

City of Oxford
Community Development Department
STAFF REPORT

Board of Zoning Appeals

Case # BZA-2018-15

Date – July 18, 2018

APPLICATION

Applicant:	Tommy Reed / Atlantic Sign Company
Location:	406 East Withrow Street
Owner:	Theta Upsilon Housing Corporation (Chris Ferritto)
Action Request:	Variance to Section 1151.05(b) regarding number and size of nonresidential land use signs in residential districts
Current Use:	Church/Institutional (Crossroads Outpost)
Zoning:	R3MS (Single, Two and Three Family Residential)
Surrounding Land Uses:	Single, Two-Family, Lodging and Fraternity

DESCRIPTION

Mr. Tommy Reed from Atlantic Sign Company is seeking relief from the number and size of sign provisions allowed for non-residential uses in residential districts. The proposal is two additional signs to the one permitted administratively. The subject property is 406 East Withrow Street which is located at the intersection with Tallawanda Road.

BACKGROUND

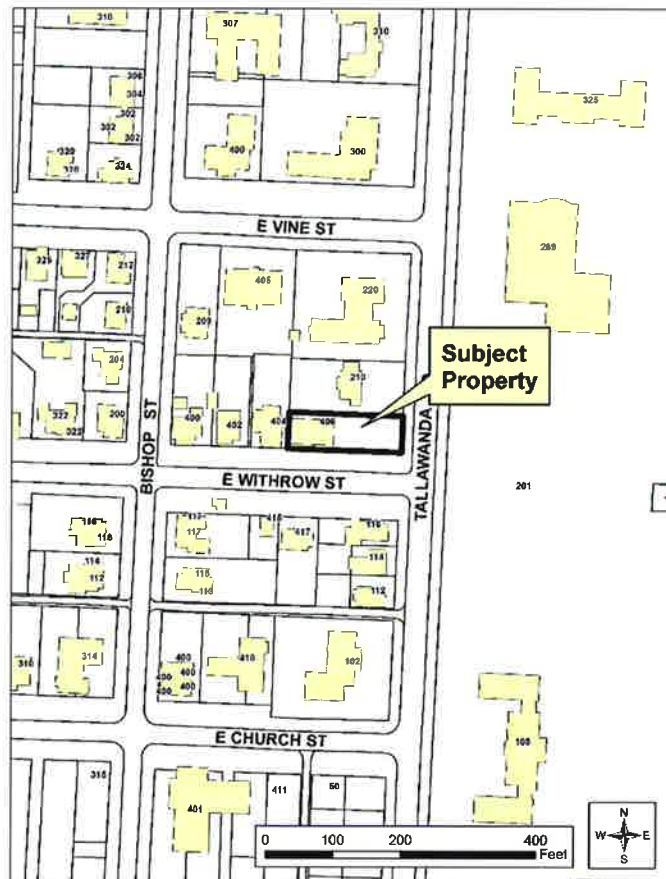
Oxford Zoning Code Section 1151.05 (b) allows one 12 square foot sign, either on the building wall or on the ground.

The proposal is to add a 28 square foot wall sign and a 12 square foot hanging sign. Additionally, a six foot tall, 12 square foot ground sign has been issued by staff.

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 without comments
Police	Returned without comments
Engineering	Returned without comments
Economic Development	Not returned

BZA SITE HISTORY

There are no BZA cases of record for this property.

ANALYSIS

The burden of proof is upon the Applicant to present reliable and substantial evidence that supports the request for variance(s) (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 a 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. Reed. The staff's review of the criteria is included below.

Regarding Criterion A, Whether or not there can be **any beneficial use of the property without the variance**: The property was permitted as a fraternity for many years until the chapter recently became inactive in 2016. In Fall of 2017, Crossroads Church moved to this location and renovated the building for its own use. Therefore, the past uses and the prominent location near campus demonstrate that beneficial use is possible without the sign variance/s.

Regarding criterion B, Staff believes that the variance is **substantial** because the total square footage of all signage would be four times what is permitted. 52 total square footage is proposed. 12 is permitted. That said, the building is a large rectangular two story building. Therefore, some additional square footage for one wall sign may be justifiable. However, it is not the role of the BZA to design a project.

