

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

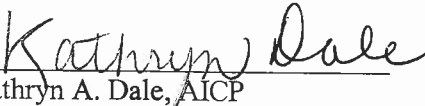
- (4) Include a statement as to why the Appellant has standing to pursue the appeal from the administrative action by a statement of the way in which the administrative action adversely affects the appellant. (Ord. 2947. Passed 3-6-07.)

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.

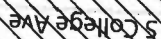
Staff has denied the rental permits based on the discontinuance of a nonconforming use, based on the documents on file with the City and the evidence presented. It is the BZA's duty to determine if that decision was made in error. The Appellant failed to provide documentations and identify what, if anything,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



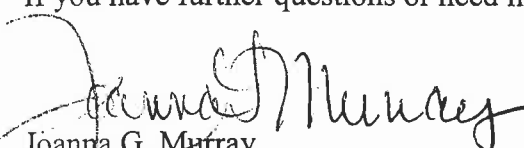
September 23, 2011

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 finaled 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: _____

SERIAL NO. _____

MAKE & SIZE: _____

READING: _____

UNITS OF MEASUREMENT: _____

NEW METER DATA: _____

REGISTER NO. _____

SERIAL NO. _____

MAKE & SIZE: _____

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: _____

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

Owner

Owner 1 FREAD RANDY G &
Owner 2 BRAD

Buffer Search

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

REPORTS

Property Report Card

GO

Legal

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

Printable Summary

Printable Version

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



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
[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

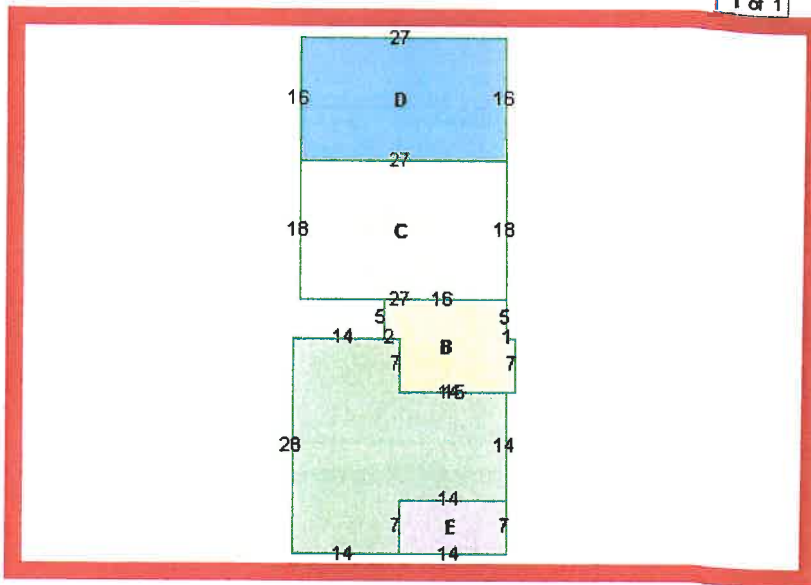
REPORTS

Property Report Card

GO

Printable Version

- Profile
- Sales
- Residential
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- Commercial
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- Tax Detail 2010
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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.

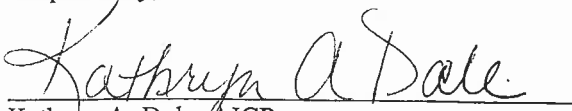
According to Section 1137.07(a) of the Planning & Zoning Code states;

"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.



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

UPDATE

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

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 deceased'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

CALL BEFORE YOU DIG 1-800-362-2764

PLEASE MAKE CHECKS PAYABLE TO:
GLENWOOD ENERGY

OUR DROP BOX IS AVAILABLE 24 HRS
FOR PAYMENT

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



GLENWOOD ENERGY
natural gas • the ... 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

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

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
PT	Oxford PUET						0.34
GSR Rate = 2.61				Net Due On or Before		08/26/2011	7.23
GCR Rate = 6.8291				Penalty Amount			0.11
				Pay After		08/26/2011	7.34

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FOR PAYMENT

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



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;

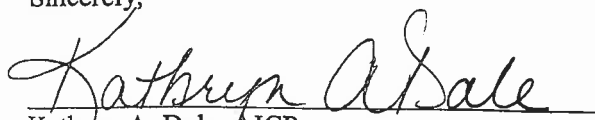
"A nonconforming land use, structure, or portion thereof, shall not be reinstated if it is discontinued for a continuous one-year period and thereafter any use of the premises shall conform to the use regulations of the district in which the building or lot is located. The intent to continue a nonconforming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

