

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2015-01

Date – January 21, 2015

APPLICATION

Applicant:	Amy Lynch
Location:	10 North Beech Street
Owner:	Rodbro Myers Rodbro Wood, LLC (Matt Rodbro, contact)
Action Requests:	Variance to Uptown Zoning Site Development Regulations, Section 1143.10(c)(2), Front Yard Setback Requirement of 16.5 Feet
Current Use:	Vacant Commercial
Zoning:	Uptown (UP)
Surrounding Land Uses:	Commercial, Residential and Office Mixed Uses

DESCRIPTION

Ms. Amy Lynch, designer with Platte Design, is requesting on behalf of the property owners of the former Princess Theater, a variance to the required front yard setback from North Beech Street, for a new building addition. In the Uptown District, the Oxford Zoning code requires buildings to be setback from street rights of ways 16.5 feet, on streets other than High Street. The design firm and owners are proposing demolition of the one-story concrete block addition on the north side of the original two-story theater building and replacement with a new multi-story addition that lines up with original theater building to the south.

BACKGROUND

The original circa 1900 theater building and remainder of the block face to High Street are all built closer to North Beech Street than current zoning code allows. The applicant's narrative lists the dimension of setback encroachment at 9 feet, 3 inches, which is 56%, or just over halfway into the required front yard/setback. The one-story concrete block addition to be removed was built in the mid-1980s after receiving a variance from this Board to extend fully into the 16.5 required setback. A free-standing two story house formerly was on the site at some point prior to the 1980s addition. The current proposal is to bring the building line back, to line up with the rest of the block face. The Oxford Historic and Architectural Preservation Commission have had a pre-application discussion with the applicant on the proposed design. A formal application review and decision has not yet been held.

COMMENT FORMS

No public comments were received from surrounding property owners regarding this request. One phone call inquiry was received.

AGENCY REVIEW

Fire	Returned without comments
Police	Returned without comments
Engineering	Returned without comments
Economic Development	Returned <u>with</u> comments

SITE HISTORY

1984-BZA-01 – Variance for addition encroaching fully into 16.5 front yard setback -- approved

ANALYSIS

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

Regarding criterion A, Staff believes that the property **can yield a reasonable return without the variance**, since a reduction of 9.25 feet of building depth only results in a 7.5% reduction in buildable area, of the overall 8,066 square feet of overall lot area. [9.25' x 67' total lot frontage]

Regarding criterion B, Staff believes that, the square footage of the subject variance area is **not substantial** as it is only 4.8% of the overall lot area. [9.25' x 42' addition area]

Regarding criterion C, Staff agrees with the applicant's narrative, that the building addition, as proposed, **would not negatively alter the essential character** of the neighborhood because it would have a more **positive effect** on the essential character of the neighborhood than moving the building addition further back from the street wall.

Regarding criterion D, Staff believes that the delivery of governmental services is **not impacted positively or negatively**, with the variance request for the front addition. However, other areas of the site redevelopment, not related to the front yard setback will addressed during the full review process for building permit with all appropriate governmental service agencies.

Regarding criterion E, the property owner purchased the property with the knowledge of the zoning restriction.

Regarding criterion F, staff agrees with the applicant's narrative, that the building could be set back further from the existing street wall, but it would have a negative impact on the essential character. **There is no other way to achieve the proposed building wall location without the variance** and the other buildings on the block face are not part of the site redevelopment.

Regarding criterion G, staff believes that the **spirit and intent** of the zoning requirement for the front yard setback would be observed by granting the variance, because alignment of the street walls are an intended outcome of requiring minimal-to-no minimum setback distances.

Regarding criterion H, staff believes **that a relevant factor is the existence of the remainder of the block face** that will line up with the proposed addition.

RECOMMENDATION

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

and approve the variance request. At the time of this report, **staff believes there is substantial evidence that supports the variance request.** If the BZA does approve the variance it can attach any appropriate conditions necessary.



SUBMITTED BY: _____
Sam Perry, Planner
Community Development Department

DATE: January 15, 2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 12/31/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-01 10 N. Beech Street, Princess Theater, Variance to Section 1143.10(c)(2) 16.5 feet minimum front yard setback, Platte Design Architecture + Design, LLC, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **1/14/2015** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:

John Detherage
PRINT NAME

Date: 12-31-14

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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: 
VICTOR POPESCU
PRINT NAME

Date: 1-6-2015

City of Oxford
Inter-Office Review Transmittal Sheet

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From: Community Development

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ENTIRE SUPERVISORY STAFF HAD OPPORTUNITY
TO REVIEW & SUBMIT COMMENTS.

