

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-08-2012

Date – August 9, 2012

APPLICATION

Applicant:	Scott Webb, Architect
Location:	201 East Chestnut Street
Owner:	Ashley at Chestnut, LLC (Bart Werpin, Manager)
Potential Buyer:	GMS Development (Guy Totino)
Action Requests:	Variance to Occupancy reduction 1137.08(e); Multiple buildings on a lot 1141.03(a); Front yard setback 1143.06(c)(2)(A); Lot coverage 1143.06(c)(4)(A)(1); Parking spaces 1149.03(e); Parking setback 1149.04(3); Parking islands 1149.05(e)(4)(F); Parking trees 1149.05(e)(5)(B)(1)(a); Perimeter screening 1149.05(e)(4)(B)
Current Use:	3 story multi-family residential
Zoning:	R-3, Multi-Family
Surrounding Land Uses:	Single and Multi-Family Residential

DESCRIPTION

This 2 acre property is located on the southeast corner of the intersection of East Chestnut Street and Arrowhead Drive. The applicant, Mr. Scott Webb began inquiring with the City several months ago regarding redevelopment of this site, and ultimately chose to submit variance requests on behalf of the potential buyer. The applicant's proposal is to redevelop the existing 1970s era building shells into more marketable rental units. As shown in the attached color renderings, the exterior would have new wall finishes, a new sloped roof structure and new stair entrance features. There are four, three-story buildings connected together by roofs and stairways. The lower level is approximately 4 feet below grade. There are currently 78 dwelling units: 30, two bedroom units and 48, one bedroom units, with a total permitted occupancy of 216 people. There are a total of nine variances requested as part of this proposal. Full construction documents have not been drawn at this time – a building permit application has not been submitted. The potential buyer is requesting these variances before moving any further with his plans.

VARIANCES REQUESTED (w/staff comments in bold under each code section)

Because the applicant proposes a full rehabilitation of all four principal buildings on the site, Section 1137.08 requires that ALL DIMENSIONAL requirements be met. Note, that even though the building floor area **is not being expanded**, ALL DIMENSIONAL requirements are still required to be in conformance.

Occupancy reduction--1137.08(e)	(e) Any nonconforming structure that is willfully demolished, reconstructed, restored or repaired to the extent 75% or more shall be subject to the following conditions:
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- (1) Any structure occupied by more occupants than permitted in the underlying zoning district shall have its occupancy reduced by at least 20% from the approved rental permit.
- (2) Any nonconforming structure that is willfully demolished reconstructed, restored or repaired as described above shall have its nonconforming status of a nonresidential use eliminated unless such use satisfies the use requirement of the underlying zoning district.
- (3) All dimensional requirements of the underlying zoning district shall be satisfied.

A total rehab of these buildings constitutes more than 75%, therefore the occupancy of these nonconforming buildings must be reduced by at least 20% -- which is from 216 to 173. The applicant is proposing 176.

Multiple buildings on a lot--1141.03(a)

One Principal Building Per Lot. In a Residential district there shall be no more than one principal building on one lot.

Currently all the buildings are connected together with roofs and stairways, constituting a single building for zoning code purposes. The proposal is to have a separation between the two westernmost buildings and two easternmost buildings, which would result in two buildings for zoning code purposes, which conflicts with the zoning code requirement for no more than one principal building per lot.

Front yard setback--1143.06(c)(2)(A)

(2) Yard requirements.

A. Minimum front yard depth 30 feet

The front yard (setback) requirement when the buildings were built may have been 25 feet, which the buildings would comply with. However, the current requirement for the R-3 district is 30 feet. As shown on the attached site plan, nearly the entire façade encroaches into the front yard by 5 feet. The lower level is stepped back about two feet further away from the street than the upper two levels. The applicant is proposing to use the existing building shells, which are nonconforming, therefore is requesting a variance of 5 feet for the majority of the façade, with the exception of just the far

southwest corner, which is nonconforming by 8 feet.

Lot coverage--1143.06(c)(4)(A)(1)

(4) Lot coverage.

A. Lots with vehicular access from a public street

1. Lot total – 35 percent

A slight reduction in lot coverage is proposed (72.1% to 70.3%). However, this is still far from compliance with the current maximum of 35%.

Parking spaces--1149.03(e)

Multi-Family – 2.5 spaces per dwelling unit

It is not clear what the zoning requirement was at the time of construction of these buildings. However, current requirements would require 195 parking spaces. A reduction from 78 units to 44 units would require 110 parking spaces. However, the applicant is proposing to use the existing paved area as well as create some new interior landscaping. This approach would allow only 89 parking spaces, which is 21 less than required.

Parking setback--1149.04(3)

(a) Location.

(1) 1 parking space may be located in a required front yard. All other parking spaces required or provided in excess of the minimum requirement shall not be located in the required front yard.

(2) 1 required parking space may be a stacked space. All other required off-street parking spaces shall have direct access to a driveway or alley, without crossing another space.

(3) Parking spaces shall not be located within 3 feet of any lot line.

(4) Unenclosed parking spaces shall not be located within 3 feet of any principal structure.

The existing paved parking area along the south property line tapers to well below 3 feet.

Parking islands--1149.05(e)(4)(F)

F. A raised, landscaped, and curbed island a minimum of 4.5 feet wide (including the width of the curb) shall be provided at the front and at the ends of each row of parking spaces and at every interval of 7 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.

The existing site has no interior landscaped islands. The proposed island is possible because of the removal of the common-use building in the center of the parking lot. Based on the number and location of rows of parking, at least 6 separate islands are required. Only one very long island is proposed.

Parking trees--1149.05(e)(5)(B)(1)(a)

1. Trees

- a. A parking area shall have 2 trees per parking facility plus 1 tree for every 5 parking spaces or fraction thereof generally distributed throughout the parking area. Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.

The intent of the tree requirement is to have some parking lot landscaping within the parking area and directly adjacent. This breaks up extensive hard surfaces and adds to the general health and welfare of the area. The proposal adds trees (7) to the parking area, where possible, but does not meet the full requirement of 18 trees.

Perimeter screening--1149.05(e)(4)(B)

4. Parking Lot Design

. . . .

- B. Any parking space oriented in such a way as to have headlights shine into a residential structure shall have a fence, wall, or solid hedge of no less than 4' in height screening the headlights.

. . . .

The existing and proposed parking spaces along the south property line are situated in such a way that cars which pull in, could have headlights projecting into the residential structures to the south. No screening is proposed by the applicant.

In summary, the following variances are requested:

Variance Request / Zoning Code	Requirement	Proposed by Applicant
Occupancy reduction 1137.08(e)	172	176
Multiple buildings on a lot 1141.03(a)	1	2
Front yard setback 1143.06(c)(2)(A)	30'	22-25'
Lot coverage 1143.06(c)(4)(A)(1)	35%	70.3%
Parking spaces 1149.03(e)	110	89
Parking setback 1149.04(3)	3'	0'
Parking islands 1149.05(e)(4)(F)	6	1
Parking trees 1149.05(e)(5)(B)(1)(a)	18	7
Perimeter screening 1149.05(e)(4)(B)	4'	0'

COMMENT FORMS

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

AGENCY REVIEW

Fire	Returned without comments
Police	No comments returned
Engineering	Returned without comments
Economic Development	Returned with comments attached

SITE HISTORY

There is no recent record of BZA history with this property.

ANALYSIS

The burden of proof is upon the applicant to present reliable and substantial evidence that supports the request for variances (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 113902(c)(2)). In determining whether such difficulties exist which are sufficient to warrant a variance, the Board shall use the attached eight criteria (A-H) in its deliberation.

Certainly there are a variety of alternatives to redeveloping this site, many with varying degrees of nonconformity. One alternative would be to demolish the buildings and start new, which effectively places the applicant under the same code requirements as the proposed rehabilitation. The Planning Commission is working through some of these conflicts which have been found to pose barriers to redevelopment. However, the timeline of that process does not meet the desired schedule of the prospective owner, nor is it clear if it will result in conformance. Regardless of this parallel effort, the BZA is not charged with legislating or facilitating redevelopment efforts. It must make findings of fact that support each and every variance request before it can grant them. The applicant has provided a site plan, renderings and a detailed narrative.

ADDITIONAL SITE NOTATIONS

A 2008 site survey shows a 20 foot wide utility easement running north and south near the center of the site. A building encroaches into this easement. The applicant states that there are no utilities in the easement. However, if this site is redeveloped, this issue should be cleared up with either an easement vacation or a utility relocation.

The site is currently comprised of four equally sized lots. Although in common ownership, current code requires a consolidation of these lots.

RECOMMENDATION

If the BZA determines that there is sufficient evidence to find practical difficulties which warrant the approval of the variances, the staff recommends that the BZA attach the following conditions:

1. That if the proposal is revised, that it return to the BZA for review.
2. That the lots are consolidated.
3. That the utility easement is vacated if found not to be in use, or utilities relocated if in use.

Note: Separate motions will be needed from the BZA for each variance request.

SUBMITTED BY:



Sam Perry, Planner
Community Development Department

DATE: August 10, 2012



Prior Communication

Mr. Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

April 31, 2012

RE: 201 E. Chestnut Street

Scott:

As a follow-up to our meeting on April 24, 2012, this letter provides my interpretation as to whether the structure, located at 201 E. Chestnut Street, should be considered a nonconforming structure based on the Oxford Zoning Code. The project under consideration is an existing 78 dwelling-unit apartment complex and is located in an R3 Multi-Family Residential District. The intent of the project is to reconstruct the complex into a 44 dwelling-unit complex. We agreed that the total lot coverage far exceeded the current allowable 35% lot coverage. We also agreed that the existing off-street parking did not conform to current vehicle management regulations in terms of the required number of off-street parking and landscaping requirements.

Since the reconstruction of any nonconforming structure shall follow the provisions outlined under Oxford Zoning Code Section 1137.08, you raised several issues about this reconstruction project: the percentage of reconstruction and what constitutes a nonconforming structure.

It is clear that Section 1137.08 is based on the gross floor area to be reconstructed, and not the cost of the reconstruction. Therefore, the provision of Section 1137.08(e) will govern the reconstruction of this project if the structure is considered a nonconforming structure.

The second issue you posed is what constitutes a nonconforming structure as it relates to the definition of a nonconforming structure. Section 1159.15(5) of the Oxford Zoning Code defines that a NONCONFORMING STRUCTURE OR BUILDING is "A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district". The zoning of the property is R3 Multi-Family Residential District and the present regulations of the zoning district prescribe several requirements: lot requirements; yard requirements; structural requirement and lot coverage, and the details of each specific requirement are provided under Section 1143.06(c).

Further reviewing the regulations governs the nonconforming structure under Section 1137 can also be beneficial to comprehend what the term "nonconforming structure" encompasses. The opening statement of Section 1137.06 states that "where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains other lawful, subject to the following provisions:" I would particularly bring to your attention section 1137.06(e) where it says "A building or

structure that contains a dwelling unit that has less than the minimum required lot or dwelling square foot area may be changed in any way that does not make the dwelling unit area more nonconforming and does not violate any other provision of this code". Therefore, dwelling size and structure size, related to the number of dwelling units, are contemplated in the definition of a nonconforming structure. While the definition does not explain the term "size", the R3 regulations make it clear that dwelling size and lot size are part of the size requirement.

It is my determination that the existing floor area of the dwelling unit does not meet the structural requirements of the current regulations of the zoning district. It is also my determination that the existing number of dwelling units within the structure exceeds the number of dwelling units allowable by the current regulations.

Therefore, the structure IS a nonconforming structure, based on the reasons provided. Please let me know if you have any questions with this interpretation. You may appeal this interpretation to the Board of Zoning Appeals within 30 days from the receipt of this letter. Thank you for meeting with us to identify the points for clarification needed for your project.

Best,

A handwritten signature in blue ink, appearing to read 'Jung-Han Chen', is written over the printed name.

Jung-Han Chen
Community Development Director

Cc: Stephen McHugh
Doug Elliott
Alan Kyger
Sam Perry
File

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/1/12

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-08-2012

ADDRESS: 201 E. Chestnut Street

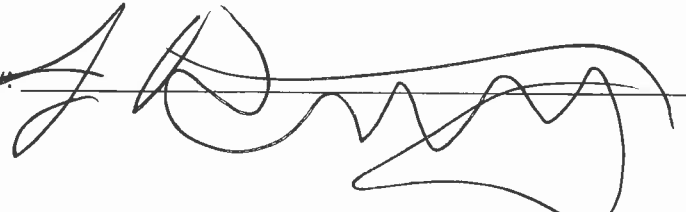
BZA-08-2012 201 E. Chestnut Street, Miami Village, variance to Sections: 1137.08(e) occupancy reduction; 1141.03(a) multiple buildings on a lot; 1143.06(c)(2)(A) front yard setback; 1143.06(c)(4)(A)(1) lot coverage; 1149.03(e) parking spaces; 1149.04(3) parking setback; 1149.05(e)(4)(F) parking islands; 1149.05(e)(5)(B)(1)(a) parking trees; 1149.05(e)(4)(B) perimeter screening, **Scott Webb, Applicant, Agent**

____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/8/12** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: 

Date: 8-2-12

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/1/12

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-08-2012

ADDRESS: 201 E. Chestnut Street

BZA-08-2012 201 E. Chestnut Street, Miami Village, variance to Sections: 1137.08(e) occupancy reduction; 1141.03(a) multiple buildings on a lot; 1143.06(c)(2)(A) front yard setback; 1143.06(c)(4)(A)(1) lot coverage; 1149.03(e) parking spaces; 1149.04(3) parking setback; 1149.05(e)(4)(F) parking islands; 1149.05(e)(5)(B)(1)(a) parking trees; 1149.05(e)(4)(B) perimeter screening, **Scott Webb, Applicant, Agent**

____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/8/12** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: _____



Date: 8-3-12

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/1/12

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-08-2012

ADDRESS: 201 E. Chestnut Street

BZA-08-2012 201 E. Chestnut Street, Miami Village, variance to Sections: 1137.08(e) occupancy reduction; 1141.03(a) multiple buildings on a lot; 1143.06(c)(2)(A) front yard setback; 1143.06(c)(4)(A)(1) lot coverage; 1149.03(e) parking spaces; 1149.04(3) parking setback; 1149.05(e)(4)(F) parking islands; 1149.05(e)(5)(B)(1)(a) parking trees; 1149.05(e)(4)(B) perimeter screening, **Scott Webb, Applicant, Agent**

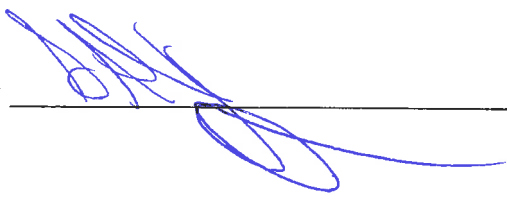
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/8/12** Note: If no comments are received, we will assume the project meets your department's standards.

