

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-09-2009

Date: December 16, 2009

APPLICATION

Petitioner:	Matt Hughes
Location:	16 S. Poplar St.
Owner:	Same
Action Request:	<u>Appeal of Administrator's Decision</u>
Current Use:	Commercial Restaurant, Bar & Grill
Zoning:	"UP" Uptown District
Surrounding Land Uses:	Institutional, Residential & Commercial

DESCRIPTION

The Appellant has filed an Appeal of Administrator's Decision. The property is a commercial bar & grill located on the west side of Poplar Street between High and Walnut Streets. The property is a split-level structure, with the bar located on the lower level and commercial "private party" space on the upper level. The Appellant intends to convert the upper level into apartments, and to construct apartments on a proposed third-level addition as well. Under this proposal, the lowest level (the bar) would be commercial space, and the two upper levels would be residential space. The Appellant is requesting an interpretation as to how the lower level of this building is defined under the Planning and Zoning Code, which will ultimately determine where the required commercial component of the structure will be located.

It should be noted that this appeal is *not* intended to address the legality or feasibility of adding the proposed third-level addition. The only issue submitted for determination is whether the lowest level is considered a "basement" under the Planning and Zoning Code.

Enclosed is the Appellant's request for interpretation, the Administrator's Decision/response and all documentation submitted with this appeal.

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

§1129.11 APPEALS OF ADMINISTRATOR'S DECISION.

The aggrieved party may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

- (a) The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In exercising its powers to review administrative decisions, the Board may, in conforming with the provisions of the statute and of this Zoning Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as the Board of Zoning Appeals determines, and to that end shall have all powers of the office from whom the appeal is taken.

The appeal shall:

- (1) Cite specific provisions of this Zoning Ordinance that are alleged to have been interpreted in error of the specific decisions or action being appealed and the grounds on which the appeal is being made;
- (2) Include any required application fee in an amount set by the City;
- (3) Include such other information as the City or the Board may reasonably require; and
- (4) Include a statement as to why the appellant has standing to pursue the appeal from the administrative action by a statement of the way in which the administrative action adversely affects the appellant. (Ord. 2947. Passed 3-6-07.)

ANALYSIS

The Zoning Administrator's interpretation and position is that the lower level is indeed a basement as outlined in the attached documentation. Although the Appellant has filed an appeal of the interpretation that the lower level is a basement, the application fails to identify what, if anything, is wrong with the interpretation. Accordingly, Staff believes the Zoning Administrator's interpretation should be upheld.

SUBMITTED BY: _____

Kathryn A Dale
Kathryn A. Dale, AICP
City Planner

DATE: November 18, 2009

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/20/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Materials are being submitted to you for the following:

Case #: BZA-09-2009

ADDRESS: 16 S. Poplar Street

BZA-09-2009 – 16 S. Poplar, Appeal of Administrator's Decision, Matt Hughes, Applicant

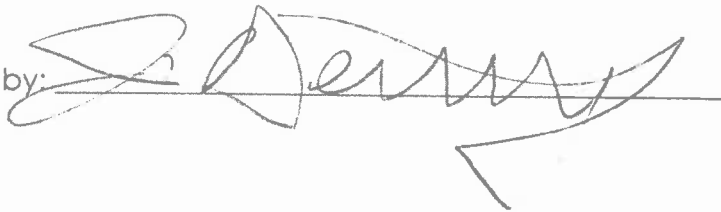
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/9/09 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: 11/20/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Materials are being submitted to you for the following:

Case #: BZA-09-2009

ADDRESS: 16 S. Poplar Street

BZA-09-2009 – 16 S. Poplar, Appeal of Administrator's Decision, Matt Hughes, Applicant

____X____ Review

_____ Revisions

_____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/9/09 Note: If no comments are received, we will assume the project meets your department's standards.

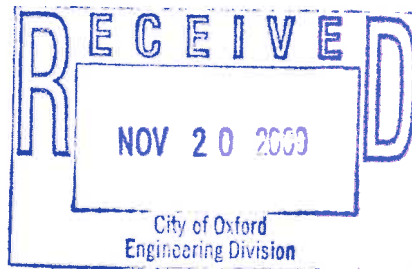
.....
Drawings are returned: w/comments without/comments

SEE MEMO DATED 11-25-09.

Drawings reviewed by: _____

A. Poplar

11-25-09





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- 09 - 2009
16 S. Poplar St.

DATE: November 25, 2009

The Engineering Division recommends approval.

Although there is a glut of apartments in Oxford, the approval of this case will bring the property in line with other properties of its kind, and reduce the size of a watering hole.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/20/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Materials are being submitted to you for the following:

Case #: BZA-09-2009

ADDRESS: 16 S. Poplar Street

BZA-09-2009 – 16 S. Poplar, Appeal of Administrator's Decision, Matt Hughes, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/9/09 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

*none - other than parking in the vicinity will be
an issue. SPS*

Drawings reviewed by: *SSC*

*None - other than parking in the vicinity will
be an issue.*



REQUEST FOR ZONING INTERPRETATION

November 4, 2009

Matthew Hughes
Stadium Bar & Grill
16 S. Poplar Street
Oxford, Ohio 45056

Re: "UP" Zoning District FAR Interpretation
16 S. Poplar Street
Oxford, Ohio 45056

Dear Mr. Hughes,

Per your request in a letter dated November 4, 2009, this letter is intended to serve as an interpretation of Chapter 1143.10(c)(3) "UP" Uptown Zoning District Structural Regulations of the City of Oxford Planning and Zoning Code, as it relates to the property in question, 16 S. Poplar Street. In your letter you recognized the subject property as essentially a "split-level" commercial building with a lower level six (6) steps below the front grade and an upper level that is eleven (11) steps above the front grade. You have indicated in your letter that the lower level is currently being used for the bar and grille, while the upper level is utilized for private parties. Your proposed plans are to maintain the lower level bar and grille, eliminate the commercial use on the upper level and convert this space to apartments and potentially construct an additional story onto the building to provide more residential apartments.

In your letter, you are requesting interpretation specifically regarding the lower level use of the structure and if the lower level will be calculated towards the required commercial space calculation of the "UP" Uptown Zoning District Floor Area Ratio requirements.

Based on the information provided, the request you have presented the following provisions of the Oxford Zoning Code have been reviewed:

1. **§1143.10(c)(3) Structural Requirements.**

B. Gross Floor Area Ratio:

1. *The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)*
 - a. *Commercial space shall provide a minimum ratio of 0.7:1 of the lot area on the street level subject to the following:*
 - i. *The basement of a structure may be used for retail, personal and professional uses but shall not be computed into the minimum 0.7:1 ratio.*

2. Chapter 1159, Definitions of the Planning & Zoning Code offer the following:

- 1159.03(2) BASEMENT - *The portion of a building which is partly underground and which has one-half or more of its ceiling height above the average finished grade of the ground adjoining the building.*

101 East High Street • Oxford, Ohio 45056-1887
Phone: (513) 524-5200 • Fax: (513) 523-7298 • www.cityofoxford.org

1159.08(2) GRADE -

- A. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street.*
- B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk and the centers of all walls adjoining the streets.*
- C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Where no sidewalk exists, the grade shall be that which has been established by the City Engineer.*

Upon a site visit of the property on November 5, 2009, measurements were taken that show the floor to ceiling height of the lower level to be approximately ten (10') feet. Forty-eight (48'') inches was measured below grade, or from grade to the finished floor of the lower level. Accordingly, it the Zoning Administrator's decision that these measurements would conclude that the lower level would be considered a basement, as defined, and would not be included into the 0.7:1 ratio for commercial compliance. As you refer, the "upper level", of this building would be considered as the 1st floor/ ground floor/ street level and would have to serve as the required commercial use.

You have the right to appeal this interpretation to the Board of Zoning Appeals pursuant to Section 1129.11. The Board of Zoning Appeals is a quasi-judicial board that has the authority to review the Zoning Administrator's interpretation and has the right to overturn it if appropriate. If you chose to file for an appeal of this interpretation, please contact me or the City of Oxford Community Development Department to receive all necessary information about the process for completing such application. As always, once an official building permit application has been submitted for review of the proposed project, additional regulations and review before this Board and other Commissions maybe required.

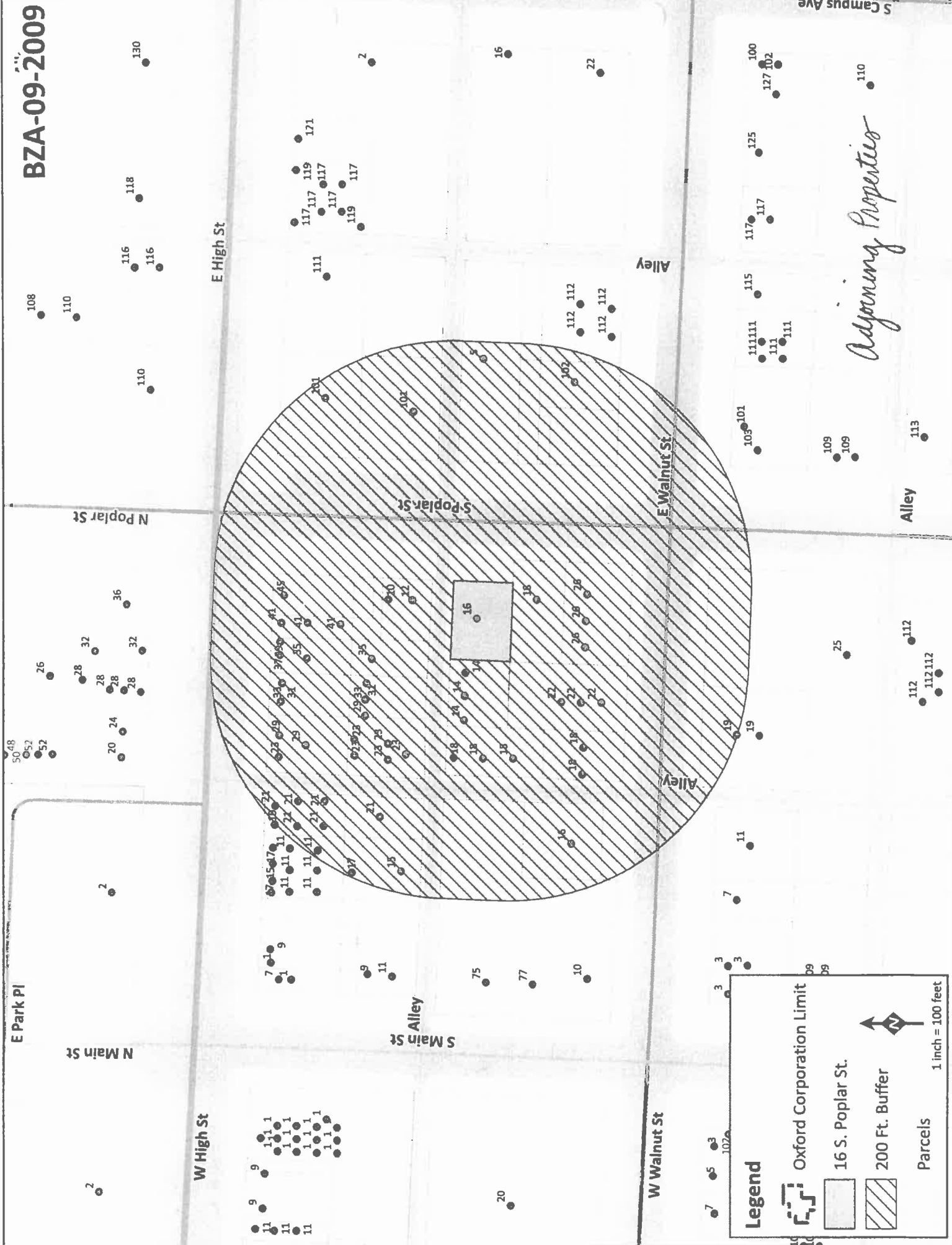
Should you need any additional information please contact Jung-Han Chen, Community Development Director, or me.

