

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-02-2008

Date – April 16, 2008

APPLICATION

Petitioner:	Phyllis Wilkins, Store Owner & Patrick Reist, Triangle Sign Co.
Location:	5154 College Corner Pike
Owner:	Main & High Development, LLC (Rodbro & Rumpke)
Action Request:	Variances to Sections 1151.03(d)(4) and 1151.07(ff)(gg) for an illuminated roof mounted sign.
Current Use:	Commercial Store “Everything’s A Party”
Zoning:	“GB” General Business
Surrounding Land Uses:	Commercial & Offices

DESCRIPTION

The store is located at the southern end of the Westgate Shopping Center. The owners of the property removed an existing roof sign between December 2007 and early 2008 when they made improvements to the building, which included re-roofing.. Had the sign not been removed the Applicant could have requested a face or panel change to the sign and no variances would have been necessary. However, since the sign was removed, any new signage needs to satisfy the current sign regulations.

The Applicant wishes to install a 3’ x 9’ sign on the canopy/awning roof that overhangs the entrance of this retail space. The proposed sign would be identical to the Domino’s sign, neighboring this retail space. The Applicant has included the permit information regarding the Domino’s sign. The Domino’s sign was issued in 1995, however did not go through BZA.

VARIANCES REQUESTED

Section 1151.03(d)(4):	No sign shall be upon or project above a roof line According to the application, a 3’ x 9’ sign is proposed on the canopy/awning roof that overhangs the entrance of this retail space in a multi-tenant commercial center.
Section 1151.07(ff) & (gg):	Sign Definitions: (ff). <u>Roof Line</u> – The uppermost line or point of the façade or parapet of a flat roof structure, or the lower edge of an eve, gable, or rake of a sloped roof structure including a mansard roof. (gg). <u>Roof Sign</u> – A sign erected on or projected above the roofline of a building or structure. The proposed sign is projecting above the roofline by 3 feet.

COMPREHENSIVE PLAN

No issues in the comprehensive plan deal directly with this particular request.

COMMENT FORMS

No public comment has been received from surrounding property owners regarding this request.

AGENCY REVIEW

Requests for review were sent to Engineering, Police and Fire. Police returned with no comments and Engineering returned comments in support of the proposed signage. Fire has not returned their review to date.

ANALYSIS

Staff feels that the Decision Standards are satisfied and that the minimum request has been made for a variance. Had this particular retail space had a façade typical with the rest of the Westgate Shopping Center, the Applicant would not require any variances. The store fronts to the south have a false façade that replicates a roof look, but is not a roof because it is simply a façade that extends slightly above the actual roofline. To the north of the shopping center, the retail spaces have flat façade's that have the ability to provide space for signage. The location of the proposed sign is the only location possible to identify this particular store and is not projecting any higher than the peak of the roof. The proposed sign is similar and will align with surrounding signage. Furthermore, the re-roofing of the building and removal of an existing nonconforming sign was not due to the actions of the Applicant.

RECOMMENDATION

Should the BZA recommend approval, Staff recommends the following conditions:

1. That, the proposed work complies in all other respects with all applicable codes, Ordinances and the City of Oxford Zoning Code.
2. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.

SUBMITTED BY: _____
Kathryn A. Dale, AICP, City Planner
Community Development Department

DATE: March 18, 2008

RULES OF PROCEDURE OF THE BOARD OF ZONING APPEALS OF OXFORD, OHIO

ARTICLE I - MEMBERSHIP

The Board of Zoning Appeals is established by Section 8.08 of the Oxford Charter. Membership consists of five citizens serving three-year, staggered terms.

ARTICLE II - JURISDICTION AND FUNCTION

According to Section 8.09 of Oxford's Charter, "The Board shall have the power to hear and determine appeals from refusal of building permits and to permit exceptions to and variations from the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardships to property owners. The standards in all instances to be applied by the Board shall be established by Ordinance of Council."

~~The standards for decision standards have been enacted by Council, and they appear as Section 1127.02 1139.02(c)(2) of Oxford's Code of Ordinances. A copy of Section 1127.02 1139.02(c)(2) appears as Appendix A-B to these Rules and Procedures.~~

ARTICLE III - OFFICERS

Section 1 - At the first meeting of each year, the Board shall elect one of its members as Chair, one as Vice-Chair, and one as Executive Secretary.

Section 2 - The Chair shall preside at meetings of the Board, call special meetings, and perform such other duties commonly prescribed to such office.

Section 3 - The Vice-Chair shall perform the same duties as the Chair in his/her absence.

Section 4 - In the event the Chair and Vice-Chair are absent from a meeting, the three remaining members shall select a Chair Pro-Tem who shall perform the same duties as the Chair for the balance of the meeting.

Section 5 - The ~~Executive~~ **Recording** Secretary shall prepare the minutes of each meeting for approval at the next meeting.

