



# NEW HANOVER COUNTY

## ZONING BOARD OF ADJUSTMENT AGENDA

230 Government Center Drive, Lucie Harrell Conference Room, Wilmington, NC 28403

### Members of the Board

**Raymond Bray**, Chair | **Henry "Hank" Adams**, Vice-Chair

**Joe Miller** | **Cameron Moore** | **Mark Nabell**

### Board Alternates

**Kristen Freeman** | **Brett Keeler** | **Richard Kern**

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**Wayne Clark**, Director of Planning & Land Use | **Sharon Huffman**, Deputy County Attorney

**October 22, 2019, 5:30 PM**

**I. Call Meeting to Order (Vice-Chairman Hank Adams)**

**II. Official Approval of August Minutes (*currently in draft status*)**

*September Member Attendees: Joe Miller, Cameron Moore, Mark Nabell, Richard Kern*

**III. Regular Items of Business**

1. **Case ZBA-943** - Gregory Alan Heafner, PA, applicant, on behalf of Zachary and Ashley Paulovits, property owners, is requesting a special exception for reasonable accommodation under the Federal Fair Housing Act per Section 63.11 of the Zoning Ordinance to allow up to 8 residents in a group home located at 5014 Richardson Drive.
2. **Case ZBA-944** - Matthew Nichols, applicant, on behalf of Kurt and Catherine Olivero, property owners, is requesting a variance from the 25' required front yard setback in the R-15 district per Section 51.6-2(3) of the Zoning Ordinance. The property is located at 210 Windy Hills Drive.

## MINUTES

### ZONING BOARD OF ADJUSTMENT

The New Hanover County Zoning Board of Adjustment held a regular and duly advertised meeting at 5:30 P.M. at the New Hanover County Government Center Complex, 230 Government Center Drive, in the Lucie Harrell Conference Room, Wilmington, NC, on Tuesday, September 24, 2019.

#### Members Present

Joe Miller, Chairman Pro-Tem  
Cameron Moore  
Brett Keeler  
Richard Kern

#### Members Absent

Ray Bray, Chair  
Hank Adams, Vice-Chair  
Brett Keeler  
Kristin Freeman

#### Ex Officio Members Present

Ken Vafier, Executive Secretary  
Sharon Huffman, County Attorney  
Linda Painter, Zoning Official  
Denise Brown, Clerk

Ms. Huffman informed present board members that Chairman Bray and Vice-Chairman Adams were unable to attend the meeting and that parliamentary procedures dictate that in the absence of the Chairman and Vice-Chairman of the Zoning Board of Adjustment, she is calling the meeting to order and then conduct an election of a Chairman Pro-Tem to conduct the meeting.

The meeting was officially called to order at 5:35 P.M. by Ms. Huffman and the floor was opened for nominations of the Chairman Pro-Tem for today's hearing. Mr. Miller made a motion to appoint a substitute chair. Mr. Moore second the motion and motion passed unanimously.

Mr. Cameron Moore nominated Mr. Joe Miller as the Chairman Pro-Tem for the September 24, 2019 meeting. Mr. Mark Nabell seconded the motion and the motion passed unanimously.

Chairman Pro-Tem Miller stated the Zoning Board is a quasi-judicial board appointed by the Board of Commissioners to consider zoning ordinance variances from residents in New Hanover County where special conditions would create unnecessary hardships. The Zoning Board also hears appeals of the County's interpretation in enforcement of the Zoning Ordinance. The appellants have thirty days in which to appeal any decision made by the Board to Superior Court.

Chairman Pro-Tem Miller inquired as to corrections to the minutes of the August 27, 2019 meeting.

Ms. Huffman stated although some board members were not present at last meeting, if three present board members from the last meeting are in attendance, they can vote to approve the minutes from August 27, 2019 if members have reviewed and no changes are warranted.

Mr. Moore made a motion to adopt the minutes from the August 27, 2019 meeting. Mr. Kern second the motion. The motion passed unanimously.

A brief discussion was had by the applicants and staff regarding the cases as they must be approved by all four members present. The applicants agreed to move forward with the case hearings for decision making.

## CASE ZBA-942

Chairman Pro-Tem Miller swore in County staff, Mr. Ken Vafier, Ms. Linda Painter and Mr. Josh Mihaly.

Mr. Vafier presented an overview of the case stating the petitioner, Mihaly Land Design, PLLC, applicant, on behalf of Chase & Dylan Mihaly, LLC, property owner, is requesting two variances related to the setback and buffer width requirements in order to construct an office building on the site, contingent upon the successful rezoning of the property to a Conditional B-2, Highway Business District. Mr. Vafier stated currently, the property is zoned R-15, Residential District. The site consists of 0.32 acres located at 7031 Market Street.

Mr. Vafier stated the applicant intends to file a rezoning application in conjunction with this request in order to rezone the property in a conditional B-2 Highway Business, which would allow the office building to be permitted. There is a community meeting in regards to the proposed rezoning to take place on September 25. The rezoning is to be heard at the next scheduled Planning Board meeting for consideration.

The applicant is proposing variances from two separate sections of the Zoning Ordinance which would apply to the site should it be zoned(CZD) B-2.

Mr. Vafier referenced the two variances requested by the applicant as A & B outlined below:

- A. A 14.59' variance from the 63.25' minimum side yard setback required on the northeastern property boundary per Section 60.3 of the ordinance;
- B. A 18.43' variance from the 31.60' minimum required landscape buffer per Section 62.1-4(2) of the ordinance to allow parking and drive areas within the buffer. At the narrowest point, the applicant is proposing a 13.17' wide buffer consisting of 2 rows of wax myrtles in addition to a 6' artificial fence to provide a buffer to the adjacent property, with 6 parking spaces and a portion of the driveway encroaching into the required buffer.

Mr. Vafier stated the applicant contends two variances are necessary due to several factors, including: limited buildable area to develop the site with a commercial use, the intent to preserve several mature live oak trees on site, and the presence of a Duke utility easement which traverses the southwestern portion of the parcel. Should significant trees be removed off the site the applicant would be required to mitigate funds for the loss of trees and or replanting as determined by the ordinance.

Mr. Vafier presented an aerial photo of the subject site and the adjacent area.

The applicant intends to apply for a rezoning of the property to a conditional B-2, Highway Business District, which would allow development of an office building on the site. The applicant is proposing a 2,000' sf, 2-story office building on the site, to include two rows of 3' tall wax myrtles and a 6' tall privacy fence to meet the intent of the ordinance in providing visual opacity to the subject site which is currently undeveloped.

Mr. Vafier stated should the board approve the variance request the approval is contingent upon the Planning Board recommendation and also the County Commissioners approval of rezoning the parcel. Staff suggests that approval of a rezoning be included as a condition in the variance decision.

Should the property be rezoned and developed as commercial site, the required setbacks for commercial uses which abut residential uses or districts are addressed in Section 60.3 of the Zoning Ordinance: Setbacks.

Mr. Moore asked staff to explain the dimension request by the applicant.

Chairman Pro-Tem Miller asked if the applicant plantings are required by the ordinance.

Mr. Vafier stated the width is a specified requirement in the ordinance. The ordinances have various options for plantings and fencing.

Ms. Painter, Zoning Official, stated per the county's landscape requirements the applicant has three choices of plantings.

Mr. Kern inquired as to the overall road frontage of the subject site.

Mr. Vafier stated the applicant is prepared to give presentation and answer the board inquiries.

Mr. Moore stated as with the presence of the easement the site appears to be limited in buildable area, as are many left over residential districts from past decades.

Mr. Vafier stated due to the urbanization of the areas there are challenges in setback requirements in some of the left over residential districts from past decades as it pertains to meeting restraints per county ordinance.

Mr. Vafier stated some of these lots have remained vacant. With interest shown to these parcels in redevelopment challenges have been met in sites meeting current ordinance setback requirements. The applicant is proposing an office building at the subject site.

Chairman Pro-Tem Miller then swore in Mr. Josh Mihaly.

***Mr. Josh Mihaly- Mihaly Land Design, 330 Military Cutoff, Wilmington, NC*** - Mr. Mihaly stated the subject site has been in existence since 1960's and previously had a mobile home on site. Mr. Mihaly stated he purchased the site to construct 1 office buildings consisting of 2,000 sf. Mr. Mihaly stated he was drawn to the site due to the mature trees located on the site and he has no intention of removing the unique trees. Mr. Mihaly stated the site frontage measures 68.5'.

Mr. Mihaly stated the lot is .35 acres and the setbacks per county ordinance presents challenges with the required height of the building. Mr. Mihaly stated the subject site abuts adjacent residences and a Duke Energy easement. Mr. Mihaly stated he spoke to NC DOT and they advised to place the driveway south of the subject site, this is in conjunction with future improvements NC DOT has planned for locations around on Market Street. Mr. Mihaly stated in adhering to the NC DOT request potential plans impose the county's buffer requirements.

Mr. Mihaly stated he could construct a building on the site possibly without variance relief however they would rather not due to the trees would be impacted n removal from the site. He stated they can meet the intent of the buffer requirement to the north. The plan presented is a good use for the property as a business setting. Mr. Mihaly stated they are applying for the site to be rezoned as Conditional District. The adjacent residence near the subject site was for sale and is now currently under contract.

## **PUBLIC HEARING CLOSED**

## **BOARD DISCUSSION:**

The board discussed the applicant's proposal in constructing a commercial building at the site given the location and the possibility of the B-2 commercial zoning for the business. The board recognized the uniqueness of the site with the multiple trees at the subject site; they also appreciated the applicants approach in preserving the significant trees. The applicant proposes placement of the office building closer to the B-2 district. The board recognized due to the side yard setback, the buildable area for an office building is limited. The board stated they would place a condition that the applicant's rezoning application be approved prior to constructing the office building.

Ms. Huffman suggested the board's findings be directed to items listed in notation and the application received for the variance by the applicant collaborating in draft with staff for the language.

## **BOARD DECISION:**

On a motion by Mr. Richard Kern and seconded by Mr. Mark Nabell, the board voted 5-0 to grant the variance at 7031 Market Street, Wilmington NC, conditioned upon successful conditional rezoning of the property to a (CZD) B-2 District.

The Board's decision was based on the following conclusions and findings of fact:

1. It is the Board's conclusion that, if the applicant complies with the literal terms of the ordinance, specifically the side yard setback requirements per Section 60.3 and the buffer strip width requirements per Section 62.1-4(2) of the New Hanover County Zoning Ordinance, that an unnecessary hardship would result. This conclusion is based on the following FINDINGS OF FACT:
  - The literal application of the required setback renders the lot essentially unbuildable with a commercial use.
2. It is the Board's conclusion that the hardship of which the applicant complains results from unique circumstances related to the subject property, such as location, size, or topography. This conclusion is based on the following FINDINGS OF FACT:
  - The location and size of the property, with the narrow road frontage of 68', make it difficult to develop as a commercial use with application of the required setback.
  - The applicant has designed a site plan with the intent to retain the unique stands of significant trees on site.
3. It is the Board's conclusion that the hardship did not result from actions taken by the applicant or the property owner. This conclusion is based on the following FINDINGS OF FACT:
  - The applicant did not take any actions that created the hardship.
4. It is the Board's conclusion that, if granted, the variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:
  - The proposed variance and site plan is consistent with the spirit and intent of the ordinance based upon the proposed buffer and tree retention.

## **CASE ZBA-941**

Mr. Vafier presented an overview of the case stating the petitioner, Caliber Car Wash Wilmington, LLC, is requesting five variances from multiple Zoning Ordinance provisions related to landscaping and setback requirements in order to preserve several mature live oak trees that exist on the site into the design for a self-service car wash at 7032 Market Street. The subject site is zone B-2, Highway Business District. The property to the immediate northeast is zoned R-15, Residential District.

Mr. Vafier presented aerial photos of the subject site and the trees on the lot.

Mr. Vafier stated if the building is shifted south in construction to comply with the county's zoning ordinance side yard setback requirement the oak trees on the lot would likely need to be removed. Mr. Vafier stated the Zoning ordinance encourages significant trees be preserved if possible and when these trees are removed mitigation is required. In order for the applicant to preserve the trees and construct the car wash with all the site features, variances from 5 provisions are needed to accommodate all pertinent features for the self-service car wash.

The applicant is requesting relief from the 50' minimum front yard setback, the 59.13' minimum side yard setback, the 29.57' minimum required landscape buffer width, the 5' minimum parking area screening requirement and the minimum street yard planting requirement all which are requirements of the zoning ordinance.

The existing building received a variance from the buffer requirements in 2005 to preserve the oak trees on site. Also, there was a variance approved for this same site in 1993 to construct an office building. However, the building was not constructed.

Ms. Huffman stated past variances are attached to the property and if the owner was using the same footprint these past variances would be valid. However, what the applicant is now proposing requires more relief to construct the car wash.

There is a fence located at the northeast side of the subject site's property line which provides as buffer. The applicant is proposing installation of one row of 3' tall shrubbery in order to provide landscaping to the front of the site. The applicant is also proposing one row of 36' tall shrubs in lieu of the required number of plantings in order to provide an area of landscaping adjacent to Market Street.

The Chairman Pro-Tem swore in Mr. Danny York and Mr. Mac McCall of Caliber Carwash and Mr. Rob Milliman.

**Mr. York** stated he works with engineers in setting up car washes in multiple areas; currently they are proposing the same car wash facility in the Hampstead area. The Wilmington location received numerous responses from the public regarding the trees at the subject site. Mr. York stated they have no plans of removing the trees on the subject site. They propose a 6' fence to preserve the various trees onsite.

Mr. York stated the goal is to save as many trees as possible and provide a buffer to the nearby residences. The plan constructed by his engineer was constructed as the best way possible to not remove or harm the trees during construction.

Mr. Moore stated with the future NC DOT right-of-way on Market Street he inquired to the location of the car wash sign and fencing at the site. Mr. Moore also inquired of the actual dimensions in approving the variances.

Mr. Vafier stated the dimensions provided during his presentation were taken from the applicant's survey and site plans dimensions they provided.

Chairman Pro-Tem Miller inquired of the public's feedback to this case.

Mr. Vafier stated he did not receive any calls pertaining to the variance request. All requirements were met in advertising the case hearing.

Mr. York stated initially they had a site plan that proposed removal of the trees at the site however with the response of the public in preserving the trees he and his staff revised the plans to preserve the trees located on the site. Mr. York stated the vacuums will be housed at the front of the business and they take great care of using materials that do not create high noise volume.

**Mr. Rob Milliman (214 El Ogden Drive resident)- Mr. Millian** was present to give concerns of the noise to the neighborhood and request 10 ft. fencing be place as a buffer to prevent excessive noise to the neighbors.

Mr. York stated they currently have no plans of adding a 10 ft. fence to the sight but they would consider talking to the neighbors of their concerns.

Mr. Vafier stated the applicant is present to request variance in relief of the submitted application for the site dimensions, however staff does not have the ability to enforce agreements made by the applicant and adjacent property owner in a private setting. Mr. Vafier stated the staff can regulate conditions that apply to the variance approvals.

## **PUBLIC HEARING CLOSED:**

## **BOARD DECISION:**

The board discussed the concern over the trees being removed at the site and commended the applicant in the revised plan to preserve the trees while constructing the proposed car wash. The front and side yard setback is a hardship and is something that was not created by the owner.

On a motion by Mr. Cameron Moore and seconded by Mr. Richard Kern, the board voted 5-0 to grant the variance at 7032 Market Street, Wilmington NC.

The Board's decision was based on the following conclusions and findings of fact:

1. It is the Board's conclusion that, if the applicant complies with the literal terms of the ordinance, specifically the minimum front yard setback requirements per Section 52.2-4(2), minimum side yard setback per Section 52.2-4(3), buffer strip width requirements per Section 62.1-4(2), parking area screening requirements per Section 62.1-5(2)(D), and street yard landscaping requirements per Section 62.1-10 of the New Hanover County Zoning Ordinance, that an unnecessary hardship would result. This conclusion is based on the following FINDINGS OF FACT:
  - Complying with the literal terms of these provisions would result in the removal of 5 significant live oak trees on site, which contradicts the tree retention purpose statement in the zoning ordinance.
  - The potential removal of these live oak trees has shown to be undesirable to residents in the community.
  - The proposed site plan is designed to retain all significant trees.
2. It is the Board's conclusion that the hardship of which the applicant complains results from unique circumstances related to the subject property, such as location, size, or topography. This conclusion is based on the following FINDINGS OF FACT:
  - The site contains 8 significant oak trees and 1 significant magnolia tree, creating a hardship peculiar to the property.
  - The adjacent property is zoned R-15, Residential, requiring a buffer strip.
  - In addition to the building setbacks, the buildable area of the lot is limited, and proposed development would require removal of these trees to comply with applicable provisions of the zoning ordinance.
3. It is the Board's conclusion that the hardship of which the applicant complains results from unique circumstances related to the subject property, such as location, size, or topography. This conclusion is based on the following FINDINGS OF FACT:
  - NCDOT acquired additional ROW that has limited use of the property in the front yard.
4. It is the Board's conclusion that, if granted, the variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:
  - The requested variance is consistent with the spirit, purpose and intent of the Zoning Ordinance's tree retention purpose statement.

The board also placed the following condition of approval upon the variance request: A 10% administrative variation from the proposed dimensional requirements shown on the submitted site plan is permitted.

There being no further business before the board, it was properly moved by Mr. Moore and seconded by Mr. Nabell to adjourn the meeting. All ayes.

**MEETING ADJOURNED.**

**Please note the minutes are not a verbatim record of the proceedings.**

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**Executive Secretary**

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**Chairman**

**SPECIAL EXCEPTION REQUEST  
ZONING BOARD OF ADJUSTMENT  
October 22, 2019**

**CASE:** ZBA-943

**PETITIONER:** Gregory Alan Heafner, PA, applicant, on behalf of Zachary and Ashley Paulovits, property owners.

**REQUEST:** Special exception for reasonable accommodation under the Federal Fair Housing Act per Section 63.11 of the Zoning Ordinance to allow up to 8 disabled persons residing together in a group home.

**LOCATION:** 5014 Richardson Drive  
PID: R04317-004-002-000

**ZONING:** R-15, Residential District

**PETITIONER'S REQUEST:**

The applicant is requesting a special exception for reasonable accommodation under the Federal Fair Housing Act to deviate from the maximum number of 6 residents that may be allowed in a group home to allow up to 8 residents at 5014 Richardson Drive.

**BACKGROUND AND ORDINANCE CONSIDERATIONS:**

The applicant intends to permit a group home run by the Oxford House at the subject property. The New Hanover County Zoning Ordinance allows up to six disabled persons to reside in a group home by-right in the R-15 zoning district per Section 63.11 (1). Additional standards for group homes are also part of Section 63.11, as well as a process described under subsection (6) by which a group home provider may petition for a special exception for reasonable accommodation under the Federal Fair Housing Act to vary any of the provisions outlined in Section 63.11, including the number of residents, parking allowance, or distance requirement:

***Disabled Persons*** – Individuals with disabilities, including individuals recovering from alcoholism and/or drug addiction, who are protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, the Fair Housing Act, 42 USC 3601 et. seq., or NCGS Chapter 168, Article 3, as each may be amended.

***Group Home*** – A home in which more than three (3) unrelated Disabled Persons live together as a self-supporting and self-sufficient household unit.

|                       | PD | R<br>20S | R<br>20 | R<br>15 | R<br>10 | R<br>7 | B<br>1 | B<br>2 | I<br>1 | I<br>2 | O<br>&<br>I | A<br>R | A<br>I | S<br>C | R<br>A | R<br>F<br>M<br>U | Supp<br>Regs | N<br>A<br>I<br>C<br>S |
|-----------------------|----|----------|---------|---------|---------|--------|--------|--------|--------|--------|-------------|--------|--------|--------|--------|------------------|--------------|-----------------------|
| <b>Permitted Uses</b> |    |          |         |         |         |        |        |        |        |        |             |        |        |        |        |                  |              |                       |
| Group Homes           | P  | P        | P       | P       | P       | P      |        |        |        |        |             | P      |        |        | P      |                  |              |                       |

### **Section 63.11: Group Homes**

*Group homes shall be permitted in accordance with the table of permitted uses in Section 50 and the following standards:*

1. *Group homes shall be limited to six (6) Disabled Persons living together as a self-supporting and self-sufficient household unit.*
2. *No group homes shall be occupied or operated without zoning approval.*
  - a. *Group homes that are exempt from licensure pursuant to NCGS § 122C-22 must recertify their exemption status annually; and*
  - b. *Group homes for special needs persons must recertify qualification of all residents as special needs persons annually.*
3. *Parking shall be provided in accordance with Article VIII: Off-Street Parking and Loading.*
4. *Group homes shall not be located closer than 2000 feet to any other existing group home, measured by a straight line from the nearest property lines, irrespective of municipal boundaries.*
5. *With respect to the distance between the proposed use and the existing, permitted uses described in subsection 4 above, the distance shall be reduced by the right-of-way of a major thoroughfare exceeding one hundred (100) feet, major topographical features such as a major watercourse, or by major nonresidential or public uses such as a park, school, or religious institution.*
6. *Special Exceptions*
  - a. *Applicability. The Board of Adjustment is authorized to grant special exceptions for the special circumstances set forth in this section to allow for a reasonable accommodation under the Federal Fair Housing Act.*
  - b. *Application. An application for a special exception under this section shall be submitted to the Board of Adjustment by filing a copy of the application with the Planning Director or their designee. No filing fee shall be required for such application.*
  - c. *Approval process. The procedures set forth in Section 121-3 for variances and appeals shall apply to Staff Review and Report, Public Hearing Notice and Action of the Board of Adjustment.*
  - d. *Approval criteria. The Board of Adjustment shall grant a special exception to any provision of this ordinance as a reasonable accommodation under the Federal Fair Housing Act if the Board finds by the greater weight of the evidence that the proposed special exception is:*
    - i. *"Reasonable." An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the County and/or constitute a substantial or fundamental alteration of the County's ordinance provisions; and*
    - ii. *"Necessary." An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap), and would afford handicapped or disabled person's equal opportunity to enjoy and use housing in residential districts in the County.*

The Zoning Board of Adjustment is authorized to grant special exception requests after a public hearing and finding that the request is "reasonable" and "necessary" as described further later in this document under *Board of Adjustment Power and Duty*.

The specific request is to allow up to 8 disabled persons instead of up to 6 disabled persons to reside in a proposed group home at 5014 Richardson Drive. According to New Hanover County tax records, the home lies on a 0.38-acre parcel and contains 1,879 square feet of living area. A copy of the property record card is included as an addendum to this staff report.

