



P.O. BOX 850 | COWETA, OKLAHOMA 74429 | PH. (918) 486-2189 | FAX (918) 486-5366 | www.cityofcoweta-ok.gov

**AGENDA - REGULAR MEETING
COWETA BOARD OF ADJUSTMENT
COWETA CITY HALL, 310 S. BROADWAY
IMMEDIATELY FOLLOWING THE MEETING OF
THE COWETA PLANNING COMMISSION
TUESDAY, FEBRUARY 22, 2022, 6:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Melanie Lander ____
Jessica Morris ____
Kathy Sloat-Ahlstrom ____
Carter Mathews ____
Joanna Jones ____

III. CONSENT

(All matters under the "Consent Calendar" are considered by the Board of Adjustment to be routine and will be enacted by one motion. Any Member may, however, remove an item from consent by request.)

1. MINUTES OF THE REGULAR MEETING

APPROVAL OF THE MINUTES OF THE COWETA BOARD OF ADJUSTMENT, REGULAR MEETING, HELD ON JANUARY 17, 2022.

Documents:

[01-17-2022 BOA MINUTES.DOCX](#)

IV. PUBLIC HEARINGS

1. PUBLIC HEARING - CBOA 22-03

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON CBOA 22-03, A REQUEST FOR A VARIANCE FROM SECTION 450 (A) OF THE COWETA ZONING CODE PERTAINING TO FRONT YARD REQUIREMENTS. THE PROPERTY IS ZONED RESIDENTIAL SINGLE-FAMILY (RS-3) AND IS LOCATED AT 28780 EAST 152ND STREET SOUTH IN SECTION 18, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA.

Documents:

[CBOA 22-03 AERIAL VIEW MAP WITH FLOODPLAN.PDF](#)
[CBOA 22-03 LOCATION MAP.PDF](#)
[CBOA 22-03 SURVEY.PDF](#)
[CBOA 22-03 ZONING MAP.PDF](#)
[PHNOTICE CBOA 22-03 SAM P DANIEL .DOCX](#)

V. OLD BUSINESS

1. CBOA 22-03

DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL, APPROVAL WITH CONDITIONS,

OR DENIAL OF CBOA 22-03, A REQUEST FOR A VARIANCE FROM SECTION 450 (A) OF THE COWETA ZONING CODE PERTAINING TO FRONT YARD REQUIREMENTS. THE PROPERTY IS ZONED RESIDENTIAL SINGLE-FAMILY (RS-3) AND IS LOCATED AT 28780 EAST 152ND STREET SOUTH IN SECTION 18, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA.

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[CBOA 22-03 SURVEY.PDF](#)
[CBOA 22-03 ZONING MAP.PDF](#)
[STAFFREPCBOA 22-03 SAM P DANIEL _TY 02-13-2022.DOCX](#)

VI. NEW BUSINESS

VII. ADJOURNMENT

IF YOU REQUIRE A SPECIAL ACCOMMODATION PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PLEASE NOTIFY CITY HALL BY 9:00 A.M. ON THE DATE OF THE MEETING.



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**MINUTES
COWETA BOARD OF ADJUSTMENT
COWETA CITY HALL, 310 S. BROADWAY
MONDAY, JANUARY 17, 2022**

I. CALL TO ORDER

Chairperson Jessica Morris called the meeting to order at 6:02 p.m.

II. ROLL CALL

Carter Mathews	Present
Kathy Sloat-Ahlstrom	Present
Jessica Morris	Present
Joanna Jones	Present
Melanie Lander	Absent

Chairperson Jessica Morris requested that the roll be called, and a quorum was declared to be present.

III. CONSENT

1. Consideration of the minutes of the regular meeting of October 18, 2021.

Motion was made by Board Member Carter Mathews and seconded by Board Member Kathy Sloat-Ahlstrom to approve Consent Agenda.

