

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2014-07

Date – August 20, 2014

APPLICATION

Applicant:	Scott Webb, Architect
Location:	217 South Elm Street
Owner:	City of Oxford (Doug Elliott, City Manager)
Action Requests:	Variance to Section 1143.12(c)(2)A front-yard setback Variance to Section 1143.12(d)(4) minimum window percentage
Current Use:	Fire Station
Zoning:	GB, General Business
Surrounding Land Uses:	Professional Office, Retail, Residence, Vehicle Service

DESCRIPTION

Mr. Scott Webb is requesting, on behalf of the City of Oxford, two variances from the General Business District development standards. The request is as a result of a planned addition to the City of Oxford Fire Station to accommodate staffing on the site. The Zoning Code does not list exemptions for city-owned buildings.

BACKGROUND

As the applicant has identified in his letter, the GB District requires a 35 foot front yard setback, however the existing historic building is built with a 20 foot front yard setback from Spring Street. Secondly, the GB District requires a 60% minimum percentage of window/glazing on the façade between 2.5 and 7 feet. However, the building is not a commercial building, therefore there is no store front façade to continue. The planned addition area is designed with an 18% window percentage.

View of
current fire
station from
Southeast



COMMENT FORMS

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

AGENCY REVIEW

Fire	Returned without comment
Police	Returned without comment
Engineering	Returned without comment
Economic Development	Returned without comment

SITE HISTORY

There is no prior BZA history for this property.

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance(s) (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 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 finds that the applicant has identified the facts necessary for the BZA to deliberate, particularly criteria B (substantiality) and F (other methods).**

Regarding criterion B, the front yard setback distance for the addition is not substantial because the variance would result in an addition which is 10 feet closer to the public right of way than the zoning code allows, but five (5) feet further recessed than the existing building. Secondly, a variance from the minimum glazing percentage would not be substantial because of the nature of the existing architecture not being commercial storefront.

Regarding criterion F, the existing building and parking occupies nearly the entire site. There is no other practical location for an addition for staffing for this necessary public service.

RECOMMENDATION

Staff believes based upon the applicant letter there is substantial evidence that supports the variance requests.



SUBMITTED BY: _____
Sam Perry, Planner
Community Development Department

DATE: August 14, 2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/13/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-07 217 S. Elm Street, City of Oxford Fire Station, variance to Section 1143.13(c)(2)A front-yard setback, and Section 1143.12(d)(4) minimum ground floor glazing, **Scott Webb Applicant, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/15/14** 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 Dethuages
PRINT NAME

Date: 8-13-14

RECEIVED

City of Oxford
Inter-Office Review Transmittal Sheet

AUG 13 2014

City of Oxford
Service Department

Date: 8/13/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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BZA-2014-07 217 S. Elm Street, City of Oxford Fire Station, variance to Section 1143.13(c)(2)A front-yard setback, and Section 1143.12(d)(4) minimum ground floor glazing, **Scott Webb Applicant, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/15/14** 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:

Scott Otto

Date: 8/13/14

Scott Otto

PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/13/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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 X Review Revisions Other

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Please return no later than: **8/15/14** 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: _____


ROBERT B. HOLZWORTH
PRINT NAME

Date: 8/14/2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/13/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/15/14** 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:


G. Alan K. [unclear]
PRINT NAME

Date: 8-15-14

ENGINEERS SEAL



SIGNED *Scott A. Roth*
DATE 6/30/14

ELM STREET (66.00' R/W)

4" WATERLINE

CONC. WALK

CONC. WALK

GRATE=912.07
24" RCP
8" VCP

GRATE=913.64
24" RCP
8" VCP

16" D.I.

EX. 1" DIA. SIGNAL
CONDUIT 13" DEEP

EX. 6" SERVICE TO BLDG.
NEW 2" SERVICE
(BY OWNER)

CONC.

CONC. WALK

ADJ. BLUE LINE

16.50' VACATION

PROPOSED SIDEWALK

PROPOSED SIDEWALK

PROPOSED NEW
CONCRETE CURB

PROPOSED ADDITION

EXISTING CATCH BASIN
TO BE RECONSTRUCTED
BY OWNERS

CONCRETE

CONCRETE

ASPHALT

EXISTING CONCRETE
CURB

ASPHALT

CONCRETE

16.50' VACATION

CONCRETE

LOT 207

LOT 208

EX. 12" AC WATER MAIN

4" WATERLINE 5'8" DEEP

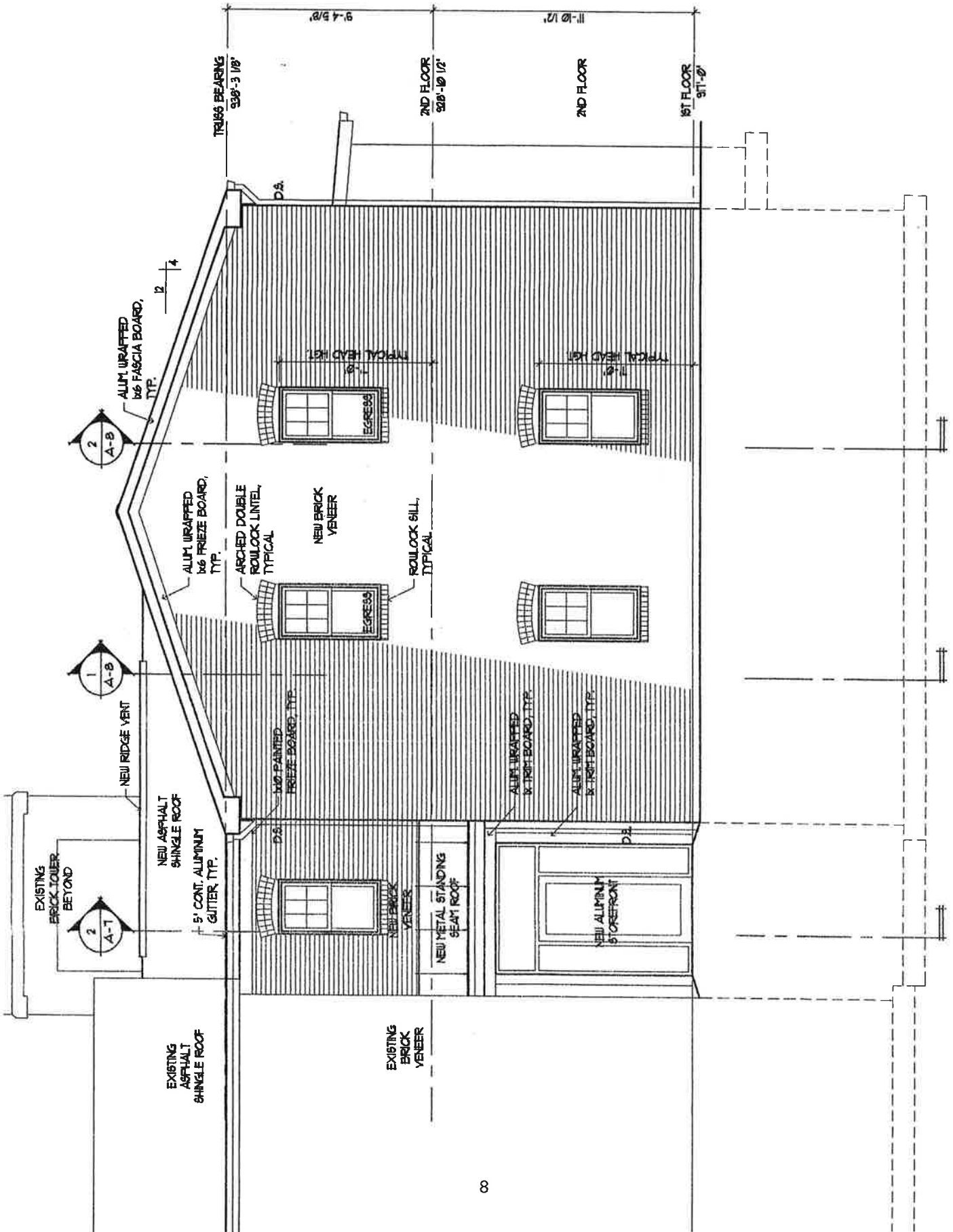
RIM=914.70
INV=908.76 24" RCP W
RIM=914.48
INV=908.76 12" VCP E
RIM=909.24
INV=905.27 24" RCP NW

SPRING STREET (66.00' R/W)

TOP=914.32
RIM=911.26



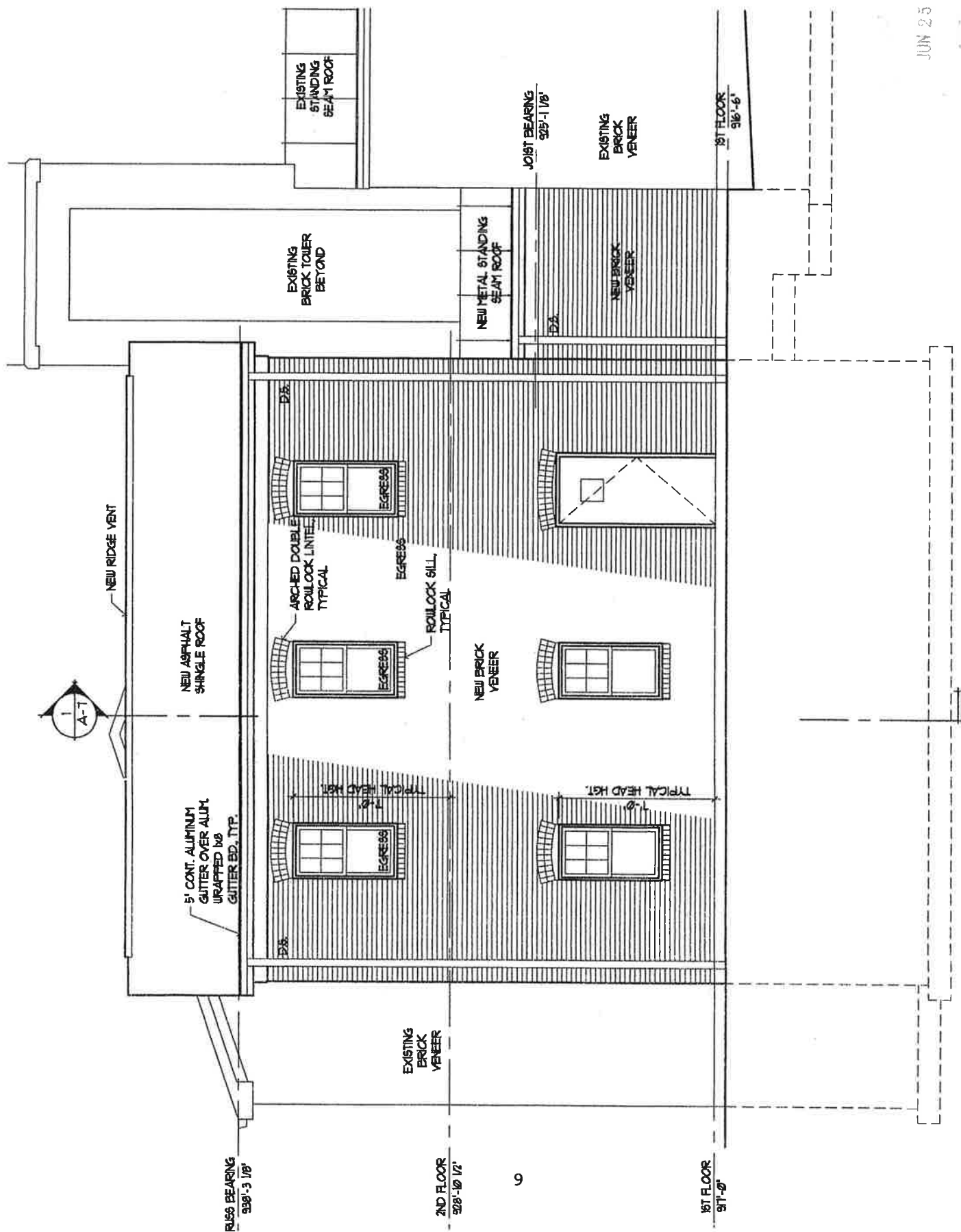
REVISION
DATE: 5/1/14



SOUTH ELEVATION

1/4" = 1'-0"

EAST ELEVATION



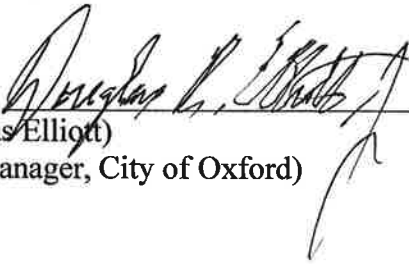
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the August 20, 2014 Board of Zoning Appeals meeting regarding the addition to the Fire Station

Thank-you,

Signed: 
(Douglas Elliott)
(City Manager, City of Oxford)

7-21-14
Date:



Internal Use Only:	
Case No.	BZA-2014-07
Date Filed	7/21/14

Petition for Zoning Variance

Petitioner Information

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

Name *	Scott Webb, Architect
Mailing Address *	103 West Walnut Street
City, State & Zip Code *	Oxford, Ohio 45056
Telephone Number(s) *	(513) 523-3838
Email Address	scott@scottwebbarchitect.com
Location of Property *	217 South Elm Street
Name of Building *	Oxford Fire Station

Owner Information

Name *	City of Oxford
Mailing Address *	101 East High Street
City, State & Zip Code *	Oxford, Ohio 45056
Telephone Number(s) *	(513) 524-5201
Email Address	delliott@cityofoxford.org

Variance and Lot Information

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

1143.13(c)(2)A. Front Yard Setback
1143.12(d)(4) Min. Ground Floor Glazing

Location of Requested Variance *	217 South Elm Street	
Legal Description *		
Zoning District *	GB	Total Acreage *
Existing Use of Site *	City Fire Station	

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

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

Fees & Receipt

The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00 plus postage charge.

Fees may increase if staff determines that you need more variances.

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

Sign and Date

Petitioner Signature *

Date *

[Handwritten Signature]
7/21/14

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 *

NA

Receipt Number *

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

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

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

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Front Yard Setback & Glazing Requirement
Oxford Fire Station
217 South Elm Street

July 21, 2014

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for variances to the front setback requirement and the minimum glazing requirements for the addition to the existing Oxford Fire Station on Spring & Elm Streets in the General Business District.

The existing building is located in the GB District on a corner lot and as such is required to have 35' front yard setbacks on each street face. While the proposed addition is set back from the existing building façade, it is located in the front setback area.

Additionally, new GB district regulations require a minimum of 60% glazing between 2.5 & 7' of the ground floor façade. In order to reflect the use of the building and to respect the original historic structure, windows are provided to match the existing building, providing significantly less than the required 60%

1143.13(c)(2)A. Requires a 35' front yard setback

Addition as proposed provides a setback of approximately 25" (5' greater than the existing building façade)

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

Double Hung Windows matching the existing building result in approximately 18% glazing

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

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

The existing historic building was constructed in line with the original 16.5' vacated right-of-way. The previous truck bay addition and parking lot occupy a majority of the site, leaving only one potential location for an addition. Changes in the operation and staffing of the firehouse have created a need for an addition. Without the setback variance, the property's usefulness is significantly diminished.

The glazing requirement is inappropriate for this location, use, and building design.

b) Whether the variance is substantial;

The front yard setback variance is not substantial, as the addition is set back nearly 5'-0" from the existing building facade.

The glazing requirement, while substantial mathematically, is not substantial when taking the historic design of the original building into account.

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

The essential character of the neighborhood would not be affected, as the small addition is designed to complement the existing building and provides a greater setback than other buildings on the same block.

The essential character of the neighborhood would not be affected by the reduced glazing, being more appropriate for this building and this location than large expanses of glass.

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

Neither variance would affect the delivery of governmental services, as all utilities are existing on the site.

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

The property has been made non-conforming based on changes in the Zoning Map & Zoning Code over the years.

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

The existing building and parking area occupies nearly the entire site. There is no other practical location for this addition

Glazing could be added to the ground floor of this building, but doing so would make less sympathetic to the existing historic building.

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

The spirit and intent of the Zoning Code is respected, setting the addition as far back as practical, and providing a complimentary addition to an historic building..

h) Any other relevant factor;

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

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

Respectfully,

Scott Webb, Architect

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2014-06

Date – July 16, 2014

APPLICATION

Applicant: Jay Bennett, Attorney at Law
Location: 20-24 East High Street / 48-52 East Park Place
Owner: Sigma Chi Foundation

Action Requests: Approve Appeal of Historic and Architectural Preservation
Commission Decision to Deny a Certificate of Appropriateness for a
Partial Demolition and Addition, Construction Denied on May 21,
2014

INTRODUCTION

Typically, the Board of Zoning Appeals considers requests for variances from the Zoning Code requirements. However, occasionally, a decision made by the Historic and Architectural Preservation Commission (HAPC) is appealed by an applicant. Section 1331.061 of Oxford Codified Ordinances contains provisions for a person to appeal such a decision to the BZA. The appeal procedure is different than a variance, in that the BZA is reviewing the evidence previously presented to the HAPC. In this case, at two separate HAPC meetings on May 7, 2014 and May 21, 2014.

1331.061 APPEAL.

(a) An applicant may appeal the denial of a COA to the Board of Zoning Appeals (BZA) within 21 days of the date of such denial. The BZA shall consider the appeal at its next regularly scheduled meeting or within 45 days. Consideration of an appeal is not a public hearing and does not require legal notice.

(b) An official transcript of the meeting or meetings at which the application was considered must be provided to the BZA at the cost of the appellant and the appeal shall be limited to the transcript of the HAPC hearing. No new claims or evidence shall be heard and no additional testimony shall be permitted.

(c) The BZA shall reverse the decision of the HAPC, in whole or in part, if it finds that the HAPC was unreasonable, arbitrary, or capricious in its application of Sections 1331.06 and 1331.07.

(d) The BZA shall remand the application to the HAPC, in whole or in part, if it finds that the HAPC misinterpreted a provision of the applicable standards when making its decision or that the HAPC committed procedural error which substantively and adversely affected the rights of the applicant.

BACKGROUND

On May 7, the HAPC reviewed and discussed Architect Scott Webb's Certificate of Appropriateness application for demolition of part of what is a conglomeration of buildings fronting on East Park Place and replacing them with a small addition on the rear of 20/24 East High Street and leaving the remainder a vacant grassy lot. The HAPC tabled the case in order to allow some representatives of HAPC to tour the

buildings prior to making a decision. The HAPC continued the case on May 21, 2014. Two members of the HAPC reported their findings to the full Commission. The Commission, Applicants and Staff dialogued after the presentation. The HAPC ultimately voted 6-1 to deny the Certificate of Appropriateness. The majority determined that only one condition had been satisfied (Section 1131.063(a)(2)(D) – “Square foot cost.”)

All seven HAPC members attended both meetings. Scott Webb served as the applicant representative at both meetings and also as the designer of the addition. Mr. Webb also provided the analysis of the existing conditions. Mr. Ashley Woods spoke on behalf of the Sigma Chi Foundation. The transcripts of both the May 7 and May 21 meetings have been included in your packet. The May 7 discussion lasted 90 minutes. For the May 21 meeting, only 6 minutes and 11 seconds was recorded; therefore, the “official transcript” is only a small portion of the actual 90 minute meeting. However, City Staff Sam Perry and Assistant Legal Counsel Amy Blankenship were present at the May 21st meeting and constructed minutes which can serve the BZA as supplementary information. Both the May 7 and May 21 meeting minutes were approved by the HAPC at their July 2, 2014 meeting. Appellant representative Attorney Jay Bennett has asked that the BZA re-hear the evidence previously presented to the HAPC.

The HAPC members have been invited to this BZA meeting to be available to answer any questions for the BZA members.

ANALYSIS

Section 1331.061 makes it clear that new evidence and testimony is not to be heard by the BZA. However because of the recorder malfunction on May 21 some clarification may be required. The BZA is to focus its discussion upon what evidence was presented at both meetings and whether or not the HAPC was “unreasonable, arbitrary, or capricious” in its application of Section 1331.06 or whether it misinterpreted the standards, or whether it committed procedural error. Subsection 1331.063, below, is the code section relating to the standards from which the HAPC based its decision:

1331.063 CONDITIONS OF REMOVAL.

(a) A demolition permit shall not be issued unless accompanied by a COA. The HAPC may only approve a COA if:

(1) The applicant has given clear evidence that the structure has incurred extensive damage to its basic structural elements such as the roof, walls, and foundation requiring substantial reconstruction, and the structure presents an immediate danger to the public health, safety or welfare as declared by the Chief Building Official; or

(2) The applicant has given clear evidence that two of the following conditions exist:

A. The structure has incurred extensive damage to its basic structural elements such as the roof, walls, and foundation requiring substantial reconstruction.

B. The structure is contributing and has been declared a public nuisance and its removal will not adversely affect the architectural or historic integrity of the streetscape.

C. The structure is not consistent with other structures in the district in terms of historic character, architectural style, construction material, height, and setback or mass.

