

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, July 18, 2018

Call to Order

Those members present: Paul Brady, Roger Ames, Prue Dana, and Michael Schnipper.

Those members excused: Daniel Herron.

Staff members present: Sam Perry, and Stephen McHugh.

Staff members excused: Amy Blankenship.

Mr. Brady called the July 18, 2018 meeting to order.

At the start of the meeting, only Mr. Brady, Ms. Dana and Mr. Schnipper were present. Mr. Ames was not. Discussion took place on whether to move forward with BZA-2018-015 since only 3 BZA members were present. Mr. Perry shared with the Applicant the lack of BZA present and if he would like to table his hearing. The Applicant agreed doing so.

Mr. Schnipper made motion to table BZA-2018-15. Ms. Dana seconded the motion. All were in favor.

Approval of Minutes of the June 20, 2018 Regular Meeting

Ms. Dana made motion to approve the minutes as written. Mr. Schnipper seconded the motion. All were in favor.

New Business

Mr. Perry discussed conducting a BZA training session. Discussion followed. All agreed to schedule training at 5:30 p.m. before the August regular BZA meeting. Mr. Schnipper stated he may be late due to work load.

Mr. Perry announced there were two cases for August, including the July case.

Mr. Ames arrived at 6:37 p.m.

Adjudication Hearings

BZA-2018-15, 406 E. Withrow, variances to Section 1151.05(b) signage size and number of, Tommy Reed, Atlantic Signs, Appellant/Agent

The Applicant asked to move forward with his case.

Mr. Schnipper made motion to remove from Table BZA-2018-15. Ms. Dana seconded the motion. All were in favor.

Mr. Schnipper made motion to enter into adjudication hearing BZA-2018-15. Ms. Dana seconded the motion. All were in favor.

Mr. Perry was sworn in. Mr. Perry reviewed the variance request from Crossroads Outpost for additional signage. Mr. Perry described the existing signage. Mr. Perry stated the applicant was proposing two

additional signs; a 28 square foot wall sign and a 6 foot tall, 12 square foot ground sign. Mr. Perry stated they wished to maintain the hanging sign and add a wall sign. Mr. Perry noted this was a corner lot. Mr. Perry noted that at the time of the conditional use approval, the sign detail wasn't worked out and they were instructed they would need to follow the underlying zoning district requirement. This variance request is for an additional wall sign and monument sign; one sign is already installed. Mr. Perry stated that the ground sign had already been approved but not yet installed. Mr. Perry noted that the property was once a fraternity but has been converted to a nonprofit use. Mr. Perry stated the request is four times the permitted signage.

Mr. Perry reviewed the Decision Criteria:

1. Any beneficial use of the property without the variance - they have been able to demonstrate that beneficial use is possible without the signage.
2. Is the variance substantial - staff believes it is because all of the signage would be four times what is permitted.
3. Will the variance affect the essential character of the neighborhood - Mr. Perry stated wall signage was not uncommon with fraternities. Hanging signs are nearly non-existent or allowed in Oxford. As a whole the total signage planned would negatively alter the essential architectural character of the neighborhood. Additional signage would affect the character. The Use does provide a positive impact on the neighborhood, however designing the essential character is important.
4. The delivery of governmental services would not be affected by granting the variance.
5. The property owner's awareness of the zoning restriction, is yes, as it was made known at recent Planning Commission City and City Council meetings.
6. The owner's predicament was not demonstrated.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Mr. Perry stated he didn't think so with the additional signage.

Mr. Perry stated he didn't feel substantial evidence was present in granting the variance.

Mr. Schnipper inquired if there were any properties in same general area having similar signage. Mr. Perry responded no, there was no signage but fraternities with quite large signage.

Ms. Lisa Kuhn, Community Pastor, Crossroads was sworn in. Ms. Kuhn shared pictures of exterior updates. Ms. Kuhn stated that Crossroads served both the community and the students. Ms. Kuhn shared community and student events they have conducted. Ms. Kuhn felt that even though they were zoned church they provide so much more and they value partnership with the community.

Mr. Tommy Reed, Atlantic Sign Company, was sworn in. Mr. Reed stated this was a unique situation as it is residential but not a typical residential structure and is a multi-purpose use. Mr. Reed stated the fraternity was no longer there. Fraternity signage is much larger from what they were asking. Mr. Reed stated that allowing wall signs would offer more identification of this structure. The existing code is quite restrictive; would not affect neighboring residences.

Mr. Reed inquired since they were leasing the property, would current signage grandfather over. The BZA stated no, signage has been taken down.

Mr. Perry stated that he and Mr. McHugh were looking 1139.024(d)(1) that the BZA could grant, with conditions if you find that the Decision Standards lean toward an approval.

Ms. Dana made motion to reconvene to regular meeting. Mr. Schnipper seconded the motion. All were in favor.

Mr. Brady noted that it was a lot of square footage to identify a building. Ms. Dana agreed, and understood wanting identification, but also is located in a residential neighborhood. A lot of people have found it in the last year. Ms. Dana stated that she really questioned the size and residential neighborhood it is in. Mr. Schnipper agreed.

Mr. Ames stated size of signage, size of building is an issue and thinks can get a comfortable compromise.

Mr. McHugh stated they could approve with conditions. Mr. Ames stated he felt that 36 square feet instead of the requested 52 square feet was more appropriate. Mr. Perry suggested since the ground sign was out of character, approve the variance for the proposed wall sign on the condition the hanging sign not be allowed and the ground sign be shortened three feet. Mr. Perry stated that the ground sign was approved administratively.

Ms. Dana made motion to deny BZA-2018-15 based upon decision standards size is substantial and would negatively affect the essential character of the neighborhood. Mr. Schnipper seconded the motion.

Mr. Brady stated it all comes back to the practical difficulty and that he doesn't see it. Mr. Reed spoke stated he understood and greatly appreciated conditions.

Discussion followed.

After a lengthy discussion the applicant decided to table and bring back designs for less square footage. Mr. Perry suggested withdraw and then reapply.

Ms. Dana made motion to withdraw the motion to deny. Mr. Schnipper seconded the motion

Ms. Dana made motion to table BZA-2018-15. Mr. Ames seconded the motion. All were in favor.

Adjournment

Mr. Schnipper made motion to adjourn the meeting. Ms. Dana seconded the motion. The meeting was adjourned at 7:15 p.m. .

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-16

Date – August 15, 2018

APPLICATION

Applicant:	Scott Webb, Architect
Location:	314 University Ave
Owner:	Calista Enterprises / Park Place Real Estate (Tom Kacachos)
Action Request:	Variances to Sections 1143.07(c) lot width, 1143.07(c) maximum front yard lot coverage; 1149.03(i) parking space requirement, and 1149.04(a)(3) location of required parking, for construction of a new 3-Family Dwelling in an R3MS district
Current Use:	Single-Family Residential
Zoning:	R3MS (Single, Two and Three Family Residential)
Surrounding Land Uses:	Single-Family

DESCRIPTION

Architect Scott Webb is seeking four variances on behalf of Calista Enterprises for construction of a new three family dwelling to replace a one-family dwelling. The property was recently rezoned from R1MS to R3MS in September 2017.

BACKGROUND

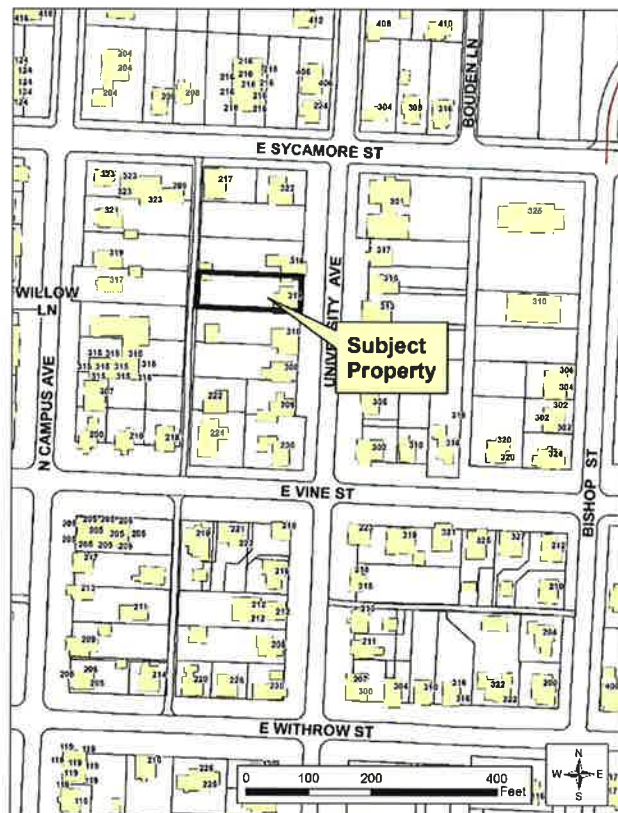
Oxford Zoning Code, permits, among other uses: single, two or three family dwellings to be built in the R3MS district. The applicant has chosen 3-Family, which has triggered the lot width and parking variance requests. A new 2-Family could likely be built with much fewer variance requests.

COMMENT FORMS

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

AGENCY REVIEW

The variance request has been reviewed by City departments:



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

BZA SITE HISTORY

There are no BZA cases of record for this property.

ANALYSIS

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

Regarding Criterion A, Whether the **property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance**: When the property was originally purchased in 2000 by Ned Hoelzer, the property was zoned R-2, which was a small lot single family zoning district. In 2003 a similar zoning was applied by the City: R1MS. In 2017, the property was 'upzoned' by the City to R3MS as part of an effort to increase the potential for higher residential density. Therefore, the investment-backed expectations for the property were single-family usage when the property was purchased and have been maintained by the City through the permitting process. The property has been documented as a single family rental since 1995. It is currently in good standing with the City as an inspected and active rental permit. Reasonable return can continue without a variance or with fewer variances than has been requested.

Regarding criterion B, Whether the variances are substantial: Staff believes that the lot width variance **is substantial** because the range of allowed lot widths in the R3MS district is 40, 50 or 60 feet. Single-family requires 40 feet, Two-family requires 50 feet and Three-family requires 60 feet. The allowable range within the R2MS district is 50 and 75 feet, a larger range; thus the percentage difference is not directly proportional. Single-family requires 50 feet and Two-family 75 feet. The actual lot width is 56 feet, which allows a Two-Family without a lot width variance. The other variances are not substantial in staff's opinion.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variances: The properties in the block face are primarily built as single family. A 3-Family building could negatively alter the essential character, if not designed appropriately.

Regarding criterion D, Staff believes that the **delivery of governmental services** to this building **would not** be adversely affected by the granting of these variance requests. No concerns expressed from the Service, Fire or Police Departments.

Regarding criterion E, **property owner awareness of the zoning restrictions**, yes, through the agent of authority process, the owner should have been aware of the restrictions which as stated above, have been lowered (rather than raised) since the purchase of the property. The original owner, Ned Hoelzer is part of the same property management group with Park Place Real Estate.

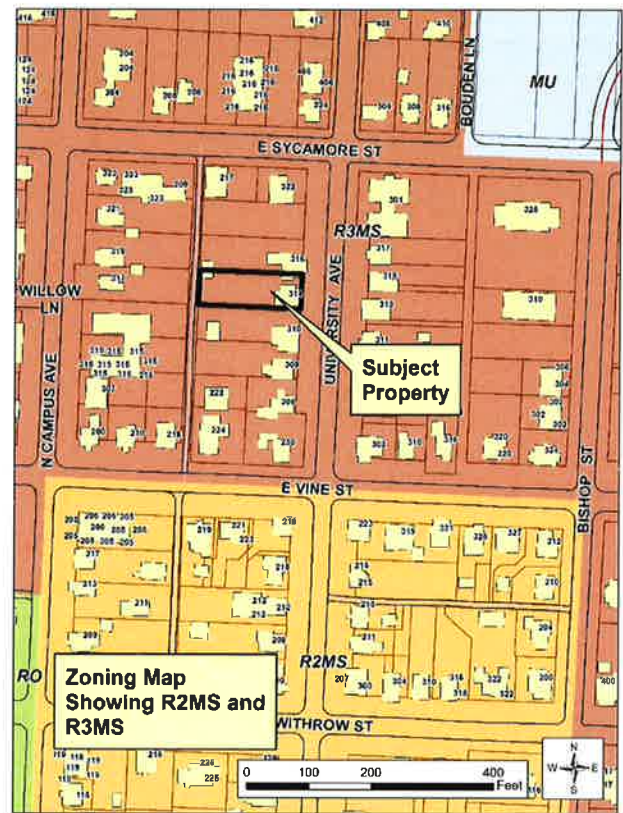
Regarding criterion F, the **owner's predicament** is not demonstrated in the applicant narrative. The property has an active residential rental permit for a permitted use. There is no predicament in staff's opinion.

Regarding criterion G, whether or not **the spirit and intent behind the zoning requirement would be observed and substantial justice** done by granting the variances: The purpose of the R3MS district is to permit single, two **and** three family buildings. Granting variances, particularly lot width, to permit a Three-family, is not necessary to maintain the spirit and intent of the district.

Regarding criterion H, Any **other relevant factors**: The 2016-17 Zoning Study completed by the City rezoned approximately 100 Acres of the Mile Square and amended zoning text regulations for the entire Mile Square. The purpose was two-fold: 1. Encourage redevelopment to be higher density in areas near Miami University and 2. Respect the historic character of the Mile Square while providing a safe environment for renters.

See attached June 13, 2017 staff report for more detail.

Both of these goals can be accomplished by construction of a Single or Two-Family dwelling without a lot width variance. While evaluating the existing nonconformities was part of the study, it was not a stated intent that all lots in the new district would be in compliance with the highest potential use. Some could be other uses or lots could be combined. However, 7 of the 23 lots in this block do comply with the 60 foot standard for three-family buildings, which is approximately 1/3 of the lots. Additionally, a lot width analysis was completed for the areas to be rezoned and it was known by the City that this lot could not be developed as a 3-Family building.



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 not substantial evidence that supports the lot width variance request. There is substantial evidence for the parking and front yard coverage variances.** If the BZA does approve the variances it can attach any appropriate conditions necessary as permitted by Section 1139.02(d)2.

If the lot width variance is not approved, it is likely that a new Two-family building could be constructed without further action by the Board. The Board could approve all other variances with the condition that any proposed new building be a substantially similar design to what was presented at this meeting.

SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

City of Oxford
Inter-Office Review Transmittal Sheet



Date: 7/27/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-16, 314 University Avenue, variances to Sections 1143.07(c) lot width, 1143.07(c) maximum front yard lot coverage; 1149.03(i) parking space requirement, 1149.04(a)(3) location of required parking in an R3MS District, **Scott Webb, Appellant, Agent**

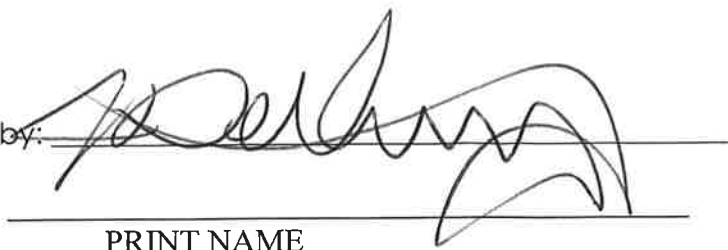
☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 8/9/2018 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:


PRINT NAME

Date: 8-7-18

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Friday, July 27, 2018

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-16 1143.07c, 1149.03i, 1149.04a3 lot width, lot coverage, parking space, parking location
Scott Webb, Petitioner
314 University Ave

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By: _____

Scott Webb

Date: _____

8/9/18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/27/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-16, 314 University Avenue, variances to Sections 1143.07(c) lot width, 1143.07(c) maximum front yard lot coverage; 1149.03(i) parking space requirement, 1149.04(a)(3) location of required parking in an R3MS District, **Scott Webb, Appellant, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 8/9/2018 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: CAF

Date: 8/1/18

PRINT NAME



BZA-2018-16

Surrounding Property Owners Map

Legend



Subject Parcel



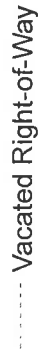
200 Ft. Buffer



Oxford Corporation Limit



Parcel



Vacated Right-of-Way



Building Footprint



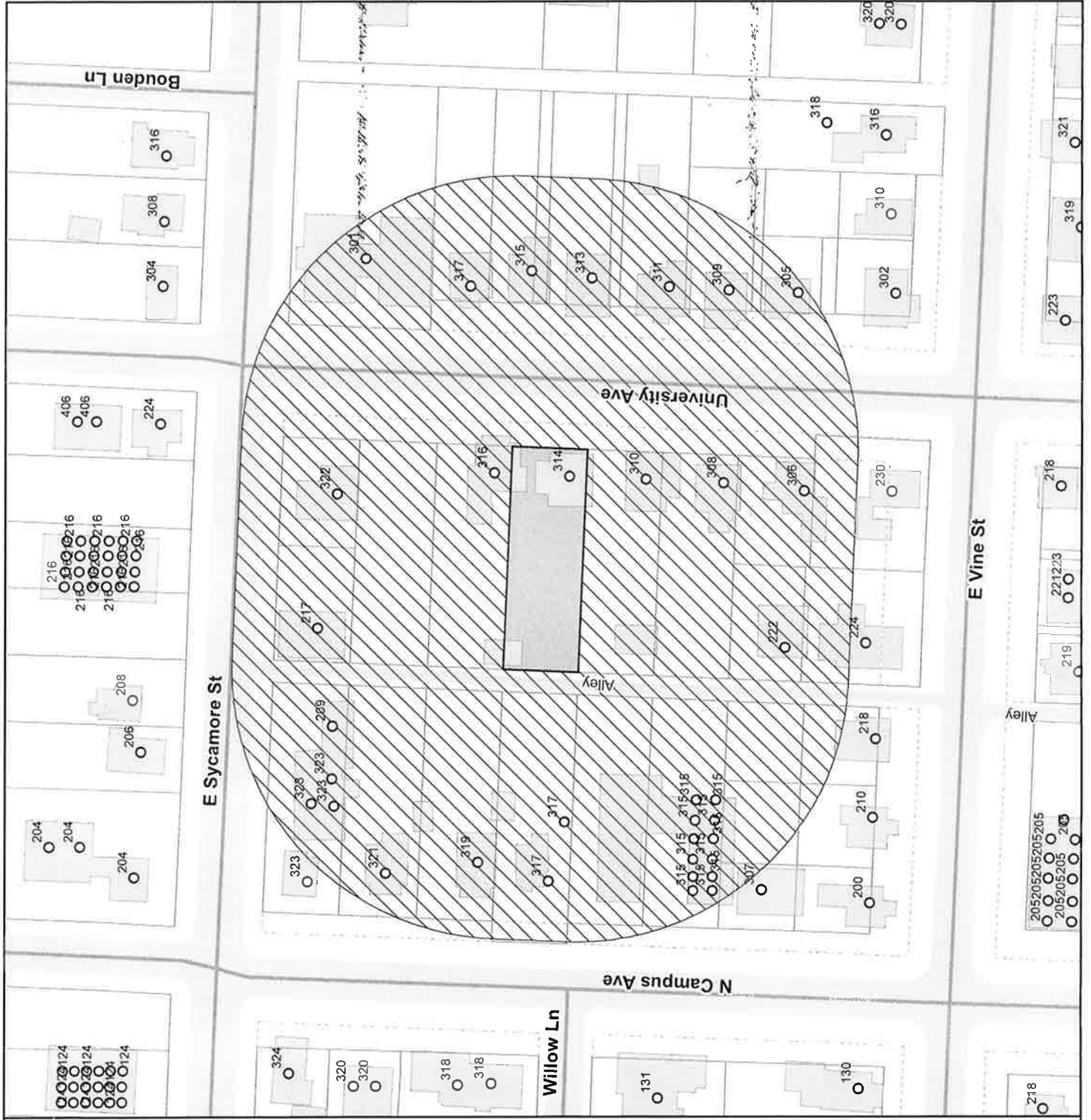
Paved Roadway



1 inch = 100 feet

Prepared on Monday, August 06, 2018

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



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 the construction of a new 3-Dwelling Unit Development at 314 University Ave.

Thank you,

Signed: Thomas Kachos
Thomas Kachos, Calista Enterprises LLC

7/16/2016
Date:



Internal Use Only:

Case No.

Date Filed

BZA-2018-16

7/17/18

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 *

Calista Enterprises LLC

Mailing Address *

116 East High Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number(s) *

523-2015

Email Address

tkacachos@parkplacerealestate.net

Variance and Lot Information

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

1143.07(c) Lot Width in R3MS, 1143.07(c) Max. Front Yard Lot Coverage, 1149.03(i) Parking space requirements,
1149.04(a)(3) location of required parking

Location of Requested Variance *

314 University Ave.

Name of Building

Legal Description *

H4100006000031

Zoning District *

R3MS

Total Acreage *

.234

Existing Use of Site *

Single Family Residence

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.

New 3-Dwelling Unit Development

- 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 *

7/16/2018

Date *

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



**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 Minimum Lot Width,
Front Yard Lot Coverage,
Parking Requirements &
Parking Location
Demolition of Existing Single Family Residence
& Construction of a New 3- Dwelling Unit Development
314 University Ave.

July 16, 2018

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for variances to the minimum lot width requirement of the R3MS Zoning District, front yard lot coverage, parking requirements, and location relating to the demolition of an existing Single Family Structure and the construction of a new 3-Dwelling Unit Development at 314 University Ave. in the R3MS Zoning District.

1143.07(c) Requires a minimum lot width of 60' and 8,000 s.f. of Lot Area for (3) Dwelling Units

The Lot in Question has 56' of Lot Width (over 93% of the width requirement) and 10,192 s.f. of area (over 127% of the area requirement).

Despite the slightly narrower lot width, the design as proposed meets the minimum side yard setbacks.

1143.07(c) Maximum Front Yard Lot Coverage of 5%

The simple, straight 48" sidewalk from the setback line to the property line exceeds this maximum.

1149.03(i) Requires 2.5 spaces per dwelling unit for a total of (8) spaces

2 spaces per dwelling unit is required throughout the Mile Square, yet 2.5 spaces are still required for 3-family developments. This exceeds the parking requirement for projects on the perimeter and elsewhere in the City.

1149.04(a)(3) Location of parking min. 3' from property lines

Based on the lot width, adherence to this standard would reduce the parking provided or encourage stacked parking. As alleys are now the encouraged parking areas, the offset between parking along the alley is unnecessary.

There are (2) specific requirements for 3-family development in the R3MS District: Lot width and Lot area. The parcel at hand represents over 93% of the width standard and over 127% of the area standard, making this lot appropriate for a variance allowing a new 3-family development in a 3-family district.

None of the lots along this side of University Ave. meet the minimum lot width requirements for the district that was just rezoned to R3MS in Planning Commission's initiative to increase the

density in this portion of the Mile Square, however nearly all of the lots in this area exceed the lot area requirement.

Parking variances regarding the number of space and their location enable the new development to provide adequate parking and meet the intent of the zoning code.

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 building was purchased in a state of disrepair, and while my client has been investing in and maintaining the property, its condition and location have encouraged him to consider a more significant investment; replacing the structure entirely.

The existing frame structure does not meet current building code requirements

While the property may continue in its current configuration and continue to yield a reasonable return, the project described herein represents a major investment in the neighborhood replacing an outdated structure and improving the living conditions of the residents and neighbors.

- b) *Whether the variance is substantial;*

The variance is not substantial, as the existing property represents over 93% of the required minimum, being 56' wide where the minimum is 60'. This is offset by the fact that the lot provides over 127% of the minimum lot area.

The proposed new development has designed to provide the required side yard setbacks on each side while breaking down the scale of the development into smaller structures.

The parking Variances are not substantial, as they reflect the requirements used everywhere else in the city, providing (2) space per dwelling unit. The offset from the property line is not significant along an alley, where Planning Commission prefers parking, and will not create a detriment to the neighbor.

- 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 be simply improved, removing a building that has outlived its life expectancy and replacing it with a new safer development, in line with Planning Commission's rezoning of the area and meeting the Mile Square Design Guidelines.

The Parking Variances improve the neighborhood, eliminating a curb cut, potentially increasing street parking, and removing resident's cars from the street.

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

No change in the delivery of utilities & government services is necessitated by this application.

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

The property owner was aware of the zoning restriction.

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

Lot widths in the new R3MS district cannot be corrected, as these were platted as original lots. In creating (2) standards for lot size (width and area) Planning Commission & City Council has accounted for slight variances in lot width through the variance process when one standard is exceeded.

The parking variances could be obviated by other variances, allowing more stacked parking spaces, or additional lot coverage.

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

The spirit of the Zoning Code is observed, allowing a three-family development in a three family district. Substantial Justice would be done by allowing the improvement of a property resulting in a more code compliant structure that reflects Planning Commission & City Council's decision to allow higher density in the Mile Square in such locations.

Further, it reflects Planning Commission's discovery that the lot requirements in the section of the Mile Square do not reflect the lot sizes in the district.

The spirit and intent of the code regarding parking is observed, relocating all parking to the alley & eliminating curb cuts from the street.

- h) *Any other relevant factor;*

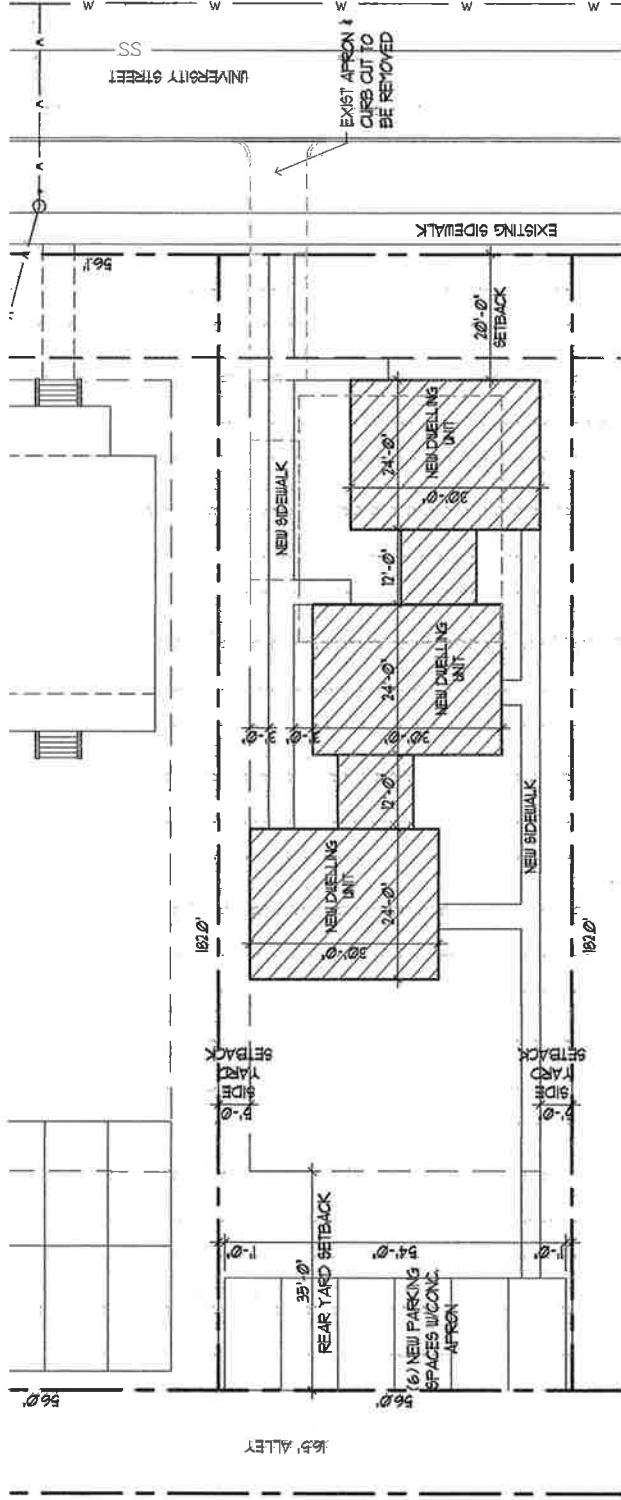
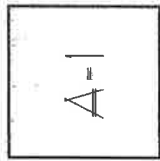
This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, improving the property aesthetically, and with regard to the safety of its occupants.

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





SCOTT WEBB
ARCHITECT
103 West Walnut St.
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

314 University
PROPOSED 3-DWELLING UNIT DEVELOPMENT
OXFORD, OHIO 45056
CALISTA ENTERPRISES LLC

DATE	July 16, 2006
REVISIONS	

A-2



PRELIMINARY STREET VIEW

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-11

Date – June 13, 2017

APPLICATION

Applicant: City of Oxford
Action Request: **ZONING CODE TEXT AMENDMENT** to Amend Chapter 1143, Districts Sections 1143.03, 1143.05, 1143.07, R-1MS, R-2MS, R-3MS, **City of Oxford, Applicant**

DESCRIPTION

This application is part of an almost year-long discussion of the Planning Commission to look at ways to encourage redevelopment to allow higher density in the area near the campus. It is also part of the thought process of encouraging meaningful redevelopment that would respect the historic character of the Mile Square while providing safe environment to renters. The new proposed language also outlines the process allowing “accessory” building” to be used as a dwelling unit a conditional use application.

