



## Board of Adjustment

**Chair:** Michael O'Neill

**Members:** Sue DuCharme, Ken Ewer, Robert Kenworthy, David DuCom

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### ❖ **MEETING ATTENDANCE GUIDELINES/ REQUIREMENTS**

- Enter City Hall on the North Entrance off of 2<sup>nd</sup> Street
- Please do not attend if you feel sick, have been exposed to someone with COVID-19, or are exhibiting symptoms
- Upon entrance your temperature will be taken (*If you have a fever over 100.4 F you will be denied access*)
- Individuals will also be screened for symptoms (*cough, fever, shortness of breath, and close contact with someone who has tested positive for COVID-19*).
- CDC Social Distancing Guidelines/Limitations - Social distancing, also called "physical distancing," means keeping space between yourself and other people outside of your home. To practice social or physical distancing:
- Stay at least 6 feet (about 2 arms' length) from other people;
- Do not gather in groups; and
- Stay out of crowded places and avoid mass gatherings;
- **Wearing a mask/ cloth face covering shall be mandatory of everyone, except when they are presenting comments to the Commission.**

- ❖ **TO WATCH THE MEETING REMOTELY** The general public can observe the December 17, 2020 Planning Commission meeting remotely on GTV20 on Guthrie Cox Channel 20

### ❖ **OPPORTUNITY TO SUBMIT PUBLIC COMMENTS VIA EMAIL VS. IN-PERSON**

- Public Comments may be submitted in advance to Planning Director Dan Kassik via email ([dkassik@cityofguthrie.com](mailto:dkassik@cityofguthrie.com)) prior to 2:00 PM CDT on Thursday December 17, 2020.



BOARD OF ADJUSTMENT MEETING  
Thursday, March 18, 2021 at 5:30 PM  
City Hall - Council Chambers  
101 North Second Street, Guthrie, Oklahoma 73044

1. Call to order.
2. Public comments.
3. Approval of previous minutes from the regular meeting on December 17, 2020.
4. BOA Application 21-001 – Discussion and potential action on a request for a variance to Article V, Section 6, Subsection 6.1, Paragraph C.2.a (Guthrie Proper Overlay District Residential Architectural Design Standards) of the Guthrie Zoning Code to allow for a 5-foot front setback whereas the code allows a no less than a 15-foot front setback for a property located at 418 S. 2<sup>nd</sup> Street.
  - a. Staff Report
  - b. Discussion
  - c. Decision
5. BOA Application 21-002 – Discussion and potential action on a request for a variance to Chapter 4, Article 9 (Signs and Awnings), Section 4-173(B)(1)(b) of the City of Guthrie Municipal Code to allow for an increase in sign area for a ground sign to be 233.33 square feet per side (466.66 sq. ft. total) whereas the code allows a maximum of 60 square feet per side (120 sq. ft. total) and a variance to Section 4-173(A)(2) to allow for an increase in total area for all on premise signs to 900 square feet whereas the code allows a maximum of 600 square feet for all on premise signs for a property located at 121 Cimmaron Blvd.
  - a. Staff Report
  - b. Discussion
  - c. Decision
6. Staff Comments
7. Board of Adjustment Member Comments
8. Adjournment

**BOARD OF ADJUSTMENT MEETING MINUTES**  
**December 17, 2020**

The agenda of the Board of Adjustment was posted on Monday, December 14, 2020 before 5:00 PM. The regular meeting was held December 17, 2020 at Guthrie City Hall.

Members: Michael O'Neill  
David DuCom  
Ken Ewer  
Sue DuCharme - *Absent*  
Robert Kenworthy

Also Present: Staff: Dan Kassik, Planning Director

**Call to Order**

The Board of Adjustment was called to order on Thursday, December 17, 2020 at 5:30 PM. Board members were present and a quorum declared.

**Public Comments**

*None.*

**Minutes Approval**

A motion was made by Ewer and seconded by O'Neill to approve the minutes from the February 20, 2020 regular meeting.

**Discussion Item 1**

BOA Application 20-002 – Discussion and potential action on a request for a variance to Article IV, Section 7, Subsection 7.8 (Intensity of Use, Lot Width, Coverage and Height Regulations) of the Guthrie Zoning Code for lot coverage within the R-1 (Single family Dwelling District) to allow for 29-percent lot coverage whereas the code allows 25-percent lot coverage for a property located at 608 N. Park Place.

