



STAFF REPORT
Board of Adjustment
November 7, 2024

Item No. IV.B. {{item. Number}}.

Case No.15736: Appeal by Lamar Central Outdoor, LLC and Byron's Liquor Warehouse / P.S. G. Rentals, LLC, of the decision by an administrative official regarding the issuance of Sign Permit (SIGN-2024-00417) at 2306 North Broadway Avenue. Ward 6.

I. GENERAL INFORMATION

A. CASE HISTORY:

This is a new appeal that was continued from the September 19, 2024, and October 3, and October 17th, 2024 Board of Adjustment meetings.

On October 3, 2024, because the Board of Adjustment did not have the concurring vote of three (3) members (as required by its Bylaws), the case was automatically continued to the Board's next scheduled meeting on October 17, 2024.

The applicant on October 17th, 2024 had a scheduling conflict and the Board voted to continue hearing on the appeal to November 7, 2024 Board of Adjustment Meeting.

B. ZONING ORDINANCE:

Chapter 59, Section 4250.10.B of the Oklahoma City Municipal Code, 2020, as amended, states that an appeal may be filed by any person aggrieved by, or by any officer, department, board or bureau of the City affected by, any decision of any City Official related to the issuance of a building permit or the enforcement of this chapter.

A new Sign Code for Oklahoma City was adopted by City Council on February 13, 2024 and became effective March 15, 2024 (Ordinance #27,526). The Ordinance enacted a new Article XVI (Sign Regulations) in Chapter 59, which provides for new sign districts and street typologies, sets forth standards for types of signs, provides for administration and enforcement, provides for the measurement of signs, and adds definitions.

II. BACKGROUND

On July 25, 2024, a sign permit for a new off-premise sign (billboard) within the I-2 Moderate Industrial District was issued by the City's Development Services Department. (SIGN-2024-00417)

On July 30, 2024, an appeal regarding the issuance of the sign permit was filed by Lamar Central Outdoor, LLC and Delmar Enterprises. On August 23, 2023, Byron's Liquor Warehouse/ P.S.G. Rentals, LLC, was added as a co-applicant and Delmar Enterprises was removed.

Pursuant to 59-4250.10 D. (3), a stay of all proceedings is in effect pending the outcome

of this Appeal.

III. SUMMARY OF APPEAL

The applicant is appealing the issuance of a sign permit for a billboard at 2306 North Broadway Avenue, stating the “decision to issue the permit violates the City of Oklahoma City's ordinances.”

Staff has provided the Board with the following information:

- 1) Evidence submitted by the Appellant in support of the appeal.
- 2) Evidence (Hearing outline) submitted on 10-3-24 by Appellant at meeting.
- 3) A copy of the issued sign permit SIGN-2024-00417.
- 4) Response from Native Digital, LLC’s attorney, David Box.
- 5) Supplemental response, dated 10-11-24, to Response submitted on 9/26/24 from Native Digital, LLC’s Attorney, David Box.

IV. DISCRETIONARY REVIEW PROCEDURES – APPEALS

§ 59-4250.10. D. *Procedure.*

(1) *Applications.* Applications for appeals shall be filed in accordance with the requirements of this section on forms provided by the City.

(2) *Acceptance of Application by the Clerk of the Board of Adjustment.* Such appeal shall be taken within the number of days permitted by 59-4250.10.C... from the date of the decision [30 days], by filing with the Clerk of the Board of Adjustment a notice of appeal specifying the grounds thereof. Upon receipt of a complete application, the Clerk of the Board of Adjustment shall review the application for completeness. The Clerk of the Board of Adjustment shall schedule the application for an upcoming Board of Adjustment agenda for consideration and shall send to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(3) *Stay of Proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the Clerk of the Board of Adjustment certifies to the Board of Adjustment, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application and notice to the Clerk of the Board of Adjustment and on the cause shown.

(4) *Action by the Board of Adjustment.*

(a) The Board of Adjustment shall fix a reasonable time for hearing appeals and direct applications, giving public notice thereof, and due notice to interested parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

STAFF REPORT
Board of Adjustment
November 7, 2024
Case No. 15736, Page 3

(b) The appeal shall be heard and tried de novo by the Board, provided such appeal shall be limited to the grounds specified in the Notice of Appeal. Upon review, the Board may affirm, reverse or modify the decision of the City Official, Design Review Committee or Commission. Any person aggrieved by the ruling of the Board on said appeal shall have such further rights of appeal as provided by law.

(c) Every ruling made upon any appeal to the Board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the Board and shall specify the reason for granting or denying the appeal. In considering all appeals from rulings made under this chapter, the Board shall, in making its finding on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, convenience, order and general welfare of the people of the City.

The Board can affirm, reverse, or modify the decision of the administrative official.