Included with the petitioner's application is a statement of justification for the special exception request, as well as the Oxford House Manual.

**BOARD OF ADJUSTMENT POWER AND DUTY:**

The Board of Adjustment is authorized to grant special exceptions for the special circumstances as set forth in Section 63.11 of the New Hanover County Zoning ordinance to allow for reasonable accommodation under the Federal Fair Housing Act. The Board of Adjustment shall grant a special exception as a reasonable accommodation under the Federal Fair Housing Act if the Board finds by the greater weight of the evidence that the proposed special exception is:

1. "Reasonable." An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the County and/or constitute a substantial or fundamental alteration of the County's ordinance provisions; and
2. "Necessary." An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap), and would afford handicapped or disabled person's equal opportunity to enjoy and use housing in residential districts in the County.

**ACTION NEEDED (Choose one):**

1. **Motion to approve the special exception request based on the findings of fact (with or without recommended conditions)**
2. **Motion to table the item in order to receive additional information or documentation (Specify).**
3. **Motion to deny the special exception request based on specific negative findings in either of the two categories above.**

PARID: R04317-004-002-000

PAULOVITS ZACHARY A ASHLEY E

5014 RICHARDSON DR

## Residential

|                      |                    |
|----------------------|--------------------|
| Card                 | 1                  |
| Stories              | 1 - 1 ST           |
| Class                | -                  |
| Physical Condition   | -                  |
| Grade                | C-AVERAGE QUALITY  |
| CDU                  | AV-AVERAGE         |
| Exterior Wall        | 02-BRICK VENEER    |
| Style                | R-RANCH            |
| Year Built           | 1968               |
| Effective Year Built |                    |
| Remodeled Year       |                    |
| Living Area          | 1,879              |
| Total Rooms          |                    |
| Bedrooms             | 3                  |
| Family Rooms         |                    |
| Attic                |                    |
| Basement             | NONE               |
| Full Baths           | 2                  |
| Half Baths           | 1                  |
| Additional Fixtures  | 0                  |
| Total Fixtures       | 10                 |
| Heat                 | CENTRAL WITH A/C   |
| Heating System       | Central Heat & Air |
| Heating Fuel Type    | Electric           |
| Pre Fab Fireplace    | 0                  |
| Masonry Fireplaces   |                    |

## Additions

| Card | Addition Number | Description | Area  |
|------|-----------------|-------------|-------|
| 1    | 0               |             | 1,879 |
| 1    | 1               | POR         | 252   |
| 1    | 2               | UTL         | 132   |
| 1    | 3               | POR         | 102   |
| 1    | 4               | CS          | 105   |

## Addition Details

1 of 5

|                 |       |
|-----------------|-------|
| Card            | 1     |
| Addition Number | 0     |
| Lower           | -     |
| First           | -     |
| Second          | -     |
| Third           | -     |
| Year Built      |       |
| Area            | 1,879 |
| Grade           |       |



# NEW HANOVER COUNTY

## ZONING BOARD OF ADJUSTMENT

230 Government Center Drive, Lucie Harrell Conference Room, Wilmington, NC 28403

### Members of the Board

**Raymond Bray**, Chair | **Henry "Hank" Adams**, Vice-Chair

**Joe Miller** | **Cameron Moore** | **Mark Nabell**

### Board Alternates

**Kristen Freeman** | **Brett Keeler** | **Richard Kern**

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**Wayne Clark**, Director of Planning & Land Use | **Sharon Huffman**, Deputy County Attorney

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### ORDER TO GRANT/DENY A SPECIAL EXCEPTION REQUEST – Case ZBA-943

The Zoning Board of Adjustment for New Hanover County, having held a public hearing on October 22, 2019 to consider application number ZBA-943, submitted by Gregory Alan Heafner, PA, applicant, on behalf of Zachary and Ashley Paulovits, property owners, a request for a special exception for reasonable accommodation under the Federal Fair Housing Act to allow up to eight disabled persons to reside together in a group home located at 5014 Richardson Drive, and having heard all the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

- 1. It is the Board's conclusion that the request to deviate to eight from the limit of six disabled persons living together in a group home at 5014 Richardson Drive is / is not reasonable.** *Note: an accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the County and/or constitute a substantial or fundamental alteration of the County's ordinance provisions. This conclusion is based on the following FINDINGS OF FACT:*

- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.

- 2. It is the Board's conclusion that the request to deviate to eight from the limit of six disabled persons living together in a group home at 5014 Richardson Drive is / is not necessary.** *Note an accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap), and would afford handicapped or disabled persons equal opportunity to enjoy and use housing in residential districts in the County. This conclusion is based on the following FINDINGS OF FACT:*

- \_\_\_\_\_.

- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.

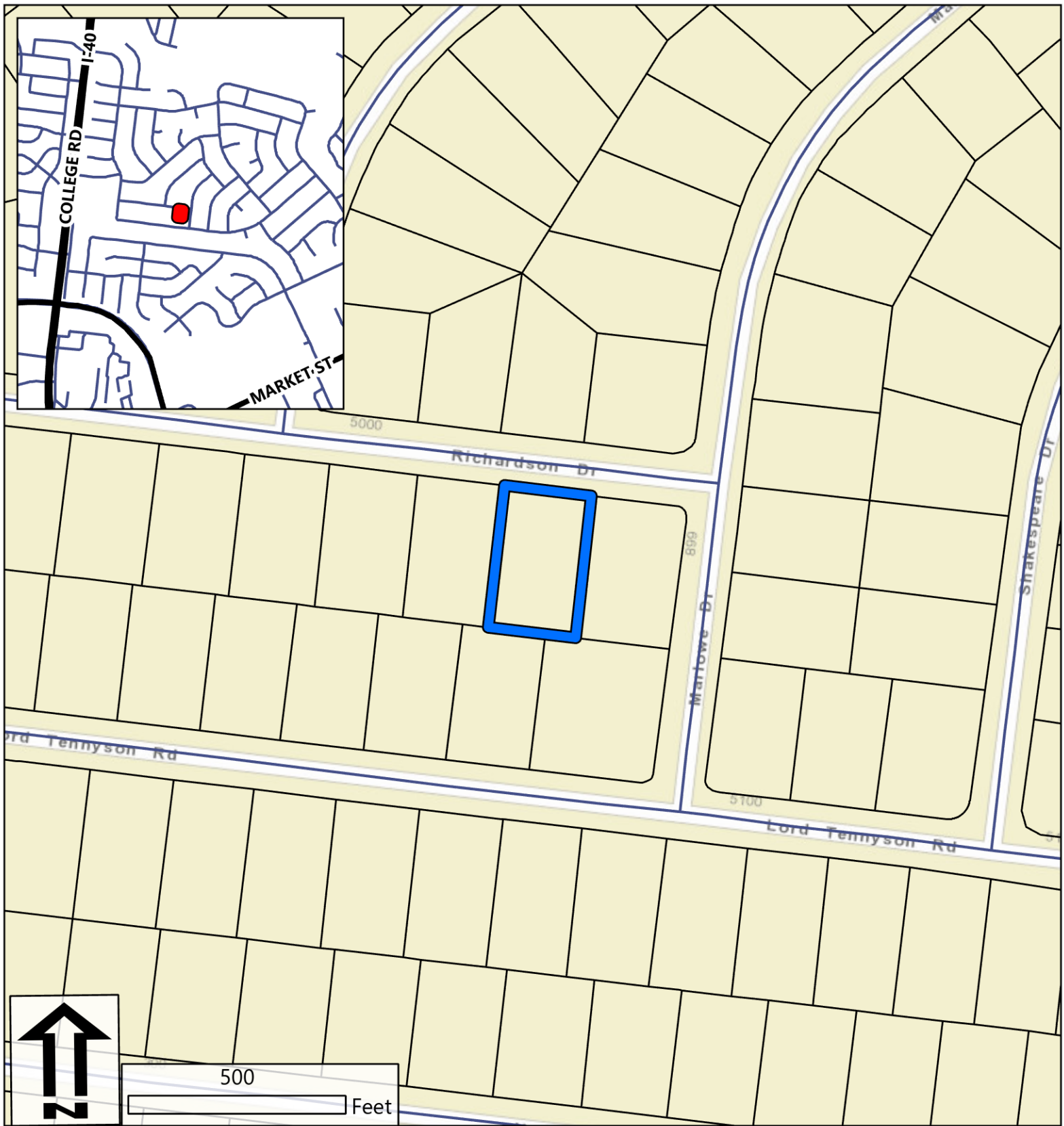
**THEREFORE**, on the basis of all the foregoing, IT IS ORDERED that the application for a SPECIAL EXCEPTION from New Hanover County Zoning Ordinance from Section 63.11(1) to allow up to 8 disabled persons to reside together in a group home located at 5014 Richardson Drive, be GRANTED/DENIED.

**ORDERED** this 22<sup>nd</sup> day of October, 2019.

\_\_\_\_\_  
Raymond Bray, Chairman

Attest:

\_\_\_\_\_  
Kenneth Vafier, Executive Secretary to the Board



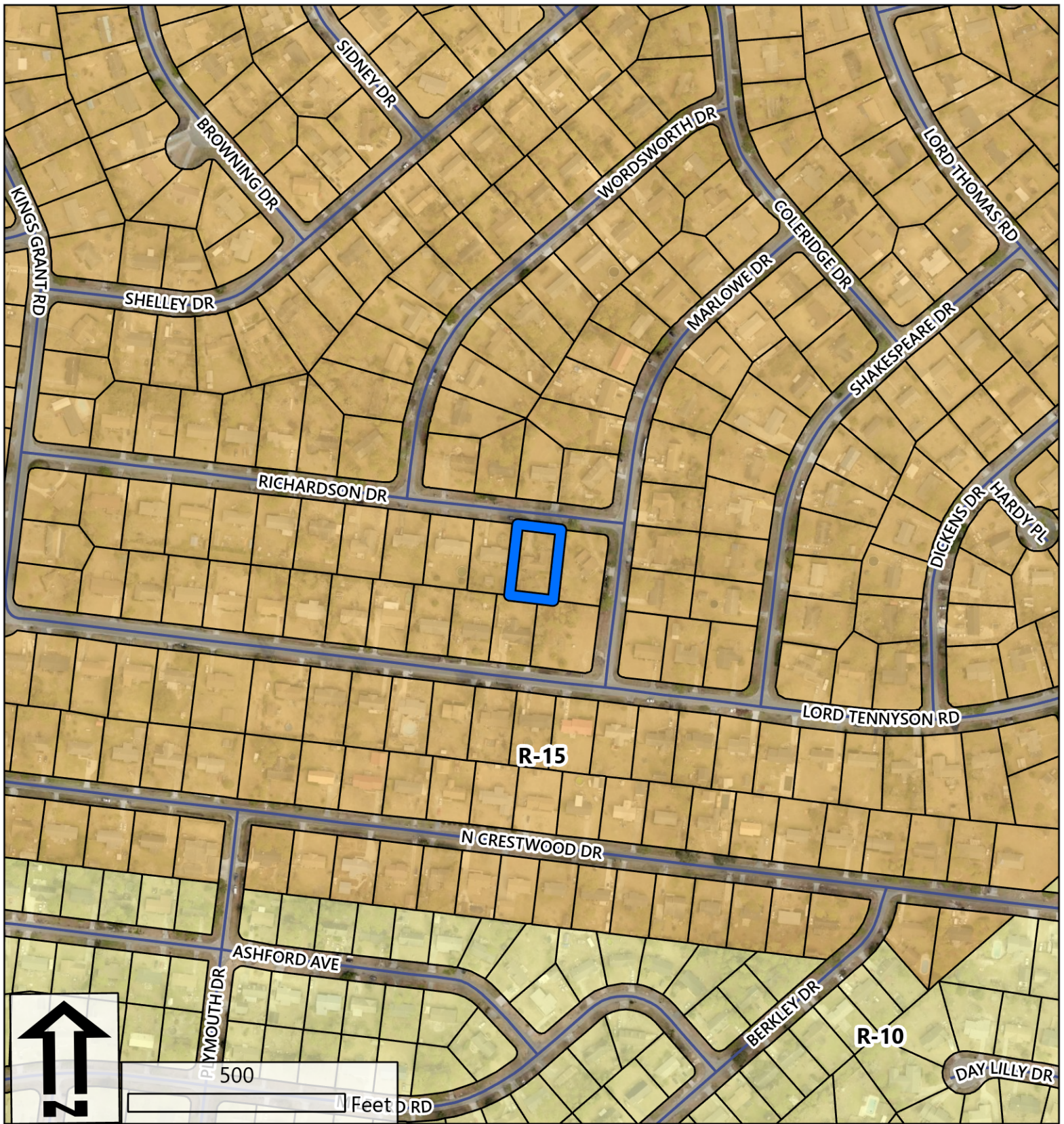
## Case: ZBA-943

Address: 5014 Richardson Dr

Special Exception Request

Applicant and Owner: Greg Heafner and Zachary Paulovits

## Vicinity Map



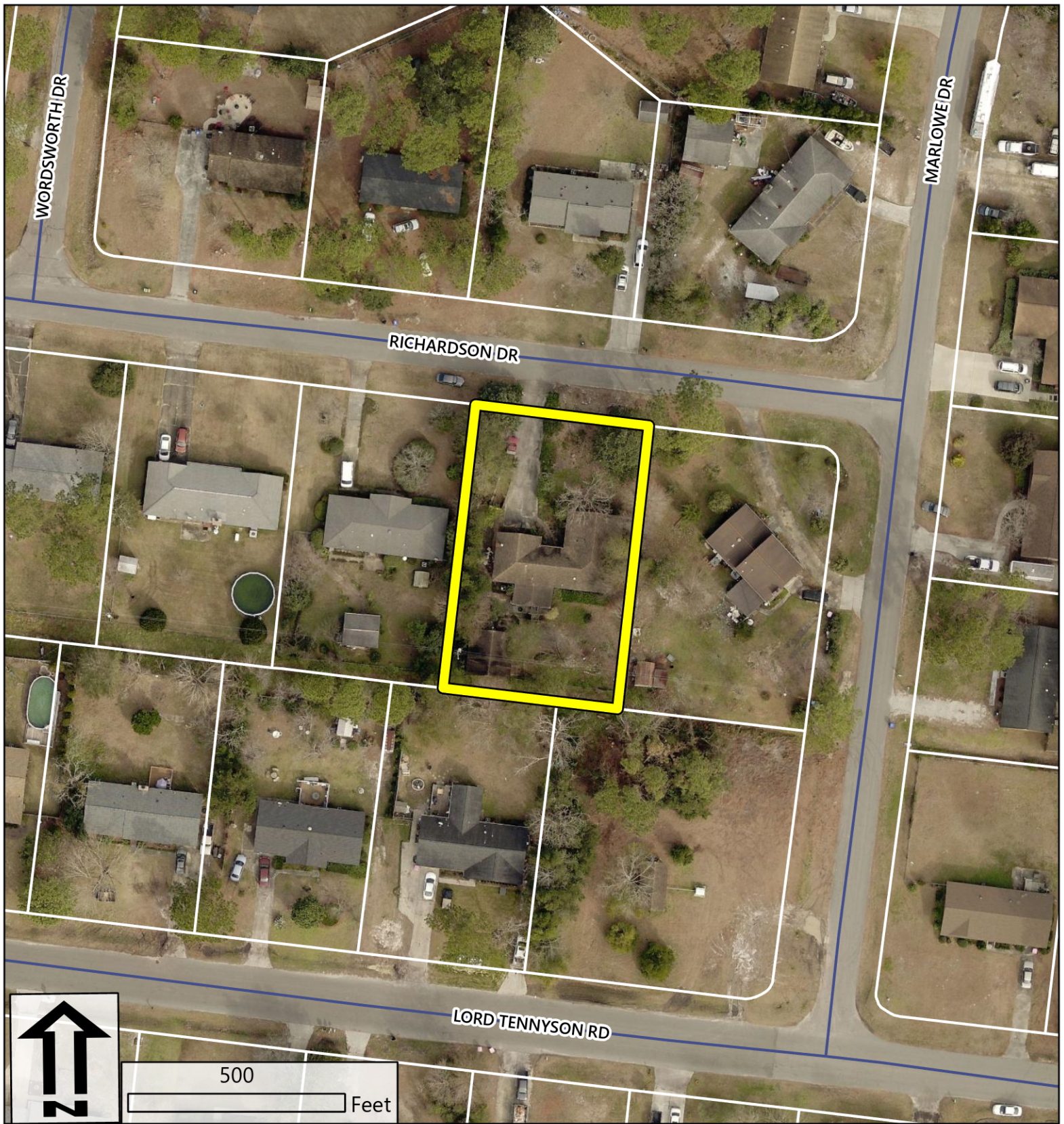
## Case: ZBA-943

Address: 5014 Richardson Dr

Special Exception Request

Applicant and Owner: Greg Heafner and Zachary Paulovits

## Zoning Map



## Case: ZBA-943

Address: 5014 Richardson Dr

Special Exception Request

Applicant and Owner: Greg Heafner and Zachary Paulovits

## Aerial Map



# NEW HANOVER COUNTY PLANNING & INSPECTIONS

## Application for **SPECIAL EXCEPTION**

230 Government Center Drive  
Suite 110  
Wilmington, NC 28403  
910-798-7165 phone  
910-798-7053 fax  
www.nhcgov.com

| Petitioner Information                           | Property Owner(s)<br><i>If different than Appellant</i> | Subject Property   |
|--|---|--|
| Name<br><i>Greg Heafner</i>                      | Owner Name<br><i>Zachary Paulovits</i>                  | Address<br><i>5014 Richardson Drive</i>  |
| Company<br><i>Greg Alan Heafner, PA</i>          | Owner Name 2<br><i>Ashley Paulovits</i>                 | Parcel ID  |
| Address<br><i>1510 Twisted Oak Drive</i>         | Address<br><i>2751 Jordan Pointe Blvd.</i>              | Area   |
| City, State, Zip<br><i>Chapel Hill, NC 27516</i> | City, State, Zip<br><i>New Hill, NC 27562</i>           | Summary of Special Exception Requested:<br><i>Allow 8 persons to live at 5014 Richardson Drive</i> |
| Phone<br><i>919.967.3800</i>                     | Phone<br><i>919.817.2052</i>                            |  |
| Email<br><i>gshafner@bellsouth.net</i>           | Email<br><i>zpaulovits@yahoo.com</i>                    |  |
| Application Tracking Information (Staff Only)    |   |  |
| Case Number<br><i>ZBA-943</i>                    | Date/Time received:<br><i>9/12/19 12:00 pm</i>          | Received by:<br><i>KV</i>  |

### APPLICATION OVERVIEW

In order to assist petitioners through the process for requesting a special exception, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Petitioners are requested to review the Section 63.11 of the Zoning Ordinance prior to submission, and advised to contact Planning Staff with any questions.

Requests for special exceptions to any of the provisions of Section 63.11 of the Zoning Ordinance may be taken to the Board of Adjustment. The Board of Adjustment will hear and decide on the special exception in a quasi-judicial proceeding. The Board of Adjustment shall grant a special exception to any provision of this ordinance as a reasonable accommodation under the Federal Fair Housing Act if the Board finds by the greater weight of the evidence that the proposed special exception is:

1. "Reasonable." An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the County and/or constitute a substantial of fundamental alteration of the County's ordinance provisions; and
2. "Necessary." An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to enjoy and use housing in residential districts in the County.

A concurring vote of four-fifths (4/5) of members of the Board is necessary to grant a special exception.

Unless otherwise published or announced, Zoning Board of Adjustment meetings are held on the 4<sup>th</sup> Tuesday of each month at 5:30PM in the Lucie F. Harrell Conference Room at 230 Government Center Drive. All meeting dates and application deadlines are published on the New Hanover County Planning website.

**PRE-APPLICATION CONFERENCE ENCOURAGED**

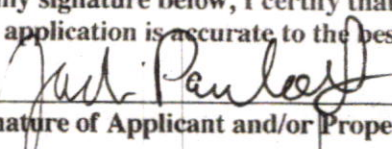
In order to assist petitioners through the process for filing a request for special exceptions, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Applications for special exceptions must be filed no later than 5:00PM on the application deadline day prior to a Zoning Board of Adjustment meeting.

**REQUEST FOR SPECIAL EXCEPTION**

In the space below, please describe the request for the special exception, including what provision(s) of Section 63.11 from which the special exception is being requested. Applicants are advised to demonstrate how the special exception request is reasonable and necessary as described on Page 1. Please attach additional sheets if necessary.

See Attached Statement  
of Justification

By my signature below, I certify that this application is complete and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

  
Signature of Applicant and/or Property Owner

Date

3 Sep 2019



NEW HANOVER COUNTY  
PLANNING & INSPECTIONS

**AUTHORITY FOR  
APPOINTMENT OF AGENT**

230 Government Center Drive  
Suite 110  
Wilmington, NC 28403  
910-798-7165 phone  
910-798-7053 fax  
www.nhcgov.com

Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.

The undersigned owner does hereby appoint an authorized the agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached petition. The Agent is hereby authorized to, on behalf of the property owner:

1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition applicable to the New Hanover County Zoning Ordinance.

| Agent Information                                | Property Owner(s)                              | Subject Property                                |
|--|--|---|
| Name<br><u>Greg Heafner</u>                      | Owner Name<br><u>Zachary Paulovits</u>         | Address<br><u>5014 Richardson Drive</u>         |
| Company<br><u>Gregory Alan Heafner, PA</u>       | Owner Name 2<br><u>Ashley Paulovits</u>        | City, State, Zip<br><u>Wilmington, NC 28405</u> |
| Address<br><u>1510 Twisted Oak Drive</u>         | Address<br><u>2751 Jordan Pointe Blvd.</u>     | Parcel ID                                       |
| City, State, Zip<br><u>Chapel Hill, NC 27516</u> | City, State, Zip<br><u>New Hill, NC 27562</u>  |   |
| Phone<br><u>919.967.3800</u>                     | Phone<br><u>919.817.2052</u>                   |   |
| Email<br><u>gshafner@bellsouth.net</u>           | Email<br><u>zpaulovits@yahoo.com</u>           |   |
| Application Tracking Information (Staff Only)    |  |   |
| Case Number Reference:<br><u>28A-943</u>         | Date/Time received:<br><u>9/12/19 12:00 pm</u> | Received by:<br><u>KV</u>                       |

This document was willfully executed on the 22 day of August, 20 19.

Zachary Paulovits  
Owner 1 Signature

Ashley Paulovits  
Owner 2 Signature

## **STATEMENT OF JUSTIFICATION**

Oxford House, Inc. requests a Special Exception from Section 63.11:1 of the County Zoning Ordinance, which section limits the number of disabled persons that may live in a group home to six.

