not permitted.
- **Section 1149.04(b)(6):** Driveways shall be a maximum of 18 feet wide at the right-of-way line.

Proper permits or BZA application shall be applied for within 7 days upon receipt of this notice. Once a zoning application is received, additional regulations of the Planning and Zoning Code may apply to determine that the driveway is in compliance with all code

regulations. The Zoning Code and the appropriate permitting process should be carefully followed to avoid violations in the future. Additionally, please contact Becky Kolb at 524-5209 with the Building Department & Inspections for information regarding the demolition of the detached garage.

Thank you in advance for your timely response to this matter.

Sincerely,

Kathryn A. Dale, AICP
City Planner

Cc: Jung-Han Chen, CDD Director

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: Ned C. Hoelzer / Park Place Management
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 3088 Oxford-milville rd Oxford OH 45056
Telephone Number(s): 523-8217 | 523-2015
Name of Property Owner: Ned C. Hoelzer
Mailing Address: same
Telephone Number(s): _____
Requested Variance:
(Indicate nature of variance
and applicable section(s)
of the Zoning Code.) Section 1149.03-drive already graveled in. Only
filled in where dilapidated garage was removed.
Section 1149.04.
Location of Requested Variance: 129 W. Walnut - rear
Legal Description: garage
Zoning District: _____
Total Acreage: _____ Acres
Existing Use of Site: garage
Proposed Use: (if applicable) demolition of dilapidated garage
*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.*

REQUIRED INFORMATION

Eight complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant is encouraged to contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

(1) **SITE PLAN** – A scaled site plan shall include the following information in detail and must be prepared by an Ohio licensed surveyor. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

- a) North arrow
- b) Scale
- c) Vicinity map
- d) All existing and proposed lot lines within the site
- e) Dimensions of all lots and of the entire site and any adjacent rights-of-way
- f) Location, height, and use of all proposed and existing structures
- g) Location and design of all proposed vehicle management areas
- h) Location, size, and type of all proposed signs
- i) Location, height, and type of all proposed screening and landscaping
- j) Distances to residential zoning districts if within 1,000 feet
- k) The use of land and location of structures on adjacent property and across adjacent rights-of-way
- l) An indication of the regulation from which the variance is requested
- m) Other information as required by the Board of Zoning Appeals.

(2) ELEVATIONS – Elevations of proposed structure, or typical elevations if structures are not yet designed, may be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.

(3) OTHER – Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.

(4) On a separate sheet, provide the names and mailing addresses of all property owners within 200 feet of all boundaries of the property in question, provide parcel numbers as well. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

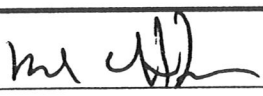
(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant a variance. A separate response is required for each subsection.

- a) *The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and*
- b) *Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and*
- c) *The conditions upon which the application is based are not the result of actions of the applicant; and*
- d) *The variance would not confer a special privilege to the applicant but would relieve a hardship; and*
- e) *The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and*
- f) *The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and*
- g) *The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.*

Submit this application with required attachments and a **\$150.00 filing fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 35 days prior to the proposed Board of Zoning Appeals meeting at which the action is requested.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT:  Date: 9/14/08

PRINTED NAME OF APPLICANT: Ned C. Haelzer

FEE / RECEIPT
\$150 Fee Paid / Receipt Number: 14277

BZA App -129 W. Walnut

November 17, 2008

Board of Zoning Appeals
City of Oxford

Re; Application for variance narrative statement
129 W. Walnut

Non-conformity in question; Driveway width exceeds the 18' maximum at the right-of-way line
Section 1149.04(b)6 Oxford Zoning Code

- a) No change in use is requested for this application
- b) The increase in width was due to the demolition of an old, dilapidated garage. That area was filled with gravel however the driveway serving the garage remains resulting in the increase in driveway width. The garage was accessed from the alley and the right-of-way line of Walnut St is not involved.
- c) The driveway serving the garage was existing.
- d) The variance would not confer a special privilege to the applicant as Zoning Code requires fill to be placed in the area. Area was filled with gravel.
- e) The literal interpretation of the Zoning Code is for 18' Maximum width at the right-of-way line. The subject area is off the alley, not the right-of-way.
- f) Parking access for the property is from the alley and there will be no increase in parking area nor access.
- g) This entire area is comprised mostly of rental property. The variance will not be detrimental to public health, safety or general welfare. The general intent of the Zoning Code will be maintained as the 18' wide maximum was probably to ensure a minimum amount of curb cut at the right-of-way line.





