



AGENDA
BOARD OF ZONING APPEALS
TUESDAY, February 28, 2023
6:30 P.M.

MEMBERS

Roger Ames, Chair
Kate Rousmaniere, Vice Chair
Calvin Conrad, Secretary
D. Chadwick Smith
Philip Russo

STAFF

Sam Perry, Director, Community Development
Zachary Moore, City Planner/GIS Coordinator
Christopher Conard, Law Director

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

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

- I. Call to Order
- II. Election of Officers and Swearing In BZA Members
- III. Approval of September 27, 2022 Minutes of the Regular Meeting* 1
- IV. New Business*

BZA-2022-04, VARIANCE, 10 N Beech Street, minimum building height requirement in the UP Zoning District, Robert Humphrey, Applicant/Agent 5
- V. Adjournment

*Attachments



OXFORD BOARD OF ZONING APPEALS

Meeting Minutes

Tuesday, September 27, 2022

[Link for website video here](#)

Full Transcript available online

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

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Roll Call

Roger Ames, Vice Chair

D. Chadwick Smith

Kate Rousmaniere

Calvin Conrad

Philip Russo

[Time: 0:06](#)

A regular meeting of the Oxford Board of Zoning Appeals was called to order by Vice Chair Roger Ames on Tuesday, September 27, 2022 at 6:30 p.m.

Members in attendance were Kate Rousmaniere, Calvin Conrad, Philip Russo, D. Chadwick Smith, and Roger Ames

Members excused: None

Staff Members in Attendance

Mr. Zachary Moore, City Planner/GIS Coordinator, Mr. Sam Perry, Director, Community Development, Mr. Christopher Conard, Law Director, Ms. Rebecca Kolb, Administrative Assistant

Staff Members Excused

Ms. Eunike Miller, Administrative Assistant

Swearing In BZA Members

[Time: 2:06](#)

Election of Officers

[Time: 3:29](#)

Motion 1 – To nominate Mr. Ames for Chair of BZA

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

AYE: (5)

NAY: (0)

ABS: (0)

Motion 2 – To nominate Ms. Rousmaniere for Vice-Chair of BZA

(Voice Vote) 1st Mr. Smith 2nd Mr. Conrad

AYE: (5)

NAY: (0)

ABS: (0)

Motion 3 – To nominate Mr. Conrad for Secretary of BZA

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

AYE: (5)

NAY: (0)

ABS: (0)

Adaption of June 28, 2022 Minutes of the Regular Meeting

Time: 6:10

Motion – To adopt the minutes as written

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

AYE: (5)

NAY: (0)

ABS: (0)

New Business

BZA-2022-03

Time: 7:18

Page 4 of the Agenda Packet

1. BZA-2022-03, 327 West Spring Street, VARIANCES, trash enclosure location, parking in front setback, maximum parking in front of main structure, and loading space, Scott Webb, Applicant/Agent

Motion – To Enter into Adjudication Hearing

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

AYE: (5)

NAY: (0)

ABS: (0)

Comments from the Public

Mr. Coe Potter, Local Real Estate Agent

Mr. Seth Copenbaker, Assistant to the City Manager

Motion – To Close Adjudication Hearing

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

AYE: (5)

NAY: (0)

ABS: (0)

Motion – To Grant the variance requests

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

AYE: Mr. Smith, Mr. Conrad, Ms. Rousmaniere, Mr. Ames (4)

NAY: Mr. Russo (1)

ABS: None (0)

Motion to Adjourn Meeting at 8: 01 p.m.

[Time: 1:33:39](#)

(Voice Vote) 1st Mr. Russo 2nd Mr. Smith

AYE: (5)

NAY: (0)

ABS: (0)

STAFF REPORT

Community Development | Board of Zoning Appeals

APPLICATION DETAILS

Applicant	Robert Treadon & Associates, c/o Robert W. Humphrey
Location	10 N Beech Street
Owner	Rodbro Myers Rodbro Wood LLC, c/o Lindsey Myers
Action Request	Variance to Section 1143.10(c)(3)(A) minimum building height
Lot Size	8,421 square feet
Lot Width	67.22 feet
Current Use	Mixed Use Building
Current Zoning	UP Uptown District, Uptown Historic District
Surrounding Land Uses	Vacant residential structure to the north; Mix of commercial and residential usage in all other directions

BACKGROUND

The mixed use building located at 10 N Beech Street, the former site of the Princess Theater, has not had a ground-floor commercial tenant since being constructed. The property owner is contemplating leasing out this vacant space for a couple of new commercial uses, including a bar with live entertainment and recording studio, which are permitted uses in the UP Uptown District. As part of the project, an open-air covered concrete patio addition is proposed to be constructed along the north façade of the building, adjacent to the public alley. Since the proposed addition constitutes only 1 story (~13 feet) of overall height, it does not meet the UP District's standard that any new building be a minimum of 2 stories (23 feet). Despite the open-air (unenclosed) nature of the proposal as well as the rest of the existing building already being at a compliant height (4 stories), staff has interpreted that the minimum height standard still applies to the project.