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

Allowing an existing residential structure the opportunity to renovate the existing structure, using the existing parking area, using the existing lot coverage, while reducing the permitted occupancy levels seems like a reasonable request.

Drawings reviewed by:  Date:

BZA-08-2012

Adjoining Properties

Ardmore Dr

S Campus Ave

E Chestnut St

E Chestnut St

E Chestnut St

E Chestnut St

Arrowhead Dr

Woodside Cemetery

Woodside Cemetery

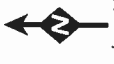
Legend

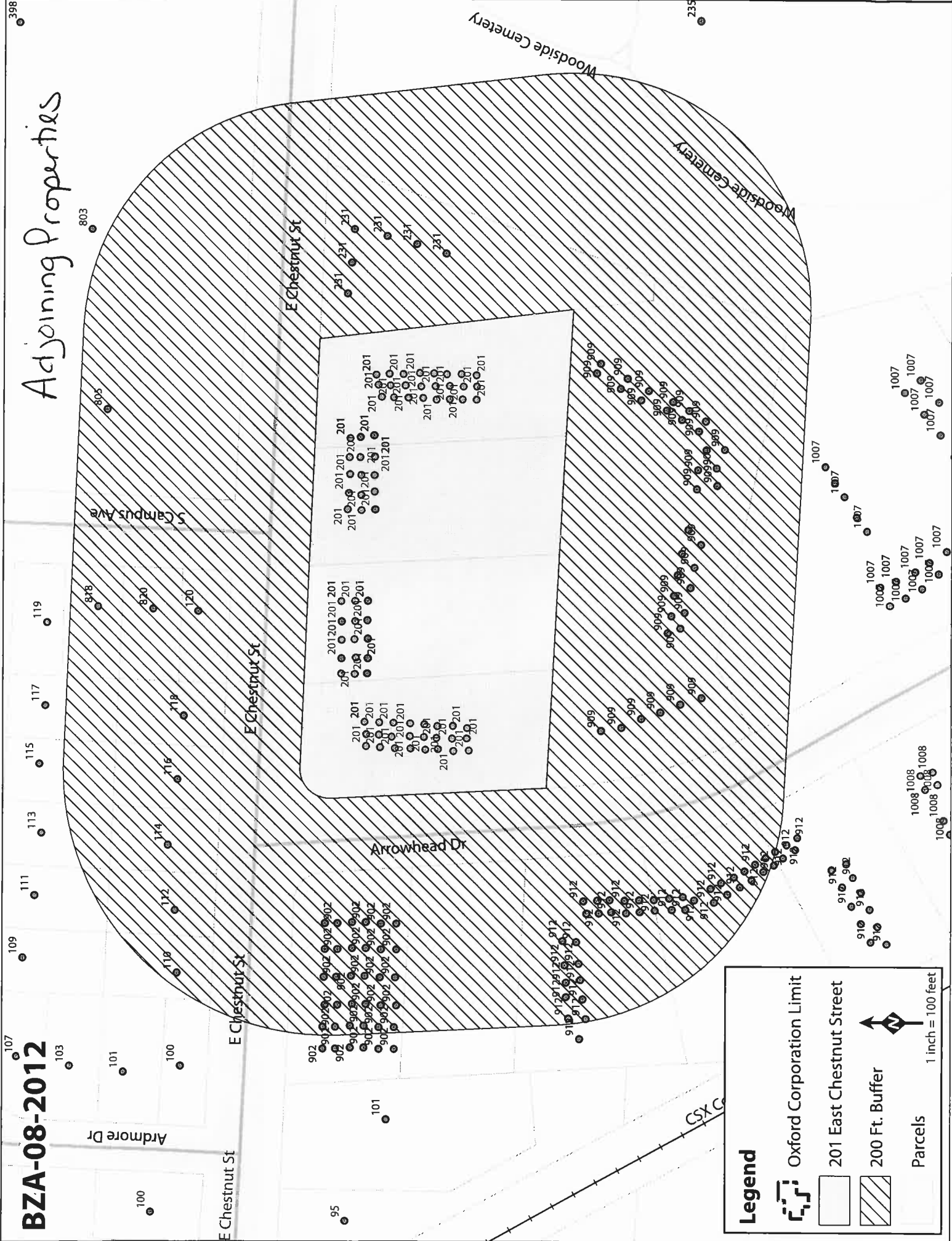
 Oxford Corporation Limit

 201 East Chestnut Street

 200 Ft. Buffer

 Parcels

 1 inch = 100 feet



LETTER OF AGENCY

To Whom It May Concern:

Please be advised that GMS Development LLC has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing in August 2012 regarding Ashley Commons, our property located at 201 East Chestnut Street, Oxford, Ohio 45056.

Thank-you,

Signed: Bart Weprin
Bart Weprin
Manager of Ashley at Chestnut, LLC

July 10, 2012
Date

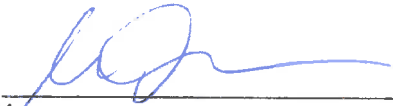
***GMS Development LLC
617 Charles Place
Highland Hts. OH 44143***

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing August 2012 regarding Ashley Commons at our property located at 201 East Chestnut, Oxford, Ohio 45056

Thank-you,

Signed: 
Guy Totino
GMS Development LLC

Date: July 16, 2012

Petition for Zoning Variance
City of Oxford, Ohio

August 15,

REQUIRED INFORMATION

Name of Petitioner:

Scott Webb, Architect / CMS Development 2012
(Attach a Letter of Agency if the Applicant is not the property owner.)

Mailing Address:

103 W. Walnut St.

Telephone Number(s):

523-3838

Email Address

scott@scottwebbarchitect.com

Name of Property Owner:

Ashley at Chestnut LLC

Mailing Address:

201 East Chestnut St. Oxford.

Telephone Number(s):

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

Various Sections - see attached

Location of Requested Variance:

201 East Chestnut St.

Legal Description:

Zoning District:

R-3

Total Acreage:

1.96

Acres

Existing Use of Site:

Multi-family apartments

Proposed Use: (if applicable)

Multi-family 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.

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

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

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

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: _____

Date: July 16, 2012

PRINTED NAME OF APPLICANT: _____

Scott Webb, Architect

FEE / RECEIPT

\$400 plus Actual Postage Fee Paid / Receipt Number: 17828.30

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



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Multiple Variances
Existing Apartment Complex
Ashley Commons
201 East Chestnut Street

July 16, 2012

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to multiple requirements of the underlying Zoning District relating to the remodeling of the apartment complex at 201 East Chestnut Street.

After a number of meetings between the investment company, the City Manager & Professional staff, a decision was rendered by Jung-Han Chen in a letter of April 31, 2012 (attached) determining the existing buildings to be "Non-conforming Structures" per Sections 1159.15(5) & 1137.06. As such, a number of variances are required to remodel this project.

1137.08(e) Requires any structure occupied by more than permitted in the underlying zoning district shall have its occupancy reduced by 20%. The existing building houses 216 people. A 20% reduction would result in a new occupancy of 172 residents.

The existing building is a wooden, bearing wall building. The remodeling of this project is based on reusing these bearing walls, but redistributing the space. Replacing alternating bearing walls with beams & headers results in (44) apartments creating an occupancy of 176 residents.

As the construction method will not likely change, to limit the project to 172 residents would effectively require one apartment be left vacant.

The non-conformity with regard to a reduction in occupancy is reduced, though not to the degree required by this section.

1141.03(a) Prohibits multiple buildings on residential lots. The existing development is constructed of (4) separate buildings, connected by walkways or a mansard roof. The building Code however restricts the sizes of buildings based on their construction type, and the overall size of these buildings, when connected, exceed these current limits. If approved, the remodeling of this project will remove the existing mansard roof connection between the center buildings, resulting in multiple buildings on the lot.

While this may be considered an increase in non-conformity with regard to the Zoning Code, it improves life safety compliance with the Building Code.

In addition to the 20% reduction in occupancy, all dimensional requirements of the underlying zoning district must be met (1137.08(e)(3)).

Subsequently, Variances are required for the following sections in order to continue the use of the existing parking areas, etc.

1143.06(c)(1)A. Minimum Lot Area: Seven to 24 Family dwelling unit buildings requires 1800 s.f. of lot area per unit. The existing lot area is 85,366 s.f. Current Zoning restriction would allow a maximum of 47 dwelling units while the existing property contains (78) dwelling units.

The proposed reconfiguration of the buildings reduces the total number of units to (44), eliminating the non-conformity. Subsequently no variance is required, bringing the property into compliance with this section.

1143.06(c)(2)A Yard Requirements: Current setback regulations require a 30' front yard. At the time this building was constructed, 25" was the approved setback. A variance is required to maintain the building in its current location.

Redevelopment of this project will neither increase, nor decrease this non-conformity.

1143.06(c)(4)A.1. Lot Coverage: Total lot coverage is limited to 35%, or 29,878 s.f. of the 85,366 s.f. lot. The existing building and parking areas cover 61,580 s.f. or 72.1% of the existing site.

In the proposed redevelopment of the project, parts of the building will be reconfigured for compliance with current building and life safety codes. Likewise, minor modifications will be made to the parking area, including the removal of the existing office/clubhouse.

Once completed, the total lot coverage of the project will decrease from 61,580 (72.1% of the lot) to 60,062 s.f (70.3% of the lot), adding a landscape island in the center of the parking area as shown.

The non-conformity of this section is being marginally reduced.

2. Enclosed buildings are limited to 25% of the lot. The existing building represents 24.9% of the lot with 21,267 s.f. of the 85,366 s.f of lot area.

As described above, parts of the building will be reconfigured for compliance with current building and life safety codes. The current building configuration does not provide enough exit stairs, and those that are provided are failing and non-compliant. The exterior walkways are being removed. Modifications as shown reflect no net change in the lot coverage of the building

Once completed, the building coverage of the site will decrease from 21,267 s.f. (24.9%) to 21,206 s.f. (24.8%) and remain within the 25% maximum.

Subsequently, there is neither increase nor decrease in the non-conformity as it relates to this section.

1143.06(c)(5). Usable Open Space: Multi-family units require 500 s.f. of usable open space per dwelling unit. As described above, the number of dwelling units is

decreasing from (78) to (44), reducing the open space requirement from 39,000 s.f. to 22,000 s.f. of usable open space on the property. Nevertheless, after the parking and building areas are removed the property is left with 25,304 s.f., primarily in front & side yard setback areas.

The non-conformity of this section is being reduced.

Additional variances are necessary for the parking requirements of the underlying zoning district as follows:

- 1149.03(e) Space Requirements: Multi-Family units require 2.5 parking spaces per unit. The existing complex provides (78) dwelling units and provides (76) parking spaces. 195 parking spaces would currently be required, (119) more than are provided.

The project as shown reduces the number of dwelling units to (44), requiring (110) parking spaces. The reconfiguration of the parking area and the removal of the clubhouse allows for an increase of 15 parking spaces without increasing the lot coverage, for a total of (89) parking spaces. (21) less spaces than are currently required. On-street parking is available along Arrowhead drive.

The non-conformity of this section is being reduced.

- 1149.04(3) Location: Requires parking spaces to be a minimum of 3'feet from any lot line. The current parking area along the southern property line begins along the property line and increases to approximately 18". To relocate this parking would result in a loss of parking spaces, as the location of the driveway & curb cut cannot be changed.

No change is proposed in the non-conformity of this section.

In the following responses to the decisions standards outlined in the application, we will address the project as a whole, rather than provide separate responses to these standards for each individual variance:

- a) *Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;*

The existing apartments have endured a steady decline in occupancy over the years as the market has changed. Though the project is ideally located, as occupancy declines, so does revenue, and property value. The property is in need of major investment in maintenance & upgrades, but the decline in revenue has slowed this process.

The project described herein represents a major investment into a declining property, bringing the property up to today's standards not only in apartment design, but also in life safety & building code compliance.

Nearly all of the variances listed above are required to remodel the existing buildings and continue the use of the existing parking areas, etc. while the overall occupancy is reduced, reducing the degree of non-conformity.

- b) *Whether the variance is substantial;*

The variances are not substantial, and bring the project closer to compliance.

- 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*

The essential character of the neighborhood would be simply improved, reducing the occupancy and dramatically improving the aesthetics of the development as a whole.

- d) *Whether the variance would adversely affect the delivery of governmental services (i.e., water, sewer, garbage);*

The remodeling as proposed reduces the allowable occupancy, lessening the burden on utilities & government services.

- e) *Whether the property owner purchased the property with knowledge of the zoning restriction;*

The property was purchased with knowledge of the current Zoning Code, and numerous meetings were held between the owners, the architect, Planning staff & the City Manager, discussing options for the site.

- f) *Whether the property owners' predicament feasibly can be obviated through some method other than a variance;*

The variances addressed herein, are not a result of actions by the applicants, but are simply required to remodel the project in its current location .

- g) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;*

The spirit of the Zoning Code with regard to non-conforming properties is to reduce the degree of non-conformity. The project proposed herein reduces non-conformities while improving the property.

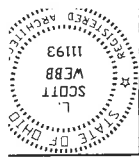
- h) *Any other relevant factor;*

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, improving the property aesthetically, and with regard to the safety of its occupants.