Regarding criterion C, whether or not the **essential character of the neighborhood** would be negatively altered by the granting of the variance: Wall signage is not uncommon with fraternities in the area. Staff did not evaluate the legality of the ones that exist. Ground signs, though not common, are permitted for this use. Hanging signs are nearly non-existent in Oxford. Therefore, as a whole, the total signage planned would negatively alter the essential (*architectural*) character of the neighborhood in staff's opinion.

Regarding criterion D, Staff believes that the **delivery of governmental services** to this building **would not** be adversely affected by the granting of this variance request.

Regarding criterion E, **property owner awareness of the zoning restriction**, yes, through the agent of authority process, the owner should have been aware of the restrictions recently re-affirmed by the Planning Commission and City Council. (See Ordinance 3424)

Regarding criterion F, the **owner's predicament** is not demonstrated in the applicant narrative. Staff is not aware that there is a predicament since the signage permitted for a non-residential use is above and beyond what is permitted for a residential use. Additionally, Crossroads missed an opportunity to present a sign design before Planning and Council as a potential waiver request.

Regarding criterion G, whether or not **the spirit and intent behind the zoning requirement would be observed and substantial justice done** by granting the variance: The spirit and intent of the zoning requirements for signs can be found in Section 1151.01. To summarize, it is to provide owners with effective identification while also reducing clutter. In staff's opinion the proposed signage goes beyond what the intent of the code provisions allow for this use in this district, therefore the spirit and intent would not be observed with the granting of the variance.

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 not substantial evidence that supports the variance request.** If the BZA does approve the variance it can attach any appropriate conditions necessary as permitted by Section 1139.02(d)2.

A handwritten signature in black ink, appearing to read "Sam Perry", with a long horizontal flourish extending to the right.

SUBMITTED BY: _____

Sam Perry, AICP
Planner, Community Development Department

ORDINANCE NO. 3424

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PLACE OF WORSHIP RELATED GATHERING/STUDY SPACE FOR CROSSROADS COMMUNITY CHURCH IN THE R2MS (SINGLE, TWO-FAMILY MILE SQUARE RESIDENTIAL) DISTRICT AT 406 E. WITHROW STREET OXFORD, OHIO 45056 WITH CONDITIONS.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on August 8, 2017 for the purpose of considering the request of Crossroads Community Church, Applicant, for a conditional use permit to allow a place of worship related gathering/study space in the R2MS (Single, Two-Family Mile Square Residential) District at 406 E. Withrow Street Oxford, Ohio 45056.

SECTION 2: The Planning Commission, after public hearing and discussion, voted to approve a motion recommending approval of the conditional use application to allow a place of worship related gathering/study space for Crossroads Community Church in the R2MS (Single, Two-Family Mile Square Residential) District at 406 E. Withrow Street Oxford, Ohio 45056 with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow a place of worship related gathering/study space for Crossroads Community Church in the R2MS (Single, Two-Family Mile Square Residential) District at 406 E. Withrow Street Oxford, Ohio 45056 with the following conditions:

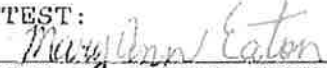
1. No more than 3 Church member students shall reside on the 3rd floor.
2. Five (5) off-street parking spaces are sufficient for the proposed gathering/study function of the church.
3. The proposed lot coverage exceeding the underlying zoning district shall be waived. The patio encroachment shall also be waived to allow the construction of the patio as shown on the proposed building application.
4. Signage for the proposed project shall adhere to the sign regulations of the Oxford Zoning Code. Additional signage shall require approval from the Board of Zoning Appeals.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.