The patio addition is proposed to have a flat roof overhead supported by brick columns and embellished by decorative arches. Brick veneer walls measuring 3 feet, 4 inches high are also proposed to enclose the patio area; within the walls, there will be at least two gate openings to allow for access to/from the outside. While the overall enclosed area totals approximately 569 square feet (65.5 feet by 8.7 feet), the covered portion would be smaller at around 455 square feet (52.3 feet by 8.7 feet). The uncovered portion would be situated closest to N Beech Street adjacent to the north façade's westernmost storefront window, which is proposed to be converted to an overhead door. Two additional overhead doors are also proposed on the western end of the façade, positioned over a new bar top. The Oxford HAPC has already approved the proposed addition from an architectural design standpoint, per its decision at the December 14, 2022 meeting.

DESCRIPTION

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

Requirement	Code Section	Standard	Proposal
Minimum Building Height	1143.10(c)(3)(A)	23 feet min. 2 stories min.	12 feet, 9 ¼ inches 1 story
In the UP Uptown District, there is a minimum building height of 23 feet / 2 stories as well as a maximum building height of 48 feet / 4 stories. While all zoning districts within the City zoning jurisdiction provide a standard for maximum building height, UP is the only district with a <i>minimum</i> height specified as well. The likely intent of this provision is to deter lower intensity commercial development, ensuring a bulk and scale of development more characteristic of a traditional Main Street business district. The proposal at hand is for one story with a total height of 12 feet, 9 ¼ inches, which is 55.5% of the required height.			

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, Economic Development Specialist	Returned with Comments
• <i>The Economic Development Staff supports the Variance Application and proposed addition to the building at 10 N. Beech St.</i> • <i>The Comprehensive Plan, citizen feedback, and Economic Development vision for Oxford all support the development of outdoor seating and patio spaces across Oxford.</i> • <i>Outdoor guest spaces, like the one proposed, could enhance the vibrancy of the Uptown District, particularly in the areas west of Main St. that have the appearance of lower occupancy and business performance</i> • <i>The proposed addition utilizes an otherwise undeveloped area of the property along the north-facing of the building, adjacent to an alleyway, minimizing any negative impact to property access/egress, etc.</i> • <i>The Economic Development Staff support this variance without reservation.</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-1984-01	Variance to Front Yard Setback for One-Story Addition
This case involved a one-story concrete block addition to the original Princess Theater building back when it was still operating as a movie theater. The Variance requested was to <i>Section 1129.10(D)(1)(b)</i>, part of the district standards in place for the “C-3 Urban Business Commercial District,” which required a 16.5-foot setback from all right-of-ways measuring 66 feet wide. The Code further restricted the use of the setback area to “lawns, landscaping, sidewalks, and driveways.” It should be noted a similar setback provision still exists today in <i>Section 1143.10(c)(2)</i> – applicable now to the UP Uptown District – specifying there be a 16.5-foot front yard setback on all streets other than High Street. The purpose of the proposed addition was to provide a larger staging/stacking area for theater patrons waiting to enter the four individual theaters within the building. The intent was to help avoid long lineups of patrons outside due to the smaller size of the original lobby. The Board approved the Variance request at its meeting on March 29, 1984. The addition was later built as proposed, extending fully into the 16.5-foot setback along N Beech Street, as well as being located directly adjacent to the public alley to the north.	
BZA-2015-01	Variance to Front Yard Setback for Replacement Four-Story Addition
This request was submitted by Platte Design on behalf of the current property owners. The proposal was to demolish the one-story addition built in the mid-1980s and replace with a new four-story addition, keeping the original two-story theater building to the south in-tact. The staff report noted that the original theater portion encroached 9 feet 3 inches into the 16.5-foot setback required by <i>Section 1143.10(c)(2)</i>. The intent was to build the new addition at the exact same encroachment distance, thus lining up with the rest of the block face. Even though the previous 1980s addition was allowed with a Variance, by demolishing it and rebuilding a new addition, the latest Code standards became applicable and thus necessitated an approval again by the BZA. The Board voted 4-0-0 to approve the request at its meeting on January 21, 2015.	
BZA-2015-10	Variance to Front Yard Setback to Replace Entire Structure
Platte Design again submitted a Variance request for consideration on behalf of the current property owners. Following the BZA’s January decision, the redevelopment plan was revised to instead propose demolition of the entire existing structure and replacement with a new three-story building that would imitate characteristics of the original building. This included the construction of a replacement canopy and reinstallation of the marquee-style projecting sign. The canopy was proposed to protrude into the public right-of-way (above the sidewalk), and shift 8 feet 2 inches north of its original location. These revisions required the Board to reconsider a Variance request to the same section of Code as before. With staff supporting the request, the BZA voted 4-0-0 at its meeting on July 15, 2015 to approve a new Variance, allowing the demolition/replacement project to proceed. The original building was demolished by November of that year, and a building permit for the new mixed use building was submitted in December.	

