

Case No:
BZA-2021-09/10



Meeting Date:
November 22, 2021

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Scott Webb, Architect
Location	BZA-2021-09: 5111 Morning Sun Rd BZA-2021-10: 5115 Morning Sun Rd
Owner	H&P Properties Inc., c/o Shane Coffman
Action Request	Variances to <i>Section 1141.03(b)</i> principal entrance location and <i>Section 1143.16(c)(4)</i> maximum lot coverage
Lot Size	40,472 square feet (entire site)
Lot Frontage	5111 Morning Sun Rd: 158 ft 5115 Morning Sun Rd: 219 ft
Current Use	Vacant (two 3-story mixed-use buildings to be developed)
Current Zoning	NB Neighborhood Business District
Surrounding Land Uses	Single-Family Residential to south; Multi-Family Residential to west; Office (Vet Clinic) to north; Hotel to east

BACKGROUND

Architect Scott Webb has submitted applications to request re-approval of Variances pertaining to a new mixed-use project to be developed on vacant land at the northwest corner of Morning Sun Road and West Sycamore Street.

The project involves two triangular-shaped lots:

1. **5111 Morning Sun Road** (Building 1; SW Lot) – corresponds to BZA-2021-09
2. **5115 Morning Sun Road** (Building 2; NE Lot) – corresponds to BZA-2021-10

Each building will contain two (2) commercial tenant spaces on the first floor, as well as two (2) dwelling units situated on the second and third floors. This amounts to a total of four (4) commercial spaces and four (4) residential dwelling units on the overall site. Each building will also have a basement level with garage access from the rear, for the purpose of providing two private parking spots for each residential unit. A total of eighteen (18) off-street parking spaces are also planned behind the buildings, to serve customers patronizing the future first floor business tenants.

PAST APPLICATIONS AND APPROVALS

The table below outlines in chronological order previous steps and City approvals pertaining to the project:

Action	Case/Permit No.	Decision
Request for Lot Split	PC-2020-05	Administratively Approved
The application history for this project dates back to February 2020, when a request to split the subject property into the two triangle lots was administratively approved by the Planning Commission Chair and Community Development Director. This initial request, though approved, became void since the lot split was not recorded with the Butler County Recorder within 6 months of City approval.		
Lot Coverage Variance	BZA-2020-01	Approved, 5-0-0
The first Variance application from the applicant was received proactively, prior to submitting detailed construction plans for Building Permit approval. The NB Neighborhood Business District specifies a maximum lot coverage of 50%. The applicant requested an increase in this percentage to 53.58% for the overall site; this further amounted to 50.53% coverage on the future 5111 (SW) lot and 56.51% on the future 5115 (NE) lot. The BZA approved the request to increase lot coverage up to 56.51% based on the site plan provided at the time.		
Building Permit Application	5111: P2020-0299 5115: P2020-0297	Pending Approval/Issuance
The applicant submitted a Building Permit applications for 5115 Morning Sun Rd on December 11, 2020, and one for 5111 Morning Sun Rd on December 16, 2020. The zoning review of the submittals indicated non-compliance with the Zoning Code's Principal Entrance provision in Section 1141.03(b) , triggering the need for additional Variance applications. Following the BZA's approval of the additional Variances in January 2021, the application eventually garnered zoning approval in March. However, the application did not receive approval by the Building Division until October 12 (upon receiving a proof of a required Cross Pedestrian Access Easement); by this time, the latest Variance approval had expired. As of the writing of this report, the Zoning Division is the only department with an outstanding issue; if the BZA grants re-approval of the Variances, the Building Permits will be eligible for issuance immediately.		
Principal Entrance Variances	BZA-2020-12/13	Approved, 5-0-0
This was the second time this project came before the BZA. Two applications, one for 5111 and one for 5115, were submitted at the end of December 2020 and heard by the BZA on January 20, 2021. The nature of the request had to do with the positioning of residential entrances to the rear of the two buildings, as opposed to being situated upon the street as the Code normally requires. The record and approval reflected the previous lot coverage Variance, and also recognized that additional lot coverage would result in order to provide pedestrian access to the entrances without having to walk through the parking area. The Variance approvals expired on July 20, 2021, since Building Permit approval was not obtained by this date.		
Request for Lot Split	PC-2021-02	Administratively Approved
The owner re-filed with the City for lot split approval in January 2021. The Planning Commission Chair and Community Director again approved the application, and the split was officially recorded with the Butler County Recorder on March 18, 2021. The two triangular-shaped lots now officially exist.		

DESCRIPTION

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

Requirement	Code Section	Standard	Proposal
Principal Entrance	1141.03(b)	Upon the street	Not upon the street
The proposal contains 2 mixed-use buildings, each with 2 units located on the second and third floors; this results in a total of 4 units proposed for the site. Taking advantage of the site's downward grade moving away from the public streets, the applicant has planned a series of basement-level garages to support the residential units as well as to meet the Code's minimum parking requirement of 2 spaces per unit. A single common exterior entrance and stairwell is proposed to serve the residential units in each building. The entrances and stairs will also serve as a rear entrance for commercial "shell" spaces proposed in each building. The main commercial entrances comply with the principal entrance provision, since each faces a public street (Morning Sun & W Sycamore). However, the residential entrances do not since they face the private parking area to the rear of the buildings.			
Maximum Lot Coverage	1143.16(c)(4)	50%	56.26%
The NB Neighborhood Business District provides a maximum lot coverage allowance of 50%. The first Variance approval (BZA-2020-01) allowed for a maximum coverage of 56.51%. The overall site coverage at the time of the first approval was 53.58%. The overall site coverage per the latest site plan embedded in the Building Permit submittal is 56.26%.			

PUBLIC COMMENTS

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

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Copenbaker, Assistant to the City Manager	Returned with Comments
<i>The proposed variance regarding the total coverage of the proposed parking lot have been previously approved by the Board of Zoning Appeals. This development could serve as an important step in creating additional mixed-use commercial/residential developments throughout Oxford. The proposed design of the building and lot do not represent a hardship for the community or economy of Oxford. The Economic Development staff do not have any concerns at this time.</i>		
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Not Returned

DECISION CRITERIA

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

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

Staff's review of the criteria is outlined in the table below:

Criterion A	Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance
✓ Supports granting the variances	The applicant has shown good faith in working through the previous Variance approvals and meeting the requirements of departments during the Building Permit review process. It would be unreasonable to require the applicant to undergo a significant redesign of the building when all other Code provisions and department requirements have otherwise been met, with expenses already incurred to get the project to this stage in the process.
Criterion B	Whether the variance is substantial
✓ Supports granting the variances	The relocation of the residential principal entrance from the front of the buildings to the rear, in this particular case, will not have a substantial effect on the overall building design, the ability to service the property, or creating adverse impacts to adjoining properties. Furthermore, the increase in lot coverage from 50% to 56.26% is not found to be substantial with recognition to the overall site design and layout.
Criterion C	Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance
✓ Supports granting the variances	Staff does not believe the essential character of the neighborhood will be negatively affected, but rather will be complemented in a way that embraces the vision for the NB district expressed by the Code. The shared plaza space between the two buildings is a welcome addition and would further contribute to the overall pedestrian orientation of the development. The building design, as a whole, is still oriented toward the public realm by having the main commercial entrances facing Morning Sun Road and Sycamore Street. Locating residential entrances in the rear in this particular case will not compromise the overall design in terms of its street presence, which is in keeping with the spirit of the NB district.

Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
✓ Supports granting the variance	Staff does not believe governmental services will be adversely impacted. Engineering, Fire and Police Department did not return comments on the application; had any comments been received, these might have contributed to this criterion. The Fire Chief had previously voiced the location of the residential entrances in the rear of the buildings was acceptable to him from an emergency access standpoint.
Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
Does not support granting the Variance	The applicant indicates the owner was made aware of the past interpretation and application of this standard, but chose to proceed with the current plan since it was seen as the most desirable option.
Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
✓ Supports granting the variance	Staff would argue the predicament in this case is the need for re-approval of previously approved Variance requests, so that this significant development project may move forward. Staff believes the applicant has acted in good faith up to this point in meeting all standards and requirements imposed by City departments.
Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
✓ Supports granting the variance	Regarding Lot Coverage: One of the key standards of the NB Neighborhood Business District is to have all parking located to the side or to the rear of the building, in keeping with qualities of a walkable urban neighborhood. In this scenario, the parking-related standards compete with the maximum lot coverage allowance, because side and rear parking require more surface area in order to sufficiently connect to the public street via curb cuts. In addition, a shared patio/plaza space is proposed as an amenity feature to connect the buildings together which also happens to contribute to the bottom line coverage percentage. Staff believes the applicant has made a good faith attempt at adhering to the most important standards of the underlying district, while only slightly compromising the resulting lot coverage. Regarding Principal Entrances: Staff believes 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 all three of these purposes are upheld, seeing as how: (1) the building will still present itself as being oriented toward the street (due to the main commercial entrances fronting on Morning Sun and W Sycamore); and (2) the private curb cuts and parking lot aisles should be the natural points of access for reaching the upper-level dwelling units, for both emergency responders as well as visitors/deliveries.

Criterion H	Any other relevant factor
✓ Supports granting the variance	There has been very little change in the facts and conditions between the latest BZA approval in January 2021 and now. The main reason the applicant must come before the BZA again for the same requests is due to the Zoning Code's timing provision in <i>Section 1139.02(e)(2)</i> , which requires a Building Permit to be obtained and work begun within 6 months of a BZA approval. This time horizon has proven hard to meet for many other applicants, especially in a market still experiencing effects from the pandemic. Staff is currently contemplating the initiation of a text amendment to extend out the BZA approval time horizon, possibly from 6 months to 12 months. However, until that happens, the BZA may well continue to see additional extension requests and/or re-applications in the near future.

CONCLUSION

At the time of this report, staff believes **there is substantial evidence** to support the Variance requests.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: November 14, 2021

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA-2021-09**, being a Variance to Section 1141.03(b) principal entrance upon a street:

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

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

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

Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA-2021-10**, being a Variance to Section 1141.03(b) principal entrance upon a street and Section 1143.16(c)(4) maximum lot coverage:

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

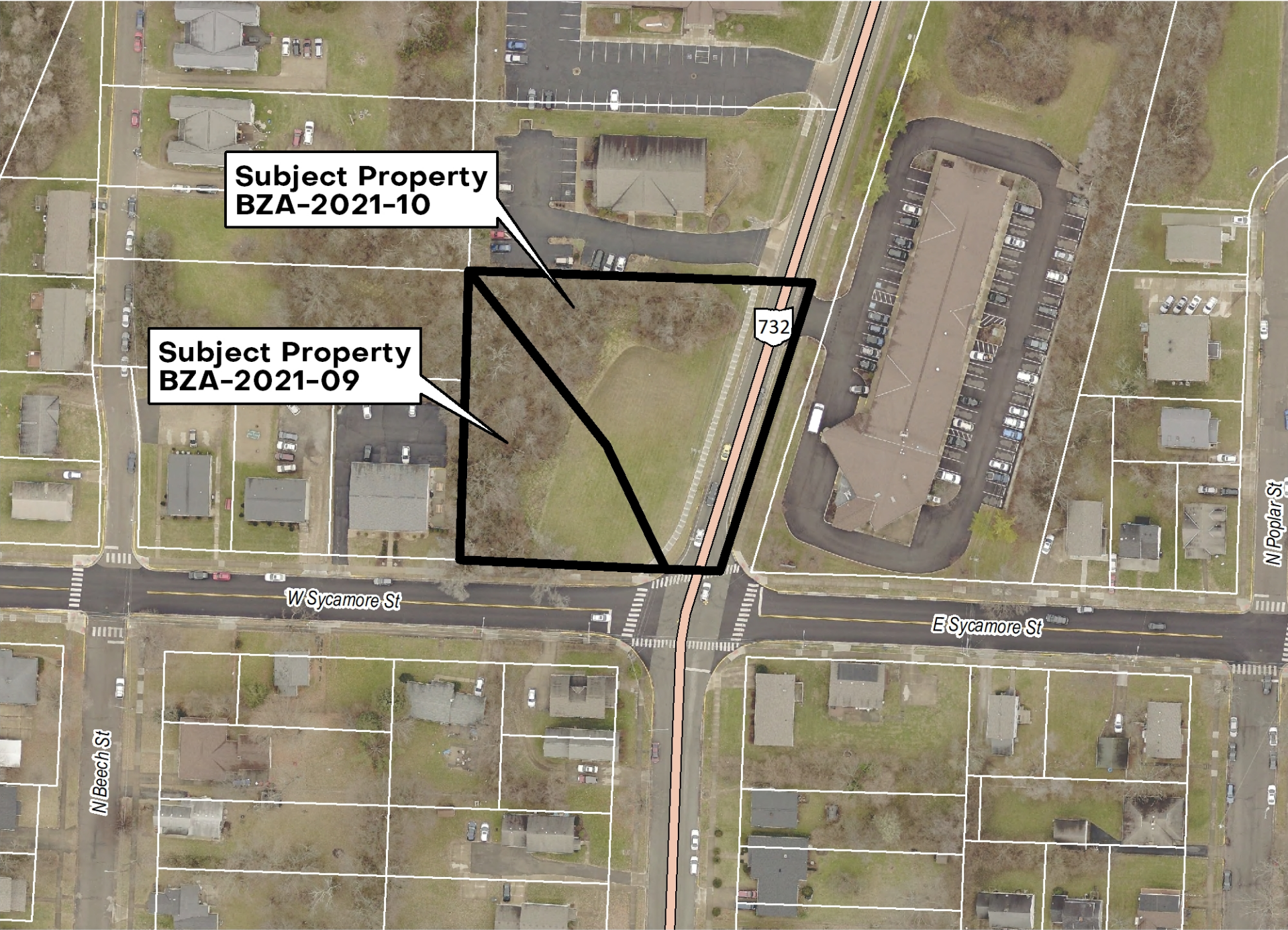
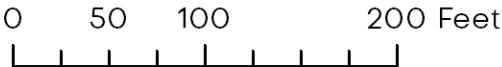
- A. The property in question (**will / will not**) yield a reasonable return or (**can / cannot**) be used beneficially without the variances because:_____
- B. The variance (**is / is not**) substantial because:_____
- C. The essential character of the neighborhood (**would / would not**) be substantially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

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

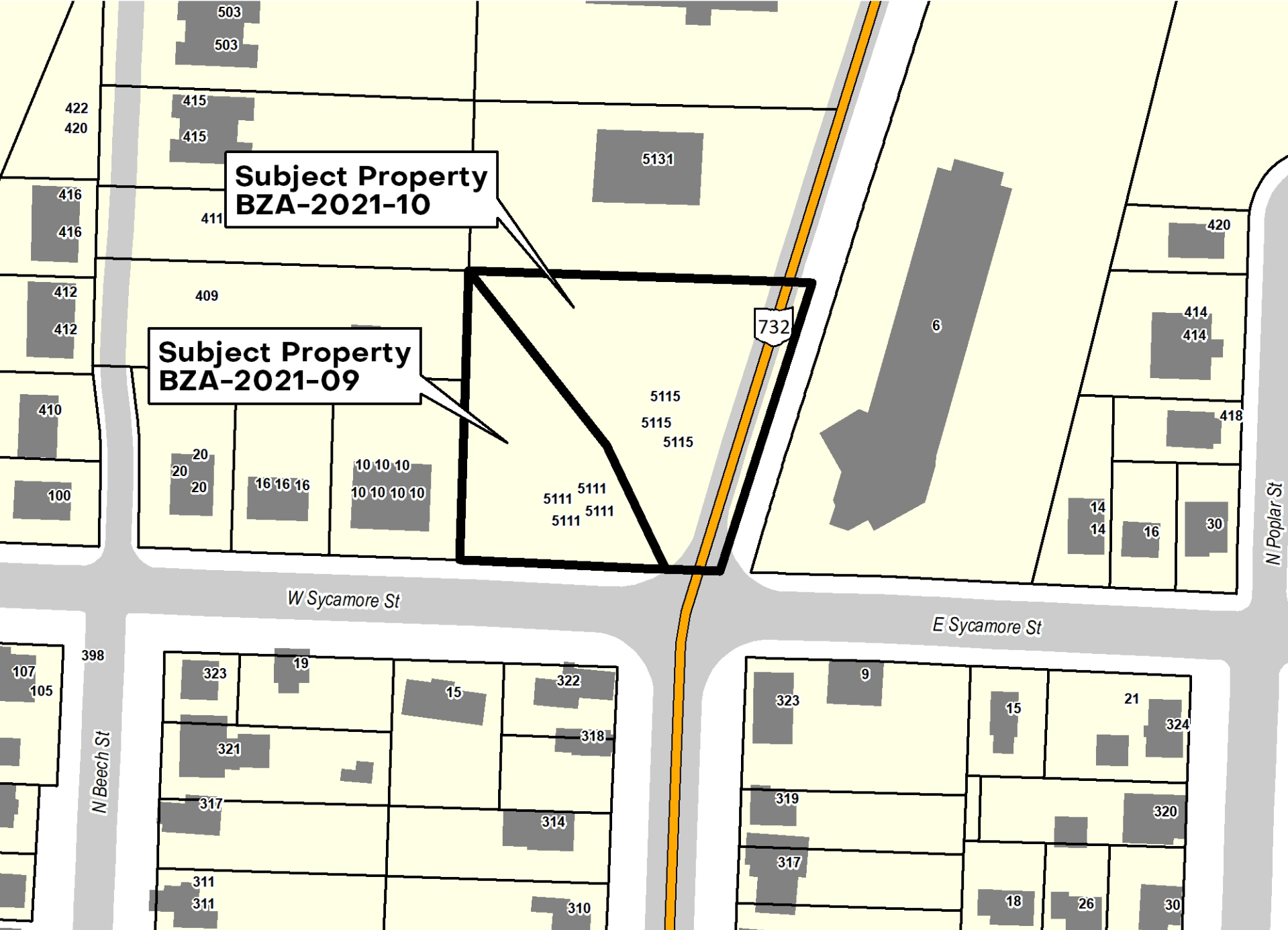
Motion Seconded by: Mr. / Ms. _____.

Vote: Aye_____ Nay:_____

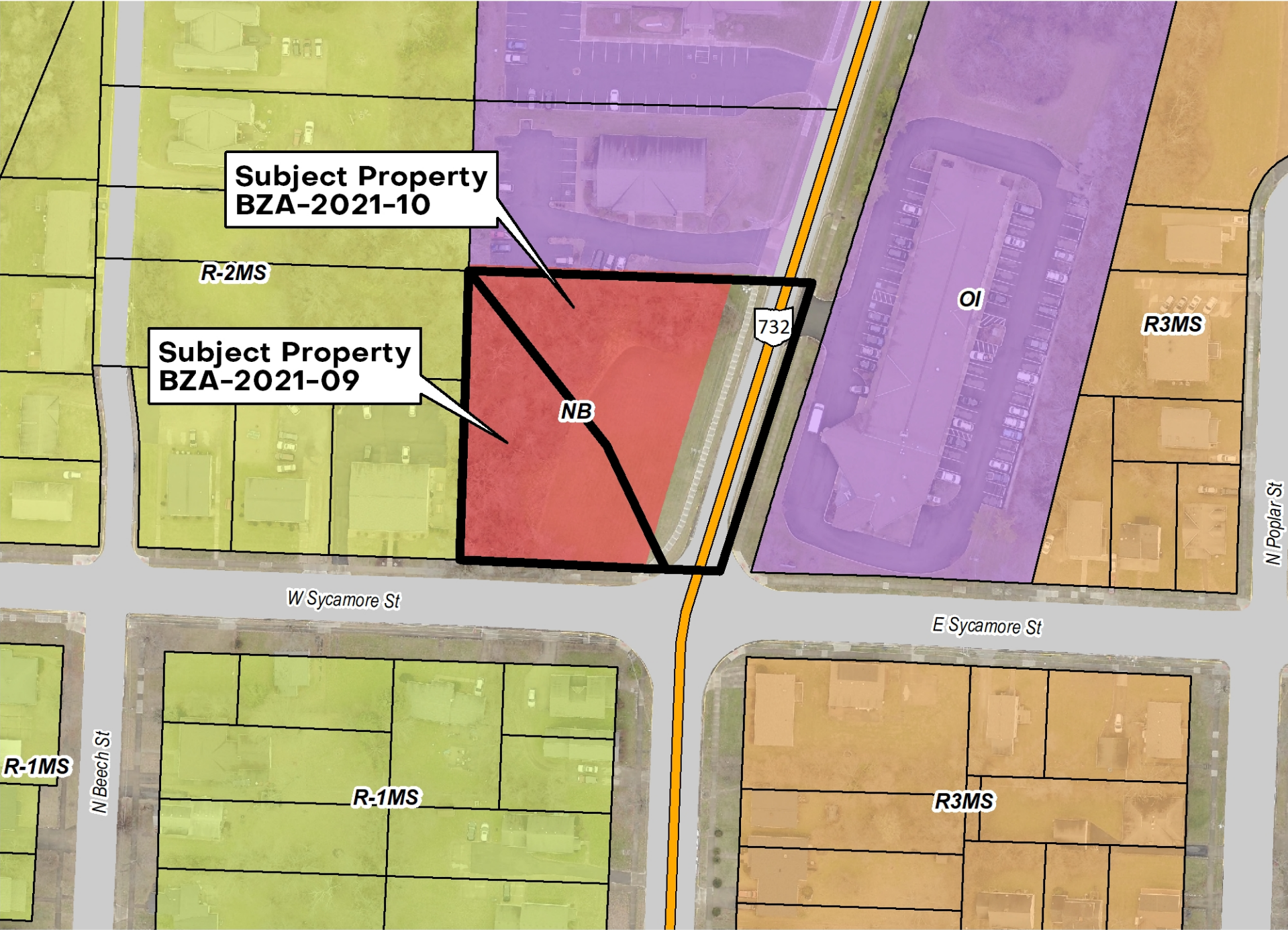
Location Map



Location Map



Location Map





BZA-2021-09
BZA-2021-10
Surrounding
Property Owners
Notifications Map

Legend

- Subject Area
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- 16.5' Vacated ROW
- Building Footprint



1 inch = 100 feet

Prepared on Tuesday, November 02, 2021

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.





Internal Use Only:

Case No.

BZA-2021-09

Date Filed

10/25/21

Petition for Zoning Variance

Petitioner Information

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

Name *

Scott Webb, Architect

Mailing Address *

103 West Walnut Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number(s) *

513-523-3838

Email Address

scott@scottwebbarchitect.com

Owner Information

Name *

H & P Properties

Mailing Address *

5282 Booth Road

City, State & Zip Code *

Liberty, Indiana 47353

Telephone Number(s) *

765-458-7896

Email Address

shanebcoffman@aol.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) requires every building to have its principal entrance upon a street bordering the lot

Location of Requested Variance *

5111 Morning Sun Road

Name of Building

Legal Description *

Parcel #H4100011000104

Zoning District *

NB Neighborhood Business

Total Acreage *

.458

Existing Use of Site *

Vacant

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

New Mixed-Use Development

Required Plans and Documentation

From Section 1139.02(a)².

