

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2019-05

Date – July 17, 2019

APPLICATION

Applicant:	Scott Webb, Architect
Location:	14 W Park Place
Owner:	Park Place West Holdings, LLC c/o Brian Fey
Action Request:	Variance to Section 1141.03(b) principal entrance upon a street
Current Use:	Commercial (Vacant)
Zoning:	UP (Uptown) Zone with Uptown Historic Overlay
Surrounding Land Uses:	Commercial/Mixed Uses – Restaurant, Office, etc.

DESCRIPTION

Architect Scott Webb is requesting, on behalf of the owner, relief from the requirement that every building have its principal entrance upon a street bordering the lot. In the past, staff has interpreted this to mean that every principal *use* within a building must be able to be accessed from a front doorway/entrance situated upon the street. The code clarifies that *an alley is not considered a street*, except when involving an alley lot which the subject lot is not. For this case, staff further interprets that access must be available from the front *at all times* throughout the day, so that a visitor may knock and be granted access through the front principal entrance.

The applicant wishes to convert a second-story office space, located immediately above Enjoy Oxford's offices, into a residential dwelling unit. Roughly two-thirds of the space proposed to become a part of the dwelling unit is currently vacant, while the remaining third is temporarily being utilized as storage for a former tenant, the Robinson Jones law firm. According to Mr. Webb, the western portion of the building (where the dwelling unit is proposed) dates back to the late 1800s, thus it predates any zoning ordinances.

The building's tenant spaces are all situated around an interior 2-story colonial-style "courtyard," which functions as a commercial mall providing access to tenant spaces during regular business hours. The primary entrance to the courtyard is situated on the front façade, perpendicular to West Park Place. According to Mr. Webb's submitted plans, there is potential for 4 additional commercial suites to be accessed from the interior courtyard, not counting the proposed dwelling unit or the Fey Insurance office currently located on the first floor. Enjoy Oxford has its own exterior entrance facing the street.

The applicant desires to secure the commercial mall portion, preventing anyone other than the business tenants from accessing during off-hours including those residing in the second story dwelling unit. Therefore, the primary entrance to the dwelling unit is proposed from the rear rather than the front, as the front door would be locked at night. The rear door connects to a "vestibule" area, which has a door into the mall as well as a small staircase leading up to another door that would serve as the primary entrance into the dwelling unit.

BACKGROUND

Oxford Zoning Code Section 1141.03(b) requires that *every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot.* As Mr. Webb alludes to in his letter, one of the likely purposes of this provision is to ensure that buildings present themselves architecturally to the street, in order to prevent buildings from being placed “sideways” where only windows face the street. Staff believes this is not the only purpose for this provision, as it is also useful from a public safety and navigability standpoint by ensuring structure entrances are easier to locate for someone unfamiliar with the property.

STAFF RECOMMENDATION

If the BZA determines that difficulties exist which are sufficient to warrant the variance, the staff recommends that the BZA cite any new or different specific evidence not yet identified and approve the variance request. At the time of this report, **staff believes there is unsubstantial evidence to support the variance request** to allow for a rear entrance off the alley.

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).

COMMENT FORMS

Notification was mailed to property owners within 200 feet and a sign was placed on the property. No public comments have been received as of this writing.

AGENCY REVIEW

The variance request has been reviewed by City departments:

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

BZA SITE HISTORY

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

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance (Section 1139.02(c)(1)). Further, the BZA must find that practical difficulties exist that would render strict application of the Code unreasonable (Section 1139.02(c)(2)). 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. The staff's review of the criteria is included below:

This building has existed for many years as a commercial office building. Therefore, regarding **Criterion A**, it is staff's determination that the property could **yield a reasonable return without the variance** for the second floor space to be leased as a commercial/office establishment.

Regarding **Criterion B**, staff believes that the variance is **substantial** in consideration of the Fire Chief's comments. A new mixed-use building would be designed to have separate commercial and residential entrances accessed from the front. The issue in this case is the retrofitting of an existing historic building to include a space for residential that is accessed separately from the commercial space. The Fire Chief believes granting the variance would result in a *more dangerous situation for occupants and the fire crew* during a fire event, due to the lack of sprinklers and a more complicated and lengthened hose line deployment. There are 3 different possible fire attack routes into the proposed unit (in order from most safe to least safe):

1. Extend a hose through the front entry, up a flight of stairs, and through the “Southern Door” into the unit.
2. Extend a hose from West Park Place along the alley, up exterior stairs, through rear door, into the vestibule, up another set of stairs, and through the “Northern Door” into the unit.
3. Extend a hose through the front entry, up a flight of stairs, to the back of the interior mall, into the vestibule, up another set of stairs, and through the Northern Door into the unit.

The applicant would like to keep the Southern Door inaccessible for the residential occupants by either walling it off or installing a fire door. However, the Fire Chief’s approval of the configuration would likely be contingent upon the Southern Door remaining as an entrance into the unit, which helps preserve the ability for option (1) and hinders potential for option (3) above.

Regarding **Criterion C**, whether or not the **essential character of the neighborhood** could be negatively altered by the granting of the variance: there would be little to no change in the outward appearance of the building as it presents itself to the public street on West Park Place. At most, a call box would be installed next to the dwelling unit’s primary exterior entrance in the rear of the building, or some wayfinding signage may be installed directing visitors to the rear of the building. The essential character of the neighborhood would not be impacted by the granting of the variance.

Regarding **Criterion D**, staff believes that the delivery of governmental services **is negatively impacted**, for reasons previously discussed under criterion B.

