



**AGENDA**  
**BOARD OF ZONING APPEALS**  
**TUESDAY, September 23, 2025**  
**6:30 P.M.**

**Oxford Courthouse**  
**118 E High Street**

**MEMBERS**

Philip Russo, Chair

Baljinnyam Dashdorj  
Matt Wyatt

Steve Chaffin, Vice Chair  
Jon Creech, Secretary

**STAFF**

Sam Perry, Director, Community Development  
Zachary Moore, City Planner/GIS Coordinator  
Christopher Conard, Law Director

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

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

- I. Call to Order
- II. Approval of August 26, 2025 Minutes of the Regular Meeting 1
- III. New Business
  - BZA-2025-02, 5720 College Corner Pike, VARIANCES** to Section 1151.05(a)(3)(A)(1) number of wall signs and Section 1151.05(c)(4) directional sign square footage, **Ben Dariano, Applicant/Agent** 4
  - BZA-2025-03, 36 E. High Street, ADMINISTRATIVE APPEAL** to Section 1137.10(c), replacement of changeable marquee signs with electronic message boards, **Jack F. Grove, Appellant** 31

**BZA-2025-04, 13 E High Street, VARIANCE** to Section 1151.05(a)(2)(A)(1)(b) to allow a wall sign positioned more than 18 feet above the adjacent ground, **Jackson Trester, Applicant/Agent**

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IV. Adjournment



## OXFORD BOARD OF ZONING APPEALS

### Meeting Minutes

Tuesday, August 26, 2025

<https://youtu.be/GRtcoVIfy4Y>

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

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### Roll Call

Philip Russo, Chair

Jonathin Creech

Matt Wyatt

Steve Chaffin, Secretary

Baljinnyam Dashdorj

Time: 0:36

A regular meeting of the Oxford Board of Zoning Appeals was called to order by Chair Philip Russo on Tuesday, August 26, 2025 at 6:30 p.m.

Members in attendance were Steve Chaffin, Matt Wyatt, Baljinnyam Dashdorj, and Jonathin Creech

Members excused: None

**Staff Members in Attendance**

Mr. Zachary Moore, City Planner/GIS Coordinator, Mr. Christopher Conard, Law Director, Ms. Eunike Miller, Administrative Assistant

**Staff Members Excused**

Mr. Sam Perry, Director, Community Development

The meeting agenda has been amended by adding Swearing in new BZA Member, Jonathin Creech.

Mr. Creech was sworn in by the Law Director, Mr. Conard.

**Approval of June 24, 2025 Minutes of the Regular Meeting**

Time: 2:15

**Motion – To approve the minutes as written**

(Voice Vote) 1<sup>st</sup> Mr. Chaffin 2<sup>nd</sup> Mr. Wyatt

AYE: (4)

NAY: (0)

ABS: (0)

Mr. Chaffin resigned as the Secretary of the BZA.

**Election of Vice Chair**

Time: 2:41

**Motion – To nominate Mr. Chaffin for Vice Chair**

(Voice Vote) 1<sup>st</sup> Mr. Wyatt 2<sup>nd</sup> Mr. Creech

AYE: (4)

NAY: (0)

ABS: (0)

**Election of Secretary**

**Motion – To nominate Mr. Creech for Secretary**

(Voice Vote) 1<sup>st</sup> Mr. Chaffin 2<sup>nd</sup> Mr. Wyatt

AYE: (4)  
NAY: (0)  
ABS: (0)

Mr. Dashdorj arrived at the meeting at 6:33 pm.

**Amendments to BZA Rules of Procedure**

**Time: 4:06**

Mr. Conard summarized the role of the BZA. Mr. Conard next gave an overview of the proposed amendments to the BZA Rules of Procedure and explained the reasons behind the changes.

The Board next considered the suggested changes, voting on them one by one. The Board accepted the changes recommended by staff with the exception of the following:

- Section 2 (a) the word “directly” was added
- Section 2 (b) “four days” has been changed to “seven days”
- No changes to Appendix A, which requires legislation in order to change

Mr. Dashdorj made a motion to vote in favor of the amendments to the BZA Rules of Procedure as recommended by staff, with the exception of the three changes noted above. Mr. Wyatt seconded the motion. All were in favor.

**Motion to Adjourn Meeting at 7:37 p.m.**

**Time: 1:08:27**

(Voice Vote) 1<sup>st</sup> Mr. Chaffin 2<sup>nd</sup> Mr. Dashdorj

AYE: (5)  
NAY: (0)  
ABS: (0)

# STAFF REPORT

Community Development | Board of Zoning Appeals

## APPLICATION DETAILS

Applicant	WD Partners, c/o Ben Dariano
Location	5720 College Corner Pike
Property Owner	Walmart Real Estate Trust
Action Request	Variances to <i>Section 1151.05(c)(4)</i> , directional sign size; and <i>Section 1151.05(a)(3)(A)(1)</i> number of wall signs
Property Size	27.657 acres
Property Frontage	1,295 feet approx. along College Corner Pike; 440 feet approx. along Todd Road
Current Use	Retailer / Big Box Store
Current Zoning	GB General Business District
Surrounding Land Uses	Industrial (Schneider Electric) across College Corner Pike to the west; commercial (small strip building) to the south; future commercial retail (Tractor Supply Co.) to the west; agricultural/rural land to the north and east

## BACKGROUND

WD Partners, c/o Ben Dariano, has submitted a couple Variance requests related to new exterior signage for the Walmart store in Oxford. The new signs are part of an overall store rebrand/remodel, which began with the submission of a Building Permit for interior changes in April of this year.

The store received its original building permit in June 2004 and completed construction sometime in 2005. While the Oxford Zoning Code normally only permits one (1) wall sign per business/tenant, a couple prior BZA cases around 2004-2005 had authorized Walmart to install up to twelve (12) wall signs. Walmart later updated their signs as part of a rebrand circa 2013; at that time, because only ten (10) wall signs were proposed for installation, a permit was able to be approved administratively without necessitating another BZA hearing. Another BZA request was heard in 2017, to permit six (6) parking stall signs for the Pickup zone.

The applicant requests to install a total of twenty eight (28) wall signs, inclusive of twelve (12) new “directional” signs serving a relocated Pickup zone on the left/west side of the store. The Zoning Code normally permits **any number** of “directional” signs to be installed on building walls or on poles in or around a parking area, but only when such signs are no more than two (2) sq ft in size; such signs do not

require the prior submission of Permits. All proposed Pickup stall signs are to be the same style, with each totaling 7.5 sq ft in size. In addition to the twelve (12) Pickup stall signs to be mounted on the building, twelve (12) more are also proposed to be mounted to poles in an adjacent parking bay.

Setting aside the twenty four (24) Pickup/direction signs inclusive of the twelve (12) which are wall-mounted, the remaining sixteen (16) wall signs would be devoted to general advertising purposes; of these, nine (9) are to be situated on the front façade and seven (7) would be devoted to the auto center located toward the rear of the building. See the Appendix of this staff report for more detailed information about the proposed signs.

**DESCRIPTION**

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

Requirement	Code Section	Standard	Proposal
<b>1. Directional Sign Size</b>	1151.05(c)(4)	2 sq ft max.	7.5 sq ft
<p>This provision falls under a section of the Signage Chapter entitled “Name Plate and Direction Signs in Any District,” describing such signs as including <i>vehicular and pedestrian-scale signs that describe building occupants, secondary entrances, intended travel directions, and parking regulations (...)</i>.</p> <p>As recently as 2016, Walmart has introduced a Pickup area/function as part of their operations. The Pickup zone is currently situated on the east/right side of the store, but is to be relocated to the west/left side as part of the current remodel. Content-wise, the proposed Pickup stall signs are to include space numbers, the word “Pickup,” and a telephone number that customers can call upon arrival.</p> <p>Signs of this nature can actually be observed on-site at present, as six (6) were installed along the east/right façade of the store in accordance with a prior BZA variance approval (BZA-2017-14) and Permit (No. 2016-527). It should be noted the documentation for these signs was discovered much later during the research phase for this staff report; the Preliminary Zoning Review letter issued to the applicant on 7/16/2025 mistakenly lists such signs as being “installed without a permit.” In addition to the six (6) which were permitted, three (3) more stall signs on the left side of the row were later installed, though these likely do not exceed the two (2) square foot threshold and thus would not have required permits. Though the six (6) larger pickup stall signs previously approved by Variance are roughly the same size as the twenty four (24) now proposed, staff believes a new Variance should still be required to permit <i>more</i> signs and in a <i>new location</i>.</p> <p>If a Variance were granted to this provision, the wall-mounted Pickup stall signs would no longer count toward the overall wall sign maximum (the second Variance described below), as the Code states that <i>any number of wall or freestanding signs</i> which are considered “directional” signs are permitted.</p>			
<b>2. Number of Wall Signs</b>	1151.05(a)(3)(A)(1)(a)	2 max. (12 previously granted)	28 total (16 regular / 12 directional)
<p>Notwithstanding the directional signs as previously described, the Walmart store is proposed to gain five (5) additional wall signs. One of these “new” signs is actually due to the word “Walmart” and the “spark” store logo being separated from one another on the façade, thus changing how the number of signs is perceived. The remaining four (4) additional signs include two (2) new identification signs above tire service bays, plus signs on the front facade advertising “Pharmacy” and “Vision” services.</p>			

**PUBLIC COMMENTS**

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

**DEPARTMENT COMMENTS**

Below are comments from City departments:

Department	Respondent	Response
<b>Economic Development</b>	Seth Cropsenbaker, Economic Development Specialist	Not Reviewed
<b>Engineering</b>	Scott Otto, City Engineer	Reviewed without Comments
<b>Fire</b>	John Detherage, Fire Chief	Reviewed without Comments
<b>Police</b>	John Jones, Police Chief	Reviewed without Comments

**BZA SITE HISTORY**

Past BZA case history for the subject property is outlined in the table below:

Case No.	Request(s)
<b>BZA-2004-07</b>	<b>Signage Variances – Ground Sign Size, Number of Signs</b>
<p>The first BZA case for the Oxford Walmart was submitted prior to the building’s construction. At the time of consideration, the Zoning Code differentiated between advertising signs and private traffic control signs. A “private traffic control sign” was defined as a sign directing and guiding traffic and parking ... provided that the sign did not exceed two square feet, did not contain advertising, and was located wholly on private property. The Code stipulated commercial uses in the GB zoning district possess no more than two (2) advertising signs, with allowance for any number of private traffic control signs; this more or less mirrors the standards of Oxford’s current Zoning Code, though now written a bit differently. In his report, City Planner Dan Johnson construed the front monument sign, the main building sign (spelling out “Wal-Mart Supercenter”), and Tire &amp; Lube Express sign as three (3) distinct advertising signs, with the rest of the building signage construed as private traffic control signs. Additionally, the ground/monument sign was proposed to be approx. 120 sq ft in size per side, which exceeded the usual Code maximum for no more than 48 sq ft of sign area per side. The BZA voted to grant a variation of the requested sign package comprising the enlarged ground sign plus eleven (11) total wall signs. Collectively, the wall signs totaled approx. 650 sq ft in overall area/size.</p>	
<b>BZA-2005-02</b>	<b>Signage Variance – Number of Signs</b>
<p>A second request was heard in May 2005 to add one extra wall sign to the front façade of the Walmart building, for the purpose of identifying the CHACO Credit Union tenant within the store. The BZA approved the request, bringing the overall number of permitted wall signs to twelve (12) total.</p>	

Case No.	Request(s)
BZA-2017-14	Signage Variances – Directional Signs
Variances were approved to enable directional signage on-site to exceed four (4) feet in height (maxing out at 8 feet), as well as to exceed the usual two (2) square foot size limit (maxing out around 7.88 sq ft).	

**DECISION CRITERIA**

In accordance with *Section 1139.02(c)(1)*, the burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for Variance. Furthermore, per *Section 1139.02(c)(2)* the BZA must find that **practical difficulties** exist that would render strict application of the Code unreasonable. In determining whether such difficulties exist which are sufficient to warrant the Variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed narrative addressing the review criteria from Mr. Dariano.

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

Staff’s review of the criteria is outlined in the table below:

Criterion A	Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance
Supports granting both Variances	While the prescriptive nature of sign provisions for single-tenant commercial sites in the GB District makes sense in the vast majority of cases, it does come across as rather hostile toward a larger big box user like Walmart. The Kroger store in Oxford, which boasts multiple signs on its front façade, likely offers the closest comparison to the predicament now affecting Walmart. The nature of big box or “hypermarket” uses is that they tend to offer a multitude of goods and services, and sometimes even completely distinct tenants subleasing a portion of the store (examples: coffee; food; medical; pharmacy; vision; etc.). Additionally, it could be generally said that pickup services for large retailers have become more popular and more sophisticated over the past few years, spurred in part by the need to social distance during the COVID era; the signage regulations embedded in the Oxford Zoning Code have yet to experience a much-needed legislative update to account for these new and emerging trends. With these facts in mind, staff believes Criterion A offers plenty of support toward granting both requested Variances.
Criterion B	Whether the variance is substantial
Supports granting both Variances	In this particular case, the Oxford Zoning Code’s signage area limit is ridiculously generous; <i>Section 1151.05(a)(3)</i> states the <i>maximum total sign area for all signs on a development site [zoned GB] shall be no more than 2 square feet of sign area per linear front foot of the site.</i> With the site having 1,735 feet of frontage, this amounts to 3,470 square feet of total allowed sign area – an astronomical amount. In light of this, sign area in the GB District has instead been controlled indirectly through mechanisms such as maximum sign <i>height</i> and maximum

	<p>sign <i>number</i>. Since all signs are shown to comply with the maximum height restriction (in this case, 12 feet), the BZA must consider whether the number of signs proposed should be deemed “substantial” or not. With respect to the auto center signs, there is a clear rationale for including these above each service bay, and the “substantiality” is less of a concern due to lack of visibility from a prominent right-of-way. With respect to signage along the front façade, the newest sign additions are proposed at relatively subdued heights and sizes.</p>
<b>Criterion C</b>	<b>Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance</b>
<b>Supports</b> granting both Variances	Staff does not believe the essential character of the store, or surrounding area, will be negatively impacted.
<b>Criterion D</b>	<b>Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)</b>
<b>Supports</b> granting both Variances	No comments or concerns were returned by the City Engineer, Fire Chief or Police Chief on this matter. The granting of this Variance is not expected to have any adverse impact on governmental services.
<b>Criterion E</b>	<b>Whether the property owner purchased the property with knowledge of the zoning restriction</b>
<b>Undetermined</b>	As the applicant states in his letter, it is unknown whether the owner was aware of these specific restrictions when the property was purchased.
<b>Criterion F</b>	<b>Whether the property owner’s predicament feasibly can be obviated through some method other than a variance</b>
<b>Supports</b> granting Variance #1  <b>Mixed evidence</b> toward Variance #2.	<p>Criterion F lends support toward granting Variance #1, since a variance to the directional sign size limitation is the only way to adequately provide supportive wayfinding for Walmart’s pickup operation. Not to mention, a similar Variance was approved once before for the current operation.</p> <p>Criterion F lends some support toward granting Variance #2, in the interest of allowing for: (1) additional identification signage above two auto service bays at the back of the store; and (2) permitting the main advertising sign to be split/separated between the word “Walmart” and the “spark” logo. Notwithstanding these signs, this would leave the “Pharmacy” and “Vision” signs as truly the only “extra” signs above and beyond the previously allowed wall sign limit. These two signs are effectively identifying separate departments/services within the store, something which not every retailer is necessarily entitled to when designing or allocating signage according to zoning limitations. The “predicament” here is the ability to call attention to these specialized services; without a Variance, the applicant would either need to disregard advertising these particular services on the building, or figure out a way to introduce the content into the already allowable number of signs.</p>

<b>Criterion G</b>	<b>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance</b>
<b>Supports</b> granting both Variances	<p>The spirit and intent behind the subject zoning requirements is to provide reasonable restrictions to advertising and wayfinding signage for business sites in the GB District. Without reasonable limitations in place, a commercial establishment could be inundated with blatantly cluttered and enlarged signage that overserves its intended purposes, degrades community aesthetics, and/or creates a distraction for motorists.</p> <p>In observing the totality of the requested variances together with the resulting schedule of new signs, staff believes substantial justice would be done by granting both requests.</p>
<b>Criterion H</b>	<b>Any other relevant factor</b>
<b>N/A</b>	The BZA may rely upon additional factors or evidence contributed by the applicant as part of the adjudication hearing.

**CONCLUSION**

At the time of this report, staff believes **there is substantial evidence** to support both variance requests.

