



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 14th day of May, 2019, 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 APRIL 9, 2019.
3. ADMINISTRATION.
 1. NONE.
4. VARIANCES.
 1. HEAR THE APPEAL OF DAN A SMITH REQUESTING A VARIANCE TO THE ALLOWABLE ACCESSORY SQUARE FOOTAGE LOCATED AT 1206 LOOKOUT DRIVE.
 2. HEAR THE APPEAL OF SHERRY DARITY REQUESTING A VARIANCE TO THE MINIMUM LOT SIZE IN AN AGRICULTURE DISTRICT LOCATED AT 4801 WEST RUPE.
 3. HEAR THE APPEAL OF ANGIE BLEVINS, A & J QUALITY HOMES REQUESTING A VARIANCE TO THE REAR YARD SETBACK IN THE R-2 RESIDENTIAL SINGLE FAMILY DISTRICT LOCATED AT 2901 CHELSEA COURT.
5. ADJOURN.

Board of Adjustment

2.

Meeting Date: 05/14/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER APPROVAL OF MINUTES OF THE REGULAR BOARD OF ADJUSTMENT MEETING OF APRIL 9, 2019.

BACKGROUND:

RECOMMENDATION:

PRESENTER:

Attachments

4-9-19 draft minutes

DRAFT

MINUTES OF REGULAR MEETING OF
THE BOARD OF ADJUSTMENT OF THE CITY OF ENID, OKLAHOMA,
HELD ON THE 9TH DAY OF APRIL 2019

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 9th day of April 2019, pursuant to notice given by April 8, 2019, 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 8th day of April 2019.

Present: John Arend; Jessica Edwards; Michael Shuck; Mike Stuber; Taylor Venus

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

CALL TO ORDER/ROLL CALL.

CONSIDER APPROVAL OF MINUTES OF THE REGULAR BOARD OF ADJUSTMENT MEETING OF MARCH 12, 2019.

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

AYE: John Arend, Jessica Edwards, Michael Shuck, Mike Stuber, Taylor Venus
Passed

VARIANCES.

REMOVE FROM THE TABLE AND HEAR THE APPEAL OF TROY WILLIAMS WITH BRANCH COMMUNICATIONS REQUESTING A HEIGHT VARIANCE TO ALLOW A 119' COMMUNICATION TOWER LOCATED AT 614 NORTH GARLAND ROAD.

Motion was made by Taylor Venus, seconded by John Arend to remove from the table.

AYE: John Arend, Jessica Edwards, Michael Shuck, Mike Stuber, Taylor Venus
Passed

Troy Williams with Branch Communications representing AT&T distributed site analysis information to the Board. Mr. Williams informed the Board they are reducing the height of the tower to 95 feet and will be willing to install fencing with additional landscaping. A monopine could be an alternative tower which is a tower that resembles a pine tree, photo provided.

Michael Altz, Engineer spoke to the coverage and capacity issues for this site.

James Milacek, 5511 West Chestnut, Debbie Givens, 5505 West Chestnut and Beverly Qualls, 814 North Garland spoke in opposition of the tower.

Mark Kesner with AT&T, stated the pine tree concept will stand out and require more maintenance.

CONSIDER CONVENING INTO EXECUTIVE SESSION TO DISCUSS AND DELIBERATE ON THE APPLICATION OF TROY WILLIAMS REQUESTING A HEIGHT VARIANCE TO ALLOW A 119' COMMUNICATION TOWER TO BE LOCATED AT 614 NORTH GARLAND ROAD AND TO RECONVENE INTO REGULAR SESSION TO TAKE ANY NECESSARY ACTION.

Motion was made by Taylor Venus, seconded by Michael Shuck to convene into Executive Session.

AYE: John Arend, Jessica Edwards, Michael Shuck, Mike Stuber, Taylor Venus

Passed

Motion was made by John Arend, seconded by Michael Shuck to reconvene into regular session.