- (1) **Contents of application for variance.** Eight complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. **The applicant is encouraged to contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.** If any information is submitted in color or on non-standard paper, more copies may be required.
 - A. Application Fee.
 - B. Description of Use and Site.
 - C. The name, mailing address, and telephone number of the applicant and the property owner.
 - D. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf (Letter of Agency).
 - E. A legal description of the site, including all separate lots.
 - F. A description of the existing uses of the site.
 - G. The zoning district in which the site is located.
 - H. A description of the existing and proposed use.
 1. A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles.
 2. The hours of operation.
 - I. The nature and magnitude of the requested variance.
 - J. The Code section from which the variance is requested.
 - K. A separate narrative statement that explains how the proposed variance satisfies **each** of the Decision Standards required to grant a variance ([see Decision Standards section](#)).
 - L. A list of the names and mailing addresses of all landowners within 200 feet of the perimeter of the site ([see Surrounding Property Owners section](#)).
- (2) **Site Plan.** A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
 - A. North arrow.
 - B. Scale.
 - C. Vicinity map.
 - D. All existing and proposed lot lines within the site.
 - E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
 - F. Location, height, and use of all proposed and existing structures.
 - G. Location and design of all proposed vehicle management areas.
 - H. Location, size, and type of all proposed signs.
 - I. Location, height, and type of all proposed screening and landscaping.
 - J. Distances to residential zoning districts if within 1,000 feet.
 - K. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 - L. An indication of the regulation from which the variance is requested.
 - M. Other information as required by the Board of Zoning Appeals.
- (3) **Elevations.** Elevations of proposed structures, or typical elevations if structures are not yet designed, may be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- (4) **Other.** Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)¹ is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Standards

From Section 1139.02(c)(2). *See Chapter 1139 Variances*² for the full text.

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

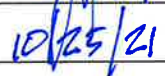
Fees & Receipt

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

Sign and Date

Petitioner Signature *

Date *

Submit Application, Plans and Documentation, and Fees

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

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

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

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

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

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



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Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-523-3838

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Telephone Number(s) * 765-458-7896

Email Address shanebcoffman@aol.com

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

1141.03(b) requires every building to have its principal entrance upon a street bordering the lot

1143.16(c) (4) Maximum Lot Coverage

Location of Requested Variance * 5115 Morning Sun Road

Name of Building

Legal Description * Parcel #H4100011000032

Zoning District * NB Neighborhood Business Total Acreage * .473

Existing Use of Site * Vacant

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

New Mixed-Use Development

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From Section 1139.02(a)².

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- 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.

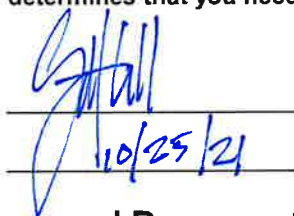
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Sign and Date

Petitioner Signature *

Date *



Handwritten signature and date: 10/25/21

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

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

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

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

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

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Board of Zoning Appeals regarding necessary variances for our properties at 5111 & 5115 Morning Sun Road

Thank you,

Signed:


H & P Properties

10-25-21

Date:

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Previously Approved Variance
to Primary Entrance requirement
5111 Morning Sun Road
New Mixed Use Development in the
Neighborhood Business District

October 25, 2021

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing as a reapplication to an expired variance for the location of the residential entrances, granted January of 2021. This application is for a new conforming lot created as half of a proposed overall development of the City's first Neighborhood Development Lot

The newly created Neighborhood Business Zoning District encourages small-scale retail and services on sites in or near residential areas, while having little impact on them. Development is intended to be compatible with the scale of surrounding residential areas and through its defined, permitted uses, encourages mixed-use structures in residential scale buildings.

Parking however is required for both commercial and residential uses and per 1143.16(d)(9) shall be located to the side or to the rear of the building. Given the grade of the site and the accessibility requirements of the ADA, the required commercial parking is located along the side of the building. The grade continues to fall, giving the opportunity for lower level garages in a "walk-out basement" accessed from the rear.

This arrangement accomplishes two program requirements: competition for parking between the residents and the businesses is eliminated and residential parking is located behind & under the building to preserve greenspace.

While the precedent for requiring situations such as these to seek a variance has been established by staff, BZA and Planning Commission have historically understood the benefit of separating these entrances for different uses in mixed-use buildings and developments, granting variances or encouraging it through a PUD process.

1141.03(b) requires "every building to have its principal entrance upon a street bordering the lot". Staff has interpreted this to mean that a principle entrance for every use must meet this standard.

The development at hand is unique, in that it uses two lots to create a mini mixed-use development, similar to Stewart Square, where storefronts face the street and residential parking is behind & under the buildings.

Through shared access easements, on-site traffic and service vehicles have access to all sides of the building from all directions. Additional directional signage could be provided to assure clarity of wayfinding for service vehicles and visitors.

The entrance location variances were previously approved as BZA-2020-12 & BZA-2020-13 in January of 2021

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 property has remained undeveloped for a number of years. Variance is necessary to accommodate the buildings and parking allowed by the new Zoning District and the practical difficulties presented by the topography of the lot.

- b) *Whether the variance is substantial;*

The variance is not substantial, recognizing the unique situation presented by the topography and the mitigation provided by the comprehensive planning of the two adjoining lots.

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

The essential character of the neighborhood would be improved, developing a long vacant lot with new buildings that reflect the design guidelines of the Mile Square.

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

All utilities & government services are available at this location. Care has been taken to allow (2) entrances to the development to assist in emergency access, facilitated through a shared access agreement between the two parcels.

In comments prepared before the Hearing and in comments at the Hearing, the Fire Chief supported this proposal.

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

The property owner was made aware of staff's likely interpretation, but has chosen to proceed through the variance process for an arrangement that better serves the commercial businesses/customers & residential occupants of the building.

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

The Ground Floor commercial spaces could be compromised to provide a "ceremonial" residential entrance on the front of the building, but with all residential parking behind the building and a full story below, this entrance would simply never be used.

- 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, providing the parking in the rear and side of the building as required, and separating them by uses. The proposed building provides distinct entrances adjacent to, and convenient for, each function for a successful mixed-use project.

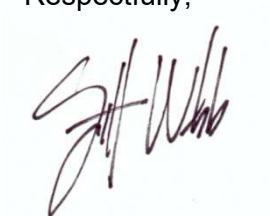
- h) *Any other relevant factor;*

Developed separately, the rear location of the residential entrance a story below on a dead-end drive would be potentially problematic. The comprehensive planning of these two lots allows for a clear and distinct location of the residential entrances and parking clearly separated from the commercial uses its parking.

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, and providing the first Neighborhood Business District development that compliments the neighborhood.

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

Respectfully,

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

Scott Webb, Architect

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



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Previously Approved Variances to
Maximum Lot Coverage & Location of Residential Entrances
5115 Morning Sun Road
New Mixed Use Development in the
Neighborhood Business District

October 25, 2021

Board Members

Please accept this letter as a formal petition for a Board of Zoning Appeals review hearing as a reapplication to expired variances for the maximum lot coverage of a lot in the new Neighborhood Business Zoning District for a new mixed-use Structure granted in May of 2020 and the location of the residential entrances, granted January of 2021. This application is for a new conforming lot created as half of a proposed overall development of the City's first Neighborhood Development Lot.

The Variance for the location of the residential entrance

1143.16(c) (4) Limits the maximum total lot coverage to 50% of the lot

The Proposed Development slightly exceeds this maximum with 56.51% total proposed lot coverage.

The proposal at hand represents the first Neighborhood Business District development proposal. Combined with the other lot that makes up the development, lot coverage is exceeded by the amount of driveway necessary to meet the requirement that all parking be in the side or rear yard and the owner's desire to provide a shared exterior plaza between the proposed buildings.

The variance was previously approved as BZA-2020-01 in May of 2020

1141.03(b) requires "every building to have its principal entrance upon a street bordering the lot". Staff has interpreted this to mean that a principle entrance for every use must meet this standard.

The development at hand is unique, in that it uses two lots to create a mini mixed-use development, similar to Stewart Square, where storefronts face the street and residential parking is behind & under the buildings.

Through shared access easements, on-site traffic and service vehicles have access to all sides of the building from all directions. Additional directional signage could be provided to assure clarity of wayfinding for service vehicles and visitors.

The entrance location variances were previously approved as BZA-2020-12 & BZA-2020-13 in January of 2021

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 property has remained undeveloped for a number of years. Variance is necessary to accommodate the buildings and parking allowed by the new Zoning District.

- b) *Whether the variance is substantial;*

The variance is not mathematically substantial, representing a minor increase in lot coverage in order to provide the required parking and a unique shared outdoor space.

The Entrance Variance is not substantial, recognizing the unique situation presented by the topography and the mitigation provided by the comprehensive planning of the two adjoining lots

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

The essential character of the neighborhood would be improved, developing a long vacant lot with new buildings that reflect the design guidelines of the Mile Square.

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

All utilities & government services are available at this location. Care has been taken to allow (2) entrances to the development to assist in emergency access, facilitated through a shared access agreement between the two parcels.

With regard to the location of the entrance, in comments prepared before the Hearing and in comments at the Hearing, the Fire Chief supported this proposal.

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

The property owner was made aware of the lot coverage restriction during the Zoning Map Amendment process but felt a variance was warranted to provide additional parking and outdoor space.

The property owner was made aware of staff's likely interpretation of the entrance location, but has chosen to proceed through the variance process for an arrangement that better serves the commercial businesses/customers & residential occupants of the building

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

The development meets the minimum parking requirements for a retail use on the ground floor. In order to reduce the lot coverage, the exterior plaza connecting the two buildings could be eliminated.

The Ground Floor commercial spaces could be compromised to provide a "ceremonial" residential entrance on the front of the building, but with all residential parking behind the building and a full story below, this entrance would simply never be used.

- 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, providing the required parking in the rear and side of the building and providing inviting, active outdoor space in a comprehensively designed development.

The spirit of the Zoning Code is observed for the entrance location, providing the parking in the rear and side of the building as required, and separating them by uses. The proposed building provides distinct entrances adjacent to, and convenient for, each function for a successful mixed-use project.

- h) *Any other relevant factor;*

Developed separately, the rear location of the residential entrance a story below on a dead-end drive would be potentially problematic. The comprehensive planning of these two lots allows for a clear and distinct location of the residential entrances and parking clearly separated from the commercial uses its parking.

This redevelopment project aligns with the goals of the Comprehensive Plan, encouraging infill and redevelopment within the City, and providing the first Neighborhood Business District development that compliments the neighborhood.

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

Respectfully,

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

Scott Webb, Architect

NEW SOUTHWEST LOT: 19,831 S.F. REQUIRED VARIANCES

PART LOT 1532

2,500 S.F. GROUND FLOOR COMMERCIAL SPACE

(2) UPPER LEVEL DWELLING UNITS

SITE DEVELOPMENT REGULATIONS:

MIN. LOT SIZE: NONE PER 1143.16(c)(1)

SETBACK REQUIREMENTS:

FRONT YARD: INSIDE MILE SQUARE = 20'-0"

REAR YARD: BUILDINGS UP TO 35' IN HEIGHT = 40'-0"

SIDE YARD: BUILDINGS UP TO 35' IN HEIGHT = 10'-0"

LOT COVERAGE:

PARKING & DRIVES: 6,221 S.F.

