

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2014-09

Date – September 17, 2014

APPLICATION

Applicant: Scott Webb, Architect
Location: 5270 Morning Sun Road
Owner: Curt and Kim Taylor

Action Requests: Variance to 1141.01(a)(1)C. Total Square Footage of Accessory Building
Variance to 1141.01(a)(1)G. Accessory Building Location in Front of Principal Structure

Current Use: Single Family Residential
Zoning: R1A, Single-Family Residential
Surrounding Land Uses: Single Family Residential in Township

DESCRIPTION

Mr. Scott Webb is requesting, on behalf of the owner, to double the size of an existing two car garage on the property at 5270 Morning Sun Road. Zoning code limits the total accessory building square footage area to 1,000 square feet or no more than 50% of the principal building, whichever is smaller. There is a small gazebo on the parcel; therefore, the total is roughly 1,800 square feet for all accessory buildings, after the proposed addition. Since the house is approximately 2,200 square foot footprint, 50% would be 1,100 square feet. Zoning code also prohibits the location of an accessory building in the front yard or in front of the principal structure. The existing garage is in front of the principal structure so an addition to that nonconforming location would be in conflict with the zoning code.

BACKGROUND

The subject property is an unusual situation because access to the lot is across three separate private properties through an apparent easement. Additionally, the property sits high above the roadway, buffered by vegetation. The original home was one of only a few 19th century octagonal type structures, once having an upper level with a lookout tower. The outbuildings have been built to mimic the shape of the main house. One building on the separate parcel appears to have been a garage originally and has since been converted for other use. The subject building to be expanded is a two car detached garage which the owners would like to expand to store additional vehicles. Mr. Webb's proposal is that the expansion would comply with all other zoning code requirements, such as lot coverage percentage and minimum setback distances (3 feet).

COMMENT FORMS

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

AGENCY REVIEW

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

SITE HISTORY

2002-BZA-01 – Two detached dwellings on one lot -- withdrawn

2002-BZA-08 – Residential addition that does not meet the perimeter connection requirement -- approved

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance(s) (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 1139.02(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed letter addressing the review criteria from Mr. Webb. The staff's review of the criteria is included in this report below:

Regarding criterion A, Staff believes that the property **can yield a reasonable return without the variance**, since the house has existed for some time with enclosed and unenclosed vehicle storage area.

Regarding criterion B, Staff believes that an expansion of the existing garage **is not substantial** in regards to either variance request because of the large lot size and secluded location. However, there are no setback dimensions listed on the site plan, which should be added to ensure that the three foot requirement is met.

Regarding criterion C, Staff believes that the garage expansion **would not negatively alter the essential character** of the neighborhood simply because primarily of the lot size.

Regarding criterion D, Staff believes that the delivery of governmental services such as EMS/Fire services **could be adversely affected if the easement access were ever to be restricted**. Although the neighboring lot is the same property owner, the site layout and easement boundary line presents a small risk for a future problem. In the event that there is a change of ownership of the adjacent parcel, access through the property could be restricted. Staff could work with the applicant to ensure that the easement allows free access to the property, even after the garage expansion.

Regarding criterion F, the property owner could store the additional vehicles outside, **which would not require any variances**.

CONCLUSION

In conclusion, if the variances were to be granted, the applicant should adjust the ingress/egress easement as needed and record any changes in the Butler County Recorder's office. Additionally, the three foot setback dimension should be added to the site plan.

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant a variance, the staff recommends that the BZA cite the specific evidence and approve the variance requests. At the time of this report, staff believes there is substantial evidence that supports the variance requests if all other pertinent zoning codes are followed. **If approved, conditions should be attached which require the ingress/egress easement issue to be further analyzed and updated as needed, as well as setback dimension labels added to the site plan to ensure compliance.**



SUBMITTED BY: _____
Sam Perry, Planner
Community Development Department

DATE: September 10, 2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/29/14

To: **Fire Department** Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-09 5270 Morning Sun Road, variance to Section 1141.01(a)(1)C accessory structure square foot area and 1141.01(a)(1)G accessory structure permitted in front of the principal structure, **Scott Webb, Petitioner, Agent**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/11/14** 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:



Date:

9-2-14

PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/29/14

To: Fire Department **Engineering Division** Police Department Economic Development

From: Community Development

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BZA-2014-09 5270 Morning Sun Road, variance to Section 1141.01(a)(1)C accessory structure square foot area and 1141.01(a)(1)G accessory structure permitted in front of the principal structure, **Scott Webb, Petitioner, Agent**

_____X___ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/11/14** 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: _____


VICTOR POPESCU

PRINT NAME

Date: 9-2-2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/29/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-09 5270 Morning Sun Road, variance to Section 1141.01(a)(1)C accessory structure square foot area and 1141.01(a)(1)G accessory structure permitted in front of the principal structure,
Scott Webb, Petitioner, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/11/14** 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: 

Date: 9/4/2014

ROBERT B. HOLZWORTH
PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/29/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-09 5270 Morning Sun Road, variance to Section 1141.01(a)(1)C accessory structure square foot area and 1141.01(a)(1)G accessory structure permitted in front of the principal structure, **Scott Webb, Petitioner, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/11/14** 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: 

Date: 9-4-14

G. Alan Kychan

PRINT NAME



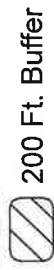
BZA-2014-09

Surrounding Property Owners Map

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit



Parcel

16.5' Vacated ROW



Building Footprint

Paved Roadway

K

1 inch = 150 feet

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



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 September , 2014 Board of Zoning Appeals meeting regarding an expansion of an existing accessory building at our property at 5270 Morning Sun Road in Oxford

Thank-you,

Signed: _____
(Curt Taylor)



8/18/14
Date:



Internal Use Only:

Case No.

Date Filed

BZA-2014-9
8/18/14

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 Walnut Street
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number(s) * 513-523-3838
Email Address scott@scottwebbarchitect.com
Location of Property * 5270 Morning Sun Road
Name of Building *

Owner Information

Name * Curt & Kim Taylor
Mailing Address * 5270 Morning Sun Road
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number(s) *
Email Address curttaylor66@yahoo.com

Variance and Lot Information

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

1141.01(a)(1)C. The total square foot area of all accessory buildings shall not exceed 1000 or 50% of the primary structure. Proposed garage addition exceed the 1000 s.f. limitation

1141.01(a)(1)G Accessory buildings are not permitted in front of the principal structure

Location of Requested Variance * 5270 Morning Sun Road
Legal Description *
Zoning District * R-1A Total Acreage * 1.979
Existing Use of Site * Single Family Residential

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]
 8/18/14

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 *

8/18/14

Receipt Number *

2696

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

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

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

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



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Front Yard Setback & Accessory Buildings
5270 Morning Sun Road
Oxford, Ohio 45056

August 18, 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 maximum size for accessory buildings.

The existing group of buildings is located in the R1A Zoning District. The property is accessed via a private shared driveway running parallel to Morning Sun Road. The existing garage/carriage house was constructed as a separate structure in front of the main house. The proposal contained herein represents an addition to this garage structure.

1141.01(a)(1)C. The total square foot area of all accessory buildings shall not exceed 1000 or 50% of the footprint of the principal structure.

Expanding the existing 2 car garage to accommodate the equivalent of (4) cars exceed the 1000 s.f. restriction.

1141.01(a)(1)G Accessory buildings are not permitted in front of the principal structure.

The existing garage is in front of the principal structure, and is the only place on the property where additional garage area could be located.

The practical difficulty for this property is the location of the existing buildings, the driveway arrangement, and the grade of the property.

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 home was built without direct access to Morning Sun Road with a detached garage/carriage house. While the home will retain its value without the addition, a 2-car garage does not accommodate the owners vehicles and maintenance equipment to the property.

- b) *Whether the variance is substantial;*

The front yard setback variance is not substantial, as the proposed addition to the existing garage is not visible from off the property, and a significant separation exists between the property and the road. The allowable size of an accessory building does not accommodate the reality of multiple cars in separate garage buildings.

- 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 addition buildings are not visible from the road.

The size of the accessory building is mitigated by the size of the house and the property.

- 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;*

There is no other practical location for this addition, nor a way to accommodate the need for additional space .

- 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 historic, private home is secluded from neighboring properties.

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

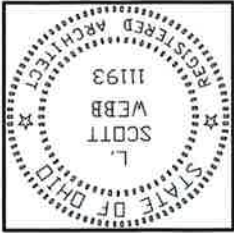
Respectfully,

Scott Webb, Architect





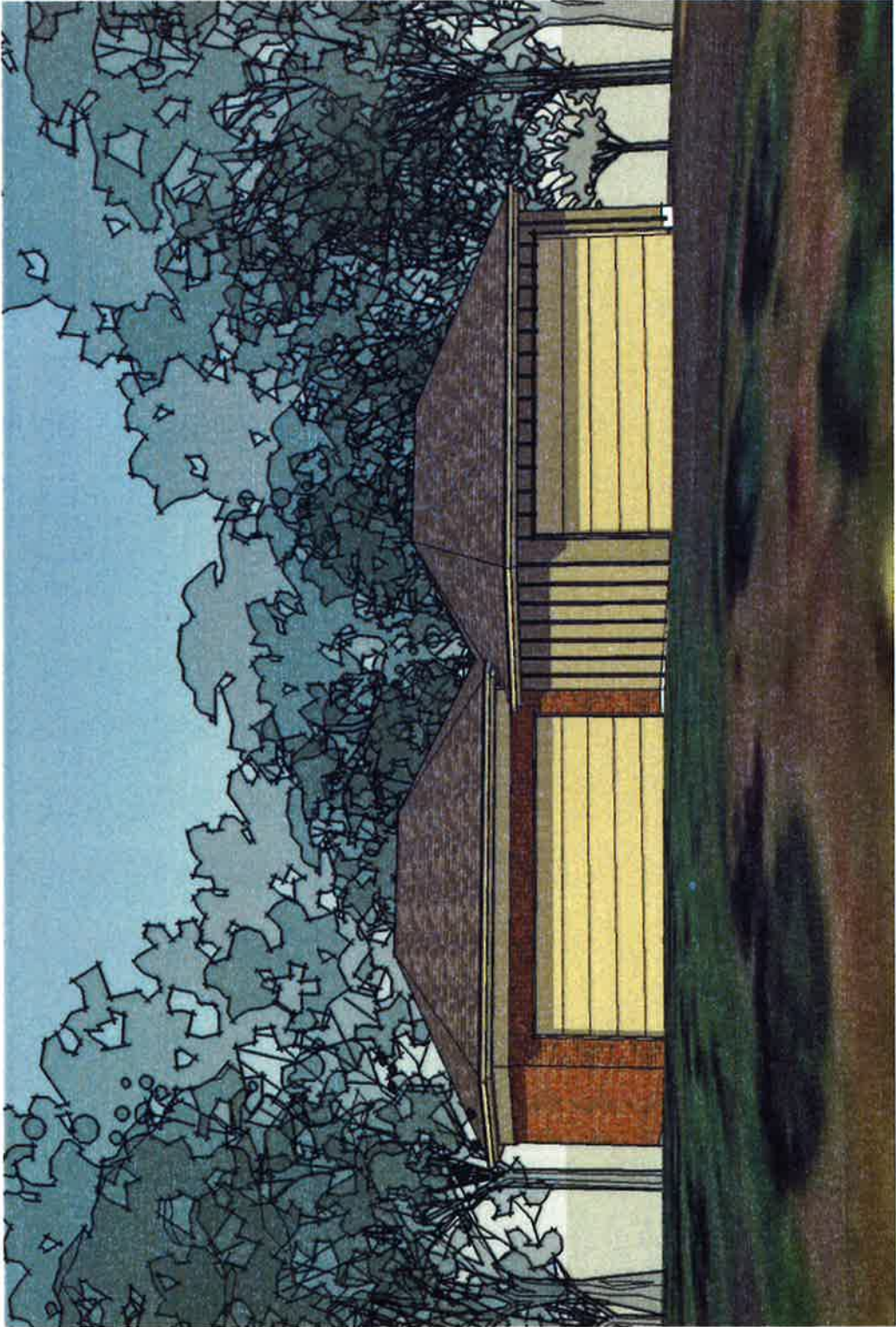
1 = house
2 = mother in law house
3 = existing garage



**SCOTT
WEBB**
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

PROPOSED ADDITION TO AN ACCESSORY BUILDING
The Taylor Family
5210 MORNING SUN ROAD
OXFORD, OHIO 45056

DATE	August 18, 2014
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ELEVATION

Questions/Answers

Lynn Taylor

From: Scott Webb <scott@scottwebbarchitect.com>
Sent: Friday, September 12, 2014 9:41 AM
To: Sam Perry
Cc: Lynn Taylor; Curt Taylor
Subject: RE: Morning Sun Road
Attachments: Garage Elevation.pdf; Taylor-Site Plan.pdf

Sam,
Sorry for the delay.
A revised Site Plan with an enlarged site area is attached, as is a front view of the Garage Addition.
The functionality of the easement is unaffected (as is the existing driveway, other than about 75 s.f. of new apron for the garage addition.
I changed the label on the former garage building (on the adjacent parcel) to "Residence".
If you have any questions or need any additional information, please let me know.
Thanks,

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

From: Sam Perry [mailto:sperry@cityofoxford.org]
Sent: Wednesday, September 10, 2014 3:22 PM
To: Scott Webb
Cc: Lynn Taylor
Subject: RE: Morning Sun Road

Hi Scott,

Did you send an elevation drawing yet? Also, I have some other questions:

- The drawing you submitted is quite small. Can we get a larger one or PDF for the packet?
- Can you include building setback dimensions on it?
- The site layout makes it appear as if the garage addition you propose could block the functionality of the ingress/egress easement. If this is correct, I think the easement needs to be modified and recorded to be wider in that area.
- You have the carriage house labeled as a garage, but it is a residence, correct? Does it stand alone to meet all zoning requirements and also utility services, even though it may be used as an accessory use of some sort?

Thanks,
Sam

Sam Perry
Planner
City of Oxford

Community Development Department
101 East High Street | Oxford, Ohio 45056
p. (513) 524-5204 | f. (513) 524-5266
sperry@cityofoxford.org | <http://www.cityofoxford.org>

NOTICE: This email communication is informal in nature and is for general guidance and information purposes only. It is not intended to serve as an administrative ruling, decision, determination, or interpretation by the Community Development Department. If you have a question relating to a specific permit application, variance request, interpretation of the Oxford Planning and Zoning Code, or other matter requiring administrative action, please direct a written inquiry to the Community Development Department, 101 East High Street, Oxford, OH 45056.

From: Sam Perry
Sent: Thursday, August 28, 2014 3:38 PM
To: Scott Webb
Cc: Lynn Taylor
Subject: Morning Sun Road

Scott,

Can you provide an elevation drawing next week for the accessory building addition/variance?

Thanks,
Sam

Sam Perry
Planner
City of Oxford
Community Development Department
101 East High Street | Oxford, Ohio 45056
p. (513) 524-5204 | f. (513) 524-5266
sperry@cityofoxford.org | <http://www.cityofoxford.org>

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City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2014-04

Date – August 29, 2014

APPLICATION

Applicant:	Scott Webb, Architect
Location:	Vacant Parcel Behind 115 E. Collins Street
Owner:	CKC Rentals
Action Requests:	Variance to 1141.03(b), Principal Entrance Upon a Street Bordering Such Lot
Current Use:	Single Family Residential
Zoning:	R2MS, Single-Family and Two-Family Residential Mile Square
Surrounding Land Uses:	Single- Family Residential, Multi-Family and Fraternity

DESCRIPTION

Mr. Scott Webb is requesting, on behalf of the property owner, to build a single family dwelling unit on a vacant lot (alley lot) behind 115 E. Collins Street where the principal entrance is not upon a street. Based on the Oxford Zoning Code, an alley is not considered as a street. Therefore, a variance has been filed to waive such requirement.

BACKGROUND

As the applicant has identified in his narrative, the proposed building will be built on an alley lot that does not have a principal entrance upon a street. Additionally, this parcel appears to be used as a parking area for the residents of 115 E. Collins Street.

The property is located on two alleys with fraternity houses to the east and southeast and multi-family to the west. There is also a lodging house to the west and 115 E. Collins Street is a two-family dwelling unit.

This property was one of the 1990 housing lawsuits and a settlement agreement was reached to allow a two-family unit to be located on the property. A copy of the housing agreement is attached for your information.

COMMENT FORMS

No public comments were received from surrounding property owners regarding this request. One phone call of general inquiry was received from a property owner within 200 feet.

AGENCY REVIEW

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

SITE HISTORY

There is no prior BZA history for this property.

ANALYSIS

This application is to build a single family structure on an alley, being part of lot # 134 as indicated on the site plan submitted. A variance request was filed to allow such building not to have the principal entrance upon a street bordering the site. Previously, the Board of Zoning Appeals had heard a similar request in the past.

During the research, staff found the housing agreement that was entered into and recorded in 1999 between the City of Oxford and the owner to stipulate that the lots, part of lot # 133 and part of lot # 134, would be only for a two-family dwelling unit. The rental record shows that 115 E. Collins Street is a two-family dwelling unit. Given that the housing agreement was in full force and was agreed by the City Council and the owner, it would be premature for the Board to consider an additional dwelling unit on one of the lots that are covered under this agreement, unless an amendment has been considered and approved by all parties.

Furthermore, the Oxford Zoning Code Section 1127.01 Interpretation of Provisions further outlines the limitation of the applicability of the Zoning Code:

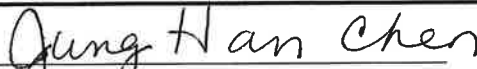
- (a) In the interpretation and application, the provision of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. The Zoning Administrator shall interpret this Zoning Code.
- (b) **It is not intended by this Ordinance to interfere with, abrogate or annul any easements, covenants, or other agreements** between parties nor is it intended by this Ordinance to interfere with, abrogate or annul any laws or regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or provided, pursuant to law, relating to the use of buildings or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land than are required or imposed by such easements, covenants, or agreements between parties, or by such laws, resolutions, rules, regulations or permits, the provisions of this Ordinance shall govern.

Exhibit A of the attached 1999 housing agreement clearly indicates that the lots can only be used for a two-family dwelling which currently exists on the site.

RECOMMENDATION

It is staff's interpretation that this case cannot be heard by the Board of Zoning of Appeals until an amendment has been made to the housing agreement that would allow additional dwellings to be built on this alley lot.

SUBMITTED BY:


Jung-Han Chen,
Community Development Director

DATE: August 28, 2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/22/2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-04 115 E. Collins, variance to Section 1141.03(b) principal entrance upon a street, Scott Webb, Applicant, Agent

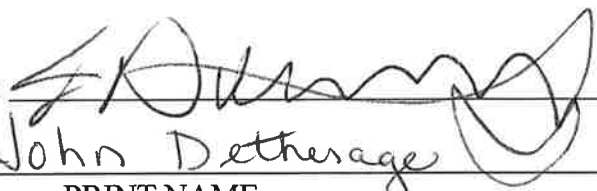
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/9/14** 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 Detherage
PRINT NAME

Date: 5-27-14



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development

FROM: Victor Popescu, PE
City Engineer

RE: Case #: BZA-2014-04
115 E. Collins Street

DATE: May 27, 2014

The following are our comments.

1. The Developer will be responsible for the costs of the installation of a water service from a main, as per City Specifications.
2. "Part of Lot #133" sanitary lateral is located on "Part of Lot #134". An easement will be required for the lateral that is located on "Part of Lot #134".

If there are questions, please contact the Engineering Division at 513-524-5208.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/22/2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-04 115 E. Collins, variance to Section 1141.03(b) principal entrance upon a street, Scott Webb, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/9/14** 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: 

Date: 5/23/2014

R. B. HOLZWORTH
PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/22/2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-04 115 E. Collins, variance to Section 1141.03(b) principal entrance upon a street, Scott Webb, Applicant, Agent

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/9/14** 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: [Signature]

Date: 5-29-14

G. Alan Kagan

PRINT NAME

BZA-2014-04

Surrounding Property Owners Map

Legend

-  Subject Parcel
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel

16.5' Vacated ROW

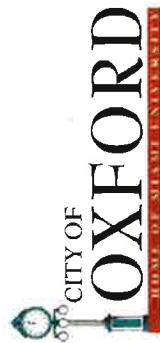
Building Footprint

Paved Roadway

lot in question



1 inch = 100 feet



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



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 June 18, 2014 Board of Zoning Appeals meeting regarding 115 East Collins (alley lot)

Thank-you,

Signed: 
(Jim Clawson)
(CKC Rentals)

May 19, 2014
Date

City of Oxford
101 E High St
Oxford, OH 45056

Batch 19091
Sequence 5
Date 05-20-14 Time 10:11AM

Pay type CK Refer

Acct M17
Name SCOTT WEBB
Document 115 E COLLINS
Rev 110.000.40631 Amt 200.00

Amt Pd 200.00
Amt Tend 200.00
Change 0.00

Lynn Taylor

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

Response

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>

Internal Use Only:

Case No.