AYE: John Arend, Jessica Edwards, Michael Shuck, Mike Stuber, Taylor Venus

Passed

Motion was made by John Arend, seconded by Mike Stuber to conditionally approve the height variance on the condition that each side of the cell tower site be screened with a minimum of three trees whose height is no less than 15 tall and selected from the City Tree Board's list of recommended trees.. Mr. Arend also moved to approve the variance based on the hardship is applying the height restrictions to a cell tower and the significant gap in coverage capacity, the peculiarity is that the church property is larger than the adjacent residential lots, the height will not impair the purpose and intent of the ordinance since both Vance Air Force Base and Woodring Airport have stated the cell tower will no affect their current missions and the minimum necessary is the proposed 95 foot tall tower. Mike Stuber amended the motion that a seven-foot wood fence is included in the landscaping with an automatic watering system for the trees.

AYE: John Arend, Mike Stuber, Taylor Venus

NAY: Jessica Edwards, Michael Shuck

Passed

ADJOURN.

Motion was made by Jessica Edwards, seconded by Michael Shuck to adjourn.

The meeting adjourned at 5:24 PM.

AYE: John Arend, Jessica Edwards, Michael Shuck, Mike Stuber, Taylor Venus

Passed

Board of Adjustment

4.1.

Meeting Date: 05/14/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

HEAR THE APPEAL OF DAN A SMITH REQUESTING A VARIANCE TO THE ALLOWABLE ACCESSORY SQUARE FOOTAGE LOCATED AT 1206 LOOKOUT DRIVE.

BACKGROUND:

This appeal concerns 1206 Lookout Drive. The property is zoned R-2 Residential Single Family District. The applicant is seeking a variance that would allow a 750 square foot accessory building.

Section 11-16-3: A of the Zoning Ordinance states "**A. Lots less than one-fourth (1/4) acre: 1. The total square footage for all accessory buildings shall not exceed six hundred fifty (650) square feet.**" Currently there is an existing accessory structure that will be removed once the proposed building is constructed.

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 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 & site plan