BUILDING LOT COVERAGE: 2,500 S.F.

SIDEWALKS: 1,303 S.F.

TOTAL LOT COVERAGE 10,024 S.F.

MAX. LOT COVERAGE: (MAX 50%) $10,024 / 19,831 = 50.53\%$ → 1143.16(c)(1) 50% MAX. LOT COVERAGE

PARKING REQUIREMENTS:

MAX 50% OF FRONT YARD MAY BE USED FOR PARKING

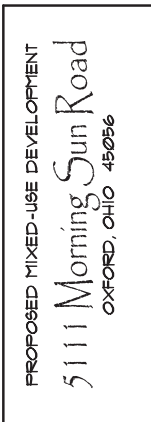
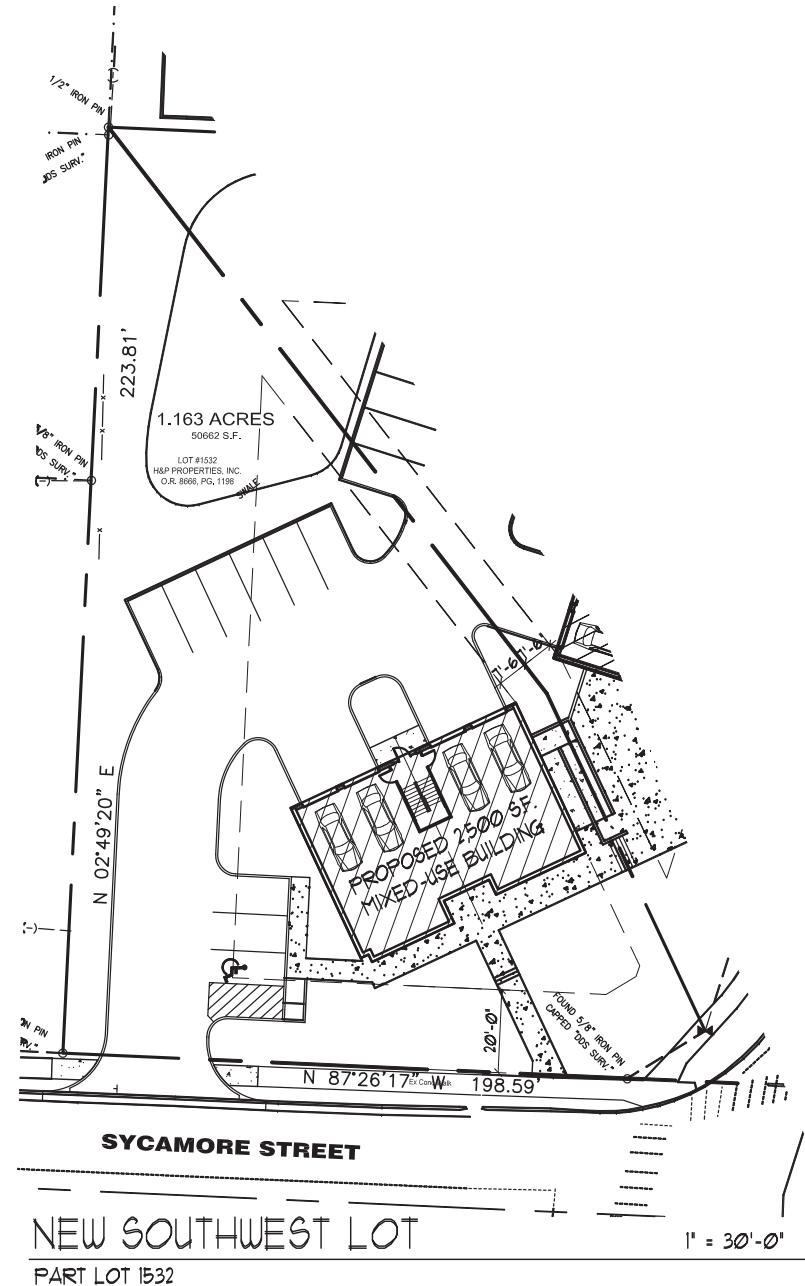
RESIDENTIAL PARKING REQUIREMENT:

(4) REQUIRED • (2) PER DWELLING UNIT

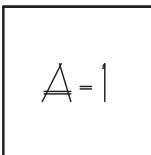
(4) PROVIDED IN PRIVATE GARAGES

COMMERCIAL PARKING:

(9) SPACES PROVIDED



DATE	
February 11, 2020	
REVISIONS	



NEW NORTHEAST LOT: 20,608 S.F. REQUIRED VARIANCES

PART LOT 1532
2,500 S.F. GROUND FLOOR COMMERCIAL SPACE
(2) UPPER LEVEL DWELLING UNITS

SITE DEVELOPMENT REGULATIONS:

MIN. LOT SIZE: NONE PER 1143.16(c)(1)

SETBACK REQUIREMENTS:

FRONT YARD: INSIDE MILE SQUARE = 20'-0"
REAR YARD: BUILDINGS UP TO 35' IN HEIGHT = 40'-0"
SIDE YARD: BUILDINGS UP TO 35' IN HEIGHT = 10'-0"

LOT COVERAGE:

PARKING & DRIVES: 6,491 S.F.
BUILDING LOT COVERAGE: 2,500 S.F.
SIDEWALKS: 2,056 S.F.
TOTAL LOT COVERAGE 11,647 S.F.

MAX. LOT COVERAGE: (MAX 50%) $11,647 / 20,608 = 56.51\%$ → 1143.16(c)(1) 50% MAX. LOT COVERAGE

PARKING REQUIREMENTS:

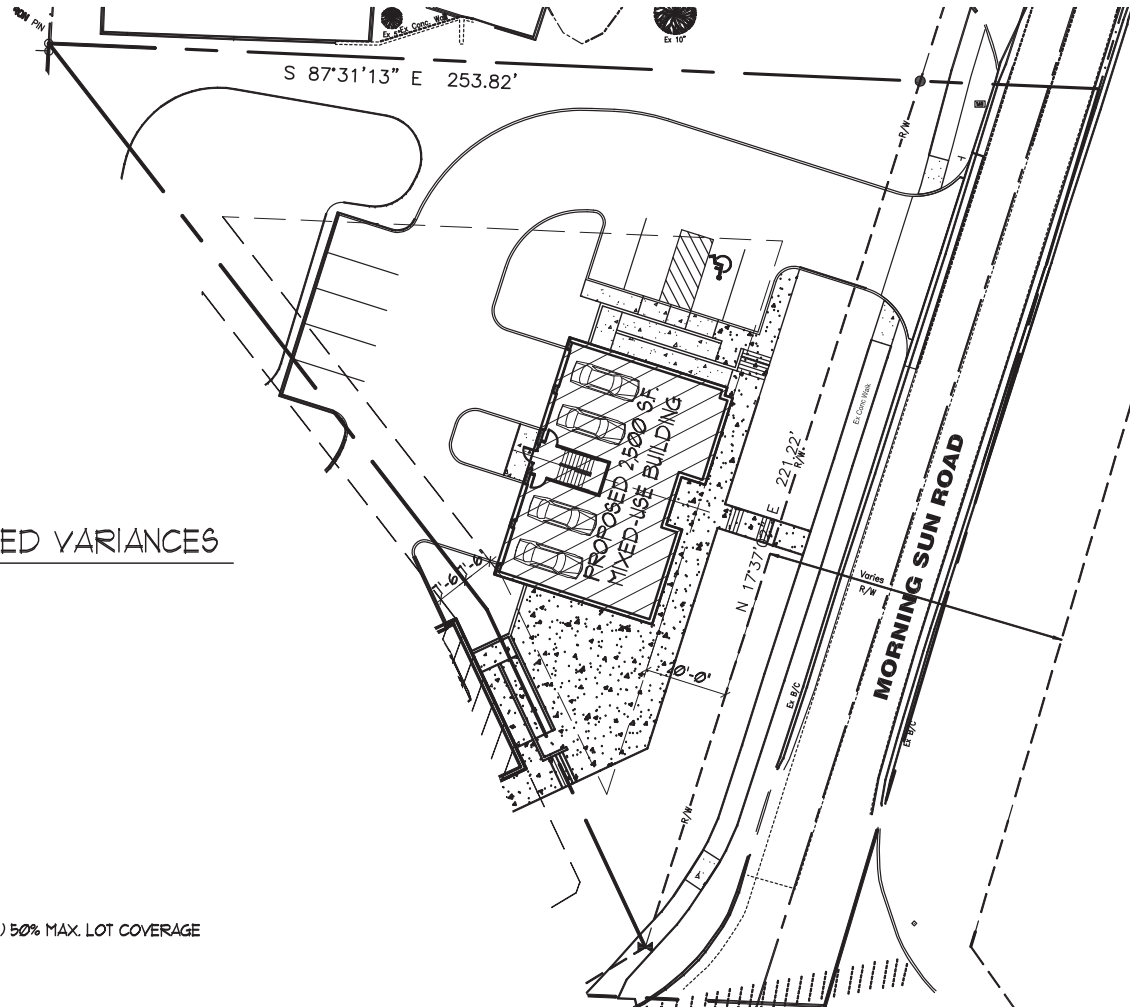
MAX 50% OF FRONT YARD MAY BE USED FOR PARKING

RESIDENTIAL PARKING REQUIREMENT:

- (4) REQUIRED • (2) PER DWELLING UNIT
- (4) PROVIDED IN PRIVATE GARAGES

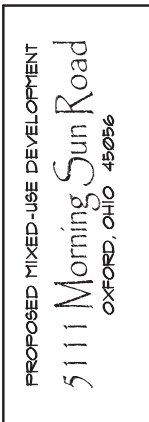
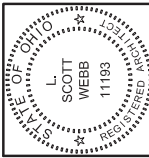
COMMERCIAL PARKING:

- (9) SPACES PROVIDED

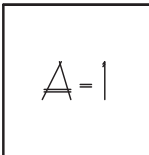


NEW NORTHEAST LOT
PART LOT 1532

1" = 30'-0"



DATE	
February 11, 2020	
REVISIONS	



NEW NORTHEAST LOT: 30,673 S.F.
LESS MORNING SUN ROAD
RIGHT-OF-WAY: -10,065 S.F.

NEW NORTHEAST LOT: 20,608 S.F.
PART LOT 1532

2,500 S.F. GROUND FLOOR COMMERCIAL SPACE
(2) UPPER LEVEL DWELLING UNITS

SITE DEVELOPMENT REGULATIONS:

MIN. LOT SIZE: NONE PER 1143.16(c)(1)

SETBACK REQUIREMENTS:

FRONT YARD: INSIDE MILE SQUARE = 20'-0"
REAR YARD: BUILDINGS UP TO 35' IN HEIGHT = 40'-0"
SIDE YARD: BUILDINGS UP TO 35' IN HEIGHT = 10'-0"

LOT COVERAGE:

PARKING & DRIVES: 6,491 S.F.
BUILDING LOT COVERAGE: 2,500 S.F.
SIDEWALKS: 2,656 S.F.
TOTAL LOT COVERAGE 11,647 S.F.