ARTICLE IV - MEETINGS

Section 1 - The regular meetings of the Board will be held in the ~~Oxford Municipal Building~~ **Oxford Courthouse** at 7:30 p.m. on the third ~~Thursday~~ **Wednesday** of each month on the call of the Chair. The regular meeting date may occasionally change at the direction of the ~~Commission Board~~ with public notice. Special meetings may be called by the Chair, or by two (2) members of the Board, provided that special meetings must be called by the delivering of a written notice thereof to each Board member, or the residence of each member, and to those news media that have requested

notification, at least twenty-four (24) hours prior to the time set for the special meeting. Said notice shall contain information as to the date, time, place and purpose of the meeting. No action shall be taken by the Board at a special meeting upon any matter not listed upon said special meeting notice (See appendix "B").

ARTICLE V - VOTING

Section 1 - No resolution over-ruling an action under interpretation of the Zoning Ordinance by an administrative office of the City shall be adopted except by the affirmative vote of three members of this Board (Section 8.08 of Oxford Charter).

Section 2 - A majority vote of those members present shall be necessary to carry out all other regular business of the Board and a quorum of three members shall be necessary to conduct business and to constitute on official meeting of the Board.

Section 3 - The Chair shall vote in all matters under consideration by the Board.

Section 4 - No Board member shall participate in the discussion or vote in any matter in which the member having such a personal interest steps down from the Board for that portion of the meeting in which the member has an interest.

Section 5 - A record shall be made in the minutes showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact.

Section 6 - The Board of Zoning Appeals shall base its decision only upon Section 1129.11 or the Decision Standards in Chapter 1139. ~~The standards for decision standards have been enacted by Council, and they appear as Section 1127.02 1139.02(c)(2) of Oxford's Code of Ordinances. A copy of Section 1127.02 1139.02(c)(2) appears as Appendix A to these~~ Rules of Procedure.

ARTICLE VI - APPEALS PROCEDURE

Section 1 - (By Whom)

(a) An appeal **and supporting documentation as provided for in Chapter 1129 and 1139 of the Planning & Zoning Code** may be made to the Board by any person aggrieved or by any officer, department, board or bureau of the City of Oxford affected by a decision of the Zoning Administrator **within 30 days of the date of the Zoning Administrator decision.**

(b) If the appellant represents the owner or occupant authority of the premises under consideration, the appellant shall document on the appeal that authority to represent that owner or occupant.

~~(b)~~ (c) The application for an appeal shall be submitted pursuant to **Chapter 1129 and 1139 of the Planning & Zoning Code.** ~~in such a form as the Board may prescribe and approve. The application shall contain the present use of the building and premises and the proposed use of the building and~~

~~premises, the appellant's relation to the property, a statement of the reasons the appellant feels that his appeal should be approved, and such other information as may be required by the Board.~~

~~(c) The appellant shall furnish the following with the application: However, items (1) and (3) are not jurisdictional, but may be waived or requested by the Board, in its sole discretion, as the nature of the appeal requires.~~

~~(1) Lot plan, showing the actual shape and dimensions of the lot to be built upon or used, and delineating all lot lines, yard requirements or applicable zoning district regulations, the exact size and location of all existing buildings and accessory buildings, and all proposed additions or new buildings or structures. The lot plan shall be prepared by an Ohio licensed surveyor. The lot plan shall may be waived by the Zoning Administrator prior to the submission of the appeal when such information is not relevant to the hearing of the appeal.~~

~~(2) A list of all properties within 100 feet of all boundaries of the property in question, giving lot numbers, house numbers and streets, owners' names and addresses.~~

~~(3) A diagram of the city block and/or area in which the property is located showing all abutting properties, all street frontages, all streets and alleys, and identifying all lots within 100 feet by number and street address. In addition, the block diagram shall show the location of buildings on other properties, the use of neighboring lots, and all measurements, features and information as necessary to provide the Board with the proper information for a proper hearing and determination of the appeal, the Zoning Administrator may waive the submission of any information not relevant to the appeal.~~

~~(4) A title containing the name of the appellant, address and lot number of the property concerned in the appeal, shall appear on all information furnished with an appeal and the scale of any drawing when required to be drawn to scale shall be noted on the drawing.~~

~~(5) A fee of \$50.00 shall accompany each appeal, as per Section 1127.03 of Oxford's Code of Ordinances.~~

~~(6) An appeal shall be considered filed when the fee is paid and a copy of the application is completed, signed, and left at the office of the Zoning Administrator along with all papers and information as required in the application.~~

(d) Instruction sheets may be prepared and approved by the Board for the guidance of appellants and copies of these Rules of Procedure shall be available to the public without charge at all times in the office of the Zoning Administrator.

Section 2 - (Action on Application)

(a) The Zoning Administrator shall notify by regular mail the appellant and all owners of property within ~~100~~ 200 feet of the property in question as to the date, time, place and purpose of the hearing at least ~~21~~ 10 days prior to the hearing. The notice shall provide a form on which comments may be submitted to the Board of Zoning Appeals. This notice is not jurisdictional and is provided for only as a matter of courtesy. Failure by the Zoning Administrator to mail such notice or failure by a land owner described above to receive such notice shall not invalidate any

action resulting from the public hearing.