The proposed language also recommends changes to the site development regulations. The attached proposed amendment shows those details.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1143.07 R3MS (single, Two- and Three-Family Mile Square Residential) District for your information.

COMPREHENSIVE PLAN

Land Use Element:

The community’s small college town character will be preserved and enhanced.

- New development and redevelopment will be sensitive to pedestrians in terms of scale and walkability.
- New architecture will add to the character of the community as opposed to corporate, franchise architecture.

Infill development and redevelopment of underutilized sites is a priority

- Reuse of vacant and underutilized sites will be encouraged prior to new development.

Table 3.4 Concept Area Matrix and Table 3.5 Character Area Matrix also provided the overall theme of the Use Element of the Comp Plan. Additionally, Map 3.6 and 3.7 also show the area of neighborhood enhancement area as well as neighborhood character as well.

Urban Design

- Preserve and enhance historic resources in the Mile Square including Uptown District

Housing Element

Improve housing conditions in the Mile Square

- Ensure quality residential environment through improved housing standards.

AGENCY REVIEWS

Police:	Returned with no comments
Engineering:	No comments returned
Econ. Dev.	Returned with comments
Fire:	Returned with no comments

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The City Council allocated dollars in 2017 budget to direct staff and Planning Commission to conduct a zoning study to look at the nonconforming issue. The City retained a land use consultant, Campus Point Planning, to assist the Commission with this task. Given that nonconforming is generally created either prior to a land use regulations, or land use regulations changed after the uses are legally in place, so the focus has been on looking at the underlying district to address the nonconforming issue. Other factors also came into the mind of the Commission were the continued increasing student enrollment at Miami push for more housing demands, along with the age of the housing stock and its interior configuration to reflect the preferences of renters.

Looking at ways to increase density in the area near the campus and allow redevelopment, the consultant worked with the Planning Commission during various work sessions and went through each and every change with the Commission to ensure the proposal would reflect the desire of the Commission. The Commission also directed staff to invite stakeholders that may be impacted by these changes to the work session to voice their perspectives and one final go-around before giving its final okay to move this item to the public hearing process.

The amendment involves several other changes to the existing regulations, in addition to Chapter 1143. There are slight modifications to 1141 Accessory Structure and a new Conditional Use category under 1147 for accessory building used as a dwelling unit. Those changes are accompanied to this amendment as necessary changes to make all the changes occurring concurring.

Several changes to R1MS and R2MS are proposed, particularly the purpose statement to heighten the urban setting as well as the historic characters of these two districts. Another change is to re-format the site development regulations.

The major changes to Chapter 1143.07 R3MS (single, Two-Family, Three-Family Mile Square Residential) district are as follows:

1. Reduce the lot requirement for each dwelling type.
2. Reduce the lot width for each dwelling type
3. Delineate the maximum and minimum front yard setback.
4. Increase lot coverage
5. Delete the provision of lot coverage for all enclosed building
6. Adding accessory dwelling units as a conditional use

Other changes include changes to the Mile Square Design Guidelines related to the architectural features for a new 3-family dwelling as to what design features shall be provided. The amendment also includes in this a set of design standards for the accessory dwelling unit. It outlines that the style, heights that needs to be compliant to the main structure and is subject to the Planning Commission and City Council's Conditional Use review process.

These changes would not have impacts to the existing stock if no improvements have been planned. But any future redevelopment could be beneficial due to the reduction in the lot area, lot width to have

additional dwelling. However, the regulations are only part of the redevelopment requirements. The existing configuration of lot and the willingness of property also can and will become critical for the redevelopment. If the lot is not sizeable enough, it is still limited to what would be allowed based on the lot size.

Having the R3MS designation of any specific areas might be also an important step to address some nonconforming issue, particularly for those nonconforming uses that would have been allowed under R3M either being an allowable use or through conversion to become a conforming use. The area of interest the Commission has been looking at are (1) along Tallawanda Road/Sycamore; (2) central Mile Square, bordered by Church Street on the north, Campus Ave to the east and Heather Lane to the south and Beech Street to the west.

These changes are series of discussions the Planning Commission has had in hopes to increase density in the area adjacent or near the Campus that would be reasonably expected to attract students to live, and also allow existing housing stock to be able to be updated, within the stipulation of the Zoning Code, either the proposed one or the existing one.

The process of getting this proposed language for consideration has required many hours of Commission members attending the work sessions and discussed, debated and argued over what would be the end result of the changes. This may be not the best changes the Commission could come up with, but thanks to the Consultant, Wendy Muller, the Commission came to an agreement this version would be an appropriate one to move forward, but with the understanding that other changes may be under consideration in the future when necessary.

RECOMMENDATION

The attached revision and additional language provides detailed verbiage of the proposed text amendment. Staff recommends that the Planning Commission concur with the changes and forward to City Council for legislation.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE:

ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

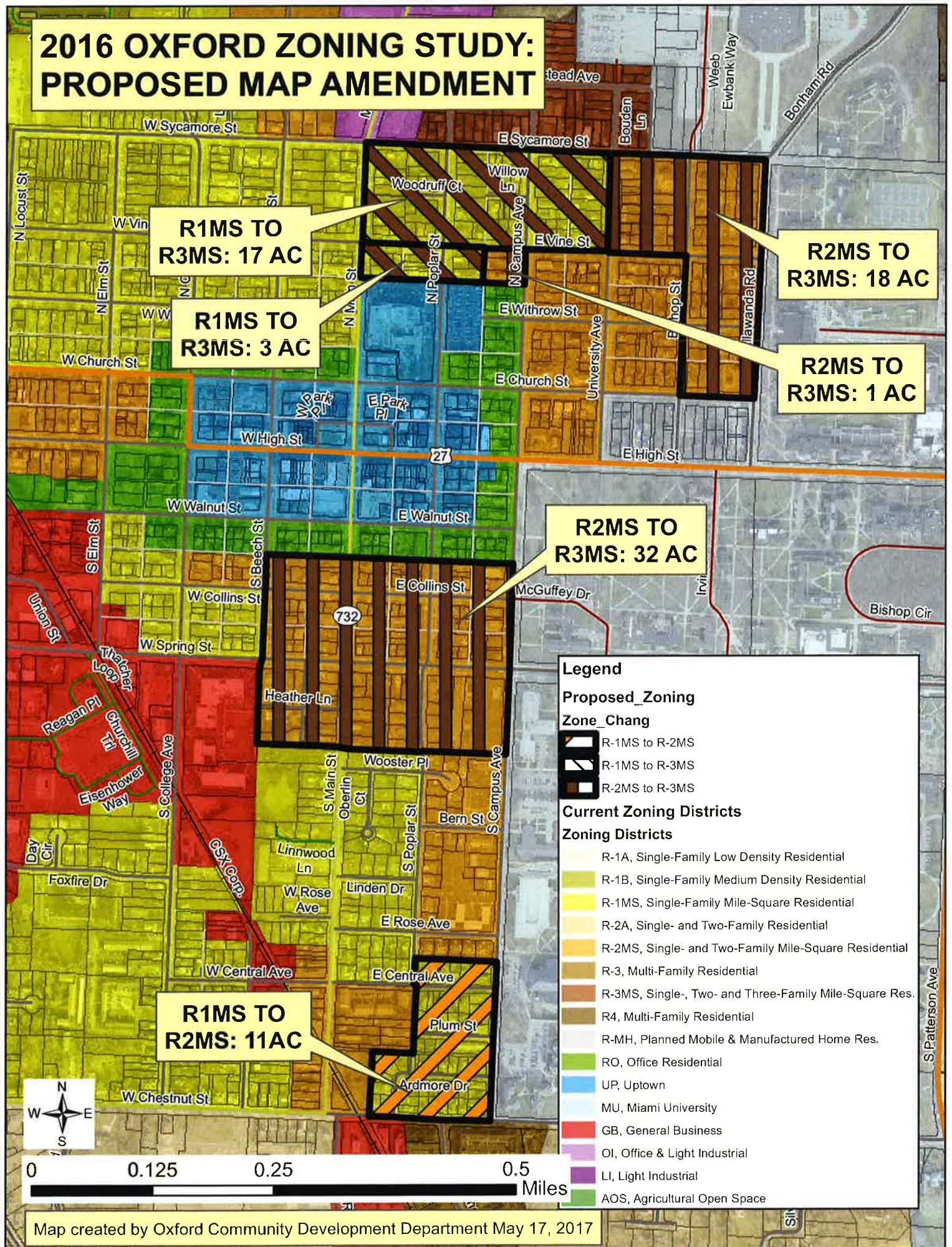
If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

- A. The proposed amendment will make the Code conform more closely to the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

2016 OXFORD ZONING STUDY: PROPOSED MAP AMENDMENT



2016 OXFORD ZONING STUDY: PROPOSED MAP AMENDMENT

**R1MS TO
R3MS: 17 AC**

**R1MS TO
R3MS: 3 AC**

**R2MS TO
R3MS: 18 AC**

**R2MS TO
R3MS: 1 AC**

**R2MS TO
R3MS: 32 AC**

**R1MS TO
R2MS: 11AC**

Legend

Proposed_Zoning Zone_Chang

-  R-1MS to R-2MS
-  R-1MS to R-3MS
-  R-2MS to R-3MS

ORDINANCE NO. 3428

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1143.07 ENTITLED R-3MS SINGLE AND TWO-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1143.07 ENTITLED R-3MS SINGLE, TWO AND THREE-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO, THAT:

SECTION I: Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on July 11, 2017 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.07 entitled R-3MS Single and Two-Family Mile-Square Residential District and adopting new Oxford Codified Ordinance Section 1143.07 entitled R-3MS Single, Two and Three-Family Mile-Square Residential District.

SECTION II: Council hereby repeals Oxford Codified Ordinance Section 1143.07 entitled R-3MS Single and Two-Family Mile-Square Residential District and adopts new Oxford Codified Ordinance Section 1143.07 entitled R-3MS Single, Two and Three-Family Mile-Square Residential District as follows (additions are bolded and deletions are struck through):

1143.07 R3MS SINGLE, TWO, AND THREE-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT.

(a) Purpose. The purpose of this district is to preserve and encourage a mix of single-family, two-family, and three-family dwellings in an urban environment while maintaining the urban form of development within the Mile-Square District. Furthermore, it is the intent of this district to be located in areas that are in close proximity to commercial services, public institutions, and adequate infrastructure to serve the residents within this district.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings
- B. Two-family dwellings
- C. Three-family dwellings
- D. Accessory buildings and uses incidental to the principal use that does not include any activity conducted as business.
- E. Day Care Home Type B family.
- (2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1141.
 - A. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - B. Shared Housing and Congregate Housing for the elderly.
 - C. Government owned and/or operated parks and recreation facilities.
 - D. Bed and breakfast homes.
 - E. Publicly owned and operated neighborhood recreation centers.
 - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
 - G. Schools: primary, intermediate, and secondary, both public and private.
 - H. Fraternity and sorority houses.
 - I. Places of worship.
 - J. Parking lots.
 - K. Accessory dwelling units

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements) Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

	Single-Family Dwellings	Two-Family Dwellings	Three-Family Dwellings
Lot Requirements			
Minimum Lot Area (Square Feet)	4,000	6,000	8,000
Minimum Lot Width (Feet)	40	50	60
Yard Requirements			
Minimum Front Yard	15 feet		
Maximum Front Yard Depth	25 feet		
Minimum Rear Yard Depth	35 feet		
Minimum Side Yard Width	5 feet		
Structural Requirements			
Maximum Building Height	35 feet		
Lot Coverage for Lots with Vehicular Access from a Public Street			
Lot Total	45 percent of lot		
Front Yard	35 percent of front yard		
Lot Coverage for Lots with Vehicular Access from a Rear or Side Alley with No Access from a Public Street			
Lot Total	45 percent of lot		
Front Yard	5 percent of front yard		

(d) Mile Square Design Standards.
Purpose and Applicability.

A. The purpose of the Mile Square Design Standards is to establish design standards for all new, expanded, or renovated buildings so they are part of the urban form and character of the Mile Square District. These standards are not intended to dictate any specific architectural style or design but rather are intended to allow imaginative design that is respectful to surrounding properties and the overall district. The Mile Square Design Standards are intended to provide predictable requirements while also allowing for flexibility in design.

B. The design of all new construction and exterior alteration or renovation in the R3-MS District shall conform to the following requirements.

(1) Front Façade.

A. All development shall be located parallel to the associated public street with the main entry door designed to face onto the associated public street unless an alternative orientation is consistent with the majority of homes along the same block face.



Figure <>: Example of residential development that is oriented toward the primary street.

(2) Foundations.

- A. Any new construction, including expansions, shall not include exposed concrete block or cinder block foundations.
- B. Exposed concrete block or cinder block foundations that are covered by a historically appropriate facing treatment are permitted

(3) Siding.

- A. Brick, stone, authentic stucco, or material replicating stone Veneer are permitted building materials in all residential districts.
- B. Decorative, wood shingles are an acceptable treatment for the residential structures in the Mile Square Residential Districts.
- C. The use of cementitious siding materials (e.g., Hardiplank) that resemble wood siding treatments is permitted.
- D. The use of artificial aluminum or vinyl siding for residential structures within the Mile Square is strongly discouraged. However, vinyl siding can be acceptable only when it meets the requirements of ASTM D3679.
- E. Plank siding treatments shall be horizontally oriented. Vertical planking may be allowed in a 90 degree board and batten treatment.
- F. Brick or masonry that has not previously been painted shall not be painted unless the painting of brick or masonry is consistent with the architectural style or era of the building.
- G. All wood siding materials shall be painted.
- H. For expansions and additions of existing buildings, the widths, lengths, and composition of siding must be consistent between the existing structures and any new additions. Decorative trim, such as window trim, fascia boards, and cornice work must also be consistent with the existing structure. Any additions or expansions of an existing building shall also comply with Section 1141.03 (h) (Residential Building Additions).

(4) Roofs.

- A. Flat roofs are prohibited for residential buildings except for small areas on a rear roof that are used and sized for the placement of roof-mounted mechanical systems.
- B. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required with the exception of porch roofs that should have a minimum pitch ratio of 4 to 12.