MAX. LOT COVERAGE: (MAX 50%) $11,647 / 20,608 = 56.51\%$

REQUIRED VARIANCES

PARKING REQUIREMENTS:

MAX 50% OF FRONT YARD MAY BE USED FOR PARKING

RESIDENTIAL PARKING REQUIREMENT:

(4) REQUIRED @ (2) PER DWELLING UNIT
(4) PROVIDED IN PRIVATE GARAGES

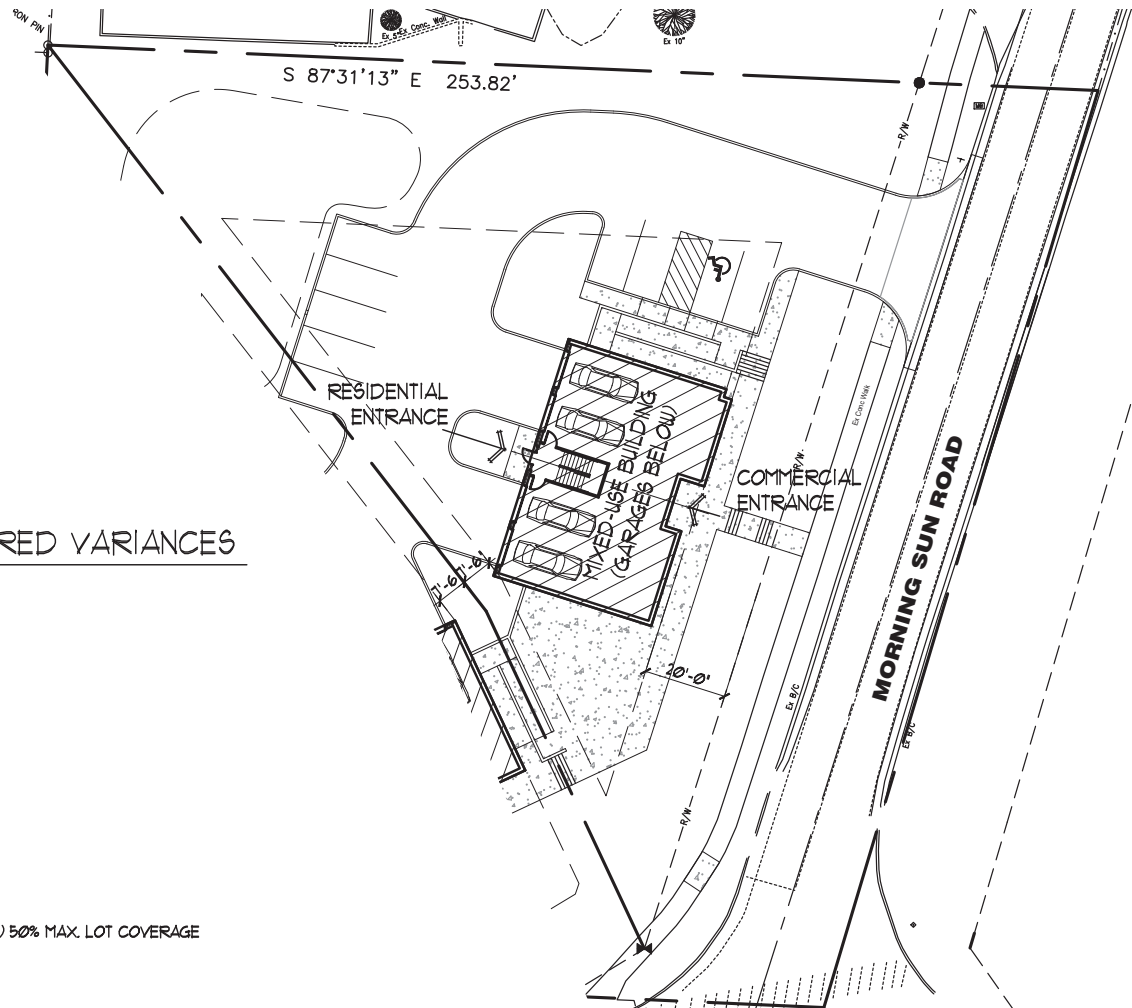
COMMERCIAL PARKING:

(9) SPACES PROVIDED

PRINCIPLE ENTRANCE REQUIREMENTS:

RESIDENTIAL ENTRANCES SHOWN ON REAR OF BUILDING

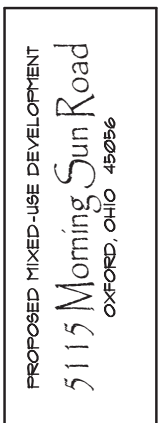
→ 1141.03(B) PRINCIPLE ENTRANCE UPON A STREET



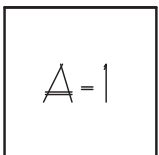
NEW NORTHEAST LOT

PART LOT 1532

1" = 30'-0"



DATE	
February 11, 2020	
REVISIONS	



TOTAL LOT AREA PER SURVEY	50,662 SF.
TOTAL LOT AREA (LESS RIGHT-OF-WAY)	40,435 SF.

TOTAL LOT AREA
(LESS RIGHT-OF-WAY) 40,435 S.F.

NEW NORTHEAST LOT: 20,608 S.F.

2,500 S.F. GROUND FLOOR COMMERCIAL SPACE
(2) UPPER LEVEL DWELLING UNITS

LOT COVERAGE:

PARKING & DRIVES: 6,491 SF.

BUILDING LOT COVERAGE: 2500 SF.

SIDEWALKS: 2,656 SF.

TOTAL LOT COVERAGE	<u>11,647 SF.</u>
--------------------	-------------------

MAX. LOT COVERAGE: (MAX 50%) 11,647 / 20,608 = 56.51%

NEW SOUTHWEST LOT: 19,837 S.F.

2,500 S.F. GROUND FLOOR COMMERCIAL SPACE
(2) UPPER LEVEL DWELLING UNITS

LOT COVERAGE:

PARKING & DRIVES: 6,221 SF.

BUILDING LOT COVERAGE: 2500 SF.

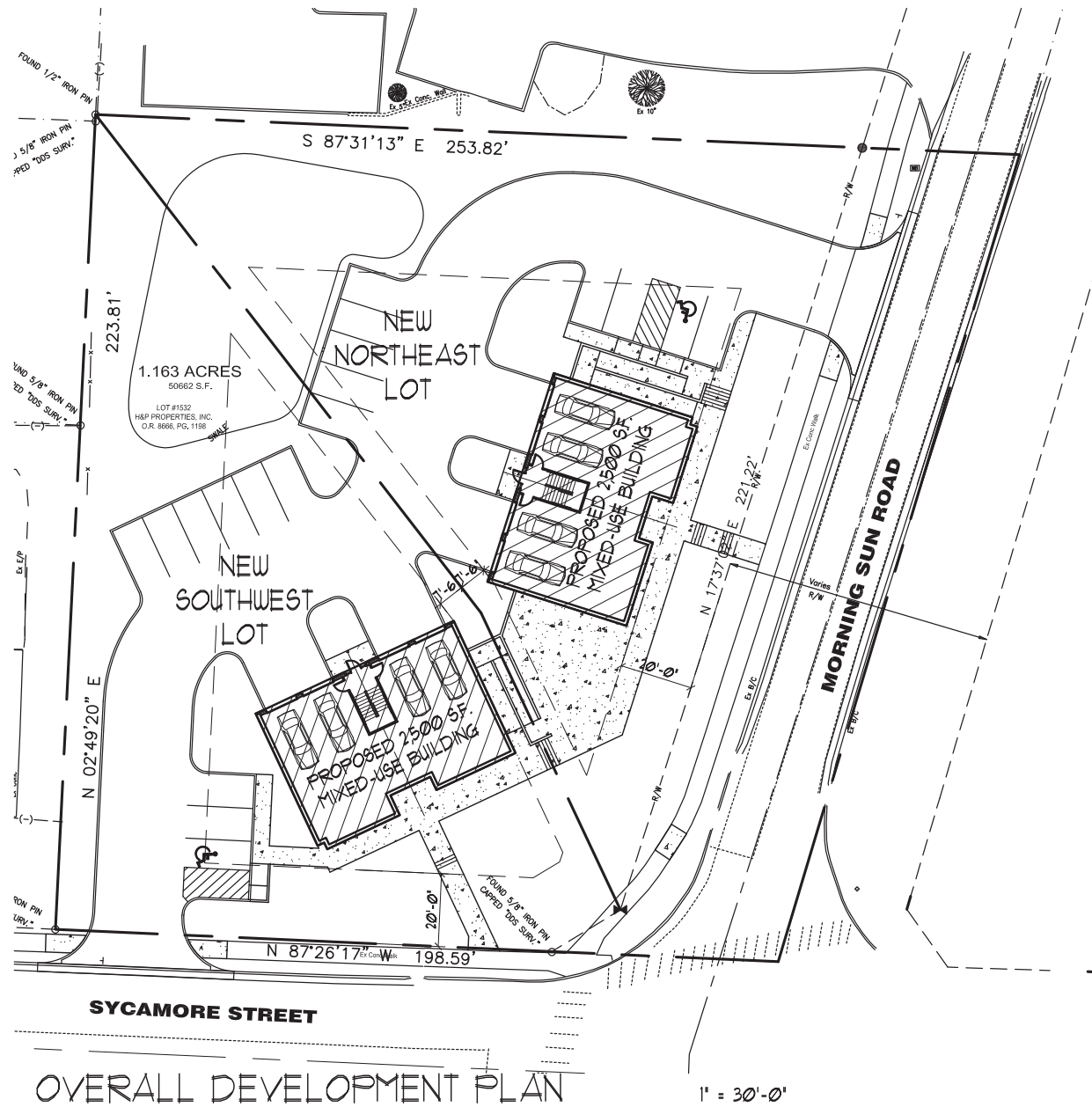
SIDEWALKS: 1,303 SF.

TOTAL LOT COVERAGE	10,024 SF.
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MAX. LOT COVERAGE: (MAX 50%) 10024 / 19831 = 50.53%