Drawings reviewed by:


ROBERT B. HOLZWORTH
PRINT NAME

Date: 1/14/2015

City of Oxford
Inter-Office Review Transmittal Sheet

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Drawings are returned: w/comments without/comments

Given this request would allow the new structure to be less encroaching into the 16 ½ setback than the existing structure, and the new structure would align with all the other existing structures in this ½ block, this seems to be the right redevelopment plan.

Drawings reviewed by: _____


G. Allen Kuehn
PRINT NAME

Date: _____

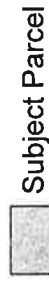
1/5/15



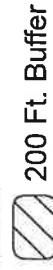
BZA-2015-01

Surrounding Property Owners Map

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit



Parcel

16.5' Vacated ROW



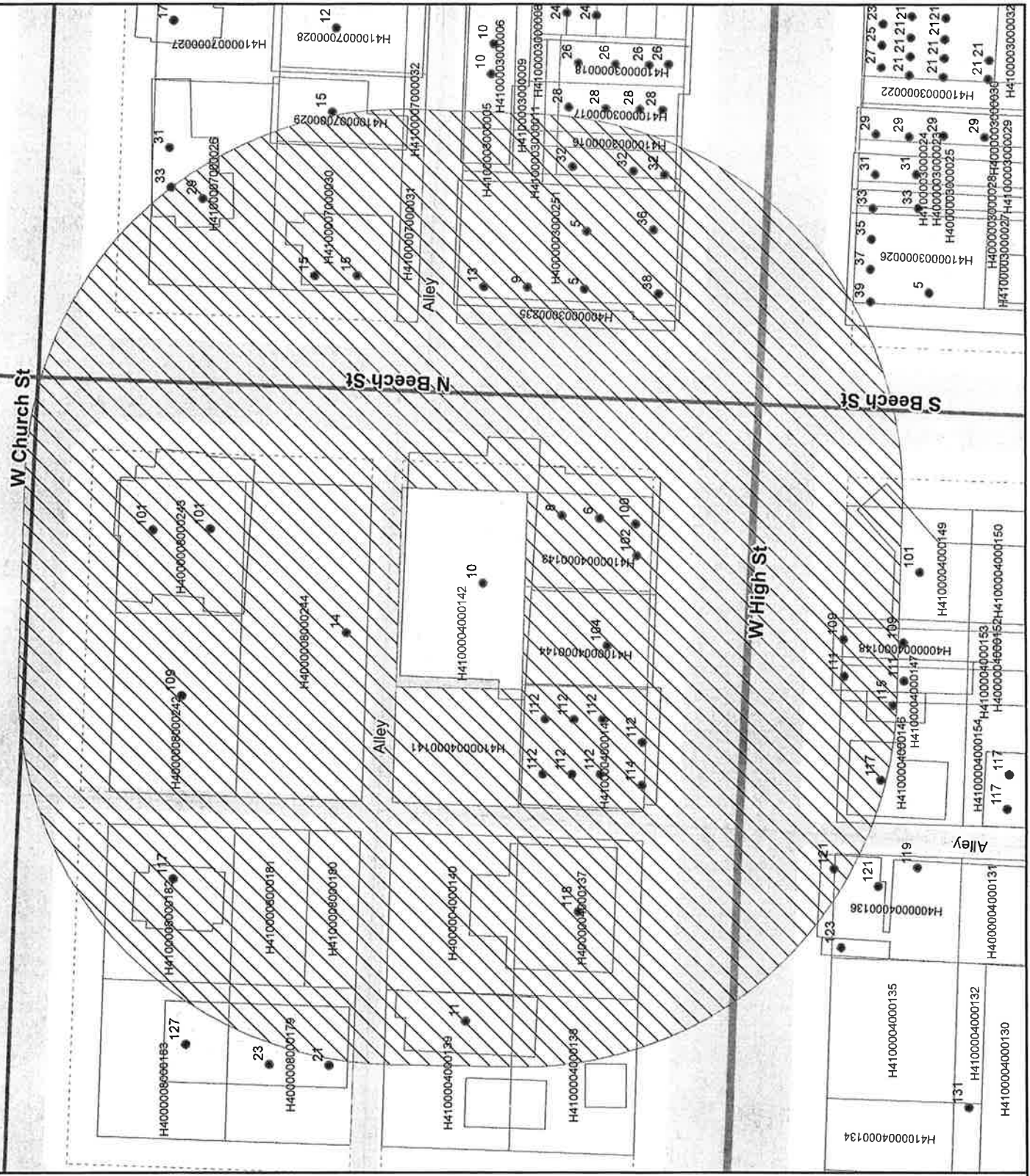
Building Footprint

Paved Roadway



1 inch = 75 feet

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

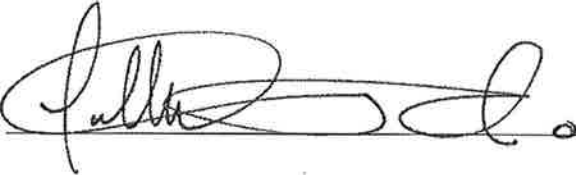


LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Platte Design has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing on January 21, 2014 regarding a variance request for the addition and renovation at our property located at 10 North Beech Street, Oxford, Ohio 45056.

Thank-you,

Signed:  Date: 12/18/2014

Property Owner Name Printed: Matt Rodero, Member

Company Name/Owner/Organization: Rodero, Myers, Rodero, Wood, LLC



Internal Use Only:	
Case No.	BZA-2015-01
Date Filed	12/22/14

Petition for Zoning Variance

Petitioner Information

Attach a Letter of Agency if the Petitioner is not the property owner.

Name *	AMY LYNCH
Mailing Address *	1404 RACE STREET SUITE 300
City, State & Zip Code *	CINCINNATI, OHIO 45202
Telephone Number(s) *	513-871-1850
Email Address	AMY@PLATTEDESIGN.COM
Location of Property *	10 NORTH BEECH STREET
Name of Building *	PRINCESS THEATER

Owner Information

Name *	RODBORO MYERS RODBRO WOOD, LLC (CONTACT: MATT RODBRO)
Mailing Address *	21 NORTH POPLAR STREET
City, State & Zip Code *	OXFORD, OHIO
Telephone Number(s) *	513-524-9340
Email Address	MATT@REDBRICKPROPERTY.COM

Variance and Lot Information

Section 1143.10(c)2

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