Professionally,



Kathryn A. Dale
City Planner
City of Oxford
Community Development Department

Cc: Jung-Han Chen, Community Development Director
Steve McHugh, City Solicitor
Don Thomas
File



Adjoining Properties

Case No: **B2A-09-2009**
Date Filed: **11/9/09**

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

REQUIRED INFORMATION

Name of Petitioner:

MATTHEW HUGHES

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

Mailing Address:

16 S. POPLAR ST., OXFORD, OH 45056

Telephone Number(s):

513-461-3942

Name of Property Owner:

MATTHEW HUGHES

Mailing Address:

16 S. POPLAR ST., OXFORD, OH 45056

Telephone Number(s):

513-461-3942

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

INTERPRETATION OF THE LOWER LEVEL OF
THIS BI-LEVEL AS BEING THE 1ST FLOOR WHEN
CALCULATING THE FLOOR AREA RATIO (FAR) PER
1143.10 (C)(3) B. LOWER LEVEL IS CURRENTLY
A BAR AND GRILLE.

Location of Requested
Variance:

THE STADIUM BAR & GRILLE, 16 S. POPLAR
PT. OF INLOT 38, CITY OF OXFORD

Legal Description:

"11P"

Zoning District:

Total Acreage:

.10 Acres

Existing Use of Site:

THE STADIUM BAR & GRILLE

Proposed Use: (if applicable)

SAME

*A description of operations,
including type of goods sold,
services performed, and expected
number of customers, clientele,
delivery, and service vehicles, and
the hours of operation.*

REQUIRED INFORMATION

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

- (1) Cite specific provisions of this Zoning Ordinance that are alleged to have been interpreted in error of the specific decisions or action being appealed and the grounds on which the appeal is being made;
- (2) Include any required application fee in an amount set by the City;
- (3) Include such other information as the City or the Board may reasonably require; and
- (4) Include a statement as to why the appellant has standing to pursue the appeal from the administrative action by a statement of the way in which the administrative action adversely affects the appellant
- (5) OTHER - Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals, including but not limited to site plans and elevation drawings.
- (5) 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.)

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: [Signature] Date: 11/9/09

PRINTED NAME OF APPLICANT: MATT HUGHES

FEE / RECEIPT
\$150 Fee Paid / Receipt Number: 15091.46

~~11/9/09 - Fee not pd. ok~~

B.Z.A. Narrative
The Stadium
116 S. Poplar St.

Nov. 9, 2009

- a) The site is in the "UP" zoning district and restaurants and bars are a permitted use as well as residential uses on the second floor & higher.
- b) The structure was built at the time when this "bi-level" construction was in vogue and there are several sites (DuBois book store, Xtend computers, etc) with similar conditions that conformed to the zoning code at that time.
- c) The applicant purchased the building in its present condition with no inkling that it would not conform to the present zoning code.
- d) The variance would address an omission in the zoning code as these "bi-level" structures were not included in the definitions, thereby creating a hardship for the applicant.
- e) The "literal interpretation" of the zoning code, which the Planning & Zoning Departments must do, is the reason for this variance request. That interpretation prevents the applicant from developing the site for these permitted uses in the "UP" district.
- f) This variance, the ability to consider the lower level of this "bi-level" structure as the first floor and use the upper level as the second floor residential is the only variance requested.
- g) The general vicinity is commercial & multi-story residential. The City of Oxford Municipal Building, The Police Department & St. Mary Church Parish Center are across Poplar St. The lot to the south is vacant with an Apartment building at 23 E. Walnut St. This variance would eliminate the Second floor bar at the Stadium.

Stadium sports bar & grille
16 S. Poplar St.
Oxford, OH 45056
November 4, 2009

Kathryn A. Dale, AICP
City Planner
City of Oxford
101 E. High St.
Oxford, OH 45056

We want to eliminate the commercial use on the upper level of this business and convert that space into apartments. We would also like to add another story to the building for additional apartments. The lower level would retain its current use as a bar & grille.

The lower level is six (6) steps below the front grade and is the main floor of the building. The upper level is used occasionally for private parties. It is eleven (11) steps up from the front grade.

We need your interpretation of the code regarding the FAR regulations in the "UP" District, specifically regarding basement use; if this lower level described above will be calculated towards our required commercial space to be sure we can do what we want per paragraph one. We know there are other code issues such as number of occupants & floor-area-ratio in relation to the entire structure, the lot area and the proposed modifications that must be addressed but first need to have your interpretation before proceeding.

A prompt reply would be appreciated.

A handwritten signature in cursive script, appearing to read "Matt Hughes", followed by a long horizontal flourish line.

Matt Hughes, owner





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

Case # BZA-10-2009

Date –December 16, 2009

APPLICATION

Petitioner:	Delbert Ogle & Don Thomas
Location:	15 N. Poplar
Owner:	Antonios & Dimitra Zaharoupolos
Action Request:	Variance from Section 1141.03(e)(4) to allow a principal entrance to the ground floor commercial space to be off of an alley
Current Use:	Vacant Commercial with residential above
Zoning:	"UP" Uptown District
Surrounding Land Uses:	Mix of institutional, commercial, residential

DESCRIPTION

The Applicant is proposing to construct an addition to the rear of the existing building with commercial on the first floor and residential above. The existing commercial space will continue to have access from N. Poplar Street and the proposed residential addition will have its primary entrance from the existing residential entryway along N. Poplar Street as well. There are two ingress and egress points (staircases) to the residential addition via the alleyway; however, the configuration inside the building permits these staircases to serve as secondary access points and are required for fire safety and per the building code. The only portion of the new addition that is in need of a variance is the proposed commercial addition on the ground floor to have its primary entrance off of the alley.

SITE HISTORY

No Prior BZA History.

This property was the subject of prior Ordinance #1946, enacted July 21, 1987, which granted a use permit for second floor apartments on the condition that four parking spaces be created. Construction of the proposed addition would eliminate those parking spaces, invalidating the use permit. However, subsequent amendments to the Zoning Code nullify Ordinance #1946 and the old use permit. Under the current UP Zoning District, apartments are a permitted use and there is no requirement that parking spaces be retained.

VARIANCES REQUESTED

Section 1141.03(e)(4):	Every building hereafter erected, converted, enlarged, reconstructed, or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot.
------------------------	--

AGENCY COMMENTS:

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

Police:	One comment.
Fire:	No comments.
Engineering:	No comments.
Econ. Dev.:	No comments received to date.

ANALYSIS

Relevant definitions and code provisions:

§1159.17 (13) PRINCIPAL ENTRANCE - The place of ingress and egress used most frequently by the public.

§1159.20 (12) STREET - Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action.

§1159.02 (10) ALLEY - A service, space, or roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

A building's "principal entrance" is defined as the place of ingress and egress used most frequently by the public. The proposed building includes two commercial spaces that have completely separate places of ingress/egress. The additional commercial space is not accessed from within the existing commercial space, so the existing place of ingress/egress cannot be the principal entrance with respect to the new commercial space. Therefore, the completed building would have two places of ingress/egress that would be equally used by the public. Since only one of the principal entrances faces a street, it is the opinion of Staff that a variance would be required to allow a second principal entrance that would not be facing the street.

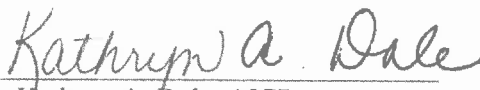
Based on the Applicant's floor plan for the proposed addition, submitted with the present application, and the floor plan to the original unit, the two commercial spaces fail to connect by any ingress/ egress between them and the proposed commercial space clearly is not accessible through the principal entrance facing Poplar Street.

Staff believes that a number of the Decision Standards are relevant in this matter, but that A and F are particularly applicable. The property is ready for commercial occupancy and currently rented as rental property, deriving an economic benefit to the owner. The proposed addition could certainly increase the income potential of the property, but it would not be accurate to say the property cannot be put to beneficial use without the requested variance. While it may be more or less convenient to the property owner, there are other ways to convert the property that would not require a principal entrance to be oriented away from the street.

RECOMMENDATION

Not Applicable.

SUBMITTED BY:


Kathryn A. Dale, AICP
City Planner

DATE: November 20, 2009

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/20/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Materials are being submitted to you for the following:

Case #: BZA-10-2009

ADDRESS: 15 N. Poplar Street

BZA-10-2009 – 15 N. Poplar, Variance from Section 1141.03(e)(4) to allow a principal entrance to the ground floor commercial space to be off of an alley, Del Ogle/ Don Thomas Applicant/Agent

 X Review Revisions Other

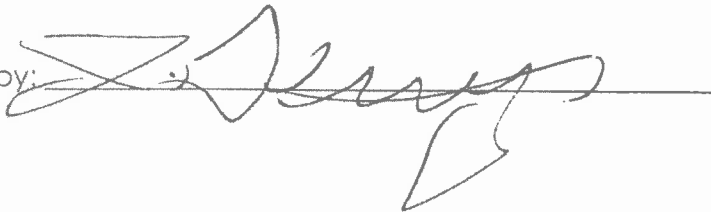
Comments or status update requested by: Lynn Taylor

Please return no later than: 12/9/09 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: 11/20/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Materials are being submitted to you for the following:

Case #: BZA-10-2009

ADDRESS: 15 N. Poplar Street

BZA-10-2009 – 15 N. Poplar, Variance from Section 1141.03(e)(4) to allow a principal entrance to the ground floor commercial space to be off of an alley, Del Ogle/ Don Thomas Applicant/Agent

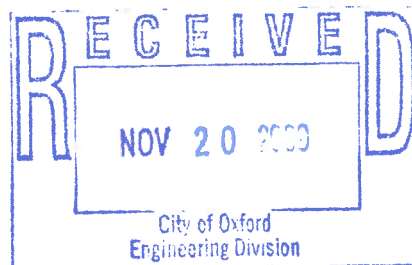
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/9/09 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: Scott Ogle



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/20/ 2009

To: Fire Department Engineering Division, Police Department Economic Development

From: Community Development

Materials are being submitted to you for the following:

Case #: BZA-10-2009

ADDRESS: 15 N. Poplar Street

BZA-10-2009 – 15 N. Poplar, Variance from Section 1141.03(e)(4) to allow a principal entrance to the ground floor commercial space to be off of an alley, Del Ogle/ Don Thomas Applicant/Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/9/09 Note: If no comments are received, we will assume the project meets your department's standards.

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

*none other than parking in the vicinity will
be an issue. JDS*

Drawings reviewed by:

SSC/MP

↓
None other than parking in the vicinity will be an issue.

