

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

I. CALL TO ORDER

II. ROLL CALL

1. MEMBERS MEETING REMOTELY

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

The meeting will be live-streamed on the [CITY OF JENKS' YOUTUBE CHANNEL](#). Council Chambers will be open should citizens wish to make comments during the meeting.

III. REQUEST TO APPROVE MINUTES OF JUNE 11, 2020

Documents:

[2020.06.11 BOA MINUTES.PDF](#)

IV. BUSINESS

1. JBOA 20-432: Request by Travis Small for a variance to allow for a pool in the side yard.
General Location: 118 E 129th PI S

Documents:

1. [SR.JBOA 20-432 07.16.20.PDF](#)
2. [JBOA 20-432 SUPPORT DOC.PDF](#)

2. JBOA 20-433: Request by Robert Ward for a variance to allow for a pool in the side yard. General Location: 605 E 119th St S

Documents:

1. [SR.JBOA 20-433 07.16.20.PDF](#)
2. [JBOA_20-433.SUPPORT DOC.PDF](#)

V. OTHER BUSINESS

1. Horizon Jenks - Comprehensive Plan Project Update

VI. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT
6:00 P.M. THURSDAY, JUNE 11, 2020
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM
JENKS, OKLAHOMA 74037

The Jenks Board of Adjustment was called to order at 6:00 p.m. on June 11, 2020, by Chair Shari Keathley. A roll call vote was taken as follows:

Present

Erik Enyart – Videoconference
Gina Wilson – Videoconference
Larry Hengst - Physical
Paul Greek – Videoconference
Chair Shari Keathley - Teleconference

Absent

Request to approve minutes of May 14, 2020. Erik Enyart made a motion to approve the minutes. Gina Wilson seconded the motion. A roll call vote of members was taken as follows:

YEA: Enyart, Wilson, Hengst, Greek, Keathley

NAY: None

Old Business

1. **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.**

Planning Director Marcaé Hilton presented her staff report. Larry Hengst made a motion to approve Item 1. Paul Greek seconded the motion. A roll call vote of members was taken as follows:

YEA: Wilson, Hengst, Greek, Keathley

NAY: None

ABSTAIN: Enyart

Motion carried.

Other Business:

1. Horizon Jenks – Comprehensive Plan Project Update. Planning Director Marcaé Hilton gave an update on the Jenks Comprehensive Plan.

Adjournment. The Jenks Board of Adjustment adjourned at 6:12 p.m.

To	Board of Adjustment
Hearing Date	July 16, 2020
Case Number	JBOA 20-432 Small
Request	Variance To allow for a pool in the side yard
Location	118 E 129th Pl S
Applicant	Travis Small

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ CASE MAP
- ☐ SWIMMING POOL DOCUMENTS

Preparer

INCOG
Applicant

Background Information

STAFF COMMENTARY | The Small lot is located within Birmingham at Yorktowne Blocks 24-30. The applicant was in the process of building a pool when they were informed by the City of Jenks a swimming pool is not allowed in the side yard. Staff met internally and concluded this was an extraordinary and peculiar situation pertaining to the rear yard in regard to shape and topography. Staff advised the applicant to seek a variance due to the dramatic slope of the rear yard and the shape of the lot.

PLANNING DATA

Intended Use	Swimming Pool as an accessory use to a residence
Zoning	PUD 61C RS-2 Single-family Residential
Comprehensive Plan	Low Density Area Residential
General Location	118 E 129th Pl S North of 131 st St. and East of Elm
Plat	Lot 23 Block 29 Birmingham at Yorktown, Blocks 23-30
STR	Section: 06, Township: 17, Range: 13

SUPPLEMENTAL INFORMATION | Sec. 240. - Yards.

240.1. Compliance with Yard Requirements.

Except as otherwise provided, required yards shall be open and unobstructed from the ground to the sky. Yards provided for a building for the purpose of complying with the provisions of this zoning code shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.

240.2. Permitted Yard Obstructions.

Obstructions are permitted in required yards as follows:

g. *Swimming pools, tennis court, patios, storm and other protective shelters shall be located in the rear yard and shall have a minimum setback of ten feet from any side or rear lot lines.* However, the Board of Adjustment may, upon application and after public hearing, permit the aforementioned accessory uses in the front yard of properties zoned RE (Residential Estates) and AG (Agriculture), provided: (1) the minimum front yard requirement is adhered to, and (2) a minimum setback of ten feet from any side lot line is met.

Sec. 420. - Accessory uses permitted in residential districts.

420.1. Accessory Uses Permitted.

Accessory uses customarily incident to a principal use permitted in a residential district are permitted in such district. In addition, the following uses set forth in Table 2 are permitted as accessory uses.