WE REQUEST A VARIANCE FOR THE 16'-6" REQUIRED SETBACK (ORD 108) ALONG BEECH STREET.

WE PROPOSE THE EAST WALL OF THE NEW CONSTRUCTION ALIGNS WITH THE FACES OF THE
ADJACENT BUILDINGS ON BEECH STREET, THEREFORE MAINTAINING THE "STREET WALL".

Location of Requested Variance *	EAST PROPERTY BOUNDARY OF 10 NORTH BEECH STREET		
Legal Description *	O.R. 8632, PG. 370		
Zoning District *	UPTOWN	Total Acreage *	0.185 ACRES
Existing Use of Site *	MOVIE THEATER		

Proposed Use (if applicable). A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

THE EXISTING HISTORIC THEATER (SOUTH PORTION) WILL BE RESTORED AS A MOVIE THEATER. THE
ADDITION (NORTH PORTION) WILL BE COMMERCIAL ON THE FIRST FLOOR & RESIDENTIAL ABOVE.

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

Fees & Receipt

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

To calculate postage charges, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Petitioner Signature *


12/19/2014

Date *

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fee(s) and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date *

12/22/14

Receipt Number *

23427

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

³ The United States Postal Service: <http://www.usps.com/>

PLATTE

architecture + design

1404 RACE STREET SUITE 300 CINCINNATI, OH 45202
WWW.PLATTEDESIGN.COM T: 513.871.1850 | F: 513.871.1829

December 19, 2014

City of Oxford
Board of Zoning Appeals

Re: The Princess Theater
10 North Beech Street
Oxford OH 45249

We hereby request a zoning variance for the front yard setback at the proposed development at the aforementioned property. We request that, through this variance, the Board of Zoning appeals grant permission for the east (front) wall of the proposed addition to align with the east walls of the adjacent existing buildings on Beech Street to the south.

The section of the City of Oxford Planning and Zoning Code for which we are requesting this variance is as follows:

1143.10 UPTOWN DISTRICT

(c) Site Development Regulations.

(2) Yard requirements

Front Yard requirement: 16.5 feet minimum except On High Street- at least 70 percent of the building must meet the right-of-way line.

