



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 10th day of October, 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 AUGUST 8, 2017.
3. ADMINISTRATION.
 1. NONE.
4. VARIANCES.
 1. CONSIDER A SETBACK VARIANCE FOR DENNIS GERHARD FOR AN ACCESSORY BUILDING LOCATED AT 4102 SAND VIEW DRIVE WHICH IS ALSO KNOWN AS LOT 23, BLOCK 4, QUAIL CREEK 3RD SUBDIVISION.
 2. NONE.
5. SPECIAL EXCEPTIONS.
 1. NONE.
6. ADJOURN.

DRAFT

MINUTES OF REGULAR MEETING OF
THE BOARD OF ADJUSTMENT OF THE CITY OF ENID, OKLAHOMA,
HELD ON THE 8TH DAY OF AUGUST 2017

The Board of Adjustment of the City of Enid, County of Garfield, State of Oklahoma, met in regular meeting in the Lower Level Conference Room of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, at 4:00 P.M. on the 8th day of August 2017, pursuant to notice given by August 7, 2017 to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 4:00 P.M. on the 7th day of August 2017.

Present: John Arend; Andrew Long; John Merz; Michael Shuck

Absent: Mike Stuber

Also Present: Chris Bauer, Planning Administrator
Karla Ruther, Assistant City Planner

CALL TO ORDER/ROLL CALL.

CONSIDER APPROVAL OF MINUTES OF THE REGULAR BOARD OF ADJUSTMENT MEETING OF JULY 11, 2017.

Andrew Long abstained.

AYE: John Arend, John Merz, Michael Shuck

Passed

ADMINISTRATION.

NONE.

VARIANCES.

CONSIDER A PARKING VARIANCE FOR DOLPH WOODMAN WITH RITE DEVELOPMENT FOR THE HARRISON COURT SENIOR RESIDENCE LOCATED AT 212 W. BIRCH, WHICH IS ALSO KNOWN AS LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 13 IN RE-PLAT OF BLOCK 3, MURPHY'S ADDITION AND BEGINNING AT A POINT 850.9 FEET SOUTH AND 30 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 22 NORTH, RANGE 6 W. I. M. THENCE EAST 420 FEET, THENCE SOUTH 140.9 FEET, THENCE WEST 420 FEET, THENCE NORTH 140.9 FEET TO THE POINT OF BEGINNING.

Motion was made by John Merz, seconded by John Arend to approve the parking variance for one and a quarter space per unit; the hardship is people qualifying for senior affordable housing typically have one vehicle; the peculiarity is the property is a renovation of a former elementary school; the parking variance will not impair the purpose and intent of the ordinance; the parking variance is the minimum necessary to alleviate the hardship.

Chris Bauer gave background information along with examples of previous parking variances that had been granted.

Dolph Woodman stated the units would be rented to seniors only.

AYE: John Arend, Andrew Long, John Merz, Michael Shuck
Passed

CONSIDER A DRIVEWAY SURFACING VARIANCE FOR GINA LEWIS FOR A NEW RESIDENCE LOCATED AT 804 WINDMEER, WHICH IS ALSO KNOWN AS LOTS 1 AND 2, BLOCK 2, GARDEN SUBDIVISION.

Motion was made by Michael Shuck, seconded by John Merz to grant the variance due to the current conditions of the road and property; hardship was caused by the ordinance that requires driveways to be paved adjacent to an unimproved road; 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 a gravel driveway.

AYE: John Arend, Andrew Long, John Merz, Michael Shuck
Passed

NONE.

SPECIAL EXCEPTIONS.

NONE.

ADJOURN.

Motion was made by Michael Shuck, seconded by John Merz to adjourn.

The meeting adjourned at 4:19 PM.

AYE: John Arend, Andrew Long, John Merz, Michael Shuck
Passed

Board of Adjustment

4.1.

Meeting Date: 10/10/2017

Submitted By: Karla Ruther, Planning Assistant

SUBJECT:

CONSIDER A SETBACK VARIANCE FOR DENNIS GERHARD FOR AN ACCESSORY BUILDING LOCATED AT 4102 SAND VIEW DRIVE WHICH IS ALSO KNOWN AS LOT 23, BLOCK 4, QUAIL CREEK 3RD SUBDIVISION.