BZA-2014-04

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

jim@hoteldevelopment.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

Total Acreage *

.064 acres

Existing Use of Site *

Vacant lot

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

Single Family Residence

- 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.

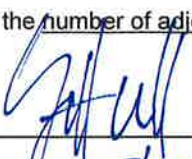
Fees may increase if staff determines that you need more variances.

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/>

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)

A R C H I T E C T

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.

- 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,



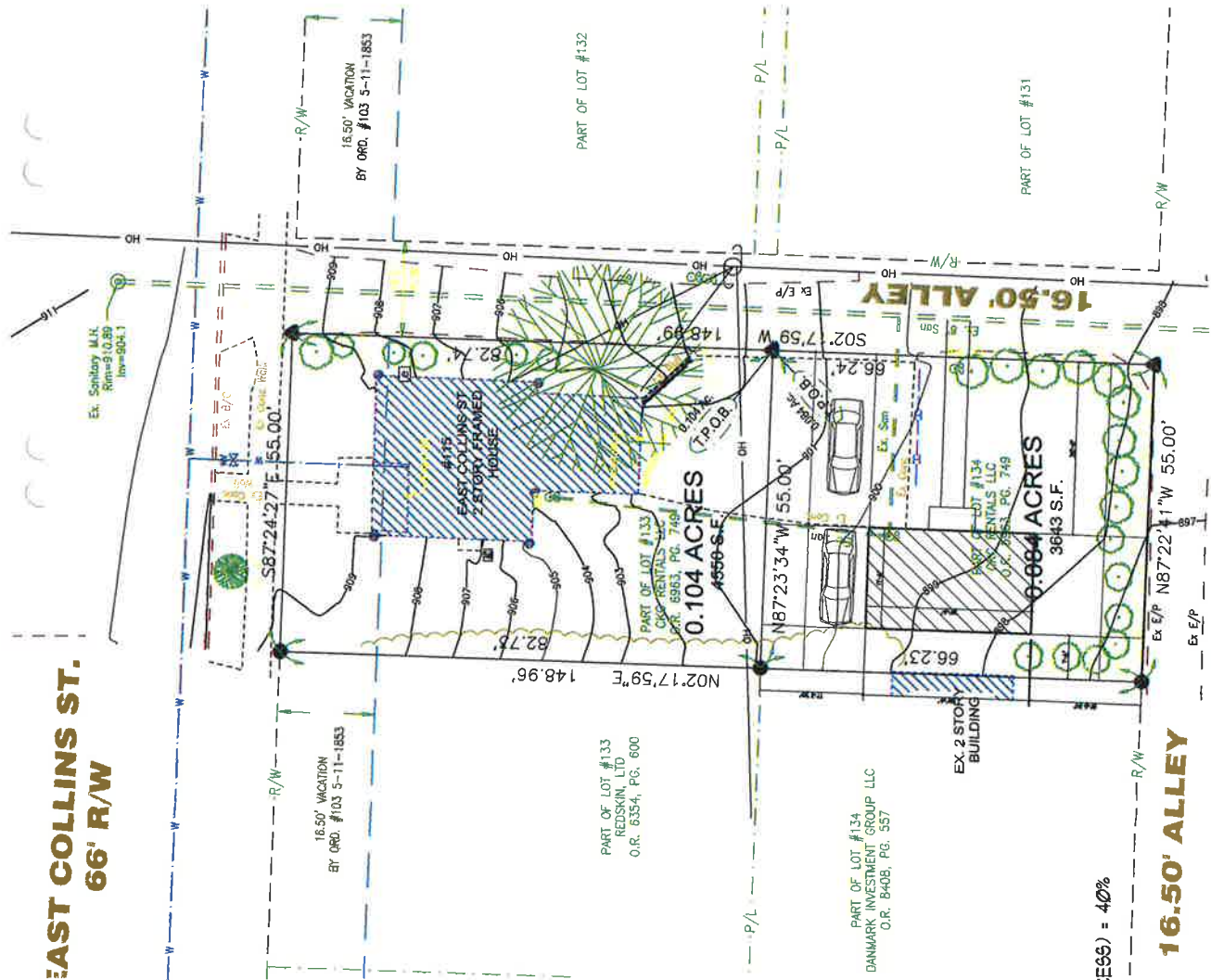
Scott Webb, Architect



PROPOSED NEW RESIDENCE
115 East Collins (Alley Site)
C, OHIO 43056

DATE	May 13, 2014
REVISIONS	

A-1



PRELIMINARY SITE PLAN 1" = 20'-0"

OVERALL LOT AREA:	3,643 SF
BUILDINGS:	540 SF = 14.8% (25% Max)
DRIVEWAY PARKING:	432 SF = 11.8%
SIDEWALKS:	104 SF = 2.8%
TOTAL:	1,076 SF = 29.5% R2MS (VEHICULAR SIDE ACCESS) = 40%

TRANSFER NOT NECESSARY

BY KAY ROGERS
1-26-99 DEPT:

C.R. 6319 PAGE 1290

AUDITOR, BUTLER CO., OHIO AGREEMENT

This Agreement made and concluded this 7 day of January, 1999, 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

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. Dech
Beth E. Kinsely

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

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

Chris Ozyan
Julie L. McKee

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

Chris Ozyan
Julie L. McKee

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

Chris Ozyan
Julie L. McKee

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

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

EXHIBIT "A"

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.

In The Matter Of:
*Historic and Architectural Preservation
Commission Meeting*

August 27, 2014

*Charlene Nicholas & Associates, LLC
5136 Phillipsburg-Union Road
Englewood, Ohio 45322-8707
Tel: 937-836-7878
Fax: 937-836-1718*

- - -

HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION

WEDNESDAY, AUGUST 27, 2014

12:30 P.M.

Oxford Lane Public Library Conference Room

15 S. College Avenue

Oxford, Ohio

- - -

PRESENT:

**Laura Henderson, Chair
Kim Peterka, Vice-Chair
Robert Benson, Planning Rep.
Daniel Haizman
Mike Smith, Council Rep.
Mike Kohus
Bobbe Burke**

Staff

**Jung-Han Chen, Community Development Director
Alan Kyger
Sam Perry, Planner
Amy Blankenship, Esq.**

Applicant

**Ashley Woods (Via telephone)
Scott Webb
Jay Bennett, Esq.**

- - -

1 MS. HENDERSON: I'd like to call the Historic
2 and Architectural Preservation Commission meeting,
3 Wednesday, August 27th, 2014, at 12:30 p.m. to order.
4 We'll do a roll call of the commission members. Kim
5 Peterka?

6 MS. PETERKA: Here.

7 MS. HENDERSON: Bob Benson?

8 MR. BENSON: Here.

9 MS. HENDERSON: Dan Haizman?

10 MR. HAIZMAN: Here.

11 MS. HENDERSON: Mike Smith?

12 MR. SMITH: Here.

13 MS. HENDERSON: Mike Kohus?

14 MR. KOHUS: Here.

15 MS. HENDERSON: Bobbe Burke?

16 MS. BURKE: Here.

17 MS. HENDERSON: We need to go through the staff
18 as well. Staff, Jung-Han Chen?

19 MR. CHEN: Here.

20 MS. HENDERSON: Sam Perry?

21 MR. PERRY: Here.

22 MS. HENDERSON: And Steve McHugh?

23 MS. BLANKENSHIP: Amy Blankenship here for Steve
24 McHugh.

25 MS. HENDERSON: And also present are Scott Webb,

1 and Jay Bennett, and by Skype or something, Ashley Woods.
2 Do we have approval of the agenda?

3 MR. SMITH: I so move.

4 MR. BENSON: Second.

5 MS. HENDERSON: All in favor.

6 (All commission members responded aye.)

7 MR. PERRY: Yeah, I'll give the staff report.

8 MS. HENDERSON: Okay. We're here to review
9 HAPC-2014-15, 20 to 24 East High Street addition and 48 to
10 56 East Park Place demolition. Scott Webb is the
11 applicant and agent. Sam Perry, would you like to give
12 your staff report --

13 MR. PERRY: Sure.

14 MS. HENDERSON: -- first? Please.

15 MR. PERRY: Be glad to. We have a packet for
16 you and a Power Point presentation and on the Power Point,
17 we have a map that shows the aerial photo of the
18 buildings.

19 And -- although you have reviewed this before,
20 I'll say for the record this is a -- a review -- a new
21 review for this -- for Sigma Chi and for Scott Webb, as
22 the applicant, to review a proposed demolition of a
23 building in the historic district -- the uptown historic
24 district and -- a -- a addition as well.

25 So there's -- demolition and new construction on

1 this property and -- what I'd like to do is just go
2 through my staff report and I won't read it but -- like I
3 normally do, just to -- highlight it, summarize it and --
4 then we'll have -- okay -- we'll do a overview.

5 And what I'd like to do is show you a map of the
6 proposal as far as the location. And this is East Park
7 Place on the overhead and -- we have -- Sigma Chi owns
8 both of these parcels which front on East Park Place.

9 And the -- Bill's Art Store, the 20 to 24 East
10 High Street area is the front portion and that's addressed
11 East High Street. And then the portion going down East
12 Park Place is addressed to East Park Place.

13 The proposal is to maintain and -- keep the
14 front portion on High Street and -- remove a rear portion
15 that's currently attached to that and with -- and replace
16 it with an addition.

17 And you have your packets of -- showing the
18 design of that addition recessed from the facade that's
19 done by Scott Webb, Architect. And to leave the remainder
20 as a grassy area so there would be no construction on
21 what's remaining.

22 So what you have would be a -- a -- about a
23 20-foot addition onto what's currently and I'll -- I'll
24 forward on to another photo so you can see from the side.

25 So in the upper left-hand corner, you see where

1 the white stucco starts and that would be where the
2 addition -- the new construction would be. It's about
3 a -- about a 20-foot new construction area that would be
4 recessed from that Park Place facade.

5 And then the remainder, going north, would be a
6 vacant area. And the intent is then to have that portion
7 as a -- a separate parcel and -- maintain the front
8 portion on High Street with the new addition which would
9 be providing a second means of egress, elevator, stairs,
10 those type of things on the back of that building.

11 That was most recently worked on in -- in 2006,
12 2007 time period so the stucco was removed and, you know,
13 internal changes made to the building to -- modernize and
14 preserve it and so forth.

15 Because this is located in the historic
16 district, requires us to consider appropriateness for any
17 what's called environmental modifications and because this
18 is an environmental modification, it has to come before
19 the HAPC for review. So whether it's demolition or a new
20 construction, both of those would require this process.

21 So we have some photos that just -- throughout
22 the past, the upper left one is a current photo that shows
23 the East Park Place facade with the white stucco. There
24 have been some -- some paint--

25 MR. WOODS: Can you move closer to Sam? I can

1 barely hear him. I'm sorry -- sorry to interrupt.

2 MR. PERRY: Okay, Ashley, how about now?

3 MR. WOODS: That's perfect.

4 MR. PERRY: Okay, good.

5 MR. WOODS: Sorry for the interruption.

6 MR. PERRY: All right, no problem. Thanks. The
7 upper left is the current facade, current photo. There
8 have been some painting and some minor repair work done to
9 it but it's -- the facade's largely stayed the same in the
10 past couple decades.

11 And then the -- lower left, you can see that
12 it's relatively the same. That's a 1960's photo that
13 shows the -- commercial storefronts on the ground floor.

14 Actually, you can see the -- the windows that
15 are now currently covered with plywood -- partially
16 covered with plywood. You can see those a little bit
17 better in that lower left photo.

18 And then the upper right is quite old. We think
19 from the early 1800s, early 1900s of when the farthest
20 north building was a blacksmith shop.

21 And you can still make out the spacing of the
22 windows and see that those are original window openings
23 for that northern most portion.

24 And then the lower right-hand corner, that's --
25 been within the past eight years or so. So it's not a

1 current photo since this most recently a nail salon but --
2 you can get an idea of what the -- how it's changed over
3 time -- the ground floor facade.

4 This gives you a good look at -- it's a -- just
5 a sketch from the Smith Library of Regional History that
6 was done by a archivist based on some of the tax
7 information, some of the public records just to try to put
8 together an -- an order of building construction, at least
9 a -- an educated guess as to when the buildings were
10 built.

11 So it's actually -- at least four different
12 building dates and perhaps many more, depending on
13 additions and changes over time.

14 So you can see the farthest right of the image
15 shows the -- side view of what would be maintained by
16 Sigma Chi and then moving from right to left, the next
17 portion which -- is shown as 1868, 1874 era. That would
18 be what would be replaced with a -- with a new addition to
19 be attached to what Sigma Chi uses as office space for
20 rent. And then upstairs is essentially a museum where the
21 founding site was for Sigma Chi.

22 And then moving farther to the left, there
23 are -- there's an 1850's building and then -- farther on
24 to the left, we have 1860s, 1870s, and then we get into
25 the farthest left or farthest north which is where the --

1 the blacksmith shop photo that you saw.

2 So it appears that the -- the buil-- the area
3 that would be replaced with a new addition is actually the
4 newest in the sense of 19th Century to -- fill in. We
5 don't have any photograph evidence of, you know, when
6 those were all done. So -- that's -- that's the rough
7 idea of that facade.

8 This is a -- three-dimensional drawing by Scott
9 Webb that was in your packet that shows you kind of from
10 a -- little bit of an internal view of what it looks like
11 so you can get an idea of how the -- the hallways and the
12 spaces -- the tenant spaces are -- are split up.

13 I was able to walk through the building. Scott
14 arranged a walk-through for me which was very helpful to
15 get an idea of how everything flows and it's -- fairly --
16 quite a maze actually to go through the -- the different
17 areas.

18 And you can definitely tell when you walk
19 through it how they -- how they were modified over time
20 and were -- were joined up in different ways.

21 The upstairs has a fairly modern feel to it with
22 the carpet and the -- and the -- and the sheet rock kind
23 of thing so -- and there's also a grade change as you move
24 farther north just because of the topography so that's one
25 of the -- one of the environmental conditions that would

1 have to be worked through for any -- any redevelopment for
2 this area as far as matching up the -- the grade of the
3 sidewalk to the commercial facade's entry points, those
4 kind of things.

5 That's all I have on the Power Point but what we
6 need to look at, I do have one more slide that shows --
7 probably can't read it because of the font size but this
8 is a -- in your packet as well.

9 They are the -- it's the demolition code for
10 the -- that comes out of Chapter 1331 in the city code,
11 codified ordinance, that really describes what a applicant
12 has to go through and to show to the HAPC in order to --
13 in order for the HAPC to approve a certificate of
14 appropriateness.

15 MR. BENSON: What page is that on, Sam?

16 MR. PERRY: That would start on page four and
17 then continue on through page six. So this is the --
18 August 27th packet. So at the bottom of page four.

19 So what we're looking at is the HAPC may only
20 approve a COA if the applicant has given clear evidence
21 that the structure has incurred extensive damage to its
22 basic structural element such as roof, walls and
23 foundation requiring substantial reconstruction, and the
24 structure presents an immediate danger to the public
25 health, safety and welfare as declared by the chief

1 building official.

2 And then we have an or -- so -- since this
3 has -- there hasn't been a declaration by the building
4 people so now we go into the second category here which
5 is -- has a lot of subsections to it which is number two.
6 So here we have A through E.

7 And the applicant is required to give clear
8 evidence that two of the following conditions exist and so
9 that's the A through E.

10 The -- and I'll just talk about the -- extensive
11 damage, about the public nuisance, the consistency of --
12 of the structure, the square foot cost and then the reuse.
13 So those are the -- the five that the applicant needs to
14 give evidence on.

15 Having walked through the building myself, I
16 don't see the extensive damage to the structural elements
17 such as roof, walls and foundation. I'm not a building
18 official. I'm not a -- code official. But -- but I would
19 say from a visual inspection, I'm not -- I don't see the
20 extensive damage.

21 The next one, the structure's contributing has
22 been declared a public nuisance and its removal will not
23 adversely affect the architectural or historic integrity
24 of the streetscape.

25 The structure is in the historic district so

1 it -- it has to be considered and because of its age, it
2 is historic. That is typical for any -- any building in
3 the district for you to -- to consider its age.

4 And really, this is where you have to determine
5 what the loss of it -- and we'll get into that, too, with
6 the -- with the last one -- what would the loss of this
7 building be to the district and if there's adverse
8 affects, then -- you can see later how -- how is the --
9 how can that be dealt with?

10 So we know it hasn't been declared a public
11 nuisance though and since it hasn't, then that one may not
12 be applicable.

13 MR. WOODS: Scott, just -- or just to -- just to
14 clarify, is that -- that's a point that you're saying that
15 historical character of the building is relevant to point
16 B?

17 MR. PERRY: I'm sorry, Ashley, you have a
18 question?

19 MR. WOODS: I did. I'm sorry -- sorry for
20 interrupting.

21 MR. PERRY: Sure.

22 MR. WOODS: To clarify what you just said, are
23 you saying that it -- factor 2B, as -- comparably, the
24 historic character of the building is relevant?

25 MR. PERRY: No, it has not been declared a

1 public nuisance.

2 MR. WOODS: I'm sorry, 2C, 2C.

3 MR. PERRY: 2C, okay. Okay. So we're on to 2C.
4 The structure is not consistent with other structures?

5 MR. WOODS: You said that -- you said the
6 board -- that the board needed to consider the historical
7 character of the building. And I wasn't -- I was trying
8 to clarify whether or not -- to element 2B -- B -- or --

9 MR. PERRY: No, I think -- I don't think that
10 applies since it hasn't been declared a public nuisance
11 on -- on 2B.

12 So moving on to C, the structure -- whether or
13 not the structure is -- the structure is not consistent
14 with other structures in the district in terms of historic
15 character, architectural style, I think it is consistent
16 with other structures in the district and maybe that
17 answers your question. It's typical --

18 MR. WOODS: No, it doesn't but that's -- that's
19 okay.

20 MR. PERRY: Okay. Well, I'll continue with my
21 report if that's okay, Laura?

22 MS. HENDERSON: Yes, please.

23 MR. PERRY: All right. The square foot cost, D.
24 The square foot cost of meeting the minimum building code
25 would exceed the square foot market value of similarly

1 used and improved structures in -- in the historic
2 district.

3 Scott Webb does have a lot of cost information
4 about this and I'll -- I'll defer to him for that. At the
5 time that I wrote the report, I didn't have any of that
6 information.

7 E, the applicant has a plan for reuse of the
8 property which mitigates any adverse effects of the
9 proposed removal upon the property, the streetscape and
10 the district.

11 And so there's several subsections under E and
12 there's one through four. So their new construction,
13 their rehabilitation and their landscaping.

14 So since we're not talking about a
15 rehabilitation with the proposal, we'll look at new
16 construction and we'll look at landscaping. And both are
17 proposed.

18 And so -- what you'll need to determine is
19 whether the new construction that's proposed in
20 combination with the landscaping or green space, which is
21 the majority of the proposal, is whether that is --
22 consistent with the character of the district, is that
23 something that is appropriate?

24 And then the last portions about the -- which
25 are really not part of the decision standards but they're

1 just code requirements, the applicant has to post a
2 performance bond as part of the demolition proposal.

3 I'd be happy to answer any questions you have or
4 anything I skipped over, commission members.

5 MR. WOODS: Sam, did you -- did you -- I mean
6 did you cover the consequences of demolition without a
7 COA?

8 MR. WEBB: I think he's asking if you went over
9 the consequence of demolition without a C of A.

10 MR. PERRY: Yeah, I -- I didn't go over it in
11 detail. Would you like me to, Laura, as the chair or --

12 MS. HENDERSON: Is it relevant to --

13 MR. PERRY: That's -- I didn't think --

14 MS. HENDERSON: -- our decision or --

15 MR. PERRY: -- it was at this point but --

16 MS. HENDERSON: -- the meeting?

17 MR. PERRY: -- you -- it's -- it's in your --
18 it's in your court at this point.

19 MS. HENDERSON: I don't think it's -- that's
20 something that we're -- we're considering at this point
21 but --

22 MR. WOODS: Madam Chair, the only reason that I
23 thought it was relevant, I think it provides context of --
24 of the interpretation of the statute overall. I -- so --

25 MS. HENDERSON: Well --

1 MR. WEBB: I think -- I think the point that
2 he's trying to make is that, you know, what it says in
3 number four, if any party proceeds to remove a significant
4 principal structure so -- we want to make sure that we
5 talk about whether or not this is a significant principal
6 structure or not based on our current guidelines.

7 MS. HENDERSON: Well, it's in the historic
8 district and has been deemed historic so I -- I think it
9 falls within the guidelines of the purview of the HAPC.

10 MS. BLANKENSHIP: I would agree. We're here to
11 consider the COA, not whether -- what would happen in the
12 event that the property was demolished. Ashley, can you
13 hear me?

14 MR. WOODS: No, I -- I -- I can't Laura.

15 MS. BLANKENSHIP: Ashley, it's Amy. We're here
16 to consider the COA, not what would happen in the event
17 that the building was demolished without one.