Regarding **Criterion E, property owner awareness of zoning restriction**: A building permit application was submitted to the Community Development department on April 30, 2019. The applicant was aware that the use sought for the vacant space was permitted in the UP district and fully intended to comply with all relevant zoning standards. Staff’s inquiry into how the future dwelling unit would be accessed led to a walkthrough with the applicant on May 6, and only after then was it confirmed that a variance was needed based on the configuration proposed.

Regarding **Criterion F**, whether the **owner’s predicament** can be obviated through some method other than a variance. The owner could choose to simply provide a primary entrance to the residential unit from the interior mall and install a call box next to the main mall entry door situated on West Park Place. Though individual tenant doors inside the mall could still remain locked at night as desired, it is the applicant’s position that forgoing the variance *would hinder the rental ability of the remaining commercial spaces*.

Regarding **Criterion G**, whether **the spirit and intent behind the zoning requirements would be observed and substantial justice done** by granting the variance: It is likely the “spirit and intent” of this zoning provision is three-fold: (1) neighborhood character (no “sideways” buildings); (2) public health and safety (readily apparent access for emergency personnel arriving on the scene); and (3) general navigability (reducing confusion for visitors/deliveries). Staff believes the spirit of point (1) is upheld. However, staff believes the spirit of points (2) and (3) are not upheld due to the Fire Chief’s comments on both.

Regarding **Criterion H, any other relevant factor**, in his comments the Economic Development Director draws attention to the unique nature of lots, lot lines, streets and alleys within the Uptown District, as well as the existence of a safe buffer between the proposed rear entrance and the alleyway; in his view, all of these aspects contribute to the reasonableness of the request. In addition, the applicant has hinted at the existence of other locations Uptown with a similar setup for accessing residential units, though the burden of presenting and confirming such existing conditions is on the applicant.

SUBMITTED BY:



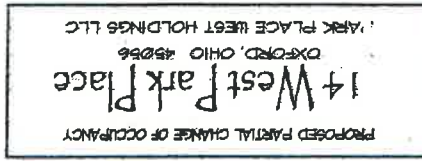
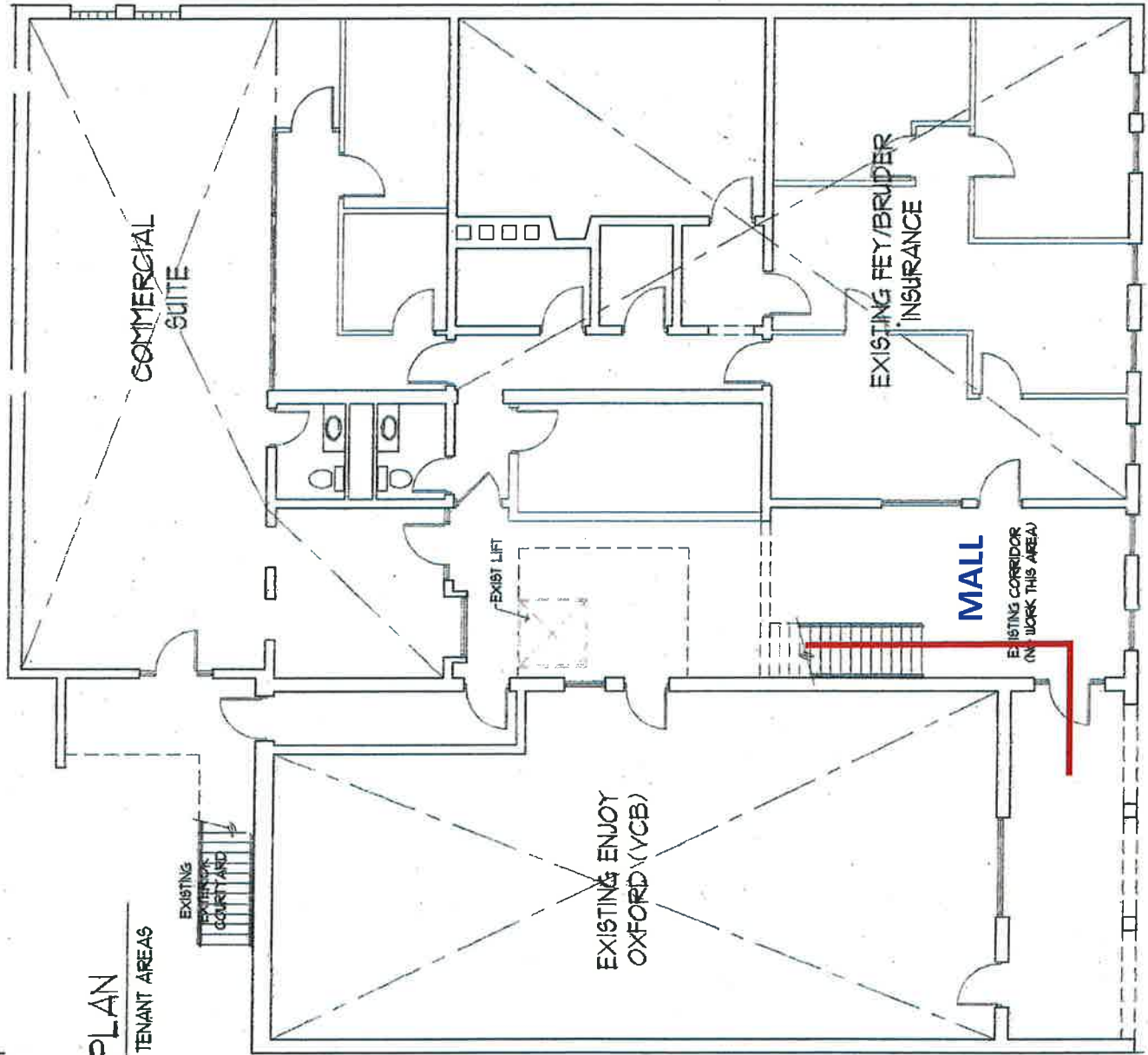
Zachary Moore, AICP
Planner, Community Development Department