*Staff presented a staff report outlining the request. The applicant was present and answered questions for the Board.*

*Arnie Burkett, a property owner in the area, inquired about what type of home was going to be built.*

*A motion was made by Ewer and seconded by DuCom to grant the variance as requested. All voted aye. 4-0 vote. Motion passed.*

**Discussion Item 2**

BOA Application 20-003 – Discussion and potential action on a request for a variance to Article IV, Section 7, Subsection 7.7 (Yard Requirements) of the Guthrie Zoning Code for a street side setback in the R-1 (Single family Dwelling District) to allow for a 5-foot street side setback whereas the code requires a 15-foot street side setback for a property located at 524 N. Division St.

*Staff presented a staff report outlining the request. The applicant was present and answered questions for the Board.*

*A motion was made by DuCom and seconded by Ewer to grant the variance as requested. All voted aye. 4-0 vote. Motion passed.*

**Discussion Item 3**

BOA Application 20-004 – Discussion and potential action on a request for a variance to Article IV, Section 7, Subsection 7.8 (Intensity of Use, Lot Width, Coverage and Height Regulations) of the Guthrie Zoning Code for lot coverage within the R-1 (Single family Dwelling District) to allow for 32-percent lot coverage whereas the code allows 25-percent lot coverage for a property located at 515 N. Division St.

*Staff presented a staff report outlining the request. The applicant was present and answered questions for the Board.*

*A motion was made by DuCom and seconded by Kenworthy to grant the variance as requested. All voted aye. 4-0 vote. Motion passed.*

**Staff Comments**

*Staff welcomed the two new Board members of Robert Kenworthy and David DuCom.*

**Commissioner Comments**

*None*

**Adjournment**

The meeting adjourned at 5:52 p.m.

*Prepared by:*

***Dan Kassik  
Planning Director***



To: City of Guthrie Board of Adjustment  
From: Dan Kassik, Planning Director  
Subject: Staff Report- BOA Application 21-001  
Date: March 10, 2021

**APPLICANT:** Russ & Shelly Rooney

**LOCATION:** 418 S. 2<sup>nd</sup> St.

**REQUEST:** A request for a variance to Article V, Section 6, Subsection 6.1, Paragraph C.2.a (Guthrie Proper Overlay District Residential Architectural Design Standards) of the Guthrie Zoning Code to allow for a 5-foot front setback whereas the code allows a no less than a 15-foot front setback.

**NOTIFICATION:** Notice was published in the Guthrie News Leader on March 3, 2021, and 47 notification letters were mailed to property owners within 300 feet of the subject property.

**DISCUSSION:**

The applicant is proposing to build a new single-family residence on the lot. The property is within the Guthrie Proper Overlay District which only allows for a minimum of a 15-foot front setback.

When the Guthrie Proper Overlay District was created the front setback was allowed to be flexible in that the homes should line up creating a unified and consistent street front but could not be less than 15-feet. The underlying R-1 zoning requires a 25-foot front setback. The overlay district allowed for the reduction of the front setback since the adherence to the 25-foot setback would put new homes significantly setback back from the existing older homes. This creates an inconsistency in development along a street and the newer homes would appear out of place.

When the overlay district was created it was thought that most homes are at the 15-foot front setback, thus the 15-foot minimum. As development has continued, it has become known that there are many homes with as little as 5-foot front setbacks, which is the case for the street in which the proposed home is being built. If the proposed home were to be built at 15-feet, the new home would still be setback 10-feet from the other homes creating an inconsistency in development along the street.

Another factor as to why the homes in this area are likely built closer to the front property than in other areas is the typical lot depth is less. Most of the lots within the overlay district are 140-feet deep whereas the lots within the subject property block are only 100-feet deep. The overlay district is setup to strongly

encourage garages to be detached and within the rear yard. On the lots that are 100-feet deep it is more difficult to place detached garages especially if the primary structure is further setback.

The intent of the overlay district was to ensure consistent development patterns that created an aesthetically consistent street view. If the proposed structure were to be built per the existing code requirements, the consistency of development and street view will be fragmented.

