

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-12-2008

Date – November 11, 2008

APPLICATION

Petitioner:	Tri-State Signs Unlimited
Location:	5640 College Corner Pike
Owner:	JWL Oxford LLC
Action Request:	Variances to Sections 1151.05(A)(3) permanent signs
Current Use:	Commercial Store “Maurices”
Zoning:	“GB” General Business
Surrounding Land Uses:	Commercial

DESCRIPTION

This commercial store is located at the north end of a strip center, in front of Wal-Mart. The Applicant is seeking a second sign for the clothing store. The proposed sign would be installed on the back side of the building, sized to be 24” by 18’-5”. The intent of this additional sign is to provide better visibility for delivery purposes. The strip center has four tenants and each tenant has a wall sign in front of the building. These signs were approved between Oct, 06 and June 07. The previous Applicant was informed that additional wall sign would require BZA approval.

VARIANCES REQUESTED

Section 1151.05(A)(3): If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.

- According to the application, a 24” X 18’-5” wall sign is proposed at the rear of this multi-tenant commercial center.

COMPREHENSIVE PLAN

No issues in the comprehensive plan deal directly with this particular request.

COMMENT FORMS

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

AGENCY REVIEW

Engineering, Police and Fire returned their review form with no comments to this application.

ANALYSIS

In the retail industry, location is the prime consideration in placing a potential store. In order to sustain the viability, the ability to attract customers by and large relies on placing signs to identify the store. While it is important to promote retail business, it is also important to keep in mind the visual impact of those signs whether signs clutter the streetscape or they are done appropriately to enhance the appearance.

This application is seeking an additional sign to be placed at the back of the building of this multi tenant strip center. Staff struggled with the decision standards to adequately consider the arguments made by the Applicant. The argument made by the Applicant is the difficulty for delivery truck to locate the store during regular hours. This would be the same for any tenant of this building. Staff struggled with the uniqueness of the site and special privilege criteria outlined in the decision standards. Staff does not feel that the application meet the decision standard ((B), (D) (E).

RECOMMENDATION

Staff can not discern the application has met the decision standards. Should the BZA recommend approval, Staff recommends the following conditions:

1. That, the sign to be turned off at the closing of the store,
2. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.

SUBMITTED BY:

Jung-Han Chen
Jung-Han Chen,
Community Development Director

DATE: October 27, 2008

June 4, 2007

Sign Dynamics
Attn: Becky Mullis
2781 Thunderhawk Court
Dayton, Ohio 45414

Re: Hibbett Sports Proposed Signage
5646 College Corner Pike
Oxford, Ohio

Dear Ms. Mullis,

Per our email conversations between June 1 and June 4, 2007, and upon review of the plans attached for proposed wall signage, the rear wall signage on the back of the building at this location is not permitted. Per the City of Oxford, Ohio Planning and Zoning Code, the subject property is located in the "GB" General Business District. Furthermore, per Section 1151.05(a)(3) Signage in the "GB" General Business District;

"If a building is on a corner lot, it is permissible to have one wall sign on the side of the building facing the secondary roadway..."

The outlot that this retail building is on is not considered as a corner lot, thus wall signage at the rear of the building is not permitted.

Should you have any additional question, please do not hesitate to call.

Professionally,

Kathryn A. Dale, AICP
City Planner

Cc: Jung-Han Chen, Community Development Director
File

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-12-2008

ADDRESS: 5640 College Corner

Description:

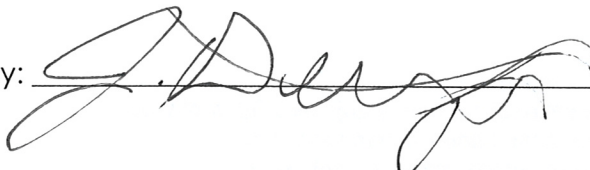
BZA-12-2008 **5640 College Corner, Maurices, Variance to Section 1151.05(A)(3) Permanent Signs, Tri-State Signs Unlimited, Applicant**

____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** 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: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-12-2008

ADDRESS: 5640 College Corner

Description:

BZA-12-2008 **5640 College Corner, Maurices, Variance to Section 1151.05(A)(3) Permanent Signs, Tri-State Signs Unlimited, Applicant**

____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** 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: _____

A. Popescu 10-27-08



City of Oxford
Inter-Office Review Transmittal Sheet

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

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Case #: BZA-12-2008

ADDRESS: 5640 College Corner

Description:

BZA-12-2008 **5640 College Corner, Maurices, Variance to Section 1151.05(A)(3) Permanent Signs, Tri-State Signs Unlimited, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** 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: SSC

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-12-2008

ADDRESS: 5640 College Corner

Description:

BZA-12-2008 **5640 College Corner, Maurices, Variance to Section 1151.05(A)(3) Permanent Signs, Tri-State Signs Unlimited, Applicant**

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.....

Drawings are returned: w/comments without/comments

HELPS IDENTIFY THE BUSINESS LOCATION. THIS SIGN DOES NOT
APPEAR TO BE INAPPROPRIATE ON SIZE + LOCATION.
ACE HARDWARE HAS A SIMILAR SIGN ON THE BACK OF THE BUILDING

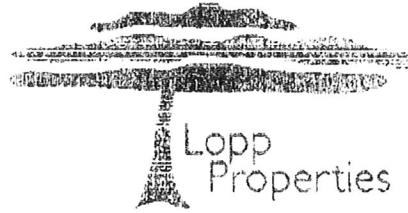
Drawings reviewed by: ALAN KYGER



Economic Development

Alan Kyger

Helps identify the business location. This sign does not appear to be inappropriate on size and location. Ace Hardware has a similar sign on the back of their building.



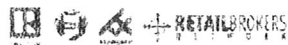
Jeannie,

9/19/08

RE: Maurices, Oxford, OH

Per the landlord it is ok with us to apply for a sign variance for the back of the building.
If you have any questions please contact me at 812-949-6160 Ext 120

Thanks
Kim Ruoff



2770 Jefferson Center Way, Suite 6 • Jeffersonville, IN 47130 • 812.949.6160 • fax 812.206.8835 • 800.576.5877

Case No.: BZA-12-2008
 Date Filed: 9/11/08

Petition for Zoning Variance
 City of Oxford, Ohio

→ Nov. Agenda ←
 missed Oct. mtg. deadline

REQUIRED INFORMATION

Name of Petitioner: TRI- STATE SIGNS UNLIMITED
 (Attach a letter of agency if the applicant is not the property owner.)

Mailing Address: 9077 SUTTON PLACE, HAMILTON, OH 45211

Telephone Number(s): 513-942-7446

Requested Variance:
 (Indicate nature of variance and applicable section(s) of the Zoning Code.)
1151.05 A3 - BUILDING ON CORNER LOT - MAURICE'S IS THE
END OCCUPANT ON THAT CORNER OF THE FACILITY AND
WANTS A SECOND SIGN ON THE REAR OF THE BLDG. FOR
IDENTIFICATION - THIS WOULD AID WITH DELIVERIES

Location of Requested Variance: 5640 College Corner Rd., Oxford, OH 45056

Legal Description: 1942 CTR PT

Zoning District: GENERAL BUSINESS

Total Acreage: 1.5560 Acres

Existing Use of Site: Shopping Center

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.
Shopping Center - signage on back of building
MAURICE'S IS A CLOTHING STORE OPEN 10AM - 8PM
DELIVERIES ARE MADE DURING STORE HOURS

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 N/A
- ✓j) Distances to residential zoning districts if within 1,000 feet N/A
- ✓k) The use of land and location of structures on adjacent property and across adjacent rights-of-way WAL-MART
- ✓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

✓(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, giving lot numbers and house numbers. (This information is available at the Butler County Auditor's Office.)

(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant the area a variance. A separate response is required for each subsection.

- a) The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and
- b) Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and
- c) The conditions upon which the application is based are not the result of actions of the applicant; and
- d) The variance would not confer a special privilege to the applicant but would relieve a hardship; and
- e) The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and
- f) The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and
- g) The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.