ORDINANCE NO. 1946

AN ORDINANCE GRANTING AN ADDITIONAL USE PERMIT TO ANTONIOS ZAHAROPOULOS FOR A TWO-DWELLING UNIT APARTMENT AT 15-1/2 NORTH POPLAR STREET ON THE SECOND FLOOR.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

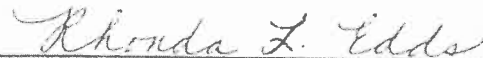
SECTION 1: Subsequent to public hearing and recommendation of Oxford Planning Commission, an additional use permit is granted to Antonios Zaharopoulos for a two-dwelling unit apartment to be located at 15-1/2 North Poplar Street on the second floor.

SECTION 2: This additional use permit is granted upon the express condition that the site plan shall show four parking spaces and that said spaces be marked for use by the residents only and shall be valid only so long as such four spaces are in fact provided and remain marked for the use of the residents only.

SECTION 3: This ordinance takes effect at the earliest time allowed by law.


MAYOR

ADOPTED: July 21, 1987

ATTEST: 
DEPUTY CLERK OF COUNCIL

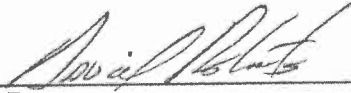
LAW (Council)

ORDINANCE NO. 1902

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OXFORD COOPERATIVE NURSERY SCHOOL TO OPERATE A NURSERY SCHOOL AT 15 SOUTH POPLAR STREET SUBSEQUENT TO PUBLIC HEARING AND RECOMMENDATION OF OXFORD PLANNING COMMISSION.

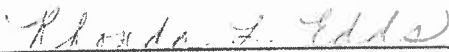
SECTION 1: Subsequent to public hearing and receipt of a recommendation from Oxford Planning Commission, the Oxford Cooperative Nursery School is granted a special use permit to operate a nursery school at 15 South Poplar Street.

SECTION 2: This ordinance shall take effect at the earliest time allowed by law.



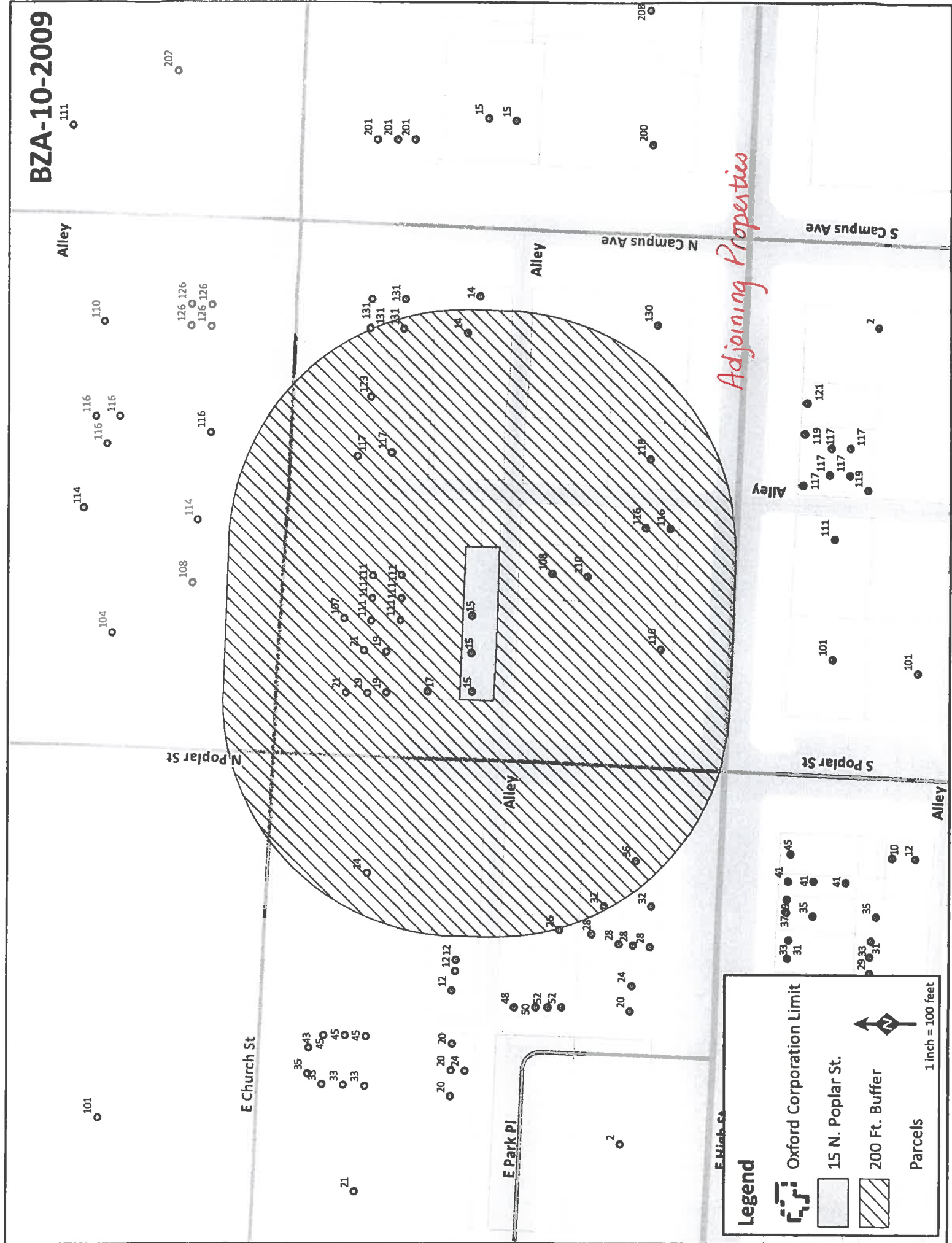
MAYOR

ADOPTED: August 19, 1986

ATTEST: 

DEPUTY CLERK OF COUNCIL

LAW (Council)



LETTER OF AGENCY

To: Community Development Director
City of Oxford
101 East High Street
Oxford, Ohio 45056

The following signatures authorize Delbert Ogle to represent Antonios N. Zaharopoulos and Dimitra Zaharopoulos as the Owner's Agent in the Zoning Appeal for the following property:

15 N. Poplar Street
Oxford, OH 45056

Authorized Signature:

Antonios Zaharopoulos

Printed Name:

Antonios Zaharopoulos

Title: Owner

Date: 11/9/2009

Authorized Signature:

Dimitra Zaharopoulos

Printed Name:

Dimitra Zaharopoulos

Title: Owner

Date: 11/9/2009

Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner:

DELBERT R. OGLE, P.E.

(Attach a Letter of Agency if the Applicant is not the property owner.)

Mailing Address:

3940 WESS PARK DR., CINCINNATI, OH 45217

Telephone Number(s):

513-961-0648 CELL 513-310-2198

Email Address

Name of Property Owner:

ANTONIO'S & DIMITRA ZAHAROUPOULOS

Mailing Address:

6259 LAKE FRONT DRIVE, MASON, OH 45040-1776

Telephone Number(s):

513-422-3673

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

SECTION 1141.03 (c) (4) PRINCIPAL ENT ON DEDICATED
STREET. VARIANCE TO PERMIT SUPPLEMENTARY
ENTRANCE ON ALLEY SIDE AT SOUTH FOR A STORY
1623 SQ. FT. ADDITION.

Location of Requested Variance:

15 N. POPLAR ST

Legal Description:

PART OF LOT 33, 33'15" x 130', DEED BOOK 891, P. 564

Zoning District:

"UP"

Total Acreage:

.10147 Acres

Existing Use of Site:

VACANT COMMERCIAL 1ST FLOOR, TWO APTS 2ND FLOOR.

Proposed Use: (if applicable)

ADDITIONAL APARTMENTS

*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) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

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

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

Submit this application with required attachments and 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 45058. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: Delbert R. Ogle Date: Nov 17, 2009

PRINTED NAME OF APPLICANT: Delbert R. Ogle

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 15091.46



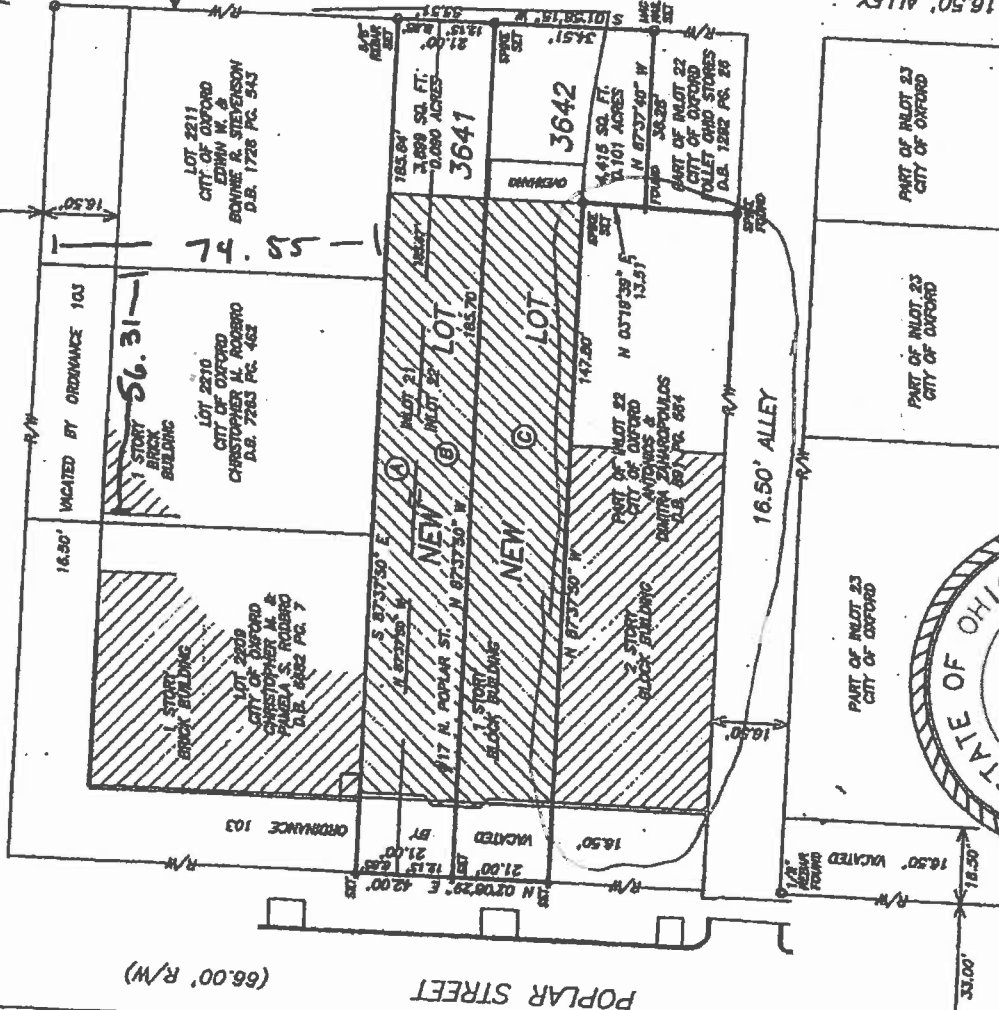
- a) The property is currently a commercial space previously occupied by Lazarus Oxford Shoppe. It has been vacant since they left town in 2005. It is the owner's wish to enhance the possibilities of rental of the commercial space with an addition and also to improve and expand on the apartments which are not in keeping with current market competition.
- b) The only variance requested is to have additional access from the alley adjacent to the south wall of the existing building. That access would allow significant options to the owner for renting the space. One of the current apartments has its only entrance from the alley.
- c) The essential character of the neighborhood is commercial and all the adjoining properties would not be detrimentally affected by the variance.
- d) No governmental services or utility services would be affected by the variance. Accommodations for trash collection are shown on the drawings. Any utility services necessary for the addition would of course have to receive proper approvals.
- e) The owner has had the property since the late 1960's and the Oxford zoning code has changed significantly since then.
- f) The property owner has tried to rent the commercial and apartment spaces to no avail and hopes to increase the desirability of the property and give him more options in the rental market.
- g) Section 1141.03(e) 4 states that a building shall have its principal entrance on a street bordering on a lot of record. It does not mention nor prohibit supplementary entrances. Currently the sole entrance to one of the existing apartments is a steel stairs from the alley.
- h) The owner intends to remodel the front of the existing building as part of the addition construction. Concept drawings of that front and the addition would be submitted to the Historical and Architectural Preservation Committee for their approval.



