

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2015-02

Date – February 18, 2015

APPLICATION

Applicant: Scott Webb
Location: 201-203 South Locust Street
Owner: Ohio Valley Goodwill Industries (Keith Koerner)

- Action Requests:
- Variance to General Business (GB) District Supplemental Regulations, Section 1143.12(d)(4)A. Requiring 60% glazing on the ground floor between 2.5' and 7' above grade
 - Variance to GB District Section 1143.12(d)(6) Requiring the front façade to be finished with 50% natural materials
 - Variance to Vehicle Management Section 1149.05(a)(1) Prohibiting parking spaces in the front yard setback

Current Use: Vacant Commercial and Industrial
Zoning: General Business (GB)
Surrounding Land Uses: Commercial and Public Utility

DESCRIPTION

Mr. Scott Webb is requesting three variances on behalf of Goodwill Industries, the owner of the subject property at 201-203 South Locust Street (five parcels). Attached from Mr. Webb is a three page letter, a one page site plan and three pages of renderings.

This property was formerly a combination of different uses. Mr. Webb is working with Goodwill to redevelop the property for use as a donation center and retail store. The steel garage along the south property line will be retained and modified while the two smaller buildings to the north will be removed as part of the site access improvements. The Oxford Zoning Code General Business District Supplemental Regulations require at least 60% storefront window area on the front façade, as well as at least 50% natural materials such as brick. The vehicle



management code prohibits parking spaces in the required 35' front yard setback area.

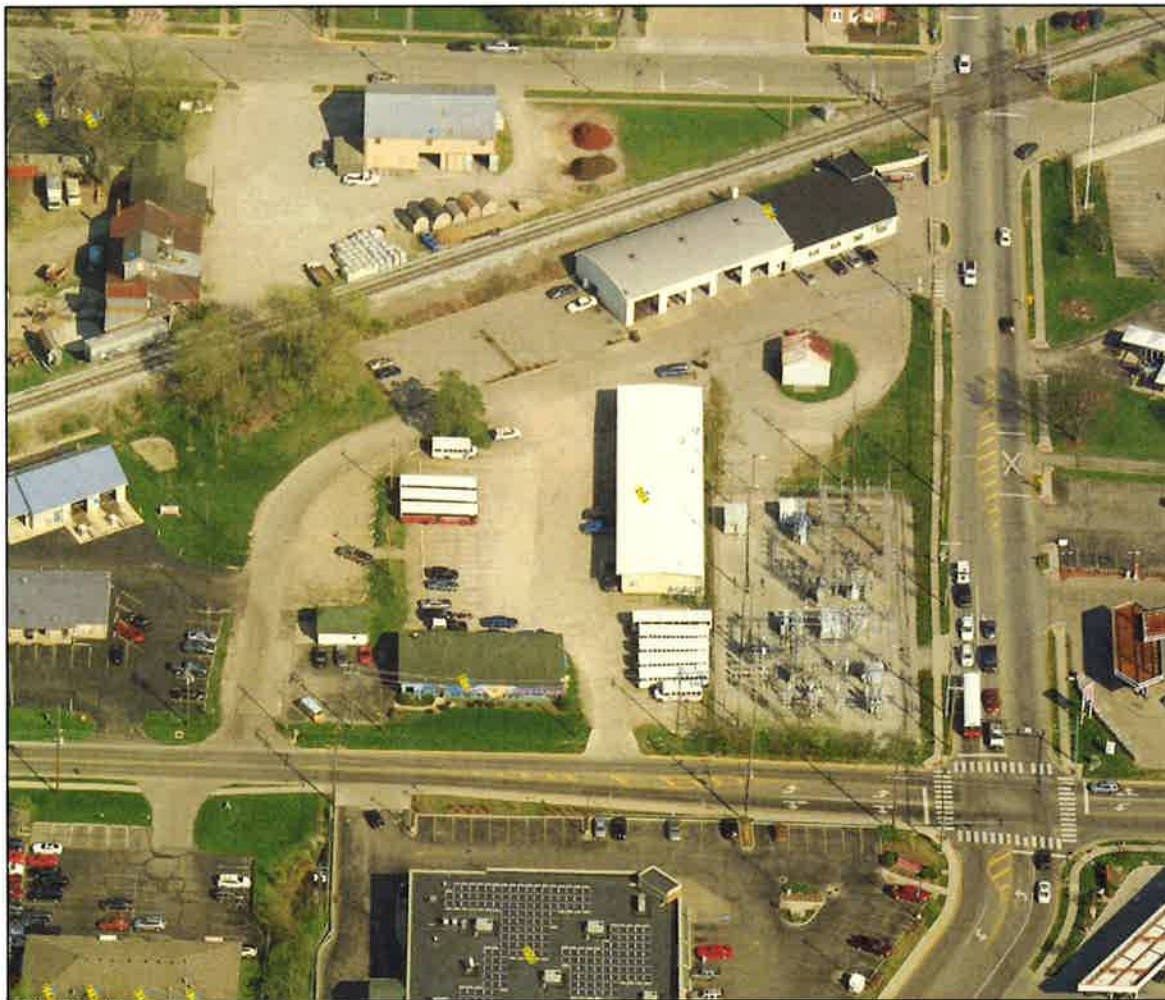
SITE/AREA BACKGROUND

Per Section 1143.12(c)1, the General Business code requires the Planning Commission to hold a concept review of any site over one acre, for discussion purposes. The minutes from the January 13, 2015 Planning Commission meeting are attached. These minutes do not constitute a recommendation to BZA, but may offer background information which could or could not be weighed as evidence, per the BZA's determination.

Most recently the site was used as a transit bus garage/storage affiliated with the University. A separate building was used as a screen printing business. There is currently a combination of paved and unpaved areas, some of which were private parking areas in the West Collins Street right of way. Based on the submitted site plan the unpaved parking areas on private property would be replaced with grass and paving compliant with Zoning Code.

The property is unusual in that it has frontages on three public rights of way, with South Locust Street having the greatest traffic volume. Previous to 2006, South Locust Street terminated just beyond this property's South Locust Street curb cut and did not extend to the Spring Street/Fairfield Road intersection, as it does now. The property to the south is an electrical substation with some open area. Union Street, a narrow 25 foot right of way, serves as public access from West Spring Street. There is no sidewalk and an open ditch along the South Locust Street frontage of this property. West Collins Street and Union Street are hard surface streets with no curbs, sidewalks or storm sewers. There are no projects planned by the City of Oxford for right of way improvements adjacent to this property at this time.

Below is a 2012 Oblique photograph of the subject property in the center.



COMMENT FORMS

No public comments were received from surrounding property owners regarding this request.

AGENCY REVIEW

The variance requests have been reviewed by City departments. However the proposal has not been reviewed for a building permit. The building permit submittal typically generates more comments, some of which could relate to the site layout. All applicants have the option of a variance application either prior to, or after a complete plan review.

Fire	Returned without comments
Police	Returned without comments
Engineering	Returned with comments attached
Economic Development	Returned without comments

SITE HISTORY

There are no documented records of prior BZA cases for the subject property.

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 Mr. Webb. The staff's review of the criteria is broken down for each of the three variances separately below:

Façade Glazing and Natural materials requirements:

Regarding criterion A, Staff believes that the property **cannot yield a reasonable return without the variance**, since the building proposed to remain is a substantially re-usable building. Due to the design materials of the existing building and the fact that there are three frontages, fully complying with the glazing and natural materials requirement would be a substantial modification to the building. The proposal appears to be less than 10% of the glazing requirement, as the two entry doors are the only glazing proposed. Given that 60% is required, some evidence regarding the technical complexity of modifying the existing building would be helpful. The natural materials requirement facade proposal is 12% and 38% respectively, which is a substantial improvement over the current condition.

Regarding criterion B, Staff believes that the percent difference between the glazing proposed and the glazing required **is substantial** given that it appears to be approximately an 80-90% difference. The percent difference between the percent natural materials required and the percent proposed is also substantial, for the north façade, at 75% less than required.

Regarding criterion C, Staff believes that there would **not** be any result of the glazing variance that would **negatively alter the essential character of the neighborhood**. The adjacent sites have either no glazing or substantially less glazing than proposed for the subject property. The surrounding area compliance with the natural materials requirement is much higher than the glazing requirement compliance.

Regarding criterion D, Staff believes that the delivery of governmental services **is not impacted positively or negatively**, with the glazing or natural materials variance requests. Less glazing could potentially limit points of access and visibility for emergency services. However, the intent of the requirement is based upon the creation of storefront, not emergency service access.

Regarding **criterion E, property owner awareness of zoning restriction**, see the Applicant's narrative letter. The property was purchased in January 2014. The glazing and natural materials requirements were adopted into the zoning code with other revisions in 2006.

Regarding criterion F, it is not clear based upon the information submitted that the **owners' predicament cannot be obviated** through a method other than a variance. Little discussion or evidence about an attempt to comply with the requirements, has been presented.

Regarding criterion G, staff believes that the **spirit and intent** of the zoning requirement for glazing and natural materials is related to the retail storefront experience in a commercial district. The proposal substantially improves the current situation but nonetheless falls short of the zoning requirements.

Regarding criterion H, staff believes **that a relevant factor** is the existence of the substantially re-usable building that does not comply with the glazing or natural materials requirements.

