

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, November 19, 2008

Call to Order

The October 15, 2008 Board of Zoning Appeals was called to order at 7:30 p.m.

Those members present: Gary Meyer, William Houk, George Prentice, John Barnhart, and Todd Hollenbaugh.

Those members excused: None.

Staff members present: Lynn Taylor, Rob Jacques, and Jung-Han Chen.

Staff members excused: Kathryn Dale.

Executive Session

Chairman Hollenbaugh invited a motion for approval of the agenda with the deletion of the Executive Session.

Mr. Meyer moved approval of the agenda excluding the Executive Session. Mr. Barnhart seconded the motion. The motion passed 5-0-0.

Public Hearing

BZA-12-2008 5640 College Corner Road, Variance to Section 1151.05(a)(3) B.1.c. to permit an additional wall sign, Tri-State Signs Unlimited, Applicant

Mr. Barnhart moved to enter into public hearing BZA-12-2008. Mr. Prentice seconded the motion. The motion passed 5-0-0.

Mr. Chen provided a review of the Applicant's request for a wall sign (24" x 18'5") to be installed on the back of a commercial building which houses Maurices, as well as other commercial stores. The Applicant is seeking the additional sign to help assist truck delivery. The store currently has one sign. Mr. Chen stated that since the store was not a corner lot, the Applicant needed variance approval. Mr. Chen stated that staff understood their need; however, the request did not meet some of the Decision Standards.

Mr. Houk inquired if it were possible to have a monument sign at the street for all businesses in that strip. Mr. Barnhart inquired if this only affected deliveries coming from the south. It was noted that there is no rear building loading dock.

Mr. Hollenbaugh swore in Dick Simpfel, Tri-State Signs Inc. Mr. Simpfel stated he did not have more to add regarding the purpose of the sign, except that Maurices' stores typically had two signs.

Mr. Barnhart moved to reconvene to regular meeting BZA-12-2008. Mr. Meyer seconded the motion. All were in favor.

Mr. Hollenbaugh stated he could not support the request as the opportunity existed to install a monument sign. Mr. Barnhart felt that delivery drivers had a pretty good idea of where to make deliveries especially since there was no dock on the back of the building. Mr. Barnhart added he didn't think the sign on the back of the building was about deliveries but advertising the business.

Mr. Houk suggested the alternative being a monument sign; however, did understand if coming from the south, not knowing where Maurice's is.

Mr. Meyer stated he was surprised the property owner hadn't installed a monument sign.

Decision Standards a-g were reviewed individually.

Mr. Barnhart moved to deny BZA-12-2008, 5640 College Corner Road, Variance to Section 1151.05(a)(3)B.1.c to permit an additional wall sign based on not meeting Decision Standards d, f, and g. Mr. Meyer seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Houk, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

BZA-15-2008 210 S. Poplar Street, Variance to Section 1143.005(c)(1)(B) lot width and 1149.04(a)(3) parking space location, Scott Webb, Applicant, Agent

Mr. Barnhart moved to enter into public hearing BZA-15-2008. Mr. Meyer seconded the motion. The motion passed 5-0-0.

Mr. Chen provided an overview of this case stating the property currently was a single family and that the Applicant wished to construct a two-story dwelling unit, thus making it a two-family unit. Mr. Chen stated there were three variance requests - lot width, parking spaces, and driveway width.

Mr. Chen stated regarding lot width the minimum lot width for a 2-family is 75 feet; the existing lot width is 66 feet. Regarding parking spaces shall not be located within three feet of any lot line; the newly paved parking area will be directly adjacent to an alley. Regarding the maximum driveway width for a residential lot is 18'; the proposed parking lot is directly adjacent to an alley that creates a 54' driveway.

Mr. Chen noted that the lot width hardship was not created by the Applicant. Mr. Chen stated staff recommends waiving of the lot width variance and asked the BZA to look at setbacks as far as the parking.

Many of the BZA noted that the current parking situation blocked the flow of traffic through the alley.

Mr. Houk inquired if the setbacks were met and it was noted they were. Mr. Barnhart referred to the south side existing stone wall and it being in the right-of-way and inquired about parking taking place at the garage. Staff noted there wasn't supposed to be as it was just an entrance into the garage.