DATE: July 5, 2019

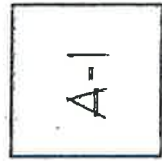
ROUTE 1

FIRST FLOOR PLAN

SHOWING EXISTING & FUTURE TENANT AREAS



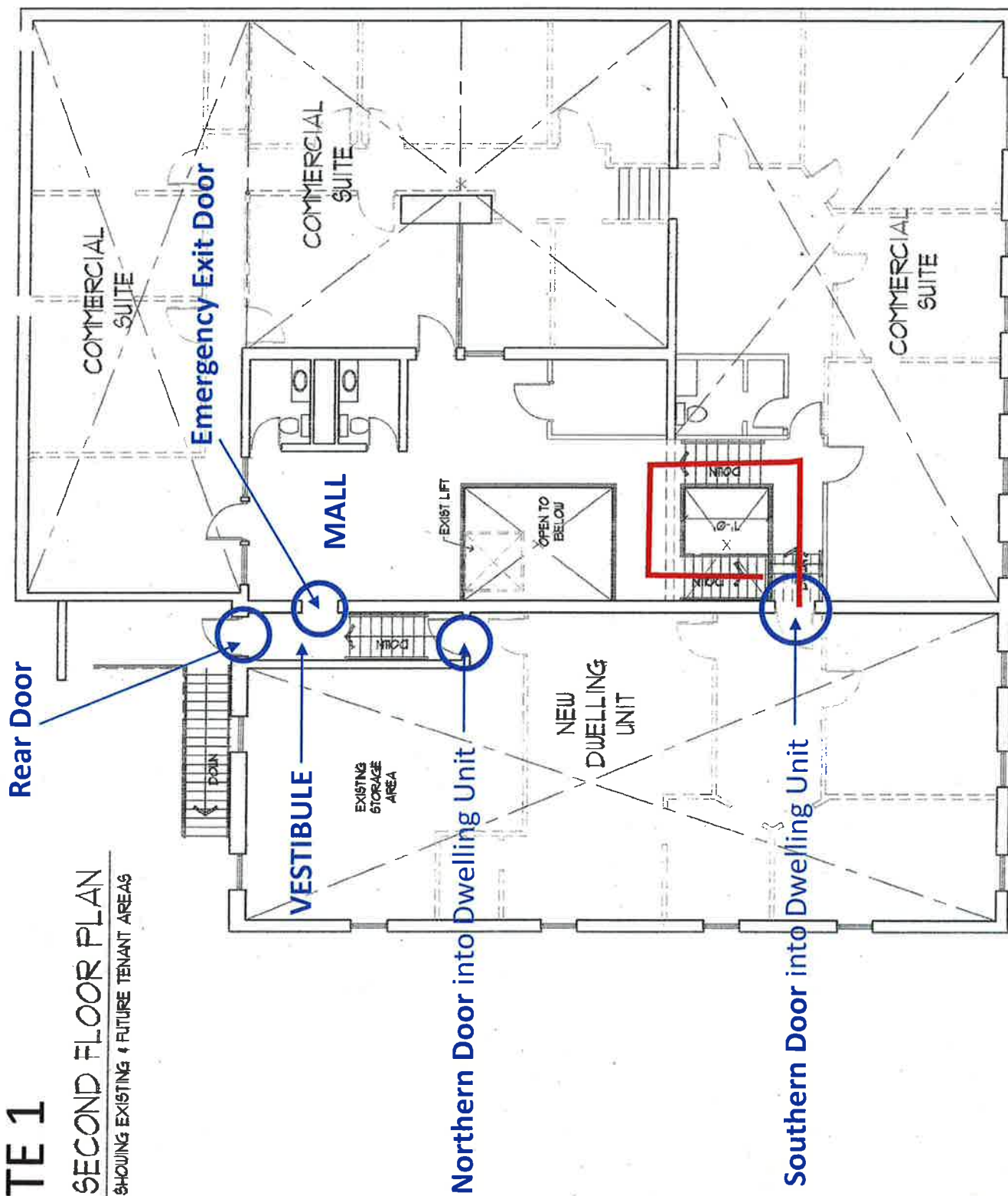
DATE	January 3, 2019
REVISIONS	



ROUTE 1

SECOND FLOOR PLAN

SHOWING EXISTING & FUTURE TENANT AREAS



**SCOTT
WEBB**
ARCHITECT
109 West Walnut Street
Oxford, Ohio 43086
(615) 933-9888
www.scottwebbarchitect.com

PROPOSED PARTIAL CHANGE OF OCCUPANCY