Table 2. Accessory Uses Permitted in Residential Districts

	Uses	Districts
1.	Home Occupation - Intensive	(See <u>Section 440</u>) All R Districts ¹
2.	Home Occupation - Minor (See Section 420.2a.5)	All R Districts
3.	Amateur Radio Tower	All R Districts *
4.	Roomers and Boarders:	
5.	Shelters	All R Districts
6.	Signs:	All R Districts
7.	Swimming Pool	All R Districts
8.	Management Office and Private	
9.	Bed and Breakfast Inns - Limited*	
10.	Small Domestic Animals	All R Districts
¹ By special exception requiring Board of Adjustment approval.		

Sec. 16-5-3. - Powers of Zoning Board of Adjustment.

(A) The zoning board of adjustment shall have the following powers:

(1) Administrative review.

(2) Variances. To authorize upon appeal in specific cases such variances from the terms of this article as will not be contrary to the public interest where,

- ✓ owing to special conditions,
- ✓ a literal enforcement of the provisions of this article will, in any individual case, result in unnecessary hardship, so that the spirit of this article shall be observed,
- ✓ public safety and welfare secured,
- ✓ and substantial justice done.

Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

This lot has extraordinary and exceptional conditions pertaining to the rear yard in regards to shape and topography.

Shape | The lot has 5 sides instead of the traditional 4 and is located at the end of a cul-de-sac. Due to the unique shape of this lot and the design of the home, this large side yard area is used in the way a traditional rear yard would be used and is not a traditional side-yard. In addition, the rear property line is not a straight line rather it is a "V" shape and slopes dramatically toward the utility easement. The Utility Easement in the rear yard is only 11 feet but that has significantly reduced the amount of area allowable for a pool and decking.

- *Pie shaped lot*
- *"v" shaped rear yard*
- *UE 11 feet along rear property line*
 - *5 feet distance between UE and house on north side*
 - *14 feet distance between UE and house on south side*
 - *40 feet distance between UE and house to far corner of V*

Topography | The back-yard slope does not allow for a pool; the house is approximately 4 feet higher than the rear property line. The north side-yard has less fall and is the largest, flattest lawn area.

- *Back Yard has a minimum of 4 feet drop*
- *Drainage: lots to the north drain toward the rear yard due to the natural slope*

(b) The application of this article to this particular piece of property would create an unnecessary hardship; Designing and building a pool in the rear yard as defined by the Jenks Zoning Code would create an unnecessary hardship; the natural drainage of the lot would be disturbed, and the impact to neighbors could be greater if a pool was built in the defined rear yard rather than the proposed side yard.

(c) Such conditions are peculiar to the particular piece of property involved; and

Yes, the conditions are peculiar to the particular property involved and not reflective of the entire neighborhood.

(d) 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.

Relief would not cause substantial detriment to the public good.

- The homeowner has a screening fence 6.5 feet tall that encloses the side yard in a way that promotes its continuity with the defined rear yard and provides visual separation from neighboring properties.*
- The yard will receive additional landscaping*
- The pool will be located about 40 feet from water's edge to the neighbor's house*

Provided that the board in granting a variance shall prescribe appropriate conditions and safeguards, and shall require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

Staff Evaluation & Recommendation

Evaluation | Please see BOA action below

Sec. 1370. - Variances.

1370.1. General.

The Board of Adjustment, upon application, and after notice (when notice is required) and public hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant such variance from the terms of this zoning code as will not cause substantial detriment to the public good or impair the spirit, purposes and intent of this zoning code, or the Comprehensive Plan, whereby reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstances peculiar to a particular property, the literal enforcement of the code will result in unnecessary hardship. The Board shall not vary any jurisdictional requirement, such as notice.

1370.2. Application.

A request for a variance shall be initiated by the filing of an application with the City Clerk and shall be set for public hearing by the Secretary in accordance with the rules established by the Board.