BACKGROUND:

This appeal concerns a new 8' x 14' accessory storage building to be locate in the backyard of 4102 Sand View. The property is zoned "R-2" Residential (Single Family) District. The owner is seeking a variance that would allow the accessory storage building to be within 5' of the side and rear lot lines. Chris Gdanski, Director of Engineering has reviewed and approved the proposed location on the existing utility easement.

Section 11-16-2 K. of the zoning ordinance states: **"The minimum distance between an accessory building and the side lot line shall be five feet (5'). The minimum distance between an accessory building and the rear lot line shall be five feet (5')"**. See attached application.

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

Application

Photos

Engineering email



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) 11-16-2K
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; Yard is Utility easement. Yard space is limited as only 17 ft from fence to home overhang Small yard. Proposed building is 8x14 on skids to allow to be moved if necessary for utility access.
 - B. Such conditions are peculiar to the particular piece of property involved; Most of the back yard is a utility easement and limited space to place a building with the zoning Requirement of 5 ft from each fence. City Engineers require ease of movement of any structure.
 - 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 Structure is not Permanent. It will be on skids as required by City Engineer and can be moved to north though fence to The north which is utility easement on Driftwood homes. Building will be painted to match home.
 - D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. With the variance we can meet the requirements of the city engineering dept for access to Utility easement. Without it would be very difficult to move the building if required.
3. Reasons for desiring the variance: Without variance we would have very limited yard space left
4. I, or we have attached a site plan of the proposed construction.
5. Address and/or general location of property: 4102 Sand View Drive Quail Creek Addition.
6. Legal description of site: Lot 23, Block 4, Quail Creek 3rd Subdivision to the City of Enid, Garfield County, OK
7. Zoning classification of property: Residential
8. 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.

9. 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.

