

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Atlantic Sign Company c/o Brooke Alini
Location	300 S Locust (Kroger)
Owner	Schottenstein Property Group
Action Request	Variance to Section 1151.05(a)(3) for maximum of 2 wall or freestanding signs per site in the GB General Business District
Property Size	7.88 acres
Property Frontage	288 feet on S Locust St; 530 feet on Fairfield Rd
Current Use	Commercial Service – Retail/Grocery
Current Zoning	GB General Business District
Surrounding Land Uses	Commercial Services – Banks, Office, Retail, Fueling Station

BACKGROUND

The applicant has requested a Variance in order to install an additional wall sign on the exterior façade of the existing Kroger grocery store, to advertise the Little Clinic use currently located inside the store. A total of four permanent wall signs are currently installed on the façade, going in order from north to south: (1) “Starbucks Coffee”; (2) “Kroger”; (3) “Pharmacy”; and (4) “RX Drive-Thru.” If approved, this would increase the total number of permanent wall signs on the building to five.

The Community Development Department received a Building Permit application from the applicant in November 2020 requesting a permanent sign displaying “The Little Clinic”, with a temporary banner installed in the interim to communicate the same content. Staff permitted the banner to be installed indefinitely, consistent with the City’s COVID-19 temporary sign policy, and also for obvious public health reasons to ensure customers are able to effectively locate health services during a pandemic. However, staff denied the request for the permanent sign, due to non-compliance with GB District signage restrictions and past approval by the BZA in November 2008. See the Zoning Review letter issued on November 25, 2020 and associated attachments, which are included in the packet, for more information.

A variety of Variances were approved for the Kroger site in November 2008 (Case No. BZA-2008-16), when the site was modified to add additional retail space as well as a fueling station fronting on S Locust. One of these Variances was to **Section 1151.05(a)(3)** to permit a total of 7 signs on the site, including four (4) wall signs on the main building; and three (3) signs on the fuel center canopy.

DESCRIPTION

The applicant's requested variances can be summarized as follows:

Requirement	Code Section	Standard	Approved	Proposal
Maximum Number of Signs	1151.05(a)(3)	2	8	9
The Signage Chapter of the Oxford Zoning Code normally permits a maximum of 2 wall or freestanding signs per "single tenant" development site. Expressed another way, a commercial user may either have 2 wall signs, or a combination of 1 wall sign and 1 freestanding sign. For a "multi-tenant" site, the limit is no more than 1 wall sign per tenant plus no more than 1 freestanding sign. At the time the 2008 Variances were approved, the Code did not make a distinction in standards between a "single tenant" and a "multi-tenant" site. Staff would actually consider the current development to be a "multi-tenant" site, given the presence of not only the main anchor tenant (Kroger), but also the Mercy Health tenant on the north side. The present proposal neither complies with the current "single-tenant" or "multi-tenant" provisions due to a total of 4 wall signs associated with a single tenant (Kroger).				

PUBLIC COMMENTS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. The notice specifically addressed possible changes to the date, location and format of the meeting due to the COVID-19 pandemic, including the possibility of a video conference and/or teleconference format. No official public comments have been received as of this writing.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Jessica Greene, Assistant City Manager	Not Returned
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned with Comments
<i>Can't see that this would do any harm, and can only make people more aware that this service is available.</i>		
Police	John Jones, Police Chief	Returned with Comments
<i>No objection. Would request the applicant remove temporary yard signs they have placed in the right of way along Fairfield Road.</i>		

BZA SITE HISTORY

Relevant BZA case history for the subject property is outlined in the table below:

Request	Case No.	Standard	Granted
Maximum Number of Signs	BZA-2008-16	2	8
The Zoning Code in effect at the time contained the exact same language as the present Code, excepting new language later added to apply standards differently to “multi-tenant” sites. The standard allowed for a maximum of either 2 wall signs, or a combination of 1 wall sign and 1 freestanding (ground sign). The BZA approved a Variance request to increase the allotted amount of wall signs to 7, with 4 on the main building and 3 on the gas canopy. Only 1 sign on the gas canopy was allowed to contain dynamic fuel pricing information, with the other 2 simply displaying “Kroger” in a static manner. In addition, 1 freestanding sign was allowed in conjunction with the 7 wall signs, bringing the total number of signs allowed to 8. It appears that signs for former Radio Shack and			
Freestanding Sign Size and Height	BZA-2008-16	48 sq ft; 6 ft	70 sq ft; 7 ft
The dimensional standards in effect at the time for freestanding signs are the exact same as presently worded in the Zoning Code, and include the following: (1) maximum sign size of 48 sq ft; (2) maximum sign structure height of 6 feet; and (3) maximum sign structure width of 12 feet. The BZA approved a Variance to increase the sign size to 70 sq ft and the height to 7 feet. Thus, the existing Kroger freestanding ground sign at the signaled intersection closest to the Kroger fuel station was allowed to be built as proposed.			
Total Sign Face Area	BZA-2008-16	577 sq ft	598 sq ft
The standard in effect in 2008 (which matches today’s Code) was a maximum of 2 sq ft of total sign area per the site’s linear frontage measured in feet. The staff report indicates the total signage allowance for S. Locust Street to be 577 sq ft, based on 288.50 feet of frontage. The Kroger wall signs proposed at the time measured 523 sq ft, not inclusive of the proposed freestanding fuel pricing sign totaling 123 sq ft, which was determined “not facing” the right-of-way. At the time, Radio Shack and Movie Gallery occupied tenant spaces presently held by Mercy Health, comprising 75 sq ft. In total, the requested sign area total was 717 sq ft. However, the variance only considering signs directly facing the right-of-way, thus the Board had to allow an increase from 577 sq ft to 598 sq ft.			
Freestanding Sign Orientation	BZA-2008-16	Oriented toward ROW	Not oriented toward ROW
As mentioned in the paragraph above, the Kroger fuel station freestanding sign was not considered to be “facing” the Locust Street right-of-way, and thus required a variance to be approved. Current staff disagrees with the past interpretation of this operational standard, as the term used in the Code is “oriented” not “facing,” as the Kroger ground sign is clearly oriented toward S. Locust Street and not Fairfield Road.			
Various Other Variances	BZA-2008-16	Various	Various
See letter to Mr. Jonathan Wocher dated November 19, 2008 for information on other Variances not related to signage granted by the BZA as part of the 2008 case. Pertinent subjects included landscaping and parking standards.			

DECISION CRITERIA

In accordance with **Section 1139.02(c)(1)**, the burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance. Furthermore, per **Section 1139.02(c)(2)** the BZA must find that **practical difficulties** exist that would render strict application of the Code unreasonable. In determining whether such difficulties exist which are sufficient to warrant the variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed letter addressing the review criteria from Ms. Alini.

If the BZA determines that difficulties exist which are sufficient to warrant the variance, staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. If the BZA does approve the variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by **Section 1139.02(d)(2)**.

Staff's review of the criteria is outlined in the table below. At the time of this report, staff believes **there is substantial evidence** to support the variance request.

Criterion A	Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance
✓ Supports granting the variance	It is clear that the presence of this sign would not have an effect on the attention, visibility, and return received for the actual Kroger grocery store use. However, staff does recognize that the clinic is essentially another use, operating more as a separate tenant embedded within the much larger use. Larger chains such as Meijer and Walmart often allocate space for separate tenants toward the front of the store, such as those for eye care and banking, with advertising signage provided on the front of the building. Clearly if this use was considered a "multi-tenant" site, such a sign would be allowed by-right, as a business use should be entitled to at least one wall sign for advertising and identification.
Criterion B	Whether the variance is substantial
✓ Supports granting the variance	Staff disagrees with the applicant's claim that the variance is substantial. The sign as proposed conforms to all other dimensional standards and will coincide naturally with the building's architecture. The Kroger building is one of the largest single-tenant commercial buildings in Oxford. The presence of the temporary banner also gives us a preview of the resulting appearance of having 5 total signs, further confirming this request is not substantial.
Criterion 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
✓ Supports granting the variance	Illuminated, channel letter signage is commonplace in the South Locust commercial business corridor. The essential character will not be substantially altered.

Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
✓ Supports granting the variance	The Fire and Police Chiefs both support the request, and the City Engineer chose not to comment. The Police Chief notes the presence of temporary signage along the right-of-ways, which is likely being allowed temporarily per the City's COVID-19 relief policy. City staff can continue to work with Kroger representatives on issues surrounding temporary signage, however, it is not the belief that such details have a rational relationship to the request at hand for a permanent wall sign but are rather a Code enforcement issue to be resolved separately when the time comes.
Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
Does not support granting the variance	The past Variance case authorizing a greater number of wall signs for the same use (Kroger) is sufficient evidence to show that this criterion is not applicable.
Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
✓ Supports granting the variance	The applicant could choose to remove one of the existing wall signs to stay within the current limit of 4. However, this would effectively compromise any one of the "sub-uses" within the structure – i.e., those currently identifying the RX drive-thru, Pharmacy, and Starbucks Coffee. For this reason, staff believes this criterion supports the request.
Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
✓ Supports granting the variance	On its face, staff believes the sign standards are written to provide a reasonable amount of signage (no more than 2) for predominately smaller-scaled commercial uses such as a single-site office, restaurant, or retail business. The Code was later reworked to allow additional flexibility for multi-tenant sites, so that each tenant within a structure may be given adequate accommodation for advertisement. The reason the Variance is required is due to past approval in 2008 firmly establishing a limit of 4 signs, as well as the murkier nature of separation between tenants in larger "big box" stores. Staff believes the request is in keeping, and does not violate, the spirit of the Zoning Code.
Criterion H	Any other relevant factor
✓ Supports granting the variance	Although predicaments of a temporary nature should usually not be a basis for permanent zoning decisions, City staff does believe the argument for allowing easier identification for medical uses during an unprecedented health crisis deserves some merit, as expressed by the applicant in her letter.