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

Respectfully,

Scott Webb, Architect

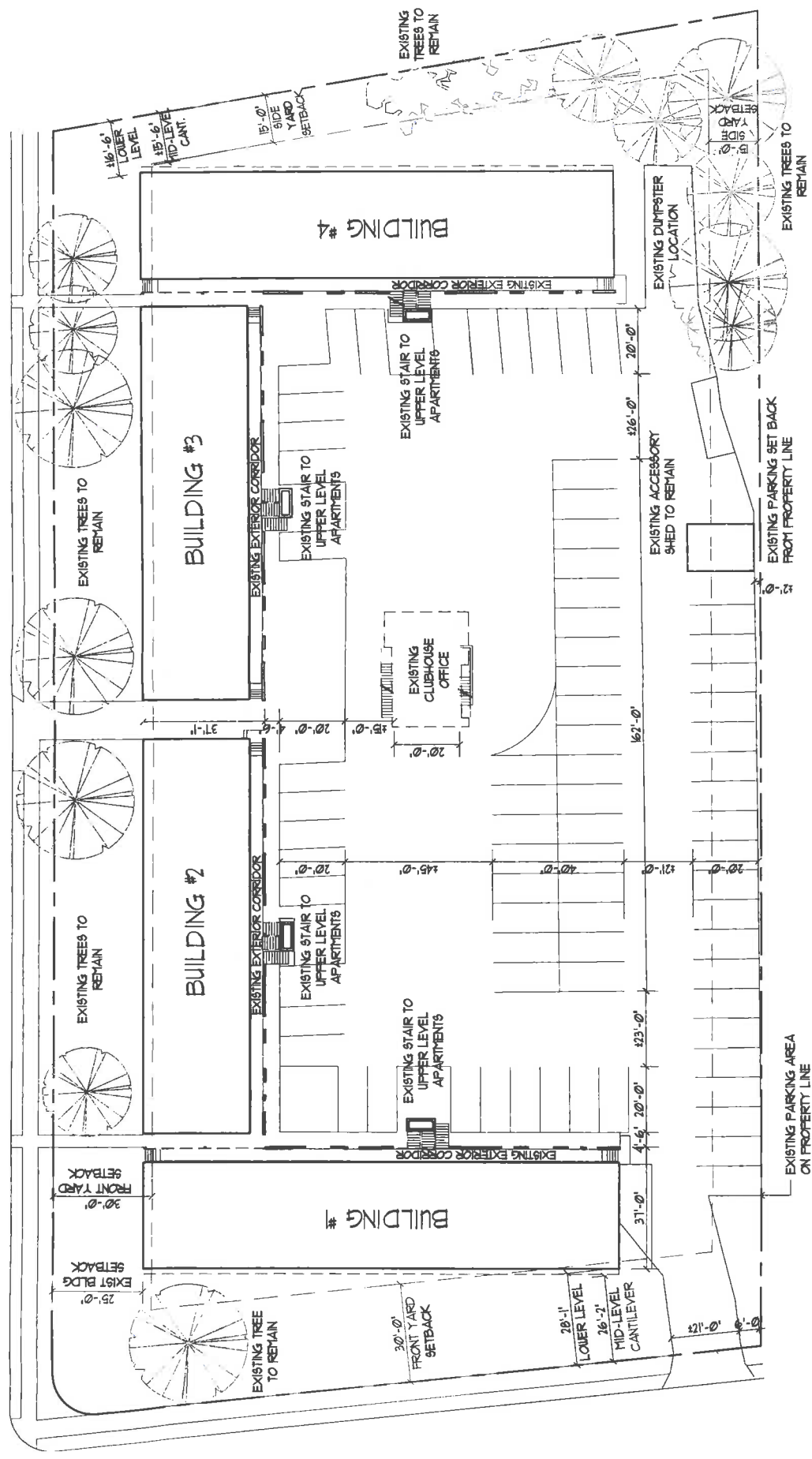


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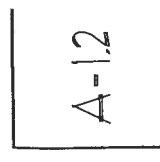
DATE	July 16, 2012
REVISIONS	

A-11



EXISTING SITE PLAN
DIMENSION PLAN
1" = 30'-0"

RECEIVED
JUL 26 2012
CITY OF OXFORD



EXISTING BUILDING CONFIGURATION

BUILDING 1

LOWER LEVEL	
(8) 1-BEDROOM APARTMENTS:	
(8) DOUBLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
MIDDLE LEVEL	
(8) 1-BEDROOM APARTMENTS:	
(8) DOUBLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
UPPER LEVEL	
(8) 1-BEDROOM APARTMENTS:	
(8) DOUBLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
48 TOTAL OCCUPANTS	

BUILDING 2

LOWER LEVEL	
(5) 2-BEDROOM APARTMENTS:	
(10) DOUBLE OCCUPANCY BEDROOMS:	20 OCCUPANTS
MIDDLE LEVEL	
(5) 2-BEDROOM APARTMENTS:	
(10) DOUBLE OCCUPANCY BEDROOMS:	20 OCCUPANTS
UPPER LEVEL	
(5) 2-BEDROOM APARTMENTS:	
(10) DOUBLE OCCUPANCY BEDROOMS:	20 OCCUPANTS
60 TOTAL OCCUPANTS	

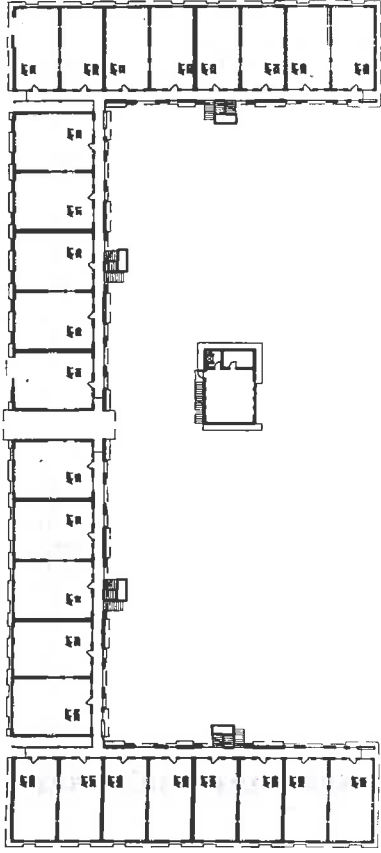
BUILDING 3

LOWER LEVEL	
(5) 2-BEDROOM APARTMENTS:	
(10) DOUBLE OCCUPANCY BEDROOMS:	20 OCCUPANTS
MIDDLE LEVEL	
(5) 2-BEDROOM APARTMENTS:	
(10) DOUBLE OCCUPANCY BEDROOMS:	20 OCCUPANTS
UPPER LEVEL	
(5) 2-BEDROOM APARTMENTS:	
(10) DOUBLE OCCUPANCY BEDROOMS:	20 OCCUPANTS
60 TOTAL OCCUPANTS	

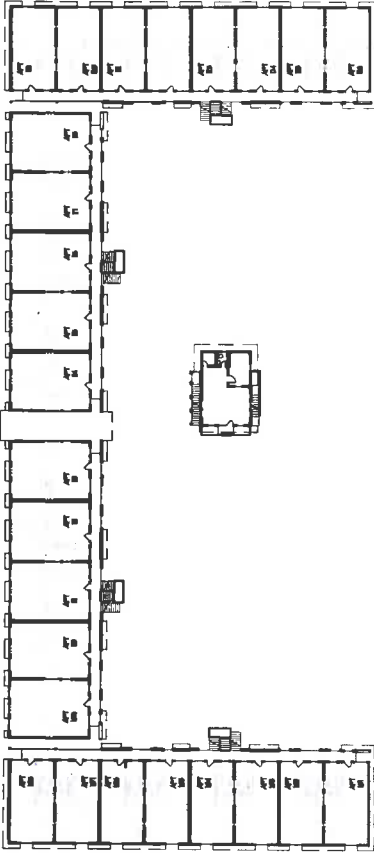
BUILDING 4

LOWER LEVEL	
(8) 1-BEDROOM APARTMENTS:	
(8) DOUBLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
MIDDLE LEVEL	
(8) 1-BEDROOM APARTMENTS:	
(8) DOUBLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
UPPER LEVEL	
(8) 1-BEDROOM APARTMENTS:	
(8) DOUBLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
48 TOTAL OCCUPANTS	

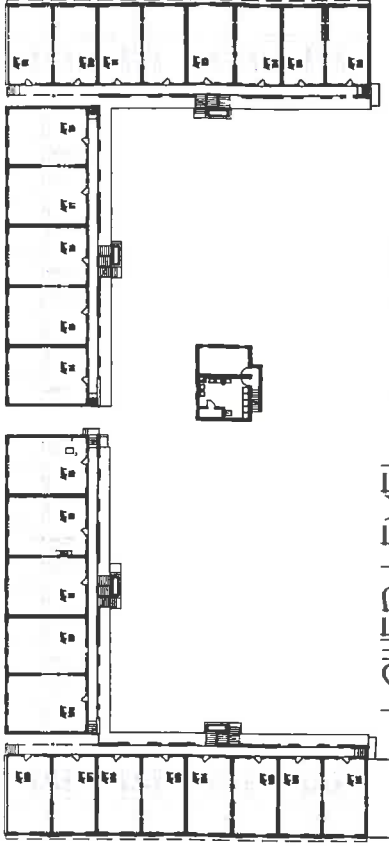
TOTAL OCCUPANCY: 216 TOTAL OCCUPANTS



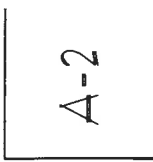
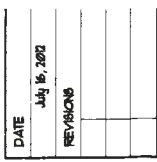
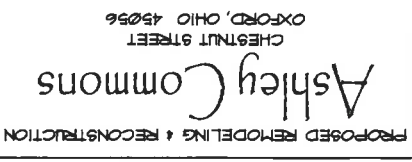
UPPER LEVEL ±14' ABOVE EXISTING GRADE



MIDDLE LEVEL ±5' ABOVE EXISTING GRADE



LOWER LEVEL ±4' BELOW EXISTING GRADE



PROPOSED BUILDING CONFIGURATION

BUILDING 1

LOWER LEVEL

(4) 4-BEDROOM APARTMENTS:	
(16) SINGLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
MIDDLE LEVEL	
(4) 4-BEDROOM APARTMENTS:	
(16) SINGLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
UPPER LEVEL	
(4) 4-BEDROOM APARTMENTS:	
(16) SINGLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
	48 TOTAL OCCUPANTS

BUILDING 2

LOWER LEVEL

(5) 4-BEDROOM TOWNHOUSE APARTMENTS:	
(10) SINGLE OCCUPANCY BEDROOMS:	10 OCCUPANTS
MIDDLE LEVEL - SPLIT LEVEL	
ENTRY LEVEL OF UPPER TOWNHOUSE	
UPPER 2 BEDROOMS OF LOWER LEVEL TOWNHOUSE	10 OCCUPANTS
UPPER LEVEL	
BEDROOM LEVEL OF UPPER TOWNHOUSE	
(20) SINGLE OCCUPANCY BEDROOMS:	20 OCCUPANTS
	40 TOTAL OCCUPANTS

BUILDING 3

LOWER LEVEL

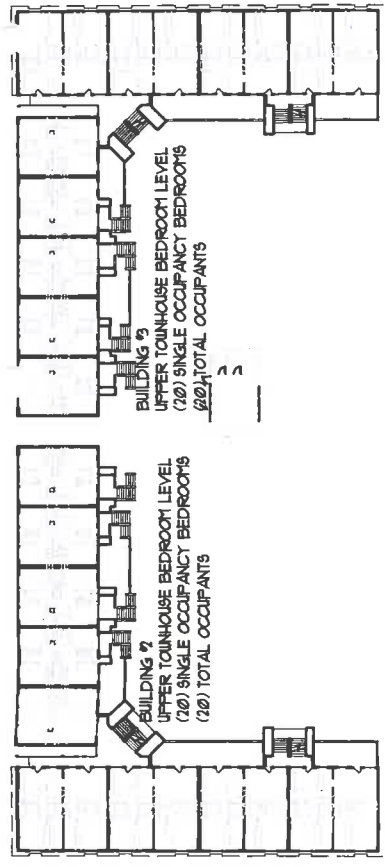
(5) 4-BEDROOM TOWNHOUSE APARTMENTS:	
(10) SINGLE OCCUPANCY BEDROOMS:	10 OCCUPANTS
MIDDLE LEVEL - SPLIT LEVEL	
ENTRY LEVEL OF UPPER TOWNHOUSE	
UPPER 2 BEDROOMS OF LOWER LEVEL TOWNHOUSE	10 OCCUPANTS
UPPER LEVEL	
BEDROOM LEVEL OF UPPER TOWNHOUSE	
(20) SINGLE OCCUPANCY BEDROOMS:	20 OCCUPANTS
	40 TOTAL OCCUPANTS

BUILDING 4

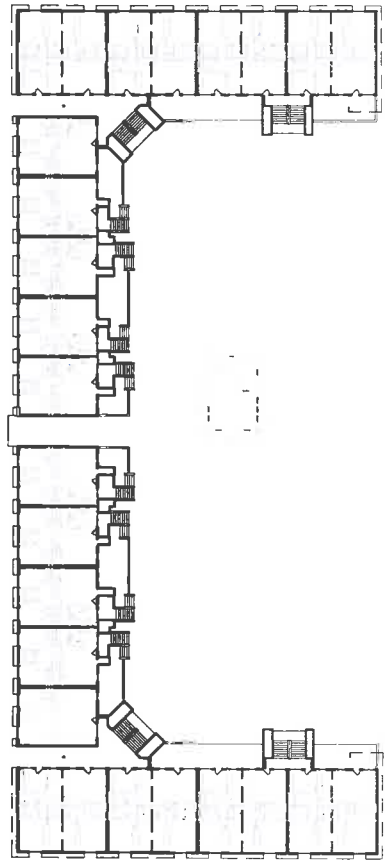
LOWER LEVEL

(4) 4-BEDROOM APARTMENTS:	
(16) SINGLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
MIDDLE LEVEL	
(4) 4-BEDROOM APARTMENTS:	
(16) SINGLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
UPPER LEVEL	
(4) 4-BEDROOM APARTMENTS:	
(16) SINGLE OCCUPANCY BEDROOMS:	16 OCCUPANTS
	48 TOTAL OCCUPANTS

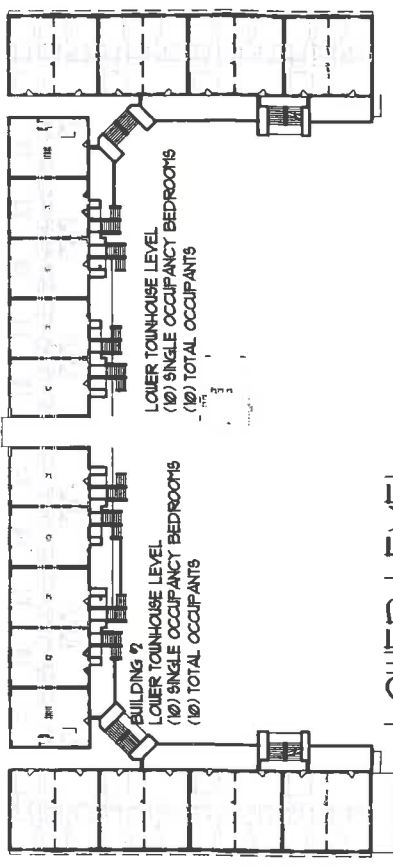
TOTAL OCCUPANCY: 176 TOTAL OCCUPANTS



UPPER LEVEL ±4' ABOVE EXISTING GRADE



MIDDLE LEVEL ±5' ABOVE EXISTING GRADE



LOWER LEVEL ±4' BELOW EXISTING GRADE

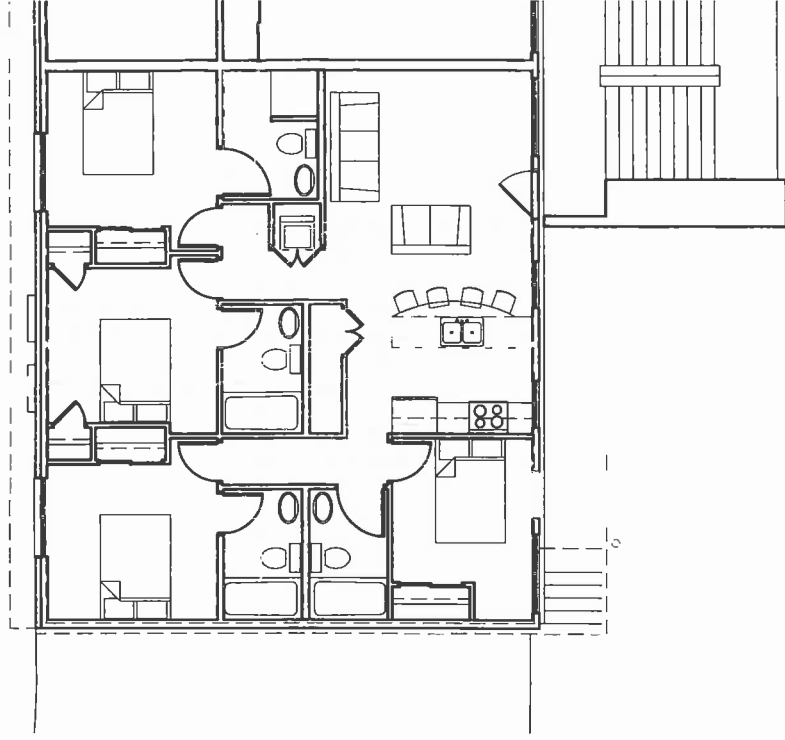


ARCHITECT
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PROPOSED REMODELING & RECONSTRUCTION
Ashley Commons
CHESTNUT STREET
OXFORD, OHIO 45056