Specifically, Oxford House requests that eight disabled persons be allowed to live at the Oxford House located at 5014 Richardson Drive in Wilmington. This Oxford House is known as Oxford House Smithcreek. It is home to 8 men. It is a single family detached, 4 bedroom, 3 bath, approximately 2000 square foot home, with a garage and sufficient additional driveway parking.

As of the date of this application, Oxford House Smithcreek is located at 1131 N. Kerr Ave. in the City of Wilmington. It has been in operation at 1131 N. Kerr Ave. for over 19 years. It is the longest operating Oxford House in the City of Wilmington and in New Hanover County. It is compliant with all City of Wilmington zoning ordinances. It is forced to move because the property is being taken by the Department of Transportation to widen Kerr Ave.

New Hanover County's zoning ordinance defines Oxford Houses as a "group homes" pursuant to the definition of same in the ordinance. Further, the residents of Oxford House are defined as "disabled persons" pursuant to the definition of same in the ordinance.

### **WHAT IS AN OXFORD HOUSE**

Oxford Houses are homes for persons recovering from alcoholism and or drug addiction, who are no longer using alcohol or drugs. Oxford House is a self-run, self-supported recovery home concept and standardized system of operation that served as the model for the self-run, self-supported group recovery homes authorized for start-up loans under §2036 of the Federal Anti-Drug Abuse Act of 1988, PL 100-690. This legislation required each state to set aside \$100,000 in

a revolving loan fund to make loans to recovering addicts and alcoholics to assist in the establishment of housing that is financially self-supported, democratically run, and immediately expels anyone who relapses.

Many of over two thousand five hundred Oxford Houses in the United States were started with loans pursuant to this Act through contracts with state governments. Most of the over two-hundred and fifty Oxford Houses in North Carolina were started with loans pursuant to this Act through an ongoing contract with the State of North Carolina. Since 1990, the State of North Carolina, through the Department of Health and Human Services, has entered into annual contracts with Oxford House, Inc., the umbrella organization of the national network of Oxford Houses, to help establish and assist in the maintenance of a statewide network of Oxford Houses.

Each Oxford House is chartered by Oxford House, Inc., a 501(c)(3) nonprofit umbrella organization. Three basic conditions are required to obtain a charter: 1). The house must be democratically self-run following the standard system of operation set forth in the Oxford House Manual; 2). The house must be financially self-supporting by the individual residents paying equal shares of household expenses in a timely manner, and; 3). The house must immediately expel any resident who returns to using alcohol or drugs inside or outside of the house.

Oxford House, Inc.'s by-laws preclude it or its chartered houses from owning residential property, thus all Oxford Houses are rented. A group wanting to start an Oxford House behaves in the household rental market just like an ordinary family. It finds an available, suitable house and rents it by paying the first month's rent and security deposit to a willing landlord. Usually, these funds come from the above referenced start-up loans. Oxford House residents are encouraged to rent single family dwellings in good neighborhoods.

The houses operate autonomously, but must follow the procedures in the Oxford House Manual and adhere to the conditions of its charter. Each Oxford House has its own bank account. There are no dues or fees to Oxford House, Inc. by individual houses, but having a charter gives the houses technical assistance and support by Oxford House, Inc., including defense of the civil rights of every Oxford House.

Oxford Houses are not substance abuse centers or halfway houses. No treatment, counseling, therapy, or any kind of health care is provided. There is no house manager, paid staff, or other type of institutional personnel involved in the supervision or management of the house. All decisions relating to the functioning of the house are made democratically. Each house manages its own finances. There is no required random testing for alcohol or drug use, nor are there any required rules relating to curfews. In an Oxford House residents live there by choice.

Oxford House residents are considered to be the functional equivalent of a family for several reasons. First, all the residents have access to the entire house. Second, all the residents participate equally in the housekeeping functions of the house, such as chores and finances. Each resident, however, is responsible for his own food and cooking. Third, the quality of the relationship among the residents is one of emotional and mutual support and bonding giving each resident support in their recovery from alcoholism and providing an ameliorative therapeutic benefit toward recovery to each resident. Fourth, the living arrangement is not based upon a profit motive. Finally, there are no limits as to how long a resident can stay in Oxford House. The average length of stay, nationally, is about thirteen months. For more detailed information about Oxford House and its recovery program and the benefits thereof, see the Oxford House Manual enclosed herewith and incorporated herein by reference, and the Oxford House website at [www.oxfordhouse.org](http://www.oxfordhouse.org).

The residents of Oxford House are considered “disabled persons” pursuant to the definition of same in the County’s ordinance. Oxford House residents are a protected class under the Federal Fair Housing Act, and the American with Disabilities Act. See the Fair Housing Act (FHA), 42 U.S.C. 3600 et. seq. Recovering addicts and alcoholics are specifically included within the definition of “handicapped” or “disabled” individuals under these Acts. See 42 U.S.C. 3602(h), and *City of Edmonds, WA v. Oxford House, Inc.* 514 U.S. 725 (1995); *Oxford House v. City of St. Louis*, 77 F.3d 249 (8th Cir. 1996); *United States (on behalf of Oxford House) v. Village of Palatine*, 37 F.3d 1230 (7th Cir. 1994); *United States (on behalf of Oxford House) v. Village of Audubon*, 797 F. Supp. 353, aff’d without opinion, 968 F.2d 14 (3d Cir. 1992); *Oxford House, Inc. v. Town of Babylon*, 819 F. Supp. 1179 (E.D.N.Y. 1993); *Oxford House v. Township of Cherry Hill*, 799 F. Supp. 450 (D.N.J. 1992); *Oxford House-Evergreen v. City of Plainfield*, 769 F. Supp. 1197 (D.N.J. 1991), and; *Tsombanidis, and Oxford House, Inc. v. City of West Haven, Connecticut*, 180 F. Supp. 262 (Ct. 2001).

As members of a protected class under the FHA, Oxford Houses are protected against discriminatory zoning practices. As such, the issue of whether an Oxford House is in violation of local zoning ordinances is not relevant to the question of federal law. See *United States (on behalf of Oxford House) v. Village of Audubon*, supra. The FHA prohibits discriminatory land use decisions by local governments, even when such decisions are “ostensibly authorized by local ordinance.” See *Oxford House Evergreen v. City of Plainfield*, supra; also 42 U.S.C. Section 3615 (“any law of a State, a political subdivision, or other jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall to that extent be invalid under the Fair Housing Act”).

The aforementioned prohibition under the FHA against zoning discrimination by local governments includes the requirement that local governments make reasonable accommodations in their zoning ordinances to allow the operation of Oxford Houses. Specifically, 42 U.S.C. 3604(f)(3)(B), defines discrimination to include a “refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such handicapped person equal opportunity to use and enjoy a dwelling.” See *Oxford House v. City of St. Louis*, supra; *Oxford House v. City of Plainfield*, supra; *Oxford House v. Township of Cherry Hill*, supra, and; *Oxford House, Inc. v. Town of Babylon*, supra. The County’s zoning ordinance is ostensibly a means for the County, through its BOA, to provide the required reasonable accommodation.

The Section 63 of the County Zoning Ordinance follows federal law by requiring a reasonable accommodation when the request is both reasonable and necessary as each is defined in the law and set forth in Section 63.1 of the ordinance. Specifically, the ordinance defines reasonable and necessary as follows:

1. “Reasonable”. An accommodation will be determined reasonable if it would not undermine the legitimate purposes and effects of the existing zoning regulations, and if it would not impose significant financial and administrative burdens upon the County and/or constitute a substantial or fundamental alteration of the County’s ordinance provisions; and
2. “Necessary”. An accommodation will be determined necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to enjoy and use housing in residential districts of the County.

Under Section 63.1 of the ordinance, upon the finding that the request by Oxford House is reasonable and necessary as defined above, the BOA shall grant the requested exception to allow 8 persons to live at 5014 Richardson Drive. The reasonableness and necessity as to Oxford House Smithcreek at 5014 Richardson Drive are set forth below.

## **REQUEST IS REASONABLE**

### **No Burden**

There is no evidence of any financial or administrative burden on the County by the existence of the Oxford House. In fact, the Oxford House provides a free benefit to the County by providing housing and aiding in the recovery of those recovering from alcoholism and drug addiction.

### **Zoning Scheme Not Undermined or Fundamentally Altered**

The Oxford House does not undermine the purposes of the County's zoning ordinance. The ordinance expressly allows for this type of housing. The ordinance also allows for this type of housing at this particular location. Further, the ordinance was recently amended to provide for an exception or reasonable accommodation for the request made herein. The ordinance itself is proof that the Oxford House does not undermine the County's ordinance or fundamentally alter its zoning scheme. There are other Oxford Houses in the County in similar zoning districts, and none have undermined or fundamentally altered the County's zoning scheme.

## **REQUEST IS NECESSARY**

### **Therapeutically Beneficial**

By its very nature the Oxford House model's therapeutic benefit is derived solely from its residents. As described above, in an Oxford House there are no counselors, managers, care providers or outside personnel that provide any therapeutic services. Oxford Houses are not like

traditional group homes, halfway houses, or family care homes - all of which have managers and provide some services to their residents. In such traditional homes a lesser number of residents will not have any therapeutic impact. Not so in an Oxford House. The quality of the relationship among the residents in an Oxford House is one of mutual support and bonding, providing an ameliorative therapeutic benefit which aids each resident in their recovery from alcoholism or drug addiction. As a result of this therapeutic benefit, those living in an Oxford House are more likely to remain clean and sober than those living on their own.<sup>1</sup>

The average number of residents in an Oxford House in North Carolina is eight (8). The average vacancy rate for Oxford Houses in North Carolina is one (1), meaning that with an allowed maximum capacity of 8, Oxford House Smithcreek will usually have just 7 residents. If the house is not granted the requested exception, then it would be limited to 6 residents. With the average vacancy rate, a 6 person Oxford House would usually have only 5 residents. As set forth above the Oxford House model requires a minimum of 6 residents at all time to hold all required offices (president, vice president, secretary, treasurer, comptroller, and coordinator). A house that falls below six residents on a regular basis can lose its charter from Oxford House, Inc. Without the requested accommodation/exception, Oxford House Smithcreek would be put in jeopardy of failing for lack of enough residents. Failure of the house means it would close, causing its residents to lose their home and support in their recovery. Invariably some would relapse. Relapse could be

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<sup>1</sup> DePaul University study that followed 897 residents in 219 Oxford Houses across the country for 27 months found that only 13% relapsed. A peer-reviewed published report of that study in *Addictive Behaviors* 32 (2007) can be downloaded at the Oxford House, Inc. website under "Publications/Evaluations/DePaul." In another study 150 individuals getting out of primary treatment were divided into two groups of 75 each with one group going to Oxford Houses and the other group going to normal living situations, each group was followed for two years after treatment and the Oxford House group did substantially better in staying clean and sober – 66% v. 33%. *American Journal of Public Health*, Oct 2006; Vol. 96, pp1727–1729.

permanent and fatal. The ameliorative therapeutic benefit of the requested exception here is a threshold, make or break degree of amelioration.

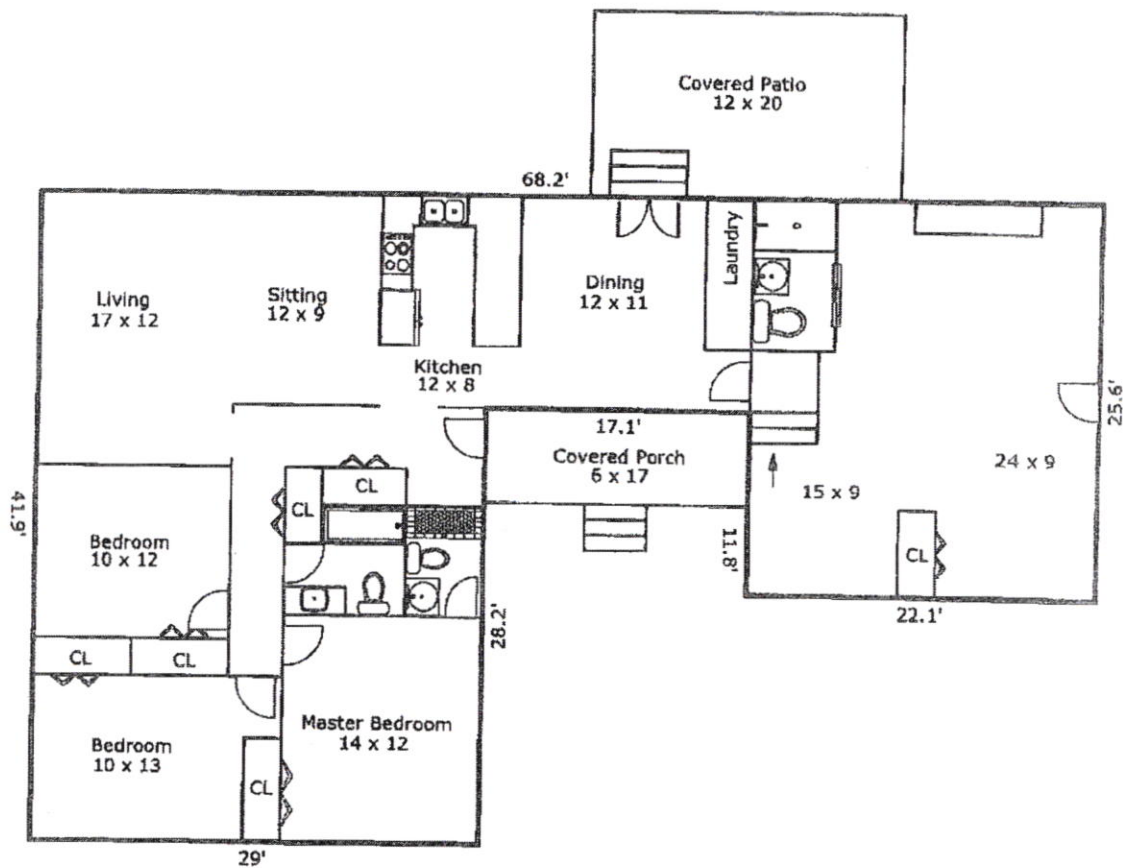
### **An Equal Opportunity to Use and Enjoy Housing of Their Choice**

Finally, the Oxford House Smithcreek is home to its residents. The requested accommodation/exception provides the residents an equal opportunity to use and enjoy housing of their choice<sup>2</sup>.

Without the requested accommodation the house would close as noted above. Closing of the house cause some residents to relapse, with potentially fatal consequences as noted above. Additionally, finding another house to rent to potentially relocate the Oxford House would be extremely difficult. Finding landlords willing to rent to Oxford House is difficult because of the stigma of alcoholism and drug addiction, the fear of zoning problems, neighbor ignorance and opposition, and finally because Oxford House requires long-term leases into which many landlords simply will not often enter.

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<sup>2</sup> The County's new ordinance falls short of what federal law requires as to equal opportunity. The law requires not just an equal opportunity to enjoy and use housing "in residential districts in the County", but requires equal opportunity for disabled person to enjoy and using housing *of their choice*. Several courts have held the FHA protects the rights of disabled persons to use and enjoy the particular dwelling of their choice. See, e.g., *Hovson's, Inc. v. Township of Brick*, 89 F.3d 1096, 1103-06 (3rd Cir. 1996); *United States v. City of Jackson*, 318 F.Supp.2d 395, 416 (S.D. Miss. 2002) (FHA "guarantee[s] that the disabled be afforded equal opportunity to live, not in some residence in the community, but rather in the residence of their choice"); *ARC of New Jersey, Inc. v. State of New Jersey*, 950 F. Supp. 637, 645 (D. N.J. 1996) ("Such ceiling quotas [imposed via group home spacing rules] improperly limit the ability of handicapped persons 'to live in the residence of their choice in the community,' House Report at 24, even if imposed in the name of integration or 'declustering'"); *Oxford House, Inc. v. Town of Babylon*, 819 F. Supp. 1179, 1185 n.10 (E.D. N.Y. 1993) (FHA "dictates that a handicapped individual must be allowed to enjoy a particular dwelling, not just some dwelling somewhere in the town"); *Oxford House-Evergreen v. City of Plainfield*, 769 F. Supp. 1329, 1344 (D. N.J. 1991) (defense based on existence of alternative locations in the city for group home held "without merit").



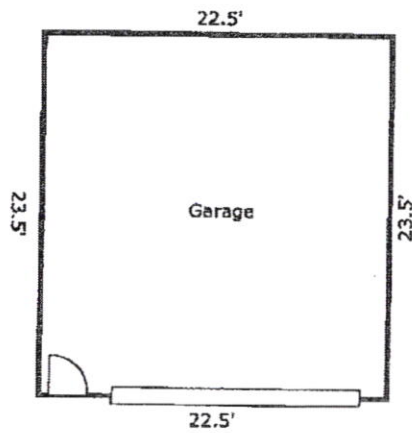
5014 Richardson Dr  
2,016 Sq Ft

TOTAL Sketch by a la mode, Inc.

#### Area Calculations Summary

|                              |               |
|------------------------------|---------------|
| Living Room                  | 2016.33 Sq ft |
| First Floor                  | 2016 Sq ft    |
| Total Living Area (Rounded): | 2016 Sq ft    |

20, 2019 1:44 PM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.



TOTAL Sketch by a la mode, Inc.

**Area Calculations Summary**

Garage

528.75 Sq ft



# *Oxford House Manual*®

**An Idea Based On a Sound System  
For Recovering Alcoholics and Drug Addicts to Help Themselves**

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**HOUSING,  
FELLOWSHIP,  
SELF-RELIANCE,  
SELF-RESPECT,  
FOR RECOVERING INDIVIDUALS**

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*Commemorative Edition*

16<sup>th</sup> Oxford House World Convention

Portland Marriott Downtown Waterfront  
Portland, Oregon

September 11 to 14, 2014

*Oxford House, Inc.*, the umbrella organization of the worldwide network of individual Oxford Houses, is the non-profit corporation that provides charters to eligible groups of recovering alcoholics and drug addicts who want to establish a new Oxford House™.

## Introduction

This is the sixth edition of the Oxford House™ Manual©, which has served thousands of Oxford House members since 1975. There are Oxford Houses for men. There are Oxford Houses for women, and for women and children. There are no co-ed Oxford Houses.

On November 18, 1988 President Ronald Reagan signed P.L. 100-690, the Anti-Drug Abuse Act of 1988, which established a nationwide program to encourage the mass replication of recovery houses based upon the Oxford House™ concept. At the request of Congress, Oxford House™ worked with them in crafting a simple, but workable, start-up loan program in each state. Originally the start-up loan program was mandatory but now it is permissive.<sup>1</sup> Some states have start-up revolving loan funds and some do not.

Expansion of Oxford Houses began in June 1989. Within five years the number of Oxford Houses had grown from 18 primarily located in and around the Nation's Capitol to more than 500 located in 39 states.<sup>2</sup> Each individual Oxford House™ receives a charter from Oxford House, Inc., the umbrella organization of the national network of individual Oxford Houses. Oxford House™ has become a national self-help movement that provides a missing link in the recovery process from alcoholism and drug addiction.

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This edition or up-date is dedicated to Jim S., the first member voted into Oxford House™ – as were the second to fifth editions. On August 19, 1987, Jim died – at far too young an age but with over 12 years of remarkable sobriety. He touched hundreds of recovering alcoholics with his dedicated program of joyful sobriety and taught everyone that sobriety could be happiness, a good time, and a full and totally rewarding life. For two and a half years he lived in Oxford House™, keeping everyone's spirits up and proving that Oxford House™ worked, and then rejoined his wife and two children.

As a "graduate of Oxford House™" Jim kept coming back to bring "newcomers" in and help "old-timers" out. Jim taught us all that you don't need to drink to have a good time in an Oxford House™. It is a very special fraternity.

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© 1988, 2004, 2011, 2012, 2014 Oxford House, Inc. 1010 Wayne Ave., Suite 300, Silver Spring, MD 20910

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<sup>1</sup> See the Oxford House website: [www.oxfordhouse.org](http://www.oxfordhouse.org) under "About Us/History" for the text of the current law.

<sup>2</sup> The number of Oxford Houses reached 1,767 early in the third quarter of 2014 just prior to the 16<sup>th</sup> Oxford World Convention held at the Portland Marriott Downtown Waterfront Hotel in Portland, Oregon. The total number of Oxford Houses includes houses in 45 US states and Australia, Canada, England and Ghana.

## *The Oxford House™ Story*

In October 1975, the first Oxford House™ was opened in Silver Spring, Maryland, by a group of recovering alcoholics and drug addicts, who had been living in a county government-run halfway house. Each of them had been clean and sober for but a short period of time when they learned that the halfway house was to be closed. Each of them was fearful that he would return to alcoholic drinking or drug use without the support of living in a group committed to staying sober and clean.

When the news reached them that the halfway house was going to be closed, their first reaction was one of anger, resentment and panic. They had known that the halfway house had a "six month rule" which required an individual to move out after six months to make room for a newcomer. As a matter of fact, during their tenure in the halfway house, they had watched 12 men move out at the end of six months. Eleven of the 12 had returned to drinking or using drugs within a month. That fact only added to the fears and insecurity they felt upon learning that the house they lived in would be closed and they all would have to move within thirty days.

A private individual, a member of Alcoholics Anonymous, held the lease on the house the county was closing. Several of the men faced with eviction approached him to see if there was some way the county could be convinced to change its decision. He felt such a change of heart was impossible. It was a matter of economics. County halfway houses cost a lot of money to run. The county budget was tight and Alpha I, as the halfway house was named, would definitely be closed. He then asked if the men had given any thought to taking over the house themselves.

Over the next several days, hope began to replace the despair shared by the men but a number of obstacles stood between the ideas of taking over the house themselves and the reality of being able to do it. Where would they get the money? All of them had drunk themselves out of good jobs and few of them had done more than day work since getting sober. How could they pay for the rent, the utilities, the food and a counselor to manage a halfway house? Who could they find to run the house, even if they could come up with the money? Day and night they discussed the possibilities among themselves and went to a lot of AA meetings in order to get the advice of AA members. Time and again AA members gave them encouragement. "Just don't drink," they heard over and over again. "Keep it simple" and "Remember—a day at a time," were offered as advice almost as frequently.

Slowly an idea began to form that maybe it could be done. The first task involved studying the costs of the halfway house to determine how much money was needed. The largest single cost was the paid manager, cook and counselor attached to the house. Someone suggested maybe they could live without a paid manager or cook or counselor. But who would be the supervisor or manager if they did not have a paid manager who lived in the house? Of all the men to live in the new house, only one had gained six months of sobriety.

