



OXFORD BOARD OF ZONING APPEALS

Meeting Minutes

Tuesday, March 22, 2022

[Link for website video here](#)
Full Transcript available online

Meeting procedure: The Board of Zoning Appeals is a quasi-judicial Board. Our primary function is to hear testimony and issue decisions. Unlike other City boards and commissions, we only hear relevant, sworn testimony from the Applicant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Applicant has the right to cross-examine any testimony given. Our hearings are open to public attendance, but public comment, opinion and discussion are not considered testimony and will not be heard.

Please wait until you are recognized by the Chair, state your name and address so that your comments may be properly recorded. Applicants are to limit their testimony to fifteen (15) minutes, including any information presented by his/her duly appointed agent or attorney. This time limit may be extended if the Board requests or approves further testimony. Other persons with standing are encouraged to testify and ask questions about the nature of the appeal, but must be acknowledged by the Chair prior to speaking.

Roll Call

Time:

Mike Schnipper, Chair

Roger Ames, Vice Chair

Kate Rousmaniere

Calvin Conrad

Chris Allison

A regular meeting of the Oxford Board of Zoning Appeals was called to order by Chair Mike Schnipper on Tuesday, March 22, 2022 at 6:30 p.m. Members in attendance were Mike Schnipper, Roger Ames, Calvin Conrad, Kate Rousmaniere, Chris Allison.

Staff Members in Attendance

Mr. Zachary Moore, Planner, Ms. Sarah Sparks, Assistant Law Director, Ms. Eunike Miller, Administrative Assistant.

Staff Members Excused

Mr. Sam Perry, Director, Community Development

Election of Officers and Swearing In BZA Members

Time:

Motion 1 – To elect Mr. Mike Schnipper to finish his term as Chair of BZA

(Voice Vote) 1st Mr. Ames

2nd Ms. Rousmaniere

AYE: (5)

NAY: (0)

ABS: (0)

Motion 2 – To elect Mr. Roger Ames to remain Vice-Chair of BZA

(Voice Vote) 1st Mr. Schnipper

2nd Ms. Rousmaniere

AYE: (5)

NAY: (0)

ABS: (0)

Motion 3 – To elect Mr. Chris Allison to remain Secretary of BZA

(Voice Vote) 1st Mr. Ames

2nd Ms. Rousmaniere

AYE: (5)

NAY: (0)

ABS: (0)

Approval of December 28, 2021 Minutes of the Regular Meeting

Time:

Motion – To approve minutes as written

(Voice Vote) 1st Ms. Rousmaniere

2nd Mr. Ames

AYE: (5)

NAY: (0)

ABS: (0)

New Business

BZA-2022-01

Time:

Page 4 of the Agenda Packet

1. 5095 University Park Blvd, VARIANCE, number of signs allowed in OI Zoning District, Select Signs LLC, Applicant/Agent

Motion – To grant the variance request

(Roll Call Vote) 1st Mr. Ames 2nd Ms. Rousmaniere

AYE: Mr. Ames, Ms. Rousmaniere, Mr. Allison, Mr. Schnipper (4)

NAY: Mr. Conrad (1)

ABS: (0)

Motion to Adjourn Meeting at 7:14 p.m.

Time:

(Voice Vote) 1st Mr. Conrad 2nd Ms. Rousmaniere

AYE: (5)

NAY: (0)

ABS: (0)

0:00:51.7 Michael Schnipper: Hey Zach, you good?

0:00:51.9 Zachary Moore: I think we're good now.

0:00:55.8 Michael Schnipper: Keeping happy there you, Zach. I call the meeting to order. Zach, you wanna do a roll call for us, please?

0:01:00.2 Zachary Moore: Sure. I will start with Mr. Ames.

0:01:01.7 Roger Ames: Present.

0:01:02.9 Zachary Moore: Mr. Conrad?

0:01:04.0 Calvin Conrad: Yes.

0:01:04.3 Zachary Moore: Ms. Rousmaniere?

0:01:05.9 Kate Rousmaniere: Here.

0:01:06.3 Zachary Moore: Mr. Allison?

0:01:07.2 Chris Allison: Here!

0:01:07.8 Zachary Moore: And Mr. Schnipper?

0:01:09.9 Michael Schnipper: Here. Let the record show that all members are in attendance. First item on the agenda is election of officers and swearing in BZA members. Is there a nomination for chairman?

0:01:19.5 Roger Ames: Yes. I nominate Michael Schnipper to finish out his term on the board as chair.

0:01:25.0 Kate Rousmaniere: I second.

0:01:25.8 Michael Schnipper: Thank you! Any other nominations? Nominations are closed. Do you want a roll call or just voice?

0:01:34.1 Zachary Moore: Why don't we try a voice vote first?

0:01:35.6 Michael Schnipper: Okay. All in favor of me finishing up term as chair say aye.

0:01:40.2 Members: Aye.

0:01:40.3 Michael Schnipper: Opposed? Without opposition. Thank you. Nomination for vice chair?

0:01:48.2 Michael Schnipper: I nominate Roger Ames.

0:01:49.1 Kate Rousmaniere: I second.

0:01:49.6 Michael Schnipper: Any other nominations? All in favor of Roger being vice chair say aye.

0:01:55.8 Members: Aye.

0:02:00.1 Michael Schnipper: All opposed say nay. Without opposition, Roger, you're vice chair again. Nomination for secretary place.

0:02:09.8 Chris Allison: Who wants it?

0:02:10.0 Michael Schnipper: I nominate Chris for secretary.