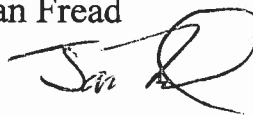
9/16/2011

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

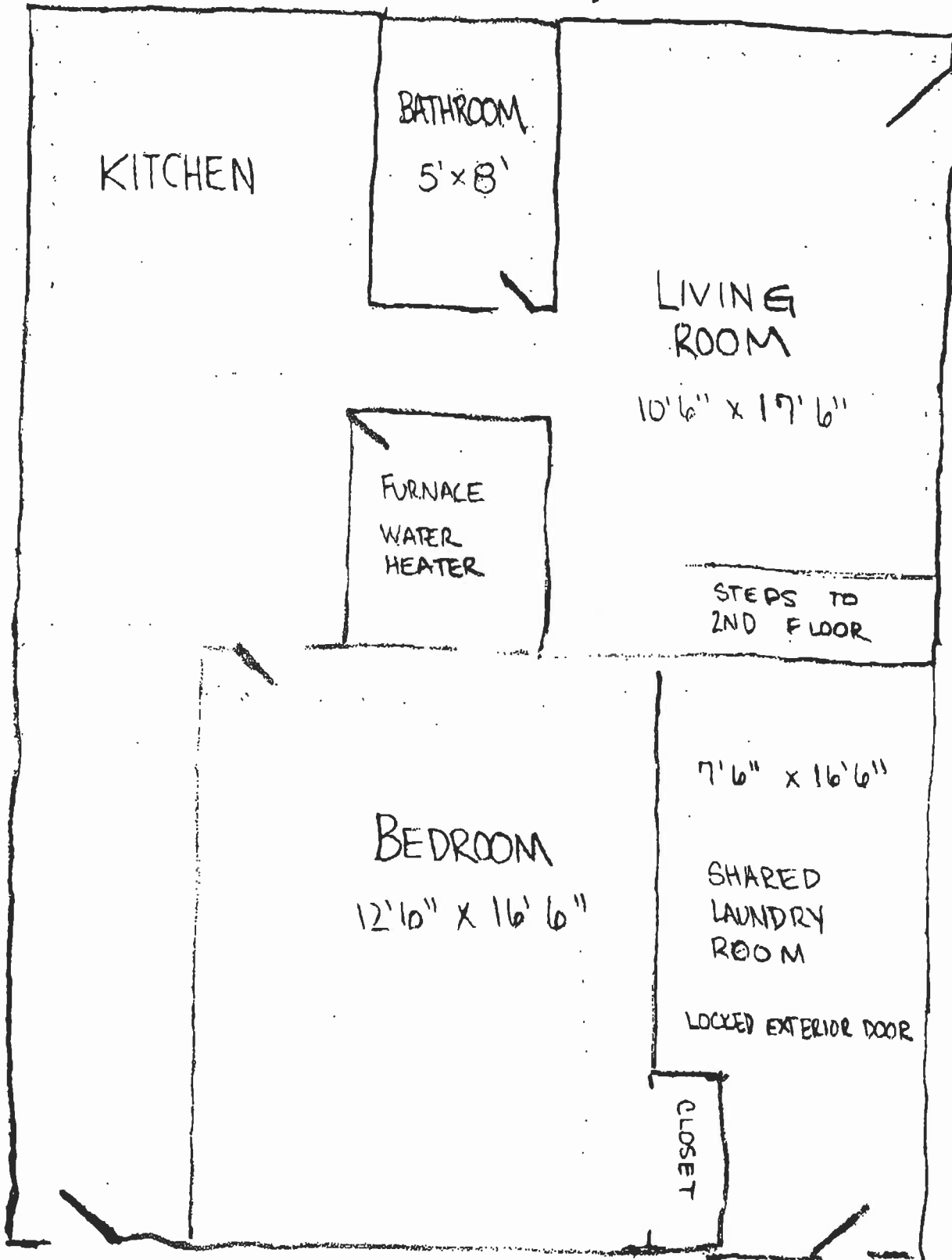
Rental Fee: _____ Date Received: _____ Check Number: _____ By: _____