10. Applicant's signature: 

Printed Name: Dennis L Gerhard

Date: Sept 22, 2017 Address: 4102 Sand View Drive

Email: dgerhard@cnb-ok.com Telephone: 580-233-1716

Cell phone: 580-541-7348 580-402-4754 - Jammy

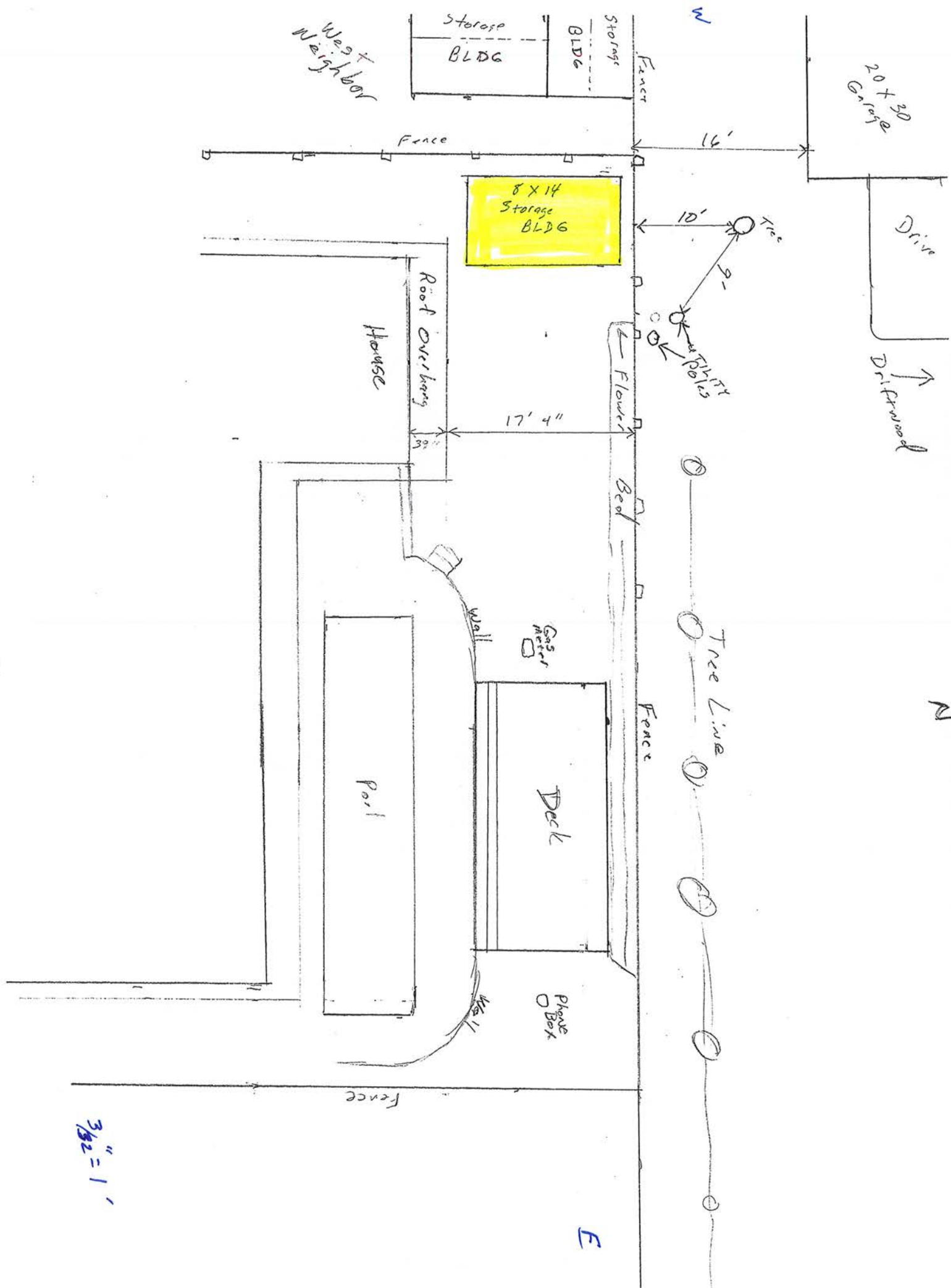
Section 11-3-10

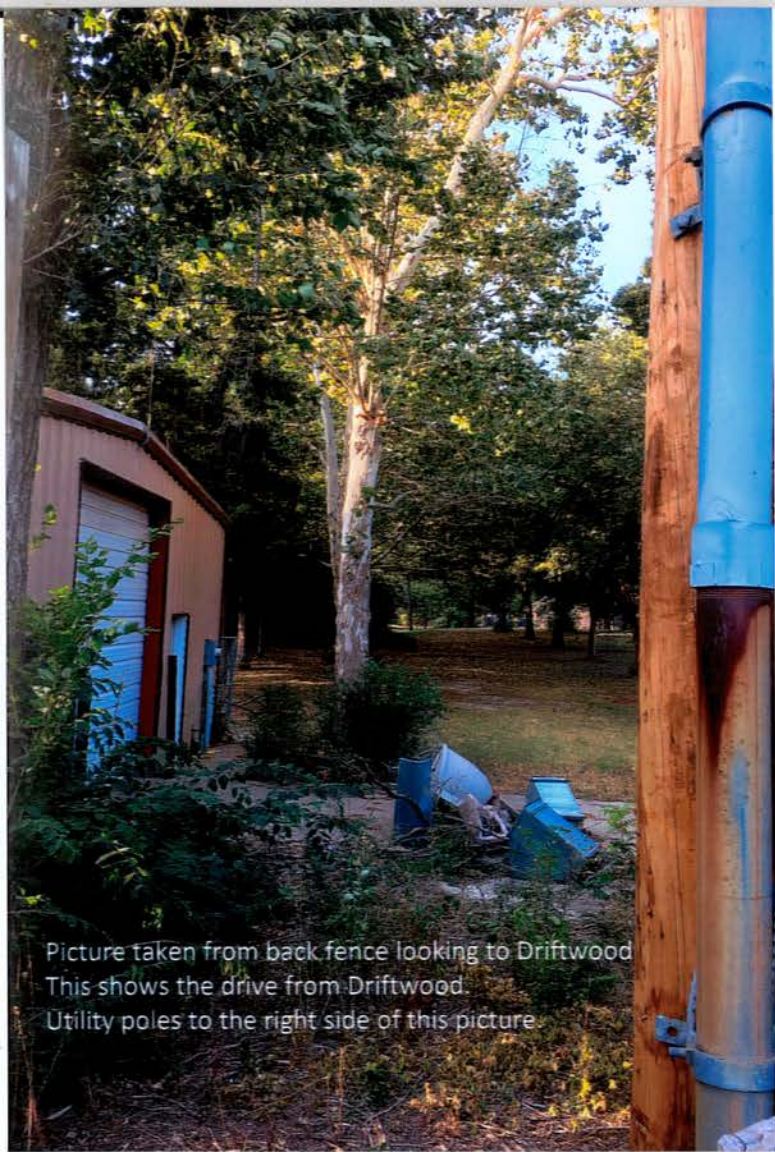
Appeal Process:

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.

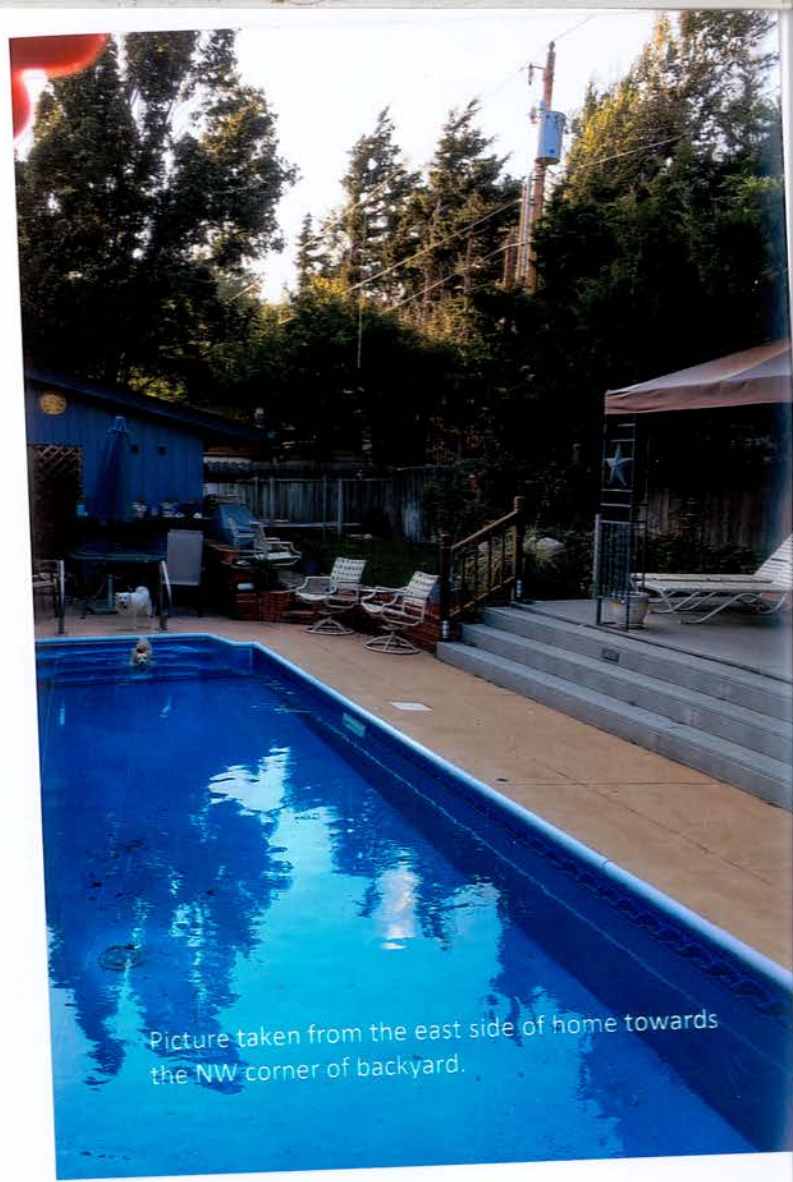
If you have any questions, please contact Community Development at (580) 616-7218

THANK YOU!

