

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

**Case # BZA-13-2010**

**Date –November 17, 2010**

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**APPLICATION**

|                        |                                                                                                                                                                             |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Petitioner:            | Gail Brahier, City of Oxford Parks & Recreation Director                                                                                                                    |
| Location:              | 6025 Fairfield Road                                                                                                                                                         |
| Owner:                 | Talawanda Recreation, Inc.                                                                                                                                                  |
| Action Request:        | Variance to Section 1151.05(b)(1)A & B to allow for the installation of a wall sign measuring larger than the allowable square footage & more signs on site than permitted. |
| Current Use:           | Recreation Center                                                                                                                                                           |
| Zoning:                | "R1B" Single Family Medium Density Residential District                                                                                                                     |
| Surrounding Land Uses: | Mix of housing types, Commercial and Offices                                                                                                                                |

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**DESCRIPTION**

The Appellant is proposing to install a 6' x 8' (48 sq.ft) wall sign on the east facing wall of the Tri-Building for the purpose of identifying the City of Oxford's Parks & Recreation Department. The sign ordinance states that for nonresidential uses in a residential district the sign shall not exceed 12 sq. ft. and shall only be permitted to have a wall or ground sign, but not both. There is currently a ground sign at the intersection that identifies the building as the Tri-Community Center.

**VARIANCES REQUESTED**

**Section 1151.05(b)(1)A & B:    Nonresidential Land Use Signs in Residential Zoning Districts.**

The following regulations describe the signs permitted for identification of nonresidential land uses such as day care, institutional, public, semi-public, charitable, non-profit, religious, or medical facilities in any residential zoning district as defined in Chapter 1133, Provisions for Zoning Districts. Such signs are primarily intended to provide for identification of such uses from off-site. Signs for legal nonconforming nonresidential land uses are regulated according to the Nonconforming Chapter of this Code and are not entitled to the signs permitted in this section.

- (1) No more than 1 sign per development site is permitted as follows:
  - A. The sign may be either a wall or a freestanding sign but not both.
  - B. No more than 12 square feet in area.

**AGENCY COMMENTS:**

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

|              |                                    |
|--------------|------------------------------------|
| Police:      | Comments received without comment. |
| Fire:        | Comments received without comment. |
| Engineering: | Comments received without comment. |
| Econ. Dev.:  | No comments received to date.      |

**SITE HISTORY**

No known prior BZA history.

## **ANALYSIS**

According to the Appellants letter they wish to provide a wall sign for better identification of the City's Parks & Recreation Department from McGuffey Drive. The Appellant's letter does not address the Decision Standards directly.

In reviewing where this sign is visible, the sign will not be facing any of the predominately residential areas to the north, west or south. Directly east of the building and the direction that this proposed sign will be, the most visible is the "GB" General Business District. In comparison, if this building were in the "GB" district it would be permitted to have a wall and ground sign. The banks and offices along McGuffey Drive each have a ground and wall sign; however, none of the wall signs exceed 3' in height. The proposed sign for the Community Center is comparable in size to a permitted ground sign in the "GB" District. Since the Community Center is zoned Residential, it may be appropriate to permit the additional wall signage, but negotiate the size of the sign so it is more in keeping with the size of signage on structures in the adjacent business district.

In regards to the Decision Standards, the property in question will continue to yield a reasonable return and can be used beneficially without the variance because the property will continue to be used for the Community Center and Parks & Recreation Department. The request is substantial as it relates to the underlying zoning requirements for signage in a Residential District; however, it is not substantial when taking into consideration the other signage along this street. The essential character of the neighborhood would not be substantially altered by the variance and the adjoining properties would not suffer a substantial detriment as a result of the variance for a wall sign; however, the size of the sign would be larger than what adjacent uses would be permitted in the General Business District, essentially conferring a special privilege to a public use in a residential zoning district that would not otherwise be permitted even in the adjacent commercial district. There were no comments received from the various City Departments indicating there would be a detrimental effect on government services. The property owner's predicament cannot feasibly be obviated other than a variance for the request of a wall sign, but may be obviated for size. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance for the identification intent, but again the spirit and intent behind the zoning requirement as it relates to the size can be argued as not being observed. The *Purpose* statements for the signage chapter are included below.

