

ZONING BOARD OF ADJUSTMENT

DATE: August 19, 2021

The Zoning Board of Adjustment met at a regularly scheduled meeting on Thursday, August 19, 2021 at 2:30 p.m. in the Commission Chambers at City Hall, Shawnee, Oklahoma, Pottawatomie County, pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO. 1: Roll Call

Upon roll call the following Board members were present Holly Gordon, Brandon Dyer, and Crystal Richardson
Board member Mark Cannon was noted as absent.

A quorum was declared present.

AGENDA ITEM NO. 2: Consideration of approval of the minutes from the regular meeting of the Zoning Board of Adjustment on June 17, 2021.

Board member Cannon made a motion to approve the minutes as presented to form, which was seconded by Board member Richardson.

The motion passed 3-0-0.

AYE: Dyer, Gordon, Richardson

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 3: Case #ZBOA02-21– Public hearing and consideration of approval of a sign variance request to add a second freestanding sign of 35' and replace the existing 20' sign with a 35' sign for a 7.9-acre tract located at 4921 N. Automall Drive.

Applicant: Dalmarc Signs on behalf of Joe Cooper

Planning Director Rebecca Blaine presented the staff report. She stated the applicant was requesting three variance requests with the application. Director Blaine referenced the Zoning Code in **Sec. 3-190. – Other commercial and industrial zoning districts**, which states:

- 1) *One freestanding sign per location is permitted for a single business or a group of businesses which share common access and parking facilities, provided that an additional sign location shall be permitted for each 150 lineal feet of frontage.*

Director Blaine explained that the company's cul-de-sac has approximately 115' road frontage. She continued referencing the Zoning Code **Section 3-190.3**, which states, *the maximum {sign} height shall be 20 feet above grade level, except as provided in subsection (e)(1)b of this section*. Subsection **(d)** provides size standards for freestanding signs, which states:

- 1) *The display surface area shall be permitted on the basis of two square feet of sign for each one lineal foot of frontage, up to the following maximum size. For C-5, CP and C-3 districts, 400 square feet.*

Director Blaine explained that the business has 115' of road frontage at widest point of cul-de-sac, which equals a maximum of 230' square feet for signage. The current proposed signs are 124.9 sq. ft. and 158.58 sq. ft for a total of 283.48 square feet. This exceeds the maximum size allowed by 53.48 square feet.

Director Blaine advised that the airport obstruction evaluation came back clear. She further explained that the City of Shawnee's existing sign code was from 1990. With the overhaul of the Zoning Code and Subdivision Regulations, a new sign code was quickly approaching. Blaine advised that the City intends to increase the regulations on signs by shrinking permissible heights, quantities, and DSAs (display surface areas) on new signage.

Director Blaine stated the variance application lacked necessary hardship to grant the additional sign requested, as well as, lacked a hardship to grant the variance requests to allow an additional fifteen-feet in height per sign for two (2) thirty-five feet (35') signs instead the maximum allowable height of twenty-feet (20').

Based upon the findings staff recommended the **denial** of variance application **ZBOA02-21**.

Property owner Joe Cooper addressed the Board. Mr. Cooper passed out a five (5) page document with additional renderings of existing and possible signs. He stated he did not agree with the sign regulations of the Zoning Code and asked the Board members grant the requested variances. The Board members asked questions and offered solutions to best accomplish the request while maintaining the spirit of the code. A concern that an approval would establish precedent, which could lead to future requests for the same variances. The Board members asked for further information about the provided document.

Mr. Cooper conferred with the applicant, a representative of Dalmarc Signs, about the options and suggestions made by the Board. It was determined that the proposed signs on the variance application and the signs on the provided document did not align with the original request. Mr. Cooper asked for additional time to review the possible signs from Dalmarc, the corporation's requirements, and the Board's proffered solutions.

Board member Burg made a motion to defer the application to a future meeting with the Board to wait for communication from the applicant, which was seconded by Board member Dyer.
The motion passed 3-0-0.

AYE: Burg, Dyer, Gordon
NAY: None
ABSTAIN: None

AGENDA ITEM NO. 4: **New Business**

Director Blaine had no comments

AGENDA ITEM NO. 5: **Board Members' Comments**

Board members Burg and Dyer had no comments.
Chair Gordon thanked her fellow Board members as they continued to serve the community.

AGENDA ITEM NO. 6 **Adjournment**

The meeting was adjourned at 3:22 p.m.


Chair/Vice-Chair

/s/ Rachel Clyne
City Planner