



P.O. BOX 850
COWETA, OK 74429
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www.cityofcoweta-ok.gov

**AGENDA - REGULAR MEETING
COWETA BOARD OF ADJUSTMENT
COWETA CITY HALL, 310 S. BROADWAY
MONDAY, DECEMBER 16, 2024 6:00 PM**

MEETING PROCEDURE: Comments on all scheduled agenda items will be heard immediately following the presentation by staff or the petitioner. Please wait until you are recognized by the Chair and keep your comments as brief as possible. Individuals addressing the Trustees must identify themselves by name prior to making any comments. The Trust Authority will consider, discuss, and may take action on, approve, adopt, amend, reject, deny, table, or not take action on any item listed on this agenda after comments from staff and the Trust Authority have been heard.

I. CALL TO ORDER

II. ROLL CALL

Joanna Jones ____ Kristi Rentie ____ Jessica Mugg ____ Briana Libey ____

III. CONSENT

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

1. MINUTES OF REGULAR MEETING

Approval of the minutes of the Coweta Board of Adjustment Meeting held on November 18, 2024. (*Anita Lee, Community Development Administrative Assistant*)

IV. PUBLIC HEARING(S)

1. CBOA 24-08 - SPECIAL EXCEPTION TO ALLOW RETAIL AND WHOLESALE STORAGE IN CG. SECTION 12-9B-4 A.2.W.

Public Hearing to receive public comment on CBOA 24-08, a request for a Special Exception to allow a combined retail, and up to 20,000 SF wholesale distribution storage use, in the General Commercial (CG) zoning district. Section 12-9B-4 A.2.w. The location of the property is 12055 South State Highway 51.

Carolyn Back, Community Development Director

2. CBOA 24-09 - VARIANCE TO ALLOW EIGHT (8) METAL STORAGE CONTAINERS AND A VARIANCE TO ALLOW TEMPORARY USE OF GRAVEL THE AG ZONE. SECTION 12-5-10 C.2. AND 3.

Public Hearing to receive public comment on CBOA 24-09, a request for a Variance to allow eight (8) 8 ft x 40 ft metal storage shipping containers in the Agriculture (AG) zone district for a duration not to exceed the date of December 31, 2025; and, a Variance for the temporary placement of a gravel pad to be removed by December 31, 2025. (Section 12-5-10 C.3.) The

location of the property is 12315 South 273rd East Avenue.

Carolyn Back, Community Development Director

3. **CBOA 24-10 - SPECIAL EXCEPTION TO ALLOW SINGLE-FAMILY USE TO REMAIN IN (CG). SECTION 12-16-3 F**

Public Hearing to receive public comment on CBOA 24-10, A request for a Special Exception to allow for existing single-family uses to remain on General Commercial (CG) zoned properties until such time the non-conforming uses fail to comply with City of Coweta Code of Ordinances. Section [12-16-3 F](#). The location of the request is 210 East Pine Street.

Carolyn Back, Community Development Director

4. **CBOA 24-11 A VARIANCE OF THE SIDE YARD SETBACK IN GENERAL COMMERCIAL (CG) DISTRICT. SECTION 12-9B-6 B.2.**

Public Hearing to receive public comment on CBOA 24-11, a request for a Variance from the side yard setback, on a corner lot, from 25-ft to 2-ft in the General Commercial (CG) District. Section 12-9B-6 B.2 The location of the request is 29618 East Highway 51.

Carolyn Back, Community Development Director

V. ADMINISTRATION

1. **CBOA 24-08 - SPECIAL EXCEPTION TO ALLOW RETAIL AND WHOLESALE STORAGE IN CG. Section 12-9B-4 A.2.w.**

Discuss and consider action on CBOA 24-08, a request for a Special Exception to allow a combined retail, and up to 20,000 SF wholesale distribution storage use, in the General Commercial (CG) Zoning District. (Section 12-9B-4 A.2.w.) The location of the property is 12055 South State Highway 51.

Carolyn Back, Community Development Director

2. **CBOA 24-09 - VARIANCE TO ALLOW EIGHT (8) METAL STORAGE CONTAINERS AND A VARIANCE TO ALLOW TEMPORARY USE OF GRAVEL THE AG ZONE. SECTION 12-5-10 C.2. AND 3.**

Discuss and consider action on CBOA 24-09, a request for a Variance to allow eight (8) 8 ft x 40 ft metal storage shipping containers in the Agriculture (AG) Zone District for a duration not to exceed the date of December 31, 2025; and, a Variance for the temporary placement of a gravel pad to be removed by December 31, 2025. (Section 12-5-10 C.3.) The location of the property is 12315 South 273rd East Avenue.

Carolyn Back, Community Development Director

3. **CBOA 24-10 - SPECIAL EXCEPTION TO ALLOW SINGLE-FAMILY USE TO REMAIN IN (CG). SECTION 12-16-3 F**

Discuss and consider action on CBOA 24-10, A request for a Special Exception to allow for existing single-family uses to remain on General Commercial (CG) zoned properties until such time the non-conforming uses fail to comply with City of Coweta Code of Ordinances. Section [12-16-3 F](#). The location of the request is 210 East Pine Street.

Carolyn Back, Community Development Director

4. **CBOA 24-11 A VARIANCE OF THE SIDE YARD SETBACK IN (CG). SECTION 12-9B-6 B.2.**

Discuss and consider action on CBOA 24-11, a request for a Variance from the side yard

setback, on a corner lot, from 25-ft to 2-ft in the General Commercial (CG) District. (Section 12-9B-6 B.2) The property is zoned General Commercial (CG). The location of the request is 29618 East Highway 51.

Carolyn Back, Community Development Director

VI. 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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AGENDA
CITY OF COWETA BOARD OF ADJUSTMENT
REGULAR MEETING 6:00 PM MONDAY, NOVEMBER 18, 2024
COWETA CITY HALL 310 S. BROADWAY, COWETA, OK 74429

BOARD MEMBERS PRESENT: JOANNA JONES, KRISTI RENTIE, JESSICA MUGG

BOARD MEMBERS ABSENT: BRIANA LIBEY

PLEDGE OF ALLEGIANCE

CALL TO ORDER

The meeting was called to order by Board Member Joanna Jones at 6:00 p.m.

ROLL CALL

Roll call taken. Board of Adjustment members were present as shown above.

CONSENT

Consideration of the minutes of the regular meeting held on October 28, 2024.

Jessica Mugg made a motion to approve the minutes, Kristi Rentie seconded the motion.

Aye: Jessica Mugg
Kristi Rentie
Joanna Jones

PUBLIC HEARINGS

Joanna Jones opens the public hearing.

PUBLIC HEARING CBOA 24-07

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON CBOA 24-07, A REQUEST FOR VARIANCE FROM THE LOCATION OF AN ALLOWED ACCESSORY BUILDING FROM THE REAR YARD TO THE SIDE YARD. (ZONING CODE SECTION: 12-5-10 YARDS; SECTION 12-5-10 B (5) (B) (2).) THE PROPERTY IS ZONED RESIDENTIAL SINGLE-FAMILY (RS-1). THE LOCATION OF THE REQUEST IS 25703 EAST 107TH STREET SOUTH. (TOM E YOUNG, JR)

No Comments

ADMINISTRATION

CBOA 24-07

DISCUSS AND POSSIBLE ACTION INCLUDING APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF CBOA 24-07 A REQUEST FOR A REQUEST FOR VARIANCE FROM THE

LOCATION OF AN ALLOWED ACCESSORY BUILDING FROM THE REAR YARD TO THE SIDE YARD. (ZONING CODE SECTION: 12-5-10 YARDS; SECTION 12-5-10 B (5) (B) (2).) THE PROPERTY IS ZONED RESIDENTIAL SINGLE-FAMILY (RS-1). THE LOCATION OF THE REQUEST IS 25703 EAST 107TH STREET SOUTH. (TOM E YOUNG, JR)

No Comments

MOTION:

Board Member Kristi Rentie made a motion to APPROVE the request, Jessica Mugg seconded the motion.

Aye: Kristi Rentie
Jessica Mugg
Joanna Jones

ADJOURNMENT

The meeting was adjourned by Board Member Joanna Jones at 6:02 p.m.

X

Date: _____

Chairperson

X

Date: _____

Secretary



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Memorandum

To: Honorable Chair and Board of Adjustment Members

From: Carolyn Back, Community Development Director

Re: **CBOA 24-08 - Special Exception to allow Retail and Wholesale Storage in CG. Section 12-9B-4 A.2.w.**

Date: December 16, 2024

BACKGROUND

Special Exception Request

The applicant, Randy Scott, is requesting a Special Exception to allow the construction of a new 6,400 SF commercial building that will contain retail and wholesale distribution storage uses in the General Commercial (CG) zoning district. Property Location: 12055 South State Highway 51.

A Special Exception is required to allow a combined retail, and up to 20,000 SF wholesale distribution storage use, in the General Commercial (CG) zoning district. (Section 12-9B-4 A.2.w). The applicant will be required to submit a site plan with their building permit application that will comply with all commercial zoning development standards to include any screening required to include dumpster enclosure. No construction of any kind may take place in the designated floodway.

Granting this Special Exception will allow Mr. Scott to move his commercial business to a commercial location. Once the building is constructed, the fireworks storage, sales, distribution, and operations located at his personal residence will be permanently transferred to this commercial and wholesale distribution storage building.

In Case Number CBOA 24-09, Mr. Scott is requesting a Variance to allow for eight (8) 8 ft x 40 ft storage containers to be placed on his personal agriculture (AG) zoned property that will require solid fence screening, storage spacing requirements for fire code purposes, and will require storage containers to be removed from his personal property on a self-imposed timeline of five (5) removed by July 15th, 2025 and three (3) removed by December 31, 2025. This will correspond with the completion of the new commercial building.