- C. Decorative cornices and parapets are encouraged.
- D. The addition of antennae, satellite dishes, and skylights should be place on the rear of the building, roof, or on a non-visible accessory building to the maximum extent feasible

(5) Doors

- A. Doors shall be made of wood or "wood appearing" types of material.
- B. All doors shall be constructed to be exterior doors. The use of an indoor door on the exterior of the building is prohibited.

(6) Windows.

- A. Windows must be proportionally vertical.
- B. Reflective glass (such as blue or gold tinted glass) is prohibited.
- C. Skylights can be added to increase the availability of natural light. These must generally be flat and unobtrusive (especially from any public ways). They shall not be located on the front side of the roof slope facing the street.

(7) Porches & Stoops, Decks & Patio.

- A. New residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood.
- B. All porches shall satisfy the required setbacks and lot coverage requirements of the applicable zoning districts.
- C. Stoops may not exceed 50 square feet.
- D. Decks shall only be permitted in along the rear façade of a building.
- E. Porches and stoops shall be constructed of the same building materials as the principal building. The use of treated or untreated lumber that is not painted shall be prohibited for use on the front or side façades.

(8) Garages & Accessory buildings.

- A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.
- B. The front façade of any garage facing on to the street shall be set back a distance equal to or more than the front façade of the remainder of the principal building.
- C. To the maximum extent feasible, a detached garage be accessed from the alley if alleys are available for vehicular traffic.
- D. The architectural style and materials of any accessory building generally be compatible with the principal building as should the roof type and roof slope. Roofs for any accessory building shall be subject to the same standards as for principal structures pursuant to Subsection (4) above.

(9) Fences & Gates.

- A. Chain link fences are prohibited.
- B. When fencing is to be used, traditional fence forms, such as picket fences and plain board fences, shall be utilized and shall comply with the fencing height restrictions of Section 11.41.01.

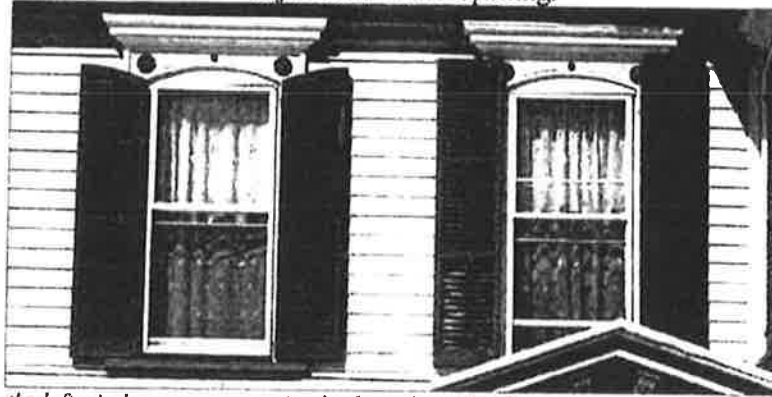
- C. Fencing shall only be constructed of wood, wrought iron, decorative metal fencing, or fencing material that resembles wood materials

(10) Chimney.

- A. Where a building is designed with chimneys or where a chimney is to be added to an existing structure, brick or stone are the preferred materials. Other siding may be allowed if the entire building is sided in similar materials.

(11) Shutters.

- A. Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.



The shutters on the left window are appropriately shaped and sized for the related window even if they are not operable. The replacement shutters on the right are not appropriate due to the length and shape that do not correlate to the related window.

(12) Driveways & Parking Lots.

- A. Individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys must be utilized as much as possible to provide automobile access.

(13) Landscaping.

- A. Existing mature trees should be preserved and maintained when possible.

(14) Graphics, Signage, & Building Identification.

- A. The Sign Code of the City of Oxford must be consulted for specific sign regulations in addition to these guidelines.

(15) Architectural Features for Three-Family Dwellings

- A. At least three of the following design features shall be provided on the front façade of each dwelling unit with frontage on a public street.

1. One or more dormer windows or cupolas;
2. A recessed entrance;
3. A covered porch or balcony;
4. Pillars, posts, or pilasters;
5. One or more bay windows with a minimum of 12 inch projection from the façade plane;
6. A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
7. Multiple windows with a minimum of four inch wide trim.

- B. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street.



Illustrative example of acceptable architectural design for multi-family dwellings



Illustrative example of unacceptable architectural design for multi-family dwellings

(16) Accessory Dwelling Units

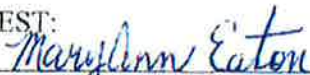
In addition to the standards applicable to all conditional use reviews, any new accessory dwelling unit shall be subject to the following standards:

- A. An accessory dwelling unit may be in a stand-alone structure or may be located above a garage.
- B. In no case shall there be more than three dwelling units on any single lot, including any approved accessory dwelling unit.
- C. Accessory dwelling units shall only be allowed on lots with a area of 5,000 square feet.
- D. The maximum square footage of an accessory dwelling unit shall not exceed 1000 square feet or 50% of the footprint of the principal structure whichever is smaller, unless approved by the Planning Commission and City Council.
- E. The accessory dwelling unit shall be located in the rear yard.
- F. The accessory dwelling unit shall be designed to be smaller in mass, height, and square footage than the principal dwelling.
- G. The accessory dwelling unit structure shall be subject to the accessory building design guidelines of this section.

SECTION III: This Ordinance shall take effect at the earliest time allowed by law.


MAYOR

ADOPTED: September 19, 2017

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

AGENDA
BOARD OF ZONING APPEALS

WEDNESDAY, AUGUST 15, 2018
6:30 P.M.
Oxford Courthouse – 118 W. High Street

MEMBERS

Paul Brady, Chair

Michael Schnipper, Vice Chair
Roger Ames

Prue Dana, Secretary
Daniel Herron

STAFF

Sam Perry, Planner
Stephen McHugh, Law Director
Amy Blankenship, Assistant Law Director

MEETING PROCEDURE: The Board of Zoning Appeals is a quasi-judicial Board. Our primary function is to hear testimony and issue decisions. Unlike other City boards and commissions, we only hear relevant, sworn testimony from the Applicant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Applicant has the right to cross-examine any testimony given. Our hearings are open to public attendance, but public comment, opinion and discussion are not considered testimony and will not be heard.

Please wait until you are recognized by the Chair, proceed to the podium, and state your name and address so that your comments may be properly recorded. Applicants are to limit their testimony to fifteen (15) minutes, including any information presented by his/her duly appointed agent or attorney. This time limit may be extended if the Board requests or approves further testimony. Other persons with standing are encouraged to testify and ask questions about the nature of the appeal, but must be acknowledged by the Chair prior to speaking.

- | | | |
|------|---|---|
| I. | Call to Order | |
| II. | Approval of Minutes of the July 18, 2018 Regular Meeting* | 1 |
| III. | <u>Adjudication Hearings*</u> | |
| | BZA-2018-15, 406 E. Withrow , variances to Section 1151.05(b) signage size and number of, Tommy Reed, Atlantic Signs, Appellant/Agent (Tabled July 18, 2018) | 4 |
| | BZA-2018-16, 314 University Avenue , variances to Sections 1143.07(c) lot width, 1143.07(c) maximum front yard lot coverage; 1149.03(i) parking space requirement, 1149.04(a)(3) location of required parking, Scott Webb, Appellant, Agent | 7 |
| IV. | Old Business | |
| V. | New Business | |
| VI. | Adjournment | |

*Attachments

BOARD OF ZONING APPEALS

Meeting Minutes

Wednesday, July 18, 2018

Call to Order

Those members present: Paul Brady, Roger Ames, Prue Dana, and Michael Schnipper.

Those members excused: Daniel Herron.

Staff members present: Sam Perry, and Stephen McHugh.

Staff members excused: Amy Blankenship.

Mr. Brady called the July 18, 2018 meeting to order.

At the start of the meeting, only Mr. Brady, Ms. Dana and Mr. Schnipper were present. Mr. Ames was not. Discussion took place on whether to move forward with BZA-2018-015 since only 3 BZA members were present. Mr. Perry shared with the Applicant the lack of BZA present and if he would like to table his hearing. The Applicant agreed doing so.

Mr. Schnipper made motion to table BZA-2018-15. Ms. Dana seconded the motion. All were in favor.

Approval of Minutes of the June 20, 2018 Regular Meeting

Ms. Dana made motion to approve the minutes as written. Mr. Schnipper seconded the motion. All were in favor.

New Business

Mr. Perry discussed conducting a BZA training session. Discussion followed. All agreed to schedule training at 5:30 p.m. before the August regular BZA meeting. Mr. Schnipper stated he may be late due to work load.

Mr. Perry announced there were two cases for August, including the July case.

Mr. Ames arrived at 6:37 p.m.

Adjudication Hearings

BZA-2018-15, 406 E. Withrow, variances to Section 1151.05(b) signage size and number of, Tommy Reed, Atlantic Signs, Appellant/Agent

The Applicant asked to move forward with his case.

Mr. Schnipper made motion to remove from Table BZA-2018-15. Ms. Dana seconded the motion. All were in favor.

Mr. Schnipper made motion to enter into adjudication hearing BZA-2018-15. Ms. Dana seconded the motion. All were in favor.

Mr. Perry was sworn in. Mr. Perry reviewed the variance request from Crossroads Outpost for additional signage. Mr. Perry described the existing signage. Mr. Perry stated the applicant was proposing two

additional signs; a 28 square foot wall sign and a 6 foot tall, 12 square foot ground sign. Mr. Perry stated they wished to maintain the hanging sign and add a wall sign. Mr. Perry noted this was a corner lot. Mr. Perry noted that at the time of the conditional use approval, the sign detail wasn't worked out and they were instructed they would need to follow the underlying zoning district requirement. This variance request is for an additional wall sign and monument sign; one sign is already installed. Mr. Perry stated that the ground sign had already been approved but not yet installed. Mr. Perry noted that the property was once a fraternity but has been converted to a nonprofit use. Mr. Perry stated the request is four times the permitted signage.

Mr. Perry reviewed the Decision Criteria:

1. Any beneficial use of the property without the variance - they have been able to demonstrate that beneficial use is possible without the signage.
2. Is the variance substantial - staff believes it is because all of the signage would be four times what is permitted.
3. Will the variance affect the essential character of the neighborhood - Mr. Perry stated wall signage was not uncommon with fraternities. Hanging signs are nearly non-existent or allowed in Oxford. As a whole the total signage planned would negatively alter the essential architectural character of the neighborhood. Additional signage would affect the character. The Use does provide a positive impact on the neighborhood, however designing the essential character is important.
4. The delivery of governmental services would not be affected by granting the variance.
5. The property owner's awareness of the zoning restriction, is yes, as it was made known at recent Planning Commission City and City Council meetings.
6. The owner's predicament was not demonstrated.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Mr. Perry stated he didn't think so with the additional signage.

Mr. Perry stated he didn't feel substantial evidence was present in granting the variance.

Mr. Schnipper inquired if there were any properties in same general area having similar signage. Mr. Perry responded no, there was no signage but fraternities with quite large signage.

Ms. Lisa Kuhn, Community Pastor, Crossroads was sworn in. Ms. Kuhn shared pictures of exterior updates. Ms. Kuhn stated that Crossroads served both the community and the students. Ms. Kuhn shared community and student events they have conducted. Ms. Kuhn felt that even though they were zoned church they provide so much more and they value partnership with the community.

Mr. Tommy Reed, Atlantic Sign Company, was sworn in. Mr. Reed stated this was a unique situation as it is residential but not a typical residential structure and is a multi-purpose use. Mr. Reed stated the fraternity was no longer there. Fraternity signage is much larger from what they were asking. Mr. Reed stated that allowing wall signs would offer more identification of this structure. The existing code is quite restrictive; would not affect neighboring residences.

Mr. Reed inquired since they were leasing the property, would current signage grandfather over. The BZA stated no, signage has been taken down.

Mr. Perry stated that he and Mr. McHugh were looking 1139.024(d)(1) that the BZA could grant, with conditions if you find that the Decision Standards lean toward an approval.

Ms. Dana made motion to reconvene to regular meeting. Mr. Schnipper seconded the motion. All were in favor.

Mr. Brady noted that it was a lot of square footage to identify a building. Ms. Dana agreed, and understood wanting identification, but also is located in a residential neighborhood. A lot of people have found it in the last year. Ms. Dana stated that she really questioned the size and residential neighborhood it is in. Mr. Schnipper agreed.

Mr. Ames stated size of signage, size of building is an issue and thinks can get a comfortable compromise.

Mr. McHugh stated they could approve with conditions. Mr. Ames stated he felt that 36 square feet instead of the requested 52 square feet was more appropriate. Mr. Perry suggested since the ground sign was out of character, approve the variance for the proposed wall sign on the condition the hanging sign not be allowed and the ground sign be shortened three feet. Mr. Perry stated that the ground sign was approved administratively.

Ms. Dana made motion to deny BZA-2018-15 based upon decision standards size is substantial and would negatively affect the essential character of the neighborhood. Mr. Schnipper seconded the motion.

Mr. Brady stated it all comes back to the practical difficulty and that he doesn't see it. Mr. Reed spoke stated he understood and greatly appreciated conditions.

Discussion followed.

After a lengthy discussion the applicant decided to table and bring back designs for less square footage. Mr. Perry suggested withdraw and then reapply.

Ms. Dana made motion to withdraw the motion to deny. Mr. Schnipper seconded the motion

Ms. Dana made motion to table BZA-2018-15. Mr. Ames seconded the motion. All were in favor.

Adjournment

Mr. Schnipper made motion to adjourn the meeting. Ms. Dana seconded the motion. The meeting was adjourned at 7:15 p.m. .

Memo



To: BZA
From: Sam Perry, Community Development
Date: 8/10/2018
Re: Tabled Case 2018-15 – 406 E. Withrow Street

On behalf of Crossroads Church, Tommy Reed of Atlantic Sign Company has submitted a revised wall sign size of 18 square feet, which was previously 28 square feet.

I also have a memo from Mr. Reed stating that they do not plan to utilize the approved permit for the compliant ground sign. They plan to seek the size variance for the wall sign instead.

The BZA can re-open the hearing and hear any new evidence from staff, applicant or public and then re-evaluate the evidence using the decision standards.