18 MR. WOODS: Okay.

19 MS. HENDERSON: So you've concluded your staff
20 report?

21 MR. PERRY: Yes, I have. Thank you.

22 MS. HENDERSON: Any comments from the
23 commissioners or anything to add? So -- do you want to
24 make a conclusion or -- should we move on to -- do you
25 want to -- do you have a conclusion and a recommendation?

1 MR. PERRY: Yes, I do. At this point, I
2 don't -- I don't see that the evidence is there to grant
3 the proposal.

4 Now, you can review the design of the addition
5 and you can -- you can discuss that. From my standpoint,
6 I don't have enough evidence to see that from the
7 applicant and -- and what we know.

8 Now, you can listen to what they have to present
9 and you can -- you can discuss the appropriateness of it
10 to see whether -- what's being proposed is going to be
11 something that keep -- maintains the character of the
12 district. At this point, I don't -- I don't have that.

13 MS. HENDERSON: Okay. So at this point, what
14 would be our next step? To have -- to have Mis-- Scott
15 Webb present his Power Point?

16 MR. PERRY: Unless you have any questions for
17 me, anybody else?

18 MR. HAZMAN: I'm good.

19 MR. PERRY: Okay.

20 MS. BLANKENSHIP: Do you plan to present your
21 Power Point today?

22 MS. HENDERSON: Yes, but -- does it come
23 afterwards or --

24 MR. PERRY: That's -- I mean they -- they --
25 they did walk through the building. So I thought it might

1 be better to -- give -- I don't know.

2 MS. BLANKENSHIP: To do it now?

3 MR. PERRY: I was thinking that the applicant
4 gave theirs.

5 MS. HENDERSON: And then -- and then --

6 MR. PERRY: And the commission --

7 MS. HENDERSON: -- we --

8 MR. PERRY: -- members could do theirs.

9 MS. HENDERSON: And then we --

10 MR. PERRY: That seemed -- but -- but theirs is
11 right on the tail end of mine so they could just continue,
12 too. It might be --

13 MS. BLANKENSHIP: Jay, do you have a preference?

14 MR. BENNETT: No.

15 MR. PERRY: Okay.

16 MS. HENDERSON: So what --

17 MR. PERRY: Yeah, yours is following mine. Just
18 continuing.

19 MS. HENDERSON: Do we have a pointer? If I may,
20 I would like to -- to -- to review the -- the design
21 guidelines for the city of Oxford's historic districts.
22 I -- I hadn't reviewed it in -- in some time, a couple of
23 years, whatever, and I wanted to kind of refresh my memory
24 and gather a few facts and so I have been looking at this
25 over the past week and reading through it and I -- I'd

1 just like to make a -- a few points if I could.

2 Before I do that, I wanted to say that there
3 seems to be some confusion about whether the HAPC's
4 decisions are just opinions or whether they count for more
5 than that and -- and it seems to me that -- that an
6 opinion is just something that one person gives but if
7 it's a collective group, a very qualified professional
8 people, then it becomes more like an evaluation and
9 it's -- and it's a -- it's a consensus so it's not -- it's
10 not considered, you know, as -- as lowly as an opinion.

11 I noticed that -- I remembered that one of the
12 BZA members -- I don't really remember who but -- said
13 that this is just your opinion and -- and -- it didn't
14 seem quite fair to me to -- to -- to say that because we
15 have a very professional group of commissioners here,
16 probably the most professional group that we've ever had.

17 We have -- we have a -- a professional historian
18 with a PhD. We have architects, interior design
19 professionals. We have two people with Master's degree in
20 historic preservation so we -- we really are professional
21 people qualified to -- to make a -- a very considered
22 evaluations. So I want -- I would like that to be taken
23 into consideration.

24 Starting out in the -- in the introduction and
25 it looks like a lot of things but -- but -- but I'll try

1 to be quick with it. The -- the architectural and
2 historic preservation -- or Historic and Architectural
3 Preservation Commission was created to protect and enhance
4 structure sites and areas that are reminders of past eras,
5 events and persons important in state -- local, state
6 and -- and national history.

7 And -- then it goes on to say this basic mission
8 is more fully developed in Chapter 1331 of the codified
9 ordinances of the city of Oxford.

10 And there -- we have a -- a lot of guidelines
11 that are based on the standards for rehabilitation through
12 the National Trust. It's not something that -- that we
13 just invented or that the founders of the HAPC invented.
14 They're based on national recognized standards that people
15 all over the country use.

16 In the second paragraph -- I thought this was
17 important -- qualities of the historic small town
18 environment will be maintained and improved as set forth
19 design parameters, as design guidelines do, that are
20 consistent with the characteristics of the historic
21 districts with the intent of the ordinance establishing
22 Oxford's HAPC.

23 And the objective of the guide lines is to
24 establish the framework by which to evaluate proposals.
25 There's that word that I was hoping -- these guidelines

1 are for the use of the HAPC in making its evaluations. So
2 that just -- then we get into some inventory which -- just
3 focuses on a few historic properties in the historic -- in
4 the uptown historic district but it does say that all of
5 these structures are expected to be preserved and
6 McCullough Block is one of them.

7 In the design guidelines -- on page 23 of the
8 book, if anybody else has it -- the HAPC actually could
9 not anticipate every application or situation within the
10 context of these guidelines.

11 Thus each proposal will be ultimately judged on
12 its own merits. The guidelines represent a common
13 framework from which to begin evaluating individual
14 applicants.

15 It does say to the -- referring to the
16 applicant, that it's a good idea to consult with city
17 staff about particular details of the project, the
18 application process and the guidelines before you spend
19 too much time, money and energy developing a project or
20 pursuing a process which is outdated.

21 Regarding the streetscape, which is one of the
22 important considerations when determining whether historic
23 properties contribute to the historic district or not, the
24 overall appearance of the uptown historic district
25 commercial corridor is that of a typical turn of the

1 century commercial district.

2 The building masses are flush with the sidewalk.
3 The storefront is located at ground level. The upper
4 story is generally articulated with equal or near-- nearly
5 equal alternating vertical bands of wall and opening and a
6 cornice crowns the structure.

7 On the next page, number six says new
8 construction should follow the rhythm of facades overall
9 spacing, setbacks and proportions of adjacent structures.

10 On page 51 of the book -- if anybody wants to
11 refer -- under storefront, it's -- I found it quite
12 significant that the -- former Iggie's, former Nail Depot
13 is the one that's featured in this -- on this -- on this
14 particular page as an example of one of uptown's
15 particular inviting storefronts.

16 Now this was years ago when -- when -- when this
17 was done. This -- this wasn't recent. Maintenance and
18 preservation -- regular maintenance program can help keep
19 a storefront looking beautiful for years to come. This
20 minimal level of investment will help maintain property
21 values and increase the desirability of visiting a
22 historic district while avoiding very costly major
23 repairs.

24 Specific recommendations, the original structure
25 should be maintained. If a change is proposed, every

1 effort should be made to de-- to match the original design
2 which can be verified through photographs -- photographic
3 or physical evidence of the building.

4 Historic details, even if they are now only
5 partially preserved, should be restored rather than
6 replaced. Materials and building details should be in
7 keeping with the historic evidence and should not attempt
8 to portray a false sense of history.

9 The reason I'm going through all this is
10 because -- this is the mission and the -- and the -- and
11 the purpose of the -- of the Historic and Architectural
12 Preservation Commission. This is what we're charged to
13 do.

14 Page 77, special recommendations, the height of
15 a new building or addition should conform to the height of
16 the existing building envelope along the adjacent blocks.

17 And then getting into miscellaneous information,
18 on page one of that section, the protection enhancement
19 and use of structures sites and areas are the reminders of
20 past eras, events and persons important in local, state or
21 national history.

22 This is -- this is under 1331.01, purpose for
23 the HAPC, the preservation and -- encouragement of a city
24 of varied architectural styles reflecting the distinct
25 phases of Oxford's history.

1 The chapter's intended to maintain an enhanced
2 scale and basic character of Oxford's historic areas
3 through protecting and preserving the basic
4 characteristics and salient architectural details of
5 structures insofar as they are compatible with the basic
6 characteristics of Oxford's historic areas, affording the
7 widest possible scope of continuing vitality through
8 private renewal and architectural creativity, encouraging
9 development of vacant and incompatibly-developed
10 properties in accordance with the character of that area.

11 Not much more. On page two, the Historic and
12 Architectural Preservation Commission, or HAPC, is the
13 body created and empowered by this chapter to represent
14 the historic preservation interests of Oxford as set forth
15 in this chapter and elsewhere.

16 The HAP-- the HAPC shall work for the continuing
17 education of the citizens of Oxford in regard to the
18 historic and architectural heritage of Oxford, shall
19 establish guidelines for conservation and preservation of
20 historic structures -- which is what we have -- have done.

21 HAPC shall recommend to council the designation
22 of historic districts or sites. The HAPC shall consider
23 the guidelines set forth in the Oxford Historic and
24 Architectural Preservation guidelines, adopted by
25 reference in its entirety; have the authority to call in

1 experts to aid in its deliberations, subject to financial
2 procedures outlined in -- subsection D.

3 Under 1331.05, designation of historic sites in
4 districts, the H-- let's see -- the HAPC in considering
5 any area, place, structure, work of art or object in
6 Oxford as a historic site for district shall find that one
7 of the following criteria is satisfied -- I'm not going to
8 read all of them -- number three, it's identified with a
9 person or persons who significantly contributed to the
10 history of the development -- development in Oxford, the
11 state of Ohio or the United States.

12 And page -- page eight, we would review the
13 conditions of removal so we'll get into that. Under --
14 1331 and substandard conditions, in order that the purpose
15 of this chapter may be accomplished in structures and
16 properties preserved against decay and deterioration, the
17 following standards should be applied by the HAPC and
18 administrator in order to determine the existence of
19 substandard conditions.

20 Structural defects or hazards. Again, it goes
21 on to talk about footings and walls and ceilings that have
22 split or are insufficient or lean.

23 Number two is defective or inadequate weather
24 protection so I'm just talking about the demolition by
25 neglect kind of -- prospect here, that -- if the buildings

1 are maintained and kept in good condition, this is -- this
2 is -- both in the interest of the structures themselves as
3 well as the city of Oxford and its historic districts.

4 Little further down, it talks about -- hazards
5 of -- fire hazards or accidents, including but not limited
6 to the following, A, accumulation of rubbish and debris
7 and a condition which may cause a fire or explosion or
8 provide a ready fuel to augment the spread of a fire.

9 Upon receipt of notification of an alleged
10 violation, the administrator of the building -- the
11 building administrator shall investigate and inspect such
12 property within 30 days.

13 There would -- there would be a hearing and the
14 HAPC should -- shall determine whether findings are true
15 and correct within the meaning of this chapter and further
16 determine whether there -- the orders for corrections are
17 reasonable.

18 So we actually have the power to -- ask for --
19 maintenance or correction of -- of -- of situations that
20 could cause fire or -- or be hazardous to someone's
21 health.

22 Regarding any property that is unoccupied or
23 vacant, the HAPC upon review may, where appropriate and
24 necessary, order the -- all accumulations of flammable or
25 combustible rubbish or debris -- debris be removed from

1 the premises.

2 Windows, doors and other openings be locked,
3 barricaded or secured. There is actually a penalty.
4 People violating the provisions of the chapter -- shall be
5 guilty of a minor misdemeanor; the second time guilty
6 shall be -- guilty of a misdemeanor of the fourth degree.

7 I just wanted to kind of review and have it on
8 record that -- that's -- we do have guidelines. We --
9 we -- we probably have more power than we -- than we've
10 been using and -- and -- maybe -- because this commission
11 is especially qualified, that our opinions and decisions
12 should be taken more seriously.

13 I'll get on with the Power Point presentation
14 now. Are we supposed to identify ourselves and tell what
15 the qualifications are?

16 MS. BLANKENSHIP: Yes, I think we need to --
17 before the Power Point would be a great idea.

18 MS. HENDERSON: Okay. Before I proceed with the
19 Power Point, my name is Laura Henderson. I'm the current
20 chair of the HAPC. And -- I have a Master's degree in
21 historic preservation and have been involved in many
22 preservation projects, including some -- using federal
23 money. Mike Kohus, who went through the building with me
24 and -- and did the walk-through.

25 MR. KOHUS: Yeah. My -- my name is Mike Kohus.

1 I'm a resident of the city of Oxford and a registered
2 architect in the state of Ohio.

3 MS. HENDERSON: Together, we went through the --
4 the building, McCullough Block. This is twenty-- this is
5 how it looked in 1855 or -- or so. The founding site of
6 Sigma Chi. Very significant structure.

7 On the High Street side, 20 to 24, the former
8 Bill's Art Store and the -- I guess they're all former so
9 we don't really need to repeat it but -- Paust's Printing
10 and upstairs is the Sigma Chi archives and on the -- on
11 the east side of the upstairs part is -- was the Community
12 Foundation.

13 Excuse me. Went -- went into Bill's Art Store,
14 which is number 20, and -- I'm just going to kind of
15 summarize what we found. We didn't see any -- any real
16 damaged areas.

17 We -- we noticed parts of the -- of the
18 foundation which are intact. This is a -- sort of a
19 storeroom.

20 We did notice probably some things that are not
21 to code, wires and -- and pipes and things. Going further
22 back into the building, there's a small office and we
23 didn't see any -- any visible structural damage or --
24 or -- or water damage in this area.

25 I defer to -- to Mike for some of the

1 architectural details since that's his forte. I was
2 looking for -- for things that -- that I know through
3 historic preservation can be restored or -- or preserved.

4 This was -- at the back. This is the
5 staircase -- that went up to a small room where there was
6 somebody actually living.

7 MR. PERRY: That's -- that upper left is the
8 back of the Paust's Printing, that staircase.

9 MS. HENDERSON: Oh, I'm sorry. Wait a minute.
10 Did I goof? Oh, no, I think that we're in Paust's --
11 Paust's Printing now. That's -- that's right. This is
12 Paust's Printing. I'm sorry.

13 This is the staircase at the back of Paust's
14 Printing. What, did that get mixed up, this slide,
15 because -- there should be more slides showing Bill's Art
16 Store. I'm going to start over. How do I get this to go
17 back to --

18 MR. WEBB: You just had it there.

19 MR. PERRY: Yeah.

20 MR. WEBB: It says previous. Previous.

21 MR. PERRY: Yeah.

22 MS. PETERKA: Go down -- go down one.

23 MS. HENDERSON: I can't read it from here.

24 MR. WEBB: Just keep doing that, right click,
25 previous, right click, previous.

1 MR. PERRY: I can forward it back for you.

2 MS. HENDERSON: This is --

3 MR. PERRY: Do you want to go back further all
4 the way to the beginning?

5 MS. HENDERSON: Well, we -- did -- we missed
6 some of the Bill's Art Store from the -- somehow -- do I
7 click on -- do I click the --

8 MR. PERRY: Do the left click.

9 MR. WEBB: Left click.

10 MR. PERRY: You have to left click --

11 MS. HENDERSON: Okay.

12 MR. PERRY: -- it -- advance you one slide.

13 MS. HENDERSON: Okay. So I must have done the
14 right -- sorry about that, I'm sorry. Okay, we're --
15 we're still in Bill's Art Store. No, how did we get to
16 this?

17 MR. WEBB: I think all of the pictures except
18 maybe the one in the top left is in fact Bill's Art Store.
19 I don't think the stairs is Bill's Art Store.

20 MS. HENDERSON: All right. Maybe that's in
21 there by mistake. When we -- when we -- when we got back
22 further into the -- into the -- the building, it's hard to
23 see this. We noticed --

24 MS. BLANKENSHIP: Do you want to get up?

25 MS. HENDERSON: Yeah, maybe I need --

1 MS. BLANKENSHIP: You want us to turn the lights
2 off?

3 MR. PERRY: We can turn the lights off.

4 MS. HENDERSON: I have double vision so I --
5 maybe it's better from up closer to it so I can see what
6 I'm doing. It's -- it's so -- it's so faint for me to --
7 it's kind of hard for me to see that. How do I advance
8 it?

9 MR. PERRY: Mike can do it.

10 MS. BLANKENSHIP: Sam can do it -- or Mike can
11 do it for you.

12 MR. KOHUS: Yeah, I can do it.

13 MR. PERRY: You might put it on the paper. It
14 gets a little better on there.

15 MS. HENDERSON: Okay. This is the -- it's very
16 fuzzy -- this is a very -- this is the advance -- the --
17 the back part of Bill's Art Store.

18 A lot of wires exposed that -- that -- that
19 should have been probably taken care of a long time ago.
20 Oh, yeah, that's much better. I think I can even see it
21 now. There we go.

22 I think that -- that is -- that's not --
23 that's -- that's not -- that's not Paust Printing.
24 That's --

25 MR. PERRY: Yeah, you may be right.

1 MS. HENDERSON: That's Bill's Art Store. That's
2 not Paust Printing. Paust Printing is -- is -- is -- was
3 carpeted.

4 MR. PERRY: Okay.

5 MS. HENDERSON: So this -- yeah, this -- this
6 went up to a -- to a -- a little office area I think.
7 This -- this is the -- this is the -- the room where the
8 -- there was somebody living. I don't know who he was --
9 whether he was just sleeping there or -- or -- there he is
10 there.

11 And at the back of this room, there's -- there's
12 evidence of -- of historic tin -- pressed tin and shelving
13 and all that.

14 Then -- further up underneath the second floor,
15 here, we -- we saw some -- some beams and they looked in
16 good condition, no -- no -- decay, no -- no damage, no --
17 water damage. No insect infestation.

18 Okay. You can -- advance. And here again are
19 the floor joists and the floorboards of the floor above
20 it.

21 A lot of debris. As I said, a lot of -- a lot
22 of debris and -- and, you know, flammable objects stored
23 up there. A lot of rubbish all through the house, exposed
24 for -- this is the -- fuse box. The bathroom is on the
25 second floor next to -- just -- just below where that guy

1 was sleeping.

2 Okay. And then further back in the -- in Bill's
3 Art Store we -- this would have been -- this would be the
4 equivalent of -- of I think 54 and 56 East Park Place.

5 MR. PERRY: Okay.

6 MS. HENDERSON: There's some -- the tin ceiling
7 is intact. There's a room at the back. This door leads
8 to the outside. This is the -- the -- the other wall
9 that -- the door's open on this side and then -- then the
10 wall is to the right of that. Some of the tin ceiling
11 is -- is rusted out. Pipes and -- and wires.

12 Okay. Then Paust -- Paust's Copy Center. We
13 went in next and -- this is the back of the copy center,
14 okay. And there's the stairway going up to the second
15 floor of the copy center.

16 On the second floor, again, there was a lot of
17 debris, a lot of flammable material. There was a bathroom
18 up there.

19 This wall is just a -- it's just a -- supports
20 with -- with drywall and that is the -- is the -- the wall
21 that defines the corridor from the second story of where
22 the Community Foundation is over to the -- the other part
23 of the building. A lot of wires. Some -- maybe some roof
24 leakage at some point. It wasn't wet though, just
25 stained. Okay.

1 Sigma Chi archives are very well-maintained.
2 This is the part that Sigma Chi has -- has restored and
3 their archives and museum are -- are very nicely kept.

4 The center corridor is -- is well-maintained.
5 Original new post and stairs, original doors. This is --
6 this is looking -- looking -- toward High Street on --
7 from -- from the upstairs.

8 Okay. And then the back where this door is
9 here, there's a -- a meter room and all these meters and
10 that -- that looks fine. Shows evidence of some other
11 architectural details have been bricked in and -- and
12 blocked in over -- over time. Original doors and frames.
13 This is looking down the stairs toward the front door.

14 Okay. Oxford Community Foundation is on the
15 second floor on the other side opposite the museum, the
16 Sig-- Sigma Chi museum and archives.

17 They have two rooms. This is the room at the
18 back. This is the room at the front facing High Street.
19 And this door leads to the -- to -- to another section, at
20 least in this hallway, which is -- was also full of
21 debris.

22 Okay. A very -- very hard to pass through.
23 Very -- made a very narrow passageway which would be
24 hazardous in case of fire.

25 This is the door we -- we came through from the

1 Community Foundation and -- you can see it's sort of a
2 maze of bathroom, kitchenette and a maze of hallways
3 and -- and dead end hall-- dead end rooms with no exits
4 so -- those are temporary walls though and we felt if they
5 were removed and -- and opened up a little bit, they
6 wouldn't -- those wouldn't exist.

7 It would be easy to -- to kind of reconfigure
8 that without a huge amount of trouble. There's -- a
9 floor -- a ceiling tile and -- and the original ceiling
10 above that.

11 Okay. Then we -- then we went -- up -- up from
12 that section and in to another section and you can see
13 what Sam was talking about earlier, the -- the rise.
14 There's a slight rise in the steps and this door leads to
15 the -- to the -- to the other section.

16 If you look -- if you're standing here and
17 looking down, that's the exit door or the -- entrance/exit
18 door to this section.

19 Wildberry had its office there and then one
20 other office and then there was an empty office here with
21 windows facing the alley. And that looked to be in pretty
22 good condition. There was a bathroom there as well.