**SUBMITTED BY:**



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**Zachary Moore, AICP**  
City Planner / GIS Coordinator

**DATE:** September 12, 2025

# APPENDIX

## SIGN ALLOWANCES OVER TIME VS. REQUESTED SIGNS

Sign No.	Content/Description	Sign Height	Sign Area	2023 Sign No. (Closest Match)
<b>SIGN PACKAGE APPROVED BY BZA ON 11/17/2004 (BZA-07-2004)</b>				
<b>Front Elevation</b>				
1	<i>Tire &amp; Lube Express</i>	6 ft	114.48 sf	1 & 2
2	<i>Retail Center</i>	2.5 ft	54.53 sf	3
3	<i>Wal*Mart Supercenter</i>	7 ft	266 sf	4
4	<i>Food Center</i>	2.5 ft	50.42 sf	5
5	<i>1-Hr. Photo</i>	1 ft	16.5 sf	No close match in 2023
6	<i>Optical</i>	1.5 ft	10.26 sf	No close match in 2023
7	<i>Pharmacy</i>	1.5 ft	14.57 sf	No close match in 2023
<b>Auto Center</b>				
8	<i>Wal*Mart Tire &amp; Lube Express</i>	6.83 ft	108.43 sf	7
9	<i>Tires</i>	1 ft	3.26 sf	8
10	<i>Tires</i>	1 ft	3.26 sf	9
11	<i>Lube Express</i>	1 ft	8.96 sf	11
<b>Total Wall Sign Area</b>			<b>650.67 sf</b>	
<b>Total Number of Wall Signs</b>			<b>11</b>	
<b>ADDITIONAL TENANT SIGN APPROVED BY BZA ON 5/18/2005 (BZA-02-2005)</b>				
<b>Front Elevation</b>				
1	<i>CHACO Credit Union</i>	2.58 ft	20.24 sf	No close match in 2023
<b>REBRANDING (Permit No. 2013-026)</b>				
<b>Front Elevation</b>				
1	<i>Outdoor Living</i>	2.73 ft	49.47 sf	1
2	<i>&lt; Auto Center</i>	1.55 ft	19.47 sf	2
3	<i>Home &amp; Pharmacy</i>	2.76 ft	25.17 sf	3
4	<i>Walmart [+ Spark]</i>	8 ft	298 sf	4
5	<i>Market</i>	2 ft	16.84 sf	5
6	[Existing Tenant Sign to remain]	Unknown	Unknown	
<b>Auto Center</b>				
7	<i>Auto Center</i>	1.55 ft	17.75 sf	7
8	<i>Tire</i>	1.04 ft	2.38 sf	8
9	<i>Tire</i>	1.04 ft	2.38 sf	9
10	<i>Lube</i>	1.07 ft	3.12 sf	10
<b>Total Wall Sign Area</b>			<b>434.58 sf</b>	
<b>Total Number of Wall Signs</b>			<b>10</b>	
<b>PICKUP ZONE SIGNS (BZA-2017-14 &amp; Permit No. 2016-527)</b>				
1	<i>Pickup [Stall Sign]</i>	~ 5 ft	7.88 sf	
2-6	<i>Pickup [Stall Signs] x 5</i>	~ 5 ft	39.40 sf	
<b>Total Wall Sign Area</b>			<b>47.28 sf</b>	
<b>Total Number of Wall Signs</b>			<b>6</b>	

Sign No.	Content/Description	Sign Height	Sign Area	2023 Sign No. (Closest Match)	
<b>REBRANDING (Permit No. P2023-0016)</b>					
1	<i>Outdoor</i>	2 ft 0.75 in.	21.83 sf		
2	< <i>Auto Care</i>	1 ft 6.25 in.	16.54 sf		
3	<i>Home &amp; Pharmacy</i>	2 ft 8.5 in.	61.76 sf		
4	<i>Walmart [+ Spark]</i>	8 ft	301.18 sf		
5	<i>Grocery</i>	2 ft 8.5 in.	26.66 sf		
6	<i>Pickup &gt;</i>	3 ft 4 in.	41.07 sf		
<b>Auto Center</b>					
7	<i>Auto Care</i>	2 ft 3/8 in.	14.12 sf		
8	(4) <i>Tire</i>	2.5 ft	17.5 sf		
9	(3) <i>Tire</i>	2.5 ft	17.5 sf		
10	(2) <i>Oil Change</i>	2.5 ft	24.25 sf		
11	(1) <i>Oil Change</i>	2.5 ft	23.75 sf		
<b>Pickup Zone (Existing Signs per Permit No. 2016-527)</b>					
12	<i>Pickup [Stall Sign]</i>	~ 5 ft	7.88 sf		
13-17	<i>Pickup [Stall Signs] x 5</i>	~ 5 ft	39.40 sf		
<b>Total Wall Sign Area</b>			<b>613.44 sf</b>		
<b>Total Number of Wall Signs</b>			<b>17</b>		
<b>CURRENT PROPOSAL</b>					
<b>Front Elevation</b>					
1	← <i>Pickup</i>	2.5 ft	51.33 sf	6	
2	<i>Auto Care</i>	1.5 ft	19.98 sf	2	
3	<i>Outdoor</i>	2 ft	24.96 sf	1	
4	<i>Pharmacy</i>	2 ft	34.84 sf	NEW	
5	<i>Home &amp; Fashion</i>	2 ft	47.11 sf	3	
6	<i>Vision</i>	1.5 ft	10.26 sf	NEW	
7	<i>Walmart</i>	5 ft	138.97 sf	4	
8	[ <i>Spark</i> ]	8 ft 7 in.	74.21 sf	4	NEW (due to separation)
9	<i>Grocery</i>	2 ft	27.49 sf	5	
<b>Auto Center</b>					
10	<i>Auto Care</i>	2 ft	28.16 sf	7	
11	(4) <i>Tire</i>	2.5 ft	18.25 sf	8	
12	(3) <i>Tire</i>	2.5 ft	18.25 sf	9	
13	(2) <i>Oil Change</i>	2.5 ft	27.5 sf	10	
14	(1) <i>Oil Change</i>	2.5 ft	27.5 sf	11	
15	(5) <i>Tire</i>	2.5 ft	18.25 sf	NEW	
16	(6) <i>Tire</i>	2.5 ft	18.25 sf	NEW	
<b>Pickup Zone</b>					
17	<i>Pickup [Stall Sign]</i>	5 ft	7.5 sq ft	12	
18-28	<i>Pickup [Stall Sign] x 11</i>	5 ft	82.5 sq ft	13-17 (x 5)	NEW (x 6)
<b>Total Wall Sign Area</b>			<b>675.31 sf</b>		
<b>Total Number of Wall Signs</b>			<b>28</b>		

**BZA MOTION FOR VARIANCES**

In the case of **BZA-2025-02** ...

**1) Regarding the variance requested to *Section 1151.05(c)(4)* for directional sign size ...**

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

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

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

Motion Seconded by: Mr. / Ms. \_\_\_\_\_  
Vote: Aye: \_\_\_\_\_ Nay: \_\_\_\_\_

**2) Regarding the variance requested to Section 1151.05(a)(3)(A)(1) for number of wall signs...**

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

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

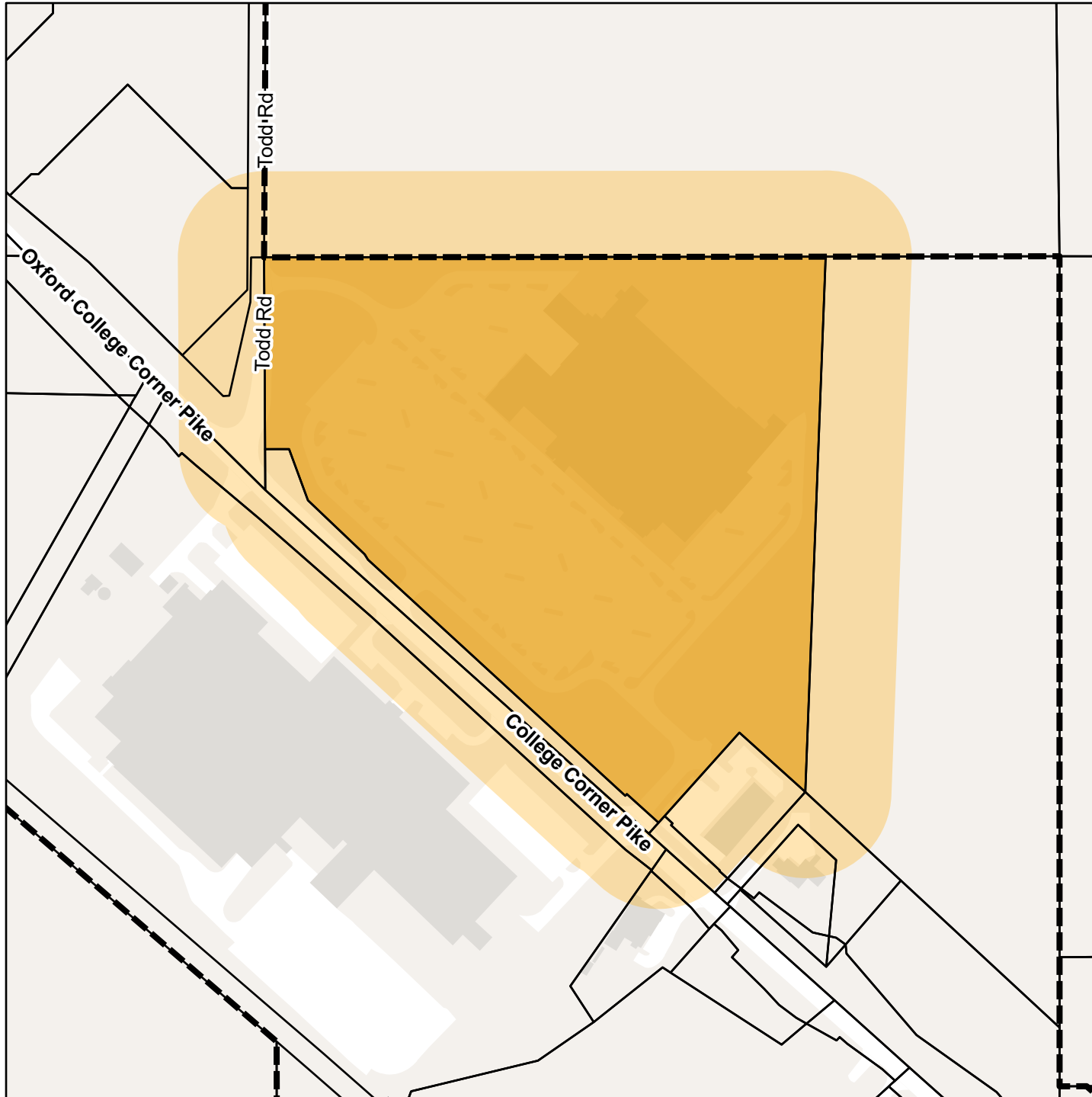
It is further moved that after considering and weighing these factors, the Board should find that practical difficulty (**is/is not**) shown sufficient to warrant granting the Variance requested, and that the Variance should be accordingly (**APPROVED / DENIED / APPROVED WITH THE FOLLOWING CONDITIONS**).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

Motion Seconded by: Mr. / Ms. \_\_\_\_\_  
Vote: Aye: \_\_\_\_\_ Nay: \_\_\_\_\_

BZA-2025-02

Surrounding Property  
Owners Map

-  Oxford Corporate Boundary
-  Parcels
-  Case Boundary
-  200 Foot Buffer



400  
Feet

Date: 8/18/2025  
12:43 PM

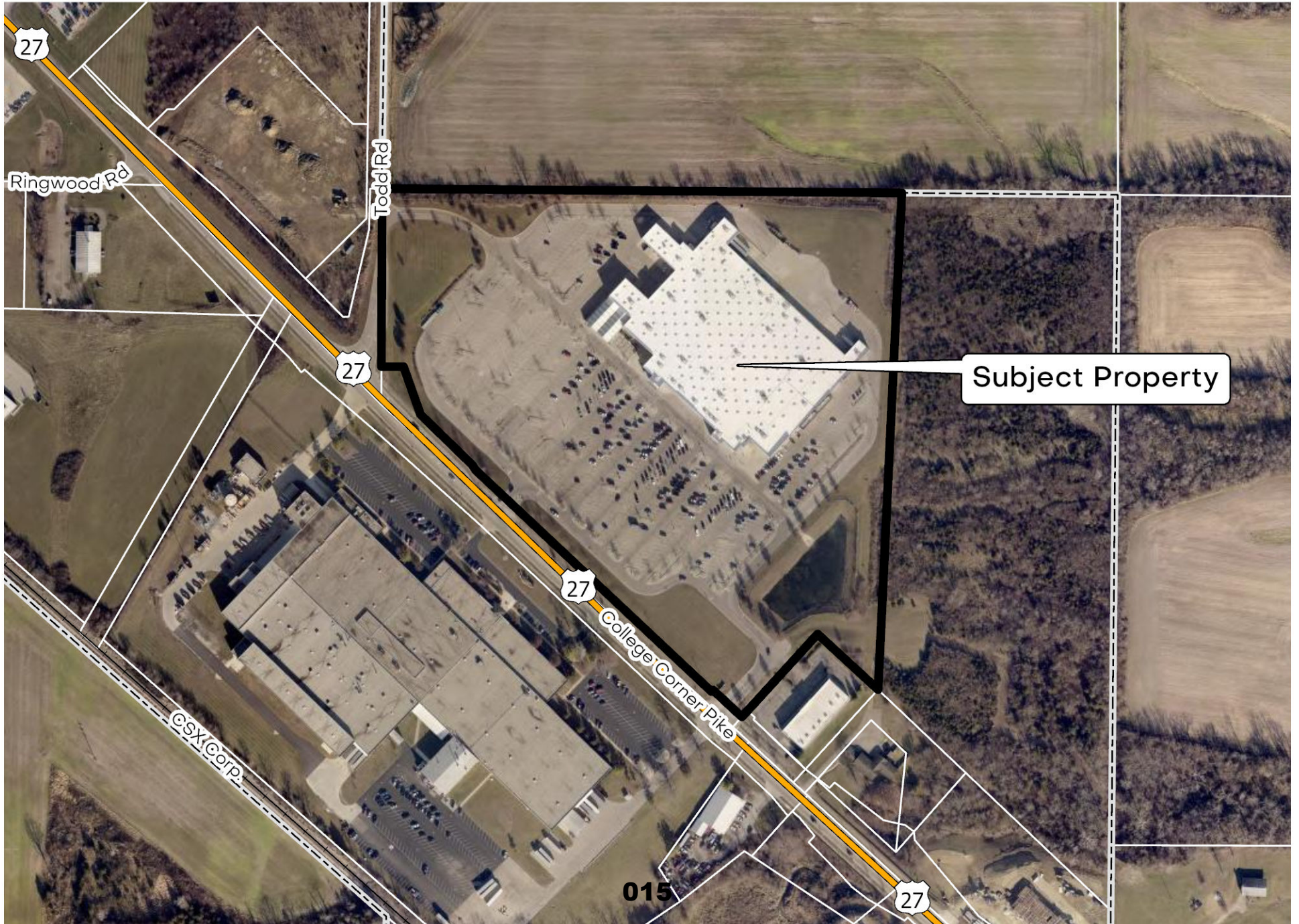
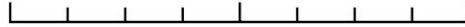


The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats, or a professional survey.

# Aerial Map

 Site

0 250 500 1,000 Feet



# Current Zoning

 Site

0 250 500 1,000 Feet





# VARIANCE APPLICATION

Please print legibly. To apply, email completed form and plans in PDF format to [commdev@cityofoxford.org](mailto:commdev@cityofoxford.org)

## BOX 1 | APPLICATION DETAILS

Property Address/Location	
Total Site Acreage	Total Building Square Footage
Project Description	
Requested Variance(s) Cite Zoning Code Sections	

## BOX 2 | APPLICANT INFORMATION

Is the applicant also the current property owner? <input type="checkbox"/> Yes (You may skip Box 3) <input type="checkbox"/> No (Do not skip Box 3, and include a <a href="#">Letter of Agency</a> with your submittal)
Applicant Name
Applicant Company Name
Mailing Address
Email Address
Telephone Number

## BOX 3 | PROPERTY OWNER INFORMATION Check if same as Applicant

Property Owner Name
Property Owner Company Name
Mailing Address
Email Address
Telephone Number

## BOX 4 | ATTACHMENT CHECKLIST Submit all contents in PDF format. No printed copies are necessary.

<input type="checkbox"/> <b>Narrative/Cover Letter</b> addressing all components required by <a href="#">Section 1139.02(a)(1)</a> – more information on Page 3 <input type="checkbox"/> <b>Site Plan(s)</b> including all details and information required by <a href="#">Section 1139.02(a)(2)</a> – more information on Page 3 <input type="checkbox"/> <b>Building Elevations</b> of any proposed or modified structures, including dimensions and exterior material details <input type="checkbox"/> <b>Floor Plans</b> of building interior(s), and/or typical floor plans if the project involves multiple residential units <input type="checkbox"/> <b>Photos</b> of existing site conditions and surroundings <input type="checkbox"/> Copy of <b>Preliminary Zoning Review</b> or <b>Permit Zoning Review</b> containing reference to Code section(s) where variance relief is now being requested  <b>Note:</b> Upon checking an application for completeness, staff may require additional information and/or materials above and beyond the items listed above in order to perform a complete evaluation for compliance with relevant Code provisions. You are welcome to contact Community Development at 513-524-5204 ahead of submission to determine whether additional items may be required.
---

**BOX 5 | APPLICANT SIGNATURE**

*As the owner or owner's agent, I hereby agree all information contained in this application is true, accurate, and complete to the best of my knowledge. I acknowledge the application will first be checked by City staff for completeness prior to determining a hearing date with the Oxford Board of Zoning Appeals. I also acknowledge that one or more signs may be placed on the subject property advertising scheduled public hearings for this application, and assume responsibility for removing signs at the completion of the hearing(s).*

**Applicant Name (Print)**

**Applicant Signature**

*Ben Dariano*

**Date**

**Processing Fee**

**The appropriate processing fee amount will be determined during a completeness check by Community Development staff.** It may take 1-2 business days for a completeness check to be performed. The applicant will receive a digital copy of a processing fee invoice via email once it is ready. Fees may be paid in-person by check or credit card in the Community Development Department located on the first floor of the Oxford Municipal Building, 15 S College Avenue, Oxford OH 45056. For credit card payments, the City accepts Visa, MasterCard, or Discover, and such payments may also be taken over the phone by calling Community Development at 513-524-5204.