Mr. Hollenbaugh swore in Mr. Scott Webb. Mr Webb provided a PowerPoint presentation. Mr. Webb stated this was the largest lot on the block. Mr. Webb discussed parking and his design providing a buffered area around the edge of the parking space as well as striping of the lot. Mr. Webb referred to the existing privacy fence being moved up to the edge of the parking area and there to not be a driveway provided as the parking spaces will be accessed directly from the alley. Mr. Webb referred to the existing stone retaining wall and railroad ties in the ROW being removed.

Mr. Houk referred to the connector between the two buildings. Mr. Webb stated it would be a screened porch/breezeway area. Mr. Webb inquired about the main entrance into the new structure and if it would have its own or if it would be through the primary structure (the current structure). Mr. Webb stated the building hadn't been designed yet but that it could have as its main entrance the primary structure.

Mr. Hollenbaugh swore in Mr. Dave Kellems. Mr. Kellems stated he tried to do the same thing six years ago but was denied. The BZA reminded Mr. Kellems that they were only reviewing the variance requests.

Mr. Barnhart moved to reconvene to regular meeting BZA-15-2008. Mr. Prentice seconded the motion. All were in favor.

The BZA reviewed the plot plan.

Mr.Houk stressed to the audience they were not approving the design.

Mr. Houk noted he had no problem with the variance request; however, inquired if it would be a problem driving down the alley and trying to turn and pull in the parking spots.

The BZA reviewed the three variance requests separately and voted on them individually.

Mr. Houk moved to approve Variance 1143.05(c)(1)(B) minimum lot width based on meeting Decision Standards a, b, c, d e, f, g. Mr. Meyer seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Houk, Mr. Prentice, Mr. Hollenbaugh (4)

NAY: Mr. Barnhart (1)

ABS: None (0)

Motion to approve Variance 1149.04(a)(3) parking spaces. The motion failed for lack of a motion.

Mr. Barnhart moved to approve Variance 1149.04(b)(6) driveway width based on meeting Decision Standards a, b, c, d, e, f, g. Mr. Houk seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Houk, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

BZA-16-2008 [300 S. Locust Street, Variance to Sections 1143.12\(d\)\(2\)A,C,D 1143.12\(d\)\(4\)A; 1149.05\(e\)\(4\)F&G; 1149.05\(e\)\(5\)B.1.a; 1151.02\(k\)\(2\)B; 1151.05\(a\)\(3\)A; 1151.05\(a\)\(3\)B.1a; 1151.05\(a\)\(3\)C.1.a and b, Jonathan Wocher, AICP, Applicant, Agent](#)

Mr. Meyer moved to enter into public hearing BZA-16-2008. Mr. Barnhart seconded the motion. The motion passed 5-0-0.

Mr. Chen announced that Section 1143.12(d)(2)C and 1143.12(d)(4)A had been satisfied and were no longer part of this variance request.

Mr. Chen provided an overview of this case, stating the Applicant wished to build an addition to the Kroger site by demolishing the retail space and constructing a 24,000 square foot addition. Mr. Chen stated the Applicant was seeking 10 variances mainly dealing with landscaping requirements and signage.

Mr. Hollenbaugh swore in Jonathan Wocher, Applicant, Agent. Mr. Wocher provided an overview of the Kroger project and reviewed the variance requests.

Mr. Wocher noted they would be adding landscaping to help maximize the site in bringing development as close to code as possible. Mr. Wocher referenced the earthen mounds noting that requiring a ten foot high mound would require a 60 foot width and that the area would not support that; it is an impractical situation. Regarding 49 landscaped parking islands, it would not be feasible due to the extensive parking requirement and would create an impractical traffic flow. It was noted that instead of developing many islands, the design would consist of scattering landscaping throughout the site.

Mr. Wocher stated that he felt Decision Standards a-g were satisfied.

Mr. Houk inquired how wide the strip was along Locust Street. Mr. Wocher stated 20'.

Mr. Scott Webb was sworn in by Mr. Hollenbaugh. Mr. Webb stated he was speaking on behalf of the Oxford Chamber of Commerce and referred to the current parking lot layout and that by adding another road in the middle of the parking lot seemed absurd and that putting even more landscaping in would make it nearly impossible for snow removal and cause safety issues. Mr. Webb asked BZA to consider the landscape variances carefully.

Mr. Houk inquired about the gap between Speedway and if there was an easement. Mr. Wocher stated he wasn't sure, but understood there was one but hadn't seen.

Mr. Meyer moved to reconvene to regular meeting BZA-16-2008. Mr. Barnhart seconded the motion. All were in favor.