35' Front Yard/Setback Parking Prohibition:

Regarding criterion A, Staff believes that the property **cannot yield a reasonable return without the parking location variance**. The existing building is set back from the Locust and Collins' rights of way. The frontage on three streets and location of building along the property line **does not give** adequate options for placement of extra parking spaces without the variance.

Regarding criterion B, Staff believes that encroachment of the parking spaces into the 35' front yard setback **is substantial** as it narrows the required landscaped distance by more than 50% between the parking spaces and the right of way. Due to no curbing on West Collins and Union Streets this introduces the additional issue that the narrow landscaped area would be driven upon.

Regarding criterion C, Staff believes that there would **not** be any result of the parking location variance that would **negatively alter the essential character of the neighborhood**. The adjacent sites all have parking in the front yard setback. The proposed site will be gaining a substantial amount of new green space as part of the redevelopment.

Regarding criterion D, Staff cannot determine at this point if the delivery of governmental services (such as utilities, access, other public services) **is impacted positively or negatively**. A full plan review of the proposal will be completed when the building permit application is submitted.

Regarding **criterion E, property owner awareness of zoning restriction**, see the Applicant's narrative letter. The property was purchased in January 2014. The parking location requirements prohibiting parking in the 35 foot front yard setback area have existed prior to 2003.

Regarding criterion F, the **owners' predicament can be obviated** through a method other than a variance. The site layout proposed centers around the owner's focus of creating an efficient donation process rather than focusing on a retail storefront. This is unique to the owner's business plan. This precipitated the desire to take advantage of the natural grade to position the loading dock on the southwest corner of the site. The use of this corner of the property for the loading and sorting therefore widens the drive aisles and pushes the extra parking up to 15 feet into the required front yard setback of 35 feet. The number of drive aisles and street access points could be eliminated to gain compliance. However it is not the role of the BZA to redesign the site.

Regarding criterion G, staff believes that the **spirit and intent** of the zoning requirement prohibiting parking spaces in the 35 foot front yard setback area is to create the commercial corridor experience with regard to landscaping in the front. If the BZA were to determine that there was sufficient evidence to grant the parking location variance it should require some form of protection of the new landscaped area along West Collins Street (one of the front yards). The landscaped area will be narrower than required and

therefore should have protection from vehicles due to the fact that there is no curb along West Collins and Union Streets.

Regarding criterion H, staff believes **that a relevant factor** is the fact that the site was previously and currently underutilized per the GB use regulations; and further that an adaptive re-use of the existing building and site, is proposed.

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variances, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance requests. At the time of this report, **staff believes there is substantial evidence that supports the variance requests.** If the BZA does approve the variances it can attach any appropriate conditions necessary.



SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

DATE: February 11, 2014

**EXCERPT FROM APPROVED JANUARY 13, 2015 PLANNING COMMISSION
MEETING MINUTES:**

Concept Review - Future Goodwill Store, 201-203 S. Locust Street, Scott Webb

Mr. Prytherch announced a concept review for a future Goodwill store. Mr. Scott Webb, the Applicant, spoke. Mr. Webb provided a PowerPoint presentation which described an addition and adaptive reuse of the former bus garage and Moonshine Printing building. Mr. Webb described the existing site and structures. The building to be used as the Goodwill store will be the bus garage. The Moonshine building would be demolished. The existing building plan includes an addition. Mr. Webb stated they would provide a heavy landscape screening from the electric substation. Mr. Webb stated that the store would not serve as a drive-through but a drop-off facility and that the current building (bus garage) was a pre-engineered building that Goodwill would utilize; however, would add some decorative façade to it. Mr. Webb described the entrances to the building. Mr. Webb noted that the location of the addition was the best place for it. Mr. Webb described the setbacks, and noted that the design showed 42 parking spaces. In regards to having a dumpster, Goodwill doesn't use them as everything coming into the store is placed in trucks. Mr. Webb stated that the design included bike racks for alternative transportation. Mr. Webb stated that Goodwill owned the lot.

Ms. Rousmaniere stated she disliked the loading dock facing Locust Street. Mr. Webb stated that the loading dock would be recessed and landscaped. Mr. Webb also shared that you would not be seeing big semi-tractor trailers, but 28 and 32-foot trucks. It was inquired if people could drop off afterhours and expressed their concern for piling up of items on the site. The Goodwill representative present for the meeting stated that their trucks go around to all their sites all night long to pick up possible dumped items and that should it become a problem here that they would come before the Planning Commission to install a gate. Mr. Keebler expressed hope for work on sidewalk access and suggested getting in touch with Duke Energy and working with them to install a sidewalk on all three street fronts. Mr. Daniels stated he hoped the entire corner could be cleaned up with this opportunity for improvement. Mr. Prytherch asked the Applicant to visualize the foot traffic in their design. Mr. Prytherch stated he did not like the drop off location facing Locust Street. Mr. Benson stated he had never seen a drop off facility facing the front and expressed his concern of dumping. Mr. McCarthy inquired if the loading dock could be located in the elbow of the L-shape design. Mr. Webb stated that they had the advantage of existing grading with the current drawing.

Mr. Prytherch thanked Mr. Webb.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/15

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-02 201-203 S. Locust Street, variance 1143.12(d)(4)(A) 60% glazing requirement on the ground floor, 1143.12(d)(6) 50% front facade finish requirement with natural materials, and 1149.05(a)(1) prohibited parking space in front yard setback, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

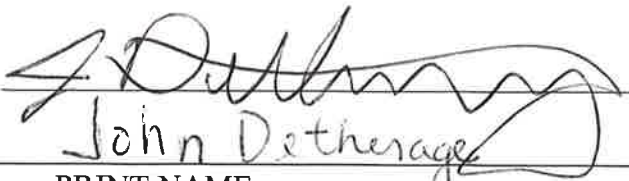
Comments or status update requested by: Lynn Taylor

Please return no later than: **2/9/2015** 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: 2-5-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/15

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-02 201-203 S. Locust Street, variance 1143.12(d)(4)(A) 60% glazing requirement on the ground floor, 1143.12(d)(6) 50% front facade finish requirement with natural materials, and 1149.05(a)(1) prohibited parking space in front yard setback, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/9/2015** Note: If no comments are received, we will assume the project meets your department's standards.

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

SEE MEMO DATED 2-5-2015

Drawings reviewed by: _____



VICTOR POPESCU

PRINT NAME

Date: 2-5-2015



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # BZA-2015-02
201 - 2013 S. Locust Street

DATE: February 5, 2015

The Engineering Division has no comments opposing the subject variances.

However, in the interest of safety for the pedestrians and vehicular traffic, we ask that consideration be given to the requirement of a sidewalk along the Locust Street frontage.

The existing ditch along the Locust Street frontage forces pedestrians to walk in the roadway. Replacing the existing ditch with a storm water sewer would enable the construction of a standard City of Oxford sidewalk in back of the curb, similar to the sidewalk fronting Walgreen's.

It is City of Oxford's policy to require sidewalks, as part of developments.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/15

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-02 201-203 S. Locust Street, variance 1143.12(d)(4)(A) 60% glazing requirement on the ground floor, 1143.12(d)(6) 50% front facade finish requirement with natural materials, and 1149.05(a)(1) prohibited parking space in front yard setback, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/9/2015** 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:

RP ★
ROBERT B. HOLZWORTH
PRINT NAME

Date: 2/2/2015

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/15

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-02 201-203 S. Locust Street, variance 1143.12(d)(4)(A) 60% glazing requirement on the ground floor, 1143.12(d)(6) 50% front facade finish requirement with natural materials, and 1149.05(a)(1) prohibited parking space in front yard setback, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/9/2015** 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: 

Date: 2-9-15

G. Alan Kyrie

PRINT NAME

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing February 18, 2015 regarding the Proposed New Goodwill Drop-off Center & retail Store at 201-203 South Locust Street, Oxford, Ohio.

Thank-you,

Signed:

(Keith Koerner)

(Ohio Valley Goodwill Industries)



1/19/15

Date:



Internal Use Only:	
Case No.	BZA-2015-02
Date Filed	1/20/15

Petition for Zoning Variance

Petitioner Information

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

Name *	Scott Webb, Architect
Mailing Address *	103 West Walnut Street
City, State & Zip Code *	Oxford, Ohio 45056
Telephone Number(s) *	(513) 523-3838
Email Address	scott@scottwebbarchitect.com
Location of Property *	201-203 South Locust St.
Name of Building *	Former Moonshine Screen Printing & Bus Garage

Owner Information

Name *	Ohio Valley Goodwill Industries
Mailing Address *	10600 Springfield Pike
City, State & Zip Code *	Cincinnati, Ohio 45215
Telephone Number(s) *	(513) 771-4800
Email Address	kkoerner@cincigoodwill.org

Variance and Lot Information

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

1143.12(d)(4)(A) Requiring 60% glazing on the ground floor between 2.5 and 7' above grade

1143.12(d)(6) Requires the front façade to be finished with 50% natural materials

1149.05(a)(1) prohibiting parking spaces in the front yard setback

Location of Requested Variance *	201-203 South Locust St.
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Legal Description *	
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Zoning District *	GB	Total Acreage *	
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Existing Use of Site *	Former Moonshine Screen printing & Bus Garage
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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.

