

Case No:
BZA-2020-09



Meeting Date:
October 21, 2020

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Scott Webb Architect
Location	420 & 422 N Campus Avenue
Owner	Paul Arel & Stephanie Franckewitz
Action Request	Variance to Section 1143.07(c) for maximum lot coverage
Lot Size	7,500 square feet
Lot Width	50 feet
Current Use	Two-Family Dwelling
Current Zoning	R3MS Single-, Two-, and Three-Family Mile-Square Residential District
Surrounding Land Uses	Single-, Two-, and Three-Family Dwellings; Multi-Family Residential nearby at the NW corner of N Campus and E Sycamore

BACKGROUND

The subject property is currently developed as a two-family dwelling permitted for a maximum of 8 unrelated individuals. The front unit, addressed as 420 N Campus, permits up to 3 unrelated. The rear unit at 422 N Campus permits up to 5, making it legal non-conforming since the normal maximum of 4 is exceeded. A minor interior remodel to bathrooms in the larger unit took place in 2018, though this did not have an effect on the non-conforming occupancy due to being considered a “renovation” rather than a “reconfiguration.”

In pursuit of adding a new covered open-air porch to the front of the existing structure, the applicant is requesting relief from the maximum lot coverage standard in the R3MS zoning district. **Section 1137.04(4)** provides an allowance for porches on the front façades of existing residential buildings containing nonconforming uses, provided: (1) the porch conforms to district standards in terms of design, setbacks, and coverage; and (2) the porch is not enclosed and open at least on 2 sides.

DESCRIPTION

The applicant's requested variance can be summarized as follows:

Requirement	Code Section	Standard	Proposal
Maximum Lot Coverage	1143.07(c)	45% max	65.5% total
The maximum lot coverage in the R3MS zoning district is 45%. Existing coverage on the lot totals 63.8%, inclusive of the structure, concrete driveway, and a gravel parking area in the rear. The applicant proposes to add a new 8' x 16' porch, increasing the total coverage by 128 square feet; this will increase the actual coverage area by 2.7% and elevate the overall lot coverage to 65.5%, an increase of 1.7%.			

PUBLIC COMMENTS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. The notice specifically addressed possible changes to the date, location and format of the meeting due to the COVID-19 pandemic, including the possibility of a video conference and/or teleconference format. No official public comments have been received as of this writing.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Jessica Greene, Assistant City Manager	Not Returned
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned without Comments

BZA SITE HISTORY

There is no prior BZA case history available in City records for this property.

DECISION CRITERIA

In accordance with **Section 1139.02(c)(1)**, the burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance. Furthermore, per **Section 1139.02(c)(2)** the BZA must find that **practical difficulties** exist that would render strict application of the Code unreasonable. In determining whether such difficulties exist which are sufficient to warrant the 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.

If the BZA determines that difficulties exist which are sufficient to warrant the variance, staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request.

If the BZA does approve the variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by **Section 1139.02(d)(2)**.

Staff's review of the criteria is outlined in the table below. At the time of this report, staff believes **there is substantial evidence** to support the variance request for an increase to the maximum lot coverage.

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
Does not support granting the variance	The property is currently developed with a two-family dwelling, which is sufficient evidence to demonstrate that beneficial use exists without the variance. The goal in seeking this variance is merely to improve the aesthetic presentation of the structure.
Criterion B	Whether the variance is substantial
✓ Supports granting the variance	The applicant is asking for a 1.7% increase from the existing lot coverage. Granting the request would allow the existing coverage area to expand by 2.7% . Despite the fact that the subject lot is already non-conforming by exceeding the normal coverage limit by 18.8%, staff does not believe the requested change is substantial in relation to the presently developed condition.
Criterion 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
✓ Supports granting the variance	Staff believes the proposal serves as an enhancement to the character of the surrounding neighborhood, bringing it more in-line with the Mile Square Design Guidelines, and not causing a detriment to surrounding properties.
Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
✓ Supports granting the variance	Staff does not believe governmental services will be adversely impacted. Engineering, Fire and Police Departments returned the application without comments; had any comments been received, these might have contributed to this criterion. There will be no impact to the actual indoor living space accommodations, or additional required utility connections.
Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
✓ Supports granting the variance	The applicant indicates in his letter that the property owner was informed about the restriction when initially contacting him about designing a new porch. If the owner had no prior knowledge of the restriction, then this criterion provides additional support for granting the variance request.

Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
Mixed evidence	Past practice has been to allow owners the ability to make changes to their property, so long as there is no change to the use and the net amount of lot coverage does not exceed the existing percentage, even if that figure already exceeds the district maximum. A little over 1,000 square feet of the current lot is devoted to gravel parking, which in and of itself is a non-conformity with respect to the parking standards of the Oxford Zoning Code. The owner could offer to excavate and revert enough of the gravel surface back to green space to account for the new porch footprint, without necessitating a variance. Under this option, staff would likely ask for at least a curbed concrete walk/barrier to prevent gravel from creeping back into the re-greened area. A potential downside to this alternative is the loss of turn-around space directly on the lot, which could pose as its own predicament, and which would not come into play if the variance were granted.
Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
Does not support granting the variance	The spirit and intent behind maximum lot coverage standards is to ensure adequate preservation of open and green spaces interspersed throughout all properties, thus avoiding a neighborhood condition characterized by an abundance of paved surfaces and building foundations. Staff feels the spirit of the zoning requirement could be better served by pursuing an option which limits the lot to its existing grandfathered coverage, rather than increasing what is already a non-conforming aspect of the property, despite the fact that the amount of increase requested is relatively insubstantial.
Criterion H	Any other relevant factor
✓ Supports granting the variance	The R3MS district is the only district under Oxford's Zoning Code which provides both a <i>minimum</i> and a <i>maximum</i> front yard setback standard, which are 15 feet and 25 feet respectively. The site plan shows the existing building to be approximately 31 feet away from the front property line, making it presently non-conforming. The new porch will shorten this distance to approximately 23.5 feet, thus making the structure more conforming with respect to the front yard setback.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: October 7, 2020

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA 2020-09**, being a Variance to Section 1143.07(c) for maximum lot coverage:

Mr./Ms. _____ hereby moves that the Board adopt and make the following findings of fact:

- A. The property in question (**will / will not**) yield a reasonable return or (**can / cannot**) be used beneficially without the variances because:_____
- B. The variance (**is / is not**) substantial because:_____
- C. The essential character of the neighborhood (**would / would not**) be substantially altered by the variance and adjoining properties (**would / would not**) suffer a substantial detriment as a result of the variance because:_____
- D. The variance (**would / would not**) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because:_____
- E. The property owner (**did / did not**) purchase the property with knowledge of the zoning restriction because:_____
- F. The property owner's predicament (**can / cannot**) feasibly be obviated through some method other than a variance because:_____
- G. The spirit and intent behind the zoning requirement (**would / would not**) be observed and substantial justice done by granting the variance because:_____
- H. Other relevant factors, if any, considered include:_____

It is further moved that after considering and weighing these factors, the Board should find that practical difficulty (**is/is not**) shown sufficient to warrant granting the Variance requested, and that the Variance should be accordingly (**APPROVED / DENIED / APPROVED WITH THE FOLLOWING CONDITIONS**). The conditions for approval, if any, include:

Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____



BZA-2020-09 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

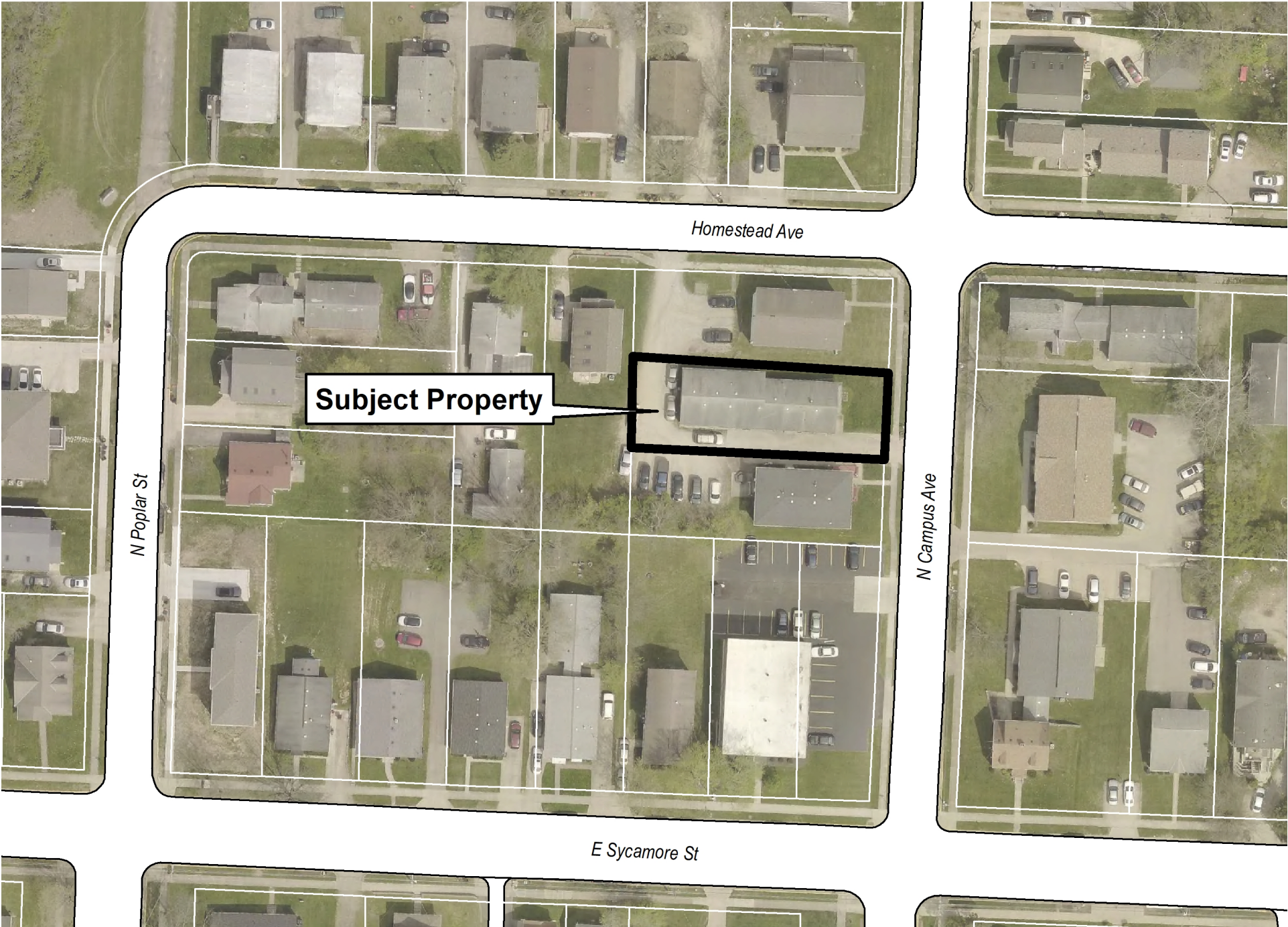
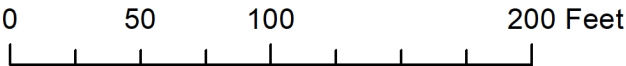


Prepared on Wednesday, September 30, 2020
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.

Location Map



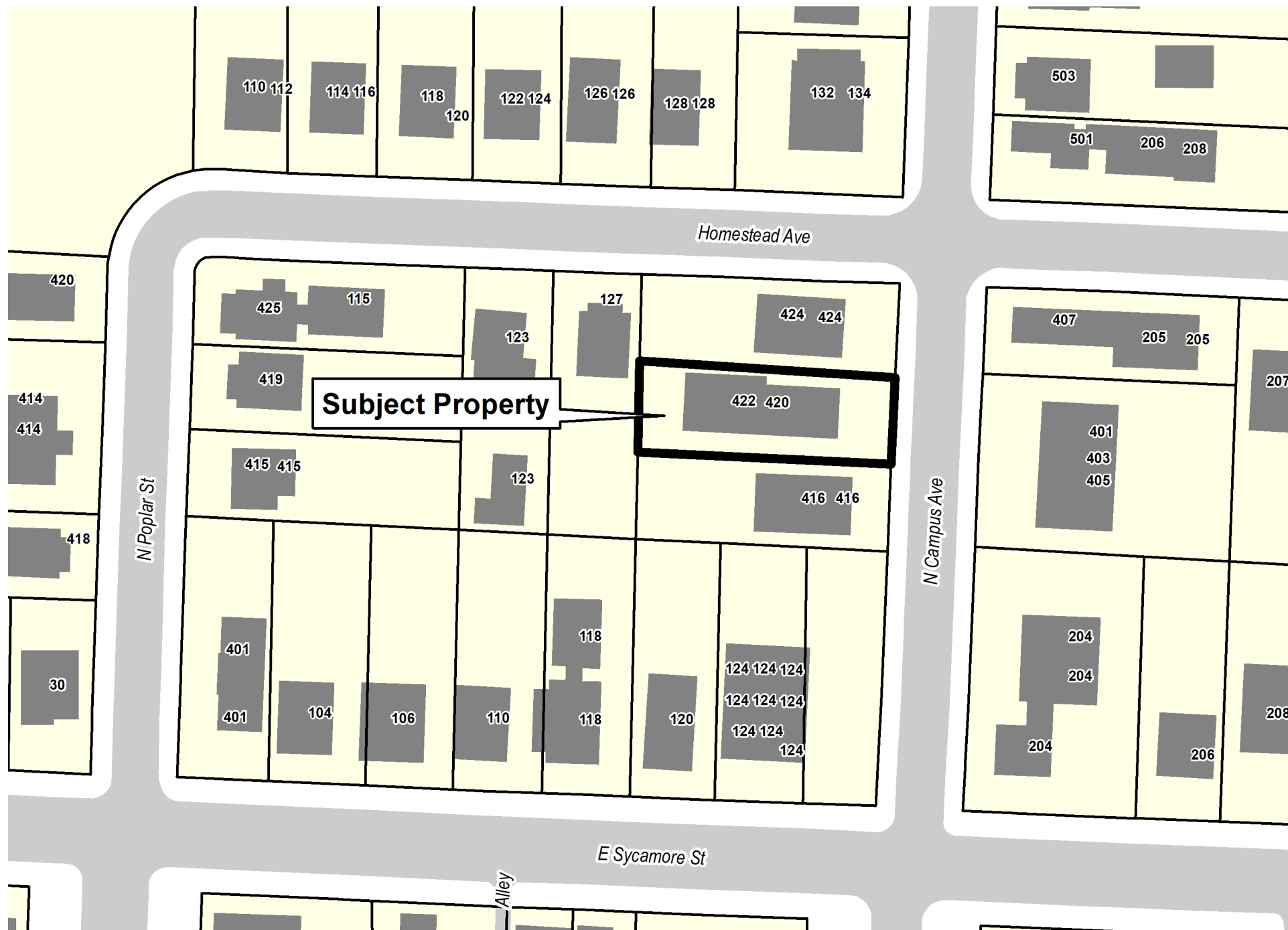
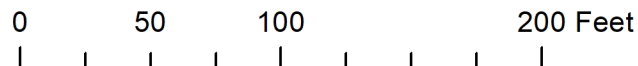
Site Parcel(s)