As stated in Section 1139.02 (c)(2), the Board shall consider the following factors (A-H) in determining whether to grant a zoning variance:

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance.

The lower floor of the proposed addition is designed to house a retail or restaurant use. Setting this building back 16.5' from the Right of Way would effectively hide this storefront behind the existing theater, blocking views from busy High Street to the south. This greatly reduces visibility and therefore viability of this commercial storefront.

Furthermore, If the proposed addition is required to be set back from the Right of Way 16.5', we would be required to reduce the overall building square footage by 1168 square feet. This makes both the commercial space below and the living spaces above smaller, and therefore less desirable to tenants.

B. Whether the variance is substantial

This variance would be substantial because it would allow that the proposed building addition be built 9'-3" closer to Beech Street than would otherwise be allowed by the Oxford Planning and Zoning Code.

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance

The essential character of the Uptown District is described in the Planning and Zoning Code as follows:

1143.10(a) Purpose. The purpose of this (Uptown) district is to preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

Allowing the front wall of the proposed addition to align with the adjacent buildings on Beech Street would preserve the historic **aesthetic** of the "street wall", as evidenced in the attached historic photograph. Furthermore, aligning these walls re-establishes the aesthetic dominance of the historic movie theater's portico, which was interrupted by the misaligned existing 1980's addition (now proposed for demolition).

Furthermore, aligning these walls increases visibility from busy High Street to the south. This visibility is key for ensuring the long term **functionality** and economic vitality for this commercial storefront space.

Aligning these walls increases **pedestrian compatibility** of Beech Street, bringing the storefront shopping and entertainment experience from W. High Street around the corner on to Beech.

D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)

The variance would in no way affect the delivery of governmental services. The variance would allow the building to align with adjacent existing buildings.

E. Whether the property owner purchased the property with knowledge of the zoning restriction;

The property owner purchased the property with the knowledge of the zoning restriction.

F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance.

A zoning variance is the only way to align the east wall of the proposed addition with the existing adjacent buildings.

- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The spirit of the zoning code shall be upheld by granting this zoning variance. The zoning code describes the Uptown District as encouraging "the continued vitality of the City's historic central business and civic activity area." Aligning the front wall of the proposed addition reinforces the character of the existing architecture of this downtown historic business area, increases economic vitality, better highlights the existing historic theater, and increases pedestrian compatibility, as detailed in section C above.

- H. Any other relevant factor.