Please see attached drawings from Mr. Reed as well as **review and bring the related files from the July agenda packet.**



Atlantic Sign Company

2328 Florence Avenue
Cincinnati, OH 45206
(513) 241-6775
Fax (513) 241-5060

FILE NAME
SIGNS 12.CDR

CUSTOMER
CROSSROADS

LOCATION
OXFORD, OH 410

DRAWN BY
RLH

DATE
7-31-010

SALES REP
WY

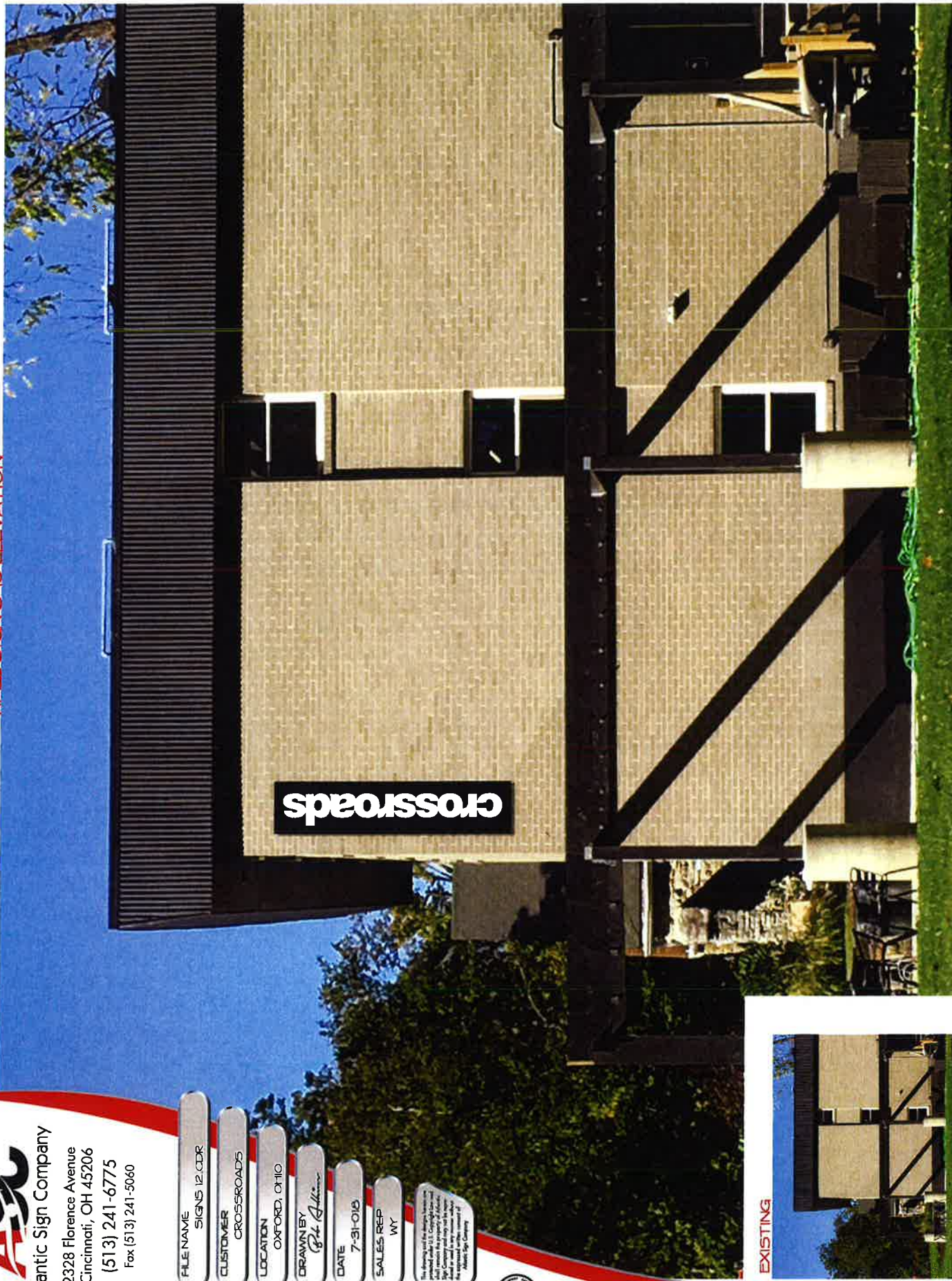
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WALL SIGN 3-15 ELEVATION

PROPOSED



EXISTING



APPROVED

Revised 7/31/18 by Keith Sarna



Atlantic Sign Company

2328 Florence Avenue
Cincinnati, OH 45206

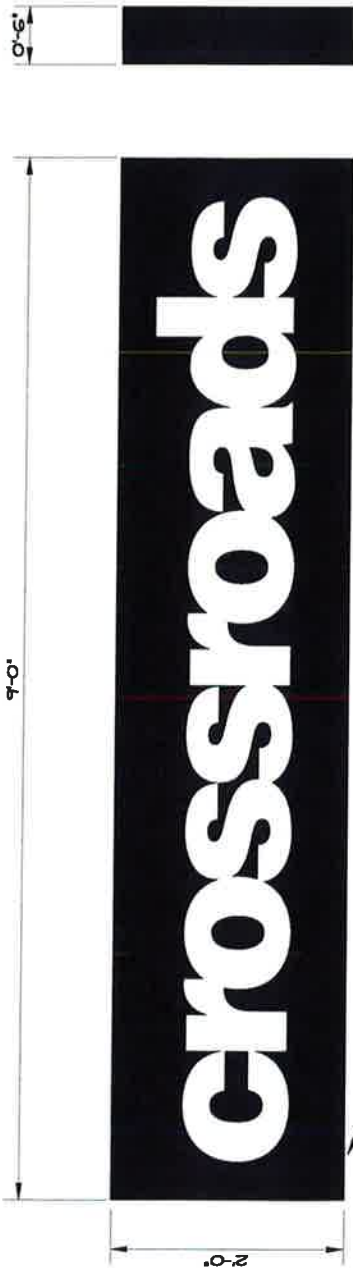
(513) 241-6775

Fax (513) 241-5060

LIGHTING OPTION 1: QTY. (1) SINGLE SIDED WALL SIGN NON-ILLUMINATED

LIGHTING OPTION 2: QTY. (1) SINGLE SIDED WALL SIGN INTERNALLY ILLUMINATED WITH WHITE LEDS

WALL SIGN 3-15



LAYOUT OPT A

ALUMINUM EXTRUSION SIGN SIGN PAINTED BLACK WITH
BLACK RETAINERS
3/16" WHITE POLY FACE WITH FIRST SURFACE BLACK VINYL
BACKGROUND AND REVERSED WHITE COPY
MOUNTED VERTICALLY ON BRICK WALL

FILE NAME	SIGNS 12.CDR
CUSTOMER	CROSSROADS
LOCATION	OXFORD, OHIO
DRAWN BY	<i>Keith Sarna</i>
DATE	7-31-18
SALES REP	WY

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Revised 7/31/18 by Keith Sarna

APPROVED

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-16

Date – August 15, 2018

APPLICATION

Applicant:	Scott Webb, Architect
Location:	314 University Ave
Owner:	Calista Enterprises / Park Place Real Estate (Tom Kacachos)
Action Request:	Variances to Sections 1143.07(c) lot width, 1143.07(c) maximum front yard lot coverage; 1149.03(i) parking space requirement, and 1149.04(a)(3) location of required parking, for construction of a new 3-Family Dwelling in an R3MS district
Current Use:	Single-Family Residential
Zoning:	R3MS (Single, Two and Three Family Residential)
Surrounding Land Uses:	Single-Family

DESCRIPTION

Architect Scott Webb is seeking four variances on behalf of Calista Enterprises for construction of a new three family dwelling to replace a one-family dwelling. The property was recently rezoned from R1MS to R3MS in September 2017.

BACKGROUND

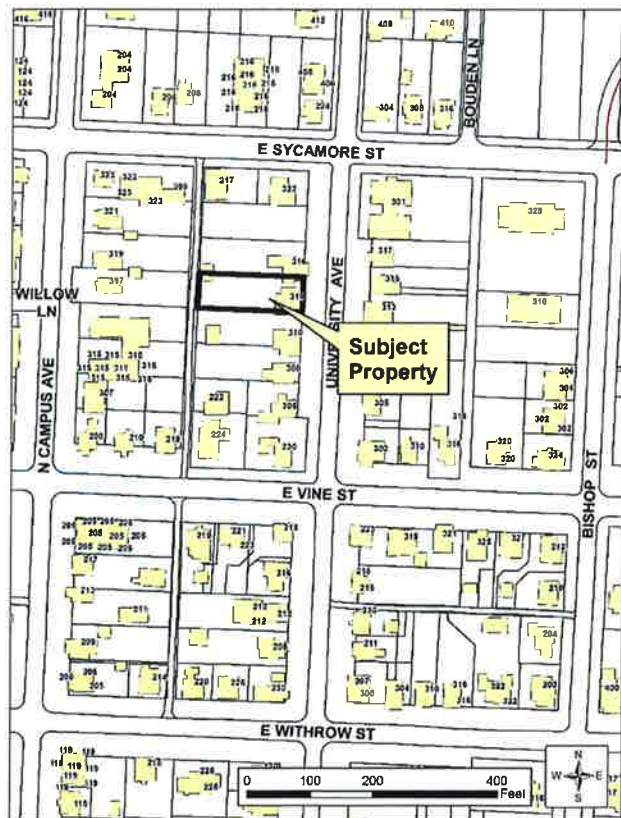
Oxford Zoning Code, permits, among other uses: single, two or three family dwellings to be built in the R3MS district. The applicant has chosen 3-Family, which has triggered the lot width and parking variance requests. A new 2-Family could likely be built with much fewer variance requests.

COMMENT FORMS

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

AGENCY REVIEW

The variance request has been reviewed by City departments:



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

BZA SITE HISTORY

There are no BZA cases of record for this property.

ANALYSIS

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

Regarding Criterion A, Whether the **property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance:** When the property was originally purchased in 2000 by Ned Hoelzer, the property was zoned R-2, which was a small lot single family zoning district. In 2003 a similar zoning was applied by the City: R1MS. In 2017, the property was 'upzoned' by the City to R3MS as part of an effort to increase the potential for higher residential density. Therefore, the investment-backed expectations for the property were single-family usage when the property was purchased and have been maintained by the City through the permitting process. The property has been documented as a single family rental since 1995. It is currently in good standing with the City as an inspected and active rental permit. Reasonable return can continue without a variance or with fewer variances than has been requested.

Regarding criterion B, Whether the variances are substantial: Staff believes that the lot width variance is **substantial** because the range of allowed lot widths in the R3MS district is 40, 50 or 60 feet. Single-family requires 40 feet, Two-family requires 50 feet and Three-family requires 60 feet. The allowable range within the R2MS district is 50 and 75 feet, a larger range; thus the percentage difference is not directly proportional. Single-family requires 50 feet and Two-family 75 feet. The actual lot width is 56 feet, which allows a Two-Family without a lot width variance. The other variances are not substantial in staff's opinion.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variances: The properties in the block face are primarily built as single family. A 3-Family building could negatively alter the essential character, if not designed appropriately.

Regarding criterion D, Staff believes that the **delivery of governmental services** to this building **would not** be adversely affected by the granting of these variance requests. No concerns expressed from the Service, Fire or Police Departments.

Regarding criterion E, **property owner awareness of the zoning restrictions**, yes, through the agent of authority process, the owner should have been aware of the restrictions which as stated above, have been lowered (rather than raised) since the purchase of the property. The original owner, Ned Hoelzer is part of the same property management group with Park Place Real Estate.

Regarding criterion F, the **owner's predicament** is not demonstrated in the applicant narrative. The property has an active residential rental permit for a permitted use. There is no predicament in staff's opinion.

Regarding criterion G, whether or not **the spirit and intent behind the zoning requirement would be observed and substantial justice** done by granting the variances: The purpose of the R3MS district is to permit single, two **and** three family buildings. Granting variances, particularly lot width, to permit a Three-family, is not necessary to maintain the spirit and intent of the district.

Regarding criterion H, Any **other relevant factors**: The 2016-17 Zoning Study completed by the City rezoned approximately 100 Acres of the Mile Square and amended zoning text regulations for the entire Mile Square. The purpose was two-fold: 1. Encourage redevelopment to be higher density in areas near Miami University and 2. Respect the historic character of the Mile Square while providing a safe environment for renters.

See attached June 13, 2017 staff report for more detail.

Both of these goals can be accomplished by construction of a Single or Two-Family dwelling without a lot width variance. While evaluating the existing nonconformities was part of the study, it was not a stated intent that all lots in the new district would be in compliance with the highest potential use. Some could be other uses or lots could be combined. However, 7 of the 23 lots in this block do comply with the 60 foot standard for three-family buildings, which is approximately 1/3 of the lots. Additionally, a lot width analysis was completed for the areas to be rezoned and it was known by the City that this lot could not be developed as a 3-Family building.



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 not substantial evidence that supports the lot width variance request. There is substantial evidence for the parking and front yard coverage variances.** If the BZA does approve the variances it can attach any appropriate conditions necessary as permitted by Section 1139.02(d)2.

If the lot width variance is not approved, it is likely that a new Two-family building could be constructed without further action by the Board. The Board could approve all other variances with the condition that any proposed new building be a substantially similar design to what was presented at this meeting.

SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

City of Oxford
Inter-Office Review Transmittal Sheet



Date: 7/27/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-16, 314 University Avenue, variances to Sections 1143.07(c) lot width, 1143.07(c) maximum front yard lot coverage; 1149.03(i) parking space requirement, 1149.04(a)(3) location of required parking in an R3MS District, **Scott Webb, Appellant, Agent**

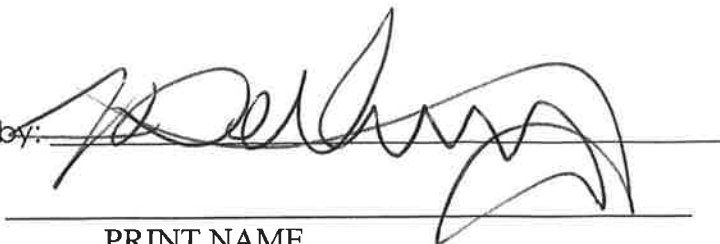
☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 8/9/2018 Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:



PRINT NAME

Date:

8-7-18

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Friday, July 27, 2018

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-16 1143.07c, 1149.03i, 1149.04a3 lot width, lot coverage, parking space, parking location
Scott Webb, Petitioner
314 University Ave

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By: _____

Scott Webb

Date: _____

8/9/18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/27/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-16, 314 University Avenue, variances to Sections 1143.07(c) lot width, 1143.07(c) maximum front yard lot coverage; 1149.03(i) parking space requirement, 1149.04(a)(3) location of required parking in an R3MS District, **Scott Webb, Appellant, Agent**

_____X_____ Review _____Revisions _____Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 8/9/2018 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: CAF

Date: 8/1/18

PRINT NAME _____



BZA-2018-16 **Surrounding** **Property Owners** **Map**

Legend

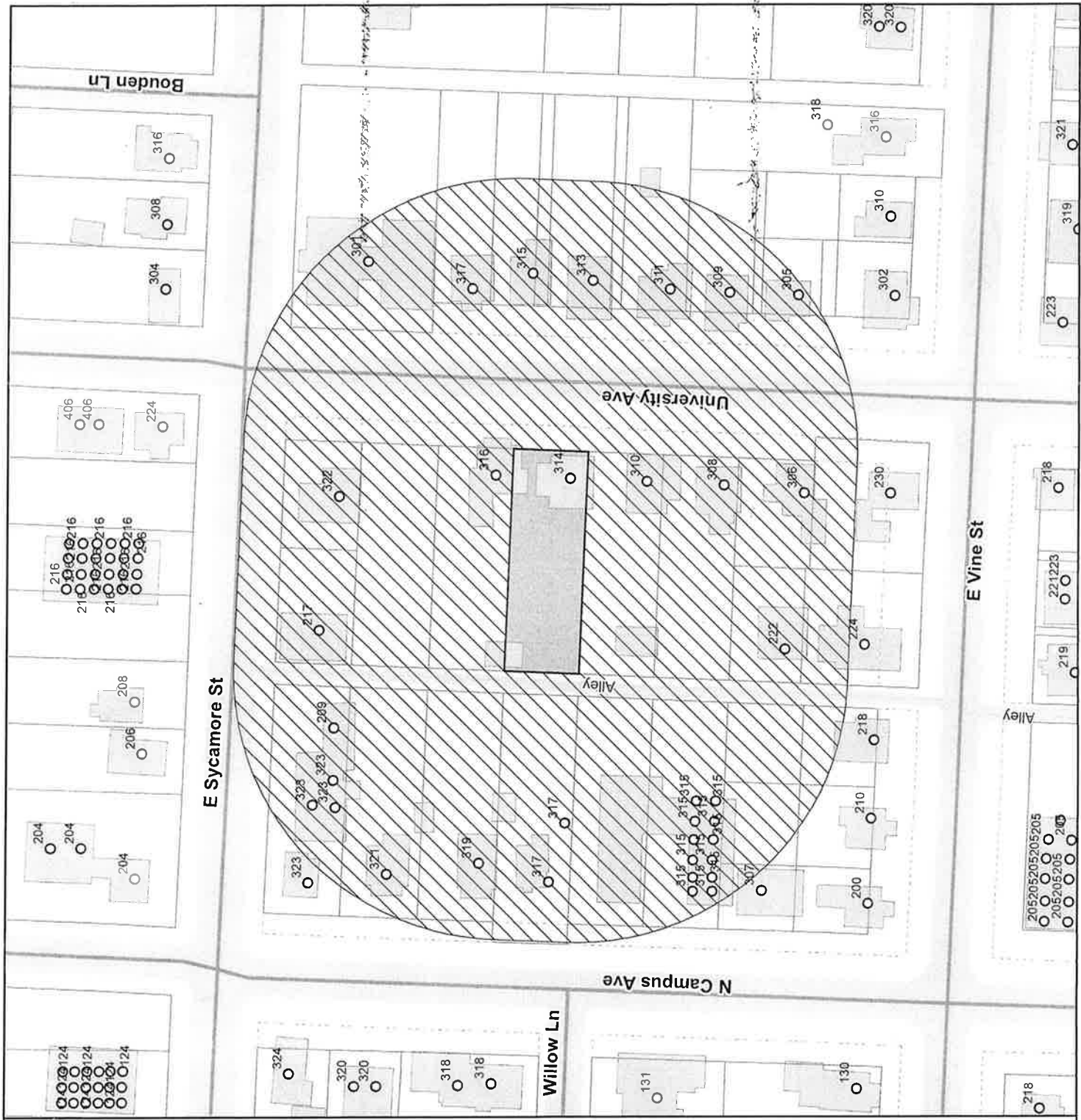
-  Subject Parcel
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  Vacated Right-of-Way
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet

Prepared on Monday, August 06, 2018

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



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 the construction of a new 3-Dwelling Unit Development at 314 University Ave.

Thank you,

Signed: Thomas Kachos
Thomas Kachos, Calista Enterprises LLC

7/16/2016
Date:



Internal Use Only:

Case No.

Date Filed

BZA-2018-16

7/17/18

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 * Calista Enterprises LLC
Mailing Address * 116 East High Street
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number(s) * 523-2015
Email Address tkacachos@parkplacerealestate.net

Variance and Lot Information

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

1143.07(c) Lot Width in R3MS, 1143.07(c) Max. Front Yard Lot Coverage, 1149.03(i) Parking space requirements,
1149.04(a)(3) location of required parking

Location of Requested Variance * 314 University Ave.
Name of Building
Legal Description * H4100006000031
Zoning District * R3MS Total Acreage * .234
Existing Use of Site * Single Family Residence

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.

New 3-Dwelling Unit Development

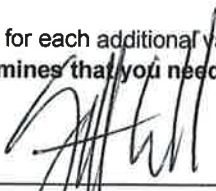
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method 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 *


7/16/2018

Date *

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



**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 Minimum Lot Width,
Front Yard Lot Coverage,
Parking Requirements &
Parking Location
Demolition of Existing Single Family Residence
& Construction of a New 3- Dwelling Unit Development
314 University Ave.

July 16, 2018

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for variances to the minimum lot width requirement of the R3MS Zoning District, front yard lot coverage, parking requirements, and location relating to the demolition of an existing Single Family Structure and the construction of a new 3-Dwelling Unit Development at 314 University Ave. in the R3MS Zoning District.

- 1143.07(c) Requires a minimum lot width of 60' and 8,000 s.f. of Lot Area for (3) Dwelling Units
- The Lot in Question has 56' of Lot Width (over 93% of the width requirement) and 10,192 s.f. of area (over 127% of the area requirement).
- Despite the slightly narrower lot width, the design as proposed meets the minimum side yard setbacks.
- 1143.07(c) Maximum Front Yard Lot Coverage of 5%
- The simple, straight 48" sidewalk from the setback line to the property line exceeds this maximum.
- 1149.03(i) Requires 2.5 spaces per dwelling unit for a total of (8) spaces
- 2 spaces per dwelling unit is required throughout the Mile Square, yet 2.5 spaces are still required for 3-family developments. This exceeds the parking requirement for projects on the perimeter and elsewhere in the City.
- 1149.04(a)(3) Location of parking min. 3' from property lines
- Based on the lot width, adherence to this standard would reduce the parking provided or encourage stacked parking. As alleys are now the encouraged parking areas, the offset between parking along the alley is unnecessary.

There are (2) specific requirements for 3-family development in the R3MS District: Lot width and Lot area. The parcel at hand represents over 93% of the width standard and over 127% of the area standard, making this lot appropriate for a variance allowing a new 3-family development in a 3-family district.

None of the lots along this side of University Ave. meet the minimum lot width requirements for the district that was just rezoned to R3MS in Planning Commission's initiative to increase the

density in this portion of the Mile Square, however nearly all of the lots in this area exceed the lot area requirement.

Parking variances regarding the number of space and their location enable the new development to provide adequate parking and meet the intent of the zoning code.

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 building was purchased in a state of disrepair, and while my client has been investing in and maintaining the property, its condition and location have encouraged him to consider a more significant investment; replacing the structure entirely.

The existing frame structure does not meet current building code requirements

While the property may continue in its current configuration and continue to yield a reasonable return, the project described herein represents a major investment in the neighborhood replacing an outdated structure and improving the living conditions of the residents and neighbors.

- b) *Whether the variance is substantial;*

The variance is not substantial, as the existing property represents over 93% of the required minimum, being 56' wide where the minimum is 60'. This is offset by the fact that the lot provides over 127% of the minimum lot area.

The proposed new development has designed to provide the required side yard setbacks on each side while breaking down the scale of the development into smaller structures.

The parking Variances are not substantial, as they reflect the requirements used everywhere else in the city, providing (2) space per dwelling unit. The offset from the property line is not significant along an alley, where Planning Commission prefers parking, and will not create a detriment to the neighbor.

- 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 be simply improved, removing a building that has outlived its life expectancy and replacing it with a new safer development, in line with Planning Commission's rezoning of the area and meeting the Mile Square Design Guidelines.

The Parking Variances improve the neighborhood, eliminating a curb cut, potentially increasing street parking, and removing resident's cars from the street.

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

No change in the delivery of utilities & government services is necessitated by this application.

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

The property owner was aware of the zoning restriction.

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

Lot widths in the new R3MS district cannot be corrected, as these were platted as original lots. In creating (2) standards for lot size (width and area) Planning Commission & City Council has accounted for slight variances in lot width through the variance process when one standard is exceeded.

The parking variances could be obviated by other variances, allowing more stacked parking spaces, or additional lot coverage.

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

The spirit of the Zoning Code is observed, allowing a three-family development in a three family district. Substantial Justice would be done by allowing the improvement of a property resulting in a more code compliant structure that reflects Planning Commission & City Council's decision to allow higher density in the Mile Square in such locations.

Further, it reflects Planning Commission's discovery that the lot requirements in the section of the Mile Square do not reflect the lot sizes in the district.

The spirit and intent of the code regarding parking is observed, relocating all parking to the alley & eliminating curb cuts from the street.

- h) *Any other relevant factor;*

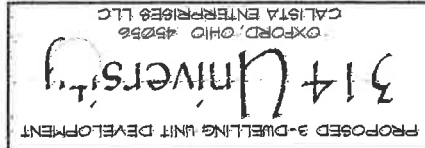
This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, improving the property aesthetically, and with regard to the safety of its occupants.

Thank you for your consideration of this application. If you have any questions or need any additional information, please call.

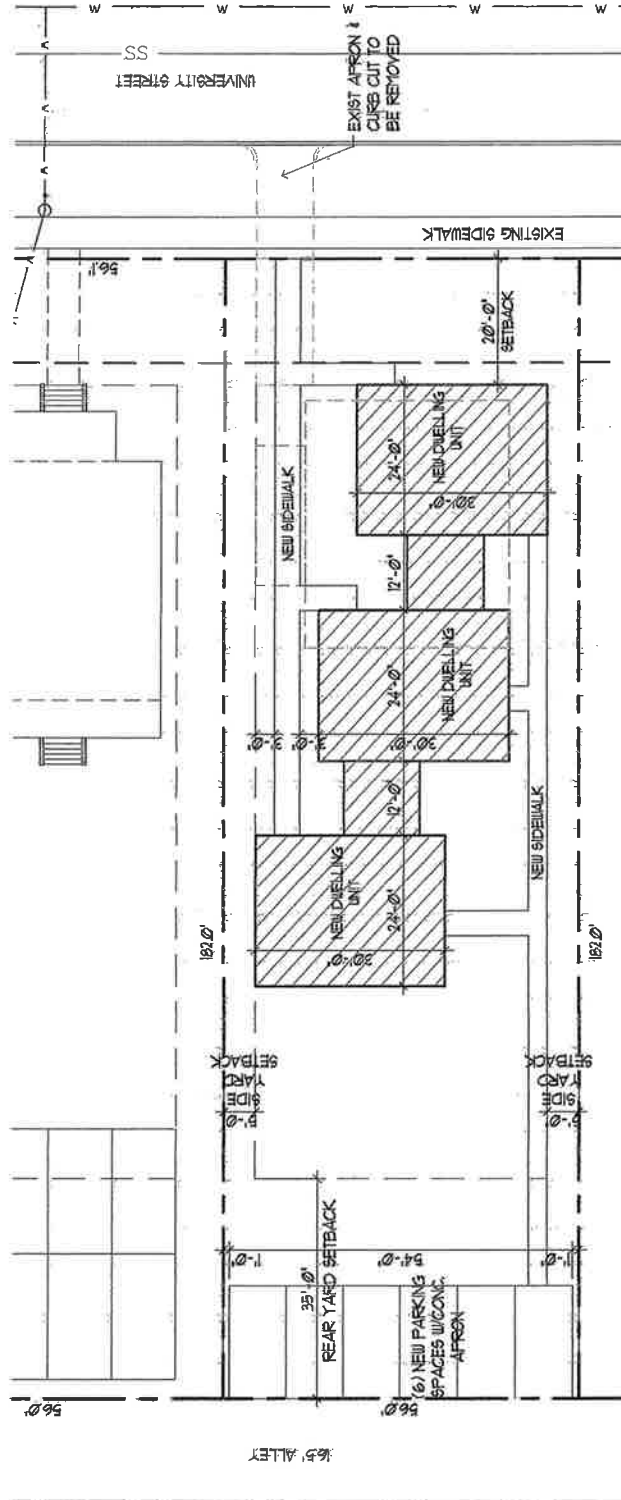
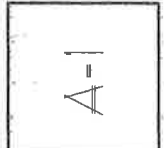
Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect



DATE	July 16, 2018
REVISIONS	



1" = 20'-0"

PRELIMINARY SITE PLAN

SCOPE OF WORK:
PROPOSAL INCLUDES THE REMOVAL OF AN EXISTING SINGLE FAMILY STRUCTURE FOR REPLACEMENT WITH A NEW (3) DWELLING UNIT DEVELOPMENT IN THE R3MS ZONING DISTRICT

PROPOSAL INCLUDES (3) SEPARATE ENTRANCES TO EACH DWELLING UNIT FACING UNIVERSITY AVENUE

REQUIRED VARIANCES

143.07(c) 60' MIN. LOT WIDTH FOR 3-FAMILY

ZONING (R3MS ZONING DISTRICT)

OVERALL LOT AREA: (8000 SF MIN)
OVERALL LOT WIDTH: (60' MIN)

LOT COVERAGE
BUILDINGS: 2,448 SF
DRIVEWAY PARKING (OFF ALLEY): 972 SF
SIDEWALKS: 900 SF
TOTAL: 4,320 SF

ACTUAL LOT COVERAGE: 4,320 SF / 10,192 SF = 42.38%
ALLOWED LOT COVERAGE: R3MS = 45%
ACTUAL FRONT YARD: 160 SF / 1208 SF = 13.25%
ALLOWED FRONT YARD: R3MS = 5%

PARKING

(75) SPACES REQUIRED @ 25 PER UNIT - (6 PROVIDED)

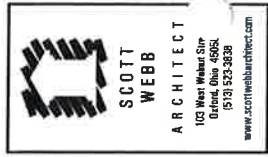
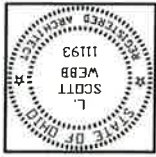
PROPOSED PARKING @ 1'-0" FROM LOT LINE AT REAR