MAYOR

ADOPTED: September 19, 2017

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/20/2018

To: Fire Department Engineering Division Police Department Economic Development
From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-15, 406 E. Withrow, variances to Section 1151.05(b) signage size and number of, **Tommy Reed, Atlantic Signs, Appellant/Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 7/9/2018 Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:

Date:

6-21-18

PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/20/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 7/9/2018 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments



Drawings reviewed by: _____

Date: 6-27-18

VICTOR POPESCU
PRINT NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 6/20/2018

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

BZA-2018-15, 406 E. Withrow, variances to Section 1151.05(b) signage size and number of, **Tommy Reed, Atlantic Signs, Appellant/Agent**

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.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



John A. Jones

PRINT NAME

Date: 6-27-18



BZA-2018-15

Surrounding Property Owners Map

Legend

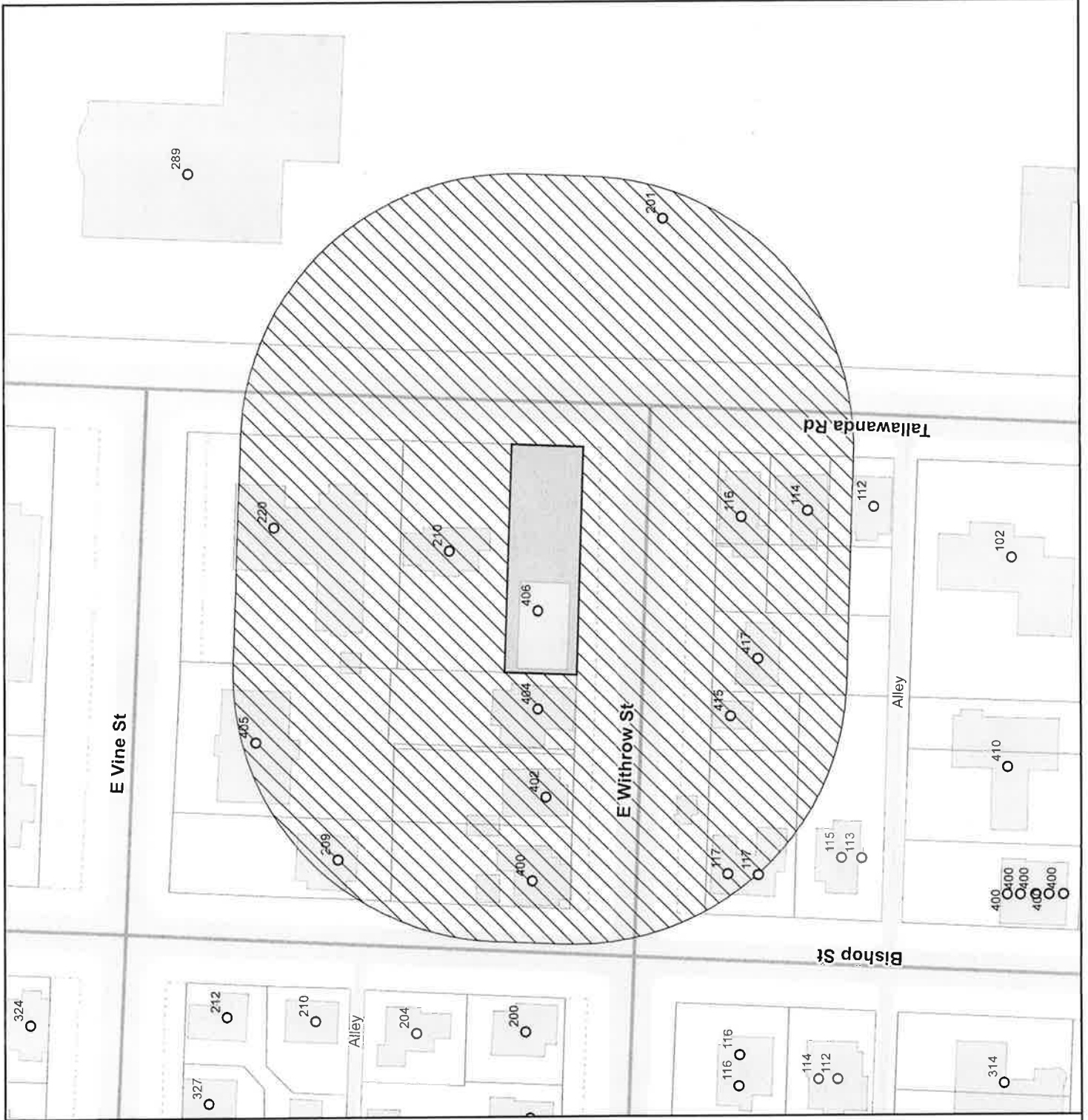
-  Subject Parcel
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  Vacated Right-of-Way
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet

Prepared on Thursday, July 05, 2018

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 Tommy Reed (Atlantic Sign Company) has permission to represent our interest with the City of Oxford and act on our behalf for the Oxford Board of Zoning Appeals hearing 7/10/18 regarding the Crossroads Signage at our property located at 406 E. Withrow, Oxford, Ohio 45056.