14 West Park Place
OXFORD, OHIO 43086
PARK PLACE WEST HOLDINGS LLC

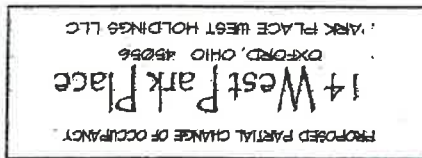
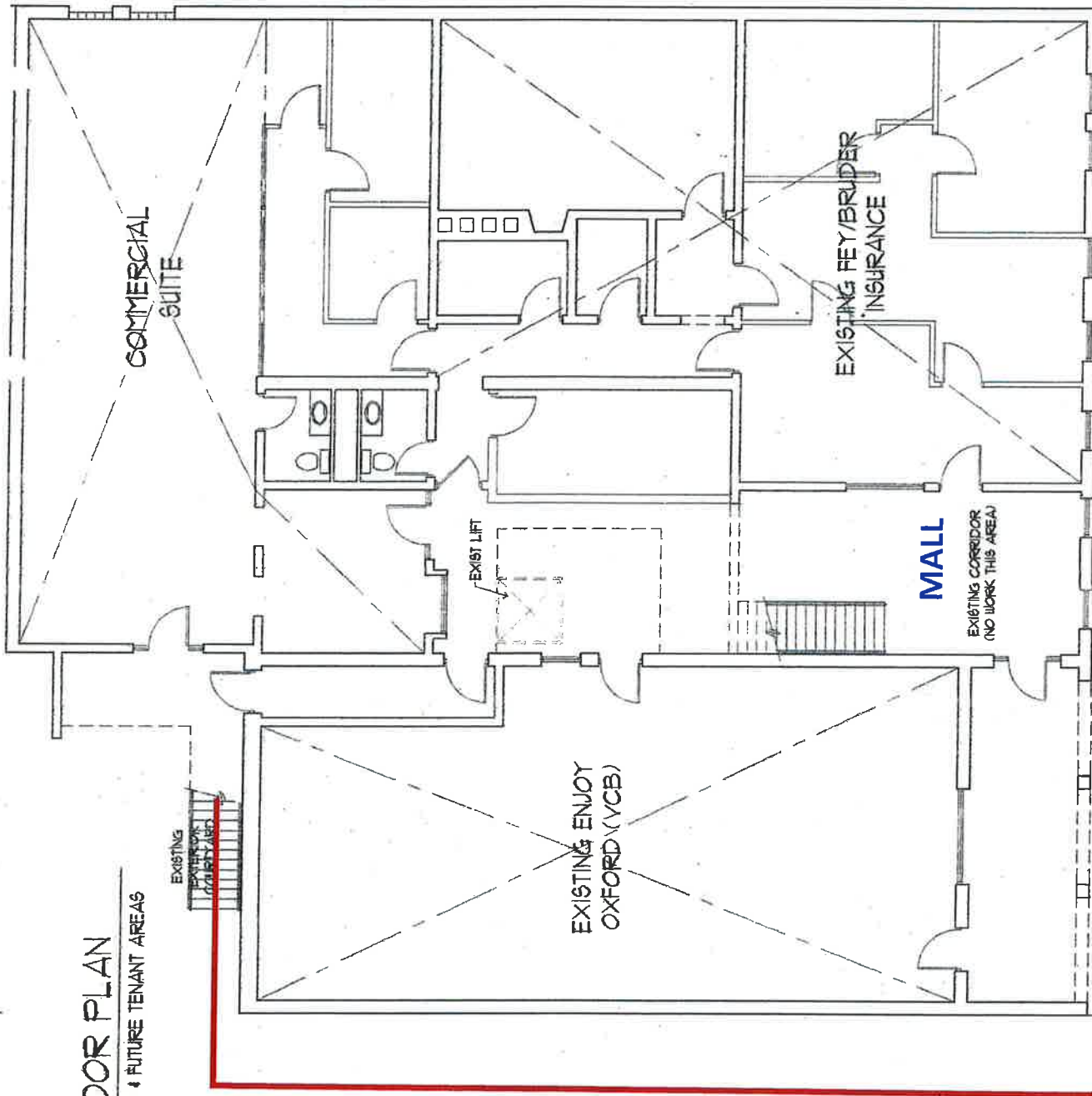
DATE	January 4, 2015
REVISIONS	

A-2

ROUTE 2

FIRST FLOOR PLAN

SHOWING EXISTING & FUTURE TENANT AREAS



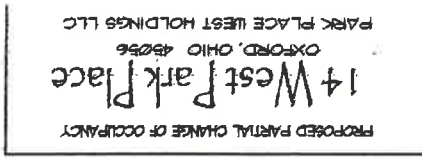
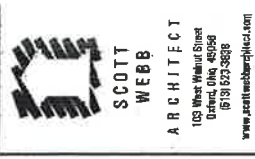
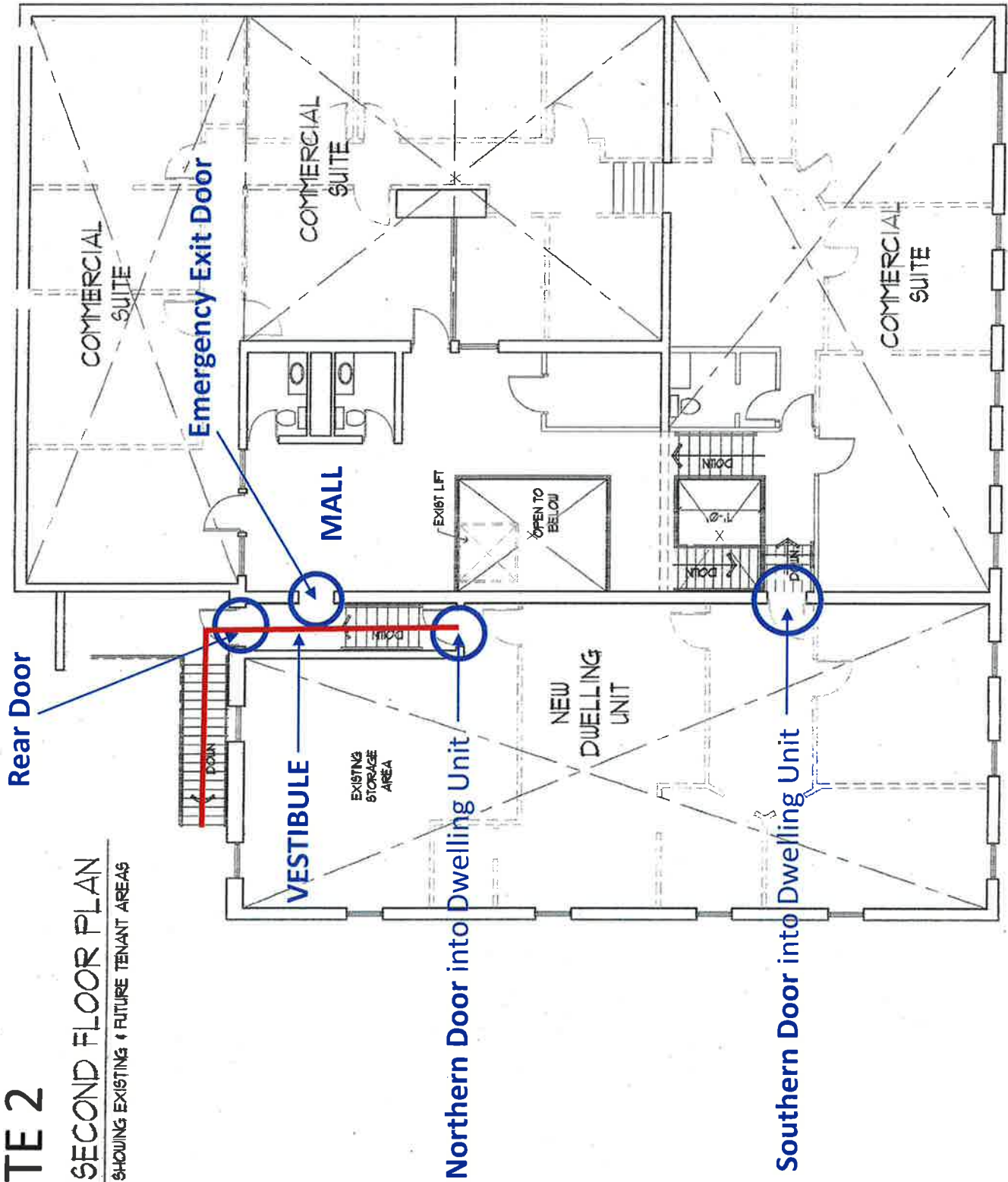
DATE	REVISIONS
January 3, 2019	

