

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	Scott Webb Architect
Location	305 N Main Street
Owner	Redhawk Rental Properties LLC
Action Request	Conditional Use Application for a new Accessory Dwelling Unit (ADU)
Current Use	Single-Family Dwelling with detached accessory structure
Current Zoning	R3MS Single, Two-, and Three-Family Dwelling Mile-Square Residential District
Lot Size	10,218 square feet
Surrounding Land Uses	Single-Family Residential
Staff Recommendation	Table, pending a more suitable design & additional plans/details

PROPOSAL SUMMARY

On behalf of the property owner, Scott Webb Architect is requesting a Conditional Use permit to enable an existing detached garage structure at 305 N Main Street to be used as an accessory dwelling unit (ADU). The garage is 1,242 square feet in size and is located in the southeastern corner of the rear yard, and shares the site with an existing principal single-family dwelling oriented toward N Main Street. The existing dwelling has a 1,500 square-foot footprint, and contains 1,950 square feet of gross living area according to the Butler County Auditor. The applicant has submitted a site plan showing existing conditions which are proposed to remain as-is, including a paved surface driveway with enough room for parking five vehicles.

According to the applicant, the unit has already been configured to be utilized as a dwelling unit. The submitted floor plan documents the current layout, which contains 2 bedrooms, a bathroom, and open kitchen & living space, with the intention of continuing this same layout as an ADU. City records show a Building Permit was issued in August 2001 for a garage renovation, though the corresponding Certificate of Occupancy (CO) on file specified that the building could not be used as a dwelling unit. The applicant has communicated the desire is to legalize the use of the existing accessory structure so that a Rental Permit can be obtained to allow renting to tenants. The principal structure already has a valid Rental Permit for up to 4 unrelated occupants.

This is the first Conditional Use application for an ADU received by the Community Development office since provisions were first adopted into the Oxford Zoning Code in 2017.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of 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. One phone call was received from a tenant at the property, who was curious about the posted sign, and informed of the pending matter. One comment form was received.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Jessica Greene, Assistant City Manager	Returned with Comments
<i>This development could complement the existing home there and stretch the capacity of that lot. I'm support the increased density but would like to see property improvements come with it and make the structure look less like a garage and more like a living space.</i>		
Engineering	Scott Otto, City Engineer	Returned with Comments
<i>Please provide a plan showing the as-built locations of the water service and sanitary sewer that serve this structure.</i>		
Fire	John Detherage, Fire Chief	Returned with Comments
<i>The fire department is not in favor of this change. Not only are residences located behind a primary residence hard to locate in an emergency situation, this application states that the building will continue to have the garage doors on it. In the middle of the night when we pull up to a garage fire, no one is going to expect that there is someone (or numerous people) living in a detached garage behind garage doors. This is a recipe for disaster.</i>		
Police	John Jones, Police Chief	Returned with Comments
<i>Would echo the comments of the fire department. The detached garage should not be used as a residence.</i>		

COMMENTARY

Staff comments on site conditions and a number of key development aspects are provided below:

- **Land Use:** The allowance of accessory dwelling units (ADUs) as a Conditional Use in the R3MS district was adopted into the Oxford Zoning Code in September 2017. The staff report composed at the time reveals the purpose of the amendment was to encourage increased residential density for student housing units in close proximity to campus, while at the same time allowing for redevelopment of existing structures in order to preserve historic character as much as possible. To this end, allowing property owners to build brand new accessory dwelling units to complement existing principal structures was seen as a solution which achieved a density increase without always necessitating a complete demolition and rebuild for an entire property. The Code specifies that in no case can there be any more than 3 dwelling units on a single lot, inclusive of an ADU.
- **Architecture:** Because the standards adopted in 2017 generally anticipated the design and construction of new accessory structures, there is somewhat of a mismatch between the current Code provisions and the situation currently under consideration. More specifically, **Section 1143.07(d)(16)** provides that ADUs are to be *designed* as a smaller structure compared to the main house, and comply with the R3MS accessory building design guidelines which call for compatibility in architectural style and materials. The request at hand differs from what was originally conceived,

since the structure in question already exists and no exterior changes are proposed. However, it is staff's viewpoint that the Conditional Use process can allow for conditions relating to architectural modifications which bring the resulting structure more in-line with the spirit and intent of the ADU zoning provisions. It should be noted that the applicant did contact staff ahead of the application's submission, since the prospect involved differs from what the ADU provisions anticipate.