D. The square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and improved structures in the historic district.

E. The applicant has a plan for the re-use of the property, which mitigates any adverse effects of the proposed removal upon the property, the streetscape and the district through:

1. New construction which is consistent with this chapter and the guidelines set forth in the current Oxford Historic and Architectural Preservation Guidelines, and which contributes to the architectural or historic integrity of the district.

2. Exterior rehabilitation or restoration of the remaining structure which is consistent with this chapter and the guidelines set forth in the current Oxford Historic and Architectural Preservation Guidelines, and which contributes to the architectural and historic integrity of the streetscape.

3. Landscaping the parcel consistent with this chapter and the guidelines set forth in the current Oxford Historic and Architectural Preservation Guidelines, and relocating the remaining structure in the appropriate setting or preserving the parcel consistent with this chapter.

4. Landscaping the parcel consistent with this chapter and the guidelines set forth in the current Oxford Historic and Architectural Preservation Guidelines, and providing for its care as common space for the benefit of the general public.

(3) The applicant has posted a performance bond with security sufficient to insure completion of a plan for the re-use of the property and has paid a mitigation fee of fifty dollars (\$50.00) and ten percent (10%) of the estimated demolition cost, whichever is greater, into the fund, or the applicant has requested and received a waiver of these requirements from the HAPC.

(4) If any party proceeds to remove a significant principal structure prior to the issuance of an approved COA, a mitigation fee equal to fifty percent (50%) of the estimated demolition cost as determined by the Chief Building Official shall be levied for each day after notification of said violation until said party files a plan for the re-use of the property and a performance bond with the Clerk of Council.

BZA OPTIONS / RECOMMENDATION

Based on the below sections of code, the BZA could either reverse the decision or send the application back to HAPC. Staff recommends that the BZA uphold the decision of the HAPC.

(c) The BZA shall reverse the decision of the HAPC, in whole or in part, if it finds that the HAPC was unreasonable, arbitrary, or capricious in its application of Sections 1331.06 and 1331.07.

(d) The BZA shall remand the application to the HAPC, in whole or in part, if it finds that the HAPC misinterpreted a provision of the applicable standards when making its decision or that the HAPC committed procedural error which substantively and adversely affected the rights of the applicant.



SUBMITTED BY: _____

Sam Perry, Planner
Community Development Department

DATE: July 9, 2014

Certificate of Appropriateness

May 23, 2014

Letter of Denial

Mr. Scott Webb
103 West Walnut Street
Oxford, OH 45056

Re: HAPC-2014-08 Certificate of Appropriateness – 20-24 E. High / 48-56 E. Park Place

Dear Scott:

The Historic & Architectural Preservation Commission with a vote of 6-1-0, denied your Certificate of Appropriateness application at their May 21, 2014 special meeting. Your application proposed to demolish buildings fronting on E. Park Place and to construct a new addition within a portion of the vacated land. The Commission found that only one of the conditions in Section 1331.063(a)(2) existed:

- (D) The square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and improved structures in the historic district.

Section 1331.063 requires that in subsection (a)(2), two of the five conditions (A-E), must exist. Therefore, the application was denied.

Per Section 1331.06(i), a denied application may not be resubmitted for one year. However, a denied application could be resubmitted in less than one year if changes to the request are substantial enough to warrant a new hearing.

Per Section 1331.061, an applicant may appeal this denial to the Board of Zoning Appeals within 21 days of the date of this notice. The item will be placed on the next available BZA meeting. There is a \$100.00 fee to hear the appeal. The appeal should come in the form of a letter from the applicant or representative agent.

Please be aware that the recording device failed at the May 21, 2014 meeting and therefore an official transcript of that meeting will not be available. Feel free to call our office or you can contact Stephen McHugh, Oxford Law Director at 937-223-8177 to discuss this matter further.

Should you have any questions, please feel free to contact us at 524-5204.

Sincerely,



Lynn Taylor
Administrative Assistant

cc: Stephen M. McHugh, Law Director
Mr. Paul Brady, BZA Chair

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Jay C. Bennett, attorney at law is authorized to represent our interests before any and all boards, committees, or other administrative bodies of the City of Oxford and to act on behalf of the Sigma Chi Foundation regarding the appeal of the decision of the Historical and Architectural Preservation Commission of the City of Oxford, Butler County, Ohio decided on May 21, 2014 denying a Certificate of Appropriateness for Case No. HAPC-2014-08

Thank-you,

Signed: 
Ashley Woods, General Counsel for
Sigma Chi Foundation

6/15/14
Date:

NOTICE OF APPEAL OF THE DECISION OF THE OXFORD HISTORICAL AND ARCHITECTURAL PRESERVATION COMMISSION TO THE OXFORD BOARD OF ZONING APPEALS

Appellant does hereby give notice of appeal of the decision of the Historical and Architectural Preservation Commission of the City of Oxford, Butler County, Ohio decided on May 21, 2014 denying a Certificate of Appropriateness for Case No. HAPC-2014-08.

Appellant is unable to supply to the Board of Zoning Appeals, an official transcript of the proceedings of the Historical and Architectural Preservation Commission hearing held May 21, 2014, in its entirety, by virtue of the fact that the recording device used to create the record of said meeting malfunctioned, failing to record the hearing. As a result, Appellant is unable to produce and provide to the Board of Zoning Appeals a transcript of the aforementioned HAPC hearing. Appellant will present the information previously presented to the Historical and Architectural Preservation Commission at the May 21, 2014 by any means necessary to sufficiently provide such information that is necessary to apprise the Board of Zoning Appeals of all aspects of the Appellant's application.

Appellant requests the Board of Zoning Appeals to conduct a hearing at its next regular scheduled meeting or within 45 days to be determined by the availability of the Board and the Appellant, to re-hear, at a non-public hearing requiring no legal notice, the evidence previously presented to the Historical and Architectural Preservation Commission.




JAY C. BENNETT (A108)(0009822)
Attorney for Appellant
5995 Fairfield Rd., Suite 5
Oxford, Ohio 45056
Tel. (513) 523-4104
Fax (513) 523-1525

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the within Notice of Appeal has been served upon the City of Oxford, Ohio Board of Zoning Appeals, and the Historical and Architectural Preservation Commission of Oxford, Ohio by personal service this 9th day of June, 2014.

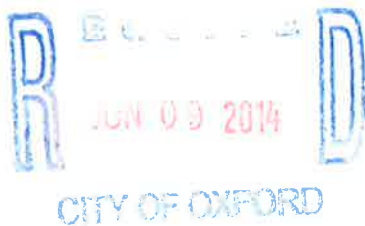


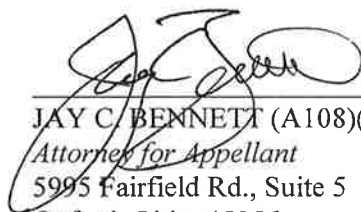
JAY C. BENNETT
Attorney for Appellant

PRAECIPE FOR THE RECORD OF THE HISTORICAL AND ARCHITECTURAL
PRESERVATION COMMISSION HEARING OF MAY 7, 2014 AND MAY 21, 2014

TO THE HISTORICAL AND ARCHITECTURAL PRESERVATION COMMISSION OF
OXFORD, OHIO:

Please prepare and issue the entire record of the May 7, 2014 Historical and Architectural Preservation Commission hearing as well as the record of the May 21, 2014 Historical and Architectural Preservation Commission hearing including all documents, exhibits, and the transcript of proceedings for both hearings. Said transcripts, original papers, testimony, conclusions of fact, and evidence offered, heard, and taken into consideration should be issued and transferred to the Appellant's attorney, as well as the City of Oxford, Ohio Board of Zoning Appeals.




JAY C. BENNETT (A108)(0009822)
Attorney for Appellant
5995 Fairfield Rd., Suite 5
Oxford, Ohio 45056
Tel. (513) 523-4104
Fax (513) 523-1525

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the within Notice of Appeal has been served upon the City of Oxford, Ohio Board of Zoning Appeals, and the Historical and Architectural Preservation Committee of Oxford, Ohio by personal service this 9th day of June, 2014.


JAY C. BENNETT
Attorney for Appellant

HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION (HAPC)

Meeting Minutes

May 7, 2014

CALL TO ORDER

The May 7, 2014 meeting of the Oxford Historic and Architectural Preservation Commission was called to order at 6:00 p.m. by Laura Henderson, Chair. Members present were Kim Peterka, Vice-Chair; Daniel Haizman; Mike Kohus; Mike Smith, Council Representative; Robert Benson, Planning Commission Representative; and Bobbe Burke. Staff present was Sam Perry, Planner.

APPROVAL OF AGENDA

Ms. Henderson announced the rearrangement of presentations of two requests for review.

Ms. Henderson announced the addition of topics for discussion under Old Business, the CLG Grant and the height of the new section of the Phi Gamma Delta building. Ms. Henderson announced the additional topic for discussion under New Business, new signage for the City Parking Garage.

Mr. Benson made motion to approve the agenda as amended. Mr. Haizman seconded the motion. All were in favor.

REQUEST FOR REVIEW

HAPC-2014-08 20-24 E. High Street Addition, 48-56 East Park Place demolition, Scott Webb, Applicant, Agent

Mr. Perry provided an overview. Mr. Perry stated that Mr. Webb, the Applicant, had provided a very helpful illustration showing where the properties that are being proposed for demolition were located, in comparison to those buildings being retained and also provided a 3D rendering of what the interior would look like. Mr. Perry stated that 48-56 E. Park Place would be demolished, and 20-24 E. High would be retained and an addition built to the rear of the structure. Mr. Perry stated that once the part was demolished it would be grassed and placed for sale. Mr. Perry stated he was able to walk through the building with the Applicant to get a feel for the layout. Mr. Perry expressed to the HAPC that they would need to determine if the buildings met the minimum decision criteria and if the loss of a portion of the building would affect the historic integrity of the surrounding structures and most importantly the unknown of what would replace the demolished structure.

Mr. Perry described the portion of the structure staying that it has gone through quite a bit of renovations. Mr. Perry announced Mr. Ashley Woods, Sigma Chi Foundation Chief Operating Officer, was present at this meeting. Mr. Perry described the addition as a recessed structure, located just north of the original part of the building. The addition proposed would provide a ground floor restroom, ADA access, and common space for entry into the building. Mr. Perry stated that the remainder of the structure located north to the alley would be completely removed. Mr. Perry suggested the HAPC look at the demolition methodically, since the guidelines are such that when a demolition is proposed the HAPC looks at what is being proposed for a rebuild; however, this application was different.

Mr. Perry described the exterior of the structure proposed for demolition. Mr. Perry noted that Code Enforcement has had some issues with the exterior's condition, and some of those issues have been taken care of but that there were more repairs needed. Mr. Perry noted that the owner of the building was facing additional repairs.

Mr. Perry referred to the Smith Library drawing on page 18 of the agenda that illustrated the ages of the parts of the building and the Blacksmith Shop that once existed there.

Mr. Perry discussed the Decision Criteria and Design Guidelines. Mr. Perry noted that he could see the structure being a real fire hazard. Mr. Perry noted that the HAPC would need to focus on the Decision Criteria which focused on the exterior of the structure. Mr. Perry referred to the five Criteria and that there needed to be two clear evidences of existing conditions to warrant demolition: clear evidence the structure has occurred extensive damage; immediate danger to the public as declared by the Chief Building Official, or either a natural disaster or abuse. Mr. Perry stated that the Chief Building Official has not made a declaration on this building, nor has the roof, walls, or foundation experienced extensive damage. Mr. Perry noted that the structure was considered contributing and inquired to the HAPC would the demolition cause a loss which would affect the integrity of the district.

In regards to the square foot cost of meeting the minimum building code exceeding the square foot market value of similarly used and improved structures in the Historic District, Mr. Perry stated that the Applicant did not provide a cost comparison. Mr. Perry felt he did not have the professional expertise to make that determination.

Mr. Perry stated that the Applicant had a plan for the re-use of the property, which they believe mitigates any of the adverse effects. Mr. Perry stated that the HAPC hasn't received a new construction proposal, so that left the HAPC with landscaping.

Mr. Perry suggested it may be a worthy discussion to retain the northern most construction as it has retained some historic character, particularly the arched window openings and the classic two story building height. Mr. Perry maintained that a photograph of the Blacksmith shop showed brick material which was still likely underneath the stucco. Also, the stucco was removed from the west facade of the High Street building revealing the potential for a beautifully restored brick wall. Therefore, the structure is consistent with other structures. It is not to say that the HAPC has to approve a certain sized building. The HAPC has the right to determine what is built on the site. Mr. Perry referred to the shadow drawing Mr. Webb provided in his application of a potential 4 story structure.

Mr. Webb, spoke, introduced Mr. Ashley Woods.

Mr. Webb stated he had a slight clarification to what Mr. Perry presented; there is in fact a re-use plan. Sigma Chi wants to absolutely save the original historically significant building but doesn't want to be the developer for the rest of the property. The cost to restore what remains is well above the market cost. In order to save and correct the original part of the building and the addition, what is left of the building is pretty hard to deal with.

Mr. Webb provided the HAPC a history of the Sigma Chi Fraternity founded on the second floor of the original front portion of the building. Mr. Webb provided a history of when the additions to the structure occurred. Mr. Webb described businesses that have occupied the building.

Mr. Webb continued stating that in 1930 the brick façade was covered in stucco and with every change in business came changes to the structure both the façade and the interior.

In 2004, Sigma Chi began a complete exterior restoration to the original part of the building. Mr. Webb described the restoration. Mr. Webb described what remained to be done, stucco coating on the exterior, failing brick, leaking roofs, not meeting the fire code, and the enormous amount of existing utility lines and ductwork going on throughout the structure.

Mr. Webb described the interior as a complicated maze-like layout, without fire separation or any protected means of egress, lack of stairs, lack of restrooms, narrow corridors.

Mr. Webb described Sigma Chi Foundation's proposal to the founding site and museum. They don't want to be in the rental business. Mr. Webb described what they planned to do; to provide fire separation from the original

historic structure and the addition, provide a second means of egress from the second floor of the building, provide accessible restrooms, separate out the electric, plumbing, gas and HVAC for individual tenant spaces.

Mr. Webb described the cost of restoring the back portion and the proposed addition. Mr. Webb stated the costs would exceed the square foot market value. Mr. Webb noted that there were big ticket items due for replacement on the horizon. Mr. Webb stated that the sale of the remaining property would allow for the restoration of the original building. Mr. Webb described the economic results of code compliant renovations. Mr. Webb described the renovations that took place to the original structure in 2004 and the amount spent at that time.

Mr. Woods described expenses to complete needed repairs.

Mr. Webb described the commercial rent that could be generated from first floor rentals.

Mr. Webb stated that the bottom line was to save the historic contributing portion of the structure.

Mr. Woods spoke and expressed them wanting to be good partners with the community and the University. Mr. Woods reminded everyone that the Fraternity started here in 1855 and that they were trying to preserve the building for years to come, trying to support the Oxford Community Foundation and their operations. Mr. Woods stated that the Fraternity has been putting a massive investment into the property and were giving up the back portion of the property to put investment into the front historic portion of the building.

Mr. Benson noted that he appreciated their contributions. Mr. Benson inquired how and when and why the Foundation acquired this site. Mr. Woods stated the building came from a donation from Mr. William Huffman who was involved in the regional community for many years and he had purchased the entire structure and donated it to the Foundation in the mid-1970's. Mr. Benson referred to the statement made of there not being a need for second floor office space and referred to other second floor leased office space on Park Place currently. Mr. Benson stated he understood why they didn't want to redevelop the property. Mr. Benson referred to Sheet A-3, submitted by the Applicant, included in the Agenda, showing a "shadowed" 4-story structure that could be built on the proposed demolished site. Mr. Benson stated that this shadowed structure very well would be built on the lot with first floor commercial and 3-story residential. Mr. Perry noted that this was not the character of the Park Place that the City inherited. Mr. Benson stated that the HAPC may design a building that will have some features that relate to the history, but the new building overall wouldn't, and it would block the views of the Methodist Church steeples. Mr. Benson concluded by saying that the HAPC needs to try and protect the interests of the community and understood and appreciated their argument.

Mr. Woods expressed that he appreciated their concern; however, were not proposing anything for that site. The HAPC would review that plan when that plan comes before the HAPC. We are not asking you to make that decision. We are asking you to approve to allow us to shore up a structure and turn the back part into grass. Our intent is to market that grass. Mr. Benson stated that what was apparent to the HAPC, is if it is grassed we will never be able to reinstate the facades to the buildings to what they were. We will have nothing historic on that site. They could be restored, possibly expensively. That is the dilemma. Mr. Benson stated this is a street wall that has been located there for 125 – 140 years.

Ms. Henderson stated that it may stay as grass for a long time.

Mr. Woods stated that the property has been for sale for a period of time, and yet to receive a serious offer. Ms. Peterka inquired however selling the structure as it is now. Mr. Woods stated yes; it is not marketable as is.

Mr. Webb, in referencing the façade facing Park Place, while restoring would not uncover ornate trim work when removing the stucco. Right now it is a stucco wall with four windows punched out; and could be replicated.

Mr. Smith stated that the building was one of the last common buildings; built very utilitarian, pre-Civil War.

Mr. Perry referred to the Historic District Inventory List and felt Mr. Webb was referencing an older version and that the entire block face was historic.

Mr. Smith spoke. Mr. Smith noted that Sigma Chi has owned the property for 40 years, the HAPC appreciated the renovations that have been done to the front of the structure; however, the other improvements have been done as conservatively as possible, and noted that there were times when the Foundation should have been fined, i.e., repair of the windows on the Park Place façade for 7, 8, 9 years. Mr. Smith stated he just was not in favor of letting the Fraternity tear down historic buildings, and to help the Fraternity out to preserve the front part of the structure he felt that wasn't what the HAPC is all about.

Mr. Smith referred to the displaced businesses who he wasn't sure had found homes yet and the possibility of losing those businesses for good.

Mr. Woods stated that the Fraternity has nearly every year invested in the building and have done their best. With the exception of the windows, the Fraternity has addressed every other concern raised. Mr. Woods stated that expensive repairs have been done. In no way has the fraternity hatched a scheme to let the structure fall apart. Secondly in respect to the tenants, we have not increased Bill's Art Store rent in almost a decade. My heart goes to businesses that have been displaced as we have tried working with the tenants. We are doing our best. Mr. Webb stated that the question of owning and having not fixed up, that there is a difference between retaining and restoring.

Ms. Henderson clarified the request to demolish part of the structure and build a two story egress building. Ms. Henderson inquired about keeping the façade or just gutting the interior and make into rentals or maybe finding tax credits to restore it. Ms. Henderson noted that the Fraternity was a non-profit and that if the back portion was sold there is the possibility of receiving tax credits. Ms. Henderson noted she would hate to see a four story structure. Ms. Henderson noted that the HAPC could deny it as she hated to see historic buildings being torn down. Ms. Henderson noted that this part of Park Place has been altered so much already and that once these buildings were gone that the Uptown would have very little of the original street scape. Ms. Henderson inquired if the Fraternity had researched people who make these types of investments. Mr. Woods stated he wasn't qualified to answer. Mr. Woods stated that any party interested in the property would be coming before the HAPC and ask to demolish. Mr. Woods stated that by selling the property the money would be applied toward restoring the front portion of the structure.

Ms. Henderson stated that she felt the Fraternity jumped the gun by removing the tenants before any approvals.

Mr. Woods reiterated that it was not the intent of the Fraternity to allow the building to fall into neglect. The reality is the building is in a state of decline by the way it is built. The infrastructure every day gets a little bit weaker. It isn't neglect of maintenance just the age of the building, and it will continue to decline.

Mr. Webb noted that there was a fire safety issue in reference to having no fire walls. Mr. Benson stated that the Applicant would have to convince the HAPC that the interior is in a state of deterioration. Mr. Webb replied the current state of the building is dangerous.

Mr. Perry referred to the nice job LaBodega did with their restoration.

Mr. Webb referred to Wild Bistro, former Snyder's building, also considered historical contributing and the issues in saving it. HAPC wanted us to save the upper floors. We did save it at a huge expense to the owners. We saved the huge dip in the roof and found a crack that caused the tearing down and replacement of a wall housing Pita Pit (many old structures share walls). Mr. Webb continued that the owner ended up saving a

sagging roof, four windows and a plain façade at a huge expense to the owners. Ms. Henderson expressed that the Fraternity certainly could do the same with this structure.

Mr. Kohus spoke and stated he agreed with Mr. Benson concerning the construction of a 3-4 story building. Mr. Kohus inquired Mr. Webb if the addition and a fire wall separation of the two structures could work. Mr. Webb stated it would have to remain unoccupied as we would be taking exits away from the back.

Mr. Kohus noted that it was only historic because it was old and that seeing it go away would not be a problem. Mr. Kohus referred to the possibility of building a 4 story structure and how he would still like to see the church in the background.

Ms. Henderson inquired if the structure were demolished and just remain vacant until sold, why not leave it and build a firewall. Ms. Henderson inquired why it had to be torn down right away. Mr. Webb responded that the HAPC's fears would come true, because who would buy it if there are no tenants, no exits and it begins to fall down.