SUBMITTED BY:

A handwritten signature in black ink that reads "Zachary W. Moore". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Zachary Moore, AICP
Planner

DATE: February 5, 2021

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA 2021-01**, being a Variance to Section 1151.05(a)(3) for more than 2 wall or freestanding signs on a single-tenant site:

Mr./Ms. _____ hereby moves that the Board adopt and make the following findings of fact:

- A. The property in question (**will / will not**) yield a reasonable return or (**can / cannot**) be used beneficially without the variances because:_____
- B. The variance (**is / is not**) substantial because:_____
- C. The essential character of the neighborhood (**would / would not**) be substantially altered by the variance and adjoining properties (**would / would not**) suffer a substantial detriment as a result of the variance because:_____
- D. The variance (**would / would not**) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because:_____
- E. The property owner (**did / did not**) purchase the property with knowledge of the zoning restriction because:_____
- F. The property owner's predicament (**can / cannot**) feasibly be obviated through some method other than a variance because:_____
- G. The spirit and intent behind the zoning requirement (**would / would not**) be observed and substantial justice done by granting the variance because:_____
- H. Other relevant factors, if any, considered include:_____

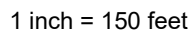
It is further moved that after considering and weighing these factors, the Board should find that practical difficulty (**is/is not**) shown sufficient to warrant granting the Variance requested, and that the Variance should be accordingly (**APPROVED / DENIED / APPROVED WITH THE FOLLOWING CONDITIONS**). The conditions for approval, if any, include:

Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____



- Subject Parcel
- 200 Ft. Buffer
- Oxford Corporation Limit
- Parcel
- Vacated Right-of-Way
- Building Footprint
- Paved Roadway

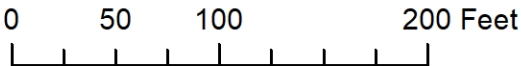


The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



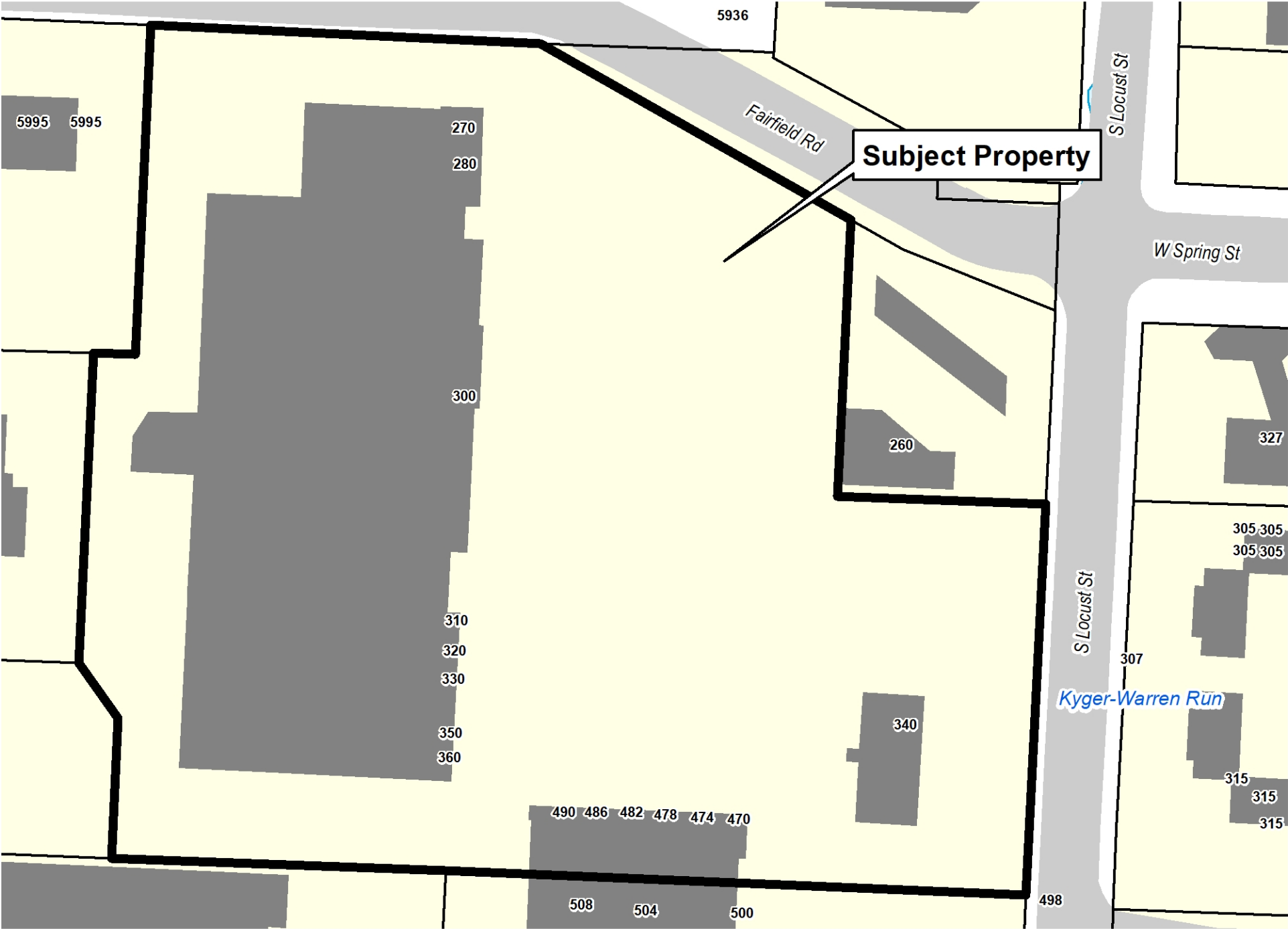
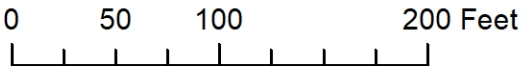
Location Map

 Site Parcel(s)



Location Map

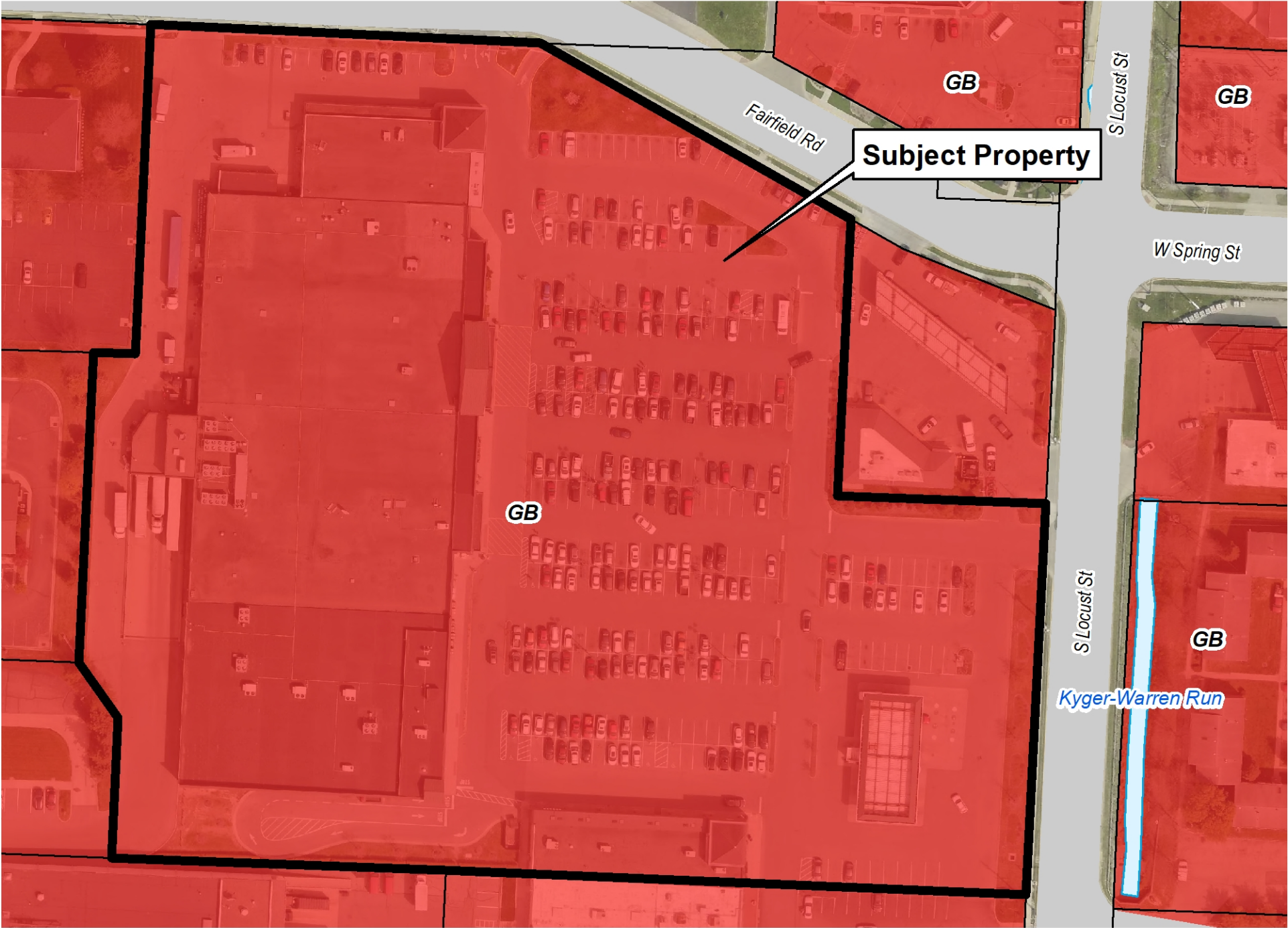
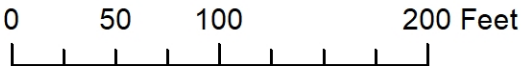
 Site Parcel(s)



Location Map



Site Parcel(s)





Internal Use Only:

Case No.