Motion passed by a vote of 4-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathy Sloat-Ahlstrom	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Not present

IV. PUBLIC HEARINGS

1. Public Hearing – CBOA 22-01

Public hearing to receive public comment on CBOA 22-01, a request for a variance to Section 240.2 (E)(4) of the Coweta Zoning Code pertaining to allowable aggregate square footage of accessory buildings, a request for a Special Exception to the Zoning Code according to Section 240.2 (E)(5) pertaining to the maximum aggregate square footage of accessory buildings in Section 240.2 (E)(2), and a request for a Special Exception to Section 240.2 (E)(3) pertaining to the relatable design standards for accessory buildings on property zoned RS-1 and located at 29665 East 158th Street South in Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, Oklahoma.

Chairperson Jessica Morris read the agenda item. The applicant, Mr. Tim Ahlstrom, was present for this meeting and gave the Board his reason for needing the large accessory

building. Ms. Morris opened the floor for public comment. There were no public comments. The public hearing for this item was closed.

2. Public Hearing – CBOA 22-02

Public hearing to receive public comment on CBOA 22-02, a request for a variance from Section 1950 pertaining to structural nonconformities of the Coweta Zoning Code, in particular Section 1950 (D)(1), on property zoned RS-3 and located at 15811 South 289th East Avenue in Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, Oklahoma.

Chairperson Jessica Morris read the agenda item. The applicant, Mr. Steven Terry, was present for this meeting and came forward to give the Board his reason for seeking the variance. Ms. Morris opened the floor for public comment. There were no public comments. The public hearing for this item was closed.

V. OLD BUSINESS

1. CBOA 22-01 – Special Exception Section 240.2 (E)(3)

Discussion and possible action including approval, approval with conditions, or denial of CBOA 22-01, a request for a Special Exception from Section 240.2 (E)(3) of the Coweta Zoning Code pertaining to relatable design of accessory buildings on property zoned RS-1 and located at 29665 East 158th Street South in Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, Oklahoma.

Chairperson Jessica Morris read the agenda item. City Planner, Tom E. Young Jr., read the Staff Report and explained the need for the Special Exception.

Ms. Morris asked the applicant, Mr. Tim Ahlstrom, about the plan for the color of the building. Mr. Ahlstrom replied that the color will be beige to match the house and the color of the roofing will match the sidewalls.

Ms. Morris made a motion to approve the Special Exception for Section 240.2 (E)(3) with the condition that the color of the accessory building be in harmony with the principal structure. Board Member Carter Mathews seconded that motion.

The motion passed by a vote of 3-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathy Sloat-Ahlstrom	Did not vote
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Not present

2. CBOA 22-01 – Variance Section 240.2 (E)(4)

Discussion and possible action including approval, approval with conditions, or denial of CBOA 22-01, a request for a variance from Section 240.2 (E)(4) of the Coweta Zoning Code pertaining to allowable aggregate square footage of accessory buildings on property zoned RS-1 and located at 29665 E. 158th St. South in Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, Oklahoma.

Chairperson Jessica Morris read the agenda item. City Planner, Tom E. Young Jr., read the Staff Report and explained the need for the Variance.

Ms. Morris made a motion to approve the Variance from Section 240.2 (E)(4). Board Member Carter Mathews seconded that motion.

The motion passed by a vote of 3-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathy Sloat-Ahlstrom	Did not vote
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Not present

3. CBOA 22-01 – Special Exception Section 240.2 (E)(5)

Discussion and possible action including approval, approval with conditions, or denial of CBOA 22-01, a request for a Special Exception from Section 240.2 (E)(5) pertaining to the maximum aggregate square footage of accessory buildings in Section 240.2 (E)(2) on property zoned RS-1 and located at 29665 East 158th Street South in Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, Oklahoma.

Chairperson Jessica Morris read the agenda item. City Planner, Tom E. Young Jr., read the Staff Report and explained the need for the Special Exception.

Ms. Morris asked the applicant, Mr. Tim Ahlstrom, about the size of his lot. Mr. Ahlstrom answered that his lot is almost one acre in size. Ms. Morris also inquired as to the style of the accessory building. Mr. Ahlstrom answered that the building will be a pole barn. Board Member Joanna Jones asked Mr. Ahlstrom where the building will be located on his lot. Mr. Ahlstrom explained that the building will have to be built next to his house in the side yard due to his septic system being located in the back yard. He stressed that the building in that location will still abide by the setbacks for his zoning.