1 inch = 40 ft.

CHURCH STREET

(66.00' R/W)



NOTES AND REFERENCES

NORTH IS BASED ON STATE PLANE
COORDINATES NAD 83 UTM SOUTH
ZONE.

DEEDS

D.E. 7188 PC. 2302
D.E. 6868 PC. 618
D.E. 7384 PC. 2354
D.E. 6882 PC. 7
D.E. 7263 PC. 462
D.E. 7263 PC. 643
D.E. 7820 PC. 642
D.E. 6871 PC. 644
D.E. 1282 PC. 181
D.E. 6850 PC. 1881
D.E. 1481 PC. 109
D.E. 1481 PC. 110
D.E. 1784 PC. 500
D.E. 640 PC. 503

SURVEYS

D.E. B PC. 234
VOL. 47 PC. 44
VOL. 75 PC. 62
P.L.E. 75 PC. 62
PLAT OF SURVEY OF THIS
PROPERTY IS RECORDED IN
VOLUME 48 PAGE 41 OF THE
BUTLER COUNTY ENGINEER'S
OFFICE.

APPROVED BY THE OXFORD PLANNING COMMISSION

THIS DAY OF _____

PLANNING COMMISSION CHAIR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

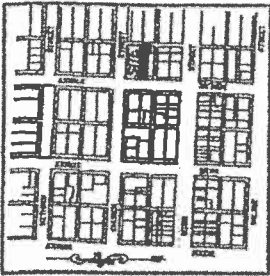
PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR

PLANNING DIRECTOR



VICINITY MAP (N.T.S.)

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

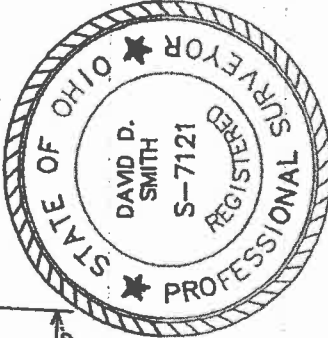
PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 22
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 23
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES

PART OF INLOT 21
CITY OF OXFORD
TAX MAP BOOK PAGE 7
CHRISTOPHER RODRERO, TR.
& MATTHEW RODRERO, TR.
D.E. 7820 PC. 642
1.68 ACRES



THIS PLAT MADE PURSUANT
TO SECTION 5715 OF THE
OHIO REVENUE CODE.

DEED BOOK: _____

PAGE: _____

DAVID D. SMITH, P.S.
P.O. BOX 190
OXFORD, OHIO 43080
P-HSE NASH/INSTRUM

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PROJECT SURVEYOR

PARTS OF
INLOTS 21 AND 22
NOW KNOWN AS LOTS
3641 AND 3642
CITY OF OXFORD,
BUTLER COUNTY, OHIO
FOR
MAIT RODRERO

DAVID D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 7121

LOT SPLIT AND
CONSOLIDATION

DAVID D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 7121

CITY OF OXFORD
CHRISTOPHER M. &
PAMELA S. RODBRO
D.B. 6682 PG. 7

CITY OF OXFORD
CHRISTOPHER M. RODBRO
D.B. 7263 PG. 462

CITY OF OXFORD
EDWIN W. &
BONNIE R. STEVENSON
D.B. 1728 PG. 543

N02°08'01"E

S02°08'01"W

CROSS NOTCH SET
1 FOOT FROM CORNER

5/8" REBAR SET
1 FOOT FROM CORNER

5/8" REBAR SET
1 FOOT FROM CORNER

N87°38'18"W 56.31'

INLOT 21
INLOT 22

PART OF INLOT 22
CITY OF OXFORD
CHRISTOPHER RODBRO, TR.
& MATTHEW RODBRO, TR.
D.B. 7620 PG. 642

Proposed Bar
(commercial)

PART OF INLOT 22
CITY OF OXFORD
ANTONIOS &
DIMITRA ZAHAROPOULOS
D.B. 891 PG. 564

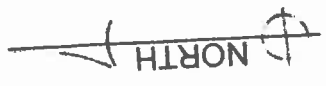
Proposed 1793 s.f./floor Addition
1st fl. commercial
3rd & 4th fls. apartments

PART OF INLOT 22
CITY OF OXFORD
FOLLET OHIO STORE
D.B. 1292 PG. 26

16.50' ALLEY

SITE PLAN

1" = 20' - 0"



(66.00' R

CROSS NOTCH FND

CROSS NOTCH FND

CROSS NOTCH FND

16.50'

33.00'

16.50'

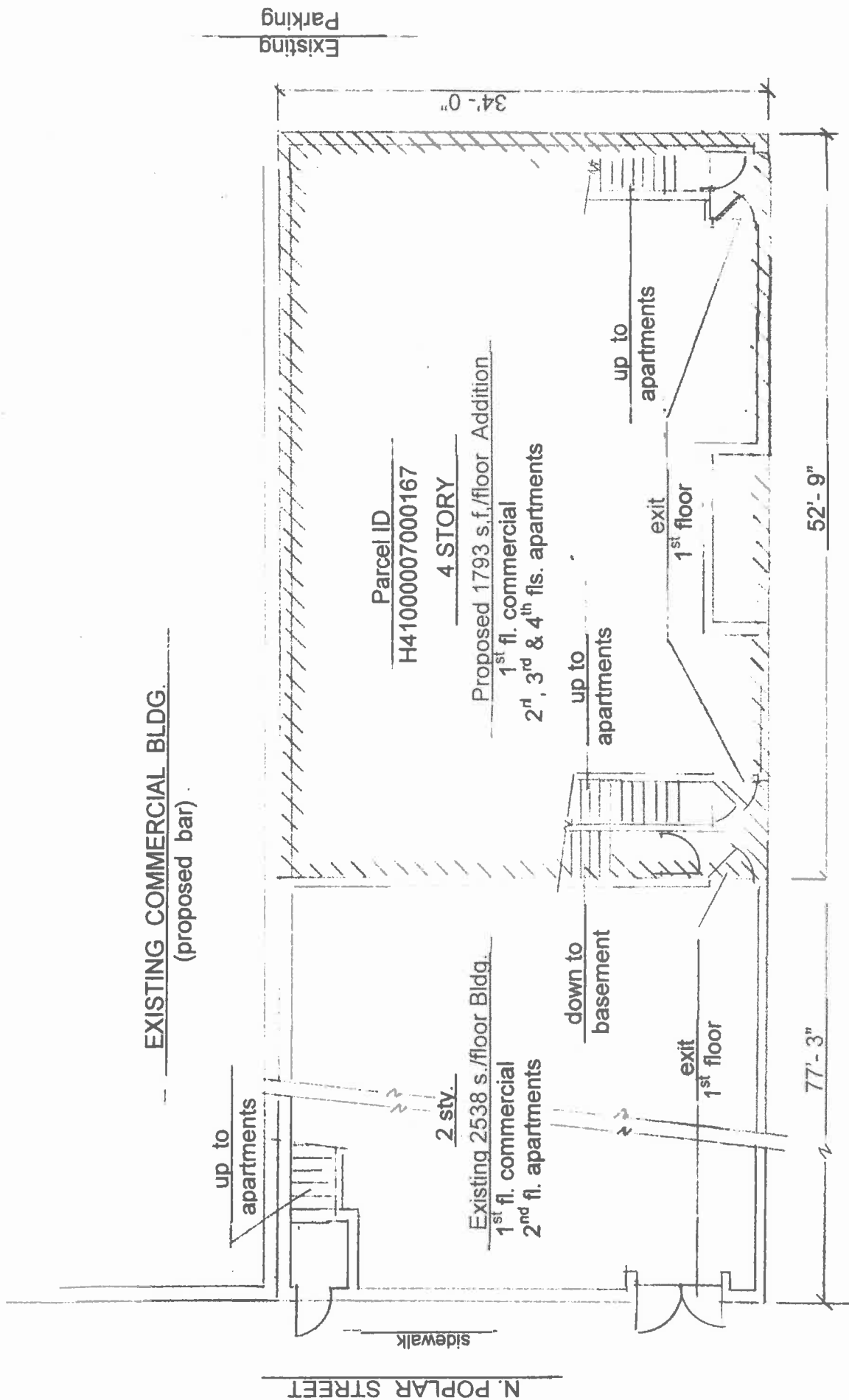
16.50'

1/2" REBAR FOUND

SPIKE FOUND

FOUND

SPIKE FOUND



EXISTING
16.5' ALLEY

RW

EXIT PLAN
1" = 10' - 0"