Case No.	Request(s)
BZA-2015-16	Variances to Sign Type, Height and Illumination
Architect Greg Meyer (Robert Treadon & Associates) submitted a request for three individual Variances in order to install a new projecting sign onto the face of the new building. The staff report indicates the original intention was to reuse the existing sign with modifications. However, it was later determined the original sign was beyond repair and could not be salvaged. The applicant therefore proposed installing a brand new sign mimicking the former sign in terms of design, size and location. A key difference between the old and new signs was conversion of a manual changeable copy portion to a digital display board. Overall, the new sign required Variances to the following Code provisions: (1) Section 1151.03(b), for sign type to allow a roof-mounted projecting sign (the UP Uptown District only allows wall signs); and (2) Section 1151.05(a)(2)(A)(1)(a) to allow an increase in sign height from 3 feet to 14 feet; and (3) Section 1151.05(a)(2)(B), to approve direct illumination with respect to both the digital message board and neon tube lighting. At its meeting on December 16, 2015, the BZA voted 4-0-0 to approve Variances for sign type (1) and height (2), but table the sign illumination aspect (3). At the meeting, the property owner expressed a willingness to revise the proposal. Based on available records, it does not appear new details were ever submitted for consideration, thus the illumination matter was never taken off the table and discussed again by the Board. A projecting sign still has yet to be installed on the building since its construction in 2016-2017. It should be noted that the latest HAPC decision on a Certificate of Appropriateness (COA) for the patio addition (issued December 14, 2022) states that the historic marquee signage be re-submitted to the City for review as soon as possible.	

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. Humphrey. 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 Decision Criteria is provided in the table appearing on the following pages.

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
Does not support granting the Variance	Although the first floor commercial tenant space in the 10 N Beech Street building has never been leased since being constructed, staff does not believe this constitutes evidence that reasonable return and beneficial use are not possible. The space could likely be put to some sort of viable use absent the approval of a Variance enabling the construction of a one-story addition.

Criterion B	Whether the variance is substantial
Supports granting the Variance	The provision for <i>minimum</i> building height was first adopted as part of the 2003 rewrite of the Oxford Zoning Code. Previous to that, the only provision in place related to building height and specific to the subject property was a maximum height of 45 feet / 4 stories. While there isn't a record available indicating the purpose and intent behind the minimum height requirement which was incorporated into the Code in 2003, staff believes the general intent is to encourage greater density and intensity of property usage resulting in bulk and form more characteristic of a traditional "Main Street" business district. Staff believes this interest is probably greatest along major street like High Street, which has seen various one-story commercial uses be replaced with larger buildings over the years, with a notable example being 1 W High (formerly the site of a one-story Wendy's restaurant). If the proposal at hand were situated in a more prominently visible location with direct frontage on a major thoroughfare, the request would probably be seen as more substantial. Given that the location is situated on a more secondary street Uptown, staff is of the opinion that the request is not substantial.
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	For reasons as already stated under Criterion B, staff does not believe the essential character of the neighborhood will be negatively altered. The location of the proposed height reduction will not significantly compromise the urban "Main Street" feel of the Uptown business district, as compared to a more prominent location along High Street, Main Street, or Park Place.
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
Does not support granting the Variance	According to the applicant's letter, the property owner purchased the property with knowledge of this particular restriction.
Criterion F	Whether the property owners' predicament feasibly can be obviated through some method other than a variance
Does not support granting the Variance	While likely not considered a true "predicament" with respect to this criterion, the property owner's desire at this point is to help increase interest for a potential tenant to occupy the space. Despite long-running vacancy, staff believes the space could still be put to some other viable use without necessitating approval of a Variance to construct a one-story addition.

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	As previously stated, staff believes the general spirit and intent of this provision is to encourage greater density and intensity of property usage in Oxford's premier commercial area, resulting in bulk and form more characteristic of a traditional "Main Street" business district. In order to comply with the Zoning Code, the applicant would be forced to build at least one additional story upward. Because of the project's more concealed location on a secondary roadway, staff believes substantial justice would be done by granting the Variance.
Criterion H	Any other relevant factor
Supports granting the Variance	Staff believes the following additional factors support approving the Variance: 1. The Princess Theater building previously in existence on the site was one story tall and built up to the alley right-of-way. The proposal at hand thus represents a similar return to bulk and scale along this alley. 2. The proposal constitutes a minor addition to an existing building which is already four stories tall, thus the site as a whole largely already embodies the spirit of the minimum building height requirement. A request for a brand new building that was entirely one story would likely be viewed very differently. 3. Electrical/telephone cables currently exist overhead and would require relocation should the project be required to be built higher, thus increasing overall project cost and complexity.