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



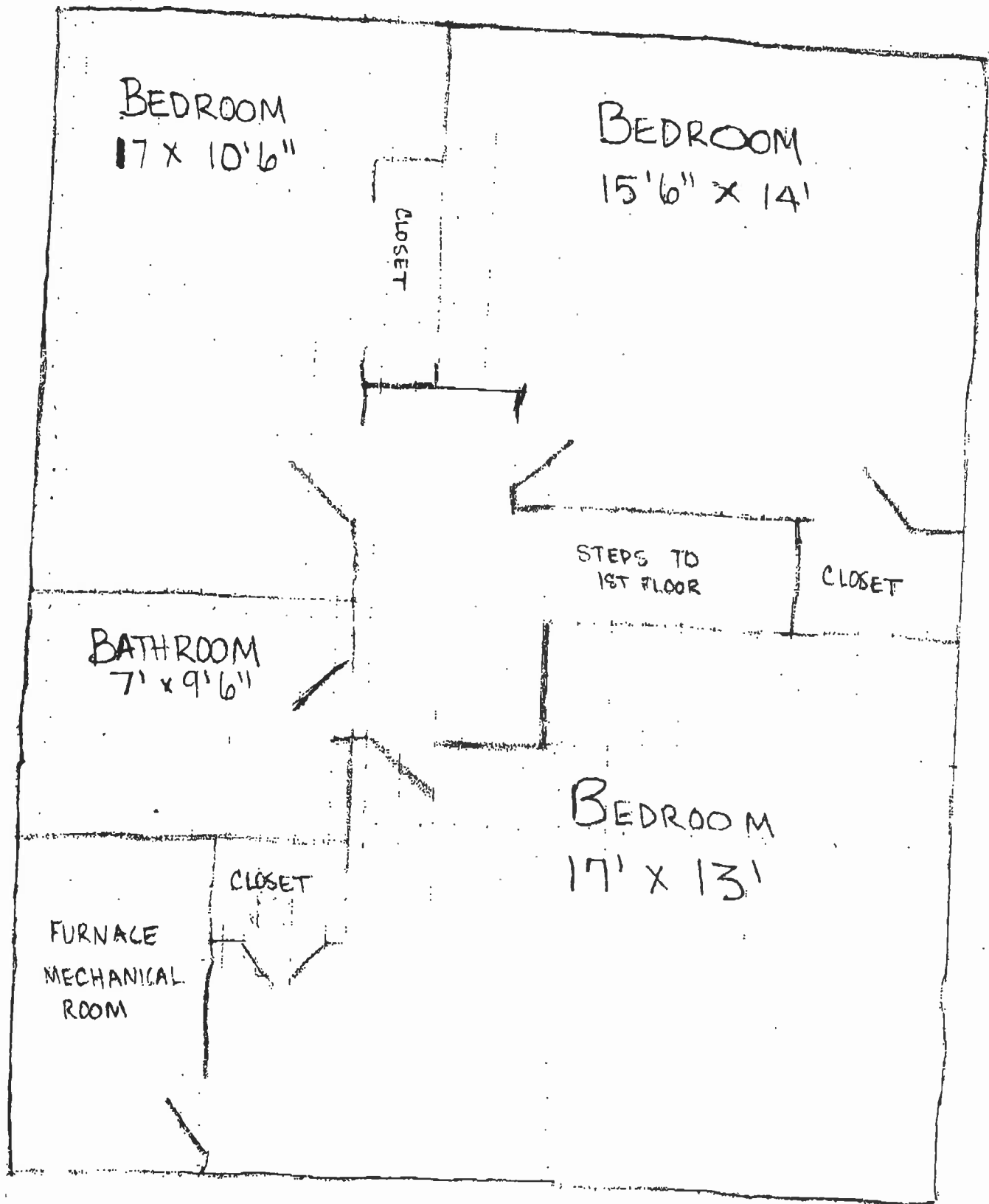
FIRST
FLOOR

CENTRAL
AVENUE

DECK WITH PRIVACY FENCE

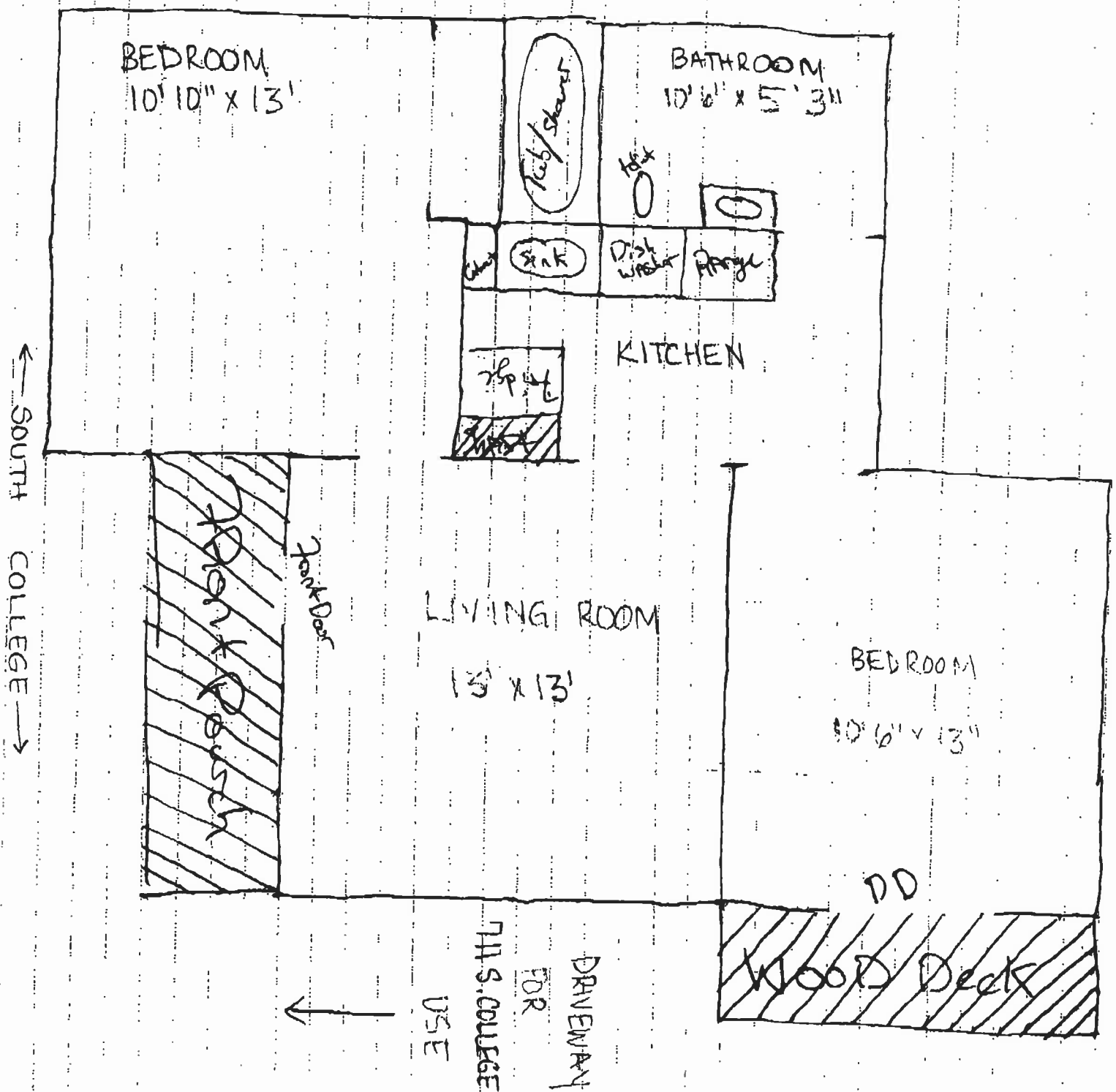
155 West Central

2ND FLOOR



2 BEDROOM

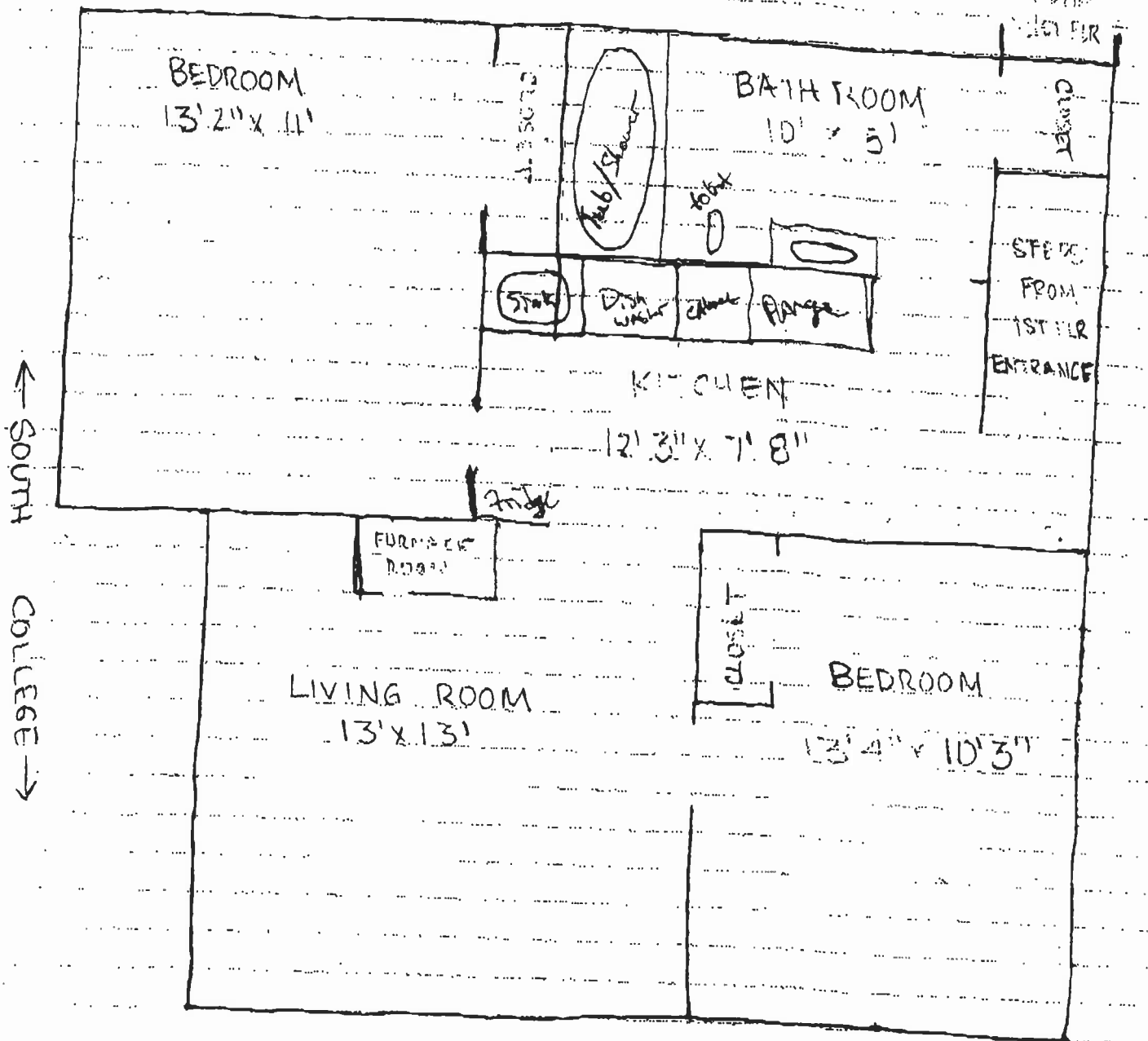
1 BATHROOM



711 S. COLLEGE AVE.

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
 46. 2031-2032
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 77. 2093-2094
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 79. 2097-2098
 80. 2099-2100
 81. 2101-2102
 82. 2103-2104
 83. 2105-2106
 84. 2107-2108
 85. 2109-2110
 86. 2111-2112
 87. 2113-2114
 88. 2115-2116
 89. 2117-2118