DATE
July 16, 2022
REVISIONS

A-3



LOWER LEVEL SHOWN - TYPICAL ALL FLOORS
4-BEDROOMS, 4-BATHS
COMBINES (2) 1-BEDROOM FLATS INTO (1) 4-BEDROOM FLAT
± 4'-0" BELOW GRADE

TYPICAL APARTMENT PLAN 1/8" = 1'-0"

BUILDINGS 1 & 4
PLAN AS SHOWN REPRESENTS THE CONVERSION OF (2) 1-BEDROOM FLATS
INTO (1) 4-BEDROOM & BATH FLAT
(24) SINGLE BEDROOM FLATS CONVERTED INTO (12) 4-BEDROOM UNITS
TOTAL OCCUPANCY EACH BUILDING = 48

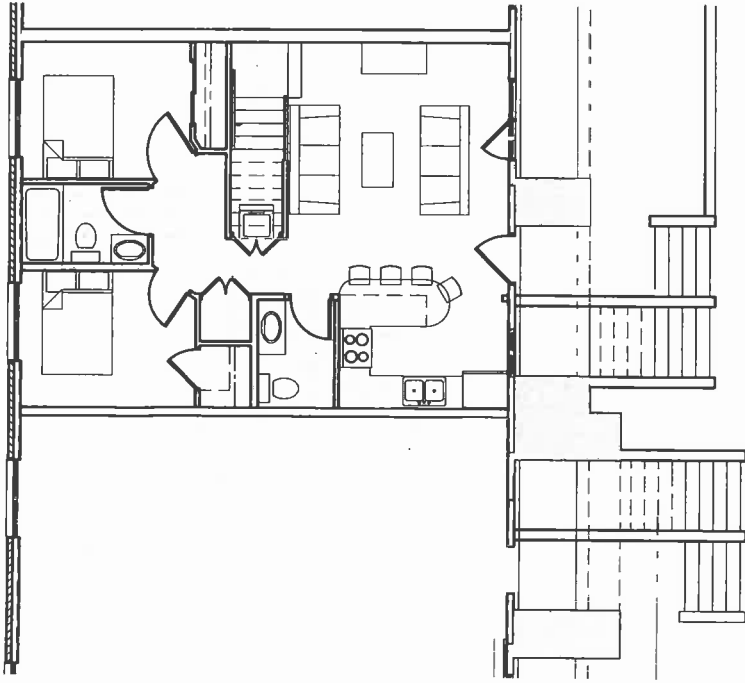


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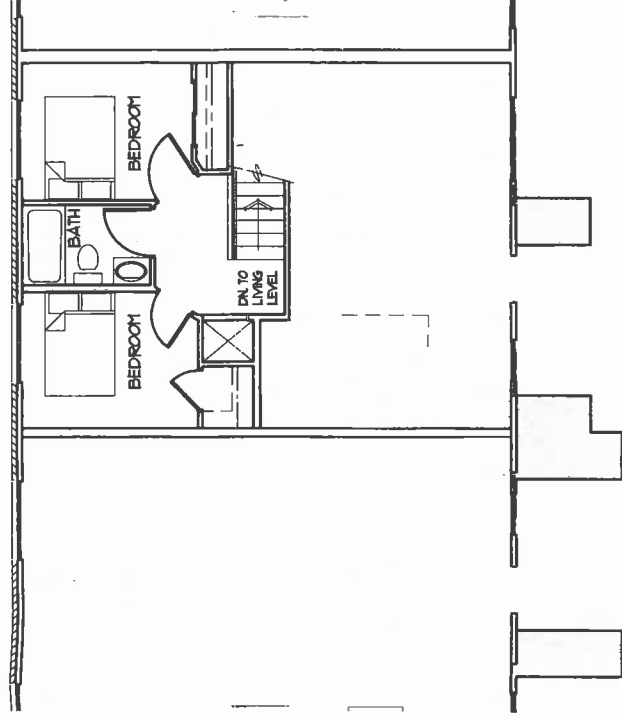
PROPOSED REMODELING & RECONSTRUCTION
Ashley Commons
CHESTNUT STREET
OXFORD, OHIO 45056

DATE	July 16, 2012
REVISIONS	

A-4



LOWER APARTMENT - LOWER LEVEL
 MAIN LIVING LEVEL (1) 1/2 BATH
 (2) BEDROOMS, (2) PRIVATE BATHS
 EXISTING SUB-LEVEL FLATS
 ± 4'-0" BELOW GRADE

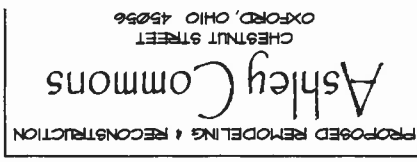
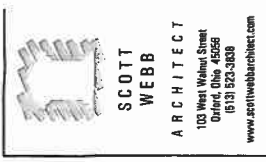


LOWER APARTMENT - UPPER LEVEL
 (2) BEDROOM ± (2) PRIVATE BATHS
 EXISTING MID-LEVEL FLATS
 ± 5'-0" ABOVE GRADE

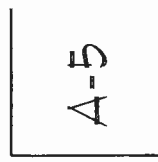
TWO-LEVEL TOWNHOUSE PLAN 1/8" = 1'-0"

BUILDINGS 2 & 3

PLAN AS SHOWN REPRESENTS THE CONVERSION OF (15) 2-BEDROOM FLATS
 INTO (6) 4-BEDROOM 4-1/2 BATH TOWNHOUSE UNITS
 NET OCCUPANCY DECREASE = 6 BEDROOMS PER BUILDING



DATE	July 16, 2002
REVISIONS	



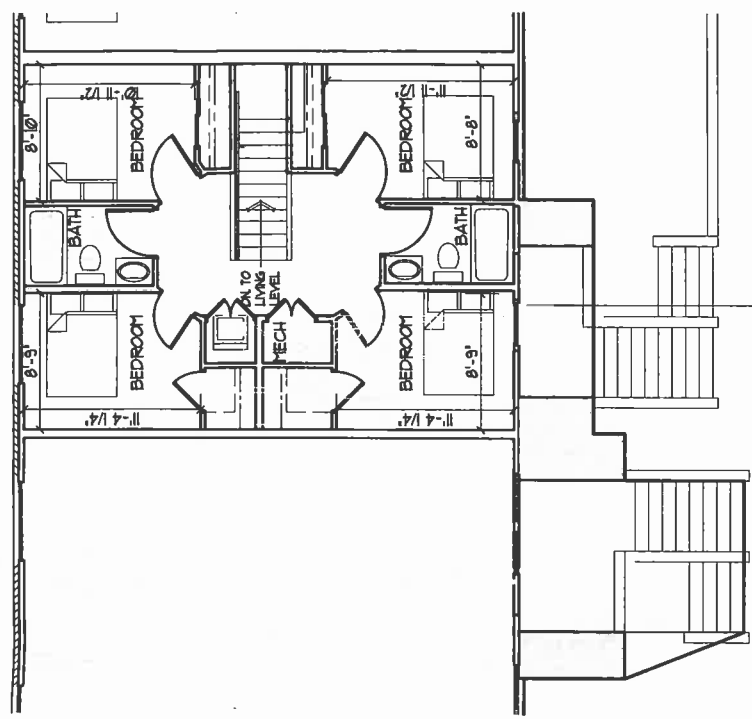


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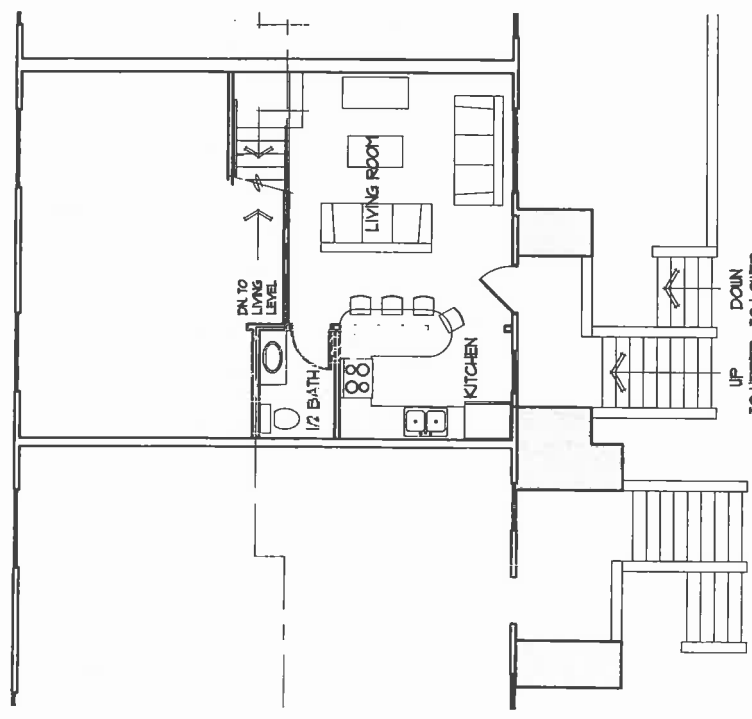
PROPOSED REMODELING & RECONSTRUCTION
Ashley Commons
CHESTNUT STREET
OXFORD, OHIO 45056

DATE	July 16, 2021
REVISIONS	

A-6



UPPER APARTMENT - BEDROOM LEVEL
(4) BEDROOMS (4) PRIVATE BATHS
EXISTING SECOND LEVEL FLATS
± 14'-0" ABOVE GRADE

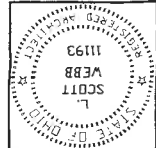


UPPER APARTMENT - LIVING LEVEL
MAIN LIVING LEVEL WITH 1/2 BATH
(BEDROOMS ON UPPER LEVEL ABOVE)
EXISTING MID-LEVEL FLATS
± 5'-0" ABOVE GRADE

TWO-LEVEL TOWNHOUSE PLAN 1/8" = 1'-0"

BUILDINGS 2 & 3

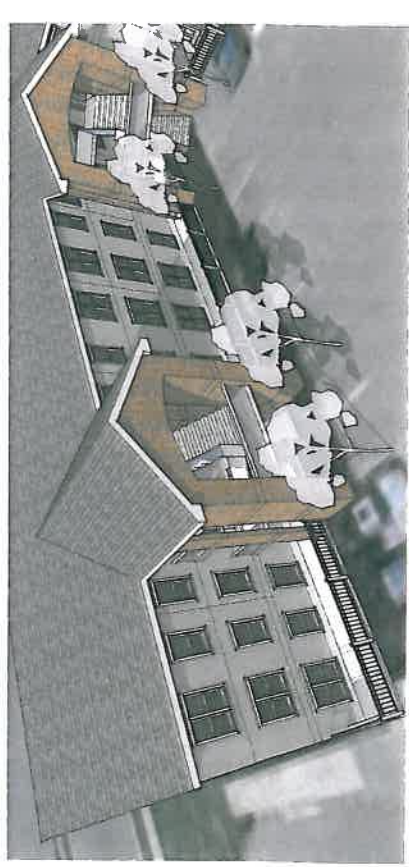
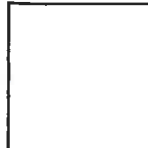
PLAN AS SHOWN REPRESENTS THE CONVERSION OF (15) 2-BEDROOM FLATS INTO (6) 4-BEDROOM 4-1/2 BATH TOWNHOUSE UNITS
NET OCCUPANCY DECREASE = 6 BEDROOMS PER BUILDING



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OXFORD, OHIO 43086

DATE	April 12, 2012
REVISIONS	



○ = Gas Valve
 □ = Fire Hydrant
 ○ = Man Hole
 □ = Power Pole
 □ = Power Pole 18' High
 □ = Water Valve

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-10-2012

Date – September 12, 2012

APPLICATION

Applicant:	Kathryn Peterka
Location:	36 Lynn Avenue
Owner:	Kathryn Peterka
Action Requests:	Variance to number of freestanding signs 1151.05(a)(3)(C); freestanding sign height 1151.05(a)(3)C1b; and wall sign height 1151.05(a)(3)B1a
Current Use:	1 story commercial/restaurant
Zoning:	GB, General Business District
Surrounding Land Uses:	GB and R1B (Single-Family Medium Density Residential)

DESCRIPTION

The subject property is zoned GB (General Business) and is approximately 0.8 acres. The Taco Bell restaurant has existed at this property since 1991. Taco Bell buildings are being upgraded at many sites nationally. Therefore, the local franchise holder, Kathryn Peterka, is following suit with an upgrade that is consistent with the national franchise's architectural theme. The building is undergoing extensive exterior remodeling; therefore Ms. Peterka is proposing to update the signage to be consistent with that remodeling. She requests (1) an additional one foot of wall sign height for a new wall sign on the east facing (front) wall. (2) She also requests an additional freestanding sign. There is an existing freestanding sign which is functioning as a menu board for the drive through. The proposed additional freestanding sign is seven feet, one inch tall, which is one foot, one inch taller than allowed by zoning. Therefore she requests (3) a variance for an additional height of one foot, one inch for a freestanding sign.

VARIANCES REQUESTED (w/staff comments in bold under each code section)

Number of freestanding signs
1151.05(a)(3)(C);

1. No more than **1 sign** as follows:
 - a. No more than 48 square feet per side
 - b. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.

The existing freestanding menu board sign, although it is not readable from the right of way, meets the definition of a sign. The menu board sign will need to comply with the same regulations as the proposed (additional) new sign location.

Freestanding sign height
1151.05(a)(3)C1b

1. No more than 1 sign as follows:
 - a. No more than 48 square feet per side
 - b. No combination of a freestanding sign structure and sign shall be higher **than 6 feet** or wider than 12 feet.