## Narrative/Cover Letter Requirements

For source text see Oxford Zoning Code [Section 1139.02\(a\)\(1\)](#)

- A description of the existing uses of the site.
- The zoning district in which the site is located.
- A description of the existing and proposed use.
- For a proposed commercial use, include: (1) a description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles; and (2) the hours of operation.
- The nature and magnitude of the requested Variance.
- The Code section from which the Variance is requested.
- Separate narrative statements that explain how the proposed Variance satisfies each of the Decision Standards required to grant a variance. If multiple Variances are being requested, including a separate list of narrative statements for each Variance sought.

## Site Plan Requirements

For source text see Oxford Zoning Code [Section 1139.02\(a\)\(2\)](#)

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

## Decision Standards

For source text see Oxford Zoning Code [Section 1139.02\(c\)](#)

The Board of Zoning Appeals will consider the effect of the request on the public health, safety and welfare.

Variances shall be granted only upon a determination that **practical difficulties** exist with respect to the property in question that would render strict application of the Zoning Code unreasonable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration.

**In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors<sup>1</sup>:**

- A. Whether the property in question will yield reasonable return of whether there can be any beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

<sup>1</sup> The first seven factors are collectively known as the "Duncan standards" and are commonly referenced by municipal zoning jurisdictions in Ohio following the State Supreme Court's decision in [Duncan v Middlefield, 23 Ohio St. 3d 83 \(1986\)](#)

# LETTER OF AGENCY

To Whom It May Concern:

Please be advised that

Ben Dariano - WD Partners

---

(Applicant Name)

has permission to represent our interest with the City of Oxford regarding  
Sign variance application process.

---

(Application Description)

located at

5720 College Corner Pike, Oxford, OH

---

(Property Address/Location)

Thank you,

Mike Rutherford

---

(Property Owner Printed Name – must be a person)

Wal Mart Real Estate Business Trust

---

(Property Owner Company Name – if applicable)

*Mike Rutherford*

---

(Property Owner Signature – must correspond to printed name above)

July 10, 2025 | 07:38 CDT

---

(Date)



WDPARTNERS.COM  
7007 DISCOVERY BLVD  
DUBLIN, OH 43017  
T 614 634 7000  
F 614 634 7777

July 21, 2025

City of Oxford, OH/Board of Zoning Appeals  
c/o Mr. Zachary Moore  
15 South College Avenue,  
Oxford, OH 45056

RE: Sign Variance requests – Walmart Store #2275 (5720 College Corner Pike)

Mr. Moore:

In accordance with our recent correspondence, please include this narrative/cover letter as part of our sign variance application. The current use of the property is a Walmart Super Center on property currently zoned GB. Operations at this location include the retail sale of goods/grocery/merchandise. The uses of the subject property will remain as they are currently.

The nature of these variance requests will facilitate Walmart's needs to supply appropriate signage for this large retail building. We are seeking the following variances are part of this request:

- 1) Section 1151.02(a)(3)(A)(1) – Variance request to allow 28 wall signs
- 2) Section 1151.02(c)(4) – Variance request to allow directional signage square footage of 7.75 sq. ft. each

The current Oxford Zoning Code does not take into consideration additional signage needed for a large retail building over that of a typical small retail building/business. Walmart provides numerous services which require clear visibility of associated signage for patronage navigation/direction. We are currently proposing 658.11 sq. ft. of wall signage (of which 93 sq. ft. is for 12 new pick stall signs which are wall mounted on the side of the building) and current wall signage square footage is 553.14 sq. ft. (among 20 existing wall signs); we are only proposing an increase of 11.97 sq. ft. to existing wall signs. However, by adding pickup stall signage, the increase is a total 104.97 sq. ft. in signage, which is far less than the square footage allowed by code which would be approximately 1900 sq. ft. of wall signage.

The total number of front wall signs is 9 wall mounted signs (currently there are 7 front wall signs). The remaining signs consist of directional/wayfinding signage that is located on the side of the building. Taking into consideration the previous variance granted (Case No. BZA-07-2004 and BZA02-2005) allowing 12 wall signs, the total number of front wall signs is less than previously approved.

Based upon the information provided above and below, we would greatly appreciate the support and approval of these variance requests as:

- a. The property cannot yield reasonable return without these variances as Walmart would be unable to properly provide navigation & direction to patrons. The basis for the proposed variance is like others Walmart has encountered where zoning codes do not distinguish between small, medium and large-scale business when it applies sign regulations. While many codes contain a formula based upon length, they typically do not address the need for large-scale businesses to communicate the multiple services being offered.
- b. The variance requests are not considered substantial considering the size of the building and services offered; massing of the building coupled with setbacks creates a scalability issue as it relates to identification signage.
- c. The essential character would not be substantially altered, nor would adjacent properties suffer a substantial



detriment resulting in variance approval; this is an existing Walmart store, and the Applicant is simply proposing to update the signage on the building and site.

- d. The variance requests have no bearing on delivery of governmental services.
- e. At the time the property was purchased, it is unknown if the owner was aware of these specific restrictions.
- f. The property owner's predicament cannot be obviated by other methods other than these variance requests as the majority increase per the proposed variances is additional wayfinding signage on the site.
- g. The spirit and intent behind the zoning requirement was observed to the best of the owner's ability while maintaining the need to provide adequate signage for the property. By allowing these variances, substantial justice will be done by granting the variance requests as otherwise the property will lack functionality without the requested variances.

Thank you for considering our request. Should you have any questions, please let me know.

Sincerely,

Ben Dariano  
Sr. Mgr. Planning & Permitting  
[Ben.dariano@wdpartners.com](mailto:Ben.dariano@wdpartners.com)  
614-401-7572













Community Development Department  
Preliminary Zoning Review  
513-524-5204

July 16, 2025

Kimberly McBrayer  
WD Partners  
7007 Discovery Blvd  
Dublin, OH 43017-3218

VIA EMAIL:  
kimberly.mcbrayer@wdpartners.com

**RE: Preliminary Zoning Review for 5720 College Corner Pike (Walmart) – Signage Update**

Dear Ms. McBrayer:

As requested, I have reviewed your plans received July 10, 2025 for new and updated signage devoted to the Walmart store located at 5720 College Corner Pike in Oxford, Ohio. The purpose of this letter is to deliver comments resulting from review of the plans for compliance with the Oxford Zoning Code.

This is only a preliminary review based upon the details currently known or provided. A [Sign Permit application](#) is required to be submitted and approved by the City prior to commencing any installation of signs. Any differences in plans submitted at the time of Permit review may reveal new or revised comments different than those appearing below. This review only observes compliance with respect to the local Zoning Code, and not to any other codes or regulations, including but not limited to the local Property Maintenance Code or Ohio Building Code.

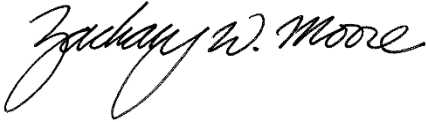
Preliminary comments on submitted plans are as follows:

1. The Walmart store located on this site received its original building permit in June 2004 and completed construction sometime in 2005. The first package of signs was authorized via Variance approval by the Oxford Board of Zoning Appeals, circa 2004 (Case No. BZA-07-2004). An additional tenant sign for CHACO Credit Union was authorized by the BZA in 2005 (Case No. BZA-02-2005), but this particular sign has since been removed from the building. Altogether, throughout the site’s entire case history, the BZA has approved a grand total of up to 12 wall signs to be installed on the building.
2. The latest Sign Permit for a store rebranding (Permit No. P2023-0016) was issued January 30, 2023. The applicant for this permit was A-Plus Signs, c/o Edward Thompson, though the plans had been prepared by MS Consultants Inc. The application comprised a total of eleven (11) wall signs, as well as copy changes to the freestanding monument sign located near the signalized intersection on College Corner Pike across from Schneider Electric. The 2023 permit was able to be approved and issued administratively because it was in keeping with the total number of signs authorized via prior BZA approvals in 2004-2005.
3. The table appearing at the end of this letter summarizes the details of the comprehensive sign package previously authorized in 2023, together with details on pickup zone parking stall signs known to exist at the present time along the eastern/right side of the building. These details are then compared directly with the details of the currently proposed sign package, as is illustrated in the submitted plans from WD Partners. A summary of code deficiencies is provided below:
  - a. **Section 1151.05(c)(4)** provides that for any nonresidential use in any district, the site may have *any number of wall or freestanding signs ... to describe intended direction of vehicular travel on-site*, provided such signs are no more than two (2) square feet in area and no higher than four (4) feet. The twelve (12) pickup stall signs, which are sized 5 feet tall by 1.5 feet wide (7.5 square feet in size), are in excess of these standards. Any signs exceeding these limits are counted toward the overall number of wall signs, as addressed in (b.).

- b. **Section 1151.05(a)(3)(A)(1)** provides that a single-tenant site shall have no more than a total of two (2) wall or freestanding signs. The effective limit for the Oxford Walmart is of course much greater, having been granted permission through prior BZA approvals for one (1) freestanding sign along with no more than twelve (12) wall signs.
- i. The most recent approval, via Permit No. P2023-0016, is for eleven (11) total wall signs.
  - ii. A total of nine (9) pickup stall signs were installed without permission along the eastern/right side of the building, bringing the total number of existing on-site wall signs to twenty (20).
  - iii. The submitted plans propose a total of twenty eight (28) wall signs, inclusive of nine (9) signs on the front/main façade, seven (7) signs devoted to the auto center located toward the rear, and twelve (12) pickup stall signs on the western/left side of the building. Even if the pickup stall signs were reduced in size to comply with the standards noted in (a.) above, the total number of signs (16 total) would still exceed the maximum of twelve (12) previously allowed by the BZA.

Should you have any questions concerning preparation of a [Variance application](#) in response to these comments, please feel free to contact me. The next available hearing date with the Board of Zoning Appeals (BZA) is August 26, and the deadline for an application to be heard on this date is July 25.

Respectfully,



Zachary Moore, AICP  
City Planner / GIS Coordinator  
[zmoore@cityofoxford.org](mailto:zmoore@cityofoxford.org)  
513-524-5204

Sign No.	Content/Description	Sign Height	Sign Area	2023 Sign No. (Closest Match)	
<b>REBRANDING (Permit No. P2023-0016)</b>					
<b>Front Elevation</b>					
1	<i>Outdoor</i>	2 ft 0.75 in.	21.83 sf		
2	< <i>Auto Care</i>	1 ft 6.25 in.	16.54 sf		
3	<i>Home &amp; Pharmacy</i>	2 ft 8.5 in.	61.76 sf		
4	<i>Walmart [+ Spark]</i>	8 ft	301.18 sf		
5	<i>Grocery</i>	2 ft 8.5 in.	26.66 sf		
6	<i>Pickup &gt;</i>	3 ft 4 in.	41.07 sf		
<b>Auto Center</b>					
7	<i>Auto Care</i>	2 ft 3/8 in.	14.12 sf		
8	(4) <i>Tire</i>	2.5 ft	17.5 sf		
9	(3) <i>Tire</i>	2.5 ft	17.5 sf		
10	(2) <i>Oil Change</i>	2.5 ft	24.25 sf		
11	(1) <i>Oil Change</i>	2.5 ft	23.75 sf		
<b>Total Sign Area</b>			<b>566.16 sf</b>		
<b>Total Number of Signs</b>			<b>11</b>		
<b>SIGNS INSTALLED WITHOUT A PERMIT</b>					
<b>Pickup Zone</b>					
12	<i>Pickup [Stall Sign]</i>	2.5 ft	7.5 sf		
13-20	<i>Pickup [Stall Sign] x 8</i>	2.5 ft	60 sf		
<b>Total Sign Area</b>			<b>67.5 sf</b>		
<b>Total Number of Signs</b>			<b>9</b>		
<b>LATEST PROPOSAL</b>					
<b>Front Elevation</b>					
1	← <i>Pickup</i>	2.5 ft	51.33 sf	6	
2	<i>Auto Care</i>	1.5 ft	19.98 sf	2	
3	<i>Outdoor</i>	2 ft	24.96 sf	1	
4	<i>Pharmacy</i>	2 ft	34.84 sf	NEW	
5	<i>Home &amp; Fashion</i>	2 ft	47.11 sf	3	
6	<i>Vision</i>	1.5 ft	10.26 sf	NEW	
7	<i>Walmart</i>	5 ft	138.97 sf	4	
8	[ <i>Spark</i> ]	8 ft 7 in.	74.21 sf	4	NEW (due to separation)
9	<i>Grocery</i>	2 ft	27.49 sf	5	
<b>Auto Center</b>					
10	<i>Auto Care</i>	2 ft	28.16 sf	7	
11	(4) <i>Tire</i>	2.5 ft	18.25 sf	8	
12	(3) <i>Tire</i>	2.5 ft	18.25 sf	9	
13	(2) <i>Oil Change</i>	2.5 ft	27.5 sf	10	
14	(1) <i>Oil Change</i>	2.5 ft	27.5 sf	11	
15	(5) <i>Tire</i>	2.5 ft	18.25 sf	NEW	
16	(6) <i>Tire</i>	2.5 ft	18.25 sf	NEW	
<b>Pickup Zone</b>					
17	<i>Pickup [Stall Sign]</i>	5 ft	7.5 sq ft	12	
18-28	<i>Pickup [Stall Sign] x 11</i>	5 ft	82.5 sq ft	13-20 (x 8)	NEW (x 3)
<b>Total Sign Area</b>			<b>675.31 sf</b>		
<b>Total Number of Signs</b>			<b>28</b>		

# STAFF REPORT

Community Development | Board of Zoning Appeals

**APPLICATION DETAILS**

<b>Appellant</b>	Weisman Enterprises Holdings, Inc. (Lessee/Operator), c/o Mark Weisman
<b>Attorney</b>	Jack F. Grove, Attorney for Appellant
<b>Property Owner</b>	36 East High Street LLC, c/o Benjy Federbush
<b>Location</b>	36 E High Street
<b>Action Request</b>	Appeal of Administrator’s Decision
<b>Zoning Code Sections Appealed</b>	<p><i>Section 1137.10(b)(3)</i> – legal nonconforming designation for signs is not lost due to general maintenance, changeable marquees, or face or copy changes</p> <p><i>Section 1137.10(c)(1)*</i> – repair of nonconforming signs is permitted, expressly mentioning <i>replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices.</i></p> <p><small>*In the submitted application, the Appellant misquotes this provision as <i>Section 1137.10(b)(2)(c)</i>, which does not exist. The correct section number was able to be discerned based upon the description appearing thereafter.</small></p>
<b>Lot Size</b>	9,583 square feet
<b>Lot Frontage</b>	72.6 feet on E High Street
<b>Current Use</b>	Entertainment/Music Venue (Brick Street)
<b>Current Zoning</b>	UP Uptown District; Uptown Historic Overlay District
<b>Surrounding Land Uses</b>	Church (Oxford United Methodist) to the north; Oxford Police Department headquarters to the southeast; mix of uses (commercial/residential) in all other directions

**BACKGROUND**

This case involves a proposal to replace two manual changeable copy signs on the marquee in front of Brick Street, a live music entertainment venue that had historically been used as a movie theater. The two existing signs are considered non-conforming due to using a direct illumination method, exceeding the maximum allowable number of signs for the business, and exceeding the usual sign height limit of 3 feet (though only

by a half foot). The appellant claims replacing these signs with two new electronic message boards (EMBs) is considered normal maintenance, and should be permitted. The Zoning Code does not permit moving, flashing, or animated signage, nor does it permit electronic changeable copy except in the case of fuel pricing. Additionally, the method of direct illumination for signs (where the source of illumination is concealed within the sign itself) is not permitted within the Uptown (UP) zoning district. The appellant challenges the determinations of the Zoning Administrator through this appeal request to the BZA. Please see the enclosed documentation from Mr. Grove, Attorney for the Appellant, which includes a complete application and narrative.

## **PUBLIC COMMENTS**

Notification was mailed to property owners within 200 feet and a sign was placed on the property. Any person who has standing on the matter may attend the hearing to provide testimony to the Board, and may indicate whether they are a proponent or opponent of the requested appeal. Such individuals must attend the hearing in-person so that there is an opportunity for cross-examination.

## **STAFF COMMENTARY**

The building situated on this site was originally constructed in 1938, as the Miami-Western Theater. The name was chosen to reflect the two colleges in operation in Oxford at the time – Miami University, and Western College for Women. According to the Smith Library of Regional History, the theater – which exemplifies an Art Deco architectural style – remained in operation until 1988. The building was purchased in 1993 and converted into a restaurant called First Run. The name was later changed to Brick Street in 2004.

At present, a total of five (5) wall signs exist on the front façade along E High Street; these include two (2) manual changeable copy cabinets on either side of the marquee; one (1) neon sign (“FOOD MUSIC FUN”) in the middle of the marquee; and two (2) cabinet signs on building walls to the left and right of the marquee.