New Donation Center & Retail Store for Ohio Valley Goodwill

- 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

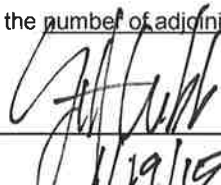
The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00 plus postage charge. **Fees may increase if staff determines that you need more variances.**

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

Sign and Date

Petitioner Signature *

Date *


1/19/15

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 *

1/20/15

Receipt Number *

26252

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/>

Board of Zoning Appeals
City of Oxford
101 East High Street
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Multiple Variances
Proposed New Goodwill Donation & Retail Center
201-203 South Locust Street
For Ohio Valley Goodwill Industries

January 16, 2015

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for variances to the Oxford Zoning Code sections listed below.

The existing site is currently occupied by (2) buildings; the former location of Moonshine Screen Printing, which will be demolished, and the former bus garage building which will remain. An addition is proposed to the west of the existing building as shown on the attached drawings.

Ohio Valley Goodwill has purchased the site and is proposing an adaptive reuse of the site for a Donation Center and a new Retail Store. For the existing building and site layout to accommodate the needs of this new user and the budget constraints of a non-profit, the following variances are requested:

- 1143.12(d)(4)(A) Requires 60% glazing on the ground floor between 2.5 and 7' above grade.
The proposed use of the building does not require glazing for either the Donation or the Retail center. Were windows provided, they would simply be covered on the inside to allow for merchandising on the retail side, and to obscure the sorting and processing of dropped-off materials on Donation Center side
- 1143.12(d)(6) Requires the front façade to be finished with 50% natural materials including brick, stone, masonry, glass or wood
The design of the remodeling & reuse includes new brick elements at each entrance to the building and another facing the Locust Street entrance.
The resulting areas of natural materials are as follows:
Retail Façade (facing West Collins & Union) = $\pm$ 12%
Donation Center Facades (facing Locust & W. Collins) = $\pm$ 38%
- 1149.05(a)(1) States that parking spaces shall not be located in the front yard setback
As a corner lot, (2) front yard setbacks are required. Parking spaces are proposed in (1) of these setback areas, along West Collins Street, reducing the setback to the parking at $\pm$ 15'. The remaining green space far exceeds that of its neighboring properties.

As shown on the attached drawings & aerial photographs, all of the adjacent buildings or structures, including the Duke Substation, Locust Laundry & Carwash, Pohlman Tire, & Walgreens across the street have parking in the front setback area.

The following responses address the decisions standards outlined in the application:

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

Ohio Valley Goodwill is a non-profit company, creating jobs for the disabled through donations and resale of donated items. As such, they do not operate on typical retail margins, and would not be able to yield a reasonable return without consideration from the Board.

The requirements for glazing & natural materials are burdensome. The shape of the existing building and the addition combined with difficulties of the lot create a building with a tremendous amount of perimeter.

The triangular shape of the lot, with (2) required front setbacks and bordered by three streets limits the area for the required parking. It would be difficult to yield a reasonable return if parking were reduced below the need.

- b) *Whether the variance is substantial;*

The variance to the glazing requirement, while mathematically substantial, is not compatible with the reuse plan. Were windows provided, they would simply be covered on the inside to allow for merchandising on the retail side, and to obscure the sorting and processing of dropped-off materials on Donation Center side. Further, the extensive perimeter of the building compounds this requirement.

The variance to the natural material requirement is less mathematically substantial, with natural material provided in key façade locations.

The variance to allow parking in the front setback is not substantial, as the remaining setback and green space far exceeds that of adjacent and similarly developed properties..

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

The essential character of the neighborhood would not be affected, by either the glazing or the material variance. The building and site is dominated by the Duke Electric Substation to the South, abuts an auto body/tire service business to the East, and parking lots, laundromats & carwashes on other sides.

The essential character of the neighborhood would not be affected by the reduced setback variance for parking, as parking is provided in this setback area on all adjacent lots. The neighborhood will in fact be dramatically improved with paving, landscaping and curbs replacing a gravel lot.

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

None of the requested variances would affect the delivery of governmental services, as all utilities are existing on the site.

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

The property was purchased with limited knowledge of the zoning requirements, but with the clear intention to improve the current property.

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

Excessive building perimeter and budgetary constraints of a non-profit combine to make the glazing & material requirements disproportionate to the scope of the work required to reuse the building.

The parking variance is the only means by which adequate parking can be provided on site.

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

The spirit and intent of the Zoning Code is respected, allowing a permitted use to improve and occupy an existing building, and improve the overall conformance of the site. Requiring full compliance with every design criteria added to the GB code would be disproportionate to the scale of the project.

- h) *Any other relevant factor;*

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, improving the property functionally and helping to insure their continued success.

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

Respectfully,



Scott Webb, Architect

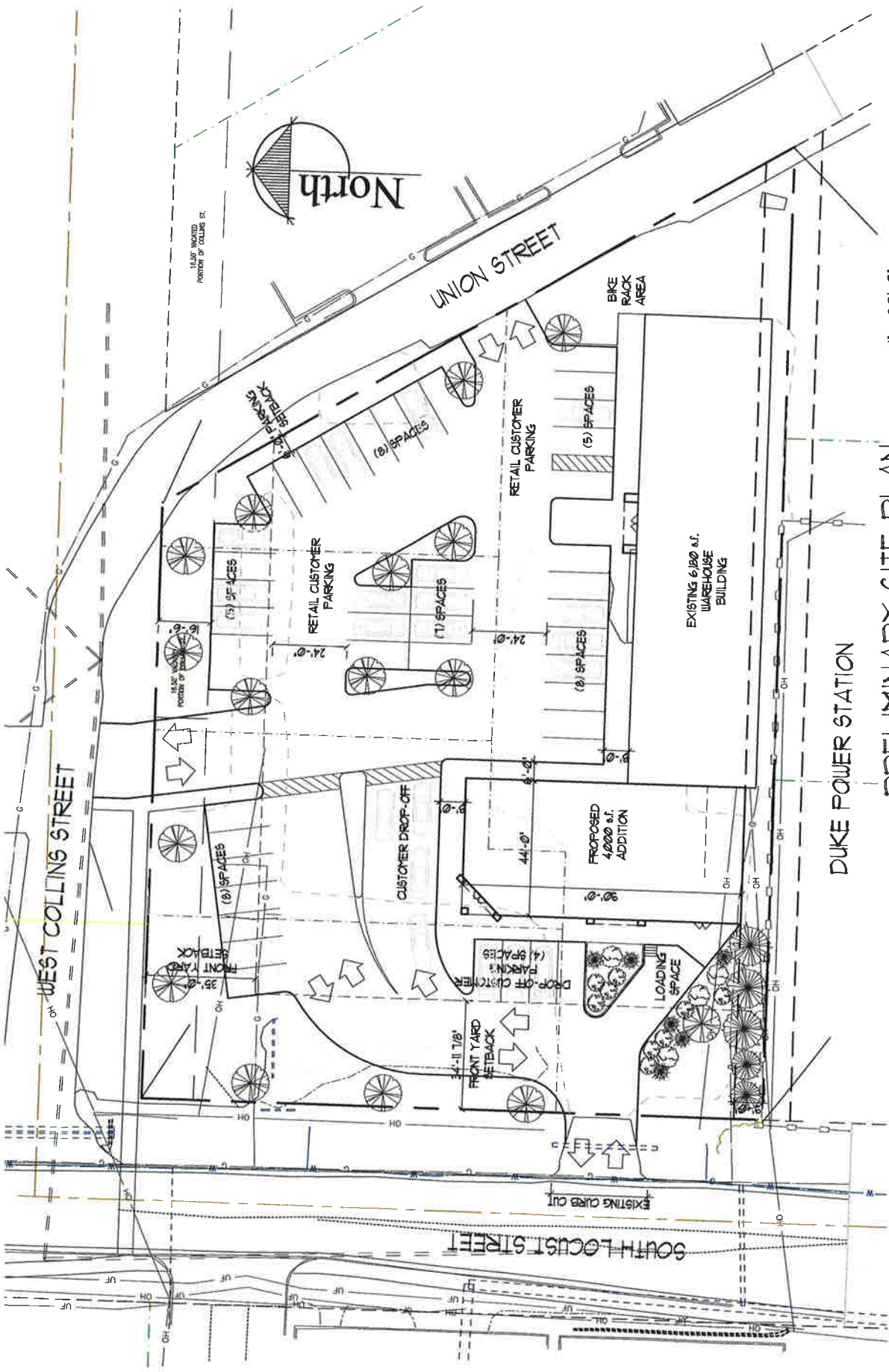


SCOTT WEBB ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 823-3888
www.scottwebbarchitect.com

Ohio Valley Goodwill
201-203 SOUTH LOCUST STREET
OXFORD, OHIO 45056
PROPOSED NEW DONATION & RETAIL CENTER

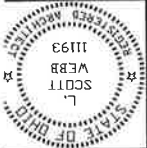
DATE	January 5, 2015
REVISIONS	

A-1



PRELIMINARY SITE PLAN
1" = 30'-0"
45 TOTAL PARKING SPACES WITH (6) ADDITIONAL DROP-OFF POSITIONS

DUKE POWER STATION



SCOTT WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45055
614 523-3638
www.scottwebbarchitect.com