23 This was a stairway that -- that I guess, by
24 code, is too steep. The doorway from the stairway over
25 here leads to the Nail Depot and it's -- it's blocked off

1 now.

2 Okay. The Nail Depot -- former Nail Depot and
3 blacksmith shop, these are the original windows. And
4 actually, this -- this looks like it might be the
5 original op-- original opening but just blocked in with --
6 with sidelights. It's in good condition, the space is --
7 it doesn't show any damage. It's -- been quite
8 well-maintained.

9 This is the door that goes to the alley, exits
10 to the alley. And this is that -- that stair -- that
11 stairway that we saw from the other slide, okay.

12 Barber shop, same thing, number 52, has a tin
13 ceiling here that's still intact. Okay. These windows
14 have been boarded up for a long time. They originally
15 were divided lights and it's a storefront.

16 This is the -- the doorway that -- this is part
17 of Bill's Art Store but this is blocked off from the other
18 side. You can see the original window -- fenestration's
19 still intact in -- in all the sections even though they're
20 slightly different levels.

21 Okay. This is the alley and this is obviously
22 not up to code. And was -- was done probably without
23 permission over the years so -- that would have to be
24 completely revised.

25 This is the door -- let's see -- that's --

1 that's -- that's the door -- we saw this door from the
2 other side. When we -- from -- this door -- the door
3 inside Bill's Art Store and this is what it looks like on
4 the outside.

5 Okay. Again, this is the historic photo showing
6 the buildings. This -- this section here originally did
7 have windows and it looks like a door. This has been
8 stuc-- now stuccoed over and is solid with no openings.

9 This looks like it probably was -- it's sort of
10 an in-filled area though. This was never a building that
11 stood alone. These three buildings here however were.

12 Okay. And just a couple of other shots to show
13 you historic -- historic buildings as they -- as they
14 were. And over here, this is where -- this is where
15 the -- East Park Place buildings are. Fireman's Brigade.

16 Okay. Another view, 1874. This is an aerial
17 view of the building. Here's the building here and then
18 the ex-- it extends out to here and then -- that's the
19 back of it. That's the alley right there.

20 So what we saw when we walked through and -- and
21 determined it was -- that the -- obviously, we're not --
22 we're not supposed to consider the interiors of -- of
23 buildings anyway but the exterior of the structures
24 themselves, the -- it looked sound.

25 There was -- we couldn't see evidence of

1 deterioration of the -- of the -- of the -- the building
2 structure itself. Mike probably is going to elaborate a
3 little bit on that.

4 MR. KOHUS: Yes, when Laura and I walked through
5 it, to reiterate one thing, we just did -- we did an
6 observation. We walked through the building. We didn't
7 really inspect anything per se but I do reiterate what --
8 what Sam and Laura just said.

9 The exterior is in good condition. The roof, in
10 the picture, walls and the floor, did not notice any sag
11 or anything in the floor. The building itself really
12 could be, in theory, safe with a complete redo on the
13 interior.

14 And that's pretty much the -- extent of it.
15 Like I said, we do appreciate the owners letting us go
16 through though very much.

17 MS. HENDERSON: So -- although we are not
18 engineers, we do have expertise in there -- in -- in -- in
19 our speci-- particular areas and -- we determined that --
20 the buildings are -- are sound, could be restored and --
21 and preserved.

22 There are elements, there are things, yes, that
23 present fire hazards. A lot of it is just accumulated
24 debris. It should be cleaned out. And -- and any
25 dangerous wires or -- or -- other -- things that are not

1 up to code, you know, should be dealt with especially now
2 that the build-- now that the buildings are vacant. Shall
3 we -- proceed to -- what are we going to --

4 MR. PERRY: Well, I assume -- commissioners have
5 any questions of your walk through?

6 MS. HENDERSON: Do you have any questions or
7 comments? We do appreciate Mr. Woods and Scott Webb for
8 letting us go through. It was very helpful. It was -- it
9 was -- it was helpful for us to see that it had been
10 actually -- we -- discovered that we do have -- the right
11 to ask for a professional inspection if -- if -- if
12 necessary but we -- from what we saw, we -- we both agree
13 that -- that the condition was not as -- as bad as we
14 thought.

15 MR. HAIZMAN: Thank you.

16 MR. KOHUS: As far as the exterior of the
17 building, the structure itself. The interior is another
18 question.

19 MR. HAIZMAN: Okay.

20 MR. WEBB: If I could get to -- turn some of the
21 lights back out again.

22 MS. HENDERSON: Scott, would you like to go
23 ahead and give your --

24 MR. WEBB: Sure.

25 MS. HENDERSON: -- your Power Point?

1 MR. WEBB: With -- we appreciate everyone's
2 input on this. This has obviously been going on for a --
3 quite some time but our position has truly not changed
4 and -- and we would like to sort of review specifically
5 the decision standards, the goals of preservation, the
6 goals of Sigma Chi and what we're hoping to accomplish
7 here.

8 So to start with, you know, I'll review a little
9 history as well. As both Sam and Laura pointed out, you
10 know, we have this information available from the Smith
11 History Library that shows the fact that the building is
12 in fact old; that the McCullough property to begin with is
13 truly one of the significant buildings in the uptown
14 district and that is the goal of Sigma Chi is to preserve,
15 first and foremost, this truly significant building in the
16 uptown district.

17 As I pointed out over the course of a number of
18 these meetings, when this building was added to time and
19 time again, extended, connected, things like that, you
20 know, they did a marginal job perhaps of making the
21 exterior work but the interior does not.

22 It is not a question of whether or not the
23 joists are strong or the roof is watertight. The question
24 is fire safety and making sure that we don't put the goal
25 of preservation ahead of the goal of life safety.

1 And as we move on through here, for the next 130
2 years, since these buildings were completed and joined
3 together, they've been remodeled over and over and over
4 again.

5 The interior has a -- to -- to quote Laura
6 and/or Sam, interior truly is a maze inside the building.
7 It is a fire hazard, in my opinion, of a significant
8 degree in its current condition.

9 The stucco on the buildings have been there
10 since the 1930s. With all due respect to Miss Henderson,
11 I really don't think that this northernmost portion of the
12 building resembles a blacksmith shop in any way. It has
13 storefront windows now.

14 The blacksmith shop was a garage or a barn.
15 It's now a -- somewhat usable retail space but it's truly
16 not representative of the blacksmith shop at all other
17 than the fact that there are three windows on the second
18 floor that are still there.

19 But I think what's most important here is the
20 fact that, you know, the HAPC guidelines that Laura
21 brought in and read through identifies this property as --
22 a structure suitable for alteration or replacement.

23 Our HAPC guidelines, as approved, simply define
24 buildings as either significant or additional and this
25 building is neither.

1 If you look at the map, I've highlighted some
2 areas that are colored similarly, Bella Place, lot 52, the
3 city parking lot, everything directly to our north so --
4 northwest I would say, catty-corner from us and it's
5 already been redeveloped.

6 The -- location of a -- Red Brick Property
7 Management is a building that's already been taken down
8 and redeveloped. It was similarly categorized.

9 The Dubois Bookstore, another building that's
10 been taken down and redeveloped is also similarly
11 categorized.

12 So based on our -- our current inventory as it
13 is, this building is labeled -- the part that we'd like to
14 tear down is labeled similarly to other properties that
15 have already been redeveloped.

16 In fact, it's designated similarly to the BP
17 station which has been taken down and, in the interim,
18 replaced with a grass lot.

19 And I'd also like to remind this commission
20 that, in fact, you know, this building was approved by
21 this body in 2005 to be torn down.

22 MS. HENDERSON: I would like to disagree with
23 that. We reviewed a sketch for redevelopment but we never
24 gave a COA for demolition.

25 MR. WEBB: Okay. Well, regardless, I think

1 what's important here is in the staff report, the staff
2 report and a lot of our conversations so far here have
3 talked about this building being historic and -- there's
4 information in the staff report about this historic
5 inventory having been updated twice since this was done.

6 It's our contention that whatever HAPC may have
7 done internally, it didn't truly change the guidelines as
8 they are in place. There is, in fact, no designation of
9 historic as a -- definition that requires a higher
10 standard.

11 And I think the point needs to be made that were
12 that the case, were HAPC to create new designations or a
13 new inventory that affects someone's property rights,
14 they're entitled to some amount of due process.

15 This -- they should be notified if their -- if
16 their designation of their building is being changed from
17 suitable for replacement to a building that can no longer
18 be torn down, then there's some due process that should
19 have taken place there.

20 Our client should have been notified. There
21 should have been public hearings. These new designations
22 and new inventories should have been approved by city
23 council.

24 Given that they're not, we're left with the map
25 that we have at hand which says that this property is

1 neither significant nor additional as determined by our
2 current HAPC guidelines.

3 To give you a little more current history, in
4 2004, Sigma Chi undertook a complete exterior restoration
5 of the original building. They took off the stucco. They
6 replaced all the windows in the building. They
7 reconstructed bays across the front of the building that
8 had been eliminated sometime in the forties I think.

9 They replaced all the window headers that were
10 originally wood with some precast or some limestone.
11 They've improved the HVAC and the fire alarm inside the
12 building.

13 But what we're left with -- what remains here --
14 so what remains that they -- that has yet to be restored
15 is freshly painted stucco ov-- over failing brick walls.
16 There are leaking roofs and failing flashing.

17 Most importantly, this is a huge combustible
18 structure that is not separated in any way. Were a fire
19 to start in what remains of the old Nail Depot, it would
20 very quickly go through there and take out this entire
21 block and I would be concerned it would make its way down
22 High Street as well 'cause buildings of this era are just
23 frankly not well protected.

24 To exacerbate that point, you know, there's a --
25 a tangle of -- of electric, gas lines, everything

1 throughout the building here that adds to this fire
2 hazard.

3 So our -- our concern is not whether or not the
4 building is truly in danger of falling down. The concern
5 is what happens if we're left to -- keep it open.

6 I think Sam showed this slide in his
7 presentation. It's a drawing that I put together to try
8 to -- honestly, I put this drawing together to try to wrap
9 my own head around the -- the complexity of what's going
10 on in there over time.

11 If you look at what's colored orange, starting
12 at the top drawing, what was formerly the art store,
13 connects all the way across the ground floor, all the way
14 back to the barber shop.

15 It has -- part of a second floor and winds up
16 into a mezzanine. You can from there get up -- right
17 behind the original Sigma Chi building.

18 Likewise, the -- former Paust's Printing space
19 occupies two floors, wraps up around the building. The
20 corridor that Laura pointed out that was full of debris,
21 you know, the debris is only a small portion of the issue
22 here. It is -- it is not a fire-protected corridor in any
23 way.

24 The point that should have been made with that
25 picture is that we have a corridor that has drywall on one

1 side of the wall and absolutely nothing on the other. You
2 know, this is about fire safety. It's not about rot.

3 But this kind of hopefully gives you a bit of an
4 overview and those of you that have been through it can
5 kind of see how all these businesses wrap around together.

6 If we look to the drawing on the bottom left,
7 you can see the corridors. Once we leave the Sigma Chi
8 portion, we have basically one unprotected corridor that
9 connects all these different buildings together.

10 They -- that corridor is interrupted by doors
11 that are subject to locking. There's no -- failsafe sort
12 of -- exit locking on it whatsoever.

13 Dead end corridors are prohibited by the
14 building code. If the building's on fire, you're not
15 allowed to run more than 20 feet in the wrong direction
16 before you get stopped and turn around.

17 We have lots of dead end corridors in here
18 longer than 20 feet with a -- with not good exit ways and
19 not clear ways out of the building. So the building is
20 not in great shape in terms of that.

21 So -- the goal here -- the goal of Sigma Chi's
22 proposal is, first and foremost, to save the significant
23 building, the building that -- rests out front on High
24 Street, Sigma Chi's founding site.

25 The part that they've already spent a half a

1 million dollars to renovate, we feel is frankly -- frankly
2 vulnerable to the remains of the building.

3 The fact that, as I said, a fire in one end
4 without hesitation could make its way all the way through
5 this is of significant concern to Sigma Chi.

6 And first and foremost, to save this building,
7 they want to draw a line in the sand or architecturally
8 build a true and forever firewall that makes sure that the
9 buildings to the left of Sigma Chi and to the north of
10 Sigma Chi could burn to the ground and not affect Sigma
11 Chi.

12 That's what the building code requires for
13 buildings of this type. That's what Sigma Chi would like
14 to accomplish.

15 The other thing they would like to accomplish is
16 to have two means of egress out of this building that
17 they're restoring.

18 Two means of egress is required for all types of
19 buildings. The one means of egress they have right now is
20 currently unprotected. No rated doors, no separation of
21 the other spaces.

22 So in order not just to protect building here, a
23 significant historic building, more importantly, we want
24 to protect the occupants of that building and make sure
25 that they are protected from fire and the building is

1 brought up to code.

2 In doing so, we have the opportunity to improve
3 the accessibility of the building as well. Right now,
4 as -- as Laura pointed out, there's steep ramps that run
5 through the art store.

6 The Paust's Printing tenant space has a restroom
7 that's on the second story and through a storage room to
8 get to.

9 Bill's Art Store -- I would challenge you to
10 have found the restroom in that. It's kind of on a mid
11 mezzanine level somewhere back in the middle of the
12 building.

13 So in doing this, you know, we can protect the
14 building from fire and protect the occupants from danger.
15 So that's the goal of what we're trying to do here. So we
16 feel this is truly a preservation goal that we're asking
17 you to help us accomplish.

18 So the question is what remains? So once we --
19 draw our line in the sand, once we build our firewall to
20 make sure that we protect the investment and the occupants
21 of the Sigma Chi portion of the building, what's left is
22 worse.

23 What's left -- now we have one unprotected
24 stair. Now we have -- lots and lots of dead end
25 corridors. We have space that is just simply unsafe.

1 And by making the Sigma Chi half of the building
2 safer, what remains is -- creates a tremendous burden to
3 try to bring that back up to code again to make that
4 occupiable.

5 In the last couple meetings that we've all been
6 at together, I referred to this as a sacrifice, saving a
7 leg to save a life. Part of this building, frankly, has
8 to go in order to save the part that we can all agree is
9 truly significant.

10 A suggestion was made so -- what would it take?
11 You know, from the preservation standpoint, you know,
12 there seems like anything in fact could be done.

13 But in order to truly occupy this part of the
14 building, we have to have two stairs in the building and
15 in fact, the one stair that is in its current state is too
16 steep. It's not fire-protected. And if we add only one
17 more stair to the building, they're not far enough apart.
18 It doesn't solve the dead end corridor question.

19 So in effect, we have to take what remains of a
20 relatively small building with some small rooms and put
21 two protected stairs in that, both of which have to have
22 direct access to the exterior which means it could
23 potentially affect some of these facades.

24 If they were, of course, to build them at all,
25 it certainly makes the rest of the -- what remains of the

1 building even smaller and even harder to rent.

2 At one point, the suggestion was made perhaps
3 you can save just the rear portion only, just the portion
4 that was once the blacksmith shop. Similar questions
5 remain.

6 At this point, now we could potentially have to
7 add only one stair to make this building safe but -- but
8 again, we're talking about very tiny spaces.

9 I don't think that -- that -- Laura pointed out
10 that it's pretty likely that the upstairs of this building
11 was a residence at some point. I mean the old, you know,
12 19th century business downstairs/live above was a pretty
13 common model. It's probably likely what happened here.

14 As we went through there, there's fireplaces up
15 there. There's tiny little bathrooms. It is a -- it's --
16 it's a 19th century -- what remains of a 19th century
17 residence kind of being turned into offices.

18 And in order to make it safe, we'd have to go in
19 there and cut a very large stair in the building, making
20 the building even less desirable in our opinion.

21 Also, before I -- view that slide, perhaps I
22 should mention that all of the utilities that -- that
23 Laura had noticed, seeing an elec-- seeing a picture of an
24 electric panel inside of a building may not be significant
25 to you.

1 If you walk through this building and saw 20 or
2 30 electric panels on mezzanines, in stairways, in other
3 tenant spaces, it is a significant issue that needs to be
4 addressed and a significant cost to do that, to strip all
5 of the wire out of all of these buildings, to strip all
6 these random gas lines and fix them. The costs are simply
7 significant.

8 From our first presentation and on through
9 today, we have been absolutely transparent with this body,
10 city staff, the Board of Zoning Appeals. We've shared
11 with you the rent structure as it was before the building
12 was -- vacated. We've shared with you some comparable
13 numbers on what properties in the uptown district should
14 get.

15 The building is -- was, I should say,
16 significantly leased below value compared to the rest of
17 the buildings in town that are similar. Nonetheless, a
18 significant portion of it was vacant and has been for a
19 long time.

20 Ever since the Community Foundation moved to the
21 front of the building, the center of that building has
22 been vacant for quite some time.

23 There just aren't necessarily tenants that want
24 to be in this building, that want to pay the kind of rent
25 that it would take to improve this building.

1 And keep in mind that when we do improve the
2 building, we're actually making every one of these tenant
3 spaces smaller 'cause we have stuff to build inside the
4 building.

5 So here are some comparables and I'll give you
6 an idea, and even -- there's a second story office space
7 in a beautifully restored building that happens to house
8 my office that has been vacant for seven years, you know,
9 fully restored building and a safe building. There's just
10 not that much demand for second floor office space.

11 I mentioned along the way the notion of well,
12 perhaps you could do what everyone else does and turn the
13 second floor into an apartment.

14 Any building that contains a residence in the
15 current code would be required to be sprinkled which would
16 add another significant cost to this, you know, sprinkling
17 the entire building inside.

18 Also the -- tearing up the street. Sprinklers
19 have to be run from a separate water line from the street.
20 They can't be tapped off your water line.

21 So that's a -- a giant expense even to
22 contemplate the idea of using residential occupancy on the
23 second floor since there seemed to be no particular market
24 for office rentals.

25 We've shared with you the maintenance cost that

1 Sigma Chi has spent over the course of these years and --
2 their yearly maintenance cost is greater than 25 percent
3 of what the building is making at this point.

4 So in addition to the question of -- fair market
5 value to bring this up to code standards, frankly, the
6 building isn't making it financially now without the
7 improvements.

8 The -- the low rent, the vacancy, the expense of
9 the building combine to make this not a good financial
10 situation in its current state before we even consider
11 the -- the improvements that would be required.

12 So again, the goal of this project is to
13 restore, separate and protect this historic structure.
14 I'm showing you the plans here and -- how we would be
15 adding a second set of stairs; how we would -- we'd be
16 cleaning up the accessibility question for the ground
17 floor tenants.

18 And then to kind of give you an idea of what
19 they've spent here already, in 2004 Sigma Chi spent
20 \$437,000 on the front section of the building.

21 This small addition, we're expecting to be
22 relatively expensive at another \$250 a square foot but
23 they're going to end up having three-quarters of a million
24 dollars into just the front half of this building before
25 we even touch the rest of it.

1 Keep in mind that -- that doesn't make good
2 financial sense for them either. The rent generated by
3 the small ground floor tenant spaces will not cover this
4 cost.

5 Their museum does not pay rent, obviously, and
6 as a gift to the community, the Community Foundation that
7 occupies the second floor doesn't pay rent either.

8 So -- nevertheless, Sigma Chi has spent a
9 significant amount of money and is willing to go farther,
10 up to about \$800,000, to save and improve this building.
11 But -- as we're saying -- to save and improve the rest of
12 the block is certainly beyond it.

13 That's what these next couple slides are about.
14 I put some estimates here together of what it would take
15 to restore the building, whether we restored all of what
16 remains or -- or just simply the former blacksmith shop of
17 what remains, but in either case, we're looking at close
18 to a million dollars for a total renovation.

19 Close to half a million dollars for the
20 blacksmith shop portion of the building far exceeds its
21 value, far exceeds its income potential.

22 Which brings us to the decision standards and --
23 as we've said all along, the decision standards that we're
24 using here are simply D and E.

25 As Sam pointed out, the building's not been

1 designated as a public nuisance. I think that we've
2 proven this point as far as the square foot cost of the
3 building.

4 So -- as we pointed out, the goal here is to
5 separate it. The remaining group of the buildings are not
6 fire separated. They're completely combustible. Floors,
7 roofs, every part of it.

8 The exit components, the stairs, the corridors,
9 are inadequate and unprotected. The utility services are
10 a spaghetti mix of wires and -- crossing tenant spaces so
11 simply, you know, decision standard D, I think we pretty
12 clearly meet.

13 The cost of the improvements to the remaining
14 structure far outweighs its value and -- and as I said
15 earlier, it reduces the leasable area in the end of it.

16 So decision standard E is where we come down to.
17 Decision standard E says the applicant has a plan for the
18 reuse of the property which mitigates any adverse effects
19 of the proposed removal on the property, in the district
20 through, and it gives us four ways to meet that. We
21 believe that we're meeting three of those four ways.

22 Number one, new construction which is consistent
23 with this chapter and the guidelines set forth in the
24 current guidelines. The addition that we've proposed has
25 been favorably received by this board on a number of

1 occasions.