SHARED ACCESS AGREEMENT

SHARED ACCESS BETWEEN LOTS FOR PARKING
& EMERGENCY ACCESS



SHOWING (2) NEIGHBORHOOD BUSINESS DISTRICT LOTS

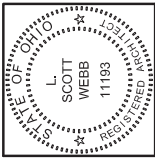
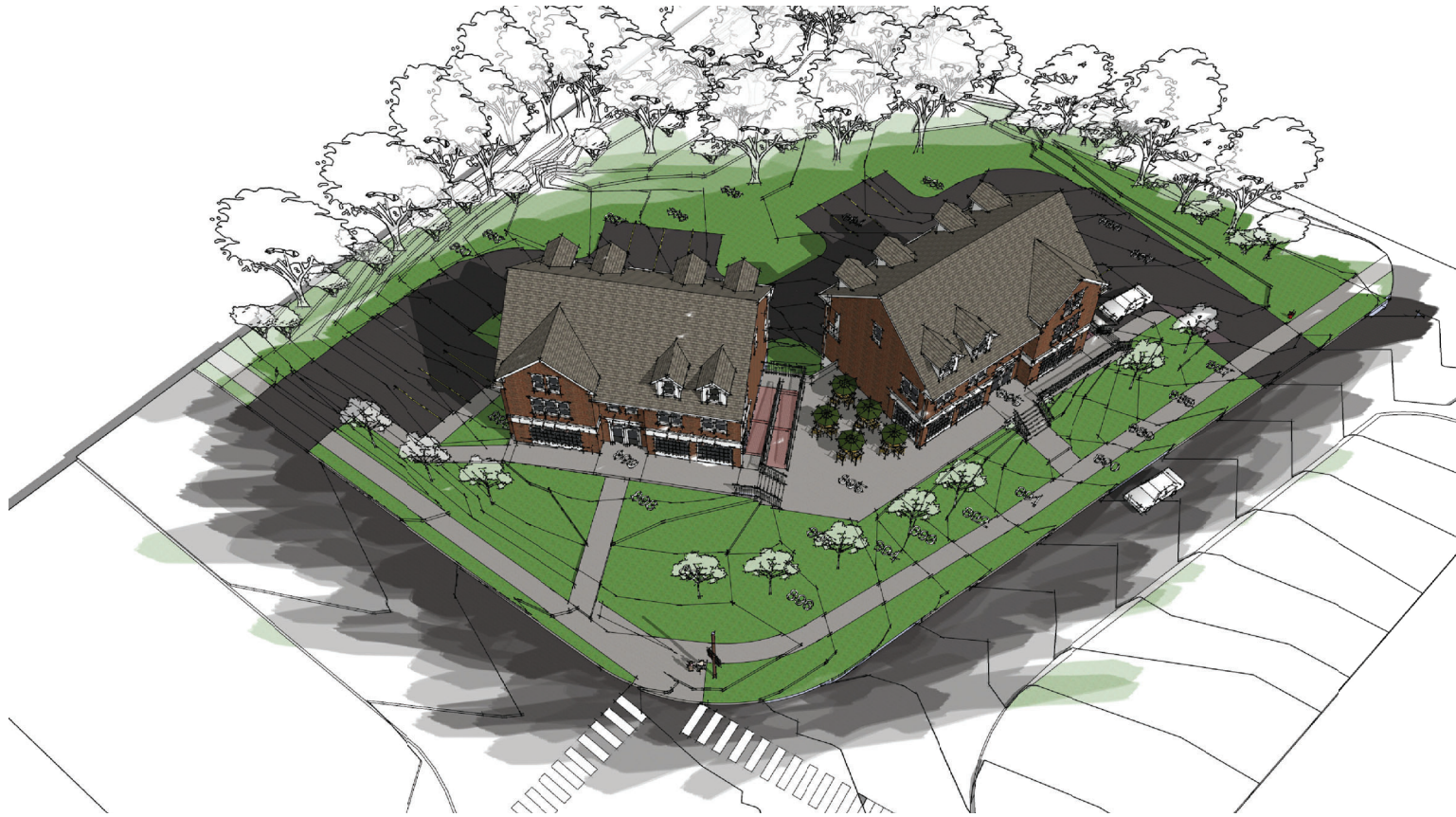


**SCOTT
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PROPOSED MIXED-USE DEVELOPMENT
5111 Morning Sun Road
OXFORD, OHIO 45056

DATE	
February 17, 2020	
REVISIONS	

$$\bigcirc \triangle = 1$$



PROPOSED MIXED-USE DEVELOPMENT
5111 Morning Sun Road
OXFORD, OHIO 45056

DATE	
February 11, 2020	
REVISIONS	

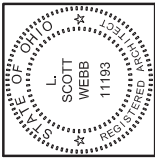
OA-2



PROPOSED MIXED-USE DEVELOPMENT
5111 Morning Sun Road
OXFORD, OHIO 45056

DATE	
February 11, 2020	
REVISIONS	

OA-3



PROPOSED MIXED-USE DEVELOPMENT
5111 Morning Sun Road
OXFORD, OHIO 45056

DATE	
February 11, 2020	
REVISIONS	

OA-4



PROPOSED MIXED-USE DEVELOPMENT
5111 Morning Sun Road
OXFORD, OHIO 45056

DATE	
February 11, 2020	
REVISIONS	

0A-5

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Triangle Sign Company, c/o Timothy Hoskins
Location	77 S Main St
Owner	Red Brick Pride, LTD
Action Request	Variance to Section 1151.05(c)(1)(A) name plate sign size
Lot Size	21,768 square feet (est.)
Lot Width	149 feet
Current Use	Hotel (The Elms) + Restaurant Tenant (Pickle & Pig: A Prohibition Eatery)
Current Zoning	UP Uptown District
Surrounding Land Uses	City Parking Garage to west; Commercial/Mixed Use to north; Residential Lodging House to east; Multi-Family Residential to south

BACKGROUND

A new restaurant called “Pickle & Pig: A Prohibition Eatery” recently opened in the space formerly occupied by the MIA restaurant, within the Elms Hotel building on South Main Street on the east side of the block between High Street and Walnut Street.

The applicant applied for a Building Permit on October 1 in order to install a new plaque sign immediately to the right of the front door to the new restaurant at 77 S Main. The intent was to replace a previously existing plaque sign that had identified tenants within the building, including MIA. The new plaque sign appears to be approximately the same size as the previously existing sign, measuring 30 inches tall by 22 inches wide. Thus, the total sign size is 660 square inches, which is roughly equivalent to 4 ½ square feet. The sign as designed has already received a Certificate of Appropriateness from the HAPC.

The Signage Chapter (1151) of the Oxford Zoning Code provides standards in **Section 1151.05(c)** devoted to *Name Plate and Direction Signs in Any District*. Within this section, standards are provided for name plate signs installed on walls within close proximity to doorways, to either *describe the names, address, and locations* within a structure, as well as to *describe the purpose of secondary entrances*. The size limit for all name plate signs is two (2) square feet. It is not known whether the previous sign had been compliant with Code or permitted by the City at the time of its installation; however, any time a sign is replaced, it must comply with current Code requirements. In order to install a sign similar in size and function to the previous one, the applicant must seek approval of a Variance from the BZA.

DESCRIPTION

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

Requirement	Code Section	Standard	Proposal
Minimum Name Plate Sign Size	1151.05(c)(1)(A)	2 square feet	4.5 square feet approx.
<i>Section 1151.05(c)(1)</i> provides for no more than 1 wall sign per principle structure (...) to describe the names, address, and locations within the structure, and such sign shall be no more than 2 square feet in area. The applicant requests a Variance to this provision in order to install a sign similar in size to the previous one, totaling a little over 4.5 square feet in size. It is staff's position that the <i>number</i> of signs on the building is in compliance, since there is only one plaque sign per building entrance (there is currently another existing plaque sign to the right of the Elms Hotel main entrance at 75 S Main that is also around the same size).			

PUBLIC COMMENTS

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

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Copenbaker, Assistant to the City Manager	Returned with Comments
<i>The proposed installation of a large sign at 77 S. Main proposes no anticipated impact on the economy of Oxford. No concerns at this time.</i>		
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned without Comments

BZA SITE HISTORY

Past BZA case history for the subject property is outlined in the table below.

Case No.	Request(s)
BZA-06-2001	Variances for Off-Site Parking & Dimensional Restrictions
This case occurred prior to the construction of The Elms Hotel building and City Parking Garage located across the street at 6 E Walnut. The case actually involved two different approvals: (1) to approve the provision of off-street parking spaces off-site (top floor of parking garage is reserved for hotel guests); and (2) to approve variation in front yard setbacks for both the hotel building and parking garage building. At its meeting on February 21, 2001, the BZA voted 5-0-0 to approve each of the two requests.	
BZA-03-2002	Variance to Sign Projection
This Variance request pertained to the Buffalo Wild Wings restaurant located at 10 E Walnut Street, situated on the first floor of the building, directly below the restaurant space at 77 S Main Street that is the subject of the BZA-2021-08 application. The applicant wished to install a 6 square foot projecting sign at the southwest corner of the building, near the Buffalo Wild Wings restaurant entrance. The sign was proposed to project a total of 28 inches from the wall, exceeding the Code's maximum of 12 inches. At its meeting on April 17, 2002, the BZA denied the Variance request by a vote of 4-1-0, thus the projecting sign was never constructed. Today, the Buffalo Wild Wings restaurant is identified by two small medallion signs, as well as corporate color/theming on two awnings near the entrance.	

DECISION CRITERIA

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

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

Staff's review of the criteria is outlined in the table below:

Criterion A	Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance
✓ Supports granting the variance	The question of reasonable return and beneficial use relates most directly to the new restaurant tenant. Most businesses having an Uptown storefront have installed larger wall signs directly above their first floor entrances, which may be <i>in addition</i> to name plate and/or window signage. The identification of this particular tenant space is set up differently than most Uptown, with a black awning in front (small decals intended for the sides) and small plaque sign to the right of the door. A typical Uptown wall sign above the awning would be contrary to the character and architectural features of the building. Not allowing a larger name plate sign in lieu of a wall sign could lessen return for the business.

Criterion B	Whether the variance is substantial
✓ Supports granting the variance	The applicant is asking for a 125% increase in name plate sign size, which sounds substantial on its face, though staff believes the nature of the request to increase sign size by 2.5 square feet is not substantial. The substantiality of more than doubling the sign size could be mitigated through a condition preventing additional wall signage devoted to the tenant space above the awning.
Criterion C	Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance
✓ Supports granting the variance	Staff agrees with the applicant's findings on this criterion. The essential character of the neighborhood will remain the same as it did before when the previous sign was installed on the building.
Criterion D	Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
✓ Supports granting the variance	Staff does not believe governmental services will be adversely impacted. Engineering, Fire and Police Departments returned the application without comments; had any comments been received, these might have contributed to this criterion.
Criterion E	Whether the property owner purchased the property with knowledge of the zoning restriction
✓ Supports granting the variance	Staff agrees with the applicant's findings on this criterion. The new restaurant had simply assumed they would be able to replace the previous plaque with a new one of the same size. Since the sign is a plaque, it is a complete replacement. There are examples of other non-conforming signs in town that have the ability to experience a face change, which would not require Variance approval.
Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
✓ Supports granting the variance	The new restaurant owner could establish a more conventional business wall sign 9 feet above grade, though this would be contrary to the architecture and character of the building. There is already a larger wall sign identifying the hotel above the 75 S Main St entrance, thus having another sign of similar dimensions for the restaurant tenant would seem to contradict an inherent hierarchy. The applicant prefers a lesser amount of square footage overall; therefore, staff believes this criterion should be applied in favor of the applicant so long as there is agreement about restricting additional signage.

Criterion G	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
✓ Supports granting the variance	The spirit of the Code in this circumstance is to provide for <i>additional</i> signage allowance for businesses to identify themselves to pedestrians at eye level. Wall signs above business entrances are more for the benefit of motorists, as well as pedestrians on the opposing side of any street. Staff believes substantial justice would be done by granting the name plate sign size increase on condition that any other wall signage otherwise be restricted for this particular tenant space.
Criterion H	Any other relevant factor
N/A	The BZA may rely upon additional factors or evidence contributed by the applicant or during the hearing.

CONCLUSION

At the time of this report, staff believes **there is substantial evidence** to support the Variance request. Staff believes a reasonable condition to impose in granting this request would be to restrict the installation of additional wall signage above the doorway (exclusive of decals planned on either side of the re-installed awning).