0:02:15.6 Kate Rousmaniere: There's no current secretary. Oh, Chris is. I second.

0:02:21.1 Michael Schnipper: Any other nomination? Nominations are closed. All in favor of Chris being secretary say aye.

0:02:25.8 Members: Aye.

0:02:26.9 Michael Schnipper: Opposed say nay. Without opposition, Chris. Thank you.

0:02:31.9 Michael Schnipper: The new Ben, would you swear in board members, please?

0:02:35.1 Sarah Sparks: Yes. Alright. Good evening. Hopefully, that mic's working all right. Okay. If you'd all please stand, I'll swear you in, and raise your right hand and then, please repeat after me. I, state your name, solemnly swear that I will support the constitution of the United States and of the state of Ohio and will obey the laws thereof and that I will in all respects uphold and enforce the provisions of the charter and ordinances of the City of Oxford and will faithfully discharge the duties of the Board of Zoning Appeals of the City of Oxford upon which I am a member. Thank you.

0:03:46.2 Michael Schnipper: Thank you. Need an approval of minutes of December 28, 2021.

0:03:58.8 Kate Rousmaniere: I move approval.

0:04:00.9 Roger Ames: Second.

0:04:01.0 Michael Schnipper: Okay. No additions or corrections. All in favor of approving the minutes, say aye.

0:04:06.1 Members: Aye.

0:04:07.5 Michael Schnipper: Opposed? Without opposition, the minutes are approved. We have one case tonight, BZA2022-01 for variance 5095 University Park Boulevard for the number of signs allowed in OI zoning district. Select Signs LLC is an applicant, and Mr. Moore, you're going to present for the city. Raise your right hand for me, please. Do you solemnly swear to tell the truth, the

whole truth and nothing but the truth in matters before this board?

0:04:35.7 Zachary Moore: I do.

0:04:36.8 Michael Schnipper: Thank you, sir. Please proceed.

0:04:38.0 Zachary Moore: Thank you, Mr. Chair. Good evening, members of the board. Our first and only case of the night. This is a variance at 5095 University Park Boulevard. This is BZA2022-01 and this is a variance for the number of signs. This is a new Kettering medical center office building that is nearing completion as you may have noticed. And again, the applicant is Select Signs, LLC under the care of Jon Cowell, who's here with us tonight. The property owner is Kettering Network Services. The current zoning classification is OI office and Light Industrial district and as I said, the current use, it's a medical office building and that is nearing completion. It's under construction at the moment. And the proposal is a variance to a single section of code. This is 1151.05(a)(4) to increase the number of permitted signs from one or possibly two to six. And I'll explain a little bit about that or two here in a moment.

0:05:38.4 Zachary Moore: But the grand total that they are asking for is indeed six. Here is a look at the location. So the parcel itself is outlined with a black line. This is a roughly 15-acre site and approximately three and a half acres of that 15 is being developed as the new medical office facility. This is adjoining to University Park Boulevard, which is here to the north. There's The Aviary apartment complex formerly known as Indian Trace, that's there to the north. There's also US 27, which goes along the site here, generally on the Eastern boundary of the site. There's also the new Shell gas station that is recently opened at the corner of south point in 27. This aerial image is from 2018, so it doesn't really show that at the moment. But I'll show you here in a second. I've got an updated aerial from Google. And then there's of course the purpose-built student housing complex is over here to the east Level 27 and The Annex.

0:06:43.1 Zachary Moore: And then here is the same map, but showing the zoning classifications in the area. So anything that is in color is within the city limits. So you can see in purple there, that's delineating the office industrial or OI zone. The Aviary zoned R4 multifamily and the Shell gas station, which is across 27 is zoned general business and that's shown in red there. So here are some site photos showing the project on University Park Boulevard. And University Park Boulevard itself, you can see a little bit of it here, there's some street trees that line the frontage of that road and the main entryway. In fact, the single entrance to the development would be off of the University Park. There's a little median island that's been constructed. You can see the curb is in place there. So that will be the way in and out of the future establishment.

0:07:42.4 Zachary Moore: And then here are some site photos across the way. So this is across University Park Boulevard. Again, this used to be called Indian Trace Apartments, it's now called The Aviary. They do have a ground sign out in front there. I believe this was just a copy change from the previous, from the Indian Trace name. I don't believe that sign is illuminated in any way, so it's just naturally illuminated by the sunlight. And then here are some photos. This is the US 27 University Park Boulevard intersection. You'll see there at the corner, there is the Talawanda High School monument sign. That was probably erected sometime the early 2010s when the high school was constructed. This was more or less a gateway to the high school site, 'cause it sits pretty far back there toward the west. That particular sign is actually in the right of way, so technically speaking, it wouldn't really be in the BZA's purview if it was a brand new sign being considered today. I don't

believe it would meet the code requirements per the LI zone but nevertheless it is there.

0:08:49.5 Zachary Moore: The site context is a little bit different now. There used to be some trees behind the sign. So now it's a little bit more open, you can actually see across to the new building that's been constructed. So I think the nature of just the context of this being more or less a gateway into Talawanda, that's starting to change with this new development. This sign in particular is not under consideration here tonight so I'm just providing this as context more or less. And then here are some more photos from US 27, just having a look at the building being constructed. And then here is a bird's eye view in case we need to refer back and I've just highlighted there in yellow where the Kettering site is located. And this is the most recent aerial image I could obtain, so this is from Google. So that very clearly shows there's the new gas station project, that has access off of the 27 and South Pointe and Magnolia.