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.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: S. Weeks Date: 9-9-08

PRINTED NAME OF APPLICANT: STEVE WEEKS

FEE / RECEIPT
\$150 Fee Paid / Receipt Number: 012360

#5

- a) The variance would allow the store to be better identified and make receiving deliveries easier.
- b) The conditions of the land, site, structure, or element are not substantially different from the other sites. It is just not clear to delivery drivers where Maurices accepts deliveries.
- c) The conditions upon which the application is based is not the result of actions taken by the applicant except for signing a lease, on a building, in an area that didn't permit more signage.
- d) The variance would relieve a hardship. It is difficult for the delivery drivers to locate where the applicant accepts deliveries.
- e) The literal interpretation of this zoning code deprives the applicant of the ability to develop a site or use the land as a conforming permitted use for receiving deliveries in a timely and safe manner.
- f) The variance would permit reasonable use of the land behind the facility for which the variance is sought.
- g) The situation will in no way be detrimental to the public health. It would be just the opposite. If the truckers driving the larger trucks have clear direction to where deliveries are accepted it will keep the general public safer. They won't have to be concerned with being hit by the trucks looking for a dock or delivery door.



www.ButlerCountyAuditor.org

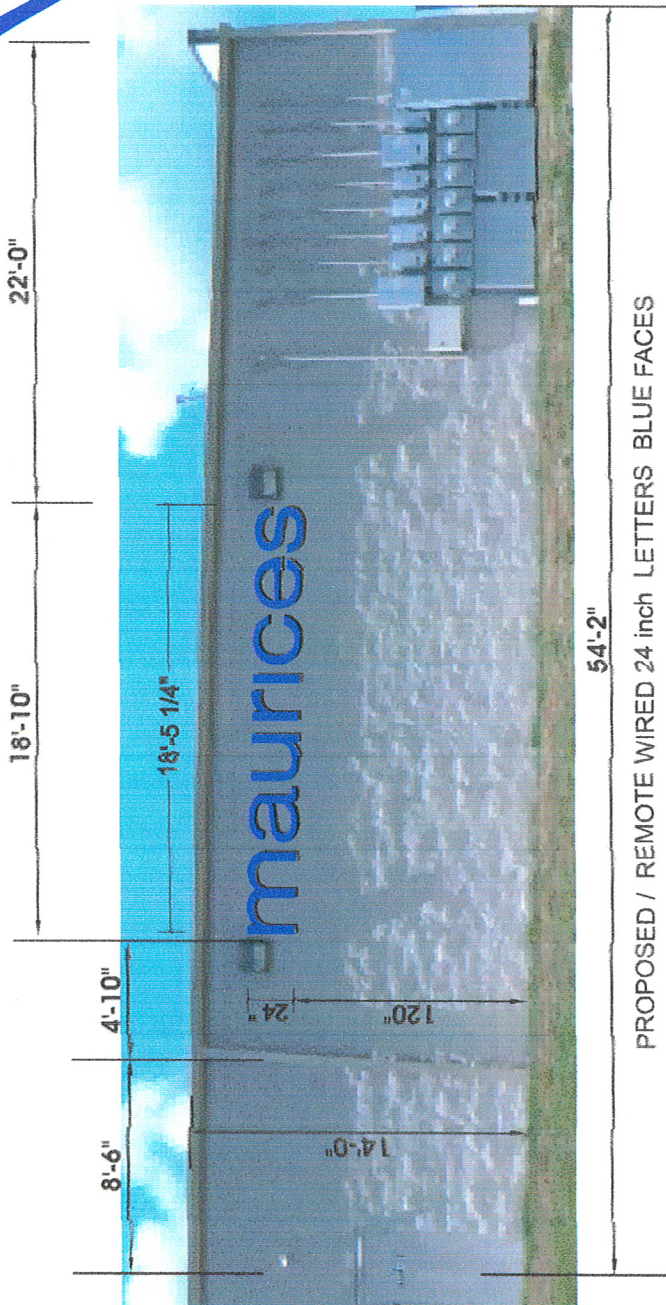
12-18-2008



9077 SUTTON PLACE
HAMILTON, OHIO 45011
(513) 942-7446
FAX: (513) 682-2302
STEVE@TRISTATESIGNS.COM

CUSTOMER	Maurices
ADDRESS	
SCALE	None
DATE	9-9-08
DRAWN BY	B. Adkins
SALES REP.	S. Weeks

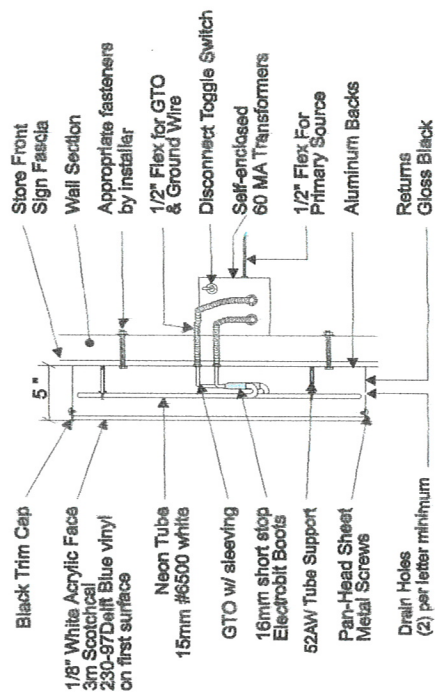
ALL IDEAS, PLANS, OR ARRANGEMENTS FOR THIS SIGN ARE THE PROPERTY OF TRI-STATE SIGNS, UNLIMITED AND OWNED BY TRI-STATE SIGNS, UNLIMITED. NO PART OF THIS DESIGN OR ANY INFORMATION HEREIN IS TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF TRI-STATE SIGNS, UNLIMITED.



PROPOSED / REMOTE WIRED 24 inch LETTERS BLUE FACES



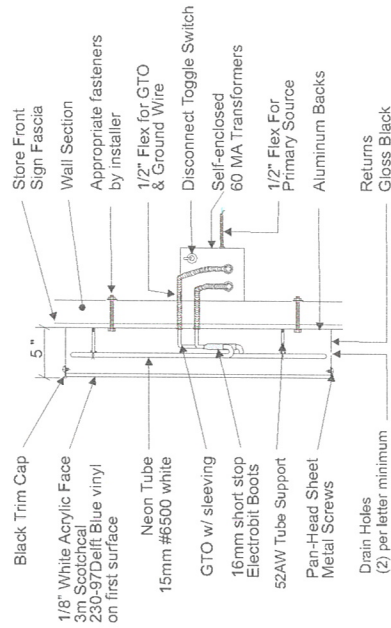
Inspected and labeled in accordance with UL standard for Electric Signs. Installed using UL listed parts and methods of installation in accordance with the National Electric Code.



Section / Remote Wired Individual Channel Letters
Scale: NTS



Front View / Neon illuminated, Remote Wired Face lit channel letters
Scale: 3/8" = 1'-0"



Section / Remote Wired Individual Channel Letters
Scale: NTS

EXTERIOR / FACE LIT INDIVIDUAL CHANNEL LETTERS
24" Set Remote Wired BLUE FACE



Map Legend

- Centerlines
- Roads
- Buildings
- Parcels
- Butler County

2005 Ortho Photo

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Butler County GIS

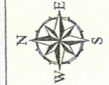
FOR INFORMATIONAL PURPOSES ONLY
NOT INTENDED FOR USE AS A SURVEY

Butler County, Ohio

BUTLER COUNTY
AUDITOR
GIS DEPARTMENT

Butler County, Ohio

1 inch equals 348 feet



City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-15-2008

Date – November 19, 2008

APPLICATION

Petitioner:	Scott Webb
Location:	210 S. Poplar St.
Owner:	J.P. Green Living LLC
Action Request:	Variances to Section 1143.05(c)(1)(B) lot width and Section 1149.04(a)(3) parking space location, 114904(b)(6) maximum driveway width
Current Use:	Single-family House
Zoning:	R2MS Single and Two-family Mile Square Residential
Surrounding Land Uses:	Residential

DESCRIPTION

This property is located on the west side of Poplar Street between Collins and Spring Streets. The lot is right next to an east-west alley. The application is to construct a two-story dwelling unit to an existing single family thus making it a two-family unit at this location. Attached drawing illustrates the proposed layout of the addition and related parking arrangements. The lot is approximately 66' x 183'.

The proposed addition will also include an additional outdoor patio with a new sidewalk connected to a six-space paved parking area to the rear of the lot. The existing privacy fence in the rear of the lot will also be relocated to accommodate the new parking area.

VARIANCES REQUESTED

- Section 1143.05(c)(1)(B):** Minimum Lot width for a 2-family- 75 feet.
- The existing lot width is 66 feet.
- Section 1149.04(a)(3):** Parking spaces shall not be located within 3 feet of any lot line.
- The newly paved parking area is directly adjacent to an alley.
- Section 1149.04(b)(6):** The maximum driveway width for a residential lot is 18'.
- The proposed parking lot is directly adjacent to an alley that creates a 54' driveway.

COMMENT FORMS

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

AGENCY REVIEW

Fire and Police have returned with no comments.

ANALYSIS

The lot is in a R2MS (single and two-family residential Mile Square district) and is currently being used as a single family dwelling. The application is to build a two-story addition connecting to the back of the existing structure. The lot of record only has 66 feet of lot width. The proposed parking spaces would be paved and directly off the existing north-south alley. Based on the decision standards outlined in Section 1139.02(c), staff felt that the lot width is an existing condition and is not created by the property owner with regards to the minimum lot width of this current code. Therefore, it would meet the decision standards for approval. Staff felt the request has met the decision standards.

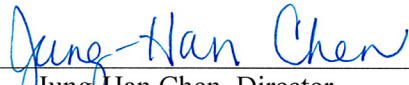
Staff also indicated to the Applicant that existing landscape timbers and landscaping material on the east-west alley should not be in the right-of-way and need to be removed.

RECOMMENDATION

Should the BZA recommend approval, Staff recommends the following conditions:

1. That, the proposed work complies in all other respects with all applicable codes, Ordinances and the City of Oxford Zoning Code.
2. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.