- **Parking:** While the Zoning Code does not provide parking space standards pertaining specifically to ADUs, the acceptability of a proposed parking arrangement may be reviewed on a more discretionary basis due to "vehicle management" being cited as a potential concern in the Conditional Use chapter. Staff agrees with the applicant's assessment that ample parking is already provided which will serve both the principal dwelling and accessory dwelling.
- **Public Safety:** The Fire and Police Chiefs have commented that they are not in favor of the proposal, citing the potential for confusion whereby emergency responders cannot immediately locate the scene of an emergency due to the structure's outward appearance as a garage. Despite the previously adopted Zoning Code provisions which call for new ADUs to be located in rear yards of properties, the Fire Chief is not in favor of this type of unusual arrangement in a dense area like the Mile Square where it is not readily apparent or expected that separate detached structures would be utilized as residential dwellings.
- **Utilities:** The City Engineer has communicated the need to see details on any existing and/or proposed utility connections for the ADU. Utility details are typically reviewed by the Engineering Division upon submittal of a Building/Zoning Permit. In response to this request, if the Commission is inclined to recommend approval, Community Development staff recommends a condition be added which clearly states a Building/Zoning Permit is to be submitted and approved no matter the degree of modifications which may or may not be done to the structure. At a bare minimum, a Permit review and approval would be needed to acknowledge the structure's "change of use."

DECISION CRITERIA

All Conditional Uses shall satisfy the General Decision Standards provided in *Section 1147.02(c)(2)*. The standards found within this section are cited below with staff analysis provided for each:

- A. The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.**
The Oxford Zoning Code provides for allowance of ADUs as a Conditional Use in only the R3MS district, whereby the unit may be *in a stand-alone structure* or *located above a garage*.
- B. The use and site will satisfy the general intent of the Zoning Code.**
Staff believes the general intent of the Zoning Code provisions for ADUs is to produce smaller dwelling-like structures which have a similar architectural appearance to their associated larger principal dwellings. In order to comply with the general intent, there should be more of an attempt to redesign the garage structure in a way which creates a more obvious external appearance as a dwelling, or perhaps more ideally, the garage should be demolished and rebuilt as a brand new ADU which more strictly adheres and conforms to the prescribed standards. It should be noted that the garage structure, comprising 1,242 square feet in area, actually exceeds the Code's stated maximum square footage of 1,000 square feet, though flexibility is expressly provided for the Planning Commission and Council to decide otherwise.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.**
The Comprehensive Plan calls for preservation and enhancement of the college town character, prioritizing infill and redevelopment over new development, and preserving historic resources in

the Mile Square. The utilization of an existing structure which enables residential densification while also avoiding demolition of an older principal structure is in keeping with the general intent.

D. The size and shape of the site are sufficient for the proposed use.

Since the scope of the request concerns an existing structure and preserving a site as already developed, staff does not believe this criterion is applicable.

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

The existing garage is located in very close proximity to another single-family dwelling to the south. The applicant notes that the garage is located five feet away from a retaining wall along the southern property line, thus the overall proximity between the structures is likely not too far off from this distance. However, the actual interaction between these structures may not prove to be problematic. Staff contacted the Building Official for information on whether fire ratings or separation standards could come into play when reviewing for compliance with the Residential Code – the answer received was it would not, since the structure already exists.

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

This criterion is meant more for commercial or industrial type uses, and thus is not relevant in this case.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.

As the Code amendments were written, the implied notion is that an ADU is a potentially acceptable use that is incidental to the principal residential use of the property, even though the operation and function of the two resulting dwelling units may be more separate in nature.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.

There are significant concerns relating to the adequate provision of police and fire protection for the proposed use, consistent with comments received from the Fire and Police Chiefs. The primary concern is the proposed retention of the structure's exterior appearance as a garage, which could confuse or delay response in an emergency situation. The existing structure is composed of concrete block with two garage doors at front.

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

It appears the garage structure already has utility connections. The owner would likely be responsible for any upgrades or connections deemed necessary. The applicant indicates no public expense is anticipated.

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

While it may be true that keeping the garage structure the way it is will in a sense not cause an impact to the character of the surrounding area, it can also be said that the Zoning Code poses questions regarding an ADU's qualities, including architectural style, material, orientation, and overall relationship to an associated principal dwelling. To this regard, the repurposing of the

subject structure as an ADU should be considered an alteration and thus have a more obvious residential appearance reminiscent of other residential buildings in the area.

- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.**

Sufficient parking and vehicular access is already provided and would remain in place.

- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

According to the Butler County Auditor, the existing house on this property was constructed in 1909. In the pursuit of increasing density, redeveloping or constructing an ADU on this site could have the beneficial effect of preventing the historic home from being demolished. There are no other noteworthy natural or scenic features for this site.

- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.**

Should the Conditional Use request be approved, a Building/Zoning Permit will be required in order to officially recognize the change of use for the structure and approve any other modifications needed.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends the Conditional Use request be **tabled** so that the applicant may have a chance to reach an agreement with the Fire Chief on a suitable structure design, and in turn submit additional plans/details demonstrating how the structure can be made to appear more like a dwelling rather than a garage.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: September 2, 2020

EXHIBIT A

RELEVANT ZONING CODE PROVISIONS

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use. Section 1143.07 contains standards affecting the R3MS district, including a separate subsection specifically devoted to Accessory Dwelling Units, which in turn references standards affecting garages and accessory buildings.

1147.02(c) Planning Commission Review

The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Burden of Proof.
 - A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
 - B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.
- (2) General Decision Standards. All Conditional Uses shall satisfy these General Decision Standards.
 - A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
 - B. The use and site will satisfy the general intent of this Zoning Code.
 - C. The use and site will be compatible with the general intent of the Comprehensive Plan.
 - D. The size and shape of the site are sufficient for the proposed use.
 - E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
 - F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
 - G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
 - H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
 - I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
 - J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
 - K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.

- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

1147.02(d) Action by Planning Commission

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

1147.03(b)(39) Accessory Building to be used as a dwelling unit

- A. Potential Concerns
 - 1. Vehicle management
 - 2. Location of the accessory building
- B. Regulations
 - 1. Relationship of its size, mass, height and square footage to the principal building
 - 2. Building style and material
 - 3. Building orientation consistent with the principal building.

1143.07(d)(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.

1143.07(d)(8) Garages & Accessory buildings.

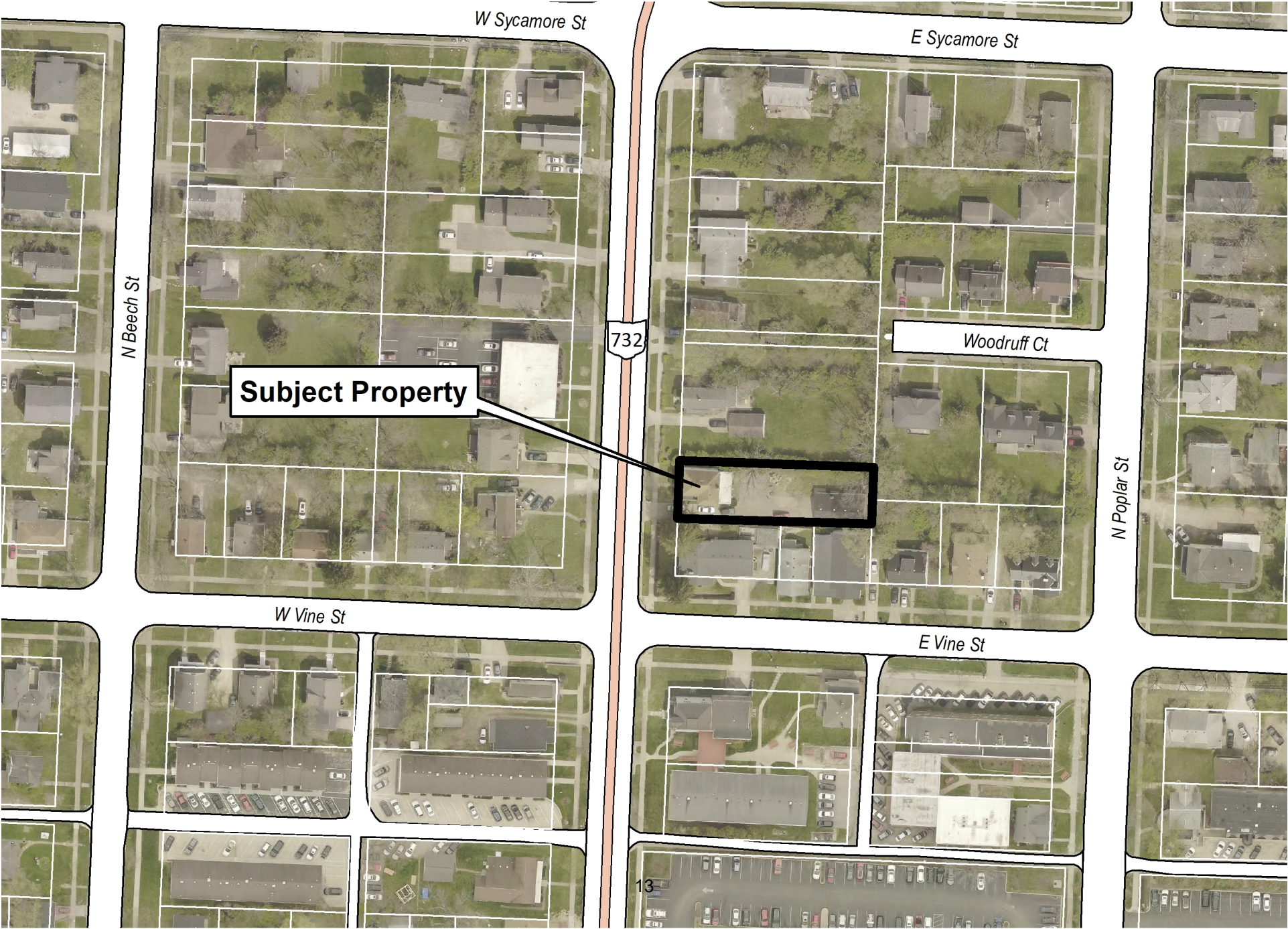
- A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side 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 shall be accessed from the alley if alleys are available for vehicular traffic.
- D. The architectural style and materials of any accessory building generally shall 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.

