

AGENDA
JENKS BOARD OF ADJUSTMENT
6:00 P.M., THURSDAY, APRIL 16, 2020

I. CALL TO ORDER

II. ROLL CALL

1. MEMBERS MEETING BY VIDEOCONFERENCE

- Chair Shari Keathley
- Erik Enyart
- Gina Wilson
- Larry Hengst
- Paul Greek

All Board members may choose to appear physically if desired. The meeting will be live streamed on the City of Jenks' Facebook page here: [HTTPS://WWW.FACEBOOK.COM/CITYOFJENKS/](https://www.facebook.com/cityofjenks/). If you have any comments pertinent to the agenda items for the public record, please send them to the City Clerk at BMACY@JENKSOK.ORG at least 1 hour before the start of the meeting. Your name and address are required to be included in the public record. Comments must be limited to 3 minutes in length. Facebook comments will not be taken as public comments.

III. REQUEST TO APPROVE MINUTES OF JANUARY 16, 2020

Documents:

[2020.01.16 BOA MINUTES.PDF](#)

IV. BUSINESS

1. JBOA 20-429: Request by Kevin Bodenhamer for a Special Exception to allow for 1200 total square feet of accessory buildings in his rear yard. General Location 209 E Duncan St

Documents:

[SR.JBOA 20-429 209 E DUNCAN REVISED 4.15.20.PDF](#)
[CASE MAP.PDF](#)
[PUBLIC NOTICE - JBOA 20-429 - CLARIFICATION \(002\).PDF](#)
[PLANS.PDF](#)

2. JBOA 20-431: Request by Gary Scrivner to build a 1200sqft accessory building in his rear yard. General Location: 11201 S Juniper St

Documents:

[SR.JBOA 20-431R.PDF](#)
[CASE MAP.PDF](#)
[PLOTPLAN.PDF](#)

3. JBOA 20-430: Request by Theresa Dewhurst for a Special Exception to allow for a continuation of a pre-existing nonconformity after a requested zone change. General

Location: 122 N 6th St

Documents:

[SR.JBOA 20-430.PDF](#)
[CASE MAP.PDF](#)

V. OTHER BUSINESS

1. Horizon Jenks - Comprehensive Plan Project Update

VI. ADJOURNMENT

**MINUTES
BOARD OF ADJUSTMENT
6:00 P.M. THURSDAY, JANUARY 16, 2020
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 January 16, 2020, at Jenks City Hall by Chair Shari Keathley. A roll call vote was taken as follows:

Present

Paul Greek
Erik Enyart
Larry Hengst
Chair Shari Keathley

Absent

Gina Wilson

Staff Present

Jim Beach
Brandon Macy

Request to approve minutes of September 12, 2019. Paul Greek made a motion to approve the minutes with the proposed corrections. Erik Enyart seconded the motion. A roll call vote of members was taken as follows:

YEA: Greek, Enyart, Hengst, Keathley

NAY: None

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

Jim Beach presented his staff report. Mr. Owens (11718 S Willow Pl) addressed the Board about the application. Erik Enyart made a motion to approve Item 1. Paul Greek seconded the motion. A roll call vote of members was taken as follows:

YEA: Greek, Enyart, Hengst, Keathley

NAY: Enyart

Motion Carried.

Adjournment. The Jenks Board of Adjustment adjourned at 6:13 p.m.

To	Board of Adjustment
Hearing Date	April 16, 2020
Case Number	JBOA 20-429 209 E DUNCAN
Request	Special Exception Accessory building “area” of 1200 total square feet
Location	209 E Duncan
Applicant	Kevin Bodenhamer

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ CLARIFICATION LETTER
- ☐ CASE MAP
- ☐ APPLICANT SITE PLAN/DOCUMENTS

Preparer

Marcaé Hilton
INCOG
Kevin Bodenhamer

Background Information

STAFF COMMENTARY | Mr. Kevin Bodenhamer is requesting a Special Exception to allow for an accessory “building area” of 1200 total square feet at 209 E Duncan St. Mr. Bodenhamer currently has two (2) buildings plus a carport in his rear yard and wishes to additional square footage. Due to the size of the existing structures, he needs a Special Exception from the Board of Adjustment. The total square footage from all accessory units exceeds 600 sq. ft. and code does not allow him to exceed 1200 sq. ft. total for the accessory structures. He is not building an additional 1200sq. ft. building in his rear yard. Mr. Bodenhamer wishes to build up the 1200 sq.ft. mark.

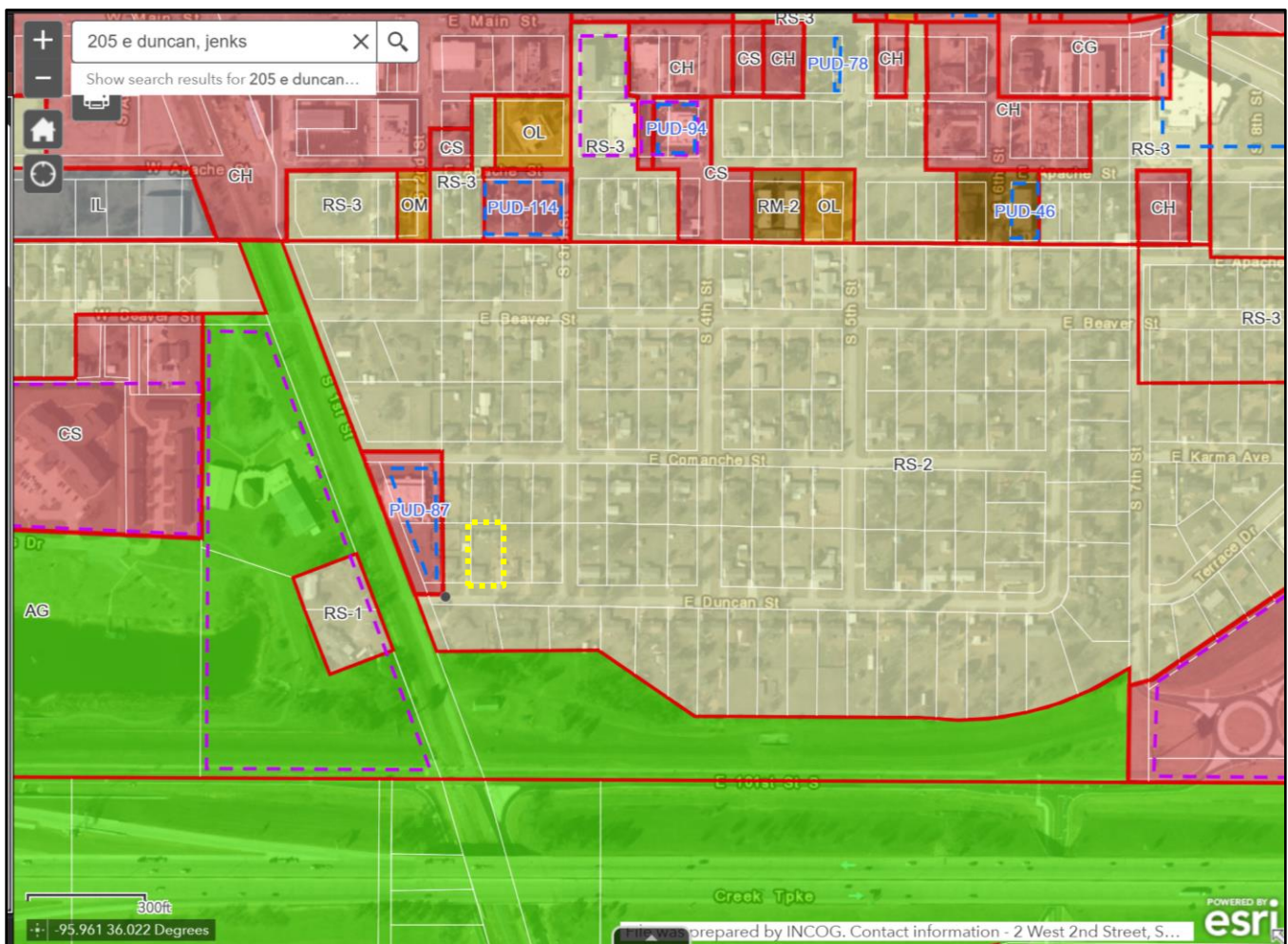
Sec. 240.f of the Jenks Zoning Code allows for 600 sq. ft. of accessory buildings by right in RS districts, and up to 1200 sq.ft. with a Special Exception from the Board of Adjustment. The requirements for this Special Exception are as follows:

1. The buildings cannot exceed 1200 sq. ft.
2. The buildings cannot exceed 20% of the area of the rear yard.

Public Comment | Several calls were received; increased drainage was a primary concern from one citizen. Mr. Bodenhamer received several questions from neighbors and contacted the city to request a copy of the labels so he could submit a drawing showing his plans to interested neighbors. Staff created a “Clarification letter” and mailed it out to everyone on the list provided by INCOG.

PLANNING DATA

Intended Use	Shop building
Appearance District	None
Zoning	RS-2 Residential Single-Family
Comprehensive Plan	Intensity Low
General Location	North of E. Duncan and east of the railroad track
Plat	SANCO 4TH ADDN LT 3 BLK 4
Gross Acres	0.26
STR	Section: 19, Township: 18, Range: 13
Floodplain	No 100-year FP
Zoning Surrounding	Residential Single-family



Evaluation

Planning Staff | Criteria for consideration:

1. 420.2. Accessory Use Conditions.
 - a. General Conditions.
 2. A detached accessory building shall not be located in the front or side yard or encroach upon a minimum building setback line, but this limitation shall not apply to carports, provided the minimum required front yard or side yard or setback line is observed.
 3. Within the rear yard, a detached accessory building shall be located at least five feet from any interior lot line.
 2. Total area of the rear yard
 - a. 209 E Duncan has a rear yard larger than 6,000 sq. ft.
 - b. This is the minimum required to have the full 1,200 sq. ft. allowance
 3. Total size of the structures.
 - a. The combination of accessory structures cannot exceed 1,200 sqft:
 - i. Existing garage: 22' x 25' = 550 sqft
 - ii. Carport: 19' x 18' = 342 sqft
 - iii. Existing storage: 10' x 20' = 200 sqft

1,092 sqft

 - iv. New Structure: 1,200-1,092=108 sqft
 - v. Accessory structure computation includes carports
 1. At no time can the total accessory space exceed: 1,200 sqft

Engineering Staff

Question | is a drainage study required?

Answer | Chris Robinson, City Engineer:

We only require the earth change permit on ground disturbance over 1 acre or a change from AG/residential to commercial. The earth change permit does require a drainage study.

We are working on a drainage project for this part of town. It is from 1st street to 4th Street, Beaver to Duncan Street. We are looking at redoing the bar ditches and modifying the drainage for this area. We just got the survey for this part of town. No curb and gutters are planned for at this time for the whole Sanco Subdivision area.

Additionally, we are working on getting a drainage/stormwater master plan done. One of its goals would be to address how to handle drainage with redevelopment of the downtown commercial and residential areas.

Staff Comments | Comply with any permitting and inspection processes for City of Jenks

Recommendation | *Grant the Special Exception to allow for Accessory building "area" of 1200 total square feet finding the applicant meets the criteria laid out in the Jenks Zoning Code under Sec. 240.f. and complies with all staff comments.*





CITY OF JENKS

211 NORTH ELM STREET • P.O. BOX 2007
JENKS, OKLAHOMA 74037-2007
PHONE (918) 299-5883 • FAX (918) 299-4489

CLARIFICATION

NOTICE TO THE PUBLIC OF A HEARING OF THE BOARD OF ADJUSTMENT OF THE CITY OF JENKS, OKLAHOMA

Board of Adjustment Case JBOA 20-429

Notice was given about a request by Kevin Bodenhamer for a Special Exception to allow for an accessory “building area” of 1200 total square feet at 209 E Duncan St. Mr. Bodenhamer currently has two (2) buildings in his rear yard, and wishes to add a third. Due to the size of the two existing buildings and the requested size of the third building, he needs a Special Exception from the Board of Adjustment. The **total** square footage from all three buildings exceeds 600sqft but code does not allow him to exceed 1200sqft total for accessory structures. He **is not** building an additional 1200sqft building in his rear yard.

If you have any further questions, you will be able to ask them at the Jenks Board of Adjustment meeting on April 16, 2020.

Dated at Jenks Oklahoma on 1 April 2020.