Location Map



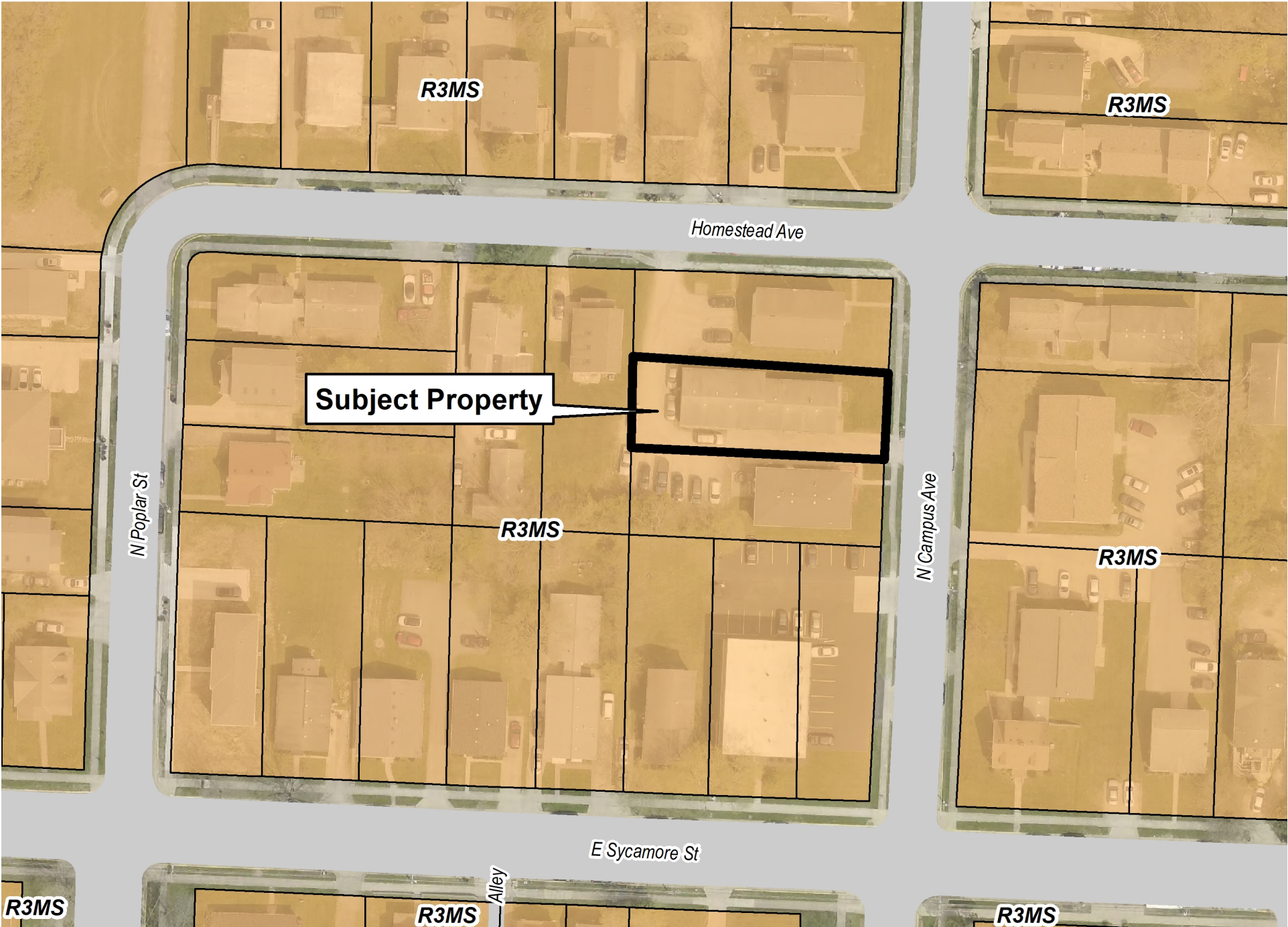
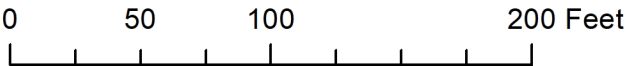
Site Parcel(s)



Location Map



Site Parcel(s)





Internal Use Only:

Case No.

Date Filed

BZA-2020-09
9/21/20

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 * Paul Arel & Stephanie Franckewitz
Mailing Address * 736 Maranatha Way
City, State & Zip Code * Loveland, Ohio 45140
Telephone Number(s) * 513-602-0127
Email Address hawksnestrentals@gmx.com

Variance and Lot Information

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

1143.05(c) Maximum Lot Coverage of 45% for Porch Addition

Location of Requested Variance * 420 N Campus
Name of Building
Legal Description * Parcel #H4100010000033
Zoning District * R3MS Total Acreage * .172
Existing Use of Site * 2-Family Residential

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.

2-family Residential

- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

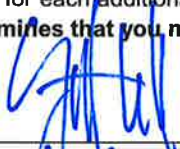
Fees & Receipt

The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00, plus \$10.00 postage charge. **Fees may increase if staff determines that you need more variances.**

Sign and Date

Petitioner Signature *

Date *




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>

Lynn Taylor

From: Paul Arel <hawksnestrentals@gmx.com>
Sent: Monday, September 21, 2020 11:33 AM
To: Lynn Taylor
Subject: Re: RE: Re: RE: RE: 420 N. Campus Survey

Agent email

To whom it may concern:

Please be advised that we are currently traveling and have appointed Scott Webb to represent us at the BZA meeting October 21, 2020 and any subsequent meetings relative to the request presented at the above meeting. Thank you.

Please reach out to us if you have any questions.

--
Thank you,

Paul Arel
Stephanie Franckewitz
Hawk's Nest Rentals
513-602-0127

On 9/21/20, 11:28 AM Lynn Taylor <ltaylor@cityofoxford.org> wrote:

Hello-

You can just say in an email that you are traveling and that you are allowing Scott Webb to represent you at the October 21 BZA meeting.

Thanks

lynn

Lynn Taylor
Administrative Assistant



513-524-5204
15 S. College Ave.
Oxford, OH 45056

From: Paul Arel <hawksnestrentals@gmx.com>
Sent: Monday, September 21, 2020 11:02 AM
To: Lynn Taylor <ltaylor@cityofoxford.org>

Board of Zoning Appeals
City of Oxford
15 South College Avenue
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Variance to Maximum Lot Coverage
Proposed Front Porch Addition to an
Existing 2-Family Dwelling
420 North Campus Ave.

September 21, 2020

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the maximum lot coverage of the underlying Zoning District relating to the addition of a covered porch to the front of an existing 2-Family structure. in the R3MS Zoning District.

1143.05(c) Maximum Lot Coverage of 45%

The building and lot in their current configuration exceeds the overall lot coverage limitations with 63.8% of the lot covered by the existing single story 2-family house, a portion of a shared driveway, and a gravel parking area. The proposed porch addition represents a net increase of 1%, resulting in a new total of 64.8%

The current building sits well behind the front yard setback, allowing the porch addition without additional variances for front yard setbacks or front yard lot coverage

While the building is classified as a 2-Family structure, it is a non-conforming land use; the interior configuration provides one unit for (3) persons and one for (5).

Per 1137.04(a)4, A porch addition to the front façade of an existing residential building that contains a nonconforming use may be permitted, provided that the proposed addition satisfies the design standards, setback and lot coverage regulations of the District. Such porch addition shall not be enclosed and shall be open at least on 2 sides.

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 property may continue in its current configuration and continue to yield a reasonable return. The porch addition represents an improvement to the existing building.

b) Whether the variance is substantial;

The variance is not substantial, adding 1% to the overall lot coverage to replace an inappropriate stoop with a covered porch.

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, replacing a concrete stoop with a covered porch, meeting the Mile Square Design Guidelines.

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 made aware of the zoning restriction when he contacted my office about a porch addition.

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

With the project already exceeding lot coverage limits, no changes or improvements can be done to this building without this variance.

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 investment and improvements to properties in the Mile Square, in an area specifically targeted by Planning Commission & City Council to attract student housing.

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.

Further, it is within the area Planning Commission & City Council targeted for redevelopment and greater density based on its adjacency to the university.

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 dark ink, appearing to read 'Scott Webb', is written over a light blue rectangular background.