Thank-you,

Signed: Chris Ferritto

6/19/18

Chris Ferritto
President-Theta-Upsilon Housing Corporation

Date:



Internal Use Only:

Case No.

Date Filed

BZA-2018-15

6/18/18

Petition for Zoning Variance

Petitioner Information

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

Name * Tommy Reed/Atlantic Sign Company
Mailing Address * 2328 Florence Ave
City, State & Zip Code * Cincinnati, OH 45206
Telephone Number(s) * 513-241-6775/513-795-4848
Email Address treed@atlanticsigncompany.com

Owner Information

Name * Theta Upsilon Housing Inc C/O Tim Johnson
Mailing Address * 4397 Helena Dr
City, State & Zip Code * Cincinnati, OH 45244
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.

1151.05 (b) Nonresidential Land Use Signs in Residential Zoning Districts states that no more than 1 sign per

Ordinance 3424

development site is permitted as follows: The sign may either be a wall or freestanding sign but not both. No more than 12 SF in area. Indirect illumination only. We are permitting 1 ground sign per code, but are requesting 2 additional wall signs.

Location of Requested Variance * 406 E Withrow
Name of Building Crossroads Outpost
Legal Description * 306 S 54' & N 1/2 VAC ST Oxford - outlots 305 & 306
Zoning District * R2MS Total Acreage * .2697
Existing Use of Site * formerly a fraternity house, now a church

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.

Crossroads is a quickly growing church with several satellite campuses in Ohio and Kentucky. This satellite campus will provide a safe space for students to worship, study and provide a fellowship opportunity for students and

members of the general public alike. Open 8-5 Mon. thru Fri, 1-8 Sunday's during Fall and Spring Semesters, for summer 11-2 on Sundays.

- 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 *




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>



To: City of Oxford Board of Zoning Appeals

From: Tommy Reed

Re: Proposed Crossroads Wall Signs

Members of the Board,

Crossroads Community Church is one church with many locations and is one of the fastest growing churches in the nation with seven campuses in Ohio and five campuses in Kentucky. Crossroads also offers an "anywhere" app so that their services can be viewed around the globe. Crossroads was started by eleven friends in the Hyde Park neighborhood of Cincinnati as a place to take their friends who didn't like church so that they might have a place to find a relationship with God. Crossroads is for anyone whether they are questioning God's existence or a committed Christ follower as they present biblical truths and show how they apply to our every day life by using a multi media experience, all while having a lot of fun. Crossroads has opened a satellite campus in Oxford located at 406 E Withrow St. offering church services, with a safe space for students and members of the public alike to worship. The building also offers a study space for students, bible studies, outreach events, and a community space for fellowship. The hours of operation are as follows: Monday – Friday 8 AM to 5 PM and 1 PM to 8 PM on Sundays during Fall and spring semesters. During the summer they are open for service from 11 AM to 2 PM on Sundays. The Crossroads footprint continues to grow not only regionally but globally with partnership and outreach programs in place in India, South Africa, Nicaragua, New Orleans and Houston. I can personally tell you that Crossroads is genuine in its message and steadfast on the path to delivering the good news as I have been a member for about twelve years and have seen first hand the impact it has had on my life, my family, and my friends lives. We are proposing new signage in an effort not only for location identification, but also to keep in line with campus branding, as well as the character of the neighborhood.



For this site we are proposing two wall signs, the first would be a 28.25 SF non-illuminated wall sign, extruded from aluminum with a white lexan face covered with digital print showing the "Crossroads" letters on the front left corner elevation and the second would be a 12.83 SF non-illuminated hanging sign made from aluminum with the "Outpost" letters cut out. Oxford Zoning Code Section 1151.05 (b) for Nonresidential Land Use Signs in Residential Zoning Districts states that no more than one sign per development site is permitted as follows:

- The sign may either be a wall or freestanding sign but not both.
- No more than twelve SF in area.
- Indirect illumination only.