The men decided that the cost of a manager, cook and counselor was too great. If there were going to be any chance of maintaining the house, a way would have to be found to learn how to stay sober and manage a house without a paid staff.

One man recalled that he had lived in a college fraternity with sixteen men that did not have a paid manager. Of course there had been no requirement of not drinking in that house. As the men talked about the fraternity house concept, fear of being able to enforce sobriety without

the presence of a paid authority figure became the heart of the matter. They had been without real responsibility for so long there was considerable doubt about whether or not they could act responsibly as a group.

As discussions centered on whether or not they could run a house themselves, talk would inevitably drift into complaints about the halfway house way of life. There were a lot of rules. Lights out at eleven o'clock at night. Everybody up at six in the morning. Breakfast at exactly seven o'clock. Table setting, dishwashing, vacuuming, trash removal, bed making – all specific assignments to be done at a specific time and in a particular way. Any suggested changes to the rigid routine were dismissed with a lecture and a warning to shape up or ship out. As much as the residents of the halfway house resented the arbitrary rules, the fear of having no place to live was even greater.

After days and days of discussions an organizational plan began to evolve which gave the group the confidence they needed to give it a try. Their experiences in the halfway house – both positive and negative – helped them develop an organization to carry the responsibilities for which the manager, cook and counselor had been responsible for in the county halfway house. And so, the Oxford House concept began to take form.

On the positive side of the ledger of halfway house experience was the re-enforcement of sobriety that was gained by knowing that immediate eviction followed taking the first drink. From the start, the founders recognized that there had to be an absolute rule against any alcohol or drug use by members of the house. The problem for a self-run group house was how to develop procedures to make sure that any resident who drank or took drugs would be thrown out. It was finally decided that the only way it could be done would be to call a meeting of the house members and discuss the situation. If a member had taken drugs or a drink, there would have to be a vote to expel him from the house. If a majority of the members agreed that the member had in fact taken a drink or drugs, he would automatically be out.<sup>2</sup>

Before the first relapse occurred there was considerable debate among the members about how one could tell if an individual has in fact returned to drinking or taking drugs. Some members thought that the house should purchase a breathalyzer to test everybody to guard against the "secret drinker" among us. Others suggested the election of an official "sniffer" (as a less expensive safeguard). New houses today will probably go through the same kinds of concern. The fact of the matter is that no member of a house is able to fool other members for very long. We are all professional alcoholics and/or drug addicts who would have done anything to drink and take drugs. We really do know all the tricks of the trade and a relapse cannot be covered up by any one of us for very long.

Unfortunately, relapses can occur. Some members of an Oxford House™ will return to their addiction. When they do, it is important for the other members of the house to act promptly. The worse mistake any house can make is to let a slip or relapse by one member slide. That slip endangers the sobriety of every other member of a house and can quickly ruin the house for everyone. Every Oxford House™ resident knows before moving in that the use of

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<sup>2</sup> The first Oxford House™ tried a system that distinguished drinking or taking drugs *in the house* from drinking or taking drugs *outside the house*. In the former case expulsion from the house was automatic; in the latter case expulsion was likely but if the membership felt it was warranted a member who had relapsed away from the house could be given probation. This was done in four cases and it did not work in any of them. In each case the member with the relapse had relapsed again within a period of a few days or weeks. Experience showed that probation did not work. Therefore any slip or relapse now results in automatic expulsion. The vote taken by the house membership is solely to judge if in fact a relapse has taken place. The third condition of a house's charter absolutely requires immediate expulsion and no house wants to lose its charter.

alcohol or drugs will result in getting kicked out. Oxford House™ members have the responsibility to use "tough love" and promptly expel the slipper – for his welfare, their own welfare and the welfare of the entire house<sup>3</sup>

Once a member has been expelled from a house because he has returned to drinking or taking drugs, he cannot be readmitted unless there is a clear demonstration that he has returned to solid sobriety. Each house develops certain rules of thumb for determining a return to solid sobriety. Some accept successful completion of a 28-day rehabilitation program as a return to solid sobriety. Most generally require strong evidence of no drinking or taking of drugs and regular attendance at AA and/or NA as a minimum requirement for reacceptance into an Oxford House™<sup>4</sup>.

The founders of Oxford House™ developed a democratic way of operation. They had to – they could not afford to pay a house manager or supervisor to take responsibility for them. The early history of Oxford House™ showed that the Oxford House residents could run a house on their own. Today, Oxford House™ is still self-run and it still works.

Within six months of its beginning, the first Oxford House™ had helped finance and start the second Oxford House™. Soon those two houses started a third and the three houses then started a fourth. Over its first thirteen years Oxford House™ grew from one house to more than twenty houses and the expansion of a good idea had just begun.

In October 1987, an Oxford House™ for men was started in Bethlehem, Pennsylvania – far away from the cluster of houses in the Washington, D.C. area. It worked and the eleven men in that Oxford House™ followed the pattern begun the Washington area thirteen years earlier by finding another house to rent to start a second house in the Bethlehem area.

Early in 1988, all the members of the individual Oxford Houses decided to establish a full-time central services office to provide other individuals recovering from alcoholism and drug addiction the technical assistance necessary for them to start Oxford Houses in their communities. There was a strong belief that Oxford House could work anywhere. As Oxford Houses open around the country, the first Oxford House in a particular area will follow the tradition set by the original Oxford House of helping other houses get started. Between 1989 and 2014, the growth of Oxford Houses has been phenomenal – more than 1,650 individual Oxford Houses have been started in 45 states, Australia, Canada, England and Ghana.

Foundations, businesses, churches, individual and government agencies have helped fund technical assistance to help get the first few Oxford Houses established in an area. However, expansion of the movement continues to rely primarily upon the volunteer efforts of individuals living in existing Oxford Houses working with newly-formed groups. Throughout the country

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<sup>3</sup> It is seldom easy to take action against the relapsing member but every Oxford House™ does. The first case is always the most difficult because all members in a house become friends and no one likes to have to throw a friend out. Nevertheless, principles must come before personalities and the member who has relapsed must leave the house right away. Otherwise the sobriety of every member of the house is threatened. More importantly, the good reputation of Oxford House™ is threatened. The first Oxford House™ used to be the subject of bets by outsiders about how soon it would fail. There was a genuine belief by many that a group house of recovering alcoholics and addicts could not work without a manager or counselor to enforce the edict against drinking or taking drugs. Those doubters all lost their bets because the members of Oxford House™ proved that they could act responsibly. The first responsibility of any Oxford House™ is to enforce sobriety.

<sup>4</sup> Once several Oxford Houses have opened a geographic area, each house keeps in touch with the other houses so that a relapsing member does not simply move from one house to another. On the other hand, once a relapsing member regains sobriety, it may be advisable for him to "start over" in another house in the area if it has room. The group conscience of those for whom Oxford House™ is working generally has no trouble in guiding the recovered relapser into the house that can give the most support

clusters of Oxford Houses have organized themselves into mutually supportive chapters working together to expand the number of houses so that every recovering alcoholic and drug addict can gain the support of living in an Oxford House™.

Each Oxford House™ has its own history but all Oxford Houses share a common history of operating in a democratic fashion on a self-supporting basis. That common history is the key to why Oxford House™ works. The *System of Operations* and the *Oxford House Traditions* contain the blueprint for any Oxford House™ to work well by following a tried and true path for success.

The *System of Operations* and *Oxford House Traditions*, which follow, are taken directly from the original Oxford House Manual® with very minor changes, duly noted through footnotes.

The key Oxford House™ organization is listed below. Direct any correspondence, telephone calls or e-mail to it. Its purpose is to be of help.

Oxford House World Services Office  
1010 Wayne Avenue, Suite 300  
Silver Spring, Maryland 20910

Telephone: 1-(301) 587-2916  
Facsimile: 1-(301) 589-0302  
Internet: [www.oxfordhouse.org](http://www.oxfordhouse.org)  
E-Mail: [info@oxfordhouse.org](mailto:info@oxfordhouse.org)

(Oxford House, Inc. is incorporated in Delaware and is a 501(c)(3) non-profit corporation.)

The following standard forms and others — time-tested to be helpful in running an Oxford House™ — are printed at the end of this manual and can be download from the website [www.oxfordhouse.org](http://www.oxfordhouse.org)

### Membership Application

The standard form used by Oxford Houses to help evaluate the eligibility of applicants applying for membership in an Oxford House™.

### Weekly Meeting Report

A form to record the minutes of the weekly meeting of the Oxford House™ family members so that the House has an on-going record of the democratic decisions made by the group.

### Weekly Financial Report

A form to report who have paid their share of expenses, a list of expenses paid during the previous week, the amount of funds available to the house and a list of regular or unexpected expenses coming due with the next few weeks.

### Oxford System Checklist

A checklist used by some Oxford Houses to remind members of the Oxford House™ family about the basic steps that have to be taken to make the house run on a financially sound basis.

## **Oxford House™ System of Operations**

There is a frequent saying among Oxford House™ members that "Oxford House™ has no rules except 'Don't drink.'" For the most part, that saying is true. However, it does overstate the facts.

While rules at Oxford House™ are kept at a minimum, there are nevertheless rules. Unfortunately, it is impossible for any organization to function without having some system or procedures. The basic rule for all Oxford Houses is that they *must operate on a democratic basis*. Each member of the House has one vote. A majority rules except in the case of accepting a new recovering alcoholic or drug addict for membership when 80% of the current membership must vote its approval.

The following discussion spells out the Oxford House System of Operations. It draws upon the experience of the existing Oxford Houses and tells any recovering alcoholic or drug addict who is interested: (1) how to start an Oxford House™; (2) how to make an Oxford House™ run smoothly; and (3) how to manage money in an Oxford House™.

Oxford House, Inc., is the umbrella organization for all Oxford Houses. Any group of recovering alcoholics that wants to form an Oxford House™ must obtain a charter from Oxford House, Inc. The charter confers on the particular Oxford House™ the benefits of being part of a non-profit corporation that offers the experience and guidance necessary for making an Oxford House™ work.

Any group of recovering alcoholics and/or drug addicts can apply for an Oxford House™ charter. Oxford House, Inc., has no hard and fast rules as to the length of sobriety required of applicants who want to charter a new house. As a general rule, however, several members of any charter group should have several months of solid sobriety.

### **Obtaining a Charter**

Two or more recovering alcoholics can apply for a charter from Oxford House, Inc., by completing an application for a charter<sup>5</sup> or simply writing a letter containing the pertinent information to Oxford House World Services. Pertinent information would include answers to the following questions:

1. Names of proposed charter members.
2. Length of sobriety for each proposed charter member.
3. The plans that the charter group has for renting or leasing a house.
4. The number of beds contemplated for use in the proposed new Oxford House™<sup>6</sup>
5. The anticipated charge per person per week that would be needed to make the House self-supporting.

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<sup>5</sup> One can get a form to apply for a charter by writing to Oxford House, Inc., 1010 Wayne Avenue, Suite 300, Silver Spring, Maryland 20910 or by downloading a charter application form from the web site [www.oxfordhouse.org](http://www.oxfordhouse.org) by clicking "applications" under "Houses".

<sup>6</sup> To receive a charter the proposed house must be for a minimum of six residents. The largest Oxford House™ group to date has been eighteen. The best size group seems to be made up of eight to twelve members. Charters are only granted for single-sex houses. There are no "co-ed" Oxford Houses. Leases with landlords should make clear that no smoking within the house is permitted and that the use of decorative candles, incense or other items that represent fire hazards should be prohibited. Group safety is important.

Once Oxford House World Services has reviewed the application or letter from the prospective charter members, they will either issue a charter or suggest additional steps for the prospective members to take in order to obtain a charter. A charter will be issued if, in the judgment of Oxford House World Services, the proposed new Oxford House™ would have a reasonable chance of success.<sup>7</sup> All charters are issued conditionally. This means that the new group once started must demonstrate that it has learned the Oxford House system of operation sufficiently to be awarded a permanent charter.

In rare cases, Oxford House World Services will issue a charter prior to the actual acquisition of housing by the applicants. In such cases, the charter will be issued upon the condition that the charter members obtain a suitable house within a specific period of time.<sup>8</sup>

### **Obtaining a House**

The Oxford House™ philosophy is one that relies on expanding capacity rather than limiting the length of time that a member can live in a House. To achieve sufficient capacity for providing enough rooms for all recovering alcoholics and drug addicts who want to live in an Oxford House™, it has been the custom for an established Oxford House™ to look for an additional house once it has become full and has applications that it is unable to accept because of lack of space.

The size, location and cost of a suitable house depends more on what is available than any specific criteria. The charter members who are looking for a suitable house should make certain that any prospective house can be occupied without violating local zoning or health and safety laws. In practice any Oxford House™ is no different from an ordinary family – except no one in an Oxford House™ drinks or takes mood- changing drugs.

As a matter of fact, most jurisdictions in the country do not have specific ordinances that relate directly to an Oxford House™-type situation. Most group housing ordinances, if they exist at all, are geared to highly institutionalized situations. Most commercial zoning ordinances, i.e., rooming houses, apartments, or hotels or motels, are inappropriate for the Oxford House™ situation. Under the Federal Fair Housing Act local governments are required to make a reasonable accommodation for recovering alcoholics and drug addicts to live in the supportive Oxford House™ living environment.<sup>9</sup>

If the charter members have any doubt as to how their particular jurisdiction will view an Oxford House™, they should face the matter directly and clear their occupancy with the local zoning authorities. Oxford House, Inc., is willing to provide any assistance it can for the

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<sup>7</sup> The Board of Directors has delegated the decision-making authority to approve charter applications to Oxford House World Services.

<sup>8</sup> This situation is more likely to occur when Oxford House™ is new to a geographic area. In those geographic areas where there is already an Oxford House™, those wanting to start a new House are more likely to find the available house first and then apply for a Charter. Following the tradition of early Oxford Houses each house tries to match supply of Oxford House™ recovery beds with the number of applicants wanting to live in an Oxford House™. Houses in an area always work through the chapter to make sure supply and demand stay in balance.

<sup>9</sup> The United States Supreme Court on May 15, 1995 issued a decision in *City of Edmonds, WA v. Oxford House, Inc.* (514 U.S. 725) which confirms that recovering alcoholics and drug addicts living in an Oxford House™ are “handicapped” and therefore a protected class within the meaning of the Federal Fair Housing Act, as amended, and local jurisdictions must make a reasonable accommodation to afford them living arrangements supportive of recovery. A number of subsequent federal cases have affirmed that Oxford Houses are not commercial institutions and should be treated as single families for purposes of zoning.

purpose of persuading local authorities to treat Oxford House™ the same as it would treat any other single-family residential property within its jurisdiction.<sup>10</sup>

Common sense should be used in selecting any house, to be used as an Oxford House™. It should have adequate plumbing, adequate kitchen facilities, adequate laundry facilities, a sufficient number of bedrooms, and a pleasant common living space. In addition, the area should be carefully examined to determine if parking of automobiles might cause a problem.

The amount of rent that a new group can afford depends on the number of beds that the house can hold. More than one bed should be put in larger rooms. New members moving into a house can be made to feel at home more easily if they share a room. Most Houses use a system of seniority for bed selection. "Old-timers" generally move into single rooms as new members move into the house. The single rooms are usually the smaller rooms in a house.

There are three reasons Oxford House™ encourages more than one to a room. First, newcomers maintain recovery better with a roommate. Loneliness continues to be a threat to sobriety and loneliness can be a problem for the newcomer adjusting to a new place to live. Second, the number of people living in a House directly affects the economics of an Oxford House™. The more people who live in a House the less each member has to pay for the House to be self-supporting. Third, roommates discourage having non-house members spending the night at an Oxford House™.

The size of the house has a direct relationship to the amount of rent a new group can afford to pay. In most areas the monthly rent will be the largest single cost for the members of a House to meet. For example, the very first Oxford House™ (Oxford House-Silver Spring)<sup>11</sup>, held 13 members. The monthly rent was \$700; utilities ran about \$300 a month; staples about \$250 a month.<sup>12</sup> The charge per member had been set at \$30 a week. Since the House quickly became full and stayed full, income exceeded expenses.<sup>13</sup> As a matter of fact, after six months of operation the House had nearly \$2,000 in the bank. It used \$1,200 of that money to start a new Oxford House™ so that some of the recovering alcoholics who had applied to live in an Oxford House™ could live in one. Even today, most Oxford Houses have a backlog of applications. The tradition of some house members of an existing house helping to start a new Oxford House™ in an area continues.

As a general rule, it is easy to acquire furniture for a new House at little or no expense. Letting friends, family, and church groups know you are looking for furnishings can be very effective. Every community tends to be willing to help. Sometimes, however, it may be difficult to get beds and chests of drawers donated. Since beds are essential, members in a new house might want to buy twin-size mattress and box springs sets. New twin-size mattresses and box springs

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<sup>10</sup> In Bethlehem, Pennsylvania for example, Oxford House™ received a ruling from the Chief of the Bureau of Inspections that it is within the definition of "Family" as defined in the City Zoning Code. As a practical matter most jurisdictions so appreciate the useful service provided by an Oxford House™ that it is considered to have a "family" classification.

<sup>11</sup> Oxford House-Silver Spring was opened October 25, 1975 and continued to be an Oxford House™ until the end of 1984. It was located at 1219 Fiddler Lane, Silver Spring, Maryland. The building was razed to make way for another building in 1986.

<sup>12</sup> The first Oxford House™ and most subsequent Houses have bought milk, potatoes, spices, flour, coffee, bread, eggs and bacon on a group basis. Individual members get their own meals -- either individually or as groups -- but use the "staples" as needed. Note also that the figures used above are 1975 dollars or about one-half comparable 1987 dollars or one-third 2000 dollars.

<sup>13</sup> By late spring a surplus of nearly \$2,000 was in the House treasury. The members met to decide whether to lower their weekly payment or to use the surplus to open a new House. They chose to open a new House in Washington, DC in May 1976.

cost between \$90 to \$120 per unit. Thrift stores, Goodwill or Salvation Army stores often have chests of drawers at a reasonable price. The first and most effective way to get furniture, however, is to ask for it from AA members. Often they are up-grading their own furnishing and are pleased to give their old furniture to an Oxford House™.

Other start-up costs include a month's rent in advance and a security deposit equal to one month's rent. New Houses often get a loan from AA members or other Oxford Houses in order to meet this expense. Whenever a loan is obtained, the members of the new House should agree to pay it back according to a definite schedule – at least \$100 a month until it is repaid.<sup>14</sup> The good name of Oxford House™ is at stake whenever any House has a loan outstanding. Therefore, it is important to make payments on the loan on a regular basis.

## Membership

The charter members of a new Oxford House™ constitute a basic core of membership for the House. Once the House has started, the charter members will want to bring in enough new members to fill all available beds. The higher the occupancy rate, the lower the rent that must be paid by each Oxford House™ member.

One of the requirements of an Oxford House™ charter is that new members must be approved by 80% of the existing members in a particular House. An approval by 80% of the existing members is required because it is extremely important for all of the members living in an Oxford House™ to feel comfortable with any newcomer. As a practical matter, existing Oxford Houses have denied membership to very few individuals. Most members of Oxford House™ keep their memory green and few applicants are excluded from membership. Those who are excluded are generally excluded because there are no beds available<sup>15</sup>. A waiting list is maintained, but it is of little value after a period of time because, when a person needs a room, he or she needs it immediately. On the other hand, the waiting list can be a useful resource for getting new members to help form another House.<sup>16</sup> The waiting list also is a ready resource for filling vacancies as members move out to live elsewhere in the community or are evicted because of a relapse to drinking or taking drugs.

Oxford House™ works well for men and for women. However, it has been the experience of Oxford House™ that it does not work well with men and women in the same House.<sup>17</sup> Relationships are bound to develop and will unnecessarily complicate the comfortable operation of an Oxford House™.

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<sup>14</sup> This is also true of loans received from a state revolving loan fund. Repayments on time is a must because it allows other groups to start houses and helps expand the opportunities for recovering individuals to stay clean and sober without relapse. State loans are usually \$4,000 and are repaid at \$170 a month for 24 months.

<sup>15</sup> Not everyone is suited for living in an Oxford House but the existing members should never exclude anyone simply because of race, creed or a disability co-occurring with addiction to alcohol or other addictive drugs unless such disability would make it difficult for an individual to function in an Oxford House. For example, being HIV positive does not – in and of itself – preclude successful Oxford House membership because, absent unprotected sex or needle sharing, HIV or AIDS is not contagious and hundreds of recovering individuals afflicted by HIV or AIDS are and have been successful Oxford House residents. Also, hundreds of recovering individuals with co-occurring mental illnesses or physical disabilities have been – and are – successful Oxford House residents. In considering whether an applicant will make a suitable Oxford House resident, the group conscience should always err on the side of providing a recovering individual a chance to benefit from Oxford House living. In other words, if the group believes the individual has exhibited a sincere desire to develop sobriety comfortable enough to avoid relapse, pay an equal share of household expenses and help others in recovery, the applicant should be accepted if space is available.

<sup>16</sup> Once an Oxford House™ has been established for a few months, there will soon be more applicants than there are beds available. The situation soon causes the members living in the House to start looking for an additional house to rent.

<sup>17</sup> In 1978, Oxford House™ opened a House intended for women but started with a core group of four men from an existing Oxford House™. After eight women moved into the House, the four men moved out with the expectation that their spaces would be filled by the women

When a new Oxford House™ is established, the charter members of the House should make themselves known to quarterway houses, halfway houses, detoxification units, drug courts, rehabilitation facilities, AA groups and NA groups within the area. Included among those items which should be stressed are that the House is democratically run; it is self-supporting; drinking or the taking of drugs is not permitted; and that both the new and not-so-new recovering alcoholics are welcome to come and live at the House as long as they do not drink or take drugs and pay their equal share of household expenses. Oxford House™ is not in competition with any of these groups. It is a resource for them to use in the common goal of helping the alcoholic avoid relapses. Many of these groups will become supporters of Oxford House™ and will refer new members to the House. Remember to explain that a new member must file an application, be interviewed and approved by 80% of the members living in Oxford House™.

Once an Oxford House™ has been established for a few months, applications for membership will exceed the space available. At that point in time, consideration should be given to opening a new Oxford House™ using some of the current members as a core group for the new House.<sup>18</sup> Generally, a few members in a House will begin thinking about opening another House in response to a House's inability to accept all the deserving applicants. They will discuss the matter at a House meeting and everyone will begin to look for a suitable additional house to rent. When such a house is found several existing members will volunteer to become the core group for a new House. The existing House begins to figure out ways to come up with the necessary money for starting the new House and checks with applicants to see if they would be willing to live in the new House. This is the way that Oxford House™ is able to comfortably exist with the principle of letting members live in an Oxford House™ for as long as they want provided they do not drink or use drugs and pay their rent.