The Administrator shall also cause an official legal notice, which is jurisdictional, containing the date, time, place and purpose of the hearing to be published ~~twice~~ **once** in a local newspaper of general circulation at least ~~21~~ **7** days ~~and at least 14 days~~ prior to the hearing.

At least 7 days prior to the public hearing, the applicant shall post a sign on the site, provided by the City, along each public right-of-way that abuts the site and at other locations or intersections near or leading to the site in the right-of-way, at the discretion of the Zoning Administrator. The signs shall state that the site is the subject of a public hearing and shall list the type, time, and place of the hearing, and shall be legible from the public right-of-way. This is a courtesy notice. Failure by the Zoning Administrator to provide such signs as described shall not invalidate any action resulting from the public hearing. Removal of such signs, once set, shall be a violation of this Code in addition to any other laws against their removal that may apply.

(b) The Zoning Administrator shall transmit to the Board, approximately one week prior to the meeting or as soon thereafter as possible, the appeal application and all papers or information required or necessary for proper hearing of the appeal, and copies as required shall be sent to all Board members.

Section 4 3 - (Hearings)

(a) The Board of Zoning Appeals shall base its review of a variance application upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Board of Zoning Appeals finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(b) All meetings and hearings shall be open to the public.

(c) The Zoning Administrator will present and explain the case, setting forth the reasons for the Board.

(d) The Board of Zoning Appeals shall prepare a transcript of proceedings containing a report of all evidence admitted or proffered by the Board.

(e) Following the Zoning Administrator's presentation, all interested parties shall be permitted to appear and be heard in person, or by his **agent or** attorney, in opposition to the final order, adjudication, or decision. The Board shall have the right to dismiss the appeal if the appellant or his agent or attorney is not present at the hearing.

(f) The interested party shall present his position, arguments, and contentions.

(g) The interested party shall be allowed to cross-examine witnesses purporting to refute his or her position, arguments, and contentions.

(h) The interested party shall be allowed to offer evidence to refute evidence and testimony offered in

opposition to his position, arguments, and contentions.

(i) The interested party shall be allowed to proffer any such opposing evidence and testimony into the record, if the admission of it is denied by the officer or body appealed from.

(j) All testimony adduced shall be given under oath.

(k) The Zoning Administrator or Board shall file with the transcript, conclusions of fact supporting the final order, adjudication, or decision appealed from.

(l) Any person shall have the right to ask questions about the subject of the appeal.

(m) At the request of the appellant or the Zoning Administrator and/or on the motion of the Board, the hearing may be postponed for further evidence or information. Such postponement shall be granted or denied in the sole discretion of the Board, and any postponement of a hearing, once commenced, shall be for more than 45 days, except with a written permission of both the Zoning Administrator and the appellant.

(n) At the conclusion of the hearing or hearings the Board will discuss and vote on each appeal and conduct the business section of the meeting to take care of items on the agenda. The public may not participate in this section of the meeting except upon request of the Chair or any member of the Board.

(o) The Board shall keep a record of its proceeding. Findings of Fact shall be included in the minutes of each case of a requested variation or appeal, and the reasons for approving or denying such variation or appeal shall be specified. All records of proceeding findings, determinations and actions of the Board shall be filed immediately in the Zoning Administrator's office and shall be retained for one year.

Section 5 (4) - (Following Hearing)

(a) The Board of Zoning Appeals shall grant, grant with conditions, or deny a variance application as presented and shall clearly state the findings of fact upon which its decision is based.

~~(a)~~ **(b)** The Zoning Administrator shall inform the appellant by letter as soon as possible following the hearing of the decision of the Board. ~~and also shall offer a report of the decision for use in the local newspaper within one week following the decision.~~ The Board's decision shall not become final until the expiration of five (5) days from the date such decision is made unless the Board shall certify otherwise.

(c) The Zoning Administrator shall issue permits to permit the action for which a variance was sought per Chapter 1139.

~~(b)~~ **(d)** No order of the Board permitting erection or alteration of a building or the use of a building or premises shall be valid for a period longer than six (6) months unless a building permit

for such erection or alterations is obtained and the work is started within such period, or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.

~~(c) No appeal upon which a decision has been rendered by the Board, shall be reheard until a new appeal is filed and procedures are followed as in an original appeal. In such re-appeals, the appellant shall indicate his reason for re-appealing and supply such additional information as necessary for the Board to properly hear the new appeal, and if appellant's new application does not contain allegations of a changed, new, or different factual situation, or changes in applicable law, such as might require or might result in a different decision by the Board, the Board may dismiss the appeal upon receipt thereof, without further proceedings.~~

(e) No application for a variance that is substantially similar to an application that has been denied, wholly or in part, shall be submitted to the BZA for a decision per Chapter 1139.

APPENDIX “A”

~~1127.02 STANDARDS FOR DECISIONS~~

~~A. In order to permit exceptions to and variations from the literal application of the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardship to property owners, the Board of Zoning Appeals must find in each case brought to it on appeal:~~

~~1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and that the hardship is created by the physical character of the property, including dimensions, topography, or soil conditions, or by other extraordinary situations or conditions of such property. No conforming use of neighboring land, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization for a variance or exception. Nor shall personal hardship, or loss or limitation of possibilities for economic advantage or profit, be considered grounds for the authorization of a variance or exception; and~~

~~2. That the special conditions and circumstances do not result from the actions of the applicant; and~~

~~3. That the variance or exception does not confer special privileges or benefits, but relieves a hardship; and~~

~~4. That literal interpretation of the provisions of the Zoning Code would deprive the applicant of basic rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Code and would work unnecessary and undue hardship on the applicant; and~~

~~5. That the variance or exception granted is the minimum variance or exception that will make possible the reasonable use of the land, building, or structure; and~~

~~6. That the grant of the variance or exception will be in harmony with the general intent and purpose of the Zoning Code and that such variance or exception will not be injurious to the area involved or otherwise detrimental to the public welfare; and~~

~~7. That the grant of the variance or exception requested will not permit or allow a use that is otherwise not permitted in the zoning district involved, nor will the grant of the requested variance or exception allow, authorize, or permit any use that is prohibited, either expressly or by implication, by this Zoning Code for the zoning district involved.~~

~~B. In granting any variance or exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards and violation of such conditions and safeguards, when made a part of the terms under which the variance or exception is granted, shall be a violation of the Zoning Code.~~

~~C. The Board of Zoning Appeals may prescribe a reasonable time limit within which the action for which the variance or exception is required shall be begun or completed or both.~~

1139.02(c)(2)Decision Standards.

All variances shall satisfy the Decision Standards of this section. Variances and nonconformities on other land, sites, or structures shall not be considered grounds for a variance.

- A. The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and**
- B. Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and**
- C. The conditions upon which the application is based are not the result of actions of the applicant; and**
- D. The variance would not confer a special privilege to the applicant but would relieve a hardship; and**
- E. The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and**
- F. The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and**
- G. The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.**

APPENDIX “B”

RULES AS REQUIRED BY R.C. 121.22, COMMONLY KNOWN AS THE SUNSHINE LAW

SECTION 1: All meetings of the Board of Zoning Appeals, other than authorized Executive Sessions, shall be open to public attendance.

SECTION 2: The Board will fully comply with both the letter and the spirit of R.C. 121.22.

SECTION 3: The regularly scheduled meetings of this body shall be held on the third ~~Thursday~~ **Wednesday** of each month in the ~~Council Chambers in the City Building~~ **Oxford Courthouse**, commencing at 7:30 p.m. The regular meeting date may occasionally change at the direction of the ~~Commission~~ **Board** with public notice. Within the context of this rule, a special meeting is deemed to be any meeting scheduled or called for a date or place or time other than as herein above specified. Such special meeting, as so defined solely for the purpose of this rule, may be for the purpose of:

(1) Continuing or commencing a regular meeting of the Board in discussing and acting upon all such business as may come before the Body; or

(2) A true Special Meeting within the context of parliamentary definition wherein the purpose of the meeting shall be to consider only specific and enumerated matters, and in which action will not be taken on matters unrelated to the matter, or matters, for which such a meeting is held. No special meeting, as defined herein, shall be held unless the Zoning Administrator shall have given at least 24 hours advanced notice of the date, time and place and purpose of such meeting, to those news media that have requested notification except in the event of an emergency. An emergency exists when immediate official action is necessary and in that event the member, or members, calling such a meeting shall immediately notify such news media as have requested notification of the date, time, place and purpose of such meeting.

(3) Any person may determine the date, time and place of regularly scheduled meetings by phoning or contacting the Zoning Administrator at the City Building.

(4) Any person may determine the date, time, place and purpose of special meeting, as defined herein, by making such a request, in writing, to the Zoning Administrator and sending forth their name, address and telephone number. The Zoning Administrator shall notify such person of the date, time, place and purpose of special meetings, either by mail or telephone and will in any case endeavor, with all reasonable effort and dispatch, to make such notification immediately.

When time permits reasonable anticipation of timely mail delivery, the Zoning Administrator may notify such person by mail. When, in the judgment of the Zoning Administrator, it seems reasonable to believe mail notification will not be timely, the Zoning Administrator will make all reasonable efforts to contact such person by telephone. Long distance calls will only be placed collect.

SECTION 4: Any person desiring information as to any specific business to be discussed at a meeting, may

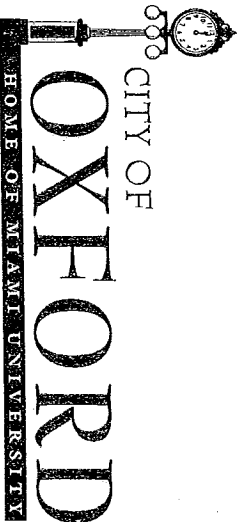
obtain advance notification of the proposed discussion by securing a copy of the meeting agenda by any or all of the following methods:

(1) Agendas for regularly scheduled meetings will be available, without charge, at the Police Department Dispatcher's office on the Saturday, Sunday, Monday or Tuesday preceding the regularly scheduled meeting.