RECEIVED JUL 20 2018

143.07(c) 5% MAX. FRONT YARD LOT COVERAGE

149.03(1) 8 SPACE REQUIREMENTS

149.04(a)(3) PARKING SPACES 3' FROM LOT LINE

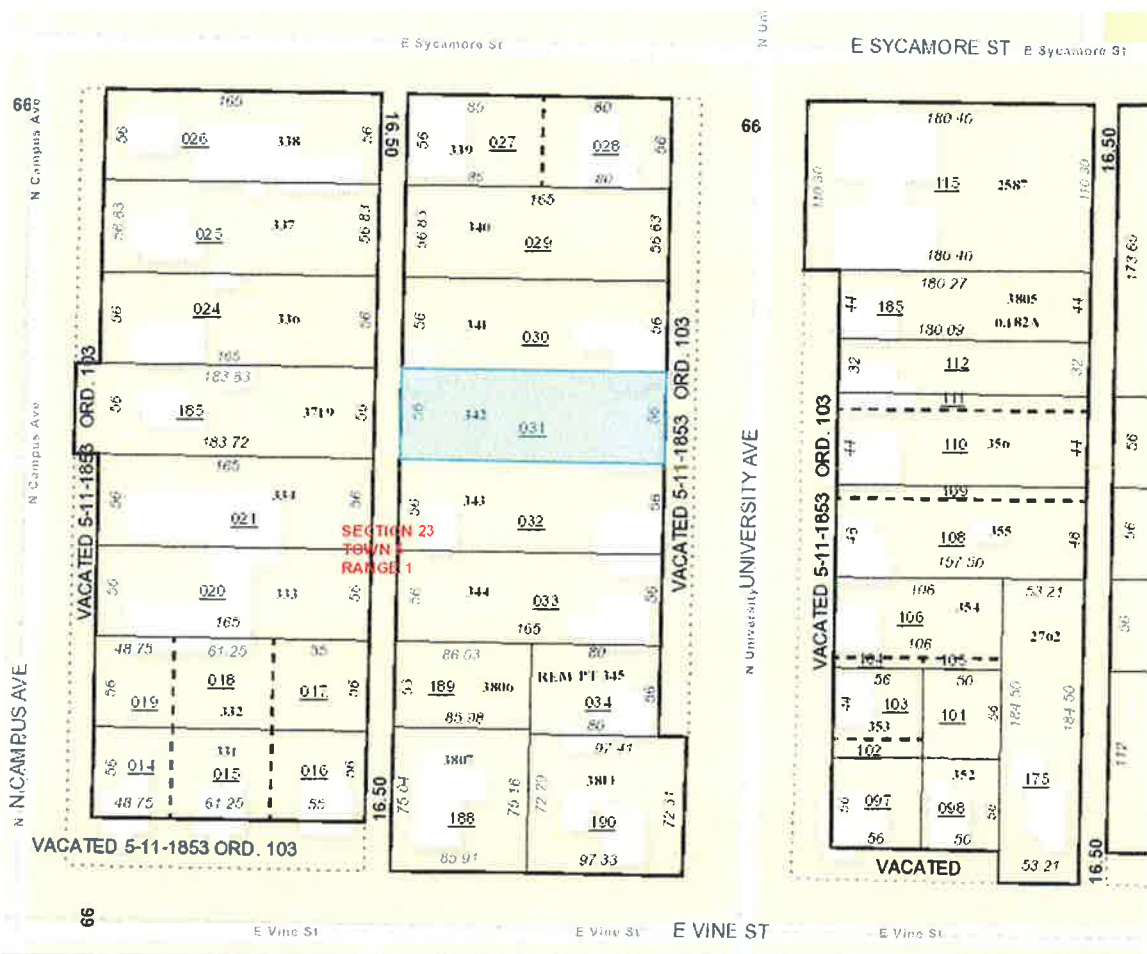


DATE	July 16, 2016
REVISIONS	

A-2



PRELIMINARY STREET VIEW



Site Location



Existing Structure

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-11

Date – June 13, 2017

APPLICATION

Applicant: City of Oxford
Action Request: **ZONING CODE TEXT AMENDMENT** to Amend Chapter 1143, Districts Sections 1143.03, 1143.05, 1143.07, R-1MS, R-2MS, R-3MS, **City of Oxford, Applicant**

DESCRIPTION

This application is part of an almost year-long discussion of the Planning Commission to look at ways to encourage redevelopment to allow higher density in the area near the campus. It is also part of the thought process of encouraging meaningful redevelopment that would respect the historic character of the Mile Square while providing safe environment to renters. The new proposed language also outlines the process allowing “accessory” building” to be used as a dwelling unit a conditional use application.

The proposed language also recommends changes to the site development regulations. The attached proposed amendment shows those details.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1143.07 R3MS (single, Two- and Three-Family Mile Square Residential) District for your information.

COMPREHENSIVE PLAN

Land Use Element:

The community’s small college town character will be preserved and enhanced.

- New development and redevelopment will be sensitive to pedestrians in terms of scale and walkability.
- New architecture will add to the character of the community as opposed to corporate, franchise architecture.

Infill development and redevelopment of underutilized sites is a priority

- Reuse of vacant and underutilized sites will be encouraged prior to new development.

Table 3.4 Concept Area Matrix and Table 3.5 Character Area Matrix also provided the overall theme of the Use Element of the Comp Plan. Additionally, Map 3.6 and 3.7 also show the area of neighborhood enhancement area as well as neighborhood character as well.

Urban Design

- Preserve and enhance historic resources in the Mile Square including Uptown District

Housing Element

Improve housing conditions in the Mile Square

- Ensure quality residential environment through improved housing standards.

AGENCY REVIEWS

Police:	Returned with no comments
Engineering:	No comments returned
Econ. Dev.	Returned with comments
Fire:	Returned with no comments

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The City Council allocated dollars in 2017 budget to direct staff and Planning Commission to conduct a zoning study to look at the nonconforming issue. The City retained a land use consultant, Campus Point Planning, to assist the Commission with this task. Given that nonconforming is generally created either prior to a land use regulations, or land use regulations changed after the uses are legally in place, so the focus has been on looking at the underlying district to address the nonconforming issue. Other factors also came into the mind of the Commission were the continued increasing student enrollment at Miami push for more housing demands, along with the age of the housing stock and its interior configuration to reflect the preferences of renters.

Looking at ways to increase density in the area near the campus and allow redevelopment, the consultant worked with the Planning Commission during various work sessions and went through each and every change with the Commission to ensure the proposal would reflect the desire of the Commission. The Commission also directed staff to invite stakeholders that may be impacted by these changes to the work session to voice their perspectives and one final go-around before giving its final okay to move this item to the public hearing process.

The amendment involves several other changes to the existing regulations, in addition to Chapter 1143. There are slight modifications to 1141 Accessory Structure and a new Conditional Use category under 1147 for accessory building used as a dwelling unit. Those changes are accompanied to this amendment as necessary changes to make all the changes occurring concurring.

Several changes to R1MS and R2MS are proposed, particularly the purpose statement to heighten the urban setting as well as the historic characters of these two districts. Another change is to re-format the site development regulations.

The major changes to Chapter 1143.07 R3MS (single, Two-Family, Three-Family Mile Square Residential) district are as follows:

1. Reduce the lot requirement for each dwelling type.
2. Reduce the lot width for each dwelling type
3. Delineate the maximum and minimum front yard setback.
4. Increase lot coverage
5. Delete the provision of lot coverage for all enclosed building
6. Adding accessory dwelling units as a conditional use

Other changes include changes to the Mile Square Design Guidelines related to the architectural features for a new 3-family dwelling as to what design features shall be provided. The amendment also includes in this a set of design standards for the accessory dwelling unit. It outlines that the style, heights that needs to be compliant to the main structure and is subject to the Planning Commission and City Council's Conditional Use review process.

These changes would not have impacts to the existing stock if no improvements have been planned. But any future redevelopment could be beneficial due to the reduction in the lot area, lot width to have

additional dwelling. However, the regulations are only part of the redevelopment requirements. The existing configuration of lot and the willingness of property also can and will become critical for the redevelopment. If the lot is not sizeable enough, it is still limited to what would be allowed based on the lot size.

Having the R3MS designation of any specific areas might be also an important step to address some nonconforming issue, particularly for those nonconforming uses that would have been allowed under R3M either being an allowable use or through conversion to become a conforming use. The area of interest the Commission has been looking at are (1) along Tallawanda Road/Sycamore; (2) central Mile Square, bordered by Church Street on the north, Campus Ave to the east and Heather Lane to the south and Beech Street to the west.

These changes are series of discussions the Planning Commission has had in hopes to increase density in the area adjacent or near the Campus that would be reasonably expected to attract students to live, and also allow existing housing stock to be able to be updated, within the stipulation of the Zoning Code, either the proposed one or the existing one.

The process of getting this proposed language for consideration has required many hours of Commission members attending the work sessions and discussed, debated and argued over what would be the end result of the changes. This may be not the best changes the Commission could come up with, but thanks to the Consultant, Wendy Muller, the Commission came to an agreement this version would be an appropriate one to move forward, but with the understanding that other changes may be under consideration in the future when necessary.

RECOMMENDATION

The attached revision and additional language provides detailed verbiage of the proposed text amendment. Staff recommends that the Planning Commission concur with the changes and forward to City Council for legislation.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE:

ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

- A. The proposed amendment will make the Code conform more closely to the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

2016 OXFORD ZONING STUDY: PROPOSED MAP AMENDMENT

**R1MS TO
R3MS: 17 AC**

**R1MS TO
R3MS: 3 AC**

**R2MS TO
R3MS: 18 AC**

**R2MS TO
R3MS: 1 AC**

**R2MS TO
R3MS: 32 AC**

**R1MS TO
R2MS: 11AC**

Legend

Proposed_Zoning

Zone_Chang

-  R-1MS to R-2MS
-  R-1MS to R-3MS
-  R-2MS to R-3MS

Current Zoning Districts

Zoning Districts

-  R-1A, Single-Family Low Density Residential
-  R-1B, Single-Family Medium Density Residential
-  R-1MS, Single-Family Mile-Square Residential
-  R-2A, Single- and Two-Family Residential
-  R-2MS, Single- and Two-Family Mile-Square Residential
-  R-3, Multi-Family Residential
-  R-3MS, Single-, Two- and Three-Family Mile-Square Res.
-  R4, Multi-Family Residential
-  R-MH, Planned Mobile & Manufactured Home Res.
-  RO, Office Residential
-  UP, Uptown
-  MU, Miami University
-  GB, General Business
-  OI, Office & Light Industrial
-  LI, Light Industrial
-  AOS, Agricultural Open Space



0 0.125 0.25 0.5 Miles

Map created by Oxford Community Development Department May 17, 2017

2016 OXFORD ZONING STUDY: PROPOSED MAP AMENDMENT

**R1MS TO
R3MS: 17 AC**

**R1MS TO
R3MS: 3 AC**

**R2MS TO
R3MS: 18 AC**

**R2MS TO
R3MS: 1 AC**

**R2MS TO
R3MS: 32 AC**

**R1MS TO
R2MS: 11AC**

Legend

Proposed_Zoning Zone_Chang



R-1MS to R-2MS



R-1MS to R-3MS



R-2MS to R-3MS

ORDINANCE NO. 3428

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1143.07 ENTITLED R-3MS SINGLE AND TWO-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1143.07 ENTITLED R-3MS SINGLE, TWO AND THREE-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO, THAT:

SECTION I: Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on July 11, 2017 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.07 entitled R-3MS Single and Two-Family Mile-Square Residential District and adopting new Oxford Codified Ordinance Section 1143.07 entitled R-3MS Single, Two and Three-Family Mile-Square Residential District.

SECTION II: Council hereby repeals Oxford Codified Ordinance Section 1143.07 entitled R-3MS Single and Two-Family Mile-Square Residential District and adopts new Oxford Codified Ordinance Section 1143.07 entitled R-3MS Single, Two and Three-Family Mile-Square Residential District as follows (additions are bolded and deletions are struck through):

1143.07 R3MS SINGLE, TWO, AND THREE-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT.

(a) Purpose. The purpose of this district is to preserve and encourage a mix of single-family, two-family, and three-family dwellings in an urban environment while maintaining the urban form of development within the Mile-Square District. Furthermore, it is the intent of this district to be located in areas that are in close proximity to commercial services, public institutions, and adequate infrastructure to serve the residents within this district.

(b) Uses.

(1)

Permitted uses.

- A. Single-family dwellings
- B. Two-family dwellings
- C. Three-family dwellings
- D. Accessory buildings and uses incidental to the principal use that does not include any activity conducted as business.
- E. Day Care Home Type B family.

(2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1141.

- A. Community-Oriented Residential Social Service Facilities (CORSSF's).
- B. Shared Housing and Congregate Housing for the elderly.
- C. Government owned and/or operated parks and recreation facilities.
- D. Bed and breakfast homes.
- E. Publicly owned and operated neighborhood recreation centers.
- F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- G. Schools: primary, intermediate, and secondary, both public and private.
- H. Fraternity and sorority houses.
- I. Places of worship.
- J. Parking lots.
- K. Accessory dwelling units

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements) Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

	Single-Family Dwellings	Two-Family Dwellings	Three-Family Dwellings
Lot Requirements			
Minimum Lot Area (Square Feet)	4,000	6,000	8,000
Minimum Lot Width (Feet)	40	50	60
Yard Requirements			
Minimum Front Yard	15 feet		
Maximum Front Yard Depth	25 feet		
Minimum Rear Yard Depth	35 feet		
Minimum Side Yard Width	5 feet		
Structural Requirements			
Maximum Building Height	35 feet		
Lot Coverage for Lots with Vehicular Access from a Public Street			
Lot Total	45 percent of lot		
Front Yard	35 percent of front yard		
Lot Coverage for Lots with Vehicular Access from a Rear or Side Alley with No Access from a Public Street			
Lot Total	45 percent of lot		
Front Yard	5 percent of front yard		

(d) Mile Square Design Standards.
Purpose and Applicability.

A. The purpose of the Mile Square Design Standards is to establish design standards for all new, expanded, or renovated buildings so they are part of the urban form and character of the Mile Square District. These standards are not intended to dictate any specific architectural style or design but rather are intended to allow imaginative design that is respectful to surrounding properties and the overall district. The Mile Square Design Standards are intended to provide predictable requirements while also allowing for flexibility in design.

B. The design of all new construction and exterior alteration or renovation in the R3-MS District shall conform to the following requirements.