## Rules

Alcoholics and drug addicts by nature seem to dislike rules. There is only one rule applicable to all Oxford Houses; i.e. membership is conditioned on not drinking. It is impossible for a house of recovering alcoholics to stay sober if even one person is permitted to drink or take drugs. The presence of a practicing alcoholic among those who are trying to stay sober invites other relapses. As a matter of self-preservation it is necessary for the membership of an Oxford House™ to confront the relapsing member immediately. A meeting of the House should be held and if a majority of the members believe that a member is drinking or taking drugs that member should be asked to leave.

The rule relating to the use of alcohol or drugs grows out of common sense. That rule is the only rule considered mandatory once a group of recovering alcoholics has received an Oxford House™ charter. Other rules will tend to evolve from the membership of the House itself. Those rules should come into being only if they are absolutely necessary. The fewer the rules, the more likely it will be that a house will be successful. Different Houses will often tend to

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accepting four additional women. Instead the women accepted four additional men as replacements and the House began to have problems. A number of relationships evolved between the men and women and soon a number of the members had returned to drinking. Oxford House, Inc. closed the House and reopened it as a House for men. It was clear then and continues to be clear today that men and women living in the same house operating under the self-support system of Oxford House™ create unnecessary additional stress to group living. Women's Oxford Houses work well; men's Oxford Houses work well; however, Houses with both men and women do not work and will not be granted a charter by Oxford House, Inc.

<sup>18</sup> In the first Oxford House™—Oxford House - Silver Spring—members felt confident enough after six months to start another House. They started the first house in Washington, DC by having four of the thirteen members in the original house move to form a core membership for the new House.

have different rules. For example, one Oxford House™ has a rule that requires unanimous consent before any pet can be brought onto the premises. Another Oxford House™ has two cats and a dog and would probably require unanimous consent before either the cat or the dog could be evicted.

In many alcohol rehabilitation units, there are rules covering a multitude of activities. Those rules include curfew hours; clean-up details; mandatory attendance at AA or NA meetings; and other rules almost inherent in institutional living. Oxford House™ is not an institution. It is more analogous to a family. However, certain rules may be required to assure an equitable distribution of the work in keeping the house clean and at times there may be the need for rules to keep some individuals from disrupting other individuals.<sup>19</sup>

Since the success of an Oxford House™ depends on having enough income to meet expenses, it is important that members pay their equal share of household expenses in a timely manner. Rules may be required that force the eviction of members who do not keep their equal share of household expenses up to date. All members should be encouraged to pay their share of household expenses at least one week in advance. The weekly house meeting becomes the ideal time to discuss this issue particularly if a resident is not up-to-date in paying the equal share of household expenses. It helps neither the individual resident nor the house group to let anyone get behind.

### Officers

For an Oxford House™ to run successfully on a democratic basis, it must have certain elected officers. It is part of the Oxford House tradition to make sure that officers do not become so entrenched that other members of the house do not have an equal voice in its management. Therefore, it is an Oxford House tradition that no officer shall serve longer than six months in the same office for one continuous period of time.<sup>20</sup> All officers are but trusted servants of the entire membership. The number of officers may vary from House to House but all Houses generally have the following elected officers:

- ☐ President
- ☐ Treasurer
- ☐ Secretary
- ☐ Comptroller
- ☐ Coordinator

The election of both a treasurer and comptroller emphasizes the importance each Oxford House™ places on money management. The two officers are able to divide rent collection and help each other with the payment of bills. Houses elect a "Coordinator" to help schedule daily and weekly work details to keep the house clean – inside and outside.

The election of officers is necessary because they provide the leadership for the House to work well. The officers can serve continuously for only six months in any particular office, i.e. after an intervening six-month period an individual can be re-elected to an office in which he or she has already served. The duties of the various officers are designed to keep Oxford House™

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<sup>19</sup> For example, if a resident's non-attendance at AA or NA meetings is causing problems – for the individual or the house – the residents may vote at a meeting to require meeting attendance as a condition of living in the house. In this situation the "group conscience" should be the determining factor. It is guided by the fact that the welfare of the house must always come first. Long-term recovery is the primary reason for the house to exist.

<sup>20</sup> See Tradition Two

running smoothly by conduct regular weekly meetings of the House membership, assure that the Oxford House Traditions are followed, and keep the finances of the House in good order.

## Meetings

It is important to have a House meeting at least once a week. After some experimenting, an Oxford House™ will find the particular hour or half-hour, which is the most convenient for most of its members. A meeting should be used to:

- report on the current financial status of the House;
- consider new applications for membership;
- resolve any problem affecting members in the House;
- resolve general complaints about maintenance of the House; and
- consider proposals or projects to be undertaken by the House

A special meeting should be called, just as soon as possible, whenever there is any suspicion that a member is drinking or taking drugs. Such meeting are the most difficult of any held in an Oxford House™. Some Houses have decided to use three of the elected officers as a screening committee for determining if an individual has violated the rule against drinking or taking drugs. In such cases, the screening committee makes its report to the full membership of the House for their consideration. The individual suspected of violating the rule against drinking or taking drugs should be directly confronted with the facts leading to the suspicion. The membership of the House then must vote on whether or not the facts support the conclusion that a member has violated the rule.

The decision by the House membership should be viewed simply as a factual determination. If a majority of the House membership attending the special meeting believes that the individual did in fact drink or take drugs, expulsion of that member is automatic.

The Secretary should take notes about what takes place at each House meeting. The notes of the previous meeting should be read at the beginning of the next meeting so that all the members can agree with the record of what the House had previously determined. If the Secretary has made a mistake in recording what had happened, it should be corrected. The approved minutes of a meeting should be made a permanent record of the House. The Secretary should also verify that vacancy updates have been made.<sup>21</sup> The next item of business should be the report on House finances by the Treasurer. That report should include: (a) the amount of the bills outstanding, (b) the cash on hand, (c) members' rent paid in advance, and (d) members' rent due. To the extent possible the Treasurer should project what the House finances are likely to be over the next month and take into account the expectation of any large utility bills or unusual expenses.

The House meeting should then take up new applications and listen to each member who has met or talked to the applicant. A vote should be taken on each applicant whether or not space is available. If the applicant is rejected, he or she should be told right after the meeting and encouraged to apply to another Oxford House. If the applicant is accepted, and space is available, he or she should be informed as to when to move in, who current officers are, money due to move in and given a copy of the manual — so as to understand how Oxford House™

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<sup>21</sup> Keeping vacancies accurate on the website is essential if a house is to have any creditability with treatment providers, drug court judges or the recovery community. The newcomer relies upon accurate vacancy data and every house should make sure that the Secretary updates the website at least once a week and that a current cell phone in the house is available for weekly vacancy verification.

works. If the applicant is accepted, but no space is immediately available, he or she should be put on a waiting list and told his or her prospects of getting in. Each new member should be told that the completed application constitutes agreement to follow the rules of the House.

Meetings also include discussion of the wide range of decisions facing an Oxford House™ – from purchases of wastebaskets to plans for opening a new House. The House meeting is the place to resolve any conflicts that arise from living together as a group. It is also a good place to pass on information about new AA or NA meetings or up-coming AA/NA related events. Staying sober and enjoying life is at the heart of Oxford House™ living.

## **Money**

Oxford House™ is built on the principle of self-help. When it comes to money matters, this simply means that any House must be self-supporting and operate without debt – other than the start up loan that should be repaid on a regular basis. There may be exceptions when a House is first getting started. After a few weeks or months, a new Oxford House™ should be able to pay all of its operating expenses out of its equal share of household expenses.

Some expenses associated with an Oxford House™ are fixed. For example, the monthly rental payment will be a fixed amount. In addition, utilities (electric, gas or oil, telephone and often water) will be relatively fixed expenses. One area where expenses are controllable involves the purchase of food and supplies. All expenses, whether fixed or controllable, must be carefully watched so that any member at any time can know the exact financial condition of the House. Particular attention must be paid to cable TV expenses. If one or two members get a pay for view, they should reimburse the house. Usually the Comptroller is responsible to see that the members pay their share of the cable bill promptly so that the House is not faced with an unwanted and unwarranted expense.<sup>22</sup>

The President, the Treasurer, and Comptroller all have a responsibility for making certain that accurate records are maintained showing expenses and income of the House. Every Oxford House™ should have its own checking account and make certain to run all income and outgo through the checking account as the main control point for keeping track of money flow. The very first thing a new Oxford House™ does is to establish a checking account. At least three officers of the House should be authorized to sign checks with two signatures required on each check in order for it to be valid. Promptly deposit member's rent in the checking account and pay all bills by check.<sup>23</sup> That is the easiest and safest way to assure good recordkeeping. Do not use electronic payment except for start-up loan repayment and contributions to Oxford House World Services.

Each Oxford House™ should maintain (1) a membership ledger; (2) a cash receipts journal and (3) a cash expenses journal. The Treasurer is responsible for keeping these records and for posting the "Weekly Financial Status Report".

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<sup>22</sup> As a general rule an Oxford House™ gets cable TV with limited access to pay for view. However, if that is not possible the house should carefully monitor any "extra" expense over the basic system.

<sup>23</sup> Sometimes petty cash is useful for buying the staples the House will use. Usually petty cash is less than \$100 and can be run through the checking account by making out a check for "cash". Receipts should then be kept for purchases made out of petty cash and on a weekly basis the Treasurer should balance the cash against the receipts in the petty cash fund. The Treasurer is usually the person who has control over the petty cash and pays individual members who make the purchases of staples for the House. A separate little book for petty cash is useful to maintain showing income and outgo. A small amount of petty cash is a good idea because checks for only a few dollars can become expensive when the bank charges for checks written.

The "Weekly Financial Status Report" lets everyone in the House know exactly the current financial condition of the House. It shows:

- money on hand the prior week;
- money on hand that week;
- bills paid during the last week;
- bills due during the current week;
- bills due by the end of the current month;
- members' rent paid in advance (total dollars);
- members' rent behind (total dollars) and
- status of individual members' payment history (paid in advance, up-to-date and behind) listed by member.<sup>24</sup>

The Treasurer and Comptroller are the two officers primarily responsible for assuring sound financial management for an Oxford House™. Together with the President, they should continually check and crosscheck the books so as to assure the true financial status of the House. At each weekly meeting, a report should be made to the full membership of the House for the membership to determine whether the equal share of household expenses is accurate and to decide if a member is too delinquent in paying to continue in the house.

### **Oxford House, Inc.**

Oxford House, Inc., serves as an umbrella, non-profit corporation for all the Oxford Houses that have or will be given a charter. It is incorporated in the State of Delaware and is recognized as qualifying under Section 501(c)(3) of the Internal Revenue Code. The sole purpose of the umbrella organization is to serve the Oxford House™ movement. Each Oxford House™ has an equal voice in running Oxford House, Inc, consistent with the principle that each resident has an equal voice in the running of an individual Oxford House™.

Oxford House, Inc. is authorized to provide charters for individual Oxford Houses and operates a central services office to help existing houses stay on track and to help start new houses.

### **The World Council**

Nine Oxford House™ residents are elected by vote of all of the Oxford Houses to serve staggered three-year terms as members of the Oxford House World Council, an advisory Board that recommends policies. Three alumni members of Oxford House™ are also elected to the 12-member World Council. Elections for one-third of the members are held each year at the annual Oxford House Convention. Meetings of the Oxford House World Council are held six times a year. Various committees of the World Council are established to address policy areas important to the worldwide network of Oxford Houses. The Chairperson of the World Council serves as a member of the Oxford House Board of Directors to assure that the corporation's services are consistent with the policies of the individual houses reflected by actions of the World Council.

### **The Board of Directors**

The Oxford House Board of Directors oversees and governs Oxford House, Inc. — the umbrella 501(c)(3) nonprofit organization of the national network of individual Oxford Houses. One quarter of the Board members are alumni or resident members of Oxford Houses. The Board guides the external finances used for expansion and network maintenance.

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<sup>24</sup> There are no "secrets" in an Oxford House™. Members need to know whether the House is living on "borrowed money" (from rents paid in advance) or whether members are falling behind in rent in order to know how much needs to be charged for a House to be financially sound.

## ***Oxford House Nine Traditions ...***

### **TRADITION ONE**

**Oxford House™ has as its primary goal the provision of housing and rehabilitative support for the alcoholic and drug addict who wants to stop drinking or using drugs and stay stopped.**

By the time many of us had stopped drinking, we had lost jobs; we had lost families, and some of us either had no place to live or no place to live which was not an invitation to start drinking again. Oxford House™ was founded not only to put a roof over our head, but also to create a home where the disease of alcoholism and drug addiction was understood and the need for the alcoholic and drug addict to stay away from the first drink or drug fix was emphasized.

Oxford House™ is group housing. The bond that holds the group together is the desire to stop drinking or using drugs and to stay stopped. Modest rooms and living facilities can become luxurious suites when viewed from an environment of alcoholics and drug addicts working together for comfortable sobriety.

When we stopped drinking or using drugs, we began to realize that in order to stay stopped, our lives would need to change. Alcoholics Anonymous and Narcotics Anonymous provided a framework for us to change physically, mentally, and spiritually. The degree to which we were able to successfully change our lives had a direct relationship to Alcoholics Anonymous and Narcotics Anonymous. Many of us soon learned, however, that living alone or living among our old drinking companions made it more difficult to practice the principles necessary for continued sobriety.

Some of us had lived for a time in alcoholic and drug rehabilitation facilities. Those facilities provided us with shelter, food, and therapy for understanding alcoholism and addiction. Initially, the structure and supervision of such facilities were acceptable because physically and mentally, we were exhausted. Later, some of us were to move into halfway houses, which provided shelter, food, and supervision. As our recovery progressed, the supervision and dependency on a halfway house created dissatisfaction. The dissatisfaction was in part the realization that we were shirking responsibility for our own lives and in part a resentment of authority. The third factor affecting us both in the rehabilitation facilities and the halfway houses was the realization that the duration of our stay must be limited because space must be made for others in need of help.

Oxford House™ grew out of the need for many of us to begin a new life without fear of backsliding because of loneliness leading to renewed dependency on former drinking companions or drug dealers. Throughout its tradition, Oxford House™ has combined the concepts of self-support and responsibility with a fellowship having the common purpose of continued and comfortable sobriety. Oxford House™ must always have as its primary goal the provision of housing and rehabilitative support for the alcoholic who wants to stop drinking and stay stopped and the drug addict who wants to stop using drugs and stay stopped.

## TRADITION TWO

**All Oxford Houses are run on a democratic basis. Our officers are but trusted servants serving continuous periods of no longer than six months in any one office.**

During the last days of our drinking or using drugs, most of us ceased to function as responsible individuals. We were not only dependent upon alcohol and/or drugs, but were also dependent on many others for continuing our alcoholic and/or drug addicted ways. When we stopped drinking or using drugs, we began to realize just how dependent we had become. For those of us who had been in institutions or halfway houses, resentments against authority were common.

A major part of the Oxford House philosophy is that dependency is best overcome through an acceptance of responsibility. In Oxford House™, each member equally shares the responsibility for the running of the House and upholding the Oxford House tradition. All aspects of Oxford House operations, from the acquisition of the house to the acceptance or dismissal of members, are carried out under democratic procedures. Each member has one vote and majority rule applies except that 80% of the members must agree in accepting new persons for membership.

During our drinking and drug use years, and even before, many of us found it difficult to accept authority. Many individuals in society are able to abide by the strict letter of any rule, regulation, or law. Alcoholics and drug addicts seem to have a tendency to test and retest the validity of any real, potential, or imagined restriction on their behavior. As alcoholics and drug addicts, we became experts at outwitting "the system." As recovering alcoholics and recovering drug addicts, it has become important for us to learn how to live without *the use of alcohol or drugs*, within society.

By running Oxford House™ on a democratic basis, members of Oxford House become able to accept the authority of the group because the group is a peer group. Each member has an equal voice in the group and each has an opportunity to relearn responsibility and to accept decisions once they are made.

The opportunity for a house to democratically function requires periodic meetings within the house – at least once a week. Such meetings should be used to resolve any operational or personality problems facing the house.

Any group, in order to function effectively, needs leaders. Misguided leaders can create dependency and usurp self-responsibility. Oxford House™ should rely on democratically chosen leaders, but the leaders must always be but trusted servants. To discourage an excessive dependence on leaders, it is a principle of Oxford House™ that no member should serve in the same office for a continuous period of longer than six months.

## **TRADITION THREE**

**No member of an Oxford House™ is ever asked to leave without cause – a dismissal vote by the membership because of drinking, drug use, or disruptive behavior.**

During early recovery for alcoholism and drug addiction, some members had to leave an institution in order to make room for an alcoholic or drug addict just beginning the recovery process. Other members were asked to leave halfway houses in order to make room for a recovering alcoholic or recovering drug addict who was ready to move into a halfway house. Only the very fortunate are able to make such a transition upon demand. Each individual recovers from alcoholism or drug addiction at a different pace. All too often, an abrupt transition from a protected environment to an environment that places considerable glamour on the use of alcohol and drugs causes a return to alcoholic drinking or addictive drug use.

There is no reason to believe that society as a whole has the responsibility to provide long-term housing within a protected environment for the alcoholic and drug addict. However, there is every reason to believe that recovering alcoholics and drug addicts can do for themselves that which society, as a whole, has no responsibility to do for them. Oxford House™ is built on the premise of expanding in order to meet the needs of recovering alcoholics and drug addicts. This principle contrasts sharply with the principle of providing the alcoholic or drug addict with assistance for a limited time period in order to make room for a more recently recovering alcoholic or drug addict.

One of the greatest threats to the sobriety of a recovering alcoholic or drug addict is loneliness. At a time when we acquired a serious desire to stop drinking or using drugs, many of us had lost our families and friends because of our alcoholism and/or drug addiction. Too often, newly recovering alcoholics and drug addicts are faced with the necessity of living alone and of relying solely on contacts with Alcoholics Anonymous and Narcotics Anonymous to stay sober. Some are able to keep from drinking in spite of the loneliness. Others are not so fortunate. The alcoholic or drug addict alone begins to compare himself to those members of Alcoholics Anonymous and Narcotics Anonymous who still have family and friends. Loneliness and self-pity soon lead such individuals back to alcoholic drinking or drug use. With Oxford House™ there is no need for a recovering individual to live in an environment dominated by loneliness.

The only members who will ever be asked to leave an Oxford House™ are those who return to drinking, use drugs, or have disruptive behavior, including the nonpayment of an equal share of household expenses. No Oxford House™ can tolerate the use of alcohol or drugs by one of its members because that threatens the sobriety of all of the members. Neither can an Oxford House™ function if some do not pay their fair share of the costs.

It is obvious why Oxford House™ must strongly protect the sobriety of its other members by asking the drinking member or member using drugs to leave. The line between an Oxford House™ of recovering alcoholics or drug addicts and an Oxford House™ of active alcoholics or drug addicts is a thin one. A member's tenure is absolutely secure in an Oxford House™ as long as he does not drink or use drug, keeps his share of household expenses up to date and is not disruptive.

## TRADITION FOUR

**Oxford House™ is not affiliated with Alcoholics Anonymous and Narcotics Anonymous, organizationally or financially, but Oxford House members realize that only active participation in Alcoholics Anonymous and/or Narcotics Anonymous offers assurance of continued sobriety.**

Every Oxford House member attributes his sobriety to Alcoholics Anonymous and/or Narcotics Anonymous. Each Oxford House member, as an individual, considers himself a member of AA and/or NA. Without that, sobriety would be short-lived.

As individual members of Alcoholics Anonymous, Oxford House members are keenly aware of the Sixth Tradition of AA, which is:

*An A.A. group ought never endorse, finance, or lend the A.A. name to any related facility or outside enterprise, lest problems of money, property, and prestige divert us from our primary purpose.*

In deference to that tradition, Oxford House™ has never sought nor obtained sponsorship from any AA or NA group. Oxford House members value the Sixth Tradition of Alcoholics Anonymous (and Narcotics Anonymous) too greatly for themselves to try to get either movement deeply involved in the organizing, financing, or sponsorship of any Oxford House™. However, Oxford House members firmly believe that the Oxford House concept can expand as an independent entity, while fully utilizing the benefits of Alcoholics Anonymous and/or Narcotics Anonymous.

In fact, Oxford House™ creates an environment whereby each member can more fully realize the benefits available from active AA or NA membership. A house full of sober, recovering alcoholics and drug addicts invites informal AA or NA "meetings after the meeting" and each day finds many informal AA or NA meetings before individual members each go off to their regular AA or NA meeting.

An underlying principle of Oxford House™ is that each individual member has the ability to be responsible for himself or herself. Living within an Oxford House™ provides both the opportunity and motivation for all residents to regularly attend AA and/or NA meetings. The example of Oxford House members going to AA or NA meetings on their own is contagious. It has been the experience of Oxford House™ that participation in AA and NA is extremely high in an environment where one individual can see another individual, with the same disease, reaping great benefits from AA and/or NA participation.<sup>25</sup>

As an organization Oxford House™ is not part of AA or NA. However, the members of Oxford House™ have found that only by being active in AA and/or NA have they found comfortable, long-term sobriety – for themselves and the Oxford House™ in which they live.

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<sup>25</sup> If a resident's non-attendance at AA or NA meetings is causing problems – for the individual or the house – the residents may vote at a meeting to make meeting attendance for a particular member a condition of living in the house. In this situation the "group conscience" should be the determining factor. It is guided by the fact that the welfare of the house must always come first.

## TRADITION FIVE

**Each Oxford House™ should be autonomous except in matters affecting other houses or Oxford House, Inc., as a whole.**

Each Oxford House™ is self-supporting and self-run. The members of an Oxford House™ assume full responsibility for the operation of the House. The members themselves in a democratic fashion determine the equal share of household expenses that is charged the members. The rules that govern the house are for the most part made by those who live in a particular Oxford House™.<sup>26</sup> Such autonomy is essential for the Oxford House system to work.

The reason that each Oxford House™ is independent arises from the very practical consideration that those who are closest to a situation are best able to manage it. If an Oxford House™ follows the democratic principles and traditions of Oxford House, Inc., it should have no difficulty in running smoothly. Those democratic principles will also enable the members of a particular Oxford House™ to take pride in their newfound responsibility.

The charter of each Oxford House™ requires that an Oxford House™ meet certain minimum requirements of Oxford House, Inc. First, an Oxford House™ must be democratically self-run following the Oxford House Manual<sup>®</sup>. Second, an Oxford House™ must, in essence be a good member of the community by obeying the laws and paying its bills. Third an Oxford House™ group must immediately expel any resident who returns to drinking alcohol or using drugs.