A-1

ROUTE 2

SECOND FLOOR PLAN

SHOWING EXISTING & FUTURE TENANT AREAS



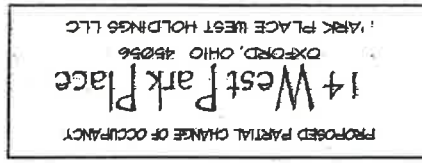
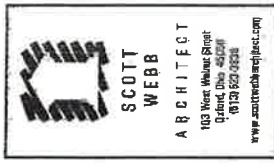
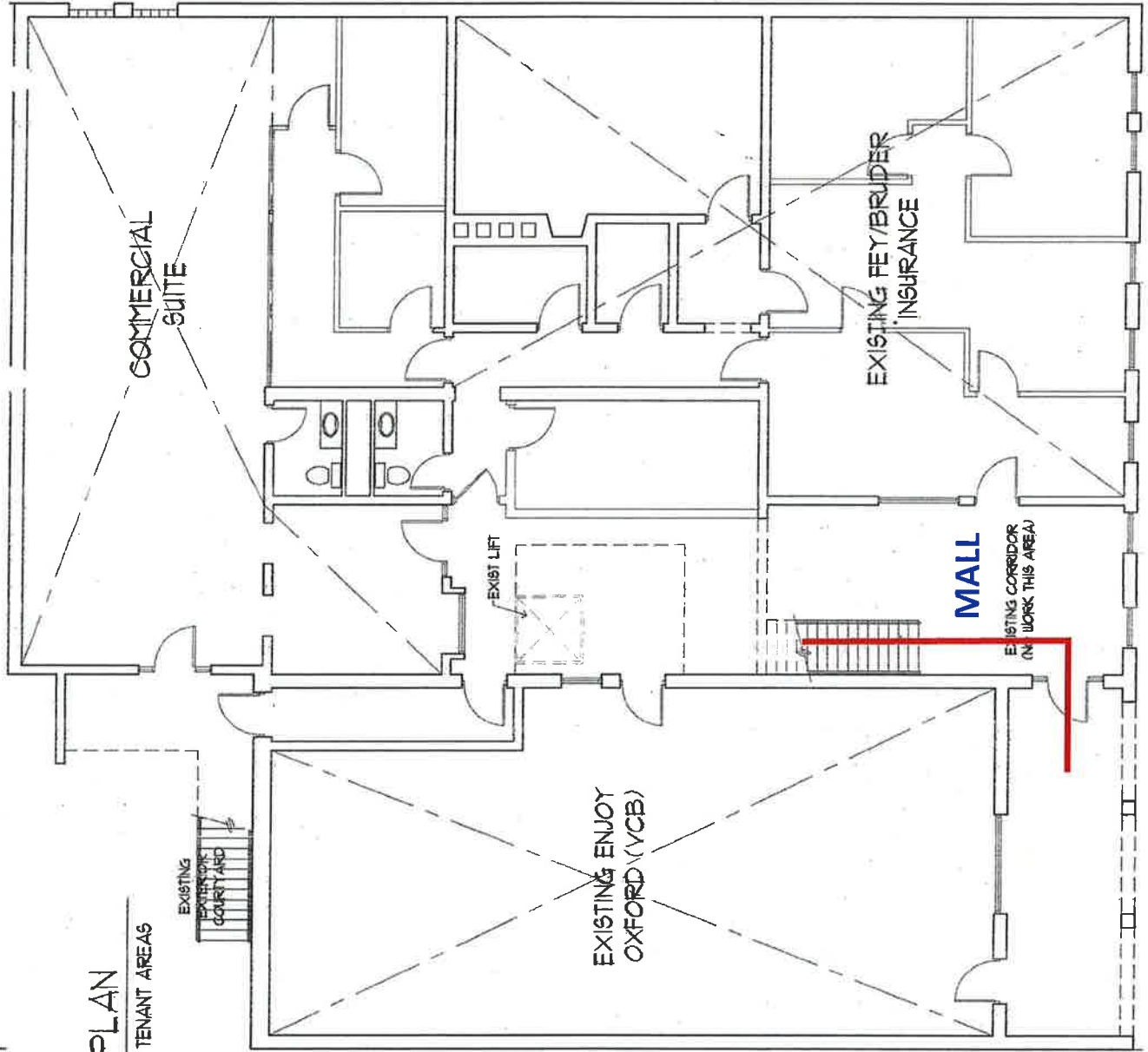
DATE	January 9, 2019
REVISIONS	

