

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-06-2011

Date: October 25, 2011
SPECIAL MEETING

APPLICATION

Petitioner:	James Clawson on Behalf of Brad Fread
Location:	135 W. Central, 711 & 711½ S. College Avenue
Owner:	Brad and Jan Fread per Certificate of Transfer Probate Case# PE09-02-0192
Action Request:	<u>Appeal of Administrator's Decision</u>
Current Use:	Discontinued Nonconforming 3-Family
Zoning:	"R1MS" Single-Family Mile Square Residential
Surrounding Land Uses:	Mix of Residential

DESCRIPTION

The Appellant has filed an Appeal of Administrator's Decision to deny a rental permit application. The property is a discontinued, nonconforming 3-family located on the southeast corner of W. Central & S. College Avenue.

Enclosed is the Appellant's request to Appeal the Administrator's Decision, response and all documentation submitted with this appeal.

The Appellant has the right to appeal the Administrator's Decision per;

§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

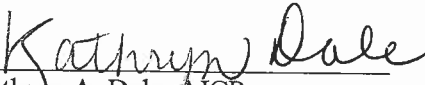
- (4) Include a statement as to why the Appellant has standing to pursue the appeal from the administrative action by a statement of the way in which the administrative action adversely affects the appellant. (Ord. 2947. Passed 3-6-07.)

ANALYSIS

The Zoning Administrator's interpretation and position is that there is no evidence indicating that the current owner had any legal ownership rights to the property at the time the rental permits expired that would warrant him being notified for renewal or of the delinquencies. Additionally, there is no evidence that the units have continuously been rented since the expiration of the rental permits in 2005. Additionally, the utility records do not show frequent changeover, which is common with active rentals.

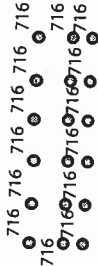
Staff has denied the rental permits based on the discontinuance of a nonconforming use, based on the documents on file with the City and the evidence presented. It is the BZA's duty to determine if that decision was made in error. The Appellant failed to provide documentations and identify what, if anything, is wrong with the decision. Accordingly, Staff believes the interpretation was made correctly based on the information and circumstances of the history of this property.

SUBMITTED BY:


Kathryn A. Dale, AICP
Planner

DATE: September 30, 2011

CSX Corp.



1 inch = 100 feet



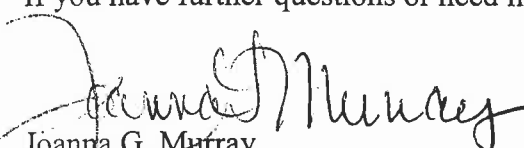
September 23, 2011

To: Kathy Dale, AICP
City of Oxford

Subject: 711 South College Avenue

Per your request, I have issued service order #11624, September 21, 2011 to verify the number of water meters at 711 South College. Currently, one meter, #SE52468001, services 711 South College, 711-1/2 South College and 135 West Central. Receivables records only go back to January 2005. Randy Fread was the name on the account from January 1, 2005 until November, 2009. In November, 2009, Leah Skerl-Fread came into the office and put utilities for 711 S. College in her name stating that Randy had passed away. Her account was terminated and finalized on July 15, 2010.

If you have further questions or need more information, please let me know.



Joanna G. Murray
Utility Collections Specialist II
City of Oxford

City of Oxford

Service Order 11624

09-21-2011 09:37:23

Log Date 09-21-2011 09:36:43
Account 7*510*6 BRAD FREAD
Service Address 711 S COLLEGE
Phone
Due Date/Time 09-21-2011 Billable Service:
Remarks *RADIO READ
METER IN BASEMENT
Radio ID# 1043666
Outside Dev# 07461886

Meter#	Bill Date	Read Date	Beg Read	End Read	Cons
BE52468001	09-01-2011				
	08-01-2011				

Service Order Description

VERIFY 711, 711-1/2 & 135 W CENTRAL
ALL ON SAME METER
FM

EXISTING METER DATA: _____	NEW METER DATA: _____
SERIAL NO. _____	REGISTER NO. _____
MAKE & SIZE: _____	SERIAL NO. _____
READING: _____	MAKE & SIZE: _____
UNITS OF MEASUREMENT: _____	READING: _____
	UNITS OF MEASUREMENT: _____
	MXU # _____
	LOCATION _____

REMARKS: ALL ABOVE ADDRESSES ARE IN SAME BUILDING.
RADIO READ NOT WORKING. HUNG, ANOTHER, ORANGE CARD.

DATE COMPLETED: 9/21/11

BY: TK
CITY OF OXFORD

SEP 22 2011
DATE CHECKED AND ENTERED BY: KATH
REV. 7/01



ROGER REYNOLDS
BUTLER COUNTY AUDITOR CPA

Home

Home Property Records

Owner Name Address Parcel Advanced Sales

- Profile
- Sales
- Residential
- OBY
- Commercial
- Permits
- Land
- Photos
- Property
- Tax Detail 2010
- Tax Detail 2009
- Tax Detail 2008
- Tax Detail 2007
- Tax Detail 2006
- Tax Detail 2005
- Tax Detail 2004
- Tax Detail 2003
- Tax Detail 2002
- Tax Detail 2001
- Sketch
- Levy Information
- Value History
- Map
- Special Assessments

PARID: H4000105000065
FREAD RANDY G &

711 S COLLEGE ST

CURRENT RECORD

1 of 1

Return to Search Results

Buffer Search

REPORTS

Property Report Card

GO

Owner

Owner 1 FREAD RANDY G &
Owner 2 BRAD

Parcel

Parcel Id H4000105000065
Address 711 S COLLEGE ST
Class RESIDENTIAL
Land Use Code 530, R - THREE FAMILY DWELLING, PLATTED LOT
Neighborhood 0001C016
Total Acres
Taxing District H40
District Name OXFORD CORP TAL CSD
Gross Tax Rate 72.92
Effective Tax Rate

Legal

Legal Desc 1 515 W 90 FT
Legal Desc 2
Legal Desc 3

Tax Mailing Name and Address

Mailing Name 1 BRADLEY AND KAREN FREAD
Mailing Name 2
Address 1 5885 WINDERMERE LN
Address 2
Address 3 FAIRFIELD OH 45014 3751

Sales

Sale Date	Sale Amount
01-SEP-85	\$25,000
13-MAY-99	\$0

Dwelling

Stories	2
Square Feet	3,382
Construction	ALUM/VINYL
Total Rooms	14
Bedrooms	8
Year Built	1912

Current Value

Land (100%)	\$20,020
Building (100%)	\$232,860
Total Value (100%)	\$252,880
CAUV	\$0
Assessed Tax Year	2010
Land (35%)	\$7,010
Building (35%)	\$81,500
Assessed Total (35%)	\$88,510

Current Year Real Estate Taxes

TAX TYPE	Prior Year	First Half Tax	Second Half Tax	Total
Real Estate	0.00	1,735.66	1,735.66	3,471.32
Special Assessments	0.00	43.24	43.24	86.48
Tot Payments	0.00	-1,778.90	-1,778.90	-3,557.80
Total:	0.00	0.00	0.00	0.00

Printable Summary

Printable Version



ROGER REYNOLDS

BUTLER COUNTY AUDITOR CPA

[Home](#)
[Home](#) [Property Records](#)
[Owner Name](#) [Address](#) [Parcel](#) [Advanced](#) [Sales](#)
[Profile](#)
[Sales](#)
[Residential](#)
[OBY](#)
[Commercial](#)
[Permits](#)
[Land](#)
[Photos](#)
[Property](#)
[Tax Detail 2010](#)
[Tax Detail 2009](#)
[Tax Detail 2008](#)
[Tax Detail 2007](#)
[Tax Detail 2006](#)
[Tax Detail 2005](#)
[Tax Detail 2004](#)
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PARID: H4000105000065
FREAD RANDY G &
711 S COLLEGE ST
CURRENT RECORD

1 of 1

[Return to Search Results](#)
[Buffer Search](#)
REPORTS
[Property Report Card](#)
GO
[Printable Summary](#)
[Printable Version](#)
Building

Card	1
Stories	2
Construction	MAS&FRAME
Style	STUDENT HOUSING
Square Feet	3,382
Basement	Part
Physical Condition	
Attic	0
Year Built	1912
Effective Year	
Year Remodeled	1982
Total Rooms	9
Bedrooms	4
Full Baths	3
Half Baths	0
Family Rooms	0
Additional Fixtures	6
Unfinished Area	
Rec Room	
Finished Basement	
WBFP Stacks	1
Fireplace Openings	1
Prefab Fireplace	
Heat System	Basic
Fuel Type	Oil
Int vs Ext Condition	SAME

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ROGER REYNOLDS
BUTLER COUNTY AUDITOR CPA

Home

Home Property Records

Owner Name Address Parcel Advanced Sales

PARID: H4000105000065
FREAD RANDY G &

711 S COLLEGE ST

CURRENT RECORD

1 of 1

Return to Search Results

Buffer Search

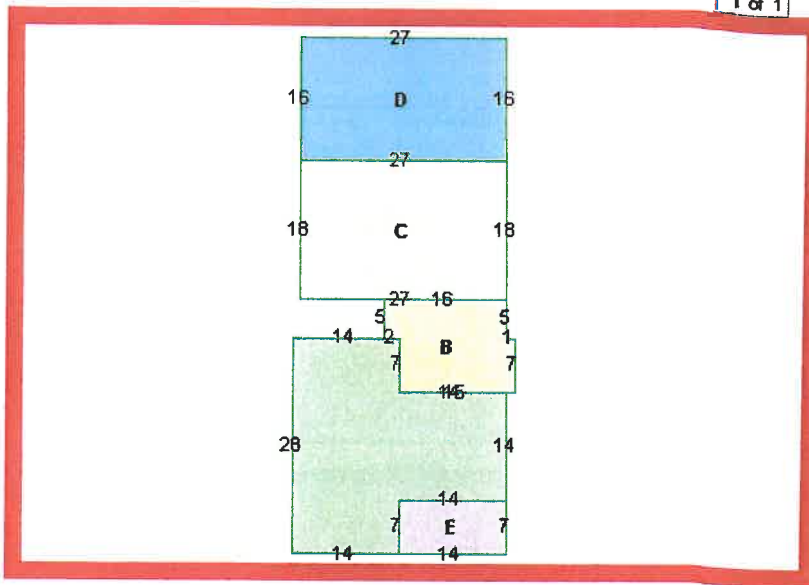
REPORTS

Property Report Card

GO

Printable Version

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- Tax Detail 2005
- Tax Detail 2004
- Tax Detail 2003
- Tax Detail 2002
- Tax Detail 2001
- Sketch
- Levy Information
- Value History
- Map
- Special Assessments



Legend

Options

- A** MAIN 588 Sq. Ft.-, 588 Sq. Ft.
- B** FRAME,FRAME 185 Sq. Ft.-, 185 Sq. Ft.
- C** MASONRY,MASONRY 486 Sq. Ft.-, 486 Sq. Ft.
- D** MASONRY,MASONRY 432 Sq. Ft.-, 432 Sq. Ft.
- E** OPEN MASONRY PORCH 98 Sq. Ft.-, 98 Sq. Ft.