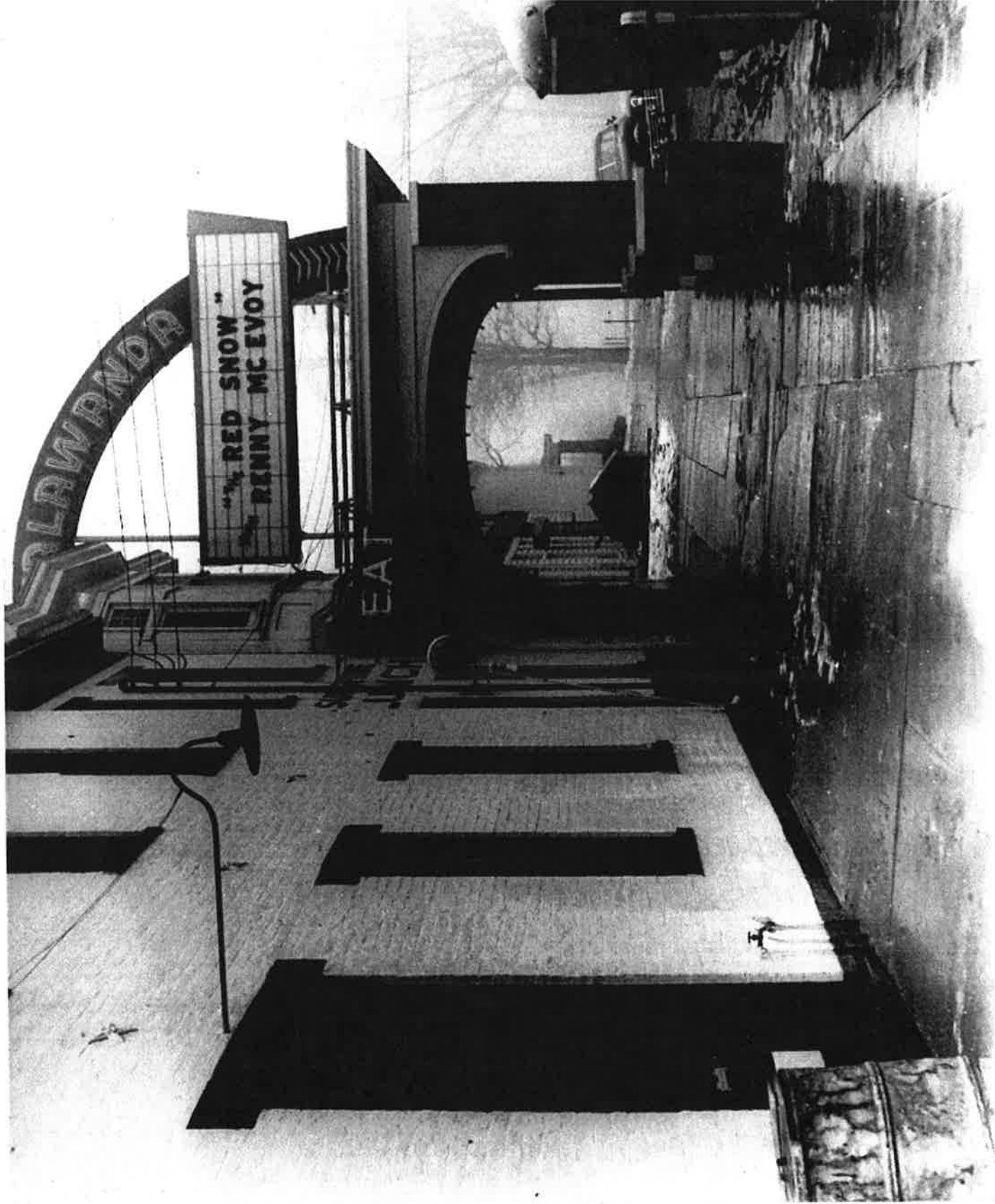
Preserving the historic character of downtown Oxford and the Princess Theater is a primary consideration in this project. This development seeks to reinforce the historic character of the Princess Theater by bringing back the "street wall" evidenced in the attached historic photograph, reestablishing the aesthetic dominance of the theater's portico.

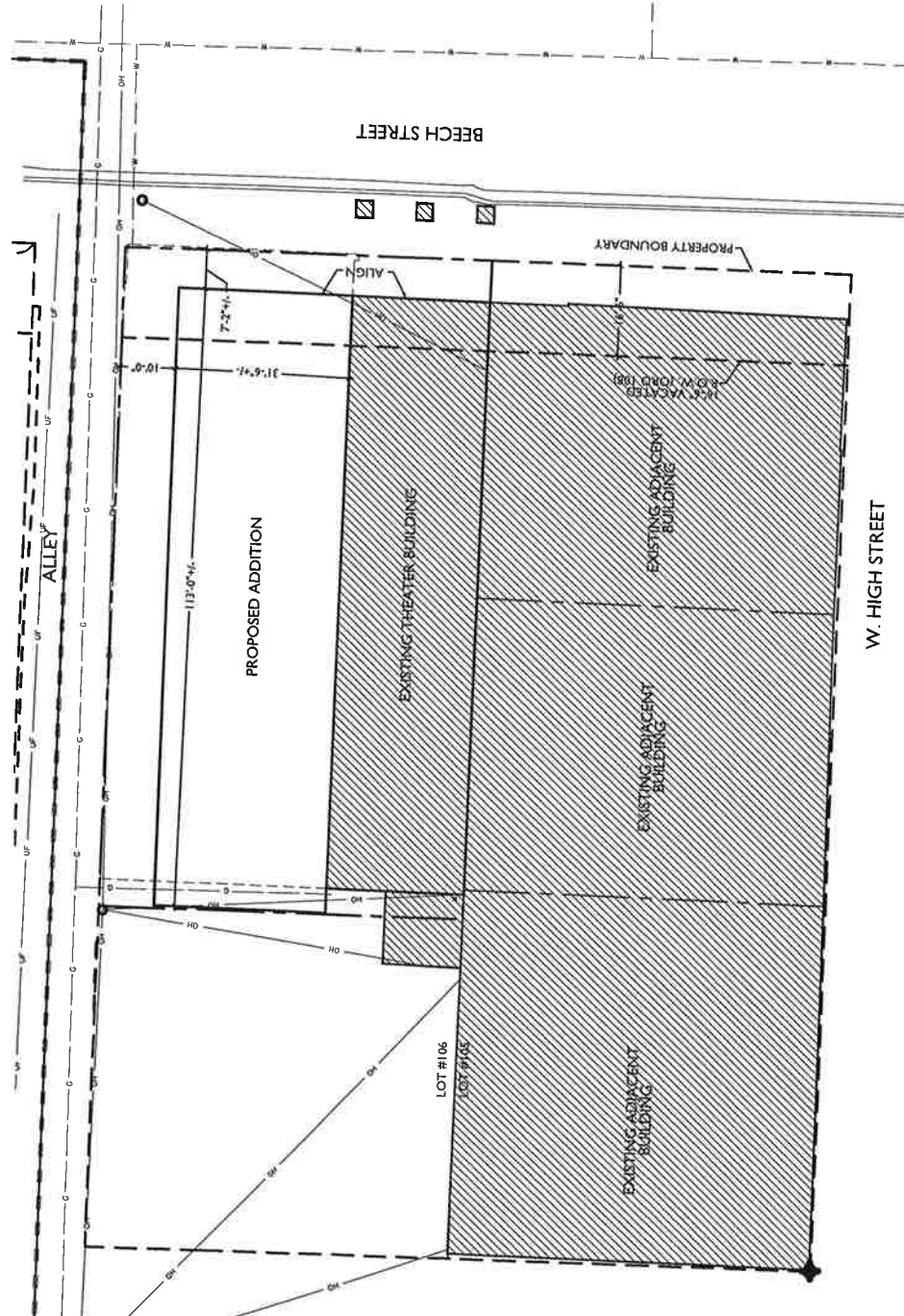
If you have any comments or require any additional information please feel free to contact us.