B2A-2021-01

Date Filed

1/15/21

Petition for Zoning Variance

Petitioner Information

Attach a Letter of Agency if the Petitioner is not the property owner.

Name *

Brooke Alini - Atlantic Sign Company

Mailing Address *

2328 Florence Ave

City, State & Zip Code *

Cincinnati, OH 45206

Telephone Number(s) *

513-241-6775

Email Address

Brooke@Atlanticsigncompany.com

Owner Information

Name *

Schottenstein Property Group

Mailing Address *

4300 E Fifth Ave

City, State & Zip Code *

Columbus, OH 43219

Telephone Number(s) *

Email Address

Variance and Lot Information

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

Please see attached

Location of Requested Variance *

300 S Locust Oxford, OH 45056

Name of Building

Kroger

Legal Description *

Kroger Grocery Store

Zoning District *

GB

Total Acreage *

7.8813

Existing Use of Site *

Community Shopping Center

Proposed Use (if applicable). A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles, and the hours of operation.

- 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.

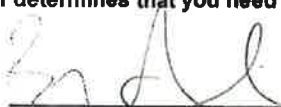
Fees & Receipt

The variance fee is \$300.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00, plus \$10.00 postage charge. **Fees may increase if staff determines that you need more variances.**

Sign and Date

Petitioner Signature *

Date *


1/2/2021

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fees and postage charge, made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Atlantic Sign Company has permission to represent our interest with the City of Oxford and act on our behalf for the Board of Zoning Appeals hearing 2/7/21 regarding the Kroger A412 Little Clinic Sign Addition at our property located at 300 S Locust St, Oxford, Ohio 45056

Thank you,

APPROVED

By Keith Massa at 7:31 am, Jan 21, 2021

Signed: _____

Keith Massa
Schottenstein Property Group
4300 E Fifth Ave
Columbus, OH 43219

Date:



Board of Zoning Appeals
City of Oxford
15 S. College Ave
Oxford, OH 45056

RE: Kroger Grocery
300 S Locust St
Oxford, OH 45056

Board Members,

Please accept this letter as a formal petition for a Board of Zoning Appeals review for a variance to the maximum amount of signage for parcel H4100119000079.

Per the letter received on Nov 25, 2020 we are requesting a variance to the following code:

a. Section 1151.05(a)(3) provides that no more than two (2) wall or freestanding signs are permitted per site in the GB General Business District.

b. The Oxford Board of Zoning Appeals (BZA) approved a variance to Section 1151.05(a)(3) on November 19, 2008, as evidenced by the attached approval letter and plans, to allow up to four (4) wall signs on the main Kroger building and up to three (3) signs on the fuel center canopy. It is staff's belief that all seven (7) of these allowed signs are currently installed.

c. Therefore, the proposed permanent wall sign cannot be approved at this time. Another variance from the BZA would be required in order to install an additional wall sign on the building.

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

There are no changes to the property itself, by adding The Little Clinic to the Kroger store Oxford citizens get the benefit of quick service medical help.

b) Whether the variance is substantial

Yes, this variance is substantial. We are requesting a new sign above allocated quantity.

c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining would suffer a substantial detriment as a result of the variance

Adding the "The Little Clinic" sign will not affect the neighborhood.



Atlantic Sign Company

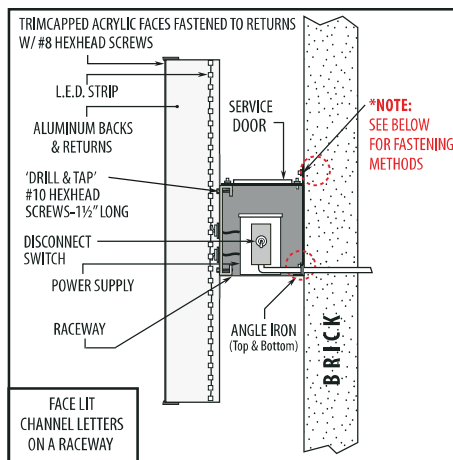
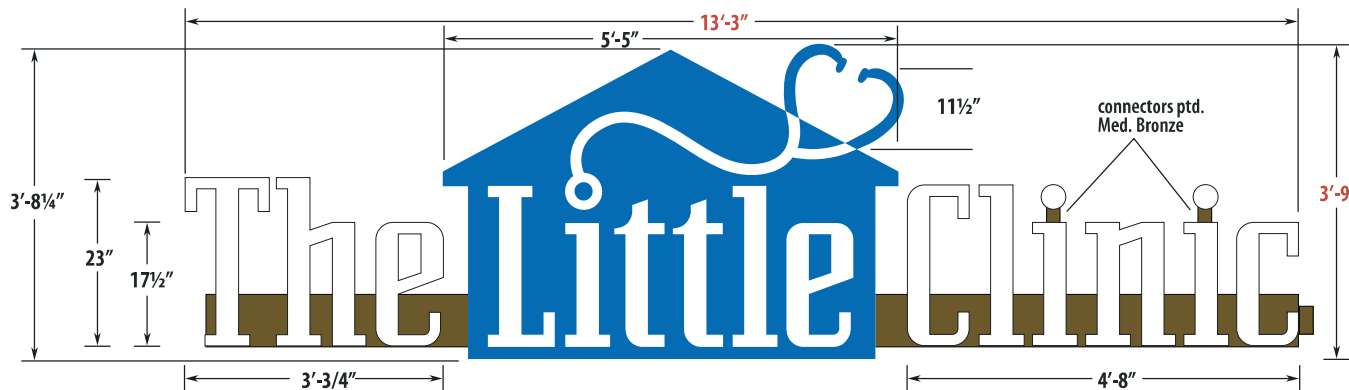
- d) Whether the variance would adversely affect the delivery of governmental services (i.e, water, sewer, garbage);
Adding the "The Little Clinic" sign will not affect any delivery of governmental services.
- e) Whether the property owner purchased the property with knowledge of zoning restriction
The property owner is aware of the restrictions and had asked to proceed with the variance request.
- f) Whether the property owners' predicament feasibly can be obviated through some method other than a variance
Due to the 2008 variance allowing 7 signs, we must request an additional variance.
- 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 code is not being observed but the intent behind is a public service to the citizens of Oxford. By adding a clinic to this location Kroger is offering quick medical service and at a convent location
- h) Any other relevant factor
The Kroger Co. is wanting to install a "The Little Clinic" sign to the existing building. The new sign is 49.69 sq ft and will be placed on the front elevation. By adding this "The Little Clinic" to the Oxford Kroger, it will allow the residents to have easy access to medical help. The sign will point patients to the clinic allowing them quick access. During these unprecedented times access to medical professionals is vital.

Thank you for your consideration of this additional signage. Please reach out with any questions or concerns.

Respectfully,

A handwritten signature in black ink that reads 'Brooke Alini'.

Brooke Alini
Atlantic Sign Company



*BRICK FASCIA: 3/8" x 3" Lag & Shields x _____ minimum req'd.



'The' 'Clinic' LETTER CHANNELS

- .040 alum. returns pre-finished Gloss Black; .050 alum. backs.
- Channel interiors pre-finished Reflective White.
- 3/16" Plexiglas® #7328 White acrylic faces.
- 1" Wagner-Zip Change® Jewelite™ Black trimcap.
- White L.E.D. illum.

LOGO CHANNEL

- .040 alum. returns pre-finished Gloss Black; .050 alum. back.
- Channel interior pre-finished Reflective White.
- 3/16" Plexiglas® #7328 White acrylic face w/ first surface 3M #3630-167 Bright Blue trans. vinyl.
- 1" Wagner-Zip Change® Jewelite™ New Intense Blue trimcap.
- White L.E.D. illum.

STETHESCOPE

- 1/2" thk. acrylic painted MP 30132 Jet Black (High Gloss).
- Epoxy/glued to back of trimcap and for added rigidity and depth.

RACEWAY

- .080 alum. formed 7.5" x 7.5" x 13'; painted MP 15720 Med. Bronze.
- 1" x .125 alum. spreader welded on 12"-18" centers continuous.
- 2" x .250 alum. mounting straps welded on 4' centers as req'd based on length.
- Top bolts exposed; bottom bolts hidden within raceway.
- Two (2) 2" x .250 flat lifting bars placed to balance lift load.
- Power supplies: as required.

ELECTRICAL

- U.L. listed and labeled.
- 2" x 4" weatherproof disconnect box/switch(es), painted to match raceway.

MULTI-VOLT TRANSFORMER

49.69 sq.ft.

APPROVED

By Keith Massa at 7:33 am, Jan 21, 2021



THIS DESIGN REMAINS OUR EXCLUSIVE PROPERTY AND CANNOT BE DUPLICATED WITHOUT WRITTEN CONSENT

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS SIGNS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE: _____

Rev. #1 DATE 5-16-2011 BY S.H.