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REFUSAL OF RENTAL PERMIT APPLICATION

August 17, 2011

Brad Fread
5885 Windermere Lane
Fairfield, Ohio 45014

Sent via Certified Mail

RE: Rental Permit Application
135 W. Central
711 & 711 ½ S. College

Dear Mr. Fread:

Please be advised that the Community Development Department has extensively reviewed the documentation you provided to us August 9, 2011 regarding the above property. The documentation is not sufficient enough to show that three dwelling units at this location have continuously been rented since 2005.

As indicated to you in a letter dated August 3, 2011, the property is zoned "R1MS" Single-Family Mile Square Residential. The 3-family was grandfathered as a nonconforming use; however the rental permits expired December 19, 2005. The rental permits were officially inactivated in 2007 since they had not been renewed or inspected.

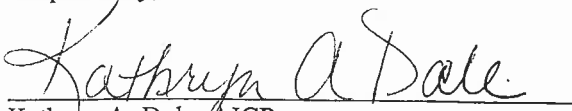
According to Section 1137.07(a) of the Planning & Zoning Code states;

"A nonconforming land use, structure, or portion thereof, shall not be reinstated if it is discontinued for a continuous one-year period and thereafter any use of the premises shall conform to the use regulations of the district in which the building or lot is located. The intent to continue a nonconforming use shall not be assumed to be evidence of its continuance."

The 3-family use has been discontinued for more than one year and the rental permit request made July 25, 2011 for 3-family dwelling units cannot be approved because it is not a permitted use in the R1MS zoning district. The property is viewed as and must conform to the current requirements as a single-family.

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

Respectfully,


Kathryn A. Dale, AICP
City Planner

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

101 East High Street • Oxford, Ohio 45056-1887
Phone: (513) 524-5204 • Fax: (513) 524-5266 • www.cityofoxford.org



MEMORANDUM

To: Steve McHugh, Esq.

From: Kathy Dale, City Planner

Cc: Jung-Han Chen, CDD
Becky Kolb

Date: August 11, 2011

RE: Rental Permit Application
135 W. Central
711 & 711 ½ S. College

Refusal of Rental Permit Application
Sent via Certified Mail
70092820000370727743
Brad & Randy Fread
5885 Windermere Lane
Fairfield, Ohio 45014
Signed for by Karen Fread 8.5.11

UPDATE

Steve,

If you recall, Jung-Han and I shared with you that we were preparing a refusal letter for a rental application on the above referenced property.

The Property located at the SE corner of Central & S. College is essentially a 3-family structure on a single lot. The property is zoned "R1MS" Single-Family Mile Square Residential. Permitted uses in this zoning district include single-family units. The 3-family was grandfathered as a nonconforming use; however the rental permits expired December 19, 2005. Attempts were made and a certified letter was sent & signed for by Randy Fread April 21, 2007 notifying him that the rentals were expired and the permits would be inactive if the permits were not renewed, payment made and inspections scheduled. The files indicate that notice was received via certified mail, however no response was received from the owner and on June 15, 2007 the permits were determined inactive.

On August 5, 2011 Brad Fread came into the office and spoke with Jung-Han. Apparently Jung-Han asked him to provide documentation that the units have been continuously rented. He came back to the office August 9, 2011 with various documents, none showing that the units have been continuously rented. I asked him specifically if he had any lease records from 2005 to 2011 and he stated he did not, that he had disposed of them. He also brought his most recent, August 2011 Glenwood Energy bills. The bills are for each individual address, but in his name.

While in the office he asked for a copy of the letter that was sent in 2007 and stated that the notice was invalid because he was not notified as part owner. I explained to him that the notice would have been sent to the names provided on the rental application, which was his brother Randy.

What we have learned with the documentation he has provided us is that Randy passed away in 2009. Since his death, Brad has been dealing with the Probate Court trying to receive administration of the estate/ property. The property was originally owned by Randy Fread. It was transferred to Brad in 1977 (Bk. 1314 Pg. 219). It was then sometime transferred from Brad to another brother Jan (possibly Bk. 1476 pg. 125) Then in 1999, Jan transferred the property back to Randy (Bk. 6361 Pg. 2023).

There are two Probate Case No. filings regarding Randy Fread; PC10-02-0005 and PE09-02-0192. Under the estate case 'PE09', Brad was appointed as the administrator. A Certificate of Transfer filed with the court April 2011, names Brad and Jan Fread as having equal share of the decedent's property.

While Brad has shown the documentation of trying to obtain ownership, he has failed to provide any documentation thus far proving the units have been continuously rented.

At this point I think all we can advise Brad of is that he has until September 5th to file his appeal with the BZA. His appeal is strictly in regards to Appealing staff's decision to deny his rental permit application due to Section 1137.07(a) of the Planning & Zoning Code which states;

"A nonconforming land use, structure, or portion thereof, shall not be reinstated if it is discontinued for a continuous one-year period and thereafter any use of the premises shall conform to the use regulations of the district in which the building or lot is located. The intent to continue a nonconforming use shall not be assumed to be evidence of its continuance."



ACCOUNT		ACCOUNT NAME		SERVICE ADDRESS			
0005-01890-001		Brad Fread		711 S College Ave			
SERVICE DESCRIPTION		METER	READING DATES	PREVIOUS	PRESENT	USAGE	CHARGES
BF	Balance Forward	10 M 821640	06/28 07/26				-0.11
GS	In City Limits GSR						7.00
SC	Ox Service Charge						0.34
PT	Oxford PUET						
GSR Rate = 2.61 GCR Rate = 6.8291				Net Due On or Before		08/26/2011	7.23
				Penalty Amount			0.11
				Pay After		08/26/2011	7.34

PLEASE MAKE CHECKS PAYABLE TO:
GLENWOOD ENERGY

OUR DROP BOX IS AVAILABLE 24 HRS
FOR PAYMENT

CALL BEFORE YOU DIG 1-800-362-2764

PLEASE RETURN BOTTOM PORTION WITH PAYMENT. PLEASE DO NOT STAPLE, FOLD OR ATTACH ANYTHING TO THIS PORTION.



GLENWOOD ENERGY
natural gas • the green energy

5181 COLLEGE CORNER PIKE OXFORD, OH 45056-0880

8-8-11

01-A 20110801 PSH1 S 003624

BRAD FREAD
5885 WINDEMERE LN
FAIRFIELD OH 45014
|||||

ACCOUNT #	0005-01890-001	
Net Due On or Before	08/26/2011	7.23
Penalty Amount		0.11
Pay After	08/26/2011	7.34

If paying by credit card please complete this section.



Card Number _____ V-Code _____
Print Name _____ Amt. Paid _____
Signature _____ Exp. Date _____

MAKE CHECKS PAYABLE AND REMIT TO:

GLENWOOD ENERGY OF OXFORD
PO BOX 44750
MIDDLETOWN OH 45044-0750
|||||

0000500018900010000000072300000007349

ACCOUNT		ACCOUNT NAME		SERVICE ADDRESS		
0005-01900-010		Brad Fread		711 1/2 S College Ave Up		
DESCRIPTION	METER	READING DATES	PREVIOUS	PRESENT	USAGE	CHARGES
Balance Forward GSR Charge	Z084654	06/28 07/26	541	541		-0.11 7.00 0.34
			Net Due On or Before	08/26/2011		7.23
			Penalty Amount			0.11
			Pay After	08/26/2011		7.34

PLEASE MAKE CHECKS PAYABLE TO:
GLENWOOD ENERGY

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FOR PAYMENT

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GLENWOOD ENERGY
natural gas • the green energy

5181 COLLEGE CORNER PIKE OXFORD, OH 45056-0880

8-8-11

ACCOUNT #	0005-01900-010	
Net Due On or Before	08/26/2011	7.23
Penalty Amount		0.11
Pay After	08/26/2011	7.34

If paying by credit card please complete this section.



Card Number _____ V-Code _____

Print Name _____ Amt. Paid _____

Signature _____ Exp. Date _____

MAKE CHECKS PAYABLE AND REMIT TO:

GLENWOOD ENERGY OF OXFORD
PO BOX 44750
MIDDLETOWN OH 45044-0750

0000500019000100000000072300000007348

ACCOUNT # 0005-01910-001

ACCOUNT NAME

Brad Freade

SERVICE ADDRESS

135 W. Central Ave

155 W Central Ave

SERVICE DESCRIPTION		METER	READING DATES	PREVIOUS	PRESENT	USAGE	CHARGES
BF	Balance Forward	10 M 821639	06/28 07/26				-0.11
GS	In City Limits GSR						
SC	Ox Service Charge						7.00
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GLENWOOD ENERGY

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FOR PAYMENT

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GLENWOOD ENERGY
natural gas the way energy works

5181 COLLEGE CORNER PIKE OXFORD, OH 45056-0880

8-8-11

ACCOUNT #	0005-01910-001	
Net Due On or Before	08/26/2011	7.23
Penalty Amount		0.11
Pay After	08/26/2011	7.34

If paying by credit card please complete this section.



Card Number _____ V-Code _____

Print Name _____ Amt. Paid _____

Signature _____ Exp. Date _____

MAKE CHECKS PAYABLE AND REMIT TO:

01-A 20110801 PSH1 S 003625

BRAD FREADE
5885 WINDEMERE LN
FAIRFIELD OH 45014
|||||

GLENWOOD ENERGY OF OXFORD
PO BOX 44750
MIDDLETOWN OH 45044-0750
|||||

000050001910001000000072300000007345



REFUSAL OF RENTAL PERMIT APPLICATION

August 3, 2011

Brad & Randy Fread
5885 Windermere Lane
Fairfield, Ohio 45014

Sent via Certified Mail

RE: Rental Permit Application
135 W. Central
711 & 711 ½ S. College

To Whom It May Concern:

Please be advised that your rental permit application dated **July 25, 2011** for **135 W. CENTRAL, 711 & 711 ½ S. COLLEGE AVENUE, OXFORD, OHIO 45056** is hereby refused on this **3rd DAY OF AUGUST, 2011**.

The Property located at the SE corner of Central & S. College is essentially a 3-family structure on a single lot. The property is zoned "R1MS" Single-Family Mile Square Residential. Permitted uses in this zoning district include single-family units. The 3-family was grandfathered as a nonconforming use; however the rental permits expired December 19, 2005. Attempts were made and a certified letter was sent & signed for by Randy Fread April 21, 2007 notifying him that the rentals were expired and the permits would be inactive if the permits were not renewed, payment made and inspections scheduled. The files indicate that no response was received from the owner and on June 15, 2007 the permits were determined inactive.

According to Section 1137.07(a) of the Planning & Zoning Code states;

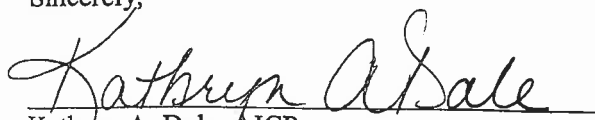
"A nonconforming land use, structure, or portion thereof, shall not be reinstated if it is discontinued for a continuous one-year period and thereafter any use of the premises shall conform to the use regulations of the district in which the building or lot is located. The intent to continue a nonconforming use shall not be assumed to be evidence of its continuance."

The 3-family use has been discontinued for more than one year and the rental permit request for 3-family dwelling units cannot be approved because it is not a permitted use in the R1MS zoning district. The property is viewed as and must conform to the current requirements as a single-family.

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

Should you have any further questions please feel free to contact the Community Development Department.