The existing assembly of signage at this location is considered non-conforming, for a variety of reasons:

- The number of wall signs exceeds the maximum of one (1) allowed per nonresidential occupant, per **Section 1151.05(a)(2)(A)(1)**.
- All signs utilize direct illumination, which is not a permitted method of illumination in the Uptown (UP) zoning district per **Section 1151.05(a)(2)(B)**. “Direct illumination” is defined in **Section 1151.07(q)** as *a source of illumination enclosed entirely within a sign and not directly visible from outside of the sign*.
- The existing marquee cabinets are shown to be three (3) feet, five (5) inches in height, which slightly exceeds the maximum height of three (3) feet for wall signs in the UP zoning district per **Section 1151.05(a)(2)(1)(a)**.

The Community Development Department has record of three (3) past sign permit applications for the subject property. The first permit application (No. 2013-212) was approved in 2013, for copy changes to the two cabinet signs to the left and right of the marquee. The second permit application (No. P2022-0212) was submitted by Klusty Sign Associates in June 2022, requesting replacement of the marquee cabinets with LED electronic message boards (EMBs); in essence, nearly identical to the present request. The 2022 permit received a zoning denial, and ultimately did not progress to approval or issuance. The third permit application (No. P2025-0320), submitted by Weisman Enterprise Holdings, is the subject of the present Appeal.

The subject permit application proposes removal of the two existing manual changeable copy cabinets on the marquee and replacement of each with a brand new electronic message board (EMB) utilizing light emitting diode (LED) technology and measuring 3’5” high by 14”3” wide. These two EMBs would essentially be large, full color screens capable of being remotely programmed via a cloud-based platform, as opposed to having messages changed manually by hand. The cover letter included with the application cited **Section 1137.10(c)(1)** [mistakenly cited as **Section 1137.10(b)(2)(c)**] which addresses maintenance and repair of

nonconforming signs. The applicant claimed that “direct lighting is maintained as a non-conforming use” and that the work proposed qualified as normal maintenance.

**Section 1137.10(c)(1)** provides that existing nonconforming signs may undergo “normal maintenance,” citing examples such as *painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices*. Furthermore, the Code states that *a non-conforming sign shall not be structurally altered to prolong the life of the sign*. It was staff’s interpretation that the proposed upgrade to LED displays surpassed the notion of “normal maintenance,” therefore resulting in a denial of the permit application.

Attached to this staff report are copies of the 2022 and 2025 permit applications and associated sign plans, along with corresponding zoning denial letters. In summary, these letters reference the following concerns:

- Replacement of directly-illuminated cabinets with LEDs is unable to be permitted as “normal maintenance.”
- Direct illumination is not allowed in the Uptown (UP) District.
- Flashing and animated signage is prohibited in all zoning districts.
- The Signage Chapter (1151) is considered prescriptive, meaning only those signs expressly mentioned in the Code are permitted. “Changeable Copy” signs are defined, but only mentioned one time in the main text of Chapter 1151 in reference to fuel pricing. In practice, following a 2010 BZA case, this has meant that electronic displays are not considered to be a permitted sign type unless attributed to fueling stations to display the price of fuel.\*

\*Staff agrees with the Appellant’s attorney that regulating signage in this manner constitutes a content-based restriction. The existing language in Chapter 1151 was composed at a time that pre-dates the Supreme Court’s decision in *Reed v. Gilbert* (2015). Obviously, local zoning regulations do not automatically experience updates following every new development in case law, but it is clear in this case that the Code is long overdue for amendments to ensure application of standards is done in a constitutional, content-neutral manner. In the meantime, it would be prudent for the City to enforce its existing rules – which although content-based on their face, can be enforced in a content-neutral way. For example, if a sign were installed to display the price of cigarettes using numerical characters (1, 2, 3, 4 ...), it should be permitted despite the Code literally specifying that such pricing is meant exclusively for fuel.

## BOARD AUTHORITY

Oxford Zoning Code **Section 1129.11** provides that the *Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In exercising its powers to review administrative decisions, the Board may (...) reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as the Board of Zoning Appeals determines, and to that end shall have the powers of the office from whom the appeal is taken.*

SUBMITTED BY:



-----  
**Zachary Moore, AICP**  
City Planner / GIS Coordinator

DATE: September 11, 2025

**BZA MOTION FOR APPEALS**

With regard to the Request for # **BZA-2025-03**, being an Appeal of the Zoning Administrator's interpretation of Oxford Zoning Code Sections 1137.10(b)(3) and 1137.10(c)(1) pertaining to allowable maintenance activities related to nonconforming signs:

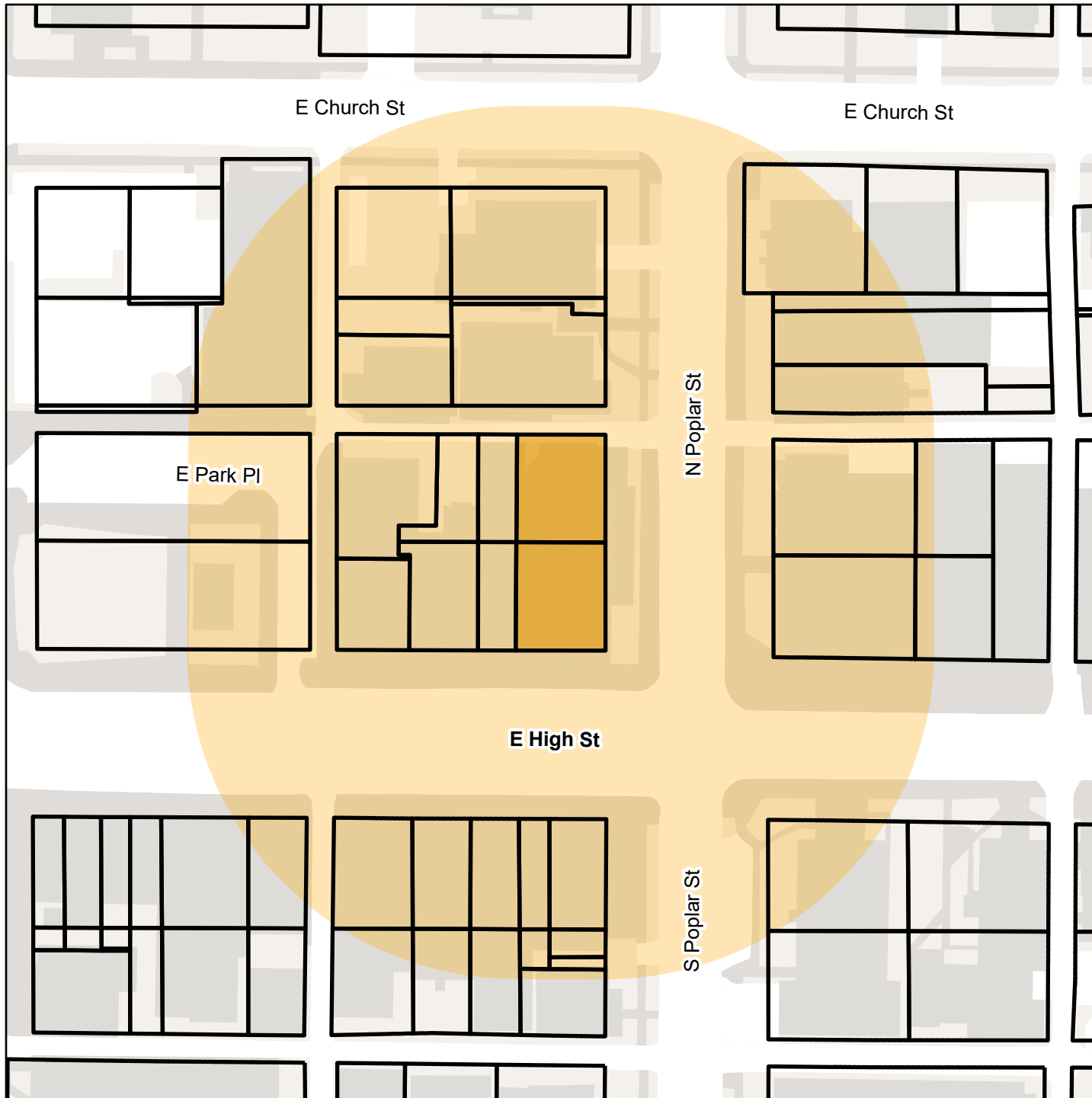
Mr./Ms. \_\_\_\_\_ hereby moves that the Board (**affirm / reverse**) the Zoning Administrator's determination on the basis that \_\_\_\_\_.

Motion Seconded by: Mr. / Ms. \_\_\_\_\_.

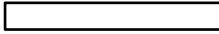
Vote: Aye\_\_\_\_\_ Nay:\_\_\_\_\_

**BZA-2025-03**  
**Surrounding Property Owners Map**

-  Oxford Corporate Boundary
-  Parcels
-  Case Boundary
-  200 Foot Buffer



100  
Feet




Date: 9/3/2025  
3:58 PM



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

# Aerial Map

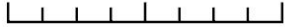
 Site

0 25 50 100 Feet  




# Current Zoning

 Site

0 25 50 100 Feet  






# ADMINISTRATIVE APPEAL APPLICATION

Please print legibly. To apply, email completed form and plans in PDF format to [commdev@cityofoxford.org](mailto:commdev@cityofoxford.org)

## BOX 1 | APPLICATION DETAILS

Property Address/Location 36 East High Street, Oxford, Ohio 45056	
Total Site Acreage .1700	Total Building Square Footage 7,569 GBA per Auditor
Project Description Maintenance-Replacement Signage on Marquee	
Requested Appeal(s) Oxford Ord. 1129.11 based upon administrator error in denial of permitted sign maintenance under Ord. 1137.10(b)(2)(c) for replacement of damaged surface panels and replacement of electrical wiring or electrical devices. Ord.1137.10(b) <u>Loss of Nonconforming Status</u> (3) the provision does not apply to general maintenance, changeable marquees, or face or copy changes. Electronic copy change is permissible. The appeal involves Appellant’s lawful nonconforming use, signage on nonconforming marquee located on historic structure.	
Cite Zoning Code Sections	

## BOX 2 | APPELLANT INFORMATION

Is the appellant also the current property owner? <input type="checkbox"/> Yes (You may skip Box 3) <input checked="" type="checkbox"/> No (Do not skip Box 3, and include a <a href="#">Letter of Agency</a> with your submittal)
Appellant Name Jack F. Grove, Attorney for Appellant
Appellant Company Name Weisman Enterprises Holdings, Inc. (Lessee/Operator)
Mailing Address 1251 Nilles Rd., Suite 10, Fairfield, Ohio 45014
Email Address jgrove1251@gmail.com
Telephone Number Office: (513) 829-2900. Cell: (513) 839-0749

## BOX 3 | PROPERTY OWNER INFORMATION    Check if same as Appellant

Property Owner Name Benjy Federbush
Property Owner Company Name 36 East High Street, LLC
Mailing Address 185 Varick Street, New York, NY 10014
Email Address bwf@varickrealty.com
Telephone Number (917) 776-4367

## BOX 4 | ATTACHMENT CHECKLIST    Submit all contents either in PDF format, or as 8.5”x11” sized prints.

<input checked="" type="checkbox"/> Narrative/Cover Letter addressing all components required by <a href="#">Section 1129.11</a> – more information on Page 3 <input checked="" type="checkbox"/> Copy of Preliminary Zoning Review or Permit Zoning Review containing reference to Code section(s) which are the subject of the administrative appeal
---

## BOX 5 | APPELLANT SIGNATURE

<i>As the owner or owner’s agent, I hereby agree all information contained in this application is true, accurate, and complete to the best of my knowledge. I acknowledge the application will first be checked by City staff for completeness prior to determining a hearing date with the Oxford Board of Zoning Appeals.</i>
---

Appellant Name (Print) Weisman Enterprises Holdings, Inc.

Appellant Signature

*by Jack F. Snow, Attorney for Appellant*

Date 7/28/2025

## Processing Fee

The appropriate processing fee amount will be determined during a completeness check by Community Development staff. It may take 1-2 business days for a completeness check to be performed. The applicant will receive a digital copy of a processing fee invoice via email once it is ready. Fees may be paid in-person by check or credit card in the Community Development Department located on the first floor of the Oxford Municipal Building, 15 S College Avenue, Oxford OH 45056. For credit card payments, the City accepts Visa, MasterCard, or Discover, and such payments may also be taken over the phone by calling Community Development at 513-524-5204.

## Required Documentation For source text see Oxford Zoning Code Section 1129.11

An aggrieved party has a right to appeal any decision of the City of Oxford Zoning Administrator.

The Oxford Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

In exercising its power to review administrative decisions, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as the Board determines, and to that end shall have the powers of the office from whom the appeal is taken.

The appeal shall:

- (1) Cite specific provisions of the Oxford Zoning Code that are alleged to have been interpreted in error or the specific decisions or action being appealed, and the grounds on which the appeal is being made;
- (2) Include any required application fee in an amount set by the City;
- (3) Include such other information as the City or the Board may reasonably require; and
- (4) Include a statement as to why the appellant has standing<sup>1</sup> to pursue the appeal from the administrative action by a statement of the way in which the administrative action adversely affects the appellant.

<sup>1</sup> The private litigant has standing to complain of harm which is unique to himself. In contrast, a private property owner across town, who seeks reversal of the granting of a variance because of its effect on the character of the city as a whole, would lack standing because his injury does not differ from that suffered by the community at large. The latter litigant would, therefore, be unable to demonstrate the necessary unique prejudice which resulted from the board's approval of the requested variance. Willoughby Hills v. C. C. Bar's Sahara, 64 Ohio St. 3d 24, 27 (Ohio 1992)

# LETTER OF AGENCY

To Whom It May Concern:

Please be advised that

Jack F. Grove, Attorney for Weisman Enterprises Holdings, Inc.  
(Lessee/Operator)  
\_\_\_\_\_  
(Applicant Name)

has permission to represent our interest with the City of Oxford regarding

Appeal of Administrator's Denial of application for signage maintenance/replacement of Brick  
Street marquee  
\_\_\_\_\_  
(Application Description)


located at

36 E. High Street, Oxford, Ohio 45056  
\_\_\_\_\_  
(Property Address/Location)

Thank you,

Benjy Federbush  
\_\_\_\_\_  
(Property Owner Printed Name – must be a person)

36 East High Street, LLC  
\_\_\_\_\_  
(Property Owner Company Name – if applicable)

  
\_\_\_\_\_  
(Property Owner Signature – must correspond to printed name above)

7/25/25  
\_\_\_\_\_  
(Date)

**WEISMAN ENTERPRISES  
HOLDINGS, LLC**

**APPELLANT**

**APPEAL OF ADMINISTRATOR'S  
DECISION**

**APPELLANT'S NARRATIVE**

**INTRODUCTION**

Appellant, Weisman Enterprises Holdings, Inc. is the long-time operator of Brick Street located at 36 High Street, Oxford, Ohio. Weisman seeks to replace signage on the marquee. The existing materials are showing signs of aging and deterioration and the marquee is in need of maintenance. In addition, replacement letters for the existing marquee copy are no longer available due to obsolete technology. The proposed replacement sign facia and electronic technology represent a significant upgrade and reinvestment in the structure.

Brick Street is a former theater (built in 1938); it originally operated as the Miami Western Theater and photos were submitted with the application for historic reference.

After the movie theater was no longer operated around 1993, the building was repurposed for a restaurant/bar and operated under the name of First Run. Brick Street was founded in 2004 and operates as a bar and entertainment venue for Miami University students.

The marquee on the former theatre building is a lawful, non-confirming use, as is the direct lighting signage mounted thereon. The marquee signage is used to promote the business enterprise and to feature upcoming events. In addition, it is available for public service, for recognition, and for promotion of community activities and university functions.

## **HISTORIC DISTRICT/ARCHITECTURE STYLING**

The subject property is located in an historic district and the structure is featured in the inventory of historical buildings in the Mile Square. According to the inventory, the architectural style is Art Moderne (also called streamline moderne) which evolved from Art Deco in the 1930's. The forward-thinking trend embraced technological advancement associated with the industrial era in use of materials in new and imaginative ways. Stucco, chrome and glass blocks are characteristic elements. The style was the first to incorporate electric light into the architectural structure. Neon lighting as decoration and lighted marquee are characteristic. Commercial buildings for the period including movie theatres were common applications of this architectural style. The marquee (in place for over 8 decades) most certainly has historical significance and deserves preservation and continued functionality.

As the name Art Moderne suggests, this architectural movement favored modernization over use of traditional design elements. Direct lighting of the marquee is in keeping with the original architectural styling and is true to the Art Moderne movement. Bricks Street is a rare example of the period architecture and is uncharacteristic of other historic structures located in the uptown historic district. This structure has had renovations and other improvements, most recently a side sky deck along North Poplar Street. This is a departure from the original architectural style. The later adaptations improved functionality for current operations.

## **SIGNAGE GENERALLY**

The Oxford zoning ordinance regulates signage generally under §1151.03, and as well, nonconforming signage under §1137.10. Among the purposes of signage regulation are aesthetics, safety and preservation of significant architectural and cultural resources. §1151.01(a)(2), (5) and (9).