Hearing; Board Action

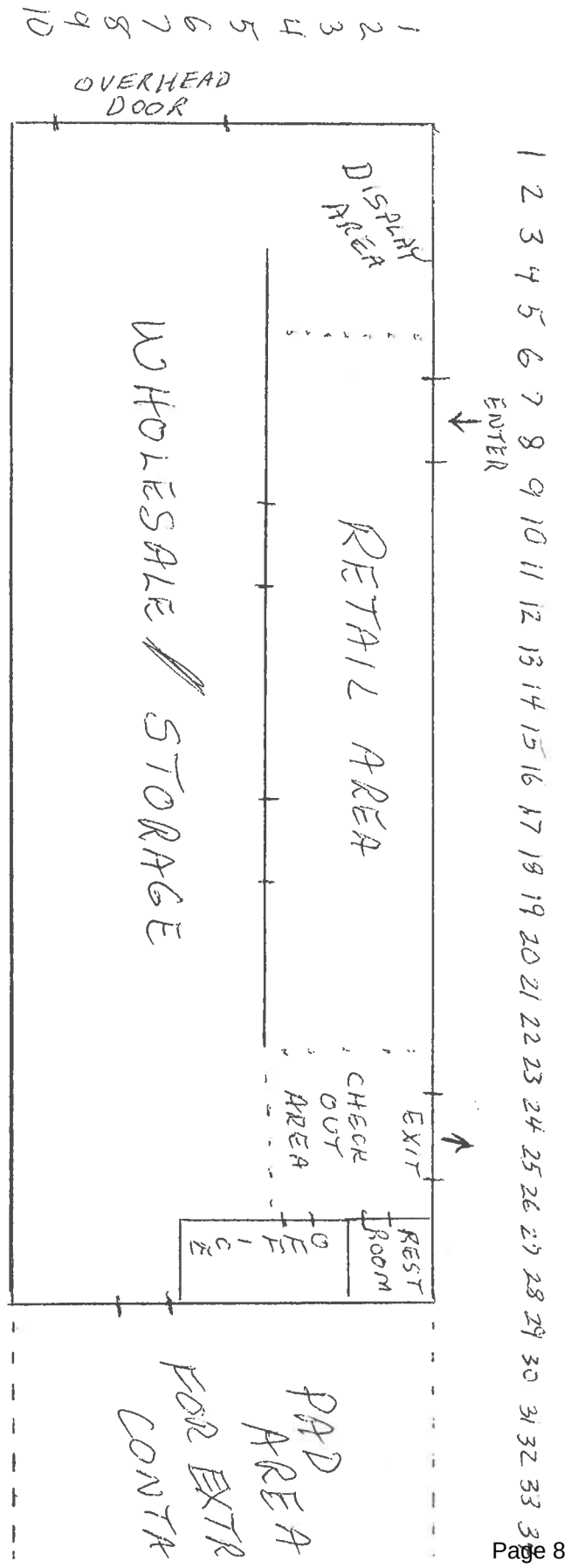
The Board of Adjustment shall hold the hearing and, upon the concurring vote of three members, may grant the special exception after finding that the Special Exception will be in harmony with the spirit and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, provided that the Board, in granting Special Exception, 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.

Time Limitation

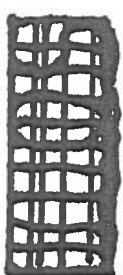
A Special Exception which has not been utilized within one year from the date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this subsection, the term "utilization" means actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

STAFF RECOMMENDATION**ATTACHMENTS**

1. CBOA 24-08 Site Plan
2. CBOA 24-08 Location Map
3. CBOA 24-08 Aerial View W FloodPlain
4. CBOA 24-08 Zoning Map



- * EACH SQUARE IS 5'
- * BUILDING 140' X 50'
- * RETAIL AREA 1600 TO 1700 SQ'
- * METAL BUILDING
- * W/ WATER SPRINKLERS
- * 1 RESTROOM
- * 1 OFFICE
- * 1 ENTRANCE
- * 1 EXIT
- * 1 OVERHEAD DOOR.

GREAT 
SCOTT
FIREWORKS
918-695-6584

119TH

CBOA 24-08 LOCATION MAP

119TH

273RD EAST

STATE HIGHWAY 51

274TH EAST

Creek Hollow II

15E18N35

Timber Ridge Plaza

15E18N36

SUBJECT PROPERTY

278TH EAST

Creek Hollow I

Steeplechase Apartments

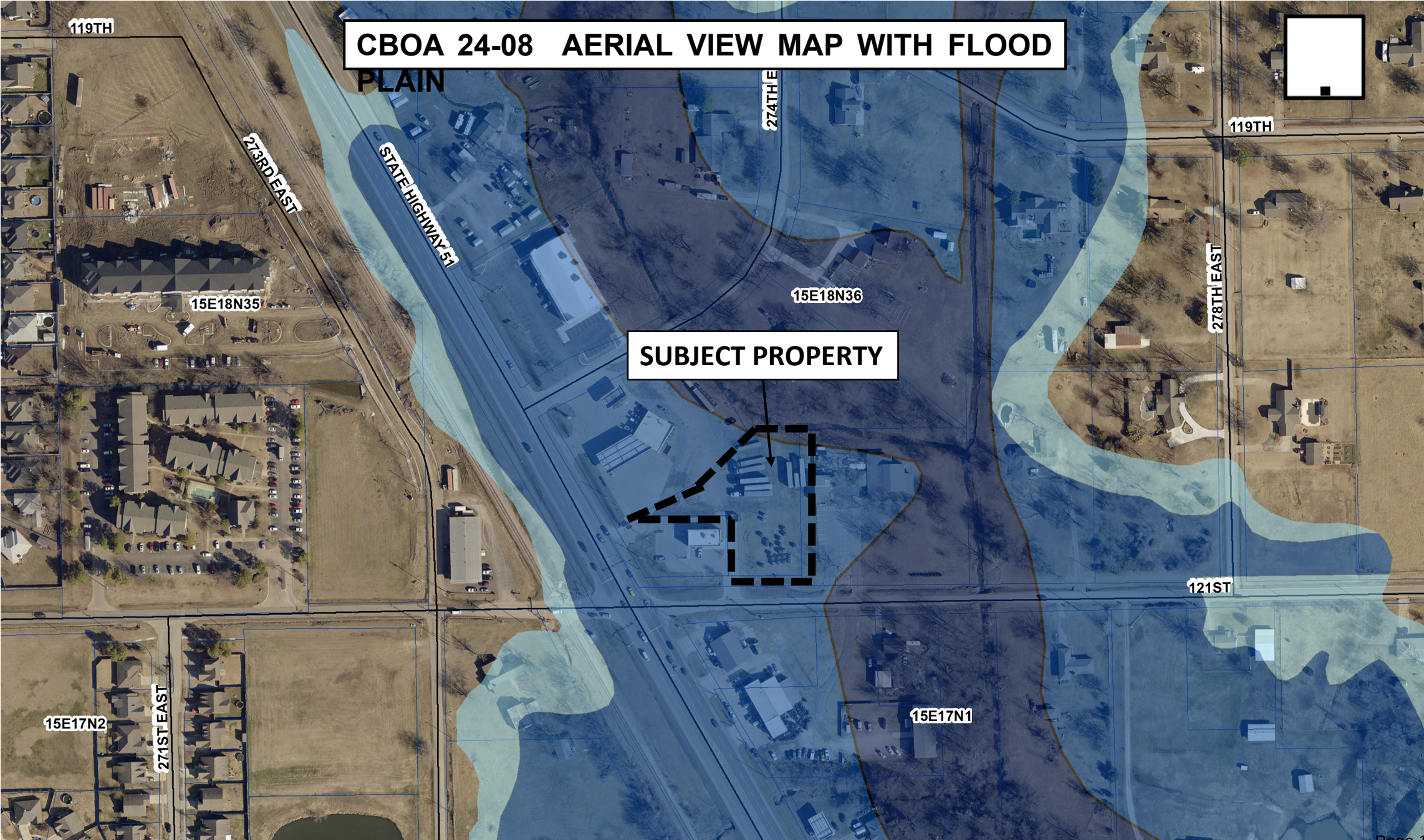
121ST

15E17N2

271ST EAST

Timber Ridge Crossing I

15E17N1



119TH

CBOA 24-08 ZONING MAP

119TH

273RD EAST

STATE HIGHWAY 51

274TH EAST

278TH EAST

15E18N35

RS-3

Timber Ridge Plaza

Creek Hollow II

AG

15E18N36

SUBJECT PROPERTY

CG

CG

Creek Hollow I

121ST

Steeplechase Apartments

RS-1

15E17N2

271ST EAST

RS-3

Timber Ridge Crossing I

CG

CG

15E17N1

AG

CG

IL



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Memorandum

To: Honorable Chair and Board of Adjustment Members

From: Carolyn Back, Community Development Director

Re: **CBOA 24-09 - Variance to allow eight (8) metal storage containers and a Variance to allow temporary use of gravel the AG Zone. Section 12-5-10 C.2. and 3.**

Date: December 16, 2024

BACKGROUND

Variance Requests

The applicant, Randy Scott, in Case Number CBOA 24-09, is requesting a Variance to allow for eight (8) 8 ft x 40 ft metal storage shipping containers to be placed on his private agriculture (AG) zoned property located at 12315 South 273rd East Avenue. (Section 12-5-10 C.3.)

The applicant is also in need of a Variance for the temporary placement of a gravel pad to set the storage containers on while situated on his property with a timeline imposed for the gravel to be removed by December 31, 2025. (Section 12-5-10 C.2.)

The above requested storage containers require a solid screening fence, storage spacing requirements for Division 1.4 explosives per adopted fire code, and will require the eight (8) storage containers to be removed from the applicants' property on an agreed timeline of: five (5) containers removed by July 15th, 2025 and the three (3) remaining containers removed by December 31, 2025. This timeline will correspond with the anticipated completion and occupation of the new commercial building under CBOA 24-08.

City of Coweta and Fire Code Excerpts

From the Coweta Fire Marshal

Division 1.4 Explosives

Distance to/from an inhabited building (residential or commercial) is 100 feet.

Distance to/from a Public Traffic Route (any public street, road, or highway) is 100 feet

City of Coweta Zoning Code

12-5-12 Screening Wall Or Fence

For the purpose of maintaining a compatible relationship between certain land uses, a screening requirement is hereby established for the initiation and continuance of particular uses in such instances as may be hereinafter designated.

When the provisions of this title require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

Shall be constructed with customarily used fencing materials that are compatible with the surrounding area and shall be designed and arranged to provide visual separation of uses irrespective of vegetation.

Shall not be less than six feet in height.

Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.

Shall be erected prior to the occupancy of the building or initiation of the use required to be screened.

Maintenance. The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain after notice by the Building Inspector shall constitute an offense hereunder.

Granting these two (2) Variances will allow Mr. Scott to move his commercial business to a commercial location. Once the new commercial building is constructed, the fireworks storage, sales, distribution, and operations located on his private property will be permanently transferred to his new commercial and wholesale distribution storage building; therefore, the timelines for these two Variances are important.

If inclined to approve, Staff requests the Board consider requiring the following conditions:

1. Provide a detailed site plan showing the location of the eight (8) 8 ft x 40 ft storage containers, the temporary gravel pad, the required Division 1.4 explosives setbacks per the fire code, and the required solid screening fencing.
2. Staff also recommends requiring a taller screening fence to cover the height of the storage containers. Some containers online appear to be 9.5 feet tall. Our screening fence shall not be less than 6 feet tall, but allows for taller, if specified.
3. Temporary gravel must be removed from the property by December 31, 2025.
4. It is worth noting on the record, that these storage containers are 320 square feet each. Per the City Ordinance, all storage containers, greater than 120 square feet, require a permit through the City.

Hearing; Board Action

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

1. 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 this title would result in unnecessary hardship.
2. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district.
3. That the Variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this title or the comprehensive plan.
4. That the Variance, if granted, would be the minimum necessary to alleviate the necessary hardship.

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.