Sincerely,


Kathryn A. Dale, AICP
City Planner

101 East High Street • Oxford, Ohio 45056-1887
Phone: (513) 524-5204 • Fax: (513) 524-5266 • www.cityofoxford.org

Attn: Kathy Dale

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that James M. Clawson has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing October 19, 2011 regarding the Fread Rental Property at our property located at South College Avenue and 135 West Central, Oxford, Ohio 45056 711

Thank-you,

Signed: Brad Fread
Brad Fread9-16-11
Date:

Jan Fread
50 W. Patterson Rd.
Eighty Four , PA 15330-2141

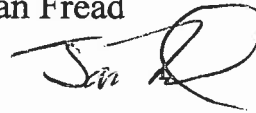
9/16/2011

City of Oxford

I give permission for Brad Fread to be the managing agent for the rental property at 711 S. College St. 711 1/2 S. College St. and 135 W. Central St. Oxford, Ohio 45056

Thank you

Jan Fread

A handwritten signature in black ink, appearing to read "Jan Fread", with a large, stylized flourish at the end.

Petition for Appeals of Administrator's Decision
City of Oxford, Ohio

2011-BZA-06

REQUIRED INFORMATION

Name of Petitioner: Brad Fread / Jim Clawson
(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address: 5885 Windermere Lane

Telephone Number(s): Fairfield, OH 45014

Name of Property Owner: Brad & Jan Fread (See Probate Court Case No. PE 09-02-0192 4/11/11)

Mailing Address: Same

Telephone Number(s): _____

Requested Variance: 1179.11 Appeal of Admin. Decision Regarding
(Indicate nature of variance 1137.07(a) to allow for the continuance of
and applicable section(s) a nonconforming 3 Family Rental
of the Zoning Code.) Admin. denied renewal application for a
rental permit.

Location of Requested Variance: 135 W. Central / 711 S. College

Legal Description: Lot 515

Zoning District: R1MS

Total Acreage: _____ Acres

Existing Use of Site: 3-Family

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

REQUIRED INFORMATION

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

- * (1) 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; 50⁰⁰
- (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
- (5) OTHER - Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals, including but not limited to site plans and elevation drawings.
- * (6) On a separate sheet, provide the names and mailing addresses of all property owners within 200 feet of all boundaries of the property in question, giving lot numbers and house numbers. (This information is available at the Butler County Auditor's Office.)

Brad Fread
5885 Windermere Ln.
Fairfield, Ohio 45014

9/16/2011

City Of Oxford
101 High St
Oxford, Ohio 45056-1887

Re: Rental permit variation

To whom it may concern:

The property at 711 S. College, 711 1/2 S. College and 135 W. Central St. has been a three family dwelling since the late 1970's. Each have their own utility meters. This structure has always been for student rental. Randy lived in 711 S. College. No attempt was made to notify all owners to the expiration of the rental permits. Randy Fread was notified, and Brad Fread was not. The status of the building has not changed. The structure itself will not be altered or change the character of the neighborhood. No ill effects will be upon any neighbors as the use of the building will not change. The building cannot be of a substantial value without the variance.

Thank you



Brad Fread

**City of Oxford
Building and Housing**

Plan Review for Rental Occupancy

Address 135 W. Central 711 : 711 1/2 S. College

(CHECK ONE)

☒ New Rental Permit Application

☐ Building Permit Application (Potential Rental)

ZONING:

The subject dwelling unit is located in a RIMS and is approved for a maximum of _____ * unrelated adults under the Zoning Code.

Notes:

See Letter Dated ~~7/28/11~~ 8/3/11

Kas Zoning Office, 7/28/11

RENTAL

The subject dwelling unit is approved for a maximum of _____ * unrelated adults based on the square footage requirements of the PM Code.

Notes:

Rental Inspector, ____/____/____

* A Rental Permit may be issued for the smaller of the Occupancy numbers shown above, provided all other relevant requirements of the Code are met.

CITY OF OXFORD, OHIO

Inspections Division

Application for Rental Permit

- Complete both sides of one application per building address -

Application Status: ☐ New ☐ Renewal ☐ Change of Ownership

Permit to be issued in the name of: ☒ Owner ☐ Operator (Agent)

Address of Unit: ^{w.} 135¹ Central, 711 S. College Unit A and 711 S. College unit B.
(Include Unit Number/Letter, if applicable)

The Oxford Codified Ordinances Chapter 1305, PM-308, states requirements for applications, permits, and agents.

AGENT: CKC Rental Agency, LLC Home Phone: 513-523-7263
(Complete agent registration form on back)

Address: 125 West Spring Street

Is this a change of agent's address? ☐ Yes ☐ No

OWNER: Brad Fread

Home Phone: _____

Work Phone: 513-829-9191 Cell Phone: 513-317-8722

Address: 5885 Windermere Ln., Fairfield, OH, 45014

Is this a change of owner's address? ☒ Yes ☐ No

Number of Occupants (per unit): ^{w.} 135¹ Central - 4 occupants, 711 S. College unit A -
(if the number varies, list unit and its occupancy) 2 occupants

Number of Parking Spaces Under this Permit: 4 711 S. college unit B - 2 occupants

Dwelling Unit Located in Property Type: ☐ Single-Family ☐ Two-Family ☒ Three-Family
☐ Multi-Family ☐ Owner-Occupied Rooming House ☐ Fraternity ☐ Lodging House

I declare that all the information in this application is true to the best of my knowledge and that I will surrender the rental permit if the property changes ownership before the expiration date of the permit.

Signed: Brad Fread
(Owner)

Date: 7.25.11

Office Use Only

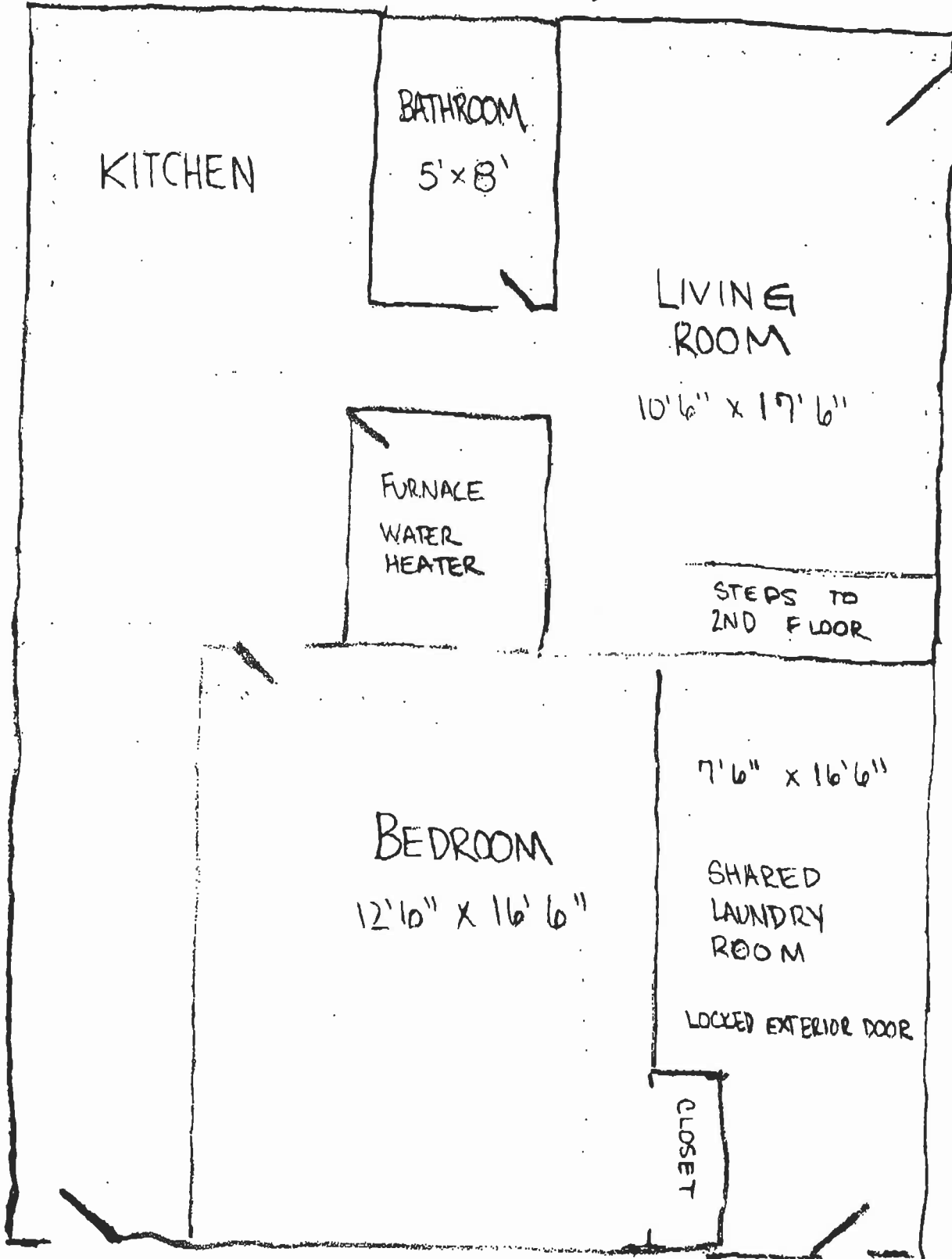
Rental Fee: _____ Date Received: _____ Check Number: _____ By: _____

Last Inspection/Re-Inspection Date: _____ Oxford Zoning District: _____

Maximum Occupants Allowed - Zoning (Unit): _____

15¹/₂ West Central
4 BEDROOM 2 BATHROOM
APPROX. 1572 Sq. Ft.