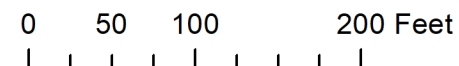
Location Map

 Site Parcel(s)

0 50 100 200 Feet

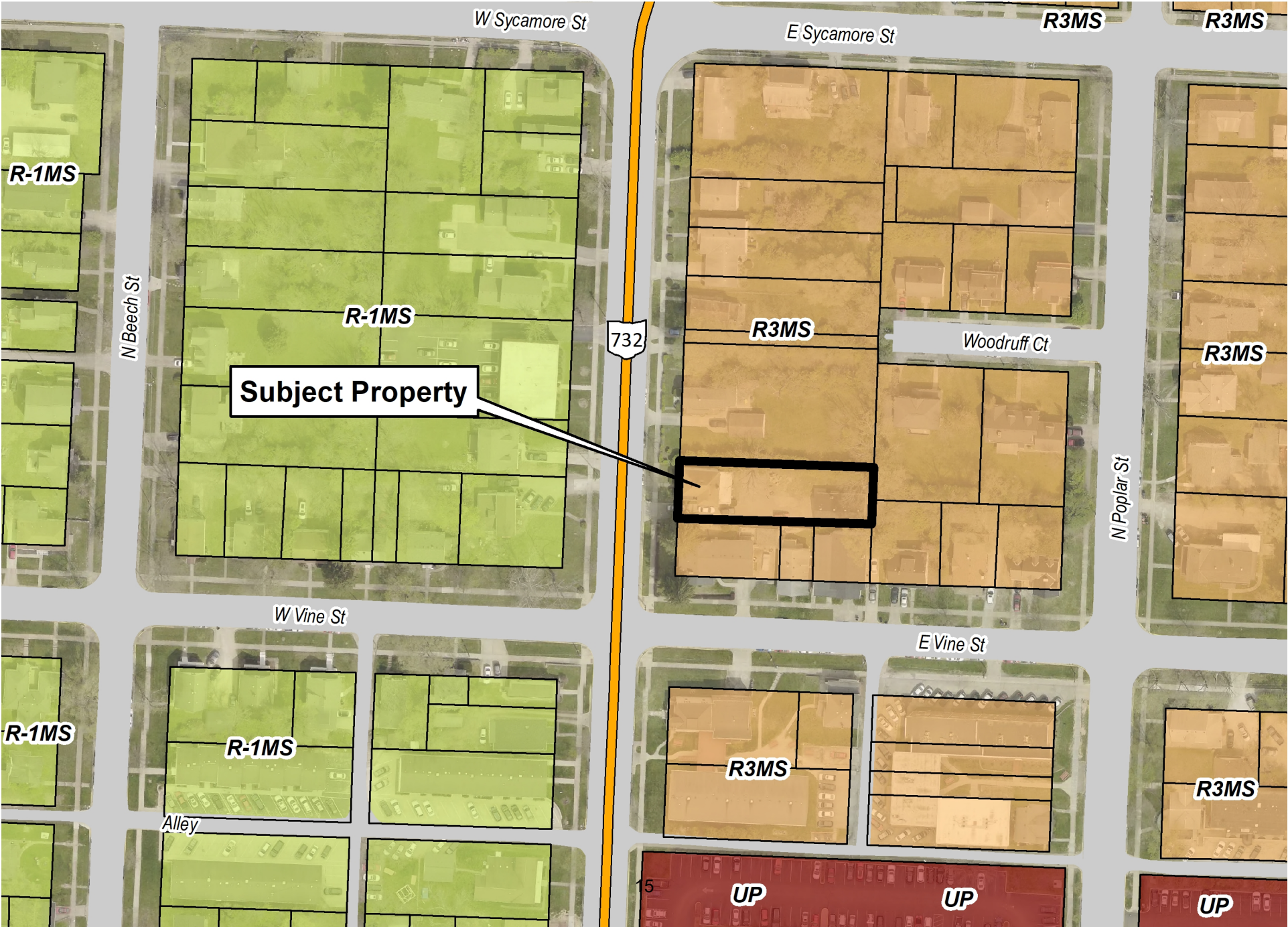
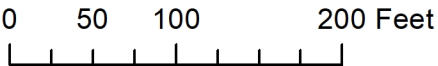