SUBMITTED BY:


Jung-Han Chen, Director
Community Development Department

DATE: October 29, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-15-2008

ADDRESS: 210 S. Poplar

Description:

BZA-15-2008 **210 S. Poplar**, Variance to Section 1143.05(c)(1)(B) lot width and 1149.04(a)(3) parking space location, **Scott Webb, Applicant, Agent**

_____X_____ Review _____ Revisions _____ Other

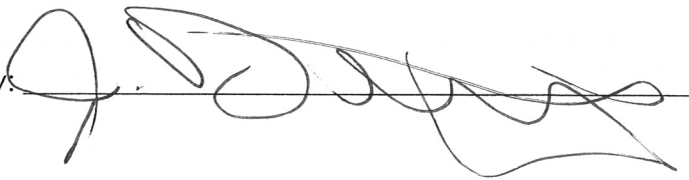
Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** 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:



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

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

From: Community Development

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Case #: BZA-15-2008

ADDRESS: 210 S. Poplar

Description:

BZA-15-2008 **210 S. Poplar**, Variance to Section 1143.05(c)(1)(B) lot width and 1149.04(a)(3) parking space location, **Scott Webb, Applicant, Agent**

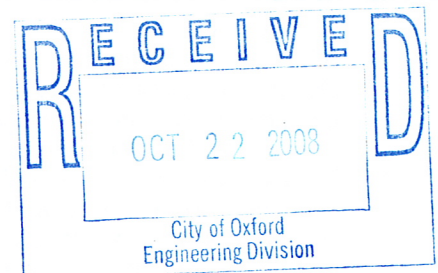
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Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** 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: A. Popescu 11-4-08





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: BZA-15-2008
210 S. Poplar Street

DATE: November 4, 2008

The following are the Engineering Division's comments.

- The submitted site plan was not prepared by an Ohio licensed surveyor, as required.
- We are aware of the parking requirements; however, we must realize the present parking conditions in the area of the proposed structure, and the additional parking required by the proposed additional tenants. Simply put, on street (alley) parking in the area is almost non-existent.

Drawings reviewed by: _____

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-15-2008

ADDRESS: 210 S. Poplar

Description:

BZA-15-2008 **210 S. Poplar**, Variance to Section 1143.05(c)(1)(B) lot width and 1149.04(a)(3) parking space location, **Scott Webb, Applicant, Agent**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

NON-ECONOMIC DEVELOPMENT

Drawings reviewed by: ALAN KUCER

**CITY OF OXFORD
BOARD OF ZONING APPEALS
REVIEW AND COMMENT FORM**

Case No.: BZA-15-2008

Date of Hearing: November 19, 2008

If you cannot attend the public hearing on this **Variance Petition**, being held before the City of Oxford Board of Zoning Appeals, but would like to comment on this matter, please complete this form and return it by **Monday, November 4, 2008** to: Lynn Taylor, Community Development Department, City of Oxford, Municipal Building, 101 East High Street, Oxford, Ohio 45056.

BZA-15-2008

**210 S. Poplar, Variance to Sections 1143.05(c)(1)(B) lot width, and
1149.04(a)(3) parking space location, Scott Webb, Applicant, Agent**

NAME: _____

Tom CONRAD

ADDRESS: _____

6 E. Spring St.

OXFORD, OH

TELEPHONE NO.: Home _____

847-272-2057

Work _____

847-274-6600

COMMENTS:

OK with me!

SIGNATURE

DATE

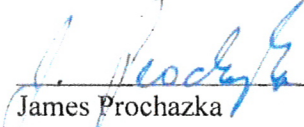
October 9, 2008

To: Scott Webb Architect
Attention: Scott Webb
& Oxford Board of Zoning
103 West Walnut Street
Oxford, OH 45056
P: (513) 523-3838
e-mail: scott@scottwebbarchitect.com

From: J.P. Green Living, LLC.
James Prochazka
408 W. St. Clair Ave.
Suite # 226
Cleveland, OH 44113
P: (216) 701-6203
e-mail: johnprochazka1@hotmail.com

Re: Letter of Agency

Please let it be known that Mr. Scott Webb of Scott Webb Architect is the acting Agent of the real property known as 210 South Poplar, Oxford, OH in front of the Board of Zoning Appeals of Oxford.


James Prochazka

recvd sign - 10/10/08

Petition for Zoning Variance
City of Oxford, Ohio

Case No.: BZA-15-2008

Date Filed: 10/10/08

mtg 11/19/08

REQUIRED INFORMATION

Name of Petitioner:

Scott Webb Architect

(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address:

103 W. Walnut St.

Telephone Number(s):

523-3838

Name of Property Owner:

J.P. Green Living, LLC - John Prochazka

Mailing Address:

408 W. St. Clair Ave, Suite 2200, Cleveland Oh. 44113

Telephone Number(s):

(216) 701-6203

Requested Variance:

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

1143.05(c)(1)(B) LOT WIDTH

1149.04(2)(3) Location of parking spaces

1149.04(b)(2) min drive width

Location of Requested Variance:

210 E. Poplar St.

Legal Description:

see attached survey

Zoning District:

R2MS

Total Acreage:

0.278 Acres

Existing Use of Site:

single family residence

Proposed Use: (if applicable)

2-Family residence

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
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- 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) 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.

- a) *The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and*
- b) *Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and*
- c) *The conditions upon which the application is based are not the result of actions of the applicant; and*
- d) *The variance would not confer a special privilege to the applicant but would relieve a hardship; and*
- e) *The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and*
- f) *The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and*
- g) *The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.*

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.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: _____

Date: Oct. 2008

PRINTED NAME OF APPLICANT: _____

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 14159

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Proposed Dwelling Unit Addition
210 South Poplar Street

October 9, 2008

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the following Sections:

1143.05(c)(1)(B) Minimum Lot Width restriction of 75' in the R2MS Zoning District. The lot in question is 66.13' wide, 8.87' less than the minimum lot width for a two family dwelling.

1149.04(a)(3) Location requires all parking spaces to be a minimum of 3'-0" from any lot line. The proposal described herein shows parking access directly from the alley to the rear.

The proposal contained herein describes the construction of an addition to convert the existing single family residence into a two-family residence in the Mile square.

As the attached drawing & Survey shows the existing lot, extending from Poplar Street to the alley to the West contains 12,125 s.f..

In response to the decision standards outlined in the application, we offer the following:

- a) *The variance would not permit or result in a use that is not permitted in the zoning district;*

Two-family residences are allowed, and encouraged in this Zoning District.

Parking is required for residential uses in this Zoning District.

- b) *Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other site in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference support the application;*

The lot in question, while large by Mile Square standards, is limited only by its width.

The location of the proposed parking, accessed directly from the alley, retains the maximum green space in this area.

- c) *The conditions upon which the application is based are not the result of actions by the applicant;*

As an original Mile Square lot, the size and shape of the lot are not the result of actions by the applicant.

- d) *The variance would not confer a special privilege to the applicant, but would relieve a hardship;*

While all other zoning provisions are met or exceeded, including lot coverage, parking, etc., the width of the lot alone creates a hardship for the applicant.

Parking in this area is directly off the Alleys in all other adjacent properties, so no special privilege will be realized by allowing this to continue. To require the parking to be 3'-0" from any lot line would effectively require 23'-0" of paving instead of the 20'-0" shown.

- e) *The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district;*

The literal interpretation of the minimum lot width would deprive the applicant of the ability to develop this site as described by the Zoning district. All other restrictions for this district, including lot coverage, parking, etc. can be met or exceeded.

The literal interpretation with regard to the parking spaces would result in 3'-0" deeper parking spaces than are required in this district.

- f) *The variance will be minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought;*

The variance to the lot coverage restriction is the only variance sought. Lot coverage limits, parking, etc. will all be met or exceeded.

The variance to the parking setback is the minimum necessary. The proposal referenced herein provides an existing garage and (2) additional parking spaces than are required.

- g) *The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code;*

When the City chose R2MS as the zoning district for this area, they clearly intended two-family residences. The design, as shown is in harmony with the neighborhood, in scale and material, and will be an improvement to this area.

Parking is haphazard at best in this alley, yet all parking areas are accessed directly from the existing alley.