Ms. Morris made a motion to approve the Special Exception for Section 240.2 (E)(5). Board Member Carter Mathews seconded that motion.

The motion passed by a vote of 3-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathy Sloat-Ahlstrom	Did not vote
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Not present

4. CBOA 22-02

Discussion and possible action including approval, approval with conditions, or denial of CBOA 22-02, a request for a variance from Section 1950 pertaining to structural nonconformities, in particular Section 1950 (D)(1) of the Coweta Zoning Code, on property zoned RS-3 and located at 15811 S. 289th East Avenue in Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian, Wagoner County, Oklahoma.

Chairperson Jessica Morris read the agenda item. Discussion took place between the Board Members and the Applicant regarding land surrounding this property, if future development in the area is likely, and the home they would like to put on the property if the variance is approved.

The City Planner, Mr. Tom E. Young, Jr., referenced Ordinance 593 to make the Board Members aware of the City Council's stance, at the time the ordinance was approved, on the placement of mobile/manufactured homes outside of RMHP and RMHS zoning.

Board Member Joanna Jones made a motion to approve the variance with the following conditions:

- The home must be occupied and if left vacant for 12 months, it must be removed.
- The home must be skirted and tied down appropriately, and the tongue removed.

Board Member Kathy Sloat-Ahlstrom seconded the motion.

The motion passed by a vote of 4-0 with the following votes cast:

Carter Mathews	Yes – to approve
Kathy Sloat-Ahlstrom	Yes – to approve
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Not present

VI. ADJOURNMENT

Chairperson Jessica Morris moved that the Coweta Board of Adjustment meeting be adjourned. There were no objections. The meeting was adjourned at 6:37 p.m.

Approved:

Chairperson

Secretary

Date

CBOA 22-03 VARIANCE SECTION 450



15E17N13

16E17N18

150th

Pecan

Cottonwood

Main Division

Aloka

151st

151st

152nd

152nd

SUBJECTS PROPERTY

15E17N24

285th E

16E17N19

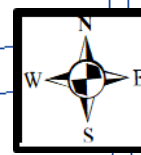
290th East

291st East

153rd



CBOA 22-03 VARIANCE SECTION 450



16E17N18

Atoka

Bristow

Division

Scott Addition

Main

151st

Cottonwood Acres

Pecan

Cottonwood

Westwood 150th

15E17N13

Stonebrook

285th East

285th E

15E17N24

Dale Estates

SUBJECTS PROPERTY

Park @ Coweta

151st

288th

152nd

152nd

289th East

Darr Addition

Claxton's II

291st East

290th East

16E17N19

153rd

Reynolds Sorenson Addition



DICE NO

INVOICE NO.: COLT 21-107411
MORTGAGOR: PATTON, KIMBERLY

CLIENT:

COLONIAL TITLE, INC.
100 WEST DAILY DRIVE, NEW YORK

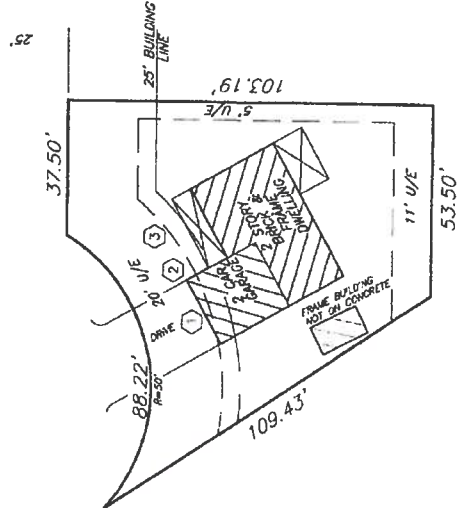
INVESTMENT BANK, ISACIA/ATIMA
OLD REPUBLIC NATIONALITY

HARVEST BANK, ISAAQ/ATIMA
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
21-3304

THE PROPERTY DESCRIBED HEREON IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, COVENANTS, RESTRICTIONS, EASEMENTS, LIMITATIONS AND SETBACK LINES CONTAINED IN THE RECORDED PLAT AND DEED OF DEDICATION OF REPLAT OF THE PARK AT COWETA.