7/25/11



FIRST
FLOOR

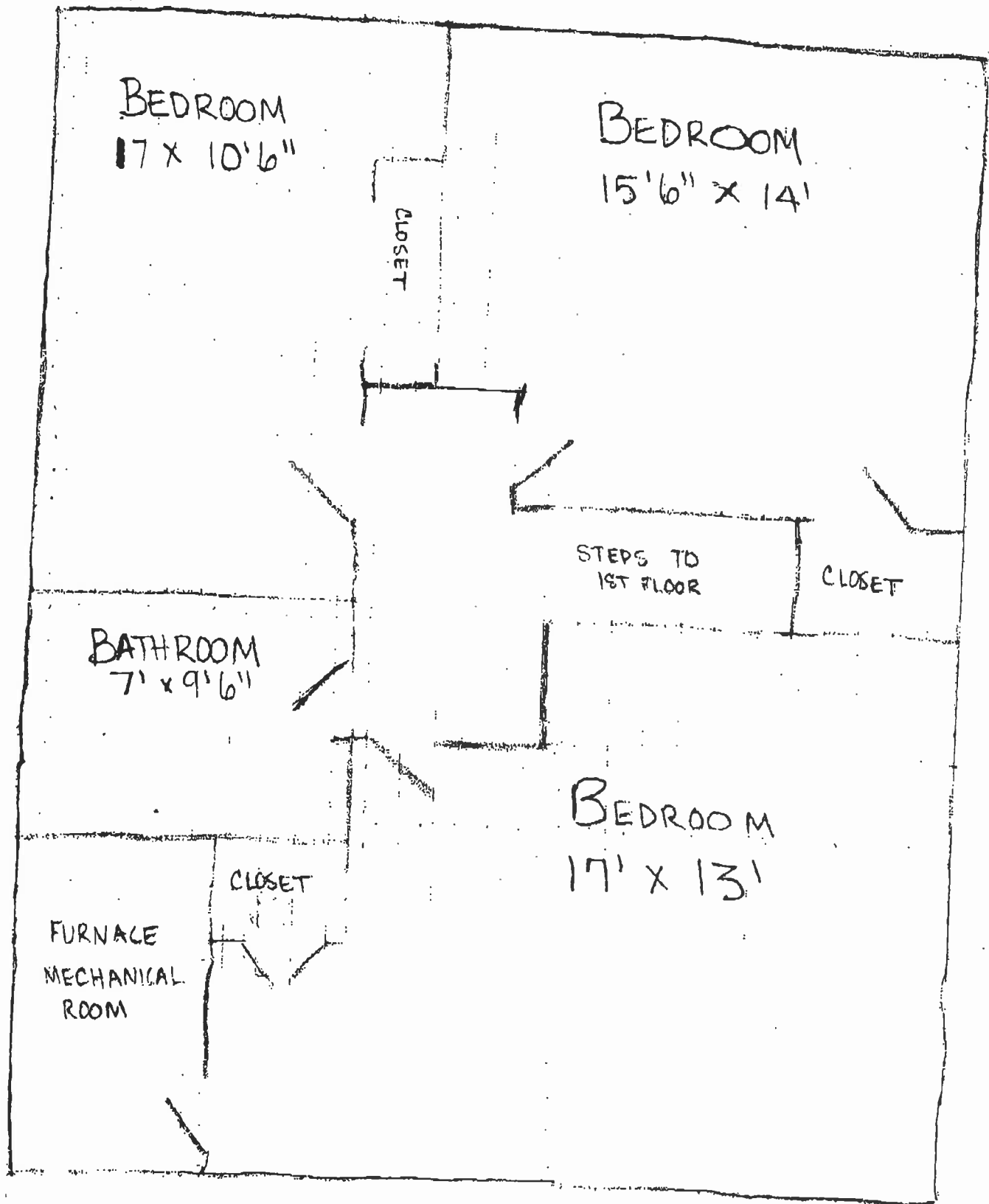
AVENUE

CENTRAL

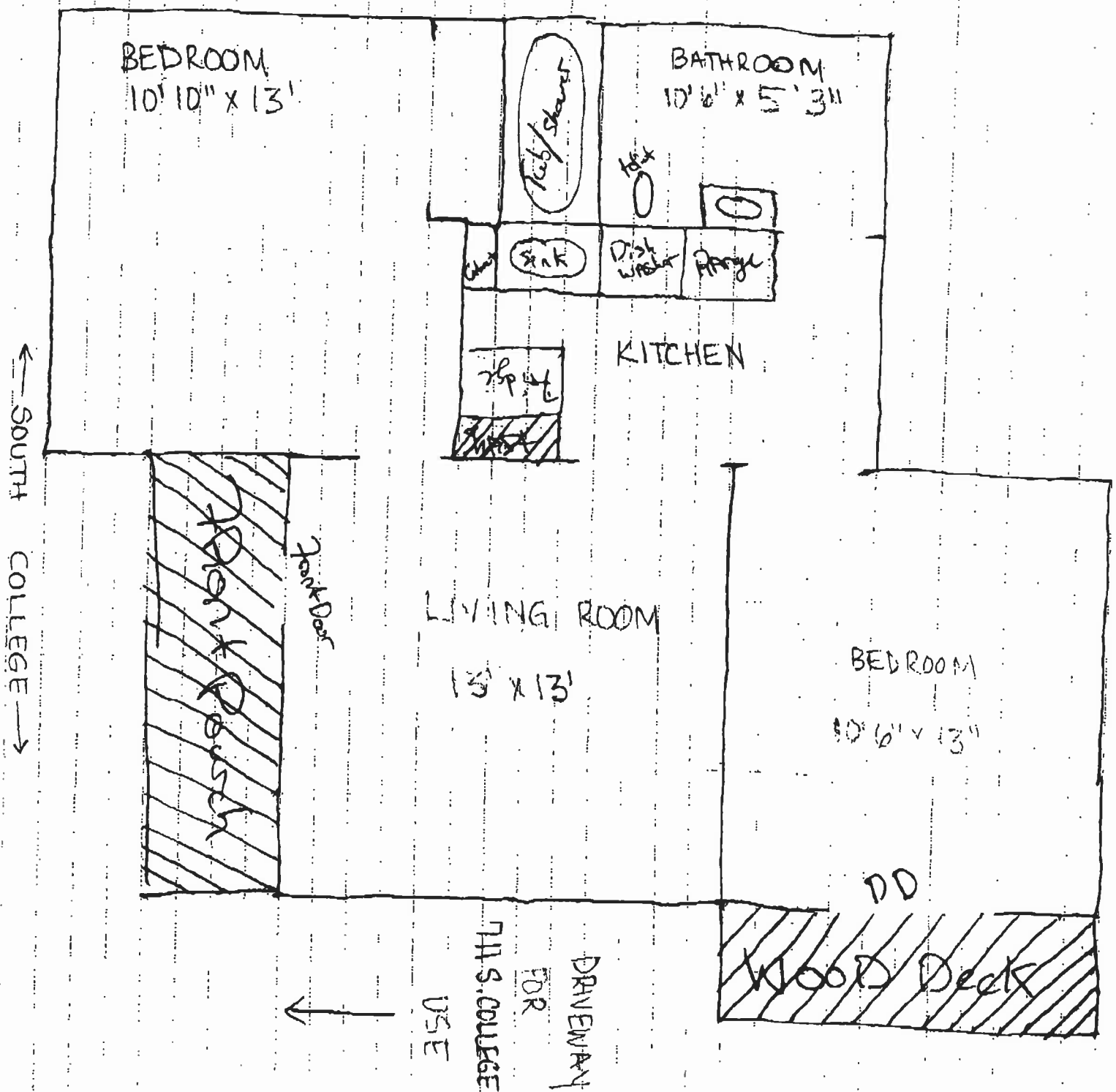
DECK WITH PRIVACY FENCE

155 West Central

2ND FLOOR

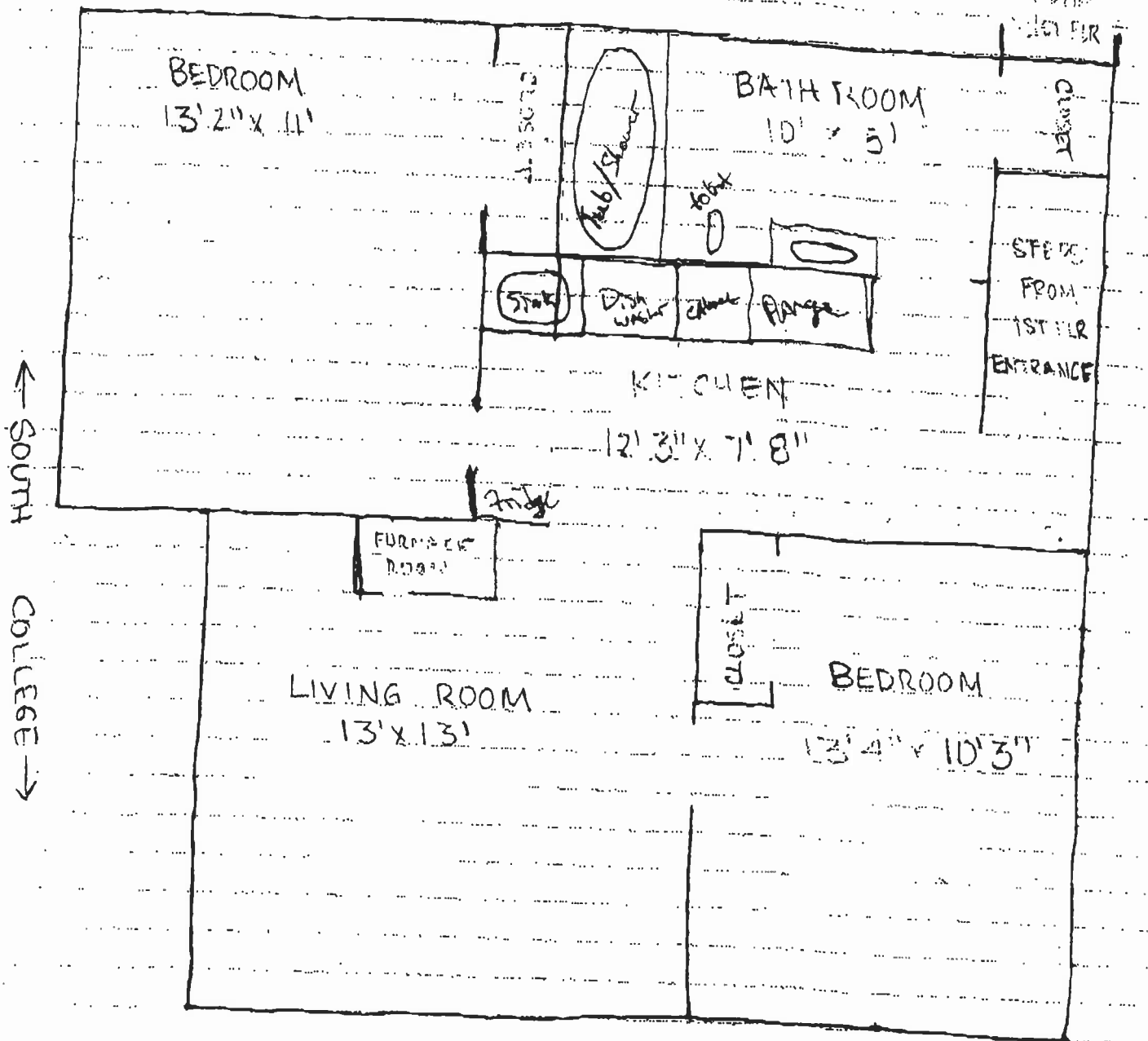


1 BATHROOM



UNIT # 1^{*}(A)

FIRST FLOOR



2 BEDROOM 1 BATHROOM

711 S. COLLEGE AVE

UNIT #2*(B)