Discussion and voting took place by each variance request:

Section 1143.12(d)(2) Supplemental Regulations

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

This variance consisted of the combining of Locust Street and Fairfield Road frontage and it not meeting the 50%. Mr. Houk inquired about what was considered frontage. Mr. Wocher described it.

Mr. Barnhart moved to approve granting relief from the 50% earthen mound along the street frontage based on having met all Decision Standards as shown on the submitted plan. Mr. Meyer seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Houk, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

Section 1143.12(d)(2) Supplemental Regulations

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

Mr. Wocher referred to the current sidewalk height being basically flat and there being some raised beds. Mr. Wocher described the layout as having a curb on one side and sidewalk on the other and that a 10 foot mound would not be possible. Mr. Meyer moved to approve granting a variance to accept the submitted plan. Mr. Barnhart seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (4)

NAY: Mr. Houk (1)

ABS: None (0)

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

F. A raised, landscaped, and curbed island of a minimum of 4.5 feet wide (including the width of the curb) shall be provided at the front and the ends of each row of parking spaces and at every interval of seven parking spaces in a row. End islands shall extend to within 3 feet of the end of the parking space. The width requirement can be shared between adjacent facing rows or by the setback requirement adjacent to lot lines. Mr. Wocher explained that having 49 landscaped parking islands would be a nightmare when taking care of snow removal and safety issues. Mr. Houk moved approval to grant the variance as shown on the submitted landscape plan based on having met all the Decision Standards. Mr. Barnhart seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Houk, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

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

Mr. Wocher repeated the argument as previous regarding the variance request Section 1149.05(e)(4)F. Mr. Meyer moved for approval to grant this variance as it meets the Decision Standards. Mr. Barnhart seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Houk, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

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

1. **Trees.** *A parking area shall have two trees per parking facility plus one tree for every five parking spaces or fraction thereof generally distributed throughout the parking area.* Mr. Wocher stated the plan showed adding an additional 59 trees to the site even though 71 trees were required. Mr. Wocher stated the trees would be scattered around the site and not just in the parking lot. Mr. Wocher stated he was requesting relief from the requirement. Mr. Meyer asked if the trees around Speedway were on Schottenstein property. Mr. Wocher stated yes they were included in the counting. Mr. Prentice moved approval to grant the variance based on the submitted plans and having met all the Decision Standards. Mr. Barnhart seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Houk, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (5)

NAY: None (0)

ABS: None (0)

Mr. Houk recused himself from discussions regarding signage.

Mr. Wocher reviewed existing signage (Radio Shack and Movie Gallery) stating there were ten signs currently on the existing facade. The new design would have six on the main building; therefore, the proposal reduced the number by four. Mr. Wocher further stated that the fuel center had a proposed six signs. The variance for twelve signs is the inclusion of Movie Gallery and Radio Shack. Mr. Wocher also stated that all signs on the facade face Locust Street. Regarding the fuel center, two signs do not face the ROW, as they are oriented to the customer; additionally, one faces Locust Street and one faces Fairfield Road. Mr. Wocher reviewed the wall sign area proposal of 452 square feet. It was noted that staff supported the sign area.

Staff recommended only seven signs (not including Movie Gallery or Radio Shack).

Mr. Wocher discussed the monument sign stating that the proposed sign reflected Kroger's style of building; however, did provide other monument sign options. Mr. Wocher added that the sign that fits Oxford's code doesn't fit Kroger's style; they could put in a sign that would meet code but liked

the sign that requires the variance as they feel the chosen sign is more attractive.

Mr. Meyer moved to reconvene to regular meeting BZA-16-2008. Mr. Barnhart seconded the motion. All were in favor.

Each variance was discussed and voted on separately:

§1151.02(k), 1151.05(a)(3), & 1151.07(a) Measurement of permitted sign face area:

1151.02(k)(2)B. If a site abuts more than one public right-of-way, the number and area regulations are based upon all rights-of-way, however, the sign number and area permitted based upon each right-of-way shall only be oriented towards the right-of-way upon which the permitted sign area is based. The BZA reviewed signage at the fuel center noting that the south, north and west elevations do not face the right-of-way. The east elevation faced Locust Street. It was noted that the signage computation is based on the street frontage. Therefore, this variance is to approve the signs that do not face the ROW.