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

Respectfully,

Scott Webb, Architect





Existing Parking in Alley



Existing Privacy Fence

Site Pictures – 210 South Poplar



Existing Residence from Poplar Street



Existing Residence (Rear from Alley)



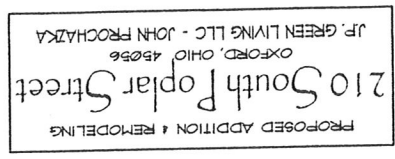
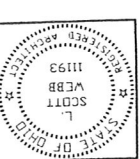
Intersection of Alleys to Rear (looking East)



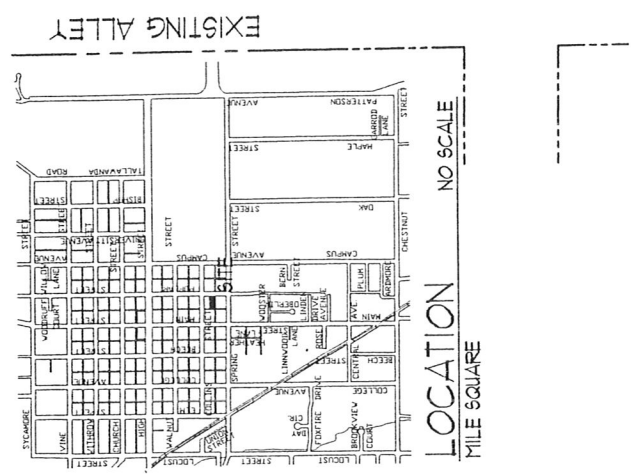
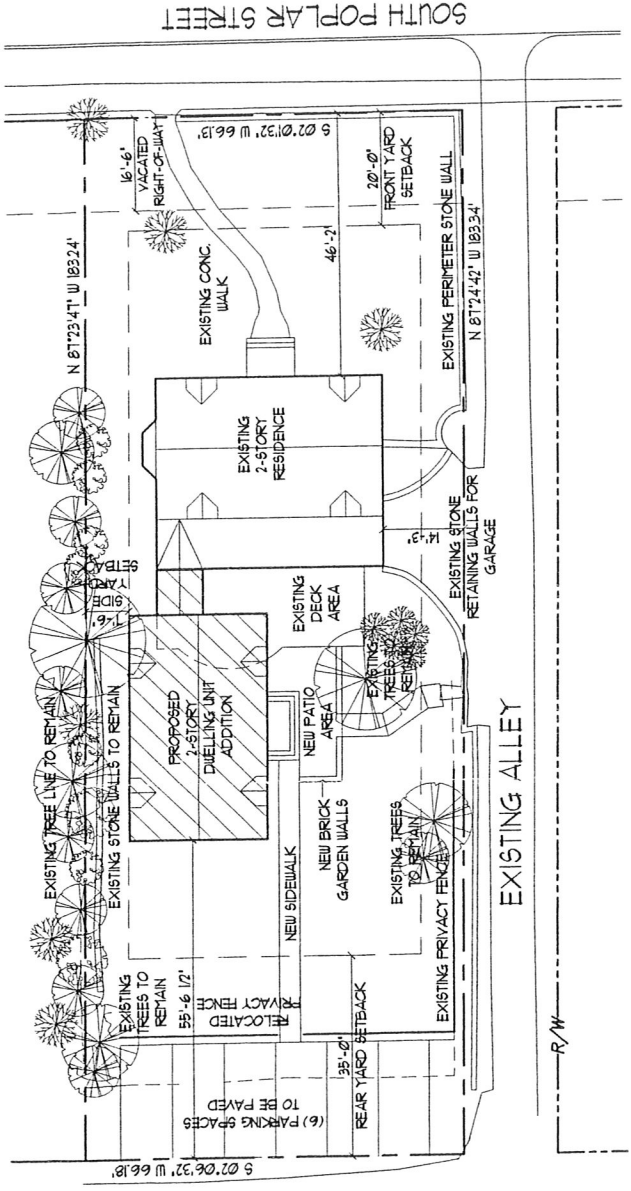
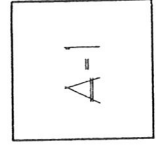
Intersection of Alleys to Rear (looking West)







DATE	October 10, 2008
REVISIONS	



SITE PLAN
1" = 20'-0"
SHOWING ADDITION OF 2-STORY DUELLING UNIT TO AN
EXISTING SINGLE FAMILY RESIDENCE. CREATING A
2-FAMILY RESIDENCE IN THE R2MS ZONING DISTRICT
SURVEY INFORMATION FROM: BAYER BECKER
EXISTING SITE PLAN OF 210 SOUTH POPLAR, LOT #39
9/05/08

LOT COVERAGE	EXIST. SITE	PROPOSED	TOTAL
OVERALL LOT AREA:	12,125 SF.		
BUILDINGS: MAX. 25% (3031 SF.)	1,359 SF.	1,000 SF.	2,359 SF. (19.5%)
DECKS, DRIVES & WALKS	1,051 SF.	360 SF. (NET)	1,411 SF. (11.6%)
(6) PARKING SPACES		1,081 SF.	1,081 SF. (8.9%)
TOTAL LOT COVERAGE: (40%)			4,880 SF. (40.0%)

114305(C)X4(B): LOTS WITH
VEHICULAR ACCESS FROM A
REAR OR SIDE ALLEY

YARD REQUIREMENTS
MIN. FRONT YARD DEPTH: 20'-0" (42'-2" PROVIDED)
MIN. REAR YARD DEPTH: 35'-0" (55'-0" PROVIDED)
MIN. SIDE YARD WIDTH: 7'-6" (7'-6" TO NORTH, EXIST 14'-2" TO SOUTH)

PARKING REQUIREMENTS
MIN. FRONT YARD DEPTH: 20'-0" (42'-2" PROVIDED)

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-16-2008

Date – November 19, 2008

APPLICATION

Petitioner:	Jonathan Woche, AICP
Location:	300 S. Locust St.
Owner:	Schottenstein Property Group
Action Request:	Variances to Section 1143.12(d)(2)A,C,D; Section 1143.12(d)(4)(A); Section 1149.05(e)(4)(F)(G); Section 1149.05(e)(5)B.1.a; Section 1151.02(k)(2)B; Section 1151.05(a)(3)A; 1151.05(a)(3)B.1.a and Section 1151.05(a)(3)C.1.a, and b
Current Use:	Grocery/Retail
Zoning:	GB (General Business)
Surrounding Land Uses:	Retail, banks, gas station

DESCRIPTION

This property is approximately 7.99 acres located on the southwest corner of Fairfield Road and Locust Street. Kroger is proposing to raze the attached strip to the south of the store that currently houses Fiesta Hair, China One, and Cash Advance. In replacing these spaces, Kroger proposes to construct over 24,000 square feet of retail space with a pharmacy drive through at the southern end of the expanded area. Additionally, Kroger is also planning to add 5 fuel-pump centers to provide 10 vehicle filling stations along with a kiosk to handle fuel transactions.

The Applicant is seeking a total of 10 variances dealing with many different parts of the requirements of the GB (General Business) District. The variances mainly deal with landscaping requirements for the parking lot, and numerous types of signage. A detailed analysis for your review is provided in this report for your information.

SITE HISTORY:

BZA 03-1982:	To allow parking in the front yard setback (51 spaces), reduce the buffer requirement between residential and commercial along Wells Mill (to a 10" greenbelt) and to allow a reduction in the sq. ft. for each parking space. APPROVED
BZA 10-1983:	To allow for an "open 24 hours" wall sign and not identifying the name of place or type of business. DENIED
PC 12-1997	Additional Landscaping Plan-former Kmart lot, on Locust and Fairfield Streets- Approved

PC 16-2008	Conditional Use Application to allow for a gas station with convenience store, and a pharmacy with a drive-through, RECOMMENDED APPROVAL
ORDINANCE # 3024	Conditional Use Application to allow for a pharmacy with a drive-through. APPROVED
ORDINANCE # 3027	Conditional Use Application to allow for a gas station with convenience store. APPROVED

COMPRESIVE PLAN

No specific issues in the Comprehensive Plan deal directly with this particular request.

COMMENT FORMS

One public comment was received from an adjacent property owner regarding this request.

ZONING CODE REGULATIONS ANALYSIS

There are a total of ten variances being requested. Staff has provided each requested variance with the relevant code section for you consideration:

Section 1143.12(d)(2) Supplemental Regulations

- A. *Provision shall be made for undulating earthen mounds that extend along 50% of the linear frontage of a site adjacent to a public right-of-way.*
- D. *Each earthen mound shall be a minimum of 10 feet high from the average surrounding grade for property five acres or more.*

STAFF FINDINGS: The City Council approved the Conditional Use Application, Ordinance # 3027, requiring the Applicant to meet the landscaping requirement along the street frontage. Therefore, the landscaping will not be a requested item. However, the Applicant does require a variance for not meeting the minimum 50% of earthen mound along the street frontage. Additionally, the Applicant has not provided a minimum 10 feet high earthen along the 50% of the street frontage. Variances are required in order to comply with Section 1143.12 (D)(2) A and D.

Section 1149.05(e)(4) Non-Residential Vehicle Management Parking Lot Design Regulations & Landscaping:

- F. *A raised, landscaped, and curbed island of a minimum of 4.5 feet wide (including the width of the curb) shall be provided at the front and the ends of each row of parking spaces and at every interval of seven parking spaces in a row. End islands shall extend to within 3 feet of the end of the parking space. The width requirement can be shared between adjacent facing rows or by the setback requirement adjacent to lot lines.*
- G. *Interior rows of parking shall have an access isle between each 15 parking spaces.*

STAFF FINDINGS: Based on the 346 parking spaces provided, the Applicant is required to provide 49 landscaped parking islands. The Applicant has illustrated 36 landscaped islands. Landscaped islands typically are not provided at the ends where handicap spaces are located. A variance is required from the BZA regarding this provision. [§1149.05(e)(4)F]

The proposal also does not conform to providing an access isle between each 15 parking spaces per section 1149.05(e)(4)G.