Sincerely,
Platte Architecture + Design, LLC

A handwritten signature in black ink, appearing to read 'Amy Lynch', with a long horizontal line extending to the right.

Amy Lynch - Designer





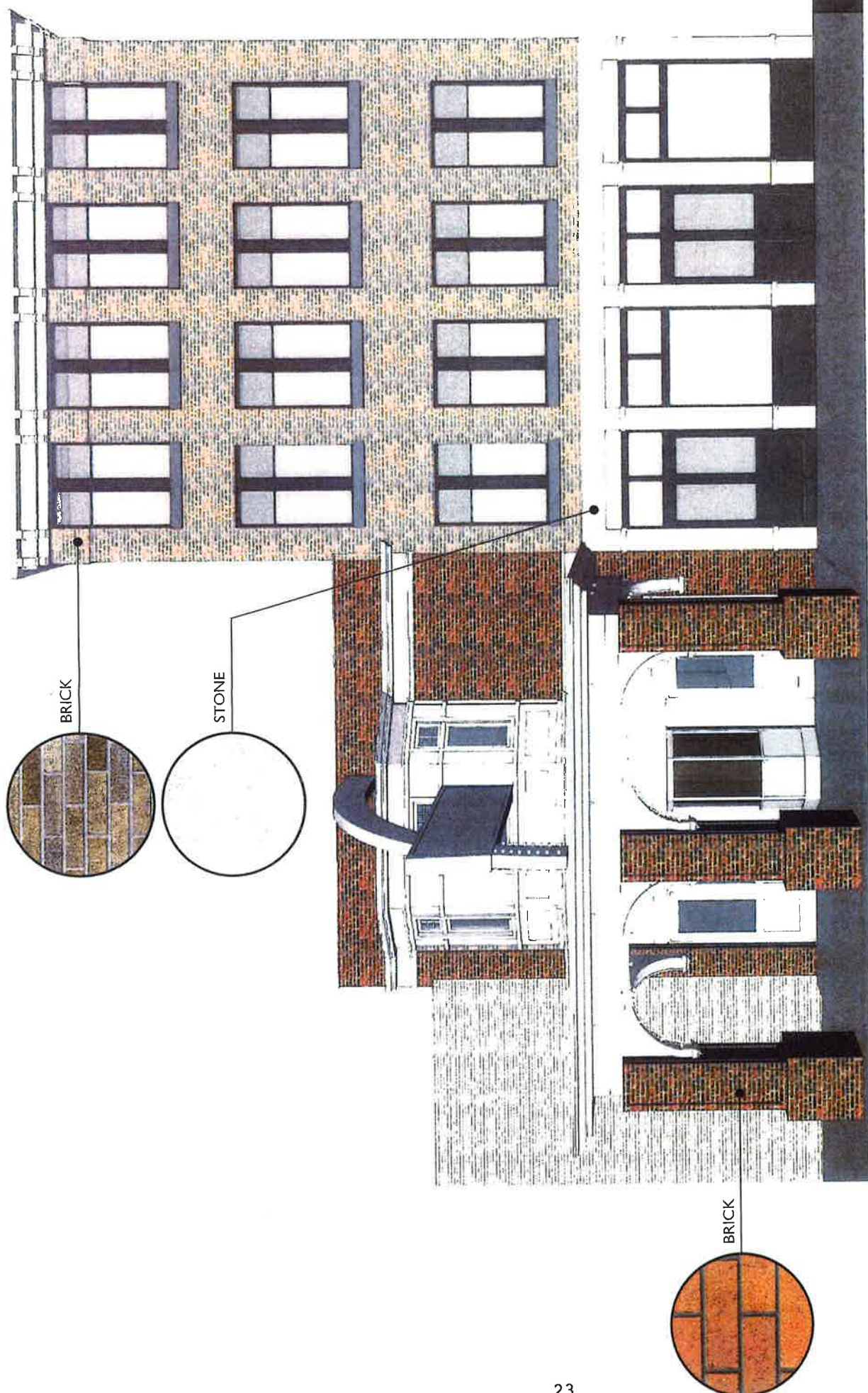
PROPOSED SITE PLAN
scale: 1/32" = 1'-0"