PROPOSED NEW DONATION & RETAIL CENTER
Ohio Valley Goodwill
201-203 SOUTH LOCUST STREET
OXFORD, OHIO 45056

DATE: January 5, 2010
REV: 01/05/10

A-2



NORTHWEST CORNER
BUILDING ADDITION FEATURING CORNER ENTRY DONATION CENTER



SCOTT WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
613.523.3838
www.scottwebbarchitect.com

PROPOSED NEW DONATION & RETAIL CENTER
Ohio Valley Goodwill
201-223 SOUTH LOCUST STREET
OXFORD, OHIO 45056

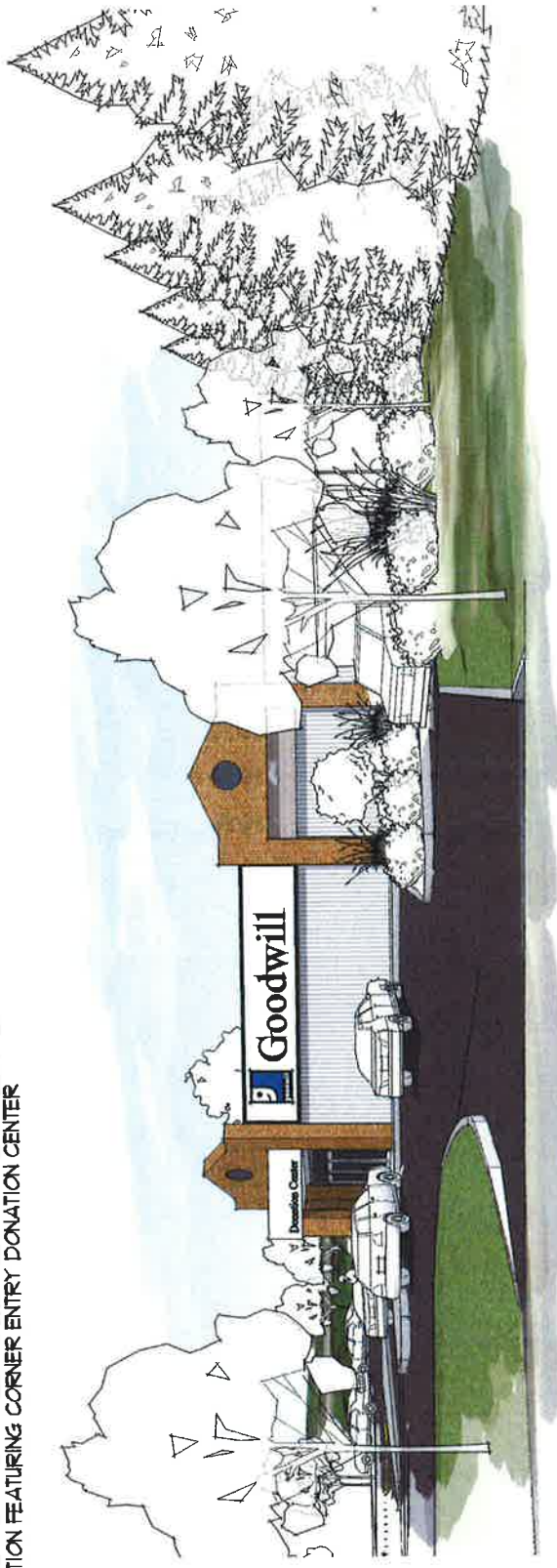
DATE	January 8, 2009
REVISION	

A-3



VIEW FROM INTERSECTION

BUILDING ADDITION FEATURING CORNER ENTRY DONATION CENTER



VIEW FROM LOCUST STREET ENTRANCE

BUILDING ADDITION FEATURING CORNER ENTRY DONATION CENTER

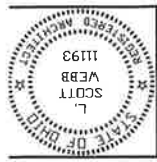


RETAIL CENTER

ADAPTIVE REUSE OF EXISTING BUILDING FOR NEW RETAIL CENTER

PROPOSED NEW DONATION & RETAIL CENTER
 Ohio Valley Goodwill
 201-203 SOUTH LOCUST STREET
 OXFORD, OHIO 45056

SCOTT
 WEBB
 ARCHITECT
 100 West Main Street
 Oxford, Ohio 45056
 513-523-8838
 www.scottwebbarchitect.com



DATE
 January 5, 2018
 REVISED

A-4

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2015-03

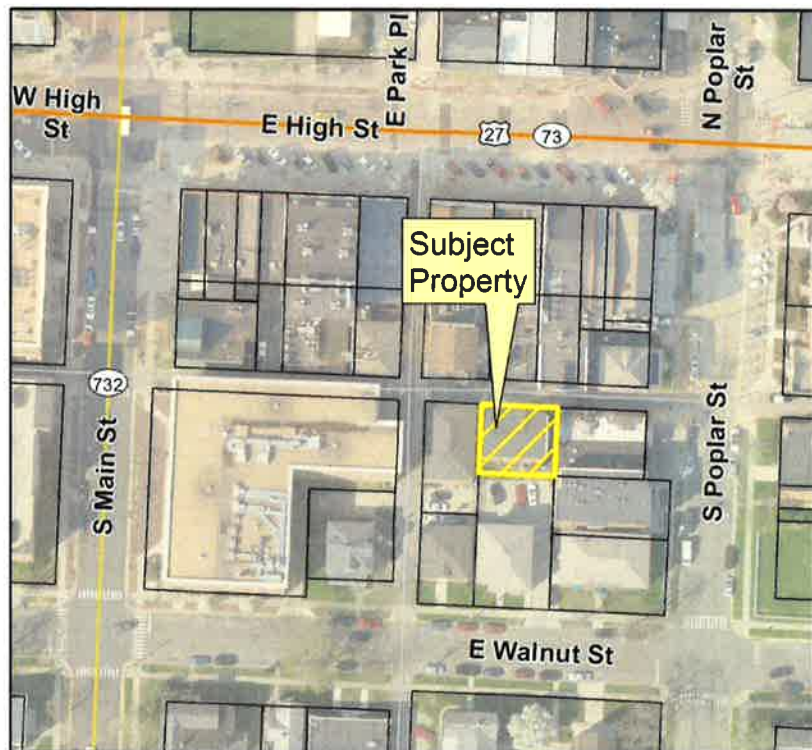
Date – February 18, 2015

APPLICATION

Applicant:	Scott Webb
Location:	14 South Poplar Street (in alley)
Owner:	Matt Hughes
Action Requests:	Variance to Uptown Zoning Site Development Regulations, Section 1143.10(c)(1)A.1, Minimum Lot Size Variance to Nonconforming Lots Code, Section 1137.05(c)
Current Use:	Three Floor Residential
Zoning:	Uptown (UP)
Surrounding Land Uses:	Commercial, Residential and Mixed-Uses

DESCRIPTION

Mr. Scott Webb is requesting two variances on behalf of property owner Matt Hughes, to reduce the lot size of the current alley lot by 236 square feet. The Oxford Zoning Code Uptown District requires a minimum lot size of 3,000 square feet. The lot is currently 2,803 square feet. The proposal is to reduce the lot to 2,477 square feet. Additionally, the lot does not have any street frontage, so it is non-conforming. To reduce the lot size of an already nonconforming lot would not be in compliance with Oxford Zoning Code Nonconforming section, which also requires a variance. The code states “The lot on which there is located a nonconforming use or structure, shall not be reduced in any of the dimensional requirements to further increase the structure’s nonconformity.





Pictured above are photographs of the current adjacent property construction project. The building at right of both photographs is the subject property proposed for reduction in lot size.

BACKGROUND

As Mr. Webb's letter indicates, this request was brought about as a result of the adjacent project at 16 South Poplar Street. The building currently under construction at 16 South Poplar Street was applied for, approved and permitted to be built with no setback along the west property line. In order to accommodate building code requirements, a perpetual 6 foot access easement was proposed, approved and required to be recorded prior to occupancy. The owners of the two properties have decided instead to transfer that land area rather than use the easement option. The proposed change in lot line would result in no setback distance between the building on the subject Hughes property and the adjacent property at 16 South Poplar Street. There is no setback requirement in the Uptown Zoning code. The applicant has confirmed that there is not a building code issue with this.

Enclosed is a site plan from the applicant showing the six foot strip of land in cross hatching. The lot sizes for both lots are also shown. Also enclosed is a copy of the 2005 site plan that was presented to Planning Commission when the conditional use for ground floor residential was reviewed. The City Council approved the conditional use in February 2006. See attached Ordinance 2897.

COMMENT FORMS

No public comments were received from surrounding property owners regarding this request.

AGENCY REVIEW

Fire	Returned without comments
Police	Returned without comments
Engineering	Returned without comments
Economic Development	Returned without comments

SITE HISTORY

There is one prior record of a BZA Case in 2005 which was withdrawn prior to the hearing.

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 Mr. Webb. 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 the building on the subject lot is already functioning. Additionally the adjacent lot project bringing about the request can also function without additional land, as an easement was approved.

Regarding criterion B, Staff believes that the square footage of the land area reduction **is substantial** given that the lot is already 6.5% smaller than permitted. The additional reduction would make the lot 17.5% smaller than permitted.

Regarding criterion C, Staff believes that there would **not** be any result of this variance that would **negatively alter the essential character of the neighborhood**. The building can be built with or without this variance. No change to the building landscape is expected regardless of the outcome of this request.

Regarding criterion D, Staff believes that the delivery of governmental services **is not impacted positively or negatively**, with the variance request. For an alley lot, a typical concern of the city would be access to emergency services such as fire protection. Since this is an existing building, there does not appear to be any new governmental service issues that would arise from the variance.