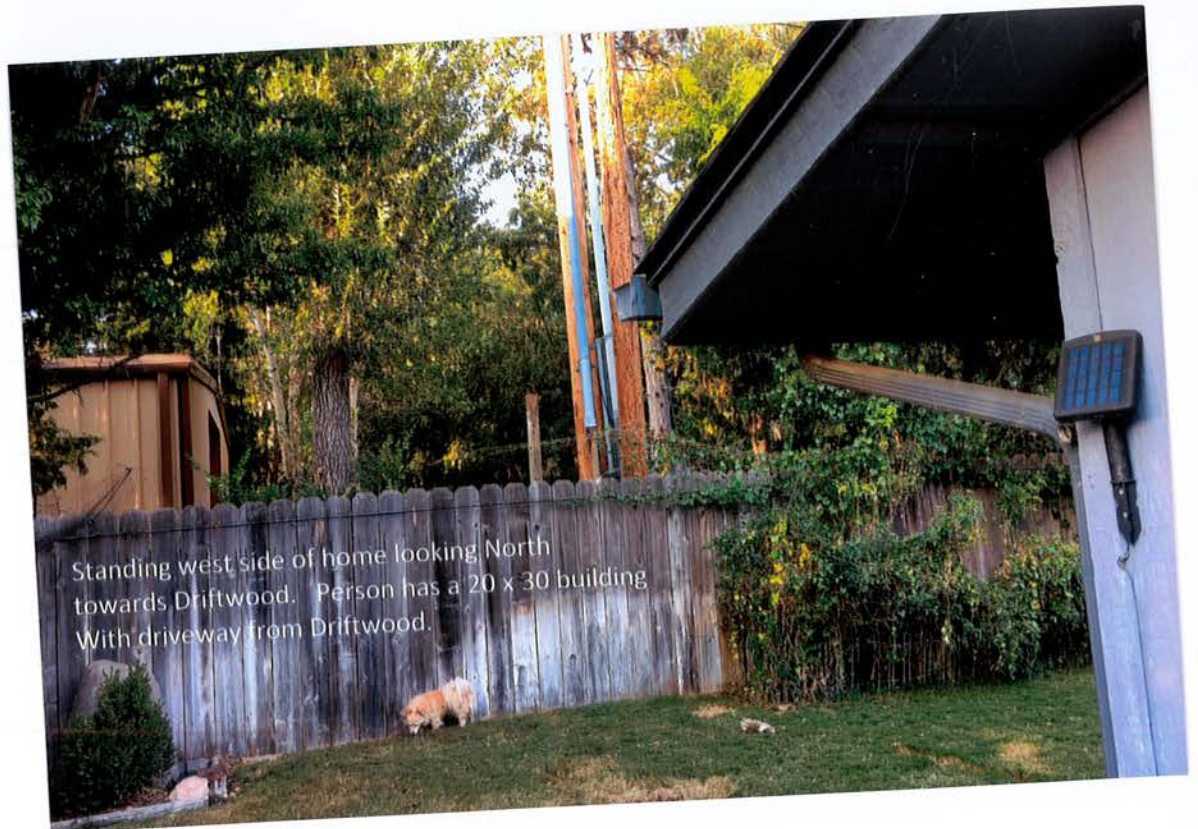




Picture taken from back fence looking to Driftwood
This shows the drive from Driftwood
Utility poles to the right side of this picture



Picture taken from the east side of home towards
the NW corner of backyard.