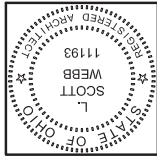
Scott Webb, Architect



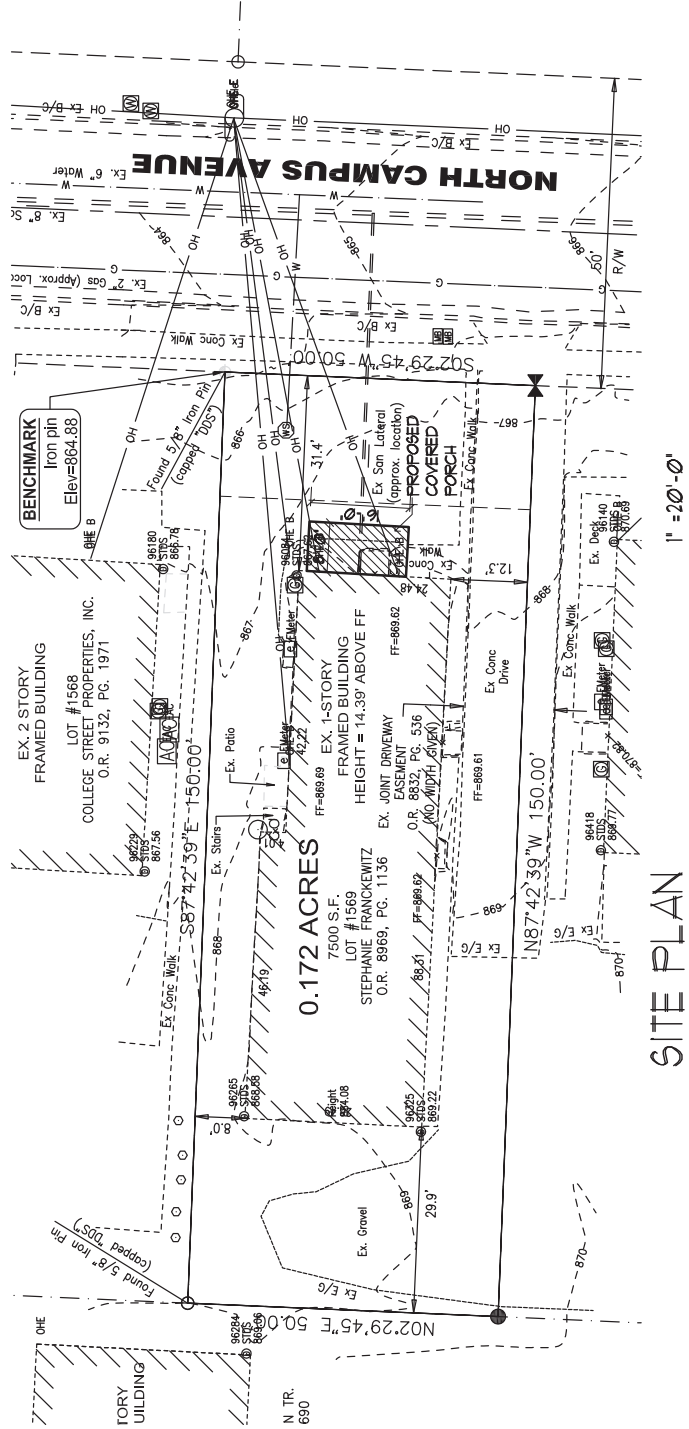
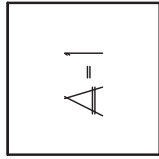
Area Map Showing Existing Development Pattern



Existing Single Story Structure



DATE	September 18, 2020
REVISIONS	



SITE PLAN

REQUIRED VARIANCES

SITE DEVELOPMENT	
(R3M5 ZONING DISTRICT)	
OVERALL LOT AREA:	1500 SF
OVERALL LOT COVERAGE:	
BUILDINGS:	2345 SF
PAVED DRIVEWAY, PARKING, & WALKS:	1286 SF
EXISTING GRAVEL PARKING AREA:	149 SF
PROPOSED PORCH ADDITION (NET INCREASE)	80 SF
TOTAL:	4860 SF
TOTAL LOT COVERAGE:	4860 SF / 1500 SF = 64.8%
ALLOW LOT COVERAGE:	R3M5 = 45%
FRONT YARD LOT COVERAGE:	
DRIVEWAY PARKING (CROSS ACCESS):	299 SF
SIDEWALKS:	105 SF
	728 SF
ACTUAL FRONT YARD:	223 SF / 1000 SF = 22.3%
ALLOW FRONT YARD (ACCESS FROM STREET):	R3M5 = 35%
PARKING	
EXISTING PARKING TO REMAIN	

1143.07(c) OVERALL LOT COVERAGE



PROPOSED NEW FRONT PORCH



PROPOSED FRONT PORCH ADDITION
420 North Campus
OXFORD, OHIO 45056

DATE	
September 18, 2020	
REVISIONS	

A-2

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Scott Webb Architect
Location	114 E Withrow Street (behind 116 E Withrow Street)
Owner	Shane & Christyanne Coffman
Action Request	Variances to Section 1143.09(c)(4)(B)(1) for total lot coverage, Section 1143.09(c)(4)(B)(3) for front yard coverage, and Section 1149.04(a)(1) for more than 1 parking space in the front yard
Lot Size	4,053 square feet
Lot Width	Northern property line – 60.82 feet; Western property line – 66.66 feet
Current Use	Vacant alley lot – currently serves as a parking area
Current Zoning	RO Office Residential District
Surrounding Land Uses	Single, Two-, Three-, Dwellings; Multi-Family Residential; Hospital Parking Lot

BACKGROUND

The applicant has requested three different variances in order to develop the subject property with a new single-family dwelling. The property totals just over 4,000 square feet in area and is considered an alley lot since it has no frontage on a public street. Though deficient when it comes to the RO District's minimum lot area standard of 5,000 square feet, a single-family use may be established without a variance per **Section 1137.05(a)** since at least 3,000 square feet is present. If the subject property were developed, it would be addressed as 114 E Withrow Street.

The same owner also owns the parcel to the south at 116 E Withrow Street, which totals approximately 5,054 square feet in area and is currently developed with a three-family structure. The back of 116 E Withrow is accessed via a gravel lot that extends across the property line from the subject parcel, since a stone wall and other features block the ability to access 116 directly from the alley. In order to maintain access to existing rear-facing garages, the applicant proposes constructing a new concrete drive off the alley and recording a shared-access easement to ensure access rights remain in place despite any future changes in ownership. While the subject parcel appears to already function as a defacto parking area for 116 E Withrow, because of the structure's age there are no City records (permits, etc.) officially tying the parking to the three existing units. As a non-conforming use, the 116 structure can remain and undergo renovations, and current parking standards would not come into play unless there was a change of use or the building was redeveloped.

DESCRIPTION

The applicant's requested variances can be summarized as follows:

Requirement	Code Section	Standard	Proposal
Maximum Lot Coverage	1143.09(c)(4)(B)(1)	40%	43.2%
The RO zoning district limits the overall lot coverage to no more than 40 percent for lots with vehicular access from a rear or side alley and no access from a public street. Though a large majority of the lot is already covered by a gravel parking area, the lot coverage standard comes into play in order to establish a new land use on the site. A 959 square-foot building footprint, two parking spaces off the northern alley, walkway to the front door, and access drive to 116 E Withrow all contribute to a total lot coverage of 42.5% (1,749 / 4,053 sq ft), which is 3.2% greater than the district maximum.			
Maximum Front Yard Coverage	1143.09(c)(4)(B)(3)	5%	33.9%
The RO district further regulates the amount of coverage in the front yard. The maximum for lots with vehicular access from a rear or side alley is 5%. This regulation is intended for standard lots with frontage on both a public street and an alley, whereby parking is accessed from the alley and the only coverage in the front yard comes from a walkway leading up to the front door. However, an alley lot poses a different situation because all access is from the front by default. If this were a standard frontage lot without access to an alley, the maximum coverage would be much higher, at 25%. The following features contribute to the requested total front yard coverage of 33.9% (728 / 2149 sq ft): (1) 334 sq ft for 2 parking spaces and a walkway to the structure; (2) 95 sq ft devoted to a separate walkway to the front door; and (3) 299 sq ft devoted to the drive for accessing 116 E Withrow.			
Maximum Parking Spaces in Front Yard	1149.04(a)(1)	1 space	2 spaces
The residential parking regulations only allow for 1 space to be located in the front yard, with all other required spaces being located somewhere else on-site. Since the Code allows for 1 stacked space, a typical way this standard is met for single-family is to construct a driveway wide enough for one vehicle, and stack an additional space beyond the front yard setback line. The applicant requests that both spaces be accessed directly from the alley, rather than constructing a stacked driveway. The resulting configuration would be more typical of alley parking arrangements that are permitted by-right for standard frontage lots, when the alley-adjacent portion of the lot is construed as either the side or rear yard instead of being a front yard.			