1370.3. Board of Adjustment Action.

The Board shall hold the public hearing and, upon the concurring vote of three members, may grant a variance after finding:

- 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.*

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

1370.4. Time Limitation on Variances.

A variance which has not been utilized within one year from the date of the order granting the variance 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 | Staff has no conditions for approval

Recommendation | *Grant the Variance to allow for a pool in the side yard.*

MORTGAGE INSPECTION REPORT



INVOICE NO.: FTA21 18-92804
MORTGAGOR: SMALL, TRAVIS & MELISSA

CLIENT: FIRSTTITLE & ABSTRACT SERVICES, LLC
ARVEST BANK
FIRST AMERICAN TITLE INSURANCE COMPANY
508808

LEGEND

*** FENCE ***
 U/E: UTILITY EASEMENT
 D/E: DRAINAGE EASEMENT
 H/P: MEETING POINT
 B/E: BURIED ELECTRIC &
 TELEPHONE CABLE
 EASEMENT
 (APPROXIMATE
 LOCATION)
 U.L: BUILDING LINE
 O.B.L: OUTBOUND LINE

B.L. BUILDING LINE
O.B.L. OUTBUILDING LINE

 BEFORE YOU DIE,
CALL OKIE
1-800-522-8554

THIS PROPERTY LIES IN ZONE "X-UNSHADED"
FLOOD HAZARD AREA PER F.I.R.M. MAP NUMBER
40143C0426L, AS LAST REVISED 10/16/12.

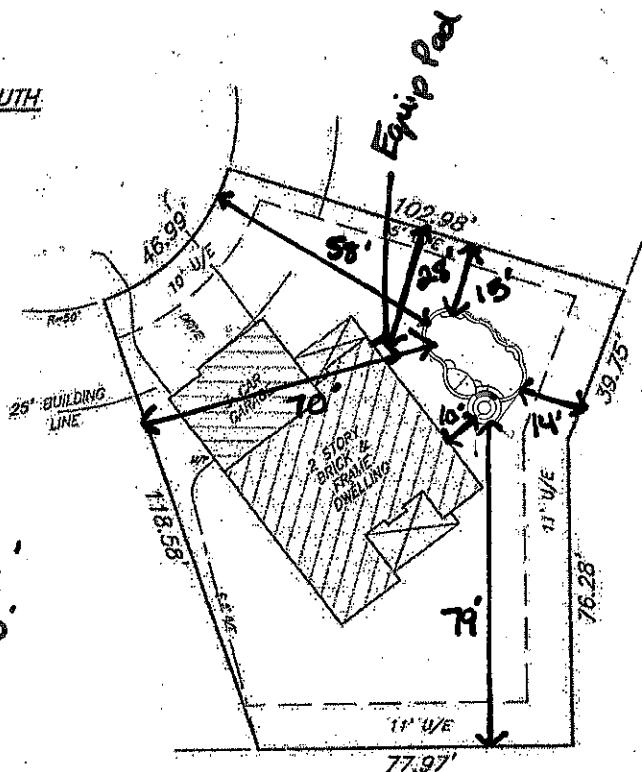
118 E 129 Pl
Lot 23 Block 29 Birmingham at Yorktown

THE FOLLOWING RECORDED DOCUMENTS DO NOT AFFECT THIS PROPERTY:

11. EASEMENT RECORDED IN BOOK 3944 PAGE 2306.
12. EASEMENT RECORDED IN BOOK 5000 PAGE 126.
13. WATER EASEMENT RECORDED IN BOOK 5236 PAGE 2565.
14. DEDICATION DEED PUBLIC HIGHWAY RECORDED IN DOCUMENT NO.04104539.

THE FOLLOWING RECORDED DOCUMENT INCLUDES THIS PROPERTY:
15. ASSIGNMENT AND ASSUMPTION AND BILL OF SALE AGREEMENT RECORDED IN
DOCUMENT NO.2017090257.

G. EAST 129TH PLACE SOUTH



Pool 21' x 32'
Depth 3'6" - 5'

FLAT NO. 65B7

LEGAL DESCRIPTION AS PROVIDED:

LOT TWENTY-THREE (23), BLOCK TWENTY-NINE (29), BIRMINGHAM, AT YORKTOWN, BLOCKS 24-30, A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6587, AND KNOWN AS 118 EAST 129TH PLACE SOUTH.

SURVEYOR'S STATEMENT

[illegible]

WITNESS MY HAND AND SEAL THIS DATE: 5/4/18

WARNING: If the seal on this document is not RED, it is an unauthorized copy which may have been altered or modified, and cannot be used for any purpose without the written permission of the State Surveying Commission.

Copyright 2015 by White Surveying Company. All Rights reserved. No part of this plot may be reproduced, stored in a retrieval system, or transmitted in any form without prior written permission of White Surveying Company, P.O. Box 471675, Tulsa, Oklahoma.



Birmingham at Yorktown

Blocks 24-30

P.U.D. 61 Amended "C"

A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, OKLAHOMA BEING A PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION SIX (6), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN.