**RECOMMENDATION:**

Based on the above discussion, Staff finds that the strict application of the zoning code does create an unnecessary hardship for the applicant, thus Staff recommends the variance be granted to allow for a 5-foot front setback.



Application NO 21-001  
~~20110102~~

**BOARD OF ADJUSTMENTS APPLICATION**

The Board of Adjustment meets the third Thursday of each month. Applications must be submitted to Community Development at least three weeks prior to the meeting to allow for public notice. All required attachments must be filed with the application.

- Application Type:**
- Plan Review/Minor Variance
  - Zoning Variance
  - Special Use
  - Appeal

**Property Address** 418/420 S Second Street, Guthrie OK 73044

**Property Owner** Russel F. & Shelly K Rooney.

**Email** ATCFcarpenters@gmail.com **Daytime Phone** (806)778-7548

**Mailing Address** 405 S 1<sup>st</sup>. street Guthrie OK, 73044

**Brief description of proposed project:** *(attach more pages if needed)*

Variance requested from: Guthrie city requirement of 15' of setback from front(west)lot line.

Variance request intent: To allow set back of 5' from front lot line to better suit existing structures and aesthetics of neighborhood. It should also be noted that granting of this variance will allow a large beautiful pecan tree to remain undisturbed.

Variance justification: Existing structure setbacks in this area vary from none at all to 15' Based on our home design and front porch layout we believe a setback of 5' will add value to the community by better fitting the neighborhood. The variance will also allow for better off street parking for residents of the property.