Time Limitation

A Variance which has not been utilized within one year from the date of the order granting the Variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this subsection, the term "utilization" means actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

STAFF RECOMMENDATION

ATTACHMENTS

1. CBOA 24-09 Site Plan
2. CBOA 24-09 Location Map
3. CBOA 24-09 Aerial View W FloodPlain
4. CBOA 24-09 Zoning Map

South 273rd East Ave

STANLEY
L

SCOTT

SCOTT

230'
to House

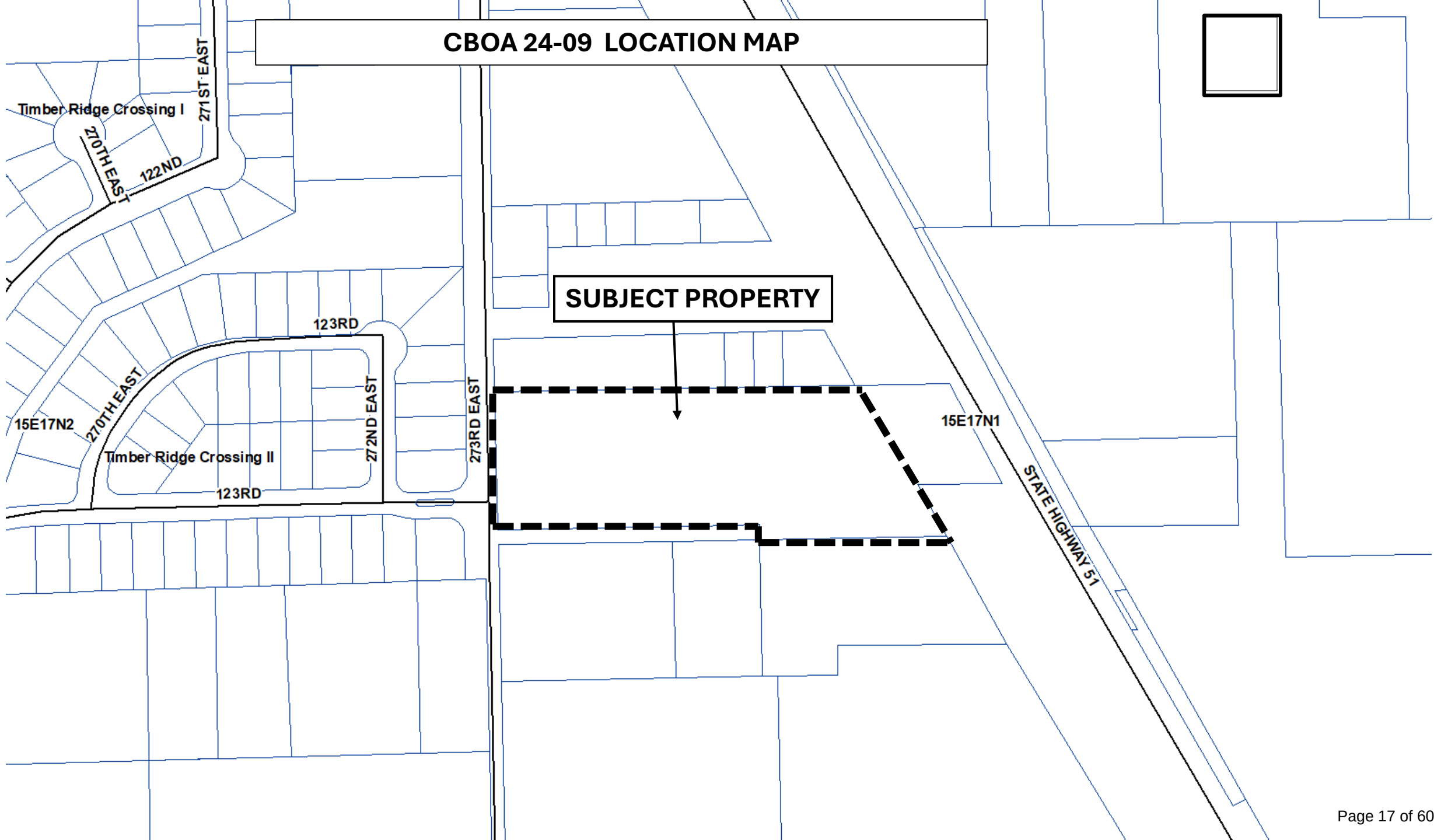
170' to House

1021

120'
to House

BACKYARD

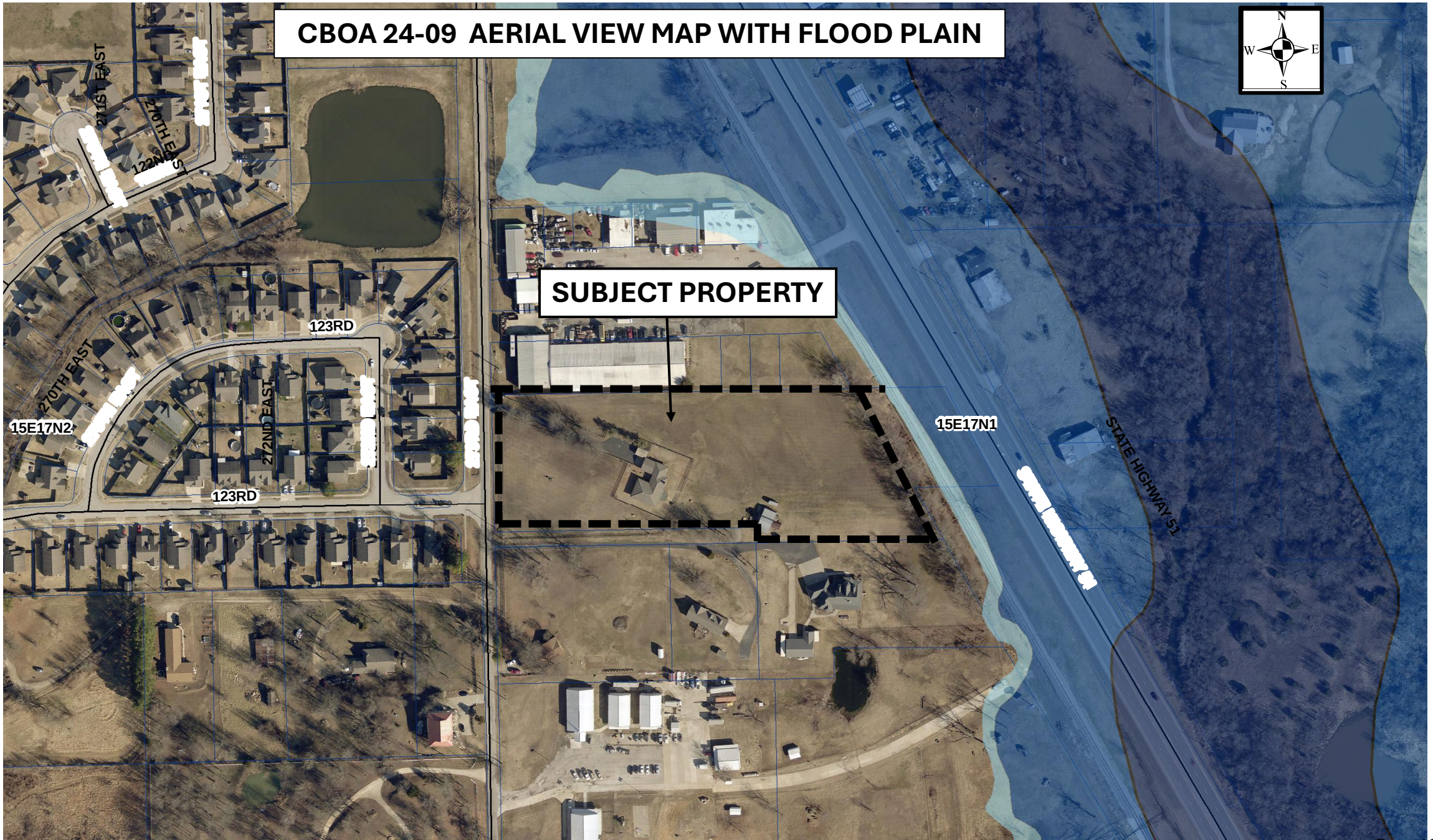
CBOA 24-09 LOCATION MAP



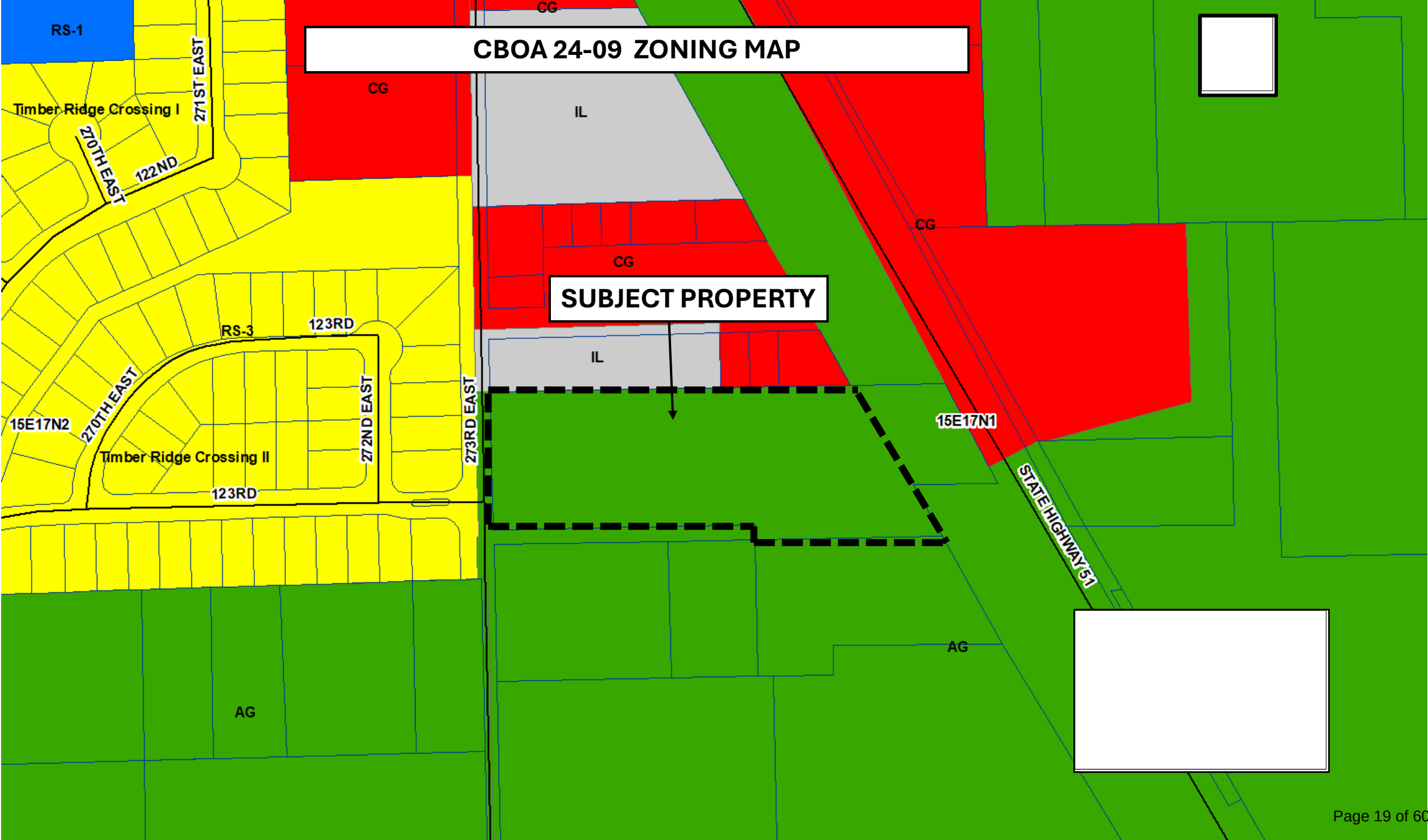
CBOA 24-09 AERIAL VIEW MAP WITH FLOOD PLAIN



SUBJECT PROPERTY



CBOA 24-09 ZONING MAP





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Memorandum

To: Honorable Chair and Board of Adjustment Members

From: Carolyn Back, Community Development Director

Re: **CBOA 24-10 - Special Exception to allow Single-Family use to remain in (CG).
Section 12-16-3 F**

Date: December 16, 2024

BACKGROUND

Special Exception Request

The applicant, Olaf Williams, is seeking a Special Exception to allow for existing single-family uses to remain on General Commercial (CG) zoned properties until such time the non-conforming uses fail to comply with the City of Coweta Code of Ordinances. [Section 12-16-3 F. A nonconforming use of a building, or of a building and land in combination, when located within a district, other than a residential district, \[General Commercial\] may, as a Special Exception, be changed upon approval of the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.](#)

The property is zoned General Commercial (CG). The location of the request is 210 East Pine Street, also known as: The North 70 feet of West 15 feet of Lot 3 and North 70 feet of Lots 4, 5, 6, 7, and 8, Block 36, Town of New Coweta, Wagoner County, State of Oklahoma, according to the recorded plat thereof.