Regarding **criterion E, property owner awareness of zoning restriction**, see the Applicant's narrative letter. According to County Auditor records the subject property has been owned by Hughes since September 2004. However, the adjacent property at 16 South Poplar was sold by Hughes to 16 S Poplar LLC in May of 2014.

Regarding criterion F, it is **more than feasible that the owners' predicament can be obviated** through a method other than a variance. The building permit for the new building at 16 South Poplar St was applied for in October 2014. The permit was issued without this variance in January 2015.

Regarding criterion G, staff believes that the **spirit and intent** of the zoning requirement for lot size is to have a predictable amount of land area to accommodate a variety of uses in the Uptown district. 3,000 square feet is the smallest listed minimum lot size requirement. The GB district, for example, does not list a minimum lot size.

Regarding criterion H, staff believes **that a relevant factor is the safe ingress and egress to the adjacent building** at 16 South Poplar Street.

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 not substantial evidence that supports the variance requests**. If the BZA does approve the variance it can attach any appropriate conditions necessary.



SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

DATE: February 10, 2014

ORDINANCE NO. 2897

ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION TO DENY THE CONDITIONAL USE PERMIT FOR RESIDENTIAL DWELLINGS ON THE FIRST FLOOR OF A PROPOSED NEW THREE-FAMILY STRUCTURE IN THE UPTOWN ZONING DISTRICT AT 16 SOUTH POPLAR STREET (THE STADIUM) IN THE REAR.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council finds in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission on November 8, 2005, held a public hearing for the purpose of considering the request of Matt Hughes, Applicant, for a conditional use permit for residential dwellings on the first floor of a proposed new three-family structure in the Uptown Zoning District at the property located at 16 S. Poplar Street (The Stadium), in the rear.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted and denied the motion recommending approval of the conditional use application for residential dwellings on the first floor of a proposed new three-family structure at 16 S. Poplar Street (The Stadium) in the rear, finding the request did not meet the standards for a conditional use.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and the report submitted by Planning Commission and grants the application for a conditional use permit for residential dwellings on the first floor of a proposed new three-family structure in the Uptown Zoning District at the property located at 16 S. Poplar Street (The Stadium), in the rear, finding the request meets the standards for a conditional use with the following condition:

a. Applicant is required to install sprinkler systems in all residential areas and that it is to be in compliance with City codes.

SECTION 4: This ordinance shall take effect at the earliest time allowed by law.


MAYOR

ADOPTED: February 21, 2006

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVE PROWS

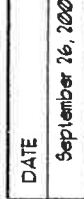
PREPARED BY: LAW (STAFF)

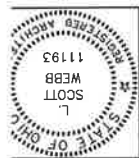
CITY OF OXFORD

11-20-00

POPULAR STREET (66.00' R/W)

18



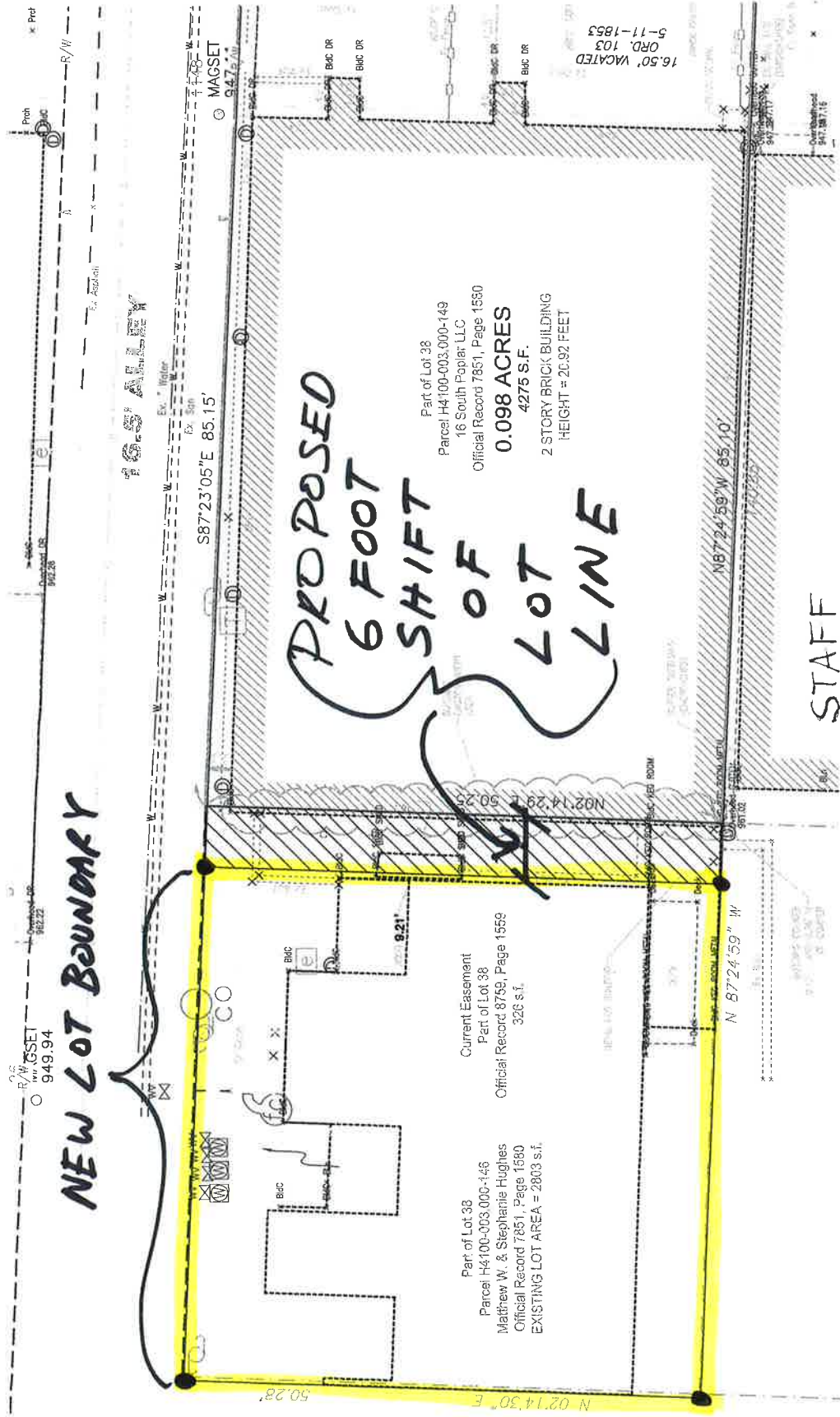


SCOTT
WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45053
615 523 3838
www.scottwebbarchitect.com

PROPOSED PROPERTY TRANSFER
14-16 South Poplar Street
OXFORD, OHIO 45056
MATT & STEPHANIE HUGHES

DATE	REVISIONS
January 23, 2015	

A-1



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/15

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-03 14 S. Poplar Street, Alley, variance to Section 1143.10(c)(1)A.1 3,000 sq. ft.
minimum lot size requirement in the Uptown (UP) District, and Section 1137.05(c) lot reduction
allowance for a nonconforming use or structure, **Scott Webb, Applicant/Agent**

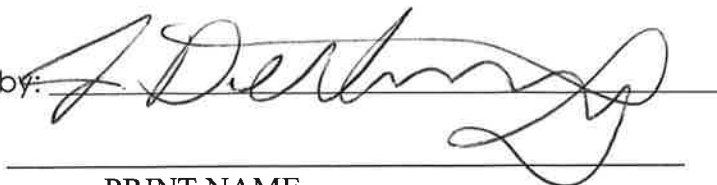
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/9/2015** 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:



PRINT NAME

Date: 2-5-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/15

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-03 14 S. Poplar Street, Alley, variance to Section 1143.10(c)(1)A.1 3,000 sq. ft.
minimum lot size requirement in the Uptown (UP) District, and Section 1137.05(c) lot reduction
allowance for a nonconforming use or structure, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/9/2015** 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: _____

V. Popescu

VICTOR POPESCU

PRINT NAME

Date: 2-5-2015

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/15

To: Fire Department Engineering Division Police Department Economic Development

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 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/9/2015** 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: R. H. ★
ROBERT B. HOLZWORTH
PRINT NAME

Date: 2/2/2015

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/30/15

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2015-03 14 S. Poplar Street, Alley, variance to Section 1143.10(c)(1)A.1 3,000 sq. ft.
minimum lot size requirement in the Uptown (UP) District, and Section 1137.05(c) lot reduction
allowance for a nonconforming use or structure, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/9/2015** 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: 

Date: 2-9-15

G. Alan Ketchum

PRINT NAME

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing February 18, 2015 regarding the reduction of lot area through the transfer of property, from 14 South Poplar Street in Oxford, Ohio.

Thank-you,

Signed: Matt Hughes
(Matt Hughes)

1/19/15
Date:

Board of Zoning Appeals
City of Oxford
101 East High Street
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Reduction of existing lot area
14 South Poplar Street
(Behind new 16 S. Poplar project)
Oxford, Ohio

January 16, 2015

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for variances to the Oxford Zoning Code sections listed below.