Section 1149.05(e)(5)B Trees and landscaped areas

1. **Trees.** A parking area shall have two trees per parking facility plus one tree for every five parking spaces or fraction thereof generally distributed throughout the parking area.

STAFF FINDINGS: The existing parking has about 25 trees. A total of 71 trees are required to be distributed throughout the parking area. A total of 50 trees are provided. A variance is required from the Board.

§1151.02(k), 1151.05(a)(3), & 1151.05(a) Measurement of permitted sign face area:

1151.02(k)(2)B. If a site abuts more than one public right-of-way, the number and area regulations are based upon all rights-of-way, however, the sign number and area permitted based upon each right-of-way shall only be oriented towards the right-of-way upon which the permitted sign area is based.

1151.05(a)(3)A. Maximum total sign area for all signs on a development site shall be no more than 2 square feet of sign area per linear front foot of the site.

DEFINITION : 1151.07(a) Area, Sign Face – the area of the smallest rectangle that encloses all of the letters, figures or symbols that comprise the sign message, including any background forming an integral part of the display, but not including any structure supporting the sign, unless the support structure forms a part of the message being displayed.

STAFF FINDINGS:

	<u>Permitted:</u>	<u>Provided:</u>
S. Locust St.: 288.50'	577.00 sq.ft.	523.00 sq. ft.
Fairfield Rd.: 529.81'	<u>1,059.62 sq.ft.</u>	
Other(non R/W facing)		123.00 sq. ft.
	1,646.62 sq.ft.	717.00 sq. ft.

The Radio Shack and Movie Gallery stores are part of this lot and are entitled to part of the 577 sq.ft. of permitted signage facing S. Locust Street. Rough calculations would indicate that these two stores have approximately 75 sq. ft. of wall signage, which would leave 502 sq. ft. of signage for any other tenants on this property. Kroger exceeds this by 21 sq. ft. Therefore, a variance to exceed the sign area facing Locust St is needed, per section 1151.02(a)(3)A.

Additionally, three signs on the gas station canopy and kiosk are not oriented towards the right-of-way upon which the permitted sign area is based, but rather the parking lots. Specifically, the signs are oriented to the south, north & west per Section 1151(a)(3)A.

§1151.05(a)(3) Permanent Sign Requirements for “GB” - General Business District: *No more than a total of 2 wall or freestanding signs are permitted per development site.*

B. Wall Signs:

1. *No more than 2 wall signs as follows:*

- a. *If the average setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall.*

C. Freestanding Signs:

1. *No more than 1 sign as follows:*

- a. *No more than 48 sq. ft. per side*
b. *No combination of a freestanding sign structure and sign shall be higher than 6 feet.*

STAFF FINDINGS: Only two wall signs are permitted. The Applicant is proposing a total of ten (the canopy & kiosk) signs. A variance is required for exceeding the allowable number of wall signs from two to 10 per section 1151.05(a)(3)B.1. Additionally, the two fuel

pricing signs on the canopy exceed the 3' height limit outlined in Section 1151.05(a)(3)B.1.a.

The ground mounted/freestanding sign along S. Locust Street satisfies the signage setback requirement; however exceeds the permitted square footage (70) sq. ft. per side proposed and height (7' proposed). This also requires a variance from the BZA.

STAFF COMMENTS:

Comments from Police and Engineering are provided for your consideration.

Several issues need to be considered in the discussion of this variance application request for this project. One is that the new expansion is to replace four existing retail establishments which have their own wall signs. In essence, there are only three (3) additional signs oriented towards Locust St.. Additionally, three proposed wall signs will not be oriented toward the street frontage upon which the allowable numbers of signs are determined. Staff would advise that there may be a redundancy in the number of fuel price signs between the wall signs and the free standing sign.

RECOMMENDATIONS:

Should the BZA recommend approval, Staff recommends the following conditions:

1. That, the numbers of proposed wall signs are limited to seven (7).
2. That, the total sign area shall not exceed 523.00 sq. ft. based on the Zoning Code definition of sign area.
3. That, the granting of the wall signs to not be oriented toward the public right-of-way.
4. That, the proposed canopy sign shall conform to the height limitation as regulated by the Oxford Zoning Code, Section 1151.05(a)(3)1B.1.a. 5.
5. That, the proposed free standing sign shall conform to the regulations as allowed by the Oxford Zoning Code, Section 115105.(a)(3)(C)(1)a, and b.

SUBMITTED BY:


Jung-Han Chen, Director
Community Development Department

DATE: November 10, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-16-2008

ADDRESS: 300 S. Locust Street

Description:

BZA-16-2008 **300 S. Locust Street**, Variance to Sections 1143.12(d)(2)A,C,D 1143.12(d)(4)A;
1149.05(e)(4)F&G; 1149.05(e)(5)B.1.a; 1151.02(k)(2)B; 1151.05(a)(3)A;
1151.05(a)(3)B; 1151.05(a)(3)C, **Jonathan Woher, AICP, Applicant, Agent**

____X____ Review

_____ Revisions

_____ Other

Comments or status update requested by: Lynn Taylor

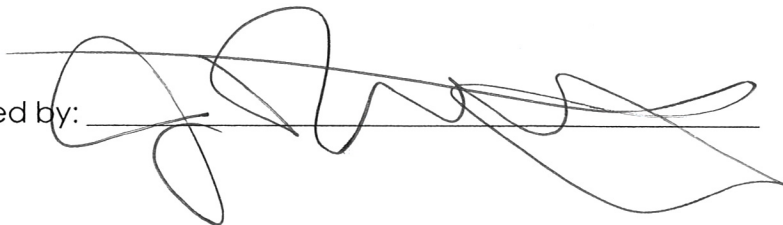
Please return no later than: **11/4/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned:

w/comments

without/comments

Drawings reviewed by: _____



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

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

From: Community Development

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1151.05(a)(3)B; 1151.05(a)(3)C, **Jonathan Woher, AICP, Applicant, Agent**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: ⁷**11/4/2008** 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 11-5-08

Drawings reviewed by: *A. [Signature]* 11-5-08





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-16-2008
300 S. Locust St. (Kroger Gas Station)

DATE: November 5, 2008

Below are our comments.

- An undulating earthen mound along the street frontage would not complement the existing features of the shopping center. If it is desired to construct an earthen mound, then it should be constructed around the entire shopping center.
- The requirement for an easement for alternative modes of transportation should not be required due to the nature of the proposed development.
- Landscaping is proposed for the parking lot area. Although this is an excellent idea, consideration must be given to the type of plants, shrubs, and trees that would be part of the landscape. It is an all too common of a practice to neglect the maintenance of the landscape to the point that the plantings become a hazard to vehicular traffic. Sight distance becomes a victim of the maintenance neglect.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-16-2008

ADDRESS: 300 S. Locust Street

Description:

BZA-16-2008 **300 S. Locust Street**, Variance to Sections 1143.12(d)(2)A,C,D 1143.12(d)(4)A;
1149.05(e)(4)F&G; 1149.05(e)(5)B.1.a; 1151.02(k)(2)B; 1151.05(a)(3)A;
1151.05(a)(3)B; 1151.05(a)(3)C, **Jonathan Woher, AICP, Applicant, Agent**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

*I stand by original comments that 3 entrances off of
S. Locust should be closed & the Wal-Mart light should
be upgraded & intersection made the main one.*

Drawings reviewed by: S. Schwein



Above Comment:

I stand by original comments that three entrances off of S. Locust should be closed and the Wal-Mart light should be upgraded and intersection made the main one. S. Schwein

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/22/ 2008

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

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-16-2008

ADDRESS: 300 S. Locust Street

Description:

BZA-16-2008 **300 S. Locust Street**, Variance to Sections 1143.12(d)(2)A,C,D 1143.12(d)(4)A;
1149.05(e)(4)F&G; 1149.05(e)(5)B.1.a; 1151.02(k)(2)B; 1151.05(a)(3)A;
1151.05(a)(3)B; 1151.05(a)(3)C, **Jonathan Woche**, AICP, Applicant, Agent

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** 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 KYCOW

**CITY OF OXFORD
BOARD OF ZONING APPEALS
REVIEW AND COMMENT FORM**

Case No.: BZA-16-2008

Date of Hearing: November 19, 2008

If you cannot attend the public hearing on this **Variance Petition**, being held before the City of Oxford Board of Zoning Appeals, but would like to comment on this matter, please complete this form and return it by **Monday, November 4, 2008** to: Lynn Taylor, Community Development Department, City of Oxford, Municipal Building, 101 East High Street, Oxford, Ohio 45056.