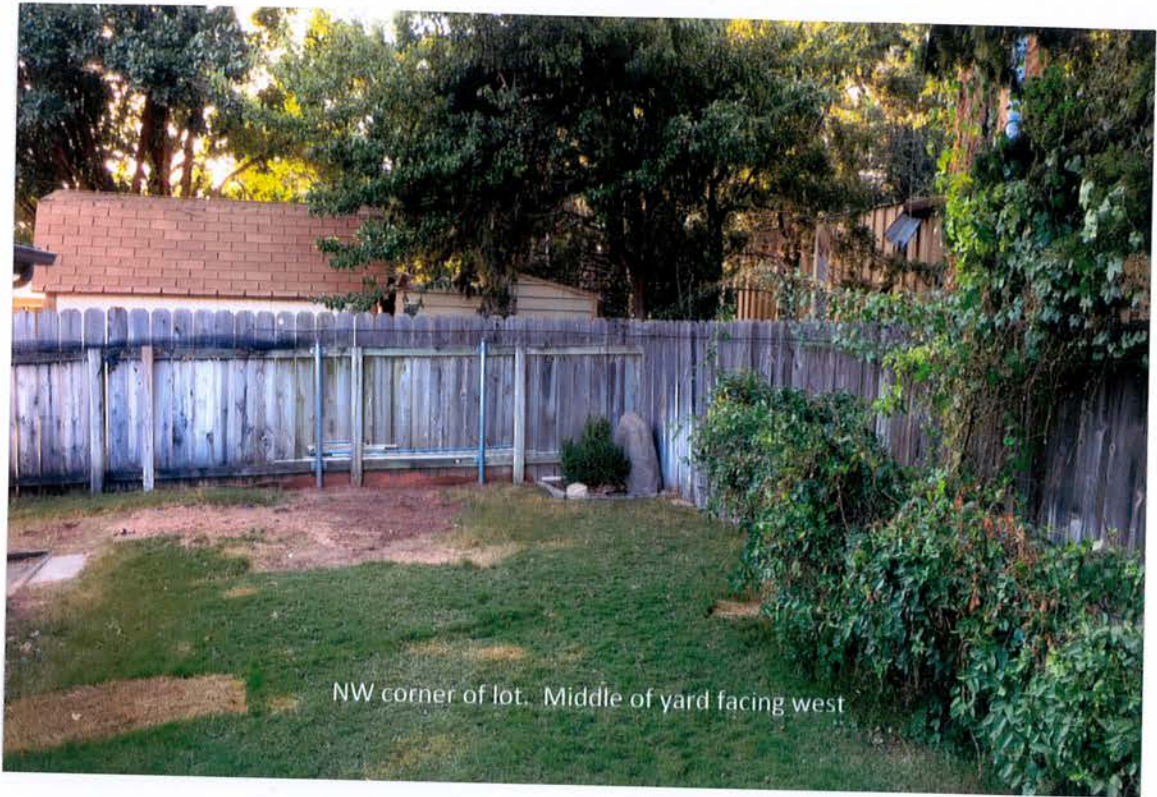
Standing west side of home looking North
towards Driftwood. Person has a 20 x 30 building
With driveway from Driftwood.



Picture take from middle of yard facing the West Fence.



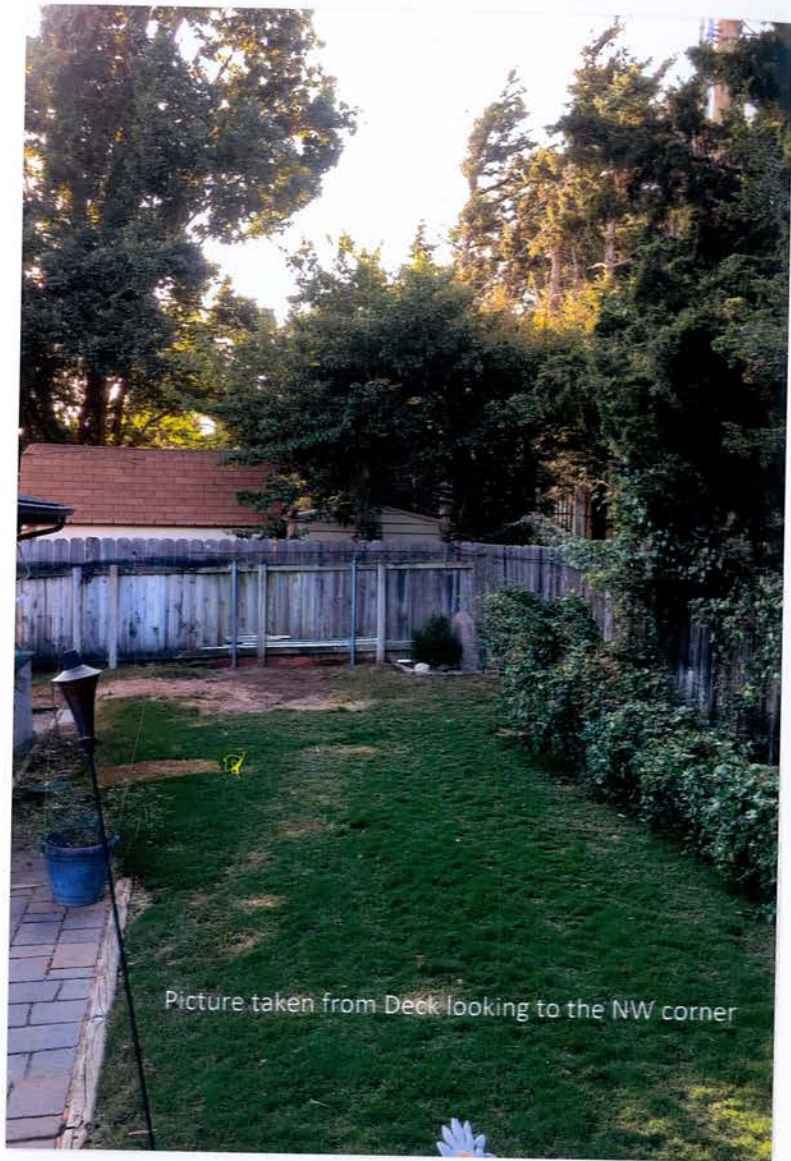
Picture taken from back of home toward back fence showing Tree line from utility pole across to the east behind fence.