SECOND FLOOR

1. 1941-1942
 2. 1943-1944
 3. 1945-1946
 4. 1947-1948
 5. 1949-1950
 6. 1951-1952
 7. 1953-1954
 8. 1955-1956
 9. 1957-1958
 10. 1959-1960
 11. 1961-1962
 12. 1963-1964
 13. 1965-1966
 14. 1967-1968
 15. 1969-1970
 16. 1971-1972
 17. 1973-1974
 18. 1975-1976
 19. 1977-1978
 20. 1979-1980
 21. 1981-1982
 22. 1983-1984
 23. 1985-1986
 24. 1987-1988
 25. 1989-1990
 26. 1991-1992
 27. 1993-1994
 28. 1995-1996
 29. 1997-1998
 30. 1999-2000
 31. 2001-2002
 32. 2003-2004
 33. 2005-2006
 34. 2007-2008
 35. 2009-2010
 36. 2011-2012
 37. 2013-2014
 38. 2015-2016
 39. 2017-2018
 40. 2019-2020
 41. 2021-2022
 42. 2023-2024
 43. 2025-2026
 44. 2027-2028
 45. 2029-2030
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 82. 2103-2104
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 85. 2109-2110
 86. 2111-2112
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 90. 2119-2120
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 113. 2165-2166
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 126. 2191-2192
 127. 2193-2194
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 129. 2197-2198
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 131. 2201-2202
 132. 2203-2204
 133. 2205-2206
 134. 2207-2208
 135. 2209-2210
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 137. 2213-2214
 138. 2215-2216
 139. 2217-2218
 140. 2219-2220
 141. 2221-2222
 142. 2223-2224
 143. 2225-2226
 144. 2227-2228
 145. 2229-2230
 146. 2231-2232
 147. 2233-2234
 148. 2235-2236
 149. 2237-2238
 150. 2239-2240
 151. 2241-2242
 152. 2243-2244
 153. 2245-2246
 154. 2247-2248
 155. 2249-2250
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 157. 2253-2254
 158. 2255-2256
 159. 2257-2258
 160. 2259-2260
 161. 2261-2262
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 163. 2265-2266
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 165. 2269-2270
 166. 2271-2272
 167. 2273-2274
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 170. 2279-2280
 171. 2281-2282
 172. 2283-2284
 173. 2285-2286
 174. 2287-2288
 175. 2289-2290
 176. 2291-2292
 177. 2293-2294
 178. 2295-2296
 179. 2297-2298
 180. 2299-2300
 181. 2301-2302
 182. 2303-2304
 183. 2305-2306
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 191. 2321-2322
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 199. 2337-2338
 200. 2339-2340
 201. 2341-2342
 202. 2343-2344
 203. 2345-2346
 204. 2347-2348
 205. 2349-2350
 206. 2351-2352
 207. 2353-2354
 208. 2355-2356
 209. 2357-2358
 210. 2359-2360
 211. 2361-2362
 212. 2363-2364
 213. 2365-2366
 214. 2367-2368
 215. 2369-2370
 216. 2371-2372
 217. 2373-2374
 218. 2375-2376
 219. 2377-2378
 220. 2379-2380
 221. 2381-2382

CASE NO. PE09-02-0192

1944. CIVIL DECEASED
PROBATE COURT
JUDGE RANDY T. ROGERS

NO. 1

Not Recorded w/
Auditor's Record
Office

Name	Residence Address	Transferee's share of decedent's interest
Brad D. Fread	5885 Windermere, Fairfield, OH 45014	1/2
Jan R. Fread	50 W. Patterson Rd., Eighty Four, PA 15330	1/2

P43

intestate share.

The legal description of decedent's interest in the real property subject to this certificate is: [use extra sheets, if necessary].

An undivided one-half interest in:

Situate in the Village (now City) of Oxford, County of Butler, State of Ohio, and being a strip of
ground ninety (90) feet in width taken off the west side of Inlot Numbered Five Hundred Fifteen
(515). Said property being subject to the annual ground rent payable to the Treasurer of Miami
University.

Prior Instrument Reference: Vol. 6461 Page 2023

Parcel No:

H4000 105 000 065

ISSUANCE

This Certificate of Transfer is issued this _____ day of APR 11 2011, _____.

Randy T. Rozen
Probate Judge

CERTIFICATION

I certify that this document is a true copy of the original Certificate of Transfer No. 1 issued on
APR 11 2011 and kept by me as custodian of the official records of this Court.

APR 11 2011
Date

Randy T. Rozen
Probate Judge

By Whaler
Deputy Clerk

6-15-07
No response
Move to
inactive
RJK.

LEGAL NOTICE

April 20, 2007

Randy Fread
135 West Central
Oxford, Ohio 45056

RE: 135 West Central, 711 South College and 711 ½ South College

Several months ago, we had spoken about the possibility of your rental properties being transferred to an inactive status. Since it has been so long since we discussed this and nothing definite was decided, I am restating the options for you:

The rental permits for the above referenced properties expired on December 19, 2005. In order to return the rental permits to an active status, you are required to complete a rental permit application (which I am enclosing), and return it our office with fee payment in the amount of \$125.00. You are also required to schedule rental housing inspections for the properties prior to April 30, 2007. If these conditions are not met, your properties will no longer be considered permitted rentals by the City of Oxford. Please note you may be in violation of Section PM-309.1 Permits Required of the Oxford Property Maintenance Code:

No person shall operate a rental unit(s), rooming house, lodging house, multiple dwelling, or fraternity house unless he has a valid rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house permit issued by the Code Official in the name of the operator for the specified rooming house, lodging house, multiple dwelling, dwelling unit or fraternity house. No person shall rent or lease a dwelling unit, except to a member of his or her family, without a dwelling unit rental permit issued by the Code Official in the name of the owner or operator for the specific dwelling unit.

If you are found to be in violation, please note Section 106.4 Violation Penalties:

Any person who shall violate a provision of the code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

If it is not necessary to renew the rental permits at this time, but becomes necessary in the future, you may do so, but the properties must comply with the current City of Oxford Property Maintenance Code. I am enclosing a copy for your reference.

If you wish to appeal this notice you may do so by addressing a written appeal within 20 days after receipt of this notice to the City of Oxford, Building and Housing Division, 101 East High Street, Oxford, Ohio 45056. The fee for filing an appeal is \$150.00.

Again, we want to make you aware of the options concerning this situation. If you have any questions, please do not hesitate to contact me at 513-524-5209.

Sincerely,

Rebecca J. Kolb
Building and Housing Division

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Randy Fread
135 West Central
Oxford, OH
#506
45056

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
Randy Fread

B. Received by (Printed Name) C. Date of Delivery
4/21

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address

3. Service Type
☒ Certified Mail ☒ Registered Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number
(Transfer from service label)

7005 0390 0000 1854 8789

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



Home Property Records

Owner Name Address Parcel Advanced Sales

- Profile
- Sales
- Residential
- OBV
- Commercial
- Permits
- Land
- Photos
- Property
- Tax Detail 2006
- Tax Detail 2005
- Tax Detail 2004
- Tax Detail 2003
- Tax Detail 2002
- Tax Detail 2001
- Sketch
- Levy Information
- Value History
- Map
- Special Assessments

PARID: H4000105000065
FREAD RANDY G &

Owner

Owner 1
Owner 2

FREAD RANDY G &
BRAD

711 COLLEGE ST S

M

Retu

Bt

Propri

Parcel

Parcel Id

H4000105000065

Address

711 S COLLEGE ST

Class

RESIDENTIAL

Land Use Code

530, R - THREE FAMILY DWELLING, PLATTED LOT

Neighborhood

00003016

Total Acres

Taxing District

H40

District Name

OXFORD CORP TAL CSD

Gross Tax Rate

66.73

Effective Tax Rate

Pr

Pr

Legal

Legal Desc 1

515 W 90 FT

Legal Desc 2

Legal Desc 3

Tax Mailing Name and Address

Mailing Name 1

RANDY G FREAD

Mailing Name 2

Address 1

711 S COLLEGE ST

Address 2

OXFORD OH 45056 2232

Address 3

Taxes Due

Delq Taxes

\$0.00

1st Taxes

\$0.00

2nd Taxes

\$912.58

Sales

Sale Date

Sale Amount

01-SEP-85

\$25,000

13-MAY-99

\$0

Dwelling

Stories

2

Square Feet

3,382

Construction

MAS&FRAME

Total Rooms

9

Bedrooms

4

Year Built

1912

Current Value

Land (100%)

\$26,520

Building (100%)

\$147,780

Total Value (100%)

\$174,300

CAUV

\$0

Utility records
are set up the
same as this.
(Not sure why
rental is
5F + 2F.)
Utility records
show minimal
usage.

O.R. 6361 PAGE 2023
Quit Claim Deed

JAN R. FREAD, married,

of Butler County, Ohio, for valuable consideration paid, grant(s) to

RANDY G. FREAD

whose tax-mailing address is:

the following REAL PROPERTY:

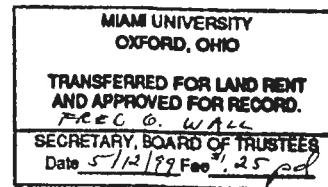
Situate in the City of Oxford, in the County of Butler and State of Ohio,
to-wit:

An undivided one-half interest in:

Situate in the Village (now City) of Oxford, County of Butler,
State of Ohio, and being a strip of ground ninety (90) feet in
width taken off the west side of Inlot Numbered Five Hundred
Fifteen (515). Said property being subject to the annual
ground rent payable to the Treasurer of Miami University.

TRANSFERRED
DATE 5-13-99
CONVEYANCE # -8-
FEE \$ 1978.00
EXEMPT 1978 CH.
Kay Rogers, Butler Co. Auditor
This conveyance has been examined and the grantor
has complied with section 319.202 of the revised code.

9900038391
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 05-13-1999 At 11:57:46 am.
DEED 14.00
DR Book 6361 Page 2023 - 2023



Prior Instrument Reference: Vol. 1476 Page 125 of the Deed Records of Butler County, Ohio.
JAN R. FREAD and KAREN A. FREAD, husband and wife, ~~husband and wife~~ of the Grantor s
releases all rights of dower therein.
WITNESS their hand this 31st day of March, 1999.

Signed and acknowledged in the presence of:

Wayne Staton WAYNE STATON
Mary E. Bevilacqua MARY E. BEVILACQUA

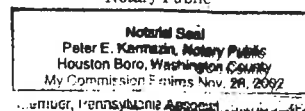
Jan R. Fread JAN R. FREAD
Karen A. Fread KAREN A. FREAD

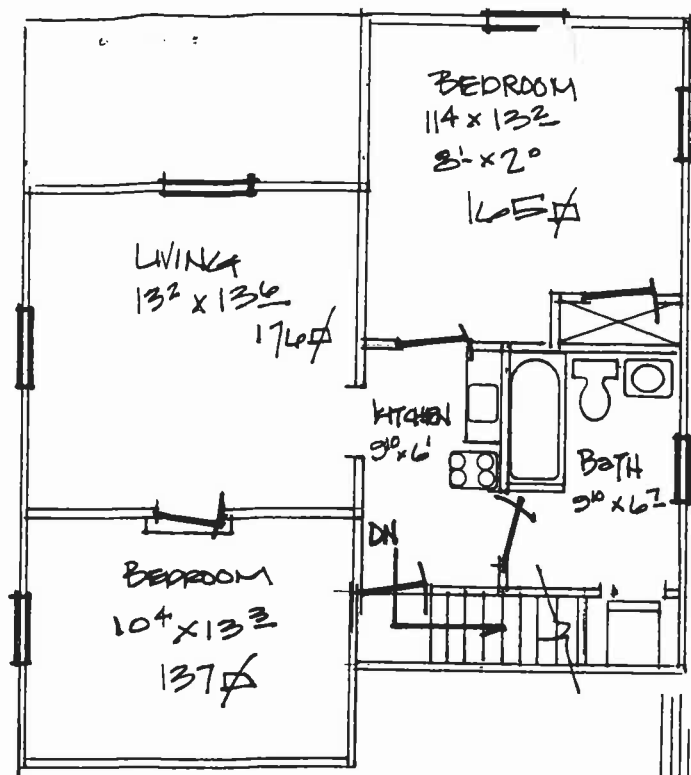
STATE OF OHIO COUNTY OF BUTLER, SS.

The foregoing instrument was acknowledged before me this 31st day of MARCH
1999, by JAN R. FREAD and KAREN A. FREAD.