1

NORTHEAST VIEW

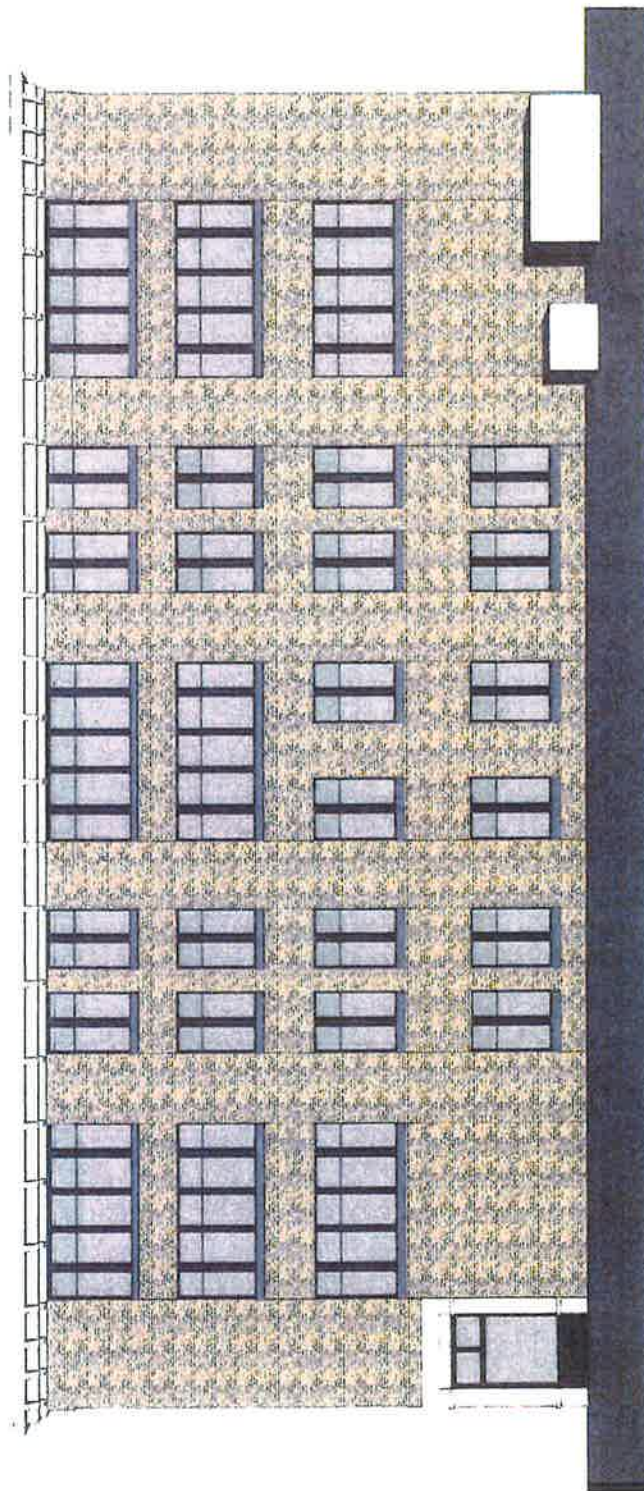
SCALE 3/32" = 1'-0"