Failure to adhere to any of these three requirements would bring the entire Oxford House concept into question. Therefore, it is important that each Oxford House™ meet these minimum responsibilities in order for its charter to be continued.<sup>27</sup> Oxford Houses are both autonomous and self-supporting. All Oxford Houses have been careful to avoid undue dependence on government or other outside funds.

Each local Oxford House™ votes annually in convention to elect the national Oxford House World Council. Nine members of the Oxford House World Council are elected by all the individual Oxford Houses and must be a resident of an Oxford House when they are elected. Three of the World Council members are alumni and are elected by the houses and the alumni in attendance at the annual world convention. The organization was deliberately set up to assure that each Oxford House™ is autonomous and that overall policy of the Oxford House movement reflects the will of the majority of individual Oxford Houses.

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<sup>26</sup>Rules against anyone living in an Oxford House™ who uses alcohol or drugs are universal with all houses. For obvious reasons, an individual house cannot establish different rules in this regard because such rules would run entirely counter to the primary purpose and functions of the Oxford House System.

<sup>27</sup>At this point in the text the original Oxford House Traditions, which were written when the first Oxford House™ began in the Fall of 1975, stated: "At this time, it also appears that Oxford Houses can be totally self-supporting. By that, we mean that a minimum amount of government support or private support may be accepted for start-up purposes." Some states have recovery house revolving loan funds to help a new house get started. This grew out of §2036 of PL 100-690, the federal Anti-Drug Abuse Act of 1988, and has served as an important catalyst for the expansion of Oxford Houses.

## TRADITION SIX

**Each Oxford House™ should be financially self-supporting although financially secure houses may, with approval or encouragement of Oxford House, Inc., provide new or financially needy houses a loan for a term not to exceed one year.**

Oxford House™ was built on the unique concept that its members should try to expand the number of beds available – rather than turn existing members out of the house after a set period of time. In carrying out that concept, Oxford House-Silver Spring, shortly after it started, put up over \$1,200 in order to start Oxford House-Washington. Later Oxford House-Washington did the same for the start-up of another House. From the beginning, existing Oxford Houses helped new ones get started. Once a new House gets on its feet, it pays back the older Houses, which had loaned it money, and stands ready to help another new House.<sup>28</sup>

When an Oxford House™ first starts, it is generally necessary for the members to pay a slightly higher rent than what they pay once the House is established. There are two reasons for this pattern. First, there are start-up costs associated with the beginning of any new house such as security deposits, supplies and furnishings.<sup>29</sup> Second, when a House first starts it takes some time to fill all the beds. As all the available beds in a House become full the members can decide whether to lower the equal share of household expenses or begin to develop a small surplus. As a practical matter, most houses choose to have a surplus of one month's expenses. Once having obtained that surplus, it then decides whether to lower the weekly equal share of household expenses or to accumulate money for the beginning of a new house – or to do both.

Starting new Houses through the mutual assistance of existing Oxford Houses is a tradition because each House was started with the help of existing Houses and tends to pass on to others that which they received. Once more applications are received than there are beds available, the members of any Oxford House™ will begin to look around for another suitable house. When they find such a house they will bring it up with the other existing Houses and if there is a consensus they will attempt to find the start up money and members to fill the new house. Often several members of an existing House will move into the new House to provide a core group of new members who already know how an Oxford House™ works.

Oxford House, Inc. acts as the coordinating body for providing charters for the opening of new Oxford Houses. It also acts as the coordinating body to help individual houses to organize mutually supportive chapters. Through chapters individual houses are able to share their experience, strength and hope with each other to assure compliance with the Oxford House concept and its respected standardized system of operations.

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<sup>28</sup> Numerous Oxford Houses have been opened since 1975. Some operate for several years and then, because of expiration of a lease, dissatisfaction with the facilities, or simply the finding of a better location, the members of a particular House will move into a new location. Other Houses often help that type of move as well as the start-up of new Oxford Houses. In both cases, financial assistance is in the form of a loan having a pay back schedule, not to exceed one year, defined up front. (Since 1989, many new Oxford Houses have taken advantage of state revolving loan programs. Repayment from those start-up loans assures the continuation of the revolving fund to enable other new houses to get started – just as repayment of loans to chapters permits the same resources to be used again and again.)

<sup>29</sup> For example, the landlord and phone company may require a security deposit and, while furnishings are generally donated, members will often have to rent a truck in order to pick them up. There may also be a need to buy more "staples" such as flour, sugar, coffee, cleaning supplies, etc. when a new House starts up

## TRADITION SEVEN

**Oxford House™ should remain forever non-professional, although individual members may be encouraged to utilize outside professionals whenever such utilization is likely to enhance recovery from alcoholism and drug addiction.**

It is inconsistent with the Oxford House system of democratic rule to have a professional manager of Oxford House™. Likewise, it is inconsistent with the Oxford House concept to have a requirement placed on members to utilize the services of psychiatrists, doctors, or even the program of Alcoholics Anonymous or Narcotics Anonymous except in very special circumstances.

Within an Oxford House group, it is not unusual to find some members who have problems that cannot be dealt with by the group. In those situations, it is not uncommon for the Oxford House members, at a meeting, to strongly suggest that a fellow member seek professional help. In those situations where a member's behavior is disruptive to the group as a whole, the member may be required to seek such professional help or attend more self-help meetings in order to avoid being dismissed from Oxford House™.

One can only be dismissed from an Oxford House™ because of drinking, using drugs, non-payment of rent, or disruptive behavior. Members should be careful not to abuse the dismissal process. Every opportunity should be given to a member who needs professional help to see that he obtains it.

Nearly all members of Oxford House™ utilize the AA and/or NA program in order to obtain and keep a comfortable sobriety. However, an Oxford House™ relies primarily upon example for assuring a high percentage of AA and/or NA attendance from its members. Formal AA or NA meetings are not held in an Oxford House™. However, every member who has maintained comfortable sobriety in an Oxford House™ makes it a practice to attend a lot of AA and/or NA meetings on a regular basis.<sup>30</sup> If a house member does not regularly attend AA or NA meetings, the house may – as a group conscience – decide that an individual resident should attend a set number of meetings each week for both the individual's well-being and the well-being of others who live in the house.

Individuals living in each of the Oxford Houses have also been responsible for starting many new groups of Alcoholics Anonymous or Narcotics Anonymous with meetings near an Oxford House™. This not only helps those individuals to become more involved in AA or NA, and thereby reap greater individual benefits, but also helps to build strong bonds between local AA and NA groups and Oxford House™.

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<sup>30</sup> The 1988 Spring Survey of Oxford House members showed that the average member attends six AA or NA meetings a week. Subsequent annual surveys of Oxford House residents all around the country have confirmed that Oxford House residents attend an average of between five and six AA or NA meetings a week. There are two primary reasons 12-step meetings are not held in an individual Oxford House: [a] it is good for individuals in recovery to get into the habit of attending 12-step meetings in the community, and [b] it is unfair to house members and neighbors to collect a lot of cars in the neighborhood for regular 12-step meetings at the house.

## TRADITION EIGHT

**Propagation of the Oxford House, Inc. concept should always be conceived as public education rather than promotion. Principles should always be placed before personalities.**

Those who have benefited from living in an Oxford House™ have acquired enthusiasm for the Oxford House concept. In their enthusiasm, they have been anxious to share Oxford House™ with any recovering alcoholics and drug addicts who want to establish an Oxford House™ in their community.

Every Oxford House member stands ready to explain the workings of his House and the benefits derived there to anyone anywhere. No personal gain is derived from any Oxford House™ promotion. It should also be pointed out that Oxford House, Inc. in no way gains from the creation of new Oxford Houses. It has been formed as a non-profit tax-exempt corporation and will continue to operate as one both according to the letter and spirit of the law.

It is not easy to spread the word of a new concept or an old concept with a new twist. Propagation, or spreading the word, of the Oxford House concept is given the highest priority by the members of Oxford House™.

Before spreading the word, an individual Oxford House™ should make certain that it is sufficiently established to undertake public discussion of its goals and mission. The best sales pitch for spreading the word about Oxford House™ is simply the establishment of a sound Oxford House™ and a straightforward discussion of what it is, how it works and why it is needed.

As with any group or organization, there will be some individuals who will be so impressed with the Oxford House concept that they will become "super salesmen." Each super salesman should be keenly aware that the Oxford House concept is one based on principles rather than personalities. The situation should be avoided whereby certain individuals will begin to equate their persuasive qualities with the Oxford House concept. The concept and the standardized, democratic, self-supported Oxford House system of operations itself are far more persuasive than any individual. Be honest and straightforward when sharing the Oxford House concept with others.

The Oxford House concept is a sound one, based on sound principles, and has demonstrated its worth with an established track record. We should spread the word about Oxford House™, but be wary of individuals who place their own personalities before the principles that made Oxford House™ work. Oxford Houses are dedicated to recovery and group support; not individual gain.

## TRADITION NINE

**Members who leave an Oxford House™ in good standing are encouraged to become associate members and offer friendship, support, and example to newer members.**

While no one is ever asked to leave an Oxford House™ without cause, some individuals will simply outgrow living in an Oxford House™. They will return to their families; they may start new families; they may simply move into another living situation.

Once a member has left an Oxford House™, he or she should be encouraged to become active in the Oxford House Alumni Association. Many alumni members continue to be associated with their former Oxford House™ as an associate house member. The associate member should be encouraged to attend House meetings, but a local house may decide that his voting privileges are somewhat less than those who live in the House. Such a restriction of voting privileges makes sense and should not discourage members who leave in good standing from becoming associate members of their former house or chapter.

Gratitude is a feeling that most alcoholics acquire sometime during their recovery process. Often, recovering alcoholics and drug addicts find it difficult to adequately express their gratitude. The alumni member of Oxford House™ is in the enviable position of being able to be of service in an environment in which he has total understanding. The alumni member can offer friendship, support, and an example to the active members of an Oxford House™.

Moreover, the alumni member can often provide assistance in forming new Oxford Houses or in recruiting new members who want to live in an Oxford House™. Above all the associate member serves as an example of one who lived in an Oxford House™ and "made it."

All Oxford Houses should encourage members who leave in good standing to maintain a continuous link with their Oxford House™ experience. The welcome mat should be out to any associate member and contacts between associate members and active members should be encouraged.<sup>31</sup>

To the extent possible, each Oxford House™ should keep Oxford House, Inc. up-to-date with the current address of Alumni Members who have left the House in good standing, so that they can receive the "Oxford Grape" and other Oxford House newsletters.<sup>32</sup>

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<sup>31</sup> Many former residents of Oxford Houses, who left their particular house clean and sober, become members of the national Oxford House Alumni Association. The Alumni Association is a fellowship of former Oxford House™ residents who share their experience, strengths and hope in order to expand the Oxford House™ movement and keep it operating and expanding in a way to assure other recovering individuals the same opportunity they have enjoyed.

<sup>32</sup> Names and addresses of Alumni Members and inquiries concerning the Oxford House Manual<sup>©</sup> should be sent to Oxford House, Inc. 1010 Wayne Avenue, Suite 300, Silver Spring, Maryland 20910. A cooperative effort by both alumni and active house members can help keep successful members of Oxford House™ in touch with the Oxford House family. Most Oxford Houses honor their members who leave in good standing by awarding them a certificate of accomplishment and the first year's membership in the Oxford House Alumni Association. At the website: [www.oxfordhouse.org](http://www.oxfordhouse.org) one can go to "Contact Us" and register the name and current address of alumni members.

# OXFORD HOUSE SYSTEM CHECKLIST

## MONEY

- **Set up a checking account for each Oxford House™**
  - Obtain a federal tax identification number
  - Get name of House and address on each check
  - Require at least two signatures to write a check
  - Record all deposits, checks drawn and service charges
  - Run all income and expenses through account
  - Post monthly statement so all members of House can see
- **Set weekly equal share of household expenses to cover costs**
  - Figure monthly expenses (rent, utilities, staples)
  - Divide by number of beds likely to be occupied
  - Add a small amount to enable House to have a reserve
  - Remember that any shortfall has to be made up by other residents if any of the house recovery beds are not occupied
- **Collect equal share of household expenses in advance**
  - Usually a House sets a rule of one or two weeks in advance
  - Do not let members get behind in equal share of household expenses
  - If a member is two weeks behind confront the member at the weekly meeting
  - Discuss hardship cases at a meeting before accepting a new member – sometimes, it may be necessary to take into account the fact that an individual just out of rehabilitation will have to get a job in order to get rent money
- **Utilities**
  - Remember electric bill is higher in summer
  - Remember fuel bill is higher in winter
  - Pay for view cable TV programs must be paid by user unless a house vote
  - Protect against “pay for view” or “900” telephone calls

## ALCOHOL AND DRUGS

- **Sobriety**
  - Sobriety is the primary purpose of an Oxford House™
  - Make no compromise
  - Frequently go to AA /NA meetings but rely on “attraction” rather than mandates – AA/NA meetings should be outside the house
- **Alcohol or drug use**
  - As soon as use is suspected call a special meeting
  - When a majority vote confirms use expulsion results
  - If drunk or high, member should leave immediately
  - If passive, leave the next morning
  - Make no exceptions
  - Establish a *readmission* guideline of thirty days sobriety
  - Accept the fact that the House welfare is more important than any individual
  - Accept the fact that “tough love” stops relapses


## OFFICERS

- **House President**
  - Elected for six-month term
  - Must be resident of House
  - Calls and leads weekly and special meetings
  - Cannot succeed himself but can be elected to the same office after six months have elapsed
- **House Treasurer**
  - Elected for six-month term
  - Must be resident of House
  - Responsible for maintaining House financial records
  - Keeps membership informed about financial condition
  - Cannot succeed himself but can be elected to the same office after six months have elapsed
- **House Secretary**
  - Elected for six-month term
  - Must be resident of House
  - Responsible for recording minutes of House Meetings
  - Before each weekly meeting assures that vacancy updates have been made and the vacancy contact cell phone is accurate
  - Sends thank you notes to contributors
  - Cannot succeed himself but can be elected to the same office after six months have elapsed
- **House Comptroller**
  - Elected for six-month term
  - Must be resident of House
  - Responsible for collection of equal share of expenses and reports to house
  - Balances books with Treasurer prior to each meeting
  - Responsible for annual survey completion and transfer to website
  - Cannot succeed himself but can be elected to the same office after six months have elapsed
- **House Coordinator**
  - Elected for six-month term
  - Must be resident of House
  - Assigns and reviews house chores
  - Cannot succeed himself but can be elected to the same office after six months have elapsed

The goal of every Oxford House is to be an example to everyone in recovery of the way to become comfortable enough in sobriety to assure long-term recovery without relapse. In brief, every Oxford House is a “*Good Neighbor and a Good Citizen.*”

# Application For Membership In Oxford House

To be accepted in an Oxford House an applicant must complete both sides of this application and be interviewed by the residents of the particular Oxford House to which the applicant is applying. The residents of the house then vote on acceptance. An 80% affirmative vote is needed to be accepted. Carefully read the application and honestly answer the questions. Living in an Oxford House is special and if you understand its value it can help you achieve comfortable sobriety without relapse.

|  |       |                             |  |     |      |
|--|-------|-----------------------------|--|-----|------|
| 1. Print Name (Last, First, Middle)  |       |                             | 3. Date of Birth   |     |      |
|  |       |                             | Month  | Day | Year |
| 2. Present address (Street) Check if treatment facility <input type="checkbox"/>   |       |                             | 4. Phone Where You Can Be Reached  |     |      |
|  |       |                             | Home (      )  |     |      |
| City   | State | Zip                         | Work (      )  |     |      |
| 5. Are you an Alcoholic?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |       | 6. Date of Your Last Drink? | 9. List drugs you used addictively:  |     |      |
| 7. Are you addicted to drugs?<br><input type="checkbox"/> Yes <input type="checkbox"/> No  |       | 8. Date of last drug use?   |  |     |      |
| 10. When did you attend your first AA or NA meeting?   |       |                             | 11. How many AA/NA meeting do you now attend each week?  |     |      |
| 12. Do you want to stop drinking alcohol and using addictive drugs?<br><input type="checkbox"/> Yes <input type="checkbox"/> No  |       |                             | 13. Are you employed?<br><input type="checkbox"/> Yes <input type="checkbox"/> No If "yes" who is your employer?   |     |      |
| 14. Are you getting welfare or other non-job related income?<br><input type="checkbox"/> Yes <input type="checkbox"/> No If "yes" what?  |       |                             | 15. If you do not have a job will you get one?<br><input type="checkbox"/> Yes <input type="checkbox"/> No If "yes" what job plans do you have?              |     |      |
| 16. What is your <u>monthly</u> income right now?<br>\$ _____  |       |                             | 17. What do you expect your monthly income to be next month?<br>\$ _____   |     |      |
| 18. Marital status [Check One]<br><input type="checkbox"/> Married, <input type="checkbox"/> Never Married, <input type="checkbox"/> Separated, <input type="checkbox"/> Divorced  |       |                             | 19. Do you have a medical doctor?<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>If "yes" list the doctor's name and phone number:           |     |      |
| 20. Have you ever been to a treatment facility for alcoholism and/or drug addiction?<br><input type="checkbox"/> Yes <input type="checkbox"/> No If "yes" list the treatment provider, phone number and primary counselor, if any. |       |                             | 21. Do you take prescription drugs?<br><input type="checkbox"/> Yes <input type="checkbox"/> No If "yes" list drugs and reason the drug has been prescribed. |     |      |
| Please complete the other side of this application.   |       |                             |  |     |      |

22. Date of move in ? ☐ Immediately ☐ Other — If "other" list the date you would want to move in, if accepted, and why the date is in the future rather than immediately. Date: \_\_\_\_\_ Reason: \_\_\_\_\_

23. Have you ever lived in an Oxford House before? ☐ Yes ☐ No If "yes," provide the name and location of the Oxford House below and answer question 24.

24. [Answer this question if the answer to question 23 was "yes."] I left the previous Oxford House for the following reason: [check one]

☐ relapse, ☐ voluntarily, ☐ other reason(s) \_\_\_\_\_

I, did ☐ or do not ☐ owe money to the Oxford House I left. If I did owe money to the Oxford House I left, I will agree to repay the money I owed to my former Oxford House. ☐ Yes ☐ No

25. Emergency Telephone Numbers. [List family doctor, if you have one, + two family members or friends]

| Name and Address | Relationship | Telephone |
|------------------|--------------|-----------|
| 1-               |              |           |
| 2-               |              |           |
| 3-               |              |           |

26. I realize that the Oxford House to which I am applying for residency has been established in compliance with the conditions of § 2036 of the Federal Anti-Drug Abuse Act of 1988, P.L. 100-690, as amended, which provides that federal money loaned to start the house requires the house residents to (A) prohibit all residents from using any alcohol or illegal drugs, (B) expel any resident who violates such prohibition, (C) equally share of household expenses including the monthly lease payment, among all residents, and (D) utilize democratic decision making within the group including inclusion in and expulsion from the group. In accepting these terms, the applicant excludes himself or herself from the normal due process afforded by local landlord-tenant laws.

27. Use this space for additional relevant information:

28. I have read all of the material on this application form including the limitations set forth in item 26. I have also answered each question honestly and want to achieve comfortable recovery from alcoholism and/or drug addiction without relapse.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

FOR USE BY OXFORD HOUSE

ACCEPTED NOT ACCEPTED MOVE IN DATE \_\_\_\_\_ MOVE OUT DATE: \_\_\_\_\_  
HOUSE KEYS RETURNED YES NO OUTSTANDING DEBT TO HOUSE \$ \_\_\_\_\_ DATE REPAYED \_\_\_\_\_

# WEEKLY OXFORD HOUSE FINANCIAL STATUS REPORT

Name of House

Number of Weekly Report

Week Of:

TO

20

CASH IN BANK  
START OF THIS WEEK

| CHECKING ACCOUNT<br>BALANCE  |  | +      | SAVING ACCOUNT<br>BALANCE |  | = | \$                    |
|--|--|--------|---------------------------|--|---|-----------------------|
| DATE   | DEPOSITS AND MONEY RECEIVED AT THIS MEETING<br>OR SINCE LAST DEPOSIT<br>[LIST BY SOURCE] | AMOUNT |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
|  |  |        |                           |  |   |                       |
| TOTAL MONEY RECEIVED:<br>(ADD TO AMOUNT AT TOP OF PAGE<br>TO SHOW "CASH + RECEIPTS") |  |        |                           |  |   | CASH + RECEIPTS<br>\$ |

CASH + RECEIPTS  
FROM FRONT



| EXPENDITURE BY CHECK AND CASH  |                     |           |        | \$ |    |
|--------------------------------|---------------------|-----------|--------|----|----|
| DATE                           | PAID TO AND PURPOSE | CHECK NO. | AMOUNT |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
|                                |                     |           |        |    |    |
| SUBTRACT TOTAL MONEY PAID OUT: |                     |           |        |    | \$ |



| BILLS TO BE PAID (Future bills due within 30 days) |                      |        |  |
|--|----------------------|--------|--|
| DATE DUE   | TO WHOM AND FOR WHAT | AMOUNT |  |
|  |                      |        |  |
|  |                      |        |  |
|  |                      |        |  |
|  |                      |        |  |
|  |                      |        |  |
| TOTAL  |                      |        |  |

ENTER DIFFERENCE  
BETWEEN AMOUNT PAID  
OUT AND CASH + RECEIPTS



|  |
|--|
|  |
|--|

Carry forward this amount  
to the next weekly  
financial report.  
Remember to number  
each sheet for easy  
reference of one week  
from the next

# Oxford House Monthly Reconciliation and Financial Audit

## HOW TO RECONCILE YOUR HOUSE CHECK BOOK --

Reconcile your checking account every month when you receive your Bank Statement. The following easy steps will help you do the job.

HOUSE NAME

MONTH/YEAR OF:

- Step 1. CHECK (✓) AMOUNTS SHOWN ON YOUR STATEMENT AGAINST AMOUNTS ENTERED IN YOUR CHECK BOOK.  
 Step 2. LIST BELOW THE CHECKS WRITTEN DURING THE PERIOD WHICH ARE NOT RECORDED ON YOUR BANK STATEMENT.  
 Step 3. LIST BELOW THE DEPOSITS MADE DURING THE PERIOD WHICH ARE NOT RECORDED ON YOUR BANK STATEMENT.  
 Step 4. ADJUST YOUR CHECK BOOK BALANCE BY SUBTRACTING ANY SERVICE CHARGES NOTED ON YOUR STATEMENT.  
 Step 5. Add the deposits not recorded to the statement balance and subtract the amount of outstanding checks plus service charges.