Signage illumination receives significant attention. The direct lighting associated with the marquee is both nonconforming and of historical significance. The signage on the marquee was designed and used for “changeable copy.” By definition the Ord. 1157.01(e) reads:

Changeable Copy Sign – a sign or parts thereof with characters, letter or illustration that can be changed or rearranged by mechanical, electronic or manual means.

The proposed replacement upgrades method of change to electrical means according to technological advancement while preserving the architectural structure and historic nature of the marquee. The marquee will still perform its same essential functions.

In other respects, the sign regulation does not control or distinguish lighting source, e.g. incandescent, fluorescent, neon, halogen or LED (light emitting diode). Color is not regulated. Content is somewhat controlled but municipal regulation is qualified by first amendment freedoms involving commercial free speech – referred to as expression related to economic interest and promoting commercial transaction. See, *Tipp City v. Dakin*, 2010-Ohio-1013, 929 N.E.2d 484 (2<sup>nd</sup> District) para. 31.<sup>1</sup> The Court of Appeals determined that the *Tipp City* sign regulation violated commercial free speech and constituted a civil rights violation, which qualified for recovery of attorney fees. In the *Tipp*

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<sup>1</sup> Appeal not accepted 120 Ohio St.3d 1544 (2010).

*City* case, a mural facing I-75 was determined to be protected commercial speech such as an illustration or other image in changeable copy. Brick Street's marquee deserves the same constitutional protections.

Content based municipal sign regulations are subject to strict scrutiny. *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 135 S. Ct. 2218, 192 L.Ed. 236 (2015)<sup>2</sup>. Because commercial free speech is a protected First Amendment right, special accommodation of fuel centers to benefit from electronic changeable copy signs in contrast to the denial at Brick Street does not pass constitutional muster. Event promotion at Brick Street should not be disfavored compared to fuel price signage. The distinction unfairly favors a different industry sector and the mistreatment shown in the denial letter and city past practice do not pass strict scrutiny. As a final point, Zach Moore's opinion is unsubstantiated by legal authority (he lacks legal training to render expert legal opinion) which explains misinterpretation of the regulatory scheme and misapplication of changeable copy signage.

#### **MAINTENANCE=REPLACEMENT**

Under Ordinance §1151.02(d) sign maintenance is an affirmative duty. Signage is not permitted to remain in disrepair, missing parts and illegibility requires maintenance per the ordinance. Because needed parts are no longer available, the Appellant is confronted with a dilemma. The ordinance works at cross purposes in serving competing priorities. Maintenance is separately addressed under non-confirming signs. The ordinance speaks to permitted maintenance which is the objective of Appellant's

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<sup>2</sup> Deciding constitutional issues is beyond the authority of the Board of Zoning Appeals. The issue is presented to preserve the matter for subsequent review as may become necessary.

application. "Maintenance" with respect to con-conforming signs is specifically defined to allow for replacement.

Replacement does not cause loss of nonconforming status under §1137.10(b)(3) which contains an express exception for "general maintenance, changeable marquees or face or copy changes." §1137.10(c)(1) specifically allows:

Normal sign maintenance shall be permitted, which includes painting chipped or faded signs, replacement of faded or damaged surface panels; or repairs replacement of electric wiring or electrical devices.

The stated examples of permitted maintenance are merely inclusive, but not all inclusive. In other words, the reasons for replacement are not exclusive as to all justifications requiring maintenance and enhancement. The proposed replacement does not involve structural alteration of the marquee as an architectural feature and its preservation is preferred. The change to LED technology is by no means prohibited and the ordinance does not impose a "like for like" requirement as indicated in the denial letter at #2. That is regulatory overreach. The ordinance contains no such language.

Furthermore, with respect to changeable copy addressed at #3, a marquee by its nature involves changeable copy. The historic application is not restricted to fuel pricing. As previously explained, mechanical, electronic and manual means are interchangeable. The proposed LED display applies electronic technology. The application stipulates that the replacement signage will comply with the regulation of flashing signs which prohibits changeable illumination within a 2-hour interval. Ord. 1157.01(k).

## **SAFETY**

Manual copy change on the marquee face requires the use of a ladder. On November 6, 2016, Brick Street employee, Robert Null, was toppled from a ladder when

changing copy, and he spilled to the sidewalk suffering serious head trauma with seizures along with internal injuries. He was care-flight transported to UC Health due to severity of the injuries, which resulted in permanent damage.

According to the American Ladder Institute, over 500,000 people are treated annually for ladder-related injuries. Many of these incidents occur in the workplace, particularly in construction, maintenance and repair. Consequently, ladder accidents are regarded as significant safety concerns. The Administrator's denial report does not address safety. Electronic means of copy change in lieu of manual change with use of a ladder is obviously the safer alternative.

## **ECONOMIC DEVELOPMENT**

Brick Street is a viable and venerable enterprise and a magnet for economic activity in Oxford's uptown business district. Brick Street serves an important niche in providing name entertainment and the establishment receives perennial recognition at Miami University commencement ceremonies for its contribution to the student social scene. Brick Street hosts around 270,000 patrons annually and a busy weekend turns over close to 5,000 patrons. Brick Street has gained national recognition and is an important cultural resource operating in the present.

The denial contravenes goals expressed in Oxford's new economic Development Plan which calls for an environment that supports local entrepreneurs. "Zoning flexibility" is stressed as a key recommendation for attracting investment dollars. The denial is deprivatory and hurts the business and demonstrates unreasonable zoning inflexibility. There is a disconnect between economic goals and the administrator's unduly restrictive interpretation which would disallow a costly upgrade and enhancement to the marquee.

Replacement signage fulfills the original intended purpose of business promotion incorporated directly into the structure. Implementation of new technology and use of new materials are consistent with the Art Moderne movement.

## **PROPERTY RIGHTS**

Signage – in particular commercial signage – is a valuable property right due to its positive impact on business viability, branding, and operational success, over and above the direct cost of installation, maintenance and repair. Signage is a fixed cost with intangible benefits. Lawful, nonconforming signage is a vested right that runs with the real property. The iconic marquee is meant to be a functional component of the commercial architecture consistent with original purpose and styling.

Under the vested rights doctrine a lawful, nonconforming use is a valuable property right that would be rendered meaningless if a local government were to abrogate that right by refusing a permit allowing performance of required maintenance. See generally, *Weinstein, et al.*, Ohio Planning Zoning Law, 2025 Ed. §7.4. The Administrator failed to demonstrate legally adequate reasons to disallow continued use of direct lighting, changeable copy signage on the marquee which has endured for decades.

Preservation of the cultural resource with replacement materials affords protection of vested rights.

## **STANDING**

Appellant, Weisman Enterprises Holdings, Inc., is the Applicant disadvantaged by the denial and is the immediate party in interest with standing to bring this appeal.

## CONCLUSION

Various ordinance sections governing signage, nonconforming signage and marquee changeable copy read *in pari materia* demonstrate that the replacement signage is a matter of right, and the proposed replacement does not result in loss of lawful, nonconforming status. Electronic means of changeable copy is a technological advancement. The replacement will be a safer (avoiding the use of a ladder in a high traffic and pedestrian area), aesthetically pleasing, and will allow preservation of historic and culturally significant use. For these reasons, Appellant, Weisman Enterprises Holdings, Inc., urges the BZA to reverse the Administrator's denial and to grant the Application.

Respectfully Submitted



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Jack F. Grove OSR NO. 0012508  
Attorney for Appellant,  
Weisman Enterprises Holdings, Inc.  
1251 Nilles Road, Suite 10  
Fairfield, Ohio 45014  
Telephone: (513) 829-2900  
Email to [jgrove1251@gmail.com](mailto:jgrove1251@gmail.com)



# SIGN PERMIT APPLICATION\*

Permit App No. P2025-0320

Please print legibly. To apply, email completed form and plans in PDF format to [commdev@cityofoxford.org](mailto:commdev@cityofoxford.org)

## BOX 1 | APPLICATION TYPE (Required) *Select all that apply*

Freestanding Sign  
  Wall Sign  
  Face/Copy Change  
  Other (Describe) \_\_\_\_\_

## BOX 2 | PERMIT DETAILS

<b>Work Location Address(es)</b> (Required)	36 E High St, Oxford, OH 45056	<b>Estimated Job Cost</b> (Required)	\$70,000
<b>Please describe the work to be done in detail</b> (Required)	Marquee face change to include replacement of old surface panels (both sides) and replacement of electrical wiring and electrical components. The work qualifies as permitted maintenance. Ord. 1137.10(b)(2)(c).		

## BOX 3 | PROJECT DETAILS *If submitting for multiple signs, provide information below per sign on separate sheet*

<b>Sign Width in Feet</b> (Required)	14'-3" (each side)	<b>Sign Height in Feet</b> (Required)	3'-5" (each side)	<b>Sign Size in Sq. Ft.</b> (Required)	48.68 sq ft (per side)
<b>Projection of Sign from Building in Feet</b> (Required for Wall Signs)	existing historical marquee	<b>Elevation of Sign from Ground in Feet</b> (Required)	12'	<b>Is electrical service required?</b> (Required) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Liability Insurance Company</b> (Required)	TWFG Wade Insurance		<b>Insurance Company Phone</b> (Required)	937-748-2651	

**Illumination Method** (Required) *Select one.*

Direct Illumination – A source of illumination enclosed entirely within a sign and not directly visible from outside of the sign  
 Indirect Illumination – A source of illumination directed toward a sign so that a beam of light falls on the exterior surface of the sign  
 Natural Illumination – Illumination provided only by the sun, moon, and other broad environmental sources such as street lights, parking lot lights, and building lights and not provided with direct or indirect illumination

## BOX 4 | CONTACT INFORMATION & SIGNATURE

PERSON	NAME	ADDRESS	PHONE	EMAIL
Applicant (Required)	Weisman Enterprise Holdings	36 E High St, Oxford, OH 45056	513-255-2851	mw120396@gmail.com
Property Owner (Required)	36 East High Street LLC	185 Varick St, New York, NY 10014		bwf@varickrealty.com
Contractor	Klusty Sign Associates	3160 E Kemper Rd, Cincinnati, OH 45241	513-772-4500	a.higgins@klustysa.com

*As the owner or owner's agent, I hereby agree all information contained in this application is true, accurate, and complete, and I will install the work written above in compliance with the laws of the State of Ohio and with the City of Oxford Building, Zoning, and other related codes. I also acknowledge it is the owner's responsibility to verify the location of property lines to ensure proper setback distances are followed when installing new structures on the property.*

**Applicant Signature** (Required) 
**Date** (Required) 1/8/25

SPACE FOR OFFICE USE ONLY

Cover Letter

Certificate of Appropriateness Application

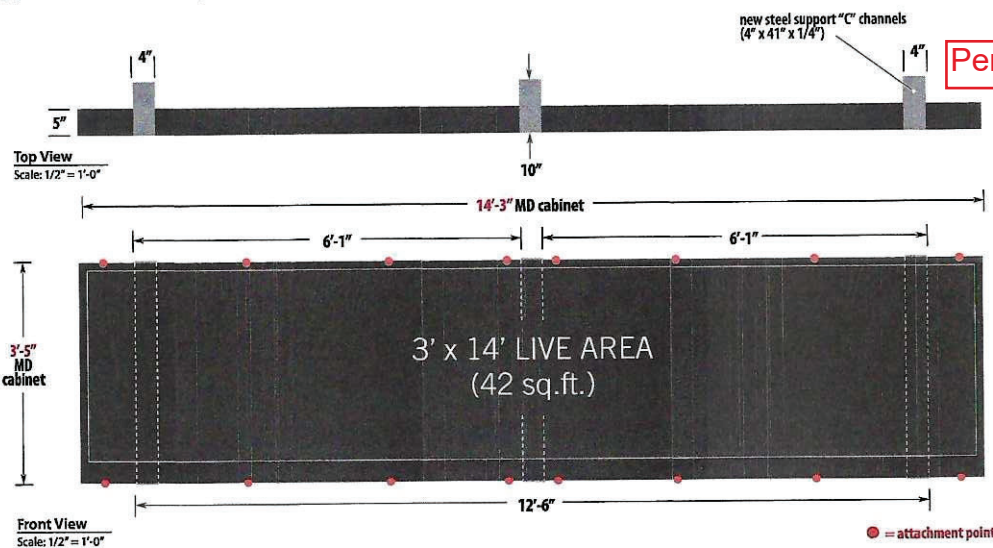
Brick Street / Former Miami Western Theater

36 E High Street, Oxford, OH 45056

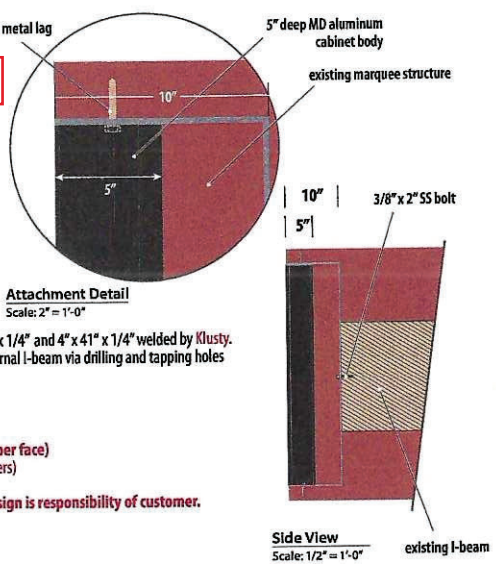
The proposed exterior changes include:

Marquee face change to include replacement of old surface panels (both sides) and replacement of electrical wiring and electrical components. The work qualifies as permitted maintenance. Ord. 1137.10(b)(2)(c). Direct lighting is maintained as a non-conforming use. The marquee (former theater) is a non-conforming structure. Materials for historical reference are attached.

**TWO (2) MESSAGE DISPLAYS (MD) and SIX CUSTOM (6) STEEL SUPPORTS**



Permit App. No. P2025-0320



- MESSAGE DISPLAY (MD)**
- Watchfire™ 6mm W-series full color.
  - Matrix size: 144 x 672 (True 1R, 1G, 1B Pixels: 96,768).
  - Viewing angles: 150° Horiz / 95° Vert
  - Communications method: 4G cellular wireless.
  - Maximum brightness daytime: 7,500 NITS
  - Maximum brightness night-time: 700 NITS.
  - Software: Watchfire™ Ignite OPx (cloud-based).
  - Includes spare parts kit.
- DISPLAY SUPPORT**
- Secured to custom "C" channel consisting of welded 4" x 10" x 1/4" and 4" x 4 1/4" x 1/4" welded by Klusty.
  - The "C" channel is to be mechanically fastened to existing internal I-beam via drilling and tapping holes into it and fastening with 3/8" bolts.
- ELECTRICAL**
- Dedicated Primary Electric By others.**
- EMC: dedicated circuit 120 volt / 60 amps total (30 amps per face)
  - Final connection by Klusty only if in place (within 10'—by others) and to code at time of installation.
  - **\*NOTE: provision of sufficient voltage/amp service to sign is responsibility of customer.**
  - Watchfire sign UL listed. Ⓢ
- ADDITIONAL SPECIFICATIONS**
- Remove existing pan faces and recessed background cabinet

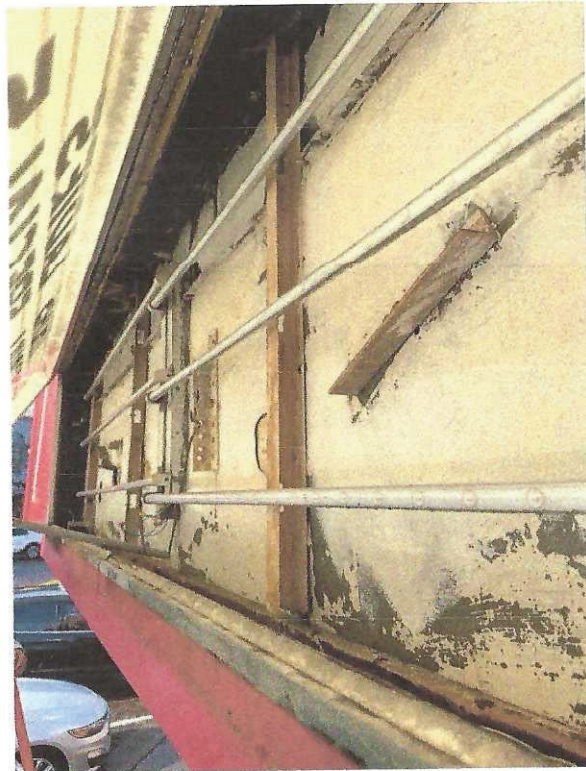


Scale: 1/8" = 1'-0"

\*After zoning approval, manufacturing methods may be subject to change. Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

APPROVED BY:	DATE:
LANDLORD:	DATE:
APPROVAL:	
All designs and specifications are the copyrighted property of Klusty Sign Associates, Inc. Any unauthorized use, copying, or reproduction is a violation of Federal Copyright law and will be subject to prosecution.	
DATE: 6/25/25	SCALE: 1/2" = 1'-0"
BY: Brian Marco	REP: Vince Klusty
CLIENT: Weisman Enterprise Holdings	
LOC: 36 E. High St.	
Oxford, OH 45055	
DRAWING NO: BS-75327_zoning	

**Klusty Sign Associates**  
Design | Branding | Logistics  
3160 East Kemper Road • Cincinnati, OH 45241 1517



Photos of existing site conditions:





Community Development Department  
Zoning Review  
513-524-5204

Zoning Review on Permit App. No. P2025-0320

July 9, 2025

Mark Weisman  
Weisman Enterprise Holdings  
36 E High Street  
Oxford, OH 45056

VIA EMAIL:  
mw120396@gmail.com

RE: Zoning Review for 36 E High St (Permit #P2025-0320) – Marquee Sign Replacement – Denied

Dear Mr. Weisman:

I have reviewed your permit application received July 8, 2025 for replacement of existing manual changeable copy signs with electronic message board (EMB) signs on a marquee at 36 E High Street, corresponding to the Brick Street entertainment venue. Below are comments resulting from review of the submitted plans for compliance with the Oxford Zoning Code:

1. *Section 1152.07(b)(1)* provides that *no person shall carry out any exterior alteration, addition, restoration, reconstruction, demolition, removal of exterior architectural elements, construction that alters the architectural style of existing structures, new construction, or moving of a site, structure, or building that is a designated historic site or that is within a historic district without an approved COA.* The proposed project falls within the Uptown Historic Overlay District; therefore, approval of a Certificate of Appropriateness (COA) by the Historic and Architectural Preservation Commission (HAPC) is required before the Permit can receive zoning approval.
2. The signs situated on this building are considered non-conforming, for a couple of reasons: (1) the total number of signs [5] exceeds the normal maximum of 1 permitted for a single nonresidential occupant; and (2) based on the submitted plans, it appears the marquee cabinets exceed the maximum 3-foot height limit typically applicable to new wall signs in the Uptown [UP] District.