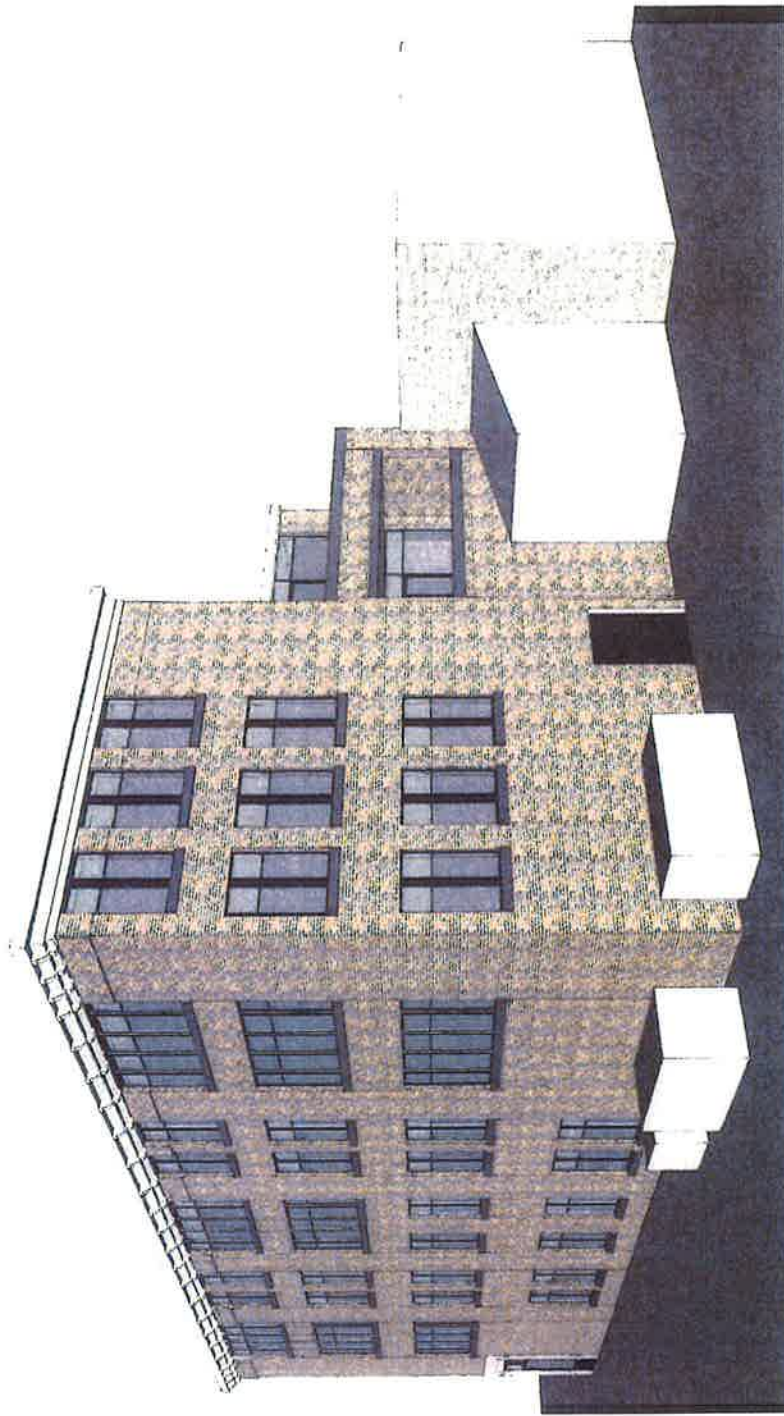
1
SCALE 3/16" = 1'-0"

PROPOSED ELEVATION

PLATTE | PRINCESS THEATER: BZA Application
 architecture + design | 1404 Race St. Cincinnati, Ohio 45202 • www.plattedesign.com • 513.871.1850



1 NORTH ELEVATION
SCALE: 3/32" = 1'-0"



1 NORTHWEST VIEW
SCALE 3/32" = 1'-0"