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: November 14, 2021

BZA MOTION FOR VARIANCES

With regard to the Request for Variance # **BZA-2021-08**, being a Variance to Section 1151.05(c)(1)(A) name plate sign area:

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

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

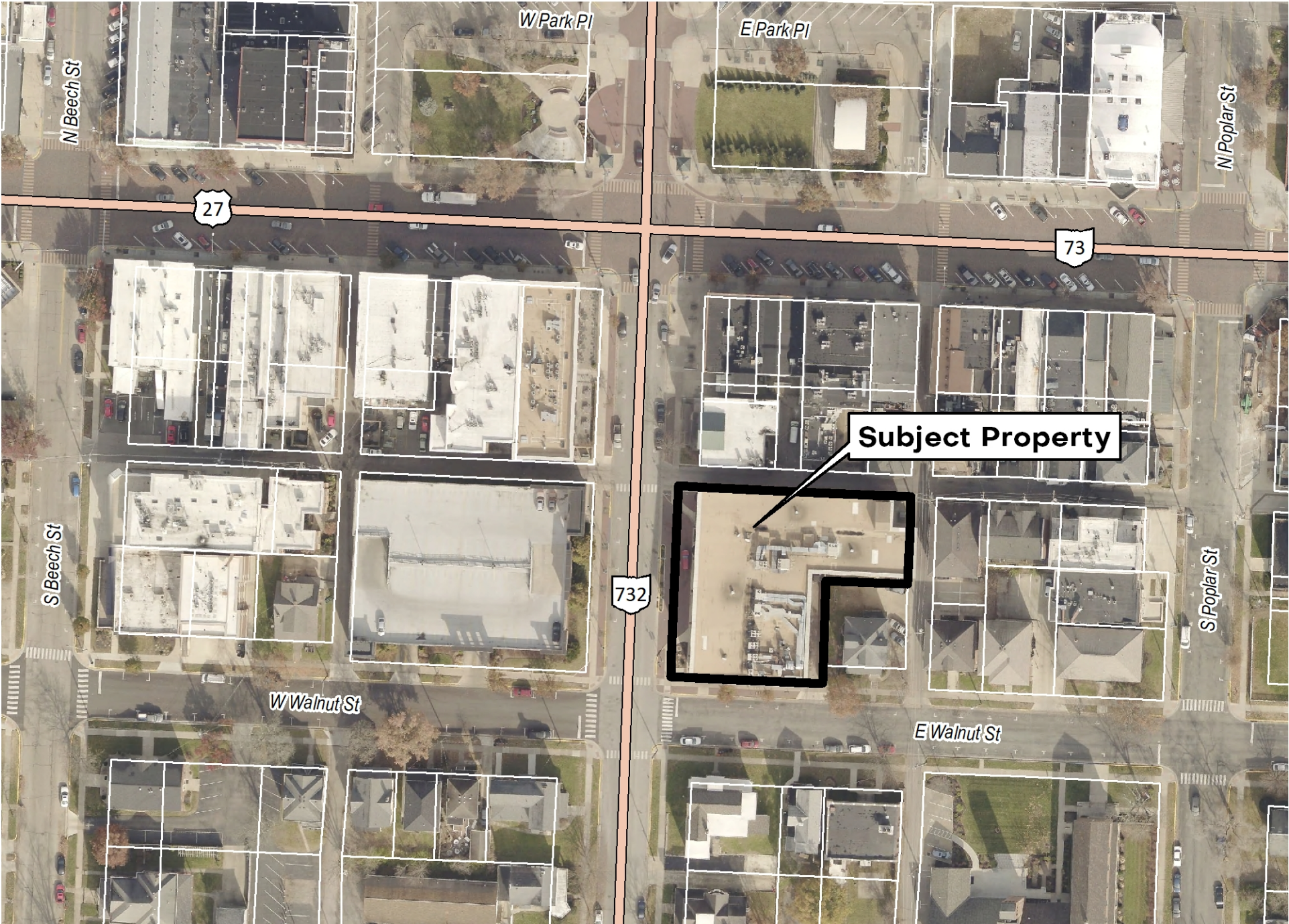
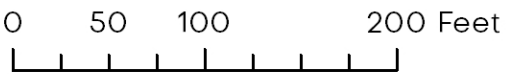
It is further moved that after considering and weighing these factors, the Board should find that practical difficulty (**is/is not**) shown sufficient to warrant granting the Variance requested, and that the Variance should be accordingly (**APPROVED / DENIED / APPROVED WITH THE FOLLOWING CONDITIONS**).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

Motion Seconded by: Mr. / Ms. _____.

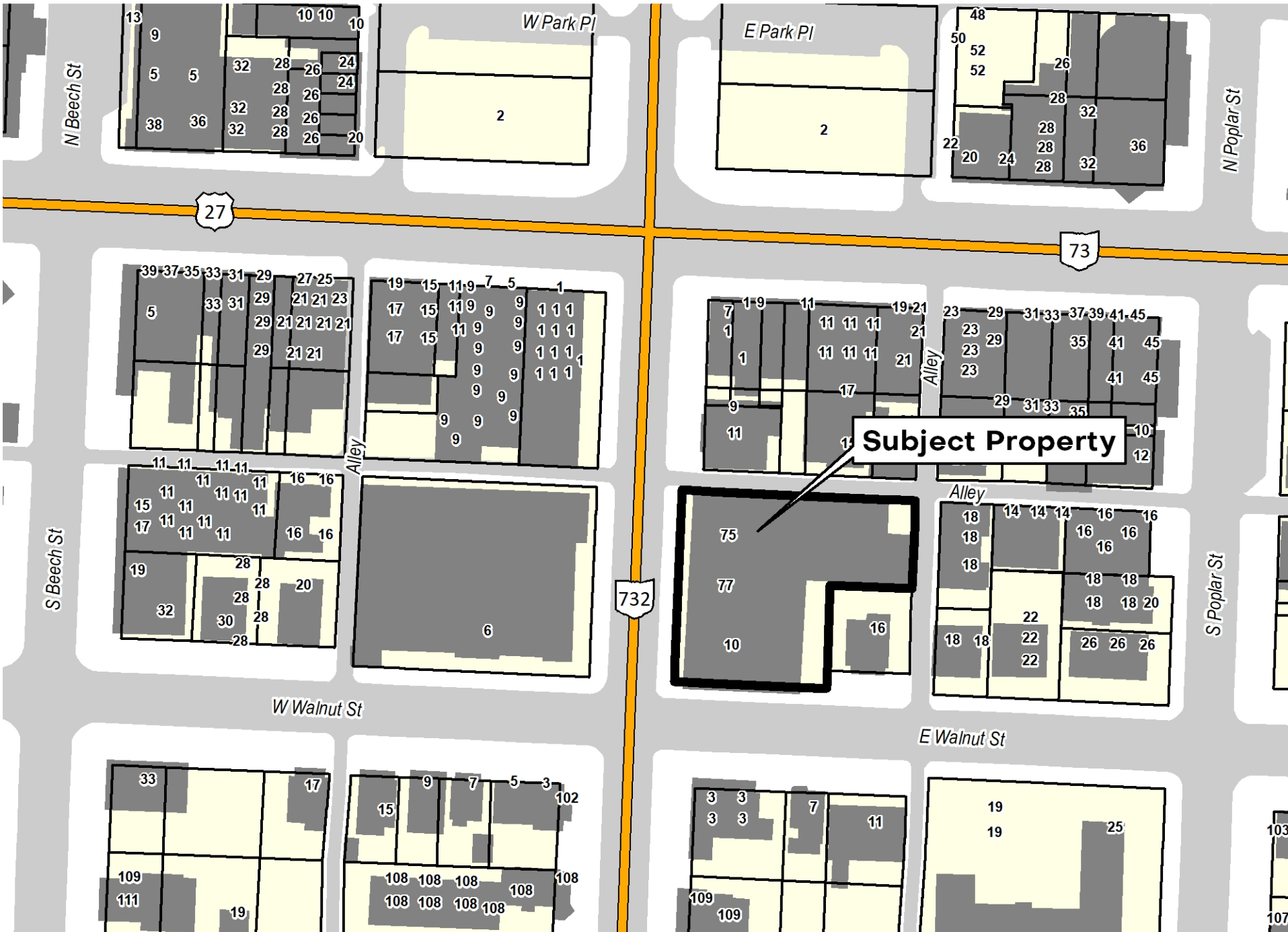
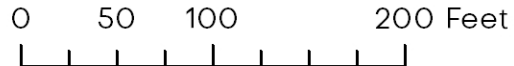
Vote: Aye_____ Nay:_____

Location Map

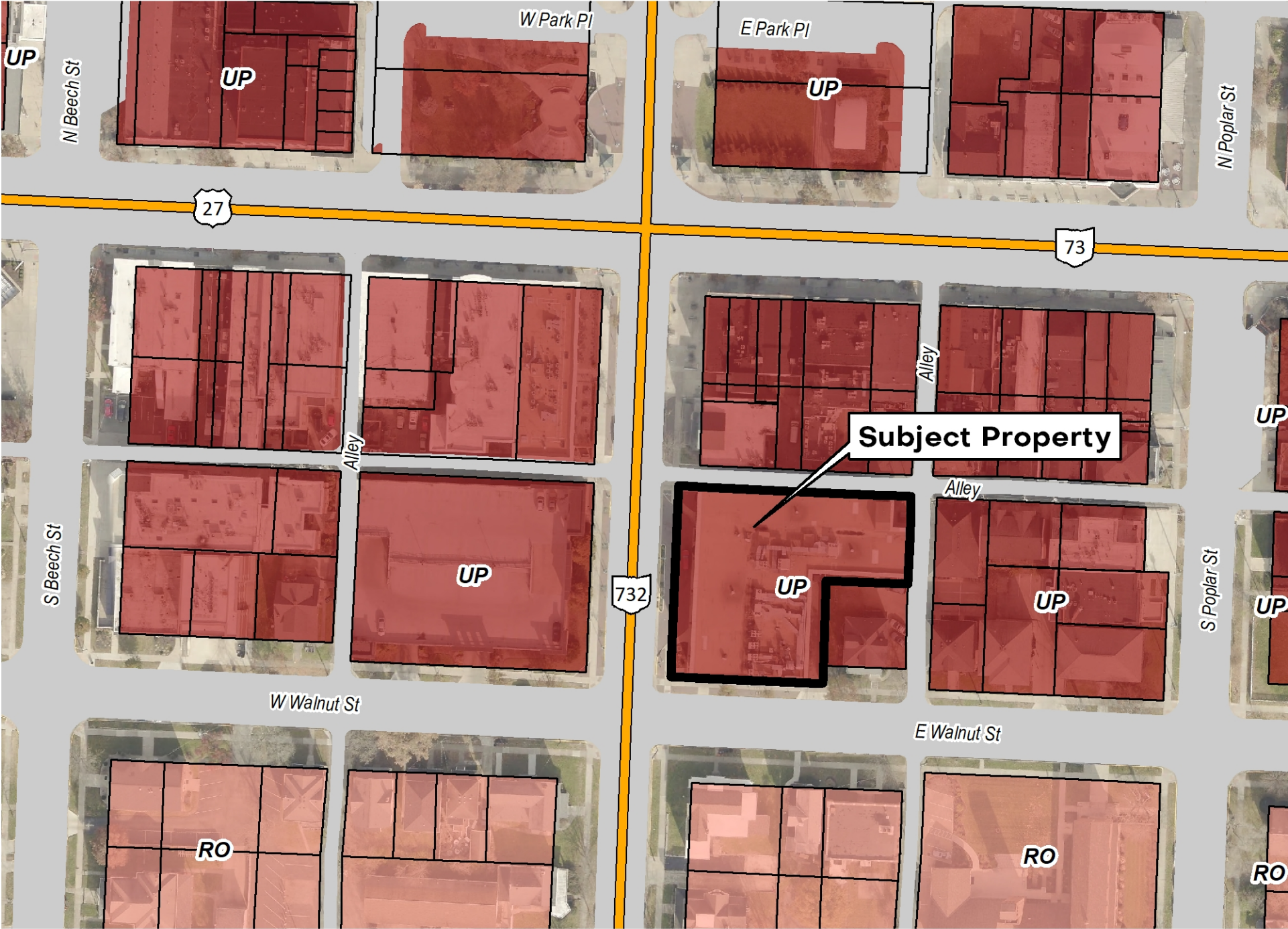
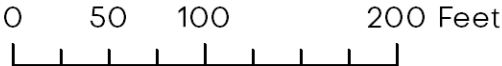
 Site



Location Map



Location Map





BZA-2021-08

Surrounding Property Owners Notifications Map

Legend

- Subject Area
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- 16.5' Vacated ROW
- Building Footprint



1 inch = 100 feet

Prepared on Tuesday, November 02, 2021

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.