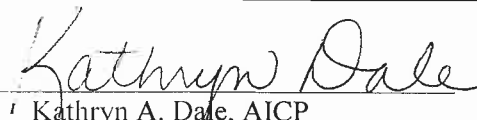
## **RECOMMENDATION**

Should the BZA approve the requested variances, staff would recommend the following condition:

- 1.) That, the wall sign size be reduced to 4' x 6' or 24 sq. ft.

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SUBMITTED BY:

  
Kathryn A. Dale, AICP  
City Planner

DATE: November 9, 2010

**1151.01 PURPOSE.**

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

These regulations are intended to:

- (1) Provide property owners and occupants an opportunity for effective identification.
- (2) Maintain and enhance the quality of the City's appearance by limiting the number, sign face area, total area, location, and design of signs permitted on all sites.
- (3) Protect residential zoning districts from the adverse impacts of excessive signs both from within residential districts and from surrounding districts.
- (4) Reduce sign clutter.
- (5) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
- (6) Provide reasonable and appropriate methods to identify goods sold or produced and services rendered in all zoning districts.
- (7) Control the size, location, and design of temporary and permanent signs so that the appearance of such signs will be aesthetically harmonious with their surroundings and will enhance the overall appearance of the built environment.
- (8) Eliminate any conflict that could be hazardous between private signs and traffic control devices and signs.
- (9) Preserve and perpetuate uncluttered and natural views, significant architecture, and cultural resources for the enjoyment and environmental enrichment of the Oxford residents and visitors. (Ord. 3063. Passed 7-7-09.)

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 10/5/2010

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

From: Community Development

Drawings are being submitted to you for the following:

**Case #: BZA-13-2010**

**ADDRESS: 6025 Fairfield Road**

Variance to Section 1151.05(b)(1)A&B, to allow for the installation of a wall sign measuring larger than the allowable square footage & more signs on site than permitted, **Gail Brahier, City of Oxford, Applicant**

    X     Review

           Revisions

           Other

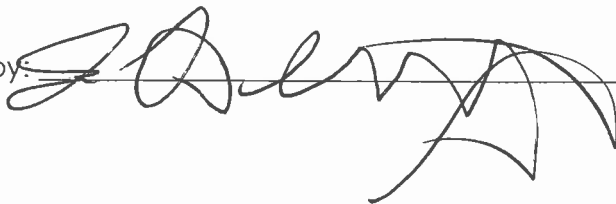
Comments or status update requested by: Lynn Taylor

Please return no later than: 11/8/10 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:

10-6-10

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 10/5/2010

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

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\_\_\_\_X\_\_\_\_ Review      \_\_\_\_\_ Revisions      \_\_\_\_\_ Other

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

Drawings reviewed by: 

