

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2017-09

Date – July 18, 2017

APPLICATION

Applicant:	Sheldon Jennings / O'Reilly Auto Parts
Location:	5299 College Corner Pike
Owner:	O'Reilly Auto Enterprises LLC
Action Request:	Variance to Section 1149.05(a)3, percentage of parking stalls in front of a principal structure in the GB District
Current Use:	Vacant
Zoning:	GB (General Business)
Surrounding Land Uses:	Single Family Residential and Manufactured Home Park

DESCRIPTION

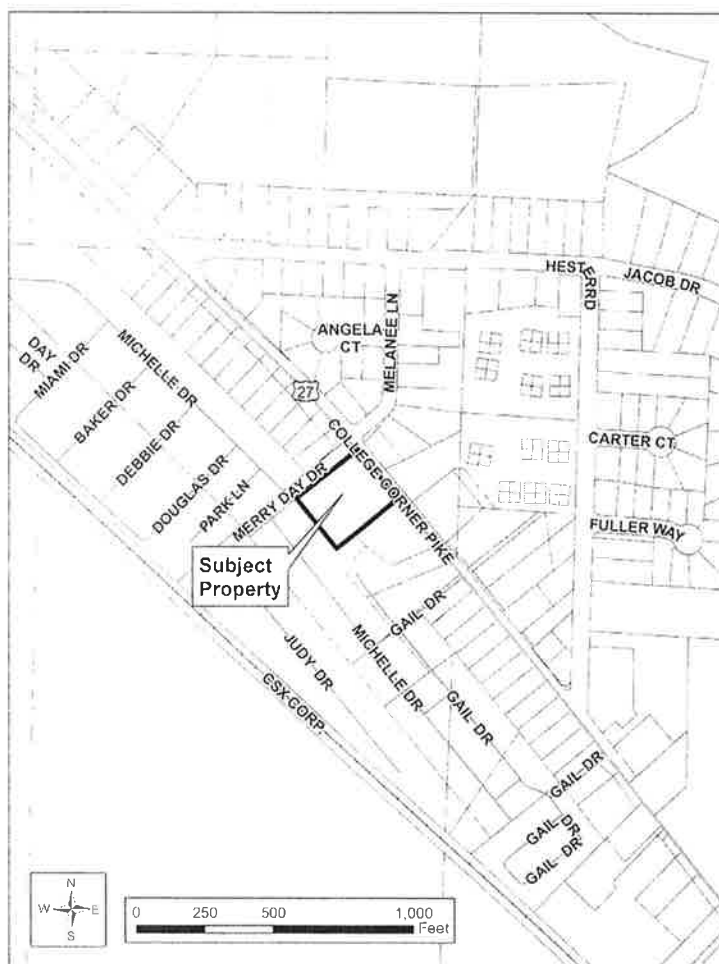
Mr. Craig Schneider, Architect, is requesting on behalf of O'Reilly Auto Parts, a variance to allow for an increase of allowable number of parking stalls in front of the principal structure in the General Business District.

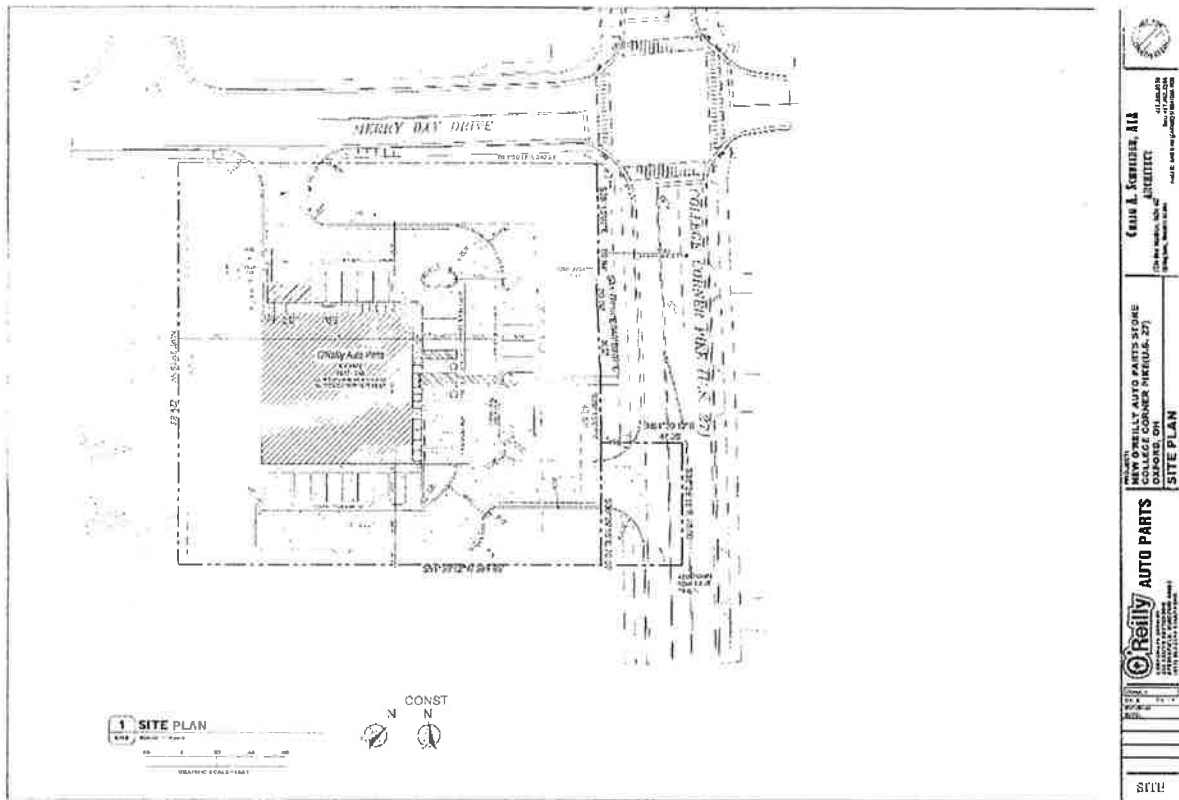
BACKGROUND

Oxford Zoning Code Section 1149.05(a)3 limits the number of parking stalls in front of the principal structure to no more than 70% of the minimum number of required parking stalls. In this case, the minimum number of required parking stalls is 25; therefore no more than 17 are permitted in front of the principal structure. The proposal is to have 25 stalls, which exceeds the limit by 8.

COMMENT FORMS

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





Pictured above is the site plan submitted with this variance request.

AGENCY REVIEW

The variance request has been reviewed by City departments.

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

BZA SITE HISTORY

There is one prior BZA case, #2017-03, heard January 18, 2017. The variance for minimum glazing percentage was approved.

ANALYSIS

The site has two street frontages: College Corner Pike and Merry Day Drive, so there are two fronts that would count the number of parking in front of the principal building. The site provides the business exposure for the retail due to the corner lot, but it also creates difficulties to conform to the regulations.

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)). Furthermore, 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. Schneider. The staff's review of the criteria is included below.