In 2005, the concrete block enclosed courtyard behind the Stadium Bar & Grill was demolished and replaced with a new residential building containing (3) townhouses. Planning Commission approval was granted for ground floor residential. A BZA approval was granted for the proximity of the parking spaces to the property lines.

As you can see from the early site plans, the second means of egress from the remaining Stadium bar and grill remained on this separate and distinct parcel. As both properties were held by the same owner, this situation was never required to be rectified with a new plat, or an easement.

In 2014, the Stadium Bar & Grill property was sold to 16 S. Poplar LLC.

The two original lots have existed since the earliest plats of the City. The 2014 purchase proceeded of the front original lot. Once again, however, the fact that the second means of egress from the front building was on the second lot remained unrectified.

This came to light after the sale was complete, and drawings were prepared for the new building, planning to continue to use this area as a means of egress from the front building.

When the buyer and seller attempted to rectify the oversight with the purchase of the additional 326 s.f., it was determined that doing so was prevented by the following sections of the Zoning Code:

1143.10(c)(1)A.1 Requires a min of 3,000 s.f. minimum lot size in the Uptown District.

The Existing lot is currently less than the 3,000 s.f. min. at 2,803 s.f. The transfer of the exit access way would reduce this lot 326 additional square feet, with a total of 2,477 s.f.

The transfer of this property does not violate maximum residential density restrictions of 1143.10(c)(4)A. As the lot remains over 2,400 s.f. with (12) occupants, the requirement of 200 s.f. of lot area per person is exceeded.

1137.05(c)

States that "The lot on which there is located a nonconforming use or structure, shall not be reduced in any of the dimensional requirements to further increase the structure's nonconformity"

The lot under consideration does not contain a "non-conforming use or structure". Nevertheless, the intention here is to further reduce the area of a non-conforming lot, so perhaps this variance needs to be considered as well.

The following responses address the decisions standards outlined in the application:

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

The property in question is unaffected by the transfer of this lot area. The building was designed to leave the portion in question available as an egress path for the adjacent property.

- b) *Whether the variance is substantial;*

The variance is not substantial. The remaining lot area and building are unaffected and does not create a new non-conformity.

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

The essential character of the neighborhood would not be affected, as the area in question has always been used as an egress path from the front lot.

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

The requested variances would not affect the delivery of governmental services, as all utilities are existing on the site.

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

The property was purchased under the impression that the rear stair was part of the original Stadium property and that this egress path could remain.

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

While an easement could be granted between property owners, the easement only benefits the front property. The rear property remains responsible for property taxes. The two owners would simply like the property lines to actually reflect the separate uses of the two parcels.

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

The spirit and intent of the Zoning Code is respected, allowing a permitted use to continue on the property in question and to separate the two parcels formally to reflect how they are actually used.

h) Any other relevant factor;

When the 14 South Poplar property was developed, there were no minimum lot sizes for the Uptown District. Moreover, replats or easements were not required in 2005 when both properties were under the same ownership.

This should have been resolved in 2005, with the development of the alley property. Site plans submitted at the time showed the stair from the front building on this lot.

This should have been resolved with the property transfer of 2014. The Stadium property was sold without legal access to a rear exit.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over the word 'Respectfully,'.

Scott Webb, Architect



Internal Use Only:

Case No.

BZA-2015-03

Date Filed

1/20/15

Petition for Zoning Variance

Petitioner Information

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

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * (513) 523-3838

Email Address scott@scottwebbarchitect.com

Location of Property * 14 South Poplar St. (alley)

Name of Building * 3 Townhouse residential building

Owner Information

Name * Matt & Stephanie Hughes

Mailing Address * 218 Northridge Dr.

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * (513) 461-3942

Email Address Hughesmatt.22@gmail.com

Variance and Lot Information

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

1143.10(c)(1)A.1 Requiring a min of 3,000 s.f. minimum lot size in the Uptown District

1137.05(c) States that a lot on which there is located a nonconforming use or structure, shall not be reduced

Location of Requested Variance * 14 S. Poplar St. (alley)

Legal Description *

Zoning District * UP Total Acreage *

Existing Use of Site * 3 townhouse residential building

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.

- 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

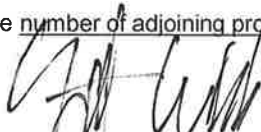
The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00 plus postage charge. **Fees may increase if staff determines that you need more variances.**

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

Sign and Date

Petitioner Signature *

Date *


1/19/15

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 *

1/20/15

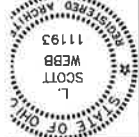
Receipt Number *

26419

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/>

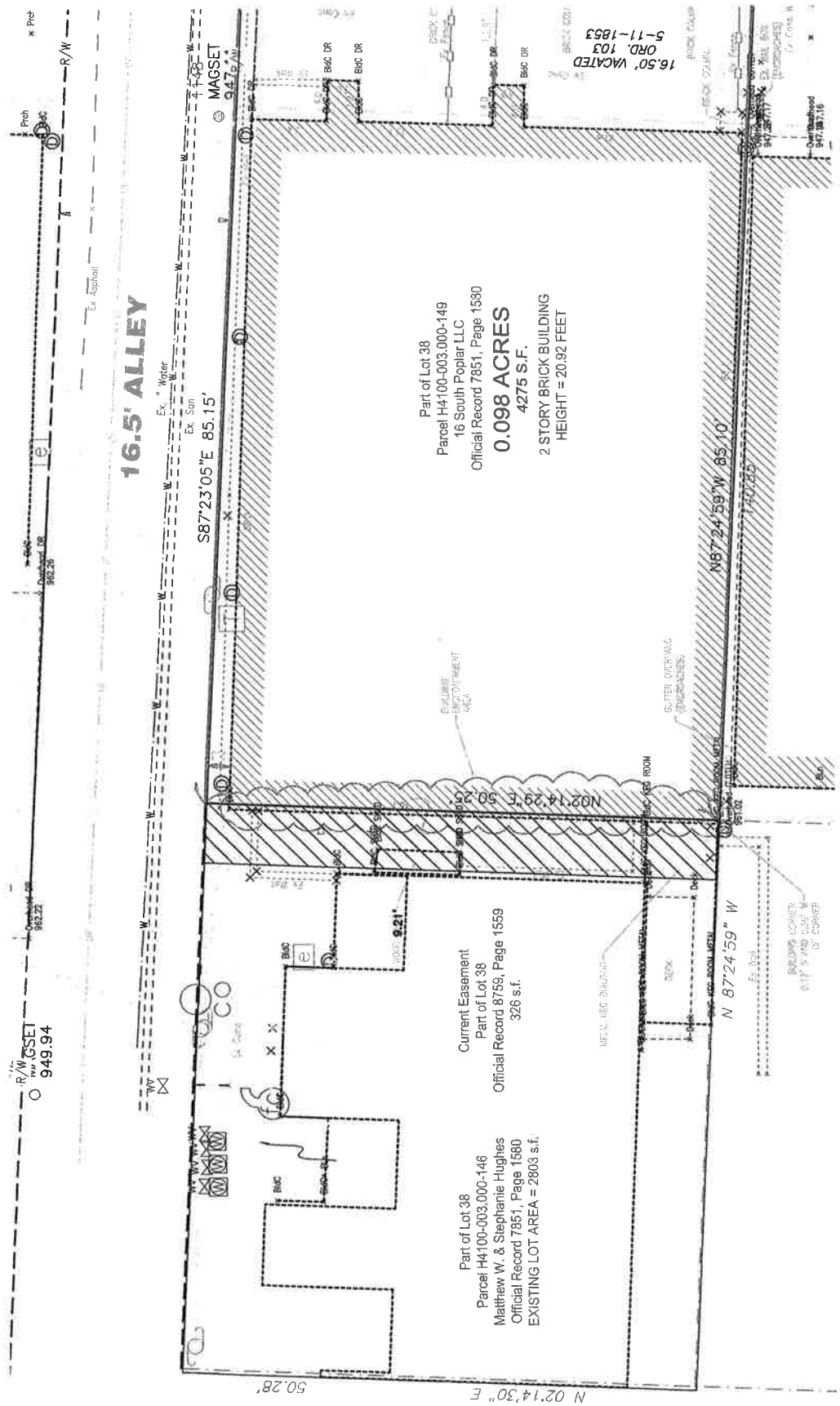


SCOTT WEBB ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(613) 523-3858
www.scottwebbarchitect.com

PROPOSED PROPERTY TRANSFER
14-16 South Poplar Street
OXFORD, OHIO 45056
MATT & STEPHANIE HUGHES

DATE	January 23, 2016
REVISIONS	

A=1



LOT PLAN

1" = 10'-0"

SURVEY INFORMATION PROVIDED BY:

PLOT PLAN, PART OF LOT 38, DDE SURVEYING 6/3/2006

PART OF LOT 38, BAYER BECKER 11/9/2012

INGRESS/EGRESS AND UTILITY EASEMENT, BAYER BECKER, 9/19/2014

LOT CALCULATIONS

ORIGINAL LOT #38	10718 S.F.
EAST PART LOT 38 (SOLD TO 16 S. POPLAR LLC)	4275 S.F.
WEST PART OF LOT 38, (REMAINING HUGHES)	2803 S.F.
EASEMENT AREA TO BE TRANSFERRED:	- 236 S.F.
REMAINING WEST PART OF LOT #38 (HUGHES)	2477 S.F.

