



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF ADJUSTMENT

NOTICE OF MEETING

Notice is hereby given that the Enid Board of Adjustment will meet in regular session at 4:00 p.m. on the 11th day of July, 2017, in the Lower Level Conference Room in the basement of the City Administration Building, located at 401 W. Owen K. Garriott Road, Enid, Oklahoma, and the agenda for said meeting is as follows:

- AGENDA -

BOARD OF ADJUSTMENT

1. CALL TO ORDER/ROLL CALL.
2. CONSIDER APPROVAL OF MINUTES OF THE REGULAR BOARD OF ADJUSTMENT MEETING OF MAY 9, 2017.
3. ADMINISTRATION.
 1. NONE.
4. VARIANCES.
 1. HEAR THE APPEAL OF BRENT D WILLIAMS WITH EXCEL DEVELOPMENT REQUESTING A VARIANCE FOR THE FRONT YARD SETBACK LOCATED AT 716 EAST OKLAHOMA WHICH IS ALSO KNOWN AS LOTS 8-16, BLOCK 42, ORIGINAL TOWNSITE. THE PROPERTY IS ZONED R-7 RESIDENTIAL MULTI-FAMILY DISTRICT.
 2. HEAR THE APPEAL OF BRENT D WILLIAMS WITH EXCEL DEVELOPMENT REQUESTING A VARIANCE FOR THE LANDSCAPE REQUIREMENTS LOCATED AT 716 EAST OKLAHOMA WHICH IS ALSO KNOWN AS LOTS 8-16, BLOCK 42, ORIGINAL TOWNSITE.
5. SPECIAL EXCEPTIONS.
 1. NONE.

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF ADJUSTMENT
OF THE
CITY OF ENID, OKLAHOMA**

The Board of Adjustment of the City of Enid, Oklahoma, met in a regular meeting in the Lower Level Conference Room of the City Administration Building located at 401 West Owen K. Garriott Road in the City of Enid, on the 9th day of May 2017 at 4:00 P.M., pursuant to public notice thereof displayed on the bulletin board at the City Administration Building of the City of Enid, in prominent view and which notice was posted prior to 4:00 P.M. on the 13th day of March 2017, a copy of which is attached hereto:

ITEM # 1: Call to Order/Roll Call.

PRESENT: John Arend, Andrew Long, Michael Shuck and Mike Stuber

ABSENT: John Merz

ITEM # 2: Elect a chairperson and vice chairperson.

Mike Stuber made a motion to nominate Andrew Long as chairperson which was seconded by John Arend and passed unanimously. Michael Shuck nominated Mike Stuber as vice chairperson which was seconded by John Arend and passed unanimously.

ITEM # 3: Approve the minutes of the March 14, 2017 regular meeting.

ACTION TAKEN:

Mike Stuber made a motion to approve the minutes of the March 14, 2017 regular meeting. The motion was seconded by Michael Shuck and passed unanimously.

ITEM # 4: Hear the appeal of Wendy Lamon requesting a variance for surfacing located at 4801 West Rupe which is also known as a tract of land in the Northwest Quarter of Section 22, Township 22 North, Range 7 West of the Indian Meridian.

The property is zoned "A" Agriculture District.

ACTION TAKEN:

Mike Stuber made a motion to approve the variance finding: hardship was caused by the ordinance that requires the existing gravel driveway to be paved; the peculiar condition is the property is a 10 acre farm; raising dust on a 10 acre farm will not impair the purpose and intent of the ordinance; the minimum necessary is to allow the applicant to utilize the existing gravel driveway to alleviate the hardship. The motion was seconded by Michael Shuck and passed unanimously with the vote being recorded as follows:

AYES: John Arend, Andrew Long, Michael Shuck and Mike Stuber

NAYS: None

ITEM # 5: Hear the appeal of Velma Freeburg requesting a variance for a front yard setback located at the 2230 West Elm which is also known Lot 8, Block 1, Lovell's First Addition.

The property is zoned "R-4" Residential Duplex or Two-Family Dwelling District.