NW corner of lot. Middle of yard facing west



West Side of House Looking north



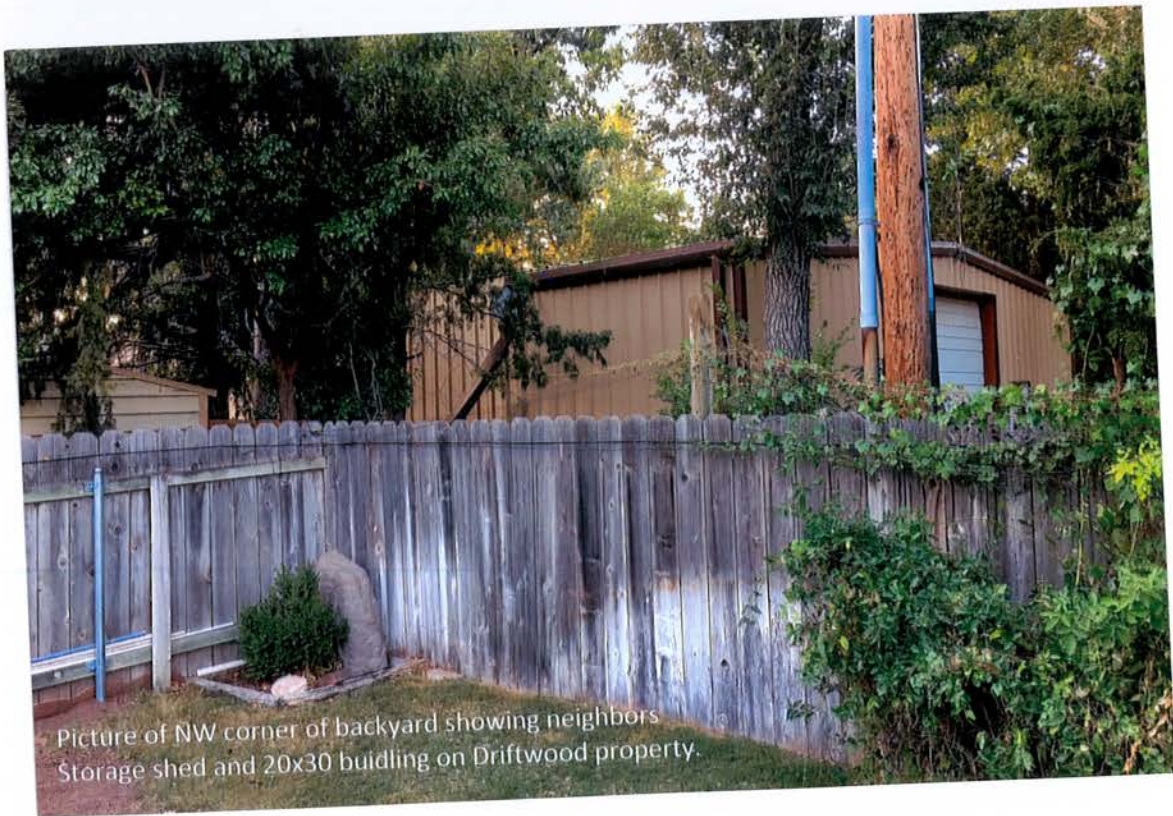
Picture taken from Deck looking to the NW corner



West Fence looking towards west Neighbors yard.