The applicant desires to sell his properties, but has two houses on one lot and three houses on one deed.

Therefore, Mr. Williams has filed for an Administrative Minor Subdivision (lot split) to be reviewed and approved by staff to get each house on its own lot while meeting all Development Standards to include setback requirements. Granting this Special Exception will bring the two houses on one lot from their legal, non-conforming status, into conformance. The proposed change will not result in any increase of incompatibility with the present and future use of the

proximate properties and will actually clean up the nonconforming status and help to create clear title for the two houses being located on separate lots.

The Minor Subdivision has been submitted to staff and is under review, pending the BOA Special Exception case before the Board.

The requested Special Exception as presented will be in harmony, spirit, and intent of the zoning code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

City of Coweta Zoning Code

12-16-3 Nonconforming Use of Buildings Or Buildings And Land In Combination

12-16-3 (F) A nonconforming use of a building, or of a building and land in combination, when located within a district other than a residential district, may, as a special exception, be changed upon approval of the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

12-3B-10 Special Exceptions

A. Enumeration. The Board of Adjustment, upon application and after hearing, subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

1. Special Exception uses as designated and regulated within the zoning district's "uses permitted by special exception" section.

Board of Adjustment Hearing

The Board of Adjustment shall hold the hearing and, upon the concurring vote of three members, may grant the Special Exception after finding that the special exception will be in harmony with the spirit and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, provided that the Board, in granting special exception, 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.

Time Limitation

A special exception which has not been utilized within one year from the date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this subsection, the term "utilization" means actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

STAFF RECOMMENDATION

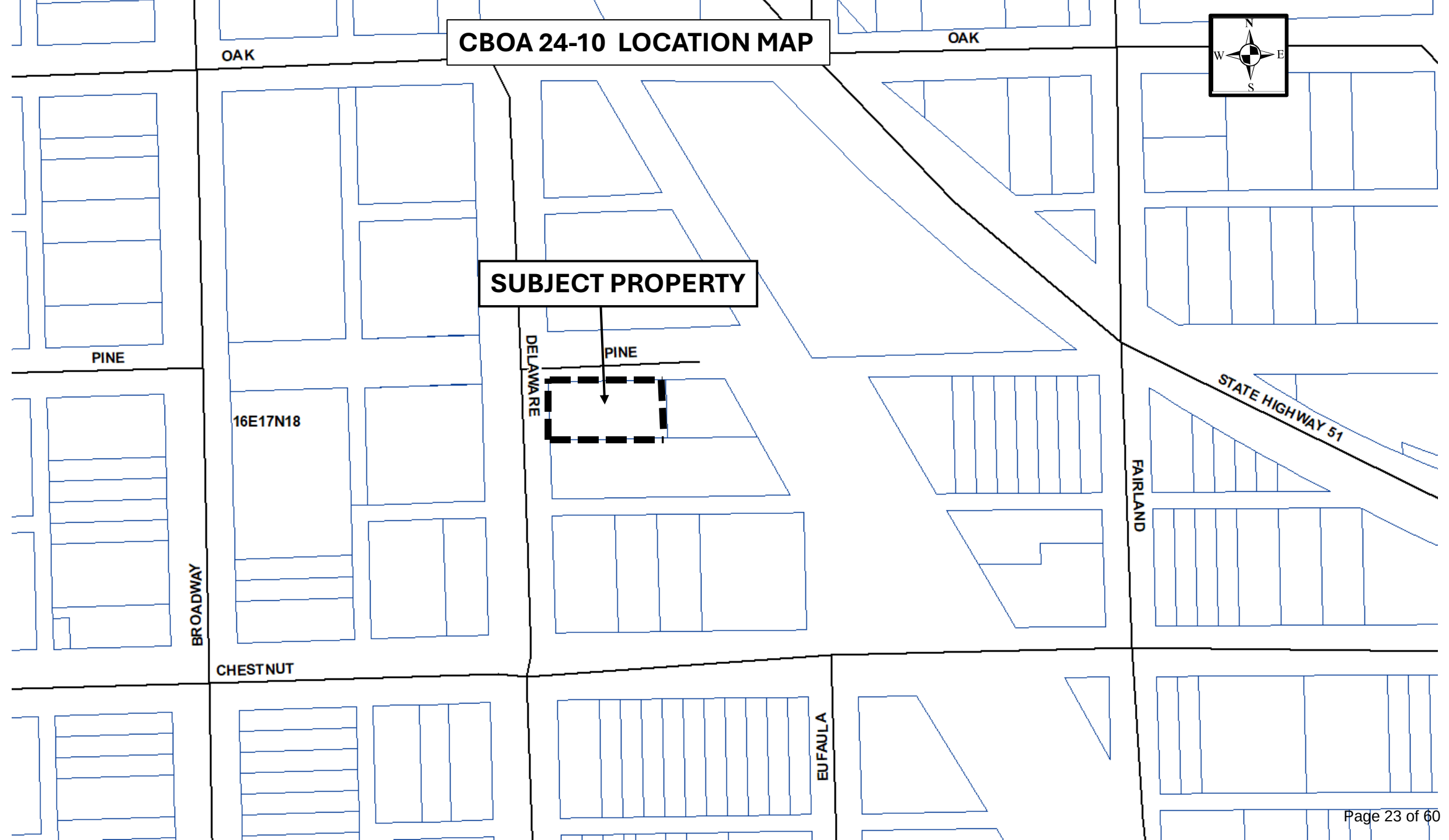
ATTACHMENTS

1. CBOA 24-10 Location Map
2. CBOA 24-10 Aerial View Map
3. CBOA 24-10 Zoning Map

CBOA 24-10 LOCATION MAP



SUBJECT PROPERTY



**CBOA 24-10 AERIAL VIEW
MAP**

**SUBJECT
PROPERTY**

16E17N18

CHESTNUT

BROADWAY

PINE

OAK

OAK

DELAWARE

PINE

FAIRLAND

STATE HIGHWAY 51

EUFAULA

CBOA 24-10 ZONING MAP

SUBJECT PROPERTY

OAK

RS-3

PINE

16E17N18

DELAWARE

PINE

CG

STATE HIGHWAY 51

FAIRLAND

CHESTNUT

CH

EUFAULA

RS-3



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Memorandum

To: Honorable Chair and Board of Adjustment Members

From: Carolyn Back, Community Development Director

Re: **CBOA 24-11 A Variance of the Side Yard Setback in General Commercial (CG) District. Section 12-9B-6 B.2.**

Date: December 16, 2024

BACKGROUND

Variance Request

On behalf of the applicant, Dr. Benjamin Bowman with Bowman Investment Properties LLC, a Variance is requested to grant relief from the conditions imposed by Zoning Code Section 12-9B-6 B.2, governing building setbacks for General Commercial (CG) zoning. The proposed building (specifically a Dental Office) will be constructed at the southeast corner of State Highway 51 and Fairland Avenue in the City of Coweta. The applicant seeks relief from the setback requirement of twenty-five (25) feet on the side yard to construct the proposed dental office.

Property Location, Zoning, and Legal Description

The location of the request is 29618 E Highway 51 and the property is zoned General Commercial (CG). The property legal description: The South Half of Lots Eight (8) through Eleven (11) and all of Lots Twelve (12) through Sixteen (16) Block Thirty-four (34), LESS that part for Highway, NEW COWETA, Wagoner County, State of Oklahoma, according to the recorded Plat thereof.

The building proposed is located on lots 13,14,15, and 16 of block 34 of the New Coweta City Plat. Lots 15 and 16 are twenty-five (25) feet wide due to the plat being an old town plat. The current zoning code specifies that since Lot 15 is located on a corner, the building setback would be 25-ft from the property line. The purpose of this requirement is to ensure that any street can be widened in the future if necessary. However, in this case, the right-of-way that was provided for Fairland Avenue is 60-ft wide, which is more than the 50-ft that would be

needed per the Coweta Major Street and Highway Plan. In addition, the church to the west of Fairland Avenue does not comply with the setback outlined in the zoning code. This would mean that the portion of Fairland Avenue adjacent to the subject property will not be able to be widened in the future.

City of Coweta Zoning Code

12-9B-6 Minimum Yard Requirements

12-9B-6 B (2) Side yards.

2. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the street plan, to a setback distance of 35 feet on arterial streets and 20 feet for non-arterial streets.

According to State Statutes and the City of Coweta Zoning Code, for a Variance to be granted, the applicant must prove:

- (a) The application of the Ordinance to the particular piece of property would create an unnecessary hardship;
- (b) Such conditions are peculiar to the particular piece of property involved;
- (c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan;
- (d) The Variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Applicant's Variance Justification

- (a) The Ordinance as written would completely eliminate the buildable area of Lot 15
- (b) The zoning code setback requirements are very broad to ensure future road widening, if it is necessary. However, this specific property and area has sufficient right-of-way already acquired. In addition, the property to the west has an existing building built on the property line. This makes it impossible to ever widen Fairland Avenue.
- (c) The purpose of this requirement is to ensure that any street can be widened in the future if necessary. However, in this case, the right-of-way that was provided for Fairland Avenue is 60-ft wide, which is more than the 50-ft that would be needed per the Coweta Major Street and Highway Plan.
- (d) The requested setback will allow a 45-ft building to be built on the property which is a typical building width for a 50-ft lot.