 90. 2119-2120
 91. 2121-2122
 92. 2123-2124
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 94. 2127-2128
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 107. 2153-2154
 108. 2155-2156
 109. 2157-2158
 110. 2159-2160
 111. 2161-2162
 112. 2163-2164
 113. 2165-2166
 114. 2167-2168
 115. 2169-2170
 116. 2171-2172
 117. 2173-2174
 118. 2175-2176
 119. 2177-2178
 120. 2179-2180
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 125. 2189-2190
 126. 2191-2192
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 128. 2195-2196
 129. 2197-2198
 130. 2199-2200
 131. 2201-2202
 132. 2203-2204
 133. 2205-2206
 134. 2207-2208
 135. 2209-2210
 136. 2211-2212
 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
 156. 2251-2252
 157. 2253-2254
 158. 2255-2256
 159. 2257-2258
 160. 2259-2260
 161. 2261-2262
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 164. 2267-2268
 165. 2269-2270
 166. 2271-2272
 167. 2273-2274
 168. 2275-2276
 169. 2277-2278
 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
 184. 2307-2308
 185. 2309-2310
 186. 2311-2312
 187. 2313-2314
 188. 2315-2316
 189. 2317-2318
 190. 2319-2320
 191. 2321-2322
 192. 2323-2324
 193. 2325-2326
 194. 2327-2328
 195. 2329-2330
 196. 2331-2332
 197. 2333-2334
 198. 2335-2336
 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