Mr Meyer moved for approval of the variance to allow signage that does not face the right-of-way based on having met the Decision Standards. Mr.Barnhart seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (4)

NAY: None (0)

ABS: Mr. Houk (1)

§1151.02(k), 1151.05(a)(3), & 1151.07(a) Measurement of permitted sign face area:

1151.05(a)(3)A. Maximum total sign area for all signs on a development site shall be no more than 2 square feet of sign area per linear front foot of the site. Mr. Chen noted that based on computations the Applicant is permitted 577 sq. ft. of signage to face the public right-of-way. Of this number, approximately 75 sq. feet of wall signage belongs to Radio Shack and Movie Gallery. Therefore, Kroger will exceed this by 21 sq. ft. as they are requesting 523 sq. ft.

Computation: 523 sq ft requested + approximate 75 sq ft (Movie Gallery and Radio Shack) = 598 sq ft. 598-577=+21

Mr. Barnhart moved for approval to allow the variance for a maximum signage square footage of 523 based on having met the Decision Standards. Mr. Meyer seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (4)

NAY: None (0)

ABS: Mr. Houk (1)

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

B. Wall Signs:

1. No more than two wall signs as follows:

a. If the average setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall.

The BZA reviewed the number of signs requested by the Applicant. Mr. Hollenbaugh referred to the monument sign having two sides on it advertising fuel prices and the additional request for fuel price signage on the canopy. Mr. Hollenbaugh felt it overkill as it would mean having four fuel pricing signs on the site. Mr. Hollenbaugh stated he would have a hard time voting to approve fuel pricing on the canopy. Mr. Hollenbaugh referred to staff suggesting a total of seven signs. Discussion followed. Many of the BZA agreed it was too many signs. The BZA reviewed the Applicant's sign request (four on the building and six on the canopy). Mr. Barnhart inquired if the distance from the fuel center to the front entrance of the store was over 100'. Mr. Wocher stated yes.

Mr. Meyer moved for approval to grant a variance to allow for seven total wall signs; four signs on the main building as proposed and three on the fuel center canopy, with the only fuel pricing sign to be oriented on the west elevation of the canopy. Mr. Barnhart seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (4)

NAY: None (0)

ABS: Mr. Houk (1)

Mr. Wocher stated the variance request was to allow for the fuel pricing sign on the canopy to be 3'6". Mr. Wocher stated that the canopy fuel price sign proposed is 3'6" and was not aware of the Oxford code stating 3'. Mr. Wocher stated he felt this to be a hardship and circumstance to meet as the sign is a national design.

Mr. Barnhart moved for approval of a variance to allow for a sign to exceed 3'6" tall on the canopy structure of the fuel center based on having met all Decision Standards. Mr. Meyer seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (4)

NAY: None (0)

ABS: Mr. Houk (1)

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

B. Freestanding Signs:

1. No more than 1 sign as follows:

a. No more than 48 sq. ft. per side

b. No combination of a freestanding sign structure and sign shall be higher than 6 feet.

Mr. Wocher stated the Applicant was requesting for 70 sq. feet and 7 foot height on the monument sign. The seven feet in height is due to the hump in the middle of the top of the sign.

Mr. Barnhart moved for approval of granting a variance to permit a two-sided fuel pricing sign with the Kroger logo not to exceed 70 square feet and not to exceed 7' in height from finished grade as

proposed in the submission and based on meeting the Decision Standards. Mr. Prentice seconded the motion. The motion passed with the following roll call:

AYE: Mr. Meyer, Mr. Prentice, Mr. Barnhart, Mr. Hollenbaugh (4)

NAY: None (0)

ABS: Mr. Houk (1)

Mr. Houk returned to the meeting at 10:25 p.m.

Approval of Minutes of the October 15, 2008 regular meeting*

Mr. Barnhart moved to approve the minutes. Mr. Meyer seconded the motion. The motion passed 5-0-0.

Old Business

Mr. Hollenbaugh inquired the staff regarding the status of BZA Rules and Procedures and Variance 1139. Mr. Chen reported that the City Council requested more clarification on the variance. Mr. Jacques stated that even though the Variance was remanded back, the Rules and Procedures could go forward. Mr. Jacques noted too that once the Variance is approved, the Decision Standards could be used.

Mr. Hollenbaugh inquired about cases for December. Staff noted there were two cases.

Other Business

Mr. Houk passed on congratulations to Ms. Kathy Dale and the birth of her baby.

Adjournment

Mr. Houk moved to adjourn the meeting. Mr. Barnhart seconded the motion. The motion passed 5-0-0. The meeting was adjourned at 10:30 p.m.