Existing
Commercial

i2sWorld

SIGN IN



ROGER REYNOLDS
BUTLER COUNTY AUDITOR CPA

4/25

Property Records

Owner Name Address Parcel Advanced Sales

Profile

Sales

Residential

OBY

Commercial

Permits

Land

Photos

Property

Tax Detail 2008

Tax Detail 2007

Tax Detail 2006

Tax Detail 2005

Tax Detail 2004

Tax Detail 2003

Tax Detail 2002

Tax Detail 2001

Sketch

Levy Information

Value History

▶ Map

Special Assessments

PARID: H4000007000167
ZAHAROPOULOS ANTONIOS N

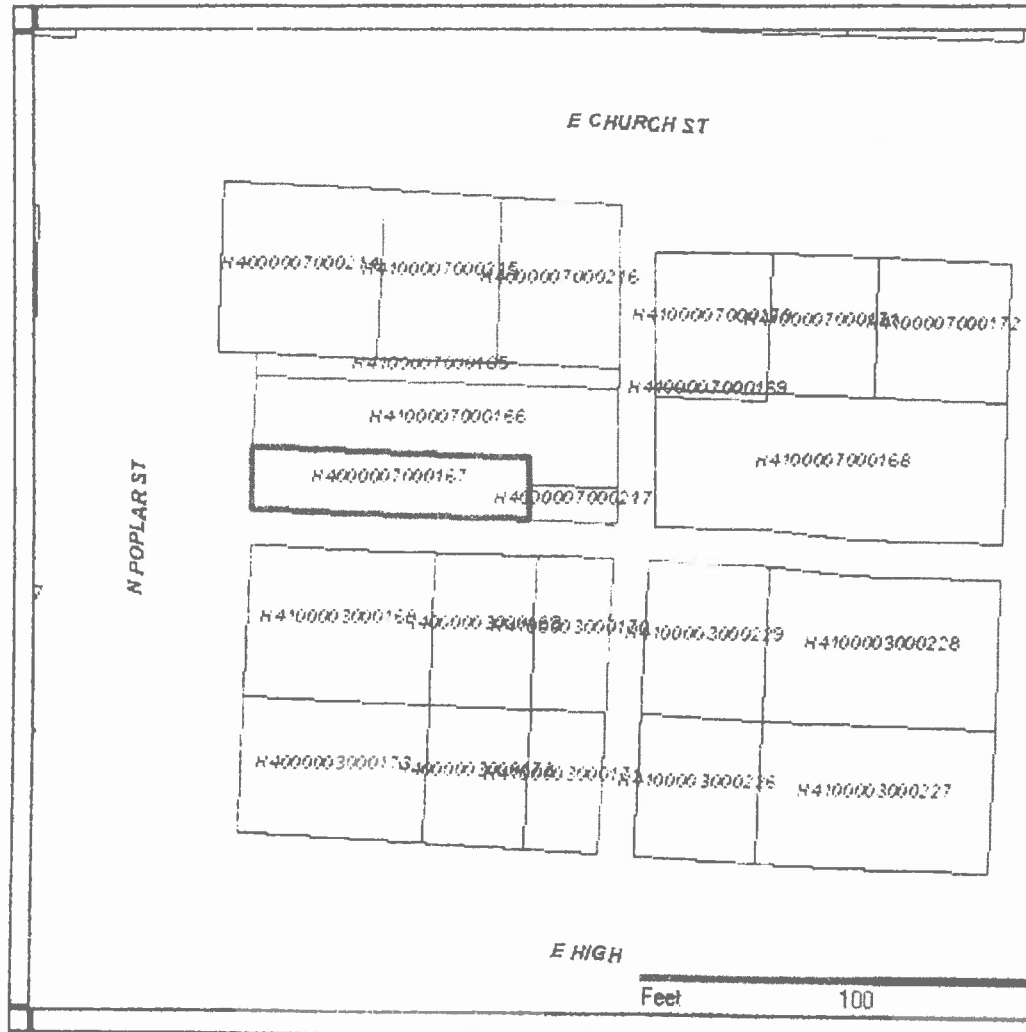
15 N POI

Aerials

{Click Here} *

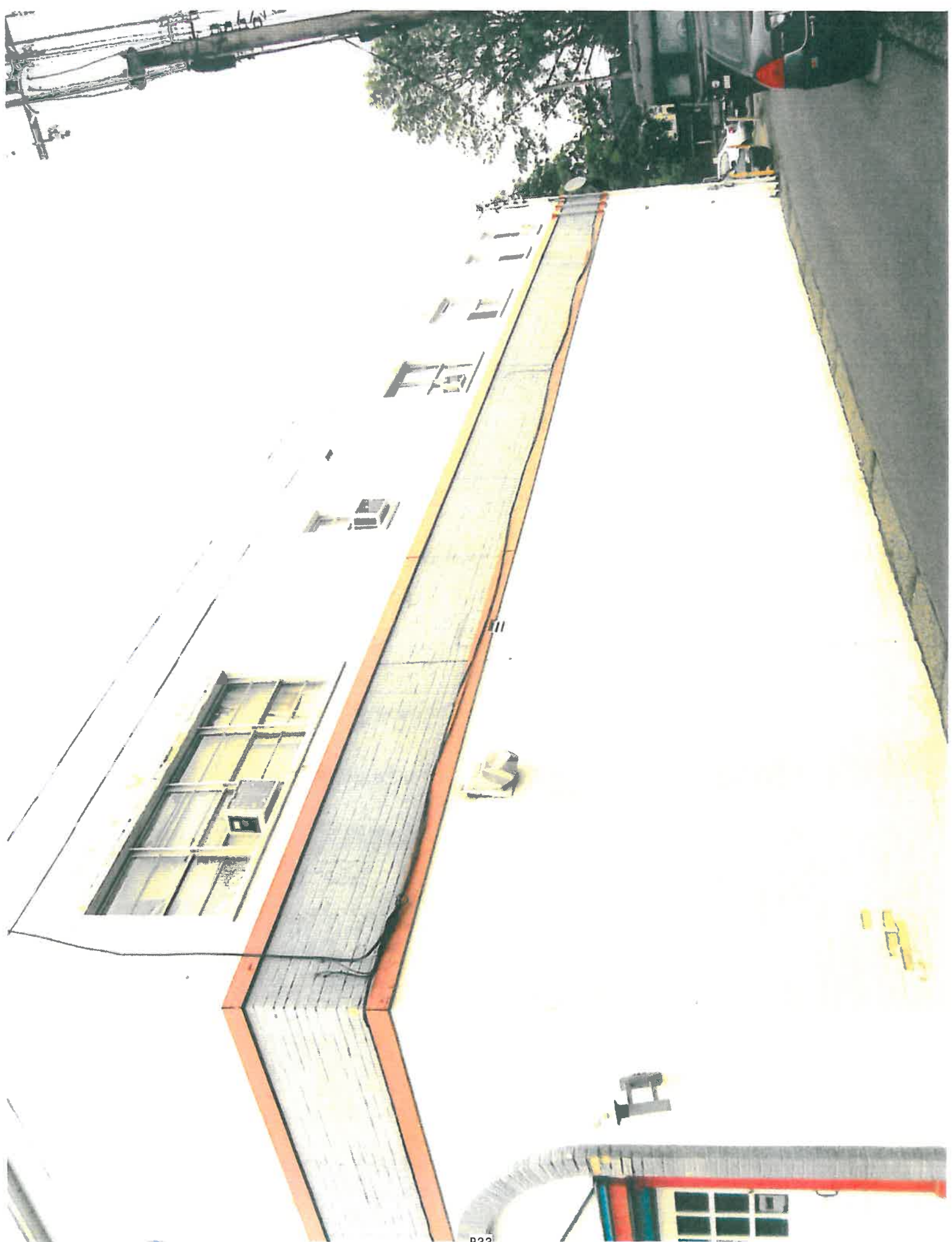


+

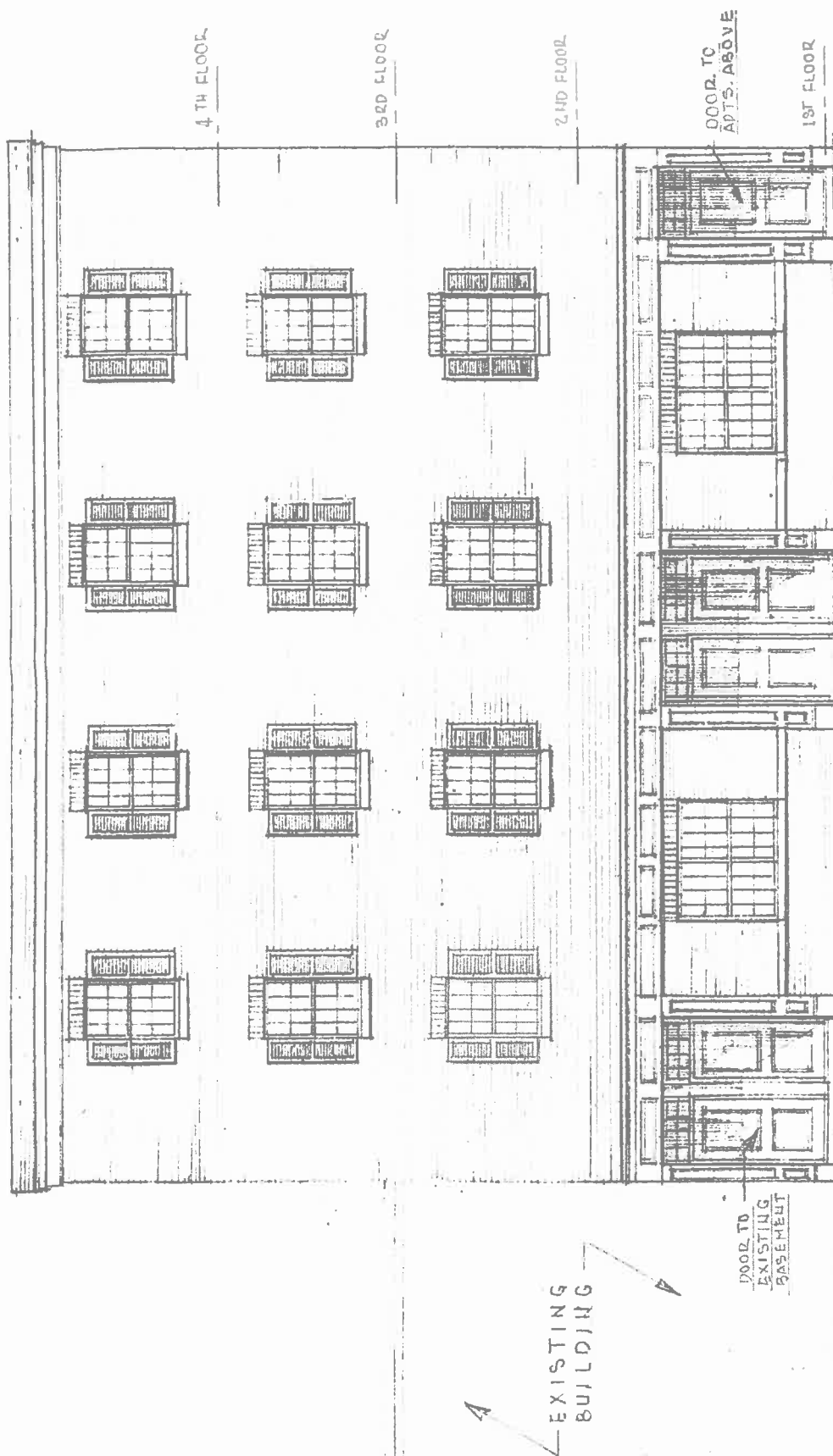


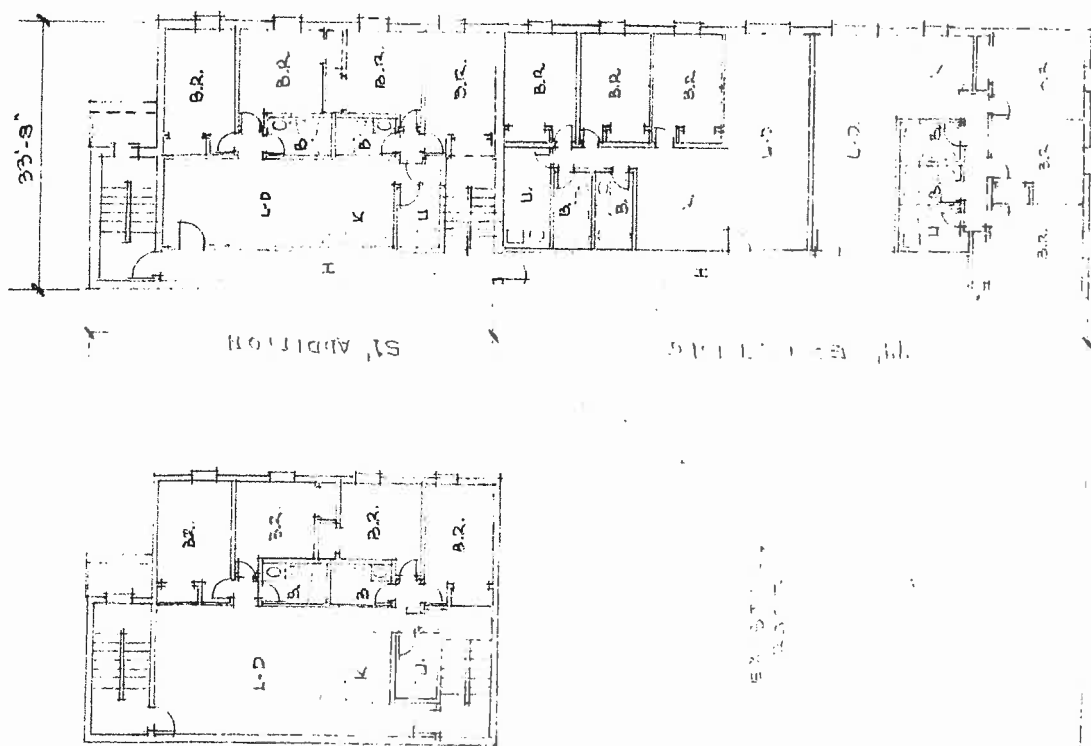
AREA MAP





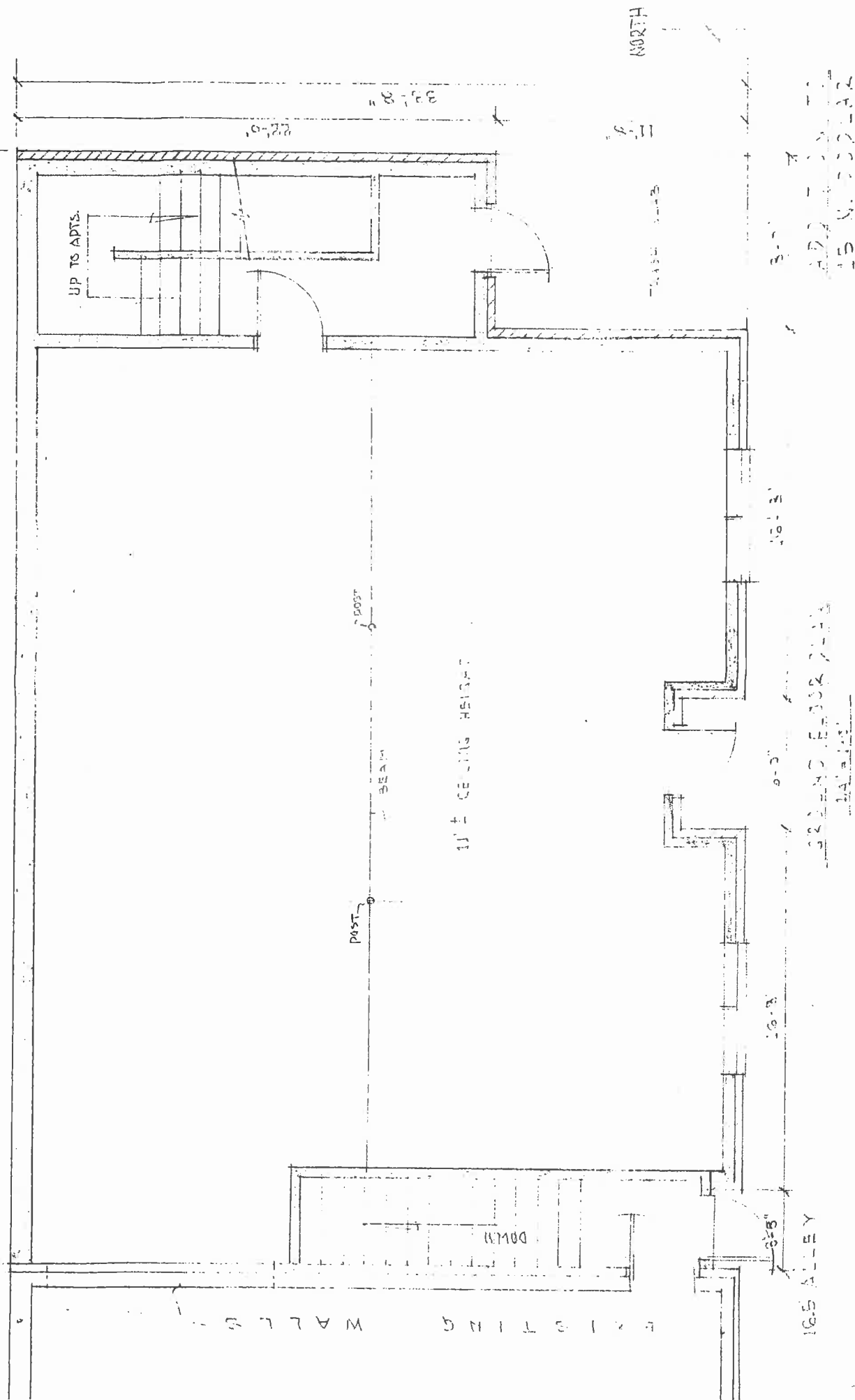






51-0 ADDITION

11 CRIBING



165 ALLEY

322 AND EIGHT 7-113

14'-0"

16'-0"

9'-0"

16'-0"

8'-0"

NORTH

3'-0"

32'-0"

15'-0"

11' ± CEILING HEIGHT

POST

BEAM

POST

UP TO APTS.

BATH

EXISTING WALLS

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

Case # BZA-11-2009

Date –December 16, 2009

APPLICATION

Petitioner:	Dennis Day, D& B Family Limited Partnership
Location:	110 & 114-120 S. Locust
Owner:	Same
 Action Request:	 Variance from Section 1149.05(a)1, parking encroachment in to front yard setback, Section 1149.03(b), allow off-site parking, 1149.03(a), all parking shall be a paved surface.
 Current Use:	 Offices
Zoning:	"GB" General Business
Surrounding Land Uses:	Moonshine, Walgreens, Car Wash & Laundromat

DESCRIPTION

The Applicant is proposing to install an 18' x 60' gravel parking lot extension in the front yard setback at 114 S. Locust for employees of 110 S. Locust Street. Part of this gravel parking area was grandfathered; however, the Applicant expanded the area grandfathered, which triggered the necessity for a permit and ultimately this variance request.

The existing gravel area, according to aerial photography, was only 9 foot deep and was compliant with the front yard setback. This has been increased to 18 feet and encroaches 7 feet into the required 30 foot front yard setback. Additionally, the permit application was refused because the code requires that all parking areas must be hard surfaced and a gravel extension is not acceptable.

In regards to the off-site parking, there is no record that this was ever procedurally approved, thus Staff recommended that the Applicant include this into their request at this time.

SITE HISTORY

No Known Prior BZA History.

Warning Letter of Violation sent to property owner and tenant October 21, 2009.

VARIANCES REQUESTED

Section 1149.03(a):	All off-street parking and maneuvering areas shall be hard surfaced. Loose materials are not permitted. • The Applicant is proposing gravel for the parking lot expansion area.
 Section 1149.03(b):	 All off-street parking shall be located on the same site as the use for which it is required or intended. • The parking lot expansion is located at 114-120 S. Locust, but is serving the parking needs for employees at 110 S. Locust.

Section 1149.05(a)(1):

Parking spaces shall not be located within the required front setback. The front setback requirement for the "GB" General Business District is thirty (30') feet.

- The expansion area encroaches 7 feet into the required front yard setback.

AGENCY COMMENTS:

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

Police:	No comments received.
Fire:	No comments received.
Engineering:	Comments received.
Econ. Dev.:	No comments received to date.

ANALYSIS

