



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 9th day of July, 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. ADMINISTRATION.
 1. CONSIDER APPROVAL OF MINUTES OF THE REGULAR BOARD OF ADJUSTMENT MEETING OF MAY 14, 2019.
3. VARIANCES.
 1. HEAR THE APPEAL OF THOMAS D SMITH REQUESTING A VARIANCE ON THE NUMBER OF ACCESSORY BUILDINGS AND ACCESSORY BUILDING SIZE LOCATED AT 2401 EAST CHESTNUT AVENUE.
4. ADJOURN.

Board of Adjustment

2.1.

Meeting Date: 07/09/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER APPROVAL OF MINUTES OF THE REGULAR BOARD OF ADJUSTMENT MEETING OF MAY 14, 2019.

BACKGROUND:

RECOMMENDATION:

PRESENTER:

Attachments

5-14-2019 Draft Minutes

DRAFT

MINUTES OF REGULAR MEETING OF
THE BOARD OF ADJUSTMENT OF THE CITY OF ENID, OKLAHOMA,
HELD ON THE 14TH DAY OF MAY 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 14th day of May 2019, pursuant to notice given by May 13, 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 13th day of May 2019.

Present: Jessica Edwards; Michael Shuck; Mike Stuber; Taylor Venus
Absent: John Arend
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 APRIL 9, 2019.

Motion was made by Taylor Venus, seconded by Jessica Edwards to approve the minutes.

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

ADMINISTRATION.

NONE.

VARIANCES.

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

Motion was made by Jessica Edwards, seconded by Michael Shuck to approve the variance request on the basis the hardship is the metal building is not available in a 650 square foot size; the peculiarity is the accessory building will be hidden by the existing house and not seen from the street; the accessory building will not cause substantial detriment to the public good or impair the purposes and intent of the ordinance and 720 square feet is the minimum necessary to alleviate the hardship.

It was noted that the 24 x 30 building is 720 square feet not 750 as indicated on the application.

Notices were mailed to all property owners within 300 feet of the property and staff had only one inquiry, which the owner wanted to know how it would affect her property.

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

Passed

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

Motion was made by Jessica Edwards, seconded by Mike Stuber to approve the variance request on the basis the hardship is the property contains less than 10 acres and the owner wants to retain at least six acres; the peculiarity is the property is bounded on all sides, Rupe Avenue to the north, neighbor to the west, railroad to the south and another property to the east; granting the variance will not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance and the three acres is the minimum necessary to alleviate the hardship.

Notices were mailed to all property owners within 300 feet of the property and staff had no inquiries.

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

Passed

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.

No action was taken. The applicant telephoned and withdrew the variance request.

ADJOURN.

Motion was made by Taylor Venus, seconded by Michael Shuck to adjourn.

The meeting adjourned at 4:26 PM.

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

Passed

Board of Adjustment

3.1.

Meeting Date: 07/09/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

HEAR THE APPEAL OF THOMAS D SMITH REQUESTING A VARIANCE ON THE NUMBER OF ACCESSORY BUILDINGS AND ACCESSORY BUILDING SIZE LOCATED AT 2401 EAST CHESTNUT AVENUE.

BACKGROUND:

This appeal concerns 2401 East Chestnut Avenue. The property is zoned R-4 Residential Duplex or Two Family Dwelling District. The applicant is seeking two variances. A variance that would allow more than three accessory structures and a variance that would allow additional square footage.

Section 11-16-2: I of the Zoning Ordinance states: "**No more than two (2) accessory buildings may be located on any lot unless the primary building has no attached garage, in which case a third accessory building may be permitted if one of the three (3) accessory buildings is a detached garage.**" Currently there are four existing accessory structures on the property.

Section 11-16-3: B of the Zoning Ordinance states: "**Lots one-fourth (1/4) acre and greater, but less than one-half (1/2) acre: 1. The total square footage for all accessory buildings shall not exceed seven hundred twenty (720) square feet.**" Currently there is 1,296 square feet of accessory structure footage. The applicant wants to add 336 square feet to one of the existing buildings for a total of 1,632 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 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.