0:09:49.9 Zachary Moore: So this is the gas canopy here, the two structures that are there. And then you can kind of see the site was very much still under construction, basically just grading work at that point when the image was taken by Google. But I've highlighted in yellow where the Kettering Health building footprint is located. So this should give you an idea for the spatial context as far as the use that's being developed and the surrounding uses in the area. So onto the relevant zoning provisions. So 1151.05(a)(4) provides the following for the OI and LI districts, so it groups those two districts together in terms of the standards that are outlined. It says, no more than a total of one wall or free standing sign is permitted per development site. This is considered a single development site.

0:10:42.0 Zachary Moore: And so one is more or less the numerical standard that's been considered here and that's being proposed to increase to six. Getting to that one or two aspect that I mentioned earlier, so there's a very long subsection number there, provides the following additional language. If a building is on a corner lot or on the corner of an alley, it's permissible to have one additional wall sign on the side of the building facing the secondary roadway, so there's the one additional. Just to summarize, we do find this is a corner of the lot. It's right there at University Park and 27. So therefore, the by right options, they can either do two wall signs, one facing 27 and one facing University Park, or they could do one free standing sign. So that's the by right allowance for the code. Here's the site plan from the building permit. So this gives you a look in greater detail, as far as the, again, the proposed building, the parking area, here's that little median island I mentioned earlier. There is going to be a sidewalk that's going to run along University Park.

0:11:57.4 Zachary Moore: And then here is the site plan that was submitted for the variance. So I'm calling out the five different sign locations. There's a distinction to be made as far as six signs versus five locations, I'll get to that here in a moment. But basically, five is noting where that ground sign is proposed to be located, that will be right in the middle of the median island, and then the remaining numbers, one, two, three and four are all wall signs.

0:12:24.5 Kate Rousmaniere: Where is six? Sorry.

0:12:28.8 Zachary Moore: So five locations but six signs.

0:12:32.5 Kate Rousmaniere: Okay.

0:12:33.2 Zachary Moore: So actually this is a perfect slide. So see where number four is showing the K Kettering logo. So staff's determination is that is actually two signs as opposed to one, because

they're on opposite sides of an architectural stone wall, an architectural element to the building. If this were like opposing sign faces on like a regular sign, then we would consider one sign, but just based upon the buildings architecture, our determination was it was actually two. But if you were to treat it similarly to, like if it was a ground sign, then it would just be one sign. Like for instance, I think the ground sign has two faces to it for either direction, but we still consider that one sign, but for the sake of the building and the wall signage we consider this two separate signs. So location four is showing two signs, but they're the exact same K just on opposite sides of that wall. Sign location one is the sort of the main Kettering Health sign that has the letters spelling out Kettering Health and then the K logo again.

0:13:40.9 Zachary Moore: Sign location two is Oxford Health Center, that's to help distinguish it from, say an emergency room or something like that. And all these signs, by the way, they comply when it comes to sign area and height. So really the only thing that's not in compliance here, again, is the number of signs that they're proposing. And here's a look at the South facade of the building, so here you're getting a look at location 3 for another wall sign, that spells out Kettering Health and the K logo and then this offers you probably the best view of the K logo that is proposed for that stone element wall that projects outward. And it would be the same deal on the North facade for that stone wall.

0:14:31.3 Chris Allison: So the university boulevard is on the North side of the building?

0:14:33.8 Zachary Moore: It is, it is. So that is something to distinguish. So if we were talking about by right allowance and if the direction was to go for wall signs, then one wall sign would be permitted on this side, so effectively that K logo could be that one wall sign and then on the East facade, that'd be the facade facing 27, there would be one additional wall sign allowed on that facade. And then finally, there is the free-standing sign, so again, it's on the median island. From a height standpoint, a sign area standpoint, it's perfectly compliant, the reason it's out of compliance is because of the number of signs overall on the site as a whole. And these were pictures that the applicant provided just to kind of show what the resulting sign illumination would be for this ground sign. My understanding is it would pretty much look exactly like this location, this is the location in Kettering. The letters themselves illuminate, so what Oxford Zoning Code says is that is direct illumination, meaning the light is actually emanating from the sign, from the lettering.

0:15:54.7 Zachary Moore: There's also a halo effect, as you can see around the letters, this image shows that very clearly, and that goes for the Oxford Health Center lettering that's down below as well and then the K logo, and then it looks like they would also illuminate the edges of the sign as well. And then this is a look at some similar development, so the image at the top is the same location in the daytime, that's in Kettering, the one below is in Hamilton, so the one in Hamilton is probably the closest in terms of resembling what they're proposing here from Oxford, it'd probably be one additional sign on top of what Hamilton has. So Hamilton has, as you can see, it has one wall sign on this side, the Kettering logo on the stone wall element, free-standing sign out in front and then they have one wall sign as opposed to breaking out the content with Oxford Health Center off to the right, as what's shown in this proposal. With the Kettering location, I think it's just one wall sign and then a freestanding sign, that which you can't see in the image.

0:17:02.6 Zachary Moore: Okay. So onto the decision criteria, I'll just go through these one by one as I normally do. Criterion A, we rated as mixed evidence for this one, this is whether the property in question will yield reasonable return or whether there can be any beneficial use of the property

without the variance. So the staff finds there may be beneficial use of the property and possibly reasonable return should the sign variance not be granted as requested. The denial of a sign variance by itself will not preclude Kettering Health from operating and maintaining a medical office facility at this site. Staff however does agree with the applicant's arguments presented in this letter under this criterion, that this facility should be clearly identified and distinguished from the Talawanda High School use, which is located further down University Park to the West.