The proposed work, although being done to existing non-conforming signs, does not qualify as “normal maintenance” pursuant to *Section 1137.10(c)(1)*; this section stipulates that permitted activities include *painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices.* Existing electrical devices are limited to illuminating bulbs within the interior of the cabinets, and do not include electronic message boards (EMBs). In other words, the existing cabinets may be refurbished if components are replaced “like for like.”

3. The standards contained in the Sign Chapter (*Chapter 1151*) of the Oxford Zoning Code are considered “prescriptive” pursuant to *Section 1151.03(b)*, which reads: *No signs are permitted other than those specifically permitted in this Code.*

The body text of Chapter 1151 only mentions “changeable copy” signs once, in *Section 1151.07(e)(3)*; this is in reference to signs communicating fuel pricing: *... a publicly available fuel dispensing station may use a 12 square foot area of no more than one permitted wall or freestanding sign for changeable copy to display the price of fuel. This may be applied on both sides of a two-sided sign.* The definition of a *Changeable Copy Sign* in *Section 1151.07(e)* specifies that messages may be *changed or rearranged by mechanical, electronic, or manual means.*

Additionally, *Section 1151.03(d)(5)* provides that signs which involve moving, flashing, or animation are prohibited. A screen which is configured to display content other than strictly digital numbers for fuel pricing may be potentially capable of violating this Code provision, and therefore cannot be permitted.

- The determinations communicated in comment #s 2-3 above are consistent with past precedent & interpretations related to LED/electronic message board signs. As evidentiary support, I am attaching a historical staff report composed by former City Planner Kathryn Dale. The report corresponds to Case No. BZA-03-2010, which involved proposed electronic display for fuel pricing at a Marathon/Circle K gas station previously in operation at 327 W Spring Street. Following BZA approval of this variance request in March 2010, staff has permitted electronic display administratively – but only for fuel pricing. A more recent example is the Shell gas station located at 3604 Southpointe Parkway, which received a Sign Permit for its fuel pricing on a corner monument sign without first necessitating a BZA hearing.

Based on comment #s 2-4 above, this permit application is hereby **denied**.

Under the provisions of Oxford Zoning Code *Section 1129.03*, the applicant has 30 days to submit revisions or to appeal this determination to the Board of Zoning Appeals. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. This review is only for compliance with the zoning regulations. Other departments may also have comments that will need to be addressed before any permits can be issued.

Should you wish to request the Variance(s) necessary to allow for the new signs as proposed, or Appeal one or more of the determinations in this letter to the Oxford BZA, please let us our office know as we are more than happy to assist.

Respectfully,



Zachary Moore, AICP  
City Planner / GIS Coordinator  
[zmoore@cityofoxford.org](mailto:zmoore@cityofoxford.org)  
513-524-5204

Zoning Review on Permit App. No. P2025-0320

**City of Oxford**  
*Community Development Department*  
**STAFF REPORT**  
**Board of Zoning Appeals**

Attachment to Zoning  
Review on Permit App.  
No. P2025-0320

**Case # BZA-03-2010**

**Date –March 17, 2010**

**APPLICATION**

Petitioner:	Rick Self, Agent
Location:	327 W. Spring
Owner:	Marathon Oil/ Mac’s Convenience Stores, LLC
Action Request:	Section 1151.03(b) replacement of a manual gas price sign with a LED sign
Current Use:	Marathon Gas Station & Circle K
Zoning:	“GB” General Business District
Surrounding Land Uses:	Commercial

**DESCRIPTION**

The Applicant is proposing to replace the manual gas pricing panel with electronic LED numbers. The Applicant is also proposing a face change of the Circle K sign which does not require any variances.

**SITE HISTORY**

BZA 02-1992:	Reductions in front yard setback for canopy
PC 08-1992:	Special Use Permit (Currently referred to as a Conditional Use) to allow for the gas station and convenience store.

**VARIANCES REQUESTED**

**Section 1151.03(b):** No Signs are permitted other than those specifically permitted in this Code.

- LED electronically changeable signs are not permitted signs in the Planning & Zoning Code Chapter 1151 Signs.

**AGENCY COMMENTS:**

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	Comment received without comment.
Fire:	Comment received without comment.
Engineering:	Comment received without comment.
Econ. Dev.:	No report received to date.

**ANALYSIS**

There are 9 gas stations in the City. This request is the first application received regarding gas station price signs in the LED format. The zoning code does not specifically address LED technology. LED is an acronym for Lighted Electronic Display or Light Emitting Diodes. Section 1151.05(e)(3) states that fuel stations are permitted to display fuel prices with a changeable copy sign. When the sign definitions are reviewed in Section 1151.07 a changeable copy sign is defined as a sign consisting of characters, letters or illustrations that can be changed by mechanical, electronic or manual means; however, the definition still does not address the specific electronic format nor does it address LED.

The code states under Section 1151.03(d)(5) that moving signs, flashing signs, and animated signs are specifically prohibited. In order for a sign to move, flash or be animated it would have to be electronic. The LED technology is typically affiliated with this sort of changeable electronic signage. One can assume that fuel stations are permitted to have electronic signs, but it all is dependent on how the electronic sign is used.

As aforementioned, because LED is not specifically addressed, the code historically has been interpreted strictly as to say they are not permitted. Should the variance be granted it would be likely that the other stations would follow suit. The code sections analyzed are not clear and in some respects are contradictory to each other. This will require further review of the zoning code regulations regarding new technologies in signage.

Upon review of the Decision Standards, the subject property will continue to yield a reasonable return to use the property as the underlying zoning permits gas stations as a special use permit which has been granted to the property. The variance is not substantial since the code states fuel stations may have changeable signs. There would likely be minimal effects on the character of the neighborhood for this particular area of the City, as it is predominately a commercial hub. However, should this request been made for a property in the Uptown Historic District, the character of the area could be significantly altered. There were no comments received from the various City Departments indicating there would be a detrimental effect on government services. The Applicant could obviate the issue by continuing to advertise the price of gasoline the way they currently do. The Code is not preventing them their right to advertise their product, it just does not expressly permit the specific technology in which the Applicant wishes to use.

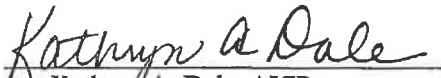
**RECOMMENDATION**

Reviewing the code, the variance request should be granted with very specific conditions as follows:

1. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.
2. That, the LED signage shall only be used as a changeable copy sign in connection with fuel sales, as those terms are used in Chapter 1151 of the Zoning Code; and
3. That, the copy shall remain fixed at all times other than when changing the price of fuel, and that at all times the sign shall not be flashing, animated, moving, or otherwise operated contrary to the design provisions of Section 1151.03.

---

SUBMITTED BY:

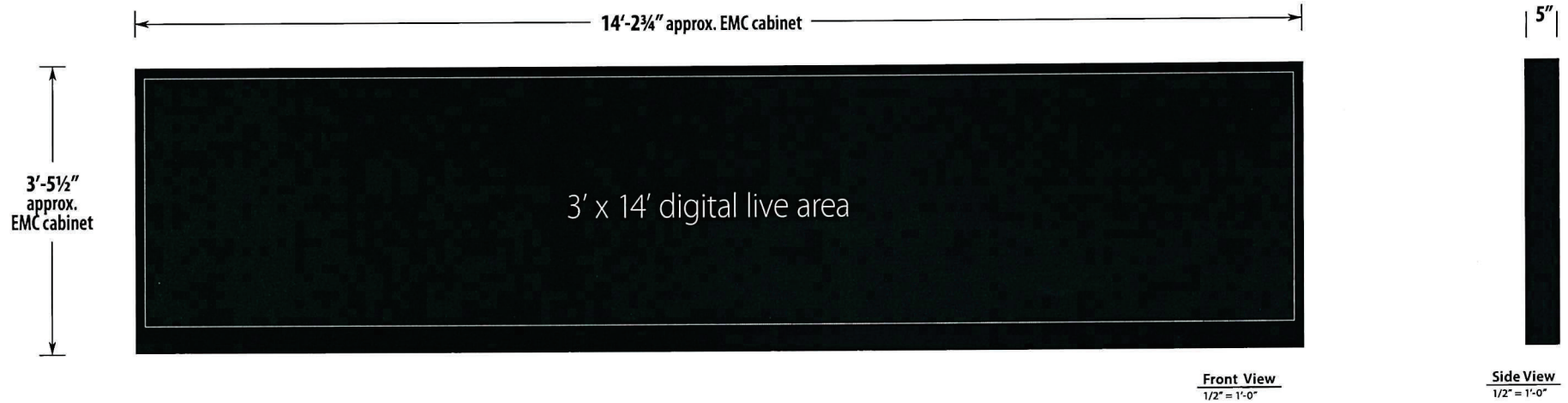
  
Kathryn A. Dale, AICP  
City Planner

Attachment to Zoning  
Review on Permit App.  
No. P2025-0320

DATE: March 2, 2010

## TWO (2) SINGLE FACE ELECTRONIC MESSAGE CENTERS

Permit App. No. P2022-0212



### ELECTRONIC MESSAGE CENTER (EMC)

- Watchfire® 10mm W-series full Color L.E.D. message center.
- Viewing angles: 150° Horiz / 95° Vert
- Matrix size: 90 x 240 (**True 1R, 1G, 1B Pixels: 21,600**).
- Communications control: 4G cellular wireless.
- Ignite OPx cloud-based software.
- Approx. weight: 532lbs. ea., 1064 lbs total.

### EMC SUPPORT

- Boards to recess into existing opening in marquee and be mechanically fastened (best way-TBD) by Klusty to surrounding/supporting existing structure.

### ELECTRICAL

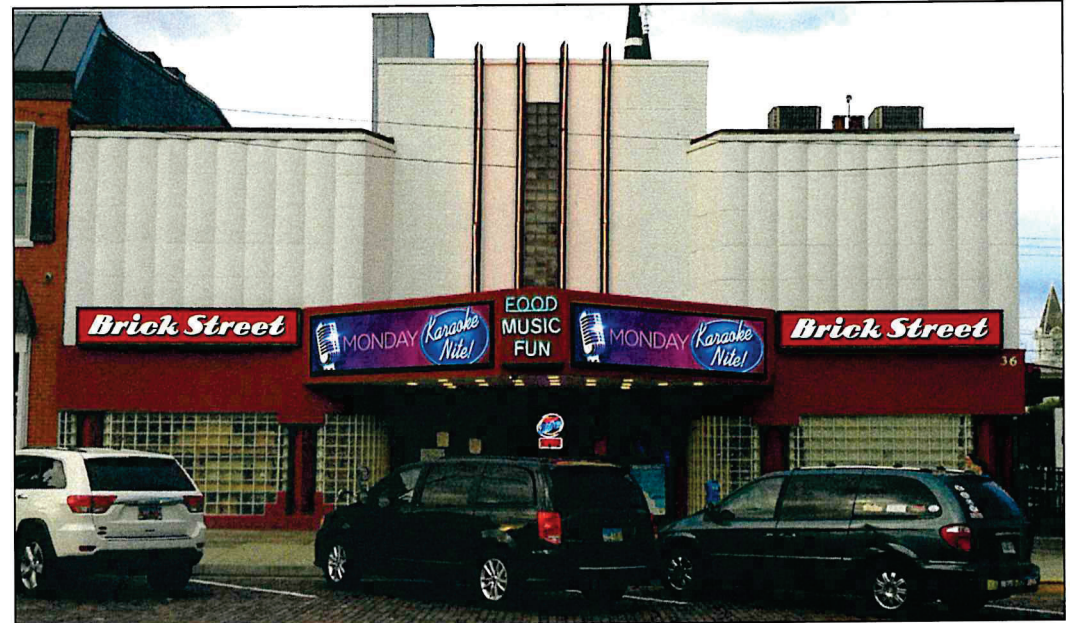
#### Dedicated Primary Electric By others.

- EMC: **120 volt / TBD amps per face / TBD amps total / Single Phase Service**
- Watchfire digital sign UL listed.
- Final connection by Klusty only if in place (within 10'—by others) and to code at time of installation. Ⓜ
- **\*NOTE: provision of sufficient voltage/amp service to sign is responsibility of customer.**

### ADDITIONAL SPECIFICATIONS

- Field survey to determine req'd EMC cabinet size in order to recess into marquee structure (what is the opening without the picture frame retainer.)

Proposed



Scale: 3/32" = 1'-0" | South Elev.

\*After zoning approval, manufacturing methods may be subject to change.

\*Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.



3160 East Kemper Road • Cincinnati, OH 45241 1517

CLIENT: Brick Street  
 LOC: 36 E. High St.  
 Oxford, OH 45056  
 DRAWING NO: BS.6.4710

059

DATE: 3 / 8 / 22  
 SCALE: 1/2" = 1'-0"  
 BY: Brian Marco  
 REP: Vince Klusty

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 LANDLORD APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

All designs and specifications are the sole copyrighted property of Klusty Sign Associates, Inc. Any unauthorized use, copying, or reproduction is a violation of Federal Copyright law and will be subject to prosecution.

Photo provided by applicant with  
Permit App. No. P2022-0212

Existing manual  
changeable copy signs -  
3'5.5" tall x 14'3" long -



MON KARAOKE BLOWOUT  
FT DJ BUM  
HAVE A GOOD BREAK  
VISIT F&P

FOOD  
MUSIC  
FUN

MONDAY KARAOKE BLOWOUT  
FT DJ BUM  
HAVE A GOOD BREAK  
VISIT F&P

RESERVED  
PARKING  
  
FINE \$250

TWO HOUR LIMIT  
NO PARKING  
4:00PM-5:00AM

060



Community Development Department

Zoning Review  
513-524-5204

Zoning Review on  
Permit App. No.  
P2022-0212

June 14, 2022

Ms. Melody Vergenz  
Klusty Sign Associates  
3160 E. Kemper Road  
Cincinnati, OH 45241

VIA EMAIL:  
m.vergenz@klustysa.com

RE: Zoning Review for 36 E High (Permit #P2022-0212) – Denial

Dear Ms. Vergenz:

I have reviewed your permit application received June 8, 2022 for new two (2) new wall signs on an existing marquee at 36 E. High Street in Oxford, Ohio. Below are comments pertaining to review of the submitted plans for compliance with the Oxford Zoning Code:

1. **Section 1152.08(b)(1)** provides that *no person shall carry out any exterior alteration, addition, restoration, reconstruction, demolition, removal of exterior architectural elements, construction that alters the architectural style of existing structures, new construction, or moving of a site, structure, or building that is a designated historic site or that is within a historic district without an approved COA.* The proposed project falls within the Uptown Historic Overlay District; therefore approval of a Certificate of Appropriateness (COA) by the Historic and Architectural Preservation Commission (HAPC) is required before a Permit can be approved.
2. The subject property is zoned Uptown (UP) District. **Section 1151.05(a)(2)(A)(1)** specifies sign restrictions for properties in the UP District, including that there shall be *no more than 1 [wall] sign per nonresidential occupant (...).*

A “wall sign” is defined by **Section 1151.07(nn)** as *a sign painted on or affixed flat against the wall of a building or structure, or a marquee, awning, or canopy in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 16 inches from such building or structure.*

A “marquee” is defined by **Section 1159.14(3)** as *any hood, canopy, awning, or permanent construction that projects from a wall of a building without ground mounted supports, usually above an entrance.*

Staff finds there to be a total of five (5) wall signs on the front façade of the building facing E High Street:

- Two (2) manual changeable copy signs on left and right sides of marquee; the subject of this review
- One (1) neon sign displaying “Food Music Fun” in the center of the marquee
- Two (2) red and white colored cabinet signs affixed to the building wall on either side of the marquee displaying “Brick Street”

Staff considers all five (5) signs listed above to be non-conforming, due to the total exceeding the Code allowance for no more than one (1) wall sign for a single nonresidential occupant.