ACTION TAKEN:

Mike Stuber made a motion to approve the variance finding: hardship was caused due to the only location the carport could be installed on the property; the peculiar condition there is no vehicle access to the rear yard; a single car carport will not impair the purpose and intent of the ordinance; the minimum necessary is to allow the applicant to have a 10' by 17' carport over the existing driveway to alleviate the hardship. The motion was seconded by John Arend and passed with the vote being recorded as follows:

AYES: John Arend, Andrew Long and Mike Stuber

NAYS: Michael Shuck

ITEM # 6: Hear the appeal of Charles McPhail requesting a variance to a minimum distance to a front lot line for a fence located at 2110 East Cypress which is also known as the South ½ of Lots 13, 14, 15, and all of Lots 16, 17 and 18, Block 18, Sawyer's University Addition.

The property is zoned "R-4" Residential Duplex or Two-Family Dwelling District.

ACTION TAKEN:

Mike Stuber made a motion to approve the variance finding: hardship was caused when the City adopted a new fence ordinance and applied it to a fence under construction that did not require a building permit; the peculiar condition is the property was expanded and the applicant wanted to fence the additional property; erecting a six foot tall fence, two feet from the front property line will not impair the purpose and intent of the ordinance; the minimum necessary is to allow the applicant to complete the unfinished project to alleviate the hardship. The motion was seconded by Michael Shuck and passed unanimously with the vote being recorded as follows:

AYES: John Arend, Andrew Long, Michael Shuck and Mike Stuber

NAYS: None

ITEM # 7: Adjourn.

John Arend made a motion to adjourn which was seconded by Mike Stuber and passed unanimously.

Meeting adjourned at 4:30 PM.

6. ADJOURN.

Board of Adjustment

4.1.

Meeting Date: 07/11/2017

Submitted By: Karla Ruther, Planning Assistant

SUBJECT:

HEAR THE APPEAL OF BRENT D WILLIAMS WITH EXCEL DEVELOPMENT REQUESTING A VARIANCE FOR THE FRONT YARD SETBACK LOCATED AT 716 EAST OKLAHOMA WHICH IS ALSO KNOWN AS LOTS 8-16, BLOCK 42, ORIGINAL TOWNSITE. THE PROPERTY IS ZONED R-7 RESIDENTIAL MULTI-FAMILY DISTRICT.

BACKGROUND:

This appeal concerns a new affordable multi-family residential project called Prairie Flats, located at 712 E. Oklahoma. The project contains 36 dwelling units and community building. The property is zoned "R-7" Residential (Multi-Family).

Section 11-6H-3.A.1. of the zoning ordinance states: "**Yards: Front yard: Twenty feet (20').**" In this case, the applicant is seeking a variance that would allow a small portion of each apartment building to encroach up to 8.1' into the required 20' front yard. See attached site plan.

A variance may be granted upon the Board of Adjustment finding that:

1. **The application of the ordinance to the particular piece of property would create an unnecessary hardship.**
2. **The conditions are peculiar to the particular piece of property involved.**
3. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purpose and intent of the ordinance.**
4. **The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.**

Any person or persons applying to the Board of Adjustment for a variance shall have the burden of showing that all of the criteria above have been met. Please see the attached application for the applicant's response to the criteria.

RECOMMENDATION:

Hear the appeal and take appropriate action.

PRESENTER:

Chris Bauer, Planning Administrator.