CONCLUSION

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

SUBMITTED BY:



Zachary Moore, AICP
City Planner / GIS Coordinator

DATE: January 31, 2023

BZA-2022-04

**Surrounding
Property Owners
Notifications Map**

Legend

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



1 inch = 80 feet

Prepared on Friday, December 30, 2022

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.



Aerial Map

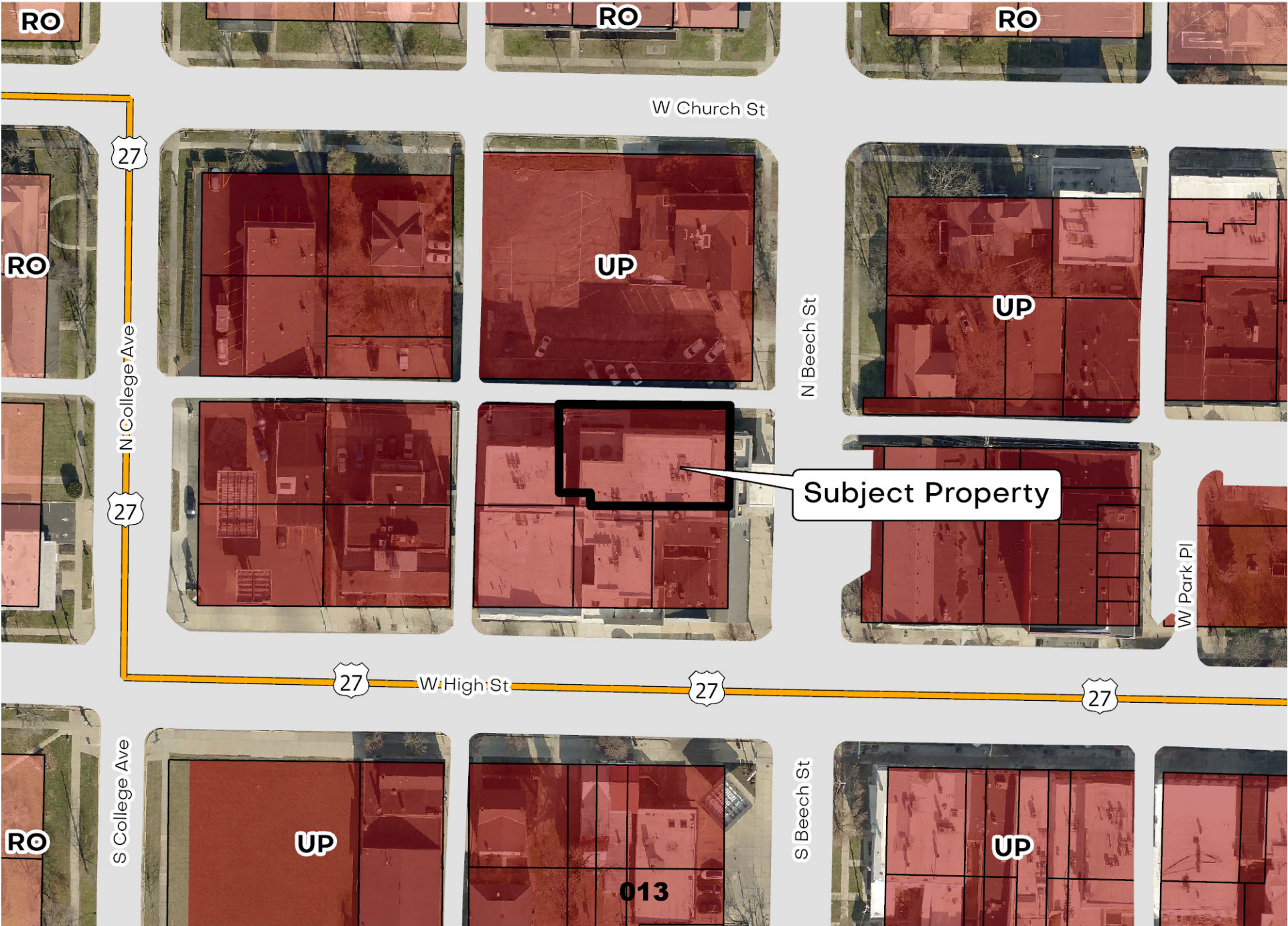
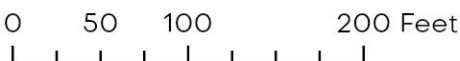
 Site

0 50 100 200 Feet



Zoning Map

 Site





Internal Use Only:

Case No.