Owner / Developer

YORKTOWN HOLDING, L.L.C.
5711 EAST 71ST STREET, SUITE 120
TULSA, OKLAHOMA 74136
PHONE: (918) 494-4004
MR. STEVE MURPHY

Engineer

ROSENBAUM CONSULTING, LLC
202 SOUTH MAIN STREET
BROKEN ARROW, OKLAHOMA 74012
PHONE: (918) 798-0210
FAX: (918) 517-3211
barrick.rosenbaum@cox.net
C.A. # 6470 EXPIRES 6-30-2015

Surveyor

ATLAS LAND OFFICE, LLC
2700 NORTH HEMLOCK COURT, SUITE 111A
WAGONER, OKLAHOMA 74467
PHONE: (918) 485-9987
EMAIL: info@atlaslandoffice.com
C.A. # 6752 EXPIRES 6-30-2016

Subdivision Statistics

SUBDIVISION CONTAINS EIGHT-TWO (82) LOTS IN SEVEN BLOCKS (7) AND ONE (1) RESERVE AREA:

BLOCK 24	8 LOTS
BLOCK 25	15 LOTS
BLOCK 26	4 LOTS
BLOCK 27	2 LOTS
BLOCK 28	17 LOTS
BLOCK 29	29 LOTS
BLOCK 30	7 LOTS

GROSS SUBDIVISION AREA: 1,155,495.64 SF / 26.526 ACRES

Curve Table

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	83.82'	347.00'	13°50'24"	S 06°32'17" W	83.62'
C2	18.07'	200.00'	5°10'32"	S 02°12'21" W	18.06'
C3	44.75'	25.00'	102°33'39"	S 56°04'26" W	39.01'
C4	85.32'	500.00'	9°46'39"	N 67°45'25" W	85.22'
C5	139.31'	500.00'	15°57'50"	N 54°53'11" W	138.86'
C6	40.08'	200.00'	11°28'54"	N 41°09'49" W	40.01'
C7	50.10'	250.00'	11°28'54"	N 41°09'49" W	50.01'
C8	39.27'	25.00'	90°00'00"	S 27°38'44" E	35.36'
C9	242.97'	150.00'	92°48'34"	S 26°14'28" E	217.27'
C10	55.43'	150.00'	21°10'22"	S 09°34'38" W	55.12'
C11	39.43'	25.00'	90°22'41"	S 46°11'53" E	35.47'
C12	62.64'	175.00'	20°30'37"	N 68°58'27" E	62.31'
C13	65.22'	125.00'	29°53'39"	N 73°39'58" E	64.48'
C14	127.05'	425.00'	17°07'41"	S 82°49'23" E	126.58'
C15	142.00'	475.00'	17°07'41"	S 82°49'23" E	141.47'
C16	52.81'	250.00'	12°06'08"	N 82°33'43" E	52.71'
C17	42.25'	200.00'	12°06'08"	N 82°33'43" E	42.17'
C18	18.69'	25.00'	42°50'00"	S 69°58'13" E	18.26'
C19	240.82'	50.00'	275°57'49"	N 06°32'07" W	66.94'
C20	23.18'	25.00'	53°07'48"	S 62°02'53" W	22.36'
C21	39.38'	25.00'	90°14'33"	N 46°15'57" W	35.43'
C22	99.52'	200.00'	28°30'38"	N 13°06'39" E	98.50'
C23	46.13'	25.00'	105°43'47"	N 80°13'51" E	39.86'
C24	153.24'	550.00'	15°57'50"	S 54°53'11" E	152.75'
C25	93.86'	550.00'	9°46'39"	S 67°45'25" E	93.74'
C26	40.50'	25.00'	92°48'34"	S 26°14'28" E	36.21'
C27	55.43'	150.00'	21°10'22"	S 09°34'38" W	55.12'
C28	39.10'	25.00'	89°37'19"	S 43°48'07" W	35.24'
C29	38.48'	175.00'	12°35'56"	N 82°18'49" E	38.40'
C30	40.08'	200.00'	11°28'54"	S 41°09'49" E	40.01'
C31	50.10'	250.00'	11°28'54"	S 41°09'49" E	50.01'
C32	34.94'	25.00'	80°03'57"	S 06°52'17" E	32.16'
C33	149.69'	250.00'	34°18'22"	S 16°00'30" W	147.46'
C34	39.16'	25.00'	89°45'27"	S 43°44'03" W	35.28'
C35	52.81'	250.00'	12°06'08"	S 82°33'43" W	52.71'
C36	42.24'	200.00'	12°06'08"	S 82°33'43" W	42.17'
C37	73.91'	200.00'	21°10'22"	N 09°34'38" E	73.49'
C38	161.98'	100.00'	92°48'34"	N 26°14'28" W	144.85'
C39	38.04'	25.00'	87°11'26"	S 63°45'32" W	34.48'
C40	36.96'	100.00'	21°10'22"	S 09°34'38" W	36.74'
C41	39.43'	25.00'	90°22'41"	S 46°11'53" E	35.47'
C42	142.00'	475.00'	17°07'41"	S 77°21'58" E	141.47'
C43	46.10'	425.00'	6°12'52"	N 49°15'32" E	46.07'
C44	43.87'	25.00'	100°32'08"	N 49°15'32" E	38.45'
C45	52.83'	175.00'	17°17'42"	N 67°21'59" E	52.62'
C46	44.75'	125.00'	20°30'37"	N 68°58'27" E	44.51'
C47	28.66'	175.00'	9°23'02"	N 83°55'16" E	28.63'