PUBLIC COMMENTS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. The notice specifically addressed possible changes to the date, location and format of the meeting due to the COVID-19 pandemic, including the possibility of a video conference and/or teleconference format. No official public comments have been received as of this writing.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Jessica Greene, Assistant City Manager	Not returned
Engineering	Scott Otto, City Engineer	Returned with Comments
<i>Existing water and sanitary sewer utilities are not available adjacent to this site. The site plan provided doesn't show how water and sanitary sewer service will be provided to the proposed structure. Additional planning and design is needed by the owner/developer to show how utilities will be provided per the City of Oxford Water and Sanitary Sewer Specifications Manual.</i>		
Fire	John Detherage, Fire Chief	Not returned
Police	John Jones, Police Chief	Returned with Comments
<i>From a police and parking perspective, I am concerned about the design of the access drive to the parking area behind the existing building at 116 E. Withrow Street. Vehicles will have to make an almost 90 degree turn around a tree, and close to the new building. Will larger trucks/SUVs be able to do this without driving through the yard and without striking the building or tree? Also, if someone parks in the access drive because it essentially looks like a driveway, they will block all the cars at 116 in. There is some ambiguity in the traffic code for addressing that situation, since 116 E Withrow St is a tri-plex and not a single family residence. Signs may have to be considered if enforcement becomes an issue.</i>		

BZA SITE HISTORY

There is no prior BZA case history available in City records for this property.

DECISION CRITERIA

In accordance with **Section 1139.02(c)(1)**, the burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance. Furthermore, per **Section 1139.02(c)(2)** the BZA must find that **practical difficulties** exist that would render strict application of the Code unreasonable. In determining whether such difficulties exist which are sufficient to warrant the 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.

If the BZA determines that difficulties exist which are sufficient to warrant the variance, staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. If the BZA does approve the variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by **Section 1139.02(d)(2)**.

Staff's review of the criteria is outlined in the table below. At the time of this report, staff believes **there is substantial evidence** to support the variance requests.

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
✓ Supports granting the variance	The property is undeveloped, thus it currently does not provide a return for the owner. Because the lot size predates the minimum area required by current district standards, the Nonconformities Chapter (1137) provides for at least a single-family dwelling use to ensure reasonable economic value can be gained. It would be difficult for the applicant to demonstrate compliance with the coverage and parking standards to achieve beneficial use of the property without the requested variances.
Criterion B	Whether the variance is substantial
✓ Supports granting the variance	Staff does not believe a 3.2% increase in the overall lot coverage is substantial. The front yard coverage increase from 5% to 33.9% on its face is substantial; however, front yard coverage is normally applied to lawn areas facing directly out onto a public street. The character along alleyways tends to be more developed, with a lesser emphasis on preserving open areas directly abutting alleys. For standard frontage lots, parking spaces are allowed by-right across nearly the entire rear lot line, save for 3-foot setbacks on either end. For these reasons, staff does not believe the requests are substantial.
Criterion 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
✓ Supports granting the variance	The neighborhood is characterized by an abundance of residential housing units primarily intended to serve student tenants in proximity to campus. Staff does not believe this proposal will substantially alter the overall character. Development of an alley lot also tends to have a more limited impact on the observable neighborhood character than developing a standard lot fronting on a public street. As of the writing of this report, no comments were received from adjoining properties.
Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
✓ Supports granting the variance	The Engineering Division has commented that water and sanitary sewer utilities are not available adjacent to the site, and asks for additional information showing how these utilities will be connected consistent with City specs. While the question of possible utility connections is a relevant one with respect to establishing a single-family dwelling on this site, staff does not believe there is a nexus between utility service feasibility and the provisions for greater lot coverage and parking. The applicant will need to show how utilities are to be hooked up and/or extended at the time of Building Permit submission. With regard to the Police Chief's concerns on accessibility, staff believes the situation can be further alleviated per commentary in Criterion H below. Staff does not believe providing additional lot coverage and front yard parking will have a <i>more</i> negative effect on government services than complying with normal standards.

Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
Does not support granting the variance	The applicant states that the owner is aware of his right to develop the parcel, and is also aware of the parking requirements, implying that the owner did his due diligence prior to purchasing the property in February 2020. This criterion is written to provide additional support to owners who were not aware of the relevant restrictions when purchasing property.
Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
✓ Supports granting the variance	Staff believes the applicant is faced with two predicaments: (1) establishing a single-family dwelling under the use rights of the Code; and (2) maintaining sufficient access to the back portion of 116 E Withrow. The dwelling is proposed to be situated squarely within the buildable area defined by the Code's prescribed setbacks, leaving much of the excess property to be used for parking/access within the front yard. An existing stone wall, shrubs, large tree, and utility pole impede the creation of a new direct connection to 116 E Withrow from the western alley. Instead of disturbing the stone wall area, the applicant proposes an access drive and easement across the front of the subject lot, which is likely the most financially and topographically feasible option.
Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
✓ Supports granting the variance	The spirit and intent behind maximum lot coverage standards is to ensure adequate preservation of open and green spaces interspersed throughout all properties, thus avoiding a neighborhood condition characterized by an abundance of paved surfaces and building foundations. Staff believes the applicant has attempted to design a site plan that aligns as closely as possible to the spirit and intent of the coverage and parking provisions. However, as discussed below for Criterion H, the goal of greater accessibility may further outweigh the goal of not exceeding the coverage allowance.
Criterion H	Any other relevant factor
✓ Supports granting the variance	Staff's opinion is that the site could benefit from additional coverage so that the proposed access drive may more adequately accommodate the maneuvering of vehicles in and out of the site. The alignment currently proposed would make it difficult for vehicular turning movements to avoid grass areas, likely leading to dirt tracks at pavement corners. The positioning of the drive radius makes turning right from the alley almost impossible without backing up. The easiest way to access the new drive would be turning left from the alley and then turning right when exiting. Accessibility and usability could be greatly improved by expanding the coverage area directly in front of the structure, potentially using pavers or other visually appealing materials to create a "courtyard" appearance with a dual purpose of serving both pedestrians and vehicles.

SUBMITTED BY:

A handwritten signature in black ink that reads "Zachary W. Moore". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Zachary Moore, AICP
Planner

DATE: October 9, 2020

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA 2020-10**, being Variances to Section 1143.09(c)(4)(B)(1) for total lot coverage, Section 1143.09(c)(4)(B)(3) for front yard coverage, and Section 1149.04(a)(1) for more than 1 parking space in the front yard:

Mr./Ms. _____ hereby moves that the Board adopt and make the following findings of fact:

- A. The property in question (**will / will not**) yield a reasonable return or (**can / cannot**) be used beneficially without the variances because:_____
- B. The variance (**is / is not**) substantial because:_____
- C. The essential character of the neighborhood (**would / would not**) be substantially altered by the variance and adjoining properties (**would / would not**) suffer a substantial detriment as a result of the variance because:_____
- D. The variance (**would / would not**) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because:_____
- E. The property owner (**did / did not**) purchase the property with knowledge of the zoning restriction because:_____
- F. The property owner's predicament (**can / cannot**) feasibly be obviated through some method other than a variance because:_____
- G. The spirit and intent behind the zoning requirement (**would / would not**) be observed and substantial justice done by granting the variance because:_____
- H. Other relevant factors, if any, considered include:_____

It is further moved that after considering and weighing these factors, the Board should find that practical difficulty (**is/is not**) shown sufficient to warrant granting the Variance requested, and that the Variance should be accordingly (**APPROVED / DENIED / APPROVED WITH THE FOLLOWING CONDITIONS**). The conditions for approval, if any, include:

Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____



Memo
Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PBZA-2020-10
114 E. Withrow – Variances

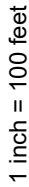
DATE: September 29, 2020

The Engineering Division offers the following comment:

- Existing water and sanitary sewer utilities are not available adjacent to this site. The site plan provided doesn't show how water and sanitary sewer service will be provided to the proposed structure. Additional planning and design is needed by the owner / developer to show how utilities will be provided per the City of Oxford Water and Sanitary Sewer Specifications Manual.