Article 12-3B-9D Time limitation

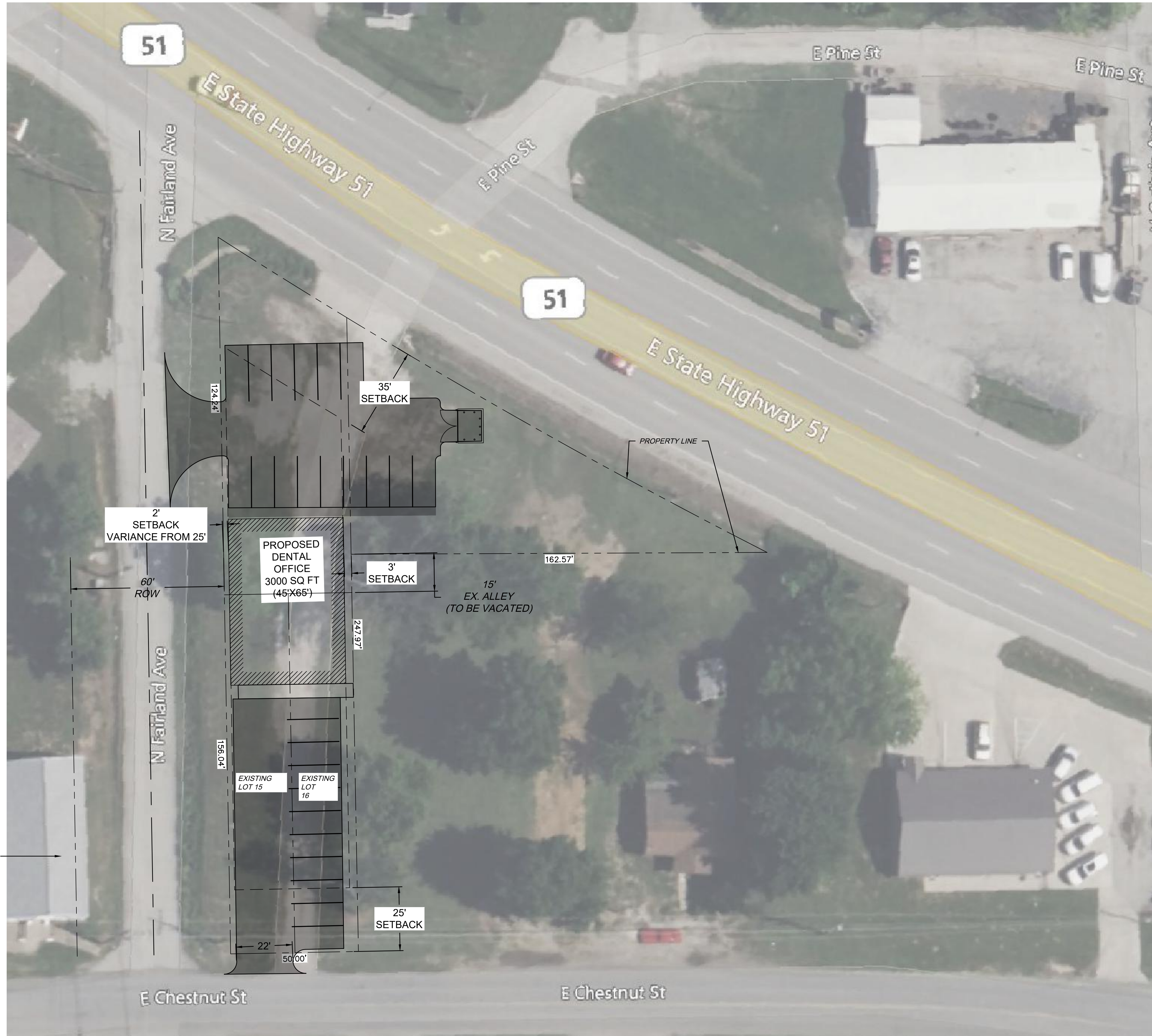
A variance which has not been utilized within one year from date of the order granting the Variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this subsection, the term "utilization" means actual use or the

issuance of a building permit, when applicable, provided construction is diligently carried to completion.

STAFF RECOMMENDATION

ATTACHMENTS

1. CBOA 24-11 Site Plan
2. CBOA 24-11 Location Map
3. CBOA 24-11 Aerial View Map
4. CBOA 24-11 Zoning Map



SHEET
4

COWETA, OKLAHOMA

2024

COWETA, OKLAHOMA

CUT Land Development LLC
OK CA #9155 EXP. 06/30/26



CBOA 24-11 LOCATION MAP

SUBJECT PROPERTY

Mission Acres West

PINE

GUTHRIE

STATE HIGHWAY 51

16E17N18

FAIRLAND

CHESTNUT

EU FAULA

GUTHRIE



CBOA 24-11 AERIAL VIEW MAP

SUBJECT PROPERTY

PINE

16E17N18

FAIRLAND

STATE HIGHWAY 51

GUTHRIE

CHESTNUT

EUFAULA

GUTHRIE

CBOA 24-11 ZONING MAP

SUBJECT PROPERTY

Mission Acres West
RS-2

PINE

GUTHRIE

STATE HIGHWAY 51

FAIRLAND

16E17N18

CHESTNUT

CG

AG

EUFULA

RS-3

RS-3

GUTHRIE



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

Memorandum

To: Honorable Chair and Board of Adjustment Members

From: Carolyn Back, Community Development Director

Re: **CBOA 24-08 - Special Exception to allow Retail and Wholesale Storage in CG. Section 12-9B-4 A.2.w.**

Date: December 16, 2024

BACKGROUND

Special Exception Request

The applicant, Randy Scott, is requesting a Special Exception to allow the construction of a new 6,400 SF commercial building that will contain retail and wholesale distribution storage uses in the General Commercial (CG) zoning district. Property Location: 12055 South State Highway 51.

A Special Exception is required to allow a combined retail, and up to 20,000 SF wholesale distribution storage use, in the General Commercial (CG) zoning district. (Section 12-9B-4 A.2.w). The applicant will be required to submit a site plan with their building permit application that will comply with all commercial zoning development standards to include any screening required to include dumpster enclosure. No construction of any kind may take place in the designated floodway.

Granting this Special Exception will allow Mr. Scott to move his commercial business to a commercial location. Once the building is constructed, the fireworks storage, sales, distribution, and operations located at his personal residence will be permanently transferred to this commercial and wholesale distribution storage building.

In Case Number CBOA 24-09, Mr. Scott is requesting a Variance to allow for eight (8) 8 ft x 40 ft storage containers to be placed on his personal agriculture (AG) zoned property that will require solid fence screening, storage spacing requirements for fire code purposes, and will require storage containers to be removed from his personal property on a self-imposed timeline of five (5) removed by July 15th, 2025 and three (3) removed by December 31, 2025. This will correspond with the completion of the new commercial building.

Hearing; Board Action

The Board of Adjustment shall hold the hearing and, upon the concurring vote of three members, may grant the special exception after finding that the Special Exception will be in harmony with the spirit and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, provided that the Board, in granting Special Exception, 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.

Time Limitation

A Special Exception which has not been utilized within one year from the date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this subsection, the term "utilization" means actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

Board Motion:

In the case of CBOA 24-08, I make a motion to _____ a Special Exception to allow the construction of a new 6,400 SF, not to exceed 20,000 SF, commercial building that will contain retail and wholesale distribution storage uses in the General Commercial (CG) zoning district. Finding that the Special Exception will be in harmony with the spirit and intent of this zoning code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, provided that the Board, in granting the Special Exception, 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.

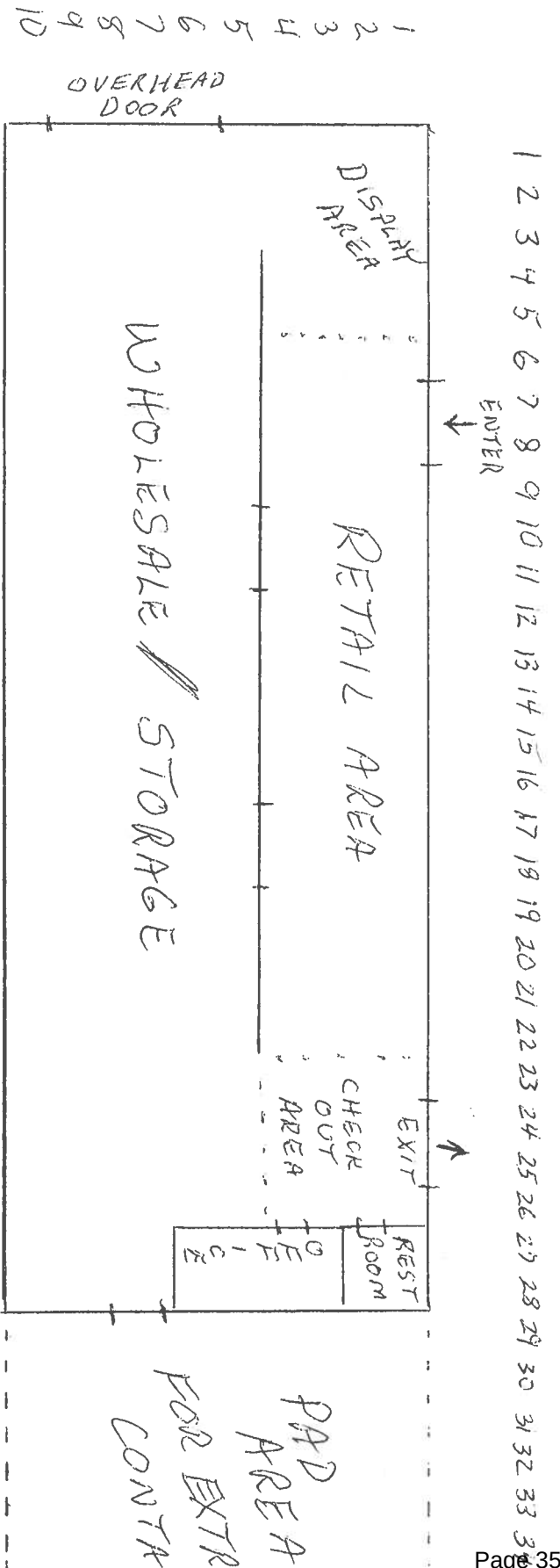
The concurring vote of at least three (3) members of the Board of Adjustment is required for approval per code.

STAFF RECOMMENDATION

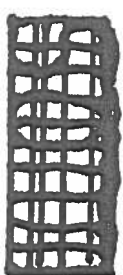
Staff recommends approval

ATTACHMENTS

1. CBOA 24-08 Site Plan
2. CBOA 24-08 Location Map
3. CBOA 24-08 Aerial View W FloodPlain
4. CBOA 24-08 Zoning Map



- * EACH SQUARE IS 5'
- * BUILDING 140' X 50'
- * RETAIL AREA 1600 TO 1700 SQ'
- * METAL BUILDING
- * W/ WATER SPRINKLERS
- * 1 RESTROOM
- * 1 OFFICE
- * 1 ENTRANCE
- * 1 EXIT
- * 1 OVERHEAD DOOR.

