

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2014-02

Date – March 19, 2014

APPLICATION

Applicant:	Scott Webb, Architect
Location:	201 East Chestnut Street
Owner:	201 East Chestnut LLC (Guy Totino, principal)
Action Requests:	Variance to 1151.05(e)2, size of building identification sign
Current Use:	Multi-Family Residential
Zoning:	R3, Multi-Family Residential
Surrounding Land Uses:	Single Family and Multi-Family Residential, University

DESCRIPTION

Mr. Scott Webb is requesting a variance to the allowable size of a building identification (wall) sign for an apartment building complex currently under construction at 201 East Chestnut Street. Zoning code limits the size to six square feet. The property is located on the south side of Chestnut Street, at the intersection with South Campus Avenue. The property also fronts on Arrowhead Drive. The sign would face north toward the South Campus Avenue roadway. The application lists the sign size as 11.25 square feet; however, according to the definition of "Sign Face Area" in Section 1151.07(a), the sign area is actually 18 square feet, because the City of Oxford uses the "smallest rectangle" to measure the sign which includes both lines of text along with gaps. Therefore, the difference between the allowable area and the requested area is 12 square feet.

COMMENT FORMS

Property owners within 200 feet have been notified by letter and a sign has been posted on the property. 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 with comment

SITE HISTORY

- **BZA-2012-08 – September 19, 2012-** The BZA approved nine variances relating to occupancy, site development regulations and parking/landscaping. There were no variances on signage.
- **July 17, 2013 –** Mr. Webb and Mr. Totino came before BZA to request an extension of the 2012 approved variances since construction had not gotten underway and the variances would have expired in September 2013. A six month extension was granted by the BZA. The building permit was approved and issued in October 2013.

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, whether or not the property can yield a **reasonable return** without the variance: An important fact is that there are several options for signage- both temporary and permanent. Below is a summary of the following signage options that are available to this property:

- Window signage is allowed up to 50% of the opening can be covered – 1151.06(f)
- One, six square foot temporary real estate sign (per adjacent right of way) – can be a simple wire mounted yard sign ("Apartment For Rent", etc.) or a more substantial changeable copy realtor-type sign. – 1151.06(b)
- One, wall mounted, six square foot building identification sign – 1151.05(e)2
- One, 24 square foot freestanding sign, max 6 feet in height – 1151.05(d)(1)

Based upon the several options available to all multi-family residential properties in Oxford, Staff believes that the property **can yield a reasonable return without the variance**.

Regarding criterion B, Staff believes that the requested variance, while in it is a 200% increase in sign area is not substantial in context with the scale of the overall building complex, therefore the BZA may find that **the variance is not substantial**. The one difference between the proposed location of this sign in comparison with other signs utilizing this code section is that the sign will not be mounted on the typical building wall, but on an entrance walkway feature attached to the building walls.

Regarding criterion C, Staff notes that the provisions for building identification signs apply to other homes throughout Oxford as well as in the immediate area, which are equally restricted to a maximum of six square feet. The sign may be seen as out of scale with other "house signs" on buildings in the area but not in scale with the building complex upon which it would be mounted. Therefore the BZA may find that the variance **would not negatively alter the essential character** of the neighborhood.

Regarding criterion E, **knowledge of the zoning restriction**; this particular zoning restriction has been in place for a number of years, well before the transfer of ownership of this property.

Regarding criterion F, Staff notes above that there are **other options** available that would not require a variance. However because of the key location of the sign as viewed from southbound Campus Avenue traffic, the proposed location may be more desirable than the applicant's stated alternate option of a freestanding sign. If the Planning Commission and City Council believed that additional wall sign area for multi-family residential buildings was necessary, a text amendment to the zoning code could be appropriate.

Regarding criterion G, Staff believes that the **spirit and intent** for limiting the size of building identification signs is to maintain the character and aesthetics of neighborhoods. The size issue was discussed at length in 2005 by boards/commissions/Council and was found to be an important discussion because it balanced the free speech rights available to the house occupants/property owners, with the character of the neighborhood. The BZA may find that allowing an increase for a sign for this particular property does not necessarily mean an increase is appropriate for other properties. However, an increase of wall sign should be balanced with a limit on other signage for this property. For example, if the BZA does approve the variance, it could attach conditions to limit the number, size or type of other potential future signs for this property. For example, taking the applicant's statement about the lack of a

freestanding sign and the fact there will only be one wall sign on the entire complex. Those could be conditions of an approval.

RECOMMENDATION

At the time of this report staff believes that while there are sufficient facts addressing Criteria B, C and G, that may not be enough to equate to the "substantial evidence" requirement of the decision process. Just because a variance request results in little noticeable impact to a neighborhood does not mean that there are necessarily practical difficulties associated with the property. If the BZA finds additional information or different evidence at the hearing which support the variance request and that if the BZA approves, then conditions limiting other signage noted above, should be discussed and attached to an approval.



SUBMITTED BY: _____

Sam Perry, Planner
Community Development Department

DATE: March 13, 2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: Tuesday, February 18, 2014

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-02 Scott Webb, Agent, Petitioner
201 E Chestnut St Unit 101

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, March 12, 2014**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

John Dethridge

Reviewed By:



Date: 2-25-14

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Tuesday, February 18, 2014

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

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201 E Chestnut St Unit 101

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, March 12, 2014**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By:

Scott Otto

Date:

3/3/14

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Tuesday, February 18, 2014

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

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BZA-2014-02 **Scott Webb, Agent, Petitioner**
201 E Chestnut St Unit 101

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, March 12, 2014**

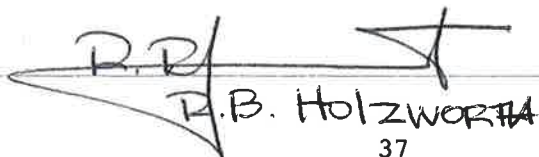
Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By:


R.B. HOLZWORTH

Date: 2/24/2014

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Tuesday, February 18, 2014

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-02 **Scott Webb, Agent, Petitioner**
201 E Chestnut St Unit 101

Review Type: Initial

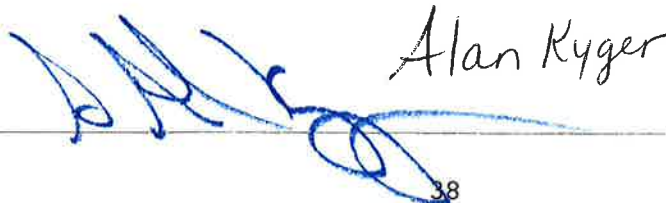
Comments or status update requested by: Lynn Taylor

Please return no later than: **Wednesday, March 12, 2014**

Note: If no comments are received, we will assume the project meets your department's standards.

This building identification signage looks great and is proportional to the building.

Reviewed By: _____


Alan Kyger

Date: _____

3-12-14

BZA-2014-02

Surrounding Property Owners Map

Legend

 Subject Parcels

 200 Ft. Buffer

 Oxford Corporation Limit

 Parcel

 16.5' Vacated ROW

 Building Footprint

 Paved Roadway



1 inch = 100 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.

H4100106000098 Ardmore Dr

S Campus Ave

E Chestnut St

Arrowhead Dr

Woodside Cemetery

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 March 19, 2014 Board of Zoning Appeals meeting meetings regarding a variance for a ground sign at Chestnut Place Apartments.

Thank-you

Signed.

(Guy Totino)

(Polaris Real Estate)

Date:

2/17/2014

201 East Chestnut LLC

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: Scott Webb, Architect
(Attach a Letter of Agency if the Applicant is not the property owner.)
Mailing Address: 103 W. Walnut St. Oxford, 45056
Telephone Number(s): 523-3838
Email Address: scott@scottwebbarchitect.com
Name of Property Owner: 201 E. Chestnut LLC
Mailing Address: 617 Cherokee Place, Highland Heights Ch. 44143
Telephone Number(s): (440) 442-9001
Requested Variance: 1151.05(e)(2) Building Identification Signs
(Indicate nature of variance and applicable section(s) of the Zoning Code.) max 4 SF - 11.25 proposed
Location of Requested Variance: 201 East Chestnut St.
Legal Description:
Zoning District: R-3
Total Acreage: _____ Acres
Existing Use of Site: Multi-Family Housing
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.