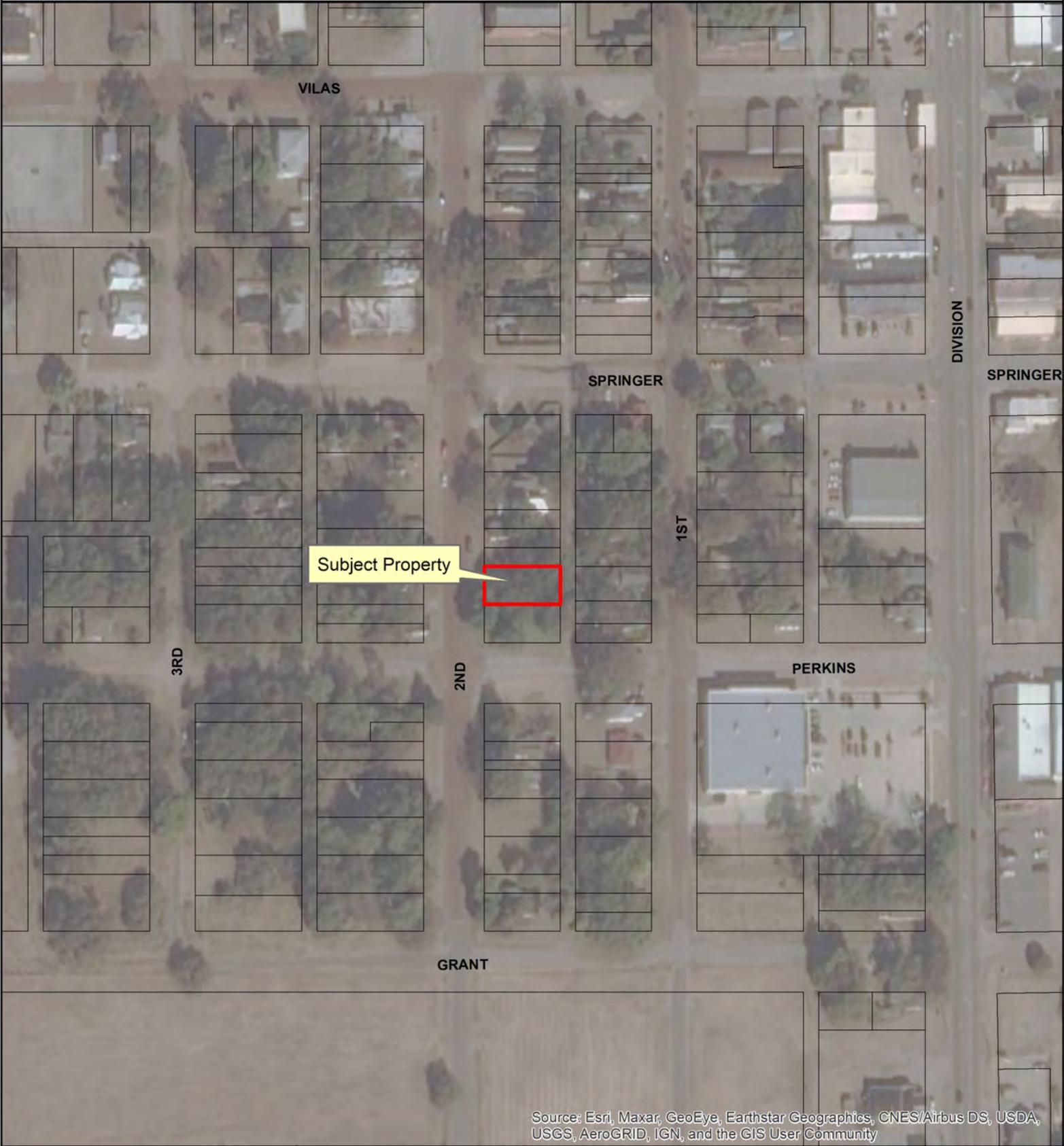
**Required Attachments**

1. Proof of ownership
2. Logan County Assessor's list of property owners within 300 feet of exterior boundary
3. Rendering of property showing all measurements to scale (site plan)

**The applicant or a representative for the applicant must be present at the meeting.**

Applicant Signature Shelly Rooney Date 2-22-21

# Location Map



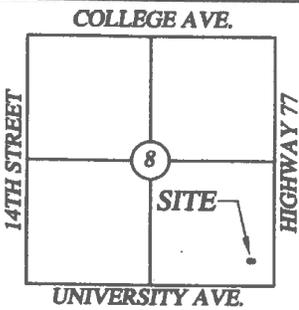
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Planning Department  
101 N. 2nd St. Guthrie OK 73044

