

AGENDA
JENKS BOARD OF ADJUSTMENT
6:00 P.M., THURSDAY, JANUARY 16, 2020
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET
JENKS, OKLAHOMA 74037

I. CALL TO ORDER

II. ROLL CALL

III. REQUEST TO APPROVE MINUTES OF SEPTEMBER 12, 2019

Documents:

[2019.09.12 BOA MINUTES.PDF](#)

IV. BUSINESS

1. JBOA 19-428: Request by Chris Spurrier for a variance to build a pool in the side yard.
General Location: 11718 S Willow Pl

Documents:

[STAFF REPORT JBOA-19-428.PDF](#)
[LOCATION MAP.PDF](#)
[SITE PLAN.PDF](#)

V. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT
6:00 P.M. THURSDAY, SEPTEMBER 12, 2019
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET
JENKS, OKLAHOMA 74037

The Jenks Board of Adjustment was called to order at 6:00 p.m. on September 12, 2019, at Jenks City Hall by Chair Shari Keathley. A roll call vote was taken as follows:

Present

Gina Wilson
Paul Greek
Erik Enyart
Chair Shari Keathley

Absent

Larry Hengst

Staff Present

Jim Beach
Brandon Macy

Request to approve minutes of August 15, 2019. Shari Keathley proposed changes to the minutes to make them more accurate. Erik Enyart made a motion to approve the minutes with the proposed corrections. Paul Greek seconded the motion. A roll call vote of members was taken as follows:

YEA: Enyart, Greek, Keathley

NAY: None

ABSTAIN: Wilson

Business

1. **JBOA 19-425: Request by Dylan Broadland for a special exception to build a 1200sf building on his property** **General Location: 532 N Elm St**

Jim Beach presented his staff report. Dylan Broadland (806 N Sycamore Pl) addressed the Board about the application. Charlotte Montgomery (10612 S Fir Ave) wanted to make sure that the building would not be used as a business or a living space. Paul Greek made a motion to approve Item 1. Gina Wilson seconded the motion. A roll call vote of members was taken as follows:

YEA: Wilson, Greek, Keathley

NAY: Enyart

Motion Carried.

Other Business.

1. **Update on Comprehensive Plan** Jim Beach gave an update on the Comprehensive Plan.

Adjournment. The Jenks Board of Adjustment adjourned at 6:33 p.m.



Staff Report

To: Board of Adjustment Members

From: Jim Beach, City Planner

Hearing Date: January 16, 2020

Subject: **JBOA 19-428**

Location: 11718 S Willow Place

Exhibits:

1. Location Map
2. Site Plan

Applicant:	Chris Spurrier, Arrowhead Pools
Action Requested:	Variance to allow a pool in the side yard
Current Zoning:	RS-2 (Residential Single-Family Medium Density)
Applicable Regulations:	Chapter 2 General Provisions, Section 240.2.g Permitted Yard Obstructions
Surrounding Zoning and Land Uses:	Surrounded by RS-2 and single-family residences

CRITERIA and CONSIDERATIONS FOR ACTION

The required tests for approval of a Variance are established by State Law and described in the Jenks Zoning Code. The Board must make a statement of finding on the record as to each of the following:

- a. That by the reasons of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure, or building involved, the literal enforcement of the terms of the code would result in unnecessary hardship.
- b. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district.
- c. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the code, or the comprehensive plan.
- d. In addition, any variance granted shall be the minimum amount needed to provide relief.

BACKGROUND

The lot is almost twice as wide in the rear as in the front. The house is approximately 26 feet from the rear lot line; in that 26 feet is a 17.5-foot utility easement. The house is located five feet from the north side lot line and between 23 and 43 feet from the south side lot line. The only available space for a pool is in the wider south side yard. The site plan shows the pool near the rear of the house and partially in the rear yard.

The property is in PUD 22, Eddington Place. There are no PUD restrictions about pools or pool placement.

STAFF EVALUATION

Staff has no concerns with approval of the variance considering the small size of the lot and the rear yard being limited by the 17.5-foot utility easement. The area of the side yard is adequate to set the pool at least 15 feet from the side lot line and as far into the rear yard up to the 17.5-foot utility easement line. If the variance was not granted, the applicant would not be able to build a pool on the lot. These exact conditions likely don't apply elsewhere in this use district; allowing the pool in this location with a 15-foot setback from the neighboring property would not seem to be a detriment to the public good or impair the Code or Comp Plan; and that the pool location occupies the minimum amount of side yard needed.

If the Board finds similarly, any motion to approve must state the findings for the record. Any motion to deny must also state findings as to how the request does not meet each of the four required tests.