0:17:53.9 Zachary Moore: There is the off-premise sign that's already there in the right of way for the high school, and without additional signage to differentiate the Kettering Health Facility from the school, potential customers, patients that are unfamiliar with the area may interpret the building as being a school rather than a medical facility, which could add the residual effect of reducing return. So we could... In light of all of these factors, we just rate this as a mixed evidence category, which I've noted as a question mark here on this slide. Moving on to criterion B, whether the variance is substantial? We do not find that this supports granting the variance, seeing as how this is a corner lot and thus two wall signs are normally permitted by right, if you're increasing from two to six, that's a 200% increase from the usual standard. On its face, this percentage increase is a substantial amount, however significant weight should be given to the fact that all other sign aspects will otherwise be compliant with the code in terms of the area and height restrictions.

0:18:57.0 Zachary Moore: This is also a unique site from other developed OI sites in town, it's a pretty deep frontage, it's about 274 feet at its narrowest point. So the proposal at hand is, I will say, far more ideal than, for instance, if there was a proposal for a gigantic pylon or a monument sign along 27. That would definitely have a more imposing presence on the public realm, and that's often the case for more suburban areas in our region to have those larger pylon or monument type signs. So given these facts, the board may wanna consider kind of where that line is drawn in terms of substantiality when it comes to the number of signs. So just keep in mind that this doesn't have to be a hard no or yes to the variance as presented. If there is somewhere in between two signs and six signs that you find with respect of this criterion or other criteria is appropriately balanced, then you can specify that as part of your motion. And that's part of the reason why I've labeled each of these sign locations with different numbers, so you can be specific in your motion as to which signs would be permitted and which wouldn't. So just keep that in mind.

0:20:12.7 Zachary Moore: Criterion C, whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer in detriment, we find this supports granting the variance. So this development is on what we call a greenfield site, so it's one that was previously undeveloped or agricultural in nature. So the overall neighborhood character, we'd see it's very much in its infancy at this point, effectively being defined at this moment. The site is across from a general business parcel, that being the new Shell gas station that's recently opened, and it's across from an apartment complex. The gas station has a ground sign that's been installed as well as wall signs that are planned for each of the tenants, as well as on the canopy and those are all internally illuminated. As I mentioned, The Aviary, they have a ground sign already, that one is not illuminated. The Talawanda High School monument sign at the corner is externally illuminated, so it has floodlights that shine at night to help illuminate the sign. So from a general standpoint, staff does not believe the sign package proposed for Kettering is gonna be any more egregious or contradictory to the existing signs that we see in the area.

0:21:29.3 Zachary Moore: Criterion D, whether the variance would adversely affect delivery of governmental services, we find the supports. Yeah, we don't believe this is gonna hinder the delivery

of government services. City Engineer did not return a comment, the Fire Chief has expressed support. So for those reasons, we don't feel that this criterion is a problem. Letter E is whether the owner purchased the property with knowledge of the zoning restriction. We ended up categorizing this one as supports the variance, and the reason being so this 15-acre parcel, it was originally split from a much larger tract, this was in early 2019, and Kettering Network Services assumed ownership of the property in November of '19. So it's reasonable to assume that there was a due diligence effort performed before purchasing the property to ensure that the type of use that was pursued, that being a medical office building, was permitted in the underlying zoning district, but it's not always the case that this diligence is examining the other supplementary aspects to the development like the amount of signage allotted to a particular property or zone. So it's quite possible, in this case, the owner simply became aware of the zoning code signage restrictions later in the process, possibly following the submission of that original building permit.

0:22:51.8 Zachary Moore: In any cases, the applicant states they're aware of the restrictions now, they've gone through, they did the preliminary zoning review with me to find that this indeed is not in compliance with the code and they wish to request a variance at this point. Moving on to letter F, whether the property owner's predicament feasibly can be obviated through some method other than a variance. So if the variance were not granted, the owner would be limited to either the two wall signs on the building or one free standing sign at the entrance, and I think given the scale of this development and its placement at an angle, as you might have noticed it's at an angle to the US 27 corridor, staff is of the opinion that the by right signage allowance is probably too restrictive in this case, so by not granting the variance, the applicant may choose to combine sign elements in a way that may not be as aesthetically pleasing or desirable. One of those might be the Oxford Health Center, lettering could be relocated to be right underneath the main Kettering Medical Health Center and the K logo, so you would have a busier single wall sign as opposed to spreading out the content.

0:24:06.2 Zachary Moore: So overall, staff believes the variance process is the best option for the applicant to achieve a reasonable sign allowance for this property. Letter G is whether the spirit and intent behind the zoning requirement would be observed and substantial justice done. So although this site is zone OI, it could be argued its presence upon a developing commercial corridor with a higher volume of customer traffic is more reminiscent of the general business zone, the GB zone, which is what the Shell gas station is zoned. If this site was zoned GB, then the allowance would actually be greater, it would be for two-wall or free-standing signs as opposed to only one. And in applying this logic, the only sign elements that may seem above and beyond the normal minimum allotment would be those 2K logos up on the stone wall element, and those each measure about 28 square feet or so. And I think that concludes... There's also criterion H. If there's any other relevant factors that you hear in the hearing, you're certainly welcome to apply those in your decision-making process. And then I would just lastly conclude. So this is in accordance with Section 1139.02(c)(1).