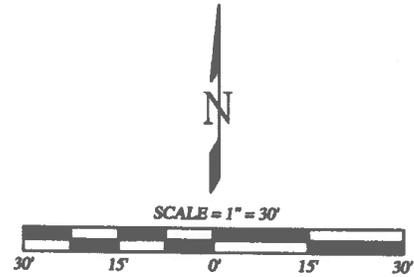
## Legend

 Subject Property



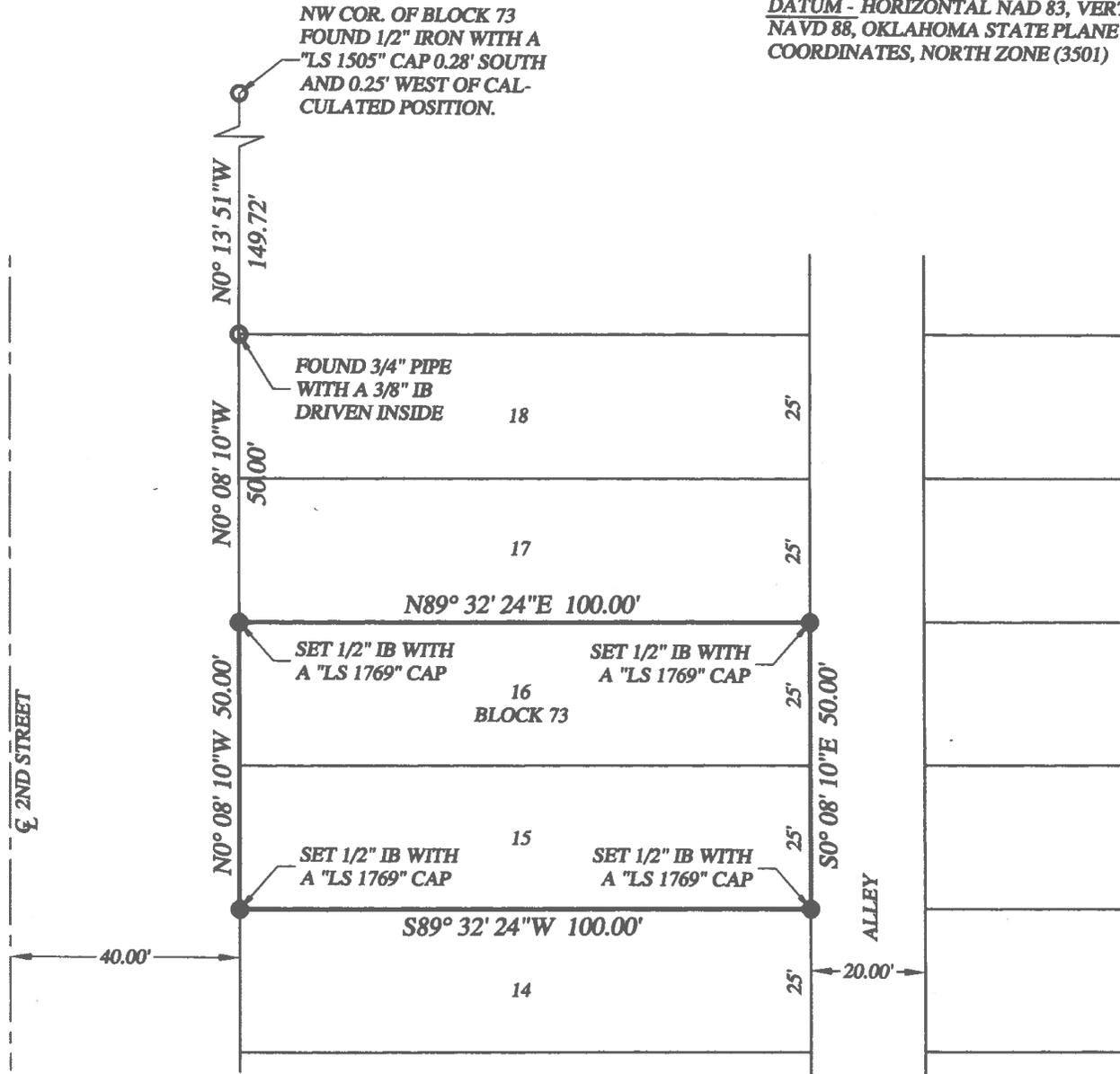
# BOUNDARY SURVEY

418 AND 420 S. 2ND STREET  
GUTHRIE, OKLAHOMA 73044



TOWNSHIP 16 NORTH, RANGE 2 WEST, 1.M.  
LOGAN COUNTY, OKLAHOMA

**BASIS OF BEARINGS** - BEARINGS ARE BASED ON STATIC GPS READINGS, REDUCED USING NGS OPUS.  
**DATUM** - HORIZONTAL NAD 83, VERTICAL NAVD 88, OKLAHOMA STATE PLANE COORDINATES, NORTH ZONE (3501)