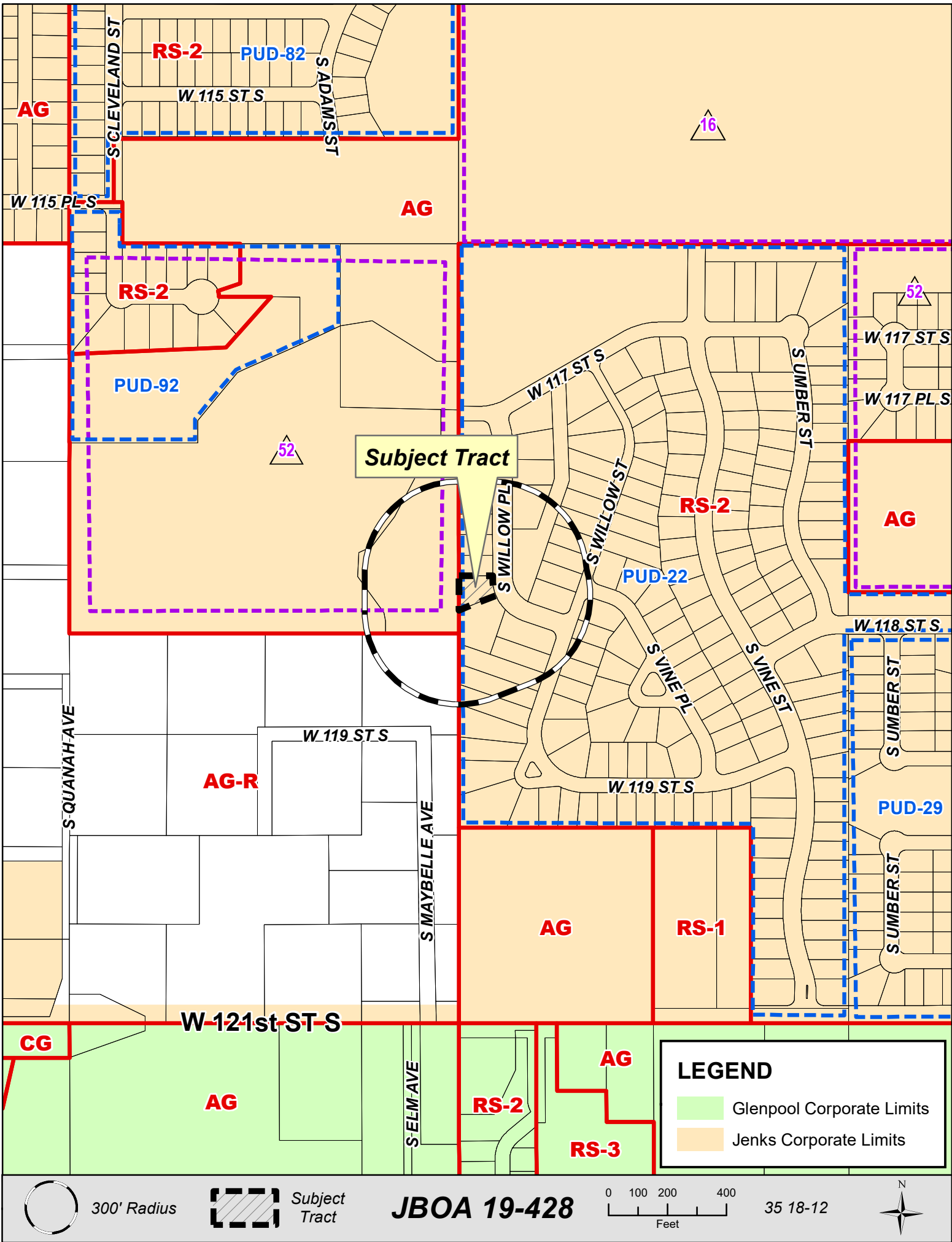
Below is a suggested outline you can use to fill in the blanks to help with a motion:

Move to (approve or deny) a Variance to allow the pool in the side yard; finding that a hardship (*exists/does not exist*) due to _____, and subject to the following conditions (if any):

1. Per site plan submitted
2. _____
3. _____

The Board *finds/does not find* that the following facts have been established (*read aloud*):

- A. That by the reasons of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure, or building involved, the literal enforcement of the terms of the code would result in unnecessary hardship.
- B. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district.
- C. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the code, or the comprehensive plan.
- D. The variance granted is the minimum amount needed to provide relief.





WHITE SURVEYING COMPANY
• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 663-6924

REGISTERED LAND SURVEYOR'S INSPECTION PLAT FOR MORTGAGE LOAN PURPOSES

INVOICE NO.: GAM 05-19693
MORTGAGOR: OWENS, PHILLIP DAVID & KIMBERLY D.