The site is vacant, therefore, could be a variety of uses and building designs for the site. Regarding Criterion A, staff therefore believes that the property **could yield a reasonable return without the variance.**

Regarding criterion B, Staff believes that the degree of the variance **is substantial** in terms of reduction of this request. The minimum required off-street parking is 25 and the project is proposing to have a total of 35 spaces. The applicant is proposing 100% (25 stalls) of the minimum required parking to be located in front of the principal building, while the Zoning Code only permits a maximum of 70% (17 stalls). It is approximately 30% over the variance being requested.

Regarding criterion C, Staff believes that the increase of eight parking stalls in front of the building in this situation would **not negatively alter the essential character of the neighborhood.**

Regarding criterion D, Staff believes that the delivery of governmental services **is not negatively impacted,** with this request.

Regarding criterion E, **property owner awareness of zoning restriction,** staff prepared and sent a general letter referencing zoning code sections on September 29, 2016. The building permit application was submitted March 22, 2017. The zoning code review (attached) was completed and sent on April 18, 2017. It is likely that the owner was not aware of this particular restriction until after April 18.

Regarding criterion F, the **owner's predicament** is stated to meet parking demand based on personal experience with other O'Reilly stores. The applicant explained in their narrative how the predicament could **be obviated other ways** that were less desirable to them.

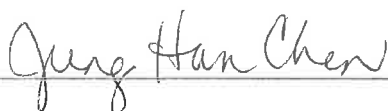
Regarding criterion G, Staff believes that the **spirit and intent** of the zoning requirement is part of a larger effort of the Planning Commission and City Council to minimize excessive and infrequently utilized parking areas that push the retail façade "out of reach" from the public right of way. It is common practice for retail business to design off-street parking in front of the building for the convenience of customers, as well as safety concerns. It would seem that the site designer attempted to make accommodations to the code requirement, and tried to balance with constraints derived from the Code on the placement of the building. Staff believes that given the location of the site as a corner lot, that **substantial justice would be done** by granting the variance, as requested.

Regarding criterion H, the **corner lot location is a relevant factor.** The corner lot, is somewhat uncommon on this corridor with block lengths averaging over 1,000 feet. The corner lot creates an additional front yard where parking stall maximums are counted.

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variance, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. At the time of this report, **staff believes there is evidence that there is a practical difficult, specifically being a corner lot, to support the variance request.** If the BZA does approve the variances it can attach any appropriate conditions necessary.

SUBMITTED BY: _____



Jung-Han Chen, Community Development Director

DATE: July 13, 2017



Community Development Department
Plan Review
513-524-5204

April 18, 2017

Sheldon Jennings
O'Reilly Auto
233 South Patterson Avenue
Springfield, MO 65802

ALSO VIA EMAIL:

sjennings@oreillyauto.com

RE: Zoning Review for O'Reilly Auto Parts Store at 5299 College Corner Pike (Permit #17-062)

Dear Mr. Jennings:

We have reviewed your permit application received March 22, 2017 for a new O'Reilly Auto Parts store to be located at 5299 College Corner Pike. The plans need to be revised or additional information submitted in order to comply with zoning code requirements. Revisions may result in new or additional comments.

1. **Parking location.** Section 1149.05(a)3 limits the maximum total number of off-street parking spaces provided in front of the principal structure to 70% of the total number of required off street spaces. The plan shows 150% of the required parking in front of the principal structure.
2. **Parking islands.** Section 1149.05(e)(4)F requires a 'raised, landscaped and curbed island.....at the front and ends of each row of parking spaces....' The parking row adjacent to the Merry Day side of the building is missing two required islands.
3. **Loading space.** Section 1149.05(e)2 requires one loading space of 10' x 25'. No loading space is shown on the plan.
4. **Trees.** Section 1149.05(e)(6)B.1.a. requires that "A parking area shall have 2 trees per parking facility plus 1 tree for every 5 parking spaces....distributed throughout the parking area." Only 4 trees of 9 required are shown. Section 1143.12(d)(2) requires "A minimum of 1 tree for every 25 linear feet of frontage shall be planted in the 35' front yard" 8 are shown which meets the minimum requirement, however, these 8 cannot be counted toward the additional parking tree requirement of 9. The overall tree requirement for the site is 17.
5. **Trash and Recycling.** Section 1141.04(j) and 1143.12(d)(7)B contains requirements for trash and recycling collection facilities. Excerpted below are pertinent sections:
 - a. Recycling material storage is required but not shown
 - b. Walk-in access to enclosure is required but not shown

- c. Enclosure areas shall provide adequate, safe and efficient accessibility by service vehicles. A statement of sufficient accessibility of the proposed design is required from the service provider.
6. **Lighting.** Section 1141.04(f) and 1149.05(e)(4)D contains requirements for site lighting. Excerpted below are pertinent sections related to required revisions or additional information in response to the design on Sheet AS1.2:
 - a. Section 1149.05(e)(4)D limits the fixture height to 16 feet. The proposed height is 25'.
 - b. Section 1149.05(e)(4)D requires at least 1 foot candle security lighting in parking areas. A revised photometric grid should be submitted to demonstrate this requirement is met after lighting heights are revised.
 - c. Section 1141.04(f) limits glare and nuisance lighting. Revised photometric grid required.
 - d. Wall-mounted lighting should be included in analysis
7. **Bicycle Parking.** Section 1149.05(e)(5) lists requirements for bicycle parking. The minimum number of spaces is (3) three, which requires a 6'x6' area. The detail shown on Sheet C2.1 contains no specification for capacity.
8. **Pedestrian Access.** Section 1143.12(d)(3) requires that the building entrance must be connected to the street and adjacent parking with clearly marked sidewalks/walkways. A sidewalk from the public sidewalk to the building entrance is not shown. Section 1149.05(e)(4)R.3. requires, among other details, that pedestrian walkways be a different material than the parking lot and that surface striping, alone, is insufficient.
9. **Setbacks.** Section 1143.12(c) lists the building setback as 0 feet for the side yard. Section 1141.03(c) allows elimination of the 25' rear yard requirement because of the two frontages. Therefore the lot (once recorded) has two front yard setbacks and two side yard setbacks. A submittal of a copy or scan of the actual recorded consolidation plat is required prior to the building occupancy permit being issued.
10. **Signs.** Section 1151.05(a)(3)(A.)1.a. outlines the wall sign height requirements based upon the average building setback. Based upon the proposed site plan the maximum allowable sign height is 4.4 feet. The wall sign facing College Corner Pike is drawn over 5 feet in height. Section 1151.05(a)(3)A.1.b. outlines the freestanding sign requirements. The plans do not show a detail for the sign height; the overall height is limited to 6 feet. Typically the sign permit application is handled by a sign company. Please notify us if you request this change or revise the plans accordingly.

We request that plan revisions be submitted as full sets. A new application is not needed but a cover letter explaining the changes and listing the street address and permit number is required. Please let me know if you have any questions.