2 The brick matches, the window matches, the roof
3 pitch-- pitches match. It's absolutely on scale with --
4 what we intend to remain.

5 The grass shown in the meantime will be as it is
6 but to point out that -- in the new construction standard,
7 you know, we are proposing new construction here.

8 The new construction standard does not say that
9 you necessarily have to cover a hundred percent of the
10 ground. So -- we are proposing new construction. We do
11 need to -- this guideline. We're just not proposing to
12 building everything.

13 Second one as another way to mitigate this is
14 exterior rehabilitation or restoration. We've already
15 done a significant portion of that in the half a million
16 dollars that they spent in restoring the High Street
17 building and the Sigma Chi founding site.

18 Certainly meets the goals here. The --
19 contributes to the architectural and historic integrity of
20 the streetscape.

21 The new construction that we're proposing
22 finishes this job to rehabilitate and to restore this
23 portion of the building but leave it vulnerable to fire to
24 the rest of the whole block didn't really finish the job.

25 We finished the pretty part of the job. We

1 finished the exterior but the building is still not --
2 done. And we strongly feel that creating the firewalls
3 and putting the small addition on here is toward the goal
4 of rehabilitating and re-- and restoring this building.

5 Number three, we'll skip 'cause it has to do
6 with relocating a structure but number four, the applicant
7 has a plan for landscaping the parcel. We feel we meet
8 this one as well.

9 Code says consistent with this chapter and the
10 guidelines set forth in the current Oxford Historical and
11 Arch-- and Architectural Preservation guidelines and
12 providing for its care as common space for the benefit of
13 the general public.

14 If you would look at your guidelines for the
15 historic district in terms of landscaping, there is in
16 fact a page in the historic guidelines about that. It
17 doesn't say much at all. It just says that the scale
18 needs to be -- similar.

19 We're providing some -- planter walls in the
20 recess part of the addition that we feel is to scale. It
21 mentions protecting existing mature trees which we don't
22 have and it mentions mowing of a vacant lot which we --
23 intend to have.

24 The majority of our landscaping guidelines in
25 the city of Oxford, if you are familiar with our zoning

1 code, they're in the parking section of the code. We
2 don't have a chapter called landscaping in our zoning
3 code. Landscaping falls under vehicle management. There
4 is no parking. There is no vehicle management.

5 So this is what we're left with. This is what
6 the guidelines -- the historic guidelines say about
7 landscaping.

8 Our zoning code, if we were to put seven parking
9 spaces, we're supposed to have two trees for every parking
10 lot and -- they add one for an additional five, if you
11 have seven spaces in a row, we have to add another tree.

12 What we're proposing here is to do what is in
13 fact consistent with the uptown, which is to continue the
14 rhythm of the street trees and the street grate-- street
15 grates along Park Place which would be consistent with
16 those of guidelines in the historic district.

17 MR. HAIZMAN: I have a question on there. You
18 had the -- the light green where it says proposed --
19 proposed lot area?

20 MR. WEBB: Yeah.

21 MR. HAIZMAN: What's the rest of that area,
22 the -- the darker shade of green?

23 MR. WEBB: No, it's -- it's just because it's a
24 screen. You're just seeing a white roof through it. I
25 mean it's -- everything -- it's all one shade of green.

1 MR. HAIZMAN: Okay. Okay.

2 MR. WEBB: But -- but you're just kind of seeing
3 the -- the roof image sort of showing through it.

4 MR. HAIZMAN: So the whol-- so the whole thing
5 would be lawn?

6 MR. WEBB: Right.

7 MR. PERRY: So the -- the la-- we haven't seen
8 this drawing before so the labels on there, could you just
9 read those off?

10 MR. WEBB: Sure. The lighter portion of
11 green that --

12 MR. PERRY: Do you have a pointer?

13 MR. WEBB: -- ends --

14 MR. PERRY: Sorry, I just thought that might
15 help the commission.

16 MR. WEBB: Okay. The lighter portion here, this
17 is what we've been calling the blacksmith shop. That's --
18 says existing building to be removed. This is the center
19 section that says existing building to be removed. This
20 is the addition as proposed.

21 This is the original significant building we're
22 trying to save and the rest of this is just either a
23 couple of parking spaces, roof area, and whatever through
24 there.

25 MR. PERRY: So there's no difference between the

1 two shades of green?

2 MR. WEBB: There's no difference.

3 MR. PERRY: It's just an illusion?

4 MR. WEBB: It's -- it's --

5 MR. HAIZMAN: There would be some parking
6 spaces?

7 MR. WEBB: No parking spaces.

8 MR. HAIZMAN: There'd be no park--

9 MR. WEBB: No parking spaces.

10 MR. HAIZMAN: That would be lawn area?

11 MR. WEBB: Parking is not allowed as a approved
12 use in the uptown district.

13 MR. HAIZMAN: That -- that's --

14 MR. WEBB: Not allowed to park on it.

15 MR. HAIZMAN: That's what I thought.

16 MR. WEBB: The intention is to -- to meet the
17 landscaping guidelines, to landscape the front of the new
18 building, to provide street trees for the rest of the
19 block and to put the rest of it in seed and -- and grass
20 until such time as something else may be proposed.

21 And in accordance with the code, it will be
22 available as common space. It won't be fenced off. It
23 will be available as common space for the benefit of the
24 general public.

25 And then lastly, just the conclusion, I've said

1 it lots and lots of times, might as well say it one more
2 time. The point of this proposal is preservation and it's
3 to preserve the original building, the oldest, the most
4 significant, the one that is consistently -- the one that
5 we are consistently directed to save from our HAPC
6 guidelines, to the feeling of this body, to the money
7 that's been invested by Sigma Chi, to their own interests
8 in protecting their founding site as a museum, the goal of
9 this project is in fact preservation.

10 The problem is -- what remains in order to save
11 this building is just not able to be saved and we
12 certainly have a plan for the reuse of the property as
13 required by the decision standards.

14 So -- must be a second or third time most of you
15 have heard this. Happy to answer any questions,
16 nonetheless.

17 MR. PERRY: I had one, Laura.

18 MS. HENDERSON: Okay. Go ahead.

19 MR. PERRY: Scott, I was just going to ask --
20 you mentioned on the landscaping plan about like a -- a
21 wall and street trees.

22 Could you go into more detail on that? I hadn't
23 heard that before and hadn't seen it on any drawings. Was
24 that in the drawings?

25 MR. WEBB: All I did was color this drawing.

1 This is the -- you have this site plan.

2 MR. PERRY: Oh, okay.

3 MR. WEBB: I just colored it --

4 MR. PERRY: Okay.

5 MR. WEBB: -- for this presentation.

6 MR. PERRY: What were the walls about? I didn't
7 catch that.

8 MR. WEBB: The walls are -- right here --
9 actually, I need that back -- let's go back to the plan.
10 If you see right there --

11 MR. PERRY: Okay.

12 MR. WEBB: -- we'll recess the building. We
13 have built in a little planter area, you know, as part of
14 that. So, you know, we are incorporating to scale in the
15 garden walls and planters in the new construction.

16 MR. PERRY: So there's no walls or barriers --

17 MR. WEBB: No.

18 MR. PERRY: -- noticed around the grassy --

19 MR. WEBB: No.

20 MR. PERRY: -- lot? Okay.

21 MR. WEBB: Nothing whatsoever.

22 MR. PERRY: Okay.

23 MR. WEBB: And so like I said, the only thing
24 that -- that we feel is -- is required or would be
25 appropriate for the historic district would be -- there

1 are currently no grates or street trees on that side of
2 Park Place and --

3 MR. PERRY: Uh-huh.

4 MR. WEBB: -- you know, our clients would be
5 willing to improve the streetscape in that --

6 MR. PERRY: Even with the overhead power line?

7 MR. WEBB: As long as it's allowed.

8 MR. PERRY: Yeah, to fit under it or whatever?

9 MR. WEBB: Uh-huh.

10 MR. PERRY: Okay. Thanks.

11 MS. BURKE: So there's no landscaping plan on
12 the north side of the addition, it's just lawn?

13 MR. WEBB: Right.

14 MS. BURKE: Correct.

15 MR. WEBB: You know, along this lines.

16 MS. BURKE: There's no other kind of --

17 MR. WEBB: Right.

18 MS. BURKE: -- exterior.

19 MS. HENDERSON: The hope is that that vacant lot
20 will sell and then be redeveloped. Is that -- isn't that
21 correct? The sale of the property of the north side will
22 help finance the -- the addition at the back of the --

23 MR. WEBB: Well, I mean as I pointed out, this
24 building in its entirety, or even just the Sigma Chi
25 portion on its own, loses money on a monthly basis.

1 So certainly, you know, selling the part of the
2 property that they no longer wish to own or maintain could
3 go to help the goal of preserving the other part of it,
4 absolutely.

5 MS. HENDERSON: Well, they're -- they're not --
6 they have no income currently because there are no tenants
7 in there. Previously there were tenants but -- one of the
8 things that I read out was -- earlier was -- that it's a
9 good idea to come before the HAPC to discuss a plan and --
10 and to present it for approval before proceeding with any
11 action.

12 But unfortunately this didn't happen and so now
13 we've -- we have empty buildings which -- which create --
14 probably more of a fire hazard than -- than if they were
15 occupied.

16 So you have a -- it seems to me that Sigma Chi
17 hasn't -- hasn't been very good stewards of that building
18 and -- and it is considered to be historic by virtue of
19 the fact that it's in the historic district.

20 MR. WEBB: Well, I don't really think you can
21 argue both sides of that though, Laura. You can't put a
22 Power Point presentation here and talk about how good the
23 building looks and then say they've been, you know, bad
24 stewards of the property at the same time.

25 I mean they -- they have been propping this

1 building up since they inherited it in 1976. It's been
2 occupied. And by your own Power Point presentation, it
3 looks pretty good up there.

4 So I don't think it's fair to say that they've
5 not been good stewards --

6 MS. HENDERSON: I'm just saying they have --

7 MR. WEBB: -- on maintaining the property.

8 MS. HENDERSON: They could have -- they could
9 have done better because they made the repairs and brought
10 it up to code over the years rather than just leaving it
11 as it is -- and evicted all the tenants can surely -- I --
12 I also don't think it's relevant to -- to consider --
13 although we've -- we greatly appreciate the restoration
14 of -- of 20 to 24 East High Street.

15 I mean that -- they did a beautiful job and,
16 yes, it probably cost them more than they thought it would
17 but -- the fact that they've spent that much money -- this
18 is -- is not what we're considering. What we're
19 considering is -- is the -- is the demolition of -- of
20 historic structures that are behind it -- behind it.

21 We discussed this before. You -- you could do
22 that firewall and the -- and the -- the -- corridor
23 without destroying the buildings behind it and perhaps if
24 Sigma Chi -- had a donor to -- or -- or somebody that
25 would sponsor the -- the rehabilitation of the -- and the

1 restoration of the buildings behind it, perhaps they --
2 they could actually then make -- make enough money to make
3 it feasible. We would consider that but -- but --
4 apparently that's not -- that's not something that --

5 MR. WEBB: Well, I mean there's -- there's a lot
6 of --

7 MS. HENDERSON: -- they considered.

8 MR. WEBB: -- ifs to that statement and, you
9 know, primarily as I said before, that if we were to
10 proceed and -- slice this piece of the building out and
11 finish the -- the rehab and restoration of Sigma Chi,
12 protecting it from the rest, what remains will be
13 unoccupiable. I mean it couldn't be -- even rented.

14 MS. HENDERSON: As it is but it could be altered
15 to be made occupiable. Wouldn't there be any way to
16 cut -- a door from the -- the addition that you're
17 planning to make into the other part of the building to
18 make that the fire ex-- access for -- for the other part
19 of the building?

20 MR. WEBB: You really, you know, can't acc-- you
21 really can't exit through adjacent buildings because --
22 you know, if you're --

23 MS. HENDERSON: It's not really a building that
24 you're putting there though. It's just a stairwell with a
25 closet and a bathroom and there's some --

1 MR. WEBB: Well, the building code isn't
2 ambiguous about how it defines buildings and so, you know,
3 that would in fact be a building and -- you are asking us
4 to try to exit the other building through this building.

5 MS. HENDERSON: But it's all connected so it's
6 really all one building anyway.

7 MR. WEBB: Building code is not ambiguous, about
8 that. Just because they touch each other does not make
9 them the same building.

10 MS. HENDERSON: The way they're configured now,
11 it's -- they're considering to be one building.

12 MR. WEBB: Well, I think they are -- sort of --
13 they've been kind of operating that way. That is the
14 problem.

15 If we look at it and we consider it one
16 building, it is a giant combustible building too large to
17 be made of wood.

18 MS. HENDERSON: The firewall would help --

19 MR. PERRY: Can you confirm that?

20 MS. HENDERSON: -- take care --

21 MR. KOHUS: Yeah.

22 MS. HENDERSON: -- of that.

23 MR. KOHUS: Yeah, if I might bring -- you know,
24 Scott is -- you know, he's correct. I mean -- basically
25 this was separate buildings at one time. Then it got kind

1 of combined and combobulated (phonetic) --

2 MS. HENDERSON: Right.

3 MR. KOHUS: -- into one.

4 MS. HENDERSON: Except for that center filler
5 area which was never a stand alone building by itself. It
6 was --

7 MR. KOHUS: No. The -- the --

8 MS. HENDERSON: -- connected.

9 MR. KOHUS: -- area where -- the area where
10 they're demolishing and putting that new addition on
11 actually -- it doesn't really qualify as a building. It's
12 a floor in between two --

13 MS. HENDERSON: Right.

14 MR. KOHUS: -- distant walls.

15 MS. HENDERSON: Right.

16 MR. KOHUS: So that's -- to me, a building is
17 four walls, you know, but -- that building's two walls.
18 They're taking that down.

19 MS. HENDERSON: So they're just making an
20 addition, not a separate building here.

21 MR. KOHUS: They actually added that building on
22 there I believe -- you know, I wasn't around when it
23 happened but -- they -- they connected that building to
24 make one building out of two separate ones.

25 MS. HENDERSON: Yes.

1 MR. KOHUS: The north part --

2 MS. HENDERSON: It's a connector.

3 MR. KOHUS: -- already was two, yeah.

4 MR. HAZMAN: It was a connector.

5 MS. HENDERSON: That's what I said, it was never
6 a stand alone building so --

7 MR. KOHUS: Right.

8 MS. HENDERSON: -- it's not -- it's not really a
9 building that's --

10 MR. KOHUS: Right.

11 MS. HENDERSON: -- would be --

12 MR. KOHUS: As -- as time went by, you know,
13 they -- they just did all the, you know, connections and
14 additions as codes changed from obviously the time the
15 building was built until now so it's just -- it's just a
16 matter of this building could be a victim of time and
17 history, result of connections and additions.

18 But Scott's right about the building code. It's
19 not -- it doesn't really make that kind of distinction --

20 MS. HENDERSON: Okay.

21 MR. KOHUS: -- between that -- and really the
22 whole -- the building.

23 MS. HENDERSON: So let's open the floor to
24 discussion then.

25 MR. BENSON: Scott, the -- you know, we --

1 MS. BLANKENSHIP: If I could interrupt for one
2 second, I'm sorry. Did Ashley want to speak or --

3 MR. WEBB: That's what I was going to say.

4 MR. BENSON: Oh, sure, yeah.

5 MR. WEBB: Ashley, can you still hear us?

6 MR. WOODS: I -- I can. I hope everybody can
7 hear me. I believe that Jay has some testimony over the
8 first part as well when I conclude. First and foremost --
9 well, first, can you guys hear me?

10 MR. WEBB: Yes.

11 MS. HENDERSON: Yes.

12 MR. WEBB: Yes.

13 MR. WOODS: Okay. Good. First and foremost, I
14 just again want to thank everyone for taking your time. I
15 know this is a volunteer office and -- and I -- I know
16 everyone is busy and this set of proceedings has -- has --
17 spent a lot of time the past six months and I appreciate
18 it.

19 I also would obviously ask that -- that -- did I
20 understand that -- I understand the -- the compassion and
21 the desire around the notion of historical preservation.

22 I think there's no question in my mind at least
23 that -- that my company is fully aligned with -- with your
24 personal desires to see that buildings and history that
25 matters is preserved as -- as best we can and in a

1 practical and reasonable way.

2 By way of background, Sigma Chi Foundation is a
3 501(c)(3) public charity recognized by the Internal
4 Revenue Service. We are organized in Illinois and have
5 our principal place of business in Illinois.

6 We have been around since 1939 and -- and have
7 received incredible contributions from a number for the
8 purpose of supporting our leadership and our scholarship
9 mission.

10 In recent years, we awarded in the neighborhood
11 of 1.4, \$1.6 million per year in support of value--
12 leadership training and academic scholarships across
13 America.

14 In addition to our primary mission of leadership
15 and scholarship, we still carry a responsibility for
16 preserving the history of Sigma Chi and its members.

17 And we have sought to do that in several ways,
18 one of which most recently here at our -- in our Evanston
19 facility is the building of a new research archives
20 library and a library museum history that will be
21 available once its complete in the next six to nine months
22 or so.

23 In addition to that, we constructed an archives
24 initiative in 2005, the celebration of our 150th year as
25 an organization and have retained on our staff an

1 archivist to date who has worked to preserve the archives
2 of the organization and the history of individual members.

3 The third way in which we sought to start a
4 partial mission of historical preservation is in the
5 maintenance of our building there in Oxford.

6 And I think everyone on this probably is aware
7 of the work that we did there, of the significant
8 investment that we made back in nine-- or 2004 and 2005
9 time frame.

10 Scott mentioned that investment earlier which
11 was to the tune of about \$470,000 which does not include
12 the best of our staff in terms of time managing
13 the project -- the project as well as efforts that were
14 undertaken to raise significant funds to allow us to do
15 that renovation.

16 Since we have rehabilitated that facility, I
17 think you're also aware that we have provided rent free
18 space to the Oxford Community Foundation that now occupies
19 half of the second floor of that building proper.

20 We've done that out of duty, that is that we
21 want to see that you provide benefit to the Oxford
22 community and we believe that Oxford community
23 preservation is a good steward and good pathway to
24 accomplish that.

25 In addition, we've made the facility available

1 to the general public to tour and to view, accessing
2 through our local real estate management company there.

3 Madam Chairman, I also believe that you have led
4 a group of folks interested in historical matters through
5 the facility as well and so -- the point that I offer
6 there is we believe that we have been good stewards of
7 what we have been given and good citizens of the Oxford
8 community in both our -- our dollars and our deeds, that
9 demonstrated our commitment to the historical
10 preservation.

11 I believe the fact of the matter is that we own
12 the building -- that -- the front building, our founding
13 site, that is a historical building in the Oxford
14 community.

15 And we have demonstrated that we're responsible
16 for that and are willing to do what it takes to see that
17 that's preserved and -- and upkeep it well into the
18 future.

19 The second thing I would offer in my testimony
20 is that Sigma Chi has a rich history, tie all the way back
21 to Oxford in 1855. The Oxford community started and
22 specifically we started on the steps of that building on
23 High Street on or around June 15th of 1855.

24 Since that time, we've held presence in the
25 Oxford community. We've had many leaders who have gone to

1 the University of Miami who have made an impact both in
2 the Oxford community and the great society as well.

3 I think -- I think this -- I would point out
4 that with respect to the -- the buildings in question,
5 acquired those buildings in the early 1970s, via a gift
6 from a prominent businessman and had a sense of the
7 community and felt that those businesses had been poorly
8 maintained, were not doing anything special.

9 In fact, our -- our founding site, the second
10 floor of that building was an insurance office and the
11 windows were roughed in. And he -- and he purchased that
12 building and gave it to Sigma Chi Foundation.

13 Since that time, in addition to the \$475,000
14 that we have invested in the front rehabilitation, we've
15 invested approximately 1.47 million in ongoing maintenance
16 of the balance of that building.

17 That certainly exceeds the amount of money that
18 we took either in from that -- from contributions, support
19 provided by the city of Oxford which are -- which have
20 been zero, and in addition, that contribution from a group
21 of our donors.

22 So we have had a larger investment and upkeep of
23 that building over this period of time and it's been more
24 than we have received.

25 We have done our best to be good stewards of the

1 property and -- and -- and I -- I think the simple reality
2 is that the building is old. It has been used to its
3 advantage for a variety of things as Scott pointed out
4 early on.

5 Part of the building was a garage-type building
6 and -- and at some point along the line, if you look back
7 through, it's had a variety of businesses, a variety of
8 interests, a variety of exteriors and interior
9 configuration.

10 It is certainly not the building that it was
11 when it was constructed or when it existed at the turn of
12 the century. And -- and the reality is with every change,
13 there has been a new -- new wiring and new set of -- a new
14 set of HVAC changed to the interior configuration of the
15 foundation as well as the roofing structure.

16 And that's part of why it's so important for us
17 to maintain the building during -- during our stewardship
18 of the property.