BZA-16-2008

300 S. Locust Street, Variance to Sections 1143.12(d)(2)A,C,D (undulating earth mound in landscaping) (reduction in required tree planting) (1143.12(d)(4)A (reduction in percentage of façade required); 1143.12(d)(5) (remove requirement for an easement for alternative modes of transportation); 1149.05(e)(4)F&G (reduction in number of required landscape islands)(removal of requirement for an access isle between each 15 parking spaces); 1149.05(e)(5)B.1.a (reduction in number of required trees within interior of the parking area); 1151.02(k)(2)B (allow installation of building mounted wall signs that do not face a public ROW); 1151.05(a)(3)A (allow an increase in the number of building mounted wall signs facing S. Locust); 1151.05(a)(3)B,C (Gas canopy wall signs exceeding 3' height, ground mounted sign exceeding height of 6'),
Jonathan Wocher, AICP, Applicant, Agent

NAME: JAMES T. MARTINO

ADDRESS: 4713 Booth Rd Oxford OH

owner 5966 FAIRFIELD Rd

TELEPHONE NO.: Home 523 2536 Work _____

COMMENTS:

Please grant this variance. The advantages in jobs outweigh any other considerations. The landscape islands would be a traffic hazard and the landscaping tends to block sight lines and become a traffic hazard

James T. Martino
SIGNATURE

10/30/2008
DATE

June 25, 2008



Jonathan Woher
McBride Dale Clarion
5725 Dragon Way, Suite 220
Cincinnati, OH 45227

Re: Proposed Kroger Expansion – Tollgate Shopping Center
300 South Locust Street,
Oxford, OH

Dear Mr. Woher:

This letter is to confirm that McBride Dale Clarion is authorized to represent Schottenstein Stores Corporation and Schottenstein Property Group to make application for necessary zoning permits and approvals for the above referenced Kroger store expansion and fuel center in Oxford, Ohio, subject to Schottenstein Stores Corporation and Schottenstein Property Group's prior written consent. The subject property is located at 300 South Locust Street in the Tollgate Shopping Center.

Should you have any questions, or require additional information, please feel free to contact me at 614-449-4298.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Dirk E. Greene', written over a horizontal line.

Dirk E. Greene
Director of Leasing



November 6, 2008

Mr. Jung-Han Chen, AICP
City of Oxford
Community Development Department
101 High Street
Oxford, OH 45056

VIA OVERNIGHT MAIL

Re: Revised Submission - Variance Application for Proposed Expansion of the Kroger Store
at 300 South Locust Street

Dear Mr. Chen:

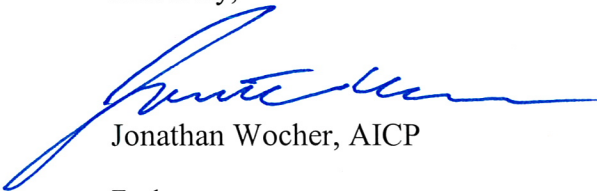
On behalf of Kroger, tenant of the property located at 300 South Locust Street, I am transmitting eight (8) copies of full size revised site plans and landscape plans for the requested variances for the proposed expansion of the Kroger store in the Tollgate Shopping Center. I am also transmitting eight (8) copies of an updated Project Description and Variance Justification.

As you are aware, revisions were required to the site plan and landscape plan as a result of the conditions of approval for the Conditional Uses approved by the City of Oxford City Council for the drive-thru pharmacy and fuel center. These plans reflect those revisions. I have modified the Project Description and Variance Justification accordingly to reflect the changes to the plans.

Please review this information and contact me with any questions, or if you determine that additional information or material is required. It is my understanding that this material will be transmitted to the Board of Zoning Appeals for the meeting scheduled for November 19, 2008. Please transmit a copy of the meeting agenda and staff report when available.

Thank you for your continued assistance.

Sincerely,



Jonathan Woche, AICP

Enclosures

cc: Kroger
Thomas Graham Associates
Schottenstein Property Group

#2263

Exhibit "A"
Project Description and Variance Justification Statement
For Kroger Store Expansion at 300 South Locust Street
Revised Statement

This statement has been revised and updated to reflect modifications to the site and landscape plan based on the conditions of approval established by the City of Oxford City Council for the Conditional Uses for the drive-thru pharmacy and the fuel center.

Project Description

Kroger proposes to expand the existing store at 300 South Locust Street in the Tollgate Shopping Center, generally located at the southwest corner of the intersection of Fairfield Road and South Locust Street. The existing Kroger store occupies 57,891 square feet of the Tollgate Shopping Center which is owned by Schottenstein Property Group. The existing property is currently zoned GB General Business District. The existing movie gallery and Radio Shack stores north of the Kroger store will remain. There is also an existing hair salon, restaurant, check cashing store, and three vacant tenant spaces representing approximately 14,520 square feet of floor area south of the Kroger store.

Kroger plans to demolish the existing 14,520 square foot tenant space to the south and expand the store by approximately 24,440 square feet. The Kroger expansion represents an increase of 9,920 square feet of retail area. The expanded store will have approximately 82,331 square of net floor area. This expansion will include remodeling the interior of the existing portion of the Kroger store and a new front façade for the Kroger store. The front façade of the Kroger store will be altered to allow front entry (changing from the existing "side" entry). The sidewalk in front of the store will be built approximately nine (9) feet east of the existing sidewalk. The store expansion will allow pharmacy drive-through service to be provided on the south side of the store. Kroger proposes to construct a fuel center for the project, including a small kiosk building for an employee to supervise fuel sales. The dispensers and kiosk will be covered by a canopy with roof and column supports that reflect the design and building materials of the new store facade. The fuel center will be located along the Locust Street frontage. A freestanding ground sign will be installed along Locust Street for the fuel center. No new access points are proposed on either Fairfield Road or Locust Street. The existing parking field in front of the Kroger store will be maintained, however, nine (9) parking spaces will be removed and two (2) landscape islands relocated to accommodate the expansion in front of the store. 356-346 parking spaces will be provided. Existing landscape areas will be maintained (with the exception of the removal of a portion of the area to the south of the store for the pharmacy drive-through). Additional landscape islands are proposed in the eastern portion of the parking field near the proposed fuel center. One additional landscape island will be installed along the end of the parking aisles nearest the expanded store. The drive-through pharmacy service and the fuel center are conditional uses in the GB District. A-Conditional Use application is currently being reviewed by the City approval for both uses has been granted with conditions by City Council.

Variances Requested

The City's zoning regulations require that an expansion or alteration of an existing building requires that the site be brought into conformation with all regulations for the district. Variances are required since the existing parking area and landscaping do not comply with several regulations. New signs are also proposed as part of the expansion and fuel center construction necessitating variances. The

following variances are requested for the proposed Kroger store expansion and fuel center at 300 South Locust Street:

- Allow the proposed landscape plan without installation of an undulating earthen mound along 50% of the street frontage that is 10 feet high. Sec. 1143.12(d)(2)A.&D. *A 10 foot high mound would require more than 60 feet of landscape area, a requirement that is impractical given the current physical constraints of the Tollgate Shopping Center.*
- ~~A reduction in the required street tree planting along S. Locust Street and Fairfield Road—0 trees are proposed on S. Locust Street, 6 are required; 8 trees are proposed on Fairfield Road, 3 additional trees are required. Sec. 1143.12(d)(2)C. Landscape areas do not exist along the street frontages that will allow additional trees to be planted to meet this requirement. The proposed plans illustrate that the number of required trees will be provided along each street frontage and therefore a variance is not required. There will be eleven (11) trees along Fairfield Road and six (6) trees along S. Locust Street as required.~~
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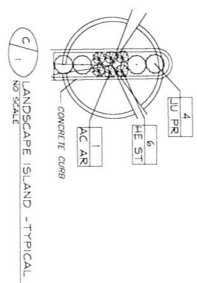
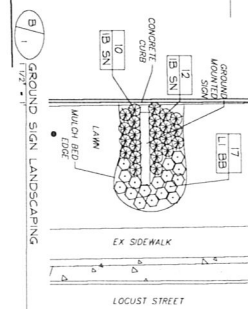
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- Allow an increase in the number of building mounted wall signs facing S. Locust Street – 2 wall signs are allowed, and 12 signs are proposed. Sec. 1151.05(a)(3)A. *There are two existing signs (Movie Gallery and Radio Shack) that will remain. Kroger proposes four signs on the store building and six signs on the fuel center. The existing shopping center contains ten signs.*
 - Allow installation of building mounted wall signs that do not face a public right-of-way – 3 signs on the fuel center canopy do not face the right-of-way. Sec. 1151.02(k)(2)B. *These signs are primarily oriented to the Kroger customers that are shopping in Tollgate and the commercial areas to the south.*
 - Allow an increase in the allowable height and area of a freestanding sign – 6 feet and 48 SF is allowed, 7 feet and 72 SF is proposed. Sec. 1151.05(a)(3)C. *The sign height variance is needed because of the ornamental feature of the sign, and the sign area variance is only needed because of the amount of “non-sign” area that must be included in the area calculation.*
 - Allow the fuel price sign to exceed 3 feet in height as mounted on the fuel center canopy. Sec. 1151.05(a)(3)B.1.a. *The proposed fuel price signs are designed to be in scale with the proposed fuel center canopy.*

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- a. This request does not allow a use that is not permitted in the district.
- b. The Tollgate Shopping Center was developed many years ago, and the variances requested are a result of existing conditions of the site. The property does not contain adequate area to accommodate the landscaping requirements without resulting in undue hardship to the applicant and the property owner.
- c. The conditions are not the result of the applicant but of the conflict created by a change in development regulations many years after the shopping center was constructed.