Mr. Perry inquired Mr. Webb if he would rather have a clean slate. Mr. Webb stated yes, the property is worth more as empty, grassed land.

Mr. Kyger, Economic Development Director, provided a history of the last renovation to the front of the structure, and that due to the expensive renovation, that there wasn't enough money to work with.

Mr. Woods referred to there having been an approved plan to take all of the buildings down and build a 2-3 story structure with retail on first floor, Sigma Chi on the second and third floors. Mr. Woods stated that the demolition permits were approved for that but the project was too expensive. Mr. Woods stated that the Fraternity also looked at relocating.

Mr. Webb added that this was approved by HAPC years ago; so bringing the building down was approved before. Ms. Henderson noted that the concept was approved, but not the architecture. Mr. Webb added that the concept was the same as back then, but a different architect.

Ms. Peterka stated the Fraternity clearly had a plan when they restored the front of the structure, and inquired if the Fraternity consciously knew they would save the front and not the back. Mr. Woods stated no, that around 2001-2002, (approaching 150 years of Sigma Chi) they had donors willing to step forward to fund the founding site of the building. All of the earnings and more have been put back into the structure.

Ms. Henderson inquired if there was any way the HAPC could approve the demolition of the part they need for the addition and firewall and table the rest.

Mr. Perry responded that if the HAPC approved something the applicant didn't apply for, it would be a moot point; would be considered a partial approval.

Ms. Henderson inquired Mr. Woods if they would in any way do that?

Mr. Woods stated that the only way they would proceed with this is under the belief that we would sell the unused land. The current building is not marketable. We would be in the same position as we are in now. We don't have the funds/resources to preserve.

Ms. Henderson noted that if denied, they do have to wait a year, or we could table.

Discussion followed.

Ms. Henderson inquired if the Fraternity had anyone who has said if you demolish the building we will buy it. Mr. Woods stated no the building is not marketable as it currently exists.

Ms. Henderson inquired about if there were separate parcels. Mr. Perry stated that if they need separated it would involve a Planning Commission administrative approval.

The money discussion is a decision standard. Mr. Webb stated that the reuse plan was the second decision criteria; taking it back to grass.

Decision criteria were discussed. Landscaping criteria was discussed. Public space consideration and landscape at the direction of the HAPC or by advice of the City was discussed.

The HAPC discussed tabling the case. All agreed there needed to be further discussion. The HAPC discussed if a special meeting should take place. The HAPC discussed touring the building.

Mr. Perry stressed the importance of not talking about the HAPC case as a group without being in a public forum.

Mr. Webb inquired if the HAPC could wait until the next meeting in June.

Discussion followed.

Mr. Woods inquired that should the grassed area be defined as "public" space if City Legal Counsel could define "public space".

Mr. Haizman made motion to table HAPC-2014-08 until the June HAPC meeting, meanwhile conducting a walkthrough of the building on a date to be determined and agreeable to the HAPC and the Applicant. Mr. Benson seconded the motion. All were in favor.

Discussion took place regarding having to advertise for a walk through. Mr. Perry referred to the Sunshine Law.

Mr. Webb inquired if the City needed to advertise a walk through. Mr. Perry stated Staff would need to put a notice out in advance.

HAPC-2014-07 2 & 4 W. Church Street replacement of exterior door and trim, Jackie Hunt, Applicant

Mr. Perry noted that the Applicant was not present.

Mr. Perry provided an overview. Mr. Perry stated that the door was replaced around Thanksgiving, without a permit. Mr. Perry stated he noticed the new door and approached the contractor. Mr. Perry also approached the owner. The owner stated she ordered the correct door. Mr. Perry stated the door was installed and no application was filed. Mr. Perry stated he told the contractor it was an inappropriate door. Mr. Perry stated that the old door was gone. Mr. Perry described the weather conditions at that time and was urgent to have installed.

Ms. Peterka noted that Ms. Hunt was a past member of HAPC.

Mr. Benson stated that all that needed said, was it needs replaced.

Mr. Perry spoke to Ms. Hunt about past door installations at the site. Mr. Perry stated that the new door and transom did not match the other two doors of the structure. The transom was not recessed like the others.

It is just an insert, not a separate transom; all an enclosed one piece door/transom. Mr. Haizman added that you can uninstall the door, take the brick mold off and change out the transom. Mr. Perry stated there was a continuous jamb trim so it was one piece. Discussion followed on how to proceed.

Mr. Perry suggested that Ms. Hunt get three contractors input but if all say no, or one says they can, just wants to see an effort done to match, but if could not be done then that is fine.

The HAPC disagreed, it can be done. All agreed that the Applicant can install a special door and a special transom.

Mr. Benson made motion to deny HAPC-07-2014 and that the door be replaced with one identical to the door/transom located on the south side of the house. Mr. Haizman seconded the motion. The motion was approved 7-0-0.

CORRESPONDENCE AND ANNOUNCEMENTS

Mr. Perry reminded everyone of the State Marker ceremony Friday at 5:15 p.m. for the Caroline Scott Harrison part of the Oxford Community Arts Center. Mr. Perry stated he helped Steve Gordon install the marker.

Ms. Peterka shared that the Delta Chi Fraternity helped the Garden Club with their annual flower sale/luncheon and with the historic marker installation.

APPROVAL OF MINUTES OF APRIL 2, 2014 MEETING

Ms. Henderson referred to the April minutes inquiring if a letter had been written expressing HAPC's appreciation to the University for replicating structures on the Western Campus during their new construction. Mr. Perry stated it had not been written. Ms. Henderson felt the letter should come from the City on behalf of HAPC. Ms. Henderson stated she would draft a letter and have placed on City letterhead.

Mr. Benson made motion to approve the minutes of the April 2, 2014 meeting with minor corrections. Mr. Kohus seconded the motion. All were in favor.

NEW BUSINESS

New Signs for City Parking

Mr. Perry reported that the Police Department was making improvements to parking signage both inside the garage and around the Uptown. Mr. Perry provided a PowerPoint showing where signage needed to be and what the different signage would look like. Some signage would be removed. The name of the garage will be changed to Uptown Parking Garage. Directional signage was discussed and their suggested minimal size, which is larger than what the zoning code allows. Mr. Perry noted that the City Manager can approve the new signage and would not need approved by any Commissions or Boards. The HAPC expressed disapproval of the car symbol showing on the signage. Mr. Perry stated that the color P would be green and the signs would be unlit. Mr. Perry stated he would have liked to have seen an internally lit sign on the north side, but since internal illumination was not allowed in the UP District, it was decided against.

Several of the HAPC felt that the words "Parking Garage" should be a larger font than "Uptown".

OLD BUSINESS

Ms. Henderson distributed copies of the National Historic Preservation Month flyer tour list. Ms. Henderson shared information about the fraternity histories tour that occurred May 3. Ms. Henderson stated she took many pictures and would download and give to the City for archiving.

Ms. Henderson stated that the Lewis Place tour was next and that reservations were required. Only 12 signed up for the morning tour and 4 for the afternoon tour. Ms. Henderson discussed the publicity efforts. Let Ms. Henderson know if receive names who are interested.

Ms. Henderson shared with the HAPC the complexities of developing information for historic tours.

Ms. Burke inquired if the tours could be made up for audio walking tours. Mr. Perry stated that the Ohio History Fund would be extremely interested. Discussion followed. Ideas were given.

CLG Grant

Mr. Perry shared the Community Arts Center grant still hadn't been implemented. The bids have come in; however, the money still hadn't been totally confirmed yet because of the concern of costs because of the question of the Department of Interior requirements. It was possible that the OCAC may rather not use the grant money. Mr. Perry stated that because of what the HAPC found while doing historic research on the porch railing (upper railing designed with an X pattern), the original railing was wood finials. Bids that came in utilized synthetic materials. There was also a misunderstanding essentially that a State project would have to use prevailing wage; but, found that wasn't the case. Mr. Perry stated he was waiting on an answer on final decision and whether to do wood or not. If manageable will try to use grant funds. The State office will need to know right away so that they can issue the money out to someone else.

Mr. Perry stated he felt due to the Art's Center tackling a much bigger project, progress has slowed.

Mr. Perry stated he should know something soon.

This is a matching grant. The OCAC is matching their portion, not the City.

Height of 130 E. High Street Roof

Mr. Perry stated that the Applicant asked approval to raise the roof 8 inches in order to get mechanicals in so as to be hidden from the street. Ms. Henderson approved administratively via email.

Mr. Perry noted that there were also questions regarding the demolition of the back part of the structure and trying to get done as soon as possible. Mr. Perry added that the Fraternity didn't have all the funding raised.

Mr. Perry noted that the architects were talking about July in getting the demolition done.

Ms. Henderson announced she had reviewed and administratively approved lattice work for 23 E. High Street for fencing under the deck, recessed so that it is behind the supporting beams. Mr. Webb, the applicant for the project stated they would be installing lattice, painting it black and putting chicken wire behind it.

Ms. Peterka inquired about the holes in the roof. Mr. Perry stated he would have the City inspector look at.

Ms. Henderson referred to Ypsilanti, Michigan having Spring workshop series. They are for anyone, and maybe they could come to Oxford and do a workshop for us. Discussion followed about preservation.

Markers

Mr. Perry shared that he had received three applications for the 2014 Marker awards. 508 S. College, Tyler Rice, owner, submitted a Tier 2 application; in fact, all three applications are Tier 2. Mr. Perry stated that 508 S. College had a Harry Thobbe connection in the cement slab. 14 S. Beech, Bethel AME Church, has applied too. Mr. Steve Gordon helped with the application. 16 S. Campus, Campus Ministries, has also applied. Found someone still living who spent their summers in the house in the 1930's.

Mr. Perry suggested appointing a subcommittee to help review. Mr. Smith stated that normally HAPC has done this in a work session.

Ms. Henderson stated that maybe HAPC could review the marker applications the same night of HAPC-2014-08 discussion.

Discussion took place as to when the Park Place tour would take place.

Mr. Perry noted that the tour would take a lot of time to go through as it was quite a maze.

Uptown Façade Update

Mr. Perry stated he had a group of students this semester who reviewed the Uptown facades. Mr. Perry displayed what had been done and needed done. Mr. Perry noted they were making progress. Mr. Perry stated he received three students each spring semester who receive 3 credit hours.

Mr. Perry stated he also had another group of students who retook pictures of all of the buildings in the Mile Square, connecting with the 1999 survey data. Mr. Perry stated this came out of a CLG Grant.

Mr. Perry stated the students were also updating demolished buildings. Staff is reviewing as well.

2014 Goals and Objectives

Ms. Henderson stated that the Colors for Oxford Program needed added as we should continue to offer. Ms. Henderson referred to the Paint Advisory Subcommittee who helped owners choose paint colors for their buildings. Ms. Henderson referred to a Sherwin Williams computer program. Mr. Perry asked for volunteers to use this special program as he has been unable to access the site. Mr. Kohus volunteered to help.

Other Information

Mr. Perry stated that the windows from the Chase Bank were being unloaded and readied for installation. Mr. Perry noted they were saving the old windows.

Ms. Peterka announced the Garden Club Plant Sale/Luncheon on May 8.

ADJOURNMENT

Mr. Benson made motion for adjournment. Mr. Haizman seconded the motion. All were in favor. The meeting was adjourned at 8:46 p.m.

HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION (HAPC)
Special Meeting Minutes
May 21, 2014

CALL TO ORDER

The May 21, 2014 meeting of the Oxford Historic and Architectural Preservation Commission was called to order at 6:30 p.m. by Laura Henderson, Chair. Meeting location was LCNB Bank Community Room at 30 West Park Place. Members present were Kim Peterka, Vice-Chair; Daniel Haizman; Mike Kohus; Mike Smith, Council Representative; Robert Benson, Planning Commission Representative; and Bobbe Burke. Staff present were Sam Perry, Planner and Amy Blankenship, Legal Counsel.

REQUEST FOR REVIEW (Continued from May 7)

HAPC-2014-08 20-24 E. High Street Addition, 48-56 East Park Place demolition, Scott Webb, Applicant, Agent

The Commission removed from the table this item with a voice vote. Mr. Scott Webb, Architect and Mr. Ashley Woods, Chief Operating Officer of Sigma Chi Foundation, were welcomed. Ms. Henderson stated that she and Mr. Kohus had toured the building with Scott Webb. They had taken photos and prepared a PowerPoint presentation which was presented to the Commission. Ms. Henderson gave a detailed description of her education, training and experience in preservation. Mr. Kohus stated his education and training as a licensed architect.

Ms. Henderson's assessment of the interior of the building was that it was not in terrible shape structurally and the fire hazard issue seemed to be more of tenant clutter. Ms. Henderson noted tin ceilings and walls as historical details. Mr. Kohus noted that extensive renovation would be needed to bring the building up to code. He stated that the cost presented by Mr. Webb was not unrealistic. Ms. Henderson stated that the building is worth keeping and work should be done to the interior but the ground floor was in decent shape but wiring, HVAC, etc, would need extensive work; the buildings have all been built separately at different times, but the character and streetscape makes them worth saving. Mr. Kohus stated the building was, however, a fire trap. Ms. Henderson stated that grass on the vacant portion of the lot did not make up for the loss of the building and this was a lack of stewardship of a historical structure.

Ms. Henderson also stated that the purpose for the HAPC was to preserve the historic character and integrity of the historic districts whenever possible and to recommend and/or approve ways to accomplish this. Further, the HAPC is not responsible for ensuring that property owners make the maximum amount of money possible from their properties at the expense of the architectural and cultural heritage of the community.

Mike Smith stated that based on statements made at the May 7 meeting, he expected to see much more deterioration of the interior such as failing foundation or beams. Ms. Peterka followed up Mr. Smith's statement by saying that she also expected to see more problems inside but this looked like routine maintenance needs to her. Mr. Kohus stated it was much more than routine maintenance.

Mr. Woods stated that the HAPC is focusing on the interior of the building but questioned if their purview was the interior.

Mr. Haizman stated that he had gone over the Conditions of Removal Criteria in the code, individually, several times, and he only saw one of the two required conditions being met. He said that if they had more of a re-use plan it would be a different story.

Mr. Woods said that they did offer a plan but they are being held to a different standard than other properties. He stated that their plan is to put an appropriate addition on the back of the historic building and leave the remainder as a grassy area, which is consistent with the park across the street. Ms. Henderson stated that the re-use plan proposed was not sufficient to mitigate the loss of the buildings and that there is already a grassy plot across the street.

Mr. Webb stated that this building is a fire hazard and this is about life and safety and we cannot rent out upstairs and if there was a fire it would spread the entire length of the buildings along Park Place. He followed to say that this is a matter of cutting of a leg to save a life. We need to remove the back portion in order to save the front part. They have been very generous with their time but this is fuzzy criteria and it is not a listed historic building.

Mr. Webb stated that the Commission is referring to this building as historic, but that the guidelines do not list these buildings as historic. He believes that the inventory being referenced is arbitrary since it has never been approved by City Council. City Legal Counsel Amy Blankenship stated that the property is located in a historic district, so it is within the purview of the Commission to review.

Mr. Woods compared their request to the former BP gas station project, and that this is inconsistent with how that was handled. The HAPC responded that the BP gas station was not a historic building; therefore it is handled different.

Mr. Webb repeated that the Bills Art store portion of the building cannot be fixed without doing this demolition and it is a matter of safety. Ms. Henderson responded that the presented plan is not acceptable to make up for the loss of those buildings. She said it does not mitigate the adverse effects.

Mr. Woods pointed out that the HAPC can control what goes in after the demolition. Mr. Woods asked what it was about the building that was worth saving. Mr. Benson responded to the question and explained his education, training and experience in architectural history. Mr. Benson explained the context of Oxford being a typical Ohio village and that once this building was lost, that part of history is gone forever. He explained that the importance is not in the historic buildings alone but also the history of the businesses and people who occupied the space that adds to the character of the area. There has not been a culture of preservation in Oxford and that has to change. And the HAPC is the Commission charged with that mission. The McCullough family was very prominent in Oxford. Ms. Henderson added that the scale, proportion, and skyline of these buildings is important in context to the public park area.

The Commission discussed tabling the item again, but after discussion with the applicant, decided to go ahead and vote.

Mike Smith made a motion to deny the application based on the fact that only one of the required two conditions in Section 1331.063(a)(2), was met – [(D)Square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and improved structures in the historic district.]

The motion was seconded by Dan Haizman. The roll call vote was 6-1-0, to deny the application. Mike Kohus voted no.

Mr. Perry stated that the applicant could revise the application and re-submit it at any time; however a review of the same application would be required to wait at least one year. Additionally, the denial could be appealed to the Oxford Board of Zoning Appeals.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Memo



To: Paul Brady, Chair
Members of the Oxford Board of Zoning Appeals

From: Jung-Han Chen, Director of Community Development

Date: 8/15/2014

Re: Appeal of Administrator's Decision Request by Jay Bennett, Esq.

This memo has been prepared to provide you with pertinent information concerning this appeal.

A variance application was filed May 19, 2014 to build a single-dwelling unit in the rear alley lot behind 115 E. Collins Street. The Applicant is seeking a variance to allow for the proposed building which will not have the entrance upon the street.

During the researching of this case it was determined that a 1999 Housing Agreement, made between the owner of the property and the City of Oxford, stipulated that the lot, addressed as 115 E. Collins Street, and the alley lot, be limited to a two-family dwelling. The current structure located at 115 E. Collins Street is a two-family dwelling unit. A detailed description of the properties are contained in the housing agreement.

Allowing to be heard before the Board of Zoning Appeals of such a variance request would essentially alter the terms and conditions of the 1999 Agreement, which cannot be done without Oxford City Council approval. An email was sent to the applicant advising that this case could not be heard since the 1999 Housing Agreement was approved by City Council and any subsequent changes to said agreement must be amended by the City Council. A letter, dated June 23, 2014, was sent, along with pertinent information, advising the applicant the reasoning for the denial and is attached for your information.

The owner, through an attorney, is appealing the decision by the Zoning Administrator of denying the applicant the right to go before the Board of Zoning Appeals.

CKC RENTALS, LLC
125 West Spring Street — Oxford, OH 45056
(513) 523-7263 / FAX (513) 523-9415

LETTER OF AGENCY

August 15, 2014

RE: 115 East Collins Oxford, Ohio 45056

To Whom It May Concern:

Please be advised that Attorney Jay Bennett has permission to represent our interest with all matters related to 115 East Collins submittals to the City of Oxford. This shall include such representation in front of Planning Commission, City Council, staff and as well as the City's legal counsel.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Clawson". The signature is fluid and cursive, with a long horizontal stroke at the end.

James Clawson
Managing Member
CKC Rentals, LLC

**NOTICE OF APPEAL OF THE DECISION OF THE CITY OF OXFORD COMMUNITY
DEVELOPMENT DIRECTOR TO THE OXFORD BOARD OF ZONING APPEALS**

Appellant does hereby give notice of appeal of the decision of the Community Development Director of the City of Oxford, Butler County, Ohio decided on June 23, 2014 denying a variance application and hearing before the Board of Zoning Appeals regarding 115 E. Collins Street, Oxford, Ohio.

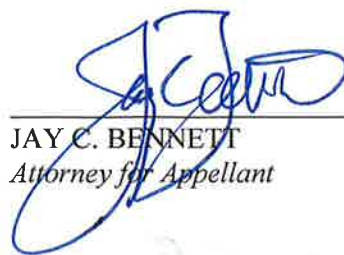
Appellant requests the Board of Zoning Appeals to conduct a hearing at its next regular scheduled meeting, or within 45 days to be determined by the availability of the Board and the Appellant, and to hear, at a non-public hearing, an appeal of the Director's decision as expressed in his letter to Appellants dated June 23, 2014.



JAY C. BENNETT (A108)(0009822)
Attorney for Appellant
5995 Fairfield Rd., Suite 5
Oxford, Ohio 45056
Tel. (513) 523-4104
Fax (513) 523-1525

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the within Notice of Appeal has been served upon the City of Oxford, Ohio Board of Zoning Appeals, by personal service this 17th day of July, 2014.



JAY C. BENNETT
Attorney for Appellant

JUL 17 2014



Internal Use Only:	
Case No.	BZA 201408
Date Filed	7/25/14

Application for Appeal of Administrator's Decision

Appellant Information

Name * CKC RENTALS

Mailing Address * 25 W. SPRING STREET

City, State & Zip Code * OXFORD, OHIO 45056

Telephone Number(s) * 524-9500

Email Address jim@hoteldevelopment.net

Required Documentation

From Chapter 1129.11(a)¹.

1. Cite specific provisions of this Zoning Ordinance that are alleged to have been interpreted in error of the specific decisions or action being appealed and the grounds on which the appeal is being made;
2. Include any required application fee in an amount set by the City;
3. Include such other information as the City or the Board may reasonably require; and
4. Include a statement as to why the appellant has standing to pursue the appeal from the administrative action by a statement of the way in which the administrative action adversely affects the appellant.

Attach additional pages if needed.