The proposed new freestanding sign meets the width regulation (12') but does not meet the height regulation. Seven feet, one inch is proposed. Six feet is the maximum height allowed. The sign area allowed is 48 square feet. The sign area proposed is 22 square feet.

Wall sign height
1151.05(a)(3)B1a

No more than 2 signs as follows:

- a. If the average front setback of the structure is less than 100 feet, then the sign may be **no more than 3 feet tall**. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.
- b. A sign may extend the width of a building in accordance with the maximum total sign area requirement.
- c. 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.

The front setback for the building is approximately 40 feet. The proposed wall sign is 4 feet tall, which is one foot taller than permitted.

COMMENT FORMS

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

AGENCY REVIEW

Fire
Police
Engineering
BZA-10-2012

Returned without comments
Returned without comments
Returned without comments

SITE HISTORY

The Planning Commission and City Council reviewed and approved this project in 1991 because of the drive-through use.

ANALYSIS

Freestanding menu boards are a common occurrence for fast food restaurants. However, a menu board located in the front yard area is less common than a location in the side yard area. The proposed additional freestanding sign is closer to the roadway than the menu board and therefore, more visible. Regarding criteria A (reasonable return), the property has been used for many years without the freestanding sign, therefore beneficial use of the property has been demonstrated. Regarding criteria C (essential character), the granting of the variance would not substantially alter the essential character because freestanding signs near the roadway are a common occurrence on Lynn Avenue. A variance for the additional sign could be mitigated by a condition not allowing any temporary ground signage on the site.

Regarding the additional height of one foot, one inch for the proposed additional freestanding sign, this represents an 18% increase in allowable height. This could be substantial (criteria B) if it was shown to block visibility for site ingress or egress. This additional height could be mitigated by low shrubbery around the base of the sign.

Regarding the additional height of one foot for the wall sign, this represents a 33% increase of allowable height. The Zoning ordinance requires that sign area be measured with a rectangle around the signage. This means that the top half of the bell logo is the only portion which exceeds the height limit. The positioning of the bell in the center and above the text is a key trademark aspect of the company. The additional height is mitigated by the increased height of the remodeled building from 17 feet to 24 feet. The building height is increasing by 41%. Additionally, the building is designed to have wall signs on three sides. The applicant is requesting only one side.

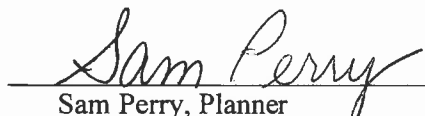
RECOMMENDATION

If the BZA determines that there is sufficient evidence to find practical difficulties which warrant the approval of the variances, the staff recommends that the BZA attach the following conditions:

1. That any future replacement signage complies with the same height, width and area as the signs proposed herein.
2. That the additional freestanding sign be surrounded by low shrubs to mitigate the additional one foot, one inch height.
3. That no temporary ground signage be utilized on the site.

Note: Separate motions will be needed from the BZA for each variance request.

SUBMITTED BY:


Sam Perry, Planner
Community Development Department

DATE: September 13, 2012

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/27/12

To: Fire Department Engineering Division .Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-10-2012

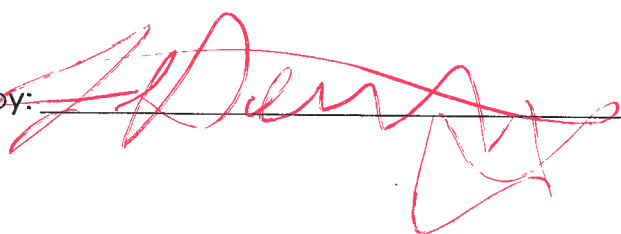
ADDRESS: 36 Lynn Avenue, Taco Bell

BZA-10-2012 36 Lynn Avenue, Taco Bell, variance to Sections 1151.05(a)(3)(C) - number of freestanding signs; 1151.05(a)(3)C1b - freestanding sign height; 1151.05(a)(3)B1a - wall sign height,
Kathryn Peterka Owner, Applicant

 X Review Revisions Other

Please return no later than: **9/7/2012** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: 

Date: 9-5-12

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/27/12

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-10-2012

ADDRESS: 36 Lynn Avenue, Taco Bell

BZA-10-2012 36 Lynn Avenue, Taco Bell, variance to Sections 1151.05(a)(3)(C) - number of freestanding signs; 1151.05(a)(3)C1b - freestanding sign height; 1151.05(a)(3)B1a - wall sign height,
Kathryn Peterka Owner, Applicant

 X Review Revisions Other

Please return no later than: **9/7/2012** 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*
VICTOR POPESCU, CITY ENGR.

Date: 9-5-12

RECEIVED

AUG 27 2012

City of Oxford
Engineering Division

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/27/12

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

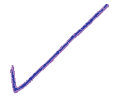
Drawings are being submitted to you for the following:

Case #: BZA-10-2012

ADDRESS: 36 Lynn Avenue, Taco Bell

BZA-10-2012 36 Lynn Avenue, Taco Bell, variance to Sections 1151.05(a)(3)(C) - number of freestanding signs; 1151.05(a)(3)C1b - freestanding sign height; 1151.05(a)(3)B1a - wall sign height, **Kathryn Peterka Owner, Applicant**

 X Review Revisions Other



Please return no later than: **9/7/2012** Note: If no comments are received, we will assume the project meets your department's standards.

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

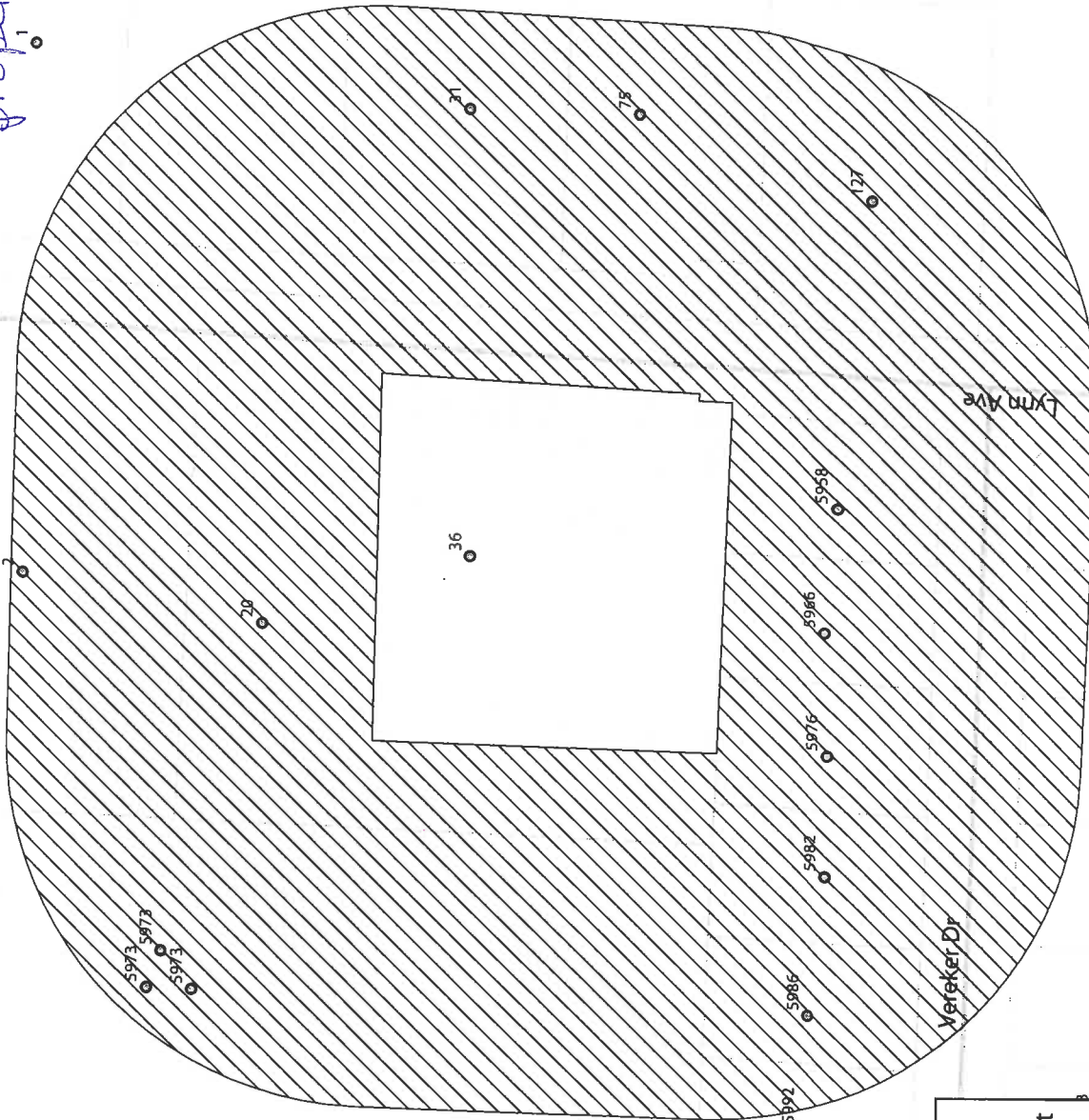
Drawings reviewed by: _____

Date: 8-28-2012

BZA-10-2012

Contreras Rd
CSX Corp.

Surrounding Properties



Legend

- Oxford Corporation Limit
- 36 Lynn Avenue
- 200 Ft. Buffer
- North
- Parcels
- 1 inch = 100 feet











Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: Kathryn Petenka
(Attach a Letter of Agency if the Applicant is not the property owner.)
Mailing Address: 6396 South Brookville Pike
West College Corner, IN 47003
Telephone Number(s): 765 732 3783
Email Address: petenka@aol.com
Name of Property Owner: Kathryn Petenka
Mailing Address: Same
Telephone Number(s): 765 732-3783
Requested Variance: 1151-05(A)(3)(C) number of ground signs
(Indicate nature of variance 1151-05(A)(3)(C) 1 & B height
and applicable section(s) 1151-05(A)(3)(A)(1)(A) wall sign height
of the Zoning Code.)
Location of Requested Variance: 36 Lynn Avenue, Oxford Ohio 45056
Legal Description: LOT # 2149 AS RECORDED IN BUTLER CO. RECORDS OFFICE.
Zoning District: GB
Total Acreage: .935 Acres
Existing Use of Site: Jaco Bill restaurant
Proposed Use: (if applicable)
A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

REQUIRED INFORMATION

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

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

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

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

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

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT: Kathryn Peterka Date: 8/20/12

PRINTED NAME OF APPLICANT: KATHRYN PETERKA

FEE / RECEIPT
\$400 plus Actual Postage Fee Paid / Receipt Number: 17935.17

Variance for additional ground sign

1151.05(a)(3)(c)

- A. The existing property does not have any monument free standing signage. With a new monument sign additional customers will be able to notice this location from the street level. This will help with patrons noticing our location and thus an increase in business.
- B. With this request there will be no additional need for signage on this property.
- C. Existing properties have similar ground signage and the addition of similar signage to this property should have no effect on the local area.
- D. There will be no affect on governmental services.
- E. The owner has owned this property for many years and is in the process of investing money to remodel the facility. With the added cost of the remodel, they feel that adding a monument signage will help attract new business.
- F. A variance is required to obtain the monument sign. This sign will help with recognition of our location the same as other businesses in the area.
- G. With the remodeling of this facility, we not only are committed to this area but we feel the signage is needed to attract new business.

ground sign

1151.05(a)(3)(B)

- A. The existing property does not have any monument free standing signage. With a new monument sign additional customers will be able to notice this location from the street level. This will help with patrons noticing our location and thus an increase in business.
- B. The proposal is for a standard Taco Bell monument sign that is 6'-0" tall with a 1'-0" base. The sign will be installed 7' from the property line. With this request there will be no additional need for signage on this property.
- C. Existing properties have similar ground signage and the addition of similar signage to this property should have no effect on the local area. The sign will be installed per the code by installing it 7'-0" from the property line.
- D. There will be no affect on governmental services.
- E. The owner has owned this property for many years and is in the process of investing money to remodel the facility. With the added cost of the remodel, they feel that adding a monument signage will help attract new business.
- F. This proposed monument sign is a standard size made for Taco Bell. The signage proposed is the smallest that the Taco Bell signage contractors manufacture as a standard. By keeping with a standard sign package the owner can save money that may be used in other areas of the renovation.
- G. With the remodeling of this facility, we not only are committed to this area but we feel the signage is needed to attract new business.

Variance building sign exceeding minimum height of 2'-0" to 4'-0".

building sign

1151.05(a)(3)B1a

- A. The owner is proposing to remodel the existing building interior and exterior in order to keep a fresh and new look for their customers and to also help maintain the condition of the existing building. The existing building wall signage will be removed in order to obtain a new exterior façade. The proposed new signage will replace the existing wall sign and is needed for business recognition.
- B. The variance will be substantial in allowing this signage to be used as proposed. The signage proposed is the smallest that the Taco Bell signage contractors manufacture as a standard. By keeping with a standard sign package the owner can save money that may be used in other areas of the renovation.
- C. By remodeling the exterior and maintaining the building, the owner is investing in the property to keep it in good shape. This will help the adjoining properties by the presence of a new looking and clean facility. The proposed signage does not overwhelm the buildings design features.
- D. No effect anticipated on any government services.
- E. The owner already owned the property prior to proposing the remodel.
- F. The proposed signage is compressed to fit within the tower portion of the exterior of the building and is smaller in square footage than allowed. If the signage allowed were to keep with the ordinance then the signage would be longer and extend past the columns. This would effect the overall design and symmetry of the building.
- G. The intent for this variance is to compress the sign and keep it in a smaller area of the building than spreading it out over a larger surface. The design is not to get the biggest sign we can but to obtain symmetry with the overall design of the building.

DESIGN PARAMETERS:

- 110 mph wind speed 3-second gust-Exposure C.
- 300 PSF per foot of depth allowable lateral soil bearing pressure.
- Compliant with national building codes and standards (IBC, UBC, BOCA, AISC, ASCE 7, ACI & Aluminum Design Manual)
- Refer to written documentation for material specification details

TB-M20 - DF TACO BELL MONUMENT CABINET

Sq. Ft: 20.0 (excluding base)

- Extruded aluminum frame, 10" deep with 1 1/2" retainer.
- Aluminum fillers painted Violet N5032HM.
- .125 Pan formed and embossed SG polycarbonate with retention strips
- Approximate weight: 160 lbs.