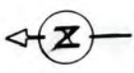
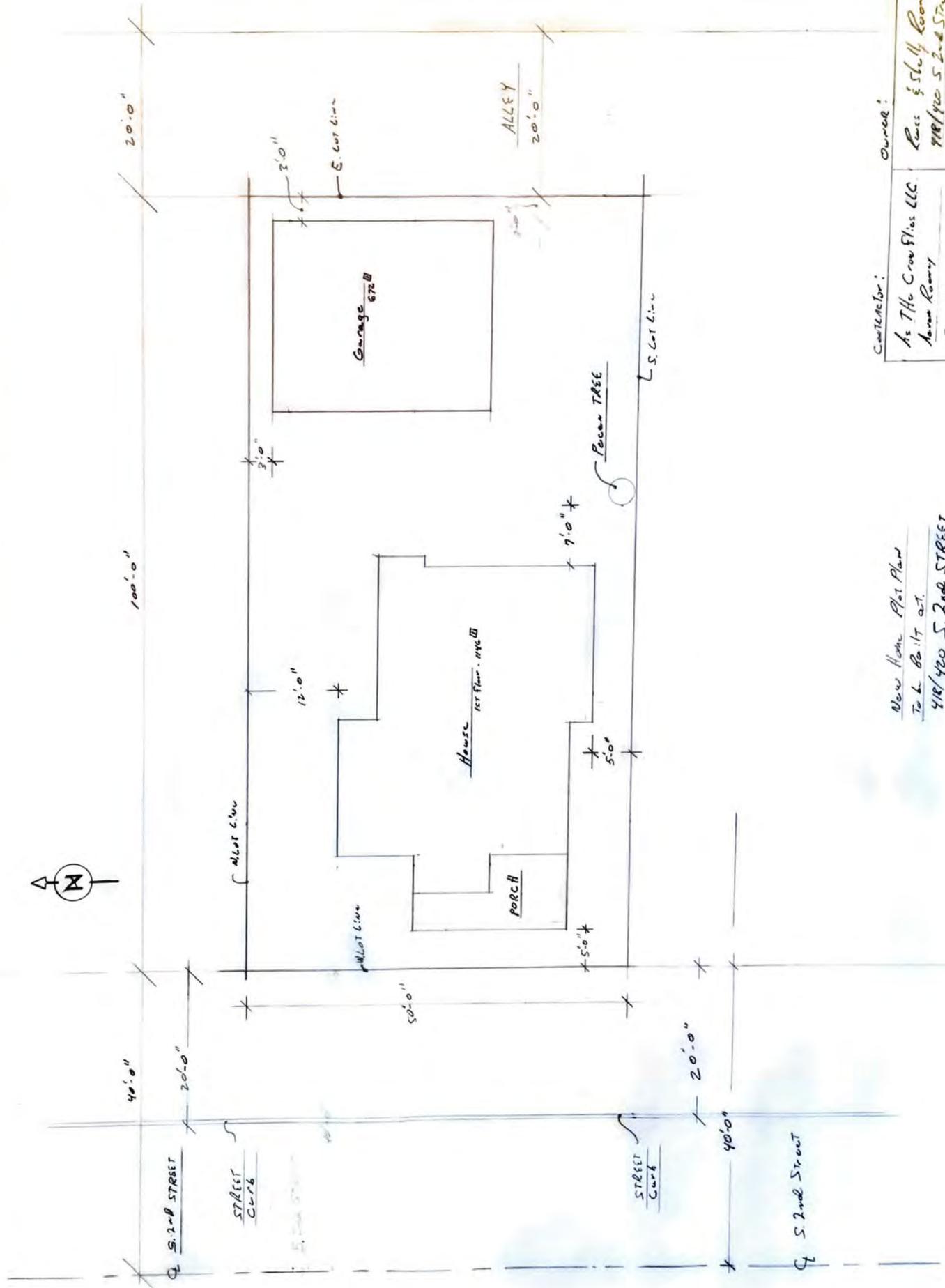
LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (WARRANTY DEED IN BOOK 2997, PAGE 400, RECORDS OF THE LOGAN COUNTY CLERK) - LOTS (15) AND (16) IN BLOCK SEVENTY THREE (73) IN GUTHRIE PROPER, A SUBDIVISION OF THE CITY OF GUTHRIE, OKLAHOMA.

ENCROACHMENTS:  
NO ENCROACHMENTS WERE FOUND.

SURVEY NOTES -  
1) NO BUILDINGS WERE OBSERVED ON THE SUBJECT PROPERTY

LEGEND -

SUBJECT PROPERTY	—————
ADJACENT PROPERTY	—————
CENTERLINE OF ROAD	- - - - -
MONUMENT FOUND	○
MONUMENT SET	●



Customer: As The Crow Flies LLC  
Anna Loomy  
Reis Loomy  
465 S 1st Street  
Guthrie, OK  
806 - 718-7548

Owner: Russ & Shelly Loomy  
118/420 S 2nd Street  
Guthrie, OK  
320 332-8841

2/21/2021

New Home Plot Plan  
To be BUILT out.  
418/420 S. 2nd STREET  
Guthrie, OK  
Scale: 1/8" = 1'



To: City of Guthrie Board of Adjustment  
From: Dan Kassik, Planning Director  
Subject: Staff Report- BOA Application 21-002  
Date: March 10, 2021

**APPLICANT:** Restinvest IV, LLC (Chris Truitt)

**LOCATION:** 121 Cimarron Blvd.

**REQUEST:** A request for a variance to Chapter 4, Article 9 (Signs and Awnings), Section 4-173(B)(1)(b) of the City of Guthrie Municipal Code to allow for an increase in sign area for a ground sign to be 233.33 square feet per side (466.66 sq. ft. total) whereas the code allows a maximum of 60 square feet per side (120 sq. ft. total) and a variance to Section 4-173(A)(2) to allow for an increase in total area for all on premise signs to 900 square feet whereas the code allows a maximum of 600 square feet for all on premise signs

**NOTIFICATION:** Notice was published in the Guthrie News Leader on March 3, 2021, and 6 notification letters were mailed to property owners within 300 feet of the subject property.