Sincerely,



Sam Perry, AICP

Planner

sperry@cityofoxford.org

City of Oxford
Inter-Office Review Transmittal Sheet



Date: 6/21/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-09, 5299 College Corner Pike, variance to Section 1149.05(a)3 minimum off-street parking, Sheldon Jennings, Appellant, Agent

 X Review Revisions Other

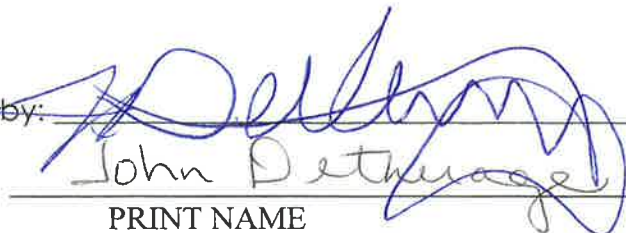
Comments or status update requested by: Lynn Taylor

Please return no later than: 7/10/2017 Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Dethmager
PRINT NAME

Date: 6-20-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/21/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-09, 5299 College Corner Pike, variance to Section 1149.05(a)3 minimum off-street parking, Sheldon Jennings, Appellant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 7/10/2017 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: _____


VICTOR POPESCU
PRINT NAME

Date: 6-23-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/21/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-09, 5299 College Corner Pike, variance to Section 1149.05(a)3 minimum off-street parking, Sheldon Jennings, Appellant, Agent

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 7/10/2017 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: 

Date: 7-6-17

G. Alan Kycan

PRINT NAME



 Subject Parcels
 200 Ft. Buffer

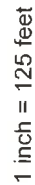
 Oxford Corporation Limit

Parcel

Vacated Right-of-Way

Building Footprint

Paved Roadway



Prepared on Monday, June 26, 2017

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.

O'REILLY AUTO PARTS
233 SOUTH PATTERSON AVENUE
SPRINGFIELD, MO 65802

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Nick Heatherly has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing Wednesday, July 19th, 2017 regarding the building construction for a New O'Reilly Auto Parts Store at our property located at 5299 College Corner Pike Oxford, Ohio 45056.

Thank you,

Signed: _____

(O'Reilly Auto Parts)

Scott Kraus
Senior, VP

Date: _____

7-12-2017



Internal Use Only:

Case No.

BZA-2017-09

Date Filed

6/15/17

Petition for Zoning Variance

Petitioner Information

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

Name * Sheldon Jennings

Mailing Address * 233 South Patterson Avenue

City, State & Zip Code * Springfield, MO 65802

Telephone Number(s) * 417-829-5896

Email Address sjennings@oreillyauto.com

Location of Property * 5299 College Corner Pike

Name of Building * New O'Reilly Auto Parts Store

Owner Information

Name * Oxford Baptist Church

Mailing Address * 4111 Trenton Oxford Road

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * Office: 513-523-2155, Mobile: 513-523-2207

Email Address

Variance and Lot Information

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

Section 1149.05(a)3: "In the GB District, the minimum total number of off-street parking spaces provided on-site in front of the principal structure shall not exceed 70% of the total number of required off street spaces." We are requesting to allow for more than 70% of the required amount of parking spaces to be in front of the proposed building.

Location of Requested Variance * 5299 College Corner Pike, Oxford, OH 45056

Legal Description * Please refer to the attached Survey for the Legal Description

Zoning District * GB (General Business) Total Acreage * 1.3515

Existing Use of Site * Vacant, grassy lot.

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

New building construction for the retail sale of auto parts.

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

Fees & Receipt

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

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

Sign and Date

Petitioner Signature *



Date *

06/06/2017

Submit Application, Plans and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

6/15/17

Receipt Number *

154105

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

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

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

June 14, 2017

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

Re: Variance Request
O'Reilly Auto Parts Store
5299 College Corner Pike
Oxford, OH 45056

Dear Board Members,

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

The existing site is currently a vacant, grassy lot in the General Business District. A new O'Reilly Auto Parts store is being proposed as shown in the attached drawings. Typical Hours of operation are Monday through Saturday, 7:30 AM to 9:00 PM and Sunday, 9:00 AM to 7:00 PM. O'Reilly Auto Parts typically employs approximately 12 people, regularly, with 3 – 8 employees in the store at all times and expects to host 1 to 15 customers at any given time. Products stored in the building are automotive parts and related vehicle accessories. A semi-truck will make deliveries to the store five days of the week. A variance from the following Ordinance Section is requested, to allow for more than 70% of the required number of parking spaces to be in front of the proposed building.

1149.05(a)(3) In the GB District, the minimum number of off-street parking spaces provided on-site in front of the principal structure shall not exceed 70% of the total number of required off-street spaces.

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

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

Response: The minimum required number of parking spaces for this project is 25, which means a maximum of 17 parking spaces are allowed in front of the proposed structure. Since 2 sides of the building face a public street, both sides are considered "in front of" the building. Since only 17 of the parking spaces are allowed "in front of" the building, customers would be forced to park farther away from the entrance of the store. Based on many other stores that O'Reilly has constructed with this size, they need the quantity of parking spaces shown on the plan. There is also a 35'-0" Building Setback Line and Landscape Buffer "in front of" the building. With these setbacks, it is harder to place parking spaces "in front of" the building, because there is not much room.

Comment b: Whether the variance is substantial;

Response: The variance to the required number of parking spaces in front of the structure is not substantial. The amount of parking provided as part of the requested variance will still address the intent of the ordinance. Since two sides of the building are

considering “fronts” due to the fact that the site is a corner lot, this creates a situation in which meeting the exact language of the ordinance is difficult.

Comment 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;

Response: The character of the neighborhood would not be substantially altered and adjoining properties would not suffer any detriment as a result of the variance.

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

Response: The variance will have no effect on the delivery of governmental services.

Comment e: Whether the property owner purchased the property with knowledge of the zoning restriction;

Response: The property was purchased without the full understanding of this zoning restriction. However, the purchase of this property had a clear intention to improve the current property.

Comment f: Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

Response: Reducing the amount of parking in “front” of the building would be possible, but would create a situation in which there is less parking that is convenient for customers to use. Since this is a retail store, if there is a competitor that has parking more convenient to use at their store, a customer might be more likely to go to that store instead of this one, which would create a negative impact on sales caused by the site layout.

Comment g: Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

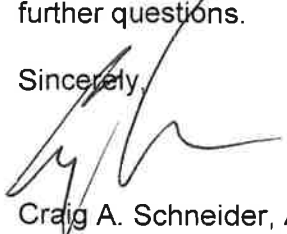
Response: The spirit and intent of the Zoning Code is respected, allowing a permitted use to improve the property. With approval of this variance, parking will still be provided “behind” the building. We are requesting to allow for 100% of the minimum required number of parking spaces to be “in front of” the building. The previous site plan submitted to the City for review had 150% of the minimum required amount of parking “in front of” the structure.

Comment h: Any other relevant factor;

Response: Since two sides of the building are considering “fronts” due to the fact that the site is a corner lot, this creates a situation in which meeting the exact language of the ordinance is difficult.

Thank you for your consideration of this application. Please contact our office if you have any further questions.

Sincerely,



Craig A. Schneider, AIA

FINISH LEGEND:

	PAINTED SPLIT FACE CMU COLOR: SHERMAN WILLIAMS LATE 500 100
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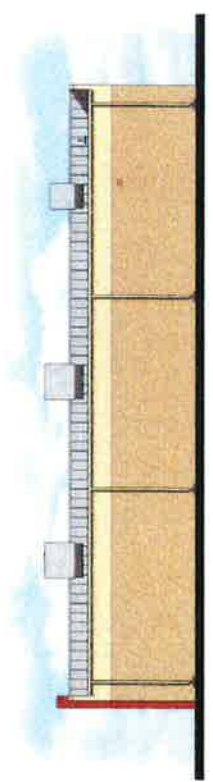
1 EAST EXTERIOR ELEVATION
 SCALE: 1/8" = 1'-0"
 C.E.I.