(This is also in accordance with the land agreement of Ordinance 3424 under Section 3 bullet point number 4 which is attached).

We are seeking relief of the number of wall signs allowed, and the square footage allowed. We believe that our variance request will satisfy each of the Decision Standards required to grant a variance as follows:

1. The return of the property would be greatly bolstered by the allowance of the wall signage for identification purposes as well as advertising purposes. The return in this case would lend to subjectivity, moreover the previous tenant displayed two wall signs, one on front elevation and one on side elevation.
2. The variance is a substantial request as it would allow Crossroads to keep branding somewhat unified with other satellite campuses.
3. The allowances of the wall signs would present no adverse effect on neighboring properties physically or financially, nor would the allowances of the proposed wall signs alter the character of the neighborhood in any way. Granting this variance would not be a detriment to any surrounding parcels.



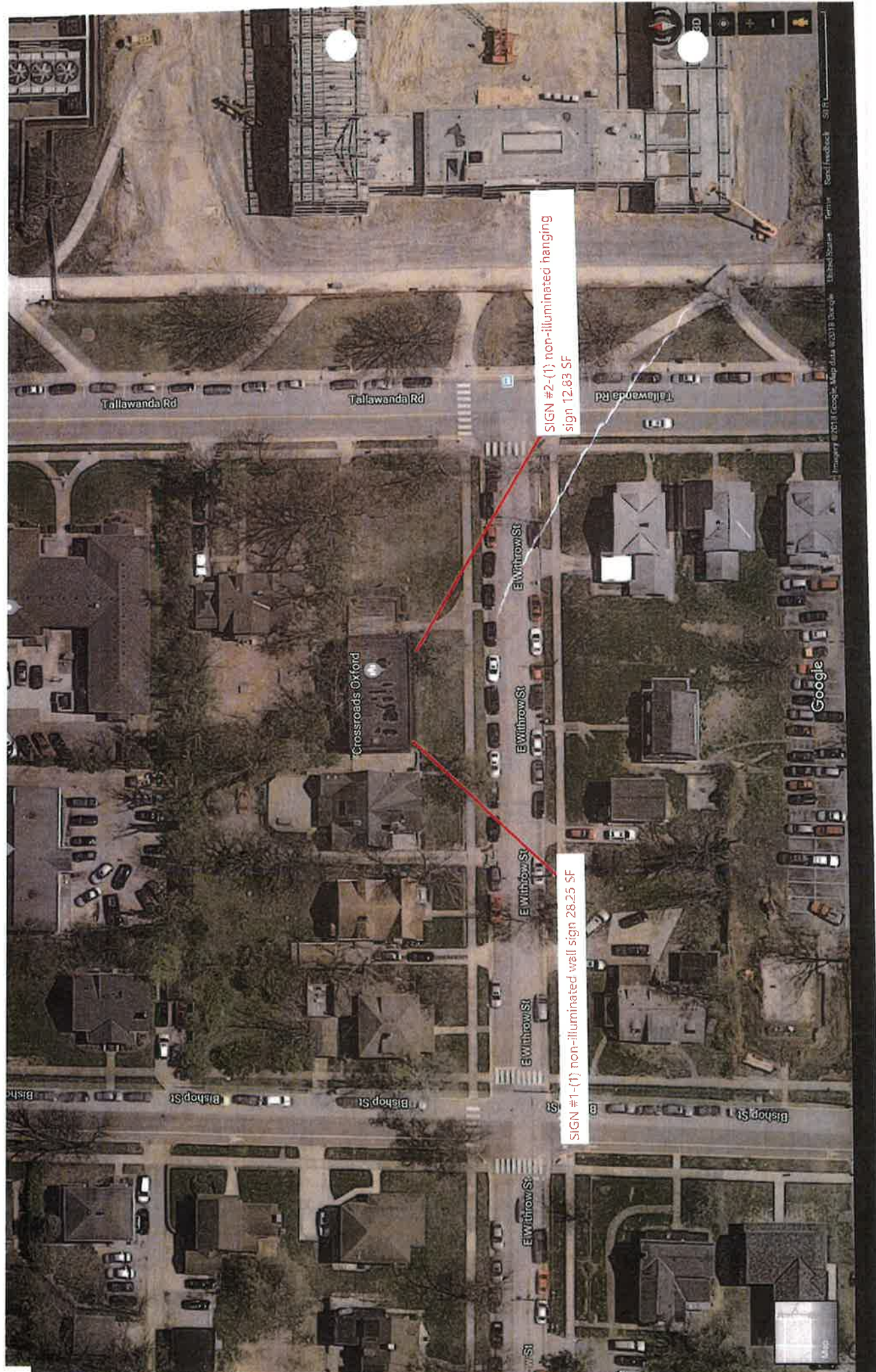
4. The allowance of this variance would not affect the delivery of government services in any way, shape, or form.
5. Crossroads is currently leasing this parcel, they have not purchased at this time. I have provided a copy of Ordinance 3424 that shows that the zoning code was a known entity at some point in time. I believe that Crossroads is attempting to act in good faith by seeking permission from the Board.
6. I do not believe the condition can be obviated, either the proposed signs will be allowed or not.
7. We have consulted with Sam Perry through the design phase of these proposed wall signs. We have requested non-illuminated signs in keeping with current zoning code, however the other allowances are restrictive in what we are attempting. Please notice that the proposed signs are stately and keep with the demure aesthetics of the surrounding neighborhood.
8. Crossroads is looking forward to partnering with the City of Oxford and Miami University, to be a good neighbor and a positive influence in the community to build a partnership.