Marcae Hilton, Secretary
Jenks Board of Adjustment

209 E. Duncan Street, Jenks, OK

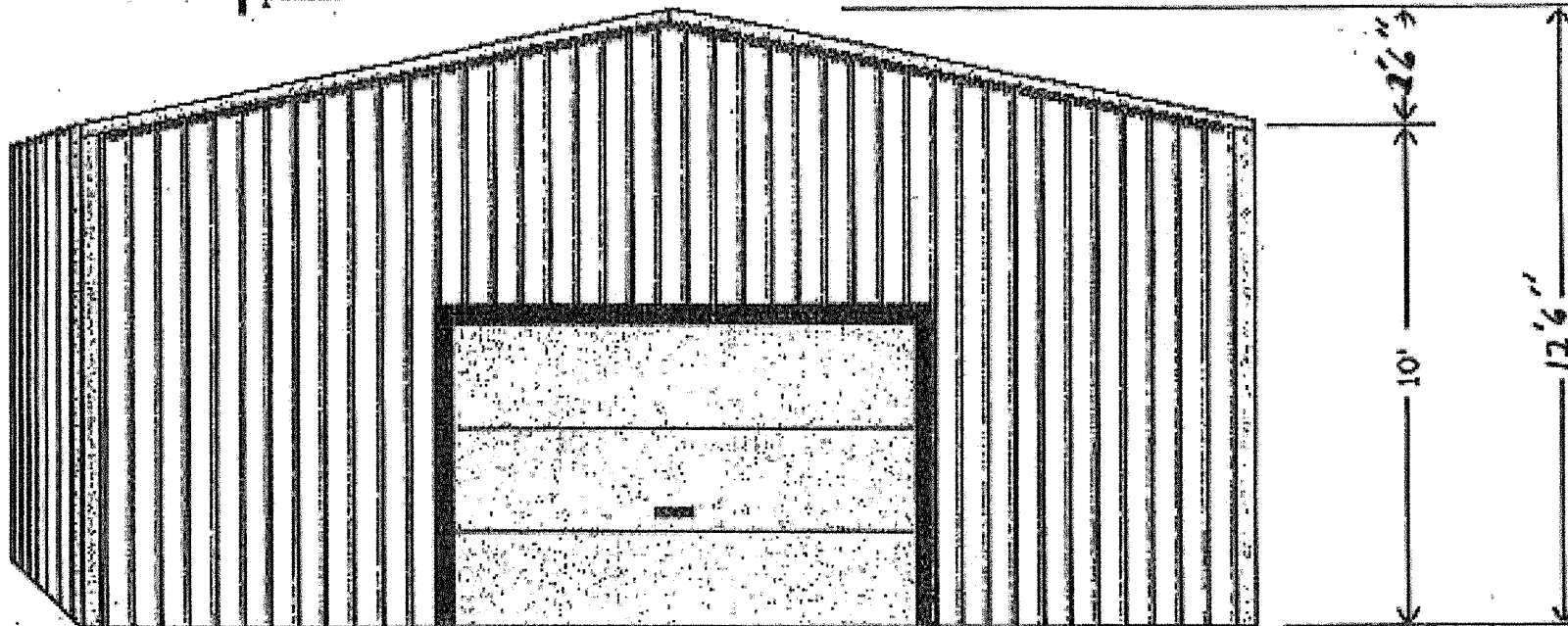


209 E. Duncan Street, Jenks, OK



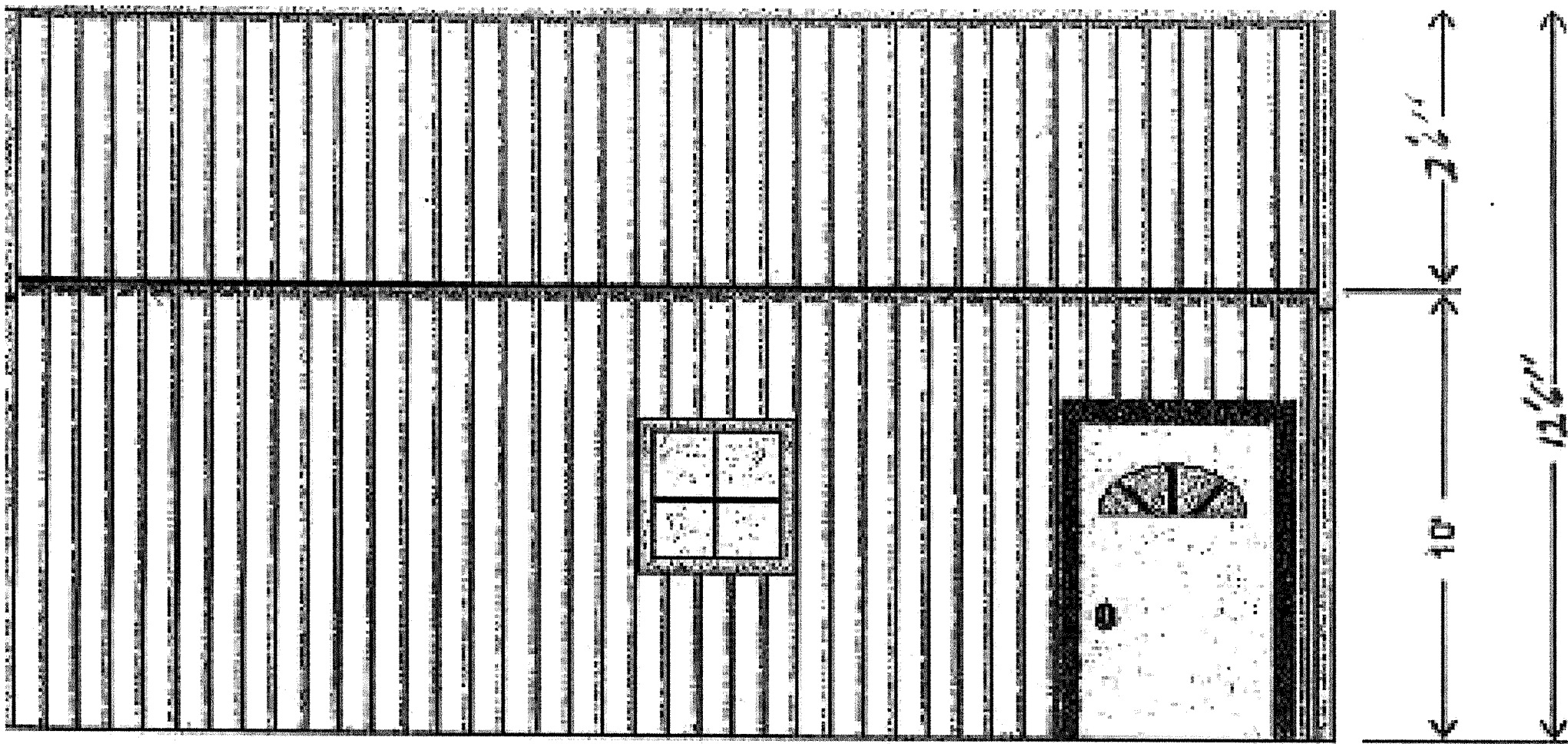
(918) 234-4859 Office
(918) 437-5551 Fax