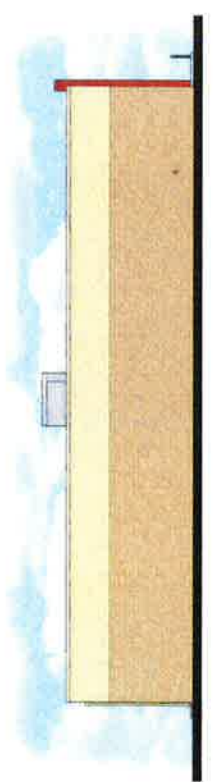
2 NORTH EXTERIOR ELEVATION
 SCALE: 1/8" = 1'-0"
 C.E.I.



3 WEST EXTERIOR ELEVATION
 SCALE: 1/8" = 1'-0"
 C.E.I.



4 SOUTH EXTERIOR ELEVATION
 SCALE: 1/8" = 1'-0"
 C.E.I.



NOT FOR CONSTRUCTION



O'Reilly AUTO PARTS

NEW O'REILLY AUTO PARTS STORE
 5298 COLLEGE CORNER PIKE (U.S. 27)
 OXFORD, OH

PROJECT:

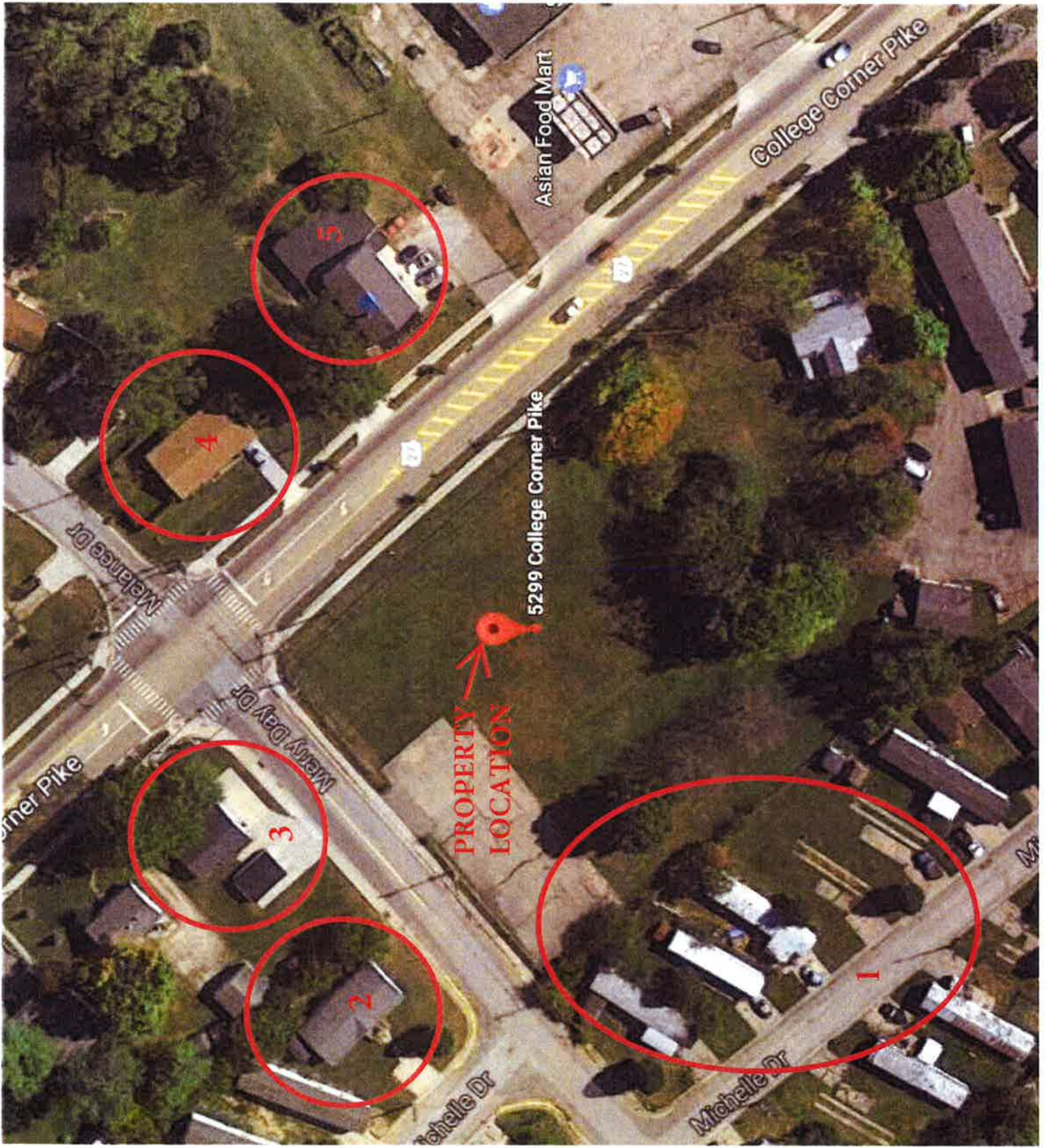
1736 EAST BROADWAY - SUITE 412
 SPRINGFIELD, MISSOURI 65804
 (417) 882-2524 TELEPHONE

CONTRACT OFFICE
 223 SOUTH PATTERSON
 SPRINGFIELD, MISSOURI 65802
 (417) 882-2524 TELEPHONE

OWNER
 O'REILLY AUTO PARTS
 1736 EAST BROADWAY - SUITE 412
 SPRINGFIELD, MISSOURI 65804
 (417) 882-2524 TELEPHONE

ARCHITECT
 CRAIG A. SCHNEIDER, AIA
 417 882 6538
 1012 N. 2ND ST.
 SPRINGFIELD, MISSOURI 65804
 C-000111 MICHELE - 01/11/11

CEI



[illegible]

ABORIGINAL TRICKS
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Michelle D
(Private)

3009 16 TC
NOTED 2

[illegible]

TREE LEGEND	
DATE	SPECIES
1	SPRING
2	SUMMER

	BENCH MARK 1:
12"	TOP OF FIRE HYDRANT
12"	
12"	

College Width V

(U.S. 27)
Pat. Arterial

1050

44000-07300-010
for Shaper, Trustee
56, PG 1972.B.C.D.