Electrical:

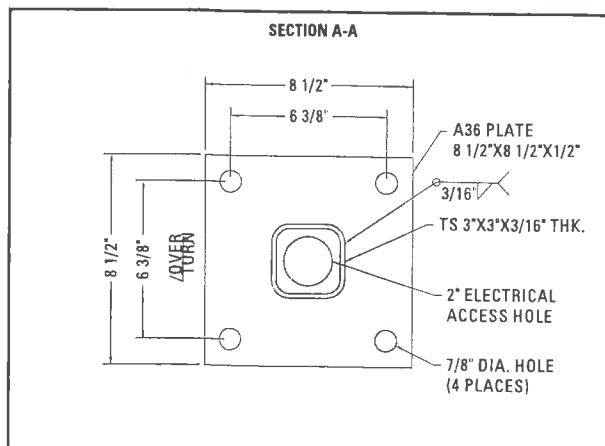
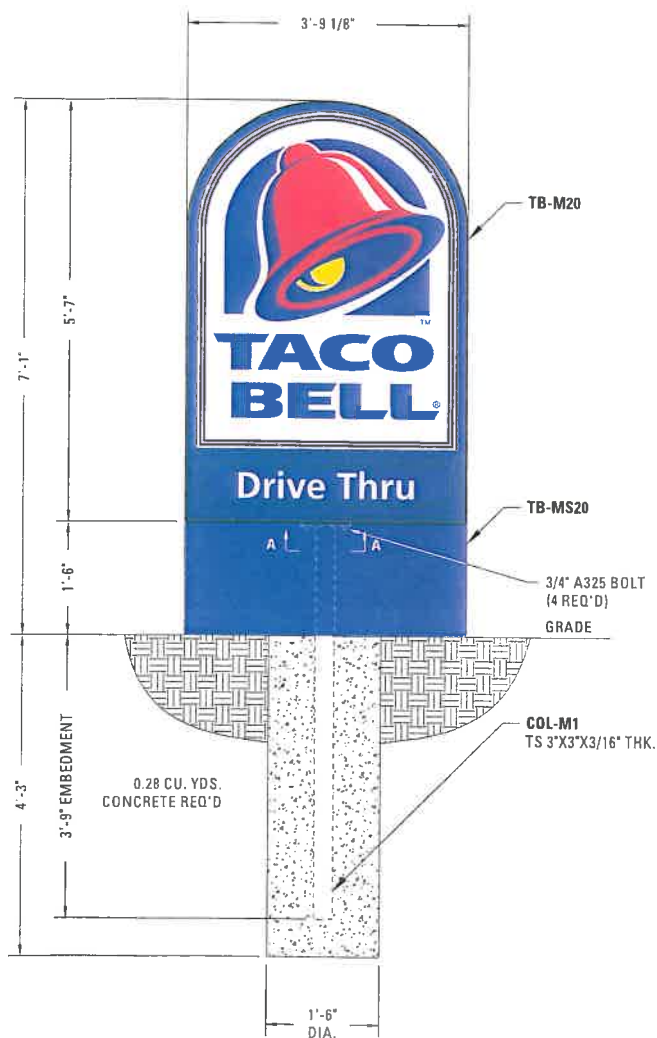
- Lamps: (2) F64T12DSGN50/HO
(2) F60T12DSGN50/HO
- Ballast: (1) 4 Lamp electronic ballast (1.7 amps each)
- Amp Load: 1.7 amps/120 volts
- Circuits: (1) 20 amp circuits 60 HZ - UL 48 & NEC compliant

TB-MS20 - MONUMENT SHROUD

TOTAL LOAD: 1.7 amps - (1) 20 amp circuits 60 HZ

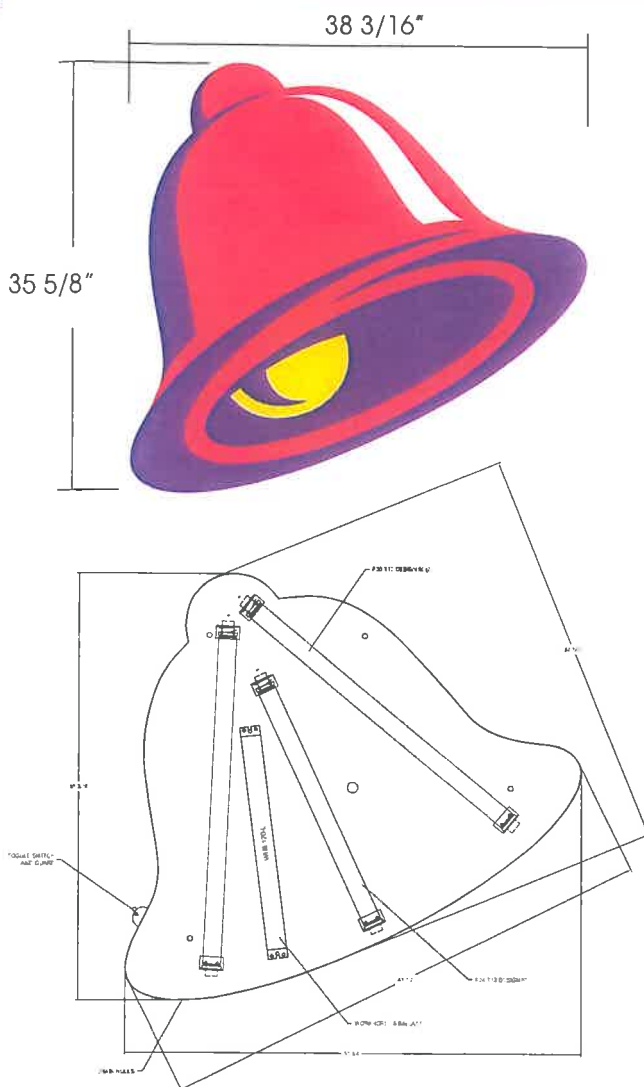
GRAPHIC & COLOR SPECIFICATIONS:

COLOR	PMS	3M
Yellow	109	VQ-4077
Purple	Violet	VQ-4153
Magenta	Process Magenta	VQ-4154



NOT FOR CONSTRUCTION
NOV. 03

PART#: E004834B



SIGN SPECIFICATIONS

Materials

- Cabinet: .040 Aluminum w/ violet finish
- Face: .150 S/G Polycarbonate vacuum formed

Decoration

- Screened second surface decoration

Accesses

- Remove face

Area

- Squared: 9.72 Sq.Ft.
- Actual: 5.83 Sq.Ft.

Weight (Est.)

- 55lbs.

Wind Load

- **110 MPH wind speed 3 second gust - exposure C.**
Compliant with national building code and standards.
(IBC, UBC, BOCA, AISC, ASCE 7, ACI, & Aluminum
Design Manual).

ELECTRICAL SPECIFICATIONS

Lamps

- (2) F30T12, (1) F24T12 Fluorescent lamps

Ballast

- (1) Workhorse 8

Line Load

- 2.0 Amps @ 120 VAC
- (1) 20 Amp circuit, 60 Hz UL 48 & NEC Compliant

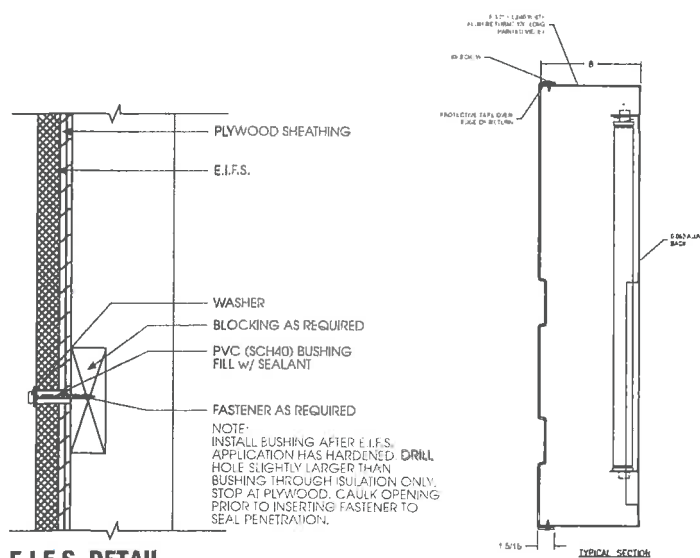
COLOR SPECIFICATIONS

Interior: Paint white

Exterior: Paint violet

Graphic & Color Specifications

Color	PMS	3M
Yellow	109	VQ4077
Violet	Violet C	VQ 4153
Magenta	Process Magenta	VQ 4154
White	N/A	3630-20



E.I.F.S. DETAIL

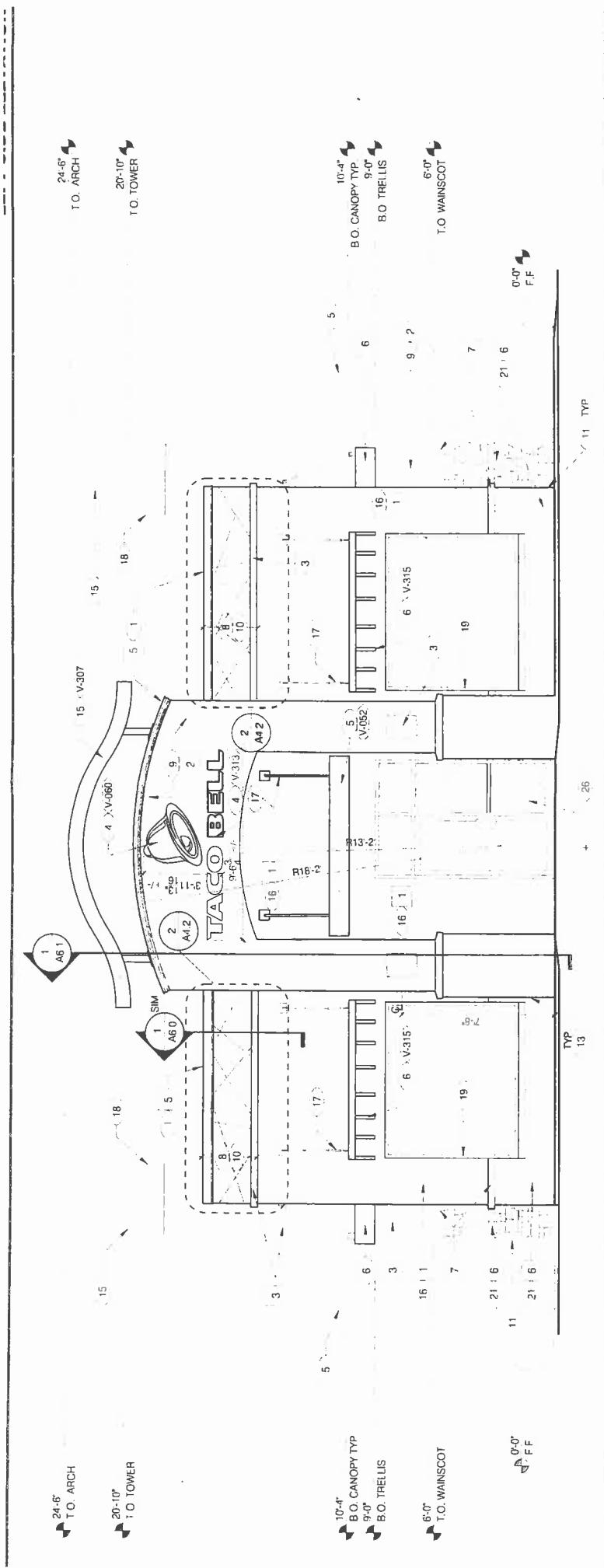


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270717

rb 6/9/11



FRONT ELEVATION

1E PREFABRICATED METAL ARCH SEE SHEETS AR 0, AR 1

1 PREFINISHED EXTRUDED ALUMINUM DRIP EDGE - DARK BRONZE SEE DETAIL

1E PREFABRICATED METAL ARCH SEE SHEETS AR 0, AR 1

BOARD OF ZONING APPEALS

Meeting Minutes

Wednesday, August 15, 2012

Call to Order

Those members present: Todd Hollenbaugh, Prue Dana, Paul Brady, and John Barnhart.

Those members excused: Gary Meyer.

Staff members present: Jung-Han Chen, and Steve McHugh.

Staff members excused: Sam Perry, and Amy Blankenship.

Executive Session

Ms. Dana made motion to approve the agenda with the deletion of the Executive Session. Mr. Barnhart seconded the motion. The motion passed 4-0-0.

Adjudication Hearing(s)

BZA-08-2012 201 E. Chestnut Street, Miami Village, variance to Sections: 1137.08(e) occupancy reduction; 1141.03(a) multiple buildings on a lot; 1143.06(c)(2)(A) front yard setback; 1143.06(c)(4)(A)(1) lot coverage; 1149.03(e) parking spaces; 1149.04(3) parking setback; 1149.05(e)(4)(F) parking islands; 1149.05(e)(5)(B)(1)(a) parking trees; 1149.05(e)(4)(B) perimeter screening, Scott Webb, Applicant, Agent

Ms. Dana made motion to adjourn to BZA-08-2012. Mr. Brady seconded the motion. All were in favor.

Mr. Hollenbaugh announced that the Applicant wished to Continue BZA-08-2012.

Mr. Brady made motion to Continue BZA-08-2012. Mr. Barnhart seconded the motion.

BZA-09-2012 Vine Street, Parcel # #H4100006000035 variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard lot coverage, Dave & Pamela Kellems, Applicants

Mr. Barnhart made motion to adjourn to BZA-09-2012. Mr. Brady seconded the motion. All were in favor.

Mr. Hollenbaugh announced that the Applicant wished to Continue BZA-09-2012.

Mr. Brady made motion to Continue BZA-09-2012. Mr. Barnhart seconded the motion.

For the record, the Public Hearings for BZA-08-2012 and BZA-09-2012 were Opened and both Public Hearings were Continued.

Mr. Brady made motion to reconvene to Regular Meeting. Mr. Barnhart seconded the motion. All were in favor.

Approval of Minutes of the July 18, 2012 Regular Meeting

Mr. Hollenbaugh requested the rewording of a motion made for BZA-06-2012.

Mr. Brady made motion to approve the July 18, 2012 minutes as amended. Mr. Barnhart seconded the motion. All were in favor.

Old Business

There was none.

New Business

There was none.

Adjournment

Mr. Barnhart made motion to adjourn the meeting. Mr. Brady seconded the motion. All were in favor. The meeting was adjourned at 7:36 p.m.

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-09-2012

Date – August 15, 2012

APPLICATION

Applicant:	Pamela and Dave Kellems
Location:	Vacant parcel behind 220 E. Vine St, Parcel # H4100006000035
Owner:	Pamela and Dave Kellems
Action Request:	Variances to Section 1141.03(b) principal entrance upon a street bordering such lot; Section 1143.03(c)(3)(D)(3) front yard lot coverage
Current Use:	Single-family House
Zoning:	R1MS Single and Two-Family Mile Square Residential
Surrounding Land Uses:	Residential

DESCRIPTION

This parcel is currently vacant and is located behind 220 E. Vine St. which is located on north side of Vine Street between University Avenue and N. Campus Avenue. The lot is adjacent to an improved north-south alley. The parcel is measured 56' x 85.98'. The applicant is seeking these variances to build a single family residence on this site. This case is being re-heard after being withdrawn by the applicant at the July 18, 2012 BZA meeting.