GREAT 

SCOTT

FIREWORKS

918-695-6584

119TH

CBOA 24-08 LOCATION MAP

119TH

273RD EAST

STATE HIGHWAY 51

274TH EAST

278TH EAST

121ST

15E18N35

15E18N36

Timber Ridge Plaza

Creek Hollow II

SUBJECT PROPERTY

Steeplechase Apartments

Creek Hollow I

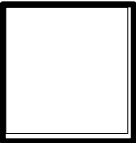
15E17N2

15E17N1

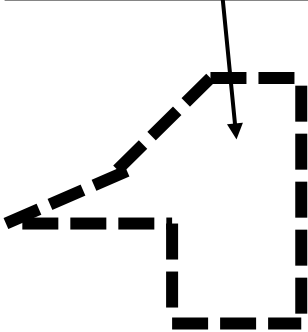
271ST EAST

Timber Ridge Crossing I

CBOA 24-08 AERIAL VIEW MAP WITH FLOOD PLAIN



SUBJECT PROPERTY



119TH

CBOA 24-08 ZONING MAP

119TH

273RD EAST

STATE HIGHWAY 51

274TH EAST

278TH EAST

15E18N35

RS-3

Timber Ridge Plaza

Steeplechase Apartments

15E18N36

Creek Hollow II

AG

SUBJECT PROPERTY

CG

CG

Creek Hollow I

121ST

RS-1

15E17N2

271ST EAST

RS-3

Timber Ridge Crossing I

CG

CG

15E17N1

AG

CG

IL



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Memorandum

To: Honorable Chair and Board of Adjustment Members

From: Carolyn Back, Community Development Director

Re: **CBOA 24-09 - Variance to allow eight (8) metal storage containers and a Variance to allow temporary use of gravel the AG Zone. Section 12-5-10 C.2. and 3.**

Date: December 16, 2024

BACKGROUND

Variance Requests

The applicant, Randy Scott, in Case Number CBOA 24-09, is requesting a Variance to allow for eight (8) 8 ft x 40 ft metal storage shipping containers to be placed on his private agriculture (AG) zoned property located at 12315 South 273rd East Avenue. (Section 12-5-10 C.3.)

The applicant is also in need of a Variance for the temporary placement of a gravel pad to set the storage containers on while situated on his property with a timeline imposed for the gravel to be removed by December 31, 2025. (Section 12-5-10 C.2.)

The above requested storage containers require a solid screening fence, storage spacing requirements for Division 1.4 explosives per adopted fire code, and will require the eight (8) storage containers to be removed from the applicants' property on an agreed timeline of: five (5) containers removed by July 15th, 2025 and the three (3) remaining containers removed by December 31, 2025. This timeline will correspond with the anticipated completion and occupation of the new commercial building under CBOA 24-08.

City of Coweta and Fire Code Excerpts

From the Coweta Fire Marshal

Division 1.4 Explosives

Distance to/from an inhabited building (residential or commercial) is 100 feet.

Distance to/from a Public Traffic Route (any public street, road, or highway) is 100 feet

City of Coweta Zoning Code

12-5-12 Screening Wall Or Fence

For the purpose of maintaining a compatible relationship between certain land uses, a screening requirement is hereby established for the initiation and continuance of particular uses in such instances as may be hereinafter designated.

When the provisions of this title require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

Shall be constructed with customarily used fencing materials which are compatible with the surrounding area and shall be designed and arranged to provide visual separation of uses irrespective of vegetation.

Shall not be less than six feet in height.

Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.

Shall be erected prior to the occupancy of the building or initiation of the use required to be screened.

Maintenance. The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain after notice by the Building Inspector shall constitute an offense hereunder.

Granting these two (2) Variances will allow Mr. Scott to move his commercial business to a commercial location. Once the new commercial building is constructed, the fireworks storage, sales, distribution, and operations located on his private property will be permanently transferred to his new commercial and wholesale distribution storage building; therefore, the timelines for these two Variances are important.

Hearing; Board Action

If inclined to approve, Staff requests the Board consider requiring the following conditions:

1. Provide a detailed site plan showing the location of the eight (8) 8 ft x 40 ft storage containers, the temporary gravel pad, the required Division 1.4 explosives setbacks per the fire code, and the required solid screening fencing.
2. Staff also recommends requiring a taller screening fence to cover the height of the storage containers. Some containers online appear to be 9.5 feet tall. Our screening fence shall not be less than 6 feet tall, but allows for taller, if specified.
3. Temporary gravel must be removed from the property by December 31, 2025.
4. It is worth noting on the record, these storage containers are 320 square feet each. Per the City Ordinance, all storage containers, greater than 120 square feet, require a permit through the City.

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

1. 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 this title would result in unnecessary hardship.
2. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district.
3. That the Variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this title or the comprehensive plan.
4. That the Variance, if granted, would be the minimum necessary to alleviate the necessary hardship.

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.

Time Limitation

A Variance which has not been utilized within one year from date of the order granting the Variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this subsection, the term "utilization" means actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

Board Motion:

In the case of CBOA 24-08, I make a motion to _____ a Variance to allow for eight (8) 8 ft x 40 ft metal storage shipping containers to be placed on private agriculturally zoned property; and, to _____ a Variance to allow for the temporary placement of a gravel pad for eight (8) 8 ft x 40 ft metal storage shipping containers.

Conditions: _____

The concurring vote of at least three (3) members of the Board of Adjustment is required for approval per code.