2

[illegible]

AS-SUMPTED LEGAL DESCRIPTION

Situated in the City of Denver, County of Denver, and State of New York known as being City Lot 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2

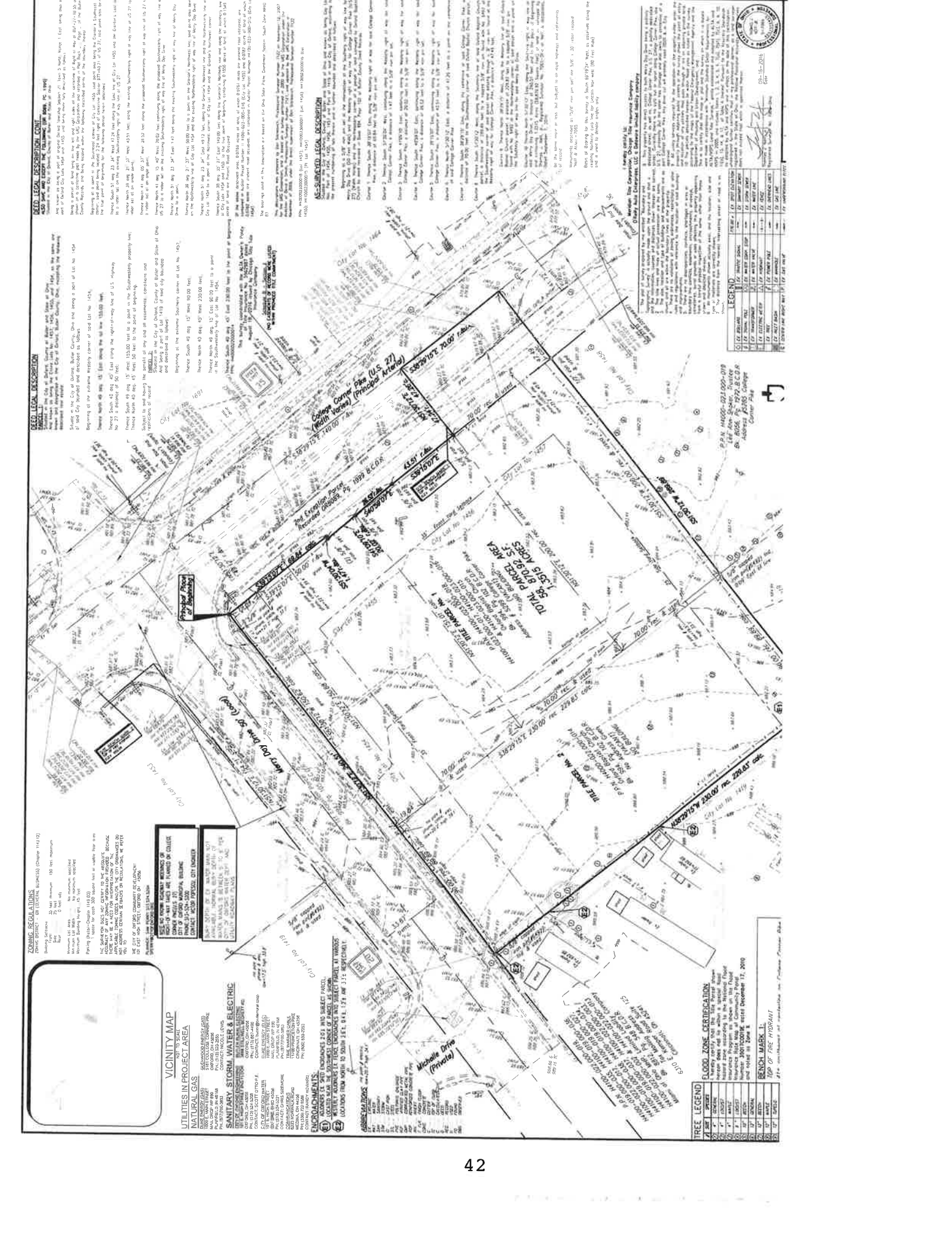
Case 2: Inverse Isomorphism. Let $\mathcal{C}$ be a category with objects $1, 2, 3, 4$ and morphisms $f: 1 \rightarrow 2$, $g: 2 \rightarrow 3$, $h: 3 \rightarrow 4$, $i: 1 \rightarrow 3$, $j: 2 \rightarrow 4$, $k: 1 \rightarrow 4$. The composition of morphisms is given by $g \circ f = i$, $h \circ g = j$, $k = i \circ j$. The inverse isomorphism is given by $f^{-1}: 2 \rightarrow 1$, $g^{-1}: 3 \rightarrow 2$, $h^{-1}: 4 \rightarrow 3$, $i^{-1}: 3 \rightarrow 1$, $j^{-1}: 4 \rightarrow 2$, $k^{-1}: 4 \rightarrow 1$. The inverse isomorphism is given by $f^{-1} = f$, $g^{-1} = g$, $h^{-1} = h$, $i^{-1} = i$, $j^{-1} = j$, $k^{-1} = k$.

Charles A. Morris, 2029 10th East, along the entrance to East College Drive. Plac. is located at 10:30 AM on the Saturday (June 4) East College Road Closure event.

James Dunn passed a check of \$20,825 last to a friend, 378, who has lived with him, 1932, in the manufacturing corner of last year and a part of the factory right of this line for good money. See page.

Base of Bearing for this survey is South $65^{\circ}19'24''$ West, as observed along the existing Northern end line for Lincoln. Now well (80 feet wide) and it used to denote angles only.

3. They generally have direct access to both party Big Tent headquarters and their political staffs. They are not in College Avenue Plaza, U.S. 27, a publicly accessible space. Currently, there is no sign for the open access College Plaza, the U.S. 27, property, but the sign has been changed and will point to a connection to a part College Avenue that they have been through and will want to connect to a street.

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City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2017-10

Date – August 15, 2017

APPLICATION

Applicant:	Scott Webb
Location:	315 South Poplar Street
Owner:	Dollar Investments LLC / Ned Hoelzer / Park Place Real Estate

Action Request:	Variance to Section 1151.05(d)(1) restricting permanent freestanding signs for multi-family dwellings to only the R3 and R4 Zoning District
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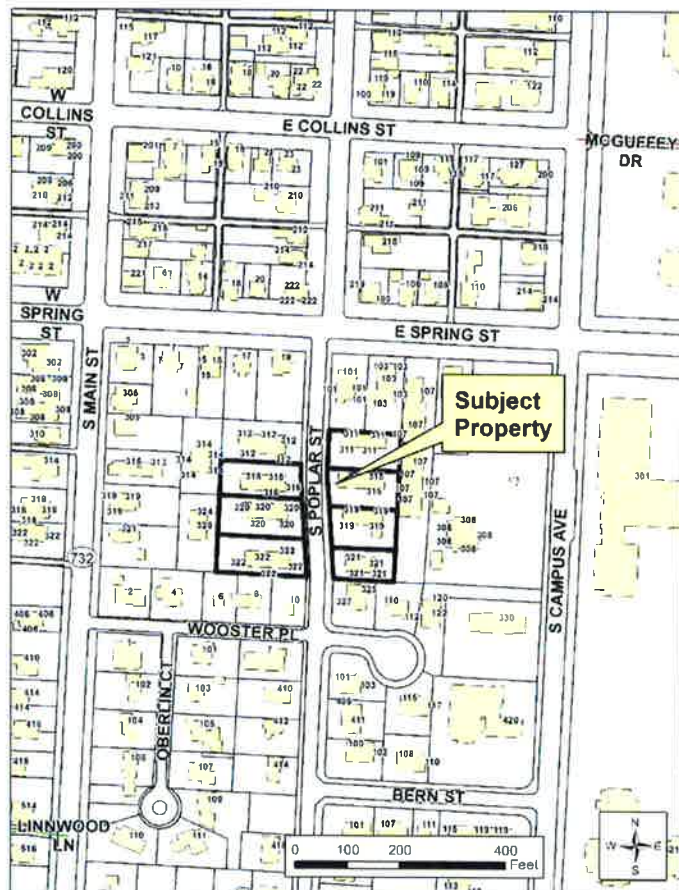
Current Use:	Multi-Family Residential
Zoning:	R2MS (Single and Two Family Residential)
Surrounding Land Uses:	Single, Two and Multi-Family Residential

DESCRIPTION

Scott Webb is requesting, on behalf of the owner, a variance to permit a freestanding sign indicating the name of the seven-building apartment complex. The proposed location is in the front yard of 315 South Poplar Street, which is one of the seven buildings of the complex called New England Square. A rendering of the proposed 24 square foot sign is included from Signarama sign company.