THIS PROPERTY LIES IN ZONE "X-SHADED" FLOOD HAZARD
AREA PER F.I.R.M. MAP NUMBER 40145C0260H, AS LAST
REVISED 04/17/12.

C SOUTH 152ND STREET



LEGEND:

- 1 - GARAGE IS INTO U/E AS SHOWN.
2 - GARAGE IS OVER BUILDING LINE AS SHOWN.
3 - PORCH IS OVER BUILDING LINE AS SHOWN.

PLAT NO. N/A

LEGAL DESCRIPTION AS PROVIDED:

LOT TWELVE (12), BLOCK ONE (1), RE-PLAT OF THE PARK AT COWETA, A SUBDIVISION IN WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TOT HE RECORDED PLAT THEREOF, AND KNOWN AS 28780 SOUTH 152ND STREET.

PLAT NO. N/A

SURVEYOR'S STATEMENT:

[illegible]

WITNESS MY HAND AND SEAL THIS DATE:

WARNING If the seal on this document is not RED, it is an unauthorized copy which may have been altered or modified, and cannot be used for any purpose without the written permission of White Sulphur Company.

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SAS - S: \COUNTRIES\WAGONER PARK AT CORNETA REPLAY\0001\1013\1024\11M21.DAT 11/01/2011

CBOA 22-03 VARIANCE SECTION 450

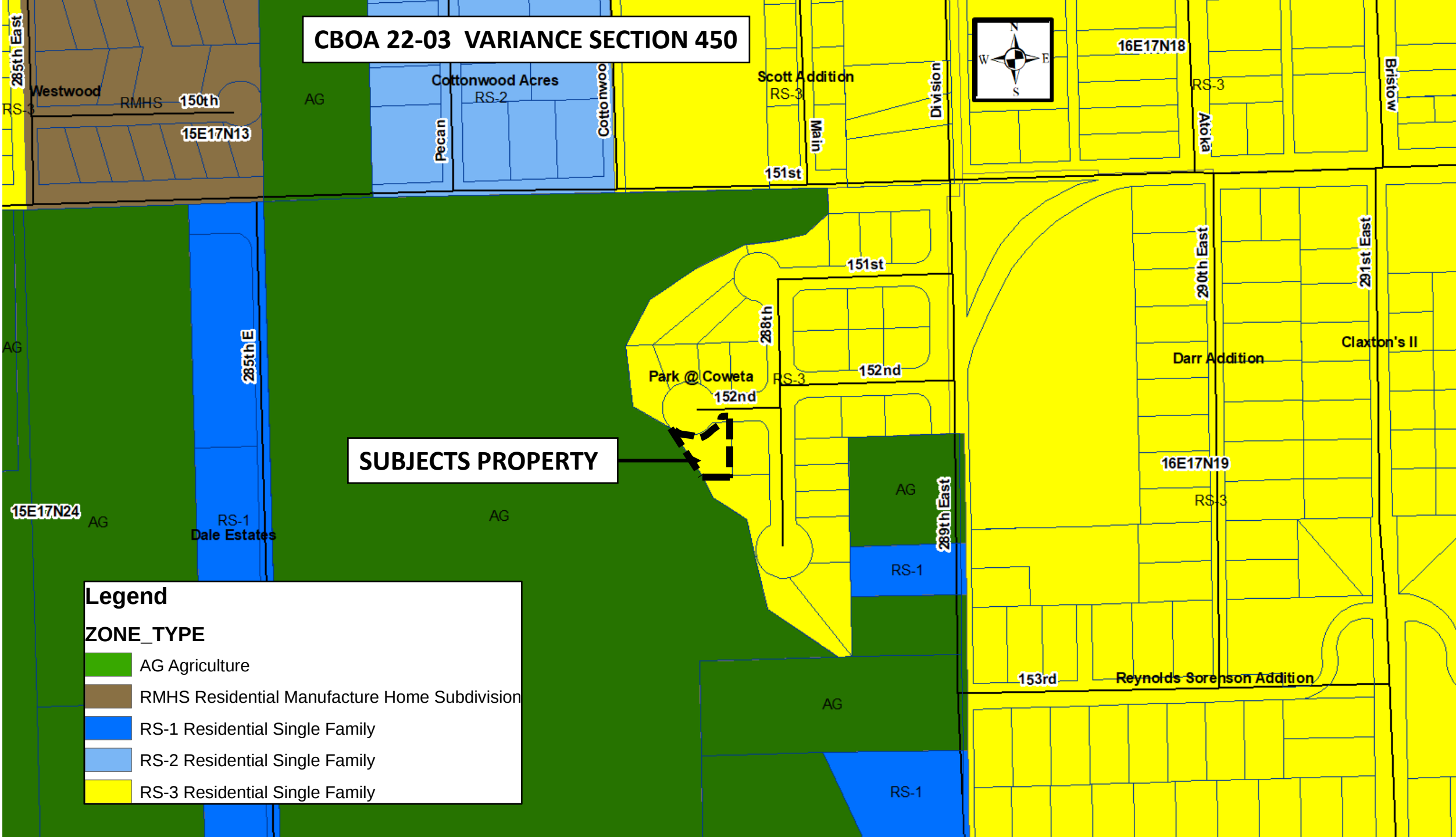


SUBJECTS PROPERTY

Legend

ZONE_TYPE

- AG Agriculture
- RMHS Residential Manufacture Home Subdivision
- RS-1 Residential Single Family
- RS-2 Residential Single Family
- RS-3 Residential Single Family



**NOTICE OF A PUBLIC HEARING BY THE COWETA BOARD OF
ADJUSTMENT: CASE NUMBER CBOA 22-03**

Notice is hereby given that the City of Coweta Board of Adjustment will hold a Public Hearing at Coweta City Hall, 310 S. Broadway, Coweta, Oklahoma at 6:00 pm on the 22nd day of February 2022.

At the above time and place a request will be heard from Sam P. Daniel, for the Property owner's is seeking a variance of the zoning code according to Section 450 Minimum Yard Requirements: Section 450 (a) Front Yard; Requirements. Located at 28780 East 152nd Street South, Coweta, Oklahoma, in Section 24, Township 17 North, Range 15 East of the Indian Base and Meridian, also known as:

Lot Twelve (12), Block One (1), RE-PLAT OF THE PARK AT COWETA, A Subdivision in Wagoner County, State of Oklahoma, according to the record Plat thereof.

All persons interested in this matter may be present at the hearing to present their support for or objections to the above request.

For additional information, contact the Community Development Department at City Hall 918-486-2189. Please reference the above case number when calling.

Dated at Coweta, Oklahoma this 19th Day of January 2022.

CBOA 22-03 VARIANCE SECTION 450



15E17N13

16E17N18

150th

Pecan

Cottonwood

151st

Division
Main

Aloka

151st

152nd

152nd

SUBJECTS PROPERTY

15E17N24

285th E

16E17N19

290th East

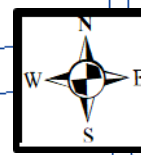
291st East

153rd

289th East



CBOA 22-03 VARIANCE SECTION 450



16E17N18

Atoka

Bristow

Division

Scott Addition

Main

151st

Cottonwood Acres

Pecan

Cottonwood

Westwood 150th

15E17N13

Stonebrook

285th East

285th E

15E17N24

Dale Estates

SUBJECTS PROPERTY

Park @ Coweta

151st

288th

152nd

152nd

289th East

Darr Addition

Claxton's II

291st East

290th East

16E17N19

153rd

Reynolds Sorenson Addition



DICE NO

INVOICE NO.: COLT 21-107411
MORTGAGOR: PATTON, KIMBERLY

CLIENT:

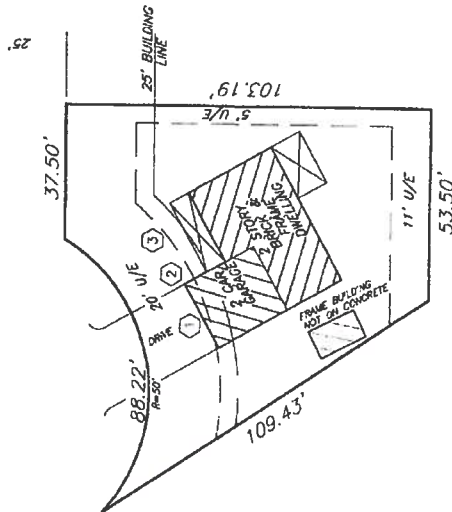
COLONIAL TITLE, INC.
HARVEST BANK, ISAQA/ATIMA
OLD REPUBLIC NATIONAL TITLE
21-3304

21-3304

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THIS PROPERTY LIES IN ZONE "X-SHADED" FLOOD HAZARD
AREA PER F.I.R.M. MAP NUMBER 40145C0260H, AS LAST
REVISED 04/17/12.