BZA-2022-04

Date Filed

12/28/22

Petition for Zoning Variance

Petitioner Information

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

Name * Robert W. Humphrey

Mailing Address * Robert Treadon Architects 300 High Street Suite 612

City, State & Zip Code * Hamilton, Ohio 45011

Telephone Number(s) * (513) 863-7162 ext. 106

Email Address gmeyer@rtarchitects.com

Location of Property * 10 N. Beech Street Oxford, Ohio 45056

Name of Building * Princess Theater

Owner Information

Name * Rodbro Myers Rodbro Wood, LLC

Mailing Address * 21 N. Poplar Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * (513) 280-2714

Email Address lmyers@peopleshomeequity.com

Variance and Lot Information

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

Variance request to existing zoning code per Section 1143.10 (c) (3) (A): The additional second floor required for the building can not be achieved as there are apartments above the proposed first floor use and adhering to the code as written would block the windows of the existing apartments.

Location of Requested Variance * 10 N. Beech Street Oxford, Ohio 45056

Legal Description * New Lot 3855

Zoning District * UP - Uptown Total Acreage * 0.1933 Acres

Existing Use of Site * Vacant lot - Former locaton of the Princess Theater - A-1 Use Group

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 Princess Theater Entertainment Venue on first floor to meet all requirements for an A-2 use group. The existing apartments above to remain as is (R-2 use group).

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 Search¹ 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 \$200.00, plus \$100.00 for each additional variance request up to a maximum of \$1,000.00 plus postage charge.

Fees may increase if staff determines that you need more variances.

To calculate postage charges, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Petitioner Signature *

Date *

12/28/2022

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 fee(s) and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, 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).**

For Staff Use Only

Fee Paid Date *

Receipt Number *

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>

³ The United States Postal Service: <http://www.usps.com/>

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that

Robert W. Humphrey

(Applicant Name)

has permission to represent our interest with the City of Oxford regarding
Zoning Variance for One Story Covered Patio Area

(Application Description)

located at

10 North Beech Street, Oxford, Ohio

(Property Address/Location)

Thank you,

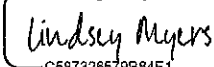
Lindsey Myers

(Property Owner Printed Name – must be a person)

Rodbro Myers Rodbro Wood LLC

(Property Owner Company Name – if applicable)

DocuSigned by:



C58732657968451

12/27/2022

(Property Owner Signature – must correspond to printed name above)

(Date)

300 High Street, Suite 612
Hamilton, Ohio 45011
(513) 863-7162 Fax (513) 863-1116
www.rtarchitects.com

Robert Treadon & Associates, Architects

December 28, 2022

Project:

10 North Beech Street – Oxford, Ohio - Construct a (1) story open air covered patio on the north
Side of the existing Princess Theater mixed use building.
Red Brick Property Management

City of Oxford, Ohio
COMMUNITY DEVELOPMENT DEPARTMENT
BOARD OF ZONING APPEALS

We hereby request a zoning variance for the installation of a new covered patio area to the north of
the existing building.

The proposed installation of a new covered patio area will be in violation of (1) one current City of
Oxford, Ohio Zoning Codes. Thus, variances are being requested for the following:

1. Per Section 1143.10 (c) (3) (A) : All uptown projects shall have a minimum building height of 23
feet, plus a minimum of (2) stories, above street grade. The proposed addition would be (1)
Story at 12'-9 1/4" from grade.

As stated in Section 1139.02 (c)(2) of the Oxford, Ohio Zoning Code, the Board shall consider the
following factors in determining the variance request:

- A. Whether the property in question will yield reasonable return on whether there can be any
beneficial use of the property without the variance.
The first floor of this property has never been leased and has sat vacant for (7) years. The
request by the potential future tenant will enhance the experience of an entertainment
Venue he want to establish on the first floor. There will be no direct affect on the return
the proposed addition in regards to the second, third, and fourth floor apartments or
fourth floor commercial use.

- B. Whether the variance is substantial.
We don't feel the variance is substantial in that as it sits right now its just a small grassy
area between the existing building and an alley. The proposed covered area would
enhance the proposed entertainment venue for extra gathering space.

- 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.
Since the variance is addressing a building height issue and the adjacent property
consists of an alley way and surface parking the addition should not have an adverse
effect on the adjacent properties.

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

The approval of the requested variances will NOT have any effect on delivery of government services.

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

The property owner understood the variance restriction but did not anticipate such a long period of time passing before securing a tenant for the first floor. This addition made the possible tenant much more interested in leasing the first floor in addition to the fact that it achieves future community activity where for the last (7) years has sat vacant.

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

The installation of the covered patio area can't be completed by any method other than the requested variance approvals since a second story to the addition would block the windows to the apartments above.

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

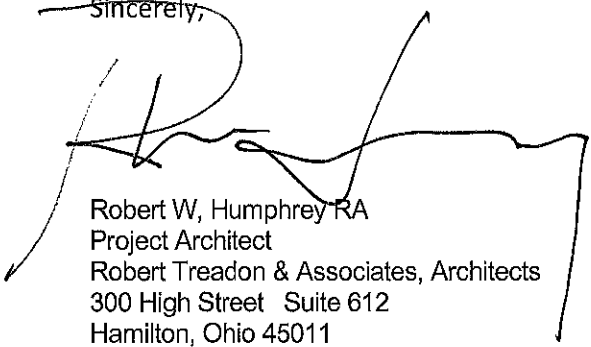
The approval of the requested zoning variance would allow the property owner and the tenant to add a venue to enhance the community environment as opposed to the ground floor of this building remaining vacant.