STAFF RECOMMENDATION

Staff recommends approval

ATTACHMENTS

1. CBOA 24-09 Site Plan
2. CBOA 24-09 Location Map
3. CBOA 24-09 Aerial View W FloodPlain

4. CBOA 24-09 Zoning Map

South 273rd East Ave

STANLEY
L

SCOTT

SCOTT

230'
to House

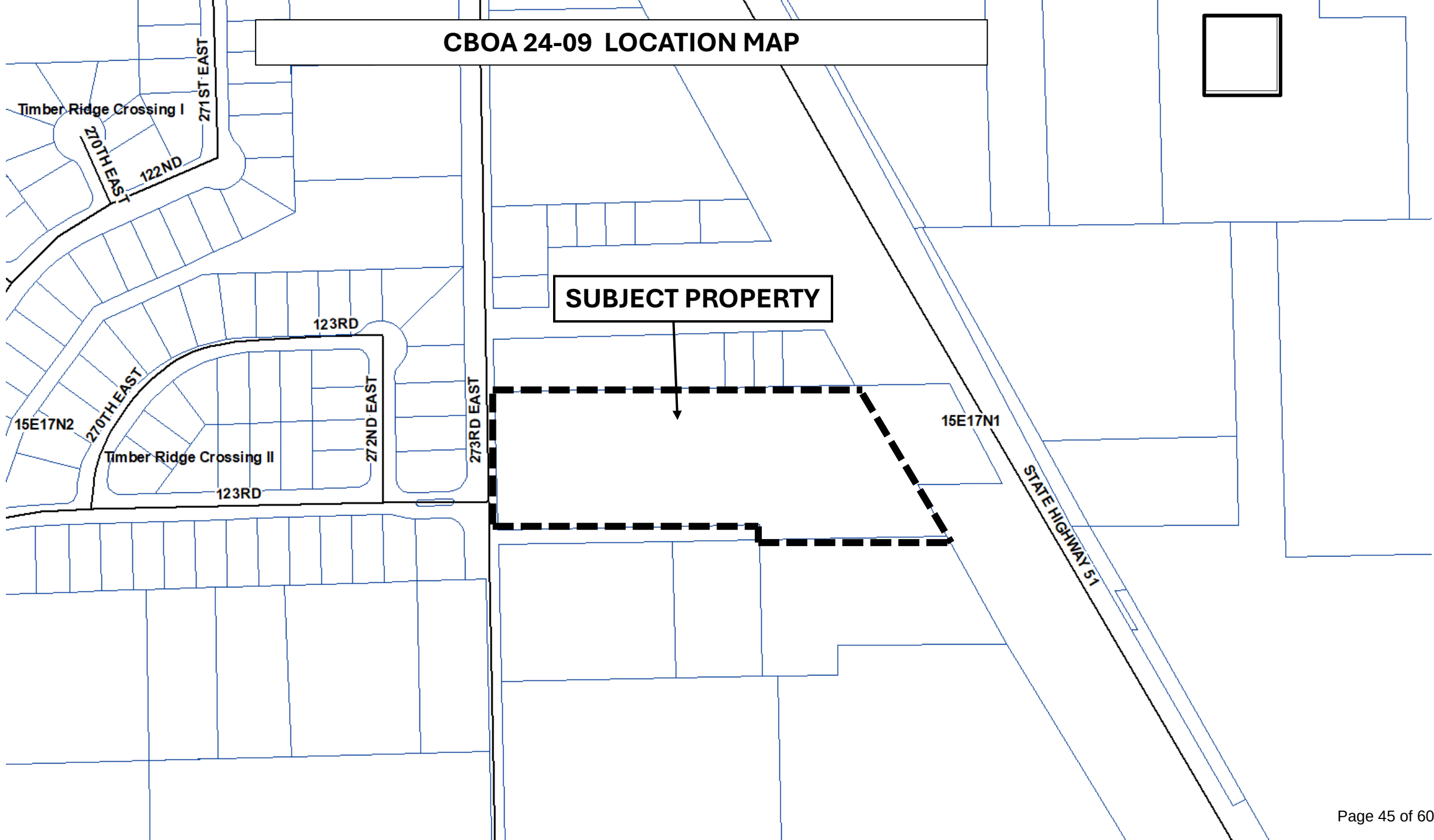
170' to House

1021

120'
to House

BACKYARD

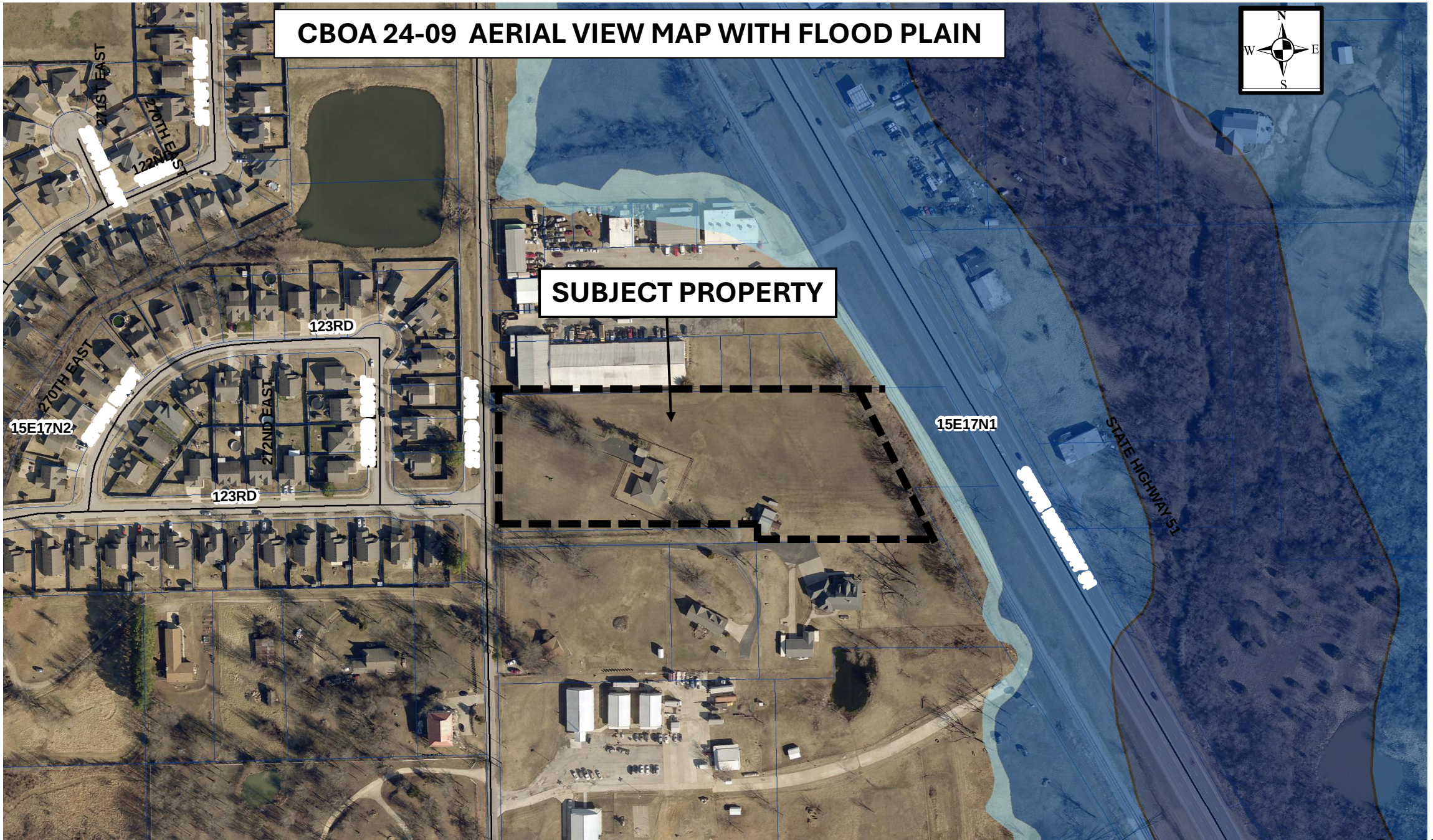
CBOA 24-09 LOCATION MAP



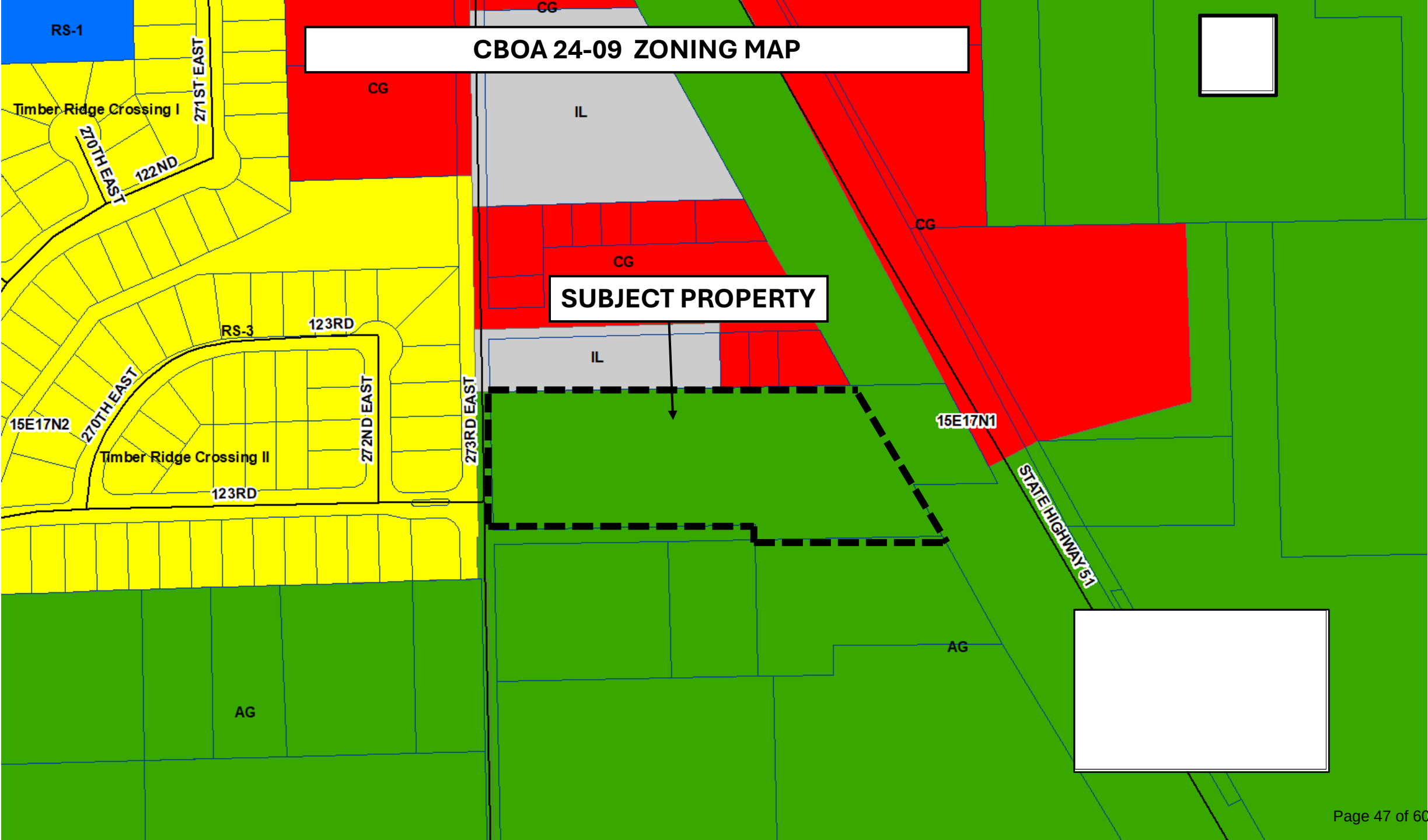
CBOA 24-09 AERIAL VIEW MAP WITH FLOOD PLAIN



SUBJECT PROPERTY



CBOA 24-09 ZONING MAP





P.O. BOX 850
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Memorandum

To: Honorable Chair and Board of Adjustment Members

From: Carolyn Back, Community Development Director

Re: **CBOA 24-10 - Special Exception to allow Single-Family use to remain in (CG).
Section 12-16-3 F**

Date: December 16, 2024

BACKGROUND

Special Exception Request

The applicant, Olaf Williams, is seeking a Special Exception to allow for existing single-family uses to remain on General Commercial (CG) zoned properties until such time the non-conforming uses fail to comply with the City of Coweta Code of Ordinances. Section [12-16-3 F. A nonconforming use of a building, or of a building and land in combination, when located within a district, other than a residential district, \[General Commercial\] may, as a Special Exception, be changed upon approval of the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.](#)

The property is zoned General Commercial (CG). The location of the request is 210 East Pine Street, also known as: The North 70 feet of West 15 feet of Lot 3 and North 70 feet of Lots 4, 5, 6, 7, and 8, Block 36, Town of New Coweta, Wagoner County, State of Oklahoma, according to the recorded plat thereof.

The applicant desires to sell his properties, but has two houses on one lot and three houses on one deed.

Therefore, Mr. Williams has filed for an Administrative Minor Subdivision (lot split) to be reviewed and approved by staff to get each house on its own lot while meeting all Development Standards to include setback requirements. Granting this Special Exception will bring the two houses on one lot from their legal, non-conforming status, into conformance. The proposed change will not result in any increase of incompatibility with the present and future use of the

proximate properties and will actually clean up the nonconforming status and help to create clear title for the two houses being located on separate lots.

The Minor Subdivision has been submitted to staff and is under review, pending the BOA Special Exception case before the Board.

The requested Special Exception as presented will be in harmony, spirit, and intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

City of Coweta Zoning Code

12-16-3 Nonconforming Use of Buildings Or Buildings And Land In Combination

12-16-3 (F) A nonconforming use of a building, or of a building and land in combination, when located within a district other than a residential district, may, as a special exception, be changed upon approval of the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

12-3B-10 Special Exceptions

A. Enumeration. The Board of Adjustment, upon application and after hearing, subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

1. Special Exception uses as designated and regulated within the zoning district's "uses permitted by special exception" section.

Board of Adjustment Hearing

The Board of Adjustment shall hold the hearing and, upon the concurring vote of three members, may grant the Special Exception after finding that the special exception will be in harmony with the spirit and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, provided that the Board, in granting special exception, 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.

Time Limitation

A special exception which has not been utilized within one year from the date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this subsection, the term "utilization" means actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

Board Action

The Board of Adjustment may vote to approve, approve with conditions, or deny the Special Exception to allow for the existing single-family uses to remain on General Commercial (CG) zoned properties until such time the non-conforming uses fail to comply with the City of Coweta Code of Ordinances. Section [12-16-3 F](#)

In the case of CBOA 24-10, I make a motion to _____. A Special Exception to allow for the existing single-family uses to remain on General Commercial (CG) zoned properties until such time the non-conforming uses fail to comply with the City of Coweta Code of Ordinances. Section [12-16-3 F](#)

The concurring vote of at least three (3) members of the Board of Adjustment is required for approval per code.

STAFF RECOMMENDATION

Staff recommends approval with time limitation enforceable when non-conforming uses fail to comply with the City of Coweta Code of Ordinances.