REQUIRED INFORMATION

Eight complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant is encouraged to contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

(1) **SITE PLAN** – A scaled site plan shall include the following information in detail and must be prepared by an Ohio licensed surveyor. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

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

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

(3) **OTHER** – Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.

(4) On a separate sheet, provide the names and mailing addresses of all property owners within 200 feet of all boundaries of the property in question, provide parcel numbers as well. NOTE: The Butler County website (www.butlercountyoio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant a variance. A separate response is required for each subsection. In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors:

- a) Whether the property in question will yield reasonable return or 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.

Submit this application with required attachments and **FEES noted below plus actual postage fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 35 days prior to the proposed Board of Zoning Appeals meeting at which the action is requested. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: _____

Date: 2/17/14

PRINTED NAME OF APPLICANT: _____

Scott Webb

FEE / RECEIPT

At time of submittal please include postage charge (determined by the number of adjoining property owners x current postage rate – example \$.45) along with the variance fee.

***\$200 plus \$100 for each additional variance request up to a maximum of \$1,000.00 plus actual postage.**

***IT IS POSSIBLE FEES MAY INCREASE IF STAFF DETERMINES MORE VARIANCES ARE NEEDED**

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Building Identification Sign
Chestnut Place Apartments
Existing Multi-Family Residential
201 East Chestnut Street

February 17, 2014

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the maximum size for a building identification sign for Chestnut Place Apartments at 201 East Chestnut Street

This project has received numerous variances to facilitate the remodeling/reconfiguration of the existing multi-family residential development. The variance requested herein is to place a sign on a gate structure between the buildings

1151.05(e)(2). No more than 1 wall sign per principal structure as follows:

A. No more than 6 square feet in area

The sign as proposed, includes individual letters applied to the surface of a brick arched gate between the two principal structures, comprising a total of 11.25 square feet.

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;*

Prior to the reconfiguration, the existing development used a ground sign at the corner for identification. In the new configuration, we are proposing less sign area than would be allowed if placed back at the corner..

- b) *Whether the variance is substantial;*

The variance is not substantial, as each principal structure would be allowed 6 square feet of sign area, this proposal simply combines the allowable sign area into one sign, smaller in area than the sum of the two allowed..

- 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 be simply improved, furthering the design improvements already underway, and creating an identification sign at the pedestrian gateway into the development.

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

The request would not affect the delivery of utilities & government services.

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

The property was purchased without specific knowledge of this restriction.

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

The variance addressed herein, is requested as an alternate to the larger allowable ground signage, or to use the allowable building identification sign area in a more appropriate fashion.

- 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 is observed by using less than the overall allowable sign area, yet scaled to the new entry gateway

- h) *Any other relevant factor;*

This identification sign is appropriate to the location and scale of the development.

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', with a stylized, cursive script.

Scott Webb, Architect



VARIANCE TO SECTION 1151.05(e)(2)

BUILDING IDENTIFICATION SIGNS

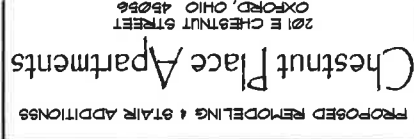
1 SIGN PER PRINCIPAL STRUCTURE

- A. NO MORE THAN 6 SQUARE FEET IN AREA
- B. ATTACHED BETWEEN 4' & 18' ABOVE GROUND
- B. NATURALLY ILLUMINATED ONLY

SIGN AS SHOWN: 1' + 4.25' = 11/25' 9F.

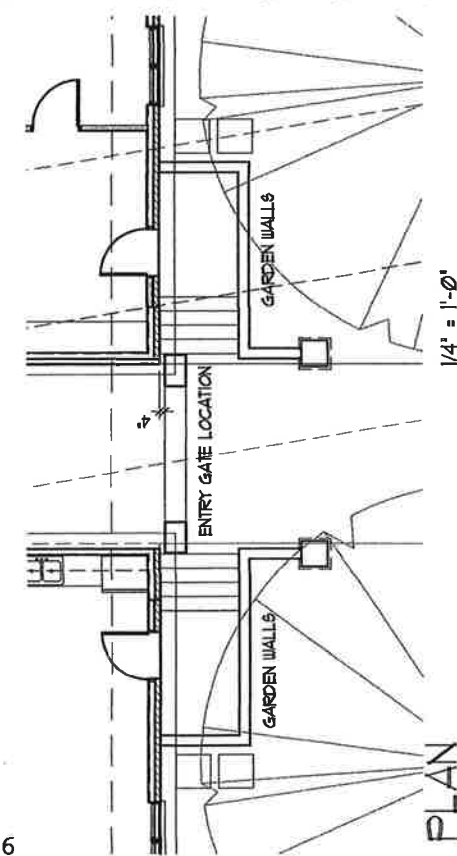
SIGN AS SHOWN: 18'-0" ABOVE ADJACENT GROUND

NO ADDITIONAL LIGHTING IS PROPOSED



ELEVATION

SHOWING LETTERING ON ENTRY GATE



PLAN

SHOWING ENTRY GATE LOCATION

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2014-01

Date – February 19, 2014

APPLICATION

Applicant:	George Simonds
Location:	130 East High Street
Owner:	MU Upsilon Association
Action Requests:	Variances for: Overall Lot Coverage, 1143.09(c)(4)B.1 Enclosed Building Coverage, 1143.09(c)(4)B.2 Front Yard Depth, 1143.09(c)(2)A Fence Height, 1141.01(c)(4)A.1 Reduction in Occupancy, 1137.04(b)(5) Parking Spaces, 1149.03(e)(5)
Current Use:	Fraternity House
Zoning:	RO, Residential Office District
Surrounding Land Uses:	Retail, Commercial, Single and Multi-Family Residential

BACKGROUND

On May 25, 2013, The Phi Gamma Delta house, locally known as the “FIJI house,” was badly damaged by fire. The building is a fraternity resident house, which is not a permitted or a conditional use in the Residential Office zoning district. It has been allowed to continue (legal nonconforming use) since it existed prior to the zoning code adoption which prohibited the use. On January 8, 2014, the Historic and Architectural Preservation Commission granted a Certificate of Appropriateness based on the proposed repair and construction addition plans. The owner/applicant is waiting to submit a building permit application based on the outcome of the hearing for variances.



Although City of Oxford Code Section 1137.08 allows reconstruction and re-use of a fire-damaged nonconforming use property (within one year), it only allows it to be rebuilt to the original footprint and used as it were before. Therefore, the proposed change (expansion) of the building requires that the plans comply with all the underlying zoning district regulations. Additionally, the proposed change of the building also requires reduction in the permitted occupancy as stipulated in Section 1137.04(b)(5). The proposal, as shown on the attached site plans, shows a building footprint similar to the current footprint, with the exception of an extended west "wing."

VARIANCES REQUESTED (w/staff comments in bold under each code section)

The architect, surveyor and attorney have worked together to prepare two site plans: 1) An existing conditions site plan, and 2) A proposed conditions site plan. Additionally, the architect has prepared 10 pages of building plans, which include color renderings on the first two pages. The attorney, Mr. Jay Bennett, has prepared a table summarizing the variance requests. These documents are all enclosed in this packet.

Below in the left column is a listing of the variance category and the pertinent City of Oxford Code Section. Below in the right column is a summary of the requested variance and how it relates to this particular site. **In addition to the six variances requested, there appears to be a seventh discovered during staff analysis. The RO district limits the front yard setback area coverage to 5%, for lots with alley access. Based on staff calculations, the front yard coverage is approximately 25%. This would be a variance request of Section 1143.09.** Based on the site plans, the 20 foot area along Campus Avenue is nearly completely open and the 20 foot area along High Street is approximately half covered.

Lot Coverage, 1143.09(c)(4)B.1

The maximum overall lot coverage for an RO zoned lot with alley access is 40%.

The applicant submitted data which demonstrates that the current overall lot coverage is nearly 66% and the proposed overall lot coverage, after site modifications, is also 66%. The proposal is to replace the basketball court with grass and add a building addition. The site changes result in no net increase in overall lot coverage.