An appeal is hereby taken pursuant to Section 1129.11 of the Oxford Codified Ordinances. This section specifically authorizes the aggrieved party to appeal the decision of the Zoning Administrator to the Board of Zoning Appeals. The provision of the zoning ordinance that has been interpreted in error is Section 1129.11. Said section provides for an appeal to the board of Zoning Appeals of a decision of an administrative official in the enforcement of the zoning ordinance. The administrator's decision appealed herein is the decision to deny Applicant access to the Board of Zoning Appeals itself. The denial of access to an appeal to the BZA denies Applicant of administrative review of a decision, that if left to stand, constitutes a regulatory taking. Appellant has standing to file this appeal by virtue of the fact that the Administrator's decision to deny Appellant access to the Board of Zoning Appeals denies Appellant its administrative remedy provided by the Oxford Codified Ordinances, such remedy being an application for variance from the literal application of Section 1141.03(b) - principal entrance onto a street or public way.

Fees & Receipt

The fee is \$50.00.

Sign and Date

Appellant Signature *

Date *

Ray C. Parnell, Attorney for
7-25-14 Applicant

Submit Application, Documentation, and Fees

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

Send or drop off this application with required documentation as attachments and a check for the fee 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.

For Staff Use Only

Fee Paid Date *

\$50 7/25/14

Receipt Number *

7205

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

Jung-Han Chen

From: Scott Webb <scott@scottwebbarchitect.com>
Sent: Wednesday, June 04, 2014 4:46 PM
To: Jung-Han Chen
Cc: Sam Perry; Douglas Elliott; 'Steve McHugh'; 'Jim Clawson'
Subject: RE: BZA Variance Application to build a residential dwelling unit on an alley site behind 115 E. Collins
Attachments: 115 E. Collins- Housing Agreement.pdf; 115 E Collins-Plat.pdf

Gentlemen,

As Jim Clawson has no memory of these lots ever being combined, I called the Butler County Plat Room for information. The person in charge simply looked up the plat, and answered unequivocally, that the lots have never been combined.

I went there personally this afternoon and spoke with the Plat Room and the Tax Department.

As it turns out, these lots were never combined, and remain with two separate and distinct lot numbers. According the Property Tax Department, these lots have been "consolidated" with regard to the tax bill and valuation, but have never been "Combined" into one lot. If so, it would have been given a new single lot number. I have attached a copy of the Plat I picked up this afternoon, clearly showing (2) lot numbers.

Secondly, the "housing Agreement" (attached) is simply ensuring the occupancy for the 115 East Collins Property. This appears similar to the other Housing Agreements we have come across, negotiated as zoning laws were changed. It makes no mention of the alley lot whatsoever, and subsequently, does not preclude developing the alley lot.

Subsequently, we feel we are entitled to proceed to Board of Zoning Appeals as applied.

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

From: Jung-Han Chen [<mailto:JHChen@cityofoxford.org>]
Sent: Thursday, May 29, 2014 5:05 PM
To: Scott Webb (scott@scottwebbarchitect.com)
Cc: Sam Perry; Douglas Elliott; Steve McHugh (mchugh@coollaw.com)
Subject: BZA Variance Application to build a residential dwelling unit on an alley site behind 115 E. Collins

Scott,

As I was preparing a staff report for this variance application, I checked on Butler County Auditor's website to gather all the information. I was perplexed to learn about the property information listed on the website. It indicates that the two parcels have been consolidated. Further research on this, I found that the housing agreement between the City of Oxford and CKC in 1999 encompassing two parcels, east 55 feet of part of lot #133 and east 55 feet of part of lot 134. That housing agreement stipulates that a two-family residence was an agreed use for these parcels. Currently there is a two-family dwelling on part lot # 133.

The variance application is to build a house on east 55 feet of part of lot 134. I have consulted with the City Law Director, we agreed that this case cannot proceed since BZA cannot waive the legislative agreement.

I am placing this application on hold until the housing agreement has been revised or this application has been withdrawn. Therefore, this variance application will not go before the regular BZA meeting in June.

Jung-Han Chen
Community Development Director
City of Oxford
101 E. High Street
Oxford OH 45056
Phone (513) 524-5237
Fax (513) 524-5266
<http://www.cityofoxford.org>



June 23, 2014

Scott Webb
103 West Walnut Street
Oxford, Ohio 45056

RE: Denial of BZA's consideration to build a dwelling on Part Lot #134
115 E. Collins Street

Dear Scott,

In response to your email request for a written determination of your application, attachment A, for a variance hearing before the BZA to build a residential dwelling unit at the alley lot (being east fifty-five feet of Lot #134), this is a letter summarizing the determination relating to the status of your request for a hearing.

This variance application is being denied to be considered by the BZA due to the fact that the subject property, being east fifty-five feet of Part Lot # 134, is part of a 1999 Housing Agreement, attachment B, between the owners and the City of Oxford allowing this Part Lot, along with Part Lot #133 jointly to be used as a two-family dwelling unit. Allowing a variance hearing before the BZA to build a dwelling on Part lot # 134 would essentially modify said agreement that the BZA does not have the authority. This Agreement can only be amended by the Oxford City Council allowing the Part Lot # 134 to be removed from the Agreement.

Please let me know if you have any other questions concerning this matter.

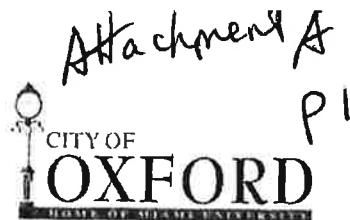
Regards,

Jung-Han Chen
Community Development Director

Cc: Doug Elliott, City Manager
Steve McHugh, Law Director
Sam Perry, Planner

Attachment A: Petition for Zoning Variance
Attachment B: 1999 Housing Agreement

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



Internal Use Only:	BZA-2014-04
Case No.	
Date Filed	5/19/14

Petition for Zoning Variance

Petitioner Information

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

Name * Scott Webb

Mailing Address * 103 W. Walnut St.

City, State & Zip Code * Oxford, Oh. 45050

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Location of Property * 115 East Collins (Alley)

Name of Building * _____

Owner Information

Name * CKC Rentals

Mailing Address * 25 W. Spring St.

City, State & Zip Code * Oxford, Oh. 45050

Telephone Number(s) * 524-9500

Email Address info@ckcrentals.net

Variance and Lot Information

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

11A1.02(b) Principal entrance on 2 street or public way

Location of Requested Variance * 115 East Collins (Alley)

Legal Description * Survey attached

Zoning District * RZMS

Existing Use of Site * Vacant lot

Total Acreage * .084 acres

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.

Single Family Residence

Attachments 8
p2

- 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.

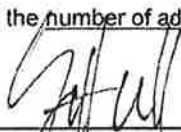
Fees may increase if staff determines that you need more variances.

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

Sign and Date

Petitioner Signature *

Date *


5/19/14

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 *

5/19/14

Receipt Number *

19896.1

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

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

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

Attachment A
p 3

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



SCOTT
WEBB

Re: Proposed New Building
115 East Collins Street (Alley Site)

ARCHITECT

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

May 19, 2014

www.scottwebbarchitect.com

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to section 1141.03 (b) requiring every building to be on a lot of record, and shall have its principal entrance of a street. "For the purpose of this provision, an alley is not considered a street".

As the attached drawing & Survey shows the proposed new building has been designed on an existing lot of record. This lot was purchased, as a separate deeded lot, and was not created by the applicant.

In the following responses to the decisions standards outlined in the application, we will address the project as a whole, rather than provide separate responses to these standards for each individual variance:

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

The Property is a lot of record in excess of 3,000 s.f.. A denial of this variance would prevent the applicant from developing this lot entirely.

- b) *Whether the variance is substantial;*

The variance is not substantial, asking simply for the access to develop this lot of record..

- 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 substantially altered, as other lot of this type have been developed throughout the Mile Square, and in this quadrant specifically..

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

Utilities & government services are available at this location.

Consulting Code Studies Site Planning Schematic Design Construction Documents Construction Management

Attachment A
p 4

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

The property was purchased with knowledge of the current Zoning Code, and the knowledge that this lot meets the minimum standards for a single family home..

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

The variance requested herein is the only way to access this lot, as panhandle lots are prohibited, and to create one would require the reduction of the lot size and width of the [parcel facing the street.

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

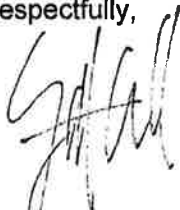
The spirit of the Zoning Code is to protect personal property rights and sets minimum standards for single family lots. This property is within those limits.

- h) *Any other relevant factor;*

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City.

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

Respectfully,



Scott Webb, Architect

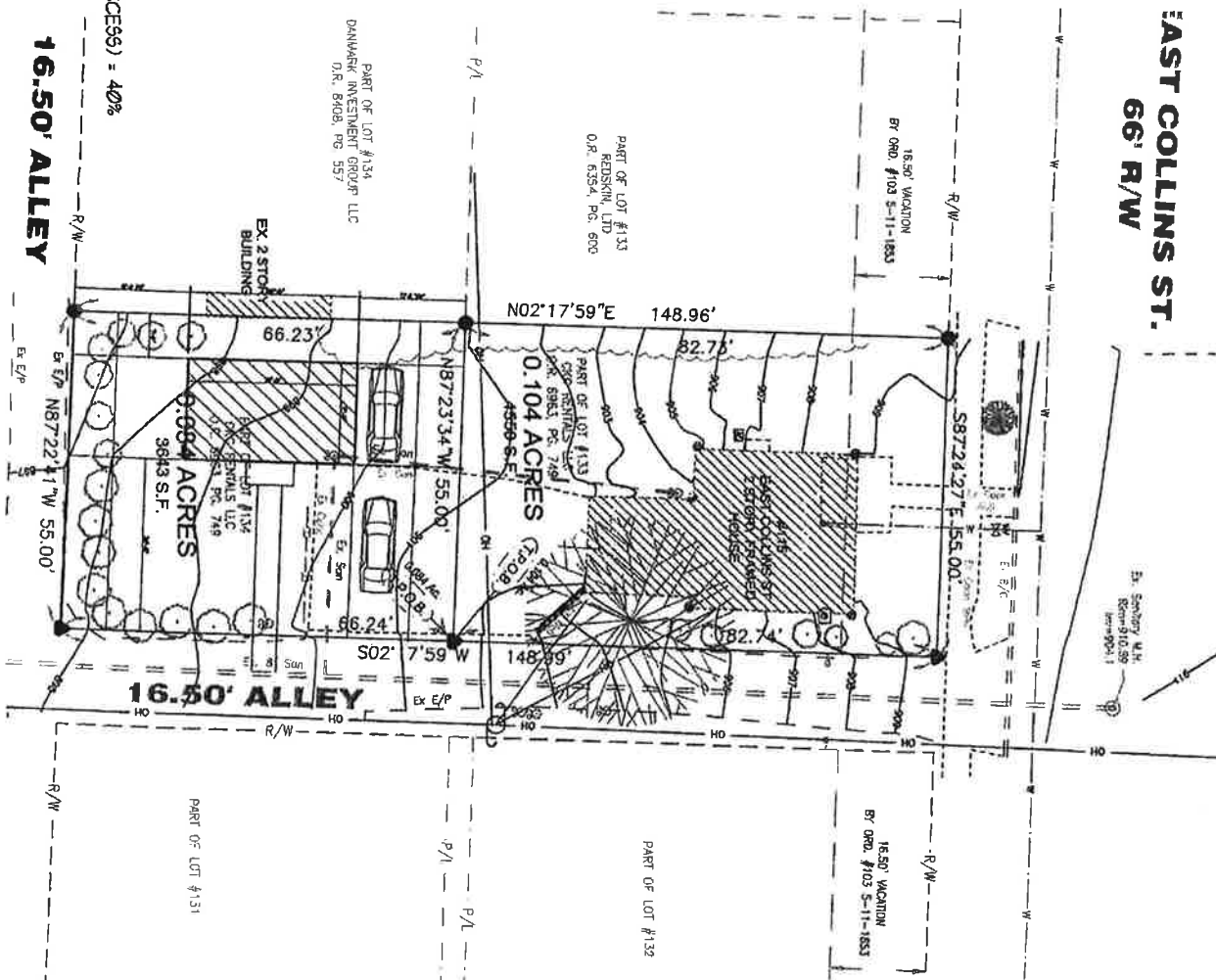
Attachment A
p 5

PRELIMINARY SITE PLAN

1" = 20'-0"

OVERALL LOT AREA: 3643 SF
BUILDINGS: 540 SF = 14.8% (25% Max)
DRIVEWAY PARKING: 432 SF = 11.8%
SIDEWALKS: 104 SF = 2.8%
TOTAL: 1076 SF = 29.5% R/W'S (VEHICULAR SIDE ACCESS) = 40%

EAST COLLINS ST.
66' R/W



PROPOSED NEW RESIDENCE
115 East Collins (Alley Site)
C, OHIO 45056

SCOTT WEBB ARCHITECT
103 New Village Street
Cincinnati, Ohio 45205
(513) 523-8333
www.scottwebbarchitect.com



DATE	May 19, 2004
REVISIONS	

Attachment B
P1

TRANSFER NOT NECESSARY

KAY ROGERS
BY 1-26-99 DEPT:

C.R. 6319 PAGE 1290

AUDITOR, BUTLER CO., OHIO AGREEMENT

This Agreement made and concluded this 7 day of January, 19 99,
by and between the City of Oxford, Ohio, hereinafter referred to as "OXFORD", and James M.
Clawson, Brian D. Kelly and Robert L. Ciampa, hereinafter referred to as "OWNERS".

For and in consideration of the mutual promises and covenants contained herein, the parties
agree as follows:

1. Owners represent that they own the property located at 115 East Collins (A & B), Oxford,
Ohio, 45056, hereinafter referred to as "PROPERTY" and more particularly described in
Exhibit "A" attached hereto.
2. The Property is zoned R-5.
3. The Owners represent that the use of the Property as of the date of this Agreement is a
Two-Family residence with a current occupancy of 4 persons in each unit.
4. Owners agree to reclassification of the Property as a non-conforming Two-Family with a
maximum occupancy of 4 persons in each unit.

This Agreement is alienable as such by Owners and their successors in interest. It is further
understood and agreed that in the event of catastrophic loss or destruction, said Property
may be rebuilt in accordance with §1133.05 of the Oxford Zoning Code.

5. Owners shall permit Oxford's Housing Inspector, during regular business hours and with
reasonable notice to the Owners, to inspect the Property. If a citation is issued for violation
of any Housing Regulations, Owners shall correct such violations within thirty (30) days
after date of Owners' receipt of such citation.
6. Owners agree to comply with all local, state and federal regulations concerning the use of
the Property.
7. Owners hereby release Oxford from any action or cause of action related to the use of the
Property or related to the enforcement of any codes regulating the Property, and from any
derivative claims arising from any cause of action (including those for attorneys' fees or
costs). Owners further agree to hold Oxford harmless from any damage resulting from such
use and hereby waive any right to appeal to the Board of Zoning Appeals, Common Pleas
Court and Federal Court with respect to the zoning classification and maximum occupancy
agreed upon by the terms of this Agreement.
8. This Agreement shall not be changed, modified or amended except in writing upon
agreement of the parties.

9900006464
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 01-26-1999 At 11:52:02 am.
AGREEMENT 22.00
OR Book 6319 Page 1290 - 1293

Attachment B
p2

L.R. 6319 PAGE 1291

9. The Owners shall notify any immediate successor entitled to the Property of the terms and conditions of this Agreement and, notify the occupants of the Property of the maximum number of persons that are permitted to reside in the Property. This Agreement is to be filed with the Butler County Recorder.
10. This Agreement shall be binding on the heirs, executors, administrators, successors, and assigns of the parties and shall continue in full force and effect as long as the Property is used and occupied as contemplated herein.

Prior Deed Reference: Vol. 1720, Page 696 of the Deed Records of Butler County, Ohio.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date and year first written above.

WITNESSES:

CITY OF OXFORD, OHIO

Donna J. Heck
Beth E. Kinsely

By: Mark B. Roath
Mark B. Roath, City Manager

JAMES M. CLAWSON, BRIAN D. KELLY AND
ROBERT L. CIAMPA, OWNERS

Chris Ouzon
Julie L. McKee

By: James M. Clawson
James M. Clawson, Owner

Chris Ouzon
Julie L. McKee

By: Brian D. Kelly
Brian D. Kelly, Owner

Chris Ouzon
Julie L. McKee

By: Robert L. Ciampa
Robert L. Ciampa, Owner

Attachment B
p3

STATE OF OHIO

SS:

COUNTY OF BUTLER

Before me, a Notary Public, this 15th day of December, 1998, personally appeared Mark B. Roath, City Manager of the City of Oxford, Ohio, and acknowledged the signing thereof to be his voluntary act and deed on behalf of the City of Oxford in his official capacity.

Donna J. Heck
Notary Public

STATE OF OHIO

SS:

COUNTY OF BUTLER

DONNA J. HECK
Notary Public, State of Ohio
My Commission Expires Oct. 31, 2002

Before me, a Notary Public, this 7th day of January, 1999, personally appeared James M. Clawson, Brian D. Kelly and Robert L. Ciampa, and acknowledged the signing thereof to be their voluntary act and deed.

Pamela S. Lindley
Notary Public

This instrument prepared by:

Stephen M. McHugh - #0018788
ALTICK & CORWIN CO., L.P.A.
One Dayton Centre, Suite 1700
One South Main Street
Dayton, Ohio 45402-2016
(937) 223-1201
Law Director for City of Oxford, Ohio

PAMELA S. LINDLEY
Notary Public, State of Ohio
My Commission Expires 06/27/02

Attachment B
p. 4

The fifty-five (55) feet evenly taken off of the east side of the lots or tracts of land known on the plat of the Village of Oxford, in the County of Butler and State of Ohio as in lots numbered One Hundred and Thirty-three (133) and One Hundred and Thirty-four (134).

The same lots herein conveyed being subject to an annual ground rent of \$1.35 each payable to the Treasurer of Miami University on the 22nd day of May, every year.

COPY

CITY OF OXFORD
HISTORIC AND ARCHITECTURAL
PRESERVATION COMMISSION (HAPC) MEETING

* * * * *

TRANSCRIPT OF PROCEEDINGS

* * * * *

Wednesday, May 7, 2014

Oxford Courthouse
118 W. High Street
Oxford, Ohio
7:30 o'clock p.m.

HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION
MEMBERS PRESENT:

MS. LAURA HENDERSON, CHAIR

MS. KIM PETERKA, VICE-CHAIR

MR. DANIEL HAIZMAN

MR. MIKE KOHUS

MR. MIKE SMITH, COUNCIL REPRESENTATIVE

MR. ROBERT BENSON, PLANNING COMMISSION
REPRESENTATIVE

MS. BOBBE BURKE

STAFF PRESENT:

MR. SAM PERRY, PLANNER

* * * * *

TABLE OF CONTENTSPAGE

HAPC-2014-08 20-24 E. High Street Addition,
48-56 East Park Place demolition

4

* * * * *

1 Wednesday, May 7, 2014

2 P R O C E E D I N G S

3 MS. HENDERSON: Okay. I'd like to call the
4 Historic and Architectural Preservation Commission
5 meeting for Wednesday, May 7, 2014 to order.

6 The first thing is that we have some
7 additions to make to the agenda and some changes to make
8 to the request for review.

9 The first thing is to switch the order of the
10 request for reviews so that HAPC 2014-08, 20-24 East High
11 Street addition is first, and the review of 2014-07, 2
12 and 4 West Church Street will be second.

13 In addition, we need to add under old
14 business discussion of the CLG grant, and the height of
15 the new section of the Phi Gamma Delta building. And
16 under old business the -- no, that was under old.

17 Under new business, the new signs for the
18 parking garage.

19 So, given the --

20 MR. BENSON: I move we approve the agenda
21 with those changes.

22 MR. HAIZMAN: Second.

23 MS. HENDERSON: Okay. All in favor?

24 (Whereupon, a voice vote was taken.)

25 MS. HENDERSON: Okay. So, now we can proceed

1 directly to review of 20-24 East High Street addition,
2 and 48-56 East Park Place demolition, Scott Webb.

3 MR. PERRY: I'll come around this side so you
4 can see me. I'm not going to do a PowerPoint.

5 MS. HENDERSON: Okay.

6 MR. PERRY: Scott has one, so --

7 MS. HENDERSON: Scott has one, I'm sure.

8 MR. PERRY: Welcome property owners and
9 applicant.

10 I'll give you my staff report, kind of a
11 verbal summary. Thank you, Laura. And just kind of
12 going over what the request is, you should have had in
13 your packet the illustrations from Mr. Webb. Did a very
14 helpful job of kind of giving a graphical representation
15 of where the properties that are proposed for demolition
16 are in relation to the building that's proposed to be
17 retained, and as well as kind of a 3-D rendering of kind
18 of what the interior looks like.

19 And he helped me to go through the building,
20 got access to it, and we walked through it together as
21 well just to get a feel for -- I just wanted to see for
22 myself some of the conditions that he talked about in his
23 narrative that you see in your packet. And that --
24 although I'm not a building official or a building code
25 person, it did help to get an idea for myself of what it

1 feels like to go through the building.