A-2

ROUTE 3

FIRST FLOOR PLAN

SHOWING EXISTING & FUTURE TENANT AREAS



DATE	January 3, 2023
REVISIONS	



City of Oxford
Inter-Office Review Transmittal Sheet



Date: June 7, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BA-2019-05, 14 W Park Place, Variance to Section 1141.03(b), requiring a principle entrance upon a street bordering such lot, Scott Webb, Appellant

 X Review Revisions Other

Please return no later than: **July 9, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE ATTACHED

SEE ATTACHED

Drawings reviewed by:

Date:

6/11/19

PRINTED NAME

Memo

To: Community Development
From: John Detherage, Fire Chief
CC: N/A
Date: 6/11/2019
Re: 14 W. Park Pl.

Removing the front entrance to this apartment would cause fire attack into this unit to become extremely time consuming and difficult. With the current arrangement, fire hose can be stretched through the front door and up to the second floor through the center of the stairs. Removing this option would require hose to be stretched to the rear of the building in the alley and up two flights of stairs adding length and turns increasing the difficulty of deploying the hose line. This building is not sprinklered so the additional time needed to advance a hose line causes a more dangerous situation for occupants and the fire crew as a fire would continue to advance. Trying to advance a hose line through this number of obstacles with a crew of two or three firefighters would likely not go well.

A primary entrance in the rear of the structure would also add to the level of difficulty in finding the entrance, especially at night and in adverse weather conditions.

I would not be in favor of removing the front entrance.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 7, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BA-2019-05, 14 W Park Place, Variance to Section 1141.03(b), requiring a principle entrance upon a street bordering such lot, **Scott Webb, Appellant**

 X Review Revisions Other

Please return no later than: **July 9, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:

Scott Otto

Date:

6/17/19

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 7, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

BA-2019-05, 14 W Park Place, Variance to Section 1141.03(b), requiring a principle entrance upon a street bordering such lot, Scott Webb, Appellant

☒ Review ☐ Revisions ☐ Other

Please return no later than: **July 9, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: ☒ w/comments ☐ without/comments

WITH THE UNIQUE NATURE OF LOTS, LOT LINES,
STREETS AND ALLEYS IN THE UPTOWN DISTRICT
THIS SEEMS TO BE A REASONABLE REQUEST.
PLUS THERE IS A SAFE BUFFER BETWEEN THE ENTRY
AND THE ALLEYWAY.