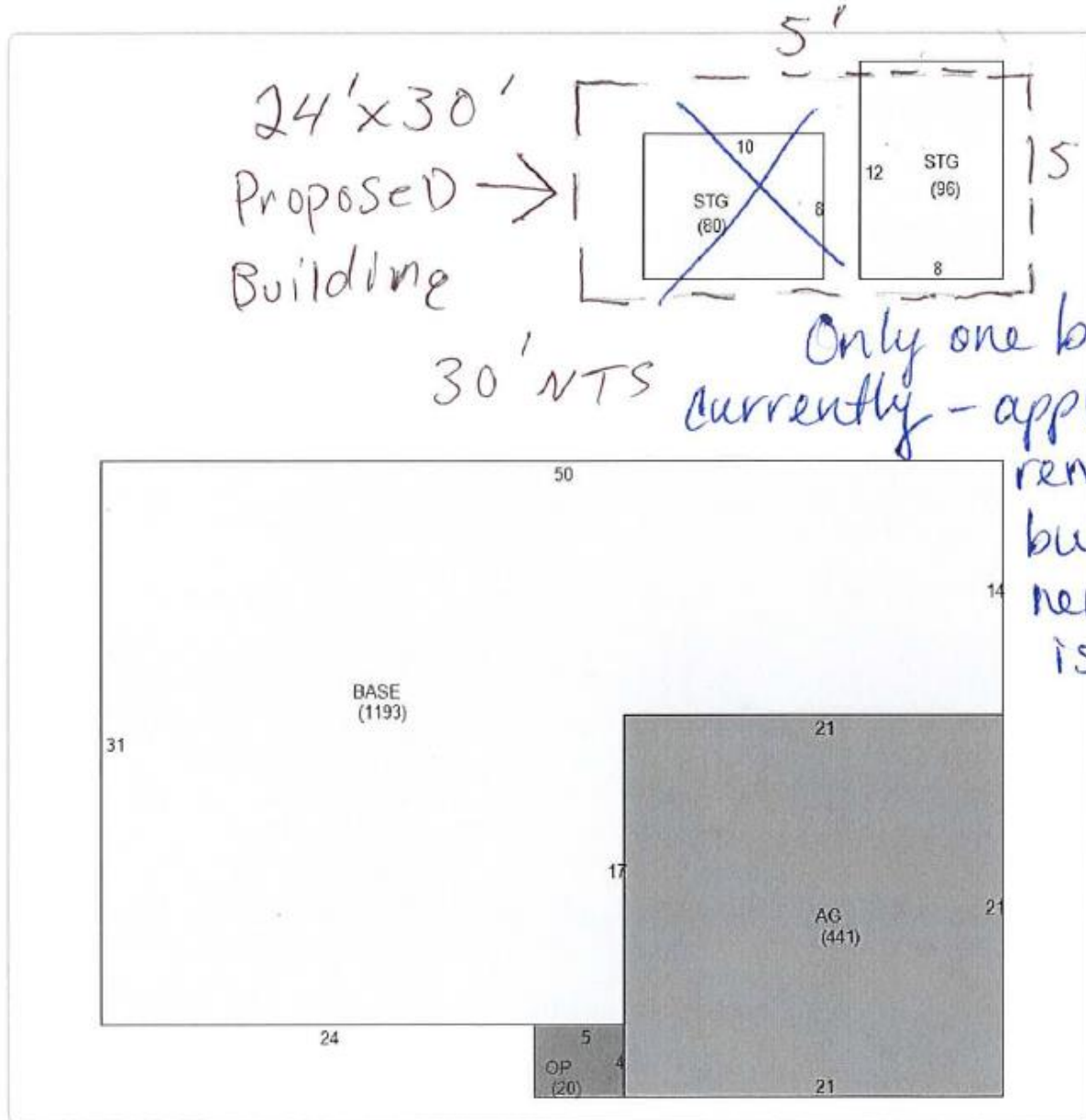
Application & reasons



1206

Antelope Dr

Lookout Dr



o data available for the following modules: Commercial Buildings Information, Mobile Homes.



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, A. 1. Total
max sq. ft. allowed 650 ASKINE
for 750

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; _____

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: 1206 Lookout dr.

5. Legal description of site: lot 9 Block 18 sub-ES6 Brookside Heights
NW/415-22-6

6. Zoning classification of property: _____

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. **NOTE:** For a height variance written approvals from Vance Air Force Base, Enid Woodring Regional Airport and a FAA Determination of No Hazard to Air Navigation are required prior to an item being placed on the agenda.

10. Applicant's signature: *Dan A Smith*

Printed Name: Dan A Smith

Date: _____ Address: 1206 Lookout dr.

Email: lookoutman @ suddenlink.net Telephone: _____

Cell phone: 580-484-3360

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!

The following are for question 2 of the Zoning Variance Petition.

- A. The application of the ordinance to the particular piece of property would create an unnecessary hardship; it would allow me to clean up my respective area. My wife loves to garden and have flower gardens. This not only is a hobby, but also beautifies our dwelling and the area around us. Her hobby includes her having pots, hanging baskets and tools that we would store in the proposed structure. We would also be using it for our patio table and umbrella. We also want to keep our grandkids' toys safe and free from damage while they are not here. This would allow us keep our investments for our grandchildren nice and safe for them to use while they are with us. I would also be able to put my garden tractor away and not have to leave it out for damages or theft to occur. We could also use it for my truck should inclement weather come and protect it from damages.
- B. Such conditions are peculiar to the particular piece of property involved; this is not applicable for this situation as our lot is normally shaped. I can access my vehicle into the back yard if so needed.
- C. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes of intent of the ordinance or the comprehensive plan; and my house will block the building from the road so it will barely be seen, if at all. We have eight foot privacy fences around the north and south side of our property so it will not be an eyesore for the neighbors to look at. This is not just a thrown together structure; it is an engineered and solid structure. We are not able to maximize our equipment storage with the current storage space allotted. We have included pictures of said structure for you to look at.
- D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. We have looked into renting storage sheds, but find it unrealistic as most of the items we would like to use this structure for are seasonal items. This would allow us to keep our belongings on our property to access at anytime.

Board of Adjustment

4.2.

Meeting Date: 05/14/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

HEAR THE APPEAL OF SHERRY DARITY REQUESTING A VARIANCE TO THE MINIMUM LOT SIZE IN AN AGRICULTURE DISTRICT LOCATED AT 4801 WEST RUPE.

BACKGROUND:

This appeal concerns 4801 West Rupe. The property is zoned A Agriculture District. The applicant is seeking a variance that would allow a lot size of three acres.