3. $\frac{12}{\text{pitch}}$



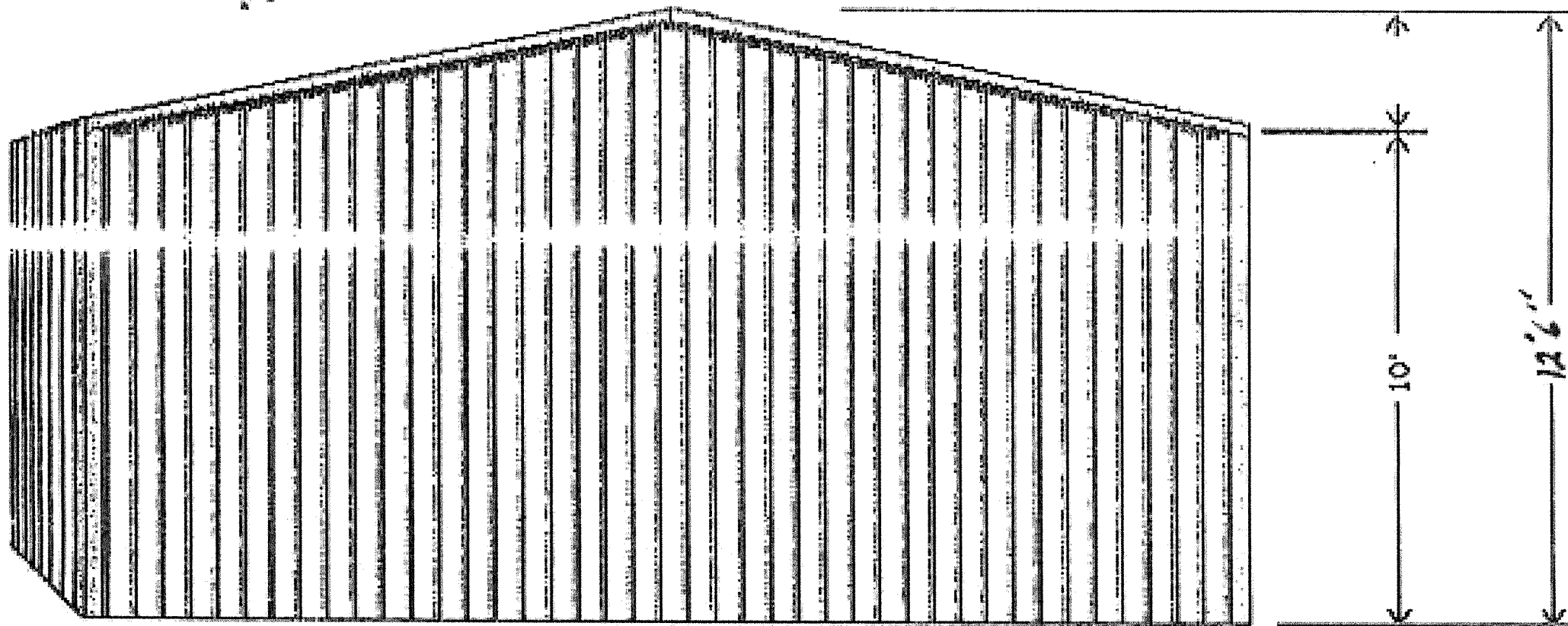
Front Elevation

Page: 1

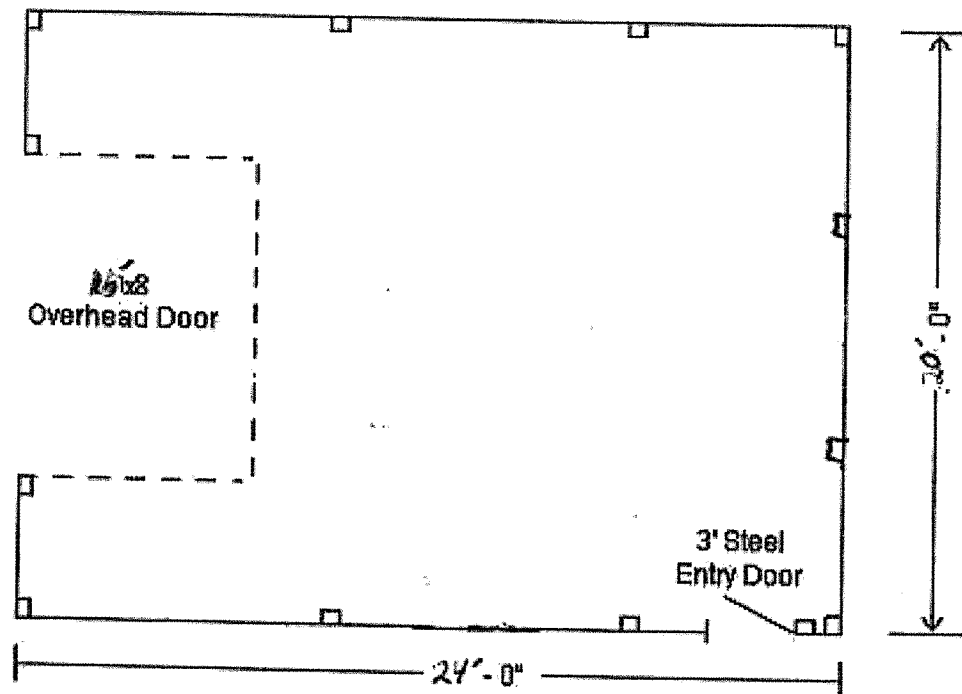


Right Elevation

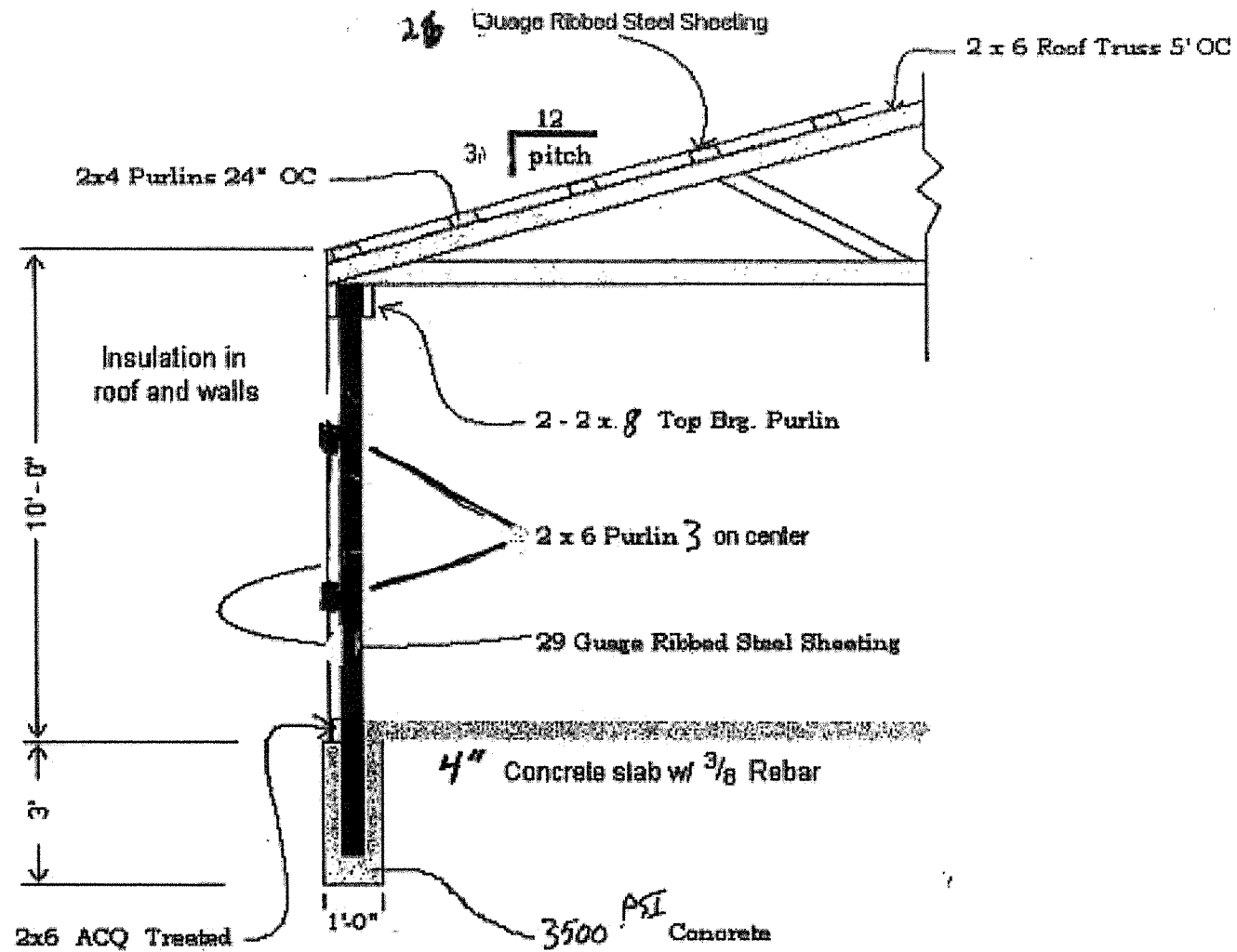
3 $\frac{12}{4}$ pitch



Back Elevation



Aerial View
Framing Plan



Detail Sheet

Page: 6

To	Board of Adjustment
Hearing Date	April 16, 2020
Case Number	JBOA 20-431 SCRIVNER
Request	Special Exception Accessory building up to 1200 square feet
Location	11201 S Juniper
Applicant	Gary Scrivner

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ CASE MAP
- ☐ SITE PLAN

Preparer

INCOG
GARY SCRIVNER

Background Information

STAFF COMMENTARY | Mr. Scrivner is requesting a special exception to allow for an accessory building more than 600sqft of in his rear yard. The applicant plans to build one 1200sqft accessory building.

Sec. 240.f of the Jenks Zoning Code allows for 600sqft of accessory buildings by right in RS districts, and up to 1200sqft with a Special Exception from the Board of Adjustment. The requirements for this Special Exception are as follows:

1. The buildings cannot exceed 1200sqft.
2. The buildings cannot exceed 20% of the area of the rear yard.

Public Comment Email received from Charlotte Muñiz-Montgomery, 918 691-6258 Mobile, cookqueen@cox.net

Primary questions

- Utility Easement on south
- Driveway allowed in UE
- Noncommercial Use
- Appearance
- Square footage
- Guttering
- Wrong INCOG/TULSA COUNTY DATA

Notice mailed out and posted online

PLANNING DATA

Intended Use	Shop building
Appearance District	None
Zoning	RS-1 Residential Single-Family Low Intensity
Comprehensive Plan	Low Intensity
General Location	11201 S Juniper South of 111 th and east of S. Juniper Street
Plat	Trusen Estates
Acres	0.81
STR	Section: 36, Township: 18, Range: 12
Surroundings	RS-1 & RE Single-family residential lots and AG (Agriculture).