1944. CIVIL DECEASED
PROBATE COURT
JUDGE RANDY T. ROGERS

NO. 1

Not Recorded w/
Auditor's Record
Office

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 Thakur
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



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
Address
Class
Land Use Code
Neighborhood
Total Acres
Taxing District
District Name
Gross Tax Rate
Effective Tax Rate

H4000105000065
711 S COLLEGE ST
RESIDENTIAL
530, R - THREE FAMILY DWELLING, PLATTED LOT
00003016
H40
OXFORD CORP TAL CSD
66.73

Pr

Pr

Legal

Legal Desc 1
Legal Desc 2
Legal Desc 3

515 W 90 FT

Tax Mailing Name and Address

Mailing Name 1
Mailing Name 2
Address 1
Address 2
Address 3

RANDY G FREAD

711 S COLLEGE ST

OXFORD OH 45056 2232

Taxes Due

Delq Taxes
1st Taxes
2nd Taxes

\$0.00
\$0.00
\$912.58

Sales

Sale Date
01-SEP-85
13-MAY-99

Sale Amount
\$25,000
\$0

Dwelling

Stories
Square Feet
Construction
Total Rooms
Bedrooms
Year Built

2
3,382
MAS&FRAME
9
4
1912

Current Value

Land (100%)
Building (100%)
Total Value (100%)
CAUV

\$26,520
\$147,780
\$174,300
\$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:

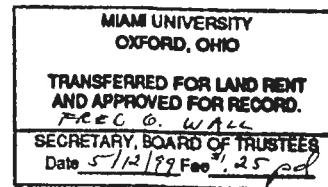
Situate in the City of Oxford, in the County of Butler and State of Ohio,
to-wit:

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:

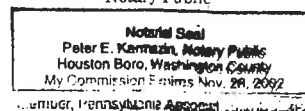
Wayne Staton WAYNE STATON
Mary E. Bevilacqua MARY E. BEVILACQUA

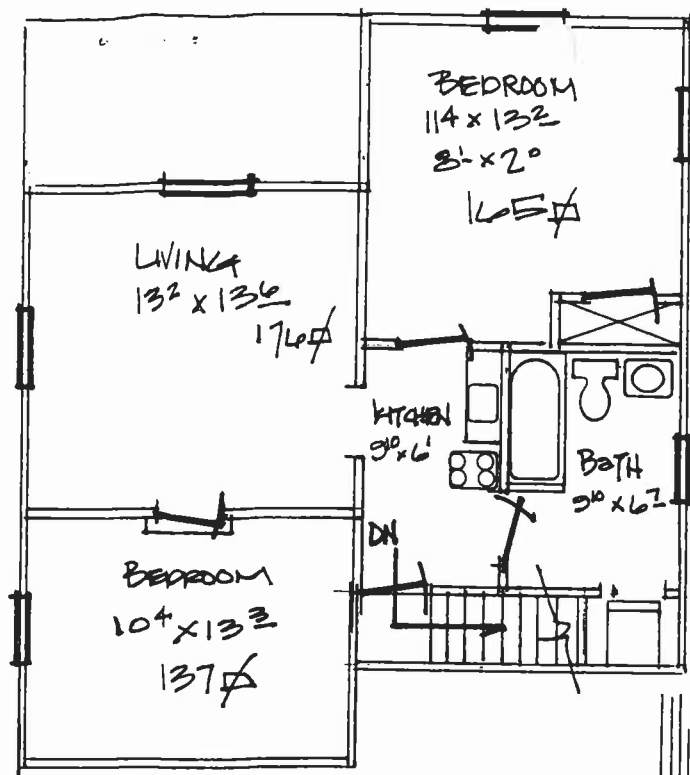
STATE OF OHIO COUNTY OF BUTLER, SS.