0:25:25.2 Zachary Moore: So the burden of proof is upon the applicant to present reliable and substantial evidence that supports the request for variance, and the board must use these criteria appearing in 1139.02(c)(2) and must find that practical difficulties exist that would render strict application of the code unreasonable. And I think that concludes my report. I am happy to take any questions from the board at this time.

0:25:52.2 Michael Schnipper: Thank you, Zach. As always, great job. Board members, questions?

0:25:55.4 Kate Rousmaniere: I got one question. Am I right that the land south of this OI is R-1A?

0:26:03.4 Zachary Moore: I'll return to the zoning map to take a look. I believe you're correct. I think that's the same color as the label up here to the North.

0:26:23.0 Kate Rousmaniere: Okay, that's what I thought.

0:26:28.0 Chris Allison: Has anything been said about what the rest of the 15 acres are being used for?

0:26:32.7 Zachary Moore: Not at this time.

0:26:35.0 Chris Allison: My concern has to do with the monument sign, in that we might have to grow with other land issues. Is there anything we should consider there?

0:26:46.8 Zachary Moore: Well, we're looking at it as one development site, so if there were additional development occurring, let's say if the 15 acres was split in some manner, split between two parcels, then at that point, it might be considered a separate development site, in which case there is signage allowance that would go with that new parcel, if this is... Let's say there's some expansion on the parcel itself and there's no splitting of any kind, we would probably wanna take a look at that our code definitions to see, okay, is this still ultimately considered one development site or is it breaking off into two? So that could have some effect on our interpretation as far as calculation of signage allowance. I will say this curved portion of the parcel right here, the reason for that, so there is a preliminary plan that laid out, I believe it was called the Rolling Meadow subdivision, which would have occupied that R-1A zone area, and that would effectively be the potential area where a new street could be constructed. So that curvature that you see there could serve as essentially frontage, future frontage for the parcel, if the new street were punched through there.

0:28:06.4 Michael Schnipper: Okay. Anybody else? No questions? Thank you, sir.

0:28:11.2 Zachary Moore: Thank you.

0:28:12.1 Michael Schnipper: And who is gonna present for the applicant, please?

0:28:14.2 Kevin Attride: Hello. My name is Kevin Attride.

0:28:19.2 Michael Schnipper: Good evening, Kevin. Would you raise your right hand for me? Do you solemnly swear to tell the truth, the whole truth and nothing but the truth in matters before this board?

0:28:28.7 Kevin Attride: I do.

0:28:28.9 Michael Schnipper: Please proceed.

0:28:29.6 Kevin Attride: Thank you board members, and I appreciate your time this evening. My name is Kevin Attride, I'm the Director for Business Development at Old Fort Hamilton Hospital now Kettering Health Hamilton, as we are attempting to bring a unified brand to our community and the quality that pursues. This evening we are just really excited to be able to connect with you and let you know we are really thrilled to be deepening our commitment to the Oxford community, both the

city as well as the communities around it.

0:29:02.0 Kevin Attride: We're investing millions of dollars and we want the residents of Oxford as well as those in outlying areas to be able to have a wonderful medical establishment that we first started in 2014 with Dr. Hardacre and her colleagues, and we're building a new building to be able to further extend that service, deepening our commitment and further expand our services and offerings in the community. We're really pleased about the buildings and really want our building to beautify Oxford. And so we're interested in gaining your approval this evening on a building that is not only attractive and appealing, but also is visibly seen, from a way-finding perspective, for all patients. As I'm sure you're aware of, we have thousands of patients who are elderly or senior citizens, and so we haven't necessarily just developed a building for college students, but we've designed it so that it can be easily seen by someone in her or his '80s and '90s to be able to clearly see the building as they would drive onto the premise. So this evening, I am interested in answering your questions, but we would like to ask for approval based on staff recommendation of approving the variants.

0:30:27.7 Michael Schnipper: Thank you, sir. Board members, do you have any questions?

0:30:32.4 Kate Rousmaniere: This building, is it doctors' offices?

0:30:36.9 Kevin Attride: Yes, yes, ma'am.

0:30:38.1 Kate Rousmaniere: Okay, so there are people coming and going for doctor's appointments, it's not a mini-hospital or it's an urgent care place?

0:30:45.2 Kevin Attride: Correct. Although I am assuming there will be a number of citizens who want to use it for immediate access for urgent issues as well.

0:30:53.4 Kate Rousmaniere: Right, okay.

0:30:57.0 Michael Schnipper: Anybody else? Thank you, sir.

0:31:00.6 Calvin Conrad: I would like to ask a question.

0:31:02.8 Kevin Attride: Yes, please.

0:31:06.1 Calvin Conrad: Is it completely necessary to have the 28-foot signs on the exterior of the walls?

0:31:21.5 Kevin Attride: A point of clarification. You mentioned 28-foot, my colleague, Jon, is here. Jon, can you give me the square footage of the case?

0:31:34.8 Jon Cowell: Are you speaking of the ones that are on the accent wall?

0:31:40.8 Kevin Attride: The two larger Ks on the accent wall?

0:31:44.4 Calvin Conrad: Yes.

0:31:45.1 Michael Schnipper: Again, for clarification. Were you questioning the 28 square feet of

the signs?

0:31:54.5 Calvin Conrad: Well, that's what he said.

0:32:00.0 Michael Schnipper: Okay. Well, the way you would have a 28-foot, I just wanna clarify, 28 square feet.

0:32:06.1 Calvin Conrad: 28 square feet.

0:32:07.2 Michael Schnipper: Okay, great. Thanks.

0:32:12.2 Jon Cowell: Why did they have to be so high on the building, or why the signs are so... The size of the actual sign?