BACKGROUND

Oxford Zoning Code Section 1151.05(d)(1) only permits such signs in the R3 and R4 districts, which are outside the historic Mile Square of Oxford. The property is currently zoned R2MS. There a pending zoning map amendment initiated by the City to rezone the land to R3MS. The R3MS district would also not permit the proposed sign. The buildings are considered nonconforming land uses, therefore Section 1137.10(d) would also apply: No new signs are permitted for nonconforming land uses.



COMMENT FORMS

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

AGENCY REVIEW

The variance request has been reviewed by City departments.

Fire	Returned without comments
Police	Returned without comments
Engineering	Returned without comments
Economic Development	Not returned

BZA SITE HISTORY

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



Pictured above, with the 315 South Poplar building on the far left is the east side of South Poplar Street of New England Square Apartments, looking southeasterly.

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 below.

Regarding Criterion A, Whether or not there can be **any beneficial use of the property without the variance**: This is clear due to the fact that the property has existed as a residential rental property for many years.

Regarding criterion B, Staff believes that the variance **is substantial** due to the fact that of the 53 parcels in the 15 acre / four block area between Spring, Bern, Campus and Main Streets, there are only six freestanding signs, four of which are non-residential land uses on Campus Avenue. Two are, however, on this same Poplar street corridor within a new two-family subdivision as conforming permitted signs on conforming land use parcels.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: The Mile Square (MS) Zoning Districts are distinctly separate from the rest of the zoning districts. As such, MS districts were not included in the list permitted by Section 1151.05(d)(1). Those districts have Design Guidelines which also reference the sign code for compliance purposes. Based upon the separation of the districts, it is staff's belief that the granting of the variance would substantially alter the essential character of the neighborhood.

Regarding criterion D, Staff believes that the **delivery of governmental services** would not be adversely affected by the granting of this variance request.

Regarding criterion E, **property owner awareness of the zoning restriction** prior to the purchase of the property: Staff findings are that both the zoning map and the sign regulations have changed since the owner's purchase of this property. Therefore, it is staff's belief that this criterion has no bearing on the case.

Regarding criterion F, the **owner's predicament** is not articulated. Therefore it is staff's belief that there is no predicament to be obviated and that this criterion has no bearing on the case.

Regarding criterion G, whether **the spirit and intent behind the zoning requirement would be observed and substantial justice done** by granting the variance: Section 1151.01(a)1-9 lists the overall purpose statements of the Oxford Sign Regulations [Attached]. The purpose statements do intend to balance permission for proper identification without resulting in excessive sign clutter, particularly in residential areas. Based upon these purpose statements it is staff's belief that the spirit and intent **would not be observed and substantial justice done** by the granting of the variance request.

Regarding criterion H, **another relevant factor** is Oxford Code Section 1137.10(d): "No new signs are permitted for nonconforming land uses."

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variance, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. At the time of this report, **staff believes there is not substantial evidence that supports the variance request**. If the BZA does approve the variance it can attach any appropriate conditions necessary as permitted by Section 1139.02(d)2.



SUBMITTED BY:

Sam Perry, AICP

CHAPTER 1151 Signs

1151.01	Purpose.	1151.05	Permanent signs.
1151.02	Administration.	1151.06	Temporary signs.
1151.03	General regulations.	1151.07	Definitions.
1151.04	Public property.	1151.99	Penalty.

CROSS REFERENCES

Historic and architectural preservation - see BLDG. Ch. 1331

1151.01 PURPOSE.

(a) The purpose of this Chapter is to regulate the display of signs that pertain to residential and nonresidential land uses and activities that take place on the same site as where the sign is located. These regulations are intended to:

- (1) Provide property owners and occupants an opportunity for effective identification.
- (2) Maintain and enhance the quality of the City's appearance by limiting the number, sign face area, total area, location, and design of signs permitted on all sites.
- (3) Protect residential zoning districts from the adverse impacts of excessive signs both from within residential districts and from surrounding districts.
- (4) Reduce sign clutter.
- (5) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
- (6) Provide reasonable and appropriate methods to identify goods sold or produced and services rendered in all zoning districts.
- (7) Control the size, location, and design of temporary and permanent signs so that the appearance of such signs will be aesthetically harmonious with their surroundings and will enhance the overall appearance of the built environment.
- (8) Eliminate any conflict that could be hazardous between private signs and traffic control devices and signs.
- (9) Preserve and perpetuate uncluttered and natural views, significant architecture, and cultural resources for the enjoyment and environmental enrichment of the Oxford residents and visitors.

(Ord. 3365. Passed 8-16-16.)

City of Oxford
Inter-Office Review Transmittal Sheet



Date: 7/21/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-10, 315 S. Poplar Street, variance to Section 1151.05(d)(1), sign regulations for multi-family developments, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 8/7/2017 Note: If no comments are received, we will assume the project meets your department's standards.

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



Drawings reviewed by:


John Dethersage
PRINT NAME

Date: 7-27-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/21/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-10, 315 S. Poplar Street, variance to Section 1151.05(d)(1), sign regulations for multi-family developments, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

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Please return no later than: 8/7/2017 Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: _____

V. Popescu
VICTOR POPESCU
PRINT NAME

Date: 7-24-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/21/2017

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2017-10, 315 S. Poplar Street, variance to Section 1151.05(d)(1), sign regulations for multi-family developments, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 8/7/2017 Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: 