STATE OF OKLAHOMA } SS
COUNTY OF TULSA }
I, Pat Key, Tulsa County Clerk, in and for the County and State above named, do hereby certify that the foregoing is a true and correct copy of a like instrument now on file in my office.

Dated the 20th day of February 2015

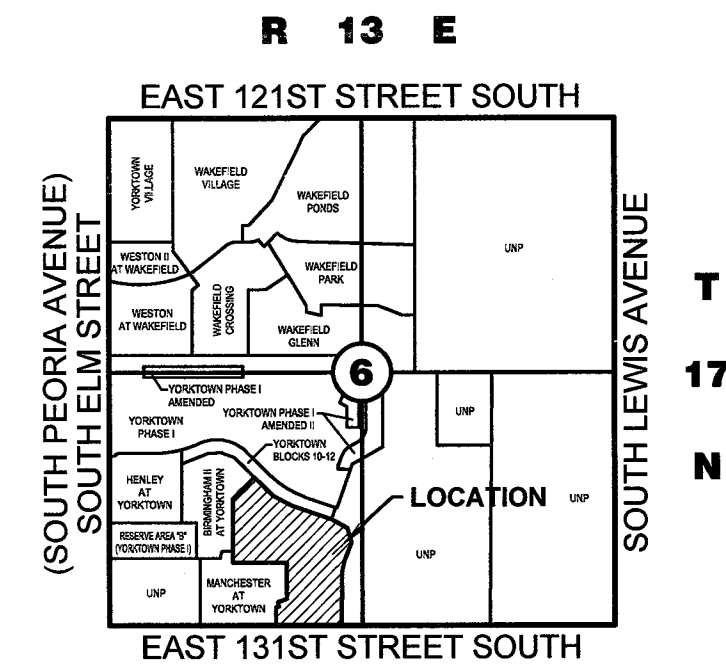
PAT KEY, Tulsa County Clerk

Pat Key
Deputy



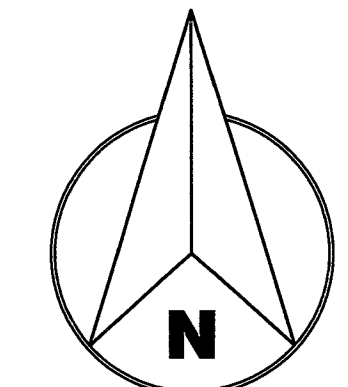
Line Table

LINE	BEARING	DISTANCE
L1	N 46°54'15" W	10.00'
L2	S 46°54'15" E	10.00'
L3	S 46°54'15" E	9.55'
L4	S 46°54'15" E	5.36'
L5	N 88°36'47" E	0.46'
L6	N 88°36'47" E	10.21'
L7	S 88°36'47" W	10.00'
L8	S 88°36'47" W	0.80'

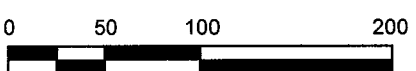


Location Map

SCALE: 1"=200'



Scale: 1" = 100'



FINAL PLAT

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE JENKS CITY COUNCIL ON

5/5/14
[Signature]
MAYOR - VICE MAYOR

THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER.

[Signature]
CITY MANAGER

STATE OF OKLAHOMA)
COUNTY OF TULSA) SS

I, PAT KEY, TULSA COUNTY CLERK, IN A FOR THE COUNTY AND STATE ABOVE NAMED, DO HEREBY CERTIFY THAT THE FORGOING IS A TRUE AND CORRECT COPY OF A LIKE INSTRUMENT NOW ON FILE IN MY OFFICE.

DATED THE _____ DAY OF _____, 2015
PAT KEY, TULSA COUNTY CLERK

DEPUTY

CERTIFICATE

I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of \$10881.00 per trust receipt no.13772 to be applied to 2015 taxes. This certificate is NOT to be construed as payment of 2015 taxes in full but is given in order that this plat may be a lien on record. 2015 taxes may exceed the amount of the security deposit.