Rev. #2 _____

Rev. #3 _____

Rev. #4 DATE _____ BY _____

Rev. #5 _____

Rev. #6 _____

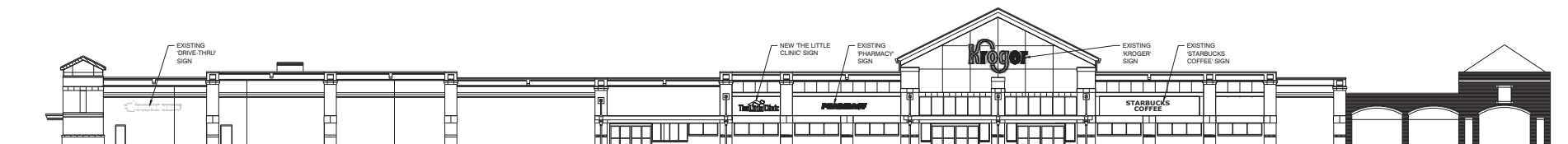


DRAWING NO:

65117.01

DATE: 5-13-2011

S. Hawke



APPROVED
By Keith Massa at 7:32 am, Jan 21, 2021

1 FRONT ELEVATION
SCALE: N.T.S.



October 14, 2020

KROGER A412

Oxford, OH
520301





Community Development Department
Zoning Review
513-524-5204

November 25, 2020

Brooke Alini
Atlantic Sign Company
2328 Florence Avenue
Cincinnati, OH 45206

VIA EMAIL:
brooke@Atlanticsigncompany.com

RE: Zoning Review for 300 S Locust (Permit #P2020-0275) – Partially Approved

Dear Ms. Alini:

I have reviewed your permit application received November 24, 2020 for a temporary wall banner, and the subsequent replacement of the banner with a new permanent channel letter sign, at 300 S Locust (Kroger) in Oxford. Below are comments pertaining to review of the submitted plans for compliance with the Oxford Zoning Code:

1. Regarding the proposed temporary banner:
 - a. Temporary banners such as the one proposed are regulated by **Section 1151.06(a)**, which allows for an area up to thirty (30) square feet, and installation not to exceed fourteen (14) days and no more than six (6) times per calendar year. The banner shown measures thirty two (32) square feet.
 - b. The City of Oxford issued a Press Release on April 24, 2020 to grant temporary relief from temporary sign regulations in non-residential zoning districts due to the effects of COVID-19 (see attachment). This policy is still in effect, and will likely remain so into next year. In observation of this policy, the banner portion of your application is hereby **approved**.
2. Regarding the proposed permanent channel letter sign to follow:
 - a. **Section 1151.05(a)(3)** provides that no more than two (2) wall or freestanding signs are permitted per site in the GB General Business District.
 - b. The Oxford Board of Zoning Appeals (BZA) approved a variance to **Section 1151.05(a)(3)** on November 19, 2008, as evidenced by the attached approval letter and plans, to allow up to four (4) wall signs on the main Kroger building and up to three (3) signs on the fuel center canopy. It is staff's belief that all seven (7) of these allowed signs are currently installed.
 - c. Therefore, the proposed permanent wall sign **cannot be approved** at this time. Another variance from the BZA would be required in order to install an additional wall sign on the building.

This review is only for compliance with the zoning regulations. Other departments may also have comments that will need to be addressed before any permits can be issued. Please contact me if you have any questions.

Respectfully,

Zachary Moore, AICP
Planner

zmoore@cityofoxford.org

513-524-5204

Enclosure:

COVID-19 Temporary Sign Policy

BZA-16-2008 Approval Letter & Plans



PRESS RELEASE

April 24, 2020

Temporary Relief from Zoning Code Sign Requirements COVID-19 Recovery

The City of Oxford has relaxed temporary sign regulations in **non-residential zoning districts** in order to assist the private sector in economic recovery and security.

Examples of temporary signs are banners, flags, for sale/rent and construction.

All signs shall still be maintained and monitored by the business owner or operator to avoid blowing away, washing into storm drains, or otherwise resulting in environmental degradation.

The Community Development Director, Chief of Police and City Manager will retain authority to administer sign regulations as deemed necessary in the spirit of the public health, safety and welfare, further outlined in Oxford Code Section 1151.01.

No permits are required for temporary signs. Please call the Community Development Office at 513-524-5204 or email commdev@cityofoxford.org with any questions.

Community Development Department
Phone: 513-524-5204

November 19, 2008

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

RE: BZA-16-2008 VARIANCE PETITION

Dear Mr. Woher:

On November 19, 2008, the Board of Zoning Appeals held an adjudication hearing to consider your variance request for the property located at 300 S. Locust Street. The following is a list of variance requests to each specific portion of the Oxford Zoning Code and the decision order made by the Board.

Section 1143.12(d)(2) Supplemental Regulations

A. Provisions shall be made for undulating earthen mounds that extend along 50% of the linear frontage of a site adjacent to a public right-of-way.

Approved the variance request; granting relief from meeting this requirement.

Section 1143.12(d)(2) Supplemental Regulations

D. Each earthen mound shall be a minimum of 10 feet high from the average surrounding grade for property five acres or more.

Approved the variance request; granting relief from meeting this requirement.

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

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

Approved the variance request; granting relief and accepting the submitted landscape plan.

Section 1149.05(e)(4) Non-Residential Vehicle Management Parking Lot Design Regulations & Landscaping: G. Interior rows of parking shall have an access isle between each 15 parking spaces.

Approved; granting relief to the variance and accepting the submitted site plan.

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

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

Approved the variance request; granting relief and accepting the submitted landscape plan.

§1151.02(k), 1151.05(a)(3), & 1151.07(a) Measurement of permitted sign face area: *1151.02(k)(2)B. If a site abuts more than one public right-of-way, the number and area regulations are based upon all rights-of-way, however, the sign number and area permitted based upon each right-of-way shall only be oriented towards the right-of-way upon which the permitted sign area is based.*
Approved the variance request; allowing signage on the fuel center canopy to not face the ROW.

§1151.02(k), 1151.05(a)(3), & 1151.07(a) Measurement of permitted sign face area:
1151.05(a)(3)A. Maximum total sign area for all signs on a development site shall be no more than 2 square feet of sign area per linear front foot of the site.
Approved the variance request; allowing the maximum signage square footage to be no more than 523 sq. feet for this redevelopment project.

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

1. No more than two wall signs as follows:
 - a. If the average setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall.

Approved the variance request; allowing for seven total wall signs- four signs on the main building as proposed, and three signs on the fuel center canopy, of which having no more than one fuel pricing sign oriented on the west elevation of the canopy

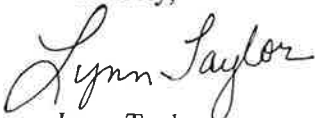
§1151.05(a)(3) Permanent Sign Requirements for "GB" - General Business District: *No more than a total of 2 wall or freestanding signs are permitted per development site.*
B. Freestanding Signs:

1. No more than 1 sign as follows:
 - a. No more than 48 sq. ft. per side
 - b. No combination of a freestanding sign structure and sign shall be higher than 6 feet.

Approved the variance request; permitting a two-sided fuel pricing sign with the Kroger logo not to exceed 70 square feet per side or exceed 7' in height from finished grade as proposed in the submission

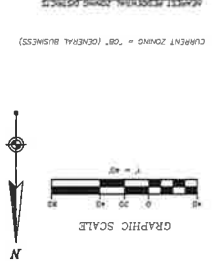
If you have any questions or need additional information regarding this action, please contact the Community Development Department at 524-5204.

Sincerely,

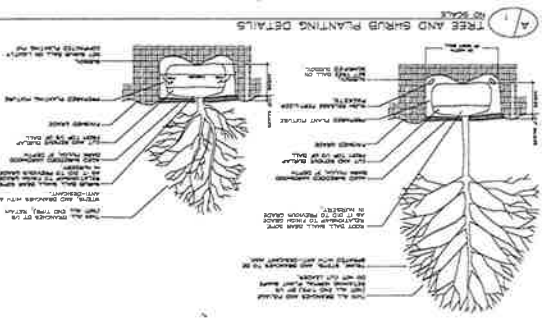
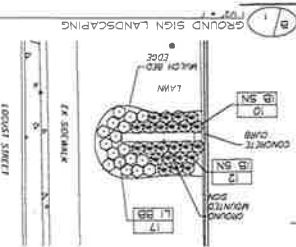
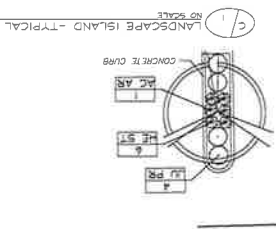
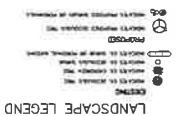


Lynn Taylor
Administrative Assistant

cc: Case File



**THOMAS
GRAHAM
ASSOCIATES, INC.**
• Engineers
• Surveyors
803 Campbell Road
Channahon, Ohio 43234
912-521-4760
Fax # 521-2139

[illegible]

ACCENT TOP

- .125 aluminum painted PMS 343 Hunter Green.