Building Coverage, 1143.09(c)(4)B.2

The maximum building coverage for an RO zoned lot is 25%.

The submitted site plan from the surveyor illustrates that the current building coverage is 30.46%, and after the proposed building addition, would be 38.85%. There is a proposed increase of 1,405 square feet of building coverage due primarily to the expanded footprint of the western "wing."

Front Yard Depth, 1143.09(c)(2)A

The required minimum front yard depth (setback) for an RO zoned lot is 20 feet. For a corner lot, this applies to both frontages.

According to the site plan from the surveyor, the rounded portion of the existing front porch facing High Street encroaches into the required front yard the full 20 feet. There is no plan to remove that portion of the front porch. Also according to the site plan, the front yard depth along Campus Avenue is in compliance and would be after the proposed reconstruction.

Fence Height, 1141.01(c)(4)A.1

The supplemental section of the zoning code limits fence height in front yards to four feet.

The current post and chain yard boundary-style fence is three feet tall. The proposed wrought iron style fence is 4.5 feet tall with 5.5 foot tall brick piers. The proposed fence would be 1.5 feet higher than zoning code allows.

Reduction in Occupancy, 1137.04(b)(5)

Although Section 1137.08 allows reconstruction/re-use of a fire-damaged building, Section 1137.04(a)(5) requires that an addition categorize the building as a reconfiguration. A reconfiguration of a nonconforming residential structure requires a 30% reduction in occupancy.

The existing building is permitted for 50 occupants. A 30% reduction would reduce the occupancy to 35 occupants. The applicant proposes maintaining 50 occupants with the reconstruction.

Parking Spaces, 1149.03(e)(5)

Zoning code requires two parking spaces for every five beds (permitted occupants).

There are approximately 10 parking spaces currently. Some may not meet dimensional standards. Based on the proposed occupancy of 50, 20 parking spaces would be required. The applicant is proposing 10 full size parking spaces.

COMMENT FORMS

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

SITE HISTORY

There is no record of past BZA cases with this 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 113902(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight criteria (A-H) in its deliberation.

The applicant has submitted a two page narrative addressing each of the decision criteria.

Other than the fence height limit, the trigger for all the variance requests is the proposed building expansion to the west. Therefore it should be determined as part of the deliberation, if the building expansion is essential, and furthermore, if that can address any decision criteria, such as **reasonable return**. The building could be rebuilt the same as it was before without triggering the requirement for zoning code compliance [**Criterion F-other methods**]. However, the design of the building with the expansion may be essential for functionality. Additional information or testimony from the applicant may be needed on this topic.

While the property does abut a zoning district (Uptown) with different regulations, the BZA has to deal with the regulations of the subject property zoned as Residential Office (RO). The **essential character** of the neighborhood is a complex issue with this property, because of the narrow width of the RO zoning district. The neighborhood does overlap into two zoning districts. The RO district acts as a transitional zone between the high density historic urban core of Oxford and the lower density outlying residential zones.

Because of the multiple variance requests, there are many potential approaches to the determining the **spirit and intent of the various zoning requirements**. Based on the applicant's summary table of variances, the only change from the current condition is the 8% increase in building coverage [30% to 38%]. Focusing on just the building coverage, the spirit and intent of that zoning code requirement is to ensure a predictable amount of open areas throughout the RO district. Given that the expanded west wing would have a front yard setback of approximately 27 feet, some open grassy area would therefore remain visible from the public right of way. This is in addition to the 15 measured feet of open area between the sidewalk and the front property line. However, that proposed open area does not discount the requirement of the zoning code for the rebuilt nonconforming structure to stay within its former confines (Sec. 1137.08).

Another **relevant factor** is the historic character of the original building and its prominent location. The zoning code requirement for the building to comply with the 20' front yard setback would result in nearly half of the 1828 portion of the building being demolished. As stated in the applicant's decision criteria narrative, "this is one of the most important corners in Oxford; the eastern gateway to Uptown and the western gateway to the University." Over the past several months, the applicant has worked with the Oxford Historic and Architectural Preservation Commission to develop an appropriate reconstruction plan, which was approved in January.

The applicant has yet to submit full construction plans to the city, pending outcome of this hearing. Therefore, city departments have not done a detailed review of project. The applicant has stated that they plan to submit a complete building permit for reconstruction before the one year deadline (May 25, 2014).

Although, detailed plans have not yet been reviewed, one of the ongoing observations of city staff has been the lack of trash management for this property. In recent years, the trash management consisted of approximately 10 waste wheelers alongside the building and an inaccessible dumpster enclosure, currently blocked by a power pole. Recent zoning code requirements for trash/recycling materials require adequate area for trash storage, an appropriately designed enclosure, as well as improved pedestrian access, and space for recyclable materials. The purpose is to purposely plan for and manage trash as much as possible, prior to a site development project getting underway. Although the new regulations apply to all zoning districts, the Uptown area has been particularly problematic in recent years. City departments

are currently working together with the applicant and appropriate agencies to resolve this issue for this site but suggest that if variances are approved, a condition be placed on the approvals that would require a centralized trash/recycling plan, compliant with pertinent zoning codes, but allow it to be adjacent to, or on an abutting private property; if a shared agreement can be reached.

RECOMMENDATION

Staff believes that with applicant testimony regarding the purpose of the west wing building expansion, there could be sufficient evidence to warrant the granting of the seven variances, with the addition of the suggested trash management condition above.

SUBMITTED BY: _____


Sam Perry, Planner
Community Development Department

DATE: February 11, 2014

BZA-2014-01

Surrounding Property Owners Map

Legend

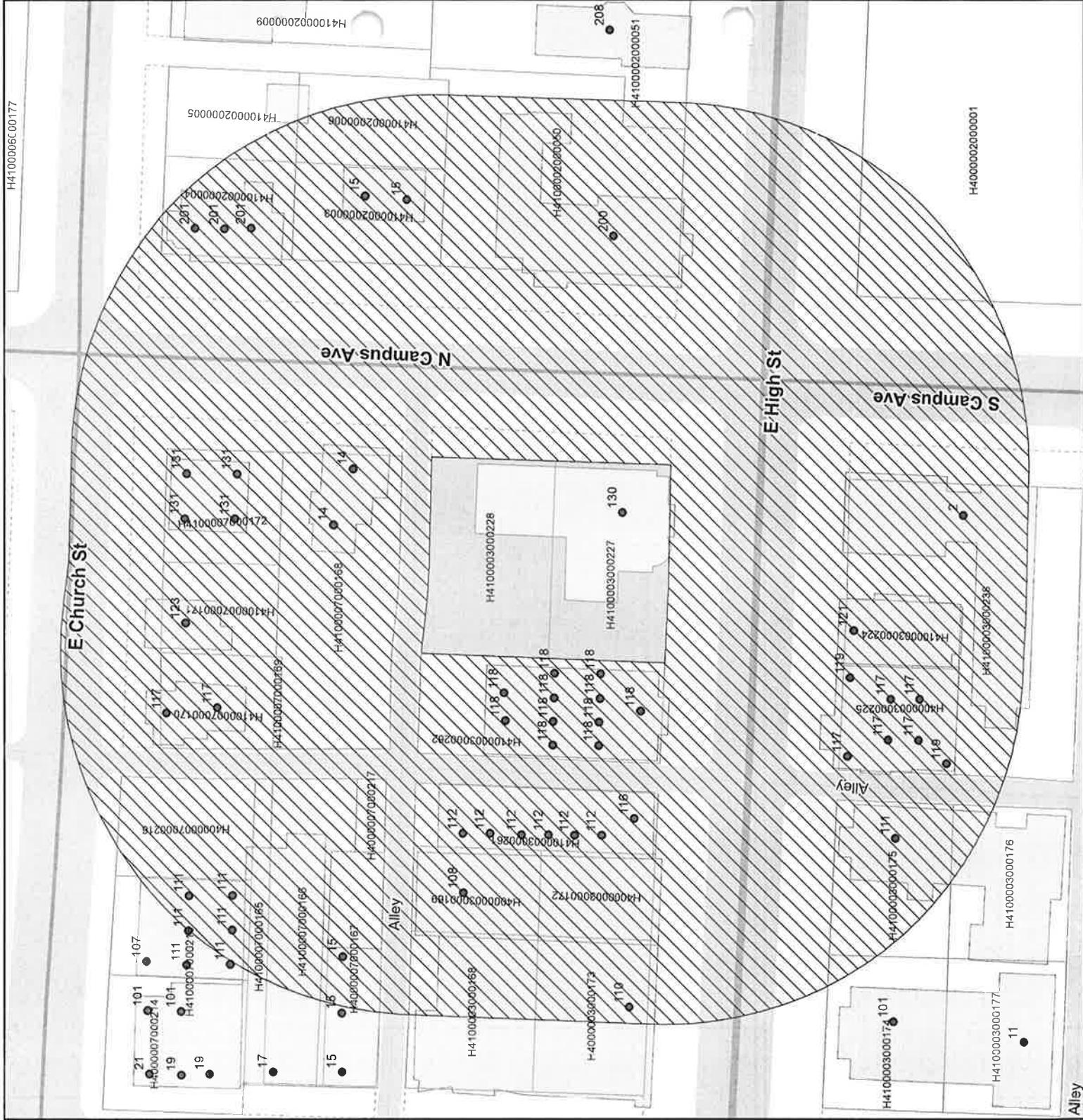
-  Subject Parcels
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