Section 11-5-4: B of the Zoning Ordinance states: "2. Minimum lot area per family - five (5) acres."

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 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

Variance petition

Arlene St

W Rupe Ave

3.0 Acres 1,633.4 Feet





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) _____

Required 5 acres for building a single family dwelling to 3 acres

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; the boundaries are set on all surrounding

property - railroad, city street & property of Seller

B. Such conditions are peculiar to the particular piece of property involved; No other

individuals affected except current property owner who is selling this portion

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 would enhance

area with improvement of home & any necessary out building to sustain the agriculture development of area surrounding - not changing land usage of area.

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

This would not affect any other land owners except seller & is all available for building

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

4. Address and/or general location of property: 4801 W Rupe Enid, OK

5. Legal description of site: see attached

6. Zoning classification of property: _____

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.

RECEIVED
APR 24 2019

BY: [Signature]

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. **NOTE:** For a height variance written approvals from Vance Air Force Base, Enid Woodring Regional Airport and a FAA Determination of No Hazard to Air Navigation are required prior to an item being placed on the agenda.

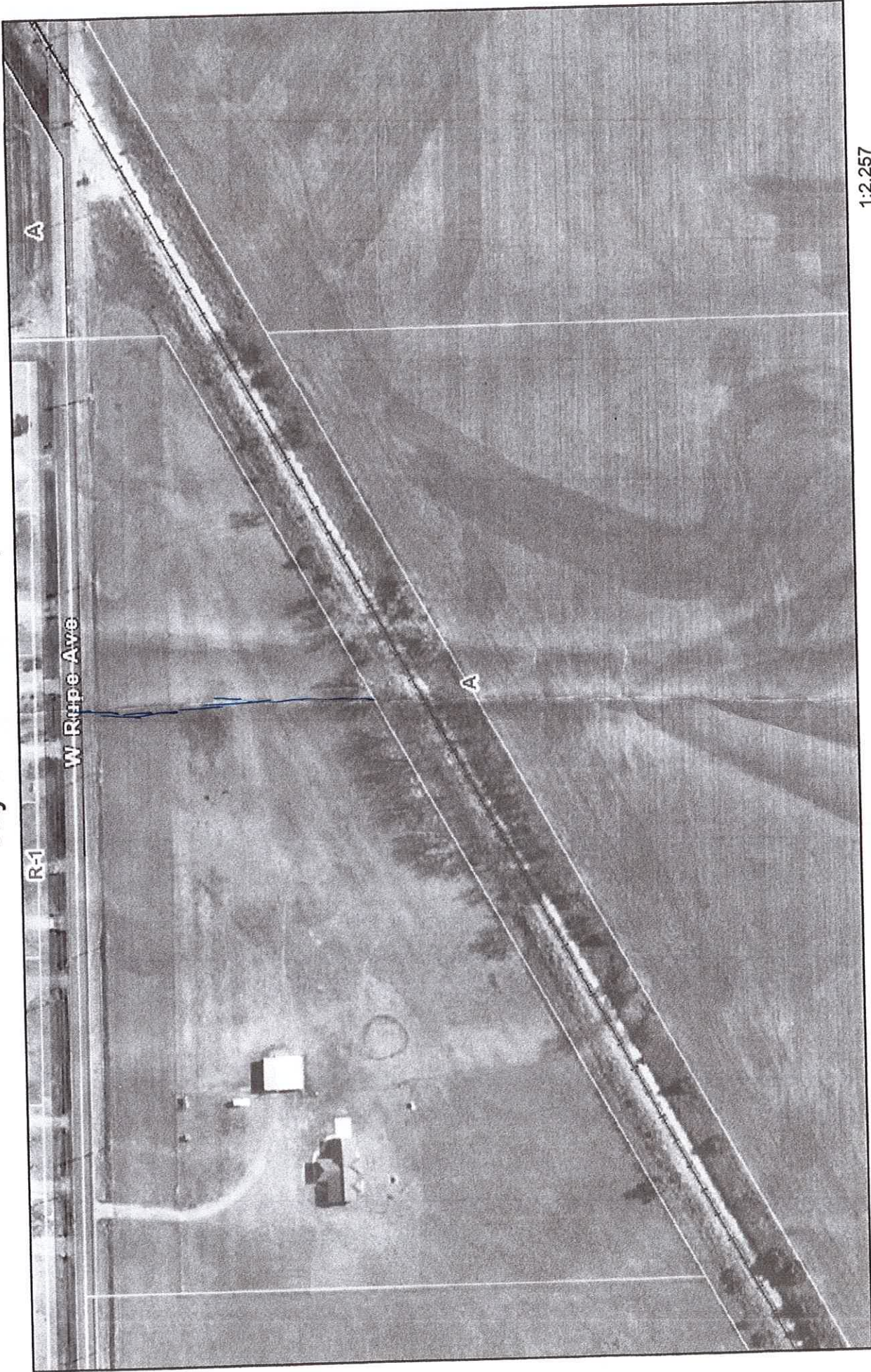
10. Applicant's signature: Sherry Darity
Printed Name: Sherry Darity
Date: 4-5-19 Address: 1106 Briar Ridge Rd, Enid
Email: sherrydarity714@gmail.com Telephone: 580-540-8821
Cell phone: 580-402-6812

Section 11-3-10
Appeal Process:

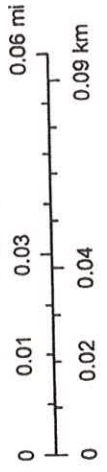
Appeal to the Garfield County District Court by filing a Notice of Appeal with the City Clerk and the Secretary of the Board of Adjustment within ten (10) days of the decision or order of the Board of Adjustment.

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

City of Enid GIS Map



1:2,257



March 7, 2019

- Enid Zoning
- R-1 PUD
 - HP
 - R-3 PUD
 - R-1
 - R-2
 - R-3
 - R-4
 - R-5
 - R-6
 - R-7
 - R-1
 - R-2
 - R-3
 - R-4
 - R-5
 - R-6
 - R-7
 - R-1
 - R-2
 - R-3
 - R-4
 - R-5
 - R-6
 - R-7
 - I-1
 - I-2
 - I-3
 - I-4
 - I-5
 - I-6
 - I-7
 - C-1
 - C-2
 - C-3
 - C-4
 - C-5
 - C-6
 - C-7
 - SU

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
 TX Orthimagery Program, Microsoft | City of Enid, Meshek, NODA |

Board of Adjustment

4.3.

Meeting Date: 05/14/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

HEAR THE APPEAL OF ANGIE BLEVINS, A & J QUALITY HOMES REQUESTING A VARIANCE TO THE REAR YARD SETBACK IN THE R-2 RESIDENTIAL SINGLE FAMILY DISTRICT LOCATED AT 2901 CHELSEA COURT.

BACKGROUND:

This appeal concerns 2901 Chelsea Court. The property is zoned R-2 Residential Single Family District. The applicant is seeking a variance that will allow a 15 foot rear yard setback.

Section 11-6B-4: B of the Zoning Ordinance states: "**3. Rear yard: Twenty feet (20').**"

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 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

2901 Chelsea Ct location map

Application & site plan



2901

Chelsea Ct

Falcon Crest Dr

Whipoorwill Ln



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) Back set back
(rear yard set back) Builder used a 30' front
Set back instead of 25' I need a 5' encroachment on the
rear set back.
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; limiting the homeowner to a 2 car
garage instead of a 3 car garage
 - B. Such conditions are peculiar to the particular piece of property involved; _____
75' x 40' storm water detention
easeement in the backyard of the property.
 - 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 _____
correct and it would allow for a 3 car garage.
 - D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.
Asking for a set back of 15' instead of the
existing 20'
3. I, or we have attached a site plan of the proposed construction.
4. Address and/or general location of property: 2901 Chelsea Ct
5. Legal description of site: Lot 6 Blk B Willow West 4th
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.

