



**MINUTES
CITY OF COWETA BOARD OF ADJUSTMENT
REGULAR MEETING 6:30 PM MONDAY, OCTOBER 22, 2018
COWETA CITY HALL 310 S. BROADWAY, COWETA, OK 74429**

1. CALL TO ORDER:

Board of Adjustment Member Carter Mathews called the meeting to order at 7:02 P.M.

2. ROLL CALL:

Carter Mathews	Present
Kathleen Robinson	Present
Jessica Morris	Present
Joanna Jones	Present
Melanie Lander	Present

Board Member Carter Mathews requested that the roll be called and a quorum was declared to be present.

3. Discussion and consideration of the minutes of the regular meeting of May 21, 2018.

Motion by Board member Melanie Lander and a second by Board member Kathleen Robinson to approve the minutes for the May 21, 2018 regular meeting by a vote of 5-0.

Carter Mathews	Yes – to approve
Kathleen Robinson	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

4. PUBLIC HEARING ITEMS:

- A. Discuss and consider CBOA 18-04 a request from Sam Stokely, the Applicant, and Richard C. Gardner Real Estate LLC, the Property Owner, is seeking a Variance of the zoning code according to Section 18.16. (a). No off-site advertisement will be allowed that is not approved by the Board of Adjustment of the City of Coweta. The property is zoned CG. Located at 24809 E State Highway 51, in Section 27, Township 18 North, Range 15 East, of the Indian Meridian, Wagoner County, State of Oklahoma.

Public hearing was opened.

City Planner, Tom E. Young, Jr., presented the Staff Report and summarized the request by Sam Stokely, the Applicant, and Richard C. Gardner Real Estate LLC, the Property Owner, for a variance of the Coweta zoning code.

Andrew A. Shank, lawyer for the applicant, was present for the meeting and offered an explanation of his client's request and a rebuttal to the city's position on the matter. Mr. Shank encouraged the Board members to vote according to the law and not the city's intent. He passed out multiple documents with portions of the City's Zoning Code highlighted that he said helped to support their case. He stated that, according to all presented materials, his client had provided a statement of hardship and satisfied all 6 requirements of the Coweta Zoning Code.

Floor was opened for questions.

Board member Carter Mathews asked Mr. Shank if the billboard would be a regular billboard or a digital billboard. Mr. Shank replied that it would be a regular billboard with electric light fixtures.

Board member Melanie Landers asked about the hardship that must be met as a requirement of the Coweta Zoning Code to justify a variance. She asked if the hardship is because of the shape of the land and, because of the shape, they are unable to do anything else with it. Mr. Shank responded by reiterating his previous statements regarding the land being a "commercial peninsula" and the freeway sign corridor.

Board member Joanna Jones asked if there is a building on the land and where the location of the sign would be. Mr. Shank replied that there is a building on the land and the sign would be located between the building and the highway.

Board member Kathleen Robinson asked why the city does not want the sign. City Planner, Tom E. Young, Jr., replied by referring to the 2001 ordinance amendment by the Coweta City Council that enacted a moratorium on billboards.

City Attorney, Ron Cates, asked for clarification on the proposed sign and asked for the dimensions. Mr. Shank replied that the sign would be double-sided and would be 50 feet tall with a sign dimension of 14 ft. by 48 ft. To this, City Engineer, Chip Cohrs, stated that since there would be 2 sides to the sign, the sign dimension would have to be doubled since the code calls for a limit on total sign square footage.

City Attorney, Ron Cates, asked if the sign was changeable. Mr. Shank replied that the sign was not changeable, it was not digital and the only electric it had to it would be running the light fixtures.

Board member Kathleen Robinson inquired about the difference between a billboard and an off-site sign. City Attorney, Ron Cates, replied that billboards are changeable and off-site signs are not changeable, plus the differences in total square footage allowed. He continued by saying that variances are only granted if the zoning code requirements are met. He says the applicant has not met the hardship requirement.

A discussion then ensued between Mr. Shank and City Attorney, Ron Cates, regarding sections 18.15 and 18.16 of the Coweta Zoning Code and which section of the code applied in this situation. Mr. Cates concluded by saying that there must be proof of a hardship plus proof that the 6 requirements within the code have been met, as these items are reflective of state law, otherwise the variance is unlawful.

Board member Melanie Lander referred to the current sign code, section 18.16(A), numbers 2 and 8, which states off-site signs will be no larger than 8 feet by 8 feet and no higher than 24 feet. She said according to Mr. Shank's dimensions, the variance would be quite a large difference.

Board members Melanie Lander and Jessica Morris both agreed that they did not see how the hardship had been met.

Mr. Shank asked to confer with his client regarding the matter.

Per Mr. Shank, Mr. Stokely prefers to continue this matter until the next meeting of the Board of Adjustment. He would like to talk to the landowner and make sure that they want to proceed.

Motion by Board member Jessica Morris and a second by Board member Kathleen Robinson, to continue this request until the next meeting of the Board of Adjustment on November 26, 2018.

Motion passed by a vote of 5-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathleen Robinson	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

5. NEW BUSINESS:

NONE

6. ADJOURNMENT

Motion was made by Board member Jessica Morris and a second by Board member Melanie Lander to adjourn the meeting. Motion passed 5-0. Meeting was adjourned at 7:54 P.M.

Carter Mathews	Yes – to approve
Kathleen Robinson	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

Approved:

Melanie Lander
Chair

Tom E. Younger
Secretary

Date: 11/26/2018