**Section 1137.10(b)** provides that the legality of a nonconforming designation is lost whenever a sign is relocated; replaced; part of an establishment that discontinues its operation for 1 year; or has not been used for a continuous period of 6 months. This section further states that the designation is not lost in situations where an existing nonconforming sign is being maintained or is undergoing a change in face or copy, so long as the sign is not altered in a way that makes it less compliant with existing codes. Staff interprets the submitted proposal to be a sign replacement, and therefore not allowed by-right per the code sections cited above.

3. **Section 1151.05(a)(2)(B)(1)** provides that *signs shall have only indirect illumination*. **Section 1151.07(r)** defines “indirect illumination” as *a source of illumination directed toward a sign so that a beam of light falls on the exterior surface of the sign*. The style of illumination proposed (LED electronic message center) is not indirect, and therefore does not comply.

Based on the items noted above, this permit application is hereby **denied**.

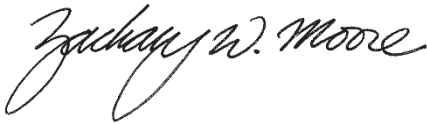
Your choices moving forward are as follows:

- Revise the application in favor of maintaining the existing changeable copy signs as are already in place on the marquee, which utilize a manual method of changing the copies
- Request one or more [Variances](#) to code sections cited above in comment #s 2 through 3, and/or file an [Administrative Appeal](#) on one or more of the code sections cited in any comment # above.

Under the provisions of Oxford Zoning Code **Section 1129.03**, the applicant has **30 days** to submit revisions or to appeal this determination to the Board of Zoning Appeals. A new application will be required if the applicant fails to submit adequate revisions within this time period. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. This review is only for compliance with the Zoning regulations. Other departments may also have comments that will need to be addressed before any permits can be issued.

Please contact me if you have any questions.

Respectfully,



Zachary Moore, AICP  
City Planner / GIS Coordinator  
[zmoore@cityofoxford.org](mailto:zmoore@cityofoxford.org)  
513-524-5204

Zoning Review on  
Permit App. No.  
P2022-0212

36 E High

Permit No. 2013-212

Remove faces & install new per Drawing BS.3.2541

OFFICE COPY

RECEIVED  
CITY OF OXFORD

*Bridge Street*  
Food - Spirits - Entertainment  
RESTAURANT

COUNTRY NITE DJ DREW  
WED GUNVAR & GRIZZLY BOYS LIVE  
THURS LADIES NITE  
WACKY WED AT WILLS 5249455

FOOD  
MUSIC  
FUN

COUNTRY NITE DJ DREW  
WED GUNVAR & GRIZZLY BOYS LIVE  
THURS LADIES NITE  
WACKY WED AT WILLS 5249455

*Bridge Street*  
Food - Spirits - Entertainment  
RESTAURANT 36



Klusty Sign Associates  
3160 E. Kemper Road, Suite B  
Cincinnati, OH 45241  
513.772.4500

# TWO (2) POLYCARBONATE PAN FACE REPLACEMENTS

Permit No. 2013-212



## CABINET

- Reuse existing.
- 1.5" retainer.

## ADDITIONAL SPECIFICATIONS

- Field survey existing face's v.o., retainer, and trim size.

## FACES

- .150" thk. trans. White polycarbonate pan.
- Background: 1st surface applied 3M #3632-83 Regal Red trans. vinyl; vinyl to run down slope to edge of trim.
- 1 1/2" pan depth.

## LETTERS

- White elements to be vinyl cut out / White poly show-thru.
- Drop shadow: 3M #3632-22 Black opaque vinyl.



Scale: 3/32" = 1'-0"

Proposed signage at site location.

\*After zoning approval, manufacturing methods may be subject to change.

\*Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.



3160 East Kemper Road, Suite B • Cincinnati, OH 45241 1517

**CLIENT:** Brick Street  
**LOC:** 36 E. High St.  
 Oxford, OH 45056  
**DRAWING NO:** BS.3.2541

**064**

**DATE:** 7 / 30 / 13  
**SCALE:** 1/2" = 1'-0"  
**BY:** Brian Marco  
**REP:** Vince Klusty

**APPROVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**LANDLORD APPROVAL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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# STAFF REPORT

Community Development | Board of Zoning Appeals

## APPLICATION DETAILS

<b>Applicant</b>	Jackson Trester
<b>Location</b>	13 E High Street
<b>Owner</b>	Uptown 4 LLC, c/o Dave Schmitt
<b>Action Request</b>	Variances to <i>Section 1151.05(a)(2)(A)(1)(b)</i> , elevation of wall sign from adjacent ground
<b>Lot Size</b>	6,590 square feet approx.
<b>Lot Width</b>	52.40 feet
<b>Current Use</b>	Commercial / Mixed Use
<b>Current Zoning</b>	UP Uptown District; Uptown Historic District (Overlay)
<b>Surrounding Land Uses</b>	Public Park (Oxford Memorial Park) to the north; Commercial and Mixed Use to the east and west; Hotel (Elms) to the south

## BACKGROUND

A new fitness studio called “Fitness on High” has recently opened at 13 E High Street, within the John D. Minnis Building. The business is located on the second floor of the building, directly above SoHi and the Steinkeller entrance. The space was previously occupied by the Bowtie Barber Club. According to the business’ website, Fitness on High functions as a premium boutique fitness studio offering studio classes for yoga, pilates, and more.

The subject property is zoned Uptown (UP) District. The Oxford Zoning Code specifies that new wall signs for businesses in the UP District are to be installed within a particular imaginary “band” area measured along the building façade, spanning the full width of the building and elevated between 9 feet and 18 feet above the adjacent ground. Signs are normally not permitted to be installed outside of this imaginary band.

The applicant proposes the installation of a new 3mm metal sign situated directly above the second floor windows which correspond to the tenant space. It is estimated that as shown in the submitted plans, the sign would be situated approximately 23 to 25 feet above the ground. Because the planned elevation exceeds 18 feet, it cannot comply with the literal wording of the Code. The applicant is therefore requesting a Variance to permit the sign to be installed at an elevation exceeding 18 feet above the ground. It should be noted that a small circular sign for the previous tenant (the Bowtie Barber Club), now removed from the building, had erroneously received administrative approval circa 2016.

**DESCRIPTION**

The applicant’s requested Variance can be summarized as follows:

Requirement	Code Section	Standard	Proposal
<b>Minimum Elevation of Wall Signs</b>	1151.05(a)(2)(A)(1)(b)	9 feet min. 18 feet max.	23-25 feet approx. (refer to plan)
The applicant’s proposed sign measures 1.5 feet tall by 17.25 feet wide. Generally speaking, the Code does not anticipate commercial signage to be positioned any higher than the first floor or just above the first floor. This is despite the fact that commercial usage is allowed on any floor in the UP Uptown District (only residential use is restricted to the second floor or above).			

**PUBLIC COMMENTS**

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

**DEPARTMENT COMMENTS**

Below are comments from City departments:

Department	Respondent	Response
<b>Economic Development</b>	Seth Copenbaker, Economic Development Specialist	Not Reviewed
<b>Engineering</b>	Scott Otto, City Engineer	Reviewed without Comments
<b>Fire</b>	John Detherage, Fire Chief	Reviewed without Comments
<b>Police</b>	John Jones, Police Chief	Not Reviewed

**BZA SITE HISTORY**

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

**DECISION CRITERIA**

In accordance with *Section 1139.02(c)(1)*, the burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for Variance. Furthermore, per *Section 1139.02(c)(2)* the BZA must find that **practical difficulties** exist that would render strict application of the Code unreasonable. In determining whether such difficulties exist which are sufficient to warrant the Variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed narrative addressing the review criteria from Mr. Trester.

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

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

Staff’s review of the criteria is outlined in the table below:

<b>Criterion A</b>	<b>Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance</b>
<b>Supports</b> granting the Variance	Under the Oxford Zoning Code, every nonresidential occupant in the UP Uptown District is entitled to at least one (1) wall sign for identification and advertising purposes. Due to the existing architectural characteristics of the building (i.e., balcony railing, Steinkeller sign, and the building name etched into stone below), the proposed location – although not complying with the literal positioning standards as spelled out in the Code – is the most logical location.
<b>Criterion B</b>	<b>Whether the variance is substantial</b>
<b>Supports</b> granting the Variance	In consideration of the subject building’s inherent architectural characteristics, staff does not believe elevating a wall sign 5 to 7 extra feet above the usual maximum height limit represents a substantial ask.
<b>Criterion C</b>	<b>Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance</b>
<b>Supports</b> granting the Variance	The proposed sign appears to be complementary of the Minnis Building architecture, in terms of window bays, lintels, pilasters, etc., and would be of a reasonable size and scale such that the resulting condition would not substantially alter the character of the district in a negative way.
<b>Criterion D</b>	<b>Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)</b>
<b>Supports</b> granting the Variance	No comments or concerns were returned by the City Engineer, Fire Chief or Police Chief on this matter. The granting of this Variance is not expected to have any adverse impact on governmental services.
<b>Criterion E</b>	<b>Whether the property owner purchased the property with knowledge of the zoning restriction</b>
<b>Does not support</b> granting the Variance	This criterion tries to get at whether or not the variance is provoked by a “self-created hardship.” In other words, an owner purchasing property who knows full well that the zoning regulations restrict or prevent what they intend to do should not expect a guaranteed outcome in their favor. Staff has to rate this criterion as “not lending support” toward the Variance, because Mr. Trester is not the property owner. However, the Board may weigh the thoughts and arguments contributed by Mr. Trester in support of this criterion, in so far as it seems clear the hardship was not reasonably foreseen.

<b>Criterion F</b>	<b>Whether the property owners' predicament feasibly can be obviated through some method other than a variance</b>
<b>Supports</b> granting the Variance	Staff agrees with the applicant's finding that no other feasible alternate exists for accommodating signage at this location.
<b>Criterion G</b>	<b>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance</b>
<b>Supports</b> granting the Variance	In the UP District, it is not typical for commercial, non-office tenants to be situated on a second story and thus not have frontage directly next to the public sidewalk. Perhaps the second most common arrangement is to have space in the basement level (e.g., Steinkeller), with an entrance at ground level. With Fitness on High, the location of the business within an established building presents a more unique situation that is deserving of a special exception to the normal rule. Granting this new business the ability to advertise not only in virtual spaces (internet, social media, etc.) but also in visibly to passersby on the street would be fair, reasonable, and equitable.
<b>Criterion H</b>	<b>Any other relevant factor</b>
<b>N/A</b>	The Board may rely upon other testimony or evidence which is contributed as part of the adjudication hearing.

**CONCLUSION**

At the time of this report, staff believes **there is substantial evidence** to support the requested Variance.


**SUBMITTED BY:**




-----  
**Zachary Moore, AICP**  
City Planner / GIS Coordinator

**DATE:** September 12, 2025

**BZA-2025-04**  
**Surrounding Property Owners Map**

-  Oxford Corporate Boundary
-  Parcels
-  Case Boundary
-  200 Foot Buffer

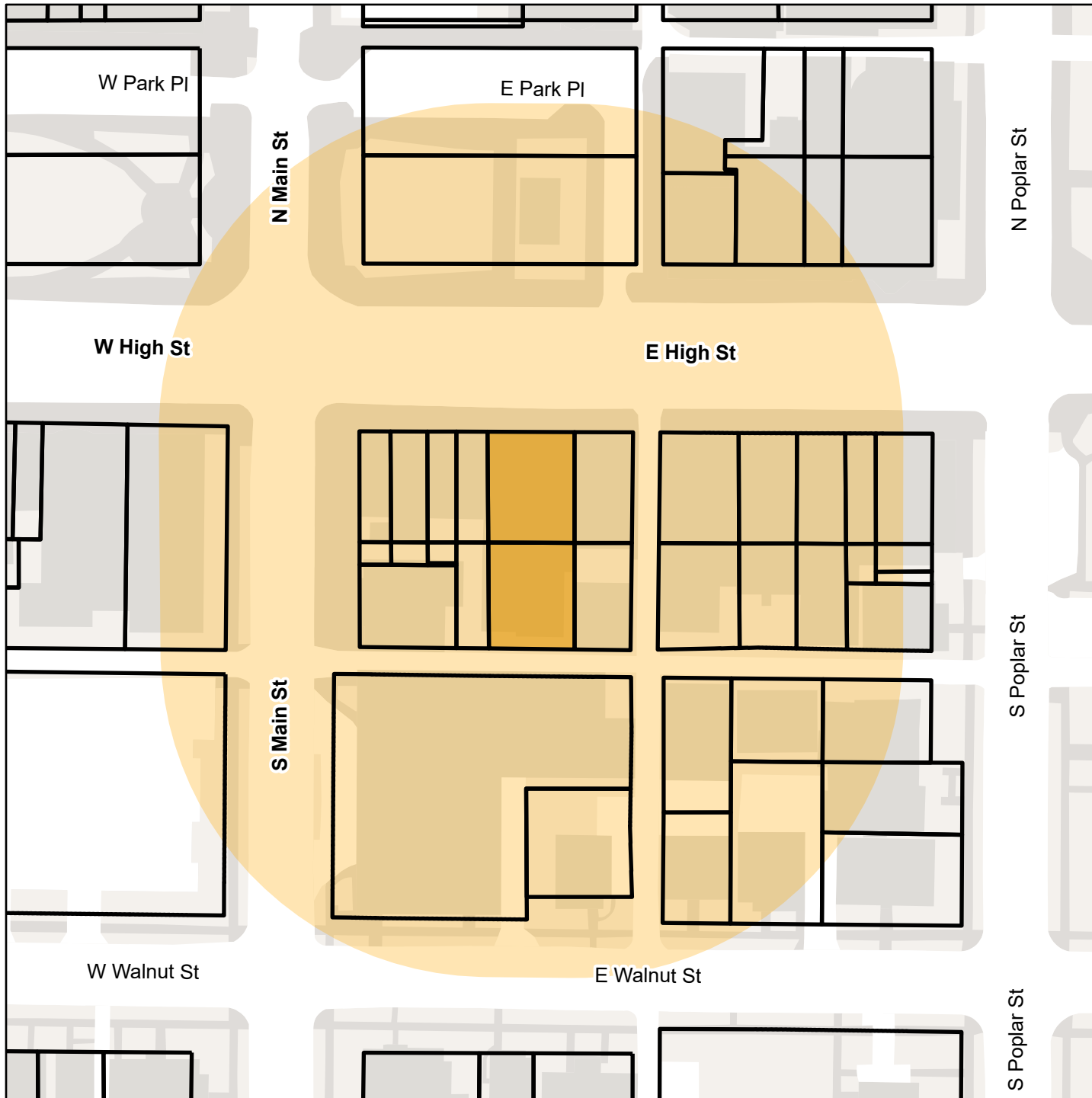
100  
Feet



Date: 9/12/2025  
2:19 PM




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



# Aerial Map

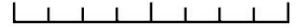
 Site

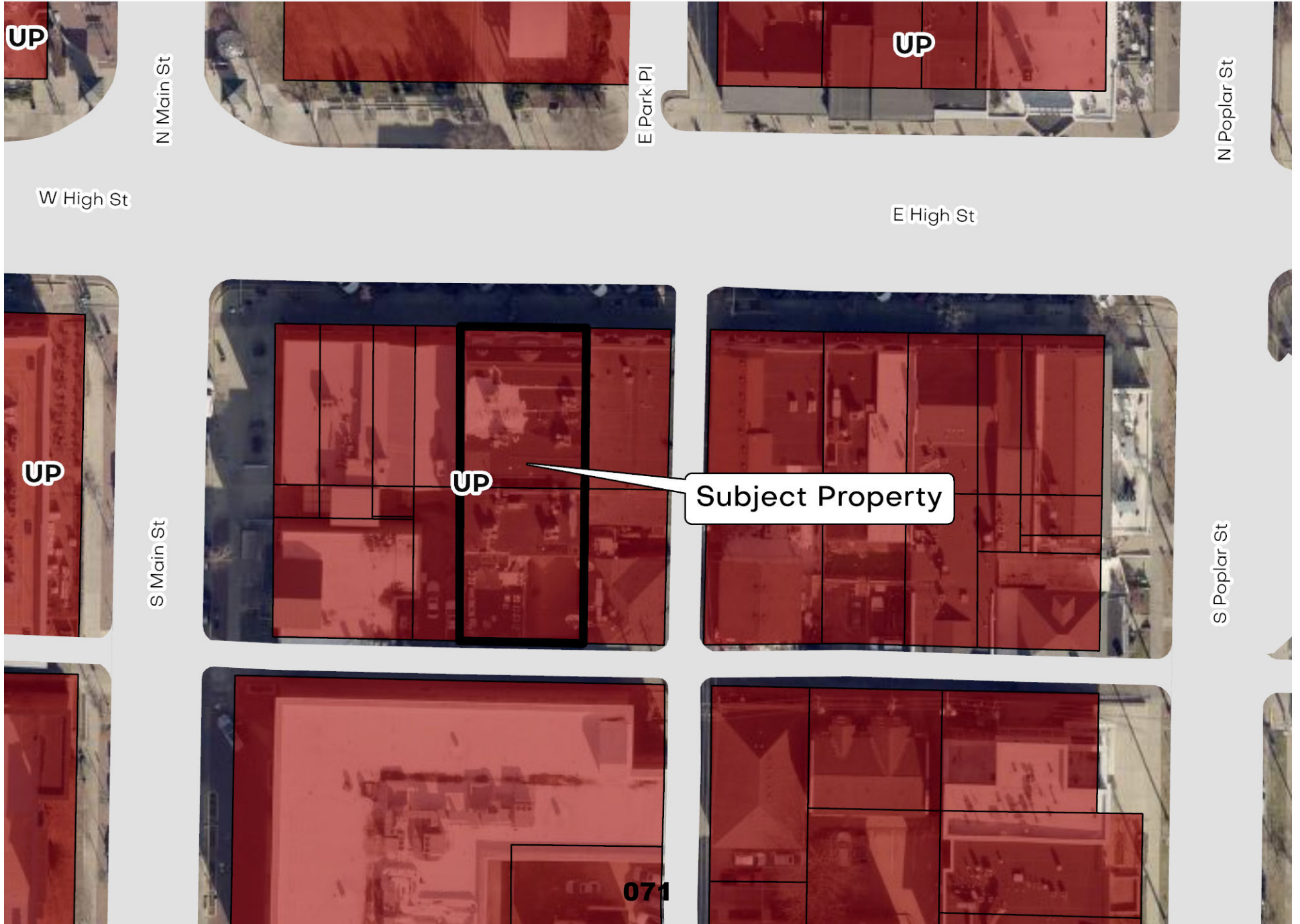
0 25 50 100 Feet  




# Current Zoning

 Site

0 25 50 100 Feet  






**BOX 5 | APPLICANT SIGNATURE**

*As the owner or owner's agent, I hereby agree all information contained in this application is true, accurate, and complete to the best of my knowledge. I acknowledge the application will first be checked by City staff for completeness prior to determining a hearing date with the Oxford Board of Zoning Appeals. I also acknowledge that one or more signs may be placed on the subject property advertising scheduled public hearings for this application, and assume responsibility for removing signs at the completion of the hearing(s).*