**DISCUSSION:**

The applicant has recently purchased the subject property and will be demolishing the existing commercial building and building a new commercial building. The proposed freestanding sign exceeds the sign codes maximum allowable sign area. The applicant is requesting a 16-foot by 14.5-foot sign whereas the code only allows an approximate 8-foot by 7.5-foot sign. There is an existing pole sign that the applicant is going to use, but the sign does not have an existing sign head, thus the need for the variance. It is unknown the exact height of the pole sign, but regardless, the sign pole is considered legal non-conforming.

The primary issue with the current request is location. The property is located within the I-35 corridor where there is a large right-of-way (4 land interstate) with higher highway speeds (75 mph). The sign code is setup for a form typical commercial area that has two land streets that are generally 35 mph. The zoning code does acknowledge the I-35 corridor but only in sign height and additional freestanding sign. There is not any consideration for more allowable sign area.

A four-lane interstate corridor usually needs larger and taller signs due to the speed of traffic as well as the expanse of right-of-way area. A variance was granted to the Love's Travel Center when it was built for the same reason. The proposed freestanding sign would be similar in size to many of the existing signs in the area. Most of the signs in the area were constructed prior to the current code.

The building will not have any single sign that exceeds the sign area allowed by code. If not for the variance for the freestanding sign, the property would not exceed the total area allowed for all on-premise signage. The total amount of wall signage will be approximately 433 sq. ft. total. If the applicant had used the maximum 120 sq. ft. for the freestanding sign, the total on premise signage would be 553 sq. ft. and the code allows a total of 600 sq. ft. However, due to the increase in sign area of the freestanding sign, the overall sign area allowed will have to be increased otherwise the remaining signage will be impacted.

Based on the location, the property has a hardship that warrants additional allowable sign area.

**RECOMMENDATION:**

Based on the above discussion, Staff finds that the strict application of the zoning code does create an unnecessary hardship for the applicant, thus Staff recommends the variance be granted to allow for 233.33 sq. ft. of sign area for the freestanding sign and an increase in the overall sign area for all on premise sign to 900 sq. ft.

Application NO. \_\_\_\_\_

**BOARD OF ADJUSTMENT APPLICATION**

The Board of Adjustment meets the third Thursday of each month. Applications must be submitted to Community Development at least 16 days prior to the meeting to allow for public notice. All required attachments must be filed with the application.

**Application Type:**

- Plan Review/Minor Variance                       Special Use  
 Zoning Variance     Appeal

Property Address 121 Cimarron Boulevard Guthrie, Ok 73044

Property Owner Restinvest IV, LLC

Email Christmitt@tracodevelopment.com Daytime Phone 918-606-2713

Mailing Address 611 S. Elm Place Broken Arrow, Ok 74012

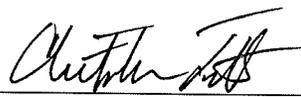
**Brief description of proposed project** *(attach more pages if needed)*

We are requesting a variance to allow use of a pylon sign that has 233.33 sq ft of surface area on the existing pylon pole. The total building signage will be 433 sq ft.

**Required Attachments**

1. Proof of ownership
2. Logan County Assessor's list of property owners within 300 feet of exterior boundary
3. Rendering of property showing all measurements to scale, including setbacks