Date: 10-6-10

City of Oxford  
Inter-Office Review Transmittal Sheet

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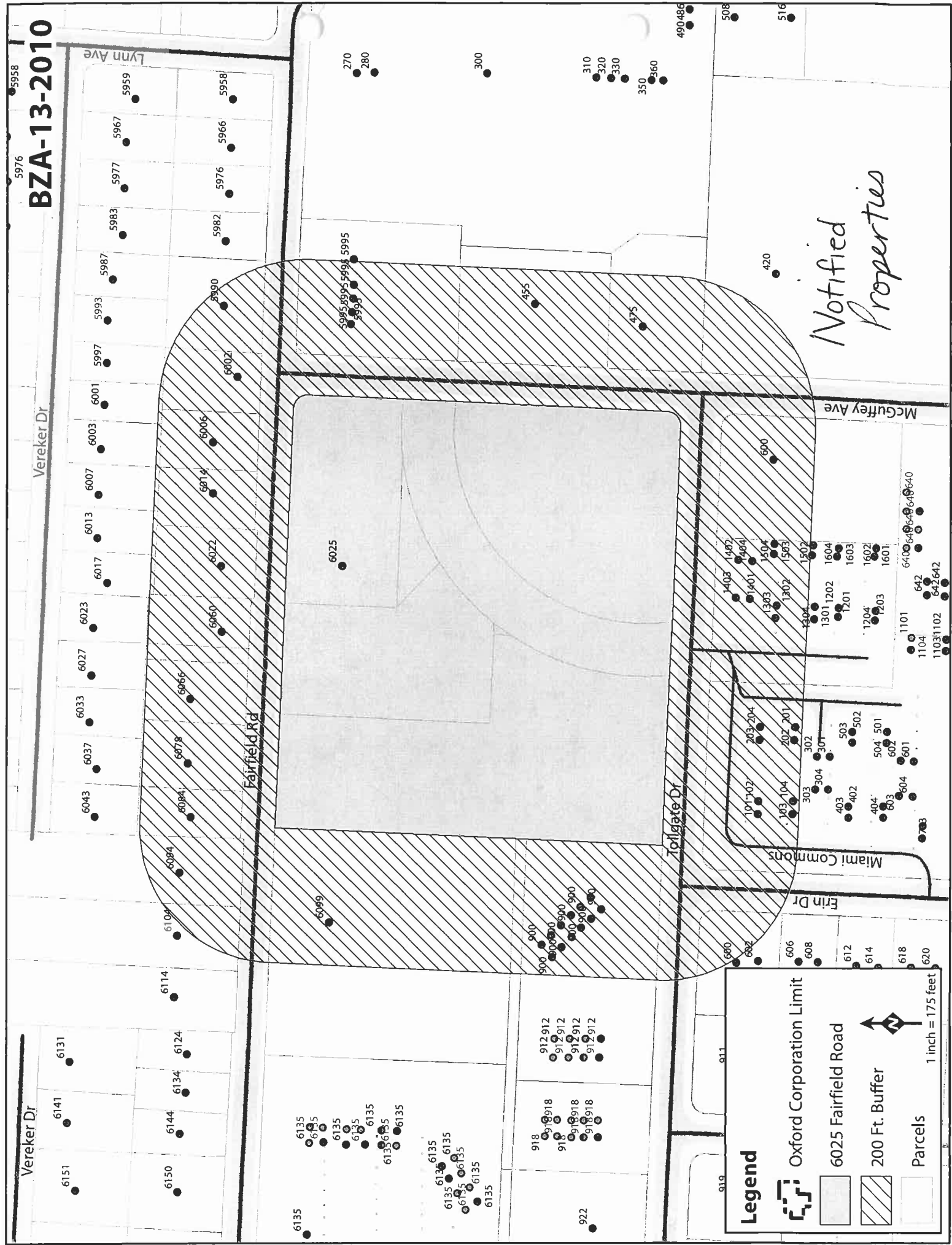
.....

Drawings are returned:    w/comments    without/comments

Drawings reviewed by: SSAWEN

Date: 10/7/10

**BZA-13-2010**



Notified Properties

To Whom It May Concern:

Please be advised that Gail Brahier has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing on November 17<sup>th</sup>, 2010, regarding the Parks/Recreation Logo sign at our property on 6025 Fairfield Rd., Oxford, OH 45056.

Thank You,

Signed: Marvin Wilhelm

Date: 9/23/10

Marvin Wilhelm, President

Talawanda Recreation, Inc.

**Petition for Zoning Variance**  
City of Oxford, Ohio

**REQUIRED INFORMATION**

Name of Petitioner: Gail Brahier, City of Oxford  
(Attach a Letter of Agency if the Applicant is not the property owner.)

Mailing Address: 6025 Fairfield Rd. - Oxford

Telephone Number(s): 513-523-6314

Email Address: gbrahier@cityofoxford.org

Name of Property Owner: Talawanda Recreation, Inc.

Mailing Address: 6025 Fairfield Rd. Oxford, OH

Telephone Number(s): 513-523-6314

Requested Variance:  
(Indicate nature of variance  
and applicable section(s)  
of the Zoning Code.) Wish to attach Logo sign on wall of TRI  
building, sign 6' x 8' TRI building  
is 200' from McGuffey Ave. Variance  
requested from Ordinance 3063, 1151.05  
Permanent Signs, (b) (1) A,B,C Size 1151.05(b)(1)AB

Location of Requested Variance: 6025 Fairfield Rd., East Wall TRI bldg.