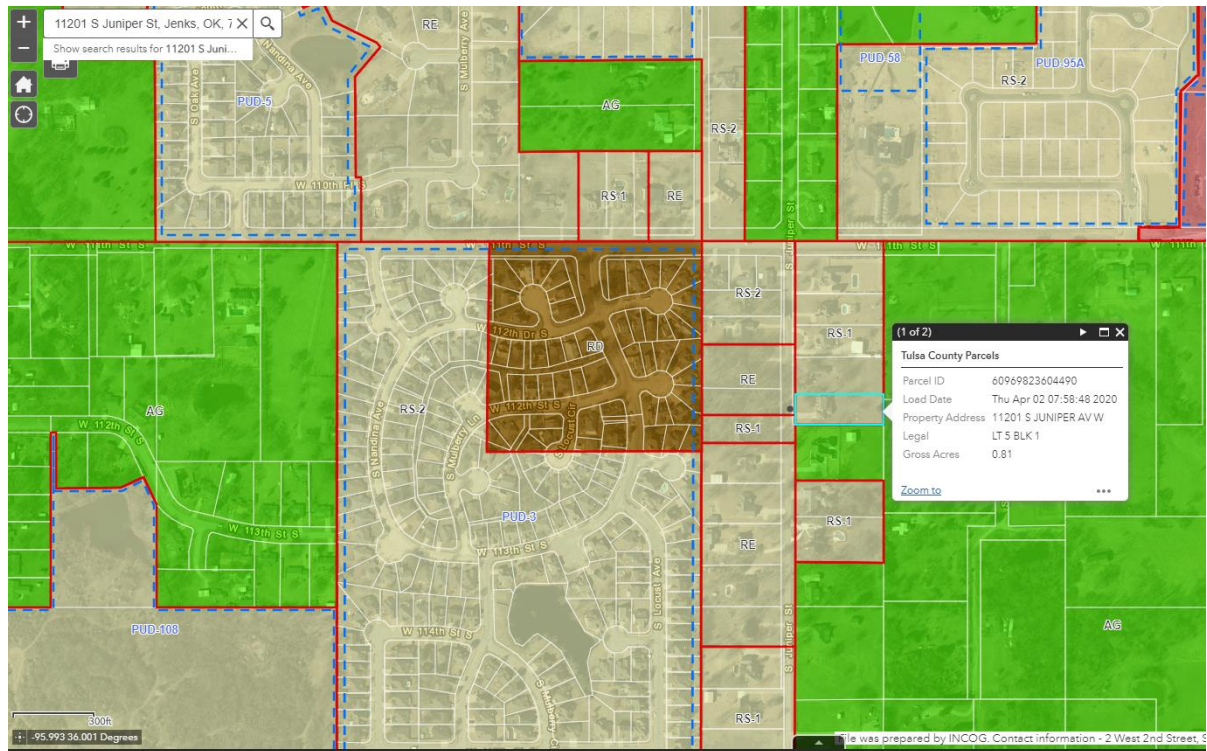


Figure 1: Corrected zoning map from INCOG

Staff Evaluation & Recommendation

Evaluation

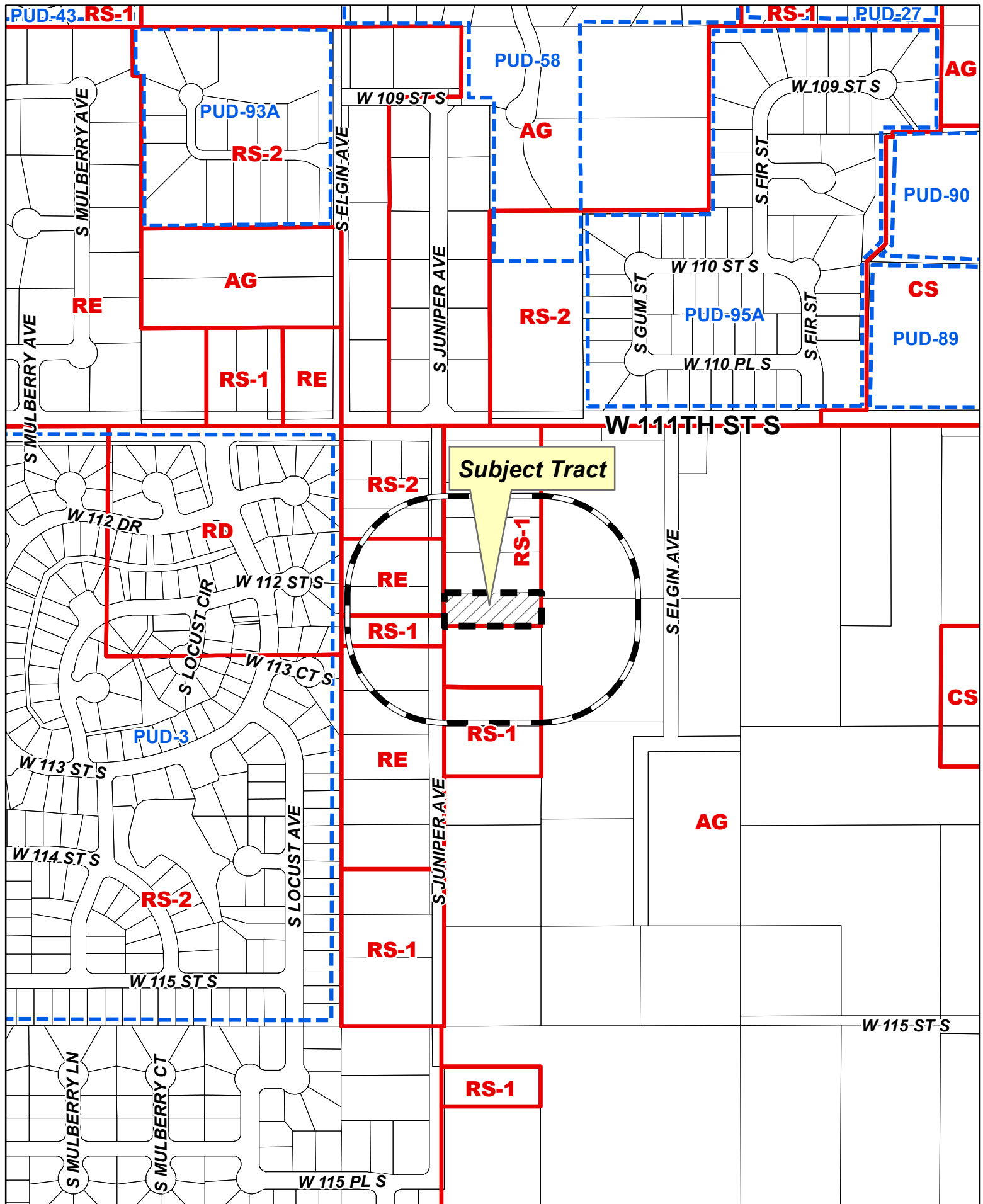
Planning Staff | Criteria for consideration:

1. 420.2. Accessory Use Conditions.
 - a. General Conditions.
 2. A detached accessory building shall not be located in the front or side yard or encroach upon a minimum building setback line, but this limitation shall not apply to carports, provided the minimum required front yard or side yard or setback line is observed.

3. Within the rear yard, a detached accessory building shall be located at least five feet from any interior lot line.
2. Total area of the rear yard
 - a. 11201 S Juniper meets the rear yard requirement
 - i. Rear yard is larger than 6,000sqft
 - ii. Meets the minimum required to have the full 1200sqft allowance.
3. Total size of the buildings | 1200 sqft max
 - b. The proposed building will be 40' x 30' equaling 1200sqft.