Dated: 02/20/15
Dennis Seidler
Tulsa County Treasurer
[Signature]
Deputy



CITY OF JENKS

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

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

Board of Adjustment Case JBOA 20-432

Notice is hereby given that a public hearing will be held before the Jenks Board of Adjustment, in Jenks City Hall, Council Chambers, 211 North Elm Street, Jenks, Oklahoma¹, at 6:00 p.m. on 16 July 2020, in consideration of the following:

An application to approve request by Travis Small for a variance to allow for a pool in a side yard

Legal Description: Lot 23 Block 29 Birmingham at Yorktown, Blocks 23-30, a subdivision in the City of Jenks, Tulsa County, State of Oklahoma

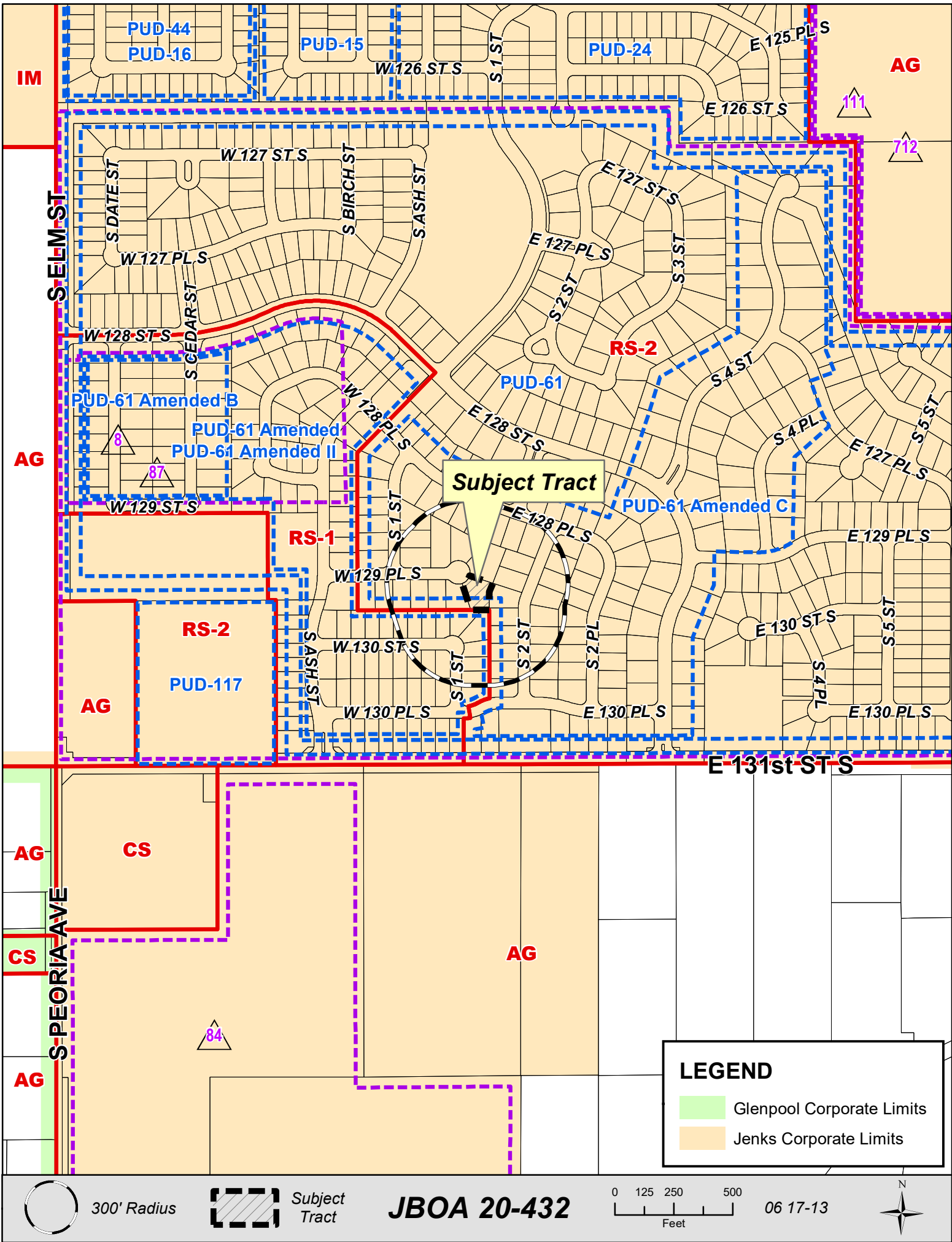
General Location: 118 E 129th Pl S

All persons interested in this matter may appear at these hearings and present their objections to or arguments for any of the above matters.