VARIANCES REQUESTED

- | | |
|------------------------------------|---|
| Section 1141.03(b): | 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. For the purpose of this provision, an alley is not considered as a street. <ul style="list-style-type: none">• The proposed dwelling does not have its principal entrance upon a street. |
| Section 1143.03(c)(3)(D)(3) | Site development regulations for R1MS: lots with vehicular access from a rear or side alley, and no access from a public street. Front yard lot coverage - 5%. <ul style="list-style-type: none">• The proposed driveway and walk would cover 18.6% of the required front yard. |

AGENCY COMMENTS

Fire	Returned without comment
Police	Returned without comment
Engineering	Returned with comments
Economic Development	Returned without comment

PUBLIC COMMENT FORMS

None received.

ANALYSIS

The lot is located in an R1MS (Single-Family Residential Mile Square) District and is currently a vacant lot. The applicant is contemplating building a single family dwelling on the lot. The lot is measured approximately to be 56' x 86'. The lot does not meet the underlying zoning district dimensional requirements. However, Oxford Zoning Code Section 1137.05 Nonconforming Lot, allows a single-family dwelling to be erected provided that the lot has a minimum of 3,000 square feet and a minimum lot width of 33 feet. This provision, Section 1137.05, shall apply even though the lot fails to meet the requirements for lot area, lot depth, lot width, or any combination thereof that are generally applicable in the zoning district and provided that the new single-family conforms to the height, lot coverage, vehicular access and yard or setback requirements of the district where the property is located.

Based on preliminary research by staff with the Butler County's Auditor's office, this parcel was created prior to 1973. Given the lot number of this parcel, it may have been sometime in the 1930's and/or 1940's when the parcel was first subdivided from the original plat. The creation of this parcel was prior to the Zoning Code; and the parcel was legally established by the City of Oxford.

However, the site plan shows that there is approximately an 8 foot building encroachment into this vacant parcel. This information led staff to do more research on this vacant parcel which led to the discovery of an approved lot consolidation application filed by the previous owner in 1991. The prior owner wished to build an addition. In order to satisfy the rear yard requirement, the proposed addition at that time could not have been approved if the consolidation was not granted. However, this lot consolidation is not shown as having been recorded at Butler County. The addition was built after the lot consolidation was approved by the City.

On July 19, 2012, the attorney representing this applicant sent a letter to City staff requesting the application be re-heard and stating that the Oxford Zoning Code at the time had a stipulation that *an approved lot consolidation will expire automatically 120 days after the Planning Commission approval unless the plat of said split shall have been recorded in the Butler County Engineer's Record of Surveys, or the consolidation plat shall have been recorded in the Subdivision of Lots Records of the Butler County Recorder's Office. No lot split or lot consolidation shall be effective or valid until such plat has been so recorded and no permit of any nature shall be issued prior to the expiration of the aforesaid 120 day period unless such recording has been made.* Based on this information, staff discussed this matter with the City Law Director and the City Manager and determined that it would be the appropriate course for this case to be re-filed and reheard by the Board of Zoning Appeals, since the Butler County Recorder's records do not show the lot as having been consolidated and questions still remains on the application.

This encroachment issue raises an additional dimension to this variance request; that is having multiple buildings on one residential lot, per Section 1141.03. This cannot occur unless a use variance has been obtained. Staff notes that Section 1139.01(a) states that "use variances are prohibited." The R1MS District does not allow two principal buildings or uses on a lot. Single family dwellings on a lot are allowed. The R1MS District also requires a minimum 35 feet rear yard. See Section 1143.03(c)(1)(B). The lot consolidation of lots 345 and 346 to create new lot 2822 allowed the addition by creating the necessary rear yard space.

Based on conversations staff had with the previous owner, the purpose of the lot consolidation was to build an addition to the existing building. This statement was validated with the attached permit application. Please note that the lot number was consistent with the lot consolidation application.

Given this revelation, it is staff's contention that the lot was officially consolidated and the vacant parcel is indeed part of the parcel, facing Vine St. Therefore, the variance application was filed in error and cannot be approved.

The applicant may argue that the lot consolidation was not effective based on the provision mentioned above in italics, and, therefore there were still two parcels. However, the same provision also states that no permit shall be issued unless such record has been made. If the lot was not consolidated by reason of the consolidation not being recorded, the building permit then was not valid and the addition was added without a valid permit and must be removed. Furthermore, the rear yard requirement for this zoning district would also preclude the addition from being constructed without a variance granted by the Board of Zoning Appeals.

RECOMMENDATION

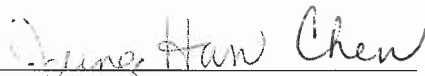
To allow the construction of a single family dwelling as the Applicant requests would require this Board grant the following variances:

1. §1141.03(b) Principal entrance upon a street;
2. §1143 (c)(3)(D)(3) front yard lot coverage;
3. §1143.03(c)(1)(B) minimum rear yard variance for lot 346;
4. §1141.03 multiple buildings or uses on one lot (i.e. lot 2822); and
5. §1139.01 a use variance

Staff notes this Board is prohibited from granting use variances.

Given the information related to the lot consolidation and building application, the application to build a new single family home would not be permissible since the parcel in question is part of the lot where there is a building and the requested dimensional variances are massively substantial, and on top of all these variances, a prohibited use variance is required. Therefore, this application should not be approved.

SUBMITTED BY: _____


Jung-Han Chen, Director
Community Development Department

DATE: August 7, 2012

City of Oxford, Ohio Building And Zoning Permit

Permit No. 9103 19

Building and Planning and Zoning Departments, Municipal Building, 101 East High St.,
Oxford, Ohio 45056-1887, Telephone: (513) 523-2171.

This permit must be kept on premises.

**Void unless work is started
within six months of approval.**

Acceptance of permit constitutes an agreement to build in accordance with all applicable regulations and approved plans and specifications.

Owner: Phillip Cohel

Application No.: 91-046

Address: 220 East Vine Street
Oxford, Ohio 45056

Telephone:

Is granted this
permit for and
to be used as

☐ New building ☐ Alteration ☒ Addition (Type A)
☐ Remodeling ☐ One-family ☐ Two-family
☒ Other Use (Specify) Addition of garage & kitchen
for residence. In the R-2 District.

Variance, Special or Additional Use Permit, Certificate of Appropriateness, or Planned Unit Development
(Indicate case no. and effective date of action, if applicable):

Lot no.

2822

Address:

220 East Vine Street

Architect or Engineer:

Hal Barcus

Contractor:

McDaniel Construction

Note: Plumbing permits must be obtained from
Butler County Health District, Plumbing
Department.

Fees:

PIF Paid #8419
Building 62 -20
Mechanical 44
Electrical 32
Sprinkler System 11
Other #8419
Zoning 25
TOTAL \$163.00
#143.00

All work must be done in compliance with ordinances, plans and specifications as approved by the Building and Planning and Zoning Departments.

Date: 3-19-91

Chief Building Official: [Signature]

Date: 3/15/91

Zoning Administrator: [Signature]

FOR OFFICE USE ONLY

MECHANICAL

ELECTRICAL

FIRE SUPPRESSION

OTHER

CITY OF OXFORD, OHIO
APPLICATION FOR BUILDING AND ZONING PERMITS

(Please Print or Type on Both Sides)

City of Oxford, Municipal Building, 101 High St., Oxford, Ohio 45056-1887, Telephone: (513) 523-2171.

Accompanying plans will not be reviewed until this application is complete.

Application for (Check Permit Type):

Building	☒	Mechanical	☐	Electrical	☐
Sprinkler	☐	Other	☐	Zoning	☒

Application Date 3/12/91
Processing fee paid
\$20.00 #8419 3-12-91

SUBMIT APPLICATION FOR EACH BUILDING OR STRUCTURE

Applicant's Name McDaniel Harry E.
Last First Initial
Name of Firm McDaniel Const.

Street Address 303 B Bull Hill Liberty Twp
Street City State Zip
Telephone 317-458-7608 47353

Owner's Name Cohel Phillip
Last First Initial
Name of Firm _____

Street Address 230 East Vine Oxford OH 45056
Street City State Zip
Telephone _____

Plans prepared by (check one):

- ☒ Ohio Registered Architect
☐ Ohio Professional Engineer
☐ Ohio Sprinkler System Designer
☐ Other (see reverse side) Title _____

Enter number of sheets in one set of your plans _____

Provide three sets of building plans and lot plans for residential work, and four sets for commercial work with each application. All plans are to be drawn to scale. The lot plan must show the building or structure drawn to scale, the dimensions of the lot, the distances from the building or structure to front, rear and side lot lines, parking, screening and any other required elements. Where buildings are to be set at or near minimum distances from lot lines, the applicant must submit a determination of said lines on the ground by a registered surveyor.

Ohio Registration No. _____

Application is for: name of job and description of building and work performed - Store, Church, etc.

Addition of garage + kitchen for Cohel residence

Change of use _____ Addition ☒ Alteration _____ New _____

Total cost of work covered by the application \$ 33,000

Type of Construction (check type, but contact Building Department before completing this section):

1A	1B	2A	2B	2C
3A	3B	4	5A	5B

OBBC Use Group Classification is (check type, but contact Building Department before completing this section):

A1A	A1B	A2	A3	A4	A5	B	E	F1	F2	H	I-1
I-2	I-3	M	R1	R2	R3	S1	S2	U	SFR		

If building is Use Group S, what is the nature of the materials to be stored and their containers?
_____ Combustibles _____ Totally Noncombustible

If building is use Group R1, R2, or R3 specify the number of apartments or units. _____

If building is use Group I-2, specify number of beds (or infants). _____

Name of Person Drawing Plans
(if different than applicant)

Hal Barcus

Title

Architect

Name and
Type of Firm

Hal Barcus

Street
Address

Street

City

State

Zip

Telephone

523-4812

Specify **EXACT** location of project:

Street
Address

220 East Vine

Lot No. 2822

Zoning District

Proposed Use of Buildings or Land

Number of parking spaces provided

Loading spaces

Check appropriate floor(s) and indicate the total square footage per floor:

☒	A. Basement	<u>299</u>
☐	B. 1st floor	<u>299</u>
☐	C. (circle no.) 2 3 4 5 6	
☐	D. Additional Floors	
☐	Total Square Feet = A + B + C + D	<u>598</u>

FEES

OBBC - Ohio Basic Building Code

Building and Mechanical Fees

A. \$80.00 processing fee

B. \$3.00 per 100 square feet gross floor area

Sprinkler System Fees

A. \$100.00 processing fee

B. \$2.00 per 100 square feet gross floor area

Electrical Fees

A. \$80.00 processing fee

B. \$1.00 per 100 square feet gross floor area

Demolition of Building - \$80.00

CABO - One, Two and Three Family Dwellings

Building Fees

A. \$20.00 processing fee/all accessory buildings

B. \$7.00 per 100 square feet gross floor area

Electrical Fees

A. \$20.00 processing fee/minor electric currents

B. \$2.00 per 100 square feet gross floor area

Mechanical Fees

A. \$20.00 processing fee

B. \$4.00 per 100 square feet gross floor area

Zoning Permit Fee - \$25.00

Other Fees

A. Alterations & Remodeling 0-500 sq. ft. of floor area - \$20.00

B. Demolition of Building - \$30.00

C. Furnace install or replace - \$20.00

D. Central air conditioning (AC) install or replace - \$20.00

E. Furnace & AC install or replace - \$40.00

F. Fuel storage tanks - \$25.00 per tank

G. Awnings, tents - \$15.00

H. Reroof - \$20.00

I. Sidewalks - \$10.00

J. Permit renewal - \$25.00

K. Change of occupancy/use inspection - \$25.00

L. Change of Building Plans - \$50.00

M. Minor Electrical Washer/Dryer Circuits - \$20.00

Fee payment must accompany application

The undersigned being the owner, owner's agent, electrical or mechanical or general contractor does hereby agree to install above noted work in compliance with the laws of the State of Ohio, and with the Oxford building and zoning codes.

Applicant
Sign Here

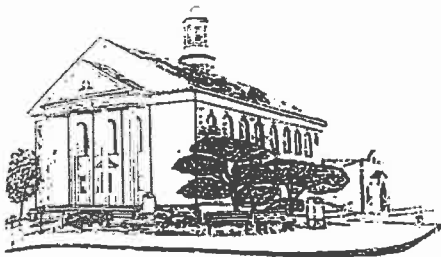
Harry E. Whitcomb Jr.

Address

303 B Bull Hill Subdiv Ind
47353

Date

3/12/91



City of Oxford

Municipal Building
Phone 513-523-2171

101 East High Street
Oxford, Ohio 45056-1887

TO: Harry E. McDaniel
303B Bull Hill
Liberty, Indiana 47353

RE: 220 East Vine Street

DATE: March 15, 1991

Plans provided for review for the referenced project are approved subject to the following. These clarifications, revisions and or additional requirements must be included in the Construction and become part of the Contract Documents for a building permit.

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>REFERENCE</u>
1.	Exterior stairs must be per.	R-213
2.	Railing heights per.	R-214
3.	Garage door to basement must be closer.	R-209
4.	Use treated sills.	R-308
5.	Provide floor bridging per.	R-602.4
6.	Shingles must be minimum Class "C".	R-801
7.	Provide a spark arrester.	R-903.1
8.	Properly vent range.	M-1108.2

Mechanical Data

Identification	Name	Address	City	State	Zip	Phone
Mech. Plans By						
Mech. Contr.						

Type of Mechanical Equipment (Describe and show number of units to be installed)

312

A. Furnace ☐ Up Flow ☐ Counterflow ☐ Horizontal
 Trade Name _____
 Model No. _____ Fuel _____
 Input BTU _____ Output BTU _____

B. Comb. Htg. & A.C. _____
 Trade Name _____
 Model No. _____ Fuel _____

C. Air Cond. Fuel _____
 Trade Name _____
 Model No. _____ Fuel _____
 Input BTU _____ Output BTU _____

D. Heat Pump
 Trade Name _____
 Model No. _____ C.BTUH _____

E. Boiler ☐ Hot Water ☐ Steam ☐ Process
 Trade Name _____
 Model No. _____ Fuel _____
 Input BTU _____ Output BTU _____
 Net Rating BTU _____

F. Baseboard ☐ Hot Water ☐ Steam ☐ Electric
 Trade Name _____
 Model No. _____ Fuel _____
 BTUH _____

G. Unit Heater _____
 Trade Name _____
 Model No. _____ Fuel _____

H. Unit Ventilator _____
 Trade Name _____
 Model No. _____ CFM _____

I. Fan Type _____
 Trade Name _____
 Model No. _____ CFM _____

J. Make Up Air Unit Type _____
 Trade Name _____
 Model No. _____

K. Storage Tank ☐ Fuel Oil ☐ LP Gas ☐ Waste Oil
☐ Gasoline ☐ Capacity ☐ Gal.
 Location _____

L. Fire Suppression System Type _____
 Area Suppressed _____ SF
 No. Heads _____

M. Other _____
 Trade Name _____
 Model No. _____
 Capacity _____

N. Alterations _____

O. Fan Capacity _____
 CFM @ _____ inches H₂O
 Size of Combustion Air Opening _____

Total Heat Loss _____ BTUH
 Total Heat Gain _____ BTUH

Installed Price of Work _____

Note: if necessary for accurate review, submit a complete room by room analysis.