The Applicant was requested to submit additional information to complete the application submission when the application was received. One of those additional items was to verify if they were requesting any landscaping variances from Chapter 1149. Since none were identified on the revised application, Staff will be requiring the Applicant to comply with these landscaping requirements prior to releasing a permit. The Applicant always has the option of returning before the BZA also for additional variances.

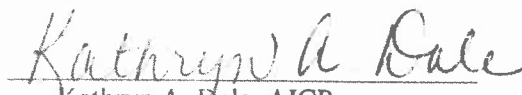
37 parking spaces are required and are provided for at the RDI building. This additional area would be for management personnel only, which would accommodate an additional 6-7 vehicles. The access drive to LaRosa's has a 0' setback. The El Burrito Loco building and parking is setback 24' from the property line. The parking spaces at 110 S. Locust are 5.5' from the front property line and Walgreens parking is also a 0' setback. Walgreens (2004) and El Burrito (2003) were granted variances for their setback encroachments and there is no record of a variance being granted for 110 S. Locust or the LaRosa's properties.

The property in question will still yield a reasonable return with or without the variance. The setback request is not substantial because it is less than what has been granted previously in this area and it will not alter the commercial character, nor will it detrimentally affect the surrounding businesses; furthermore, no governmental services will be affected. The Applicant could potentially obviate the issue by reserving other spaces that are already paved along the northern property line of 114-120 S. Locust for this occupant. The intent of the Vehicular Management Chapter of the code is outlined in the Purpose Statement at the beginning of the chapter. There are however, no decision standards to support the request for gravel parking and no statements have been provided by the Applicant as to what the practical difficulty is for not paving this area should the other variances be granted.

RECOMMENDATION

Not Applicable.

SUBMITTED BY:


Kathryn A. Dale, AICP
City Planner

DATE: November 20, 2009

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/20/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Materials are being submitted to you for the following:

Case #: BZA-11-2009

ADDRESS: 110 S.Locust Street

BZA-11-2009 – 110 S. Locust Street, Variance from Section 1149.05(a)1, parking encroachment in to front yard setback, Section 1149.03(b), allow off-site parking, 1149.03(a), all parking shall be a paved surface. Dennis Day, Applicant

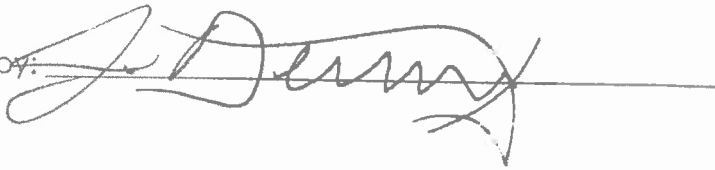
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/9/09 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: 11/20/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Materials are being submitted to you for the following:

Case #: BZA-11-2009

ADDRESS: 110 S. Locust Street

BZA-11-2009 – 110 S. Locust Street, Variance from Section 1149.05(a)1, parking encroachment in to front yard setback, Section 1149.03(b), allow off-site parking, 1149.03(a), all parking shall be a paved surface. Dennis Day, Applicant

____X____ Review _____ Revisions _____ Other

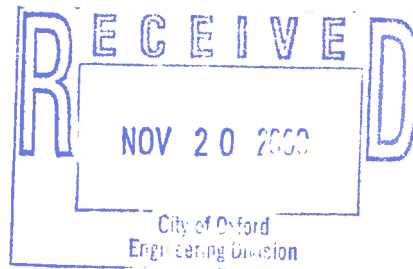
Comments or status update requested by: Lynn Taylor

Please return no later than: 12/9/09 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 11-24-09.

Drawings reviewed by: *A. [Signature]* 11-24-09





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-11-2009
110 S. Locust St.

DATE: November 24, 2009

The Engineering Division recommends approval on the condition that the parking area is paved.