Dated at Jenks Oklahoma on 22 June 2020.

Marcaé Hilton, Secretary
Jenks Board of Adjustment

¹ As of writing this notice, City Hall will be open for public comments on the above date. However, due to COVID-19, that may change before the meeting is held. Should anything change a notice will be placed online at <https://www.jenks.com/235/Zoning-Notices>. You may also contact the City Clerk at 918-209-4903



To	Board of Adjustment
Hearing Date	July 16, 2020
Case Number	JBOA 20-433 Ward
Request	Variance To allow for a pool in the side yard
Location	605 E 119th St S
Applicant	Robert Ward

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ CASE MAP
- ☐ SWIMMING POOL DOCUMENTS

Preparer

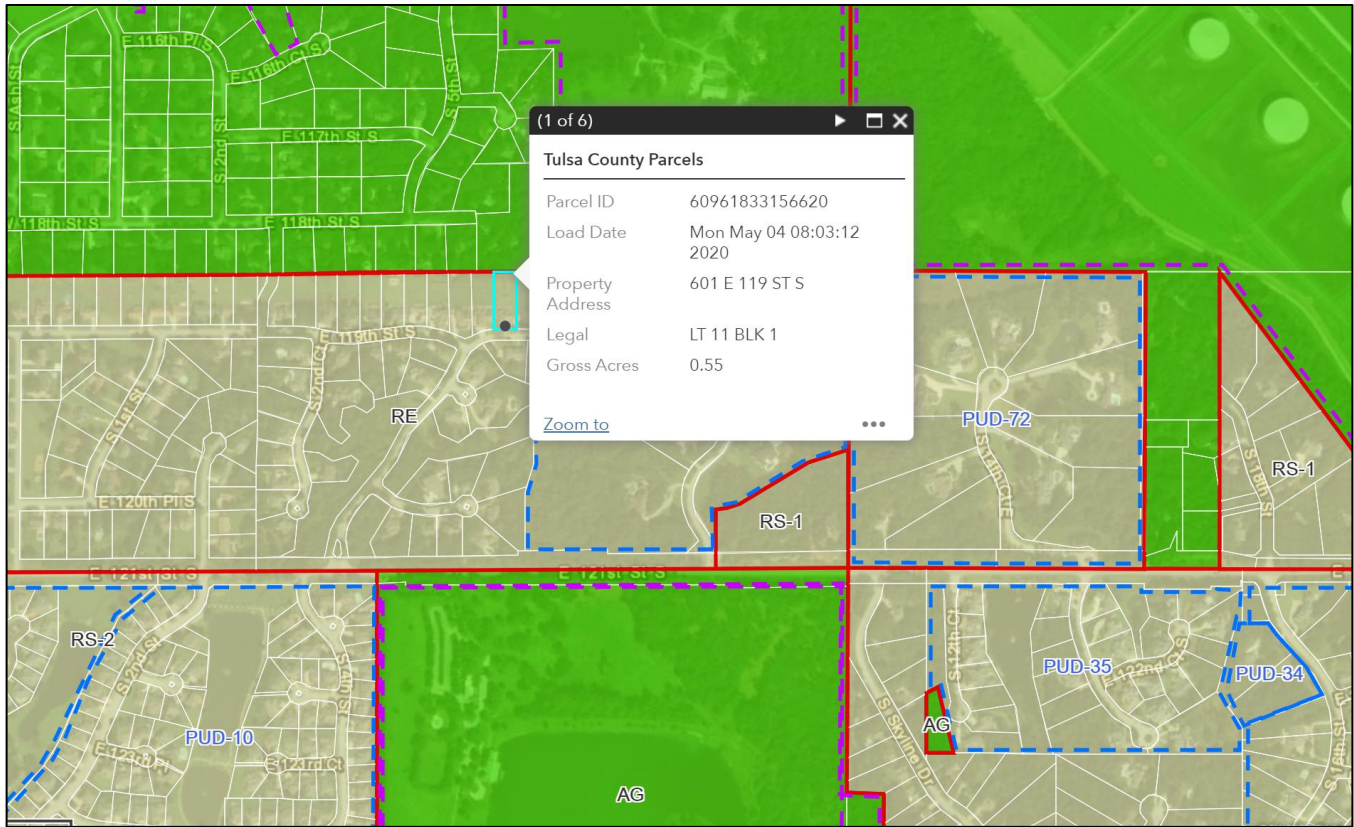
INCOG
Applicant

Background Information

STAFF COMMENTARY | The Ward lot is located within the Slate Creek Subdivision. The applicant was in the process of seeking a building permit for a pool when they were informed by the City of Jenks a swimming pool is not allowed in the side yard. Staff met internally and concluded the 130 feet of PSO utility easement was extraordinary pertaining to a rear yard. Staff advised the applicant to seek a variance due to the encumbered rear yard. The property is zoned RE which does give more flexibility to location of pools in the City code.