Attachments

Site Plan

Variance Petition

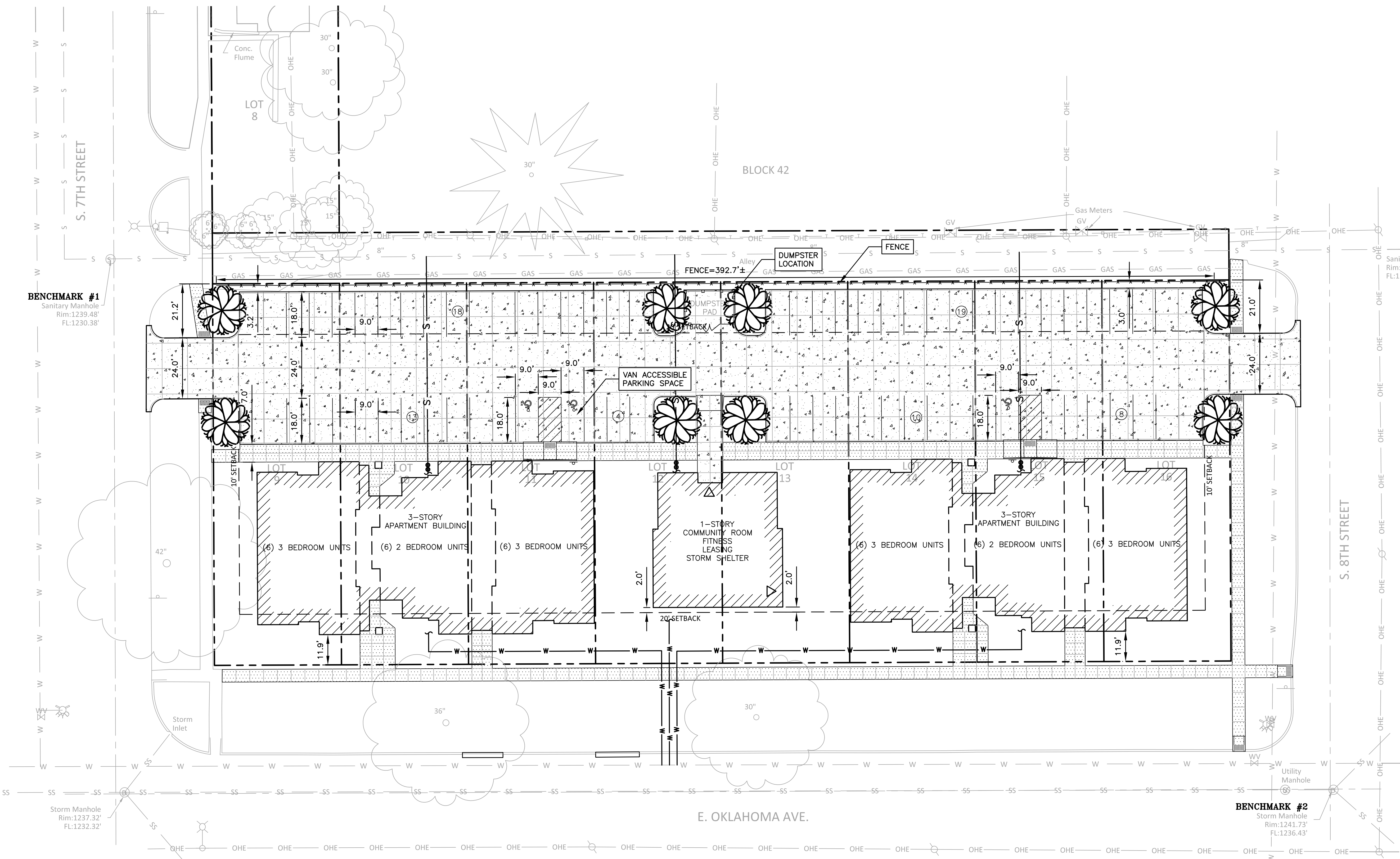
Preliminary
Not for
Construction

PRAIRIE FLATS APARTMENTS
36 APARTMENTS WITH COMMUNITY SHELTER
S 7TH STREET AND E OKLAHOMA AVE
END, OKLAHOMA

Project Number
15-167
Date
6-06-2017
Revisions

© Copyright ADA 2017

C1.2



BENCHMARK #1
Sanitary Manhole
Rim:1239.48'
FL:1230.38'

BENCHMARK #2
Storm Manhole
Rim:1241.73'
FL:1236.43'

TOTAL FRONT SETBACK AREA = 8000 SQ. FT.	TOTAL BUILDING ENCROACHMENT IN TO FRONT SETBACK AREA = 1300 SQ. FT. or 16%	PARKING SPACES REGULAR = 70 HANDICAP = 2 TOTAL SPACES = 72
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LEGEND

- 6" CONCRETE PAVEMENT
- 4" CONCRETE PAVEMENT
- SANITARY SERVICE LINE
- WATER SERVICE LINE
- PROPERTY LINE (ASSUMED)

BENCHMARK

BENCHMARK #1, SANITARY SEWER MANHOLE NEAR ALLEY ON S. 7TH STREET, RIM EL=1239.48
BENCHMARK #2, STORM SEWER MANHOLE, INTERSECTION OF E. OKLAHOMA AVE. AND S. 8TH STREET, RIM EL=1241.73

SHEET NOTE:

THE DESIGN OF THIS PROJECT IS BASED ON A TOPOGRAPHIC SURVEY PROVIDED TO REGA ENGINEERING BY THE CLIENT. REGA ENGINEERING ACCEPTS NO RESPONSIBILITY FOR ACTUAL FIELD CONDITIONS OF TOPOGRAPHIC FEATURES AND ANY NEGATIVE AFFECTS SAID TOPOGRAPHIC SURVEY HAS ON THE DESIGN AND CONSTRUCTION OF THIS PROJECT. CONTRACTOR SHALL FIELD VERIFY ALL NECESSARY ELEVATIONS AND HORIZONTAL CONTROL BEFORE COMMENCING WORK.