CLIENT: GUARANTY ABSTRACT COMPANY
STILLWATER NATIONAL BANK & TRUST
E-160743

Kin Owens

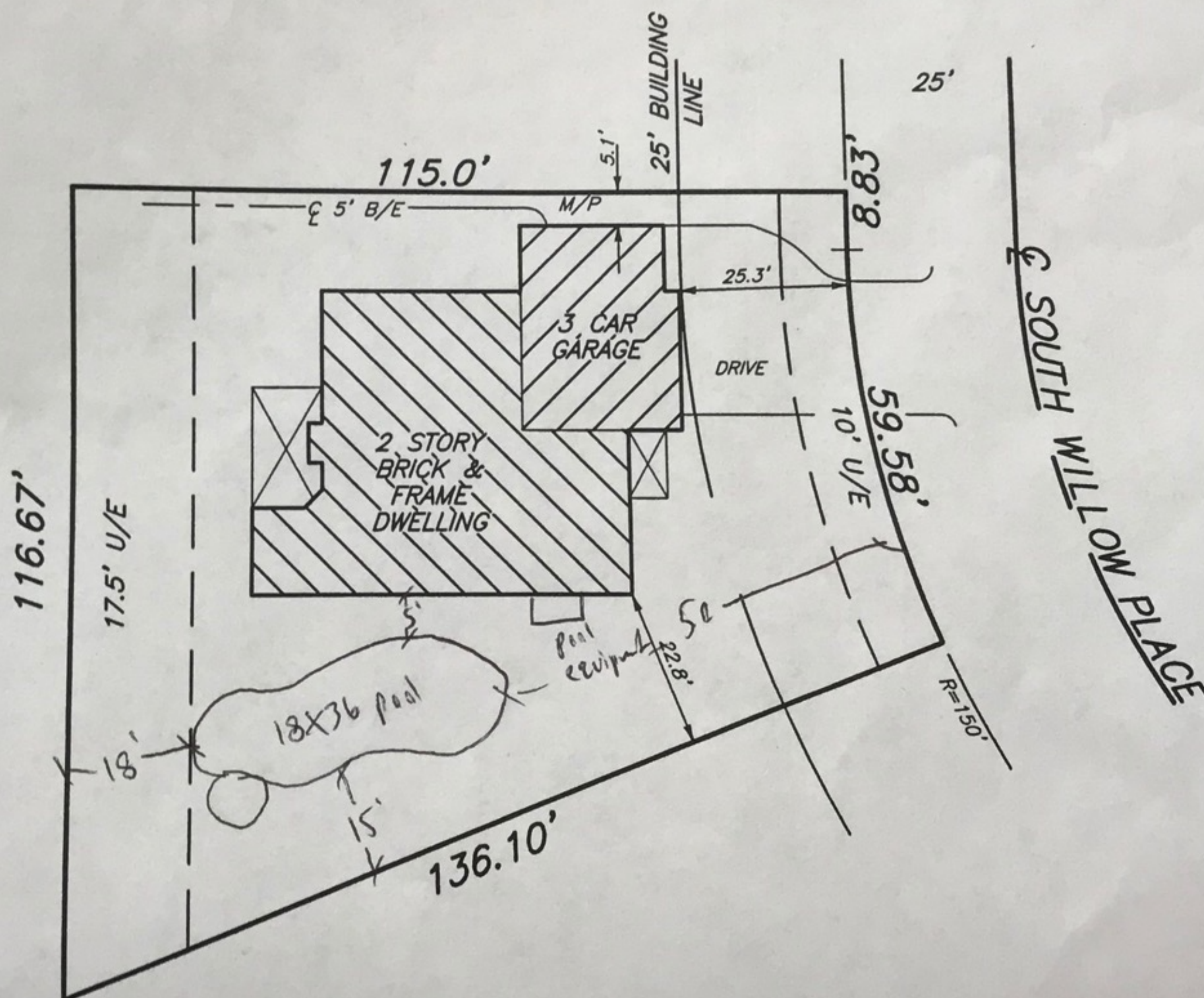
LEGEND

—X— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
M/P METERING POINT
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
B.L. BUILDING LINE
O.B.L. OUTBUILDING LINE



BEFORE YOU DIG,
CALL OKIE
1-800-522-6543

THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA
PER F.I.R.M. COMMUNITY PANEL NO. 400209 0582H, AS LAST REVISED
9/22/99.



PLAT NO. 5673

LEGAL DESCRIPTION AS PROVIDED:

LOT THIRTY-FOUR (34), BLOCK ONE (1), EDDINGTON PLACE, A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 11718 SOUTH WILLOW PLACE.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION #CA1098 (RENEWAL DATE: JUNE 30, 2005), DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES, AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED; THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; THAT THIS INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION PURPOSES ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY; THAT NO PROPERTY CORNERS WERE SET, AND IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER IMPROVEMENTS; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT IS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITY IS ASSUMED HEREIN OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT.