



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 13th day of March, 2018, 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 OCTOBER 10, 2017.
3. ADMINISTRATION.
 1. NONE.
4. VARIANCES.
 1. HEAR THE APPEAL OF JAMES BRYANT REQUESTING A VARIANCE FOR A FENCE TO BE ALLOWED ON A VACANT LOT AT 310 NORTH 17TH WHICH IS ALSO KNOWN AS LOT 3, BLOCK 7, GLENWOOD ADDITION.
 2. HEAR THE APPEAL OF JON LIPPARD REQUESTING A VARIANCE FOR AN ACCESSORY BUILDING LARGER THAN ALLOWED AT 4202 UNRUH DRIVE WHICH IS ALSO KNOWN AS LOTS 1 & 2, BLOCK 1, UNRUH'S 2ND ADDITION.
 3. 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 10TH DAY OF OCTOBER 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 10th day of October 2017, pursuant to notice given by October 9, 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 9th day of October 2017.

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

Also Present: Karla Ruther, Assitant City Planner

CALL TO ORDER/ROLL CALL.

CONSIDER APPROVAL OF MINUTES OF THE REGULAR BOARD OF ADJUSTMENT MEETING OF AUGUST 8, 2017.

Motion was made by John Arend, seconded by John Merz to approve the minutes.

AYE: John Arend, Andrew Long, John Merz, Michael Shuck, Mike Stuber

Passed

ADMINISTRATION.

NONE.

VARIANCES.

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.

Motion was made by Mike Stuber, seconded by John Merz to approve the non-permanent accessory building setback variance. The hardship is that the proposed building is on skids; the peculiarity is the entire backyard is a utility easement; the setback variance will not impair the purpose and intent of the ordinance since the building is non-permanent and the four foot variance is the minimum necessary to alleviate the hardship.

Dennis Gerhard informed the Board the building would be approximately one foot from the fence.

AYE: John Arend, Andrew Long, John Merz, Michael Shuck, Mike Stuber

Passed

NONE.

SPECIAL EXCEPTIONS.

NONE.

ADJOURN.

Motion was made by Mike Stuber, seconded by John Merz to adjourn.

The meeting adjourned at 4:07 PM.

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

Board of Adjustment

4.1.

Meeting Date: 03/13/2018

Submitted By: Karla Ruther, Planning Assistant

SUBJECT:

HEAR THE APPEAL OF JAMES BRYANT REQUESTING A VARIANCE FOR A FENCE TO BE ALLOWED ON A VACANT LOT AT 310 NORTH 17TH WHICH IS ALSO KNOWN AS LOT 3, BLOCK 7, GLENWOOD ADDITION.

BACKGROUND:

This appeal concerns a vacant lot located at 310 North 17th Street. The applicant is requesting to install a fence on the vacant lot. The property is zoned R-2 Residential Single Family District.

Section 11-17-5 of the zoning ordinance states: **"Except for properties zoned agriculture, fencing shall not be allowed on vacant lots."**

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

Location map

Application, reasons & fence

E Elm Ave

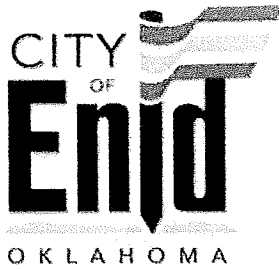


N 17th St

310

Bryant's





RECEIVED
FEB 09 2018
BY: [Signature]

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) _____

2015-32

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; _____

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

SEE ATTACHMENT

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 _____

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

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

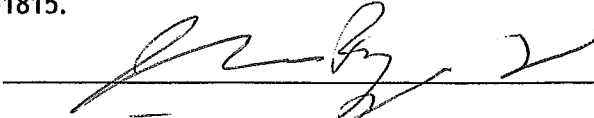
4. Address and/or general location of property: 310 N. 17th

5. Legal description of site: _____

6. Zoning classification of property: Residential

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.

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:  Ambrey
Printed Name: James Bryant Ambrey
Date: 2/9/17 Address: 301 W 10th
Email: JSB@37d.com Telephone: 202 413 1855
Cell phone: _____

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!

Supplement to Zoning Variance Petition

2A and B. We purchased the property to alleviate a public nuisance. The previous home on the now vacant lot was infested by snakes, rodents and bugs and a public hazard. Volunteers from the community, the church, and local Koch Industry workers attempted to clean up the house and property. It was in such bad shape that they had to remove their clothes and be sprayed with a hose by their wives before entering their own homes.

We paid 50 percent above market value to assure control and clean up of the property. We paid to have the infested structure torn down and pest control measures taken.

We are also under contract to purchase the home at 220 North 17th, and we will restore that since it previously was in disrepair and a blight to the neighborhood.

The lot, without the proposed back fence, exposes the property on North 16th to public view from 17th. His backyard and inside house are now visible from the street on North 17th. Neither the neighbors on 17th or 16th have privacy.

It would create a hardship for the entire community to leave this lot exposed and on Applicants because they are trying to invest to improve the quality of their neighborhood, which they have lived for over 30 years. We have already put a curb back and the lot will never be developed.

The small stone fence proposed for the front of the property adds a decorative touch in that it matches the stone fences on our property across the street.

2 C and D. The proposed fence will not cause any detriment to anybody in the community. Rather, it will turn an open empty lot into a scenic park like setting. The fence will align with the neighbors fence on 17th next door and will stand East of the chain link fence behind the house on 16th, and change nothing about the flow of the property. The chain-link fence belonging to the home on 16th does not shield the privacy of either side, but otherwise the fences stand in the same position.

The fence is the minimum necessary to solve the hardship, and actually provide beauty and continuity to the entire neighborhood.

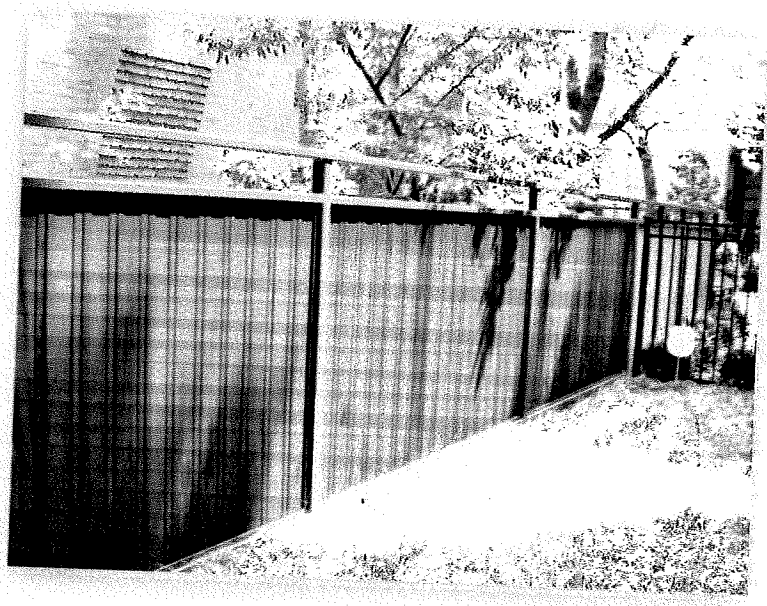
Respectfully Submitted



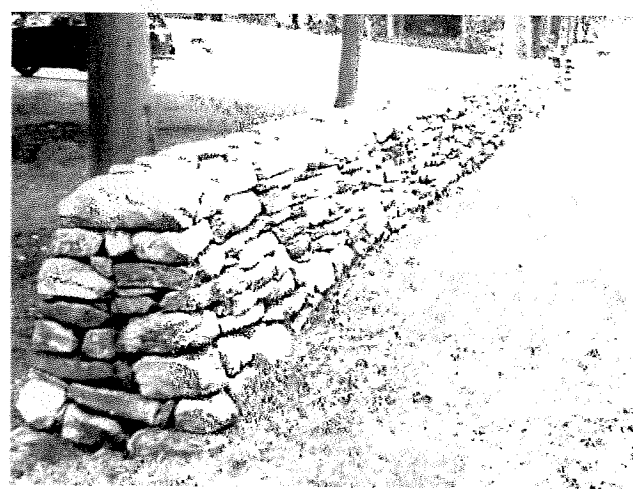
James and Ann Bryant

Site Plan

310 N. 17th



8 FT
Privacy
fence



16" to
- 3 FT
stone
fence
behind
easement

1775

Board of Adjustment

4.2.

Meeting Date: 03/13/2018

Submitted By: Karla Ruther, Planning Assistant

SUBJECT:

HEAR THE APPEAL OF JON LIPPARD REQUESTING A VARIANCE FOR AN ACCESSORY BUILDING LARGER THAN ALLOWED AT 4202 UNRUH DRIVE WHICH IS ALSO KNOWN AS LOTS 1 & 2, BLOCK 1, UNRUH'S 2ND ADDITION.

BACKGROUND:

This appeal concerns property located at 4202 Unruh Drive. The applicant is requesting to erect a 2,600 square foot accessory building. The property is zoned R-1 Residential Estate District.

Section 11-16-3 of the zoning ordinance states: "**D. Lots one acre and greater, but less than two (2) acres: The total square footage for all accessory buildings shall not exceed one thousand two hundred (1,200) square feet.**"

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:

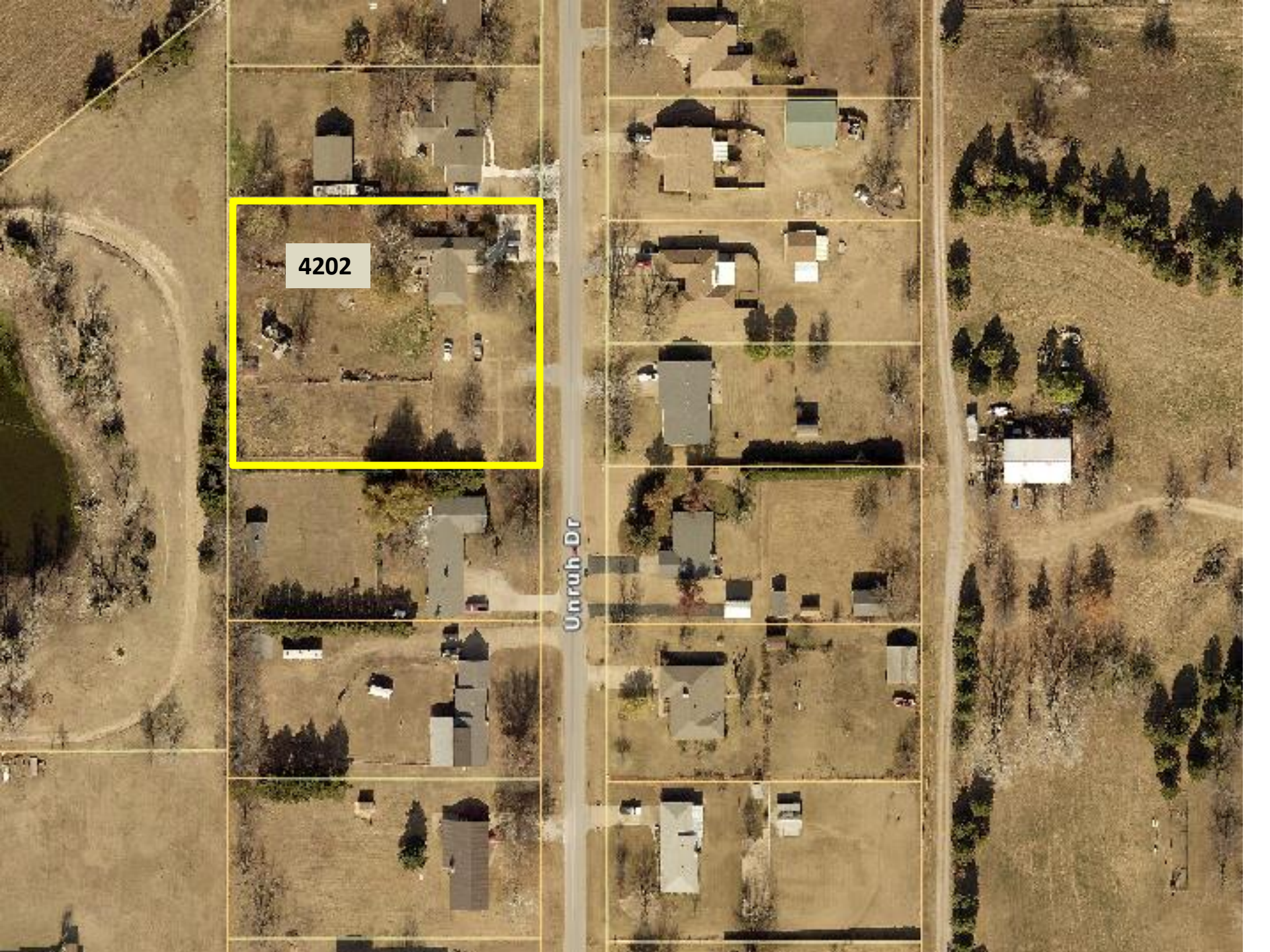
Chris Bauer, Planning Administrator.

Attachments

Location map

App & answer to criteria

Site plan



4202

Unruh Dr



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

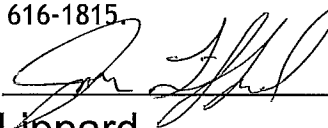
Zoning Variance Petition

(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) 11-16-3.D: Maximum Sizes for Accessory Buildings
Lots one acre and greater, but less than (2) acres; The total square footage for all accessory buildings shall not exceed 1,200 S.F.
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; See attached sheet.
 - B. Such conditions are peculiar to the particular piece of property involved; The property is nearly 1.5 acres and there is adequate property to construct the accessory building. The neighborhood has a rural setting.
 - 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 See attached sheet.
 - D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. June 2005, I went to the city of Enid code office and they told me I could install a 2800+ square foot building.
We have saved up the money to stall the 2600 square foot building we wanted to install when we purchased the property.
3. Reasons for desiring the variance: Secure and protect show animals against theft and inclement weather.
4. I, or we have attached a site plan of the proposed construction.
5. Address and/or general location of property: 4202 Unruh Dr., Enid, OK 73703
6. Legal description of site: Lots 1 & 2, Block 1, Unruh's 2nd Addition.
7. Zoning classification of property: R-1
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: Jon Lippard

Date: 2/20/2018

Address: 4202 Unruh Drive

Email: lipparjd@oge.com

Telephone: 580-542-2345

Cell phone: 580-542-2345

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

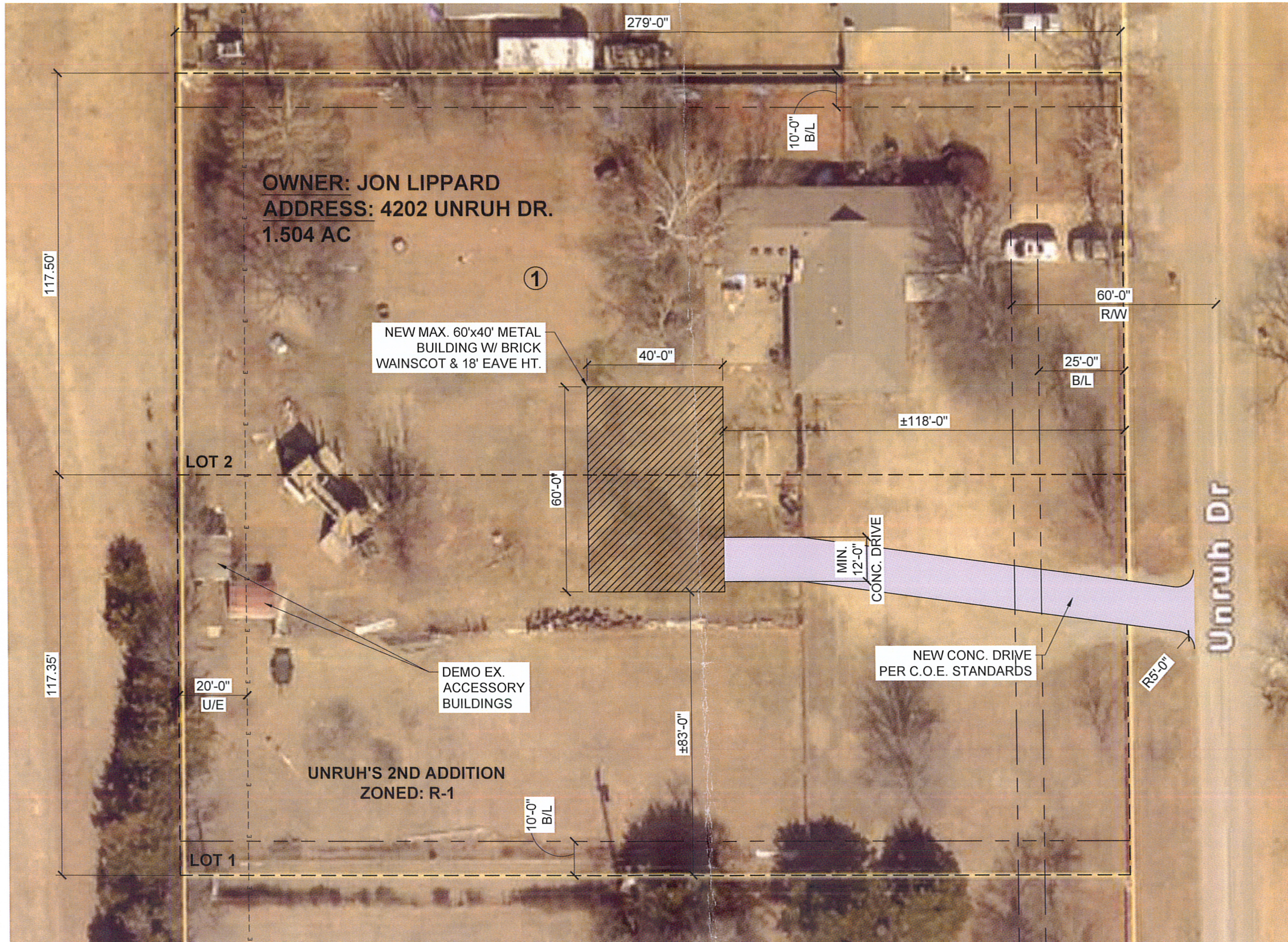
THANK YOU!

A.

In June 2005, I went the city of Enid code office and asked them if I could get a square foot size of a building that could be put on the property I was purchasing. They said I could put a 2800 square foot building on this property. At the time, we did not have the money but now we have raised the money for this shop to be built. However, we have now been told that we can only install a 1200 square foot building. We have two lots that are connected and we are asking for a 2600 square foot and not the 2800 square foot that we were told we could have when we purchased the property.

C.

This would give us the opportunity to be able to use the shop for storage and to house show animals for my daughter and foster kids that don't have the chance to be able to do so. There are existing accessory buildings in the neighborhood at least double the allowable area based on lot size and no one has ever complained.



1 SITE PLAN
 N.T.S.

PRELIMINARY

THIS DOCUMENT IS
 PRELIMINARY IN NATURE
 AND IS NOT A FINAL,
 SIGNED AND SEALED
 DOCUMENT



**BRUEGGEMANN
 HOLTZEN
 ENGINEERING, P.C.**
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 ENID, OK 73701
 P: 580.233.8131 F: 580.540.8906
 www.bhengineering.com

<small>COPYRIGHT 2018 BRUEGGEMANN HOLTZEN ENGINEERING, P.C.</small> NEW BARN/STORAGE GARAGE SITE PLAN		
JON LIPPARD 4202 UNRUH DR. ENID, OKLAHOMA		
PROJECT NO.	18.006	DATE: 1/24/18