- H. Any other relevant factor.

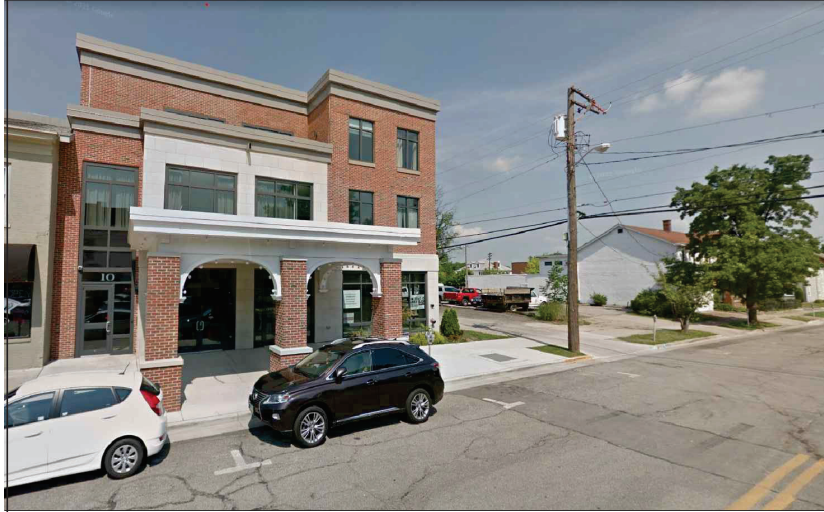
We feel the proposed addition reflects the aesthetics of the existing building and bring Activity to the vacant first floor.

If you have any questions regarding the attached submittal or require additional information, please contact me. Thank you very much for the assistance given thus far in this building project.

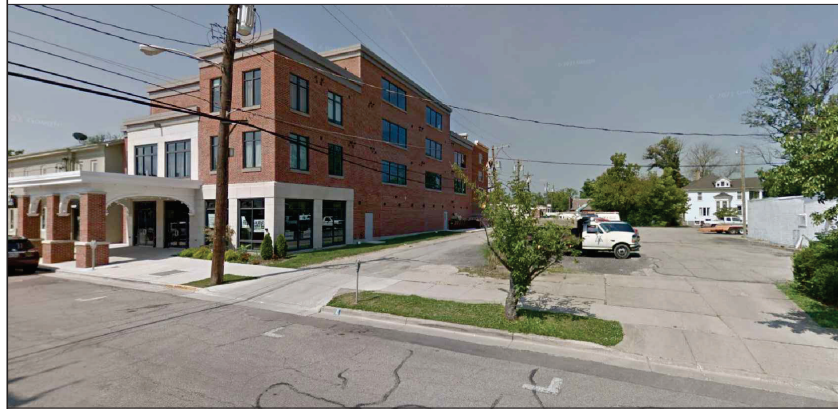
Sincerely,



Robert W, Humphrey RA
Project Architect
Robert Treadon & Associates, Architects
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F: (513) 863-1116
rhumphrey@rtarchitects.com