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

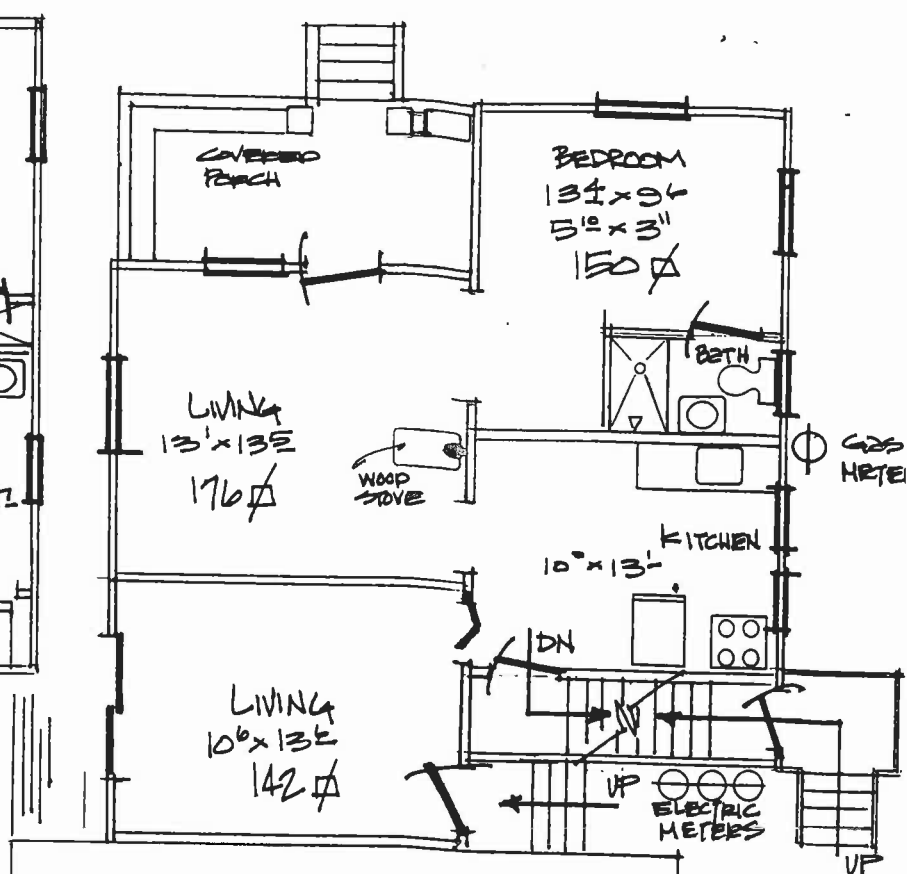
This Instrument Prepared By:
WAYNE STATON
ATTORNEY AT LAW
110 N. BEECH STREET
OXFORD, OH 45056
(513) 523-7722