Ladies and gentlemen of the Board I thank you for your time and consideration in this matter.

Thank You,

A handwritten signature in blue ink, appearing to read 'Tommy Reed', is written over a light blue horizontal line.

Tommy Reed



SIGN #2-(1) non-illuminated hanging
sign 12.83 SF

SIGN #1-(1) non-illuminated wall sign 28.25 SF



Atlantic Sign Company

2328 Florence Avenue

Cincinnati, OH 45206

(513) 241-6775

Fax: (513) 241-5060

FILE NAME

SIGNS.COR

CUSTOMER

CROSSROADS

LOCATION

OXFORD, OH

DRAWN BY

Bill Allen

DATE

3-15-15

SALES REP

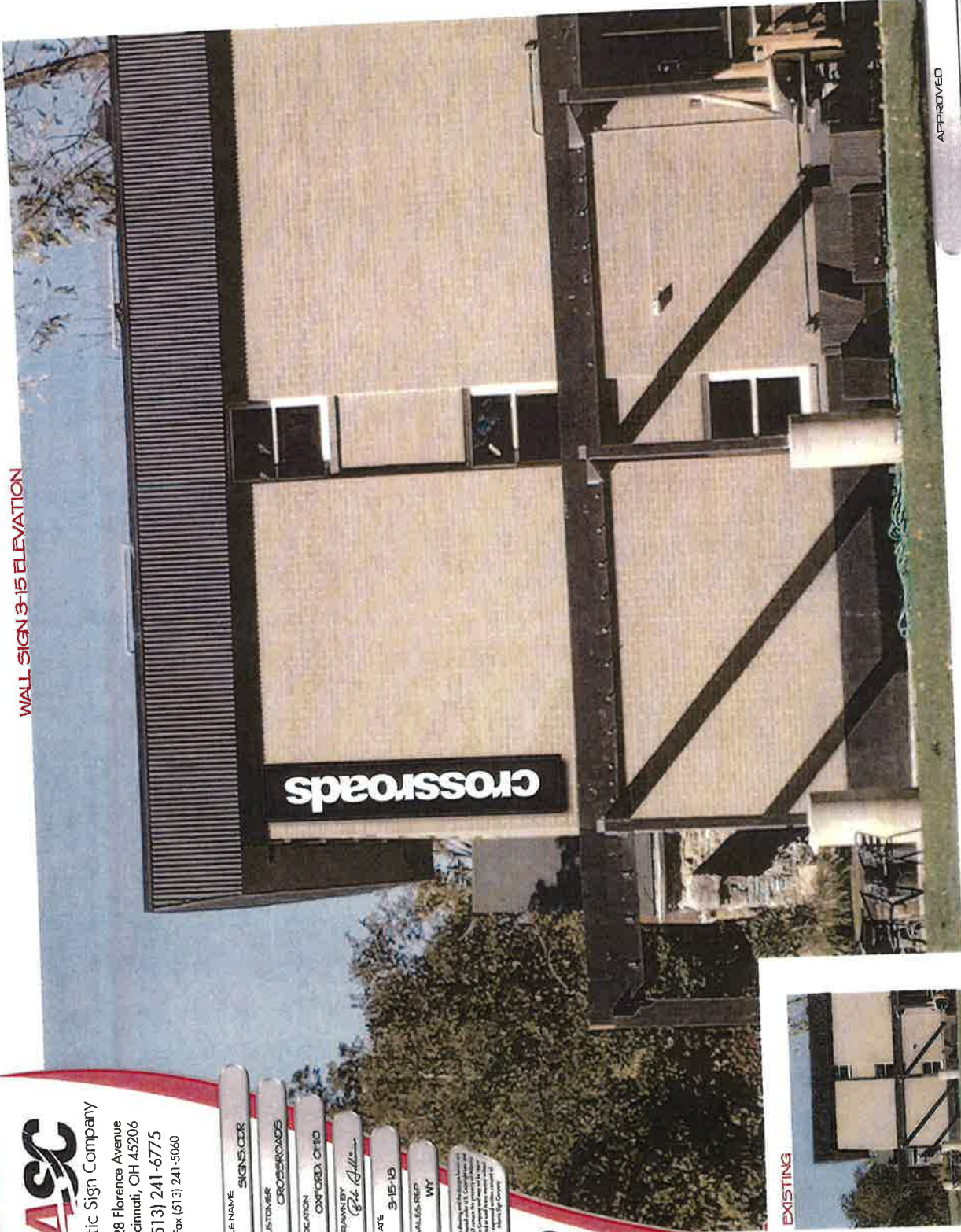
WY

No Altering or Copying Allowed
This drawing is the property of Atlantic Sign Company and is to be used only for the project and location specified. Any other use without the written consent of Atlantic Sign Company is strictly prohibited. The company is not responsible for any errors or omissions.