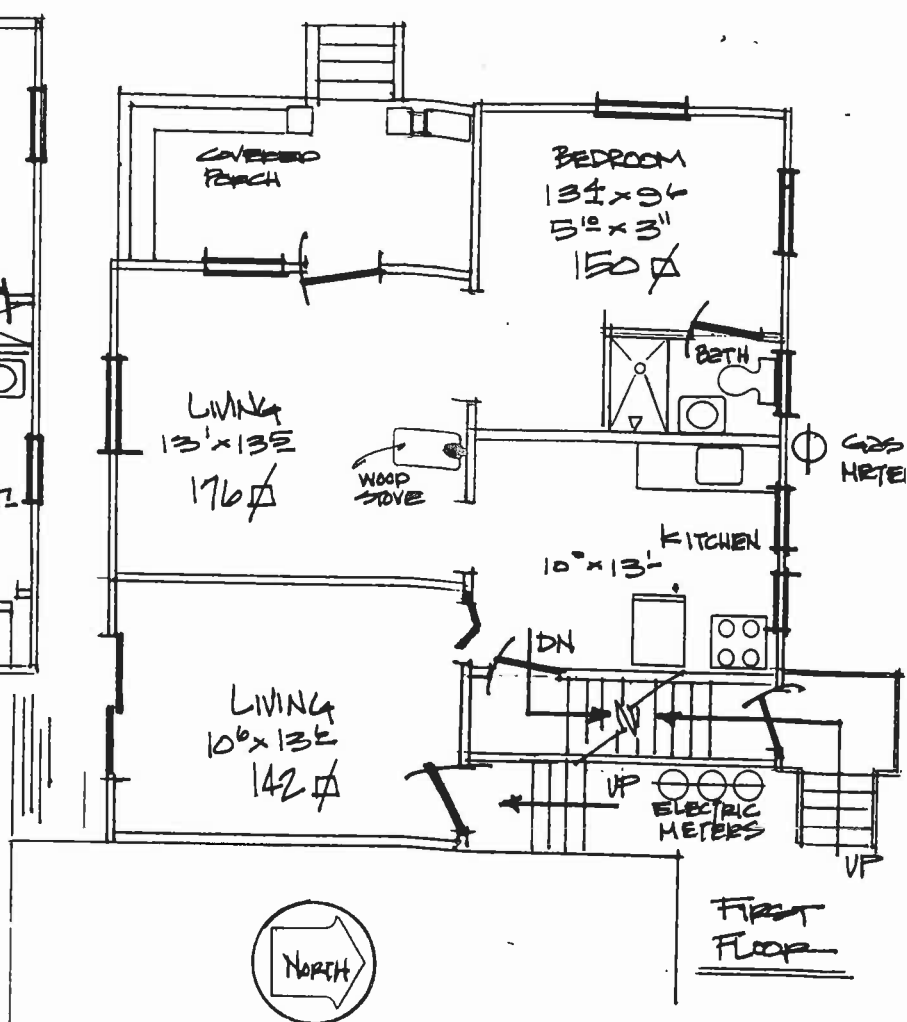
This Instrument Prepared By:
WAYNE STATON
ATTORNEY AT LAW
110 N. BEECH STREET
OXFORD, OH 45056
(513) 523-7722

Peter E. Kennan
Notary Public



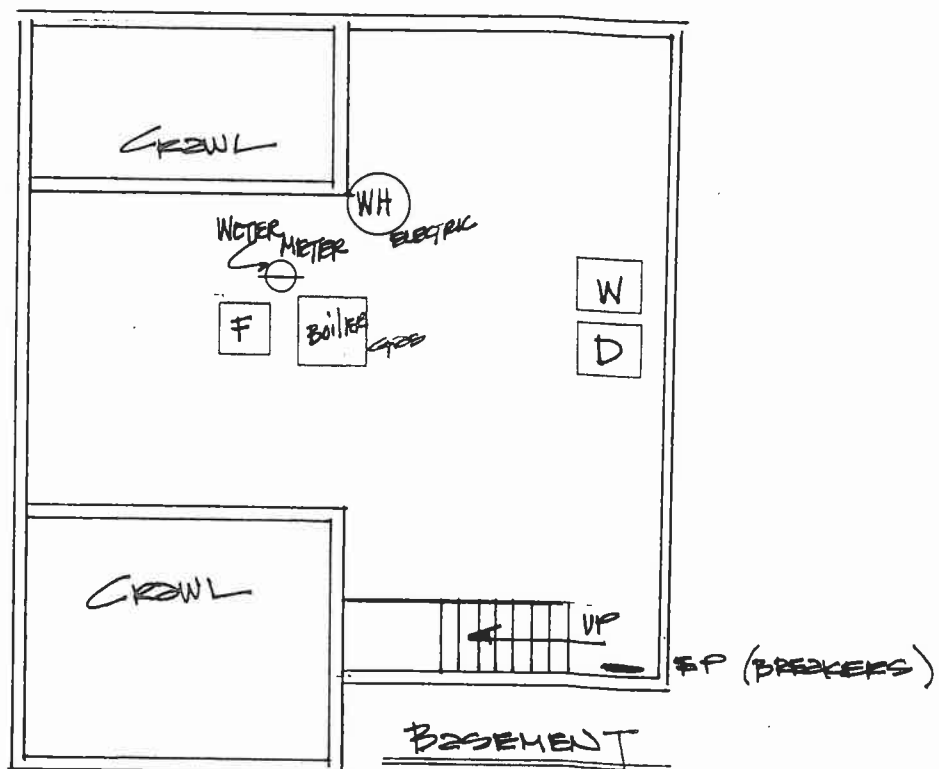


SECOND FLOOR

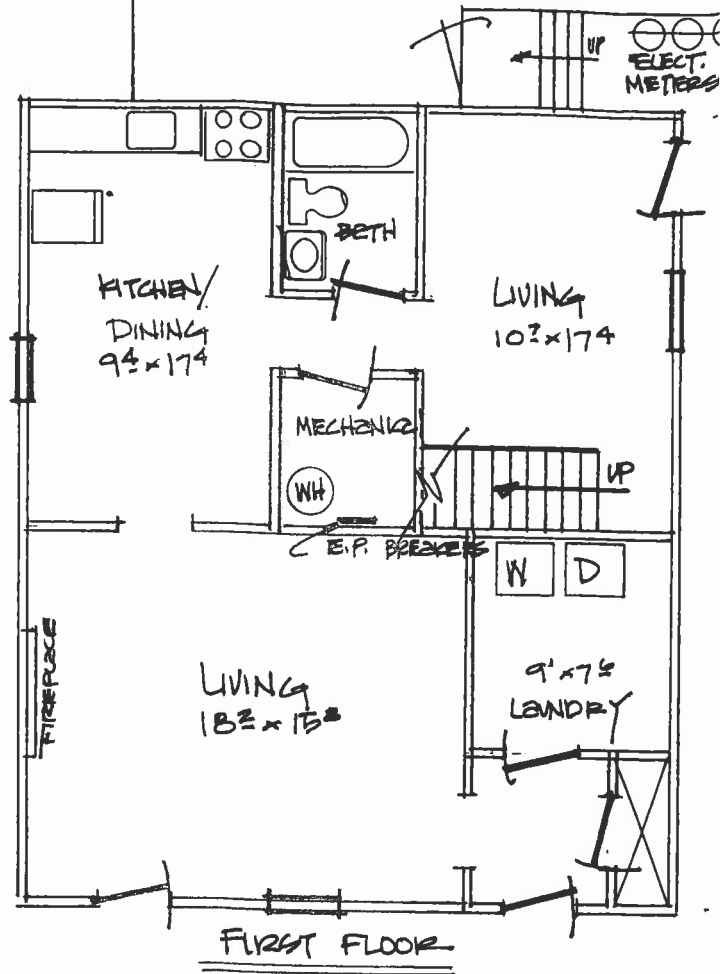
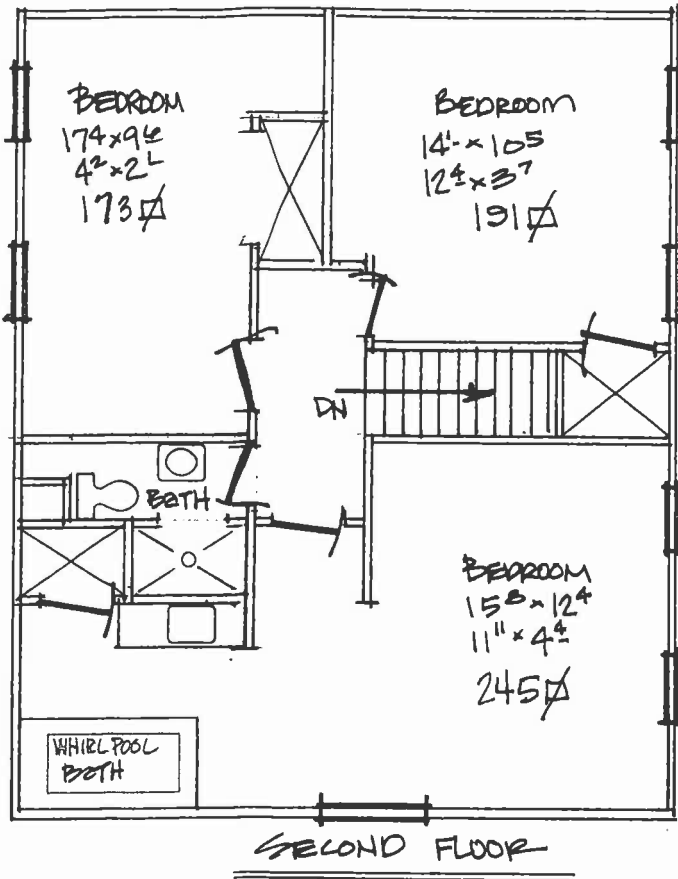


FIRST FLOOR

711 1/2 South College (UP)
 711 South College (DN)
 INSPECTED 10.9.95
 + 10.24.95 JMR



BASEMENT



135 WEST CENTRAL
INSPECTED 10.10.95
[Signature]

City of Oxford
Community Development Department
STAFF REPORT
Board of Zoning Appeals

Case # BZA-05-2011

Date –October 25, 2011
SPECIAL MEETING

APPLICATION

Petitioner:	Jean Pierre Renzi on Behalf of Holly Morrical, College Property Management, Agent.
Location:	604 S. Main and 606 S. Main Street
Owner:	Jean Pierre Renzi, JPR Enterprises
Action Request:	Variances to Sections 1143.03(c)(3)C.1; 1143.03(c)(3)C.3; 1149.04(b)(3) total lot coverage, front yard coverage and driveway setback.
Current Use:	Single-Family
Zoning:	"R2MS" Single and Two-Family Mile Square Residential Districts
Surrounding Land Uses:	Single and Multi-Family

DESCRIPTION

The Appellant is proposing to exercise their right to an easement established on 604 S. Main for the purpose of constructing a driveway. The variances are being applied for by the owner of 606 S. Main, but the variances will actually be applied to the property at 604 S. Main. Please refer to the attached letter dated September 8, 2011 for the full description of history and issues regarding this request.

VARIANCES REQUESTED

- Section 1143.03(c)(3)C.1:** The total lot coverage for lots with vehicular access from a public street in the "R1MS" Single Family Mile Square Residential District shall not exceed 35% of the lot.
- *The total lot coverage will increase from 34.93% to 46.65%*
- Section 1143.03(c)(3)C.3:** The maximum front yard lot coverage for lots with vehicular access from a public street in the "R1MS" Single Family Mile Square Residential District shall not exceed 25% of the front yard.
- *The front yard lot coverage will increase from 31.75% to 46.75%*
- Section 1149.04(b)3:** **Residential Vehicle Management Regulations:** Driveways shall be a minimum of 2 feet from a side lot line.
- *The driveway has a 1-foot setback from the side property line.*

AGENCY COMMENTS:

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	No comment received
Fire:	Comment received without comment.
Engineering:	Comments received.