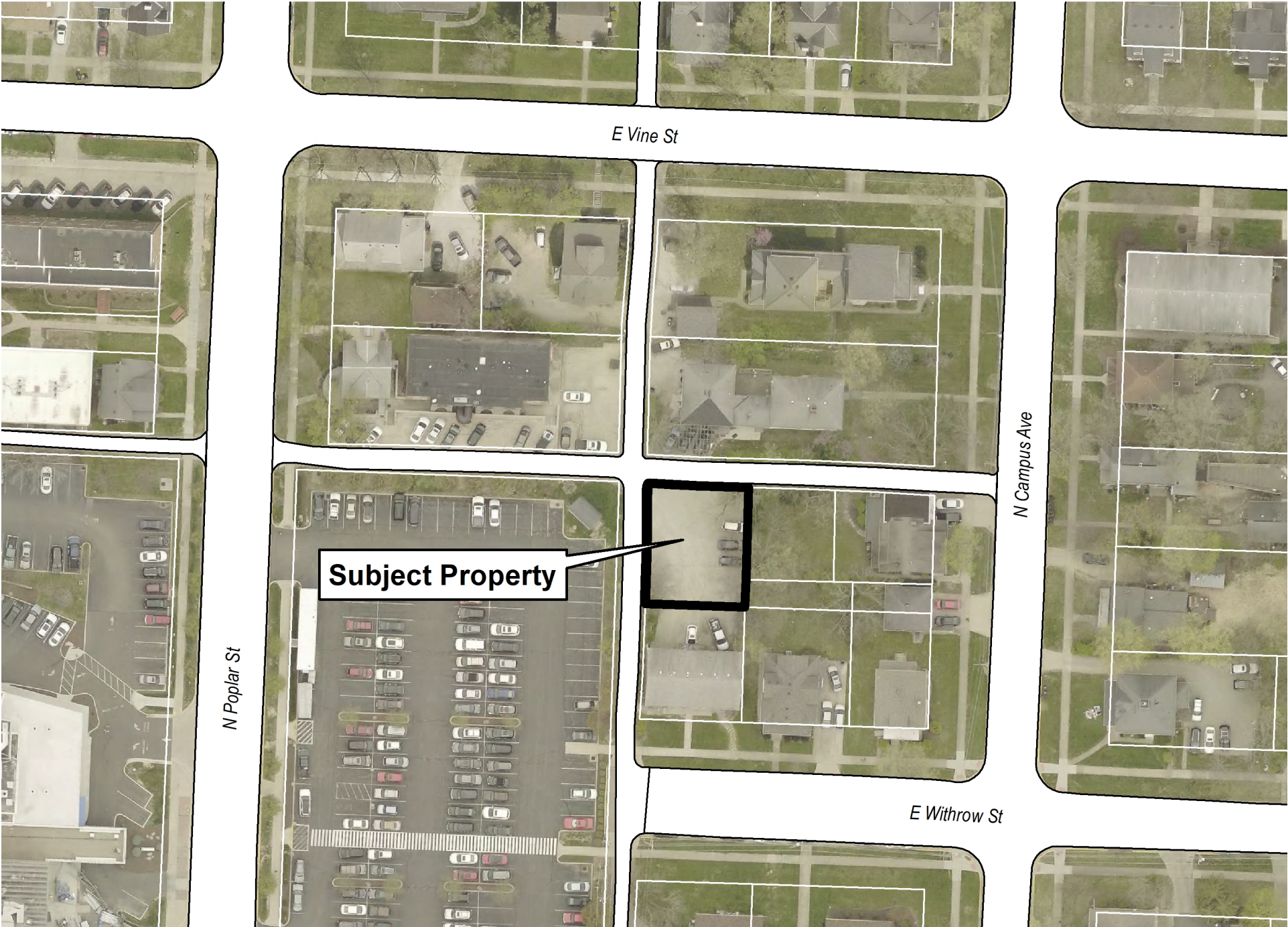
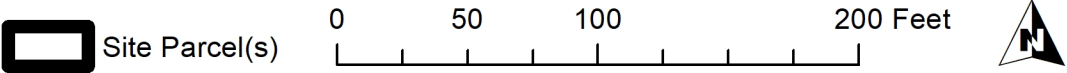


 Subject Parcel
 200 Ft. Buffer
 Oxford Corporation Limit
 Parcel
 Vacated Right-of-Way
 Building Footprint
 Paved Roadway

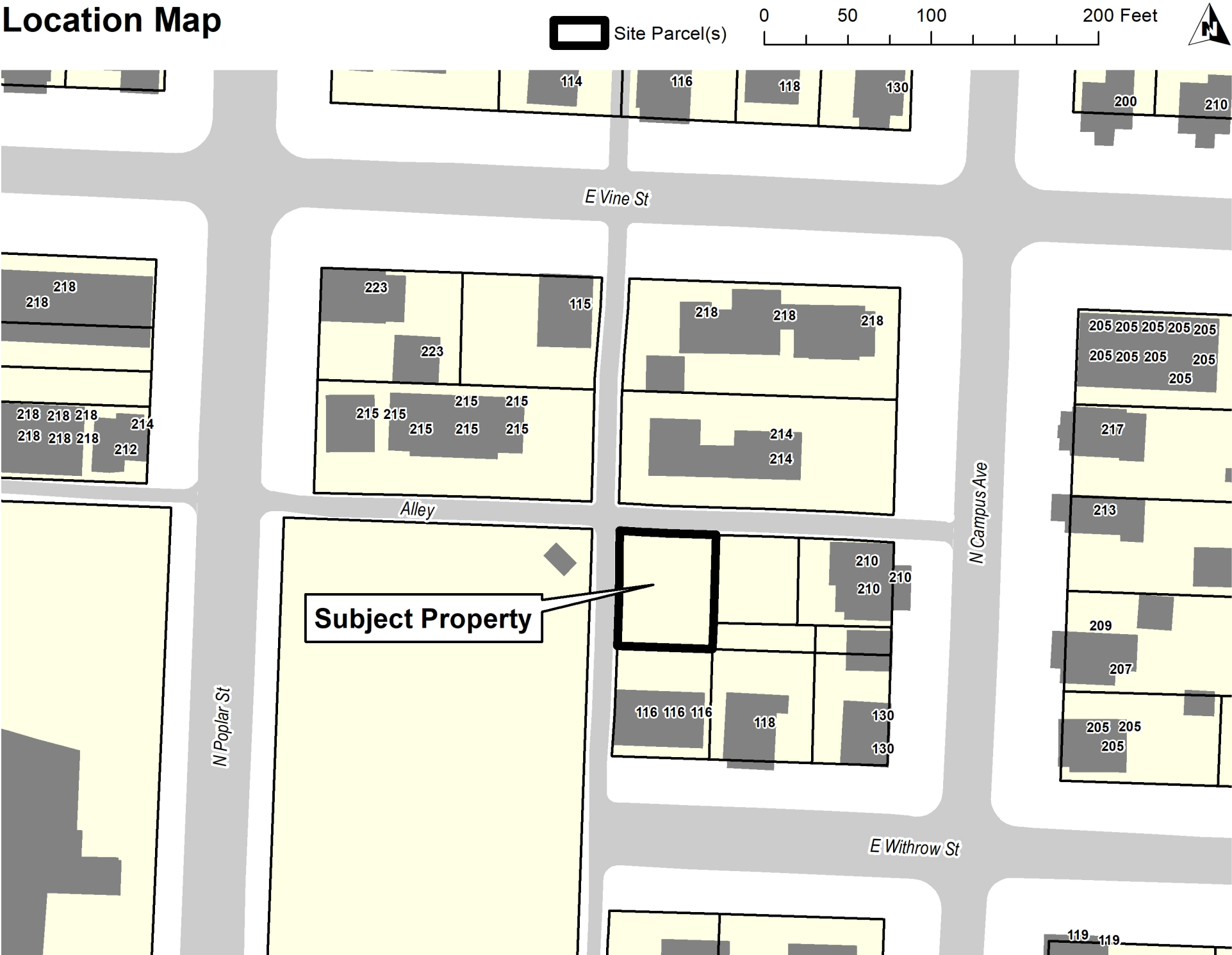


The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.