Staff Comments | Comply with any permitting and inspection processes for City of Jenks

Recommendation | *Grant the Special Exception to allow for an additional structure finding the applicant meets the criteria laid out in the Jenks Zoning Code under Sec. 240.f. and complies with all staff comments.*

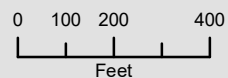


300' Radius



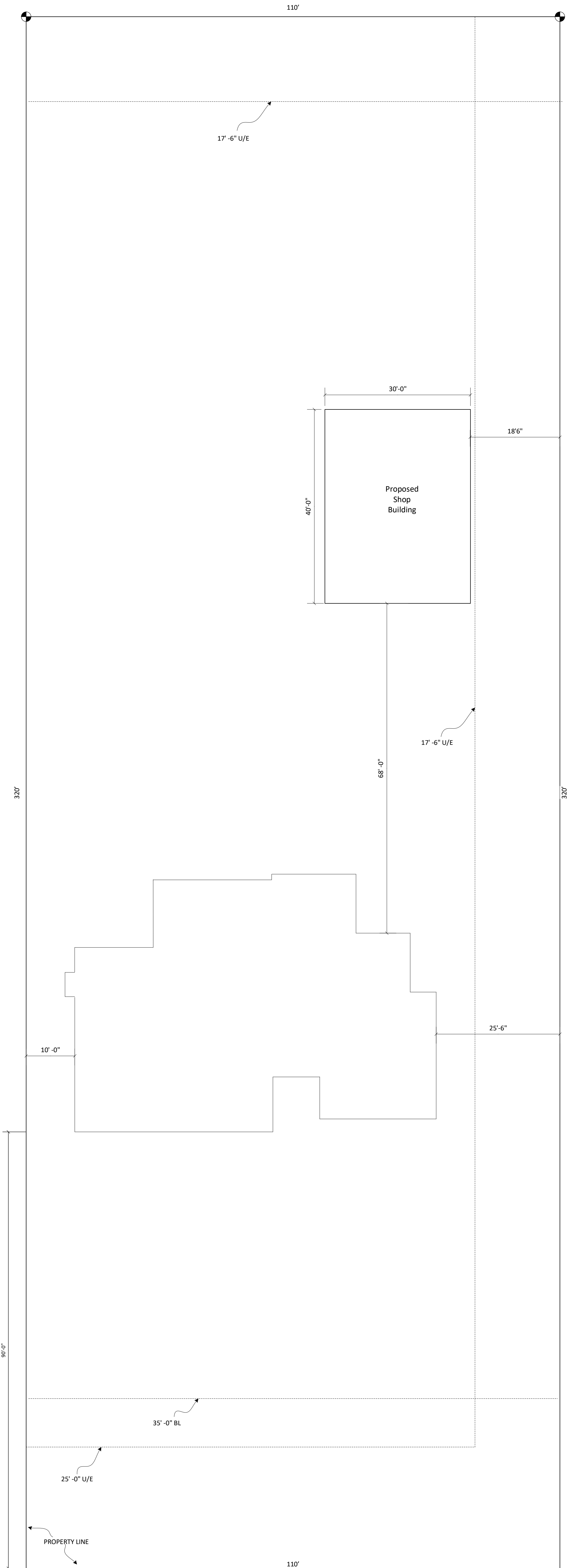
Subject Tract

JBOA 20-431



36 18-12





PLOT PLAN 3/32" = 1'

LOT 5 BLK 1
TRUSEN ESTATES
JENKS OKLAHOMA

11201 SOUTH JUNIPER



To	Board of Adjustment
Hearing Date	April 16, 2020
Case Number	JBOA 20-430 Dewhurst
Request	Special Exception To allow for a continuation of a pre-existing nonconformity after a requested zone change
Location	122 North 6th Street
Applicant	Teresa Dewhurst

Staff Report

Preparer | Marcaé Hilton

Attachments

☐ CASE MAP

Preparer

INCOG

Background Information

STAFF COMMENTARY | The applicant Teresa Dewhurst went through the rezoning process in January of 2020. The case JZ 19-648 was heard by Planning Commission on January 09, 2020 and approved by City Council on January 21, 2020 along with Ordinance No. 1504. The action as requested and approved permitted the property (122 North 6th Street) to be rezoned from (RS-3) Residential Single-Family High Density to (CS) Commercial Shopping Center. At the time of rezoning hearing, the applicant planned to sell/lease the property for Uses allowed within a CS district such as office, medical, retail, food service, etc. development. Since approval, the applicant has decided to keep the residential use indefinitely and is seeking a Special Exception.

The property is located south of Main Street in an area of older residences which continue to transition to commercial and office uses, the requested zone change is consistent with the Comprehensive Plan. The property was originally built and functioned as a single-family home with a garage and accessory structure. The accessory structure has operated as a Barber shop for many years. The operation of a commercial use (Barber Shop) on a residential property without a special exception deemed the lot “pre-existing nonconforming”. The change in zoning brought the Use and anticipated Uses into conformance with the new (CS) zoning.

EXCERPT FROM APPROVAL LETTER | [Blue](#) highlights per Marcae’

Your requested Zone Change from RS-3 (Residential Single-Family High-Density District) to CS (Commercial Shopping Center District) was approved by Jenks City Council on 21 January 2020. Before this zone change, the property was operating under a pre-existing nonconformity to allow for two primary structures on one lot and to allow a commercial business on a residential lot. Normally, as long as the status quo is continued the pre-existing nonconformity is allowed to continue. This changed with the approval of the zoning change.

According to §1200. e of the Jenks Zoning Code, “Upon approval of a rezoning request, the previous use of a property if not permitted within the new zoning district shall be deemed an unlawful

use and shall not be considered for rights extended to pre-existing nonconforming uses.” By that reading, once the requested zone change was approved, the commercial property (barber shop) on the lot became the principal structure “use” and the only one conforming to the Zoning Code. It also means that a residential dwelling is no longer a lawful use of the property.

§1220.f, though, states:

When at the effective date of this zoning code or amendment thereto, there exists a lawful use of a building, or use of a principal building and land, or use of land and accessory structures, such structures covering more than ten percent of the lot area, and such use would not be permitted by the terms of this zoning code or amendment thereto, such use shall be deemed pre-existing nonconforming and may continue subject to the following provisions

f. A pre-existing nonconforming use of a building or of a building and land in combination when located within a residential district shall not be changed unless changed to a use permitted in the district in which located. (i.e. Residential to Commercial Shopping for office and barber) A pre-existing nonconforming use of a building or of a building and land in combination, when located within a district other than a Residential District, may, as a Special Exception, be changed upon approval of the Board of Adjustment after finding that the proposed use will not result in any increase of incompatibility with the present and future use of proximate properties. The change of a use to another use contained within the same use unit shall not constitute a "change of use" within the meaning of this section.

PLANNING DATA

Intended Use	Non-conforming combination of Residential and Commercial Uses
Zoning	CS Commercial Shopping
Comprehensive Plan	High Intensity Area, no specific land uses reserved
General Location	122 North 6th Street South of A St. and north of Main St. and west of N. 6 th St.
Plat	Jenks Original Town, Lots 1,2,3, Block 13
STR	Section: 19, Township: 18, Range: 13
Zoning	Commercial and office
Nonconformance	A nonconforming use is a use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations (rezoning), is no longer a permitted use.