Drawings reviewed by: _____

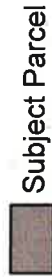
Date: _____

PRINTED NAME

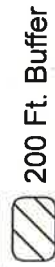


BZA-2019-05 **Surrounding** **Property Owners** **Map**

Legend



Subject Parcel



200 Ft. Buffer



Oxford Corporation Limit

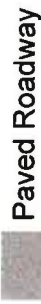


Parcel

Vacated Right-of-Way



Building Footprint



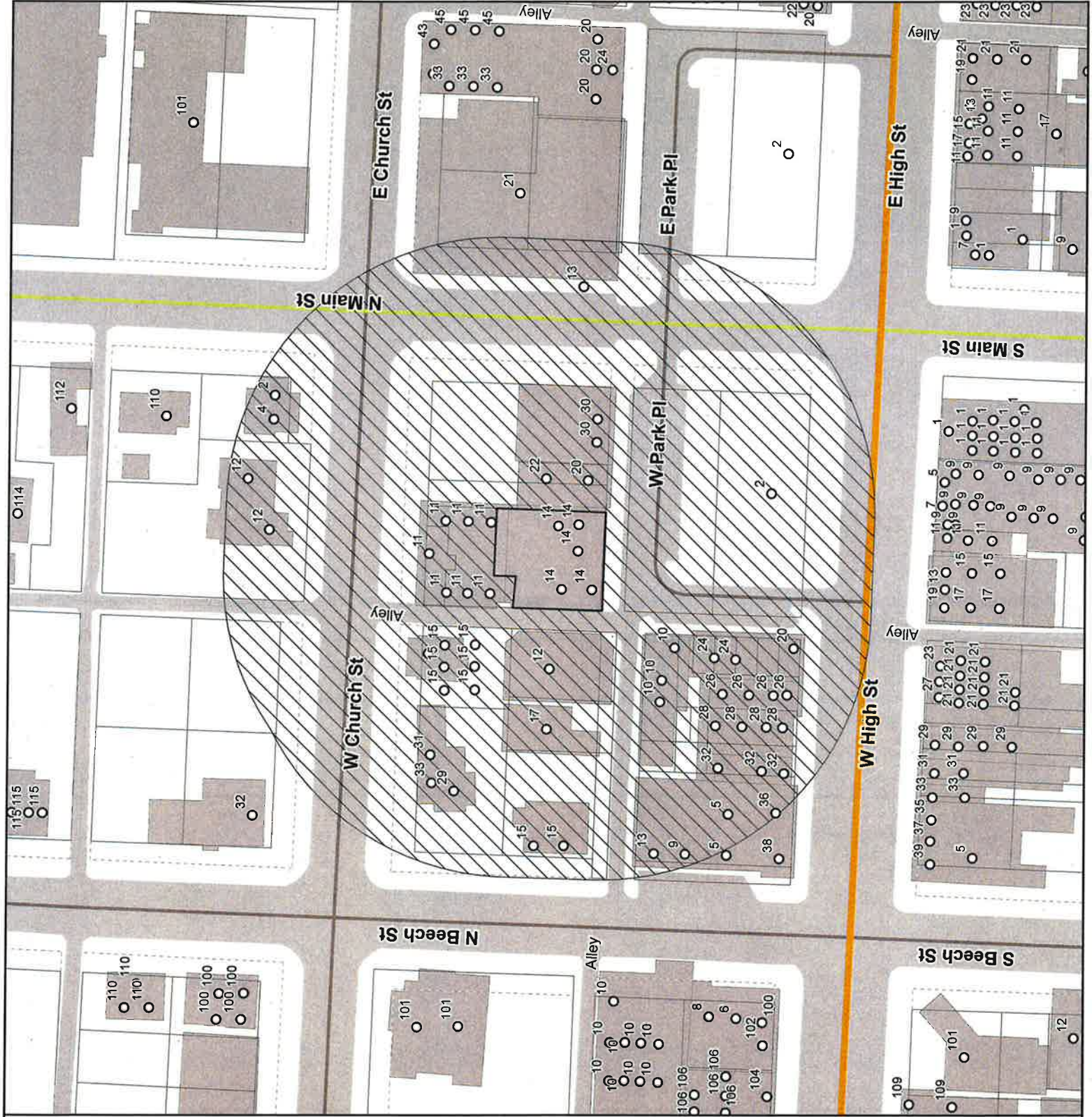
Paved Roadway



1 inch = 100 feet

Prepared on Thursday, June 20, 2019

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.

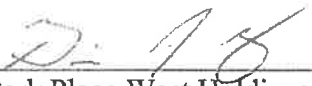


LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding a proposed Zoning variance at 14 West Park Place.

Thank you,

Signed: 
Brian Fey, Park Place West Holdings LLC

5/20/19
Date:



Internal Use Only:

Case No.

BZA-2019-05

Date Filed

5/21/19

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 W Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name * Park Place West Holdings, LLC

Mailing Address * 14 West Park Place

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-6341

Email Address brian@feybruder.com

Variance and Lot Information

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

1141.03(b) Principle Entrance upon a street

Location of Requested Variance * 14 West Park Place

Name of Building Fey Bruder Insurance

Legal Description * H4100007000227

Zoning District * UP Total Acreage * .125

Existing Use of Site * Commercial/Office Building

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.

Conversion of a second floor tenant space to a residential apartment unit

- 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 \$200.00, 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 *



 5/21/19

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>

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 Location of Front Entrances
Adaptive Reuse - Partial Change of Occupancy
Fey Building
14 West Park Place

May 20, 2019

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing for a variance to the requirement that every building shall have its principal entrance upon a street.

The project at hand represents the conversion of an existing second story space, back into a residential unit, after service as offices for a number of years.

The portion if the building under consideration is the oldest, western portion of the building from circa 1880. In 1970, the eastern portion of the building, once a car dealership, was converted to an "arcade" type structure with an interior "courtyard", with all interior spaces proposed as commercial business/office space, including this second story of the original building.

With a lack of demand for second story commercial space, the owners would like to return this portion of the building to an apartment unit.

This space is currently provided with (2) potential entrances; one from the interior courtyard, and one from the rear off the alley. In order to separate the residential and commercial uses, the owners would like to abandon the entrance from the common space, and have the main entry point for the apartment to be the one from the alley.

After walking the property with Zach Moore, it was determined the following variance would be required.

1141.03(b) requires "Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall its principal entrance upon a street bordering such lot. For the purpose of this provision, an alley is not considered a street"

While the code does not state that "every" entrance must face a street, staff has interpreted this to require "each" primary entrance must meet this standard. In the case at hand, the rear entrance is the primary entrance for the residential use.

As an existing historic building, the practical difficulty is evident. Separation of residential and commercial uses for privacy & security is a necessity. With the availability of an existing entrance, no site area to add a new entrance, and no feasible way to add a new entry in the existing ground floor space, the most reasonable and practical solution is to use the existing rear stair.

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 existing upper story commercial space has been vacant since the relocation of the Robinson Jones Law firm. The lack of demand for second floor commercial or office space has dramatically reduced the return on this building.

To deny this variance would be to prevent a permitted use in the district, and hamper the building owners in their attempt to yield a reasonable return.

- b) *Whether the variance is substantial;*

The variance is not substantial, as the intent of the code section of to prevent buildings from being placed "sideways" on the lot, or more broadly, to insure the streetscape of the uptown district is connected to the street.

- 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 not be affected, as similar configurations exist throughout the uptown district and have been approved in both new and existing buildings.

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

The delivery of utilities & government services is unaffected by this application, with no exterior construction or utilities required.

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

The property has been owned by the Fey family for generations and has been through numerous configurations. Likewise, the Zoning Code has changed throughout the history of this building.

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

The existing interior "courtyard" is an open, 2-story mezzanine, from which each potential tenant space is accessed. Subsequently, this shared space is locked after business hours. The owners, and potential, future commercial tenants feel it is necessary to provide separation and security. While leaving the existing courtyard access to this apartment would negate the need for this variance, it would hinder the rental ability of the remaining commercial spaces.