Apply the five steps above by filling in the form below. The result arrived at in the "AUDITED HOUSE ACCOUNT" box is the amount of money a house has available at the end of the period. This completes an audit of the checking account. If your house has a savings account, audit it using the steps on the other side of this form.

## House Checking Account Audit:

BANK STATEMENT DATE

| DEPOSITS NOT ON YOUR STATEMENT    |        |                                 |
|-----------------------------------|--------|---------------------------------|
| DATE                              | AMOUNT |                                 |
|                                   |        |                                 |
|                                   |        |                                 |
|                                   |        |                                 |
|                                   |        |                                 |
|                                   |        |                                 |
|                                   |        |                                 |
|                                   |        |                                 |
|                                   |        |                                 |
|                                   |        |                                 |
|                                   |        |                                 |
| ENTER STATEMENT<br>ENDING BALANCE | +      | TOTAL OF ITEMS NOT<br>DEPOSITED |






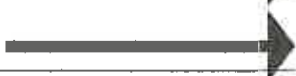


| CHECKS NOT ON YOUR STATEMENT |           |        |  |
|------------------------------|-----------|--------|--|
| NUMBER AND DATE              |           | AMOUNT |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
|                              |           |        |  |
| =                            | SUB TOTAL |        | - MINUS TOTAL<br>OUTSTANDING<br>CHECKS |
| AUDITED HOUSE<br>ACCOUNT     |           |        | \$                                     |

1. HOUSE TREASURER, COMPTROLLER AND PRESIDENT SHOULD WORK TOGETHER TO COMPLETE EACH MONTHLY AUDIT OF HOUSE FUNDS.

2. AFTER COMPLETING THE AUDIT EACH SHOULD SIGN THE OTHER SIDE OF THIS FORM AND THEN POST THE FORM SO EVERYONE IN THE HOUSE KNOWS THE FINANCIAL STATUS.

# Oxford House Monthly Reconciliation and Financial Audit

The summary of the financial status our Oxford House at the end of the month is computed below by filling in the right amounts and adding or subtracting:

|  |  |    |
|--|--|----|
| House Savings Account<br>Amount in the Bank                    |    | \$ |
|  | <i>Plus</i>  |    |
| House Checking Account<br>Amount in the Bank                   |    | \$ |
|  | <i>Plus</i>  |    |
| Amount to be Deposited in Savings<br>Account                   |    | \$ |
|  | <i>Plus</i>  |    |
| Amount to be Deposited in Checking<br>Account                  |    | \$ |
|  | <i>Minus</i>   |    |
| Total of Bills Due   |    | \$ |
| Available Funds  |   | \$ |
|  | <i>Plus</i>  |    |
| Money Owed the House   |  | \$ |
| Total Funds Available When All<br>Money Owed the House is Paid |  | \$ |

List below the individuals who are behind in paying their equal share of household expenses.

| Name | Amount Owed | Name | Amount Owed |
|------|-------------|------|-------------|
|      |             |      |             |
|      |             |      |             |
|      |             |      |             |

Auditing Officer's Initials

|              |       |
|--------------|-------|
| President    | Date: |
| Treasurer    | Date: |
| Comptroller: | Date: |

**OXFORD HOUSE  
INDIVIDUAL MEMBER  
RECEIVABLE LEDGER**

| AMOUNT DUE                                | DATE PAID | DATE LEFT HOUSE | REASONS | AMOUNT REFUNDED | DATE REFUNDED |
|---|-----------|-----------------|---------|-----------------|---------------|
| EQUAL EXPENSE<br>SHARE [EES]<br>ENTRY FEE |           |                 |         |                 |               |

**DUE** **EQUAL EXPENSE SHARE [EES]** **+** **MISCELLANEOUS EXPENSES [phone/fines/other]** **= TOTAL**

[illegible]

Keep a weekly report on individual resident's payments and amount due. Do it by the week even if payment may cover a longer period. [SIDE 1]

[illegible]

**DUE** **EQUAL EXPENSE SHARE [EES]** **+** **MISCELLANEOUS EXPENSES [phone/fines/other]** **= TOTAL**

[illegible]

START A NEW LEDGER SHEET AS REQUIRED BUT KEEP EACH INDIVIDUAL'S LEDGER SHEETS TOGETHER IN A LOOSE LEAF NOTEBOOK. GOOD RECORDS PREVENT MISUNDERSTANDINGS AND HELP ALL MEMBERS OF THE GROUP TO PAY AN EQUAL SHARE OF HOUSEHOLD EXPENSES.

HELP BUILD AN ACTIVE OXFORD HOUSE ALUMNI ASSOCIATION BY PROVIDING YOUR CHAPTER OR OXFORD HOUSE WORLD SERVICES WITH THE NEW ADDRESS OF ANY MEMBER WHO MOVES OUT ON GOOD TERMS.

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# OXFORD HOUSE

## Weekly Summary Report

### ACCOUNTS RECEIVABLE JOURNAL

NAME OF HOUSE

MONTH - DAY

AS OF THE WEEK OF:

|        | MEMBER'S NAME<br>[Or other person or entity owing the house money]] | Weekly Equal<br>Expense Share<br>[EES] |  | EES Deposit |  | Miscellaneous<br>Items |  | Fines |  | Balances Due |  |
|--------|---|--|--|-------------|--|------------------------|--|-------|--|--------------|--|
|        |   |  |  |             |  |                        |  |       |  |              |  |
| 1.     |   |  |  |             |  |                        |  |       |  |              |  |
| 2.     |   |  |  |             |  |                        |  |       |  |              |  |
| 3.     |   |  |  |             |  |                        |  |       |  |              |  |
| 4.     |   |  |  |             |  |                        |  |       |  |              |  |
| 5.     |   |  |  |             |  |                        |  |       |  |              |  |
| 6.     |   |  |  |             |  |                        |  |       |  |              |  |
| 7.     |   |  |  |             |  |                        |  |       |  |              |  |
| 8.     |   |  |  |             |  |                        |  |       |  |              |  |
| 9.     |   |  |  |             |  |                        |  |       |  |              |  |
| 10.    |   |  |  |             |  |                        |  |       |  |              |  |
| 11.    |   |  |  |             |  |                        |  |       |  |              |  |
| 12.    |   |  |  |             |  |                        |  |       |  |              |  |
| TOTALS |   |  |  |             |  |                        |  |       |  |              |  |



This form is completed by the Comptroller each week, presented at the weekly House Meeting and made available for house members to know who has paid up-to-date and who owes money.

© 2003 Oxford House World Services, 1010 Wayne Avenue, Suite 300, Silver Spring, MD 20910  
Telephone 1-800-689-6411

# OXFORD HOUSE COORDINATOR'S REPORT

NAME OF HOUSE:

Assign Work Details To Keep Common Areas Clean. [List member's assignments and rotate jobs so that everyone equally shares work to be done.]

| ACTIVITY  | Week No. 1<br>NAME | Week No. 2<br>NAME | Week No. 3<br>NAME | Week No. 4<br>NAME | Week No. 5<br>NAME |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1. Living Room  |                    |                    |                    |                    |                    |
| 2. Kitchen  |                    |                    |                    |                    |                    |
| 3. Laundry Room   |                    |                    |                    |                    |                    |
| 4. Hall/Stairs  |                    |                    |                    |                    |                    |
| 5. Bathroom No. 1   |                    |                    |                    |                    |                    |
| 6. Bathroom No. 2   |                    |                    |                    |                    |                    |
| 7.  |                    |                    |                    |                    |                    |
| 8.  |                    |                    |                    |                    |                    |
| 9.  |                    |                    |                    |                    |                    |
| 10. Yard - Front of House                                     |                    |                    |                    |                    |                    |
| 11. Yard - Rear of House                                      |                    |                    |                    |                    |                    |
| 12. SAFETY (Working smoke alarms, extinguishers & exit doors) |                    |                    |                    |                    |                    |

Chores should be done on a daily basis. Before each regular house meeting Coordinator should score each chore in the box next to the assigned member's name as follows: to indicate: "completed in a satisfactory manner," X to indicate: "not completed in a satisfactory manner."

If a chore is not completed in a satisfactory manner, the Coordinator should report to the full membership at the house meeting and the group may decide to assess a fine or penalty. All fines or penalties must be approved by a vote of the group.

Coordinator's Signature

Date

## OXFORD HOUSE TRADITIONS

1. Oxford House has as its primary goal the provision of housing for the alcoholic and drug addict who wants to stay clean and sober.
2. All Oxford Houses are run on a democratic basis. Our officers serve continuous periods of no longer than six months.
3. No Member of an Oxford House is ever asked to leave without cause -- drinking, drug use, or disruptive behavior.
4. Oxford House members realize that active participation in AA and/or NA offers assurance of continued sobriety.
5. Each Oxford House should be autonomous except in matters affecting other houses or Oxford House, Inc. - as a whole.
6. Each Oxford House should be financially self-supporting.
7. Oxford House should remain forever non-professional.
8. Propagation of the Oxford House, Inc. concept should always be conceived as public education.
9. Members who leave an Oxford House in good standing should become associate members.



# Oxford House™

1975-2014

*39 Years of Organized Self-Help To Enable Alcoholics and Drug Addicts to Recover Without Relapse*

- Providing Sole Authority for Oxford House Charters
- Providing Technical Assistance to Establish New Oxford Houses
- Providing Technical Assistance to Keep Existing Oxford Houses on Track
- Providing Organization of Chapters to Help Houses Help Themselves
- Providing the Time, Living Environment and Support to Enable Alcoholics and Drug Addicts to Achieve Recovery Without Relapse
- Providing the Legal, Philosophical, and Scientific Framework for a Cost-effective, Worldwide Network of Supportive Recovery Housing.

## **Oxford House World Services**

1010 Wayne Avenue, Suite 300  
Silver Spring, Maryland 20910

Telephone 301-587-2916  
Facsimile 301-589-0302

E-Mail: [Info@oxfordhouse.org](mailto:Info@oxfordhouse.org)

Web Site: [www.oxfordhouse.org](http://www.oxfordhouse.org)

**VARIANCE REQUEST  
ZONING BOARD OF ADJUSTMENT  
October 22, 2019**

**CASE:** ZBA-944

**PETITIONER:** Kurt R. Huff and Catherine A. Oliverio, property owners

**REQUEST:** Variance from the 25' front yard setback requirement per Section 51.6-2(3) of the New Hanover County Zoning Ordinance.

**LOCATION:** 210 Windy Hills Drive  
PID: R07908-005-025-000

**ZONING:** R-15, Residential District

**ACREAGE:** 0.43 Acres

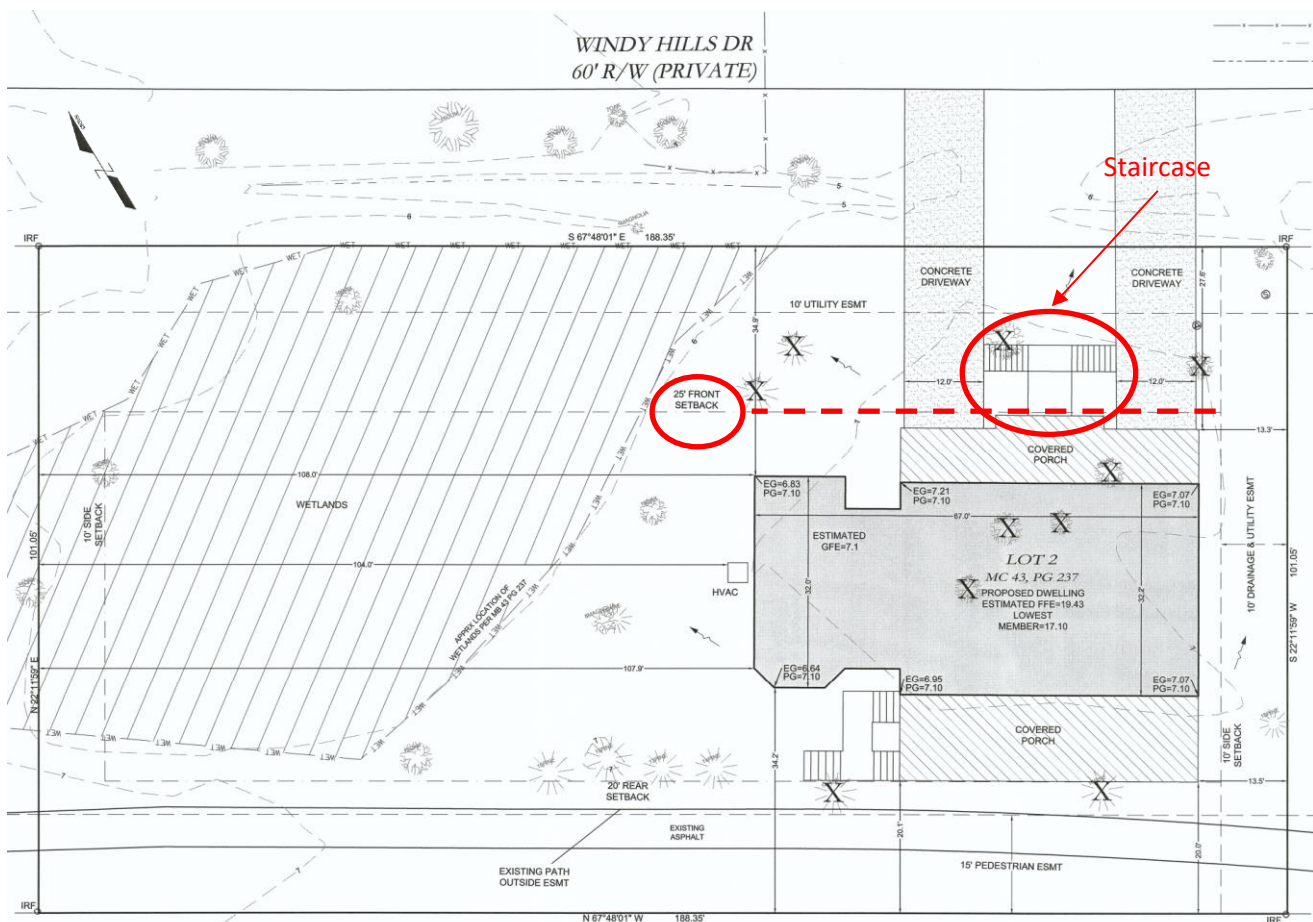
**PETITIONER'S REQUEST:**

Kurt Huff and Catherine Oliverio, property owners, are requesting a variance from the 25' front yard setback requirement for R-15 per Section 51.6-2 of the New Hanover County Zoning Ordinance. The property is located at 210 Windy Hills Drive, Wilmington, NC.

**BACKGROUND AND ORDINANCE CONSIDERATIONS:**

In July 2018, the property owner's agents submitted an application to construct a single-family residence on the site. The submitted site plan showed the front staircase encroaching approximately 9.7' into the required front yard setback. After proceeding through the review process, the application did receive zoning approval by staff with no indication that a revision or alteration to the plans was needed, although the zoning conditions document stated the structure was subject to a front yard setback of 25'.

On or about July 20, 2019, staff was notified that the front staircase appeared to encroach into the required front yard setback as observed during a routine building inspection during the construction process. At this time, staff advised the building contractor that despite the approval of the site plan, the structure would have to be brought into compliance with the applicable provisions within the zoning ordinance. As a result of the inadvertent staff approval of the site plan, county staff allowed construction to proceed and the building contractor and homeowner were advised of options to bring the structure into compliance with the front yard setback requirement. The applicant elected to continue construction of the home as designed and to pursue a variance to the front yard setback requirement in an attempt to bring the structure into compliance, and a Certificate of Occupancy was obtained on September 20, 2019.



Submitted site plan showing encroachment of staircase into 25' front yard setback.

The County's Zoning Ordinance does not have a specific allowance for features such as decks, staircases, or porches to encroach into any required yard area; and these features are considered to be part of the main structure per the definition of *Structure and/or Building*:

***Structure and/or Building***-Anything constructed or erected within a fixed location on the ground, or attached to something having a fixed location on the ground. The terms building and/or structure shall be construed to include porches, decks, carports, garages, sheds, roof extensions, overhangs extending more than 2', and any other projections directly attached to the structure and/or building. (12/17/2012)

As such, a home and any deck, staircase, or porch serving the structure would have to adhere to the yard requirements or relaxed yard requirements based on an approved variance.

New Hanover County's zoning and subdivision regulations allow for subdivisions to utilize Performance or Conventional requirements. Under Conventional requirements, lots that are created must adhere to the dimensional requirements for the zoning district. For example, lots created under Conventional requirements in the R-15 zoning district must meet the dimensional requirements of Section 51.6-2:

#### **Section 51.6: R-15 Residential District**

**51.6-1:** The R-15 Residential District is established as a district in which the principal use of land is for residential purposes and to insure that residential development not having access to public water and

*dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to insure a healthful environment.*

#### **51.6-2: Conventional Residential Regulations**

##### *Dimensional Requirements:*

- (1) Minimum lot area 15,000 sq.ft. Duplex 25,000 sq.ft.*
- (2) Minimum lot width 80 feet*
- (3) Minimum front yard 25 feet*
- (4) Minimum side yard 10 feet*
- (5) Minimum rear yard 20 feet*
- (6) Maximum height 35 feet*

Setbacks for structures on Conventional Residential lots are dictated by the yard requirements of the zoning district of the property, per the definitions of *Setback Line* and *Yard* in the Zoning Ordinance:

***Setback Line*** - *The line on the front, rear, and sides of a lot, which delineates the area upon which a structure may be built and maintained. (23-28)*

***Yard*** - *A required open space unoccupied and unobstructed by a structure or portion of a structure provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. (1/5/81) Private driveways or easements serving three or fewer lots pursuant to Section 65 may also be permitted in any yard. (3/8/93) HVAC units elevated to comply with flood plain regulations may be permitted in any side yard provided the supporting structure is at least (5) feet from the adjoining property line. (8/18/03) (23-42)*

***Yard, Front*** - *A yard extending between side lot lines across the front of a lot adjoining a public or private street. The depth of the required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines, and in such a manner that the yard established shall provide minimum depth parallel to the front lot line. (7/6/92) (23-43)*

The deed and record plat for the subject property, which was recorded in 2002, depict the lot as being Lot 2 of the Avalon Oaks Subdivision, which county records indicate is a conventional subdivision and thus must adhere to the yard requirements for R-15 in Section 51.6-2.

The applicant contends that the variance is necessary as the plans were duly submitted and approved by the county, and that all necessary inspections were conducted. In addition, the applicant contends the stairs are necessary in their location to provide access to the structure, which is required to be elevated due to its' location in the VE Special Flood Hazard Area.

In summary, the petitioner is requesting a variance of approximately 15' from the 25' front yard requirement of Section 51.6-2(3). If approved, the variance would allow the entry staircase to remain in its current position with a 9.7' encroachment into the front yard setback.

## **BOARD OF ADJUSTMENT POWER AND DUTY:**

The Board of Adjustment has the authority to authorize variances from the terms of the Zoning Ordinance where, due to special conditions, a literal enforcement of the regulations would result in unnecessary hardship. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. A concurring vote of four-fifths (4/5) of the voting members of the Board shall be necessary to grant a variance. A variance shall not be granted by the Board unless and until the following findings are made:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

## **ACTION NEEDED (Choose one):**

1. **Motion to approve the variance request based on the findings of fact (with or without conditions)**
2. **Motion to table the item in order to receive additional information or documentation (Specify).**
3. **Motion to deny the variance request based on specific negative findings in any of the 4 categories above.**



# NEW HANOVER COUNTY

## ZONING BOARD OF ADJUSTMENT

230 Government Center Drive, Lucie Harrell Conference Room, Wilmington, NC 28403

### Members of the Board

**Raymond Bray**, Chair | **Henry "Hank" Adams**, Vice-Chair

**Joe Miller** | **Cameron Moore** | **Mark Nabell**

### Board Alternates

**Kristen Freeman** | **Brett Keeler** | **Richard Kern**

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**Wayne Clark**, Director of Planning & Land Use | **Sharon Huffman**, Deputy County Attorney

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### ORDER TO GRANT/DENY A VARIANCE – Case ZBA-944

The Zoning Board of Adjustment for New Hanover County, having held a public hearing on October 22, 2019 to consider application number ZBA-944, submitted by Kurt Huff and Catherine Oliverio, a request for a variance to use the property located at 210 Windy Hills Lane in a manner not permissible under the literal terms of the ordinance and having heard all the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. It is the Board's conclusion that, if the applicant complies with the literal terms of the ordinance, specifically the front yard setback requirement in Section 51.6-2(3) of the New Hanover County Zoning Ordinance, that an unnecessary hardship would result/would not result. *(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)* This conclusion is based on the following FINDINGS OF FACT:

- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.

2. It is the Board's conclusion that the hardship of which the applicant complains results/does not result from unique circumstances related to the subject property, such as location, size, or topography. *(Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.)* This conclusion is based on the following FINDINGS OF FACT:

- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.

3. It is the Board's conclusion that the hardship did/did not result from actions taken by the applicant or the property owner. *(The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.)* This conclusion is based on the following FINDINGS OF FACT:

- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.

4. It is the Board's conclusion that, if granted, the variance will/will not be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.
- \_\_\_\_\_.