CABINET

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

'KROGER' OVAL

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

SKYLINE PRICE SIGN

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

POLE SKIRT

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

FOUNDATION

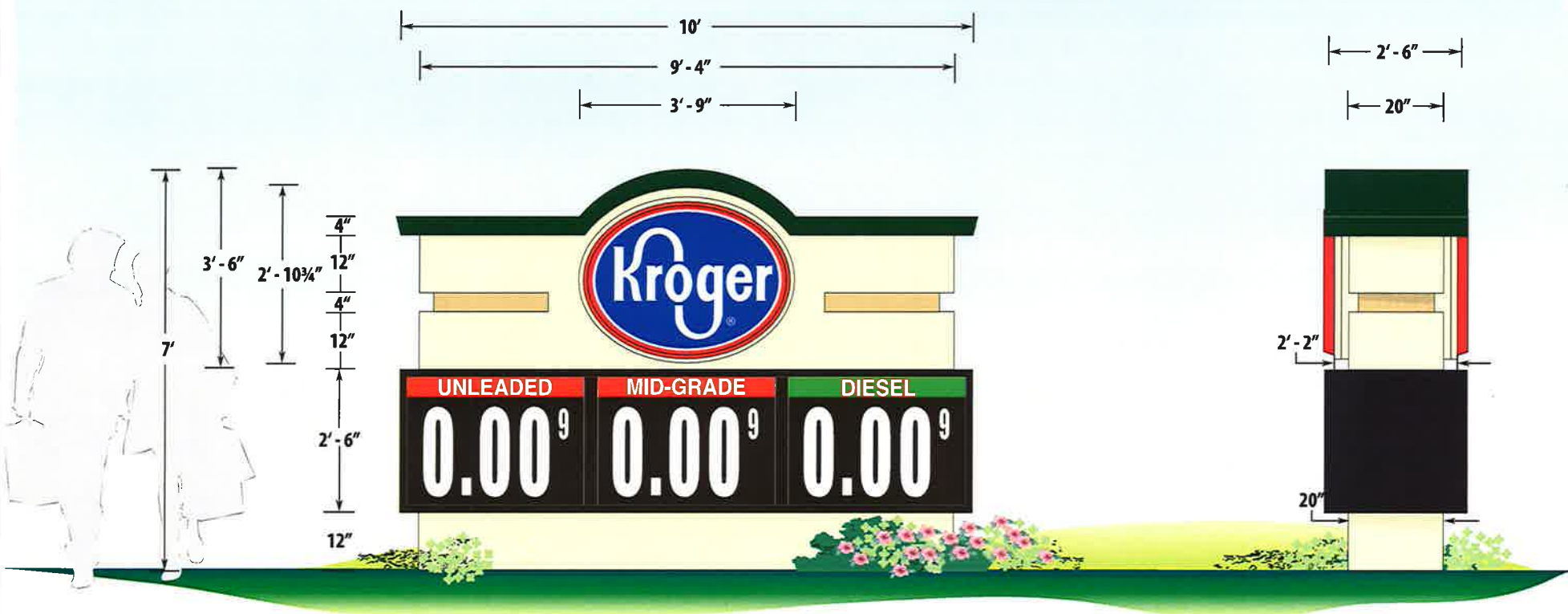
- Direct burial steel.
- 2' diameter x required depth per engineer's sealed drawing.

FINISHES

- MAP acrylic polyurethane enamel to match PMS specifications.

ADDITIONAL SPECIFICATIONS

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



Victory
SignAssociates
Design & Planning

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

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

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

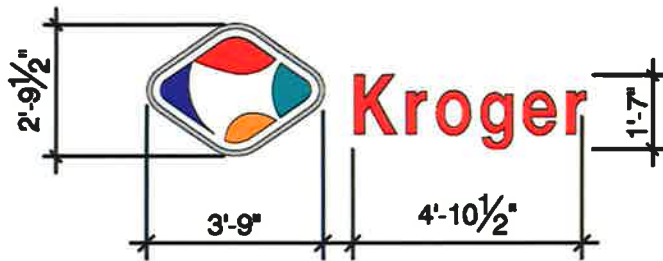
CLIENT: Kroger
LOC:

DRAWING NO:

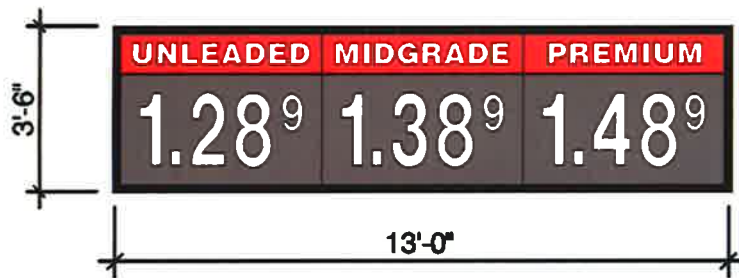
DATE: 6 / 23 / 08
SCALE: 3/8" = 1' - 0"
BY: Brian Marco
REP: Vince Klusty

APPROVED BY: _____ DATE: _____
LANDLORD APPROVAL: _____ DATE: _____
All designs and specifications are the sole copyrighted property of Victory Sign Associates, Inc. Any unauthorized use, copying, or reproduction is a violation of Federal Copyright law and will be subject to prosecution.

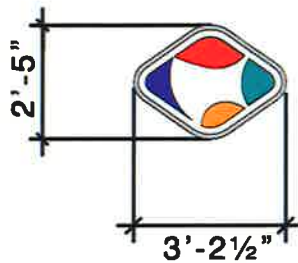




Fuel Logo with "Kroger"
Sign 13.75 sf
2 sets 27.5 sf total



Fuel Pricing Sign 45.5 sf
2 signs 91 sf total



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



FRONT ELEVATION - EAST



SIDE ELEVATION - SOUTH

Kroger A412, Oxford, OH

08-25-08

900508.05 Cole + Russell Architects
AN EMPLOYEE-OWNED COMPANY

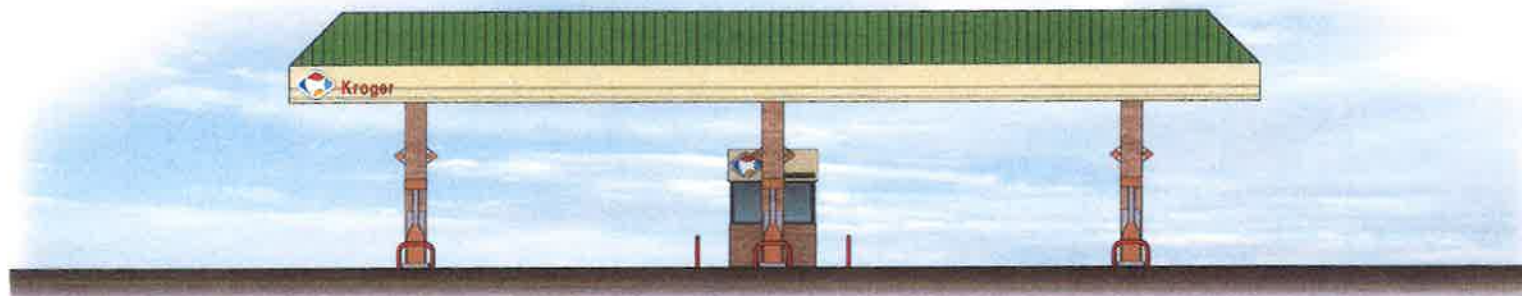




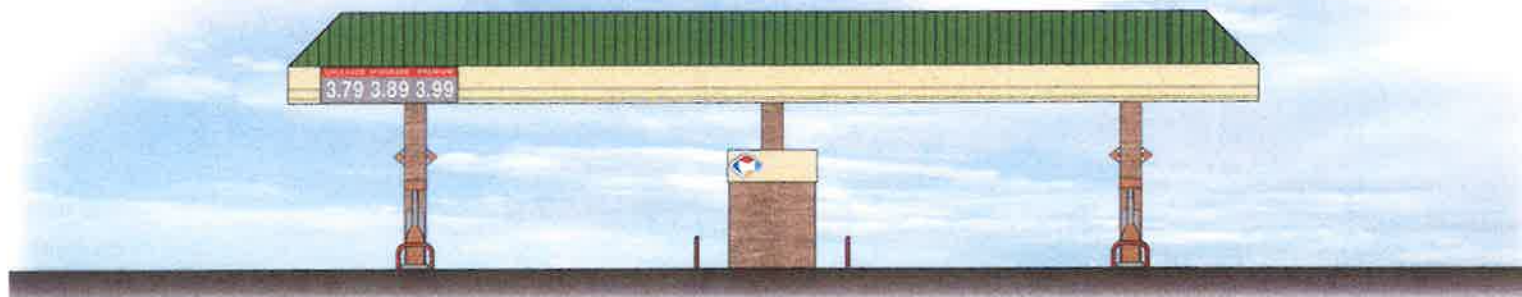
South Elevation



North Elevation



East Elevation



West Elevation

Fuel Center

Kroger A412, Oxford, OH

11-14-08

508077 Cole + Russell Architects



STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Scott Webb Architect
Location	407 N Campus Avenue + 205 Homestead Avenue Units 1 & 2
Owner	First Class LLC
Action Request	Variances to Section 1143.07(c) for maximum lot coverage, and Section 1149.03(c) for required parking spaces
Lot Size	7,433 square feet - - future lot size proposed is 8,026 square feet
Lot Width	148 feet
Current Use	Three-Family Dwelling
Current Zoning	R3MS Single-, Two-, and Three-Family Mile-Square Residential District
Surrounding Land Uses	Single-, Two- and Three-Family Dwellings

BACKGROUND

The applicant has requested two Variances in pursuit of demolishing an existing three-family structure and reconstructing a new three-family structure. The existing structure, addressed as both 407 N Campus and 205 Homestead (Units 1 and 2), currently does not have valid Rental Permits. The applicant notes the present condition as being deteriorated/dilapidated, which is evident when visiting the site. Therefore, the owner seeks to redevelop the property in a manner that will generate return while also adhering to the latest building and safety codes.

The existing three-family residential land use, although likely vacant, on its face is considered conforming per allowance as a permitted use under the R3MS zoning district provisions. However, the property itself is considered legally non-conforming because the lot totals 7,433 square feet area, which is 567 square feet short of the minimum area required to establish a three-family use. The willful act of tearing down a structure/use which is nonconforming with respect to the lot size in essence “sheds” or “foregoes” the nonconformity protections currently afforded to the property. Thus, a tear down and rebuild at most would allow a two-family dwelling to be built by-right, since the minimum lot size in R3MS for two-family uses is 6,000 square feet. Instead, the applicant would like to retain rights to redevelop as a three-family dwelling, and to that end has secured an agreement with the adjoining owner to the south (at 401/403/405 N Campus) to purchase a 4-foot wide strip of land to boost the total lot area to 8,026 square feet (thus meeting the minimum lot size of 8,000 square feet); however such purchase is contingent on BZA approval of the requested Variances to lot coverage and parking.