- d. No special privilege would be conferred on the applicant. To the contrary, the granting of the variances will allow the applicant to continue to use the site as designed and avoid undue hardship.
- e. Enforcement of the zoning regulations would deprive the applicant from an ability to redevelop the site.
- f. The applicant has made every effort to minimize the extent of the variances requested.
- g. The proposed variances will allow the expansion of the Kroger store and will not be detrimental to the public health, safety or welfare.

We respectfully request approval of the variances as proposed, and look forward to working with the City on this project.

[illegible]

TOLLGATE SHOPPING CENTER
SECTION 27, TOWN 5, RANGE E1
BUTLER COUNTY, OHIO

JACOBS
1880 WAYCROSS ROAD
CINCINNATI, OHIO 45240
PH 513-595-7500
FAX 513-595-7839
WWW.JACOBS.COM

KROGER
 STORE # **412-A**
 Drawn By: M. KROGER
 Sheet _____ of _____
 Job No: 6848-08
 ACAD FILENAME: 6848_412_EXP_BASE.DWG

Exhibit "A"
Project Description and Variance Justification Statement
For Kroger Store Expansion at 300 South Locust Street
Revised Statement

This statement has been revised and updated to reflect modifications to the site and landscape plan based on the conditions of approval established by the City of Oxford City Council for the Conditional Uses for the drive-thru pharmacy and the fuel center.

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Kroger proposes to expand the existing store at 300 South Locust Street in the Tollgate Shopping Center, generally located at the southwest corner of the intersection of Fairfield Road and South Locust Street. The existing Kroger store occupies 57,891 square feet of the Tollgate Shopping Center which is owned by Schottenstein Property Group. The existing property is currently zoned GB General Business District. The existing movie gallery and Radio Shack stores north of the Kroger store will remain. There is also an existing hair salon, restaurant, check cashing store, and three vacant tenant spaces representing approximately 14,520 square feet of floor area south of the Kroger store.

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Case No.: BZA-16-2008
Date Filed: 10/13/08
11/19/08 mtg.

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: Jonathan Wochoer, AICP
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: McBride Dale Clarion - 5725 Dragon Way, Suite 220, Cincinnati, Ohio 45227
Telephone Number(s): 513-561-6232
Requested Variance: 1143.12(d)(2)A,C,D; 1143.12(d)(4)A; 1143.12(d)(5); 1149.05(e)(4)F&G; 5
(Indicate nature of variance 1149.05(e)(5)B.1.a.; 1151.02(k)(2)B; 1151.05(a)(3)A; 1151.05(a)(3)B; 1151.02(a)(3)C.
and applicable section(s) See attached Exhibit A
of the Zoning Code.) 12 variances
Location of Requested Variance: 300 South Locust Street
Legal Description: 1985 S 369.43 of W 616.45 - see attached description
Zoning District: GB
Total Acreage: 7.996 Acres
Existing Use of Site: Retail Center
Proposed Use: (if applicable) Expansion of the Kroger store to include a drive-thru pharmacy and a fuel center. The hours
A description of operations, including of the drive-thru pharmacy are expected to be 9 AM to 9 PM Monday to Friday, 9 AM to
type of goods sold, services performed, and expected number of customers, 6 PM on Saturday and 10 AM to 5 PM on Sunday. The fuel center hours are expected to be 6
clientele, delivery, and service vehicles, and the hours of operation. AM to 11 PM daily.

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

(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, giving lot numbers and house numbers. (This information is available at the Butler County Auditor's Office.)

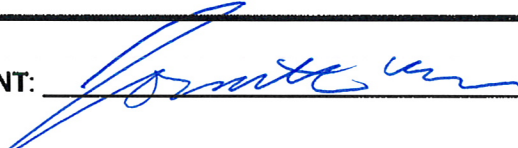
(5) A separate narrative statement that explains how the proposed variance satisfies each of the following Decision Standards required to grant the area a variance. A separate response is required for each subsection.

- a) *The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and*
- b) *Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and*
- c) *The conditions upon which the application is based are not the result of actions of the applicant; and*
- d) *The variance would not confer a special privilege to the applicant but would relieve a hardship; and*
- e) *The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and*
- f) *The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and*
- g) *The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.*

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.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT:  **Date:** 10-13-08

PRINTED NAME OF APPLICANT: Jonathan Wocho

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 4166

July 15, 2008

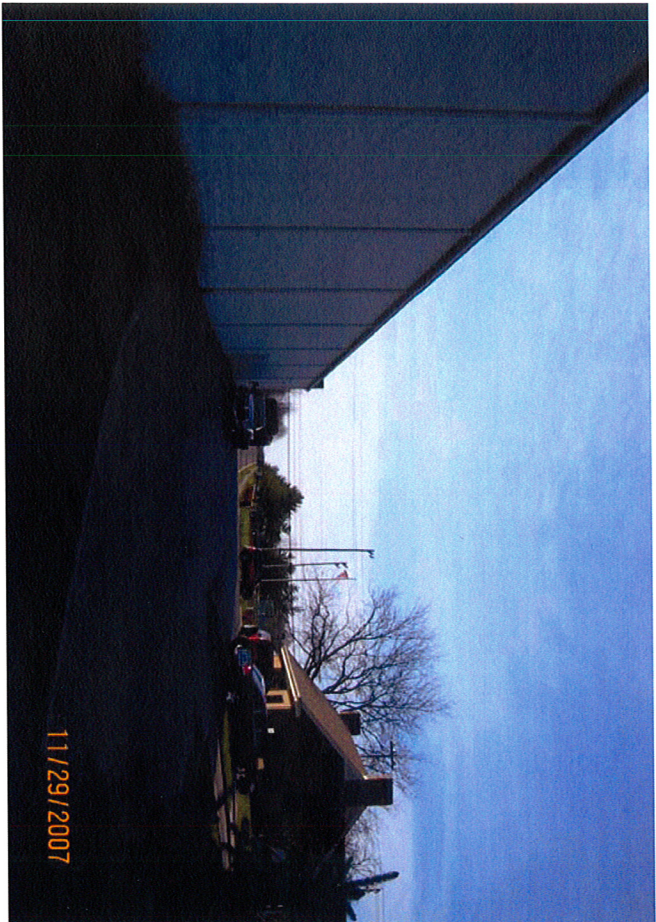
Description: Schottenstein Stores Corporation Tract
8.511 Acres

Situated in Section 27, Town 5, Entire Range 1, being part of Lot 895 and part of Lot 1985 in the City of Oxford, Butler County, Ohio and being more particularly described as follows:

Beginning at an iron pin in the east line of McGuffey Avenue, said point being North 0° 53' 00" West, 429.85 feet from the intersection of the said east line of McGuffey Avenue and the North line of Wells Mills Drive; thence continuing along the said east line of McGuffey Avenue North 0° 53' 00" West, 140.00 feet; thence departing the said east line of McGuffey Avenue North 88° 24' 00" East, 170.76 feet; thence North 01° 06' 00" West, 213.82 feet; thence North 88° 54' 00" East, 30.06 feet; thence North 0° 53' 00" West, 237.00 feet to the south line of Fairfield Road; thence along the said south line of Fairfield Road North 88° 54' 00" East, 293.78 feet; thence South 64° 53' 00" East, 236.03 feet; thence departing the said south line of Fairfield Road South 0° 53' 00" East, 197.10 feet; thence North 88° 54' 00" East, 171.30 feet to a point in the old west line of Locust Street; thence along the said old west line of Locust Street South 0° 53' 00" East, 288.46 feet; thence departing the said old west line of Locust Street South 89° 04' 30" West, 438.89 feet; thence South 88° 24' 00" West, 438.37 feet to the point of beginning.

The above described tract contains 8.511 Acres of land.

The above described tract is encumbered by a permanent 20 foot easement for street purposes recorded in Volume 986 at Page 299 and Volume 986 at Page 301, of the Official Records, Butler County, Ohio and is located adjacent to and west of the said old west right of way line of Locust Street and extends from the south property line to the north property line.