G SOUTH 152ND STREET



• **UNESGO**

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- 2 -- GARAGE IS OVER BUILDING LINE AS SHOWN.
- 3 -- PORCH IS OVER BUILDING LINE AS SHOWN.

PLAT NO. N/A

LEGAL DESCRIPTION AS PROVIDED:

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PLAT NO. N/A

SURVEYOR'S STATEMENT:

[illegible]

WITNESS MY HAND AND SEAL THIS DAY:

WARNING! If the seal on this document is not RED, it is an unauthorized copy which may have been altered or modified, and cannot be used for city purpose without the written permission of White Surveying Company.

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CBOA 22-03 VARIANCE SECTION 450

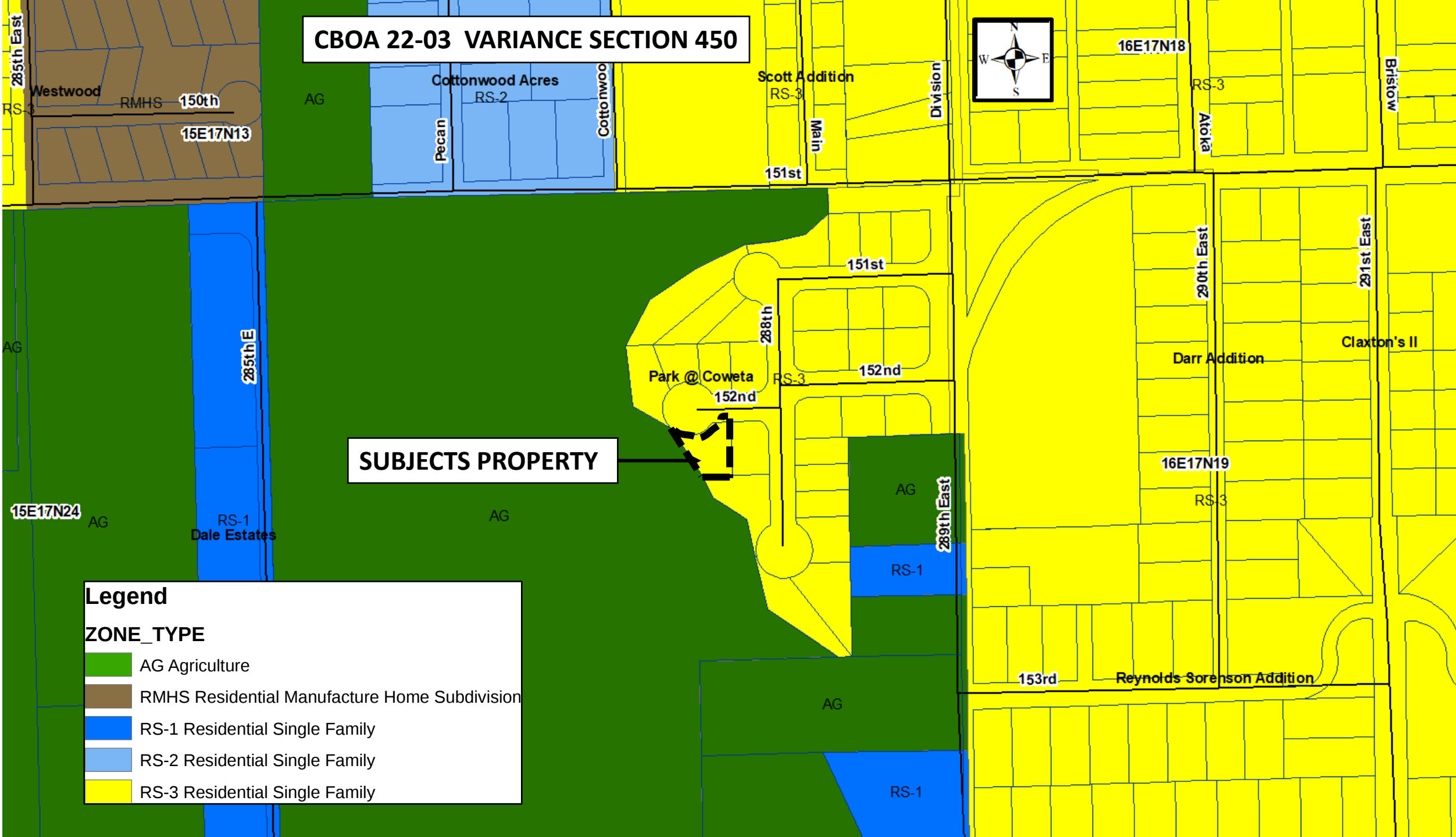


SUBJECTS PROPERTY

Legend

ZONE_TYPE

- AG Agriculture
- RMHS Residential Manufacture Home Subdivision
- RS-1 Residential Single Family
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Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Mark Seibold, Community Development Director
Re: CBOA 22-03
Date: 02-22-2022

BACKGROUND

Applicant

The applicant, Sam P. Daniel, Attorney at Law, for the property owner's, Kimberly Patton and Julius Patton, husband and wife, are seeking;

- 1) A variance of the zoning code according to Section 450 Minimum Yard Requirements;
 - (a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to the appropriate distance shown below:

<u>District</u>	<u>Arterial Streets</u>	<u>Non-Arterial Streets</u>
RS-3	35 feet	25 feet
- 2) A variance for the encroachment in the twenty (20) feet utility easement.

Case Facts

- The location of the request is 28780 East 152nd Street South, The property is zoned Residential Single Family (RS-3).
- The property legal description: Lot Twelve (12), Block One (1), RE-PLAT OF THE PARK AT COWETA, A Subdivision in Wagoner County, State of Oklahoma, according to the record Plat thereof.
- The applicant is requesting the variance from Section 450 Minimum Yard Requirements; (a) Front yard - the minimum twenty-five (25) feet, front yard setback requirement on a non-arterial street and a variance for the encroachment in the twenty (20) feet utility easement that abuts East 152nd Street South. If the variance for the front yard setback and twenty (20) feet utility easement are approved, the garage and the house will encroach into the front building setback at just one (1) point, not along the entire front yard setback.