REGA 171190

ISSUED FOR:	DATE:	BY:	REVIEW BY:
LAYOUT OPTIONS	06/07/17	SDB/MG	JB/NB
LAYOUT OPTIONS	06/13/17	SDB/MG	JB/NB

NOTE:
DIAL BEFORE YOU DIG. CALL 1-800-522-6543 FOR LOCATION OF UNDERGROUND TELEPHONE, ELECTRIC, GAS MAINS, CABLE TELEVISION, AND CITY UTILITIES.

REGA
ENGINEERING GROUP, INC.

601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402).484.7342

- ENGINEERING
- PLANNING
- LAND SURVEYING



SITE LAYOUT PLAN
SCALE: 1" = 20'-0"



Planning & Zoning Department
Chris Bauer, Planning Administrator
cbauer@enid.org
580-616-7217
PO Box 1768, 401 West Garriott
Enid OK 73702

Zoning Variance Petition

(Due to Community Development 15 days prior to Zoning Board of Adjustment meeting date)

For Board of Adjustment meeting dates visit <http://www.enid.org/index.aspx?page=383>.

1. I, or We, hereby petition the ZONING BOARD OF ADJUSTMENT for a variance to the following provision(s) of the City of Enid Ordinance, Section(s) _____

11-11-5 E.1. and 11-6H-3 A. 1.

2. The Burden of Proof: Any persons applying for a variance shall have the burden of showing that all of the following factors described below have been met. The applicant must respond to each. Additional pages may be added.

A. The application of the ordinance to the particular piece of property would create an unnecessary hardship; Please see attached addendum -

B. Such conditions are peculiar to the particular piece of property involved; _____

Please see attached addendum -

C. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and _____

Please see attached addendum -

D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Please see attached addendum -

3. I, or we have attached a site plan of the proposed construction.

4. Address and/or general location of property: 712 E Oklahoma

5. Legal description of site: The surface only to Lots 8-16, Block 42 original Townsite

6. Zoning classification of property: R-7

7. Please provide zoning variance petition application and a list containing the names and mailing addresses of all owners of property lying within 300 feet of the exterior boundary of the subject property, as certified by a licensed and bonded abstracting company, or title insurance to kruther@enid.org.

Zoning Variance Petition (addendum)

2. The Burden of Proof: Section 11-6H-3A.1. of Ordinance

A. The application of the ordinance to the particular piece of property would create an unnecessary hardship; utilizing an apartment plan that has been constructed several times on other affordable housing projects to keep costs low. The floor plans have been modified to the extent possible to narrow the buildings North to South. Additional reductions would create unusable spaces.

B. Such conditions are peculiar to the particular piece of property involved; 100 feet R.O.W. on East Oklahoma Ave reduces the buildable area on the property. Also, the purpose of the project is to provide affordable housing utilizing infill lots.

C. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and only small portions of the building(s) will project onto the front yard setback. The South property line is 45+/- feet from the existing curb from E. Oklahoma Ave. This encroachment will not impede traffic or site distance triangular to side streets.

D. The variance, if granted, would be minimum necessary to alleviate the unnecessary hardship. The total front yard setback area is 8,000 SF of which the building(s) will occupy 1,300 SF or 16% of the total front yard setback.

2. The Burden of Proof: Section 11-11-5E.1. of Ordinance

- A. The application of the ordinance to the particular piece of property would create an unnecessary hardship; utilizing an apartment plan that has been constructed several times on other affordable housing projects to keep costs low. The floor plans have been modified to the extent possible to narrow the buildings North to South. Additional reductions would create unusable spaces. Due to site constraints.
- B. Such conditions are peculiar to the particular piece of property involved; 100 feet R.O.W. on East Oklahoma Ave reduces the buildable area on the property. Also, the purpose of the project is to provide affordable housing utilizing infill lots.
- C. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and the location, width and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape.
- D. The variance, if granted, would be minimum necessary to alleviate the unnecessary hardship. The minimum five foot (5') landscaped strip adjacent to their perimeters with shade trees planted in the amount equivalent to one shade tree for every thirty five feet (35') of the perimeter linear footage. Also, the north side of the parking will have a fence that refers to "On parking lot perimeters adjacent to residentially zoned or developed land, the landscaped strip shall contain seventy five percent (75%) opaque screening which shall include a solid wall, fence or compact evergreen hedge not less than five feet (5') in height.