Part of Lot 38
Parcel H4100-003.000-149
16 South Poplar LLC
Official Record 7851, Page 1580
0.098 ACRES
4275 S.F.
2 STORY BRICK BUILDING
HEIGHT = 20.92 FEET

Current Easement
Part of Lot 38
Official Record 8759, Page 1559
326 s.f.

Part of Lot 38
Parcel H4100-003.000-146
Matthew W. & Stephanie Hughes
Official Record 7851, Page 1580
EXISTING LOT AREA = 2803 s.f.

LOT COVERAGE
 NET LOT 2,802 SQ. FT.
 STRUCTURE 1,458 SQ. FT.
 DRIVE 1,098 SQ. FT.
TOTAL COVERAGE
 2,557 SQ. FT. X 100 = 91.25 %
 2,802 SQ. FT.

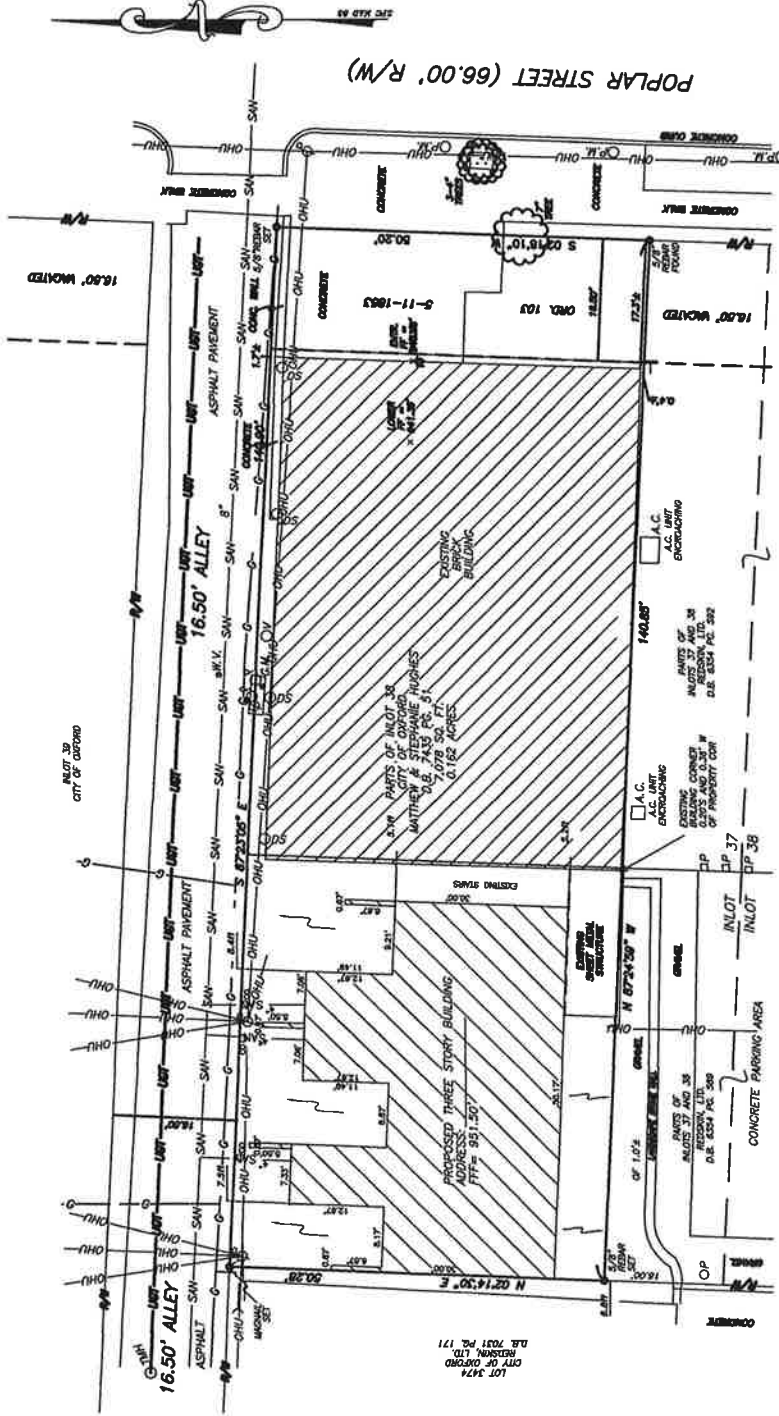
BUILDING COVERAGE
 STRUCTURE 1,458 SQ. FT.
 1,458 SQ. FT. X 100 = 52.03 %
 2,802 SQ. FT.

FRONT YARD = 418 SQ. FT.
 DRIVE AREA IN FRONT YARD = 418 SQ. FT.
 418 SQ. FT. X 100 = 100.0 %
 418 SQ. FT.

LEGEND

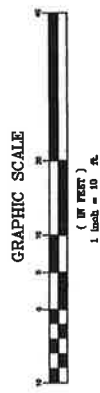
--- DRAINAGE DIRECTION

WATER VALVE
 GAS METER
 WATER METER
 UTILITY POLE
 SQUARE WOOD POST
 TELEPHONE MANHOLE
 ROUND STEEL POST
 CLEAN OUT
 PARKING METER
 GUY WIRE
 A.C. AIR CONDITIONER
 CURB INLET
 DOWNSPOUT
 BUSH OR TREE
 OVERHEAD UTILITIES
 UNDERGROUND TELEPHONE
 WATER LINE
 GAS LINE
 SANITARY LINE
 SIGN



CONTRACTOR TO VERIFY DEPTH OF SEWER BEFORE CONSTRUCTION TO ENSURE A 2% MINIMUM SLOPE.
 ROOF DRAINS ARE TO DRAIN TO THE REAR AND THE BACK OF THE LOT.
 A.B.E. ELEVATION BASED ON GRAVITY FED SEWER. WATER AND SEWER TAPS HAVE NOT BEEN FIELD VERIFIED.

2 WORKING DAYS BEFORE YOU DIG
 CALL TOL FREE 800-362-2764
 WWW.UNITED-PROFESSORS.COM



PROJECT TITLE:
 PARTS OF INLOT 38
 CITY OF OXFORD
 BUTLER COUNTY, OHIO

DATE: 3/16/2008
BY: [Signature]
PROJECT NO.: 25092P3

DATE: 3/16/2008
BY: [Signature]
PROJECT NO.: 25092P3

DATE: 3/16/2008
BY: [Signature]
PROJECT NO.: 25092P3

LOT 38
 CITY OF OXFORD
 BUTLER COUNTY, OHIO
 D.B. 8354 P.L. 171

The data were collected by the author (ALMANSOUJI) and TITLE SURVEY, using aerial photographs, maps, and ground and/or aerial photographs. The data were collected from the ground and/or aerial photographs, and the information, obtained and classified into the following categories:

1. The area and type of agricultural production on the farms.
2. The area and type of other buildings and other improvements (if any) as shown on the map, and the location and type of the property, such as urban, rural, etc.
3. The area and type of the property, such as urban, rural, etc.
4. The area and type of the property, such as urban, rural, etc.
5. The area and type of the property, such as urban, rural, etc.
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7. The area and type of the property, such as urban, rural, etc.
8. The area and type of the property, such as urban, rural, etc.
9. The area and type of the property, such as urban, rural, etc.
10. The area and type of the property, such as urban, rural, etc.

[illegible]

FILE NUMBER: PFM12-160 (effective date: OCTOBER 19, 2012)