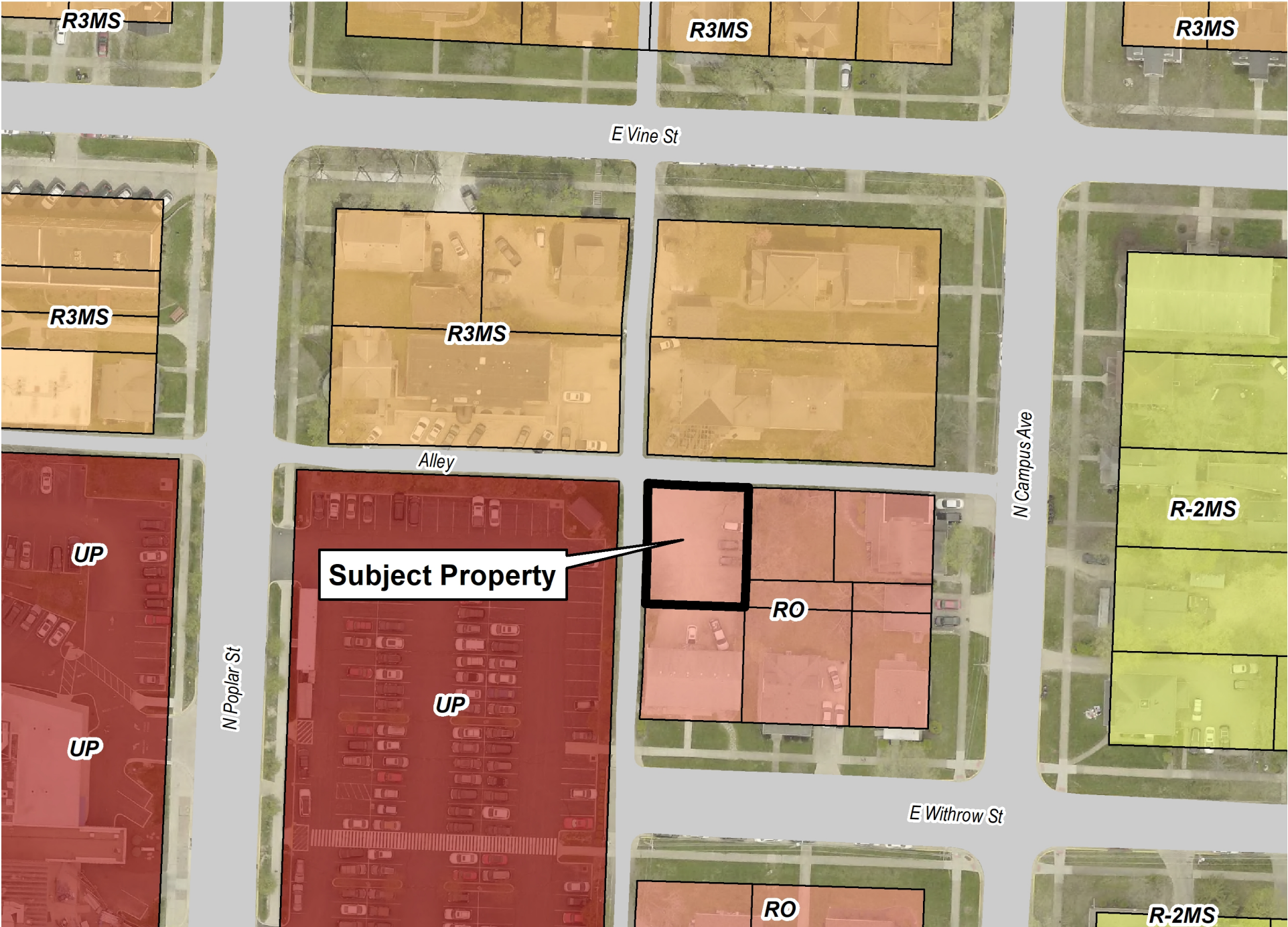
Location Map



Location Map



Location Map





Internal Use Only:

Case No.

BZA-2020-10

Date Filed

9/21/20

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 * Shane Christyenne & Coffman

Mailing Address * 75282 W Booth Road

City, State & Zip Code * Liberty Indiana 47353

Telephone Number(s) * (765) 580-0378

Email Address shanebcoffman@aol.com

Variance and Lot Information

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

1143.09(c)(4)B1 Front Yard Lot Coverage

1143.09(c)(4)B3 Total Lot Coverage

1149.04(a)(1) Location of required Parking

Location of Requested Variance * assigned 114 E. Withrow 116 East Withrow (Alley Lot)

Name of Building

Legal Description * Parcel #H4100007000186

Zoning District * RO Total Acreage * .093

Existing Use of Site * Vacant

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.

Single-family Residential

- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

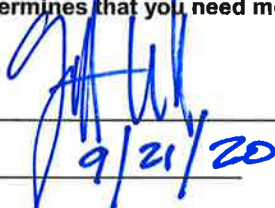
Fees & Receipt

The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00, plus \$10.00 postage charge. **Fees may increase if staff determines that you need more variances.**

Sign and Date

Petitioner Signature *

Date *



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>

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Board of Zoning Appeals regarding a new single family structure on our property behind 116 East Withrow Street.

Thank you,

Signed: 
Shane Coffman

9-18-2020

Date:

Board of Zoning Appeals
City of Oxford
15 South College Avenue
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

Re: Variance to Lot Coverage
& Off-Street Parking in Front Yard
New Single Family Residence
116 East Withrow Street (Alley Access)

September 21, 2020

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the requirement for overall lot coverage, front yard lot coverage, and the location of the required off-street parking relating to the construction of a new single family residence.

While the existing lot does not meet the minimum lot size requirements of the Zoning District, the lot in question is in fact a lot of record, exceeding the minimum 3,000 s.f. lot size allowed by 1137.05(a), guaranteeing the ability to construct a single family residence.

1143.09(c)(4)B1 Limits the Front Yard Lot Coverage for lots in the RO District accessed from an Alley to 5%

The lot in question is in fact a lot of record, located behind 116 East Withrow Street and accessed from the Alley. Based on the grade of the alley and the location of the parking for 116 E Withrow, the owner intends to provide a shared access easement from the front property to the rear to allow continued access to the rear facing garages. As this access drive is required to be paved, and located in the front yard, front yard lot coverage restrictions are exceeded.

Front Yard lot coverage is proposed at 33.9%, caused by the access drive and the 5% limitation when access from an alley. Without this access drive, lot coverage would be less than 20%

1143.09(c)(4)B3 Limits the Overall Lot Coverage for lots in the RO District to 35%.

The Access drive mentioned above also results in exceeding the overall lot coverage restriction of 35%. Without the access drive, lot coverage would be 35.1%

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

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

The proposal at hand is to locate both of the required parking spaces in the northern front yard.

The following are responses to the decisions standards outlined in the application;

- a) *Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;*

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

The parking location variance further allows the development of the property to meet the intent of the parking requirements of the zoning code for a new residence.

- b) *Whether the variance is substantial;*

Exceeding of the lot coverage limits is a result of the requirement to provide parking for this structure and maintaining access to the garages below the front building. While perhaps mathematically substantial, it represents the min. required to meet these goals.

The location of the parking variance is not substantial, as corner lots are burdened by (2) front yard setbacks.

- c) *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance*

The essential character of the neighborhood would not be detrimentally affected by the new dwelling. Most neighboring properties are existing rental houses, and the existing alley is currently cluttered with additions, garages and gravel parking. Development of this parcel is no different than the construction of a new structure on any vacant lot in the city.

The development of the site with (2) parking spaces would be an improvement to the corner of the ally, effectively reducing the existing non-compliant gravel parking and providing green space.

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

All utilities are available at this location.

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

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

The owner is aware of his right to develop this separate and distinct parcel.

The owner is also aware of the parking requirement, and is seeking relief for the location of the required parking based corner lots having (2) front yards.

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

The lot coverage restrictions can only be obviated through a variance, or access to the neighboring property would be eliminated.

While it may be possible to provide a parking space beyond the (2) front yard setbacks, doing so would likely require a three-story structure, which would have a larger impact on the neighborhood than allowing parking as provided on adjacent properties.

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

The requested variances represent the minimum required to develop the lot while providing continued access to the neighboring property.

The spirit and intent of the parking restriction is observed, reducing lot coverage through the removal of a gravel parking lot in favor of a new residence and lawn areas. Substantial justice is achieved, as parking exists in similar locations on all adjacent properties.

h) Any other relevant factor;

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

Further, though the Site was Zoned RO, presumably for potential medical offices, it is also within the area Planning Commission & City Council targeted for greater density based on its adjacency to the university.