Location map and layout

Variance petition & criteria answers

E Chestnut Ave

2401

New addition

3

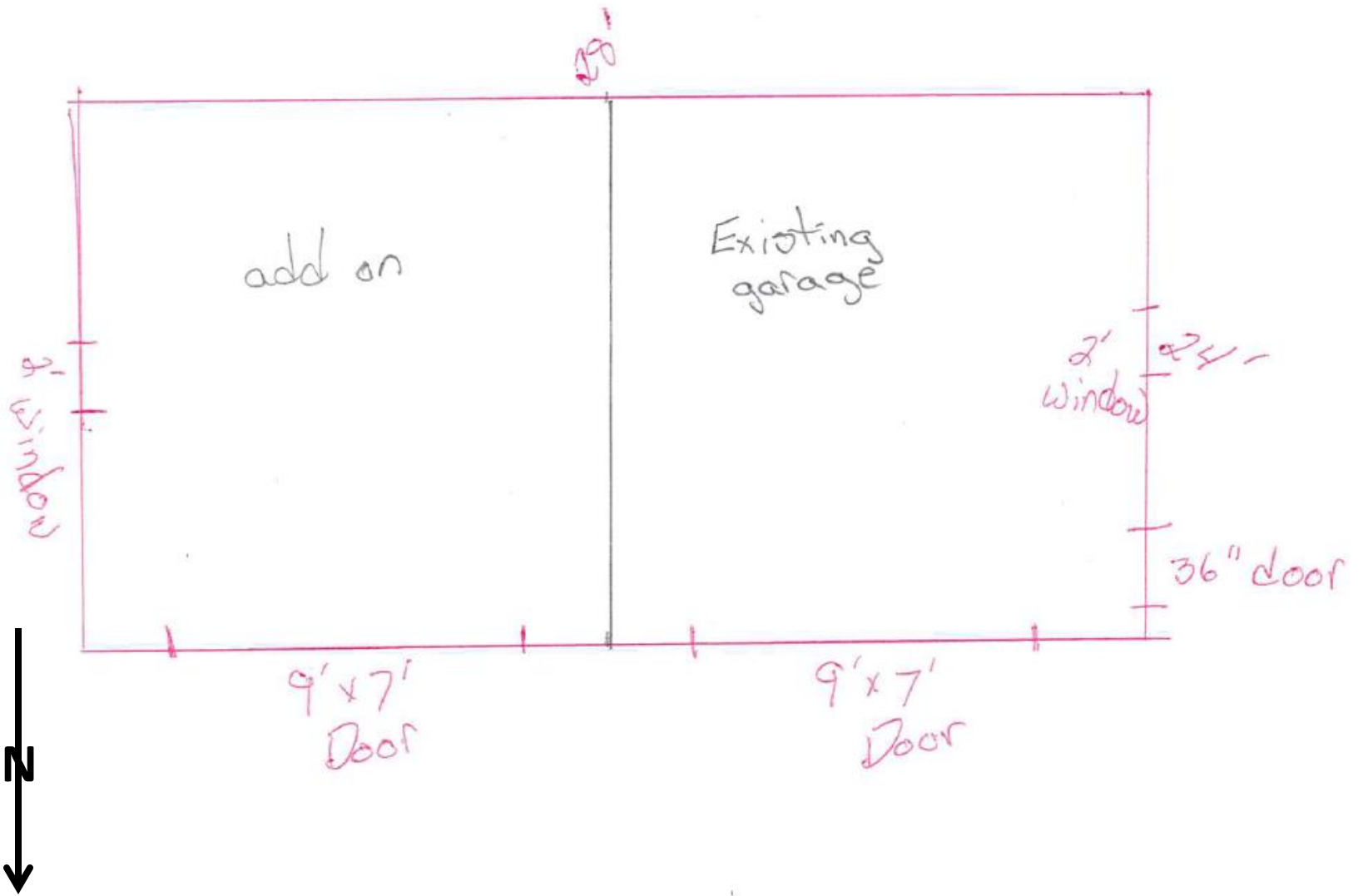
4

2

1

N 24th St





2x4 walls



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)

See attached

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

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

See Attached

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

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

See Attached

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

4. Address and/or general location of property:

5. Legal description of site:

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: Thomas D. Smith

Printed Name: Thomas D. Smith

Date: 6.4.19 Address: 2401 E. Chestnut

Email: _____ Telephone: 580-977-6516

Cell phone: 580-977-6516

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!

1. 11-16-2: General Standards for Accessory Buildings:
 - I. No more than 2 accessory buildings may be located on any lot unless the primary building has no attached garage, in which case a third accessory building may be permitted if one of the 3 accessory buildings is a detached garage.

11-16-3: Maximum sizes for Accessory Buildings:

B. Lots one-fourth acre and greater, but less than one-half acre.

2. A. We did not realize that we needed a permit to attach a garage to an existing garage. We are just trying to repair the ugly eyesore we have there and add 1 stall onto it and make it all look the same as the rest our buildings and home. We are trying to protect our property. We have a '69 Old's Cutlass Convertible that we inherited from the passing of Tom's father. We have invested a lot of money into it, to get it safe to drive again. Also, we have 2 other vehicles that we drive all year round and 1 doesn't have a garage to park in out of the weather or protected from being broken into. Burglary/Crime have been a problem in our area. Our current 2 stall garage can only hold 1 pickup. We would really like to keep all vehicles inside a garage when not driving them. The weather can discolor the paint, or they can be damaged from storms and vandals also. Tom has retired in July of 2018 and woodworking is his hobby. He has made all our furniture and our grandkids furniture. Also, he has built numerous trucks semis and cranes for brother in law, nephews and friends. It is a lot of work to drag out the tables, saws and items that are being worked on daily. We also have an old John Deere 60 tractor from his father and a 4-wheeler for the grandkids to ride. Numerous games that we play outside when we are all together that we store in our buildings. The house next door to us has been a drug house for some time. They just recently boarded up the windows to keep drug addicts out of it. The man that lived there can't live alone anymore. His health is not good. We would like to buy the house, tear it down, and keep the land, due to the house being non-livable.
- B. We store all our seasonal items in one of our buildings due to accelerated age and not being able to climb ladders safely while carrying items to store in the attic.
- C. We would like to improve our barn looking garage that is falling apart and make it a double car garage with a regular pitch roof, with siding that will match the house and our buildings. We just want it all to look nice and keep our things safe.
- D. This would immensely help us feel like we are keeping our things safe and out of any extreme weather, burglary, and still have our large corner lot look very nice to our neighborhood. We take enormous pride in our property.