DESCRIPTION

The applicant's requested variances can be summarized as follows:

Requirement	Code Section	Standard	Proposal
Maximum Lot Coverage	1143.07(c)	45%	55.2%
In the R3MS zoning district, the maximum total lot coverage of 45%. All developed surfaces, including building footprints as well as paved areas (including parking and walkways) are counted toward the overall coverage. The site in question is presently non-conforming with respect to total lot coverage, with the current calculation being 57.7% (4,630 sq ft existing coverage ÷ 8,026 sq ft lot size). Established practice for City staff is to accept minor changes to paved surfaces on a subject site without triggering a Variance, so long as the net amount of coverage remains at or below the existing grandfathered percentage which exceeds the maximum prescribed by the Zoning Code. However, the redevelopment plans for more significant projects involving demolition and replacement of a use must in fact demonstrate compliance with the current Code standard, or alternatively seek a Variance. That being said, it is certainly noteworthy that the applicant is showing a proposed coverage slightly under the present coverage, calculated to be 55.2% (4,434 sq ft proposed coverage ÷ 8,026 sq ft lot size).			
Minimum Required Parking Spaces	1149.03(i)	8	4
A newly established three-family residential use requires a minimum of 2.5 off-street parking spaces per unit. This equates to $2.5 \times 3 = 7.5$, which is then rounded up to 8 per Section 1149.03(d)(2). The applicant proposes to situate a total of 4 parking spaces (each appropriately sized 9 feet x 18 feet) in the easternmost area of the lot, together with a 9-foot wide driveway apron, 16.9-foot wide aisle and a 8.5-foot "stub" at the southern end to help facilitate the maneuvering of vehicles exiting spaces in a rear motion. It is noteworthy to mention that City Council, by way of a Planning Commission recommendation, recently adopted a change to this parking provision in January 2021 (and set to become effective February 18) to reduce the number of required spaces for three-family from 8 to 6. Although the variation is technically 50% less per the Code <i>currently</i> in effect, it is also acceptable to consider future policy as evidence toward a potential Variance approval. Furthermore, the parking spaces to be provided will be hard-surfaced, thus ameliorating the existing gravel surface non-conformity.			

PUBLIC COMMENTS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. The notice specifically addressed possible changes to the date, location and format of the meeting due to the COVID-19 pandemic, including the possibility of a video conference and/or teleconference format. No official public comments have been received as of this writing.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Jessica Greene, Assistant City Manager	Not Returned
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned with Comments
<i>I would in principle oppose increasing the lot coverage without meeting the code for required parking spaces and argue that the applicant should reduce density to a 2-family building. However, as noted in the application, the proposal at hand will increase the off-street parking spaces by 2, will be paved, and a new building will replace a dilapidated structure. So I do not oppose this proposal.</i>		

BZA SITE HISTORY

There is no prior BZA case history available in City records for this property.

DECISION CRITERIA

In accordance with **Section 1139.02(c)(1)**, the burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance. Furthermore, per **Section 1139.02(c)(2)** the BZA must find that **practical difficulties** exist that would render strict application of the Code unreasonable. In determining whether such difficulties exist which are sufficient to warrant the variance, the Board shall use the attached eight decision criteria (A-H) in its deliberation. See the enclosed letter addressing the review criteria from Mr. Webb.

If the BZA determines that difficulties exist which are sufficient to warrant the variance, staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. If the BZA does approve the variance it can make separate findings and attach any appropriate conditions it deems necessary as permitted by **Section 1139.02(d)(2)**.

Staff advises the BZA may condition its approval on the successful completion and recording of the lot split and consolidation embedded within the applicant's submitted Variance application.

Staff's review of the criteria is outlined in the table below. At the time of this report, staff believes **there is substantial evidence** to support the Variance requests.

Criterion A	Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance
Mixed evidence	A three-family dwelling, albeit one that is underutilized and in disrepair, currently exists and thus there are rights currently tied to the property. The moment the use is demolished, the right to rebuild a new three-family is lost due to the current minimum lot size requirement. The building itself was constructed in 1959, according to the Butler County Auditor, likely predating any zoning lot size restrictions of this nature. However, a number of other issues, particularly lot coverage and parking, must be observed and resolved to allow for a redevelopment in a similar scale, intensity and configuration to occur on the subject lot. On the flip side, the applicant is well within their rights to demolish the existing three-unit building and construct a two-unit building that could likely provide an adequate amount of parking without resulting in a lot coverage over the present limit. For these reasons, staff rates this criterion as contributing “mixed evidence.”
Criterion B	Whether the variance is substantial
✓ Supports granting the variance	The applicant is asking for a 10.2% increase in total lot coverage (45% to 55.2%), which represents a 22.7% variation ($10.2\% \div 45\%$) from the present standard. However, in consideration of the existing 57.7% lot coverage the applicant is essentially asking to reduce said coverage by 2.5% , which staff does not find to be substantial, and even more so, an improvement from present conditions. Furthermore, the applicant is asking for a 50% decrease in the required amount of parking spaces; however, in consideration of the latest adopted Code set to become effective later this month (the day after the BZA hearing), the ultimate difference will be 33% less (4 spaces instead of 6). Staff also recognizes there is a large degree of available on-street parking bordering the subject property along Homestead Avenue, which allows for street parking on both sides.
Criterion 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
✓ Supports granting the variance	Staff agrees with the applicant’s assessment, in that an existing structure with an odd design and deteriorated appearance would in turn be replaced with one meeting current Building and “life-safety” related Codes, as well as the Mile Square Design Guidelines.
Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
✓ Supports granting the variance	The City Engineer and Fire Chief chose not to provide formal comments, and the Police Chief is in favor of the request due to the rehabilitative nature of the request to improve an existing dilapidated property and pave an existing parking area. For these reasons, staff believes this criterion supports granting the requested Variances.

Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
Does not support granting the variance	The applicant indicates in his letter that the owner was aware of the Zoning restriction in order to continue a three-family residential use on this property. The owner has taken steps to secure a conditional purchase of a 4-foot wide strip from the adjoining neighbor to the south to alleviate the number of potential non-conformities.
Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
✓ Supports granting the variance	The applicant notes that it may be possible to build a 3-story structure, reducing the building footprint and thus reducing the total lot coverage to either leave as additional green space, or to be absorbed with additional parking spaces. However, staff believes following such a course would produce a building design more uncharacteristic of the immediate vicinity, and thus feels the Variance is the most feasible option to produce a brand new structure most similar in bulk and scale to the existing structure as well as nearby structures in the vicinity.
Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
✓ Supports granting the variance	The spirit and intent of maximum lot coverage standards is to ensure adequate preservation of open and green spaces interspersed throughout all properties, thus avoiding a neighborhood condition characterized by an abundance of paved surfaced and building foundations. Minimum parking standards are somewhat in competition with the purpose behind coverage standards, requiring a minimum amount of paved surface configured in a dimensionally acceptable manner to provide for the parking of vehicles on private property, thus reducing demand for on-street spaces in the public realm. Staff believes the Variances at hand balance these two interests, effectively providing the same (if not slightly smaller) amount of coverage as well as an acceptable number of spaces that will help to defray the impact on public streets. Furthermore, as the applicant expresses, the provision of new parking will eliminate a non-compliant gravel surface.
Criterion H	Any other relevant factor
N/A	The BZA may rely upon additional factors or evidence contributed by the applicant.

SUBMITTED BY:

A handwritten signature in black ink that reads "Zachary W. Moore". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Zachary Moore, AICP
Planner

DATE: February 8, 2021

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA 2021-02**, being Variances to Sections 1143.07(c) for maximum lot coverage and 1149.03(c) for required parking spaces:

Mr./Ms. _____ hereby moves that the Board adopt and make the following findings of fact:

- A. The property in question (**will / will not**) yield a reasonable return or (**can / cannot**) be used beneficially without the variances because:_____
- B. The variance (**is / is not**) substantial because:_____
- C. The essential character of the neighborhood (**would / would not**) be substantially altered by the variance and adjoining properties (**would / would not**) suffer a substantial detriment as a result of the variance because:_____
- D. The variance (**would / would not**) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because:_____
- E. The property owner (**did / did not**) purchase the property with knowledge of the zoning restriction because:_____
- F. The property owner's predicament (**can / cannot**) feasibly be obviated through some method other than a variance because:_____
- G. The spirit and intent behind the zoning requirement (**would / would not**) be observed and substantial justice done by granting the variance because:_____
- H. Other relevant factors, if any, considered include:_____

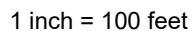
It is further moved that after considering and weighing these factors, the Board should find that practical difficulty (**is/is not**) shown sufficient to warrant granting the Variance requested, and that the Variance should be accordingly (**APPROVED / DENIED / APPROVED WITH THE FOLLOWING CONDITIONS**).
The conditions for approval, if any, include:

Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____



- Subject Parcel
- 200 Ft. Buffer
- Oxford Corporation Limit
- Parcel
- Vacated Right-of-Way
- Building Footprint
- Paved Roadway

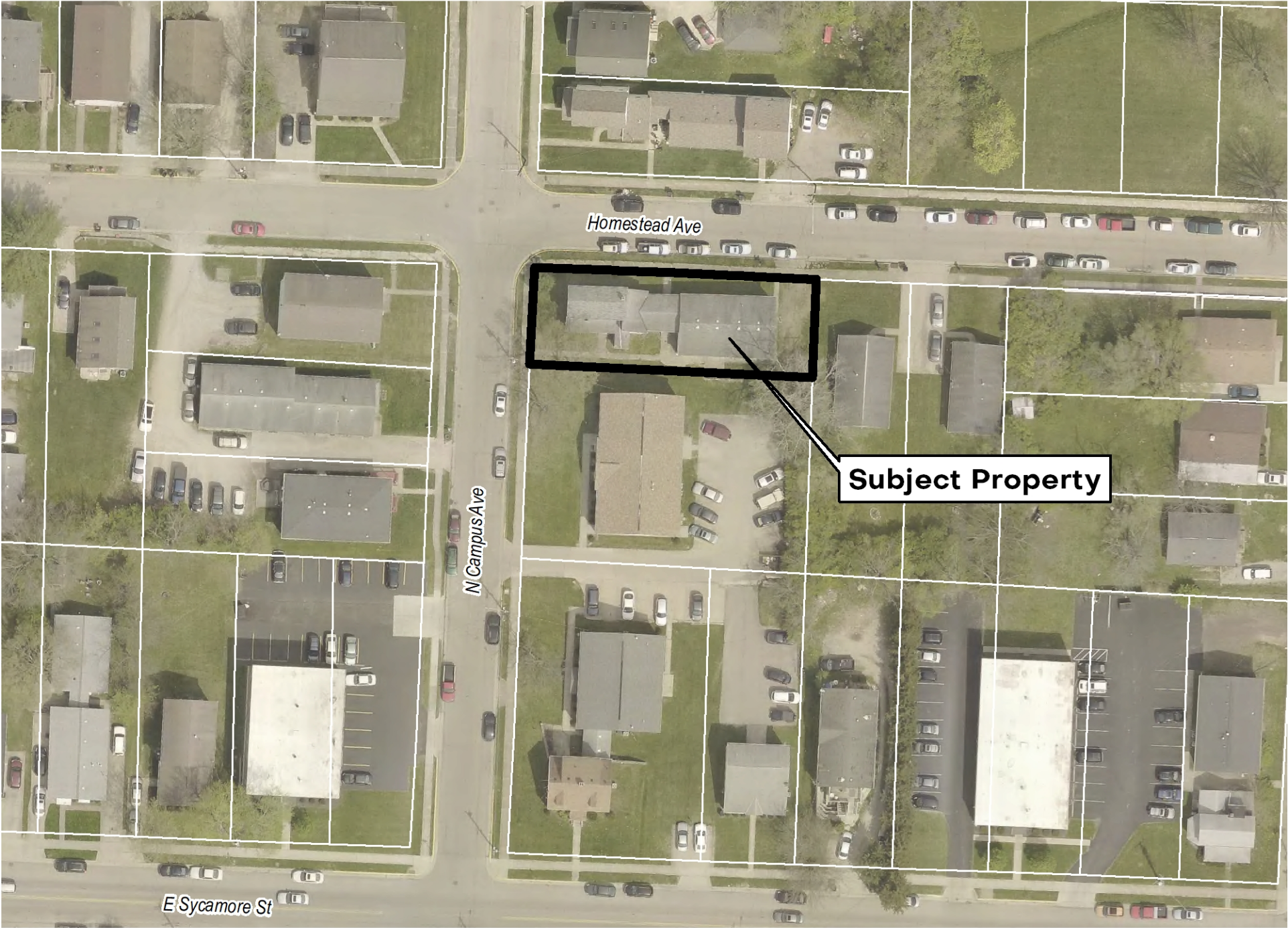
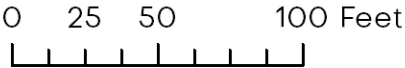


The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.

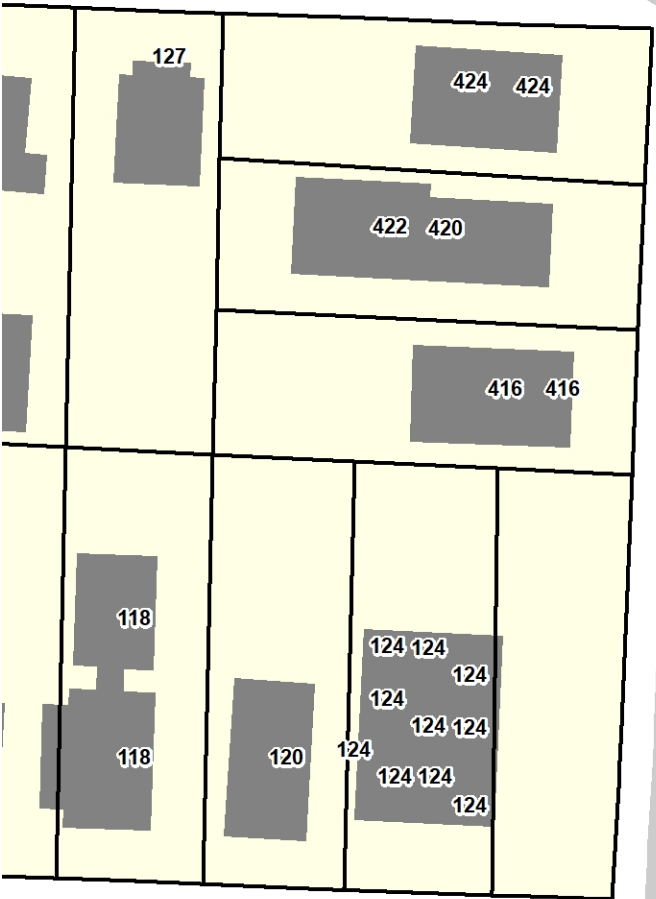
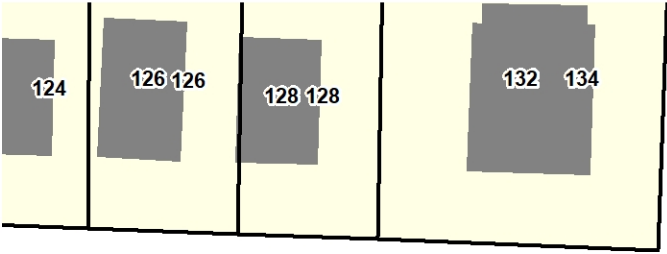


Location Map

 Site Parcel(s)

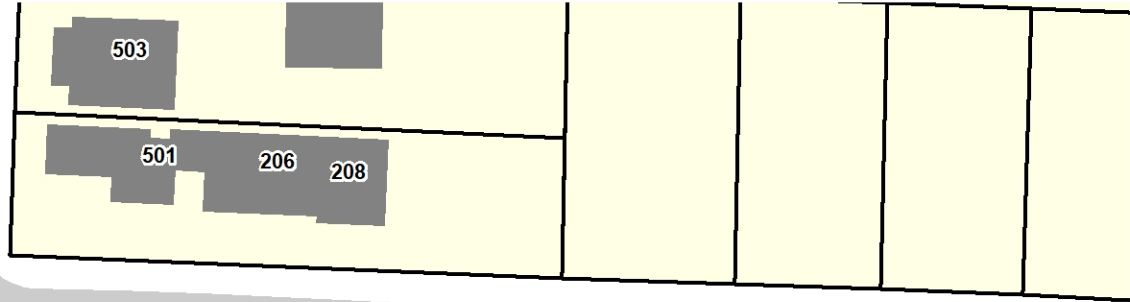
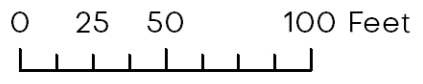


Location Map

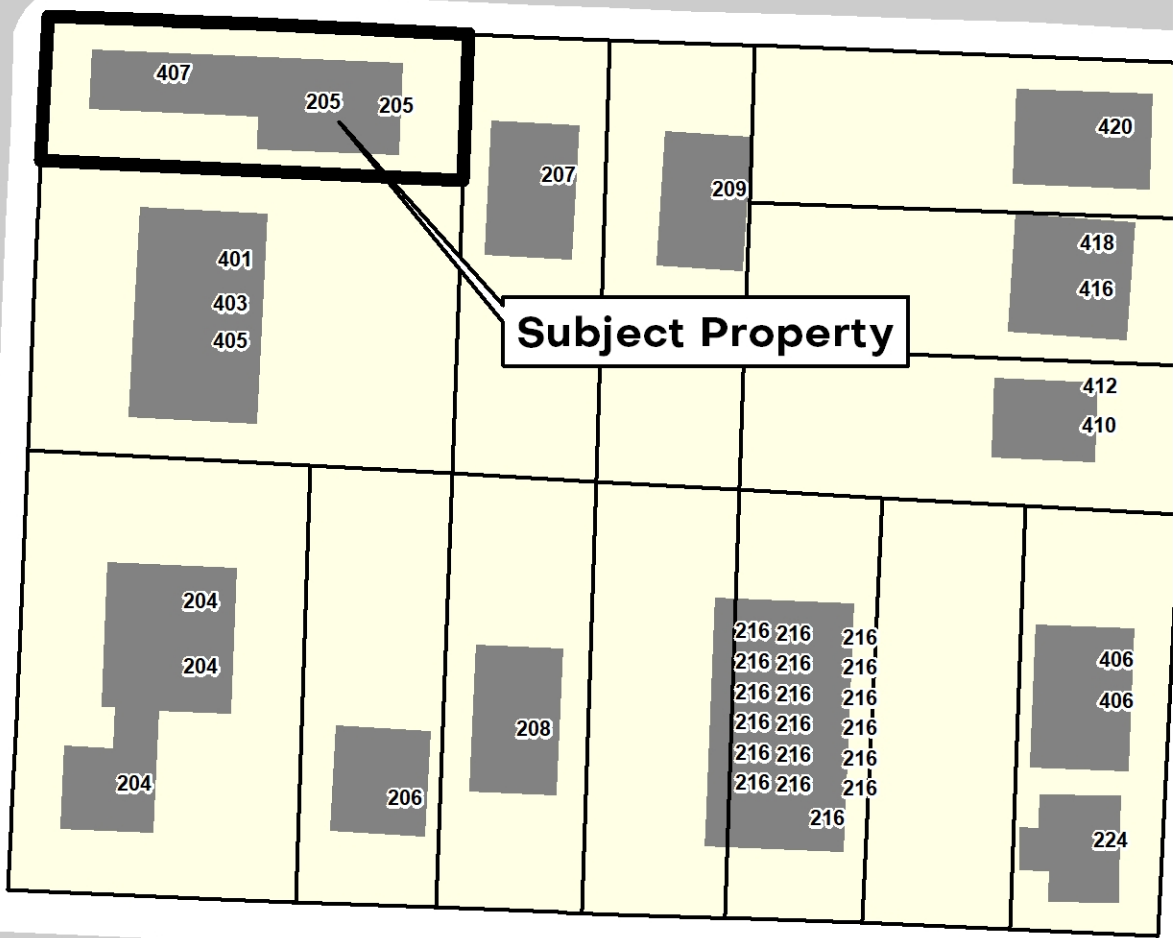


E Sycamore St

 Site Parcel(s)



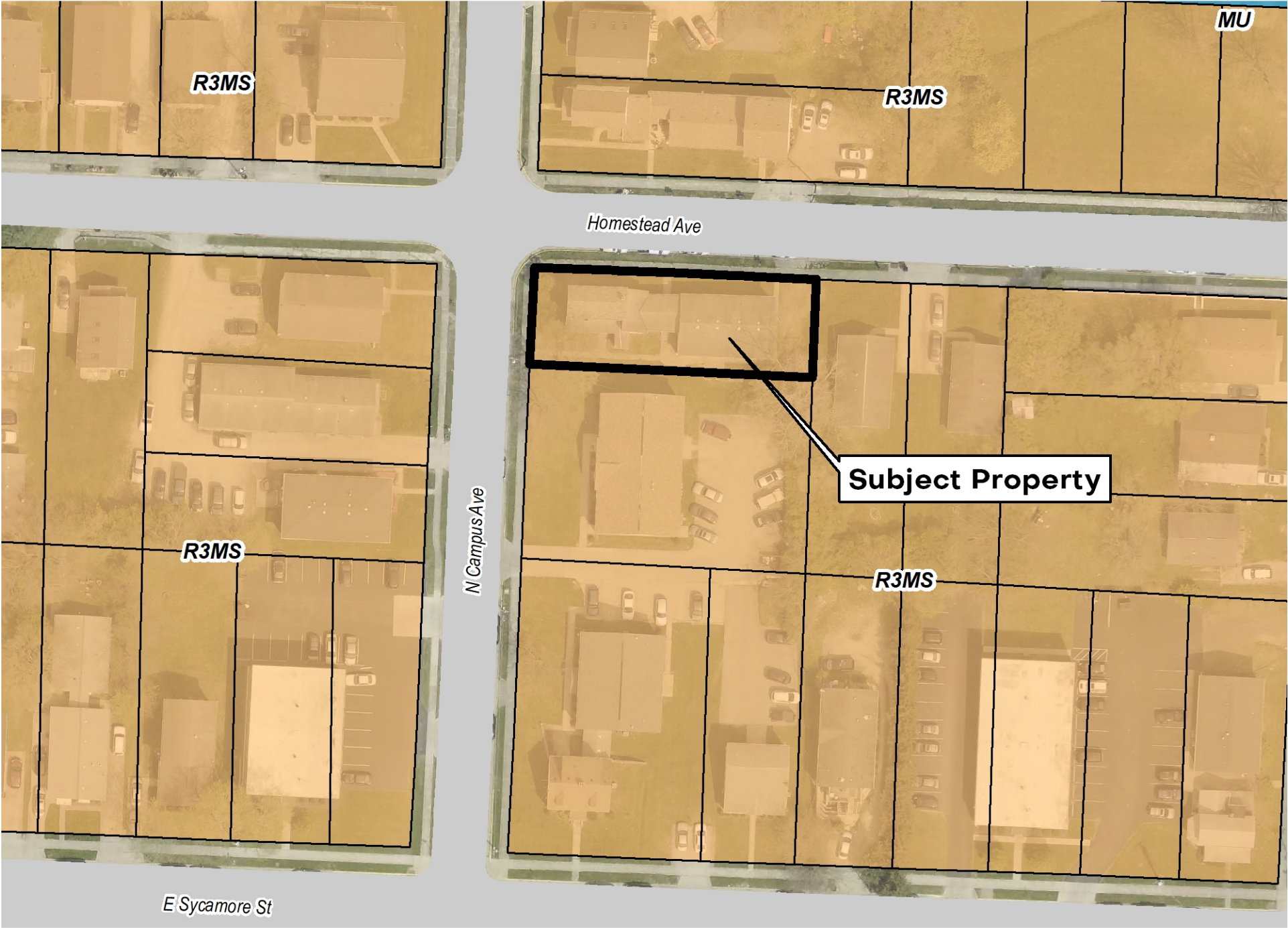
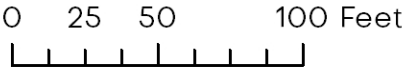
Homestead Ave



N Campus Ave

Location Map

 Site Parcel(s)





Internal Use Only:

Case No.

Date Filed

BZA-2021-02

1/15/21

Petition for Zoning Variance

Petitioner Information

Attach a Letter of Agency if the Petitioner is not the property owner.

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name * First Class LLC

Mailing Address * 5876 Stillwell Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 255-4338

Email Address tomduley7474@gmail.com

Variance and Lot Information

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

1143.07(c) Maximum Lot Coverage of 45%

1149.03(1) Required Parking Spaces

Location of Requested Variance * 407 North Campus Ave.

Name of Building

Legal Description * Parcel #H4000010000031

Zoning District * R3MS Total Acreage * .18

Existing Use of Site * 3-Family Structure

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.

New 3-Family Structure to replace existing

- 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.

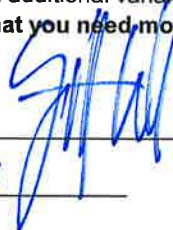
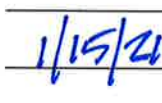
Fees & Receipt

The variance fee is \$300.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00, plus \$10.00 postage charge. **Fees may increase if staff determines that you need more variances.**

Sign and Date

Petitioner Signature *

Date *

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fees and postage charge, made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 30 days prior to the Board of Zoning Appeals meeting at which the action is requested. City Staff will place a public hearing sign on the subject property. **The Petitioner is responsible for removing the signage at the completion of the hearing(s).**

¹ Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

² City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Board of Zoning Appeals regarding a new 3-Family Structure at 407 North Campus Ave..

Thank you,

Signed: 
Diane Dudley, First Class LLC

1-14-2021
Date:

Board of Zoning Appeals
City of Oxford
15 South College Avenue
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Variance to Maximum Lot Coverage
& Required Parking
Proposed New 3-family Dwelling
407 North Campus Ave.

January 15, 2021

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the maximum lot coverage & required parking spaces of the underlying Zoning District relating to demolition & reconstruction of a 3-Family Dwelling.

The existing 3-family building is beyond repair and the owners would like to build a new structure to replace it. Willful demolition of the building however, would result in the loss of any grandfathered non-conformities including minimum lot area. While this would have prevented the reconstruction without an area variance, the owner has secured a conditional purchase of 4' of land from the neighbor to the south, bringing the property into area compliance to reconstruct the 3-family. Variances are still required as follows:

1143.07(c) Maximum Lot Coverage of 45%

The proposed reconstruction of the 3-family structure results in a smaller footprint than the building to be removed. Nevertheless, the attempt to provide off-street parking to the greatest extent possible and the necessity for these spaces to be fed by a driveway results in lot coverage of 55.2%.

1149.03(1) Required Parking Spaces

With the additional property purchased from the neighbor, the lot exceeds the minimum size for a 3-family structure, there is simply no way to provide the required (8) parking spaces on the site. (4) spaces are provided, fed by a driveway off Homestead Avenue.

As a corner lot, there is room for (2) on-street spaces on North Campus, and room for (5) along the Homestead Avenue frontage. Further, the location is within a block of the long term parking provided by the University at the Millett Hall parking lot.

The Proposal at hand replaces an old vacant dilapidated structure with a new, code compliant 3-family building, providing fire separations between units with a smaller footprint than the original building and eliminating existing setback violations.

The proposal for new parking provides (4) spaces where the existing building currently provides only (2) off-street parking spaces. New parking area will be paved as required by the Zoning Code.

The following are responses to the decisions standards outlined in the application;

- 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 rental permits for this property have not been renewed, based on the deteriorating condition of the building and is no longer generating a reasonable return.

- b) *Whether the variance is substantial;*

The 10.2% increase in allowable lot coverage from 45% to 55.2% is not substantial, as the proposed building footprint is actually smaller than the building to be removed. The excess lot coverage is caused by an attempt to provide additional off-street parking.

The parking variance is somewhat substantial when compared to the requirement of (8) spaces while 2.5 per unit is required. Given that it represents a 100% increase from the current configuration makes this less 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*

The essential character of the neighborhood would be simply improved, replacing a deteriorating structure with a new one, meeting current building and life-safety code requirements and the Mile Square Design Guidelines.

Providing additional off-street parking will further improve the neighborhood.

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

No change in the delivery of utilities & government services is necessitated by this application.

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

The property owner was made aware that additional property would be required to continue a 3-family use in this location and has an option in place with the adjacent property owner to purchase 4' along the southern property line to meet the minimum lot area requirement.

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

It may be possible to build a 3-story structure to decrease the footprint in order to either reduce lot coverage or increase parking.

- 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 is observed, allowing the replacement of a deteriorating structure to restore the owner's investment income and improve the neighborhood.

Improvements to the parking lessen the current parking deficit and eliminates a non-compliant gravel area

- 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.

Further, it is within the area Planning Commission & City Council targeted for redevelopment and greater density based on its adjacency to the university.

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

Respectfully,

A handwritten signature in dark ink, appearing to read "Scott Webb", is written over a light blue rectangular background.

Scott Webb, Architect

Project Photos



Area Map Showing Existing Structure to be removed



Existing Structure

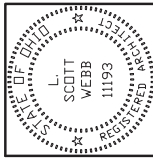




PRELIMINARY STREET VIEW

NO SCALE

HOMESTEAD CORNER LOOKING SOUTH



PROPOSED NEW RESIDENCE
407 North Campus
OXFORD, OHIO 45056

DATE	
January 14, 2021	
REVISIONS	

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