Location Map



Location Map

 Site Parcel(s)





Memo
Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2020-09
305 N. Main – Conditional Use Dwelling in Detached Garage

DATE: September 2, 2020

The Engineering Division offers the following comment:

- Please provide a plan showing the as-built locations of the water service and sanitary sewer that serve this structure.

PC-2020-09 Surrounding Property Owners Notifications Map

Legend

-  Subject Area
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet

Prepared on Monday, August 24, 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.





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2020-09

DATE OF HEARING: September 8, 2020, 7:00 p.m.

CONDITIONAL USE, 305 N. Main Street, to allow for an accessory dwelling unit in an R3MS Zoning District, Scott Webb, Applicant, Agent

The subject property at 305 N Main Street currently supports a single-family home and a detached garage in the back corner. The applicant wishes to convert the garage structure into additional living space as an accessory dwelling unit. At this time, no exterior or site-related changes are proposed - all work to be completed would take place inside the garage structure. The R3MS district, which the site is zoned, allows accessory dwelling units to be approved through the Conditional Use review process which requires a Planning Commission recommendation and Council approval.

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 15 S. College Avenue, Oxford, OH 45056.

Name:

(Print)

Address:

PAULA J. SMITH

2 EAST VINE ST.

OXFORD, OHIO 45056

Telephone:

Home: (513) 523-4357

Work: _____

COMMENT:

No. I am surrounded as it is by Miami students. Their parties, on average, have 150-200 of them in attendance.

Paula Smith

Signature

Aug 29, 2020

Date

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 Planning Commission & City Council regarding a Conditional Use for an accessory dwelling unit at our property at 305 North Main Street.

Thank you,

Signed: Adele Daake, Redhawk Rentals 7/27/20
Adele Daake, Redhawk Rental Properties LLC Date:



Internal Use Only:	PC-2020-09
Case No.	
Date Filed	7/27/20

Conditional Use Permit Application

Applicant Information

Attach a Letter of Agency if the Applicant 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 * Redhawk Rental Properties LLC

Mailing Address * 26 Portland Place

City, State & Zip Code * St. Louis Mo. 63108

Telephone Number(s) * (314) 368-2277

Email Address azd326@gmail.com

Location and Lot Information

Location of Property * 305 North Main Street

Legal Description * Parcel #H4100007000082

Zoning District * R3MS

Total Area * 10,218 → Check One * Acres ☐ Square Feet ☒

Existing Use Description * Single Family with detached Garage

Proposed Use Description * Dwelling Unit in Detached Garage

Submission Requirements and Documentation

From Section 1147.02(a)¹.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.
- Application Fee.
 - Description of Use and Site.
A written, detailed description shall include the following information. A separate response is required for each subsection.
 - The name, mailing address, and telephone number of the applicant and the property owner.
 - If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
 - A legal description of the site, including all separate lots.

- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

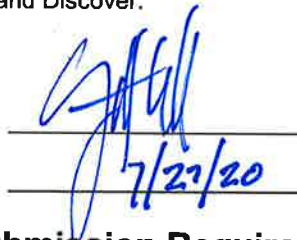
Fees & Receipt

The required fees are \$400.00 plus \$10.00 for postage. You may write a \$410.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *



Submit Application, Submission Requirements 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 fee and postage made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Dept. 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 45 days prior to the Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date *

Receipt Number *

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter/>

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

Sam Perry
Community Development Director
City of Oxford
Municipal Building
15 South College Ave.
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Accessory Dwelling Unit
305 North Main Street

July 27, 2020

Dear Mr. Perry,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for an Accessory Dwelling Unit in the R3MS Zoning District.

In response to the items listed in 1147.02, we offer the following:

A. *A description of the proposed use.*

B. *Description of Use and Site*

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. *Description of Use and Site*

The name, mailing address, and telephone number of the applicant and the property owner.