**THEREFORE**, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE from New Hanover County Zoning Ordinance to allow a variance from the front yard setback requirement in Section 51.6-2(3) of the New Hanover County Zoning Ordinance be GRANTED/DENIED, subject to the following conditions, if any:

**ORDERED** this 22<sup>nd</sup> day of October, 2019.

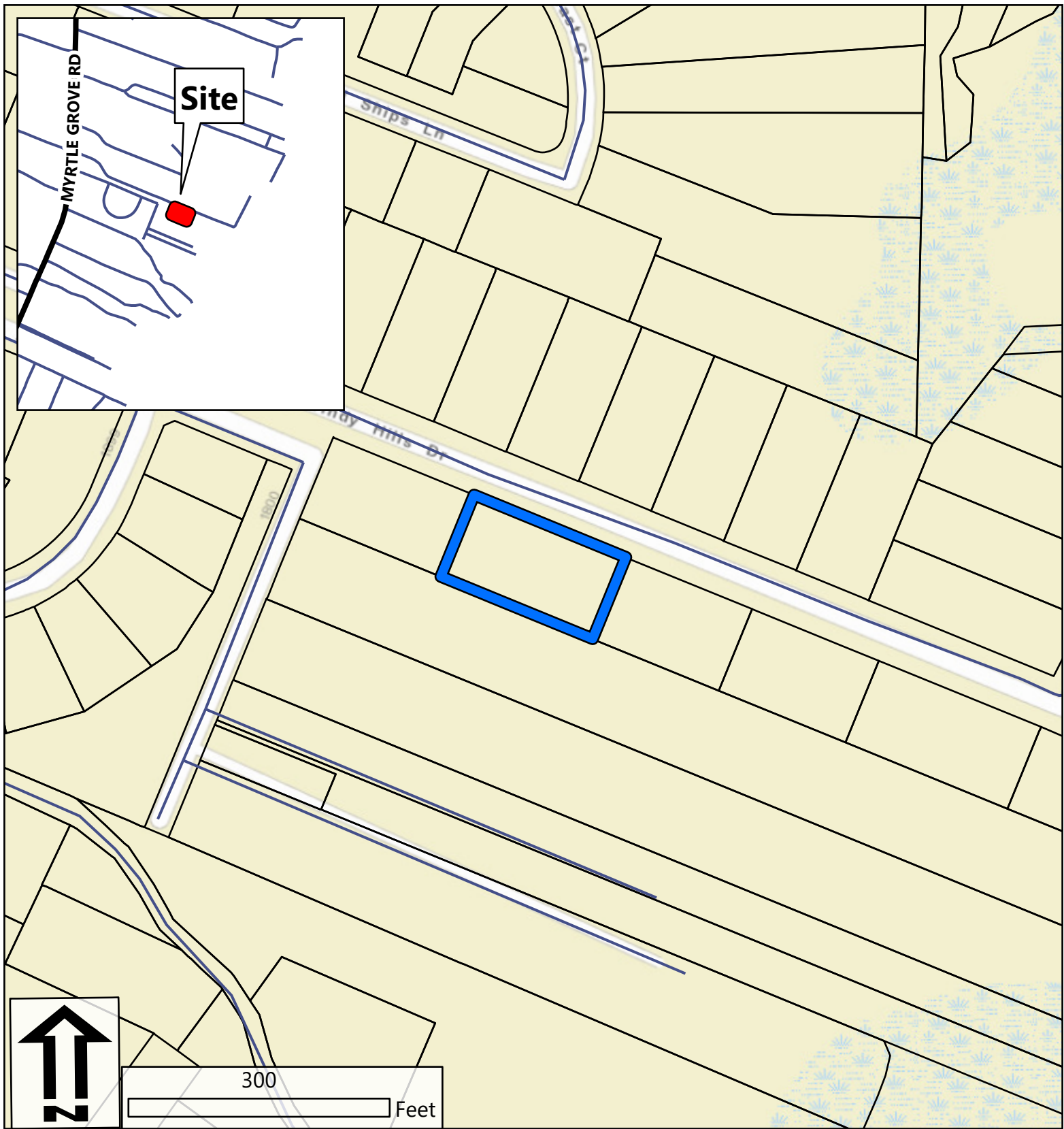
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Ray Bray, Chairman

Attest:

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Kenneth Vafier, Executive Secretary to the Board



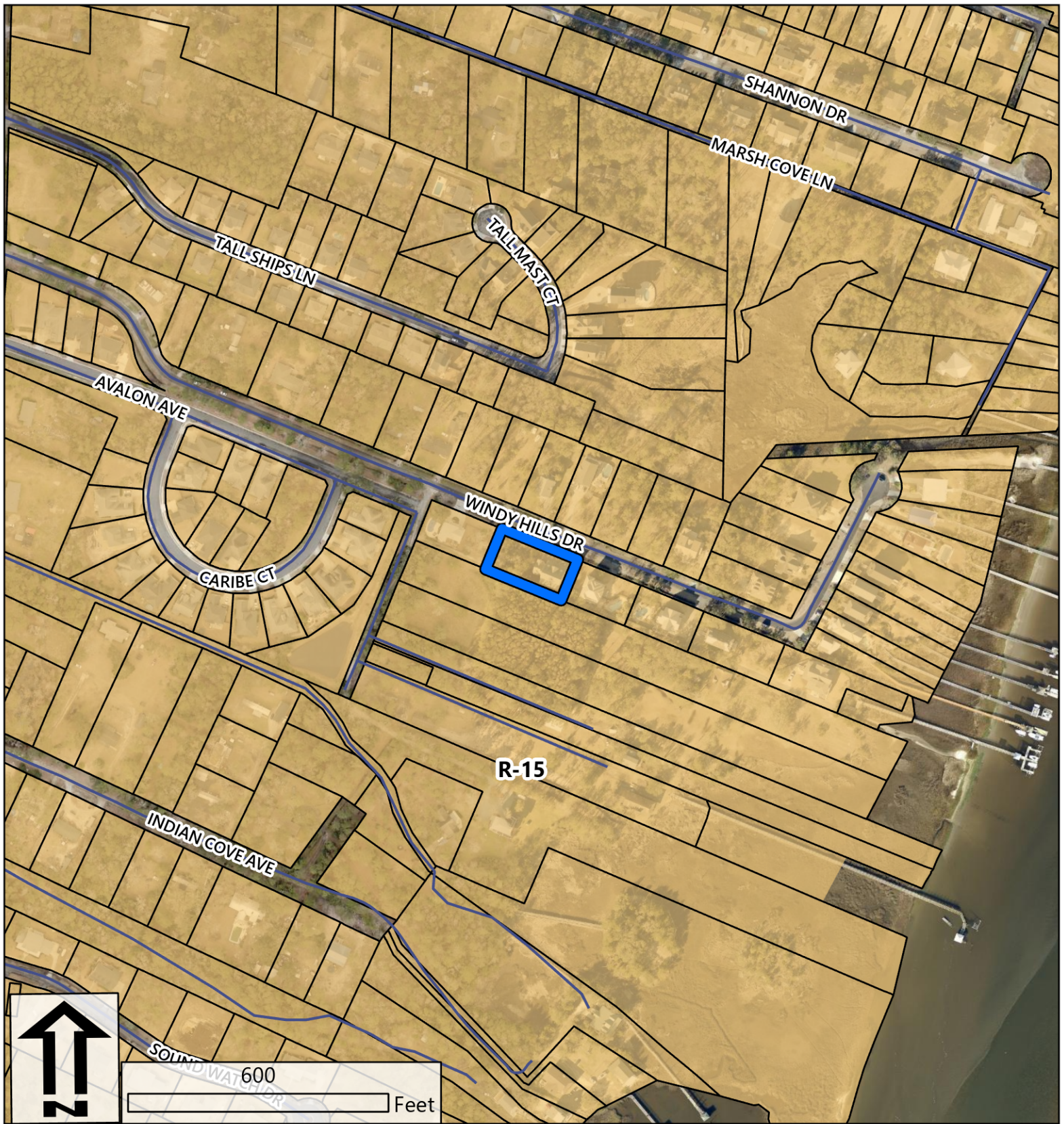
## Case: ZBA-944

Address: 210 Windy Hills Dr

Variance Request: Variance from front yard setback

Applicant and Owner: Kurt Huff

## Vicinity Map



## Case: ZBA-944

Address: 210 Windy Hills Dr

Variance Request: Variance from front yard setback

Applicant and Owner: Kurt Huff

## Zoning Map



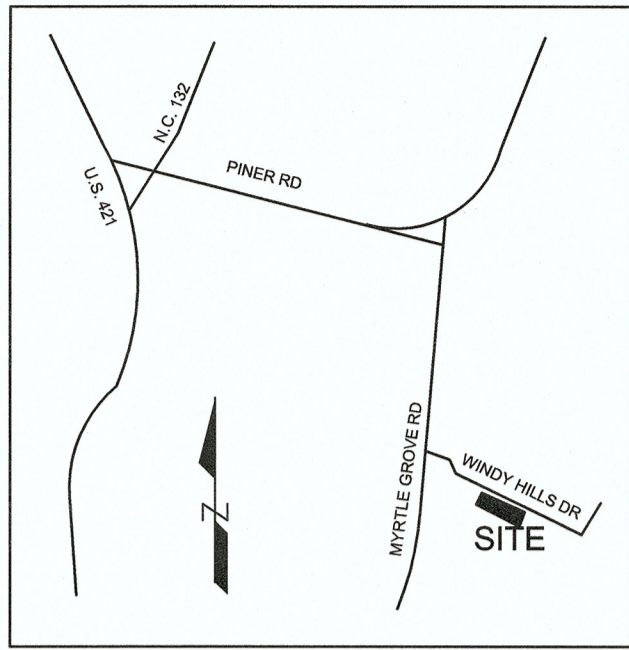
## Case: ZBA-944

## Aerial Map

Address: 210 Windy Hills Dr

Variance Request: Variance from front yard setback

Applicant and Owner: Kurt Huff



VICINITY MAP  
(NOT TO SCALE)

LEGEND:

- IPF IRON PIPE FOUND
- IRF IRON ROD FOUND
- IRS IRON ROD SET
- PKF PK NAIL FOUND
- PKS PK NAIL SET
- CM CONCRETE MONUMENT FOUND
- LP LIGHT POLE
- UP UTILITY POLE
- GA GUY ANCHOR
- TR TRANSFORMER
- TR TELEPHONE RISER
- WM WATER METER
- WV WATER VALVE
- FH FIRE HYDRANT
- CO CLEAN-OUT
- SS SANITARY SEWER MANHOLE
- SD STORM DRAINAGE MANHOLE
- W WELL
- CI CURB INLET
- CB CATCH BASIN
- GM GAS METER
- MB MAILBOX
- T TREES
- CF CHAINLINK FENCE
- EC EXISTING CONTOUR
- RB RIGHT OF WAY/BOUNDARY

LOT DATA  
PIN: R07908-005-025-000  
210 WINDY HILLS DR (LOT 2)  
ZONED: RESIDENTIAL

LOT AREA = 19,033 SF ±, 0.44 AC ±

IMPERVIOUS SURFACE AREA FOR THIS LOT = 4,631± SQ. FT.  
HOUSE = 2,077± SQ. FT.  
CONCRETE DRIVE= 1,238± SQ. FT.  
FRONT PORCH= 407± SQ. FT.  
REAR PORCH = 585± SQ. FT.  
SIDEWALK & STEPS= 315± SQ. FT.  
HVC = 9± SQ. FT.

MAX. IMPERVIOUS ALLOWABLE - 7,500 SQ. FT.

NOTES

- AREA CALCULATED BY COORDINATE METHOD.
- ALL ELEVATIONS ARE (NAVD 88)
- THE SUBJECT PARCEL IS LOCATED IN FLOOD ZONE VE 15 AS SHOWN BY FEMA PANEL NUMBER 3720314300J IN NEW HANOVER COUNTY WITH AN EFFECTIVE APRIL 3, 2006.
- UTILITIES AS SHOWN ARE PLOTTED FROM INFORMATION VISIBLE IN THE FIELD AND FROM INFORMATION PROVIDED BY UTILITY COMPANIES. ADDITIONAL UTILITIES NOT SHOWN MAY EXIST. THE APPROPRIATE UTILITY COMPANIES SHOULD BE CONTRACTED PRIOR TO LAND DISTRIBUTING ACTIVITIES.
- THIS LOT IS SUBJECT TO ALL UTILITY EASEMENTS, RESTRICTIONS, OR COVENANTS OF RECORD.
- CONTRACTOR TO ENSURE POSITIVE DRAINAGE AWAY FROM HOUSE.
- FIELD WORK COMPLETED ON MARCH 26, 2018.

ELV 8.26  
MAG NAIL

WINDY HILLS DR  
60' R/W (PRIVATE)

LOT 1  
MC 43, PG 237  
VACANT LOT

LOT 3  
MC 43, PG 237  
EXISTING HOUSE

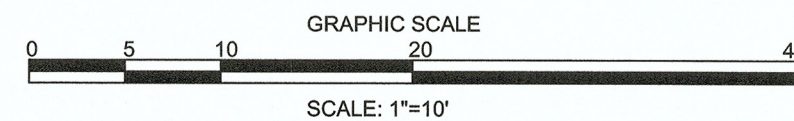
LOT 2  
MC 43, PG 237  
PROPOSED DWELLING  
ESTIMATED FFE=19.43  
LOWEST  
MEMBER=17.10

CERTIFICATE OF ACCURACY AND MAPPING

I, CHRIS GAGNE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN THE REFERENCES NOTED ON THIS DRAWING), THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES AS DRAWN FROM INFORMATION NOTED, THAT THE RATIO OF PRECISION IS 1:10,000, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). THIS 17 DAY OF JULY, A.D., 2018.

I, CHRIS GAGNE, CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

CHRIS GAGNE, PLS LICENSE NO. L-4700



REVISIONS:

HAGOOD HOMES  
1908 EASTWOOD ROAD  
SUITE 328  
WILMINGTON, NC 28403

PARAMOUNT  
ENGINEERING, INC.  
122 Cinema Drive  
Wilmington, North Carolina 28403  
(910) 791-6707 (O) (910) 791-6760 (F)

TOPOGRAPHICAL SITE PLAN  
210 WINDY HILLS DR (LOT 2)  
PH 1 AVALON OAKS  
FEDERAL POINT TOWNSHIP  
NEW HANOVER COUNTY, NC

PROJECT STATUS

DATE: 02/07/18  
SCALE: 1"=10'  
DRAWN: JAMES J. GAGNE  
CHECKED: JAMES J. GAGNE

SV 1

PEI JOB#: 18216.PE

RECEIVED

OCT - 1 2019

**NEW HANOVER COUNTY**

DEPARTMENT OF PLANNING & LAND USE  
230 Government Center Drive, Suite 110  
Wilmington, North Carolina  
Telephone (910) 798-7165  
FAX (910) 798-7053  
planningdevelopment.nhc.gov.com

**NEW HANOVER COUNTY  
PLANNING & ZONING**



**VARIANCE  
Application**

| Applicant/Agent Information  |  | Property Owner(s)<br><i>(If different than Applicant/Agent)</i> |
|--|--|---|
| <b>Name</b>  | Kurt R. Huff and wife,<br>Catherine A. Oliverio                          | <b>Owner Name</b><br>Same as Applicants                         |
| <b>Company</b>   |  | <b>Owner Name 2</b>   |
| <b>Address</b>   | 210 Windy Hills Dr.  | <b>Address</b>  |
| <b>City, State, Zip</b>  | Wilmington, NC 28409   | <b>City, State, Zip</b>   |
| <b>Phone</b>   | (910) 508-7476<br>(c/o Applicant/Owners' Attorney Matt Nichols)          | <b>Phone</b>  |
| <b>Email</b>   | matt@mattnicholslaw.com<br>(c/o Applicant/Owners' Attorney Matt Nichols) | <b>Email</b>  |
| <b>Subject Property Information</b>                                  |  |   |
| <b>Address/Location</b><br>210 Windy Hills Dr., Wilmington, NC 28409 |  |   |
| <b>Parcel Identification Number(s)</b><br>R07908-005-025-000         |  |   |
| <b>Total Parcel(s) Acreage</b><br>±18491 Sq. Ft. or ±.424 acres      |  |   |
| <b>Existing Zoning and Use(s)</b><br>R-15 Residential                |  |   |
| <b>Application Tracking Information (Staff Only)</b>                 |  |   |
| <b>Case Number</b><br>ZBA-944  | <b>Date/Time received:</b><br>10/1/19 1:15 pm                            | <b>Received by:</b><br>KV                                       |

RECEIVED

OCT - 1 2019

PROPOSED VARIANCE NARRATIVE

NEW HAMPSHIRE COUNTY  
PLANNING & ZONING

Subject Zoning Regulation, Chapter and Section: 51.6-2(3) Minimum Front Yard in R-15

In the below space, please provide a narrative of the application. (Additional pages may be attached to the application if necessary)

Please see attached Exhibit "A".

CRITERIA REQUIRED FOR APPROVAL OF A VARIANCE

The Zoning Board of Adjustment may grant a variance if it finds that strict application of the ordinance results in an unnecessary hardship for the applicant, and if the variance is consistent with the spirit, purpose, and intent of the ordinance. The applicant must explain, with reference to attached plans (where applicable), how the proposed use meets these required findings (please use additional pages if necessary).

1. **Unnecessary hardship would result from strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

Please see attached Exhibit "A".

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardship resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.

Please see attached Exhibit "A".

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3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Please see attached Exhibit "A".

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4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Please see attached Exhibit "A".

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## APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Staff will not process an application for further review until it is determined to be complete.

| Required Information                                  | Applicant Initial | Staff Initial |
|---|-------------------|---------------|
| 1 Complete Variance application                       |                   | KV            |
| 2 Application fee -- \$400                            |                   | KV            |
| 3 Site plan or sketch illustrating requested variance |                   | KV            |
| 4 1 hard copy of ALL documents                        |                   | KV            |

## ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the variance application for which I am applying. I understand that I have the burden of proving why this application meets the require findings necessary for granting a variance. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

   
Signature of Property Owner(s)

Kurt R. Huff/Catherine A. Oliverio

Print Name(s)

   
Signature of Applicant/Agent

Kurt R. Huff/Catherine A. Oliverio

Print Name(s)

**NOTE:** Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

**\*The land owner or their attorney must be present for the case at the public hearing.**

**For Staff Only**

**Application Comments**

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**EXHIBIT A  
TO  
APPLICATION FOR VARIANCE**

**210 Windy Hills Dr.**

**OVERVIEW:**

The Applicants/Owners, Mr. and Mrs. Huff, purchased the subject residential lot at 210 Windy Hills Dr. more than a decade ago. In 2018, Mr. and Mrs. Huff decided to build their residence on the lot. The parcel is located in a flood zone and requires elevation of the home to comply with New Hanover County Floodplain regulations and National Flood Insurance Program requirements.

Mr. and Mrs. Huff, through their design and construction professionals, submitted their building plans to New Hanover County and received approval of their plans. Through their construction and design professionals, they applied for and obtained all required construction and building permits, and all required inspections were performed throughout the construction process.

Upon final review, the County has informed the owners that a variance will be required because the external front stairs, which are required to access the first finished floor of the elevated house, encroach into the front yard setback by approximately 9.7 feet. The house itself is not in the front setback, and the stairway, which is still setback approximately 15.3 feet from the front property line, does not negatively impact any other properties. The Applicants/Owners request the minimum variance necessary from the front yard setback in order to comply with the zoning ordinance and maintain the required stairway access to their home.

**CRITERIA FOR APPROVAL OF VARIANCE:**

**1. Unnecessary hardship would result from strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

Mr. and Mrs. Huff and their design and construction professionals have consistently acted in good faith throughout the entire building process and attempted to follow all building regulations while constructing the home. They applied for all necessary permits, received approvals from the County throughout the process, and requested all relevant inspections. The subject stairway is situated in the front of the home and provides access to the from the ground to the elevated first finished floor. The home was designed with the double stairway as a beautiful focal point and entrance, complementing the coastal design and character of the home and the surrounding homes. Having to redesign the front of the home to relocate the entry stairway would significantly detract from the design, function and aesthetics of the home and would have a negative visual impact on the neighborhood. The stairway is not adjacent to any neighboring property, and the stairway has no negative impacts on neighboring properties. The home is already constructed, a Certificate of Occupancy has been issued by the County, and Mr. and Mrs.

Huff are living in the home. Without a variance, the stairs would need to be removed and relocated, which would require significant redesign and reconfiguration of this newly constructed home, at a great and unnecessary expense. A strict application of the ordinance in this particular instance would create an unnecessary hardship on the Owners as it would create significant access issues and require an expensive and unconventional redesign of the entire front of the house in order to access the first finished floor, which would also result in an overall negative visual impact on the surrounding properties.

**2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardship resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.**

The site is constrained by a significant area of wetlands that limits the buildable area of the lot. The Applicants/Owners planned the construction of the home carefully to comply with this buildable area, including the overall design of the house and location of the entryway stairs. The hardship is peculiar to the property the particular set of facts and circumstances underlying the need for a variance in this matter, as the Owners and their design and construction professionals reasonably relied and acted upon the County's review and approval of the house plans during the permitting and construction process.

**3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

The Owners did not create the hardship. They submitted their plans to the County and received approval. They have acted consistently in good faith and with the intent and understanding that they were following all building and zoning rules, regulations and procedures. The building plans were designed and approved such that the stairs were built within the front yard setback. This issue was not identified until after construction of the home.

**4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

In addition to the foregoing, allowing this variance is consistent with the spirit, purpose and intent of the ordinance. It was the Owners' intent throughout the entire process to comply with the Ordinance, and the Owners and their design and construction professionals submitted all required documents and obtained and reasonably relied upon approved construction plans. Allowing the entry stairway to remain creates no safety issues, and in fact the entry stairway is currently located in the best and most logical location for the design of the house given the front door entry location and fenestration.

Allowing this variance will allow the Owners to access their home as designed and intended by the County-approved building plans, and will also allow the beautiful entryway staircase to remain, which is beneficial and positive for this coastal neighborhood and consistent with the spirit, purpose and intent of the ordinance.



**NEW HANOVER COUNTY  
PLANNING & LAND USE  
AUTHORITY FOR  
APPOINTMENT OF AGENT**

230 Government Center Drive  
Suite 110  
Wilmington, NC 28403  
910-798-7165 phone  
910-798-7053 fax  
www.nhcgov.com

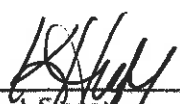
**Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.**


The undersigned owner does hereby appoint an authorized the agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached petition. The Agent is hereby authorized to, on behalf of the property owner:

1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition applicable to the New Hanover County Zoning Ordinance.

| Agent Information                             | Property Owner(s)                        | Subject Property                         |
|---|--|--|
| Name<br>Matthew A. Nichols                    | Owner Name<br>Kurt R. Huff               | Address<br>210 Windy Hills Dr.           |
| Company<br>Law Office of Matthew A. Nichols   | Owner Name 2<br>Catherine A. Oliverio    | City, State, Zip<br>Wilmington, NC 28409 |
| Address<br>3205 Randall Pkwy., Ste. 104       | Address<br>210 Windy Hills Dr.           | Parcel ID<br>R07908-005-025-000          |
| City, State, Zip<br>Wilmington, NC 28403      | City, State, Zip<br>Wilmington, NC 28409 |  |
| Phone<br>(910) 508-7476                       | Phone                                    |  |
| Email<br>matt@mattnicholslaw.com              | Email                                    |  |
| Application Tracking Information (Staff Only) |  |  |
| Case Number Reference:<br>28A-944             | Date/Time received:<br>10/1/19 1:15 PM   | Received by:<br>KV                       |

This document was willfully executed on the 01 day of 1, 20 19.

  
Owner 1 Signature  
Kurt R. Huff

  
Owner 2 Signature  
Catherine A. Oliverio