11/29/2007



11/29/2007

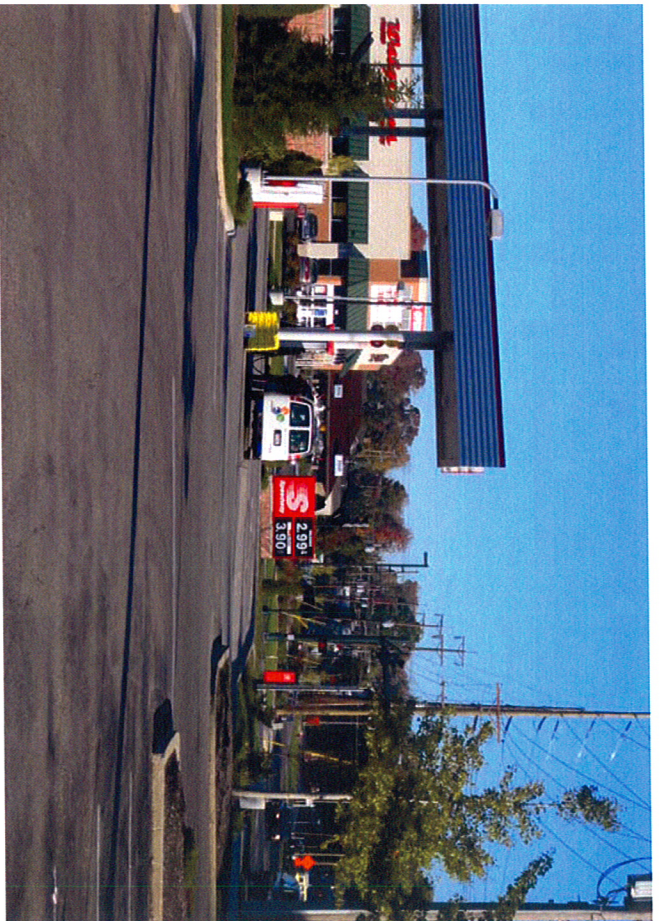


11/29/2007



11/29/2007









11/29/2007



ACCENT TOP

- .125 aluminum painted PMS 343 Hunter Green.

CABINET

- Fabricated .125 aluminum over angle frame painted PMS 7500.
- Reveal painted PMS 466 Tan.
- Internal high output fluorescent tube illum.

'KROGER' OVAL

- .177" embossed Lexan pan face painted second surface White, 535 Unique Red, PMS 286 Blue.

SKYLINE PRICE SIGN

- 10' x 2'-6" x 2'-6"
- Furnished by Kroger.

POLE SKIRT

- Fabricated .090 aluminum over angle frame painted PMS 7500.

FOUNDATION

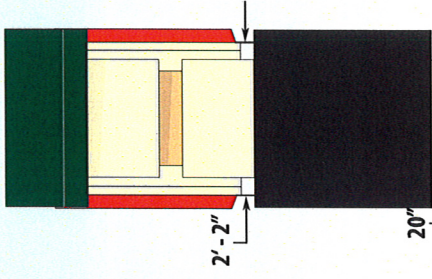
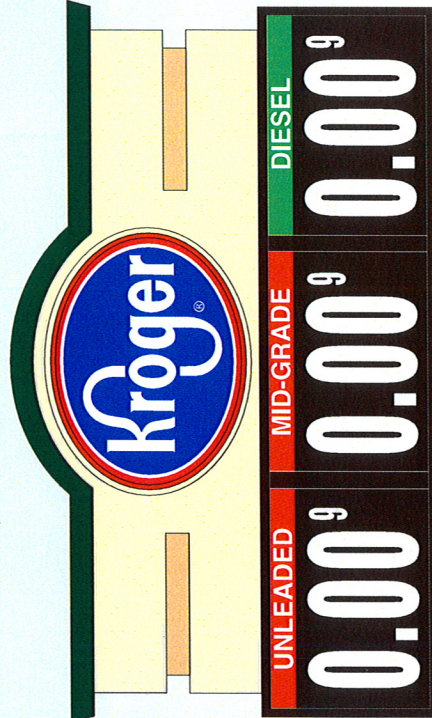
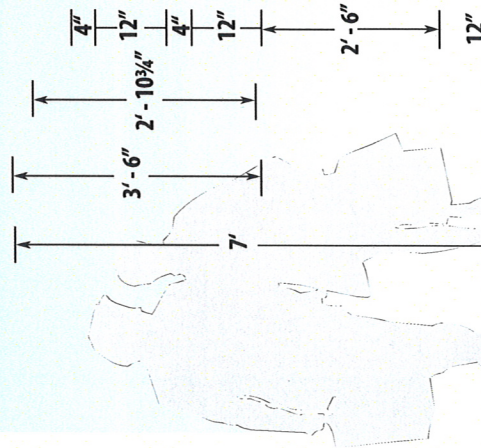
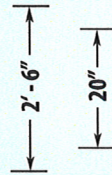
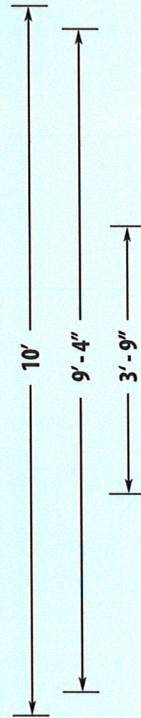
- Direct burial steel.
- 2' diameter x required depth per engineer's sealed drawing.

FINISHES

- MAP acrylic polyurethane enamel to match PMS specifications.

ADDITIONAL SPECIFICATIONS

- U.L. listed.
- Disconnect switches as required.



Victory
SignAssociates
Design & Planning

3160 East Kemper Road Suite B
Cincinnati, OH 45241 • 513.772.4500

***After zoning approval, manufacturing methods may be subject to change.**

*Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

CLIENT : Kroger

LOC:

DATE: 6/23/08

SCALE: 3/8" = 1'-0"

BY: Brian Marco

REP: Vince Klusty

APPROVED BY:

LANDLORD

APPROVAL:

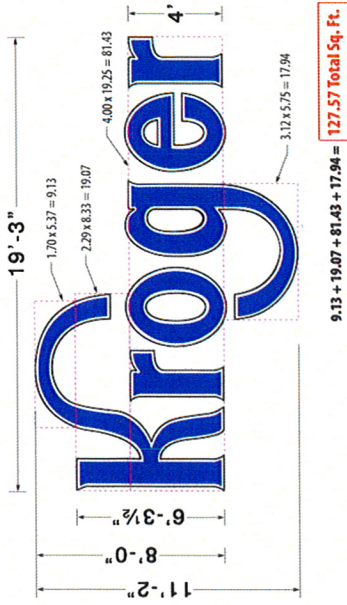
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DATE:

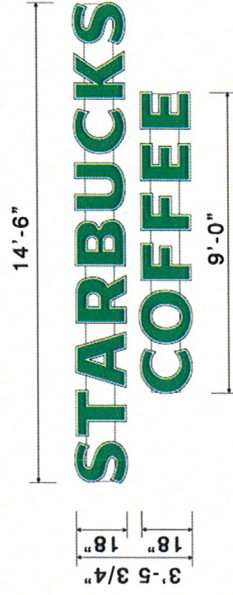
DATE:

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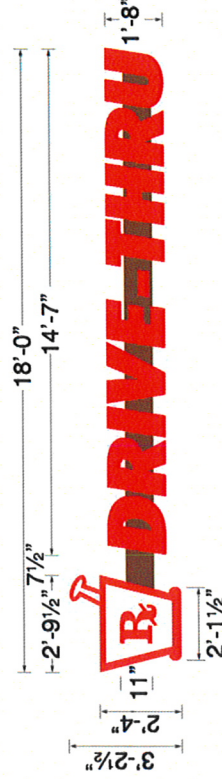
“Kroger” Sign
127.57 sf



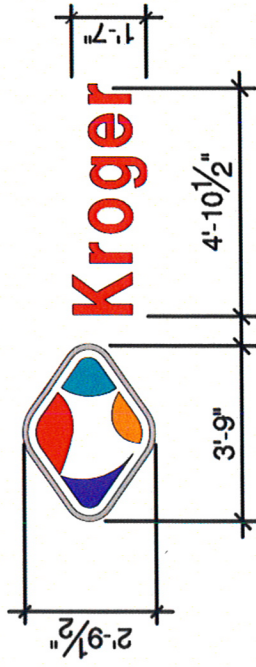
“Starbucks Coffee” Sign
39.57 sf



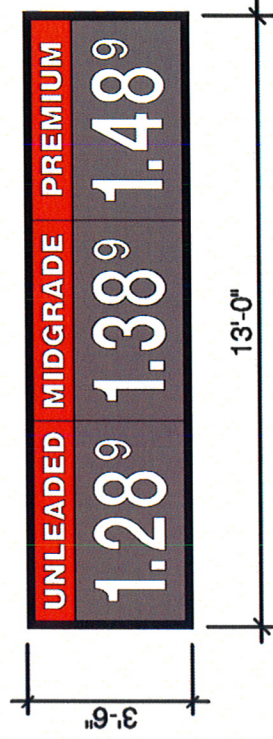
“Pharmacy” Sign
15.46 sf



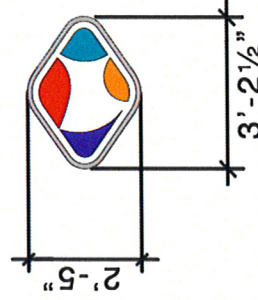
“Rx Drive-Thru” Sign
33.25 sf



Fuel Logo with "Kroger"
Sign 13.75 sf
2 sets 27.5 sf total



Fuel Pricing Sign 45.5 sf
2 signs 91 sf total



Fuel Logo on kiosk
Sign 7.47 sf
2 signs 14.94 sf total