WALL SIGN 3-15 ELEVATION

Sign #1
wall sign
28.25 SF



EXISTING



APPROVED



Atlantic Sign Company

2328 Florence Avenue
Cincinnati, OH 45206
(513) 241-6775
Fax (513) 241-5060

FILE NAME	SIGNS & CDR
CUSTOMER	CROSSROADS
LOCATION	OXFORD, OHIO
DRAWN BY	Pat Hoke
DATE	6-14-17
SALES REP	WY

12.83 SF
"crossroads" letters
to be removed



EXISTING



PROPOSED



APPROVED

Revised 6/15/18 by Keith Sarna

Sign #2
Hanging sign
12.83 SF

SIGN C



Atlantic Sign Company

2328 Florence Avenue
Cincinnati, OH 45206
(513) 241-6775
Fax (513) 241-5060

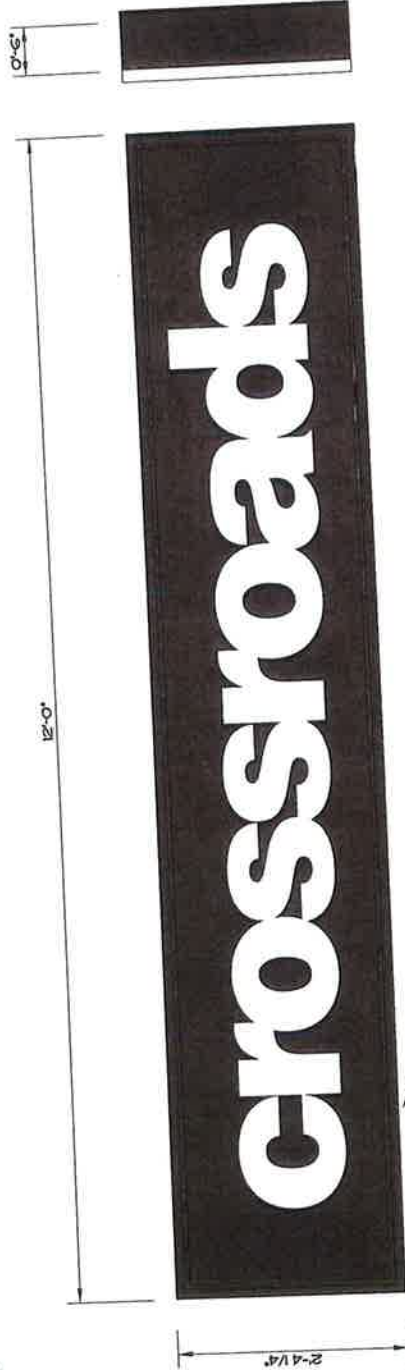
FILE NAME	SIGNS.CDR
CUSTOMER	CROSSROADS
LOCATION	OXFORD, OHIO
DESIGNER	Bob Allen
DATE	3-15-12
SALES REP	WY

We warrant that the design shown on this drawing was prepared by us or under our direct supervision and that it conforms to the specifications and requirements of the client. We warrant that the design is original and that it is not a copy of any other design. This warranty is void if the design is used for any purpose other than the one intended by the client.



OPTION 1: QTY. (1) SINGLE SIDED WALL SIGN: NON-ILLUMINATED

28.25 SF



ALUMINUM EXTRUSION SIGN: SIGN PAINTED BLUE WITH
RETAINERS PAINTED WHITE;
3/16" WHITE LEXAN FACE WITH FIRST SURFACE, BACKLIT
DIGITAL PRINT; MOUNTED VERTICALLY ON BRICK WALL.

min (8) 3/8" x 2 1/2"
expansion anchors into
brick with minimum 2"
embedment

APPROVED

PARID: H40000060000155

THETA UPSILON





Image ID 00009796275 Type OFF

Page 2 of 16

File# 2017-00019411

BK 9035 PG 294

telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(J) **"Escrow Items"** means those items that are described in Section 3.