19 As you know, we have maintained, as Scott
20 definitely prepared, pretty much everything else in that
21 part of the building. That's in part due because of its
22 configuration because of its changing condition.

23 The other thing I would point out, and I think
24 it's a critical point, is that our decision to close the
25 building and to ask tenants to move was a two-part

1 decision, and it was out of our desire to pursue this plan
2 of reuse that we've been in conversation with -- with this
3 commission for for some period of time.

4 In addition to that, it was out of this concern
5 that the building isn't safe. As Scott pointed out early
6 on, there are significant fire issues, egress issues,
7 concerns with the block that are unknown, potential
8 concerns with the foundation.

9 In fact, a couple of years that's what we did,
10 quite a bit of work to ensure that section of that
11 foundation to the alleyway because the water was
12 infiltrating it and causing it to erode. And certainly
13 that condition will repeat because of both the lay of the
14 land and the lay of the buildings.

15 So the point here is we don't believe the
16 building is safe in its current condition. We think it
17 poses a risk to anyone who would want to split it but
18 equally significantly at risk to the great Oxford
19 community of fire that could spread quickly because of the
20 age of the wood and condition of the building.

21 I -- from a perspective of Sigma Chi Foundation,
22 it's a historical treasure which is our founding site. We
23 believe that we have both the moral -- and the specific
24 duty to do what's best to protect that -- that from fire,
25 which is part of what we pro-- the claim that we have and

1 are interested in making this significant level of
2 investment before the folks here.

3 I would also suggest that this committee has
4 both a legal and a fiduciary responsibility to give that
5 consideration, to look at the greater -- greater side
6 'cause, you know, it's safety and security for the Oxford
7 community. I think it's in your charge and I think as the
8 foundation, it's another area where we -- where we --
9 share talking points.

10 I -- when you look at some of our specific -- in
11 terms with the building, as Scott renovates, it's been
12 sufficient to both -- not only refine ongoing operations
13 but in addition to that, to allow for -- to support any
14 significant rehabilitation which would be necessary to
15 make the building available to tenants again.

16 We believe that we also have failing structures
17 and with all due respect via pictures and the walk-through
18 that was conducted, I would like to specifically cite some
19 of the construction concerns that you have been made aware
20 of through management and by tenants in -- years, some of
21 which have been addressed, some of which have not.

22 We have failing windows. A fair amount of the
23 building, certainly this commission decided for the -- for
24 the -- for the seeming failure on those on the first floor
25 of the building. The windows on the second floor, many of

1 them are also starting -- although they were replaced five
2 years ago, so they're certainly not historical original
3 windows that have been updated.

4 We have failing stucco to which we replaced on
5 the back section. I think we reviewed that surface but
6 you can see it is starting to fail again to -- coming off
7 and that's a significant portion of the wall structure of
8 the back of the building -- most of the rear -- back wall
9 structure of the buildings that have been -- at issue of
10 this discussion.

11 We have roof leaks that just -- have been
12 systemic. Recent review of the -- or view of the --
13 this -- thing in the building, you can see -- that the
14 roof was put in before we took possession of the building.

15 We have certainly maintained it through its
16 time. I've spent significant sums on patching holes
17 and -- and basic things but it is -- it's just by natural
18 occurrence. It -- it requires substantial rehabilitation
19 for that to be within its useful life.

20 We have unsafe corridors that Scott has spoken
21 to and are located throughout the building. In addition
22 to their lines in the street, right in the front of the
23 building, that seem to me to be dangerously close to the
24 facade and certainly could pose a fire hazard of their
25 own.

1 The building is heavy wood construction and
2 there -- there is at the bottom of the building and I
3 think there is evidence in your pictures of the -- of
4 the -- of those -- the structural elements in the basement
5 of the place.

6 MR. PERRY: Ashley?

7 MR. WOODS: We have looked at -- the rear
8 section is well separate from the front section -- I can
9 stand --

10 MS. BLANKENSHIP: Ashley?

11 MR. WOODS: -- of that building. And we also
12 have a failed HVAC system. I replaced one system, shortly
13 before we closed the building for occupancy. We were
14 aware that parts of the system need to be replaced as
15 well.

16 I think when you look -- while the building
17 itself certainly is standing erect, certainly could be
18 refurbished with significant investment. I think that we
19 clearly meet the --

20 MR. PERRY: Ashley?

21 MR. WOODS: -- its brick wall, its windows, its
22 foundation and the flooring as well as the base tax system
23 that make the cost of repair prohibitive. It isn't any
24 one --

25 MR. WEBB: Hey, Ashley. Can you hold on just a

1 second? We're having audio problems here.

2 MR. WOODS: Oh, sure.

3 MR. WEBB: Let me switch you back to speaker and
4 I'll put you on mute.

5 (An off-the-record discussion was held.)

6 MR. WOODS: Try that, Scott, once I start, just
7 push the mute button on your side and it won't -- it won't
8 come back. Are you ready for me to start again?

9 MR. WEBB: I am. Go ahead.

10 MR. WOODS: Okay. I'm -- I can't hear you but
11 hopefully you can hear me. I believe I left off after
12 going through a list of items that we identified as being
13 items that reflect a failing structure as a result of the
14 age of the building.

15 And it is our contention that these items
16 collectively represent extensive damage to the base
17 structure of the elements of the building such as its
18 roof, walls.

19 And in addition to what's referenced in the
20 statutory code, items such as the exterior surfaces, its
21 windows, foundation, its flooring and its HVAC, it isn't
22 any one event that has caused this.

23 A tree didn't fall on the building. It didn't
24 sustain fire thus far. It is -- it is -- it is a -- kind
25 of a collection of -- of -- of issues that have developed

1 over time due to the age and condition of the building.

2 And I think it's -- it's -- the nature of an
3 aging building, that there will come a time when it no
4 longer serves a useful function and needs to be -- brought
5 down.

6 As has been referenced earlier, our aspiration
7 here, our fundamental goal is that we are able to provide
8 a world class historically appropriately preserved front
9 building that is a -- that is a treasure of both Sigma Chi
10 and the Oxford community.

11 The plan of rehabilitation that's been offered
12 here includes both updates to that front building. We
13 will by necessity need to do significant renovation to the
14 ground level office spaces within that building as well as
15 the rear wall that connects to the current second
16 structure that I think someone called a lean-to earlier in
17 the day.

18 In addition we proposed new construction. And
19 third, we proposed a park, grassy area for the time being
20 that will be made available to the general public and
21 landscaped consistent or -- and/or exceeding the
22 requirements of this commission.

23 The -- the -- the -- the other thing that I
24 would offer and -- and certainly -- certainly Jay, our
25 attorney, can speak to this -- is that we -- we look at --

1 secondly, at the code that has been crafted, specifically
2 section 1331.63, which we think we fully conform with.

3 Specifically when you look at this code, it lays
4 out a number of criteria that must be met in order for a
5 certificate of appropriateness of demolition to be issued.
6 And we believe that we meet three of these.

7 First, we have a full plan of reuse that
8 involves both the front, middle and rear of the property.
9 The plan is of indefinite duration and although -- it
10 certainly is our intention at some point to offer for sale
11 the -- the grass section of the back of the property, we
12 don't know how long that's going to take and we have no
13 specifics in terms of -- of -- of what might be proposed
14 to this committee and the Oxford community for forward
15 use.

16 What we had proposed at this point, we believe
17 is consistent with the code and consistent with being a
18 benefit to the citizens of Oxford community, especially
19 when weighted against the existence of a building that
20 poses great fire risk.

21 The second thing is that our concern is -- is
22 of -- is of life safety. And I've -- I've gone through
23 that in extensive detail.

24 Our last point that I would make is -- is
25 that -- we believe that we fully comply with the code. I

1 asked earlier in the day that -- that there be some
2 presentation of section four of 1331.063 because I think
3 that provides some context to what the drafters of this
4 legal code intended when they laid out these criteria for
5 demolition.

6 If you look at the consequence for having torn
7 down the property absent this COA, the consequence is
8 simply a fine until such time as you offer a plan of
9 rehabilitation.

10 It doesn't say a plan that's approved by any
11 committee. It doesn't say a plan that is -- is a -- a
12 great interest. It doesn't say a plan that a body --
13 that -- of -- of high intention, seasoned experienced
14 folks believes is a great value to the committee. It's
15 just doesn't specify a plan.

16 So when I look at this code and I -- and -- and
17 I read this, I focus heavily on the word through that's
18 offered in the sentence or in section 1336.063 A(2)E. It
19 specifically says mitigate the effects through, and then
20 offers a variety of ways to do that.

21 I believe the existence of that word through in
22 the context provided by section four of this make it very
23 clear that what the drafters of this code intended and
24 what -- what I believe this claim reading illustrates
25 is -- is that the standard here is that we offer -- that

1 we bring back to this commission a plan that provides one
2 or more of these four items for redevelopment of the
3 facility. And I think that everyone would agree that we
4 have done that.

5 The notion of a waiving review where someone
6 might look and say well, the old blacksmith building to us
7 seems like it's of more value than a -- a grassy park, I
8 don't believe that that's what the code articulates.

9 In fact, I think if you look further into this
10 section of the code, you'll find a couple of references to
11 history or -- historical buildings.

12 However, those references are isolated within
13 specific cri-- criteria and are not offered as an umbrella
14 provision relative to this overall code.

15 So in -- in concluding my comments, again, I
16 very much appreciate everyone's consideration and time and
17 the expertise and the quality that has been offered in
18 this discussion.

19 It's -- it's our belief that we have been good
20 stewards, good partners with the Oxford community and
21 historical preservation.

22 We also believe we've laid out a plan that goes
23 above and beyond in terms of providing great benefit to
24 the Oxford community, in terms of histor-- preserving a
25 historical building and historical piece for generations

1 to come.

2 And it's our contention that we have fully
3 conformed with the language of this code and very much
4 appreciate your consideration.

5 With that said, I'll turn it over to Jay, but
6 I'm also happy to answer any questions.

7 MR. WEBB: Okay. I've turned it back on. Can
8 you hear us again?

9 MR. WOODS: Yes. Okay.

10 MR. BENNETT: I didn't have -- I'm basically --
11 I think a lot has been said here by both -- you know, by
12 both parties. I think that just to -- also say that --

13 MR. WOODS: Scott, can you put the phone closer
14 to Jay? I can't hear him. Sorry to interrupt.

15 MR. BENNETT: I -- I would have to agree with --
16 with Ashley in that I think that the -- the decision
17 standards as written have been fulfilled.

18 I think that causes some degree of frustration
19 with the board and I -- I would have to fault the code
20 itself because as -- as Ashley set forth, when you're
21 talking about the reuse plan and the -- the aspect of it
22 that he -- put forth, which is the applicant has a plan
23 for reuse of the property which mitigates any adverse
24 effects of the proposed removal upon the property, the
25 streetscape and the district through.

1 And then you go to four and it says landscape
2 the parcel. And it's basically -- just says landscape the
3 parcel. There's no guidance, there is no standard. It's
4 just -- landscape the parcel.

5 So that's how this particular property is
6 basically the same as the BP property because it was --
7 it's not a -- designated as a significant or additional
8 site. And you just go by the standards.

9 I think given -- particularly given the --
10 qualifications of -- of this -- of this board, of this
11 commission, which are numerous and very impressive, I
12 think that is somewhat frustrating.

13 I heard today that -- whether or not the loss of
14 the building would have an adverse effect. I understand
15 that that's a concern of this commission however that's
16 not a decision standard.

17 What maintains the character of the district was
18 said. Once again, very important. Not a decision
19 standard.

20 When you have a situation where you're taking
21 the incidence of ownership of real property, a case called
22 Lucas versus South Carolina, where it's like the strands
23 of a rope, and when you start to have a city or county or
24 any government take away those individual strands, you
25 basically have to have a code that sets forth the

1 standards very, very clearly and very, very tightly.

2 As far as using discretion, the only discretion
3 is was the standard as written fulfilled? I would say
4 that D and -- and E were fulfilled. And I don't think
5 there's any doubt about that.

6 But I would say given the whole hierarchy that
7 you're dealing with with the -- design standards, by the
8 way, that are -- do have the force of law since they are
9 incorporated by reference by the code itself, it says --
10 those design standards are basically -- they're part and
11 parcel of what the code says. They have the force of law.

12 However, the design standards as we've read them
13 at this point in time basically say that the -- that --
14 this particular site, the only aspect or the only part of
15 the site that is really significant by law, by your own
16 ordinances, is the front building.

17 And so I would -- I would say after going
18 through this twice now, it -- what really strikes me --
19 and I don't want to get into anything else here -- is
20 other than the -- you know, the fire safety, obviously,
21 health safety and welfare trumps zoning which trumps
22 aesthetics.

23 So we're two steps down here. If you got
24 health, safety and welfare issues, then right away the
25 land use itself is going to be subjected to those -- those

1 interests.

2 And historical and -- and architectural
3 preservation, which is basically aesthetic, is going to be
4 further subjugated to those because -- you go health,
5 safety and welfare, land use and then historical
6 preservation.

7 I just think that if the board or the commission
8 wants to exercise more discretion, you have to change the
9 code.

10 This is what the code says, this is what the
11 code says that you must decide upon. This is what -- it's
12 been decided upon and -- and basically, quite frankly,
13 the -- the decision standards, particularly E(4), are
14 really loose.

15 So -- now, you know, there can be some -- legal
16 problems with making them too -- too restrictive but I
17 think there's a balance to be struck here. And I don't
18 think the code really strikes that balance.

19 I think the code, as it's written, has been
20 complied with. And I think that my client deserves a -- a
21 COA. But I understand your concerns. I understand
22 frustrations. But I -- I really think by law, you have to
23 basically use these standards as written.

24 And as written, they're pretty loose but that --
25 that's what -- what we're dealt with here. So that

1 that's -- that's what I would say.

2 MR. BENSON: I'd like to make a response to that
3 and to some things that Ashley said.

4 MR. WOODS: I'm sorry, would you gentlemen mind
5 moving the phone closer to the speaker. I can't hear the
6 discussion, I'm sorry.

7 MR. BENSON: Ashley, this is Bob Benson
8 speaking. Can you hear me?

9 MR. WOODS: I can, Bob.

10 MR. BENSON: Okay.

11 MR. WOODS: Thank you.

12 MR. BENSON: Okay. I think that, you know, when
13 you're talking about how loose this one decision standard
14 is, it occurs to me that the real issue here that we're --
15 that this revolves around is the question of the will to
16 preserve.

17 Sigma Chi has no problem raising large amounts
18 of money. We're already heard this. If Sigma Chi wanted
19 to raise money for this, I'm sure it could.

20 I guess that what we're really looking at is the
21 historic incident that it was -- the fraternity was
22 founded in this -- block on High Street.

23 If it had been founded in the McCullough Block,
24 there is no way -- way that anybody would not have found a
25 way to preserve it and adapt and reuse this building.

1 It would have cost a lot of money. Historic
2 preservation always does cost a lot of money but the --
3 all of the things that have been pointed out here, quite
4 correctly, about problems with fire hazards, problems with
5 possibly potential structural damage that we haven't
6 really seen carefully, all those things could be mitigated
7 because this happens all over the country in historic
8 districts.

9 So it seems that -- the -- argument really boils
10 down to the fact or to the question of whether someone who
11 owns the historic property can decide to -- get rid of it
12 because they need it to help pay for another part of
13 the -- preservation that's -- they're more interested in.

14 Sigma Chi is interested in preserving its
15 foundation building. I understand that. That's been made
16 ultimately clear from the very beginning.

17 The question is whether these other buildings
18 really are that valueless to Oxford. They may be
19 valueless to Sigma Chi but whether they're valueless to
20 Oxford is another story.

21 That -- that then also leads to the question
22 about the -- the outcome of the demolition and the -- and
23 whether there's a plan there.

24 I think that the plan that is -- has been
25 presented is the -- creation of the addition of the --

1 staircases and toilet rooms and so forth for the second
2 egress to the front building, which I think nobody's going
3 to argue that that's a good thing. It is a good thing.

4 But whether the idea of seeding the lawn is a
5 plan or not, I would question very -- very carefully.
6 Whether that's landscaping or not is the question then.

7 The reason I say that is if you dem-- demolish
8 the building, the city would not allow you to leave the
9 rubble on the site. Smoothing the site and planting grass
10 is the last step in the demolition process, not a plan for
11 what is -- could be called a mitigation of the loss of the
12 buildings.

13 So I understand -- I mean you -- you all have
14 argued very, very vigorously for what you want to see
15 happen here and I -- I appreciate that.

16 I'm fascinated by the way in which the arguments
17 have been constructed. You're all articulate. I love
18 that. But I don't think that -- I mean I think you've got
19 a point of view just like we have a point of view. And
20 that's -- that's where the dilemma is.

21 MS. HENDERSON: I would like to add something to
22 that. I -- I agree with Jay Bennett that -- that the --
23 code should be rewritten and we have tried to rewrite it.

24 In fact, we did rewrite it and we presented it
25 to the council and they rejected it, although it was a lot

1 tighter, not so tight that it bound everybody in but -- we
2 have tried and we also have another inventory in place
3 which we presented and -- they also -- have not approved
4 but we are -- we are attempting to -- to -- get it
5 approved very soon and we have been using that as a -- as
6 a guideline.

7 And it does designate that block which -- the
8 entire block, by the way, is the McCullough Block. All
9 that rent property was owned by McCullough -- McCullough
10 people, not just the Sigma Chi building but the whole
11 block -- the whole -- extending the block that goes onto
12 East Park Place.

13 The -- the issue is that -- because the code
14 does allow, you know, leeway here and there and -- and --
15 it doesn't enable people to demolish buildings that --
16 that are really are of no relevance like the BP building,
17 which is not historic and has no history and no cultural
18 value to the community, that's why we have a commission.

19 That's why we have a -- a board of people who
20 can evaluate and -- and -- and consider and give careful
21 thought to -- to what has meaning and what should be left
22 in the community to add to its historic character.

23 It's not just about the buildings which -- as an
24 his-- as an historic preservationist, anything can be
25 restored and it -- and it doesn't have to cost that much

1 and you can get tax credits and you can -- you can get --
2 well, maybe not for a -- for a charitable but as Bob
3 Benson said there's probably some way that Sigma Chi could
4 really take an interest in that block and raise the money
5 to restore it.

6 I've been involved in these projects, worse than
7 this, that -- that have been restored and -- and adaptive
8 reuses is one of the things as a historic preservationist
9 I advocate but that's -- because this is so loose and
10 because yes, it does need to be rewritten and tightened up
11 a bit, that's why we have a commission of professional
12 people who are qualified to -- to -- to weigh everything
13 together and -- and make a determination about what's
14 going to preserve the character of the community. Not
15 just -- not just the -- the fabric of it but the culture
16 and -- and the people whose stories and -- so yes, maybe
17 the -- the blacksmith shop doesn't resemble the above
18 blacksmith shop but that door is about the same size as --
19 as the original door was I think -- maybe it didn't -- it
20 certainly didn't have the awnings on it but -- so I -- I
21 do think that -- that the -- the effects of demolishing
22 those buildings and then -- and then the so called plan to
23 re-- to seed it as a landscaping project, and adding to
24 the park that's already there that doesn't really need to
25 be added to is -- is not sufficient to mitigate the loss

1 of those buildings. That's what we're really all about
2 here.

3 MR. BENNETT: Right, but the problem is the code
4 doesn't give you the power to decide whether that's
5 sufficient.

6 The code says you will mitigate in these four
7 ways and if you do this one, you do number four, no matter
8 what that means, and it's strictly construed against the
9 city because all zoning is strictly construed against the
10 city or the government, in favor of the property owner,
11 using his property for as many uses as he can, that's
12 basically it.

13 So basically until the city says okay, this is
14 what the landscape plan is -- consists of and as long as
15 you jump through these hoops, then basically you have
16 complied.

17 But as it is now, basically it says -- through
18 doing these four things. And if the city doesn't
19 succinctly define what those four things are, then
20 basically it's anything.

21 And it's anything in the favor of the property
22 owner, not in favor of the city that would want to --
23 or -- you know, would -- think that they would have the
24 power to restrict that.

25 So in other words, if you want more discretion,

1 you have to write it into the code. At this point in
2 time, you don't have the discretion.

3 MS. BLANKENSHIP: And Jay --

4 MR. BENNETT: For this particular hearing, you
5 don't have the discretion because it's not written into
6 the code.

7 MS. BLANKENSHIP: Jay, I would respectfully
8 disagree a little bit there. If we could -- I want to
9 remind the commission that the parameters of your decision
10 today are set forth in 1331.063.

11 Everything -- in terms of determining whether
12 the COA is issued, this is where we -- this is where we
13 need to be.

14 But in terms of the -- the boards' authority to
15 make that decision, I believe, Jay, you're referring to.
16 1331.063(2)E --

17 MR. BENNETT: Yes.

18 MS. BLANKENSHIP: -- in saying that through one
19 of these four ways than -- right. Well --

20 MR. BENNETT: Yes.

21 MS. BLANKENSHIP: -- I respectfully disagree
22 that they don't have any discretion there because it does
23 say which mitigates any adverse effects of the loss of the
24 property.