(2) Agendas for special meetings will be available immediately upon their preparation at the Police Department Dispatcher's office, without charge.

(3) Persons paying an annual fee of \$10.00 to the Zoning Administrator, and providing said Zoning Administrator with self-addressed business-size envelopes (approximately 9" x 4"), with sufficient first class postage affixed thereto, will be mailed all Board agendas upon their preparation, for so long as the Zoning Administrator has a supply of the required envelopes. It shall be the sole obligation of the person requesting such mailings, to determine that the Zoning Administrator has sufficient envelopes to continue mailing agendas for so long as such person desires to receive agendas. The fee required hereunder shall be a calendar year fee and shall be due once each calendar year regardless of the date upon which the request for such mailings is filed.

SECTION 5: This Resolution promulgating the foregoing Rules of Procedure shall be effective immediately.



NOTICE OF REFUSAL

January 30, 2008

BZA Case No.: _____

Application No.:

08-013

5154 CCP

To Applicant:

Patrick Reist
Triangle Sign Company
221 North "B" Street
Hamilton, Ohio 45013

Your application dated JANUARY 24, 2008 for a zoning certificate for a ROOF SIGN located at 5154 COLLEGE CORNER PIKE, OXFORD, OHIO 45056 is hereby refused on this 30th DAY OF JANUARY, 2008 under Chapter 1131, Chapter 1133, Section 1151.03(d)(4), Section 1151.07(f) & (g), and Section 1129.01 of the Oxford Planning & Zoning Code in that,

Chapter 1131 & 1133 of the Oxford Planning & Zoning Code designates the location of this property as "GB" General Business District.

Section 1151.03(d)(4):

No sign shall be upon or project above a roof line

- According to the application, a 3' x 9' sign is proposed on the canopy/awning roof that overhangs the entrance of this retail space in a multi-tenant commercial center.

Section 1151.07(f) & (g):

Sign Definitions:

(f). Roof Line – The uppermost line or point of the façade or parapet of a flat roof structure, or the lower edge of an eve, gable, or rake of a sloped roof structure including a mansard roof.

(g). Roof Sign – A sign erected on or projected above the roofline of a building or structure.

- The proposed sign is projecting above the roofline by 3 feet.

Section 1129.01:

No building or other structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land use be established or changed in use without a permit therefore issued by the Zoning Administrator.

An appeal from this decision to the City of Oxford Board of Zoning Appeals is governed under Section 1129.03 d., Section 1129.09, Section 1129.10 and Chapter 1139 of the City of Oxford Zoning Ordinance.


Kathryn A. Dake, AICP
City Planner

Note: The applicant has 30 days to submit revisions or to appeal this decision to the Board of Zoning Appeals. A new application will be required, including payment of a new fee, if the applicant fails to submit adequate revisions within this time period. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. *This review is only for compliance with the zoning regulations. The service and building departments may also have comments that will need to be addressed before any permits can be issued.*

101 East High Street • Oxford, Ohio 45056-1887
Phone: (513) 524-5200 • Fax: (513) 523-7298 • www.cityofoxford.org

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/14/08

To:

File Department

Engineering Division

Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-02-2008

ADDRESS: 5154 College Corner Pike

Description:

BZA-02-2008

5154 College Corner Pike, Everything's a Party, requesting a variance to Chapter 1151 Signs, Sections 1151.03(d)(4) and 1151.07(f)(gg) for an illuminated roof mounted sign, Patrick Reist, Agent, Applicant

☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 4/7/2008 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:

Steve Graham, Paul Christ

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/14/08

To: Fire Department

Engineering Division

Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-02-2008

ADDRESS: 5154 College Corner Pike

Description:

BZA-02-2008

5154 College Corner Pike, Everything's a Party, requesting a variance to Chapter 1151 Signs, Sections 1151.03(d)(4) and 1151.07(ff)(gg) for an illuminated roof mounted sign, Patrick Reist, Agent, Applicant

☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 4/7/2008 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned:

w/comments

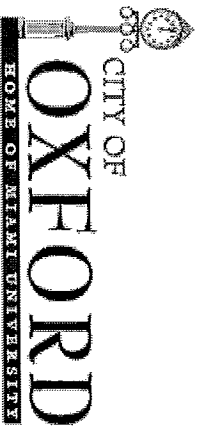
without/comments

SEE MEMO DATED 3-17-08.

Drawings reviewed by:

H. Johnson

3-17-08



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-02-2008
5154 College Corner Pike

DATE: March 17, 2008

The Engineering Division recommends that the installation of the proposed sign be allowed to proceed. The proposed sign location is similar with other signs that are now present in the Westgate Mall.

Please note that to require a different type sign or a different location for the proposed sign will be detrimental to the appearance improvements that are proposed for Westgate Mall. The architecture of the buildings would not permit a different sign or location.