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.



ENT

WALL ENCROACHMENT

16.50' ALLEY

S 1°58'15" W 132.45'

SEE DETAIL "C"

DuBOIS RENTALS, LLC
OFFICIAL RECORD 8408, PAGE 563
EXISTING 3-STORY
BRICK & FRAME BLDG

SEE DETAIL "A"

SEE DETAIL "B"

N 87°30'26" W 55.00'

55.00'

16.50' ALLEY

S 87°37'37" E 181.33'

126.33'

POSSIBLE DUMPTER PAD
ENCROACHMENT

EXISTING ASPHALT PARKING

8.8'

13.3'

EXISTING CONCRETE
BASKETBALL COURT

N 1°58'17" E 132.56'

LOT 9
LOT 10

GRASS

GRASS

33.6'

SET IRON REBAR
5.00' OFF CORNER

N 87°30'26" W 125.99'

PORCH

EXISTING 2-1/2 STORY
BRICK and FRAME
FRATERNITY HOUSE

CONC

9.0'

NOTE:
1.) EXISTING BAY IS 0.07' /
WITHIN SUBJECT TRACT.
2.) EXISTING PORCH ENCROACHES
1.6' INTO HIGH STREET.

21.5'

GRASS

EXISTING
CONCRETE
STEP / WALK

GRASS

EXISTING
CONCRETE
STEP / WALK

GRASS

21.1'

S 2°07'12" W 132.83'

EXISTING
LOT COVERAGE
BREAKDOWN

TOTAL LOT AREA:

MINIMUM C
HIGH STREET
CAMPUS ST
NORTH LINE

NOTED

16.50' ALLEY

S 1°58'15" W 132.45'

SEE DETAIL "C"

DuBOIS RENTALS, LLC
OFFICIAL RECORD 8408, PAGE 563
EXISTING 3-STORY
BRICK & FRAME BLDG

SEE DETAIL "A"

SEE DETAIL "B"

55.00'

N 87°30'26" W
55.00'

16.50' ALLEY

S 87°37'37" E 181.33'

POSSIBLE DUMPTER PAD
ENCROACHMENT

13.3'

126.33'

27.3'

GRASS

21.1'

GRASS

PROPOSED
BUILDING

SIDEWALK, TYP

LOT 10
LOT 9

GRASS

GRASS

GRASS

PORCH

SET IRON REBAR
5.00' OFF CORNER

N 87°30'26" W
125.99'

NOTE:
1.) EXISTING BAY IS 0.07'
WITHIN SUBJECT TRACT.
2.) EXISTING PORCH ENCROACHES
1.6' INTO HIGH STREET.

S 2°07'12" W 132.83'

PROPOSED
LOT COVERAGE
BREAKDOWN

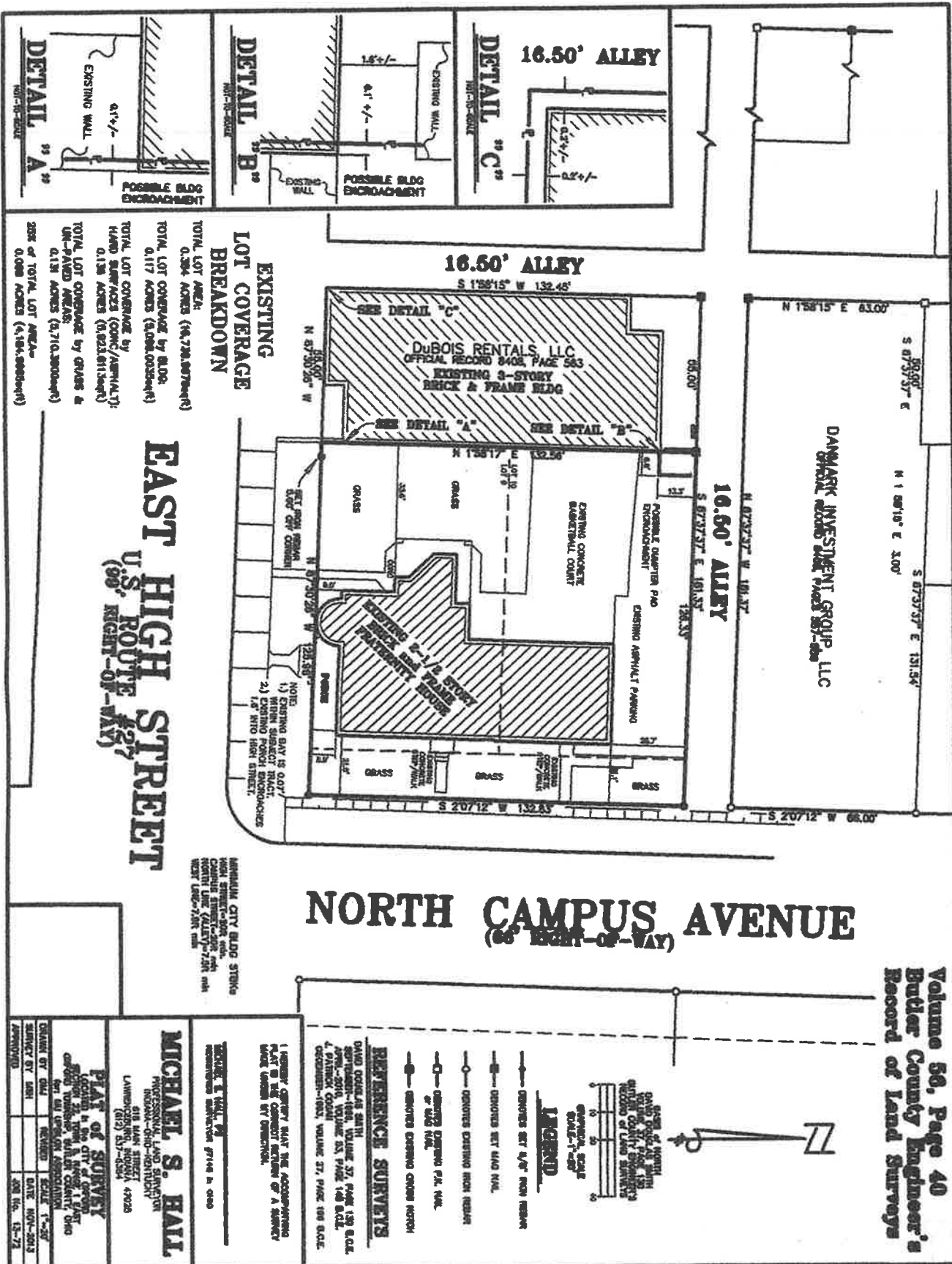
TOTAL LOT AREA:

NORTH CAMPUS

MINIMUM CITY
HIGH STREET-
CAMPUS STREET
NORTH LINE (WEST 1 INCH = 7

JAN 17 2014

**Volume 56, Page 40
Butler County Engineer's
Record of Land Surveys**



~~JAN 17 2014~~



Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner:	House Corporation of Mu Epsilon Association (Attach a Letter of Agency if the Applicant is not the property owner.)
Mailing Address:	6340 Brown Road, Oxford, Ohio 45056
Telephone Number(s):	513.523.2298
Email Address	
Name of Property Owner:	House Corporation of Mu Epsilon Association
Mailing Address:	6340 Brown Road Oxford, Ohio 45056
Telephone Number(s):	513.523.2298
Requested Variance: (Indicate nature of variance and applicable section(s) of the Zoning Code.)	Lot coverage (Lots with vehicle access from a rear alley) §1143.09(C)(4)B.1. Enclosed building coverage §1143.09(c)(4)B.2. Front yard depth §1143.09(c)(2)A Fence height §1141.01(c)(4)A.1 Reduction in occupancy §1137.04(b)(5)D Parking spaces (Number) for existing occupancy of 50 §1149.03(e)(5) 130 E. High Street Oxford, Ohio 45056
Location of Requested Variance:	Oxford, Ohio 45056
Legal Description:	Part lots #9 and #10 and vacated North Campus Avenue
Zoning District:	RO
Total Acreage:	.384 Acres
Existing Use of Site:	Fraternity House
Proposed Use: (if applicable)	Fraternity House
<i>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.</i>	

REQUIRED INFORMATION

Eight complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant is encouraged to contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

(1) **SITE PLAN** – A scaled site plan shall include the following information in detail and must be prepared by an Ohio licensed surveyor. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

- a) North arrow
- b) Scale
- c) Vicinity map
- d) All existing and proposed lot lines within the site
- e) Dimensions of all lots and of the entire site and any adjacent rights-of-way
- f) Location, height, and use of all proposed and existing structures
- g) Location and design of all proposed vehicle management areas
- h) Location, size, and type of all proposed signs
- i) Location, height, and type of all proposed screening and landscaping
- j) Distances to residential zoning districts if within 1,000 feet

- k) The use of land and location of structures on adjacent property and across adjacent rights-of-way
- l) An indication of the regulation from which the variance is requested
- m) Other information as required by the Board of Zoning Appeals.

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

(3) **OTHER** – Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.

(4) On a separate sheet, provide the names and mailing addresses of all property owners within 200 feet of all boundaries of the property in question, provide parcel numbers as well. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant a variance. A separate response is required for each subsection. In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors:

- a) Whether the property in question will yield reasonable return or 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.

Submit this application with required attachments and **FEES noted below plus actual postage fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 35 days prior to the proposed Board of Zoning Appeals meeting at which the action is requested. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: _____

Date: _____

PRINTED NAME OF APPLICANT: _____

GEORGE M. SIMMONS

FEE / RECEIPT

At time of submittal please include postage charge (determined by the number of adjoining property owners x current postage rate – example \$.45) along with the variance fee.

***\$200 plus \$100 for each additional variance request up to a maximum of \$1,000.00 plus actual postage.**

***IT IS POSSIBLE FEES MAY INCREASE IF STAFF DETERMINES MORE VARIANCES ARE NEEDED**

Mu Upsilon Association
c/o George M. Simonds
On Sit Project Coordinator
6340 Brown Road
Oxford, OH 45056

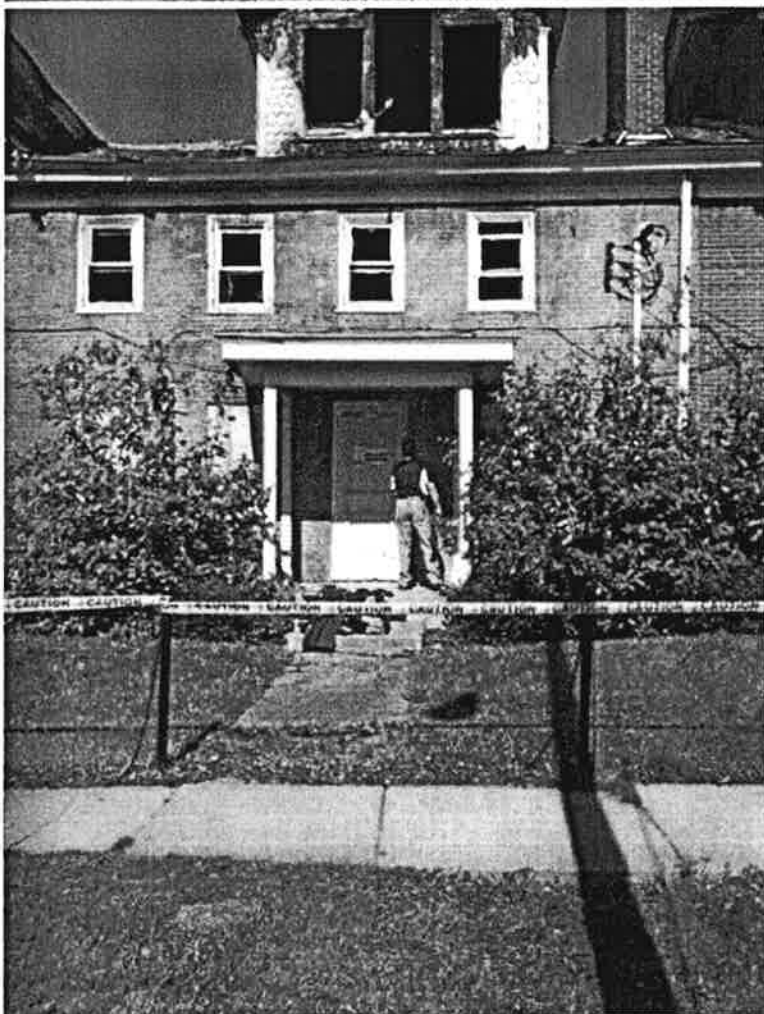
Tuesday January 21, 2014

To whom it may concern:

Please be advised that Jay Bennett, Attorney and Scott Webb , Architect are authorized to represent Mu Upsilon Association in all matters which come before th BZA at the February 2014 meetings.