25 So while there may be a reuse plan, while there

1 may be a plan for the addition of -- to the original
2 building and there may be a plan -- excuse me, a plan for
3 the landscaping, it does say that which would mitigate any
4 adverse effects.

5 MR. BENNETT: But it also is followed by does
6 not mitigate any adverse effects through. And then
7 basically the city says this is how you do it. You do it,
8 one, two, three or four.

9 And my client has done it through four and now
10 we can't superimpose discretion on that and say well,
11 four's not good enough. Well, wait a minute, four is
12 written in the code and so we have to follow the code as
13 written.

14 And -- is it a good idea to change it? Sounds
15 like to me that it's a good idea to change it but as of
16 the filing of the application for the COA, at this point
17 in time, this is what we're left with. This is what we're
18 stuck with.

19 And when it says through, then four, then you
20 look at four, has -- four been complied with? Yes, four
21 has been complied with.

22 Do you have to -- is there any weighing or
23 degree of -- well, they kind of complied, they might have
24 complied or they maybe complied.

25 No, it's this. And as long as there's grass on

1 that just like on -- at BP, based upon a -- a property
2 that is not significant or additional, which this property
3 is, that -- that's the -- the beginning -- the beginning
4 and the end.

5 Your discretion is limited to -- well, did
6 they -- did they follow four? Is there any landscape plan
7 there? Sure, it's -- called planting grass.

8 And until and unless you guys say well, you were
9 planting grass and then you have this and then you have
10 some trees and you have to have at least this, this many
11 and you have to have some shrubbery and you have to have
12 it designed by, you know, a landscape architect or
13 whatever you do, that is up to the city council. That's
14 up to you in order to work with those folks.

15 What we're dealing with is here it's pretty
16 doggone vanilla. You know, it's like -- through. You
17 know, you're mitigating the adverse effects through what?
18 One, two, three and four.

19 Four is landscaping. This is landscaping, you
20 know, just like BP. You're -- you're basically confined
21 to that.

22 There is no going out from that and -- and
23 weighing even though I know with as many professionals --
24 as many talented professionals you have, the weighing
25 could be, you know, done and -- and be very good but your

1 code in my view does not let you do that.

2 MS. BLANKENSHIP: And again, from the city's
3 perspective, you do have the authority to do that. You
4 have the authority to determine yes, this is a land use
5 plan and this is a landscaping plan but it does not
6 mitigate the adverse effects of the loss of the building.
7 That's the --

8 MR. WOODS: I'm sorry, I can't hear whoever that
9 is. Sorry for interrupting.

10 MS. BLANKENSHIP: Sorry, Ashley. Could you hear
11 me before?

12 MR. WOODS: No, I didn't.

13 MS. BLANKENSHIP: All right. So just generally
14 under -- we're discussing 1331.063 A(2)E, and whether this
15 commission has the authority to weigh the decision of
16 whether the landscaping plan would mitigate the adverse
17 effects of the loss of the building.

18 And it is the city's persp-- it is the city's
19 position that this commission does have that authority.
20 Are there any more questions on that?

21 MS. HENDERSON: I would -- I would also add that
22 it's -- it's -- boils down to an interpretation of -- of
23 the ordinance of the law, whatever. It's -- you're
24 interpreting it as -- as being, you know, tightly -- as it
25 says here but -- but we are interpreting it and -- and

1 considering it as not to be mitigating the adverse
2 effects.

3 So if -- if it did mitigate the adverse effects,
4 it could be true in this but since we determined that it's
5 not mitigating the adverse effects, then we're saying no
6 to this.

7 MR. BENNETT: But basically when it's this
8 vague, when four is this vague, all vagaries are construed
9 in the property owner's benefit -- to the property owner's
10 benefit. That's basically the law, throughout zoning law.

11 MR. WOODS: Yes.

12 MR. BENSON: It's -- you know, zoning law is in
13 derogation of the constitutionally-protected private
14 property rights of each property owner.

15 MS. BLANKENSHIP: And if I may, Jay, we're not
16 asking this commission today to do interpretation on this
17 code.

18 MR. WOODS: Hopefully, I'm not interrupting
19 anyone, I can't -- I didn't hear anyone speaking. You
20 also construe the document -- you use -- you use the
21 language of the document itself and it's got four walls,
22 for lack of a better phrase, to -- to -- understand its
23 context and you looked at like 4(A) on the same page in
24 the same section and it says the consequence of not going
25 to HPAC for approval is that we will fine you until you

1 give us a plan.

2 It doesn't say a plan that didn't -- has been
3 weighted by the HPAC and found to be -- you had said plan.
4 So, you know, I -- I don't see how you could read that
5 code any other way than to see it's vanilla and -- and you
6 got to do one of four things and -- and you're good.

7 MS. BLANKENSHIP: These are -- these are
8 arguments that -- would have a better place in a courtroom
9 in front of a judge arguing whether or not this -- this
10 ordinance should be read in any way other another.

11 Again, it is -- respectfully, Jay, it is the
12 city's position and it is the city's attorney's position
13 that under this code and the way it is drafted, that this
14 commission has the authority to weigh the evidence before
15 them and determine whether or not the reuse plans that
16 have been presented mitigate the adverse effects of the
17 loss of the building.

18 MS. PETERKA: Can I ask one question? And I'm
19 not trying to reopen up a can of worms here but just to
20 get a little bit of explanation, under E when we discuss
21 the effects of proposed removal upon the property, comma,
22 streetscape and the district, we're not just weighing the
23 property because of what our guidelines and our purview
24 and our positions are here.

25 We are also weighing the streetscape and the

1 entire district so we're looking at those two -- other two
2 things when we're interpreting four, the same way you guys
3 are interpreting four, really, with respect to the
4 building. We're doing it with respect to streetscape.

5 MR. PERRY: Yes.

6 MS. PETERKA: And when that word mitigate comes
7 in, we're thinking of the entire streetscape --

8 MR. PERRY: Yes.

9 MS. PETERKA: -- of that portion of East Park --
10 or West -- East Park Place.

11 MS. HENDERSON: And the massing and the -- and
12 the proportions --

13 MS. PETERKA: Yes.

14 MS. HENDERSON: -- for that part of the -- of
15 the -- of the historic part. I agree.

16 MR. WEBB: Despite the --

17 MS. BLANKENSHIP: Where is Ashley?

18 MS. PETERKA: Okay, I'm sorry.

19 MS. BLANKENSHIP: Oh, that's okay. No, I was
20 just asking. I was just wondering where he was.

21 MR. WEBB: Well, despite the disagreement on
22 interpretation, I mean are we prepared to move forward in
23 some fashion?

24 MR. SMITH: I had just two questions. First
25 question, is -- 20-24, the museum portion, is not

1 currently sprinkled?

2 MR. WEBB: Right.

3 MR. SMITH: Is it the intention of Sigma Chi,
4 should this move forward, that they would sprinkle the
5 building with their addition?

6 MR. WOODS: I'm sorry, I couldn't hear your
7 question.

8 MR. WEBB: Ashley, this is Scott. He's asking
9 if you were -- if we were intending to sprinkle the
10 original portion of the Sigma Chi building.

11 Without getting into too much building code here
12 for you, some things are absolute. It has a residence in
13 it in a mixed use building, it has to be sprinkled.

14 If it's not, then it's based on size and fire
15 protection. And by the time that this building is --
16 effectively shrunk and has better exits and is isolated,
17 sprinklers are not required at that point.

18 Fire alarms are not required either but Sigma
19 Chi has gone above and beyond and installed fire alarms in
20 this even though that's not required. Sprinklers would
21 not be --

22 MR. WOODS: I think -- and the only thing I
23 would add to that is that we may. You know, we're --
24 we're -- we haven't ruled that out.

25 I mean certainly -- certainly our fundamental

1 site objective here is to protect that front building. It
2 matters to us and we've demonstrated on good faith with --
3 with that so I wouldn't say no, but I also wouldn't say
4 yes at this point.

5 MR. SMITH: Okay. Well, where I was going with
6 this was I don't believe 26-28 next door on High Street
7 are sprinkled either.

8 So merely separating the museum portion from the
9 rear portion, you know, without sprinkling the museum
10 portion, doesn't give you that much greater protection
11 from fire than leaving them connected.

12 I do -- I do appreciate where you're going, that
13 you may sprinkle it, just -- you know, as complete
14 protection but, you know, I'm just saying separating it
15 doesn't give us that much better protection.

16 MR. WEBB: I mean as a matter of clarification,
17 the -- there is full height masonry and, in fact, parapet
18 walls right to left so if you see up here, this stepping
19 wall here, I mean that's --

20 MR. SMITH: So you got --

21 MR. WEBB: -- that -- that --

22 MR. SMITH: -- a little bit of separation --

23 MR. WEBB: -- that is a parapet.

24 MR. SMITH: -- on High Street.

25 MR. WEBB: There is no openings in that wall.

1 This building is complete with its own walls. The
2 neighboring building is complete. It's as good a fire
3 protection as we would do currently --

4 MR. SMITH: Okay.

5 MR. WEBB: -- in that direction. The other
6 direction is where it breaks down and leaves masonry and
7 turns to wood.

8 MR. SMITH: Ashley, I've got one other question.
9 In a previous meeting, we had talked about you had
10 attempted to sell the rear portion of the building and you
11 hadn't gotten any offers. Would you be willing to share
12 with us what your asking price for the -- for the portion
13 was?

14 MR. WOODS: Yes, and that is -- that is true.
15 We've -- we've had the building on the market for the
16 better part of a year I think.

17 I -- I believe -- and don't hold me to this
18 number -- I believe our preliminary asking price was about
19 \$750,000.

20 MR. SMITH: Okay.

21 MR. WOODS: And I -- and that was just based on
22 the recommendation of our local realtor. Certainly --

23 MR. SMITH: Okay.

24 MR. WOODS: -- we are coming from at any sale is
25 negotiating whatever the right price is based on the

1 market.

2 MR. SMITH: Okay. Thanks. I just wanted to
3 consider all the options when we were looking at market
4 value and we've never really talked about that. All
5 right.

6 MR. BENNETT: We could solve all the
7 constitutional questions that are raising their ugly heads
8 if the city would pony up, what, \$750,000 and buy it and
9 you can do whatever -- whatever you want with it.

10 MS. BLANKENSHIP: Again, I don't think --

11 MR. BENSON: I mean honestly.

12 MS. BLANKENSHIP: -- this commission has the
13 authority to --

14 MR. SMITH: To purchase?

15 MS. BLANKENSHIP: -- to purchase --

16 MR. BENNETT: I'm not saying it does. I'm just
17 making a suggestion to the powers that be.

18 MS. HENDERSON: Why don't you buy it, Mike?

19 MR. SMITH: I don't know. I have a lottery
20 ticket for tonight.

21 MR. WOODS: We need to offer you guys a
22 discount.

23 MR. PERRY: I have a question for Scott, Laura.

24 MS. HENDERSON: Okay.

25 MR. PERRY: Scott, do you know if there -- if

1 your clients are desiring to request a waiver of the
2 performance bond requirement in the code for demolition as
3 part of this?

4 MR. WEBB: I don't -- I mean --

5 MR. PERRY: Just follow the code requirement is
6 what --

7 MR. WEBB: Right. We're just --

8 MR. PERRY: Okay.

9 MR. WEBB: We're just following the code
10 requirements --

11 MR. PERRY: Okay.

12 MR. WEBB: -- as they come along. I mean if a
13 -- if a bond is required as part of the actual demolition
14 permit, not the C of A -- not the C--

15 MS. HENDERSON: OA.

16 MR. WEBB: --OA, C of A, COA -- here, it may in
17 fact be required by the actual demolition permit that you
18 file with the building department. A bond I think is
19 required at that point. So we're not asking for any
20 waivers to --

21 MR. PERRY: Okay.

22 MR. WEBB: -- any of the code.

23 MR. PERRY: Okay.

24 MS. HENDERSON: Anyone else? Dan, you --

25 MR. HAZMAN: No, I've just been -- every time

1 I'm go to asking a question, somebody asks before me.

2 I'm -- I'm fine but thank you.

3 MR. KOHUS: No, I'm satisfied.

4 MS. HENDERSON: Do you have anything else to
5 add, Sam? Should we --

6 MR. PERRY: No.

7 MS. HENDERSON: Should we proceed then to --
8 somebody want to make a motion?

9 MR. WOODS: I'm sorry, I can't hear you, Laura.
10 Would you guys mind moving the phone again?

11 MR. WEBB: Let's hold on until we decide who's
12 going to make the motion. Laura's asking for a motion
13 right now to proceed. Did you hear that?

14 MR. WOODS: Yes, thank you.

15 MS. HENDERSON: Okay. Who wants to make the
16 motion? Who made it last time?

17 MR. BENSON: I did. Do I have to do it again --

18 MS. PETERKA: Yes.

19 MR. BENSON: -- because --

20 MS. PETERKA: Absolutely.

21 MR. BENSON: All right. Okay, I move in -- with
22 regard to HAPC-2014-15, 20-24 East High Street addition,
23 48-56 East Park Place demolition, that the commission
24 refuse to give the demolition COA.

25 MR. HAIZMAN: I second, Dan Haizman.

1 MS. HENDERSON: Shall we do a roll call?

2 MR. BENSON: Yes.

3 MS. BURKE: Explain the -- yeah, the -- the
4 voting on it --

5 MR. PERRY: Okay.

6 MS. BURKE: -- so I know exactly how it is.

7 MR. PERRY: I don't know, Bob, if you want to
8 make a motion to --

9 MR. BENSON: In a positive way?

10 MR. PERRY: -- and approve, that way when they
11 go around and do the roll call, when -- when I do a roll
12 call --

13 MR. BENSON: Okay, I can -- I can do that. I
14 can say I move to approve it. That's fine.

15 MR. PERRY: Okay.

16 MS. BLANKENSHIP: Did that motion -- was that
17 motion seconded?

18 MR. PERRY: Yes, it was seconded.

19 MR. HAZMAN: I seconded it.

20 MS. BLANKENSHIP: Okay.

21 MR. PERRY: And you're -- you're okay with the
22 amendment?

23 MR. BENSON: Well, it's easier to deal with this
24 it this way so I move to approve it and then people can
25 say yea or nay based on --

1 MS. BLANKENSHIP: Well, then we need -- either
2 need to withdraw that last one.

3 MR. BENSON: I'll withdraw and re-- restate it
4 as -- with respect to I move in -- with respect to
5 HAPC-2014-15, 20-24 East High Street addition, 48-56 East
6 Park Place demolition that we approve the COA for
7 demolition.

8 MS. HENDERSON: And the addition.

9 MR. BENSON: Right. Well, I -- yes --

10 MS. HENDERSON: And subsequent issue.

11 MR. BENSON: -- that would subsequently be the
12 result. Yeah.

13 MS. HENDERSON: All right. So --

14 MR. BENSON: And we have a second?

15 MR. HAIZMAN: Yes, I second.

16 MS. HENDERSON: So a no vote --

17 MS. BLANKENSHIP: Means no COA.

18 MS. HENDERSON: -- means no COA. And a yes
19 means you approve -- you're --

20 MR. PERRY: Yeah.

21 MS. HENDERSON: -- you're -- you're in accord
22 with the COA. I'll just go in order of how we are here.
23 Kim Peterka?

24 MS. PETERKA: No.

25 MS. HENDERSON: Robert Benson?

1 MR. BENSON: No.

2 MS. HENDERSON: Daniel Haizman?

3 MR. HAIZMAN: No.

4 MS. HENDERSON: Mike Smith?

5 MR. SMITH: No.

6 MS. HENDERSON: Mike Kohus?

7 MR. KOHUS: Yes.

8 MS. HENDERSON: Bobbe Burke?

9 MS. BURKE: No.

10 MS. HENDERSON: And -- Laura Henderson? No. So
11 the motion for the COA has been denied. And -- I guess --
12 the --

13 MR. PERRY: Do you have anything else?

14 MS. BLANKENSHIP: No bond?

15 MR. BENSON: No correspondence or announcements?

16 MS. HENDERSON: No. Well, then -- so if the --
17 the applicant was -- present and -- and -- and heard the
18 decision but he will be notified by the city --

19 MR. PERRY: Correct.

20 MS. HENDERSON: -- by letter. Thank you very
21 much. Thank you, Jay --

22 MR. WEBB: Thank you.

23 MR. BENNETT: Yeah.

24 MS. HENDERSON: -- for coming in. Thank you,
25 Scott. Thank you, Ashley.

1 MR. WEBB: I think we kind of lasted --

2 MR. WOODS: Thank you, everyone.

3 MR. WEBB: I think we lasted the length of the
4 battery, my phone anyway.

5 MS. HENDERSON: It's more than the length of the
6 battery recording last time.

7 MS. BLANKENSHIP: Do we have a motion to
8 adjourn?

9 MS. HENDERSON: We have some other -- things to
10 discuss.

11 (The portion of the proceedings regarding the
12 agenda item concerning the Request for the Certificate of
13 Appropriateness were concluded at 3:11 p.m.)
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1 STATE OF OHIO :

2 : SS C-E-R-T-I-F-I-C-A-T-E

3 COUNTY OF GREENE :

4 I, Mary E. White, a Registered Professional
5 Reporter and Notary Public in and for the State of Ohio at
6 Large, duly commissioned and qualified;

7 DO HEREBY CERTIFY that the foregoing transcript
8 is a true and correct copy of the proceedings on
9 Wednesday, August 27, 2014 prepared from my stenographic
10 notes upon a computer.

11 I FURTHER CERTIFY that I am not a relative or
12 attorney of either party, nor in any manner interested in
13 the event of the action.

14 IN WITNESS WHEREOF I have hereunto set my hand
15 and affixed my seal of office on the 3rd day of September,
16 2014.

17 

18 _____
19 MARY E. WHITE, RPR
20 NOTARY PUBLIC, STATE OF OHIO
21 My Commission Expires 03-02-16.
22 - - -
23
24
25

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41:21;70:24;71:8 2006 (1) 5:11 2007 (1) 5:12 2014 (1) 2:3 20-24 (3) 100:25;106:22; 108:5 20-foot (2) 4:23;5:3 23 (1) 20:7 24 (4) 3:9;4:9;27:7;64:14 25 (1) 52:2 26-28 (1) 102:6 27th (2) 2:3;9:18 2B (3) 11:23;12:8,11 2C (4) 12:2,2,3,3				
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City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2014-10

Date – September 17, 2014

APPLICATION

Applicant: Scott Webb, Architect
Location: 201 E. Chestnut Street
Owner: 201 East Chestnut LLC (Guy Totino)

Action Requests: Variance to 1149.05(e)(4)D. Parking Lot Light Fixture
Maximum Height
Variance to 1151.05(e)2. Building Identification Sign
Illumination

Current Use: Multi Family Residential
Zoning: R3, Multi Family Residential
Surrounding Land Uses: Single and Multi Family Residential

DESCRIPTION

Mr. Scott Webb is requesting, on behalf of the owner, two variances which came to be known as a result of a final zoning inspection for a recent redevelopment project at 201 East Chestnut Street. The property is located at the intersection with South Campus Avenue and is accessed from Arrowhead Drive. Zoning code limits the height of freestanding parking lot lights to 16 feet. In this case, new 25 foot parking lot lights were installed. In addition, Mr. Webb is also requesting that artificial lighting be allowed for the building sign recently installed.

BACKGROUND

Zoning code allows multi-family developments to have a 24 square foot freestanding sign identifying the name of the development. [See Campus Commons, Miami Commons, Oxford Commons, Oxford West, Indian Trace, etc] Instead, the owner opted for a wall sign under the provisions of the building (“house”) sign provisions, which limited the sign size to six square feet. Mr. Webb previously was granted a variance for a 17 square foot sign on behalf of the owner. A restriction of using a wall sign for a building in a residential zone is that no artificial lighting is permitted; only “natural lighting” is allowed. However, the owner decided to add lighting to the main entrance area, which includes the sign over the “entrance gate” also strategically located at the vehicular terminus of South Campus Avenue. Staff suggested using pedestrian scale lighted bollards to light the entrance area versus flood lighting; however the owner chose to apply for a variance instead.

COMMENT FORMS

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

AGENCY REVIEW

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

SITE HISTORY

BZA-2012-08 – 9 Variances for redevelopment -- Approved

BZA-2014-02 – 1 Variance for building mounted sign -- Approved

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance(s) (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 1139.02(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed letter addressing the review criteria from Mr. Webb. The staff's review of the criteria is included in this report below:

Regarding criterion A, Staff believes that the property **can yield a reasonable return without the variance**, since many multi family developments in Oxford rely on only a directional freestanding sign or no sign at all. Additionally, online presence has provided other substantial means of locating developments versus building signage. Regarding parking lot lighting, certainly security of the parking area is an important aspect of site safety which can contribute to the marketability of a development.