In closing, this type of request should be approved administratively, and not be brought up before the Board of Zoning Appeals.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/14/08

To: Fire Department Engineering Division

From: Community Development

Police Department

Drawings are being submitted to you for the following:

Case #: BZA-02-2008 ADDRESS: 5154 College Corner Pike

Description:
BZA-02-2008 **5154 College Corner Pike**, Everything's a Party, requesting a variance to Chapter 1151 Signs, Sections 1151.03(d)(4) and 1151.07(ff)(gg) for an illuminated roof mounted sign, Patrick Reist, Agent, Applicant

☒ X Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 4/7/2008 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: SEMER

CITY OF OXFORD
BOARD OF ZONING APPEALS
REVIEW AND COMMENT FORM

Case No.: BZA-02-2008

Date of Hearing: April 16, 2008

5154 College Corner Pike, Everything's a Party, requesting a variance to Chapter 1151 Signs, Sections 1151.03(d)(4) and 1151.07(ff)(gg) for an illuminated roof mounted sign, Patrick Reist, Agent, Applicant

If you cannot attend the public hearing on this **Variance Petition**, being held before the City of Oxford Board of Zoning Appeals, but would like to comment on this matter, please complete this form and return it by **Wednesday, April 7, 2008** to: Lynn Taylor, Community Development Department, City of Oxford, Municipal Building, 101 East High Street, Oxford, Ohio 45056.

NAME: Milton & Karen Lader

ADDRESS: 5175 Westgate Dr
Oxford Oh 45056

TELEPHONE NO.: Home 523-1164 Work _____

COMMENTS:

Absolutely not! Next we will have "thinkers" sign for the "Cheek Cooking Store, etc. There was a good reason for Oxford's sign ordinance better signage at the road level. What is in the shopping center + advertising by the stores would be better.

SIGNATURE

DATE

Case No.: 62A-02-2008
Date Filed: 2/13/08

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner:

TRIANGLE SIGN CO. - PATRICK REISER (P)
(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address:

221 N. B St. HAMILTON, OH 45013

Telephone Number(s):

513. 863. 2578

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

WLAND LIKE A VARIANCE FOR AN ILLUMINATED
ROAD MOUNT SIGN AT SIS4 COLLEGE CORNER
PIKE. CHAPTER 1131, 1133, SECTION 1151.07
(44) & (99), and Section 1129.01

Location of Requested Variance:

SIS4 COLLEGE CORNER PIKE

Legal Description:

RETAIL SHOPPING CENTER UNIT

Zoning District:

C-2

Total Acreage:

Acre

Existing Use of Site:

RETAIL STORE

Proposed Use: (if applicable)

RETAIL PARTY STORE OFFERING ALL PARTY

*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.*

NEEDS. NO ACTION IS SOU.

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

(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, giving lot numbers and house numbers. (This information is available at the Butler County Auditor's Office.)

(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant the area a variance. A separate response is required for each subsection.

- a) The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and
- b) Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and
- c) The conditions upon which the application is based are not the result of actions of the applicant; and
- d) The variance would not confer a special privilege to the applicant but would relieve a hardship; and
- e) The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and
- f) The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and
- g) The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.

Submit this application with required attachments and a **\$150.00 filing 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.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT:  Date: 2/6/08

PRINTED NAME OF APPLICANT: Patrick Reiser

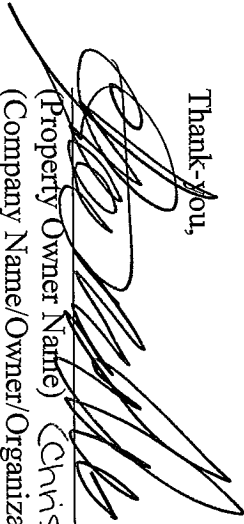
FEE / RECEIPT
\$150 Fee Paid / Receipt Number: \$150 #13624

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Phyllis Wilkins, with Everything's A Party has permission to represent our interest with the City of Oxford and act on our behalf for the BZA hearing 4/16/2008 regarding the Sign positioned on the roof at our property located at 5154 College Corner Pike Oxford, Ohio 45056.

Thank-you,


(Property Owner Name) Chris Reelbore
(Company Name/Owner/Organization)

Date: 3/12/08

City of Oxford, Ohio
101 East High Street
Oxford, OH 45056-1887

Dear Zoning Appeals Committee,

This letter is being written to explain the proposed variance for 5154 College Corner Pike, Everything's A Party. This is a retail party store owned by Phyllis Wilkens. The property in question is a strip retail outlet owned by Main and High Development LLC.

The conditions which the application was denied was based on the new sign ordinance not allowing a roof mounted sign. All other tenants on this property have roof mounted illuminated signs currently in use. I have included approved permits from the 1997 installation of a roof mounted sign at Domino's Pizza, which is located right next to Everything's A Party. The size of the sign proposed for Everything's A Party is the same size and square footage as their neighbor Domino's Pizza.