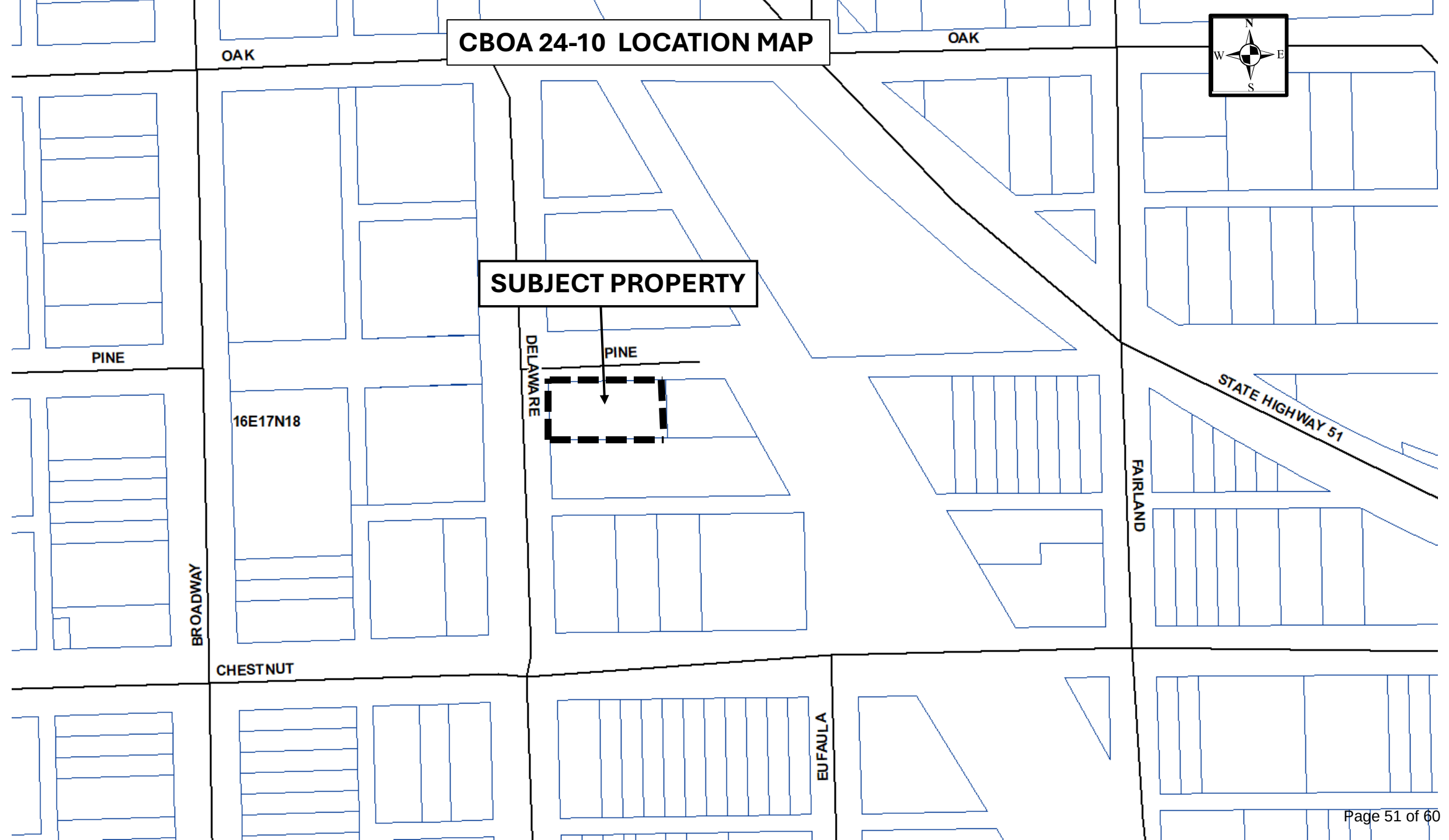
ATTACHMENTS

1. CBOA 24-10 Location Map
2. CBOA 24-10 Aerial View Map
3. CBOA 24-10 Zoning Map

CBOA 24-10 LOCATION MAP



SUBJECT PROPERTY



CBOA 24-10 AERIAL VIEW MAP



SUBJECT PROPERTY

OAK

OAK

PINE

16E17N18

DELAWARE

PINE

STATE HIGHWAY 51

FAIRLAND

BROADWAY

CHESTNUT

EUFAULA

CBOA 24-10 ZONING MAP

SUBJECT PROPERTY

OAK

PINE

16E17N18

DELAWARE

PINE

CG

STATE HIGHWAY 51

FAIRLAND

CHESTNUT

BROADWAY

EUFAULA

RS-3



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Memorandum

To: Honorable Chair and Board of Adjustment Members

From: Carolyn Back, Community Development Director

Re: **CBOA 24-11 A Variance of the Side Yard Setback in (CG). Section 12-9B-6 B.2.**

Date: December 16, 2024

BACKGROUND

Variance Request

On behalf of the applicant, Dr. Benjamin Bowman with Bowman Investment Properties LLC, a Variance is requested to grant relief from the conditions imposed by Zoning Code Section 12-9B-6, governing building setbacks for General Commercial (CG) zoning. The proposed building (specifically a Dental Office) will be constructed at the southeast corner of State Highway 51 and Fairland Avenue in the City of Coweta. The applicant seeks relief from the setback requirement of twenty-five (25) feet on the side yard to construct the proposed dental office.

Property Location, Zoning, and Legal Description

The location of the request is 29618 E Highway 51 and the property is zoned General Commercial (CG). The property legal description: The South Half of Lots Eight (8) through Eleven (11) and all of Lots Twelve (12) through Sixteen (16) Block Thirty-four (34), LESS that part for Highway, NEW COWETA, Wagoner County, State of Oklahoma, according to the recorded Plat thereof.

The building proposed is located on lots 13, 14, 15, and 16 of block 34 of the New Coweta City Plat. Lots 15 and 16 are twenty-five (25) feet wide due to the plat being an old town plat. The current zoning code specifies that since Lot 15 is located on a corner, the building setback would be 25 -ft from the property line. The purpose of this requirement is to ensure that any street can be widened in the future if necessary. However, in this case, the right-of-way that was provided for Fairland Avenue is 60-ft wide, which is more than the 50-ft that would be needed per the Transportation Master Plan. In addition, the church to the west of Fairland Avenue does not comply with the setback outlined in the zoning code. This would mean that

the portion of Fairland Avenue adjacent to the subject property will not be able to be widened in the future.

City of Coweta Zoning Code

12-9B-6 Minimum Yard Requirements

12-9B-6 B (2) Side yards.

2. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: Measured from the centerline of the abutting street, add one-half of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the street plan, to a setback distance of 35 feet on arterial streets and 20 feet for non-arterial streets.

According to State Statutes and the City of Coweta Zoning Code, for a Variance to be granted, the applicant must prove:

- (a) The application of the Ordinance to the particular piece of property would create an unnecessary hardship;
- (b) Such conditions are peculiar to the particular piece of property involved;
- (c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan;
- (d) The Variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Applicant's Variance Justification

- (a) The Ordinance as written would completely eliminate the buildable area of Lot 15
- (b) The zoning code setback requirements are very broad to ensure road widening in the future, if it is necessary. However, this specific property and area has sufficient right-of-way already acquired. In addition, the property to the west has an existing building built on the property line. This makes it impossible to ever widen Fairland Avenue.
- (c) The purpose of this requirement is to ensure that any street can be widened in the future if necessary. However, in this case, the right-of-way that was provided for Fairland Avenue is 60-ft wide, which is more than the 50-ft that would be needed per the Coweta Major Street and Highway Plan.
- (d) The requested setback will allow a 45-ft building to be built on the property which is a typical building width for a 50-ft lot.

Article 12-3B-9D Time limitation

A variance which has not been utilized within one year from date of the order granting the Variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this subsection, the term "utilization" means actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

BOARD ACTION

The Board of Adjustment may vote to approve, approve with conditions, or deny a Variance.

In the case of CBOA 24-11, I make a motion to _____ a Variance from the side-yard setback from 25 ft to 2 ft in the General Commercial (CG) District. Section 12-9B-6 B.2.

Finding: _____

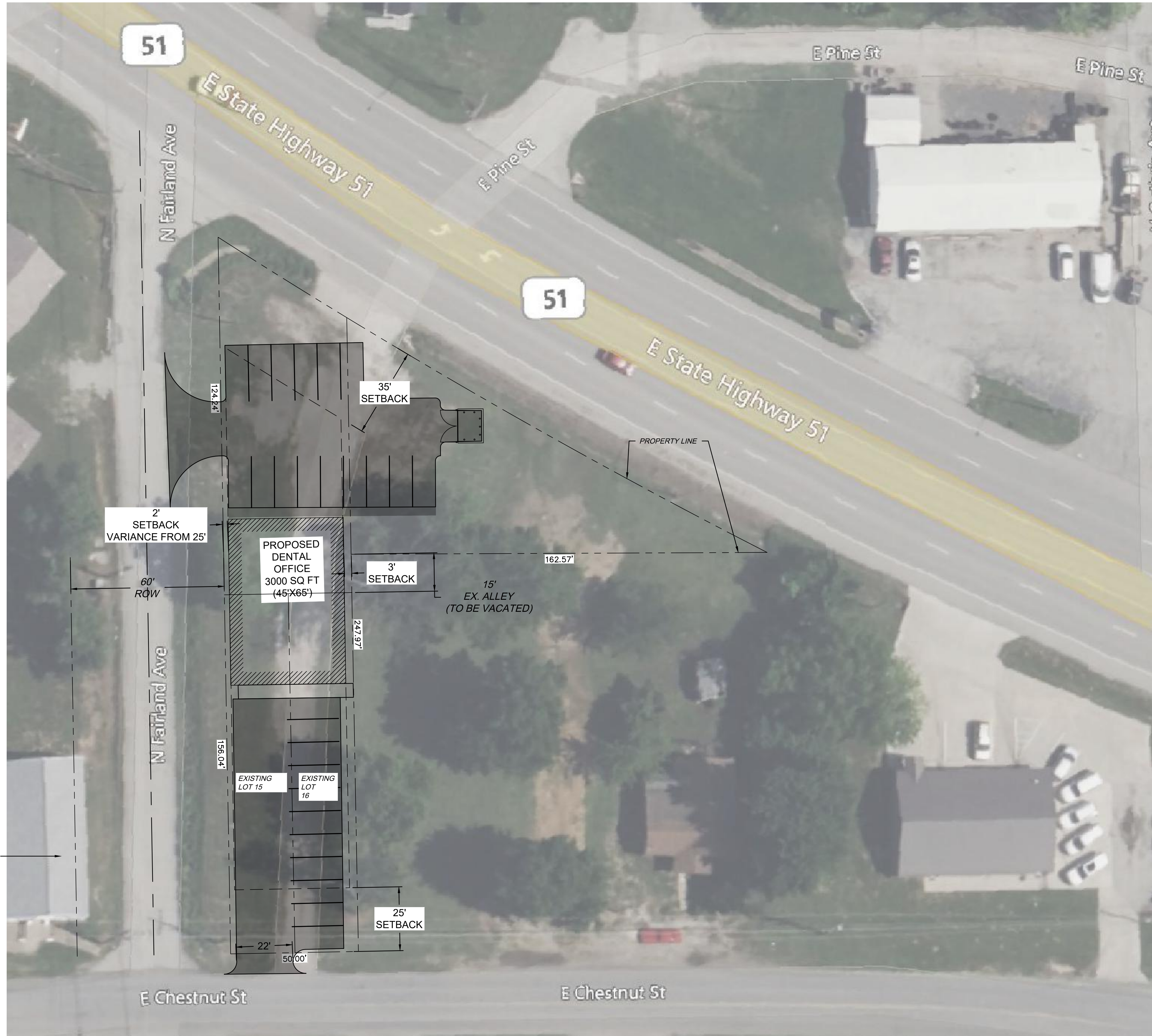
The concurring vote of at least three (3) members of the board of adjustment is required for approval per code.

STAFF RECOMMENDATION

Staff recommends approval based on the: 1. historical setbacks of the neighboring church across Fairland Avenue; 2. Old Town Coweta lot widths of 25 ft; and, 3. three-sided building area which is further constrained by Highway 51 and Fairland Ave frontage setbacks.

ATTACHMENTS

1. CBOA 24-11 Site Plan
2. CBOA 24-11 Location Map
3. CBOA 24-11 Aerial View Map
4. CBOA 24-11 Zoning Map



SHEET
4

PRELIMINARY LAYOUT ENHANCE DENTAL

COWETA, OKLAHOMA

2024

REVISIONS

PRELIMINARY
DOCUMENT
NOT FOR
CONSTRUCTION

CUT Land Development LLC
OK CA #9155 EXP. 06/30/26

THIS DOCUMENT IS PRELIMINARY IN NATURE AND DOES NOT REFLECT THE FINAL ENGINEERING DESIGN.



CBOA 24-11 LOCATION MAP

SUBJECT PROPERTY

Mission Acres West

PINE

GUTHRIE

STATE HIGHWAY 51

16E17N18

FAIRLAND

CHESTNUT

EU FAULA

GUTHRIE

CBOA 24-11 AERIAL VIEW MAP

**SUBJECT
PROPERTY**

PINE

GUTHRIE

STATE HIGHWAY 51

FAIRLAND

16E17N18

CHESTNUT

EUFULA

GUTHRIE

CBOA 24-11 ZONING MAP

SUBJECT PROPERTY

Mission Acres West
RS-2

PINE

GUTHRIE

STATE HIGHWAY 51

FAIRLAND

16E17N18

CHESTNUT

CG

AG

EUFULA

RS-3

RS-3

GUTHRIE