Peter E. Kennan
Notary Public





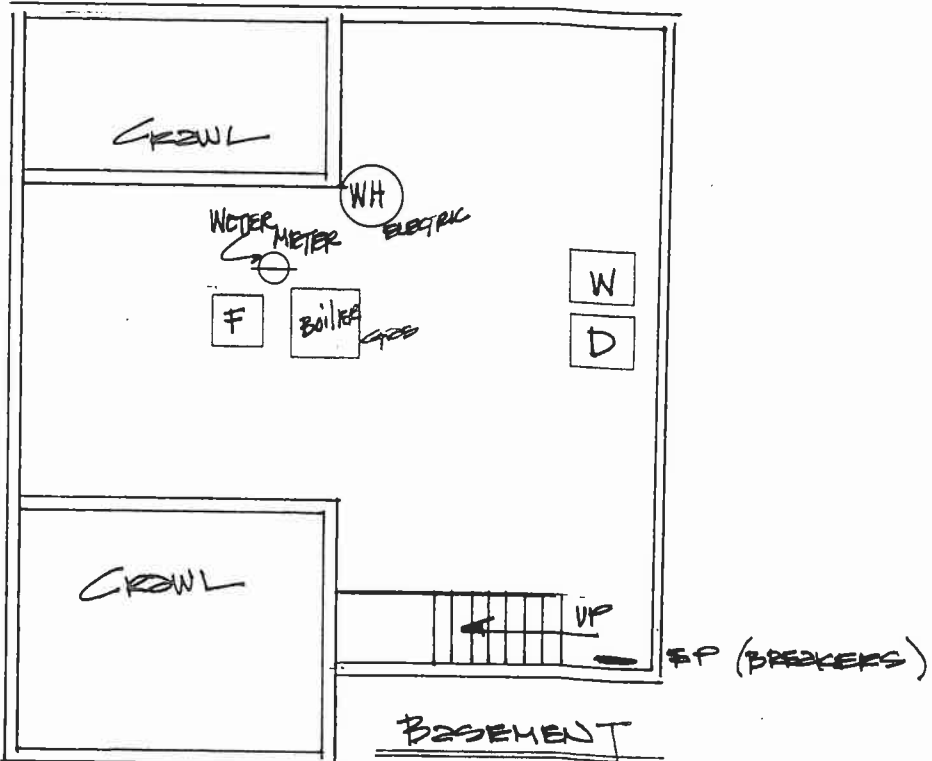
SECOND FLOOR



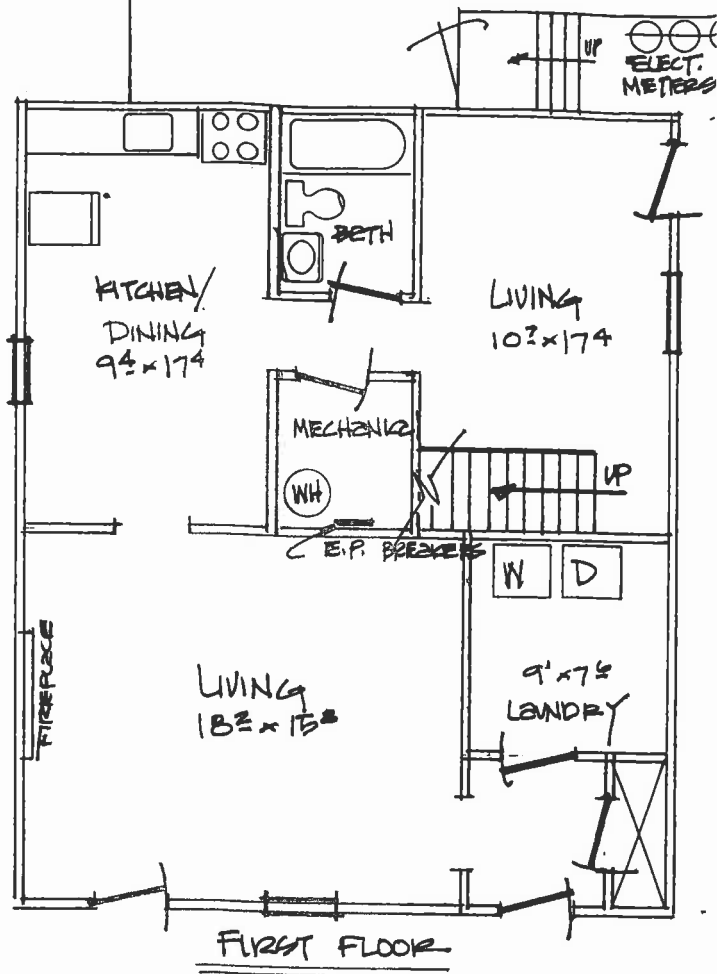
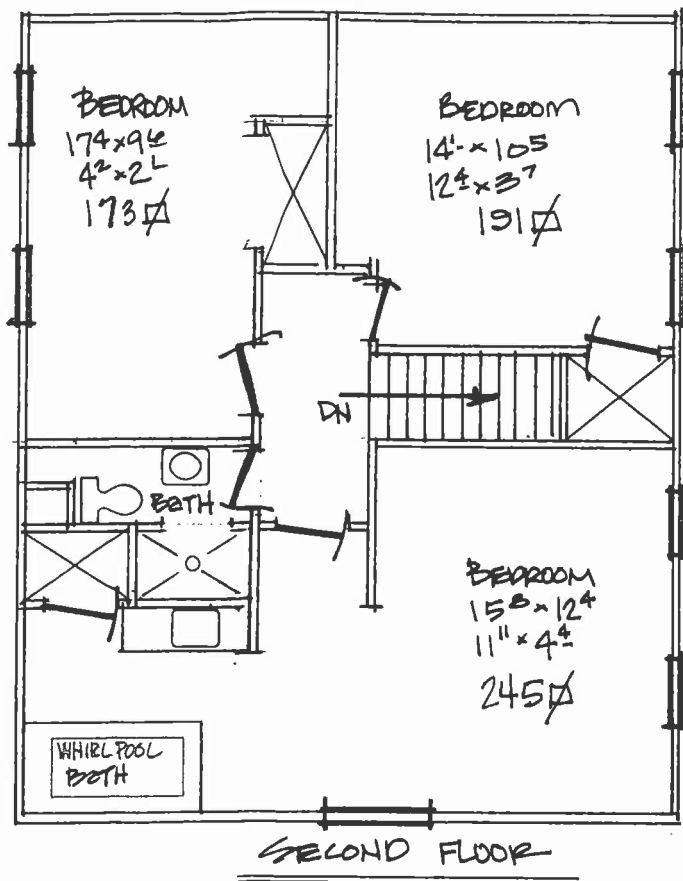
FIRST FLOOR



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
JHP