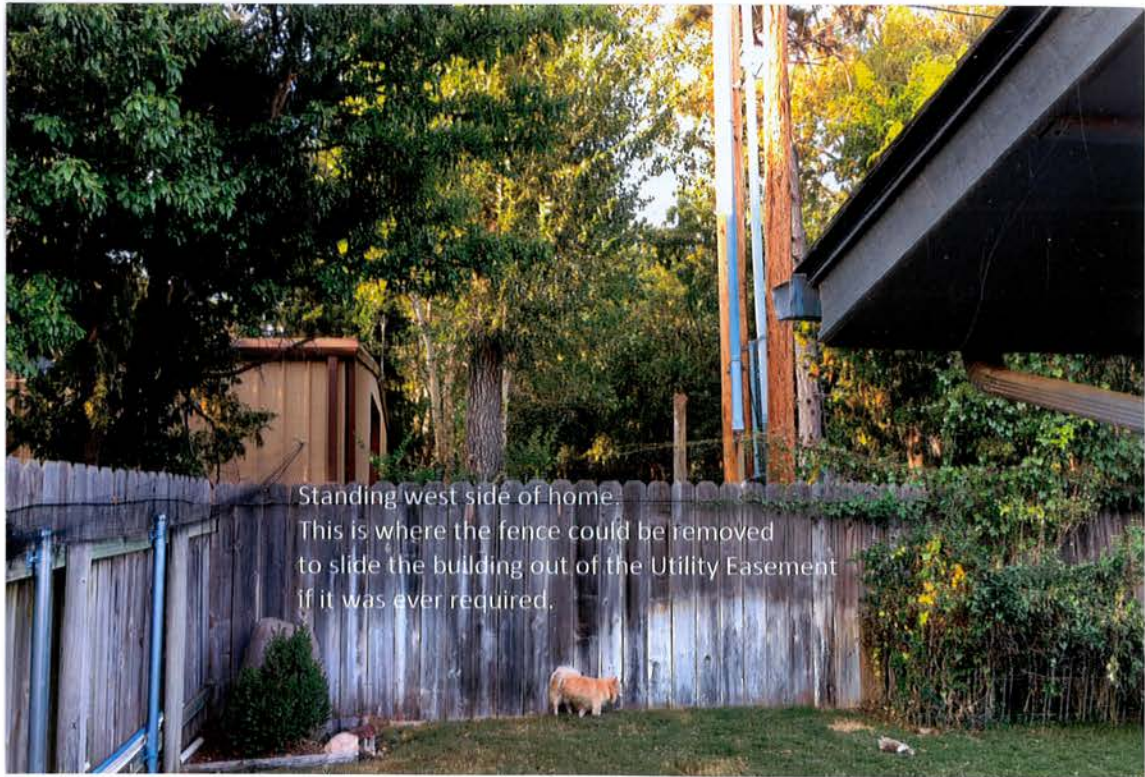
Example of type of shed to be placed in yard.
Will be baked painted to Match home.
Will be left on skids as required due to
Utility Easement.



Picture of NW corner of backyard showing neighbors
Storage shed and 20x30 building on Driftwood property.



West Fence taken from back of yard looking NW into West Neighbor's yard



Standing west side of home.
This is where the fence could be removed
to slide the building out of the Utility Easement
if it was ever required.



From: Christopher Gdanski
To: Angela Rasmussen; Chris Bauer
Cc: Juanita Gates; Robert Hitz; Vanessa Burdardt
Subject: RE: 4102 Sand View Drive

Sent: Wed 9/13/2017 11:10 AM

Folks

Engineering is good with the portable storage building of this size on the utility easement.

Christopher Gdanski
Director, Engineering Services
City of Enid
Office: 580-616-7234
Mobile: 580-484-1001