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

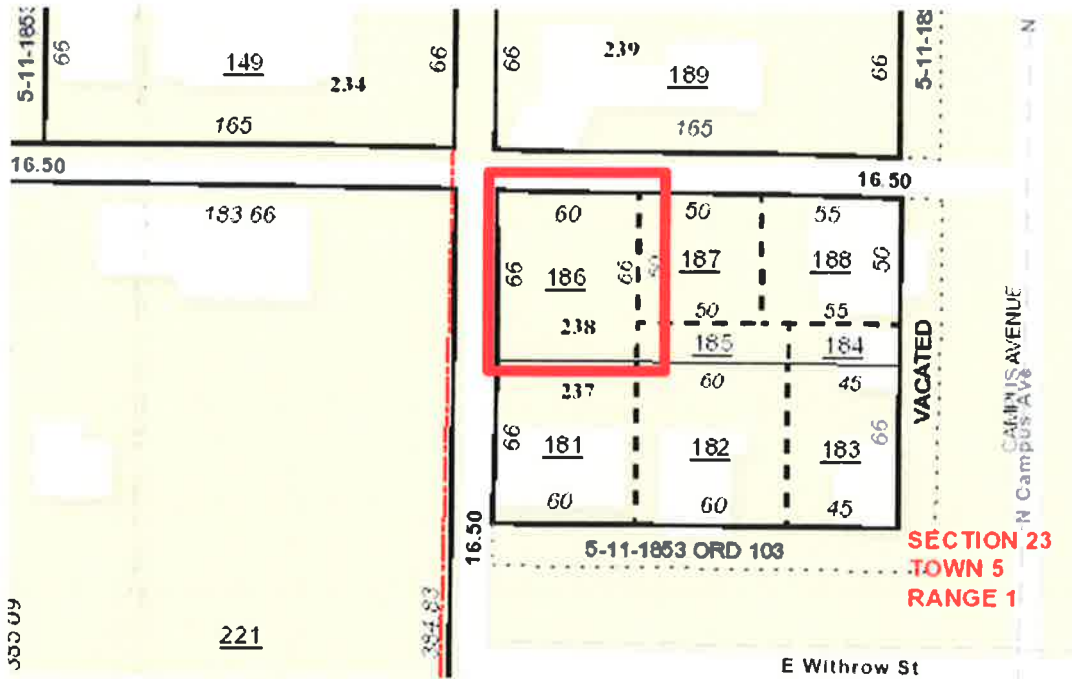
Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', is written over a faint rectangular stamp.

Scott Webb, Architect



Area Map Showing Existing Development Pattern



Tax Map Showing Existing Lot



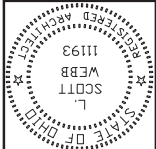
Vacant Lot from Southwest



Vacant Lot from Northwest



Vacant Lot from Northeast
Showing lower level garages and existing Tree & retaining wall



SCOTT WEBB ARCHITECT

103 West Withrow Street
Oxford, Ohio 45056
(513) 523-8338
www.scottwebbarchitect.com

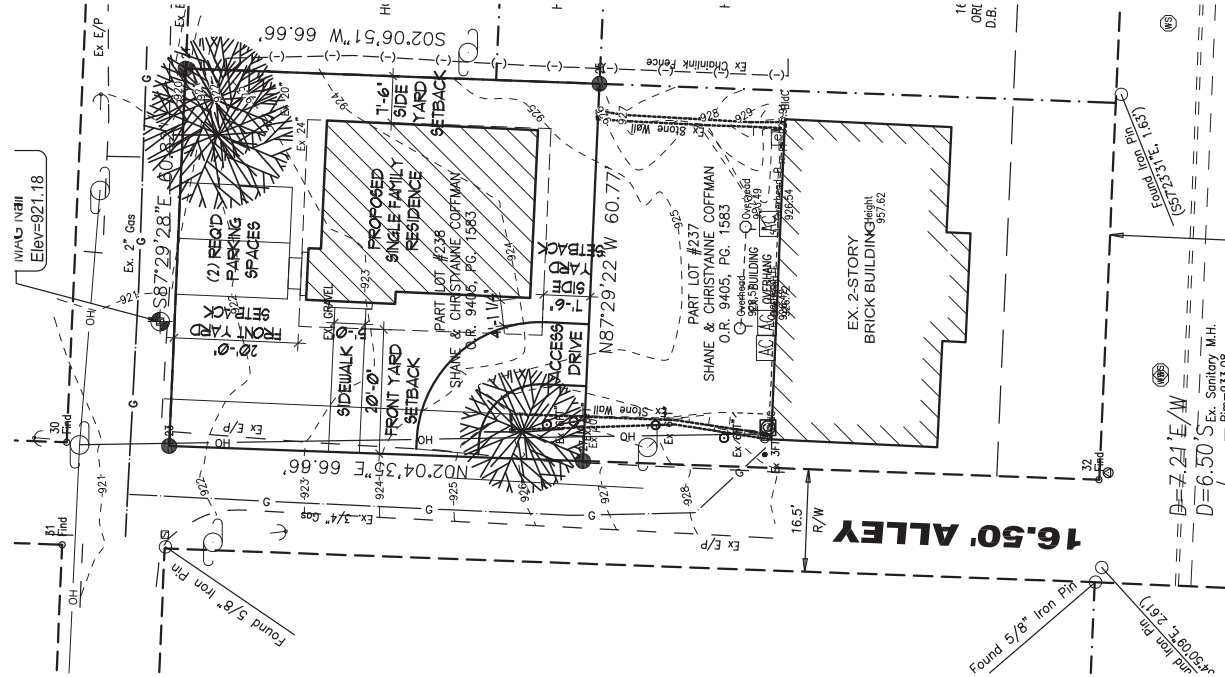
PROPOSED NEW RESIDENCE

116 East Withrow Street

OXFORD, OHIO 45056

DATE	September 18, 2020
REVISIONS	

A=1



PRELIMINARY SITE PLAN

1" = 20'-0"

REQUIRED VARIANCES

SITE DEVELOPMENT

(R0 ZONING DISTRICT)	
MIN. LOT AREA FOR SINGLE FAMILY:	5,000 SF
EXISTING LOT AREA:	4,053 SF
MIN. LOT WIDTH FOR SINGLE FAMILY:	50.00'
EXISTING LOT WIDTH:	66.66'
SECTION 1157.05 EXCEPTION: (3,000 SF MIN. FOR 1-FAMILY)	
OVERALL LOT COVERAGE:	
BUILDINGS:	959 SF
DRIVEWAY PARKING (OFF ALLEY):	324 SF
DRIVEWAY PARKING (CROSS ACCESS):	299 SF
SIDEWALKS:	140 SF
TOTAL:	1,722 SF
TOTAL LOT COVERAGE:	1,722 SF / 4,053 SF = 42.5%
ALLOW LOT COVERAGE:	RO = 35%
FRONT YARD LOT COVERAGE:	
DRIVEWAY PARKING (OFF ALLEY):	324 SF
DRIVEWAY PARKING (CROSS ACCESS):	299 SF
SIDEWALKS:	105 SF
TOTAL:	728 SF
ACTUAL FRONT YARD:	728 SF / 2,149 SF = 33.9%
ALLOW FRONT YARD:	RO = 25%
ENCLOSED BUILDING LOT COVERAGE:	
ACTUAL ENCLOSED BUILDING:	959 SF / 4,053 SF = 23.6%
ALLOW ENCLOSED BUILDING:	RO = 25%
PARKING	
(2) SPACES REQUIRED - (2) PROVIDED	

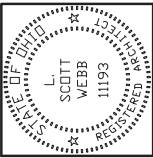
1143.09 (C) X 4.1 B1 OVERALL LOT COVERAGE

1143.09 (C) X 4.1 B3 FRONT YARD LOT COVERAGE

1149.04 (A) X 1) MAXIMUM OF (1) PARKING SPACE IN FRONT YARD



CONCEPT SKETCH



PROPOSED NEW RESIDENCE
116 East Withrow Street
OXFORD, OHIO 45056

DATE	
September 18, 2020	
REVISIONS	

A-2