2 And as you know, any building in the Historic
3 District before a demolition permit can be issued should
4 be accompanied by a certificate of appropriateness. And
5 so, really what you're doing tonight is determining
6 whether the loss of this building is appropriate for the
7 district, for the particular area. And if it is, then
8 whatever is -- if it's replaced by, if that -- if that
9 can mitigate the loss of the building.

10 And I'll just jump right to the proposal,
11 which is to replace it with just a landscaped vacant lot
12 or a green space.

13 However, in one of the focuses of Scott's
14 proposal is the addition on the front part of the
15 building or I should say several buildings that have been
16 put together over many decades in the mid-1800's.

17 And so, the portion that would be staying
18 would the High Street building, which is 20 to 24 East
19 High Street. And that building has actually undergone
20 quite a bit of renovation within the past decade by the
21 owner, Sigma Chi Foundation, who's here tonight,
22 Mr. Ashley Woods representing. And they would retain
23 that portion, and then there would be an addition that
24 you see in the renderings. It's A-3 that Scott's drawn.
25 It's kind of tucked in, recessed, just to the north of

1 the original McCullough block is how it's referred by
2 OHI, Ohio Historic Inventory, being the original builder
3 of that.

4 My computer's going to sleep, so I'll
5 irritate it a little bit. If I don't wake it up, it
6 takes a while.

7 So, the addition that's proposed would
8 provide a ground floor restroom and it would be for ADA
9 access, and also it would provide some common space for
10 entry and egress for the building to have two access
11 points. And then, the remainder north to the alley would
12 be completely removed with the proposal.

13 Some of the -- really the way that you should
14 look through this is from a very kind of methodical
15 approach of the decision criteria because ideally the way
16 the guidelines are written is that the way the
17 demolition's proposed, you're always looking at what
18 building is going to go in place. But in this case, you
19 don't have that. So, that takes you to kind of a
20 different set of criteria.

21 Before we go into that, I'll say that the
22 building is -- that's proposed for demolition is covered
23 with stucco. We have issued some level of enforcement to
24 the property owner to do some repair on the windows
25 facing the park. Some of that work has been done. Some

1 has I would say been deferred pending the outcome of this
2 decision.

3 Structurally, I don't know that the building
4 is falling down or falling apart, but there are some
5 repairs that the property owner is being faced with that
6 they are going to have to make a decision on. So, I feel
7 like they're kind of at a fork in the road where they
8 have to decide whether, you know, to make those repairs
9 or tear the building down.

10 One of the interesting photos that I have on
11 page 17 of your packet is -- there's the Woodruff
12 Blacksmith Shop. And so, you can kind of see the
13 original brick before it was covered with stucco.

14 Now, that ground floor has been all altered.
15 That's the Nail Depot at this point. But the upper
16 floor, of course, retains the window openings and kind of
17 a soft arch over the window, and there is some cornice
18 detail.

19 There's a drawing from the Smith Library that
20 Ms. Elizabeth Johnson, I believe, put together based on
21 some of her research that talks about some of the ages of
22 the buildings, starting from 1818 for the High Street
23 portion all the way up into the later 1800's for what is
24 depicted as the blacksmith shop in the historic photo.

25 The decision criteria in the guidelines

1 really -- and Scott does talk a lot about the interior,
2 and really the fire hazards that are there, and I
3 witnessed some of those myself, kind of going down dead
4 end hallways and looking into portions of the building
5 where you see connections to other portions without
6 really any explanation. So, I could see where it could
7 be a real fire hazard.

8 But from an HAPC standpoint, we're looking at
9 the exterior from the sense of what's the character of
10 the district, not to say that in historic buildings there
11 aren't sometimes interiors that should be preserved.

12 But primarily, the guidelines are focused on
13 the exterior.

14 So, going through the decision criteria,
15 which is actually not in the guidelines, it's in the City
16 Code, Codified Ordinance 1331, and I would start on page
17 18 of your packet. It's pretty dry reading. But
18 nonetheless, it's kind of what you have to go through.

19 So, what you can do is in order to approve a
20 certificate of appropriateness for a demolition, the
21 applicant has to give clear evidence that the structure
22 has incurred extensive damage to its basic structural
23 elements such as roof, walls, foundation requiring
24 substantial reconstruction and the structure presents an
25 immediate danger to the public's health, safety or

1 welfare as declared by the chief building official.

2 So, you might look at that the way I would in
3 the sense of either a natural disaster or complete
4 neglect where the building's not even being used, just
5 falling into really really disrepair, and in the case
6 where the building official can make a declaration on
7 that.

8 In this case, we don't have that. The
9 building official hasn't made that kind of declaration.

10 So, then we move to the "or." Okay, so we
11 don't have that condition. So, now we need to go to --
12 and this is what Scott and I both have addressed in our
13 respective reports is you have to find that there are two
14 of the following conditions exist.

15 And so, we're going to basically go back to
16 the extensive damage. So, you have to consider that, you
17 know, is there extensive damage.

18 Jumping down to "B," the structure's
19 contributing and has been declared as a public nuisance,
20 and its removal not adversely affect the architectural or
21 historic integrity. Okay, so you have to answer that
22 question.

23 Is this contributing? Well, in our
24 inventory, it's historic. So, you could argue that as
25 contributing in my opinion.

1 And then, you'll have to answer the question
2 among yourselves whether the loss will affect the
3 integrity of the street scape. So, that you may put a
4 question mark there.

5 And then, moving down to "C," and I've got
6 more detail in my report, and I won't bore you with
7 reading it. Hopefully, you've read that already. And
8 then, "C," you have to answer the question whether the
9 structure is not consistent with other structures in the
10 district in terms of character and so forth. So, that
11 will definitely be worthy of deliberation.

12 And then, "D" which is probably one -- and
13 Scott and I had talked about this, and he had brought
14 some more information about this, the square foot costs
15 of meeting the minimum building code would exceed the
16 square foot market value of similarly used and improved
17 structures in the district.

18 Now, this one is a little bit challenging
19 because of what Mr. Webb and the Sigma Chi Foundation is
20 proposing is that it is a complete demolition. So, it's
21 comparing -- it would be basically rebuilding a new
22 structure.

23 So, and I didn't really have any data for me
24 to compare in the sense of what are the market values.
25 Talking to Scott earlier (inaudible - away from

1 microphone) -- got some more information on that. So,
2 hopefully that will help.

3 So, and then moving down to -- so, we're
4 still looking for two of these conditions. So, you know,
5 out of these one, two, three, four. And then, now we're
6 going to move down to the fifth one. And you only have
7 to actually find two. The applicant has a plan for the
8 reuse of the property which mitigates any adverse effect.

9 Now, we don't have a new construction
10 proposed. So, that leaves us with landscaping. It looks
11 like I didn't put that in your packet. I thought the
12 landscaping would be --

13 MS. HENDERSON: But he talks about it --

14 MR. PERRY: Yeah.

15 MS. HENDERSON: -- later.

16 MR. PERRY: One of the things that I mention
17 in my report is that it might be a worthy discussion of
18 retaining the northern most portion, the Woodruff
19 Blacksmith Shop. It does have a little bit more cornice
20 detail and it does have the arch windows. That's not
21 what the Sigma Chi Foundation is proposing, but it might
22 be worth discussing.

23 The -- oh, and I should also point out that
24 the rendering that shows kind of a shadow of a taller
25 building, you might wonder what that is. And I asked

1 Scott about that, and he said he just kind of did that
2 for you to get an idea of what a new basic shape of a new
3 building could be.

4 Now, that's not to say that HAPC has to
5 approve a certain size building even if its own code
6 allows it. You do have the power to determine what's
7 appropriate in the future.

8 Now, the difficulty you have here is the
9 owner is not proposing construction. They're not
10 interested in constructing something and continuing to be
11 the owner of that.

12 So, I don't think when the guidelines were
13 written it really anticipated that kind of situation,
14 although you just had that with the BP property too. So,
15 we're kind of seeing a pattern here.

16 MS. HENDERSON: That wasn't historic though.

17 MR. PERRY: That one was not historic,
18 correct.

19 And so that would be my only suggestion is to
20 look at -- of course, listen to the additional
21 information that Scott has available tonight and also to
22 consider the possibility of retaining some portion of
23 those buildings that (indiscernible) worthwhile debating.

24 And that's all I have.

25 MS. HENDERSON: Okay. Scott, I'm sure you

1 have more to add to that.

2 MR. WEBB: A lot more, yeah.

3 This is -- Ashley Woods is joining me this
4 evening. He drove down from Chicago.

5 MS. HENDERSON: Hi, Ashley.

6 COMMISSION MEMBER: Thank you for coming.

7 (Inaudible - multiple speakers.)

8 MR. WEBB: And I'd like to -- oh, I took your
9 chair, Sam.

10 MR. PERRY: No problem.

11 MR. WEBB: I'd like to start by just kind of
12 making a slight clarification to what Sam has presented.

13 I mean, there is, in fact, a reuse plan for
14 this property, and it's sort of twofold. In the first
15 place, they want to absolutely save the original historic
16 significant McCullough building that they've spent a lot
17 of money on to do that.

18 But what they don't want to do is be the
19 developer of the rest of the property. And what I intend
20 to show you here this evening that is in order to save
21 and correct what they need to correct to protect the
22 original part of the building and to provide the addition
23 that is our reuse plan for it, what's left is pretty hard
24 to deal with.

25 And so, we're going to kind of talk through

1 that a little bit, and then specifically about the cost
2 of what trying to do something with what remains, which
3 is also one of your decision standards.

4 So, we feel your, you know, our decision
5 standards that we're kind of counting on is, you know, we
6 do have a reuse property -- a reuse plan for the property
7 and that the cost to restore what remains is well above
8 the market costs.

9 So --

10 MR. PERRY: I'll advance them for you.
11 That's your pointer. I don't have the remote, remote
12 advancer.

13 MR. WEBB: Okay, great. So, move on.

14 MR. PERRY: Ready?

15 MR. WEBB: Sure. So, to start with, as
16 Ashley can tell you, Sigma Chi was founded on the second
17 floor of this property in a building that was erected
18 around 1817 or '18. And for the next 65 years, not
19 necessarily in the order that you might have presumed,
20 these buildings got built behind and then in-filled and
21 connected and have continued to grow down the block until
22 we get to about 1875, which is the sort of end of the
23 construction on this block.

24 So, after it was completed in the late 1800's
25 for the next 130 years, it's had myriad of uses in there

1 as you can imagine, lots of changes to the exterior.
2 Probably the oldest picture we have up there in the top
3 left actually shows the windows. If you look to the
4 right, the windows are gone. Look to the right in the
5 bottom, the brick is gone, the front facade is gone, the
6 bays are gone. Everything has, you know, been sort of
7 taken away from it. The entire building's been covered
8 with stucco.

9 And as you can imagine, every change with a
10 business affects the exterior of the building and it also
11 dramatically affects the interior of the building, which
12 we'll talk about a little bit also.

13 Okay. As Sam pointed out, in 2004, Sigma Chi
14 undertook a complete exterior restoration of the original
15 building. They removed the stucco from the 30's. They
16 put the windows back where they belonged along the Park
17 Place side. They put the bays back on the front of the
18 building that were lost in the 40's. They replaced all
19 of the failing window headers, which were actually wood
20 in a brick building, and replaced them with limestone.
21 And they did a number of life safety improvements on the
22 interior; new HVAC systems for thermal and moisture
23 control, and also some fire alarm improvements to try to
24 make the building safer.

25 Okay. So, the question is what remains to be

1 done. As Ashley can tell you, stucco and paint can cover
2 a myriad of problems and that's exactly what's happened
3 here. This building has been stuccoed and re-stuccoed
4 time and time again as the stucco falls off.

5 Right now, we're catching it at a great time.
6 It's been recently and freshly painted. But it kind of
7 covers up a lot of failing brick. And, you know, the
8 presumption is it will, you know, we'll find what they
9 found in 2004 when they started to work on the front of
10 the building.

11 Right now, the roofs are leaking and failing.
12 Flashings are failing all around the perimeter. There's
13 evidence of water on the inside. There's no -- currently
14 no hot water to the northern most portion of the
15 building.

16 And more importantly, I think, is this mess
17 of utilities and everything that goes on in the building.
18 What you're seeing on the back, this spaghetti of gas
19 lines, electric lines, and everything else is really the
20 tip of the iceberg. As we went through the building,
21 there are electrical panels and disconnects in closets,
22 on upper floors, in hallways, in stairways.

23 Ashley told me today that Sigma Chi has just
24 been paying all the electric bills because no one knows
25 where any of the electric in the building is actually

1 going or being used. So, it's very messy right now.

2 So, I put this in your packet to try to
3 explain what goes on in there. So, it may appear this is
4 a group of buildings. But over the years, all of these
5 buildings have been joined together. And it took us, my
6 assistant and I, quite some time to sort of figure out
7 the maze that is this building.

8 So, to start with, with the -- well, I guess
9 I've got to hold it down. So, start with Paust Printing,
10 has a little bit of ground floor space, has no restroom.
11 If you look around the back of the building, it actually
12 wraps up into the second floor, and has its restroom in
13 an unprotected storage area up there in the second floor.

14 If we look at the Art Store, it starts here
15 in the front, has a pretty dramatic ramp on the interior.
16 This section through here where there are no windows on
17 the outside of the building, there's actually at least
18 three different loft levels in there with winding stairs,
19 all exposed wood. There's, as I said, there's electric
20 panels up in there. It's just absolutely kind of a mess.

21 The top section here, Sigma Chi did a
22 beautiful job restoring their actual founding site and
23 turning it into a little two-room museum up there.

24 And then, the Community Foundation is over
25 here (indicating). Now, the Community Foundation has a

1 shared restroom in there. But from there, we have a very
2 narrow corridor that's about 30 inches wide, sneaks
3 through this building, has steps on both ends of it,
4 comes into the next building to where we're into just a
5 big open ended kind of maze of offices until you finally
6 poke through the last time, more stairs both up and down,
7 and finally a steep stair to the bottom.

8 So, what we end up with is essentially one
9 means of egress through the entire -- or rather two means
10 of egress through the entire thing.

11 But from a building code perspective, we have
12 dead end corridors. You can't have corridors more than
13 20 feet long that don't lead to an exit. We have
14 unprotected corridors. There's no fire separation
15 whatsoever. There's no fire separation in the floors.

16 We have Paust Printing up here against this
17 corridor. This isn't even a finished wall, but it's your
18 only fire exit at this point.

19 You know, we have businesses wrapping under
20 and around here (indicating). We have the Art Store has
21 wrapped all the way around Paust, goes upstairs, comes
22 around underneath the middle section, just winds and
23 winds and winds. There's actually even a sub basement
24 under part of that that's being used as well.

25 So, the bottom line is that the building is

1 very -- it's very evident that this thing has survived as
2 long as it has, and it's been patched and modified.

3 And at this point, you know, nothing here in
4 the center even has a means of egress from the second
5 floor, you know, if it were not for this Sigma Chi
6 building as it is right now.

7 So --

8 MS. HENDERSON: What's up there? Are those
9 offices?

10 MR. WEBB: There are some offices up there,
11 yeah.

12 MS. HENDERSON: With no bathrooms?

13 MR. WEBB: Right. So, the idea here is that
14 what Sigma Chi would like to do is first off be out of
15 the rental business. I mean, they really don't want to
16 own the rest of this block. They don't want to own this
17 fire hazard that it is right now.

18 But what they do want to do is they want to
19 protect the investment that they've made and separate
20 their founding site and the museum from the rest of the
21 block. And in doing so, they want to provide two means
22 of egress from the second floor of their building, which
23 is a good idea and required.

24 As I said, there's no ground floor restrooms
25 currently for any of the ground floor tenant spaces. So,

1 in doing this, they would provide some restrooms in
2 there. They end up with a small extra office for
3 themselves and an improvement to the Community
4 Foundation.

5 So, the idea here is to just if you can
6 imagine first off we just want to split this building.
7 We want to separate Sigma Chi and their founding site
8 from everything else on there, fire protect it, make it
9 safe, finish the restoration job to make sure that this
10 building stays for another 100 years.

11 Sam. So, that leads us to the question of
12 what's left. So, in order to put this addition through
13 there with the extra stairs and the means of egress,
14 we've cut off one of the exits for the rest of the
15 building.

16 So, what remains now is we have lots of
17 offices, lots of dead end corridors, a single very steep,
18 very narrow entrance to the ground floor, but still no
19 separations between any of the disparate uses, no
20 separations of the corridors.

21 The building is not fire suppressed. It is -
22 - there's lot of exposed combustible material. It's
23 essentially a big wood building with not enough ways out
24 of it is what we're left with.

25 So, what would it take to make what's left

1 code compliant? If we thought maybe we could save both
2 portions is what we're looking at now, it has, as I
3 pointed out, one stair in the center, the kind of light
4 yellow one right there (indicating).

5 But as Bob knows, if two exits are required,
6 they have to be half the diagonal distance of the area.
7 So, with this one being right in the center, there's no
8 place we could put another stair that means we could keep
9 this one. So, effectively, we have to add two stairs so
10 that they are far enough apart to qualify as two means of
11 egress out of the building.

12 These are to scale. That's a typical stair
13 tower, both of these yellow sort of additions. This
14 would eliminate the dead end corridor in this section
15 (indicating). You know, we would have to eliminate some
16 dead end corridors here (indicating) still. I mean,
17 there's still work to be done.

18 But the biggest thing would be trying to cut
19 some new fire protected egress stairs in through these
20 very old, very complicated buildings and separating the
21 utilities while we're at it.

22 So, next, please. So, to Sam's point, well,
23 what if we tried to just save the back piece of it. So,
24 we still want to provide fire separations between all the
25 uses. And again, we're talking about minimum code

1 compliance here. We need a new egress stair. We need to
2 protect the corridors and the occupants.

3 And of course, that's going to affect all the
4 spaces in here. It's going to take space out of the nail
5 salon in order to put that stair there. It's just going
6 to require quite a bit of reconfiguration in order to
7 drop a code compliant stair into a really pretty compact
8 little building here.

9 COMMISSION MEMBER: Can I ask a question?

10 MR. WEBB: Uh-huh.

11 COMMISSION MEMBER: So, can you leave the
12 narrow stair on the west facade and --

13 MR. WEBB: In this case, because they are
14 half the diagonal distance apart, they're on opposite
15 corners of the building, this one works.

16 COMMISSION MEMBER: Okay.

17 MR. WEBB: But with it being dead center, if
18 we tried to save it all --

19 COMMISSION MEMBER: Right.

20 MR. WEBB: -- it's not half the diagonal
21 distance. It still leaves all this part unprotected.

22 COMMISSION MEMBER: Right.

23 MR. WEBB: Okay. Next, please. So, we'll
24 talk a little bit about economics here. As you can see
25 from the lists over here (indicating), these are the sort

1 of cost per square foot rents that these portions of the
2 building currently pay. And then, down at the bottom I
3 gave you some comparables. You can see we range
4 everywhere from Starbuck's at \$32 a foot, 14 to 18 with
5 an 11 in there is very common sort of rent. You can see
6 here we're at way below, less than half market rents.
7 And even still the majority of the second floor remains
8 vacant. No one's interested in renting it.

9 This building down here at the bottom is
10 actually my office. We also have second floor office
11 space that's vacant. There just really isn't a demand
12 for second floor office space, even if it's cheap where
13 it's not in my building.

14 So, anyway, so this kind of just gives you an
15 idea of how much space is there, who the tenants are, and
16 what kind of rents that they're able to generate from
17 this building.

18 The spaces, as Sam can tell you, they're
19 small offices. There's not big conference space. It's
20 not a good use.

21 And to head this next question off at the
22 pass, so, you know, the way to make second floors pay in
23 the Uptown District would be perhaps student rentals,
24 which would be allowed in this district.

25 In this particular case because this is a

1 mixed use building, that would require the entire
2 building to be fire suppressed. So, you know, we're
3 talking about another huge expense even to, you know, to
4 try to find a different sort of use for the second floor
5 of the building.

6 And so, we get to the cost of meeting the
7 minimum standards. So, as it is right now, I brought
8 some information. Oxford Real Estate is the management
9 company, and they did a printout for me of eight or nine
10 pages of expenses for the building that they've incurred
11 over the last three and a half years just in maintenance.

12 And with the gross income of the building
13 right now at 44,000 -- keep in mind that part of it is a
14 museum and they don't charge the Community Foundation any
15 rent. The gross income for the building is about \$44,000
16 a year, and they're spending over 25 percent of that
17 every year just to maintain the building, not improve it,
18 but just regular maintenance to try to keep the thing
19 standing --

20 COMMISSION MEMBER: Is this talking the whole
21 block face, all the way from High Street to the alley?

22 MR. WEBB: Yeah.

23 COMMISSION MEMBER: Okay.

24 MR. WOODS: May I clarify that point?
25 Really, our expenses on our renovated part of our

1 building are negligible. I think over the past three and
2 a years, we've painted some windows, and that's all we've
3 needed to do because of the extensive renovation.

4 This 13,500 per year is all of the part
5 that's really the subject of this hearing. And that
6 doesn't include utilities or management fees. That is
7 truly just repairing stucco, dealing with rotted wood,
8 those types of things.

9 MR. WEBB: No, absolutely. And so, you know,
10 upcoming yet the roof replacement for the last building
11 that we're talking about. The roof is in pretty bad
12 shape. The water heater system is bad. The floor
13 repairs in the Art Store, if you've been in, there's a
14 little corner that's sort of roped off because the floors
15 are failing in that corner, and they'd certainly like to
16 repair those.

17 So, you know, in addition to the sort of
18 predictable regular ongoing maintenance, there are some
19 big ticket items on the horizon for these buildings as
20 well.

21 All right. So, the question is the cost of
22 restoration in addition to the original building exceeds
23 the square foot market value.

24 So, we're talking about taking down at the
25 very minimum the section of the building that would allow

1 the new construction of this part of the plan. What that
2 does here, what was once the Art Store with lots of
3 rambling space, but no ground floor restroom, now has the
4 opportunity for a ground floor restroom.

5 Paust, we'll take its restroom off the second
6 floor, have it there.

7 We have a fire protected means of egress from
8 the second floor, which allows us to leave the monumental
9 open stair as it is so all of the users of the second
10 floor now have a fire protected and safe way out.

11 So, to give an idea of what the cost of some
12 of this entails, in 2004, Sigma Chi spent \$437,000 for
13 the exterior remodeling of the building. That part of
14 the building is about 3200 square feet. So, you know,
15 they spent about \$136 a square foot to repair the brick,
16 to do the bays, to do the windows and everything as we
17 talked about.

18 The addition here (indicating), a relatively
19 small addition at 1400 square feet, but because we have
20 all the utilities to separate, buildings to shore,
21 foundations to dig, demolition to occur, you know, we're
22 definitely at the high end of the cost at this point.
23 So, we're predicting that this work adds up to about
24 350,000.

25 So, at this point, these guys will have over

1 three quarters of a million dollars invested in the front
2 half, the historic and significant part of the building.

3 Keep in mind here that when we do this, all
4 that they have left are two small tenant spaces down
5 here, this being the Community Foundation, which is a
6 donation by Sigma Chi, their rent is. This being Sigma
7 Chi, no rent generated there.

8 So, essentially even if the improvements to
9 this building will force the ground floor spaces to
10 command market rent, even at that, you're only generating
11 \$25,000 a year and trying to pay, you know, for an
12 \$800,000 renovation or, you know, three quarters of a
13 million dollars in renovation.

14 So, why would they do that? Well, the
15 question is, as Ashley will tell you, is it's a labor of
16 love. It doesn't make financial sense. They're doing
17 this because this is the founding site, because it's a
18 museum. It's not for profit. The goal here is they want
19 to spend a bunch a money, do this addition, and protect
20 this building forever and ever.

21 So, this is our reuse plan is we need to
22 build something to save the front is the goal.

23 So, next, please. So, then what about the
24 cost of the remaining buildings. So, if we look at
25 those, keep in mind first off that all of these

1 improvements that would be done to the building, adding
2 stairs, things like that, actually reduces the leasable
3 area of the building. So, it's actually going to reduce
4 the income side of the building.

5 And it doesn't really improve rentability.
6 We don't -- we're not creating any new demand for
7 upstairs office space. It's incredibly cheap up there
8 right now and no one's renting it. To try to cover the
9 cost of this would make it expensive second floor office
10 space, which there also not a market for.

11 So, you know, I showed you numbers of \$250 a
12 foot to -- for the new construction. They spent \$136 a
13 foot for the exterior. I'm saying just doing the minimum
14 code compliance to do this, you're probably looking at
15 \$125 a square foot. If we try to save the entire
16 building, you're close to a million dollars at 925. If
17 we try to just save the one end, you're at a half a
18 million dollars.

19 Again, you know, when we look at the ground
20 floor commercial space, what that can generate, and then
21 what these other potential improved commercial spaces can
22 generate, I mean we still -- there's just no way that an
23 income of \$45,000 a year pays for a half a million dollar
24 renovation. So, that's where we're sort of stuck so-to-
25 speak in trying to save this back portion.

1 So, next, please. So, that is kind of the
2 dilemma that we're in. The purpose of what we're doing
3 here today is to further improve and to save once and for
4 all the original building that our historic guidelines
5 refer to as significant. And that's the interest of
6 Sigma Chi.

7 They -- certainly this property will be
8 developed shortly after this work is done. It just won't
9 be developed by Sigma Chi, and someone will be back here
10 with a proposal to put something on that site that you'll
11 have the opportunity to critique and make sure is a
12 valuable asset to the community.

13 It's just not happening at the same time and
14 not happening by the same people. You know, it's not
15 that this won't be developed, it's just that Sigma Chi is
16 not in the development business. They would like to get
17 out of the rental and the maintaining of a hurting
18 historic building and make sure that everything that they
19 do is safe.

20 So, as I said, based on your decision
21 standards, I think we're talking about cost of savings.
22 And I think we do have a reuse plan. It's just coming in
23 two pieces, the first piece being by Sigma Chi to save
24 their building, the second piece by someone else who will
25 have to be here in front of you.

1 And then, Ashley can speak a little bit also.

2 MR. WOODS: Thank you. Well, first, I didn't
3 have a -- I didn't have an opportunity to introduce
4 myself when we started. I'm the Chief Operating Officer
5 for Sigma Chi Foundation, and I've been with Sigma Chi
6 for about 14 years now. And I could take two hours in
7 telling you why, but that's not really of interest to
8 anybody.

9 We are interested first and foremost in being
10 good partners to Oxford, the Oxford community, Miami
11 University and everything associated with this area. And
12 the reason for that is because this is where we were
13 born.

14 Sigma Chi started here about 155 years ago
15 along with a number of other fraternities that I'm sure
16 you're familiar with.

17 We started in that little room right on the
18 second level of that building. And we were immensely
19 fortunate some number of years ago to be able to get this
20 building back. And that was accomplished by a gentleman
21 who actually bought it for us and gave it to us and said,
22 the only thing I want you to do with this is make sure
23 it's here 200 years from now, and make sure that to the
24 extent you can you put it to good work to help the Oxford
25 community.

1 And so, those are our two objectives. And
2 the way that we're trying to do that first is by doing
3 what we can to put the right investment into that
4 historic building to make sure that it's preserved for
5 generations to come. We are committed to that. I don't
6 want there to be any doubt about the fact that none of us
7 are here, God willing, Sigma Chi will still be here and
8 will still be commended to maintaining this historic
9 building right in the heart of Oxford.

10 The second thing is in terms of our
11 partnership with the community is we're trying to support
12 the community by supporting the Oxford Community
13 Foundation by providing free rent. And our commitment is
14 to continue doing that on a long-term basis.

15 And in doing that, we want to provide a
16 building that could actually support their operation, and
17 is a place that they can be proud to call home as well,
18 and which is why we've looked at some of these
19 enhancements like a second floor bathroom and the like in
20 shoring this building up.

21 For a long time now, as Scott kind of talked
22 through, we've been putting a massive level of investment
23 in trying to keep all of this property up and running.
24 And to be honest with you, the fact that we've been doing
25 that has prevented us from really being able to make the

1 kind of investment in the part that really matters to
2 Sigma Chi, and I believe is the most historic element of
3 this.

4 And to some extent, as Scott said, what we're
5 talking about doing when you kind of step beyond the
6 factors that I know are the relevant factors for your
7 deliberation, really what we're talking about doing as an
8 organization is giving up the back portion of this
9 property to give us the resources that we need to make
10 the front what it really should be, to know that we've
11 done our job to maintain that for generations to come.
12 It's really that simple for us.

13 It's why we're willing to put a lot more
14 money into that than it would ever return in terms of
15 rentability or perhaps true market value.

16 It's also the only path that gets us there.
17 If we're not able to do this, then we're really in a
18 position of status quo in terms of the investment Sigma
19 Chi can make in these properties over the long term. We
20 would not be in a position to go down the path of a
21 significant renovation as Scott laid out some of the
22 plans here.

23 I'm happy to answer any questions that you
24 may have. Again, really appreciate your consideration of
25 this. I know it's a big decision to be made. And if we

1 can be helpful in answering any questions or concerns.

2 MR. BENSON: I don't think that anybody on
3 the committee questions the value of what you've done
4 with the building on High Street. It was shown on the
5 historic tour last Saturday, and I think we all
6 appreciate the contribution that you're making by giving
7 office space to Oxford Community Foundation. The
8 renovation was well done. I don't think anybody's
9 questioning anything about that.

10 But I do have some other questions for you
11 that you may have answered and I didn't hear or the
12 information may have been provided, and I just skipped
13 over it. How, when, and why did you acquire this part of
14 the site? Where did that come from?

15 MR. WOODS: It all came -- the whole entire
16 structure came from a donation by a gentleman named
17 William Huffman who some may be familiar with.
18 Mr. Huffman passed away about 30 years ago, but had been
19 involved in the regional community for some number of
20 years. He purchased the whole structure and gave it all
21 to us. And so, you know, really that's how we got in.

22 You know, the interest was giving us our
23 founding site. The reality was it was all, you know, one
24 connected structure so-to-speak.

25 MR. BENSON: And that was done what year?

1 MR. WOODS: Around the mid-70's I believe. I
2 can get you the exact --

3 MR. BENSON: That's not important. I just
4 want to know roughly. Okay.

5 Okay. That answers that one question.

6 It's interesting to me that many of the
7 problems that we see here that Scott has outlined so
8 extensively have not over that period of time in one way
9 or another been addressed more completely.

10 But I'm interested in the statement that you
11 made or the position you took about there not being any
12 need for second floor office space. I think what you've
13 shown is it's clear why nobody wants to rent these
14 offices.

15 But there are second floor office spaces on
16 Park Place right now. There are lawyers. There are --
17 there's the newspaper. I mean, there are -- good second
18 floor office space is available, I mean would be rentable
19 -- I guess what I'm trying to say would be marketable.

20 I can understand that you don't want to
21 develop the property. But Scott scares me to death with
22 this sheet A-3 because I'm sure this is exactly what
23 would come from selling this property as a vacant lot.

24 MS. HENDERSON: Not necessarily. We can
25 deny --

1 MR. BENSON: Well, I know that --

2 MS. HENDERSON: -- in keeping with the --

3 MR. BENSON: -- the point is that the answer
4 to the economic problem here that you're pointing to, and
5 it's not your development, but somebody's going to
6 develop it, is first floor commercial with three stories
7 of rental space to students up above.

8 And what we have with that, even in this
9 view, in my opinion is basically Godzilla and Bambi. And
10 we already have enough of those Godzillas. I'm sorry
11 about the fact that we do, but regardless of whether they
12 meet code or are legal or not, this is not the character
13 of the -- I mean of the Park Place that we inherited from
14 the history of Oxford.

15 And this is the thing that worries me so
16 much, that we may make a building that in some way or
17 other has some features that seem to relate to the
18 Historic District, but the building doesn't have the
19 scale of that historic district, and it doesn't have any
20 of the preserved features because it can't. It's a new
21 building. And this is my constant argument, we can't
22 create a history that didn't exist.

23 So, one of the things that worries me about
24 this in addition that general notion is that this kind of
25 a building would do something that is already apparent

1 here which is it would block the view of towers of the
2 Methodist church, which have always been visible from
3 many different places, and particularly from the Park
4 Square. And suddenly that, you know, with a building
5 that tall, they would not be visible.

6 So, I think that, you know, our job here is
7 certainly to, as I'm sure you understand, I mean you've
8 said so, and we have to take this seriously to try to
9 protect what we think the interests of the community are
10 in this part of the site, which is the part that you want
11 to, you know, be relieved of. I understand your argument
12 about that, and I appreciate it. It's been, I think,
13 very articulately described to us why you want to do
14 that.

15 But I think we have to then be as articulate
16 as we can about what frightens us about losing this. It
17 may be those are background buildings compared to
18 something else, but all sites have -- particularly
19 historic sites like this have background buildings as
20 opposed to foreground buildings that are particularly --
21 I mean, this is a much more notable building than these,
22 but that's because those exist next to it, and therefore
23 we can make the comparison. If they don't exist there,
24 who knows.

25 MR. WOODS: May I?

1 MR. BENSON: Sure.

2 MR. WOODS: You know, I appreciate your
3 concern very much. And it's part of the reason why we're
4 not proposing anything for that site because I certainly
5 understand the desire for this committee and any
6 appropriate other committee of the Oxford city government
7 to get to review that plan when that plan comes, and it
8 certainly will. But that's not the decision we're asking
9 you to make today even though it's an important
10 consideration.

11 We're asking you to approve a plan that is
12 shoring up our historic part and turning the back part to
13 grass. And certainly our intent to just to be, you know,
14 to hide nothing, our intent is to market for sale that
15 grass to an interested buyer. But I know that they'll
16 have to come back to you to ask for your permission in
17 terms of what they would erect there. And I think what
18 you're saying is a four-story building would not be
19 something you would be comfortable with.

20 MR. BENSON: That's true. But the other
21 thing that is so apparent to those of us who are on this
22 commission is that if this is grass, we will never be
23 able to reinstate these buildings as they are.

24 They may need enormous amounts of work. I'm
25 not arguing with your assessment of them, Scott. But if

1 we don't even have the facades of those buildings there,
2 we have nothing historic on that site. And this is a
3 historic district, and we want to save as much historic
4 architecture as we possibly can, and that's the dilemma.

5 It isn't that, you know, we couldn't say no,
6 you can't build one building or another on a vacant lot.
7 The question is are we going to dismiss, you know, a
8 series of buildings that actually are historical that
9 could be restored, maybe expensively, but nevertheless
10 they could be restored, could be reorganized internally
11 and maintain a street wall that has been in this town for
12 125, 140 years depending on which building we're talking
13 about. And if this turns to grass, we'll never see that.

14 MS. HENDERSON: And it may stay grass for a
15 long time as well, which would not be --

16 MR. BENSON: I don't know, but --

17 MS. HENDERSON: I mean, is there a buyer in
18 mind?

19 MR. WOODS: I'm not -- we have had -- we have
20 had that property on the market so-to-speak available for
21 sale for some period of time. We've yet to have any
22 serious offer. So, and I'm unaware of any, you know,
23 buyer on the short list so-to-speak, although -- to be
24 honest, I have no idea what the market is except to say
25 that we've been trying to sell it for a year and a half

1 and no one's offered a serious bid.

2 MS. PETERKA: Trying to sell it as is?

3 MR. WOODS: As is.

4 MS. PETERKA: Which is why you choose to
5 demolish it --

6 MR. WOODS: That's right.

7 MS. PETERKA: -- because you don't see
8 profitability --

9 MR. WOODS: Yeah, yeah.

10 It's not marketable to put a million dollars
11 of work into it.

12 MR. WEBB: I think one of the questions that,
13 you know, Sam and I have talked about here also is that,
14 you know, we're showing from the pictures that the ground
15 floors and the ground floor facades get changed over and
16 over and over. I mean, this doesn't remotely resemble a
17 blacksmith shop at all.

18 So, what is left? We have four windows and a
19 blank facade with four cornice brackets up there. I
20 mean, it could absolutely be replicated, made better, you
21 know, safer, and you could put the stucco back. You
22 could put the brick back. I mean, what are we saving? I
23 mean, a blank wall with four windows punched through it.

24 You know, we're not uncovering ornate trim
25 work. We're not finding limestone. We're not finding

1 iron work. I mean, we're talking about a utilitarian
2 building. And that's why I think in our historic
3 guidelines the front building is called significant. The
4 other one is historic. It's been there forever, but it's
5 not a significant building and it's not an
6 architecturally interesting building. We have an old
7 facade.

8 MR. SMITH: Yeah, but that's why I think they
9 are significant because they were common buildings, you
10 know, built very utilitarian, very economically. And
11 those are the ones we don't really -- it's probably it of
12 the pre-Civil War buildings, probably the ones in the
13 middle of the block and Samuel McCullough's tavern are
14 probably it. I don't think we have any others, you
15 know --

16 MS. HENDERSON: Not --

17 MR. BENSON: -- prior to 1865.

18 MR. WEBB: -- Schlenk Block, none of those.
19 Well, not pre-Civil War, I guess --

20 (Inaudible - multiple speakers.)

21 COMMISSION MEMBER: Scott, are you saying
22 that the inventory differentiates because I didn't think
23 it did.

24 MR. WEBB: Well, the Sigma Chi building is in
25 their inventory called significant.

1 COMMISSION MEMBER: Oh, it's Sigma Chi's
2 inventory?

3 MR. WEBB: No, no, no. It's the city's
4 inventory. The Sigma Chi portion is specifically called
5 out as significant structure to be saved.

6 MS. HENDERSON: Right.

7 MR. WEBB: The other section is not called
8 significant. It's not on the list of significant
9 structures. As you pointed out, it's still historic, but
10 it's not one of our significant --

11 COMMISSION MEMBER: I think that inventory
12 was -- at least the terminology was redone to make it
13 either historic contributing --

14 MS. HENDERSON: Right.

15 COMMISSION MEMBER: -- historic
16 noncontributing, you know. So, I don't know that --
17 maybe that's an old assignment.

18 MR. WEBB: Yeah, it must have been.

19 MR. SMITH: I mean, I have some other
20 problems with this that I think I need to just bring up.
21 I mean, you've had the building for 40 years. You know,
22 you've been taking rent off it for 40 years, you know,
23 made -- done just enough improvements to keep it standing
24 except for the front part. We really appreciate the
25 front part. It looks nice.

1 But I, you know, we've tried to get the
2 windows on the High Street facade fixed for seven, eight,
3 nine years, you know. You haven't helped us out by doing
4 that. We have not fined you, which we could have done.

5 I'm just not in favor of letting you tear
6 down some historic buildings to help you out to preserve
7 the front half for the fraternity museum. I don't think
8 is what we are about. I don't think that helps Oxford,
9 you know, to do that.

10 You know, and then, the businesses that we're
11 displacing by doing this, you know, I'd have to get with
12 Alan to see -- I don't think they've all found homes. I
13 don't think they'll all survive, you know, being evicted
14 from a space. You know, that's pretty devastating for us
15 to possibly lose four businesses, you know, some of
16 which, you know, Bill's Art Store, has been there since
17 the 70's. That's almost as long as you've owned the
18 building.

19 So, you know, I don't like very much of this
20 plan at all.

21 MR. WOODS: May I address your comments? We
22 have in nearly every year since we've owned this building
23 invested more in maintaining it than we've made in rent.
24 So, we have done our very best to maintain what has been
25 put into our custody.

1 With the exception of the windows that you
2 very correctly cite, I believe that we have addressed
3 every concern specifically that has been raised by the
4 city of Oxford. And I could be corrected on that, but I
5 believe that we have done that throughout our custody of
6 that building, including some very expensive repairs to
7 the stucco, painting, a number of things that have been
8 done in my time as Chief Operating Officer of Sigma Chi
9 Foundation.

10 So, in no way have we hatched a scheme of
11 hey, let it fall apart so we can convince you to tear it
12 down when it's not worth saving. That has never been our
13 intention, and I don't believe that we've done that. And
14 if I've given that impression, let me correct that.

15 Secondly, with respect to the tenants that
16 have been in the building, some of which have been there
17 for a very long time. Bill's Art Store is the prime
18 example. We have not increased Bill's Art Store rent in
19 almost a decade. And the reason we've done that, the
20 reason why we're -- I think we're charging them about a
21 third of what market rent might have been for that space
22 is because we knew they mattered to the Oxford community.

23 But frankly, we've gotten to a point that we
24 can't afford to do that anymore. We can't -- so, that's,
25 you know, that's kind of where we found ourselves.

1 My heart goes to the businesses that have
2 been asked to move as well. When we announced the
3 decision to do that back in the first of January, I asked
4 specifically that we give them at least six months. And
5 if they appeal to us for longer, we try to honor that,
6 which we specifically did with Bill's Art Store until
7 this (indiscernible) fully out.

8 Our real estate agent, Debra at Oxford
9 Realty, has offered to help any one of those tenants to
10 find new space, which I think she's done with a number of
11 them. So, we're trying.

12 I appreciate your criticism. I accept your
13 criticism, but we're doing our best.

14 MR. WEBB: I think too if I could make a
15 point that, you know, the question of well, you've owned
16 this thing for 30 years, why haven't you fixed it, you
17 know, sort of a thing. And, you know, there's a
18 difference between maintaining a building and completely
19 restoring --

20 MR. WOODS: Sure.

21 MR. WEBB: -- a building. You know, what
22 happens is as long as a like tenant moves back in, it's
23 not considered a change of use. You don't have to bring
24 the building up to code. So, tenants change without
25 building permits, without improvements to the building.

1 Meanwhile, they're, you know, continuing to maintain it.
2 But, you know, there's never been a trigger.

3 Codes are not retroactive. When the codes
4 get updated, they don't come around and tell you you've
5 got to fix your building. It's only when you make a
6 change that that stuff happens. And there's been no
7 change. I mean, the offices are either rented or vacant
8 because that's all they can really be.

9 If we start moving doors or moving walls up
10 there, then that's going to trigger a huge array of code
11 compliance issues, and that's frankly why it's never been
12 done.

13 MS. HENDERSON: I like your idea of
14 demolishing this part here, and building this two-story
15 egress or whatever you call with bathrooms and all that.

16 But I also do have a problem with demolishing
17 the rest of it. I wonder if there's -- I mean, if
18 somehow the facades could be saved and the interiors. I
19 know there's always a way of some sort of adaptive reuse,
20 just gut the rest of it and make a couple of apartments
21 out of it or offices that would yield some income.

22 I mean, you probably -- you must get some
23 sort of a tax writeoff by giving the Oxford Community
24 Foundation free rent.

25 MR. WOODS: Because we're a public charity.

1 So, we don't -- we don't obtain federal income tax.

2 MS. HENDERSON: There's no -- okay. Well --

3 MR. WOODS: Sorry to interrupt.

4 MS. HENDERSON: There might some tax -- some
5 government tax credits or something available to restore
6 -- I think those are still in place. I think they're
7 thinking about --

8 UNKNOWN SPEAKER: Yeah. The historic tax
9 credit is, federal --

10 MS. HENDERSON: They're thinking about
11 reducing it, I know. They're fighting it, you know, in
12 congress, but I think --

13 UNKNOWN SPEAKER: I don't know if that would
14 benefit a nonprofit though.

15 MS. HENDERSON: No, but if they did sell that
16 portion, that back portion, I'm saying that somebody
17 would --

18 UNKNOWN SPEAKER: Oh, yeah.

19 MS. HENDERSON: -- be able to benefit from
20 tax credits and make it feasible. They get dollar for
21 dollar back, you know, for their investment.

22 I agree with Bob. I would hate to see a
23 four-story building there. We could deny it saying that
24 it's not compliant with the general character and
25 proportions and balance of the rest of the Uptown

1 section. But we'd be again fighting the battles that
2 we've been fighting and losing with people coming in and
3 wanting to make it feasible by putting four stories in
4 with three stories of income producing student
5 dormitories really. That's what they are.

6 I don't know of anybody that's my age or even
7 maybe even a little younger that lives Uptown, although
8 there are people that probably would if it was a
9 different climate.

10 I just I agree, I just hate to see those
11 buildings torn down. I don't mind that they're gutted
12 and completely refurbished. But this part of Park Place
13 has already been altered so much that that's all that's
14 remaining. And those are some of the oldest buildings in
15 town. It's just -- it's -- when those are gone, we have
16 very little left of our original street scape. That's a
17 tough one.

18 Is there any way that you can do this part of
19 the back building and then sell off the rest of it to
20 finance that? I know you said you've had it for sale,
21 but maybe the price was too high or maybe you haven't
22 approached the right people or maybe the issue of tax
23 credits and so forth could enter into it. There are
24 people who would probably make these kinds of
25 investments.

1 MR. WOODS: I'm not certain that I'm
2 qualified to answer all of your question because I'm not
3 familiar with the -- what might be the tax credits and
4 the like. I know that as a public charity, we are not
5 eligible for any of those types of things.

6 MS. HENDERSON: All right.

7 MR. WOODS: As far as the marketability, I
8 think the reality is that any party that we sell the
9 property to whatever form, if we were to sell from a foot
10 behind our existing historic building on back or, you
11 know, take the expensive building -- what did you call
12 that building, the small addition -- they're going to
13 come to you and ask to bring that building down.

14 MS. HENDERSON: To demolish it. I understand
15 that.

16 MR. WOODS: It's just the reality. It's what
17 is out there in terms of what makes that land marketable
18 and valuable. It's also where we derive the revenue for
19 us to be able to do what we're proposing in terms of
20 redevelopment of the balance of that land.

21 I think in terms of the expenses associated
22 with that back part, which I know is one of the two
23 factors inform the committee's decision, I think that
24 your numbers are very sound. And they essentially say a
25 million dollars or thereabout to bring that back section

1 of the building up to a standard where it would fully
2 comply with the code. And the marketability of that, the
3 numbers don't work. They just don't work unless you have
4 an organization like ours that has -- that has a historic
5 specific attachment to some part of that space.

6 MR. WEBB: And a large private donor.

7 MR. WOODS: And so, perhaps some folks who
8 are willing to contribute to make it happen.

9 And the extent of where we are is that is the
10 front building. And we've already done that.

11 So, I think -- I'm not sure if that answers
12 your question. It's my best offering. But I think the
13 unfortunate thing is I don't believe the numbers based on
14 what --

15 MS. HENDERSON: No, of course they don't
16 because restoring an historic property is always going to
17 cost more. It's always going to cost more to renovate
18 something and restore an historic property than it is to
19 just tear it down and build a whole new. That's just the
20 facts and, you know, it's -- so, it needs somebody that
21 cares. It needs somebody that wants to preserve what
22 little is left of Uptown Oxford. Maybe you can find a
23 wealthy donor. Maybe -- does Mr. Huffman have any
24 descendants?

25 (Laughter.)

1 MR. WOODS: Unfortunately, he inherited his
2 money. Unfortunately, for us, the extent of our affinity
3 is that front building. That front building is our
4 treasure. We will never abandon it. We will always do
5 what we have to do --

6 MS. HENDERSON: I understand that.

7 MR. WOODS: But our affinity --

8 MS. HENDERSON: These buildings are our
9 treasures. So, it's, you know, it's what little is left
10 of some of the treasures of Oxford.

11 What I'm worried about too is that if this
12 doesn't get demolished, it will be demolished by neglect
13 because you're not going to be able to afford to maintain
14 it. And so, it will eventually have to be demolished
15 because, you know, it won't be improved, and it won't be
16 possible to use it for anything.

17 With no tenants -- now that everybody's gone,
18 I mean, there's no income there. There's no -- it was a
19 little bit jumping the gun in my opinion to get rid of
20 all the tenants before the permission was granted for the
21 demolition. But now, with everybody gone, for sure
22 there's no income generating the -- even the maintenance
23 of it. So, that's my worry is that it's going to be
24 demolition by neglect.

25 MR. WOODS: May I address that?

1 MS. HENDERSON: Sure.

2 MR. WOODS: Certainly, our intent would not
3 be to do that. We, as we've done over time --

4 MS. HENDERSON: No, it's not your intent, and
5 you did say that.

6 MR. WOODS: As we've done over time, we've --
7 we're trying to maintain these facilities.

8 The reality is this building is in a state of
9 decline because of its age and because of the way that
10 it's built. If you go and look, for example, there are
11 sections of this back, the back part that -- there was a
12 picture that showed all of the wires and the like. But
13 that's there. But if you get into that, there are parts
14 down along the base that meet the ground that are truly
15 just plywood, painted plywood. And it's been that way
16 forever. And we've replaced that plywood multiple times.

17 But the kind of infrastructure of that
18 building every day gets a little bit weaker. And it
19 isn't a question of -- I don't believe it's a question of
20 maintenance, it's a question of kind of the soundness of
21 the building over time. And that's the part that I think
22 to specifically address your question, I think that will
23 continue to deteriorate because it's just the nature of
24 where that building really is.

25 MR. WEBB: Well, and also, we're trying to

1 prevent tragedy here. I mean, we have a giant oversized
2 wood building with no fire separation. If a fire would
3 start in any part of this block, it would take the whole
4 block in no time. We're talking about 100-year-old well-
5 seasoned exposed wood, no fire separations anywhere. You
6 know, that's the concern.

7 We want to put a wall between what's left
8 down there and Sigma Chi first off to save Sigma Chi to
9 make that stand alone and safe.

10 And, you know, if we're not able to do that,
11 then we're leaving the building in its state, which has
12 survived for hundreds of years, no question, but, you
13 know, I don't want to bank on that, and I don't think
14 Sigma Chi does either. I mean, it is a fire trap.

15 And Sam, you looked through that center
16 section with me, I mean, with, you know, winding
17 unprotected stairs, mezzanines built all over the place,
18 tender stored, you know, art supplies.

19 MR. BENSON: You don't have to convince us
20 that the interior of it is a wreck.

21 MR. WEBB: Right.

22 MR. BENSON: I mean, it's not in good -- I
23 mean, it doesn't meet code. It's not in good shape. I
24 understand that.

25 MR. WEBB: Yeah. I mean, so, you know,

1 ultimately without tenants, without anything else, and
2 without some investment, you know, with money that has to
3 come from somewhere, I mean, we just want to make sure
4 that we can save as much of it as possible. And in it's
5 current state, it's dangerous --

6 MR. PERRY: I'm just sitting here trying to
7 think of projects where people did investment rather than
8 tearing the building down. And the only thing I could
9 recently think of was above LaBodega, the apartments.
10 That property just changed hands, and they did a real
11 nice job of the interior work up there for those
12 apartments. The second and third floor of LaBodega
13 restaurant.

14 Now, the Chase Bank building is a little bit
15 different because you're talking about different owners.
16 But, of course, neither one was asking for demolition.

17 MS. HENDERSON: Right.

18 MR. PERRY: Nevertheless, those are kind of
19 recent projects where student apartments were done, you
20 know, for some revenue generation. I don't know if you
21 can respond to that, Scott, at all.

22 MR. WEBB: Well, I mean, the last one that we
23 did Uptown was former Synder's, now Wild Bistro, also
24 considered a significant building from a historical
25 perspective.

1 The ground floor was unrecognizable. If you
2 remember, it had this weird 50's brick angle thing going
3 down there. You know, we put a historic facade on it.

4 But this Commission, you know, wanted us to
5 save the upper portion of the building. It is a similar
6 situation. We're talking about four windows and a plain
7 white facade. And we saved that. We did it at huge
8 expense to the owners.

9 And if you stand back in the park right now,
10 you can see the dip in the roof that we saved because,
11 you know, we couldn't tear that part down.

12 And during the remodeling, we found a crack
13 that started at the front of the second floor and went
14 all the way down along the Pita Pit all the way to the
15 rear. So, we decided this was unacceptable and we needed
16 to take that wall down and repair it. As we started to
17 take the wall down, we're looking into Pita Pit.

18 What we find in some of these buildings is
19 they don't necessarily have their own walls. Pita Pit is
20 not a real building. Snyder's is a real building. The
21 building on the other side of Pita Pit is a real
22 building. Pita Pit is a front wall, a back wall, and a
23 roof. That's not safe. That's the way a lot of these
24 things were built. As they got in-filled, there's
25 already a wall there, good, I don't need to build one.

1 Current code requires everybody builds their
2 own fire walls, everything gets separated and protected.

3 And you know, that's the situation here. I
4 mean, we did an addition to Synder's. We put students
5 above it at huge costs and we saved a severely sagging
6 roof and four windows and a plain facade.

7 MS. HENDERSON: Right. And that's what we're
8 asking you to do here.

9 MR. WEBB: With no potential for student
10 rental up there.

11 MS. HENDERSON: Well, there would be if it
12 were gutted and improved. There certainly could be two
13 or three apartments.

14 I don't know. Anybody else want to comment?

15 MR. KOHUS: Well, to Bob's point, you know, I
16 do agree with Bob about the three or four-story building
17 in the back if (indiscernible). But I do -- I honestly
18 would like to see this part go and then do the addition,
19 what you guys do.

20 And then, is there a way you can do a
21 firewall in here, Scott, and actually separate these two
22 structures completely so it could be sold off at some
23 point?

24 MR. WEBB: I mean, there is --

25 MR. KOHUS: Keep all this.

1 MR. WEBB: But it would essentially mean that
2 the last part would have to remain unoccupied --

3 MR. KOHUS: Yeah, right.

4 MR. WEBB: -- until that time because, as I
5 pointed out, we're -- in improving the front and in
6 separating the front, we're taking the exits away from
7 the back. You know, I mean, there's tremendous expense
8 to do that, and, you know, and no return on investment to
9 do it from their perspective. So, you know, they could
10 put that firewall in there, and they could take that
11 section out. They could build their part, but you just
12 couldn't occupy the rest of it anymore.

13 MR. KOHUS: Okay. Yeah, this part of the
14 building here I know is technically historic. But to me,
15 it's only historic because it's old. I mean, this has no
16 historic value to me to Uptown, this whole section right
17 here (indicating). So, seeing this go away would
18 certainly not be a problem.

19 COMMISSION MEMBER: Are you talking about the
20 section that is --

21 MS. HENDERSON: That's here?

22 MR. KOHUS: The solid brick wall.

23 COMMISSION MEMBER: Yeah. It used to have
24 windows --

25 MR. KOHUS: Yes. I wouldn't shed a tear if

1 that were --

2 (Inaudible - multiple speakers.)

3 COMMISSION MEMBER: It's the least valuable
4 of all of the pieces.

5 MR. KOHUS: I do agree with your point about
6 the height of the building. Because even though I'm not
7 Methodist, I still like to see the church.

8 COMMISSION MEMBER: -- problem with the
9 stairs and the, you know --

10 MS. HENDERSON: Yeah.

11 COMMISSION MEMBER: -- and getting that space
12 cleared to build that, I don't have a problem with that.

13 MS. HENDERSON: If this were demolished, and
14 it's just going to be vacant until you sell it anyway,
15 why not just leave it as it is and go ahead and do this.
16 Demolish that part that's there and leave this and have a
17 firewall there. And then, perhaps someone will come
18 along. You're not going to get the income from it right
19 away -- anyway if the land is vacant. I mean, somebody
20 has to come along with a whole new development plan. So,
21 why not -- why do we have to tear this down right now?
22 Why can't you just do this and --

23 MR. WEBB: That means you're going to make
24 your fear come true. I mean, if they can't sell it, you
25 know, if they haven't been able to sell it as a building

1 with tenants and with exits, if we build a firewall, we
2 block this thing up and say you can't occupy it, you
3 know, and they can't occupy it and they don't anything to
4 it unless they come back here and you've already told
5 them they can't tear it down, who's going to buy that.

6 So, now we have no tenants, no exits. The
7 building is going to eventually collapse on itself.

8 MR. PERRY: Scott, would you agree that the
9 demolition costs and unknown costs are one of the
10 inhibiting factors for an investment in this real estate?
11 I mean, don't most people that are investing, wouldn't
12 they rather a clean slate --

13 MR. WEBB: Sure.

14 MR. PERRY: -- because they don't know what
15 it's going to cost --

16 MR. WEBB: Right. That's absolutely true.

17 MR. PERRY: -- regulatorily, you know, the
18 hauling of the material, the labor, coordination.

19 COMMISSION MEMBER: If they can get
20 permission to tear it down.

21 COMMISSION MEMBER: It's worth more as empty
22 land than with the building on because of if they buy it
23 with the building on it, they're going to make a certain
24 dollar investment not knowing what they can do with it.
25 But if it's an empty piece of ground, they know what they

1 can do with it. So, that's the economics of this thing.

2 MR. KYGER: Can I ask Ashley a question?

3 Back in 2000 -- your renovation in 2004, 2006, I thought
4 that there was a plan to go further back with the
5 renovation --

6 MR. WOODS: Yeah.

7 COMMISSION MEMBER: There was.

8 MR. KYGER: But due to the unexpected cost
9 involved with the renovation, the money -- you only had
10 so much money to work with. So --

11 MR. WOODS: Yeah. So, there was -- and that
12 predates my direct involvement. So, this is -- while I
13 speak for the organization secondhand, so don't hold me
14 directly to every bit of this.

15 But my understanding is that there was a plan
16 to go to take all of those buildings down and to build a
17 new structure that would be two or three stories tall --

18 UNKNOWN SPEAKER: It was three.

19 MR. WOODS: -- with retail stuff on the first
20 floor, and then Sigma Chi's archives on the second and
21 third floor. And there were demolition permits, I
22 believe, that were approved for that because there was
23 notice of demolition provided to the tenants, which was
24 the first thing the tenants told me when I met them
25 coming into my new job is hey, one day we came in and we

1 found out that our building was getting torn down.

2 And so, Sigma Chi stepped back from that
3 because the numbers didn't work. The construction of the
4 new building alone was in excess of two million dollars.

5 At that time, there was some thinking about
6 Sigma Chi relocating its international headquarters to
7 Oxford. The decision was made not to that, to keep our
8 archives at our headquarters in Illinois. So, that's why
9 we stepped back from that plan.

10 COMMISSION MEMBER: So, it wasn't for
11 renovating --

12 (Inaudible - multiple speakers.)

13 MR. WEBB: Yeah. Actually, this was approved
14 by this body years ago.

15 COMMISSION MEMBER: Not these bodies.

16 (Laughter.)

17 MR. WEBB: So, the issue of bringing the
18 building down in favor of something else has already gone
19 through this once, and was approved. But the project
20 ended up getting shelved. So --

21 COMMISSION MEMBER: I think what was approved
22 was the concept --

23 MS. HENDERSON: The concept.

24 COMMISSION MEMBER: -- but they needed to
25 come back --

1 MS. HENDERSON: The architecture was not
2 approved.

3 COMMISSION MEMBER: -- for the final
4 approval.

5 MS. HENDERSON: The architecture itself.
6 (Inaudible - multiple speakers.)

7 COMMISSION MEMBER: I'm sure that you didn't
8 do that.

9 MR. WEBB: I think that went in the folder --

10 COMMISSION MEMBER: Yeah. It would look good
11 up near UC.

12 MS. HENDERSON: See, that part there --

13 COMMISSION MEMBER: Yeah.

14 MS. HENDERSON: -- would work really well.

15 MR. WEBB: Yeah. The concept is the same. I
16 mean, it's a, you know, I'm a different architect.
17 Ashley's a different person representing Sigma Chi. The
18 concept is the same as it was back then to try to
19 separate the two, to create that small addition. And,
20 you know, at that time, maybe they thought they were
21 going to be the developers. But at this time, it's clear
22 that they are not.

23 COMMISSION MEMBER: It just looks like --

24 MS. PETERKA: I have a question. And for me,
25 it's perspective on this. So, you clearly had a plan

1 when you restored the front building, and that is amazing
2 for our community, and that somebody took the time to do
3 that. But it clearly took a lot of money. So, this is
4 something that you guys consciously knew early on that
5 you probably were going to save part of this block that
6 you were gifted when money could have been diverted to
7 enhance the entire structure that you are stewards of.
8 Is that kind of true or --

9 MR. WOODS: No. And I certainly see where
10 you could draw that inference. We knew for a long time
11 that ultimately we were going to have to make investment
12 in this property. And around 2001, 2002, we were
13 approaching the 150th year anniversary of Sigma Chi,
14 which happened in 2005. We had a big event in the
15 central square of Oxford.

16 We had donors that were willing to step
17 forward at that time to fund specifically the renovation
18 of the founding site building itself, which is why we
19 were able to do that. We did not pay for that out of
20 accumulated earnings on the performance of the property
21 over time. All of, as I mentioned earlier, all of the
22 earnings and more have been put back into maintaining it
23 just as you see it today. Does that answer your
24 question?

25 MS. HENDERSON: Is there any way that we can

1 approve a demolition of the part that they need in order
2 to put this addition in and put the firewall, and table
3 this?

4 MR. PERRY: Well, you're better off denying
5 the proposal or waiting to hear the applicant's
6 acquiescence to that because if you approve something
7 that they didn't propose, you're basically making a moot
8 point. So, you need to either find out if they're
9 willing to do that or you just deny their proposal. And
10 then, they would have to wait for a year to reapply.

11 So, that's -- I mean, you could table it.
12 But I wouldn't do a partial approval and then table the
13 rest. That's kind of my suggestion.

14 MS. HENDERSON: Okay.

15 MR. PERRY: If that makes sense.

16 MS. HENDERSON: Is there any way that you
17 would do that? Like in my point was tearing it all down
18 and having the vacant land. You're not going to getting
19 income from it as a vacant property either. But you were
20 going to go ahead and proceed with that with no income
21 any way.

22 MR. WOODS: We would -- the only way that we
23 could proceed with this second -- with the second part is
24 under the belief that we're going to be able to sell the
25 unused land or the buildings as they exist.

1 We have largely been advised that the
2 buildings kind of as they exist are simply not
3 marketable. We've tried for a year and a half to sell
4 them at a rate that's I believe below what the general
5 rate is for property in Oxford just basing that on casual
6 conversations with our real estate agent. And we've
7 received no serious bids.

8 So, while I appreciate the olive branch very
9 much, were you to approve that, we wouldn't be able to --
10 we would be in the same position we are now. We don't
11 have the funds, the resources, necessary to do the work
12 we'd like to do to preserve the significant property.
13 So, we'd kind of be stuck.

14 I think the reality is what we would do --
15 well, I won't speculate on the reality, but we would
16 probably just kind of have to put the building in a kind
17 of a --

18 MS. HENDERSON: Mothballs.

19 MR. WOODS: Mothballs as best we could, and
20 come back and ask for -- ask permission at some later
21 point.

22 COMMISSION MEMBER: Well, Sam, if it's
23 tabled, the don't have to wait a year, do they?

24 MR. PERRY: Well, if it's denied.

25 COMMISSION MEMBER: If it's denied, they do.

1 But if we just table it until next meeting.

2 MR. PERRY: You have 60 days to make a
3 decision after this hearing.

4 COMMISSION MEMBER: Okay.

5 MS. PETERKA: I think we should do that. I
6 think --

7 COMMISSION MEMBER: I would hate to -- yeah,
8 I would hate to see them wait a year. I don't know how
9 things are going to change.

10 MR. WEBB: Well, it's only a year to come
11 back with the same proposal.

12 COMMISSION MEMBER: Yeah.

13 MS. HENDERSON: But I don't --

14 MR. PERRY: If it's something different, you
15 don't have to wait the full year.

16 MS. HENDERSON: What I don't understand is
17 that you say that you don't have the funds to do this in-
18 fill part here.

19 MR. WOODS: Uh-huh.

20 MS. HENDERSON: But if it was -- if this was
21 demolished, you would have the funds even without selling
22 it?

23 MR. WOODS: We would know that we could sell
24 it. There's a --

25 MS. HENDERSON: So, you have somebody --

1 MR. WOODS: No, we don't.

2 MS. HENDERSON: -- in mind that have said if
3 those buildings can be demolished, we will buy it?

4 MR. WOODS: We don't. All we have is --

5 MS. HENDERSON: Because there's no guarantee
6 of that either.

7 MR. WOODS: There's no guarantee. But it's -
8 - all we have is the counsel of Oxford Realty, which is
9 property is marketable as dirt. The property is not
10 marketable as it currently exists.

11 And we have enough confidence in -- and the
12 other aspect of bringing it down is that we have
13 absolutely no choice at that point but to build an
14 addition because we have to shore up the building that's
15 currently there. And so, you know, we have to take -- we
16 have no choice but to take that risk if that makes any
17 sense.

18 MS. HENDERSON: The other thing is are these
19 all separate parcels, and would you have to go before the
20 Zoning Commission to sell it as one parcel or is it -- I
21 mean, that gets complicated too.

22 MR. PERRY: Doing lot consolidations and
23 reclasses, you know, if you're making it -- it would
24 probably be administrative approval because the Uptown
25 zoning requires 3,000 square feet lot size. There's not

1 a setback requirement. So, you could put lot lines
2 pretty much wherever you want to. It still has to go
3 through Planning Commission process, which typically is
4 administrative.

5 Now, if you're out in an area that requires
6 setbacks, and there's no street utilities, then you have
7 to have a full scale discussion about land zones. But in
8 this case, it's probably unlikely.

9 MR. WEBB: In this case, the group of four
10 buildings sits on two parcels. But, you know, like a lot
11 of -- I mean, the entire city was platted with two
12 parcels --

13 MS. HENDERSON: Right.

14 MR. WEBB: -- you know, a front lot and a
15 back lot. So, that lot line is still there under it
16 somewhere. It may or may not line up with any of the
17 divisions of the buildings if history proves anything.
18 So, you know, at that point, it's just a simple moving of
19 that property line back to, you know, the end of what
20 would be the part that Sigma Chi would keep. So --

21 MR. PERRY: It's a lot line adjustment
22 really.

23 MR. WEBB: Right.

24 MR. PERRY: It's just a process --

25 MR. WEBB: So, we're not creating any new

1 lots. We're just actually, you know, trading --

2 MR. WOODS: And if I could, just to circle
3 back, because I think one of the -- I think one of
4 perhaps the key points relative to keeping those two
5 buildings and trying to either repair them or redevelop
6 them, but maintain a historic facade, is this second
7 factor, this notion of can you do that in a way that --
8 and Sam, you said the word specifically. I would
9 paraphrase them just to say can you do that in a way that
10 makes marketable sense. Does the cost of bringing that
11 up to code exceed the market value of that space.

12 And I know -- I believe your numbers
13 demonstrated that that's pretty clear. Unfortunately,
14 the cost of doing that would far exceed what the
15 reasonable rent in the area would provide. So, that's
16 circling back to that notion of the counsel that our real
17 estate folks are giving us is hey, the numbers just don't
18 work to be able to do that unless you have someone who
19 has an emotional -- unless you have someone who's doing
20 it out of a labor of love. And -- I'm sorry.

21 MR. WEBB: I was going to say and, you know,
22 obviously the money discussion as a decision standard is
23 pretty clear.

24 MS. HENDERSON: Yeah, it always is. I mean,
25 obviously, it's always going to cost more.

1 UNKNOWN SPEAKER: Okay. So, if you can prove
2 that one --

3 MS. HENDERSON: Tear down all the historic --

4 UNKNOWN SPEAKER: So, there's one. So, then
5 if you're -- so, where's the other decision criteria --

6 MS. HENDERSON: That's the problem.

7 MR. WEBB: It's the reuse plan, the fact that
8 we don't have a reuse plan for all of it apparently. But
9 we have a reuse plan for a portion of it. And like we
10 said, I mean, they came back here concept-wise and got
11 that approved a long time ago. It just wouldn't be the
12 same application this time. The reuse plan for the piece
13 of the property that they want to save is to further
14 enhance the front of it.

15 MR. WOODS: Well, and to turn the back
16 section for now into park-type area. And to your earlier
17 point, that may stay that way for six months. It may
18 stay that way for six years. We simply don't know. But
19 that would be the reuse, the specific reuse, that we
20 would be asking this body to approve at this point.

21 COMMISSION MEMBER: Well, the landscaping
22 section of that decision standard talks about relocating
23 the structure or making it a public space. So, it
24 wouldn't be forever a public space then.

25 MR. WOODS: No. It would not be forever a

1 public space.

2 COMMISSION MEMBER: So, it would be difficult
3 to meet those to the letter of the law the way I read it.

4 MS. HENDERSON: I think we need to --

5 MS. PETERKA: Do you need that clarified,
6 Alan?

7 COMMISSION MEMBER: Huh?

8 MS. PETERKA: He needs that clarified.

9 MR. PERRY: If they take it back down to
10 grass, it has to stay grass forever? That's the way I
11 read it.

12 MR. WOODS: Is there a code that supports --
13 is there anything else that or are there precedents that
14 define public spaces as a forever as a space owned by the
15 city?

16 MR. PERRY: Well, it says landscaping the
17 parcel consistent with the guidelines and providing for
18 its care as common space for the benefit of the general
19 public.

20 MR. WOODS: So, there isn't a durational
21 aspect.

22 MR. PERRY: No.

23 MR. WEBB: And it's not deeded as public
24 space. It's just --

25 MR. WOODS: So, were we to agree to provide

1 that as public space and landscape it consistent with
2 either the direction of this committee or the advice of
3 the city until such time as we're able to find a buyer,
4 would that be -- do you believe that would be --

5 MR. PERRY: I think that's adding to it. I
6 don't think that's -- I think that's adding to the code
7 language personally.

8 MR. WOODS: Okay.

9 MR. PERRY: I don't think it says that. I
10 don't think it intends for that.

11 MS. HENDERSON: Should we table this and have
12 a special meeting? Can we do that?

13 MR. PERRY: Sure. You can do that.

14 MS. HENDERSON: It would be open to the
15 public and all that.

16 MR. PERRY: You may want to poll everybody to
17 make sure that people are going to be here in two weeks
18 or whenever you want to do it just to make sure you have
19 a quorum.

20 MS. HENDERSON: Who's going to be around?
21 You'll be around. Is that a solution to get us out of
22 this?

23 COMMISSION MEMBER: Yeah. I think we need to
24 have --

25 MS. HENDERSON: Discussion.

1 COMMISSION MEMBER: -- another discussion.

2 MS. HENDERSON: All right.

3 COMMISSION MEMBER: Well, and not that we're
4 disagreeing with Scott's assessment either. I'd kind of
5 like to go through the building myself.

6 MS. HENDERSON: We're not agreeing or
7 disagreeing. We're pondering.

8 MR. PERRY: The other thing is too that --

9 MS. HENDERSON: It's difficult.

10 MR. PERRY: -- you have to make sure that
11 you're not discussing amongst yourselves or with --

12 MS. HENDERSON: Well, no, we'd have to have a
13 special workshop.

14 MR. PERRY: -- outside the public meeting as
15 it were. You know, there's kind of -- there's a lot of
16 pressure on everybody. But I just want to make sure you
17 realize over the next two weeks or whenever it is you're
18 going to meet that you're okay with that.

19 MS. HENDERSON: Is there a way that we could
20 get in like you did?

21 UNKNOWN SPEAKER: As a group.

22 MS. HENDERSON: As a group and prior to a
23 special meeting and see for ourselves.

24 UNKNOWN SPEAKER: That's up to --

25 MR. WOODS: We can go right now or we can

1 arrange it at your convenience, whatever you need.

2 MS. HENDERSON: You'd like to go right now so
3 you don't have to drive back from Chicago.

4 MR. WOODS: No. You know, it was 52 when I
5 left Chicago, and it's 80 --

6 (Laughter.)

7 MR. WOODS: I'm happy to stay the next two
8 weeks and wait.

9 MS. HENDERSON: You're down in the tropics
10 here here.

11 MR. WEBB: I mean, if it's okay with Ashley,
12 then I could get keys from Debra again as I did when we
13 took Sam through. So, I'm sure we could arrange that.

14 MS. HENDERSON: As Bob said, we were already
15 in the Sigma Chi archives on Saturday with the historic
16 tours that we do. And it's a wonderful space. It's just
17 a lovely little museum. And the room that's a student
18 room is charming and --

19 MR. WOODS: It's a real treasure for us.

20 MS. HENDERSON: A real treasure.

21 COMMISSION MEMBER: I can't make it in two
22 weeks.

23 MS. HENDERSON: You can't make it?

24 COMMISSION MEMBER: Not in two weeks. I can
25 make it the next week or three weeks, but not two.

1 MS. HENDERSON: Okay. Well, that's -- well,
2 all we need is a quorum. We need --

3 MR. PERRY: Right. You can do it whenever,
4 but typically you do it on a Wednesday. I mean, whenever
5 you want to do it.

6 MS. HENDERSON: We don't have to do it on a
7 Wednesday. That could be -- are you going to be gone for
8 a week?

9 COMMISSION MEMBER: No. I just have
10 something that day.

11 MS. HENDERSON: It could be a different
12 night.

13 MR. PERRY: We can put out, you know, a few
14 time frames and everybody can sort of --

15 MR. WEBB: Does it need a special meeting or
16 do you want us to come back --

17 MS. HENDERSON: It has to be open to the --

18 MR. PERRY: That's up to you guys if you want
19 to wait a whole month or not.

20 COMMISSION MEMBER: If we could go through it
21 sometime and --

22 COMMISSION MEMBER: Yeah. We could expedite
23 it and just have --

24 MR. PERRY: Just put it on the next regular
25 meeting.

1 MS. HENDERSON: Well, we would need to have a
2 special meeting of the HAPC and a walk through the
3 property.

4 MR. PERRY: Yeah. If you have a quorum
5 together, you can make that a public meeting and
6 advertise it by the Sunshine laws.

7 MS. HENDERSON: Right. And I don't, you
8 know, we don't have a problem with that. Alan can come
9 with us if he wants.

10 COMMISSION MEMBER: If you want to do that,
11 and -- I may not be present, but I have no problem with
12 that. You won't hurt my feelings.

13 MS. HENDERSON: Well, we can find a date when
14 at least a quorum is present.

15 MR. PERRY: You wouldn't have to advertise if
16 there's less than a quorum.

17 MR. WOODS: May I ask one question, Scott?

18 MR. WEBB: Sure.

19 MR. WOODS: Might it be possible that that
20 consideration of what is a, quote, "public space" almost
21 seems like a legal question. Is that something that the
22 city attorney --

23 MR. PERRY: We can run that up our attorney's
24 flag pole, yeah.

25 MR. WOODS: Okay. Thank you.

1 MR. PERRY: Uh-huh.

2 COMMISSION MEMBER: Scott, the section with
3 the two blue lines (indiscernible), was that the entire
4 area that the Community Foundation used before or did
5 they only use one of those?

6 MR. WOODS: Just one.

7 COMMISSION MEMBER: The one closest to the
8 steps?

9 MR. WEBB: She's talking -- yeah, years ago
10 back when they were in the back in the middle of the
11 building.

12 MR. WOODS: Yeah, they just use one of those,
13 the closest to the steps.

14 (Inaudible - multiple speakers.)

15 MR. WEBB: Actually, CKC had their office
16 there for a long time. They actually had the front room
17 the Community Foundation is now in, and then they kind of
18 bled back through the back quit a bit also.

19 MS. HENDERSON: Well, I'd like to move that
20 we table --

21 COMMISSION MEMBER: You'd like to entertain a
22 motion, yes.

23 MS. HENDERSON: I'd like to entertain a
24 motion --

25 UNKNOWN SPEAKER: As the Chair, you have to

1 entertain a motion.

2 UNKNOWN SPEAKER: Roberts Rules.

3 MS. HENDERSON: That we table this decision
4 until next month, and then in the meantime have a special
5 meeting of the HAPC and maybe a walk-through of the
6 property guided by Scott if that's agreeable with you.

7 COMMISSION MEMBER: On a date to be
8 determined.

9 MS. HENDERSON: On a date, TBD.

10 MR. HAZMAN: So moved. I so move.

11 MR. BENSON: I'll second.

12 (Whereupon, a voice vote taken.)

13 MS. HENDERSON: Okay.

14 MR. WOODS: Thank you.

15 COMMISSION MEMBER: Thank you.

16 MR. WEBB: So, we have to advertise a walk-
17 through to the public.

18 MR. PERRY: Well, probably do it as a work
19 session.

20 MS. HENDERSON: The work session shall be --
21 to the public, the walk-through can be done by the
22 Commission. We don't have to have the public go through
23 the --

24 MR. PERRY: No, no. But we just have to put
25 a notice out --

1 MS. HENDERSON: Yeah, the notice.

2 MR. PERRY: -- 24 hours in advance.

3 MS. HENDERSON: Yeah, yeah.

4 MR. WEBB: Yeah. I'm sure that Ashley and
5 Oxford Real Estate will be happy to have you all here.
6 But I'm not sure we want to have a tour of --

7 (Laughter.)

8 MS. HENDERSON: No, no. We did our tour of
9 Sigma Chi. We did that last Saturday.

10 MR. PERRY: -- or anything like that.

11 COMMISSION MEMBER: Doesn't sound like the
12 floor could hold a lot of people anyway.

13 MR. WEBB: I wouldn't count on it.

14 MS. HENDERSON: Thank you.

15 * * * * *

16 (End of requested portion.)

17 * * * * *

18 (Whereupon, the May 7, 2014 City of Oxford
19 Historic and Architectural Preservation Commission
20 meeting was concluded.)

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TRANSCRIBER'S CERTIFICATE

I, JANICE M. GRILL, hereby certify that the foregoing pages one through 79 are a true, accurate, and complete transcript of the requested proceedings of the City of Oxford Historic and Architectural Preservation Commission meeting of May 7, 2014, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

June 24, 2014

Date

Janice M. Grill

Janice M. Grill,
Court Reporter

COPY

CITY OF OXFORD
HISTORIC AND ARCHITECTURAL
PRESERVATION COMMISSION (HAPC) MEETING

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TRANSCRIPT OF PROCEEDINGS

VOLUME II

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Wednesday, May 21, 2014

Oxford Courthouse
118 W. High Street
Oxford, Ohio

HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION
MEMBERS PRESENT:

MS. LAURA HENDERSON, CHAIR

MS. KIM PETERKA, VICE-CHAIR

MR. DANIEL HAIZMAN

MR. MIKE KOHUS

MR. MIKE SMITH, COUNCIL REPRESENTATIVE

MR. ROBERT BENSON, PLANNING COMMISSION
REPRESENTATIVE

MS. BOBBE BURKE

STAFF PRESENT:

MR. SAM PERRY, PLANNER

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HAPC-2014-08 20-24 E. High Street Addition,
48-56 East Park Place demolition

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1 Wednesday, May 21, 2014

2 P R O C E E D I N G S

3 MR. PERRY: Okay, you're running.

4 MS. HENDERSON: Okay. I'd like to call the
5 special session of the Historic and Architectural
6 Preservation Commission meeting, May 21, 2014, to order.

7 The only thing on the agenda is HAPC-2014-08.
8 And we have Scott Webb, who is the applicant and the
9 owner of the property, Ashley Woods, with us.

10 Thank you for driving all the way down from
11 Chicago again, Ashley.

12 MR. WOODS: Happy to do it.

13 MS. HENDERSON: My name is Laura Henderson.
14 I'm the Chair of the Historic -- the HAPC. Excuse me.
15 I'm a little bit hoarse.

16 And we have to -- we're supposed to list our
17 credentials, why we're qualified to make this walk-
18 through and do this report and conduct the review to the
19 HAPC.

20 COMMISSION MEMBER: Before we just jump into
21 2014-08, let's have a motion to untable it.

22 MS. HENDERSON: Oh, okay, all right.

23 COMMISSION MEMBER: So moved to untable HAPC-
24 2014-08 concerning 20-24 East High Street addition, 48-56
25 East Park Place demolition, Scott Webb, Applicant.

1 MS. HENDERSON: All in favor?

2 (Whereupon, a voice vote was taken.)

3 MS. HENDERSON: Okay. Thank you. I didn't
4 know we were going to do that until we got the meeting
5 going.

6 And this is Mike Kohus. Together we went
7 into the building on Monday with Scott Webb, and we
8 crawled around and took photos and took notes and
9 inspected the building to get a better idea of what's
10 involved.

11 My Undergraduate degree is from Skidmore
12 College in Saratoga Springs, New York. And I have a
13 Masters degree in historic preservation from Eastern
14 Michigan University.

15 I've been involved in several historic
16 restoration projects, most notably with the CLG grant,
17 federal funds, to restore a historic house museum in
18 Milan, Michigan called the Hack House Museum.

19 And once the funds were granted, then I had
20 to administer the funds and being in charge of the
21 project. So, I had to do all the condition assessments
22 and specs and call for bids and so forth.

23 I have also been involved in many many other
24 projects. I'm not going to list them here. But some of
25 them are even on my personal houses.

1 But and most recently have been a member and
2 currently Chair of the HAPC since 2000 and --

3 MR. PERRY: Is it four. I think it's four.

4 MS. HENDERSON: Four, thank you. I brought
5 a resume with me. I can pass it around.

6 And Mike.

7 MR. KOHUS: My name is Mike Kohus, and I'm a
8 registered architect in the state of Ohio, graduated the
9 University of Cincinnati in 1971.

10 MS. HENDERSON: One?

11 MR. KOHUS: It's a long time ago.

12 (Laughter.)

13 MS. HENDERSON: Well, actually -- well, I
14 won't get into my history.

15 (Laughter.)

16 MS. HENDERSON: I went back to school. Let's
17 just put it that way. My undergraduate degree is in art
18 and psychology.

19 We have a PowerPoint presentation with
20 images. I have dozens more images that are actually on a
21 -- on the computer, I think, well, on your computer and
22 on a flash drive if anybody wants to look at them or if
23 you need more clarification, we can search through them.

24 But I picked out a few. Even so, it's still
25 a little bit confusing. But I think what we do is --

1 what we should do is just go through them and --

2 MR. PERRY: I can advance for you if you
3 need. Yeah, I didn't have an extension cord. Sorry
4 about that.

5 MS. HENDERSON: I have my -- I don't need a
6 pointer -- I do need my glasses though probably. Mike's
7 not going to try to jump over the wire.

8 COMMISSION MEMBER: Especially with --

9 MR. PERRY: Let me see if we can get those
10 lights over there to come on. It might help a little
11 bit.

12 MS. HENDERSON: Actually, darker is better,
13 isn't it?

14 MR. PERRY: I just wanted to make sure you
15 can see.

16 UNKNOWN SPEAKER: Can everybody see that
17 okay?

18 (Inaudible - multiple speakers.)

19 MS. HENDERSON: Okay. Well, it's not real
20 sharp, but --

21 UNKNOWN SPEAKER: Let me see if I can --

22 (Inaudible - multiple speakers.)

23 MS. HENDERSON: Okay. I'll go ahead.

24 MR. PERRY: Sure.

25 MS. HENDERSON: This is an historic photo. I

1 think Scott had this one in his package that shows the
2 buildings as they were in circa 1900, I think, they were.
3 20-24 East High Street is here and here (indicating), the
4 front of the building.

5 This building back here (indicating), the
6 last one is 48, and then the one next to it is 52 and
7 then 56 in the block behind it in both.

8 MR. PERRY: The arrow key to the right.

9 MS. HENDERSON: I'm sorry. Okay. Let's
10 start with Bill's Art Store. Sorry it's a little bit
11 stretched out looking. I don't know why. We didn't
12 actually go in here first because this is number 20. I'm
13 starting with this one.

14 And go ahead and change it. This is -- we
15 saw that this was where the original historic structure
16 ended on this beam here. So, we propped up the beam
17 here. We walked back through the back part and into this
18 little storage room I guess you could call it.

19 (End of audio portion.)

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21 (Whereupon, due to technical difficulties,
22 the remaining transcript is unavailable.)

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