(K) **"Miscellaneous Proceeds"** means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for (i) damage to, or destruction of, the Property, (ii) condemnation or other taking of all or any part of the Property, (iii) conveyance in lieu of condemnation, or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(L) **"Mortgage Insurance"** means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(M) **"Periodic Payment"** means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(N) **"RESPA"** means the Real Estate Settlement Procedures Act (12 U.S.C. §2601 et seq.) and its implementing regulation, Regulation X (24 C.F.R. Part 3500), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(O) **"Successor in Interest of Borrower"** means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

This Security Instrument secures to Lender (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note, and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower does hereby mortgage, grant and convey to Lender and Lender's successors and assigns the following described property located in the Oxford, Butler County, Ohio, which currently has the address of 404 E Withrow St., Oxford, Ohio 45056 ("Property Address")

PARCEL NO 1 BEING PART OF OUTLOT NUMBERED THREE HUNDRED FIVE (305), AS THE SAME IS DESIGNATED ON THE RECORDED PLAT OF THE VILLAGE OF OXFORD, BUTLER COUNTY, OHIO, DESCRIBED AS FOLLOWS BEGINNING AT THE SOUTHEAST CORNER OF SAID OUTLOT, THENCE WEST WITH THE SOUTH LINE THEREOF, 55 FEET TO A POINT, THENCE AT RIGHT ANGLES NORTH 140 FEET, MORE OR LESS, TO THE MIDDLE LINE OF SAID OUTLOT, THENCE EAST WITH SAID MIDDLE LINE 55 FEET TO THE EAST LINE OF SAID OUTLOT, THENCE SOUTH WITH SAID EAST LINE, 140 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING THE SAME BEING SUBJECT TO AN ANNUAL GROUND RENT OF \$1 00, PAYABLE TO THE TREASURER OF MIAMI UNIVERSITY ON NOVEMBER 22 EVERY YEAR.