There are no survey related items in Schedule B Section II

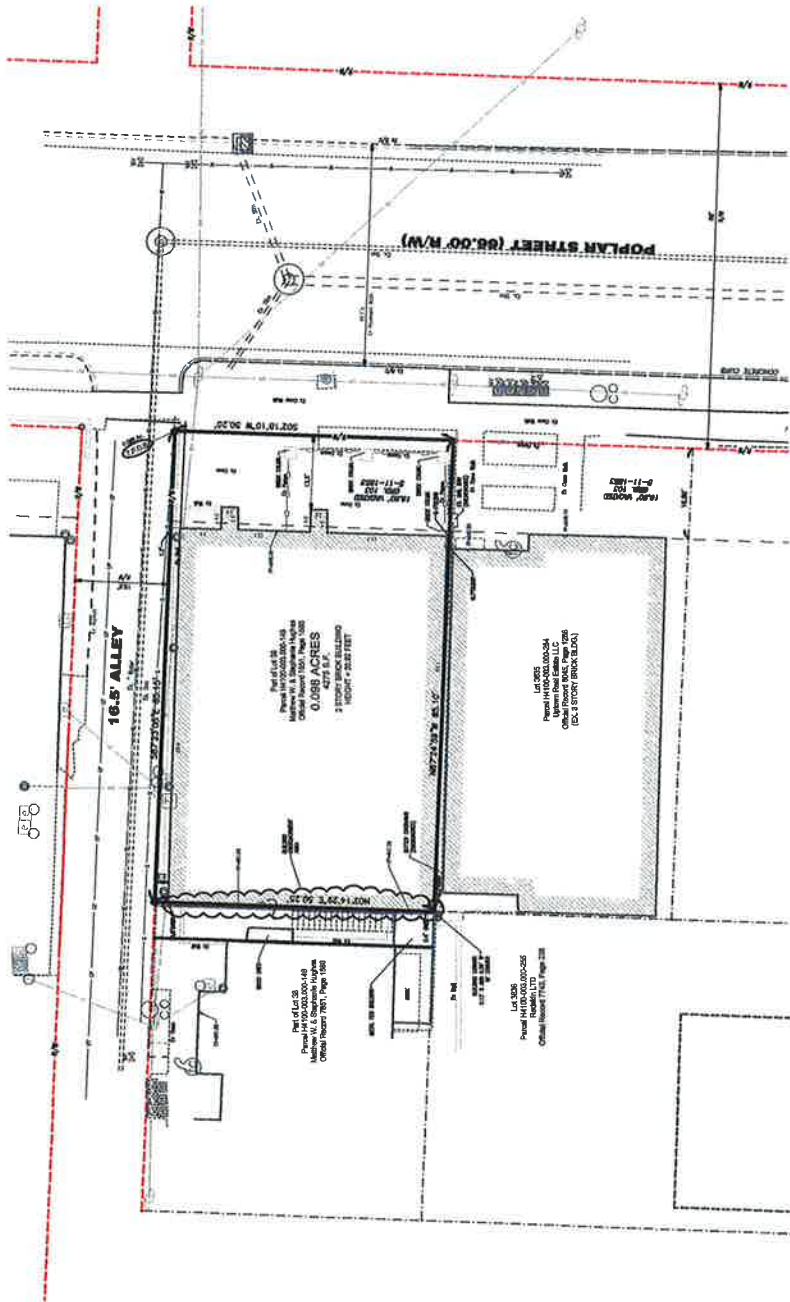
BURIED UTILITIES NOTE: ALL ABOVE GROUND FEATURES HAVE BEEN FIELD LOCATED. ALL BURIED UTILITIES HAVE BEEN KNOWN BASED UPON FIELD EVIDENCE, PROJECT UTILITY PLANS, AND/OR INFORMATION OBTAINED FROM UTILITY COMPANIES. THE TYPICAL MAN HOLE LOCATION, OTHER BURIED UTILITIES MIGHT EXIST ON THE SUBJECT PROPERTY WHICH ARE NOT SHOWN ON THIS DRAWING.

Plains in the City of Colcord, Butler County, Ohio, and being a part of lot 38 therein, more particularly described and more especially as follows:

herby only to 16 SOUTH POPLAR, L.L.C., AN OHIO LIABILITY COMPANY, FIRST AMERICAN TITLE INSURANCE COMPANY, GREAT MIAMI TITLE AGENCY, L.L.C. file number PFM12-180 effective date OCTOBER 18, 2012) That

This is to certify that this map or plan and the survey (so stated) it is based were made in accordance with the 2011 minimum standard model requirements by A.T.A.C.M.S. Land Title Surveyors, jointly with ALTA and NSPS, and touches lots 1, 2, 3, 4, 684, 70, 8, 11(a) and 11(b) as shown on the attached map.

Signature _____ Date of Plant _____
 Tender Douglas Smith P.S. 87724 In the State of Ohio



☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10. ☐ 11. ☐ 12. ☐ 13. ☐ 14. ☐ 15. ☐ 16. ☐ 17. ☐ 18. ☐ 19. ☐ 20. ☐ 21. ☐ 22. ☐ 23. ☐ 24. ☐ 25. ☐ 26. ☐ 27. ☐ 28. ☐ 29. ☐ 30. ☐ 31. ☐ 32. ☐ 33. ☐ 34. ☐ 35. ☐ 36. ☐ 37. ☐ 38. ☐ 39. ☐ 40. ☐ 41. ☐ 42. ☐ 43. ☐ 44. ☐ 45. ☐ 46. ☐ 47. ☐ 48. ☐ 49. ☐ 50. ☐ 51. ☐ 52. ☐ 53. ☐ 54. ☐ 55. ☐ 56. ☐ 57. ☐ 58. ☐ 59. ☐ 60. ☐ 61. ☐ 62. ☐ 63. ☐ 64. ☐ 65. ☐ 66. ☐ 67. ☐ 68. ☐ 69. ☐ 70. ☐ 71. ☐ 72. ☐ 73. ☐ 74. ☐ 75. ☐ 76. ☐ 77. ☐ 78. ☐ 79. ☐ 80. ☐ 81. ☐ 82. ☐ 83. ☐ 84. ☐ 85. ☐ 86. ☐ 87. ☐ 88. ☐ 89. ☐ 90. ☐ 91. ☐ 92. ☐ 93. ☐ 94. ☐ 95. ☐ 96. ☐ 97. ☐ 98. ☐ 99. ☐ 100. ☐ 101. ☐ 102. ☐ 103. ☐ 104. ☐ 105. ☐ 106. ☐ 107. ☐ 108. ☐ 109. ☐ 110. ☐ 111. ☐ 112. ☐ 113. ☐ 114. ☐ 115. ☐ 116. ☐ 117. ☐ 118. ☐ 119. ☐ 120. ☐ 121. ☐ 122. ☐ 123. ☐ 124. ☐ 125. ☐ 126. ☐ 127. ☐ 128. ☐ 129. ☐ 130. ☐ 131. ☐ 132. ☐ 133. ☐ 134. ☐ 135. ☐ 136. ☐ 137. ☐ 138. ☐ 139. ☐ 140. ☐ 141. ☐ 142. ☐ 143. ☐ 144. ☐ 145. ☐ 146. ☐ 147. ☐ 148. ☐ 149. ☐ 150. ☐ 151. ☐ 152. ☐ 153. ☐ 154. ☐ 155. ☐ 156. ☐ 157. ☐ 158. ☐ 159. ☐ 160. ☐ 161. ☐ 162. ☐ 163. ☐ 164. ☐ 165. ☐ 166. ☐ 167. ☐ 168. ☐ 169. ☐ 170. ☐ 171. ☐ 172. ☐ 173. ☐ 174. ☐ 175. ☐ 176. ☐ 177. ☐ 178. ☐ 179. ☐ 180. ☐ 181. ☐ 182. ☐ 183. ☐ 184. ☐ 185. ☐ 186. ☐ 187. ☐ 188. ☐ 189. ☐ 190. ☐ 191. ☐ 192. ☐ 193. ☐ 194. ☐ 195. ☐ 196. ☐ 197. ☐ 198. ☐ 199. ☐ 200. ☐ 201. ☐ 202. ☐ 203. ☐ 204. ☐ 205. ☐ 206. ☐ 207. ☐ 208. ☐ 209. ☐ 210. ☐ 211. ☐ 212. ☐ 213. ☐ 214. ☐ 215. ☐ 216. ☐ 217. ☐ 218. ☐ 219. ☐ 220. ☐ 221. ☐ 222. ☐ 223. ☐ 224. ☐ 225. ☐ 226. ☐ 227. ☐ 228. ☐ 229. ☐ 230. ☐ 231. ☐ 232. ☐ 233. ☐ 234. ☐ 235. ☐ 236. ☐ 237. ☐ 238. ☐ 239. ☐ 240. ☐ 241. ☐ 242. ☐ 243. ☐ 244. ☐ 245. ☐ 246. ☐ 247. ☐ 248. ☐ 249. ☐ 250. ☐ 251. ☐ 252. ☐ 253. ☐ 254. ☐ 255. ☐ 256. ☐ 257. ☐ 258. ☐ 259. ☐ 260. ☐ 261. ☐ 262. ☐ 263. ☐ 264. ☐ 265. ☐ 266. ☐ 267. ☐ 268. ☐ 269. ☐ 270. ☐ 271. ☐ 272. ☐ 273. ☐ 274. ☐ 275. ☐ 276. ☐ 277. ☐ 278. ☐ 279. ☐ 280. ☐ 281. ☐ 282. ☐ 283. ☐ 284. ☐ 285. ☐ 286. ☐ 287. ☐ 288. ☐ 289. ☐ 290. ☐ 291. ☐ 292. ☐ 293. ☐ 294. ☐ 295. ☐ 296. ☐ 297. ☐ 298. ☐ 299. ☐ 300. ☐ 301. ☐ 302. ☐ 303. ☐ 304. ☐ 305. ☐ 306. ☐ 307. ☐ 308. ☐ 309. ☐ 310. ☐ 311. ☐ 312. ☐ 313. ☐ 314. ☐ 315. ☐ 316. ☐ 317. ☐ 318. ☐ 319. ☐ 320. ☐ 321. ☐ 322. ☐ 323. ☐ 324. ☐ 325. ☐ 326. ☐ 327. ☐ 328. ☐ 329. ☐ 330. ☐ 331. ☐ 332. ☐ 333. ☐ 334. ☐ 335. ☐ 336. ☐ 337. ☐ 338. ☐ 339. ☐ 340. ☐ 341. ☐ 342. ☐ 343. ☐ 344. ☐ 345. ☐ 346. ☐ 347. ☐ 348. ☐ 349. ☐ 350. ☐ 351. ☐ 352. ☐ 353. ☐ 354. ☐ 355. ☐ 356. ☐ 357. ☐ 358. ☐ 359. ☐ 360. ☐ 361. ☐ 362. ☐ 363. ☐ 364. ☐ 365. ☐ 366. ☐ 367. ☐ 368. ☐ 369. ☐ 370. ☐ 371. ☐ 372. ☐ 373. ☐ 374. ☐ 375. ☐ 376. ☐ 377. ☐ 378. ☐ 379. ☐ 380. ☐ 381. ☐ 382.



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