0:32:21.6 Calvin Conrad: The size of the actual sign.

0:32:25.1 Kevin Attride: Is that six feet? Six feet tall.

0:32:29.4 Jon Cowell: Yeah, the size of the actual sign is built in relationship to the size of that accent wall. That's the standard.

0:32:40.5 Michael Schnipper: If you could step to the microphone, please. I'm sorry, I should have done that before.

0:32:44.9 Jon Cowell: That's okay.

0:32:45.8 Michael Schnipper: State your name and title for the record.

0:32:48.4 Jon Cowell: My name is Jon Cowell.

0:32:49.6 Michael Schnipper: Thank you, Jon. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth in matters before this board?

0:32:55.9 Jon Cowell: I do.

0:32:57.3 Michael Schnipper: Please proceed. Sorry for that.

0:32:58.1 Jon Cowell: Not at all. You're fine. That's the standard that we've been using at all these facilities. It's just the size that we thought that was appropriate to the size of the accent wall.

0:33:10.4 Kevin Attride: Mimics all other buildings.

0:33:15.1 Jon Cowell: Yeah. It's the standard by which we're following at all of our locations.

0:33:19.3 Calvin Conrad: Alright. Thank you.

0:33:23.2 Chris Allison: And why do you... Why do you need to identify it as Kettering Health and Oxford Health Center? I assume that has to do with your marketing?

0:33:31.9 Jon Cowell: I only have an opinion about...

0:33:35.6 Kevin Attridge: The Centers for Medicare and Medicaid require all medical buildings to actually have a label of the identifier of what location that building is. And so our attempt is to brand everything as Kettering Health so when someone enters our facilities, they understand the quality of the care they're receiving. And the CMS standard also, it also dictates that we label it as Oxford Health Center. And so we're attempting to represent our brand as Kettering Health and also meet the Centers for Medicare and Medicaid center standard.

0:34:15.6 Michael Schnipper: Board members, any other questions? Mr. Cowell is there anything else you'd like to add?

0:34:23.2 Jon Cowell: I would, yes. Thank you. I also appreciate you giving us your time to discuss this matter. I've been in the sign business for 27 years and I deal with a lot of large corporations and a lot of medical facilities. And I just want you to know what I see from an outsider's view of the whole Kettering Health network, is they leave an area much better than most as far as the time and effort they put into their building structures and the time and effort they put into their landscaping. It far exceeds all of the regulations of any township I've ever seen and I think you'll be very pleased with what you find. Just going off of some numbers, when we talk about the number of signs being 200% more than what's allowed, that is a big number, I agree with that. It's a very... I was a little surprised by just that number, 200%. But when you talk about the square footage allotment, our square footage allotment is 1196 square feet of signage and of that we're using 329 square feet, which leaves us down to about a quarter of what we're actually allowed. So I just wanna make sure that you were noticing that number as well as the other. I'm open to any questions you might have.

0:36:06.5 Michael Schnipper: Board members, any questions?

0:36:09.1 Kate Rousmaniere: Are the signs... I know the Kettering building on Hamilton on Main Street there. And is it the same... It looks like the same design, is it the same building design? Yeah, it's a nice building.

0:36:24.4 Kevin Attridge: The intent on the signage for our Oxford building, the intent is that Hamilton on Main Street would represent that same look and feel. And so as we go through and replace old signage, the intent is that every building looks the same with the exception of the signage of that location. And so if there's some differences that you see on the Hamilton on Main, the intent from Kettering is that we're going to update that building so that they look similar.

0:36:57.6 Michael Schnipper: Thank you. Any other questions board members?

0:37:02.3 Calvin Conrad: I'm troubled by the signage on the central wall. I think it's not attractive.

0:37:26.1 Kate Rousmaniere: Which sign, which one are you talking about?

0:37:30.5 Calvin Conrad: I'm talking about the... If you turn to that page, either side of the 28 square feet of the K.

0:37:55.7 Michael Schnipper: Let me to ask Mr. Cowell, is that a fairly standard feature on your other buildings to have that separate K logo on the building also?

0:38:03.1 Jon Cowell: It's a very standard. Across the board, myself, Kettering Health Network, Kettering Health, have used that as the symbol of their care. I think you'll find that healthcare is more competitive now than it's ever been before, and that brand, that K has become the brand that you know where you're getting your service from. And that's why we feel it's extremely important.

0:38:34.8 Calvin Conrad: However, that K is located after Kettering Health.

0:38:47.5 Jon Cowell: I agree. We feel it's very important. That's why we've included it.

0:38:55.5 Michael Schnipper: And again, to reiterate, is this the same size logo, the K logo, as your other properties?

0:39:03.1 Jon Cowell: It is.

0:39:04.0 Michael Schnipper: Okay. Cal, do you object to that? What we could do is, as Zach had stated, we can make a motion that would eliminate those, if the board wants to do that, or we could approve it as presented.

0:39:19.8 Roger Ames: As someone who's been in marketing most of my professional career, I understand brand marketing, I think it's very important. My business opinion.

0:39:34.5 Michael Schnipper: I'm gonna agree with Roger. It is identifiable as Kettering Health Network expands. It's just a real quick visual grab that you know exactly what is there. I see the importance of it, and I appreciate the fact that it is used under other properties and exactly the same size. So I can appreciate your concern, but again, kind of from a marketing aspect, if you're driving down the street, you see that logo, you know what it is.

0:40:06.5 Kevin Attride: And that's exactly the feedback that we're going for.