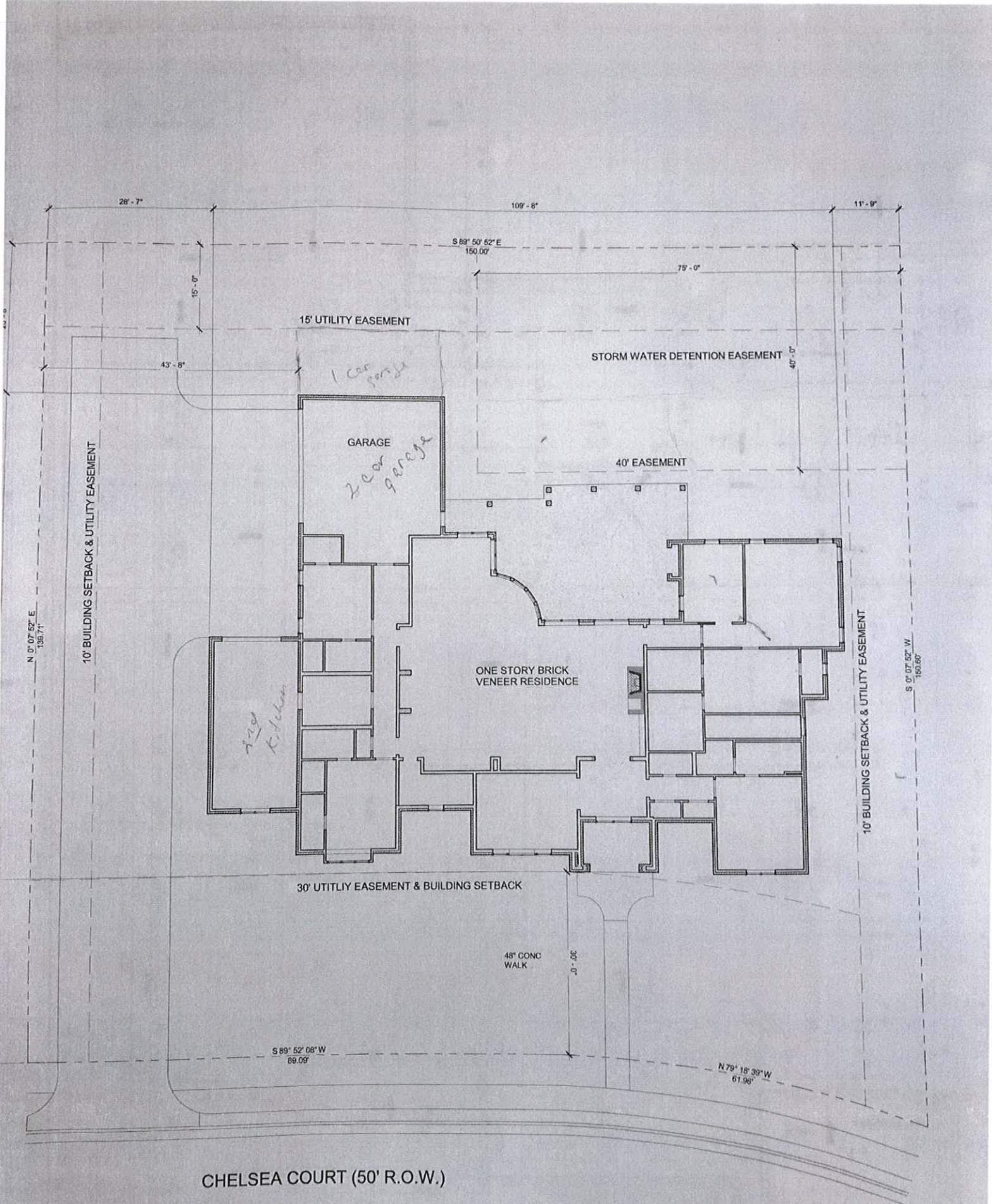
8. Send \$100.00 fee to Karla Ruther at the address above or if you prefer to pay electronically, contact the City Clerk at (580) 616-1815.
9. **NOTE:** For a height variance written approvals from Vance Air Force Base, Enid Woodring Regional Airport and a FAA Determination of No Hazard to Air Navigation are required prior to an item being placed on the agenda.

10. Applicant's signature: Angie Blevins
Printed Name: Angie Blevins / A+J Quality Homes
Date: 7/24/19 Address: 112 N. Washington
Email: ablevins@ajqualityhomes.com Telephone: 580 297-~~500~~ 5010
Cell phone: 580 548-3439

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!



CHELSEA COURT (50' R.O.W.)