Econ. Dev.: Comment received without comment.

SITE HISTORY

BZA-05-2011:

Variances to Sections 1149.04(a)(1) and 1143.05(c)(4)A3 for front yard parking and front yard lot coverage. **DENIED**

Variance to Section 1149.03(e)(2) relief from onsite parking requirement.
APPROVED w/ CONDITIONS

ANALYSIS

Should the variance be granted to 604 S. Main, it would apply only to the driveway serving 606 S. Main. The driveway in this application would exclude 11.75% from the lot coverage calculations for 604 S. Main. Should the owner of 604 S. Main (current or future) ever add on to the property or tear down and rebuild, that would increase the lot coverage beyond the 35% requirement, they would have to obtain their own variance. Should the owner of 604 S. Main (current or future) ever utilize the driveway as a shared driveway, then the driveway would be included in the total lot coverage.

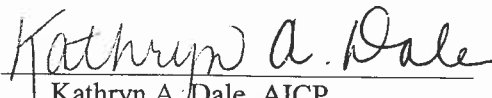
The property in question, both 604 & 606 S. Main will yield a reasonable return and can be used beneficially without the variance because they may continue to be used as single-family residences; 604 S. Main will remain to be in compliance with the underlying district requirements and 606 S. Main has been granted alleviation of its on-site parking requirements. According to the Appellant's claim for 606 S. Main, the property will not yield a reasonable return due to the lack of onsite parking. The requested variances may be considered substantial, however, in the broad sense of the character of the area it will not have a detrimental effect nor will it be substantially altered. The requests are the minimum variances needed; the Appellant is proposing a single lane driveway and could have requested a wider driveway. There was one comment from the Engineering Division that the Appellant will be held responsible for any damage done to the storm sewer line as a result of the construction and there were no other comments received from the various City Departments indicating there would be a detrimental effect on government services. Furthermore due to the shallow location of an existing storm sewer line on the property line, the appellant is unable to split the increase in lot coverage by providing some of the driveway on the 606 S. Main property. There is no other reasonable way to feasibly obviate the issue, and the owner has exhausted all other possibilities with the neighboring properties and through appeals. Staff believes that substantial justice would be done by granting the variance.

RECOMMENDATION

No specific recommendation regarding a decision on the request. The owner of 604 S. Main has indicated support of the request, but specifically has requested:

- 1.) That, special consideration is given to the stone wall in the front of the property and that proper landscaping and engineering is employed to ensure that a proper retaining wall is built to ensure the integrity of the stone wall.
- 2.) That, the Appellant shall be held responsible for any damage to the storm sewer as a result of the driveway installation.

SUBMITTED BY:


Kathryn A. Dale, AICP
Planner

DATE: September 29, 2011

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/4/2011

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-05-2011

ADDRESS: 604 and 606 S. Main Street

Variance to Sections:

1143.03(c)(3)C.1

1143.03(c)(3)C.3

1149.04(b)(3)

Total lot coverage, front yard coverage, and driveway setback

Jean Pierre Renzi, JPR Enterprises, Applicant

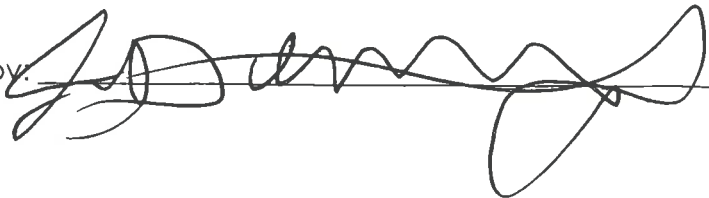
____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 10/18/11 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: 10/13/11



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/4/2011

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-05-2011

ADDRESS: 604 and 606 S. Main Street

Variance to Sections:

1143.03(c)(3)C.1

1143.03(c)(3)C.3

1149.04(b)(3)

Total lot coverage, front yard coverage, and driveway setback

Jean Pierre Renzi, JPR Enterprises, Applicant

____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 10/18/11 Note: If no comments are received, we will assume the project meets your department's standards.

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

*SEE MEMO DATED 10-10-11.
JR.*

Drawings reviewed by: _____

A. C. P. Renzi

Date: 10-10-11



14

Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: BZA-05-2011
604 and 606 S. Main Street

DATE: October 10, 2011

The Engineering Division has reviewed the subject case, and the following are our comments.

- Presently, the tenants at 606 S. Main St. do park on the unimproved area (grass) of the easement, proposed for the driveway variance. Ruts, and mud on side of the 606 S. Main Street structure supports the statement.
- There is a storm sewer that runs parallel to the 606 S. Main Street structure from the back of the lot to a catch basin on S. Main Street that will be within the apron area of the proposed driveway. The storm sewer and the catch basin are shallow. With vehicles parking on an unimproved surface, there is a possibility that the storm sewer may have been damaged.
- A stone wall in back of the sidewalk and in front of 604 S. Main Street has been damaged, as a result of the parking situation.

If the variance is granted, we recommend the following conditions be made part of the variance.

- A video inspection of the storm sewer shall be conducted prior and after the construction of the proposed driveway.
- The catch basin, within the proposed driveway apron, shall be reconstructed to a catch basin with an inlet type casting.
- Depending on the materials (tiles, etc.) used to construct the existing storm sewer; the storm sewer may have to be reconstructed by using a sturdier material. All this due to the shallowness of the storm sewer.

- In case the storm sewer is reconstructed, the invert of the catch basin will be critical.
- A legal document must be obtained from the Applicant, assuming maintenance of the storm sewer.
- The issue of the stone wall, 604 S. Main Street, must be addressed prior to approval.

Thus, the Engineering Division recommends approval of the variance, based on the above conditions.

City of Oxford
Inter-Office Review Transmittal Sheet

✓
et

Date: 10/4/2011

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-05-2011

ADDRESS: 604 and 606 S. Main Street

Variance to Sections:

1143.03(c)(3)C.1

1143.03(c)(3)C.3

1149.04(b)(3)

Total lot coverage, front yard coverage, and driveway setback

Jean Pierre Renzi, JPR Enterprises, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 10/18/11 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: Alan Kucen

Date: 10-10-11

Kathy Dale

From: Matt Rodbro [matt@redbrickproperty.com]
Sent: Tuesday, September 20, 2011 10:01 AM
To: Kathy Dale
Cc: smchugh@cityofoxford.org; 'McHugh, Stephen'; Jung-Han Chen
Subject: RE: Fwd: 606 S. Main Street

Steve / Kathy / Jung-Han:

We don't have an issue with the driveway, however, I want to ensure that proper attention is paid to the stone wall in the front of the property and that proper landscaping and engineering is employed to ensure that a proper retaining wall is built to ensure the integrity of the stone wall.

Matt Rodbro
President
Red Brick Property Management, LLC
21 North Poplar Street | Oxford, OH 45056
(office) 513.524.9340 | (mobile) 513.257.7237
matt@redbrickproperty.com | www.redbrickoxford.com

From: Kathy Dale [mailto:kdale@cityofoxford.org]
Sent: Tuesday, September 20, 2011 8:18 AM
To: Matt Rodbro; hmorrical@woh.rr.com
Cc: smchugh@cityofoxford.org; 'McHugh, Stephen'; Jung-Han Chen
Subject: RE: Fwd: 606 S. Main Street

Per your request.

Kathryn A. Dale, AICP

City of Oxford
City Planner
Community Development Department
101 E. High Street
Oxford, Ohio 45056
p. (513) 524-5204
f. (513) 524-5266

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 E. High Street, Oxford OH 45056.

From: Matt Rodbro [mailto:matt@redbrickproperty.com]
Sent: Monday, September 19, 2011 4:57 PM
To: Kathy Dale; hmorrical@woh.rr.com
Cc: smchugh@cityofoxford.org; 'McHugh, Stephen'
Subject: RE: Fwd: 606 S. Main Street

Kathy,

I am the owner of 604 S Main Street and 71 Thompson, LLC. Please direct any information related to my property directly to my office below.

Matt Rodbro
President
Red Brick Property Management, LLC
21 North Poplar Street | Oxford, OH 45056
(office) 513.524.9340 | (mobile) 513.257.7237
matt@redbrickproperty.com | www.redbrickoxford.com

From: chris rodbro [<mailto:chrisrodbro@yahoo.com>]
Sent: Monday, September 19, 2011 4:29 PM
To: matthew rodbro
Subject: Fw: Fwd: 606 S. Main Street

----- Forwarded Message -----

From: College Property Management <collegepropertymanagement@gmail.com>
To: chrisrodbro@yahoo.com
Sent: Monday, September 19, 2011 4:05 PM
Subject: Fwd: 606 S. Main Street

Chris,

I have forwarded you the message from Kathy Dale regarding the our rental property at 606 S. Main. Attached is the letter from the City.

Thanks,
Holly
College Property Management

----- Forwarded message -----

From: **Kathy Dale** <kdale@cityofoxford.org>
Date: Fri, Sep 9, 2011 at 3:36 PM
Subject: 606 S. Main Street
To: "collegepropertymanagement@gmail.com" <collegepropertymanagement@gmail.com>

Holly,

I am sending this same letter to you and Jean Pierre via regular mail. I thought I had his email address as well, but apparently do not anymore.

Thanks,

Kathryn A. Dale, AICP
City of Oxford

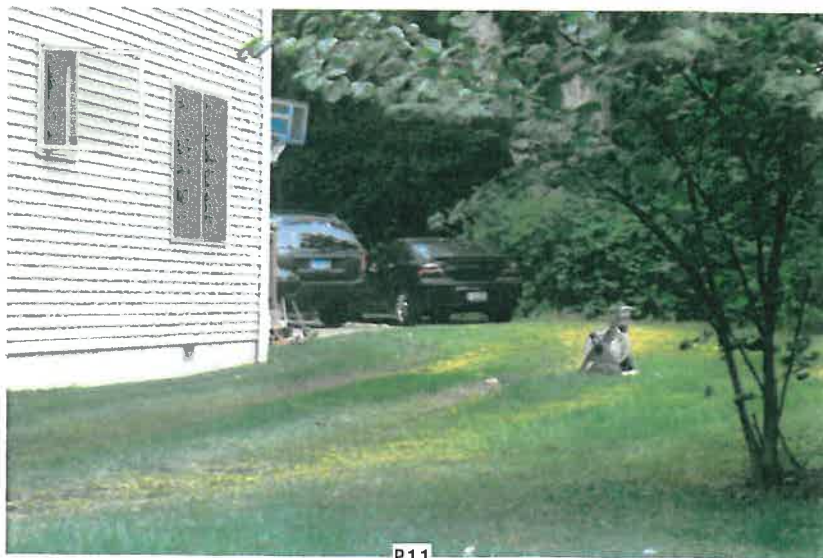
City Planner
Community Development Department
101 E. High Street
Oxford, Ohio 45056
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--

College Property Management
5020 College Corner Pike Suite B
Oxford, OH 45056
Phone: (513) 523-6658
Fax: (513) 523-0575
Email: collegepropertymanagement@gmail.com