0:40:10.0 Michael Schnipper: Okay. Anything else, board members? Thank you. I appreciate it.

0:40:18.5 Jon Cowell: Thank you.

0:40:23.4 Kevin Attride: Thank you.

0:40:23.6 Michael Schnipper: Board members, discussion, or for motion?

0:40:23.7 Kate Rousmaniere: I'd like to have a discussion. I like this proposal. I've been driving by this building as it's been constructed, and every time I'm in the car with someone, they say, "What's going on in there?" So that sort of explains it. And that high school, the complication of the high school there I think makes it especially important to have other signs. My only question, it's on the south side. I think you need to have that sign up on the high wall on the south side, 'cause if someone's coming north on 27, they need to see the sign. My only question for board members is, if that's R-1A just south of that and there's a housing development down there, they're gonna see... That sign is gonna be pretty prominent in their sight. I'm not saying it's necessarily a good thing or a bad thing. And it's interior... How is it illuminated? What's the... It's internally illuminated?

0:41:22.5 Kate Rousmaniere: Okay, so there's not... there's no glare, but they will see it there. But maybe they'll use it as a finder also, I don't know. That's just my only...

0:41:34.1 Jon Cowell: We feel that it doesn't have that spotlight effect, each letters internally illuminated with LEDs and then the face is a diffuser to glow.

0:41:47.9 Michael Schnipper: Kate, let me point out something. I appreciate your concern, I thought about that also, putting together, if they've got like 15 acres, this development is far north end of it, so you got, and it's only occupying about three and a half acres, so you got 12 acres there between that facility and the R-1A.

0:42:09.0 Kate Rousmaniere: Yeah. It's not gonna keep anybody awake at night.

0:42:11.0 Michael Schnipper: I doubt it.

0:42:11.5 Roger Ames: As well as a tree line.

0:42:13.4 Kate Rousmaniere: And there's a tree line here. Okay.

0:42:15.7 Michael Schnipper: Yeah, it's quite a ways away.

0:42:17.7 Kate Rousmaniere: I got you. Good point.

0:42:19.3 Michael Schnipper: Yes, sir, Chris.

0:42:20.6 Chris Allison: In preparation for the this, I've driven past the site and pretended like I was approaching to go there, and I can see why you need the wall sign on the south side, because as you're going north, you need the awareness that you're almost there, and you need the monument sign because once you turn on University Boulevard, you're not really gonna be able to find the driveway without it. The other signs are just the things that you need to identify the building. So that was my take on it as I looked it.

0:43:00.9 Michael Schnipper: That's great. Thanks.

0:43:03.3 Michael Schnipper: Any other discussion from the board? Can we get a motion?

0:43:08.0 Roger Ames: I'll make a motion. In BZA case 2022-01 asking for variance Section 1151.05(a)4, I recommend that we approve the variance. Our criterion B, even though it's substantial in number, I think the signs are informative, they're not inclusive, they'll fit well. Essential character in the neighborhood, criterion C, is not affected. It will not affect criterion D, it will not affect government services. G, spirit and intent of the zoning requirement would be observed by allowing this variance.

0:43:49.0 Thank you, sir. Is there a second?

0:43:52.2 Kate Rousmaniere: I'll second.

0:43:53.1 Michael Schnipper: Thank you, Kate. Any amendments and any further discussion? Zach,

roll call, please.

0:44:00.2 Zachary Moore: Alright.

0:44:03.0 Michael Schnipper: And yes vote grants variance as presented.

0:44:07.4 Zachary Moore: I'll start with Mr. Ames?

0:44:09.0 Roger Ames: Yes.

0:44:09.7 Zachary Moore: Mr. Conrad?

0:44:10.8 Calvin Conrad: No.

0:44:11.2 Zachary Moore: Ms. Rousmaniere?

0:44:12.7 Kate Rousmaniere: Yes.

0:44:13.4 Zachary Moore: Mr. Allison?

0:44:14.6 Chris Allison: Yes.

0:44:14.9 Zachary Moore: And Mr. Schnipper?

0:44:16.3 Michael Schnipper: Yes. The variance is granted by a vote of 4 to 1. That's our only case tonight. Do we have any cases coming up for the next meeting?

0:44:26.2 Zachary Moore: None at this time. The deadline technically hasn't passed yet, but we don't really have any in the pipeline right now, so it's unlikely that we'll have any cases for April.

0:44:35.7 Michael Schnipper: Thank you, sir.

0:44:38.6 Calvin Conrad: Good.

0:44:38.7 Kate Rousmaniere: Oh, come on.

0:44:38.8 Michael Schnipper: Anybody else have anything before we adjourn the meeting?

0:44:42.7 Michael Schnipper: Any motion to adjourn?

0:44:43.0 Calvin Conrad: So moved.

0:44:46.0 Kate Rousmaniere: Second.

0:44:46.5 Michael Schnipper: All in favor say aye.

0:44:48.3 Members: Aye.

0:44:48.6 Michael Schnipper: The meeting is adjourned.



MEETING MINUTES
BOARD OF ZONING APPEALS
TUESDAY, December 28, 2021
6:30 P.M.

I. Call to Order

The December 28, 2021 meeting of the Oxford Board of Zoning Appeals was called to order at 6:30 p.m. by Michael Schnipper.

Those members present: Michael Schnipper, Calvin Conrad, Kate Rousmaniere, and Roger Ames

Those members excused: Chris Allison

Staff members present: Zachary Moore, Ben Mazer, and Eunike Miller

Staff members excused: Sam Perry

II. Approval of November 22, 2021 Minutes of the Regular Meeting

Mr. Schnipper found two grammatical mistakes and suggested corrections; on page 2 paragraph 2 the word “could or can” needs to be added, and on page 4 paragraph 2 “objection” needs to be in plural.