Property Owners:

Redhawk Rentals. LLC
Saint Louis, Missouri 63108

Architect:

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

2. *A statement from the owner that the applicant is entitled to apply on his or her behalf.*

A letter of Agency has been provided from the property owners

3. *A legal description of the site, including all separate lots.*

Parcel Number: H4100007000082

4. *A description of the existing uses of the site.*

The site is currently occupied by a single family residence that has been used as a student rental for many years. The existing detached garage is the subject of this application.

5. *The zoning district in which the site is located.*

The site is zoned R3MS – Single, Two, and Three Family Mile Square Residential District.

6. *A description of the proposed use.*

The proposal at hand is to allow the adaptive reuse of the original detached garage as an accessory dwelling unit.

a. *A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery & service vehicles*

Not Applicable.

b. *Hours of operation*

Not Applicable

7. *A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties;*

a. *How is the use similar to or different from existing area uses and if there will be any interaction between the proposed and existing uses*

This area of the Mile Square is predominately student rentals in former single family homes and was recently upzoned in the last Mile Square Zoning Map Amendment to encourage infill development based on its adjacency to Campus.

Rather than replace the existing house and garage in favor of a new 2 or 3-family structure, the owners are proposing to provide an additional dwelling unit in the original garage building.

b. *How any existing structures, proposed structures, and the site design relate to adjacent structures and sites*

With all buildings existing, design changes will be minimal and will preserve the neighborhood.

c. *If the use will involve any operations that create potential nuisances, such as excessive noise, lighting, odor, fumes, vibration, or emissions.*

The proposed residential use will not create any new nuisances.

d. *How any potential negative effects on adjacent land will be mitigated.*

No negative effects are anticipated.

8. *A statement about why the location proposed is more appropriate for use than other locations;*

Planning Commission specifically created this conditional use for this zoning district.

9. *A statement of the necessity or desirability of the proposed use to the neighborhood or community.*

Planning Commission and City Council decided to encourage infill development and allow increased density in an area near campus through the latest zoning map amendment. Additionally, they created this conditional use to allow new opportunities for dwelling units on some large lots in this district, potentially saving the original Mile Square houses

10. *Separate detailed statements that individually address each of the items listed as potential concerns for the proposed use.*

1147.03 (39) Accessory Dwelling Unit

A. Potential Concerns:

1. Vehicle Management

The existing site provides ample off-street parking on a paved area between the main house and the existing garage. No change is proposed in this application.

2. Location of Accessory Building

The accessory structure is existing, located at the rear of the property and is offset from the property lines as required.

B. Regulations:

1. Relationship of its size, mass, height and square footage to the principal building

At 1,242 square feet the existing building exceeds the maximum area allowed for new construction. Set back at the rear of the property its mass and square footage do not compete with the existing two-story historic house on the street

2. Building style and material.

The original garage was constructed of concrete block painted white with a simple gable roof. The owners intend to construct the dwelling unit behind the existing garage doors, leaving them in place to maintain the look of a secondary accessory structure

3. Building orientation consistent with the principal building

As shown on the attached aerial views, the building is appropriately located behind the house.

11. *A list of the names and mailing addresses of all land owners within 200 feet of the site.*

List of adjacent property owners is attached.

12. *Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.*

While the existing building exceeds the limits prescribed in the Zoning Code. It is exactly the type of building and adaptive reuse model envisioned by the Planning Commission when this conditional use was added to the R3MS district.

C. Site Plan

A Site Plan with the required information is included with this application.

- D. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.*

As all buildings are existing with no proposed changes, photographs are provided in lieu of elevations.

E. Other. Photographs of the existing use and its surroundings

Photos are included with this application.

In response to the Decision Standards outlined in 1147.2(c), we offer the following:

A. The proposed use is in fact a Conditional Use appropriate for the Zoning District in which it is proposed;

1143.07(a)(2)K. Accessory Dwelling Units

The proposal at hand describes the adaptive reuse of an existing garage for an accessory dwelling unit

B. The use and site will satisfy the general intent of the Zoning Code;

The conditional use for an accessory dwelling unit in the R3MS Zoning district was recently adopted for this purpose

C. The use and site will be compatible with general intent of the Comprehensive Plan;

The Comprehensive Plan calls specifically for the preservation of the historic housing stock in the Mile Square and its general character.

Planning Commission & City Council created this conditional use as a means to increase density in this quadrant of the Mile Square to encourage infill development while preserving original Mile Square houses

D. The size and shape of the site are sufficient for the proposed use.

All buildings, drives, and parking areas are existing to remain. No change in the site is required by this conditional use

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

This additional dwelling unit will not be disturbing or hazardous to the neighborhood.