- The construction building permit for the house was approved August 29, 2006, with the site plan showing the garage on the left side of the house. The house was built with the garage on the right side of the house.

Pertinent Code

Section 2170.3. Board of Adjustment Action

The Board shall hold the hearing and upon the concurring vote of three members may grant a variance after finding:

- (a) That by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship.
- (b) That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district,
- (c) That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

Provided that the Board, in granting a variance, shall prescribe appropriate conditions and safeguards and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

The City's legal standard in Zoning Code Section 2170.3 is based on Oklahoma state statute legal standard in 11 O.S. 11 O.S. §44-107:

§ 44-107. Variances

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance may be granted, in whole, in part, or upon reasonable conditions as provided in this article, only upon a finding by the board of adjustment that:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

The Board of Adjustment can approve, conditionally approve, or disapprove the variance request. The concurring vote of at least three (3) members of the board is required for approval per 11 O.S. §44-105 and Zoning Code Section 2170.3.

BOARD ACTION

The Board of Adjustment may vote to deny any variance or special exception, vote to approve any variance or special exception, or vote to approve any variance or special exception with conditions. The Board of Adjustment may consider the following actions;

- 1) A variance of the zoning code according to Section 450 Minimum Yard Requirements;

Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to the appropriate distance shown below:

<u>District</u>	<u>Arterial Streets</u>	<u>Non-Arterial Streets</u>
RS-3	35 feet	25 feet

- 2) A variance for the encroachment in the twenty (20) feet utility easement.

ATTACHMENTS

1. Aerial View Map. 2. Location Map. 3. Zoning Map. 4. Public Hearing Notice.