

BOARD OF ADJUSTMENT MINUTES

SEPTEMBER 23, 2015

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201-A West Gray, at 4:30 p.m. on Wednesday, September 23, 2015. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Andrew Seamans called the meeting to order at 4:30 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Hank Ryan
Curtis McCarty
Brant Alexander
Andrew Seamans

MEMBERS ABSENT

Kristen Dikeman

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community
Development
Wayne Stenis, Planner II
Kathryn Walker, Assistant City Attorney
Roné Tromble, Recording Secretary

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Item No. 3, being:

APPROVAL OF MINUTES OF THE AUGUST 26, 2015 REGULAR MEETING

Hank Ryan moved to approve the minutes of the August 26, 2015 Regular Meeting as presented. Brant Alexander seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS

Hank Ryan, Curtis McCarty, Brant Alexander,
Andrew Seamans

NAYS

None

ABSENT

Kristen Dikeman

Ms. Tromble announced that the motion to approve the August 26, 2015 Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

BOA-1516-3 – FIRST ASSEMBLY OF GOD CHURCH REQUESTS A VARIANCE TO THE 200' SETBACK FROM A RESIDENTIAL ZONING DISTRICT FOR AN ELECTRONIC DIGITAL ON-PREMISE SIGN FOR PROPERTY LOCATED AT 2500 EAST LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Aerial Photo of the Site
4. Aerial Photo of the Sign Setbacks
5. Application with Attachments
6. Protest Letter with Attachment

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports this variance request only if notified property owners have no objections. One protest letter was received, which amounts to 0.3% within the notification area.

Mr. Ryan asked, since we now have a protest, does staff no longer support the variance? Mr. Stenis responded that he went out and looked at the closest point a digital sign could be located, which is next to the driveway. It happens to be about 10' further away from the street than the tree that's on the east side of the driveway. He provided pictures for the Board to review. There is a picture taken in each direction from that point. He believes that a sign at that location would be obstructed by the tree coming from the east. Ms. Connors indicated staff still supports the variance.

Mr. Stenis added that the protest letter also referenced topography. He circulated a topo map. There is about a 15-20' drop from the point of the sign down to the residential area east of the daycare center. He also circulated street views from Google Earth looking from the driveway of the day care center back toward the property so the Board could evaluate the comments in the protest letter.

Mr. Alexander asked about the construction project just west of the church property. Mr. Stenis responded that property is a commercial Planned Unit Development. It will be a mini-storage and some other commercial. The property that is too close is the A-2 property that is across the street to the northwest.

Mr. Alexander commented that schools are usually located in residential areas, but they also have digital signs. He asked if they have the same restrictions. Mr. Stenis said schools are exempt from the 200' rule, because they are normally located in residential zones and are adjacent to residential uses. However, schools are required to turn the signs off at night, and the signs have to be smaller.

Mr. Alexander asked whether the proposed sign will be elevated on a pole. Mr. Stenis indicated this sign is proposed to be 9' tall overall.

Mr. McCarty commented that the protest letter expresses concerns about the changing of the sign. The sign ordinance has the amount of time that text can change. Ms. Connors indicated that is based on all the research that was done. Mr. McCarty said digital signs are fairly new to Norman's sign ordinance within the last few years. He asked if the church will turn the sign off at

night.

Jerry Drewery, pastor of the church, said they are not planning to turn the sign off, but they can. They want to have a nice sign. He would like to have the time and temperature. They are open to including Amber alerts and other things that will help the community. He noted that there is a street light across the street. He provided a photograph, which shows a vehicle going past the daycare center; there is not much of an elevation change to that point. They are not planning to have a bright sign; it is not good for a church to have a sign that is irritating to the neighborhood. They want a sign that looks good, that would get attention and be a public service. There will be some special events that they would like to include on the sign.

Mr. McCarty asked if the intent is to support other things than the church. Mr. Drewery said it will be the church and other things. He likes the LED because he doesn't want to go out and physically change the sign. Mr. McCarty asked if they plan to turn the sign off after certain hours. Mr. Drewery said he had not considered that; they could if that's something the Board would like for them to do. Mr. McCarty asked if the sign will adjust to the light. Mr. Drewery said it will. Mr. Stenis indicated that is required by the sign ordinance.

Mr. Alexander asked the speed limit in the area. Staff did not have that information.

PRESENTATION BY THE APPLICANT:

Jerry Drewery, representing the applicant – He showed a picture of the proposed sign, taken from the sign they have at the Noble Assembly of God Church. The LED is just a very small section on the bottom. You can't put a lot of information on it. The picture he provided shows a sign at the daycare and the sign will not be much bigger than that.

Mr. Ryan asked if they could do the sign without the message portion on the bottom activated. Mr. Drewery said they could, but he asked what the concerns would be. Mr. McCarty said he doesn't think the message board is the issue; he thinks it is just the sign. Mr. Ryan commented that if they didn't have the message board, he didn't think they would have to get a variance. Mr. Drewery indicated there is a new complex that is going in right next to them. The neighborhood is growing. This will look better. It will say something about the community. It is a state-of-the-art sign that is very well done. They have just completed redoing their parking lot. They are doing all that they can to make the area look real good and this sign would be a contribution to that.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to approve the Variance as requested.

Mr. Alexander asked if there is only one property within the 200' setback area. There is a whole neighborhood, but those are all outside the setback area. The protest was not from the one property within the 200' setback.

Mr. Drewery commented that the owner of the A-2 property is Joe's Plumbing. He has talked to the owner and the owner has no intention of ever building a residence there. The house that was there is now gone. It is possible that the owner may move his business to the property. The

2025 Plan shows the property as commercial. If it wasn't for that one piece of property, he would not need a variance.

Brant Alexander seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Curtis McCarty, Brant Alexander, Andrew Seamans
NAYS	Hank Ryan
ABSENT	Kristen Dikeman

Ms. Tromble announced that the motion to approve the Variance passed by a vote of 3-1.

Mr. Seamans noted that there is a 10-day appeal period before the decision is final.

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Item No. 5, being:

MISCELLANEOUS COMMENTS

None

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Item No. 6, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:52 p.m.

PASSED and ADOPTED this 28th day of October, 2015.


Board of Adjustment