It is obvious that additional parking is needed. Approval of this request will eliminate the need for employs to park across the street and cross Locust Street on foot, and be exposed to vehicular traffic. The improvement to Locust Street has increased the vehicular traffic volume.

The approval of this case will bring the parking issue more in line to what was granted for Walgreen's.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/20/ 2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Materials are being submitted to you for the following:

Case #: BZA-11-2009

ADDRESS: 110 S.Locust Street

BZA-11-2009 – 110 S. Locust Street, Variance from Section 1149.05(a)1, parking encroachment in to front yard setback, Section 1149.03(b), allow off-site parking, 1149.03(a), all parking shall be a paved surface. Dennis Day, Applicant

☒ X Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/9/09 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: SS Selmer



WARNING OF ZONING VIOLATION

October 21, 2009

D & B Family Limited Partnership
P.O. Box 849
Oxford, Ohio 45056

RDI Marketing Service
110 S. Locust Street
Oxford, Ohio 45056

**Re: 110 S. Locust
Parking Lot Expansion**

To Whom It May Concern:

It has come to the attention of the City of Oxford's Community Development Department (CDD) that a zoning violation is occurring at 110 S. Locust Street, which is located in the "GB" General Business Zoning District. On October 20, 2008, CDD observed that a gravel driveway has been installed without the appropriate permits in violation of the following sections of the City of Oxford Zoning Code:

- **Section 1129.01:** No building, or other structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land use be established or changed in use without certificates therefore issued by the Zoning Administrator.
- **Section 1129.03(e):** Authority to proceed with Construction. No excavation or construction shall commence unless the plans, specifications, and the intended use conform to the provisions of the zoning code and the zoning certificate has been obtained. (Ord. 2947. Passed 3-6-07.)
- **Section 1129.05:** Failure to obtain a zoning compliance permit or certificate of occupancy shall be a violation of this Ordinance. (Ord. 2947. Passed 3-6-07.)
- **Section 1149.03(a):** All off-street parking and maneuvering areas shall be hard surfaced. Loose materials are not permitted.
- **Section 1149.03(b):** All off-street parking shall be located on the same site as the use for which it is required or intended.
- **Section 1149.05(a)(1):** Parking spaces shall not be located within the required front setback. The front setback requirement for the "GB" General Business District is thirty (30') feet.

101 East High Street • Oxford, Ohio 45056-1887
Phone: (513) 524-5200 • Fax: (513) 523-7298 • www.cityofoxford.org

Proper permits or BZA application shall be applied for within 7 days upon receipt of this notice. Once a zoning application is received, additional regulations of the Planning and Zoning Code may apply to determine that the parking area is in compliance with all code regulations. The Zoning Code and the appropriate permitting process should be carefully followed to avoid violations in the future.

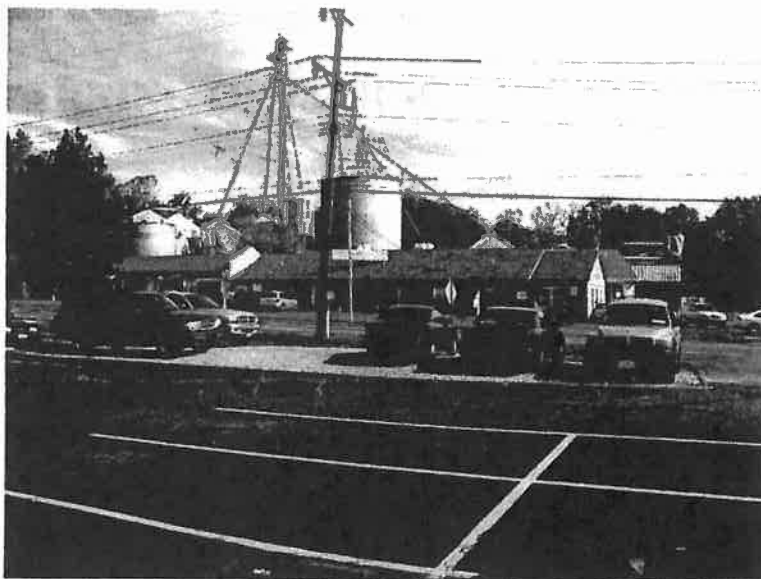
Thank you in advance for your timely response to this matter.

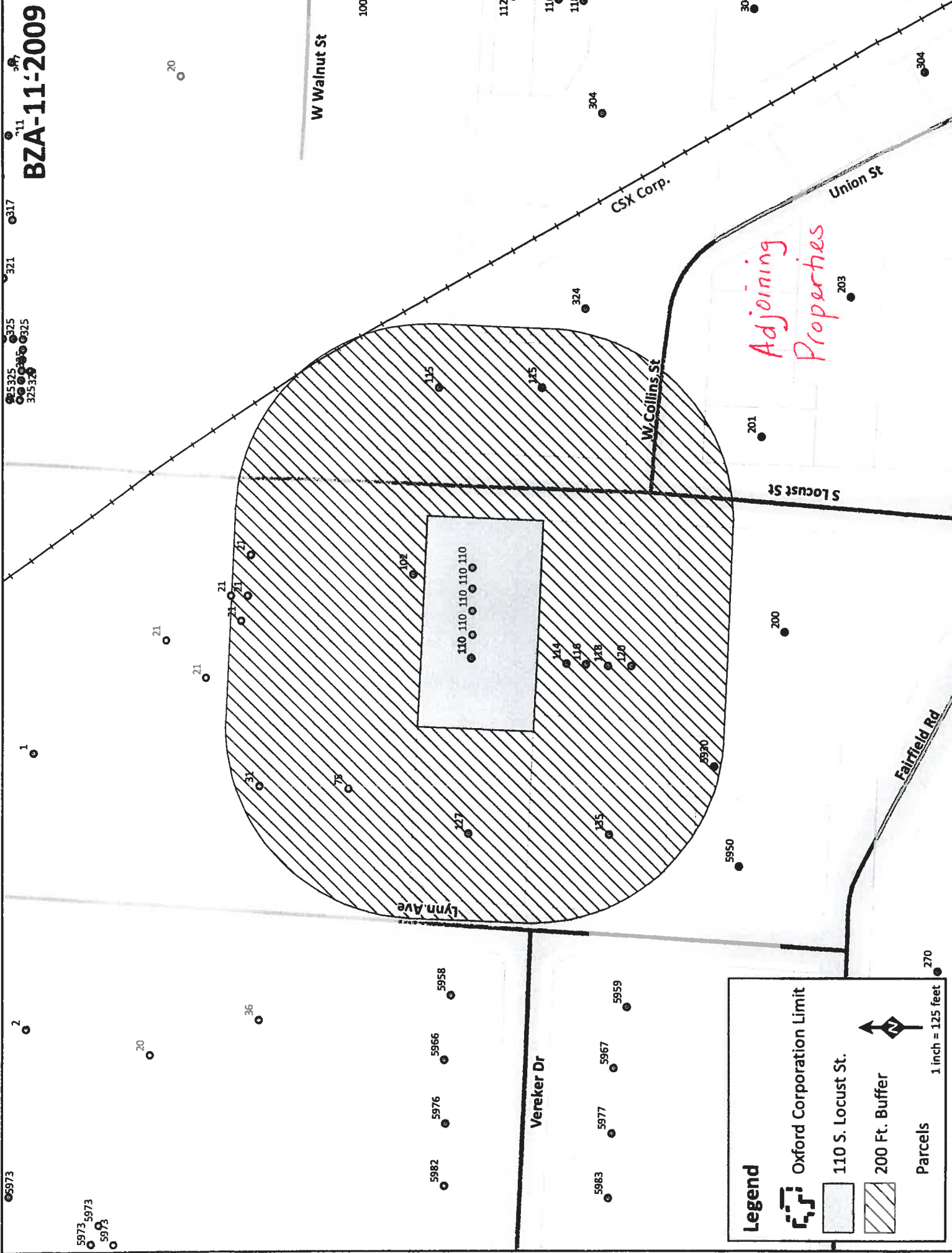
Sincerely,

A handwritten signature in cursive script that reads "Kathryn A. Dale".