EXISTING EAST ELEVATION



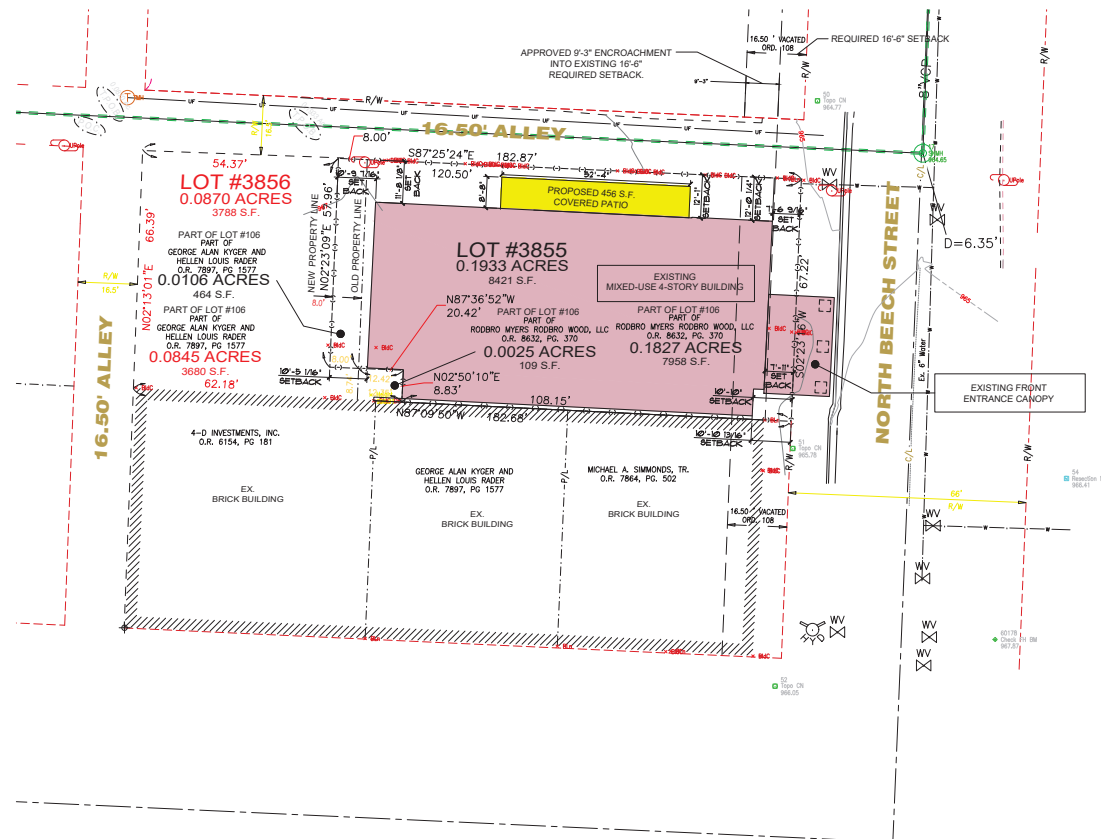
EXISTING NORTH ELEVATION



Proj. No. PT-1622	Sheet No. A900	NEW OPEN AIR ENCLOSURE FOR PROPOSED BAR THE PRINCESS THEATER 10 NORTH BEECH STREET OXFORD, OHIO 45066	Robert Treadon & Associates Architects 300 High Street, Suite 612 Hamilton, Ohio 45011 (613) 863-7162 Fax 863-1116		Date 10/15/23	Drawn by WYNNE MCQUEEN
					Title A	Scale

**LOT AREAS FOR ZONING
CALCULATIONS BASED UPON
COLSOLIDATION OF PLATS**

OLD PARCEL 142, PART OF OLD LOT 106= 7,958 SQ. FT. OR 0.1827 ACRES
OLD PARCEL 141, PART OF OLD LOT 106= 464 SQ. FT. OR 0.0106 ACRES
LOT 3855= 8,421 SQ. FT.. OR 0.1933 ACRES
OLD PARCEL 141, PART OF OLD LOT 106= 3,680 SQ. FT. OR 0.0845 ACRES
OLD PARCEL 142, PART OF OLD LOT 106= 109 SQ. FT. OR 0.025 ACRES
LOT 3856= 3,788 SQ. FT.. OR 0.0870 ACRES



**PROPOSED PATIO PLAN
ATTACHED TO EXISTING BUILDING**
SCALE: 1/16\" = 1'-0"

REFER TO FIRST FLOOR PLAN SHEET A1.00 FOR BUILDING CORNER SETBACKS FROM
PROPERTY LINES.
EXISTING SITE PLAN INFORMATION REPRODUCED FROM PLAT OF SURVEY FOR
COLSOLIDATION OF PLATS BY DAVID DOUGLAS SMITH, P.E. DATED 08/12/16 AND PROVIDED
TO THE OFFICE OF ROBERT TREADON AND ASSOCIATES, ARCHITECTS.