George M. Simonds









Property Owners within 200 feet

<u>Property Address</u>	<u>Parcel Id.</u>	<u>Owner</u>	<u>Mailing Address</u>
118 E. High Street	H4100-003-000-262	Dubois Rentals, LLC	1467 Moon Valley Lane, Cincinnati, Ohio 45230
116 E. High Street	H4100-003-000-261	Calisia Enterprises, LLC	3088 Millville Oxford Road, Oxford, Ohio 45056
110 E. High Street	H4000-003-000-173	Follett Ohio Stores, Inc.	Follett Higher Education Group, 1818 Swift Drive, Oak Brook, IL 60523
108 E. High Street	H4000-003-000-172	Follett Stores Corp.	Follett Higher Education Group, 1818 Swift Drive, Oak Brook, IL 60523
200 E. High Street	H4100-002-000-050	The Alpha Chapter House of Beta Theta Pi	188 N. Brookwood Avenue, Suite 100, Hamilton, Ohio 45013
208 E. High Street	H4100-002-000-051	The Alpha Chapter House of Beta Theta Pi	188 N. Brookwood Avenue, Suite 100, Hamilton, Ohio 45013
216 E. High Street	H4000-002-000-011	President & TR of Miami University	ATTN: Sheila Barger, 107 Roubesh Hall, Oxford, Ohio 45056
14 N. Campus Avenue	H4100-007-000-168	Danmark Investment Group, LLC	21 N. Poplar St., Oxford, Ohio 45056
131 E. Church St.	H4100-007-000-172	Dollar Investments, LLC	3088 Millville Oxford Road, Oxford, Ohio 45056
123 E. Church St.	H4100-007-000-171	Hoelzer/Hoelzer Rental, Inc.	3088 Millville Oxford Road, Oxford, Ohio 45056
117 E. Church St.	H4100-007-000-170	Hoelzer/Hoelzer Rental, Inc.	3088 Millville Oxford Road, Oxford, Ohio 45056
13 N. Poplar St.	H4100-003-000-168	Grace E. Haler, Trustee	5211 College Corner Pike, Oxford, Ohio 45056
108 High Street	H4000-003-000-169	Follett Stores Corp.	Follett Higher Education Group, 1818 Swift Drive, Oak Brook, IL 60523
17 N. Poplar St.	H4100-007-000-166	Red Brick Property Mgt., Inc.	21 N. Poplar St., Oxford, Ohio 45056
N. Poplar St.	H4100-007-000-167	Red Brick Property Mgt., Inc.	21 N. Poplar St., Oxford, Ohio 45056
19 N. Poplar St.	H4000-007-000-214	Valhalla Hall Inv. Group, LLC	21 N. Poplar St., Oxford, Ohio 45056
107 E. Church St.	H4100-007-000-215	Rodbro & Rodbro Investment, Inc.	23 N. Poplar St., Oxford, Ohio 45056
E. Church St.	H4000-007-000-216	Edwin & Bonnie Stephenson	122 Pinoak Drive, Oxford, Ohio 45056
219 E. Church St.	H4100-002-000-010	TRES Walnut, LLC	219 E. Church Street, Oxford, Ohio 45056
201 E. Church St.	H4100-002-000-004	TRES Walnut, LLC	3088 Millville Oxford Road, Oxford, Ohio 45056
E. Church St.	H4100-002-000-005	TRES Walnut, LLC	3088 Millville Oxford Road, Oxford, Ohio 45056
15 N. Campus Avenue	H4100-002-000-003	Danmark Investment Group, LLC	21 N. Poplar St., Oxford, Ohio 45056
15 N. Campus (Rear)	H4100-002-000-006	Danmark Investment Group, LLC	21 N. Poplar St., Oxford, Ohio 45056
10 S. Campus Ave.	H4100-003-000-238	Phi Delta Theta Education Foundation	2 S. Campus Avenue, Oxford, Ohio 45056
121 E. High St.	H4100-003-000-224	Andrew T & Terry T Amarantos	121 E. High Street, Oxford, Ohio 45056
111 E. High Street	H4100-003-000-175	Daniel E. Pilarczyk, Arch T	111 E. High Street, Oxford, Ohio 45056
E. High Street	H4100-003-000-176	Daniel E. Pilarczyk, Arch T	111 E. High Street, Oxford, Ohio 45056
117 E. High Street	H4000-003-000-225	Ned Stephenson	122 Pinoak Drive, Oxford, Ohio 45056
101 E. High Street	H4100-003-000-174	Village of Oxford	101 E. High Street, Oxford, Ohio 45056
S. Poplar St.	H4100-003-000-177	Village of Oxford	101 E. High Street, Oxford, Ohio 45056

5)a) Whether the property in question will yield reasonable return or whether there could be any beneficial use of the property without a variance.

Some beneficial use could be made of the real property without variances requested by Applicant. However, the comparative long term effects of preserving and restoring the historical portion of the building as it is planned by the Applicant and maintaining the long time fraternity use on this corner may be a more important consideration to the community than the question as to whether the lack of such variances would yield a reasonable return. Should the building be razed and an application for rezoning to UP classification be granted, a reasonable return could be expected from such property. The purpose of the variances requested are ultimately to preserve and maintain a historical building and the housing of a not-for-profit fraternity that has historically occupied this corner since 1955.

b) Whether the variance is substantial.

The variances, when taken cumulatively, are substantial. However, the extent of such variances, when compared with the nonconformities of the lot and structure that existed prior to the destruction of the building by fire, are less 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.

The essential character of the neighborhood would be restored, rather than substantially altered by the granting of the variances. Adjoining properties would not suffer substantial detriment as a result of the variances. The nature of area variances, and their "practical difficulties" required standard, would not affect the essential character of the neighborhood since only a change of use could substantially affect the character of the neighborhood, not the area variances to be considered in this application. Adjoining property would not suffer substantial detriment as a result of the variances being granted.

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

The variances requested would not substantially affect the delivery of governmental services.

e) Whether the property owner purchased the property with the knowledge of the zoning restriction.

The property owner purchased the property in 1955 when there were no zoning restrictions.

f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

The property owner's predicament cannot be obviated through a method other than the variances requested since the restoration of the building and the use of such building after its destruction by fire is the central purpose of the petition for variances.

g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance.

The spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variances since it is the intent of every zoning code to protect nearby property owners by instituting reasonable standards and regulations dealing with land uses. The spirit and intent of the zoning code remains intact since the former land use would be restored.

h) Any other relevant factor.

Other relevant factors regarding this application is the attempt by Applicant to preserve a historical building (circa 1828) and to restore an integral component of one of the most important corners in Oxford; the eastern gateway to uptown and the western gateway to the university. The presence of fraternity buildings on three corners of the aforesaid intersection are important elements of the aesthetics, history and architectural consistency of this particular intersection.

VARIANCE REQUEST DETAIL FROM APPLICANT

130 East High Street

January 20, 2014

	RO Requirement	Building Before Fire	Proposed Reconstruction
Overall Lot Coverage 1143.09(c)(4)B.1	40% max.	11,022.6148 65.84%	11,054.1292 66.03%
Enclosed Building Coverage 1143.09(c)(4)B.2	25% max.	5,099.0035 30.46%	6,505.1140 38.85%
Front Yard Depth 1143.09(c)(2)A	Corner Lot requires 2 front yards and 2 side yards 20' High & Campus	0' along High Street 21.1" along Campus Avenue	0' along High Street 21.1' along Campus Avenue
Fence Height 1141.01(c)(4)A.1	4' in front yard 8' in side & rear yards	N/A	5.5' in front yard 8' in side & rear yard
Reduction in Occupancy 1137.04(b)(5)D	Reconstruction of non-conforming use requires 30% reduction in occupants	50 Occupants	50 Occupants (0% reduction)
Parking Spaces 1149.03(e)(5)	2 spaces per 5 beds 20 spaces	Approx. 10 spaces	10 legitimate spaces

The area variances requested in the application are evaluated using the “practical difficulties” standard established by the Ohio Supreme Court. Such standard is substantially less stringent than the unnecessary hardship standard used for use variances. The Applicant would submit that the dimensional and area inadequacies of the property demonstrate the practical difficulties that would be overcome by the granting of the variances requested.



PHI GAMMA DELTA
130 EAST HIGH STREET
OXFORD, OHIO

PERSPECTIVE

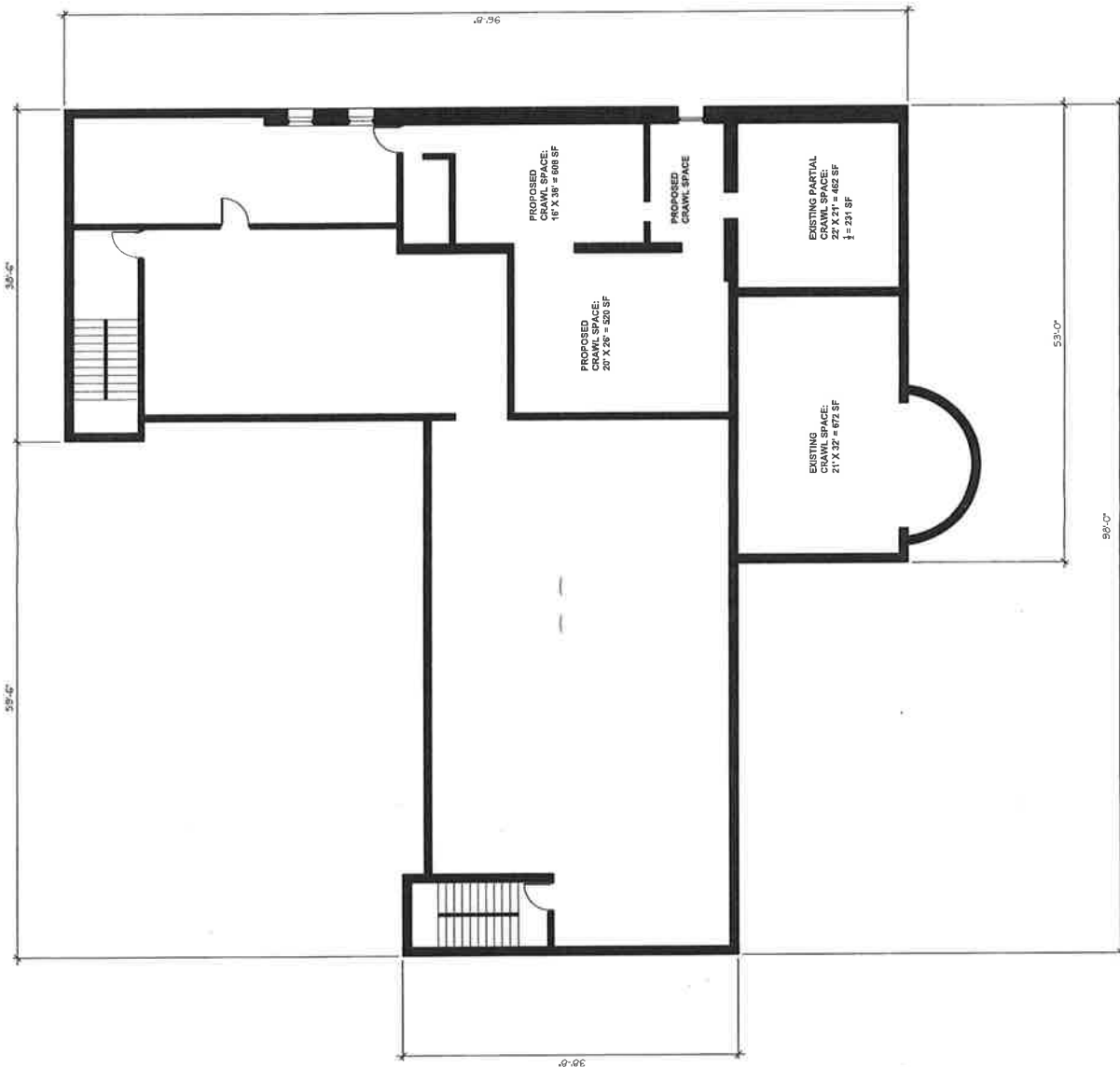
NOV. 13 2013



PHI GAMMA DELTA
130 EAST HIGH STREET
OXFORD, OHIO

CORNER PERSPECTIVE

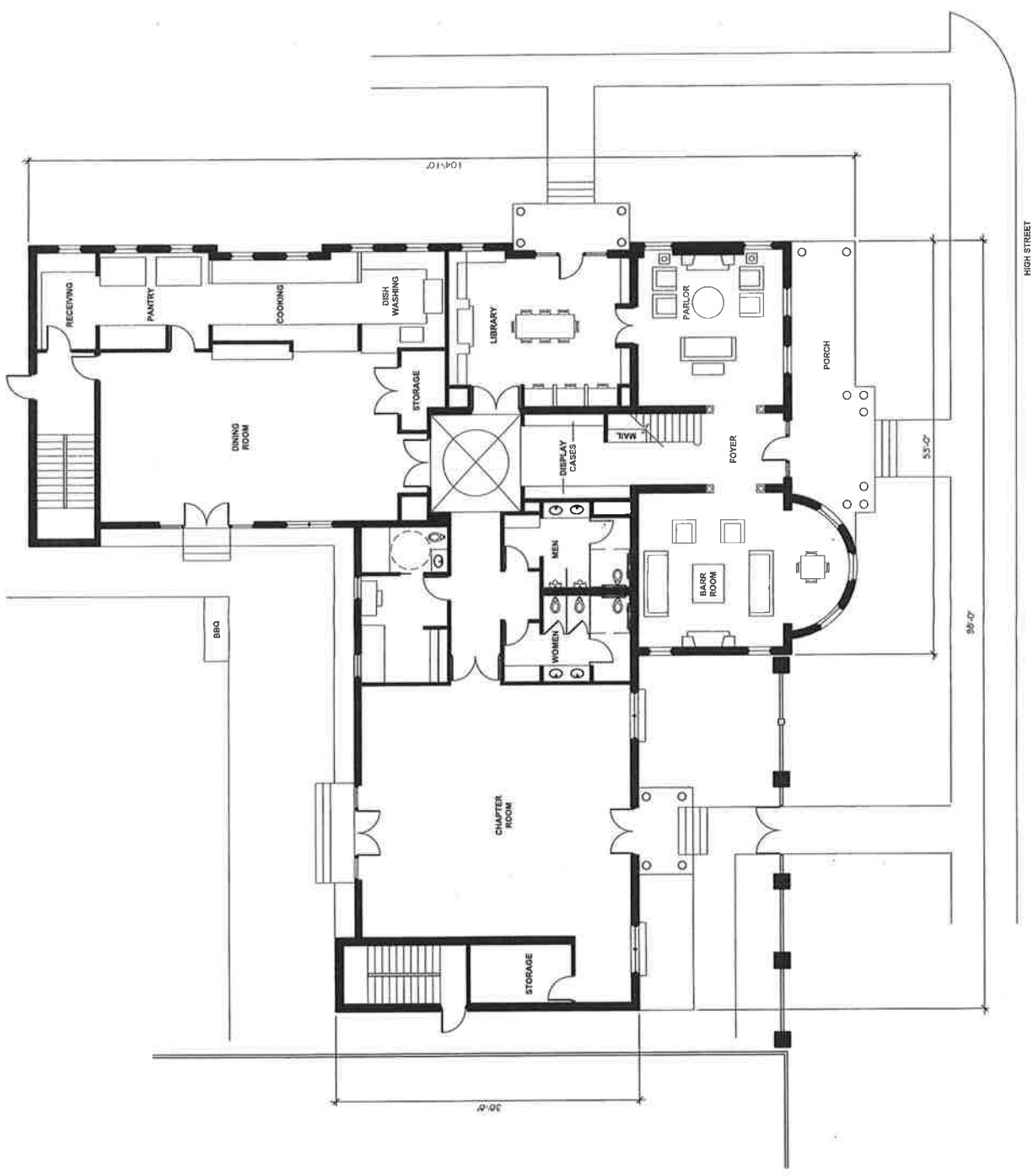
Nov. 13, 2013



PHI GAMMA DELTA
130 EAST HIGH STREET
OXFORD, OHIO

BASEMENT FLOOR PLAN **(3,858 SF)**

DEC. 17, 2013
SCALE: 1/8" = 1'-0"



PHI GAMMA DELTA
 130 EAST HIGH STREET
 OXFORD, OHIO

FIRST FLOOR PLAN
(6,120 SF)

DEC. 17, 2013
 SCALE: 1/8" = 1'-0"



PHI GAMMA DELTA
130 EAST HIGH STREET
OXFORD, OHIO

SECOND FLOOR PLAN
(6,000 SF)

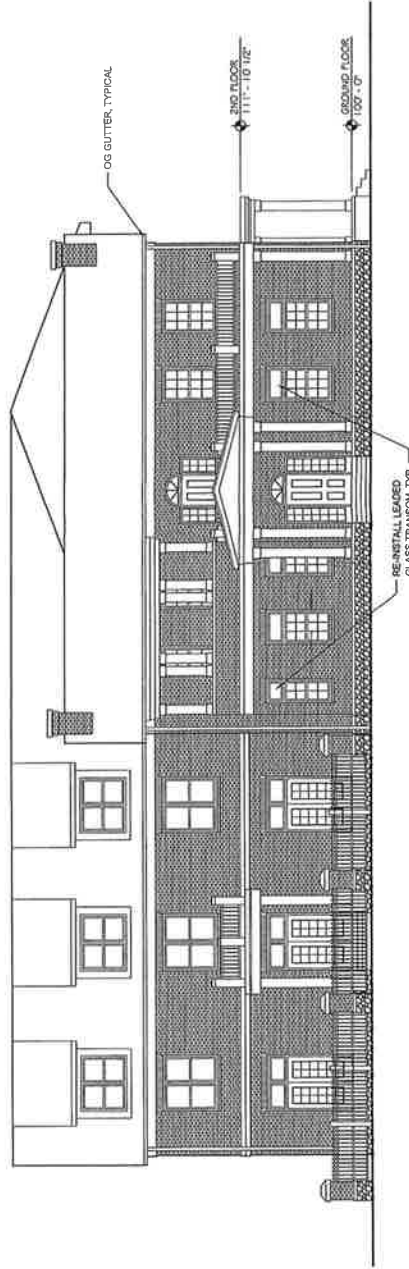
DEC. 17, 2013
SCALE: 1/8" = 1'-0"