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

Only Residential occupancies are permitted in this district.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.

The additional dwelling unit is the same as the principal use as was intended by the Zoning Code.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal or adequate provisions will be made to provide the same services privately.

All utilities are available at the proposed location. No special provisions are required.

I. Development of the site and operation of the use will not require substantial public expenditure for infrastructure or services.

No public expense is anticipated by this project.

- J. *The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district*

All buildings, drives, and parking areas are existing.

- K. *The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.*

The site provides off-street parking as required. No change is anticipated by this new dwelling unit

- L. *Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.*

There are no scenic or natural resources in this area

- M. *All Necessary permits and licenses for the Conditional Use and its operation have been obtained or can be obtained for the use at the proposed location.*

All permits will be secured for the construction of this building.

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

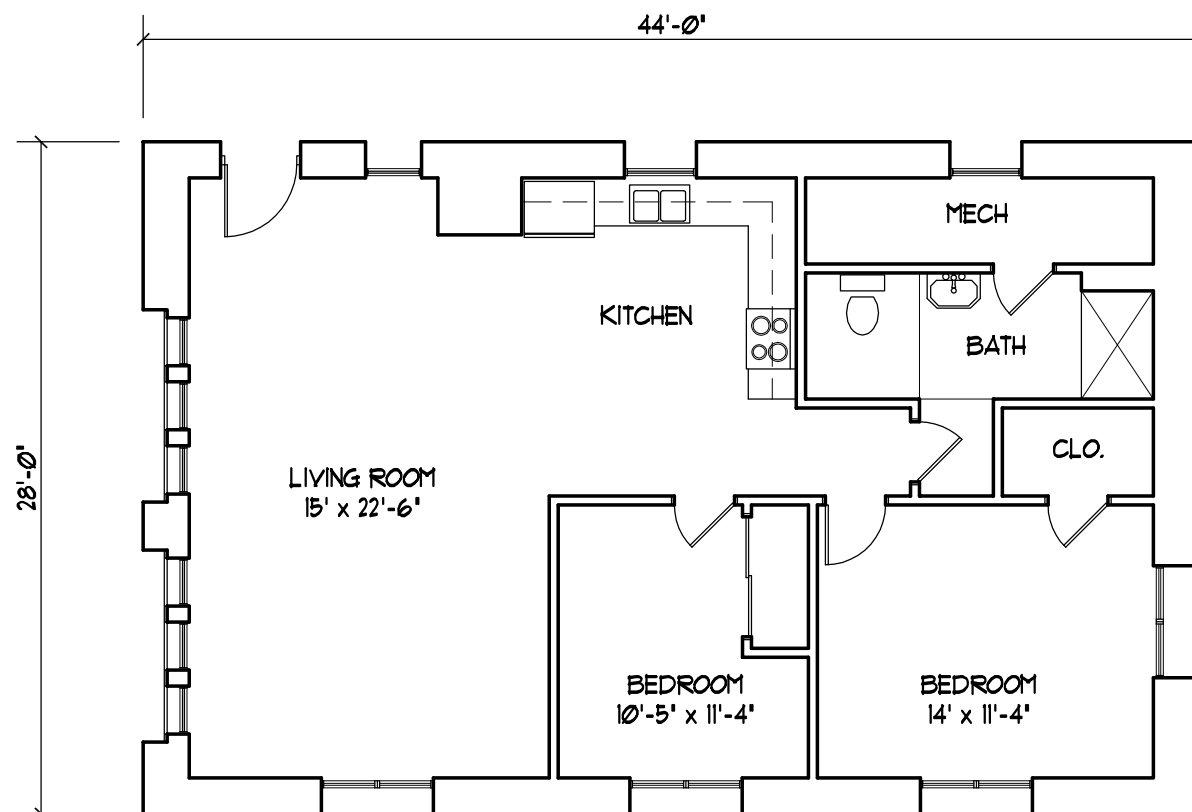
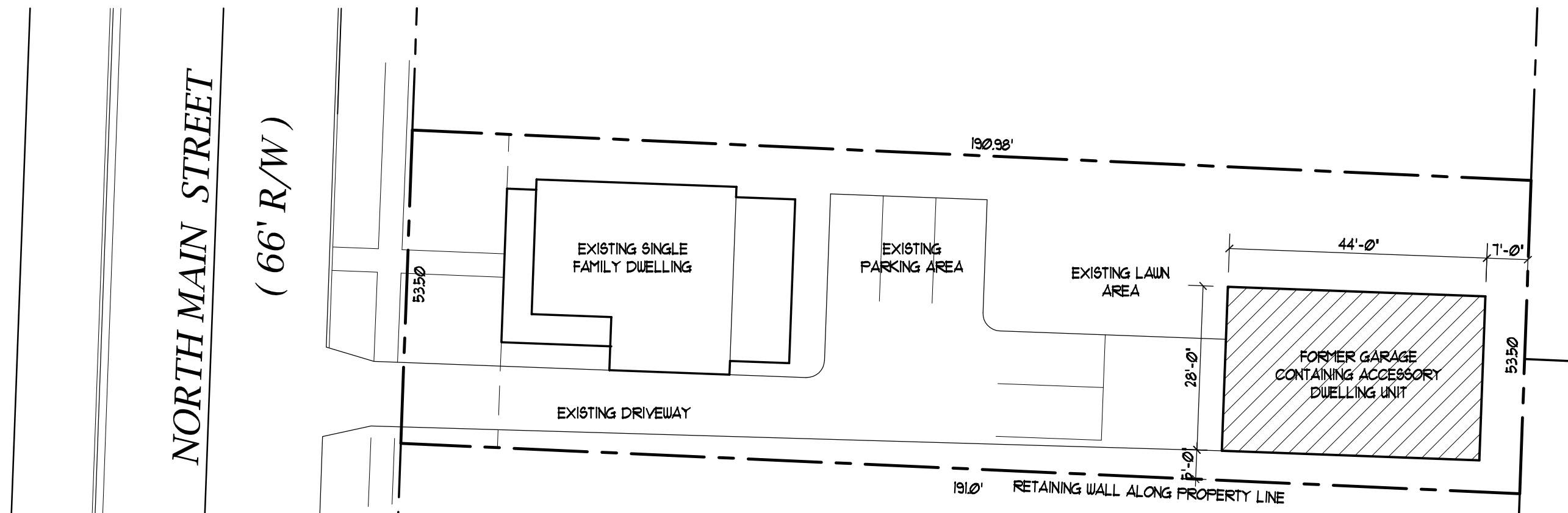
Respectfully,