(1) Front Façade.

A. All development shall be located parallel to the associated public street with the main entry door designed to face onto the associated public street unless an alternative orientation is consistent with the majority of homes along the same block face.



Figure <>: Example of residential development that is oriented toward the primary street.

(2) Foundations.

- A. Any new construction, including expansions, shall not include exposed concrete block or cinder block foundations.
- B. Exposed concrete block or cinder block foundations that are covered by a historically appropriate facing treatment are permitted

(3) Siding.

- A. Brick, stone, authentic stucco, or material replicating stone Veneer are permitted building materials in all residential districts.
- B. Decorative, wood shingles are an acceptable treatment for the residential structures in the Mile Square Residential Districts.
- C. The use of cementitious siding materials (e.g., Hardiplank) that resemble wood siding treatments is permitted.
- D. The use of artificial aluminum or vinyl siding for residential structures within the Mile Square is strongly discouraged. However, vinyl siding can be acceptable only when it meets the requirements of ASTM D3679.
- E. Plank siding treatments shall be horizontally oriented. Vertical planking may be allowed in a 90 degree board and batten treatment.
- F. Brick or masonry that has not previously been painted shall not be painted unless the painting of brick or masonry is consistent with the architectural style or era of the building.
- G. All wood siding materials shall be painted.
- H. For expansions and additions of existing buildings, the widths, lengths, and composition of siding must be consistent between the existing structures and any new additions. Decorative trim, such as window trim, fascia boards, and cornice work must also be consistent with the existing structure. Any additions or expansions of an existing building shall also comply with Section 1141.03 (h) (Residential Building Additions).

(4) Roofs.

- A. Flat roofs are prohibited for residential buildings except for small areas on a rear roof that are used and sized for the placement of roof-mounted mechanical systems.
- B. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required with the exception of porch roofs that should have a minimum pitch ratio of 4 to 12.

- C. Decorative cornices and parapets are encouraged.
 - D. The addition of antennae, satellite dishes, and skylights should be place on the rear of the building, roof, or on a non-visible accessory building to the maximum extent feasible
- (5) Doors
- A. Doors shall be made of wood or "wood appearing" types of material.
 - B. All doors shall be constructed to be exterior doors. The use of an indoor door on the exterior of the building is prohibited.
- (6) Windows.
- A. Windows must be proportionally vertical.
 - B. Reflective glass (such as blue or gold tinted glass) is prohibited.
 - C. Skylights can be added to increase the availability of natural light. These must generally be flat and unobtrusive (especially from any public ways). They shall not be located on the front side of the roof slope facing the street.
- (7) Porches & Stoops, Decks & Patio.
- A. New residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood.
 - B. All porches shall satisfy the required setbacks and lot coverage requirements of the applicable zoning districts.
 - C. Stoops may not exceed 50 square feet.
 - D. Decks shall only be permitted in along the rear façade of a building.
 - E. Porches and stoops shall be constructed of the same building materials as the principal building. The use of treated or untreated lumber that is not painted shall be prohibited for use on the front or side façades.
- (8) Garages & Accessory buildings.
- A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.
 - B. The front façade of any garage facing on to the street shall be set back a distance equal to or more than the front façade of the remainder of the principal building.
 - C. To the maximum extent feasible, a detached garage be accessed from the alley if alleys are available for vehicular traffic.
 - D. The architectural style and materials of any accessory building generally be compatible with the principal building as should the roof type and roof slope. Roofs for any accessory building shall be subject to the same standards as for principal structures pursuant to Subsection (4) above.
- (9) Fences & Gates.
- A. Chain link fences are prohibited.
 - B. When fencing is to be used, traditional fence forms, such as picket fences and plain board fences, shall be utilized and shall comply with the fencing height restrictions of Section 11.41.01.

- C. Fencing shall only be constructed of wood, wrought iron, decorative metal fencing, or fencing material that resembles wood materials

(10) Chimney.

- A. Where a building is designed with chimneys or where a chimney is to be added to an existing structure, brick or stone are the preferred materials. Other siding may be allowed if the entire building is sided in similar materials.

(11) Shutters.

- A. Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.



The shutters on the left window are appropriately shaped and sized for the related window even if they are not operable. The replacement shutters on the right are not appropriate due to the length and shape that do not correlate to the related window.

(12) Driveways & Parking Lots.

- A. Individual curb cuts for driveways are strongly discouraged. No curb cuts are allowed if an alley is present. Alleys must be utilized as much as possible to provide automobile access.

(13) Landscaping.

- A. Existing mature trees should be preserved and maintained when possible.

(14) Graphics, Signage, & Building Identification.

- A. The Sign Code of the City of Oxford must be consulted for specific sign regulations in addition to these guidelines.

(15) Architectural Features for Three-Family Dwellings

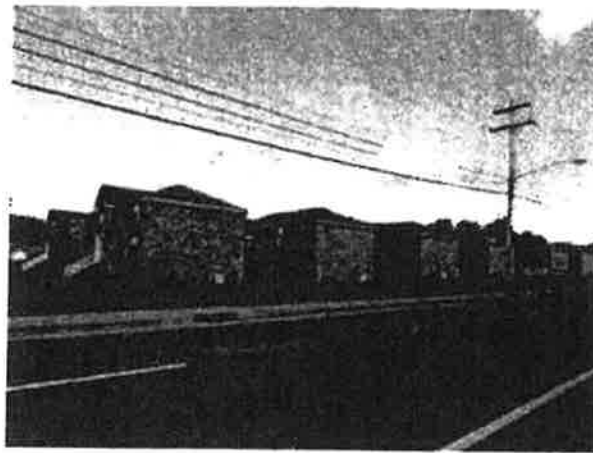
- A. At least three of the following design features shall be provided on the front façade of each dwelling unit with frontage on a public street.

1. One or more dormer windows or cupolas;
2. A recessed entrance;
3. A covered porch or balcony;
4. Pillars, posts, or pilasters;
5. One or more bay windows with a minimum of 12 inch projection from the façade plane;
6. A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
7. Multiple windows with a minimum of four inch wide trim.

- B. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street.



Illustrative example of acceptable architectural design for multi-family dwellings



Illustrative example of unacceptable architectural design for multi-family dwellings

(16) Accessory Dwelling Units

In addition to the standards applicable to all conditional use reviews, any new accessory dwelling unit shall be subject to the following standards:

- A. An accessory dwelling unit may be in a stand-alone structure or may be located above a garage.
- B. In no case shall there be more than three dwelling units on any single lot, including any approved accessory dwelling unit.
- C. Accessory dwelling units shall only be allowed on lots with a area of 5,000 square feet.
- D. The maximum square footage of an accessory dwelling unit shall not exceed 1000 square feet or 50% of the footprint of the principal structure whichever is smaller, unless approved by the Planning Commission and City Council.
- E. The accessory dwelling unit shall be located in the rear yard.
- F. The accessory dwelling unit shall be designed to be smaller in mass, height, and square footage than the principal dwelling.
- G. The accessory dwelling unit structure shall be subject to the accessory building design guidelines of this section.

SECTION III: This Ordinance shall take effect at the earliest time allowed by law.


MAYOR

ADOPTED: September 19, 2017

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Memo



To: BZA
From: Sam Perry, Community Development 
Date: 8/10/2018
Re: Tabled Case 2018-15 – 406 E. Withrow Street

On behalf of Crossroads Church, Tommy Reed of Atlantic Sign Company has submitted a revised wall sign size of 18 square feet, which was previously 28 square feet.

I also have a memo from Mr. Reed stating that they do not plan to utilize the approved permit for the compliant ground sign. They plan to seek the size variance for the wall sign instead.

The BZA can re-open the hearing and hear any new evidence from staff, applicant or public and then re-evaluate the evidence using the decision standards.

Please see attached drawings from Mr. Reed as well as **review and bring the related files from the July agenda packet.**



Atlantic Sign Company

2328 Florence Avenue
Cincinnati, OH 45206

(513) 241-6775

Fax (513) 241-5060

FILE NAME
SIGNS 12 CDR

CUSTOMER
CROSSROADS

LOCATION
OXFORD, OHIO

DRAWN BY
Bob Allen

DATE
7-31-08

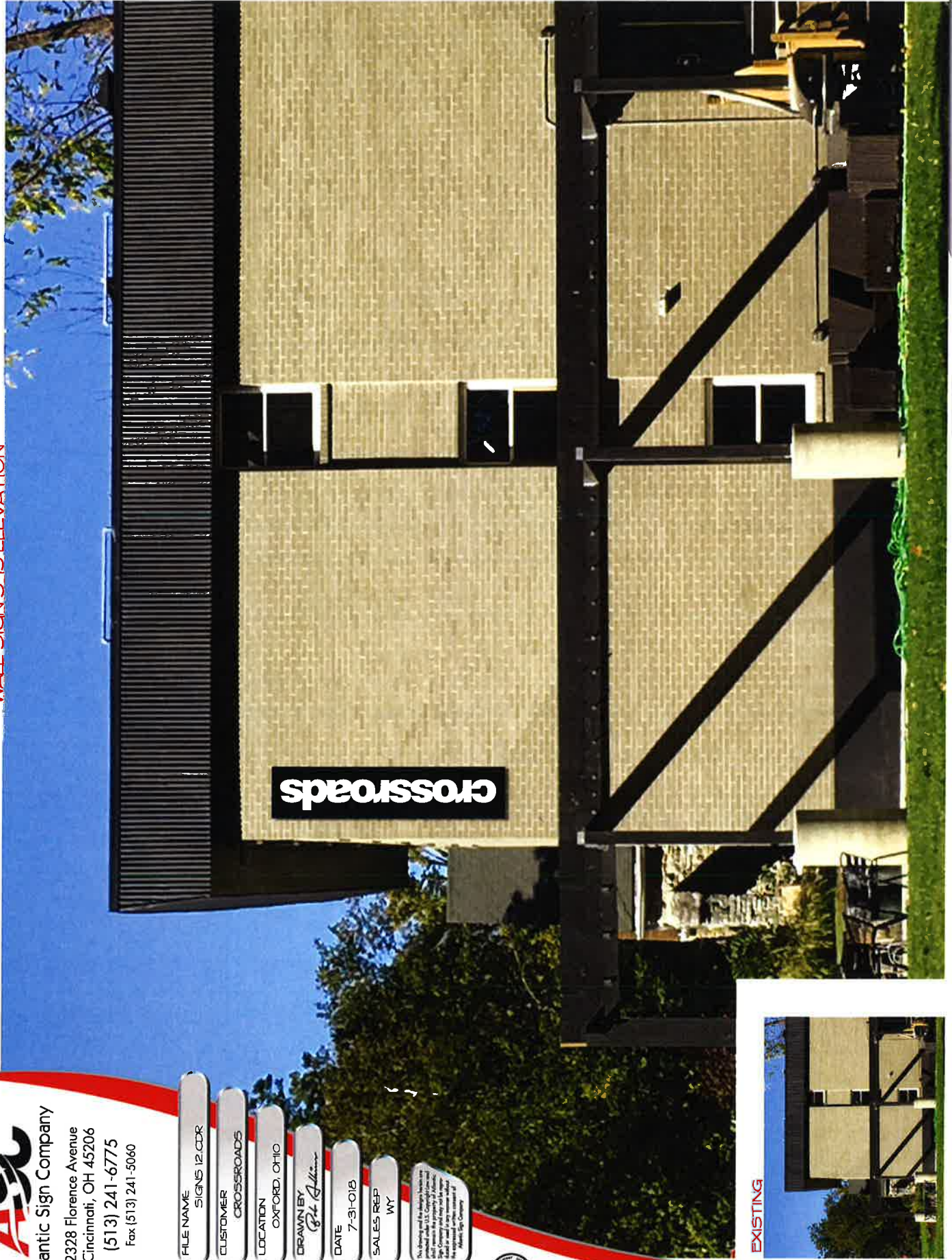
SALES REP
WY

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WALL SIGN 3-15 ELEVATION

PROPOSED



EXISTING



APPROVED

Revised 7/31/18 by Keith Sarna



Atlantic Sign Company

2328 Florence Avenue
Cincinnati, OH 45206

(513) 241-6775

Fax (513) 241-5060

FILE NAME	SIGNS 12.CDR
CUSTOMER	CROSSROADS
LOCATION	OXFORD, OHIO
DRAWN BY	<i>Bob Allen</i>
DATE	7-31-18
SALES REP	WY

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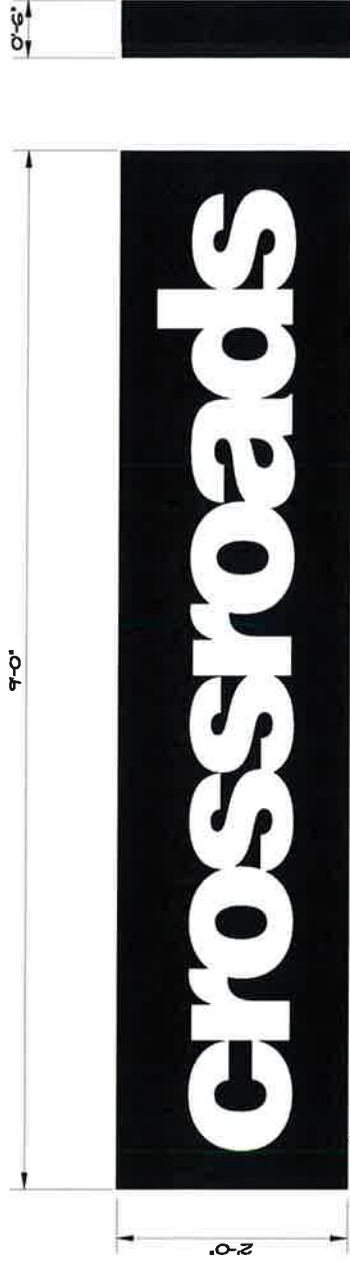


BLACK

LIGHTING OPTION 1: QTY. (1) SINGLE SIDED WALL SIGN: NON-ILLUMINATED

LIGHTING OPTION 2: QTY. (1) SINGLE SIDED WALL SIGN: INTERNALLY ILLUMINATED WITH WHITE LEDS

WALL SIGN 3-15



LAYOUT OPT A

ALUMINUM EXTRUSION SIGN: SIGN PAINTED BLACK WITH BLACK RETAINERS
3/16" WHITE POLY FACE WITH FIRST SURFACE, BLACK VINYL BACKGROUND AND REVERSED WHITE COPY
MOUNTED VERTICALLY ON BRICK WALL

APPROVED

Revised 7/31/18 by Keith Sarna