The decision to not allow the tenant to have a roof sign does not confer a special privilege to the tenant, but simply allows her unit to conform to the other units of the overall building. A roof sign is the only practical way that a tenant in any of these units may adequately advertise or use any type of building sign. Denial of this permit creates an undue hardship on this tenant due to the fact that there is no other location to install a sign.

Approval of this variance would allow Everything's A Party's unit to be in harmony with the rest of the businesses currently located on the strip mall property. There is no additional detriment to public health, safety, general welfare, and will satisfy the general intent of this zoning code.

Regards,

Patrick Reist
Triangle Sign Company
221 North B St.
Hamilton, OH 45013

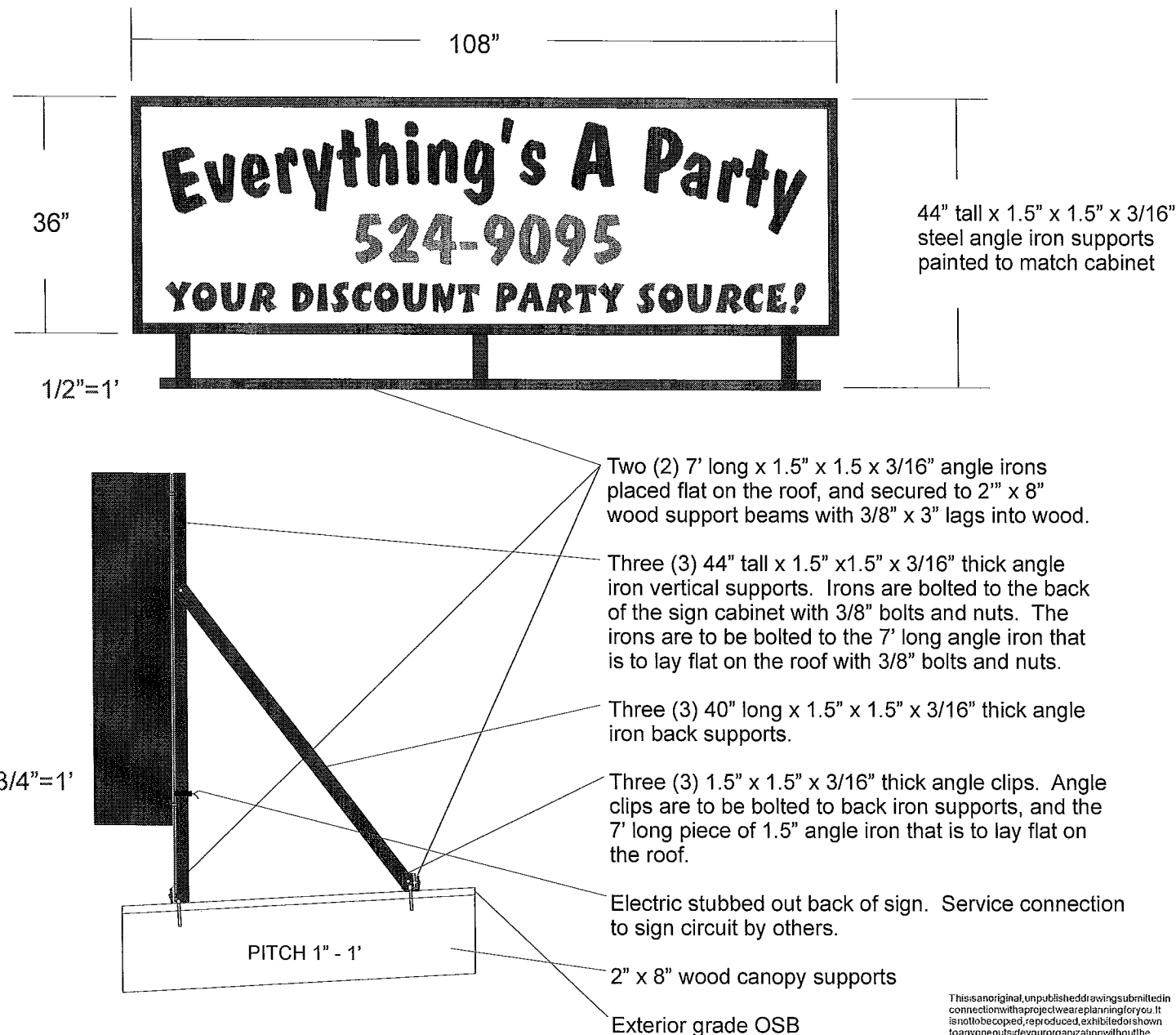
Phyllis Wilkins
OWNER
(Everything's A Party Business Owner)



Furnish and install one (1) 36" tall x 108" wide x 8" deep single face illuminated sign cabinet mounted on storefront awning. The cabinet is to be UL approved with service disconnect, and to be painted one (1) custom color of your choice. The cabinet is to be mounted on the roof of the building with 1.5" steel supports and back braces that are to be painted to match the sign cabinet or any color of your choice.

Electric Connection of the sign is to be completed by others.

All roof repair and holes from sign installation is to be repaired by others.



