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Memorandum

To: Honorable Chairman, Members of the Board of Adjustment
From: Mark Seibold, Community Development Director
Re: CBOA 22-01
Date: 01/17/22

BACKGROUND

Applicant

Timothy Ahlstrom, Jr., 29665 E 158th Street S in Coweta, seeks a;

- 1) A variance from Section 240.2 (e) (4) pertaining to allowable aggregate square footage of accessory buildings,
- 2) A special exception from
 - a. Section 240.2 (e) (3) pertaining to relatable design of accessory buildings, and a special exception under
 - b. Section 240.2 (e) (5) from Section 240.2 (e) (2) pertaining to the aggregate maximum allowable square footage of accessory buildings.

Action on the Variance (1st item) does not imply or guarantee approval of the individual special exceptions (2nd items a. and b.)

Case Facts

- Applicant's lot consists of approximately 35,344 sq ft or .81 acres with a legal description as: Lot 23, Block 1, WOODLAND VIEW, an Addition to the Town of Coweta, A subdivision of part of E1/2 of SW1/4 of Section 19, Township 17 North, Range 16 East of the Indian Base and Meridian. Wagoner County, State of Oklahoma
- The property is zoned Residential Single Family (RS-1)
- The principal structure on the property is approximately 1,863 sq ft with a stone and wood exterior and composition shingle roofing
- Property has two existing accessory buildings with an aggregate floor space of 1,035 sq ft:
 - 25 ft X 35 ft (875 sq ft)
 - 20 ft X 8 ft (160 sq ft)
- Applicant wishes to construct an additional 36 ft X 50 ft (1,800 sq ft) wood framed shop with metal siding and roof color matched to the principal structure, the shop will have a peak height of 19 feet (19')
- If constructed, the aggregate square footage of accessory buildings on the lot would be 2,835 sq ft

Pertinent Code

Section 240.2 (e) (3) Detached accessory buildings may be located in the rear yards of RS Districts and shall be regulated as follows:

(1) On RS lots containing less than one-half (0.5) acre of lot area, detached accessory buildings may be located in a rear yard provided that the accessory buildings in aggregate do not exceed 768 square feet of floor area, or cover more than twenty percent (20%) of the rear yard, whichever is smaller.

(2) On RS lots containing one-half (0.5) acre of lot area or greater, detached accessory buildings may be located in the rear yard provided that the accessory buildings in aggregate do not exceed the following: **RS lots containing a minimum of one-half (0.5) acre but less than one (1) acre of lot area - an aggregate maximum floor area of 1,000 square feet;** or RS lots containing one (1) acre or more of lot area - an aggregate maximum floor area of 1,500 square feet.

Section 240.2 (e) (3) **Accessory Buildings over 750 square feet in size** located upon a property site, or an adjacent property if under same ownership, **shall be designed to relate in materials, color, character and detail to the principal building(s)** located upon the site and/or adjacent lots

Section 240.2 (e) (4) **In no case shall the aggregate area of accessory buildings on a lot be permitted to exceed the floor area of the principal residential structure** located upon the lot.

Section 240.2 (e) (5) All accessory buildings not meeting the minimum requirements in (1.) and (2.) above shall require Board of Adjustment action in the form of a Special Exception. **The following factors, at a minimum, shall be considered by the Board of Adjustment in granting Special Exception approval of detached accessory buildings as referenced above: the accessory building height; building construction materials; building color scheme; building, location and setbacks; proposed or existing landscaping and/or screening fence, roof types, surface texture, style, details and building form.** (Ord #572)

Section 2150.3 Board of Adjustment Action (Pertaining to Special Exceptions):
The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The **concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or his designee.**

Section 2170.3 Board of Adjustment Action (Pertaining to Variances):
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.

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 from Section 240.2 (e) (4) pertaining to allowable aggregate square footage of accessory buildings,
- 2) A special exception from
 - a. Section 240.2 (e) (3) pertaining to relatable design of accessory buildings, and a special exception under
 - b. Section 240.2 (e) (5) from Section 240.2 (e) (2) pertaining to the aggregate maximum allowable square footage of accessory buildings.

ATTACHMENTS

Notice of Public Hearing
Subdivision Plat
Site Plan
Aerial Map
Area Map
Zoning Map