Mr. Ames made a motion to approve the November 22, 2021 meeting minutes as amended. Mr. Conrad seconded the motion. All were in favor. Staff will make the corrections.

III. New Business

BZA-2021-13, VARIANCE, 419 University Avenue/315 Homestead Avenue, front yard setback for covered porch, Scott Webb, Applicant/Agent

Mr. Moore, Planner for the City of Oxford, was sworn in by Mr. Schnipper. Mr. Moore began his presentation with giving some details about the case: (1) location, (2) applicant, (3) property owner, (4) zoning – R3MS, (5) current use, (6) variance to Section 1147.03(c) - minimum front yard setback for front porch addition.

Mr. Moore displayed the Location Map and called the property a “triple frontage lot” because it has frontage on three different streets. Mr. Moore then showed the Zoning Map.

Site photos, taken on December 16th, were shown. The eastern corner has some vegetation. Mr. Moore mentioned that a letter was received on the day of the hearing from Mr. Robert Wolfe. Mr. Wolfe’s property is located to the south of the subject property. Mr. Moore explained that Mr. Wolfe has no objection to the variance however, Mr. Wolfe did offer comments about overgrown vegetation which he would like to see cleaned up. Mr. Moore stated that there was no overgrown vegetation at the time when he visited the site. Mr. Moore highlighted that the letter was shared with the Board. Mr. Moore pointed out that the porch would be located on Homestead Avenue. Mr. Moore mentioned that the two existing structures to the north have smaller setbacks than the subject property, and it would still be the case if the variance was granted. Mr. Moore noted that the house on the subject property has three entrances.

Birds Eye View was displayed next, and Mr. Moore explained there is a gravel parking area to east which is grandfathered to the property. Mr. Moore further explained that the proposed porch does not require the owner to bring the parking area up to current standards since the building footprint would expand by less than 25%.

Mr. Moore presented the Relevant Zoning Provisions, and explained that the applicant is asking for a variance to the minimum front yard setback which is 15 feet. The applicant proposes 8 feet 8 inches.

Mr. Moore shared the Site Plan next, and explained that the proposed porch would be 6 feet 4 inches deep, and 42 feet 8 inches wide. Mr. Moore added there are no additional changes to the structure.

Mr. Moore briefly touched on the setbacks on the neighboring properties and highlighted if the variance was granted the structure would still be consistent with the character of the block.

Mr. Moore next shared the rendering of the proposed porch. Mr. Moore added the proposal brings the property into closer compliance with the Mile Square Design Standards which encourages the construction of front porches.

Mr. Moore displayed the Decision Criteria and stated that there is substantial evidence to support granting the 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 – *does not support the variance*
- B) Whether the variance is substantial – *supports granting the variance*
- 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*
- D) Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage) – *supports granting the variance*
- E) Whether the property owner purchased the property with knowledge of the zoning restriction – *does not support granting the variance*
- F) Whether the property owner's predicament feasibly can be obviated through some method other than the variance – *supports granting the variance*
- 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*
- H) Any other relevant factor – *not applicable*

Questions from the Board

Ms. Rousmaniere wanted to know what Mr. Moore meant by open air porch. Mr. Moore said he meant the porch is not enclosed.

Mr. Webb, Architect/Applicant, was sworn in by Mr. Schnipper. Mr. Webb stated that the intent is to have both doors under a covered porch. Mr. Webb believed the proposal would be an improvement to the current, blank façade.

There were no questions for Mr. Webb from the Board.

Ms. Rousmaniere liked the idea and thought it would be a good addition to the house.

Mr. Conrad was troubled by the setback not being sufficient, and whether the owner purchased the property with the knowledge of the zoning restriction. Mr. Schnipper thought the two reasons that Mr. Conrad

mentioned are minor compared to the overall project. Mr. Schnipper believed there are many positives to this project such as a greater setback from the street and from the sidewalk as compared to the adjoining properties, the variance request is not substantial, and it would conform more to the Mile Square Design Standards by adding the porch. Mr. Schnipper acknowledged Mr. Conrad's concerns, but also noted that the BZA has worked around these concerns before and he would advocate for it this time too.

Ms. Rousmaniere inquired when the purchase of the property was. Mr. Webb was not sure when the owner purchased the property, but he thought it was a while ago. Ms. Rousmaniere also wanted to know whether there were any zoning code changes that impacted setbacks. Mr. Webb was not quite sure.

Mr. Conrad wanted to know if the building was destroyed, could it be rebuilt with the same setbacks. Mr. Moore answered if the porch was built and the building was destroyed by a fire it would be allowed to be rebuilt as it was. Mr. Webb added that this does not apply for a willful demolition because the variances do not go with the land.

Mr. Ames made a motion to grant the variance request based on support from Criteria B, C, D, G. Ms. Rousmaniere seconded the motion.

Roll call was taken.

AYE: Mr. Ames, Ms. Rousmaniere, Mr. Schnipper (3)

NAY: Mr. Conrad (1)

ABS: None (0)

Motion passed 3-1-0, the variance GRANTED.

IV. Adjournment

Mr. Schnipper informed the Board that the January BZA meeting has been canceled due to no cases.

Mr. Ames made a motion to adjourn the meeting. Ms. Rousmaniere seconded the motion. All were in favor.
The meeting was adjourned at 6:53 p.m.