Legal Description: Parcel # H4000119000008

Zoning District: R1B

Total Acreage: 9 Acres

Existing Use of Site: Public Use - Parks and Recreation

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.

- a) North arrow
- b) Scale
- c) Vicinity map
- d) All existing and proposed lot lines within the site
- e) Dimensions of all lots and of the entire site and any adjacent rights-of-way
- f) Location, height, and use of all proposed and existing structures
- g) Location and design of all proposed vehicle management areas
- h) Location, size, and type of all proposed signs
- i) Location, height, and type of all proposed screening and landscaping
- j) Distances to residential zoning districts if within 1,000 feet
- k) The use of land and location of structures on adjacent property and across adjacent rights-of-way
- l) An indication of the regulation from which the variance is requested
- m) 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](http://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.

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Submit this application with required attachments and a **\$150.00 filing 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**

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SIGNATURE OF APPLICANT: Gail Brahier Date: 9/27/10

PRINTED NAME OF APPLICANT: GAIL BRAHIER

**FEE / RECEIPT**

\$150 Fee Paid / Receipt Number: NA

## Petition for Zoning Variance

Applicant Gail Brahier, City of Oxford

Ordinance No. 3063, Chapter 1151 Signs, 1151.05 Permanent Signs

Talawanda Recreation ,Inc. (TRI) is a non-profit board which oversees the 9 acres the City utilizes for recreation programs, municipal pool, skate park, sports courts, etc. The agreement between the City of Oxford and the TRI Board is that the land must be used for public recreation and the City will house the Parks and Recreation Director offices on site.

There is a black granite sign at the corner of McGuffey and Fairfield Road (attached). The TRI letters are large and easily read. The smaller letters which note City of Oxford Parks and Recreation Department can only be seen from pedestrians on the sidewalk, and not from the road.

The variances request affects all three criteria.

*A. There may be either a wall or a freestanding sign, not both.*

- Due to the large area (the building is 200 feet from the road) there is room for a wall sign. It is our wish to have the Parks and Recreation Logo seen 'at a glance' from McGuffey Ave. The current installed sign notes: TRI Community Center  
The public does not realize the Oxford Parks and Recreation offices are located at the TRI Community Center. There is some confusion in the community that the City operates as 'the TRI', and also proves difficult in giving business directions, as the building is not marked.

*B. No more than 12 square feet*

- We wish to request a variance in the size of the sign. To be adequately seen 200 feet from the road, we feel a 6' x 8' sign is the needed size. This is a public use building, not a 'house sign' as utilized by college students. Please see attached

*C. Indirect illumination only*

- We do not wish to illuminate the sign. Operating hours are Mon –Fri, 8 am -7 pm and Sat., 9 am – 1 pm. \* Special events may differ in times.

D. Illumination:

1. Signs may be indirectly or directly illuminated.

(b) Nonresidential Land Use Signs in Residential Zoning Districts. The following regulations describe the signs permitted for identification of nonresidential land uses such as day care, institutional, public, semi-public, charitable, non-profit, religious, or medical facilities in any residential zoning district as defined in Chapter 1133, Provisions for Zoning Districts. Such signs are primarily intended to provide for identification of such uses from off-site. Signs for legal nonconforming nonresidential land uses are regulated according to the Nonconforming Chapter of this Code and are not entitled to the signs permitted in this section.

- (1) No more than 1 sign per development site is permitted as follows:
  - A. The sign may be either a wall or a freestanding sign but not both
  - B. No more than 12 square feet in area
  - C. Indirect illumination only

(c) Name Plate and Direction Signs in Any District. These regulations describe the signs permitted for the purposes of controlling the flow of pedestrian and vehicular traffic on-site and for identifying the building entrances for nonresidential land uses in any zoning district. Such signs include vehicular and pedestrian-scale signs that describe building occupants, secondary entrances, intended travel directions, and parking regulations and are permitted in accordance with the following:

- (1) No more than 1 wall sign per principle structure as follows, to describe the names, address, and locations within the structure:
  - A. No more than 2 square feet in area
  - B. Attached between 4 and 8 feet above the adjacent ground
  - C. Attached either on or within 2 feet of a door.
  - D. Indirect illumination only
- (2) No more than 1 wall sign per secondary entrance to a principle structure, excluding that described in part 1 of this section, as follows, to describe the purpose of secondary entrances:
  - A. No more than 2 square feet in area
  - B. Attached on or within 2 feet of a door
- (3) No more than 1 wall or freestanding sign per development site as follows, to describe parking regulations:
  - A. No more than 4 square feet in area
  - B. Single sign face only
  - C. Display no commercial message except identification and address
  - D. Indirect illumination only
- (4) Any number of wall or freestanding signs as follows, to describe intended direction of vehicular travel on-site:
  - A. No more than 2 square feet in area
  - B. No higher than 4 feet
  - C. No closer than 5 feet to any lot line
  - D. Display no commercial message except identification and address

(d) These regulations describe the signs permitted for the purposes of identification of residential land uses in any location. Such signs include addresses, large multi-family identification, and subdivision identification and are permitted in accordance with the following:

- (1) No more than 1 freestanding sign per development site as follows, for identification of residential structures with more than three dwelling units in the R3A zoning district:
  - A. A maximum of 2 sign faces
  - B. No more than 24 square feet in area per sign face
  - C. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
  - D. Indirect illumination only

# TRI Community Center

CITY OF OXFORD  
PARKS AND RECREATION  
DEPARTMENT

CURRENT  
SIGN

CORNER OF  
FAIRFIELD AND  
MCGUFFEY





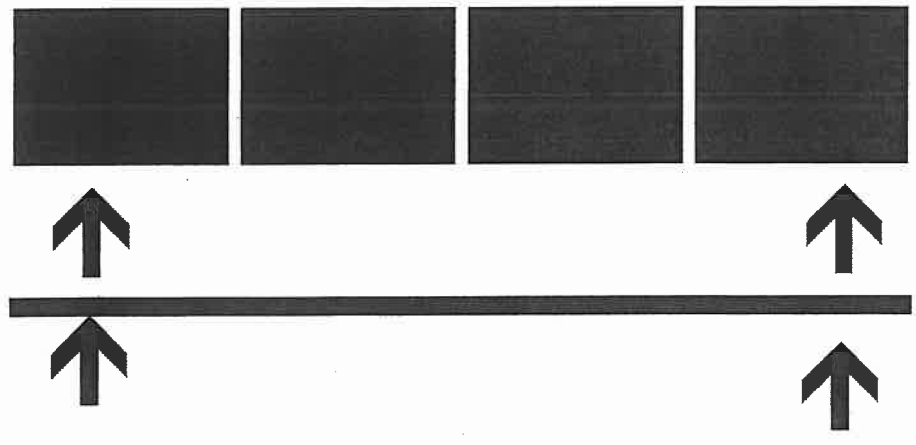
sign face is signabond material  
(040 aluminum bonded w/ plastic core)

96"

72"



3/16" tapcons every 24" around border  
into concrete block



SIDE VIEW

**RandyMan Sign & Graphics**

P. O. Box 616

615 Ada Doty Street

Gratis, OH 45330-0616

(937) 787-9439

# Estimate

Number: E113

Date: August 25, 2010

**Bill To:**

GAIL BRAHIER  
CITY OF OXFORD (TRI BUILDING)  
FAIRFIELD RD  
000000  
OXFORD, OH 45056 BUTLER

**Ship To:**

GAIL BRAHIER  
CITY OF OXFORD (TRI BUILDING)  
FAIRFIELD RD  
000000  
OXFORD, OH 45056 BUTLER

| PO Number | Terms | Ship Via |
|-----------|-------|----------|
| 0000000   | COD   | INSTALL  |

| Description                                                                                          | Quantity | Price  | Tax 1 | Amount    |
|------------------------------------------------------------------------------------------------------|----------|--------|-------|-----------|
| 6'X8' SIGNBOND SIGN >080 WITH 2-COLOR<br>OXFORD PARK AND RECREATION<br>LOGO...INSTALLED AGAINST WALL | 1.00     | 425.00 |       | 425.00    |
| <b>Sub-Total</b>                                                                                     |          |        |       | \$ 425.00 |
| State Tax 7.00% on 0.00                                                                              |          |        |       | 0.00      |
| <b>Total</b>                                                                                         |          |        |       | \$ 425.00 |