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November 1, 2024

**VIA ELECTRONIC MAIL**

Oklahoma City Board of Adjustment  
c/o Cindy Lakin  
420 W. Main Street, Suite 910  
Oklahoma City, OK 73102  
[cindy.lakin@okc.gov](mailto:cindy.lakin@okc.gov)

Re: Native Digital, LLC's Response to Board of Adjustment Appeal; BOA-15736.

Please accept this letter on behalf of our client, Native Digital, LLC ("Native"), as a supplement to the Responses submitted on September 26, 2024 and October 11, 2024 to the appeal to the Board of Adjustment, Case No. BOA-15736 (the "Appeal") in relation to Sign Permit SIGN-2024-00417 (the "Sign Permit"). Native hereby incorporates its previous Responses and the exhibits thereto.

**NATIVE'S SIGN MEETS SETBACK REQUIREMENTS**

Pursuant to § 59-16111(H)(3), "[n]o Billboard shall be constructed, erected, placed, or replaced closer than 300' to the nearest HL or HP **zoned property**." (emphasis added). **Exhibit 4** to Native's September 26, 2024 Response provides a survey / site plan showing the sign location with a 300' radius, thereby clearly demonstrating this setback requirement to be met. Contrary to Appellants' contentions, the appropriate method of measurement was correctly applied by City Staff prior to issuing the Sign Permit.

First, measurement of the setback from the sign is taken from the center of sign support structure. This is consistent with all provisions set forth in the City's newly adopted Sign Code. Section 59-16111(G) specifically calls for the center of the sign support structure to serve as the measurement point from a sign. The City's prior Sign Code, which also included the requirement that signs be setback 300' from HP zoned property, likewise required measurements to be taken from the center of the sign support structure. See § 3-119(5)(a) ("The measurement for the spacing requirement

shall be from the center of the sign support structure”). Moreover, the measurement of setback requirements from the sign support structure is consistent with standards used by the Oklahoma Department of Transportation and the outdoor advertising industry. Thus, it is without question that setback requirements are correctly measured from the center of the sign support.

Second, the 300’ setback requirement from HP zoned property is correctly measured from right-of-way line delineating the street, i.e. the property line where HP zoned property abuts right-of-way. Notably, the 300’ setback requirement is from HP **zoned property**, not the HP boundary. Thus, even where the HP boundary is located at the center of the right-of-way, the appropriate point of measurement is shifts to property line of the HP zoned property abutting the right-of-way. This is consistent with § 59-5250.4(C), which states “[f]or purposes of applying the development regulations of an individual zoning district, all such requirements shall be calculated from the appropriate right-of-way line delineating a street or alley.” Of course, the 300’ setback requirement is a development regulation, and § 59-5250.4(C) is applicable. Similarly, § 59-16111(H)(1) requires Billboards to be at least 50 feet from “residentially zoned property.” The definition for ‘Adjacent residentially zoned property’ tells us when “residentially zoned property separated by a street, shall be measured from the sign to the nearest point of right-of-way line of the residentially zoned property on the opposite side of the street.” Hence, the lot line of a platted residentially zoned property would serve as the measurement point, not the boundary of the residential zoning, which may fall somewhere within the right-of-way.

Here, the Property is adjacent to the Broadway Avenue. The property across the street includes Oklahoma City Fire Department Station 5, which is located on HP zoned property. While the HP boundary may extend into the right-of-way for Broadway Avenue, the appropriate point of measurement for the purposes of the 300’ setback is the point delineating between the Fire Station property and the right-of-way for Broadway Avenue. This point would be located somewhere between the Fire Station and the curb. As shown by Native’s survey / site plan, the center of the sign support structure is located more than 300’ from the curb near the Fire Station property. Accordingly, the setback requirements are met, and the Sign Permit was correctly issued.

Respectfully submitted,



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