Creation of an additional redundant stair would affect the ground floor tenant space and the historic building façade.

- 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 a permitted use in the district to use an existing entrance while separating commercial and residential uses in a mixed-use building.

h) Any other relevant factor;

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

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect



Existing Rear Entrance



Shared Interior "Courtyard"





Interior Shared "Courtyard"

FIRST FLOOR PLAN

SHOWING EXISTING & FUTURE TENANT AREAS

EXISTING
EXTERIOR
COURTYARD

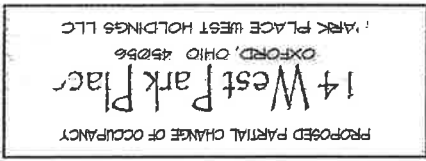
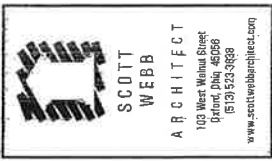
COMMERCIAL
SUITE

EXIST LIFT

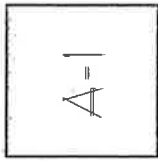
EXISTING ENJOY
OXFORD (VCB)

EXISTING FEY/BRUDER
INSURANCE

EXISTING CORRIDOR
(NO WORK THIS AREA)



DATE	January 3, 2019
REVISIONS	



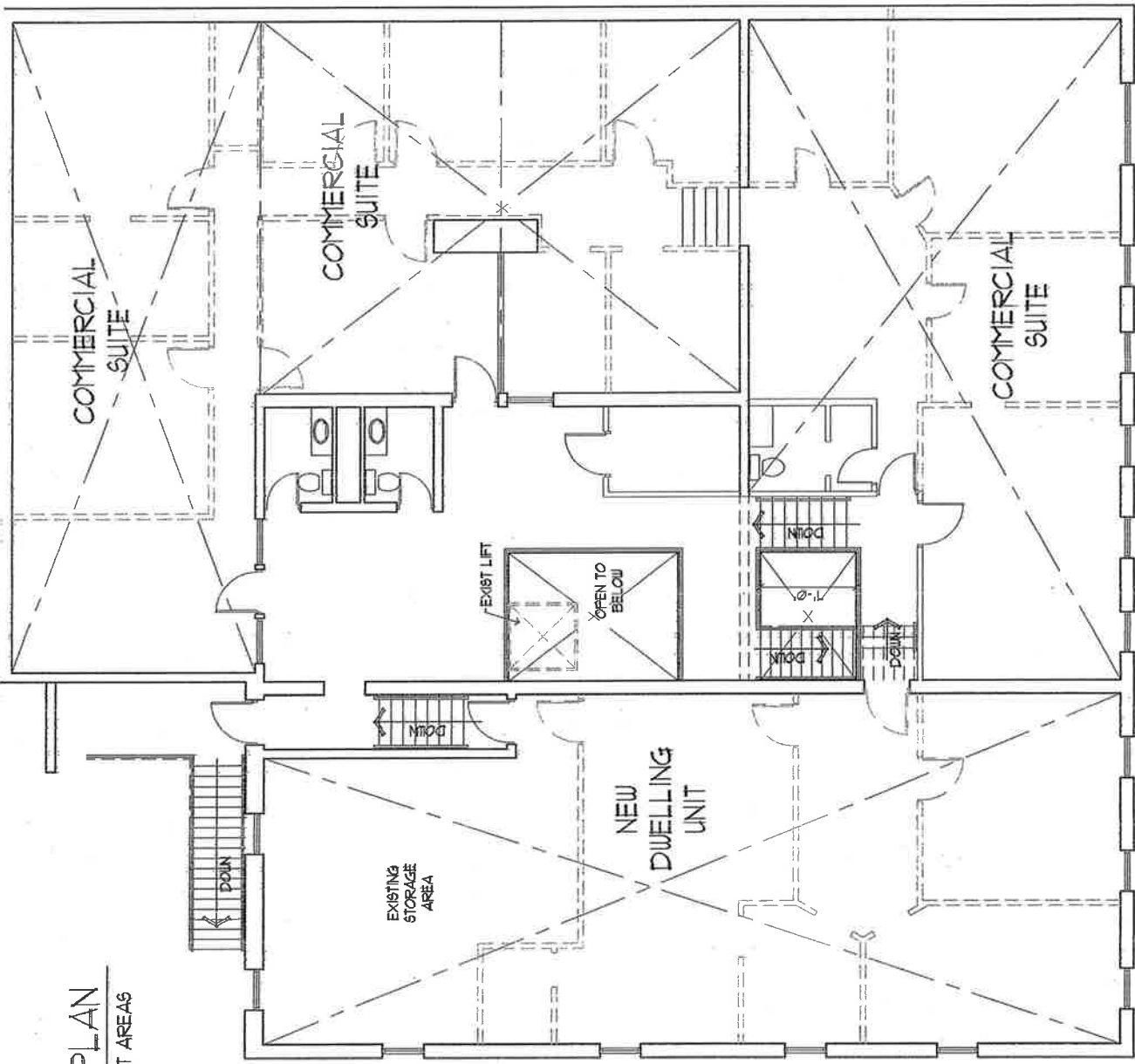


SCOTT WEBB
ARCHITECT
109 West West Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

PROPOSED PARTIAL CHANGE OF OCCUPANCY
14 West Park Place
OXFORD, OHIO 45056
PARK PLACE WEST HOLDINGS LLC

DATE	January 3, 2013
REVISIONS	

A-2



SECOND FLOOR PLAN
SHOWING EXISTING + FUTURE TENANT AREAS