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

Scott Webb, Architect

The map shows a section of N Main St, 106 feet wide. A dashed line on the left indicates a 'VACATED' area. The map is divided into several sections with various dimensions labeled. The top section is 106 feet wide and 173.98 feet long. The middle section is 106 feet wide and 174.50 feet long. The bottom section is 106 feet wide and 129 feet long. The map also shows a 3691-foot wide area on the right side. The dimensions 53.50, 50, 93, 30, 51, 222, 082, 248, 083, 084, 129, 63, 73, 130.15, 392, 28, 93, 2, and 228 are also labeled.

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FLOOR PLAN
ACCESSORY DWELLING UNIT

1/8" = 1'-0"

SITE PLAN

1" = 20'-0"

ACCESSORY DWELLING UNIT

ZONING

(R3MS ZONING DISTRICT)

OVERALL LOT AREA: (6,000 SF MIN. FOR 2-FAMILY) 10,218 SF

OVERALL LOT WIDTH: (50' MIN.) 53.50 FEET

LOT COVERAGE

EXISTING 2-STORY HOUSE & PORCH: 1,500 SF

EXISTING GARAGE CONTAINING DWELLING UNIT 1,242 SF

EXISTING PAVED AREA (PARKING & DRIVES): 2,681 SF

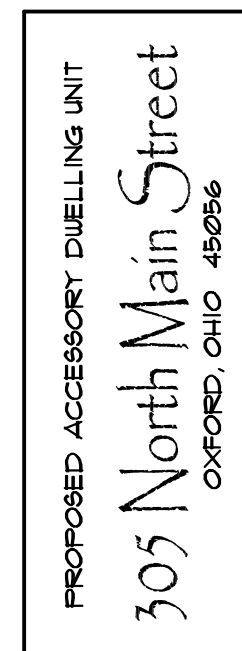
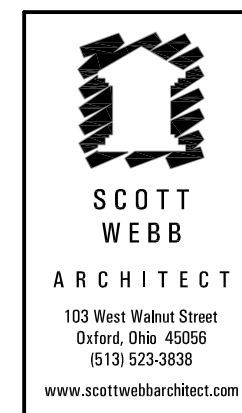
TOTAL: 5,423 SF

ACTUAL LOT COVERAGE: 5,423 SF / 10,218 SF = 53.1%

ALLOW. LOT COVERAGE: R3MS = 45%

PARKING

(4) SPACES REQUIRED @ 2 PER UNIT - (5) PROVIDED



DATE	
August 26, 2020	
REVISIONS	