PHI GAMMA DELTA
130 EAST HIGH STREET
OXFORD, OHIO

**THIRD FLOOR PLAN
(4,460 SF)**

DEC. 17, 2013
SCALE: 1/8" = 1'-0"



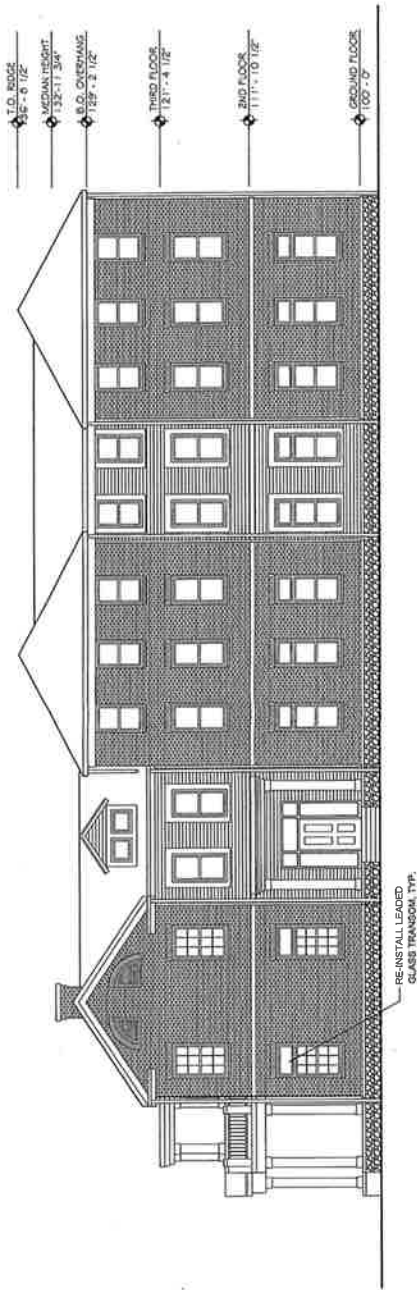
MATERIAL LIST:

1. Foundation: Finish - Stucco; Texture - Smooth
Color - Light Gray
2. Bricks: Concrete Block, Smooth Mortar with material to its color; mortar color - similar to existing
3. Roof: Shingle Style; Mfr. - Cedarland;
1/4" Exposure; Color - Colonial Slate
"Shingle" with "Woodsman"
4. Trim: Color - Sherwin Williams, SW6141 "Seller Tan"
5. Sillings: Hand-painted Color - Sherwin Williams, SW6150 "Universal Kraft"
6. Columns: Tuscan Doric
7. Windows: Old House - Clad; Simulated Divided Lite (3/4" exterior/ interior muntins); 6 over 6; Mfr. - Pella or Integrity
New House - Clad; No Mullions; 1 over 1; Mfr. - Pella or Integrity

PHI GAMMA DELTA
130 EAST HIGH STREET
OXFORD, OHIO

FRONT ELEVATION

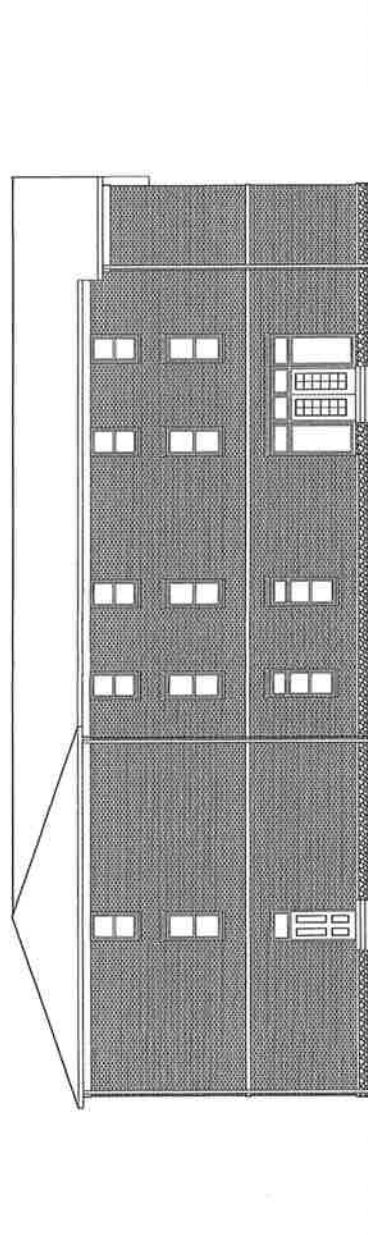
DEC. 17, 2013
SCALE: 1/8" = 1'-0"



PHI GAMMA DELTA
130 EAST HIGH STREET
OXFORD, OHIO

SIDE ELEVATION

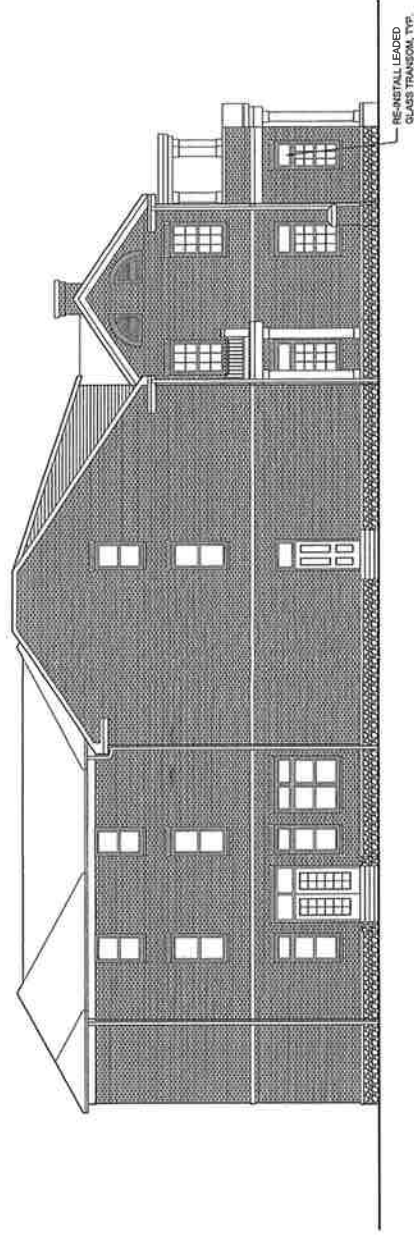
DEC. 17, 2013
SCALE: 1/8" = 1'-0"



PHI GAMMA DELTA
130 EAST HIGH STREET
OXFORD, OHIO

REAR ELEVATION

DEC. 17, 2013
SCALE: 1/8" = 1'-0"



PHI GAMMA DELTA
130 EAST HIGH STREET
OXFORD, OHIO

SIDE ELEVATION

DEC. 17, 2013
SCALE: 1/8" = 1'-0"

FYI

JAY C. BENNETT
ATTORNEY AT LAW
Oxford Professional Building
5995 Fairfield Road, Suite #5
Oxford, Ohio 45056-1587
Telephone 513.523.4104
Fax 513.523.1525

February 19, 2014

City of Oxford
Board of Zoning Appeals
ATTN: Jung-Han Chen, Community Development Director
Paul Brady, Chairman, Board of Zoning Appeals

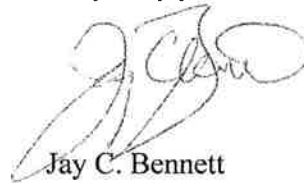
Re: Case No. BZA-2014-01; 130 E. High Street

Dear Sirs:

As legal counsel for Mu Upsilon House Corporation of Phi Gamma Delta Fraternity, Applicant for certain variances regarding the above listed case I have been informed that neither Prue Dana nor Gary Meyer will be able to attend tonight's hearing.

On behalf of my client I would respectfully request that said hearing be tabled until the March 19, 2014 meeting to allow a greater number of the Board to participate. Thank you for your consideration.

Very truly yours,



Jay C. Bennett
Attorney at Law

JCB/da