This is an original, unpublished drawing submitted in connection with a project we are planning for you. It is not to be copied, reproduced, exhibited or shown to anyone outside your organization without the written permission of Triangle Sign Company.

A SIGN OF QUALITY

TRIANGLE SIGN CO.

SINCE 1921

221 NORTH "B" STREET HAMILTON, OHIO 45013
PHONE 513-863-2578 FAX 513-863-8740

© pr Scale: SEE NOTES'

PTR

ACCOUNT REP

PTR

DRAWN BY

Patrick Reist

Manager Triangle Sign Co.

REVISIONS

NOTES

CUSTOMER APPROVAL

Everything's A Party
5154 College Corner Pike
Oxford, OH 45056

DATE

JOB NO.

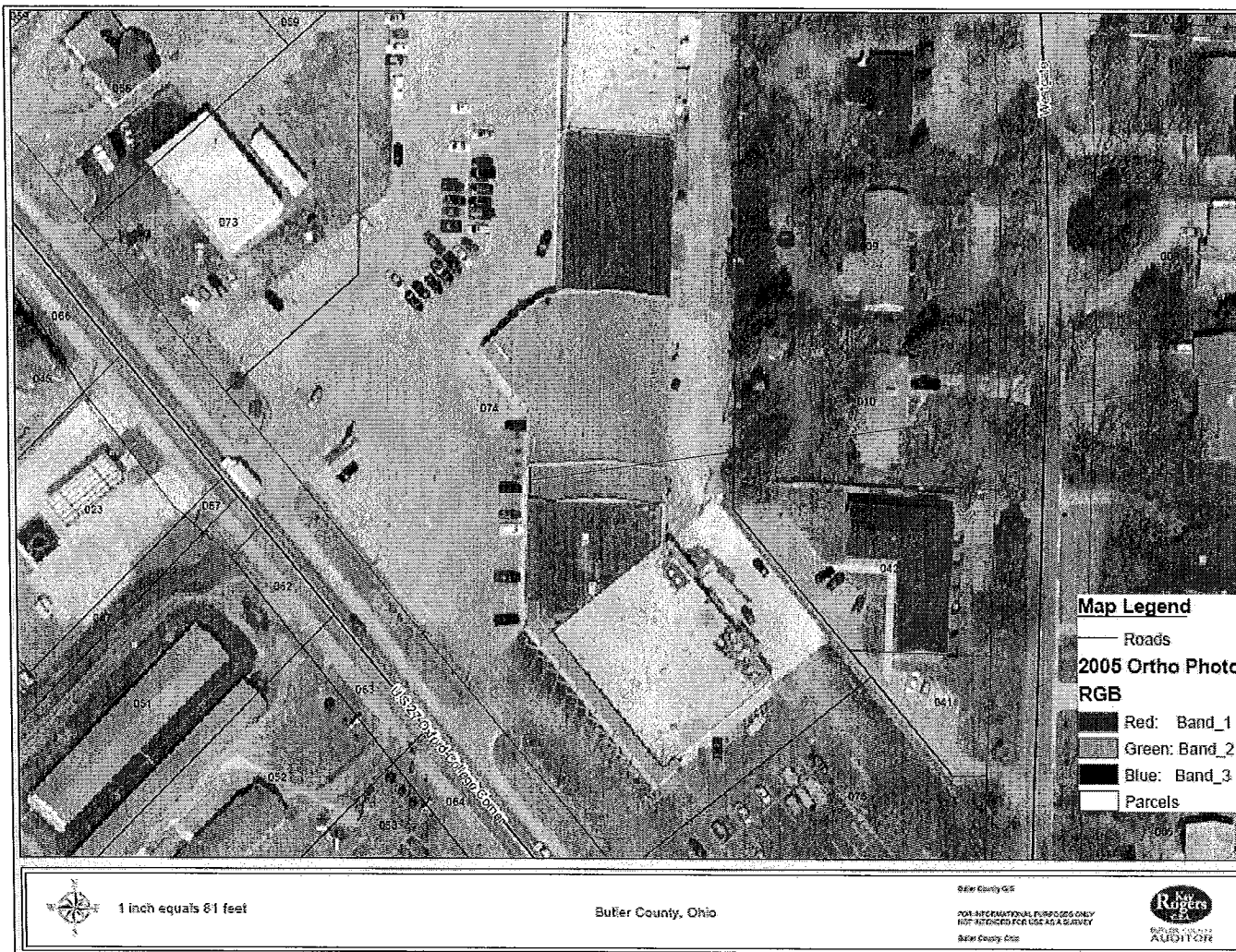
DATE:

January 19, 2008

DWG NO.

08-0119

SHEET 1 OF 1



Proposed installation of one (1) 3' x 9' single faced illuminated sign cabinet.

Building Frontage: 25'

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© pr Scale: SEE NOTES'

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PTR

DRAWN BY

Patrick Reist

Manager Triangle Sign Co.

REVISIONS

NOTES

DATE

CUSTOMER APPROVAL

Everything's A Party
5154 College Corner Pike
Oxford, OH 45056

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SHEET

1

OF

1