Regarding criterion B, Staff believes that parking lot lights taller than zoning code allows **could be substantial to surrounding residents**, particularly because the development to the south is at a lower elevation topographically. The lighting may be bothersome through apartment windows. However, the residents were not notified or surveyed so the impact is unknown. The only notice was to the property ownership, per standard procedure. The lighting of a building sign is a substantial change from the majority of residential areas in Oxford, because it is the same zoning code permitting "house" signs, which are common throughout the Mile Square.

Regarding criterion C, Staff believes that the both the sign lighting and the parking lot lighting height **could negatively alter the essential character** of the neighborhood, as determined by the surrounding residents.

Regarding criterion D, Staff believes that the delivery of governmental services such as EMS/Fire/Police protection services **could be improved not adversely affected** by adequate property identification and adequate site safety. The question the BZA will need to answer is "Are the implemented means of site safety and site identification the correct ones to **accomplish these goals and also comply** with the pertinent zoning codes?"

Regarding criterion E, **awareness of the zoning restriction**, the property owner construction manager received a specific memo from Planning Staff on October 2, 2013 prior to construction commencement about the restriction on parking lot lighting height. The memo may not have gotten to the individuals ordering materials or was otherwise accidentally overlooked. On March 19, 2014 the BZA heard the request for the increased size of wall sign. The section of zoning code limiting the size of the building sign **is in the same paragraph as the restriction** allowing only natural lighting. However, since there was no communication with the city prior to installing the entrance flood lights, the owner/representative may not have been aware of the restriction.

Regarding criterion F, the owner could investigate other means for parking lot lighting, **which would not require any variances**. Planning staff has reviewed some sample lighting foot candle grids using shorter

lights with the owner but they do not take into consideration the building mounted wall pack lights or the ambient light from the area. More work could be done to investigate other options. Additionally, the owner could investigate other means of lighting the entryway where the sign is located. 1) Lighted bollards could be installed which would accomplish the security desire. 2) The sign lettering could be replaced with a higher contrast color/tone. 3) A high contrast, freestanding sign could be installed in addition to the wall sign. None of these would require variances.

CONCLUSION

In conclusion, if the variances were to be granted, the reasoning would need to be site-specific to this particular case situation.

RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variances, the staff recommends that the BZA cite the specific evidence and approve the variance requests. At the time of this report, staff believes **there is not substantial evidence** to support the variance requests.



SUBMITTED BY: _____
Sam Perry, Planner
Community Development Department

DATE: September 10, 2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/29/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-10 201 E. Chestnut Street, variance to Section 1149.05(e)(4)D parking lot light fixture maximum height and 1151.05(e)(2) building identification sign illumination, **Scott Webb, Petitioner, Agent**

 X Review Revisions Other

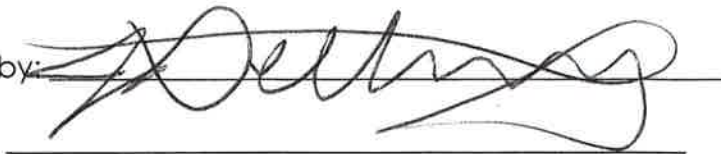
Comments or status update requested by: Lynn Taylor

Please return no later than: **9/11/14** 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:



PRINT NAME

Date:

9-2-14

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/29/14

To: Fire Department **Engineering Division** Police Department Economic Development

From: Community Development

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BZA-2014-10 201 E. Chestnut Street, variance to Section 1149.05(e)(4)D parking lot light fixture maximum height and 1151.05(e)(2) building identification sign illumination, **Scott Webb, Petitioner, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/11/14** 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:



VICTOR POPESCU

PRINT NAME

Date:

9-2-2014

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/29/14

To: Fire Department Engineering Division **Police Department** Economic Development

From: Community Development

Drawings are being submitted to you for the following:

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 X Review Revisions Other

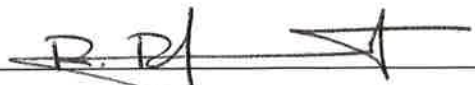
Comments or status update requested by: Lynn Taylor

Please return no later than: **9/11/14** 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:



Date: 9/4/2014

ROBERT B. HOLZWORTH
PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/29/14

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2014-10 201 E. Chestnut Street, variance to Section 1149.05(e)(4)D parking lot light fixture maximum height and 1151.05(e)(2) building identification sign illumination, **Scott Webb, Petitioner, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/11/14** 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: 

Date: 9-10-14

G. Alan Kitchin

PRINT NAME





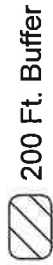
BZA-2014-10

Surrounding Property Owners Map

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit



Parcel

16.5' Vacated ROW



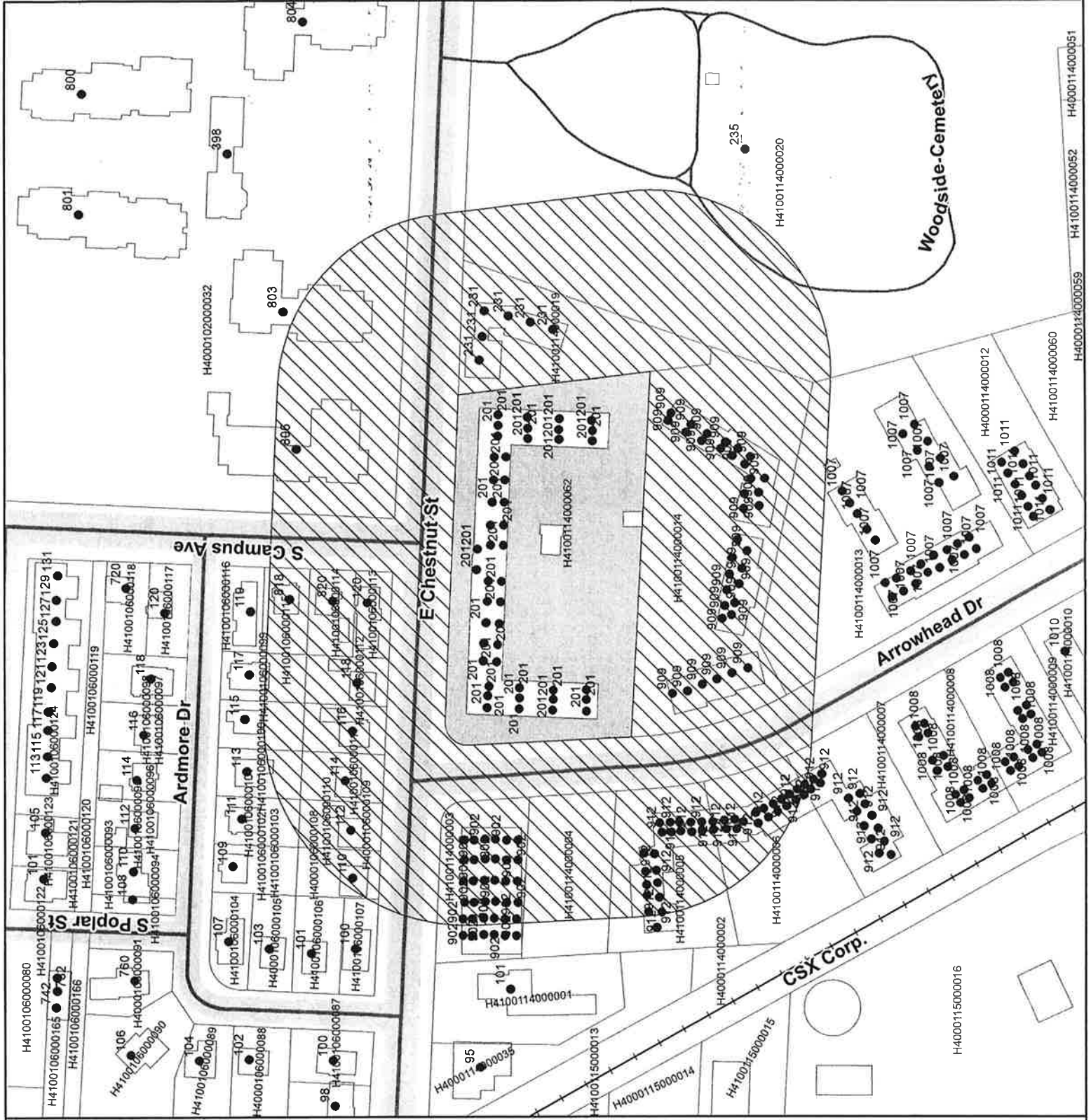
Building Footprint

Paved Roadway

K

1 inch = 150 feet

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



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 September , 2014 Board of Zoning Appeals meeting regarding the newly completed Chestnut Place Apartment at 201 East Chestnut Street

Thank-you,

Signed: 

Guy Totino

201 East Chestnut LLC


Date:



Internal Use Only:

Case No.

BZA-2014-10

Date Filed

8/18/14

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 Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-523-3838

Email Address scott@scottwebbarchitect.com

Location of Property * 201 East Chestnut Street

Name of Building * Chestnut Place Apartments

Owner Information

Name * 201 East Chestnut LLC

Mailing Address * 617 Charles Place

City, State & Zip Code * Highland Heights, Ohio 44143

Telephone Number(s) * 440-339-8981

Email Address guy@newebrookpartners.com

Variance and Lot Information

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

1149.05(e)(4D) Light fixtures shall be a maximum of 16' above the adjacent ground. Lighting provided is 25' high.

1151.05(e)(2). Building Identification Signs C. The sign shall naturally illuminated only. Building lighting is currently casting light on the entry gateway which has been classified as a sign.

Location of Requested Variance * 201 East Chestnut Street

Legal Description *

Zoning District * R-3 Total Acreage * 1.961

Existing Use of Site * Multi-Family Residential

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]
8/18/14

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 *

8/18/14

Receipt Number *

2696

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

August 15, 2014

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the light pole height and indirect lighting on the Chestnut Place Apartments at 201 East Chestnut Street

This project has received numerous variances to facilitate the remodeling/reconfiguration of the existing multi-family residential development. The improvement to the look, marketability, and safety has been remarkable, and the owners and everyone involved appreciate the consideration this Board has granted to facilitate this successful project.

Now that the project is complete, the Planning Staff has found (2) additional issue to be addressed through the Board of Zoning Appeal:

1149.05(e)(4D). *Light fixtures shall be a maximum of 16' above the adjacent ground:*

The light poles that were installed are 25' above the adjacent ground. This extra height allows for a more even distribution of light with fewer poles, and was accepted as an alternate during the construction process with a lack of awareness of the zoning considerations.

1151.05(e)(2). *Building Identification Signs*

C. The sign shall naturally illuminated only

A previous variance was granted to allow for the placement of a single "sign" at the entry gate, comprised of individual letters mounted on the brick gateway.

As you may recall, this variance was required because none of allowable sign regulations allow for a building sign in a residential district to be placed as this one. It is too high for a ground sign, the sign area was less than allowable for two buildings, but a request was made for a single sign.

The location of the gateway at the center of the development is the main pedestrian entrance to the development. The owners decided to add ground mounted lighting, pointing toward the gateway to highlight this architectural feature and to project the image of safety at night. The

Planning Staff has determined this to be "Sign lighting", and subsequently prohibited.

Our zoning code does not address the lighting of the exterior of a building, other than to prohibit the spillage of light onto adjacent properties. Buildings may have surface mounted lighting, soffit lighting, porch lighting, ground mounted uplights, or any combination thereof. If these lights were rotated and illuminating the building, they would be allowed. To turn them away from this architectural feature and pedestrian path in order to not illuminate the letters on the gateway is not in the best interest of the project or its residents.

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 Light poles could be shortened and the property could continue to operate, though doing so would reduce the overall light level in the parking lot.

The property could continue to operate without its entry lit at night, though less safely.

- b) *Whether the variance is substantial;*

The variance for the light pole height is not substantial, as decreasing the height of the poles would perhaps lead to more lights being added to achieve the same light levels. The height of the poles is in scale with the buildings, whereas a 16' pole is inefficient, and visually undersized for this development.

The Variance for the "Sign lighting" is not substantial, as ground lighting of the building lighting is allowed, and this lighting serves multiple purposes.

- 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 has been dramatically improved by this development. The height of the light poles in the rear parking lot do not substantially alter the essential character of the neighborhood.

The essential character of the neighborhood is also improved by the lighting of the gateway, making this entrance safer for pedestrians and more visible for motorists coming south on Campus Ave. (Who have occasionally not stopped in the past).

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

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

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

The property was purchased without specific knowledge of this restriction.

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

The Light poles could be lowered, though more would likely need to be installed. No change in the light level would be anticipated by this change.

The lights facing the gateway arch could be rotated away from the entrance to light the face of the building instead. .

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

The spirit of the Zoning Code is observed by maintaining safe light levels in the parking lot, and at the pedestrian entrance to the development.

- h) *Any other relevant factor;*

This parking lot lighting and the lighted entry gate is appropriate to the location and scale of the development.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a faint, larger signature.

Scott Webb, Architect



Certificate of Appropriateness

August 28, 2014

Letter of Denial

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

Re: **HAPC-2014-15** 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 August 27, 2014 special meeting. Your application on behalf of Sigma Chi Foundation proposed to demolish buildings fronting on E. Park Place and to construct a new addition within a portion of the proposed vacant land.

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.

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
Amy Blankenship, Assistant Law Director
Mr. Jay Bennett
Ms. Laura Henderson, Chair, HAPC
Mr. Paul Brady, BZA Chair

PRAECIPE FOR THE RECORD OF THE HISTORICAL AND ARCHITECTURAL
PRESERVATION COMMISSION HEARING OF AUGUST 27, 2014

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

Please prepare and issue the entire record of the August 27, 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 _____ day of September, 2014.



JAY C. BENNETT
Attorney for Appellant



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

Appellant, Sigma Chi Foundation, 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 August 27, 2014 denying a Certificate of Appropriateness for Case No. HAPC-2014-08.

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 _____ day of September, 2014.





JAY C. BENNETT
Attorney for Appellant

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,



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. Pignatelli, Attorney for
7-25-14 Appellant

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>

MEMORANDUM

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

CC: Jung-Han Chen, Director of Community Development

FROM: Stephen M. McHugh

DATE: August 20, 2014

RE: Appeal of Administrator's Decision

A variance application was submitted to build a single-dwelling unit in the rear alley lot behind 115 E. Collins Street with its main entrance off an alley. Mr. Chen reviewed the matter and discovered that the property is subject to a 1999 Housing Agreement which states that 115 E. Collins Street and the alley lot be limited to a two-family dwelling which already exists at 115 E. Collins Street. Mr. Chen informed the applicant that BZA could not hear this variance because of the restrictions of the 1999 Housing Agreement. The BZA has the authority to hear this appeal based on Oxford Ordinance 1129.11, which reads:

1129.11 APPEALS OF ADMINISTRATOR'S DECISION.

The aggrieved party may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

(a) **The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance.** In exercising its powers to review administrative decisions, **the Board may**, in conforming with the provisions of the statute and of this Zoning Ordinance, **reverse or affirm wholly or partly, or may modify the order**, requirement, decision or determination as the Board of Zoning Appeals determines, and to that end shall have all powers of the office from whom the appeal is taken. The appeal shall:

- (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

Oxford Ordinance 1127.01 states that the Zoning Administrator, Mr. Chen, shall interpret the Zoning Code and it is not intended to interfere with other agreements between parties.

1127.01 INTERPRETATION OF PROVISIONS.

(a) In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. **The Zoning Administrator shall interpret this Zoning Code.**

(b) **It is not intended by this Ordinance to interfere with, abrogate or annul any** easements, covenants, or **other agreements** between parties, nor is it intended by this Ordinance to interfere with, abrogate or annul any laws or regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or provided, pursuant to law, relating to the use of buildings or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land than are required or imposed by such easements, covenants, or agreements between parties, or by such laws, resolutions, rules, regulations or permits, the provisions of this Ordinance shall govern.

Based on these sections of the Oxford Ordinances, it is the City's position the BZA can hear this appeal of Mr. Chen's decision.

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.



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 - attached -
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 2mehoteldevelopment.net

Variance and Lot Information

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

11A1.03(b) Principal entrance on 2 street or public way

Location of Requested Variance * 115 East Collins (Alley)
Legal Description * Survey attached
Zoning District * RZMS Total Acreage * .084 acres
Existing Use of Site * Vacant lot

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

Single Family Residence

Attachment # 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

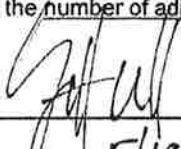
The variance fee is \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00 plus postage charge. Fees may increase if staff determines that you need more variances.

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)

A R C H I T E C T

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.

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,

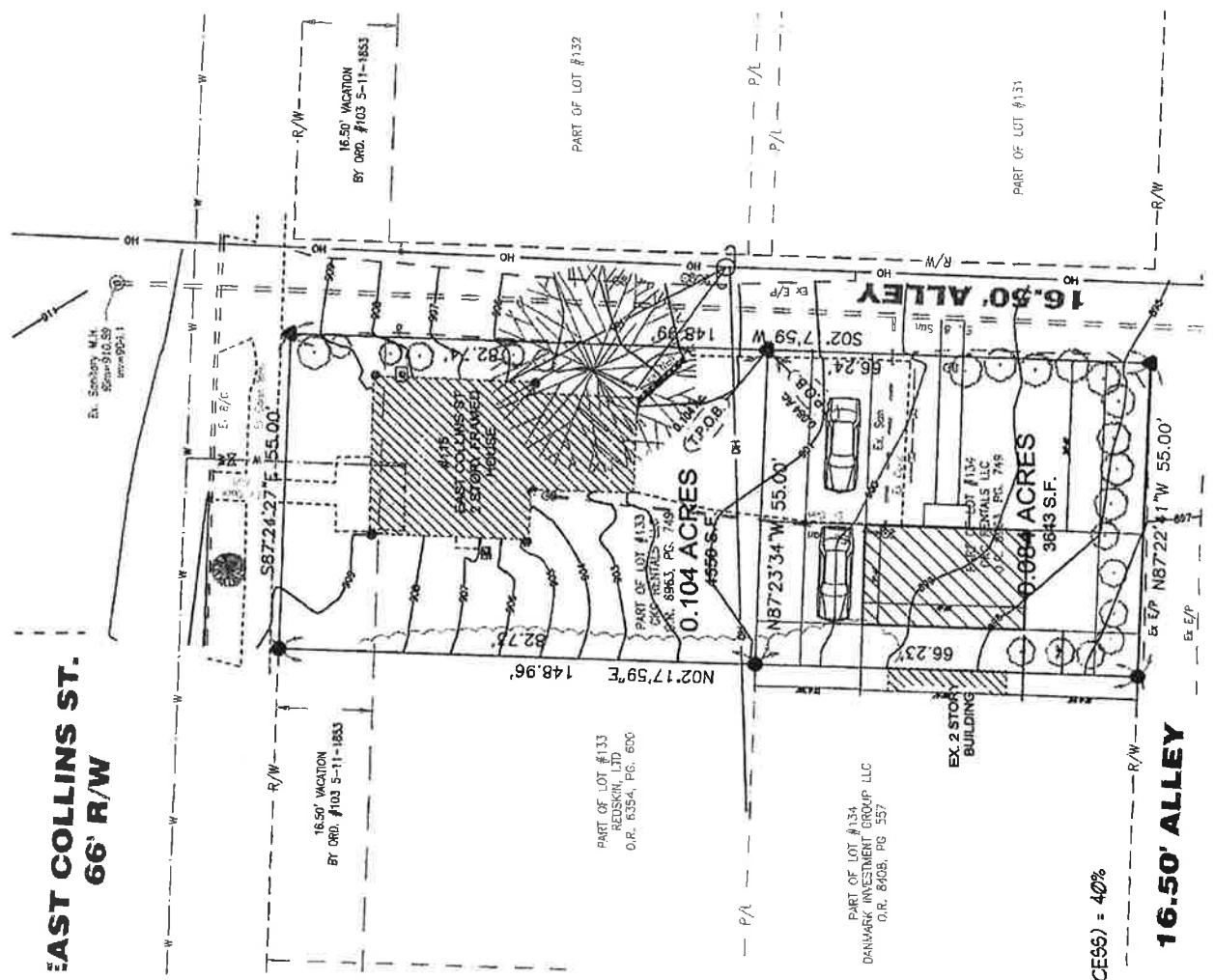


Scott Webb, Architect

Attachment A
P5

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% R2MS (VEHICULAR SIDE ACCESS) = 40%



SCOTT WEBB
ARCHITECT
103 West Walnut Street
Cincinnati, Ohio 45202
(513) 522-3838
www.scottwebbarchitect.com

PROPOSED NEW RESIDENCE
115 East Collins (Alley Site)
P. OHIO 45056

DATE	May 19, 2014
REVISIONS	

A-1

TRANSFER NOT NECESSARY
KAY ROGERS
BY 1-26-99 DEPT.
AUDITOR, BUTLER CO., OHIO

AGREEMENT

L.R. 6319 PAGE 1290

Attachment B
P1

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. Keck
Beth E. Kinsely

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

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

Chris O'Ryan
Julie L. McKee

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

Chris O'Ryan
Julie L. McKee

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

Chris O'Ryan
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.

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@coolaw.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>