Date: 7/24/17

John Jones
PRINT NAME



BZA-2017-10 **Surrounding** **Property Owners** **Map**

Legend

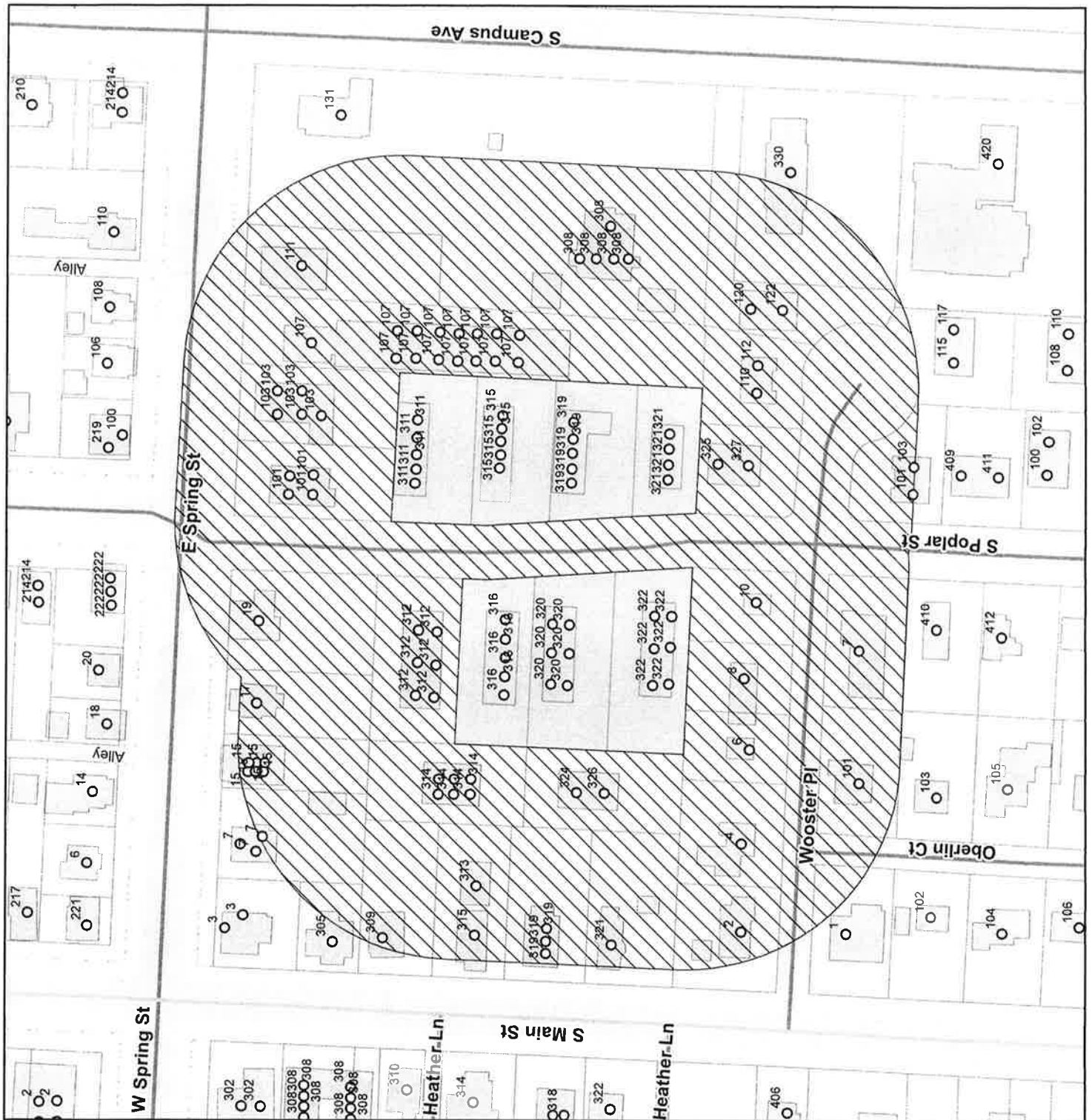
-  Subject Parcels
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  Vacated Right-of-Way
-  Building Footprint
-  Paved Roadway



1 inch = 125 feet

Prepared on Thursday, August 03, 2017

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.





Community Development Department
Plan Review
513-524-5204

June 13, 2017

Paul Koehneke
Signarama
2519 E. Crescentville Road
Cincinnati, Ohio 45241

ALSO VIA EMAIL: paul.k@signs-cincinnati.com

RE: Zoning Review for 315 S. Poplar St (Permit #17-179)

Dear Mr. Koehneke:

We have reviewed your sign permit application received June 12, 2017 for a new ground mounted sign at 315 S. Poplar Street. Below are our comments regarding the zoning review, in accordance with Oxford Zoning Code.

1. Oxford Zoning Code Section 1151.05d1: prescribes that the proposed ground mounted sign be permitted in an R3 or R4 Zoning district or d2: be permitted at the boundaries of a subdivision
 - a. The subject zoning district is an R2MS zoning district
 - b. The subject sign does not represent a subdivision
 - c. Two types of signs that would be permitted would be:
 - i. A 6 sq ft temporary real estate sign (1 per lot max)
 - ii. A 6 sq ft building identification sign (1 per building max)

Therefore, based on the item noted above, this permit application is hereby denied. Under the provisions of Oxford Zoning Code Section 1129.03, the applicant has 30 days to submit revisions or to appeal this 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. Other departments may also have comments that will need to be addressed before any permits can be issued.

Sincerely,

Sam Perry, AICP
Planner

sperry@cityofoxford.org

513-524-5204

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's Board of Zoning Appeals regarding a variance to the sign regulations for multi-family developments in the City of Oxford.

Thank-you,

Signed: _____

Tom Kakachos
Park Place Real Estate

7/17/2017

Date: _____



Internal Use Only:

Case No.

BZA-2017-10

Date Filed

2/17/17

Petition for Zoning Variance

Petitioner Information

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

Name *

Scott Webb, Architect

Mailing Address *

103 West Walnut Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number(s) *

523-3838

Email Address

scott@scottwebbarchitect.com

Owner Information

Name *

Dollar Investments (Park Place Real Estate)

Mailing Address *

116 East High Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number(s) *

523-2015

Email Address

Tkakachos@parkplacerealestate.com

Variance and Lot Information

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

1151.05(d)(1) - Sign Regulations for Multi-Family developments

Owner is requesting a ground mounted sign in accordance with the limitations on signage for multi-family developments

Location of Requested Variance *

315 South Poplar Street

Name of Building

New England Square Apartments

Legal Description *

Zoning District *

R2MS

Total Acreage *

.2228/1.62

Existing Use of Site *

Multi-Family Apartment Buildings

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

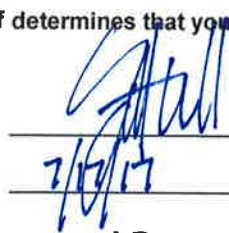
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method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

Fees & Receipt

The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00, plus \$10.00 postage charge. **Fees may increase if staff determines that you need more variances.**

Sign and Date

Petitioner Signature *



Date *

7/17/17

Submit Application, Plans and Documentation, and Fees

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

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

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

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

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

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

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: Variance to Sign Regulations
Yard Sign in R2MS Zoning District
New England Square Apartments
315 South Poplar Street

July 17, 2017

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the sign regulations, requesting a free-standing yard sign as identification for the New England Square Apartments in accordance with the attached drawings.

The Variance request results from an application made by the sign company, and a denial letter from Sam Perry, Community Development Department dated June 13, 2017

1151.05(d)(1) Describes freestanding signs in R3 and R4 Zoning Districts

The Existing development is currently located in the R2MS Zoning District, though Planning Commission has forwarded a recommendation to City Council for rezoning to R3MS.

The sign as proposed meets the limitations described in 1151.05(d)(1). The variance is required to allow a sign in the R2MS (soon to be R3MS) that is allowed in other zoning districts in the City.

The following are responses to the decisions standards outlined in the application;

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

The buildings are currently identified by wall mounted signs. While these have sufficed for years, now that South Poplar Street is a through street, and no longer a dead end, they are not as easily seen as a ground mounted sign, and no longer reflects the typical signage in the surrounding area.

- b) *Whether the variance is substantial;*

The variance is not substantial, as the request is to replace the existing wall mounted signs in favor of a sign more common in the area that meets the regulations for signs of its type.

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

The essential character of the neighborhood would not be affected, as other multi-family developments, subdivisions, commercial entities, churches, and planned developments in the area provide similar signage.

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

No change in the delivery of utilities & government services is necessitated by this application.

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

The property was purchased many years ago. The variance requested herein allows for an improvement to the existing conditions.