8. Send \$100.00 fee to Karla Ruther at the address above or if you prefer to pay electronically, contact the City Clerk at (580) 616-1815.

9. Applicant's signature: *Brent D. Williams*

Printed Name: Brent D. Williams

Date: June 16, 2017 Address: 8551 Lexington Ave, Lincoln, NE 68505

Email: brent@exceldg.com Telephone: 402-434-3344

Cell phone: 402-525-3225

Section 11-3-10
Appeal Process:

Appeal to the Garfield County District Court by filing a Notice of Appeal with the City Clerk and the Secretary of the Board of Adjustment within ten (10) days of the decision or order of the Board of Adjustment.

If you have any questions, please contact Community Development at (580) 616-7218
THANK YOU!

Appeal of Decision by Administrative Official

Section: 11-11-5 E 1. and 11-6H-3 A. 1.

Chris Bauer

Digitally signed by Chris Bauer
DN: cn=Chris Bauer, o=City of Enid, ou=Community
Development, email=cbauer@enid.org, c=US
Date: 2017.08.14 09:45:04 -0500

Date: 6-14-17

Code Office Signature

Code Official Initial: CB

Description: 5' landscape strip adjacent to the parking lot with trees every 35'. Apartment building encroach into 2

Applicant: Brent D. Williams

Phone: 402-434-3344

Email: brent@exceldg.com

Board of Adjustment

4.2.

Meeting Date: 07/11/2017

Submitted By: Karla Ruther, Planning Assistant

SUBJECT:

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BACKGROUND:

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Section 11-11-5E. 1. of the zoning ordinance states: "**Landscaping: All parking lots containing more than ten (10) spaces must have a minimum five foot (5') landscaped strip adjacent to their perimeters with shade trees planted in the amount equivalent to one shade tree for every thirty five feet (35') of the perimeter linear footage. On parking lot perimeters adjacent to residentially zoned or developed land, the landscaped strip shall contain seventy five percent (75%) opaque screening which shall include a solid wall, fence or compact evergreen hedge not less than five feet (5') in height.** In this case, the applicant is seeking a variance that would allow the required 5' landscape strip with trees every 35' to be reduced to a 3' landscape strip with a solid 5' tall wood fence with tree islands at each end and middle of the parking lot. See attached site plan.

A variance may be granted upon the Board of Adjustment finding that:

1. **The application of the ordinance to the particular piece of property would create an unnecessary hardship.**
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RECOMMENDATION:

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PRESENTER:

Chris Bauer, Planning Administrator.

Attachments

Variance Petition



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Please see attached addendum -

C. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and _____

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DN: cn=Chris Bauer, o=City of Enid, ou=Community
Development, email=cbauer@enid.org, c=US
Date: 2017.08.14 09:45:04 -0500

