



MINUTES for Sapulpa Board of Adjustment meeting on March 28, 2017
Sapulpa City Hall, 2nd Floor, 425 East Dewey Avenue

1. Meeting called to order by Chair Tom Hughes at 11:00 a.m.

2. Roll Call:

Members Present: Rick Engleman, Deborah Frost, John Mark Young

Member Absent: Tom Hughes

3. Approval of the February 28, 2017 BOA Minutes

Motion to **APPROVE** made by Young seconded by Engleman

AYE – Young, Engleman

NAY –

ABSTAIN -- Frost

MOTION PASSED 2-0-1

4. Public Hearing Items

SBOA-598 Requests two VARIANCES -- The first request is for a VARIANCE to Sapulpa Zoning Code (ZC) Section 921.9(B)(1) for an off-premises ground sign (billboard) with a display area larger than the maximum 300 sq.ft. -- an additional +/- 372 sq. ft in surface display area (total 672 sq. ft.).

The second request for a VARIANCE to Section 921.9(A)(1) to allow an outdoor advertising (billboard) measuring approximately 60-feet (60') in height. The ZC allows for a maximum height of fifty-feet (50') with an additional one-foot (1') setback for each foot of height exceeding 30-feet (30').

Board Member Young introduced SBOA-598 and requested a staff report.

Urban Development Director Rachel Clyne presented the staff report and recommended further discussion prior to conditional approval.

Young asked for any questions for staff and opened the public hearing.

Board members confirmed with staff the reasons for the variance requests were for an existing LED billboard. The billboard was out of compliance (for lack of variances) and a deluge of complaints from citizens in person, via email, and in person regarding the "brightness" of the sign. Staff was compelled to insist the sign be "turned off" until approval from the BOA was received.

The applicant, Don Jernigan, and his attorney, Matt Christensen were present and available for questions

The BOA members discussed the location, size, height, and type of outdoor advertising represented in the application. It was confirmed that the individual who owns the property has a lease agreement with the applicant for the usage of land on which the billboard stands.

The applicant stated he had obtained the necessary permit from the Oklahoma Department of Transportation (ODOT). Conflicting information from a variety of people lead the applicant to believe the billboard was located in unincorporated Creek County and not subject to permits.

Young asked the applicant if he would agree with staff recommended conditions. The applicant confirmed that he wants to do what is necessary to be in compliance.

Engleman voiced concern that the Zoning Code stated that 30' (thirty-feet) and that with additional setbacks to a maximum height of 50' (fifty-feet) was possible. His concern was the Board's authority to grant a variance to a "maximum" regulation and suggested the City's legal department may have to interpret that portion of the Zoning Code.

Clyne confirmed the property on which the billboard sits was annexed into the City of Sapulpa in 1985.

The applicant advised the billboard was erected in 2001.

Code Enforcement Officer, Rick Anderson, reiterated the number of complaint calls and visits regarding the brightness of the sign.

John Dobson, 1730 E. Cobb Avenue was present and spoke about the brightness of the billboard even though it was located 2-3 miles from his property. Mr. Dobson had concerns about Bald Eagles and Wild Turkeys in the area that may not tolerate the "sun-like" level of brightness. He opined on remedies that he and neighbors would be taking to deal with the nuisance of the signs lighting.

Further, Dobson spoke of representing twelve concerned citizens who were unable to attend an 11am meeting. He expressed concern about the area's brightness when the other side of the billboard were illuminated. Dobson also mentioned witnessing people running the red light(s) in the area and suggested the light as a potential cause.

Board members discussed illuminating the billboard on a "trial" basis at the level of nits based upon time of day or night as recommended in staff's report

The applicant stated he was willing to adjust the luminance to the levels set by the Board.

Anderson voiced his desire and willingness to work with ODOT to obtain a correct "reading" on the brightness level of the sign prior to the next BOA meeting.

No other members of the public spoke, and the public hearing was closed.

Board members discussed possible and necessary actions before approval or denial of the variance request was determined.

A motion made by Engleman and seconded by Frost stating that the subject billboard was to be "turned back on" (illuminated) at a level not to exceed 5,200 nits from dawn until dusk. From dusk until dawn, the sign was to be no more than 500 nits.

AYE – Young, Frost, Engleman

NAY –

MOTION PASSED 3-0

- 5. **Old Business** – None
- 6. **New Business** – None
- 7. **Adjournment**

Motion to **ADJOURN** made by Engleman, seconded by Young

All members present stated “AYE”
The meeting was **adjourned**.

Chairman, SBOA (*signature*)

Date