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

The owner could continue with the existing signage mounted on the buildings.

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

The spirit of the Zoning Code is observed, allowing a sign that meets the regulations for developments of this type throughout the City.

- h) *Any other relevant factor;*

With South Poplar now a through street, the proposed new signage improves wayfinding and safety, locating the sign where drivers will most likely see it.

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

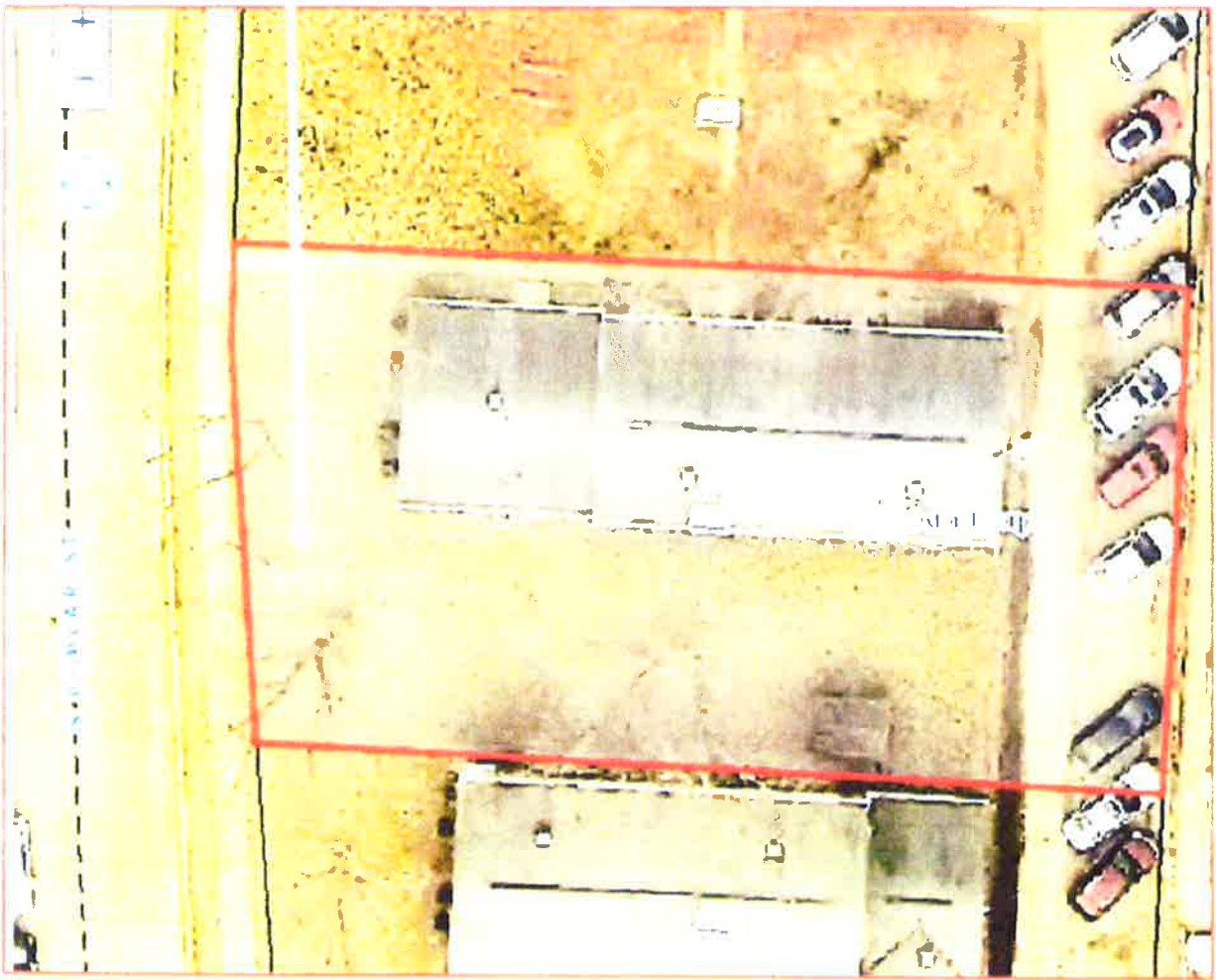
Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect



Sign Location ~ 5' from sidewalk to leading edge



Park Place Real Estate
New England Square Apartments
315 S. Poplar Street

SPECIFICATIONS

- Qty:1 Double-Sided 10mm White Alumalite Ground Sign with Oracal 651- 065 Cobalt Blue Vinyl Graphics, Mounted Between Two 4"x 4" White Vinyl Posts w/ Caps & White Vinyl Framing Top & Bottom

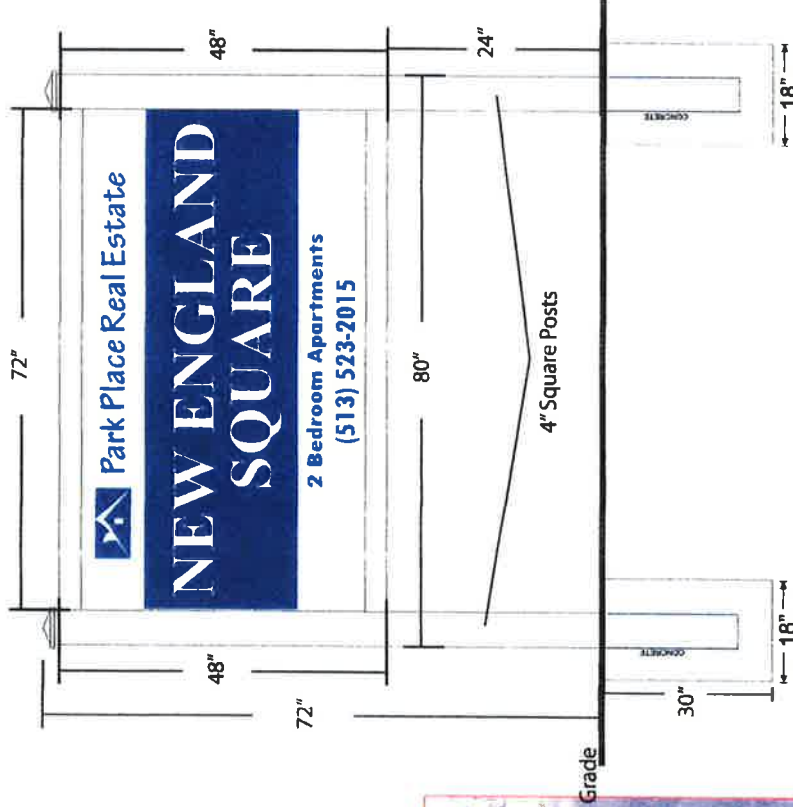
Total Square Footage: 24 sq.ft.



- Oracal 651-065 Cobalt Blue Vinyl



*Not to scale



*Not to scale

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Park Place Real Estate

Address:

116 E. High Street
Oxford, OH USA

FILE NAME

PARKPLA002

SALES PERSON

NA

DESIGNER

Justin

ART RENDERING DATE

5/31/2017

TYPE

CHECKED

Drawing

N/A

SCALE

NA

REVISIONS / DATE

1st NA

2nd NA

3rd NA

4th NA

PAGE

1 of 1

SALES FINAL APPROVAL

CUSTOMER APPROVAL