SUPPLEMENTAL INFORMATION | Lawful Use Zoning Information

Sec. 610. - Principal uses permitted in commercial districts.

The principal uses permitted in the Commercial Districts are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, and screening requirements and other use conditions in Chapter 10. The use units permitted in Commercial Districts are set forth below in Table 1 and Table 1A.

Table 1. Use Units Permitted in Commercial Districts 1 (Chapter 10)

Chapter 10 Use Units		
No.	Name	CS
1.	Area wide Uses	X
2.	Area wide Specific Use	S
4.	Public Protection	X
5.	Community Services and Cultural Facilities	X
8.	Multifamily Dwellings and Similar uses	P
10.	Off-Street Parking Areas	X
11.	Offices and Studios	X
12.	Eating Places Other Than Drive-Ins	X
13.	(Barber) Convenience Goods and Services	X
14.	Shopping Goods and Services	X
15.	Other Trades and Services	
16.	Gasoline Service Stations	X
17.	Automotive and Allied Activities	E
18.	Drive-In Restaurants	
19.	Hotel, Motel, and Recreation Facilities	X
20.	Commercial Recreation, Intensive	
21.	Business Signs and Outdoor Advertising	X

Sec. 630. - Bulk and area requirements in the commercial districts.

Table 2. Bulk and Area Requirements in the Commercial Districts

	CS
Frontage (min. ft.)— Arterial	150
Frontage (min. ft.)— Not an Arterial	50
Floor Area Ratio (maximum)	0.50
Setback from centerline of abutting street (min. ft.) — Arterial	50
Setback from centerline of abutting street (min. ft.)— Not an Arterial	25
Setback from an abutting R District boundary line (min. ft.)	10 1
Building Height (max. ft.)	35

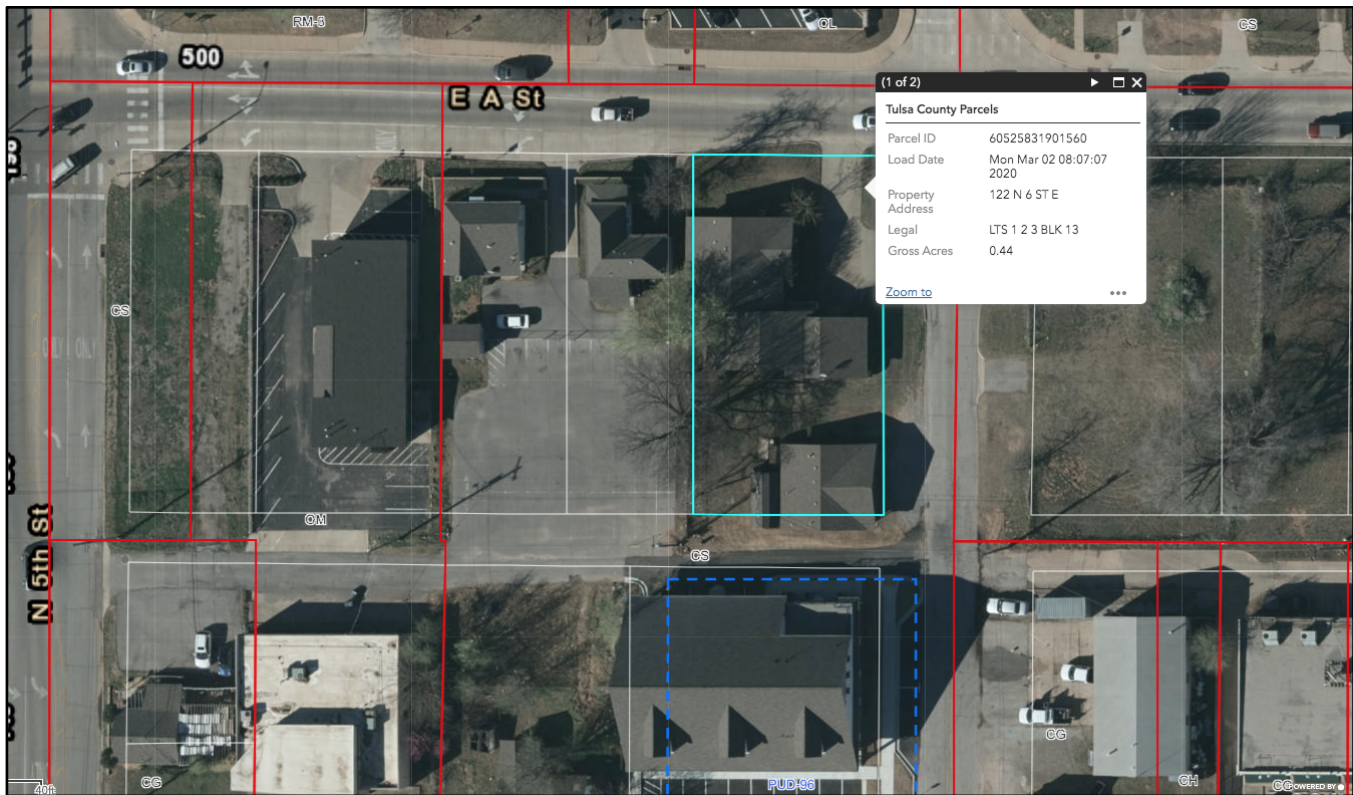


Figure 1: Aerial View of 122 N. 6th



Figure 2: View of House and Barber Shop

Staff Evaluation & Recommendation

Evaluation | Please see BOA action below

1380.3. Board of Adjustment Action.

1. May grant the Special Exception after finding that the Special Exception will be:
 - a. In harmony with the spirit and intent of the code.
 - b. Will not be injurious to the neighborhood.

- c. Is not otherwise detrimental to the public welfare.
- 2. The Board in granting a Special Exception shall prescribe:
 - a. Appropriate conditions and safeguards.
 - b. May require such evidence and guarantee or bonds as it may deem necessary to enforce compliance with the conditions attached.

1380.4. Time Limitation on Special Exceptions.

A Special Exception which has not been utilized within two years from the date of the order granting same shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

Staff Comments

- 1. The request is complicated, staff has no specific recommendations, but believes the request meets the spirit and intent of a "Special Exception."
- 2. The proposed use will not result in any increase of incompatibility with the present and future use of proximate properties

Recommendation | *Grant the Special Exception to allow for the continuation of a pre-existing nonconformity after a requested zone change*