Kathryn A. Dale, AICP
City Planner

110 S. Locust Street
October 21, 2009



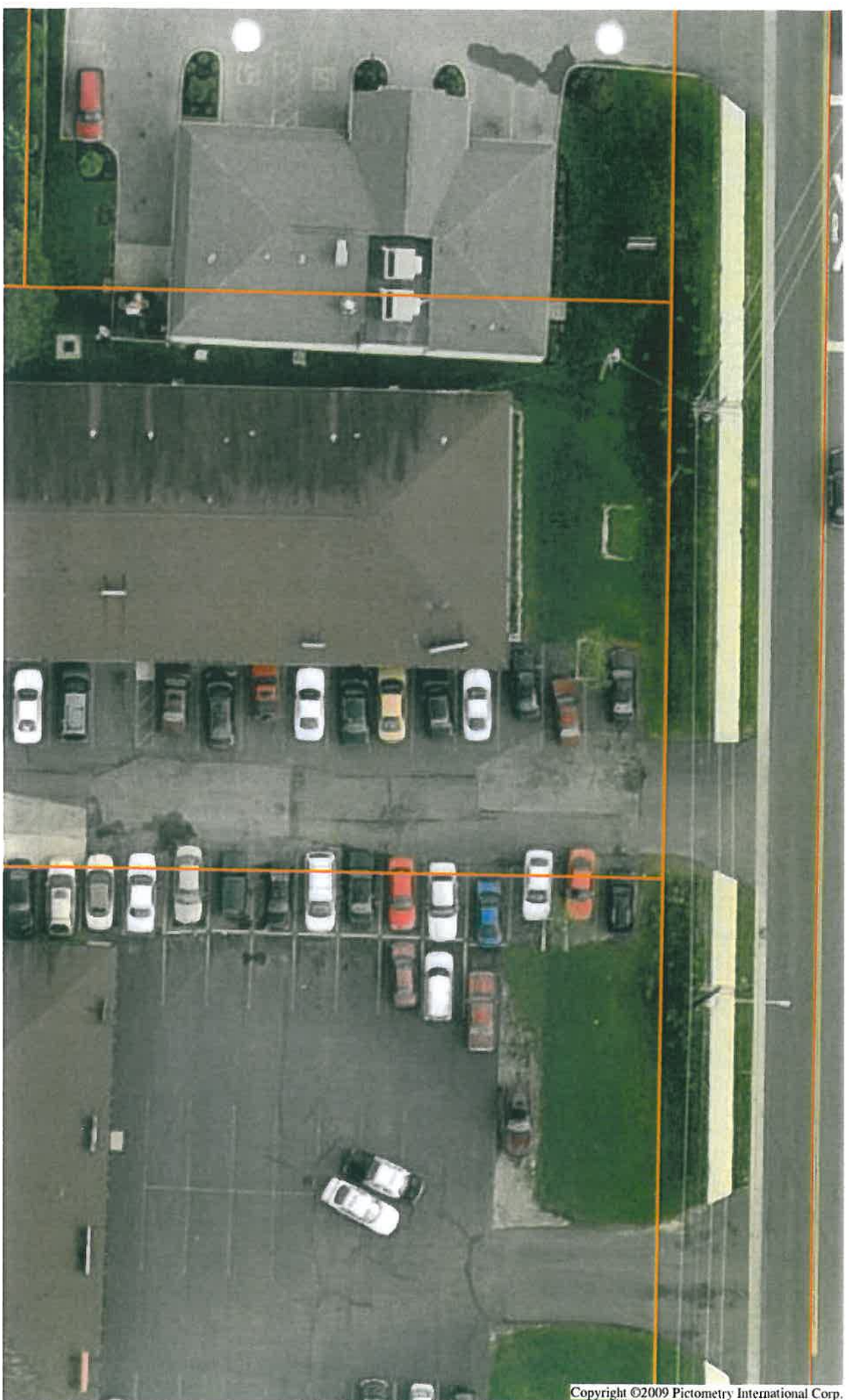


Legend

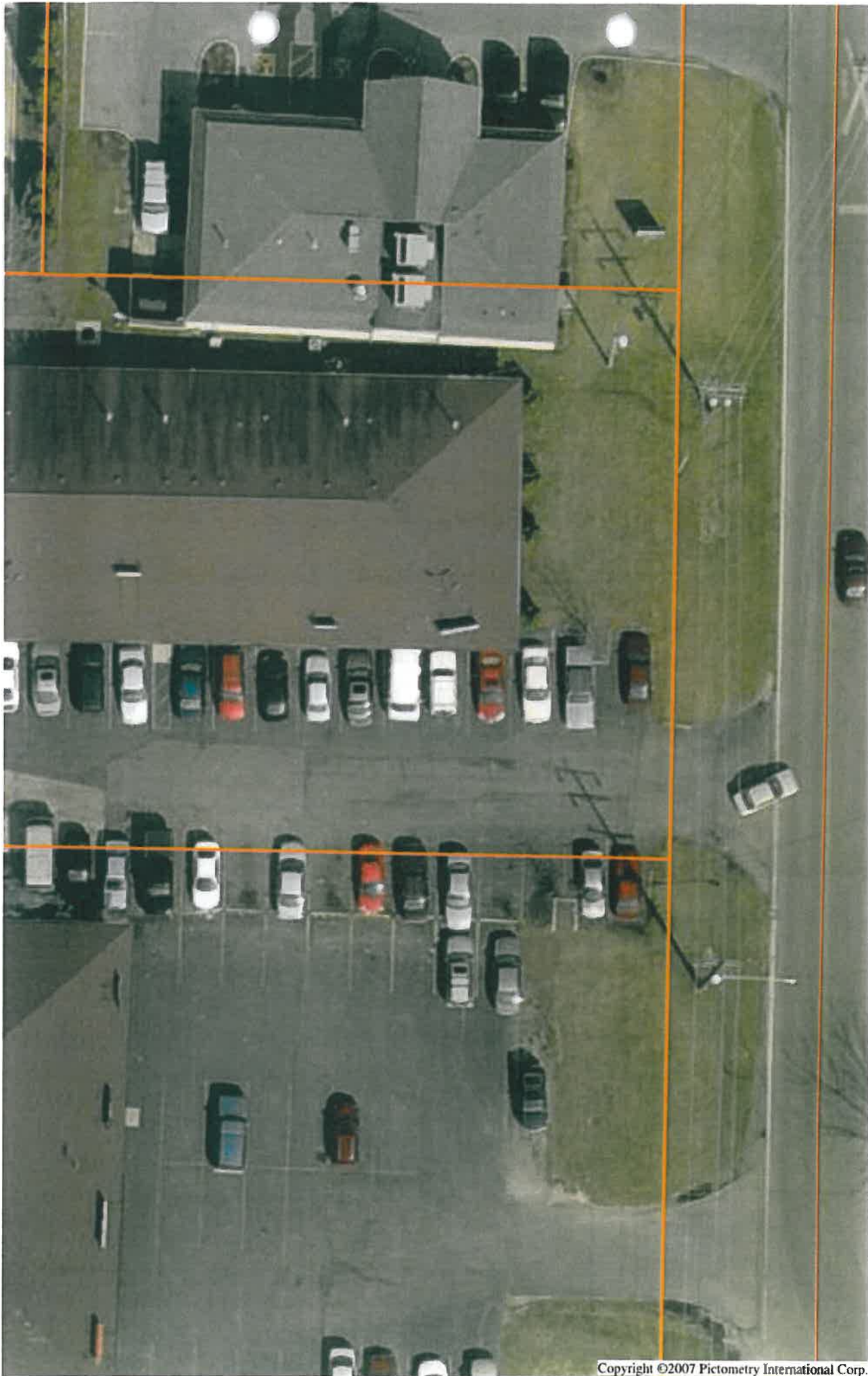
- Oxford Corporation Limit
- 110 S. Locust St.
- 200 Ft. Buffer
- Parcels

1 inch = 125 feet

2009 Aerial



2007 Aerial



Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: D & B FAMILY LIMITED PARTNERSHIP
(Attach a Letter of Agency if the Applicant is not the property owner.)
Mailing Address: P.O. Box 849, OXFORD, OH 45056
Telephone Number(s): 523-0917
Email Address: -
Name of Property Owner: DENNIS DAY
Mailing Address: 115 SO. LOCUST, OXFORD, OH 45056
Telephone Number(s): 615-5545
Requested Variance: 1149.05 (2) 17' ENCROACHMENT OF PARKING LOT ON 30' SETBACK
(Indicate nature of variance 1149.03 (b) PARKING TO BE ON SAME SITE
and applicable section(s) 1149.03 (2) PARKING SHALL BE PAVED
of the Zoning Code.)
Location of Requested Variance: 114, 116, 118 & 120 So. Locust
Legal Description: TRACT XXVIII H 4100-016.000-073 LOTS 2187 & 2188
Zoning District: GB
Total Acreage: .37 Acres
Existing Use of Site: COMMERCIAL
Proposed Use: (if applicable) SAME. ADD 18' x 60' PARKING AREA TO FRONT
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. OF EXISTING PARKING LOT.

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) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

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

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

Submit this application with required attachments and 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

SIGNATURE OF APPLICANT: _____

Date: 11-12-07

PRINTED NAME OF APPLICANT: _____

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: _____

CK # 14087 150⁰⁰

- a) The property is currently a commercial use with four businesses, Oxford Donut Shop, Time-Warner cable, Shear Production Salon and Hair Care. The existing parking lot provides space for those business as well as RDI Marketing at 110 So. Locust. The 200 employees of RDI Marketing are using all the spaces at 110 So. Locust and need additional parking for their management personnel or face the possibility of seeking another location outside of Oxford.
- b) The variance provides a minimal amount of additional parking which satisfies their current demands.
- c) The essential character of the neighborhood is commercial and all the adjoining properties would not be detrimentally affected by the variance.
- d) No governmental services or utility services would be affected by the variance.
- e) The property was purchased in December of 1996 prior to the effective date of the current zoning code. It is the property owner's intent to follow the existing code as much as possible.
- f) The property owner's predicament , the desire of RDI Marketing to have additional parking without space being available on their site, can be alleviated by this small addition to the adjoining parking lot.
- g) The intent of the required 30' setback in the GB district is to provide an area of "green space" or planting at the front of the property. This variance would still permit 23' of "green space" which could be planted with low shrubs so that sight is maintained.
- h) The properties in the surrounding area have various amounts of paving encroaching the 30' setback. Walgreens has no green space between the sidewalk and their landscaped parking area. The service driveway for the Oxford Spirits Store is in the setback. The existing parking lot for 110 So. Locust encroaches on the setback. The parking for Moonshine Printing also encroaches.

SITE PLAN

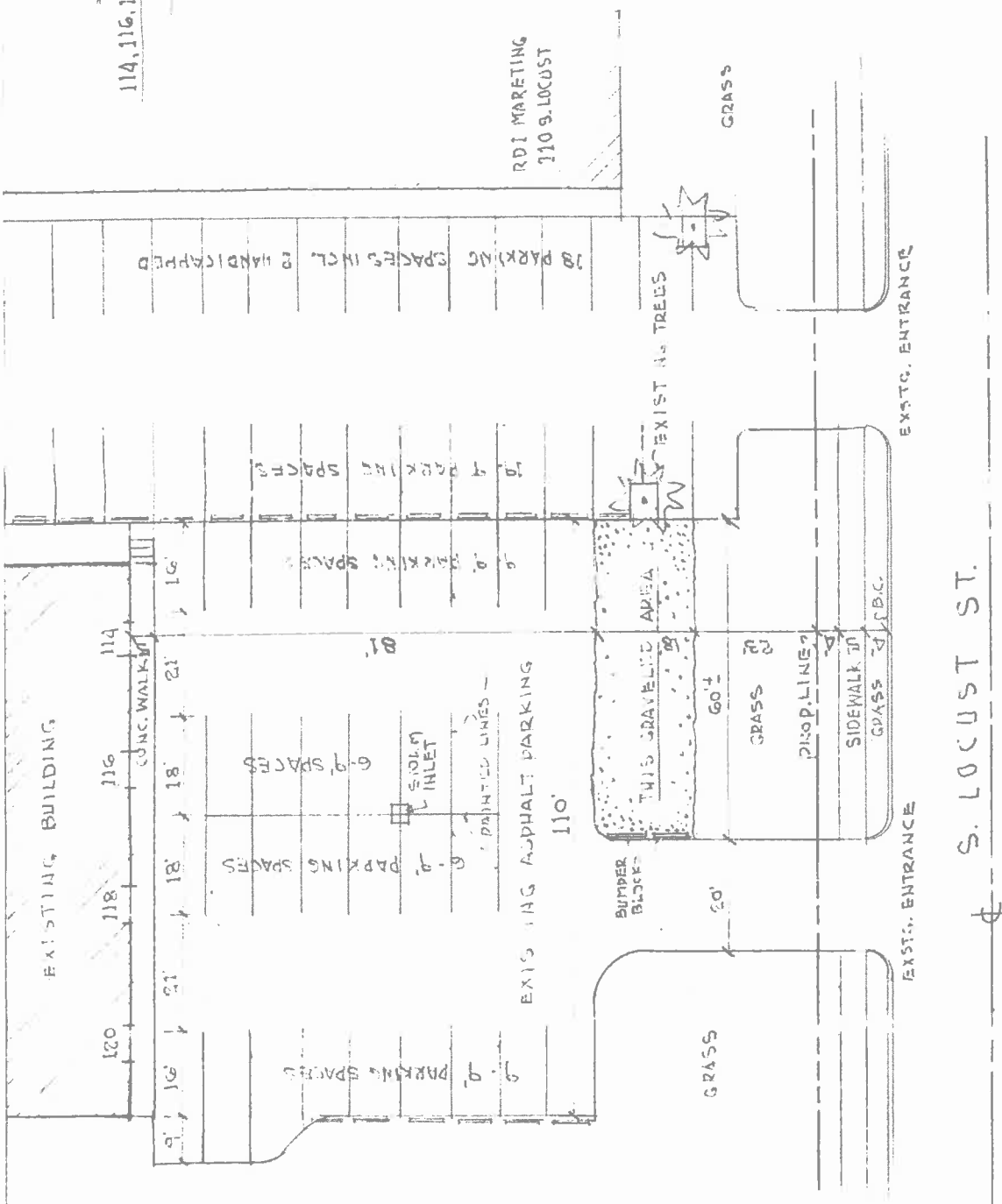
114, 116, 118, 120 S. LOCUST ST

OXFORD OH 45056

NORTH

SCALE: 1" = 20'

BZA CASE #



NOV. 9, 2009