Date: 6-14-17

Code Office Signature

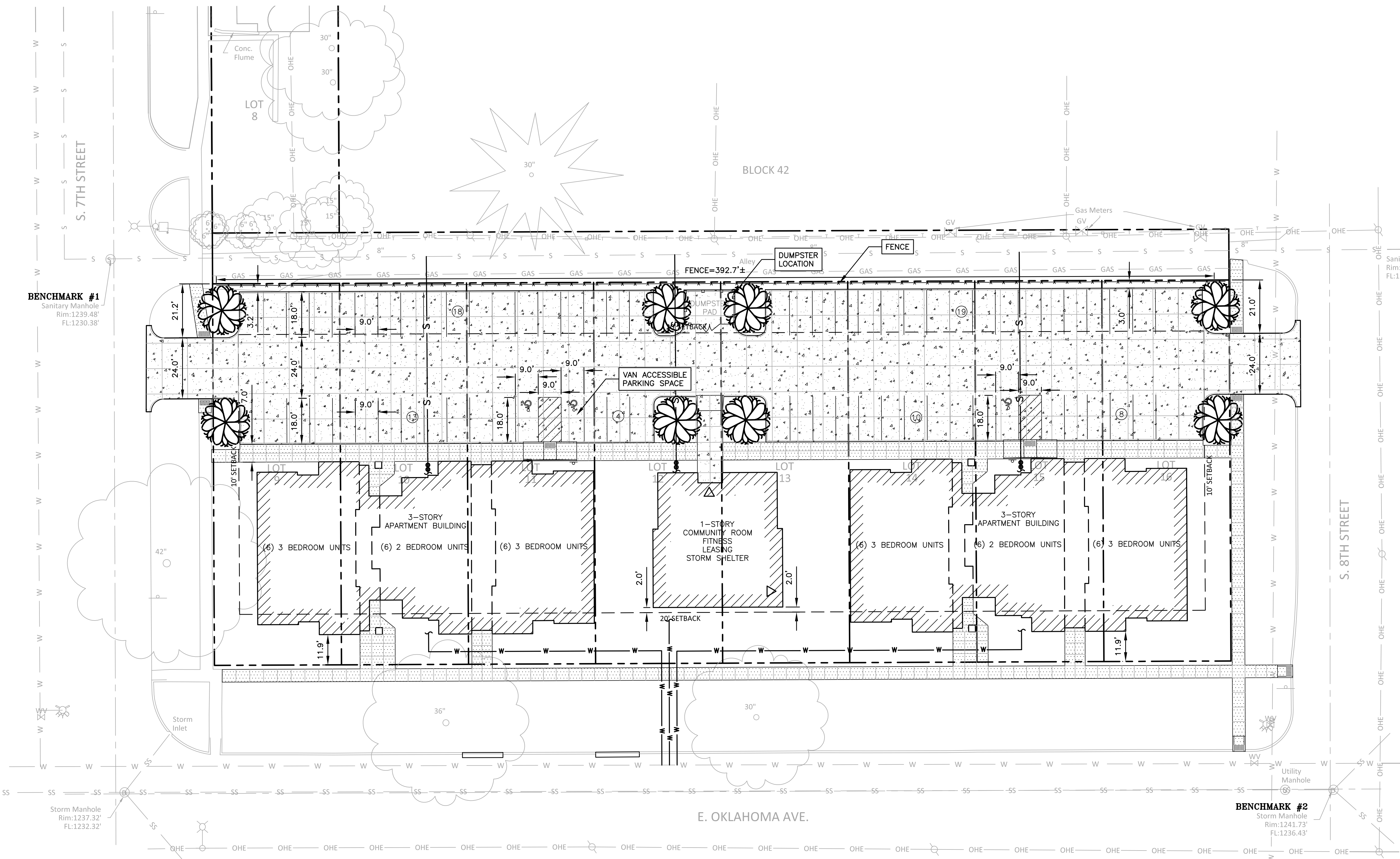
Code Official Initial: CB

Description: 5' landscape strip adjacent to the parking lot with trees every 35'. Apartment building encroach into 2

Applicant: Brent D. Williams

Phone: 402-434-3344

Email: brent@exceldg.com



BENCHMARK #1
Sanitary Manhole
Rim:1239.48'
FL:1230.38'

BENCHMARK #2
Storm Manhole
Rim:1241.73'
FL:1236.43'

TOTAL FRONT SETBACK
AREA = 8000 SQ. FT.

TOTAL BUILDING ENCROACHMENT
IN TO FRONT SETBACK
AREA = 1300 SQ. FT. or 16%

PARKING SPACES
REGULAR = 70
HANDICAP = 2
TOTAL SPACES = 72

LEGEND

- 6" CONCRETE PAVEMENT
- 4" CONCRETE PAVEMENT
- SANITARY SERVICE LINE
- WATER SERVICE LINE
- PROPERTY LINE (ASSUMED)

BENCHMARK

BENCHMARK #1, SANITARY SEWER MANHOLE NEAR ALLEY ON S. 7TH STREET, RIM EL=1239.48

BENCHMARK #2, STORM SEWER MANHOLE, INTERSECTION OF E. OKLAHOMA AVE. AND S. 8TH STREET, RIM EL=1241.73

SHEET NOTE:

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REGA 171190

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REGA
ENGINEERING GROUP, INC.

601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402).484.7342

- ENGINEERING
- PLANNING
- LAND SURVEYING



SITE LAYOUT PLAN
SCALE: 1" = 20'-0"