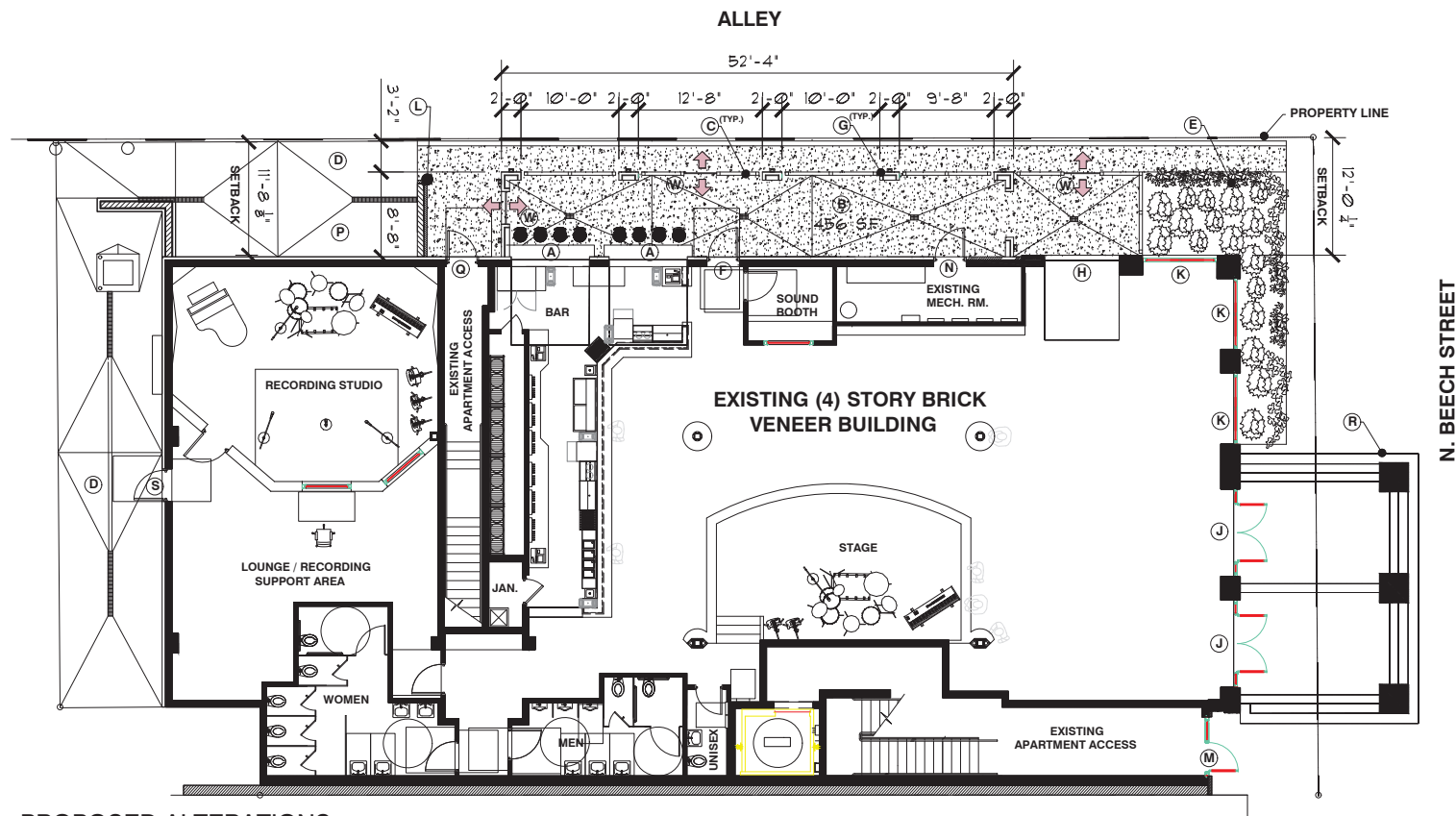
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NEW OPEN AIR ENCLOSURE
FOR PROPOSED BAR
THE PRINCESS THEATER
10 NORTH BEECH STREET
OXFORD, OHIO 45066

Proj. No. 16-000-002
Sheet No. **T1.01**



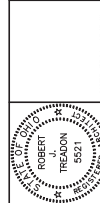
PROPOSED ALTERATIONS

- A. PROPOSED GLASS/ALUM. OVERHEAD DOOR (TO MATCH EXISTING STOREFRONTS) WITH BAR TOP
- B. NEW CONCRETE PATIO / SIDEWALK WITH STORM DRAINS
- C. 3'-4" HIGH BRICK VENEER WALLS BETWEEN BRICK COLUMNS TO MATCH EXISTING
- E. PROPOSED LANDSCAPING
- F. NEW GLAS/ALUM. BAR EGRESS DOOR TO MATCH EXISTING STOREFRONTS.
- G. BRICK COLUMNS. SEE ELEVATIONS
- H. PROPOSED OVERHEAD DOOR IN PLACE OF EXISTING STOREFRONT THIS LOCATION. (TO MATCH EXISTING)
- J. EXISTING GLASS/ALUM. STOREFRONT ENTRY DOORS
- K. EXISTING GLASS/ALUM. GLAZING.
- L. NEW BRICK VENEER WALL
- M. EXISTING GLASS/ALUM. ENTRY DOOR (TO APARTMENTS ABOVE)
- N. EXISTING MECHANICAL ROOM DOOR.
- P. BAR / APT. / RECYCLING LOCATION
- Q. EXISTING EGRESS DOOR (FROM APARTMENTS ABOVE)
- R. EXISTING ENTRANCE CANOPY
- S. NEW RECORDING STUDIO EGRESS DOOR
- T. EXISTING LIGHTING SCENCE (TYPICAL OF 3)
- U. PROPOSED NEW LIGHTING SCENCE (TYPICAL OF 9)
- V. CENTERLINE OF EXISTING POWER LINES
- W. DECORATIVE METAL GATE

PROPOSED PATIO PLAN ATTACHED TO EXISTING BUILDING

SCALE: 1/16" = 1'-0"

Proj. No.	Rev.	Date	Description
A	1	10/20/22	ISSUED FOR PERMIT
			REVISIONS



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NEW OPEN AIR ENCLOSURE
FOR PROPOSED BAR
THE PRINCESS THEATER
10 NORTH BEECH STREET
OXFORD, OHIO 45056

Proj. No. PT-2022
Sheet No. **A100**