Electrical Data

agree and zoning

Identification	Name	Address	City	State	Zip	Phone
Elec. Plans By						
Elec. Contr.						

91

Cost of Work _____
 Total Amps _____
 No. of Circuits _____

Total Voltage _____
 Phase _____
 No. and Largest Motors _____

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/6/12

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-09-2012

**ADDRESS: Parcel #H4100006000035
Vine Street**

BZA-09-2012 Vine Street, Parcel #H4100006000035 variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard coverage, **Dave & Pamela Kellems, Applicants**

PREVIOUSLY HEARD 6/20/2012; 7/18/2012 and withdrawn by Applicants

BZA-06-2012 Vine Street, Parcel #H4100006000035 variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard coverage, **Dave & Pamela Kellems, Applicants (Tabled 6/20/12)**
Applicants withdrew application 7/18/12

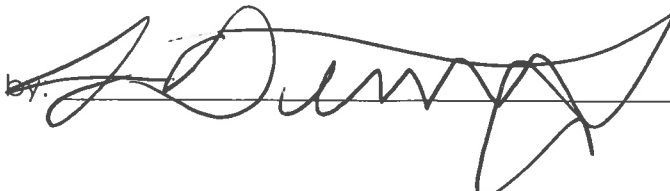
____X____ Review _____ Revisions _____ Other

SHOULD YOU HAVE ANY COMMENTS SINCE YOUR LAST REVIEW IN JUNE, PLEASE PROVIDE.

Please return no later than: **8/9/12** Note: If no comments are received, we will assume the project meets your department's standards.

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

✓

Drawings reviewed by: 

Date: 8-6-12

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/6/12

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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____X____ Review _____ Revisions _____ Other

SHOULD YOU HAVE ANY COMMENTS SINCE YOUR LAST REVIEW IN JUNE, PLEASE PROVIDE.

Please return no later than: **8/9/12** 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 8/7/12

Drawings reviewed by: Scott Oth Date: 8/7/12



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
Engineering Division

RE: Case #: BZA-09-2012
Vine St. Parcel #4100006000035 variance principal entrance upon an alley

DATE: August 7, 2012

The Engineering Division has reviewed the subject case, and the following is our comment:

- Alleys are unnamed, how will residents communicate their need for Fire/EMS or Police during an emergency?

If there are questions, please contact the Engineering Division at 513-524-5208.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/6/12

To: Fire Department Engineering Division (Police Department) Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-09-2012

**ADDRESS: Parcel #H4100006000035
Vine Street**

BZA-09-2012 Vine Street, Parcel #H4100006000035 variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard coverage, **Dave & Pamela Kellems, Applicants**

PREVIOUSLY HEARD 6/20/2012; 7/18/2012 and withdrawn by Applicants

BZA-06-2012 Vine Street, Parcel #H4100006000035 variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard coverage, **Dave & Pamela Kellems, Applicants (Tabled 6/20/12)**
Applicants withdrew application 7/18/12

____X____ Review _____ Revisions _____ Other

SHOULD YOU HAVE ANY COMMENTS SINCE YOUR LAST REVIEW IN JUNE, PLEASE PROVIDE.

Please return no later than: **8/9/12** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: _____

Date: 8/8/2012

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/6/12

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: BZA-09-2012

**ADDRESS: Parcel #H4100006000035
Vine Street**

BZA-09-2012 Vine Street, Parcel #H4100006000035 variance to Sections 1141.03(b) principal entrance upon an alley and 1143.03(c)(3)(D)(3) front yard coverage, **Dave & Pamela Kellems, Applicants**

PREVIOUSLY HEARD 6/20/2012; 7/18/2012 and withdrawn by Applicants

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Applicants withdrew application 7/18/12

____X____ Review _____ Revisions _____ Other

SHOULD YOU HAVE ANY COMMENTS SINCE YOUR LAST REVIEW IN JUNE, PLEASE PROVIDE.

Please return no later than: **8/9/12** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: _____

Date: 8-7-2012

BZA - 09-2012

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit

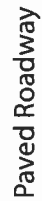


Parcel

16.5' Vacated ROW



Building Footprint



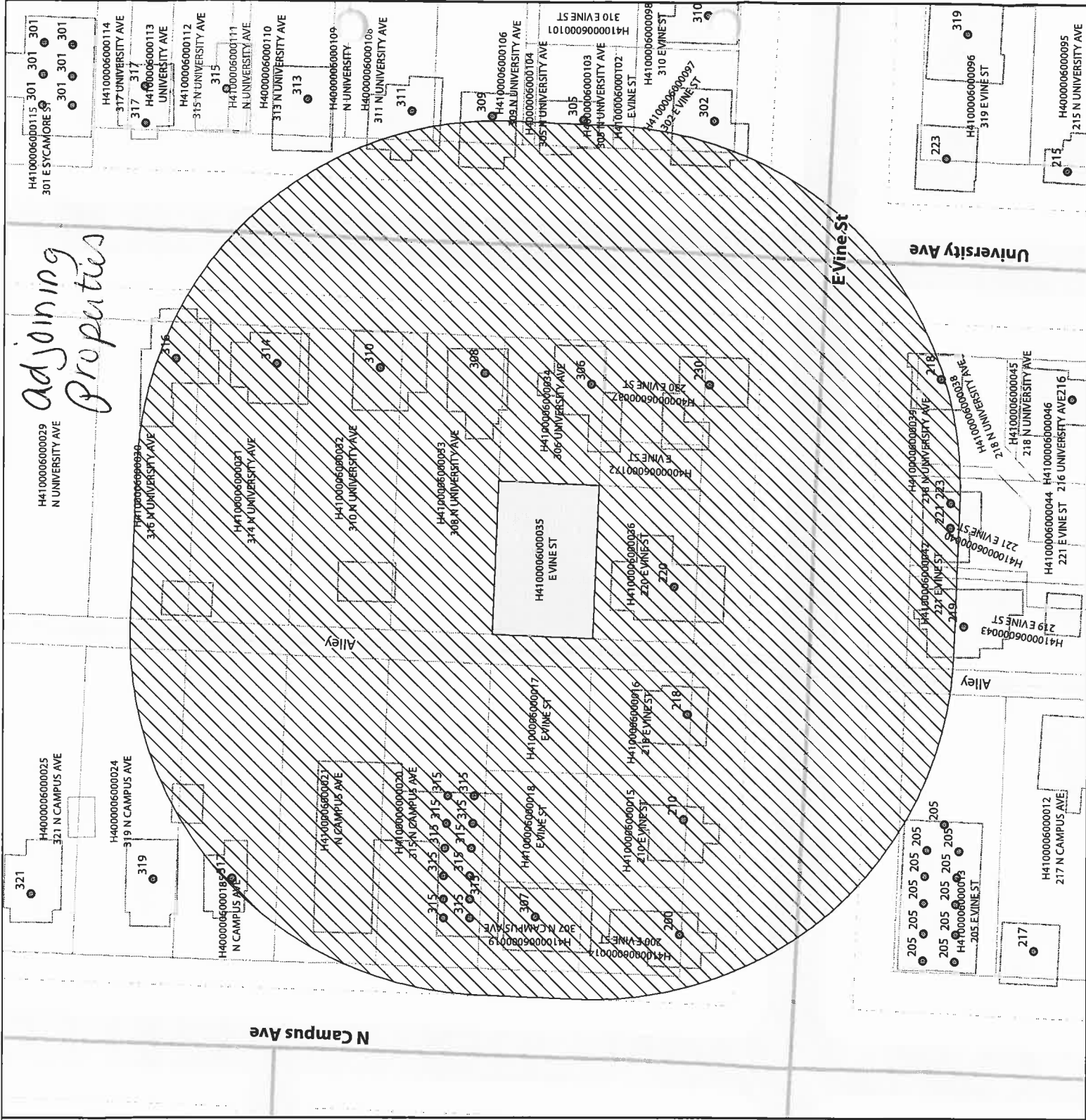
Paved Roadway



1 inch = 75 feet



The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



Petition for Zoning Variance
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Petitioner: DAVID A. & PAMELA J. RELLEMS
(Attach a Letter of Agency if the Applicant is not the property owner.)

Mailing Address: 8747 MT. HOPE RD
HARRISON, OH 45030

Telephone Number(s): HM. 513-367-6039 513-505-4918

Email Address: _____

Name of Property Owner: DAVID A & PAMELA J. RELLEMS

Mailing Address: 8747 MT. HOPE RD, HARRISON, OH 45030

Telephone Number(s): 513-367-6039 CELL 513-505-4918

Requested Variance: DWELLING FACE
(Indicate nature of variance SECT 1141.03(b)
and applicable section(s) 1143.03(c)(3)(D)(3)
of the Zoning Code.) PER ANDREW R. WILSON NOTICE

Location of Requested Variance: E. VINE ST., OXFORD, OH 45056

Legal Description: 345 W 85

Zoning District: R2X5

Total Acreage: RIMS Acres

Existing Use of Site: VACANT LOT OF RECORD

Proposed Use: (if applicable) SINGLE FAMILY DWELLING
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 **\$400.00 plus Actual Postage fee**, made payable to the City of Oxford, to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SIGNATURE OF APPLICANT:

David A. Kellem

Date:

8/2/12

PRINTED NAME OF APPLICANT:

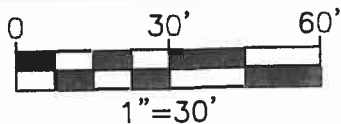
David A. Kellem

FEE / RECEIPT

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

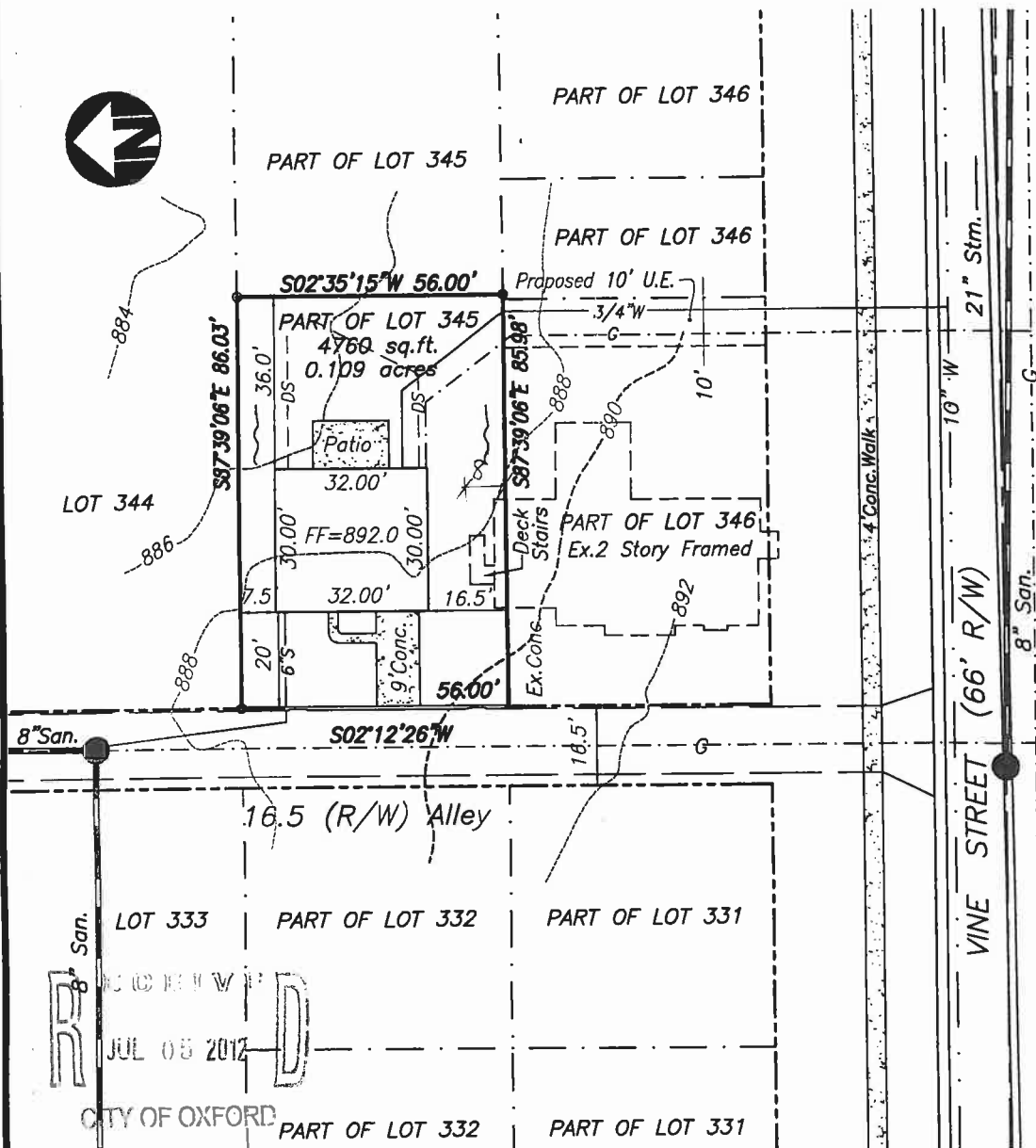
17874.1

\$56.10



Most recent
Submittal

UNIVERSITY AVENUE



Lot Area = 4816 S.F.

Lot Coverage
House = 960 S.F.
Porch = 160 S.F.
Drive = 208 S.F.
Encroachment = 153 S.F.
1481 S.F.
4816 S.F. = 31%

Bldg. Coverage
960
4816 = 20%

Front Yard = 1120 S.F.

Front Yard Coverage
Drive & Walk = 208 S.F.
Encroachment = 60 S.F.

304 S.F.
1120 S.F. = 24%

NOTE:

1) "This drawing was prepared for house permitting and staking only. It does not warrant any environmental or geo-technical conditions, and it does not represent a boundary or "As-Built" survey."

2) Bayer-Becker assumes no responsibility for either the depth or location of the sewer lateral.



Client: DAVE KELLEMS
Scale: 1"=30'
Drawn by: B.B.
Checked By: D.D.S.
Issue Date: 1/3/2012

PLOT PLAN
PART LOT #345
CITY OF OXFORD
BUTLER COUNTY, OHIO

J:\PLOTPLANS\CITY OF OXFORD\LOT 345



6900 Tylersville Road, Suite A
Mason, OH 45040 - 513.336.6600