**The applicant or a representative for the applicant must be present at the meeting.**

Applicant Signature  Date 2/15/2021

# Location Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Planning Department  
101 N. 2nd St. Guthrie OK 73044

## Legend

 Subject Property



Google Earth

© 2021 Google

# 16'-0" RETRO BUN PYLON HEAD

## SPECIFICATIONS

Cabinet or Returns: Painted brushed aluminum with clear coat

Retainer or Trim Cap: Silver

Face: Panaflex faces with 3M vinyl, 1st surface UV overlamine

Illumination: LED

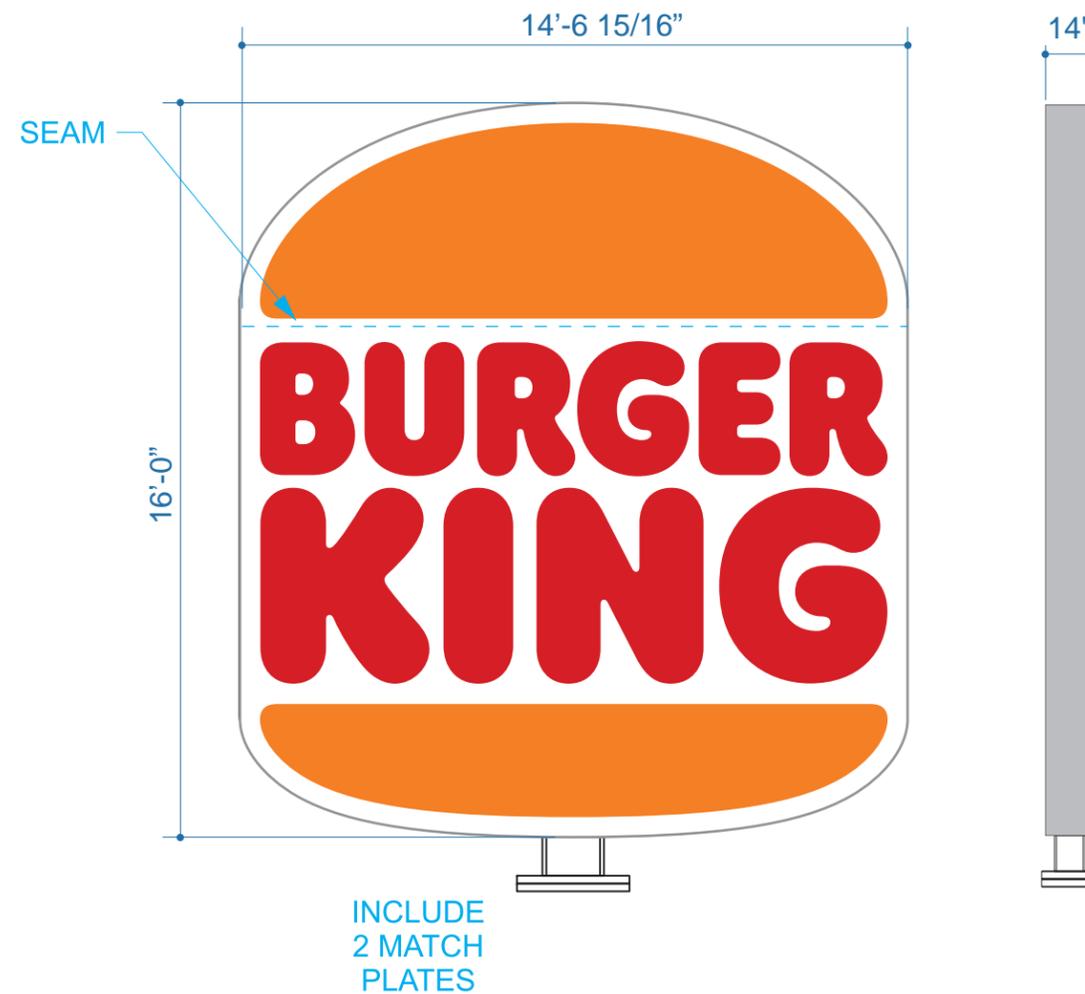
 VINYL # 3630-84 TANGERINE

 VINYL # 3630-143 POPPY RED

 VINYL # 3635-30 WHITE DIFFUSER

(1) 20 Amp Circuit  
120 Volts

233.33 Sq. Ft.



**116-BB-FC-16-HEAD  
BK7019**



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DATE: \_\_\_\_\_

DATE BY

Rev. #1 12/11/20 AAAJ

Rev. #2 \_\_\_\_\_

Rev. #3 \_\_\_\_\_

DATE BY

Rev. #4 \_\_\_\_\_

Rev. #5 \_\_\_\_\_

Rev. #6 \_\_\_\_\_

**BURGER KING  
2020 RETRO LOOK  
BUN DESIGN**

DRAWING NO:  
**104837.00**

ARTIST: AAAJ DATE: 12/08/20

SHEET: 21 OF 40