**Applicant Name (Print)** Jackson Trester

**Applicant Signature** *Jackson Trester*

**Date** 8/20/2025

**Processing Fee**

**The appropriate processing fee amount will be determined during a completeness check by Community Development staff.** It may take 1-2 business days for a completeness check to be performed. The applicant will receive a digital copy of a processing fee invoice via email once it is ready. Fees may be paid in-person by check or credit card in the Community Development Department located on the first floor of the Oxford Municipal Building, 15 S College Avenue, Oxford OH 45056. For credit card payments, the City accepts Visa, MasterCard, or Discover, and such payments may also be taken over the phone by calling Community Development at 513-524-5204.

## Narrative/Cover Letter Requirements

For source text see Oxford Zoning Code [Section 1139.02\(a\)\(1\)](#)

- A description of the existing uses of the site.
- The zoning district in which the site is located.
- A description of the existing and proposed use.
- For a proposed commercial use, include: (1) a description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles; and (2) the hours of operation.
- The nature and magnitude of the requested Variance.
- The Code section from which the Variance is requested.
- Separate narrative statements that explain how the proposed Variance satisfies each of the Decision Standards required to grant a variance. If multiple Variances are being requested, including a separate list of narrative statements for each Variance sought.

## Site Plan Requirements

For source text see Oxford Zoning Code [Section 1139.02\(a\)\(2\)](#)

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

## Decision Standards

For source text see Oxford Zoning Code [Section 1139.02\(c\)](#)

The Board of Zoning Appeals will consider the effect of the request on the public health, safety and welfare.

Variances shall be granted only upon a determination that **practical difficulties** exist with respect to the property in question that would render strict application of the Zoning Code unreasonable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration.

**In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors<sup>1</sup>:**

- A. Whether the property in question will yield reasonable return of whether there can be any beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

<sup>1</sup>The first seven factors are collectively known as the "Duncan standards" and are commonly referenced by municipal zoning jurisdictions in Ohio following the State Supreme Court's decision in [Duncan v Middlefield, 23 Ohio St. 3d 83 \(1986\)](#)

# LETTER OF AGENCY

To Whom It May Concern:

Please be advised that

Fitness On High LLC

---

(Applicant Name)

has permission to represent our interest with the City of Oxford regarding  
the installation of a sign, to the extent consistent with the attached renderings.

---

(Application Description)

located at

13B E. High Street, Oxford, Ohio

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(Property Address/Location)

Thank you,

Dave Schmitt

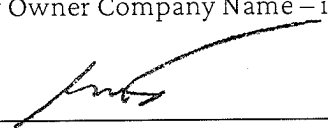
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(Property Owner Printed Name – must be a person)

Uptown 4, LLC d/b/a Student Housing Management

---

(Property Owner Company Name – if applicable)

  
\_\_\_\_\_  
(Property Owner Signature – must correspond to printed name above)

8/4/25  
\_\_\_\_\_  
(Date)

Dear Zoning Administrator,

I am submitting this application and narrative in connection with our proposed wall sign for Fitness On High, located at 13 B E High Street, Oxford, Ohio. This letter is intended to serve as the required written statement under Section 1129.12 of the Oxford Zoning Code, addressing application administration, public notice, and the procedural components necessary for review.

### **Background**

On August 5, 2025, we submitted a permit application for a new wall sign at the above address. On August 6, 2025, we received written notice of denial (Permit #P2025-0354) from the City Planner, citing Section 1151.05(a)(2)(A)(1)(b), which requires that wall signs in the Uptown (UP) District be located between 9 and 18 feet above adjacent grade. Our proposed sign was noted to be approximately 20–25 feet in height, exceeding the maximum allowable elevation.

Fitness On High operates entirely on the **second floor** of the building at 13 B E High Street. The height restriction makes sense for **first-floor businesses**, but it effectively prevents second-floor occupants from having meaningful exterior signage. Since very few Uptown businesses operate exclusively on the second floor, this creates a unique hardship.

### **Decision Criteria (A–H)**

#### **A. Reasonable Return / Beneficial Use**

Without the variance, we would not be able to yield reasonable use of the property as a business location. While the interior space itself can still be used, the lack of exterior signage at an appropriate elevation would significantly hinder our ability to attract and direct customers, undermining our ability to reasonably operate in this location.

#### **B. Substantiality of the Variance**

The variance requested is limited in scope. We are asking for relief of only a few feet above the 18-foot maximum (20–25 feet). This is not an excessive departure from the Code, but rather a modest adjustment tailored to the unique second-floor configuration.

#### **C. Neighborhood Character / Impact on Adjoining Properties**

Granting the variance would not substantially alter the essential character of the neighborhood or create detriment to adjoining properties. Uptown already contains a mix of signage styles and elevations, and our proposed sign would be in keeping with the historic character and existing signage scale of the district.

#### **D. Governmental Services**

The variance would have no impact on delivery of governmental services such as water, sewer, or garbage. The placement of the sign does not interfere with utilities, rights-of-way, or City services.

#### **E. Knowledge of Restriction at Time of Occupancy**

While we were aware that signage in the Uptown District was regulated, we did not anticipate

that the height restriction would preclude all second-floor businesses from having wall signage. The restriction was clearly designed for first-floor storefronts, and its application here creates an unintended hardship.

#### **F. Feasible Alternatives**

There is no feasible alternative to provide signage at a lower height. The building's second-floor façade does not have wall space below 18 feet, and installing signage in windows or on the balcony railing is either not permitted or would result in ineffective visibility for customers.

#### **G. Spirit and Intent of the Zoning Requirement**

The spirit and intent of the Code's sign height restriction is to ensure consistent, appropriately scaled signage for Uptown businesses. Granting this variance would still honor that intent by providing a sign that is proportional, architecturally appropriate, and consistent with Uptown character, while also ensuring second-floor businesses are not excluded from visibility. Substantial justice would be achieved by applying the Code in a way that recognizes this unique circumstance.

#### **H. Other Relevant Factors**

The variance would enhance business identification and visibility in Uptown without creating clutter or visual detriment. It supports the broader goal of maintaining a vibrant and accessible Uptown district by ensuring upper-level businesses can participate fully in the commercial landscape.

#### **Request**

We respectfully request approval of a Variance to permit installation of our wall sign at its proposed elevation, approximately 20–25 feet above grade. Approval would enable us to maintain appropriate visibility for customers in the Uptown District while ensuring the sign remains consistent with the architectural character of the building and surrounding area.

We appreciate your consideration and look forward to presenting our request before the Board of Zoning Appeals. Please let us know if any additional information or revisions are required in advance of the scheduled hearing.

Respectfully submitted,

Jackson Trester  
Fitness on High  
13 B E High Street  
Oxford, OH 45056  
team@fitnessonhigh.com | (513) 255-7794

FITNESS ON HIGH

# Fitness On High

*13 B East High Street*  
Dimensional Letters



**FASTSIGNS**  
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# Sign Description Mock Up

## Original Signage



## Proposed Signage



**ATTENTION: PROOF ALL DRAWINGS CAREFULLY! IT IS THE RESPONSIBILITY OF THE CUSTOMER TO APPROVE COLOR, STYLE, SHAPE, SPELLING, AND COMPLIANCE OF GRAPHICS, LOGOS, TRADEMARKS, AND SERVICE MARKS**

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3111 West Galbraith, Cincinnati, OH 45239

Ph: 513-931-3000

Project Title: Client Name, Product Description,  
Estimate/Invoice Number

Revisions: No Revisions

Design: Initials

Sales: Name

Date: Date

Customer Approval:

Date:

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# Sign Description Mounting (if applicable) Detail

\*\*\* NOT TO SCALE \*\*\*

\*\*\* Mounting Locations TBD \*\*\* (if applicable)

Total Sign Area: 26.59 ft<sup>2</sup>



207" x 18.5"

Front View

3mm Maxmetal attached to brick wall using 1/4" tapcons 2" long in all 4 corners and in the middle on each board



Side View

**ATTENTION: PROOF ALL DRAWINGS CAREFULLY! IT IS THE RESPONSIBILITY OF THE CUSTOMER TO APPROVE COLOR, STYLE, SHAPE, SPELLING, AND COMPLIANCE OF GRAPHICS, LOGOS, TRADEMARKS, AND SERVICE MARKS**

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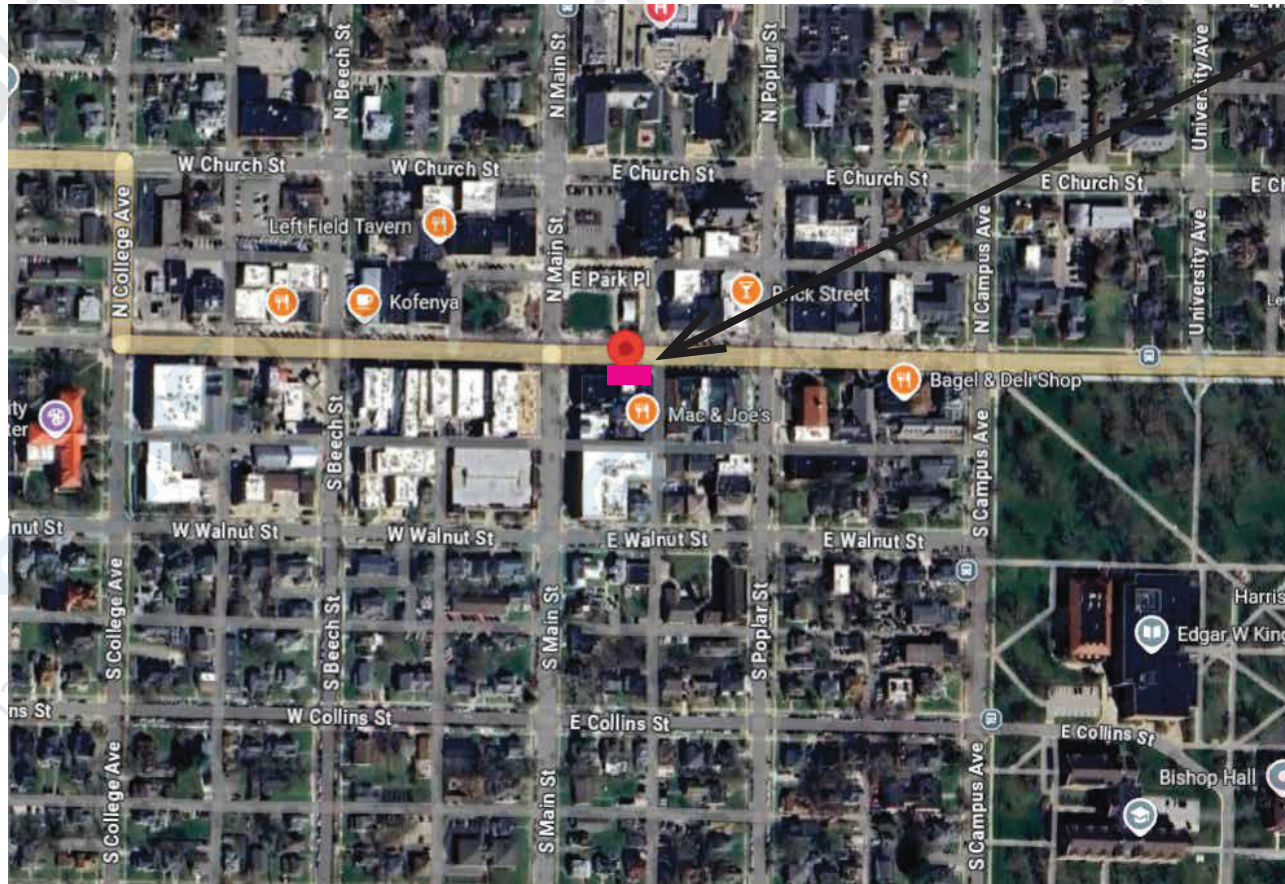
Date:

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# Site Plan

Proposed (Sign Description) Location



**13 B East High Street Oxford, OH 45056**

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<b>FASTSIGNS</b>   Colerain <small>More than fast. More than signs.</small> 3111 West Galbraith, Cincinnati, OH 45239 Ph: 513-931-3000	Project Title: Client Name, Product Description, Estimate/Invoice Number		Revisions: No Revisions	
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Community Development Department  
Zoning Review  
513-524-5204

August 6, 2025

Jackson Trester  
Fitness on High  
13 E High Street  
Oxford, OH 45056

VIA EMAIL:  
team@fitnessonhigh.com

**RE: Zoning Review for 13 E High Street (Permit #P2025-0354) – Denial**

Dear Mr. Trester:

I have reviewed your permit application received August 5, 2025 for a new wall sign at 13 E High Street in Oxford, Ohio. Below are comments pertaining to review of the submitted plans for compliance with the Oxford Zoning Code:

1. **Section 1152.07(b)(1)** provides that *no person shall carry out any exterior alteration, addition, restoration, reconstruction, demolition, removal of exterior architectural elements, construction that alters the architectural style of existing structures, new construction, or moving of a site, structure, or building that is a designated historic site or that is within a historic district without an approved COA.* The proposed project falls within the Uptown Historic Overlay District; therefore approval of a Certificate of Appropriateness (COA) by the Historic and Architectural Preservation Commission (HAPC) is required before the sign permit can be approved. We are in receipt of your COA application, and this will be processed in the coming week/s.
2. **Section 1151.05(a)(2)(A)(1)(b)** provides that any wall sign for a nonresidential occupant in the UP District be attached between 9 and 18 feet above the adjacent ground. The application form notes that the sign elevation is 20 feet above the adjacent ground, meaning the proposed sign would occupy a band ranging between 20 feet and 21.5 feet above the ground. In observing measurements on the sign plans, it appears the sign elevation may actually be taller, in the range of 23 to 25 feet above the ground.

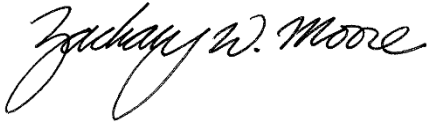
Based on item #2 noted above, this permit application is hereby **denied**. Options for addressing item #2 above are as follows:

1. Revise the sign plan to comply with the elevation restrictions. Likely, this would involve installing signage somewhere in the vicinity in the windows falling below the currently proposed location, which may or may not make practical sense. Signage could not be installed on the balcony railing, per our Code definition for “wall sign.”
2. If you feel there has been an error or misjudgment in applying the standards of the Zoning Code as written, you may submit an [Administrative Appeal application](#). Pursuant to **Section 1129.03(d)(3)**, such application must be received within 30 days of the date of this letter. Appeals are heard and decided by the Board of Zoning Appeals.
3. If you wish to seek special relief from the ground elevation requirement, you may submit a [Variance application](#). The Board of Zoning Appeals has authority to grant or deny Variance requests. Please be aware, such an application would entail a \$360 processing fee. The next available BZA meeting date is September 23, with a corresponding application deadline of August 22. **While a certain outcome cannot be guaranteed, at this time staff sees no reason why a Variance wouldn't be recommended for approval in this situation.**

Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. This review is only for compliance with local zoning regulations. Other departments may also have comments that will need to be addressed before any permits can be issued.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink that reads "Zachary W. Moore". The signature is written in a cursive style with a large, looping initial "Z".

Zachary Moore, AICP  
City Planner / GIS Coordinator  
[zmoore@cityofoxford.org](mailto:zmoore@cityofoxford.org)  
513-524-5204