Internal Use Only:

Case No.

BZA-2021-08

Date Filed

10/19/2021

Petition for Zoning Variance

Petitioner Information

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

Name * Timothy Hoskins, Managing Member Triangle Sign Co. LLC

Mailing Address * 221 North B Street

City, State & Zip Code * Hamilton OH 45013

Telephone Number(s) * 513 863 2578

Email Address thoskins@trianglesigncompany.com

Owner Information

Name * Red Brick Pride, LTD

Mailing Address * 75 South Main St

City, State & Zip Code * Oxford OH

Telephone Number(s) * 317 223 8755

Email Address dhornak68@gmail.com

Variance and Lot Information

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

To install a 22" x 30" cast aluminum plaque to the right of the entrance door and increase the maximum size allowed for a "Name Plate" from 2 Sq Ft to 4.58 Sq Ft . Section 1151.05 (C) (1) (A)

Location of Requested Variance * 77 South Main St

Name of Building

Legal Description * H4100003000247

Zoning District * HAPC Uptown Historic District Total Acreage * N/A

Existing Use of Site * Restaurant

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

Restaurant

Required Plans and Documentation

From Section 1139.02(a)².

- (1) **Contents of application for variance.** **Eight** complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. **The applicant is encouraged to contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.** If any information is submitted in color or on non-standard paper, more copies may be required.
 - A. Application Fee.
 - B. Description of Use and Site.
 - C. The name, mailing address, and telephone number of the applicant and the property owner.
 - D. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf (Letter of Agency).
 - E. A legal description of the site, including all separate lots.
 - F. A description of the existing uses of the site.
 - G. The zoning district in which the site is located.
 - H. A description of the existing and proposed use.
 1. A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles.
 2. The hours of operation.
 - I. The nature and magnitude of the requested variance.
 - J. The Code section from which the variance is requested.
 - K. A separate narrative statement that explains how the proposed variance satisfies **each** of the Decision Standards required to grant a variance ([see Decision Standards section](#)).
 - L. A list of the names and mailing addresses of all landowners within 200 feet of the perimeter of the site ([see Surrounding Property Owners section](#)).
- (2) **Site Plan.** A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
 - A. North arrow.
 - B. Scale.
 - C. Vicinity map.
 - D. All existing and proposed lot lines within the site.
 - E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
 - F. Location, height, and use of all proposed and existing structures.
 - G. Location and design of all proposed vehicle management areas.
 - H. Location, size, and type of all proposed signs.
 - I. Location, height, and type of all proposed screening and landscaping.
 - J. Distances to residential zoning districts if within 1,000 feet.
 - K. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 - L. An indication of the regulation from which the variance is requested.
 - M. Other information as required by the Board of Zoning Appeals.
- (3) **Elevations.** Elevations of proposed structures, or typical elevations if structures are not yet designed, may be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- (4) **Other.** Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)¹ is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Standards

From Section 1139.02(c)(2). *See Chapter 1139 Variances² for the full text.*

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

Fees & Receipt

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

Sign and Date

Petitioner Signature *

Tim Hoskins

Date *

10/18/2021

Submit Application, Plans and Documentation, and Fees

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

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

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

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

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

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



trianglesigncompany.com
sales@trianglesigncompany.com

221 North "B" Street • Hamilton, OH 45013 • 513-863-8740 fax • 513-863-2578 tel

Oct 20, 2021

**Petition for Zoning Variance:
Pickle & Pig 77 S. Main St**

Decision Standards:

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

a. The current Sign Ordinance allows only a Name Plate sign two square feet in area. The new owners would like to increase the allowed Name Plate size to 4.58 square feet and install the sign to the right of the entry door to the restaurant. The current Name Plate size requirement would not be large enough to identify the entrance to the restaurant. The proposed sign would be a complementary addition to the architectural features of the building.

B. Whether the variance is substantial.

a. Granting the variance would help the new owner identify the business in a reasonable manner.

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.

a. No. The existing cast aluminum plaque from the previous owner has been removed. The proposed cast aluminum plaque will be installed to the right of the entry door in the same location as the previous plaque, as well as be similar in size to the existing plaque at 75 S Main St.

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

a. No. The proposed signs would only enhance the ability of governmental services to locate the business.

E. Whether the property owner purchased the property with knowledge of the zoning restriction.

a. The new tenant assumed that they could replace the plaque from the previous owner with a new cast aluminum plaque of the same size.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

a. The new owner did not want to install a sign nine feet above the grade and would prefer to install a smaller sign next to the entry door to identify the restaurant.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

a. Granting the variance to install a larger Name Plate to the building seems like a measured and reasonable request given the building's setback from the street and pedestrian traffic.

H. Any other relevant factor.

LETTER OF AGENCY

To Whom It May Concern:

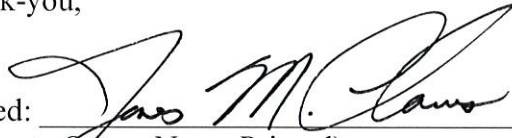
Please be advised that Timothy Hoskins _____ has permission to represent our interest with the City of Oxford and act on our behalf for the _____ Variance _____ hearing _____ regarding the _____ Signs for Pickle & Pig _____ at our property located at _____ 77 South Main St. _____, Oxford, Ohio 45056

Thank-you,

Signed: _____

(Property Owner Name Printed)

(Company Name/Owner/Organization)



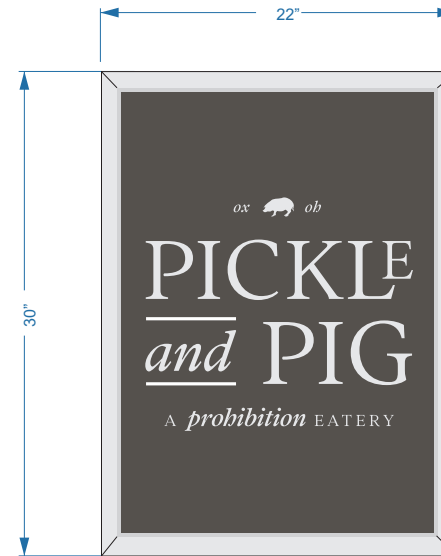
Jim Clawson owner

HOTEL DEVELOPMENT SERVICES

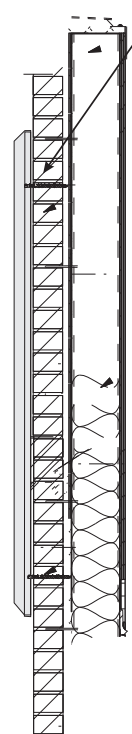
Pickle & Pig A PROHIBITION ENTRY

9/1/21

Date:



Typ four (4) 3/8" Aluminum Studs into masonry wall



One (1) 30" x 22" Cast Aluminum Plaque with raised satin finish copy, satin finish single line beveled border, leatherette textured background painted to match PMS 179-15U with a matte clear top coat. Concealed stud mounting into masonry wall.

This is an original, unpublished drawing submitted in connection with a project we are planning for you. It is not to be copied, reproduced, exhibited or shown to anyone outside your organization without the written permission of Triangle Sign Co., LLC



th
ACCOUNT REP.

Timothy Hoskins, Managing Member
Triangle Sign Co., LLC

th
DRAWN BY

REVISIONS

CUSTOMER APPROVAL

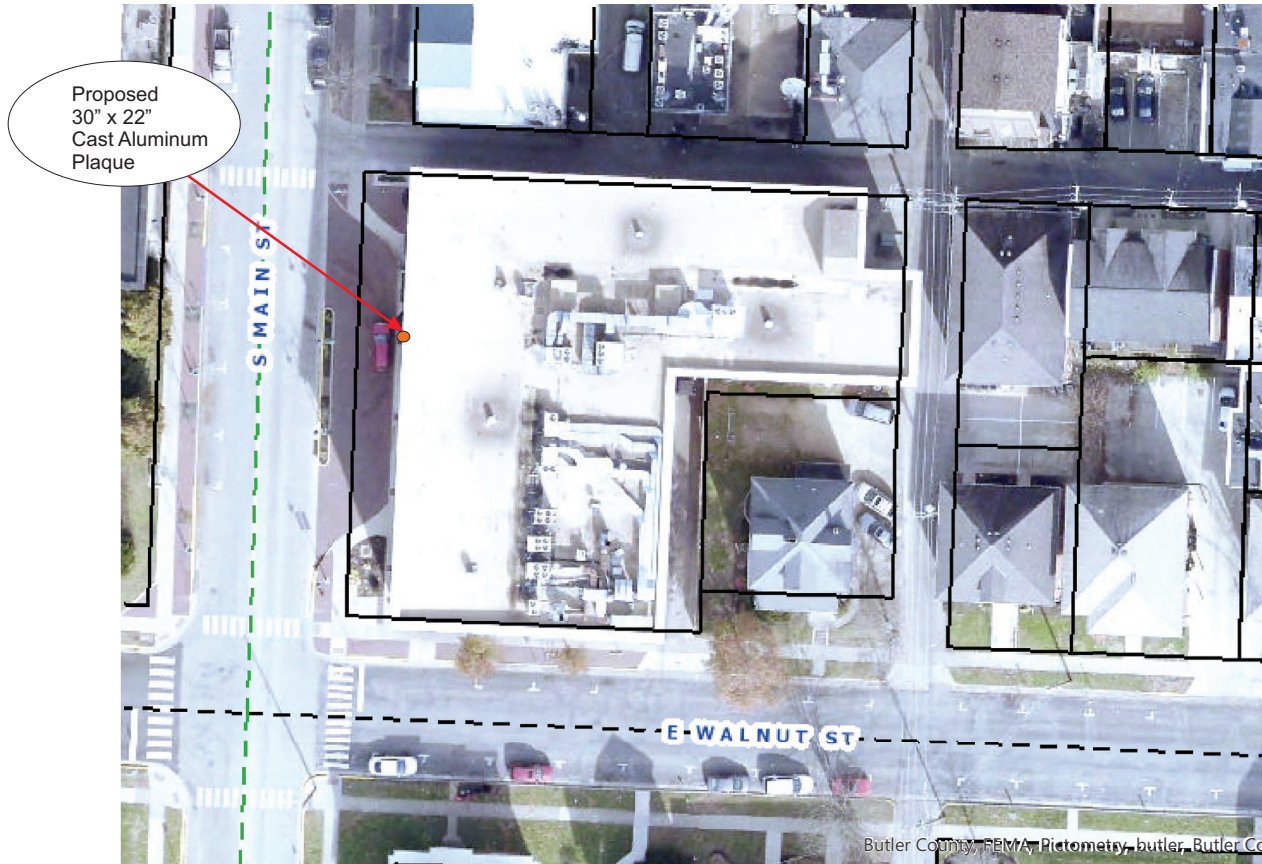
DATE

PICKLE AND PIG _ David Hornak
77 Main St
Oxford OH

JOBNO.
DATE: Oct18,2021
DWGNO. 20-1024
SHEET 1 OF 3

221 NORTH "B" STREET HAMILTON, OHIO 45013
PHONE 513-863-2578 FAX 513-863-8740

© th Scale: not to scale



H4100003000247
Red Brick Pride, LTD
75 S. Main St
Oxford OH 45056



75 and 77 South Main Street