On the web at
www.collegepropertymanagement.com

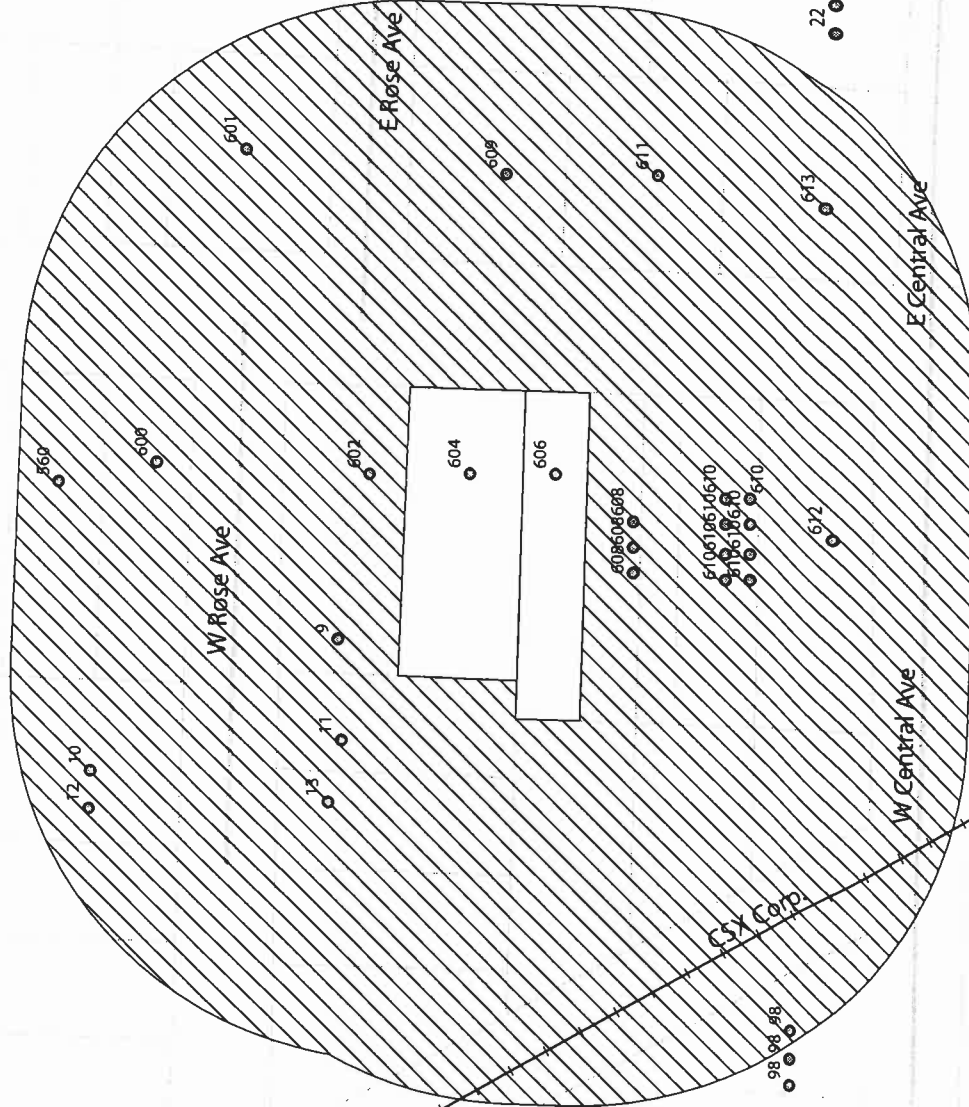


BZA-05-2011

518518 518518 518 518
518518 518518 518 518

Linden Dr

Property Notifications



Legend

- Oxford Corporation Limit
- 604 and 606 S. Main St.
- 200 Ft. Buffer
- Parcels

1 inch = 100 feet

Cap 10 11 00.10p Easy Renzi 2400710000 p.0

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Holly Morrical has permission to represent
our interest with City of Oxford and act on our behalf for the
02nd of Zoning Appeals hearing 9-19-11 ^{10/19/11} regarding the
Variance at our property located at 606 S. Main street
Oxford, Ohio 45056.

Thank you,

Signed: J.P.R.

Jean Pierre Renzi
JPR Enterprises

September 16, 2011

Petition for Zoning Variance
City of Oxford, Ohio

2011-BZA-05

REQUIRED INFORMATION

Name of Petitioner: J.P.R. Enterprises
(Attach a Letter of Agency if the Applicant is not the property owner.)
Mailing Address: 3985 Oak Pointe Ct Rochester Hills MI 48306
Telephone Number(s): 586 634 4027 248 377 0380
Email Address: jprezzi@yahoo.com
Name of Property Owner: Jean Pierre Renzi
Mailing Address: Same as above
Telephone Number(s): Same as above
Requested Variance: 1) Section 1143.05(c)(4)A-1 Total coverage shall not exceed 35% of lot. The total lot coverage will increase from 34.93% to 46.65%
(Indicate nature of variance and applicable section(s) of the Zoning Code.) 2) Section 1143.05(c)(4)A-3 coverage shall not exceed 25% front yard coverage will increase from 31.75% to 46.75%
3) Section 1149.04(b)3 shall be minimum 2 feet from side lot line. The driveway has a 1 foot setback from the side property line
Location of Requested Variance: 606 S Main Street Oxford OH / 604 S. Main
Legal Description: Part of lot 548 City of Oxford
Zoning District: R2MS
Total Acreage: 0.138 Acres
Existing Use of Site: Rental Property Single-Family
Proposed Use: (if applicable)
A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

REQUIRED INFORMATION

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

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

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

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

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

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

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

- a) Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;
- b) Whether the variance is substantial;
- c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- d) Whether the variance would adversely affect the delivery of governmental services (i.e., water, sewer, garbage);
- e) Whether the property owner purchased the property with knowledge of the zoning restriction
- f) Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;
- h) Any other relevant factor.

Submit this application with required attachments and **\$400.00 plus Actual Postage fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: _____

Date: 9-16-11

PRINTED NAME OF APPLICANT: _____

Jean Pierre Renzi

FEE / RECEIPT

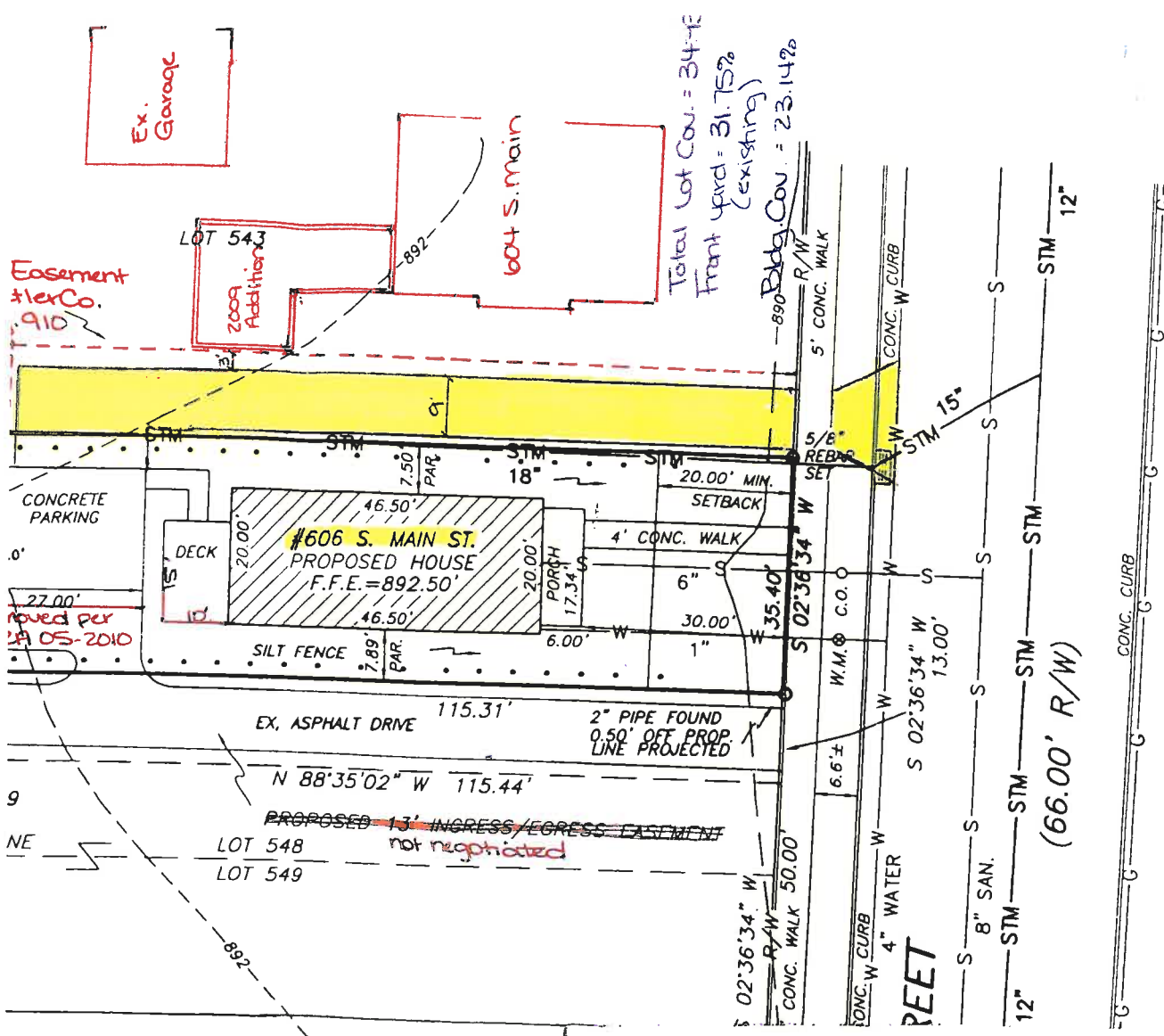
\$400 plus Actual Postage Fee Paid / Receipt Number: _____

\$408.36

836 postage

5)

- a) The variance will allow parking spaces in existing concrete pool in Back of House
- b) The variance is substantial
- c) The variance would not alter the essential character of the neighborhood. The adjoining properties would not suffer any detriment if this variance is allowed
- d) The variance would not affect the delivery of governmental services
- e) The property owner was not aware of all the problems resulting & caused by the proposed Driveway.
- f) At this time the only viable solution would be a variance allowing the installation of a Driveway on that location (North side of property)
- g) By granting the variance the spirit and intent behind the zoning requirement would be observed and substantial justice would be done
- h) None



- ① 604 Total Lot → 46.65%
- ② Front Cov. → 46.75%
- ③ 1' setback variance for driveway

Option A

adds 100' to 606 (33%)
adds 1055' to 604

1" = 20'

PART OF LOT 549

RECEIVED

OCT - 4 2011

City of Oxford
Engineering Division

LOT COVERAGE

LOT 6,017 SQ. FT.
STRUCTURE 930 SQ. FT.
PORCH 104 SQ. FT.
PARKING 679 SQ. FT. 540'
PRIVATE WALK 163 SQ. FT.
DECK 100 SQ. FT. 150'
TOTAL COVERAGE
1,976 SQ. FT. 188%
6,017 SQ. FT. X 100 = 32.84%
31.35%

BUILDING COVERAGE

STRUCTURE 930 SQ. FT.
PORCH 104 SQ. FT.
1,034 SQ. FT. X 100 = 17.18 %
6,017 SQ. FT.

FRONT YARD = 1,068 SQ. FT.

WALK AREA IN FRONT YARD = 121 SQ. FT.
121 SQ. FT. X 100 = 11.33 %
1,068 SQ. FT.