PLANNING DATA

Intended Use	Swimming Pool as an accessory use to a residence
Zoning	RE Single-family Residential Estate
Comprehensive Plan	Low Insity Area Residential
General Location	605 E 119th St S North of 121 st St. and East of Elm
Plat	Lot Lot 12, Block 1, Slate Creek
STR	Section: 31, Township: 18, Range: 13



SUPPLEMENTAL INFORMATION | [Sec. 240. - Yards.](#)

240.1. Compliance with Yard Requirements.

Except as otherwise provided, required yards shall be open and unobstructed from the ground to the sky. Yards provided for a building for the purpose of complying with the provisions of this zoning code shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.

240.2. Permitted Yard Obstructions.

Obstructions are permitted in required yards as follows:

*g. **Swimming pools**, tennis court, patios, storm and other protective shelters shall be located in the rear yard and shall have a minimum setback of ten feet from any side or rear lot lines. However, the Board of Adjustment may, upon application and after public hearing, permit the aforementioned accessory uses in the front yard of properties zoned RE (Residential Estates) and AG (Agriculture), provided: (1) the minimum front yard requirement is adhered to, and (2) a minimum setback of ten feet from any side lot line is met.*

[Sec. 420. - Accessory uses permitted in residential districts.](#)

420.1. Accessory Uses Permitted.

Accessory uses customarily incident to a principal use permitted in a residential district are permitted in such district. In addition, the following uses set forth in Table 2 are permitted as accessory uses.

Table 2. Accessory Uses Permitted in Residential Districts

	Uses	Districts
1.	Home Occupation - Intensive	(See <u>Section 440</u>) All R Districts ¹
2.	Home Occupation - Minor (See Section 420.2a.5)	All R Districts
3.	Amateur Radio Tower	All R Districts *
4.	Roomers and Boarders:	
5.	Shelters	All R Districts
6.	Signs:	All R Districts
7.	Swimming Pool	All R Districts
8.	Management Office and Private	
9.	Bed and Breakfast Inns - Limited*	
10.	Small Domestic Animals	All R Districts
¹ By special exception requiring Board of Adjustment approval.		

Sec. 16-5-3. - Powers of Zoning Board of Adjustment.

(A) The zoning board of adjustment shall have the following powers:

(1) Administrative review.

(2) Variances. To authorize upon appeal in specific cases such variances from the terms of this article as will not be contrary to the public interest where,

- ✓ owing to special conditions,
- ✓ a literal enforcement of the provisions of this article will, in any individual case, result in unnecessary hardship, so that the spirit of this article shall be observed,
- ✓ public safety and welfare secured,
- ✓ and substantial justice done.

Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

This lot has extraordinary and exceptional conditions pertaining to the rear yard, it is encumbered by a 130 foot PSO utility easement. PSO has a transmission line and the dedicated easement cannot be moved, closed, vacated or encroached.

(b) The application of this article to this particular piece of property would create an unnecessary hardship;

Designing and building a pool in the back yard would be beyond an unnecessary hardship, it would not be allowed by the electric company.

(c) Such conditions are peculiar to the particular piece of property involved; and

Yes, the conditions are peculiar to the particular plat involved. The easement encumbers this property and several others adjacent to this one.

(d) 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.

Relief would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or comp plan. The HOA has sent a letter of support for the project, the private covenants require the HOA to review and approve the pool.

Provided that the board in granting a variance shall prescribe appropriate conditions and safeguards, and shall require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

Staff Evaluation & Recommendation

Evaluation | Please see BOA action below

Sec. 1370. - Variances.

1370.1. General.

The Board of Adjustment, upon application, and after notice (when notice is required) and public hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant such variance from the terms of this zoning code as will not cause substantial detriment to the public good or impair the spirit, purposes and intent of this zoning code, or the Comprehensive Plan, whereby reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstances peculiar to a particular property, the literal enforcement of the code will result in unnecessary hardship. The Board shall not vary any jurisdictional requirement, such as notice.

1370.2. *Application.*

A request for a variance shall be initiated by the filing of an application with the City Clerk and shall be set for public hearing by the Secretary in accordance with the rules established by the Board.

1370.3. *Board of Adjustment Action.*

The Board shall hold the public hearing and, upon the concurring vote of three members, may grant a variance after finding:

- 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.*

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

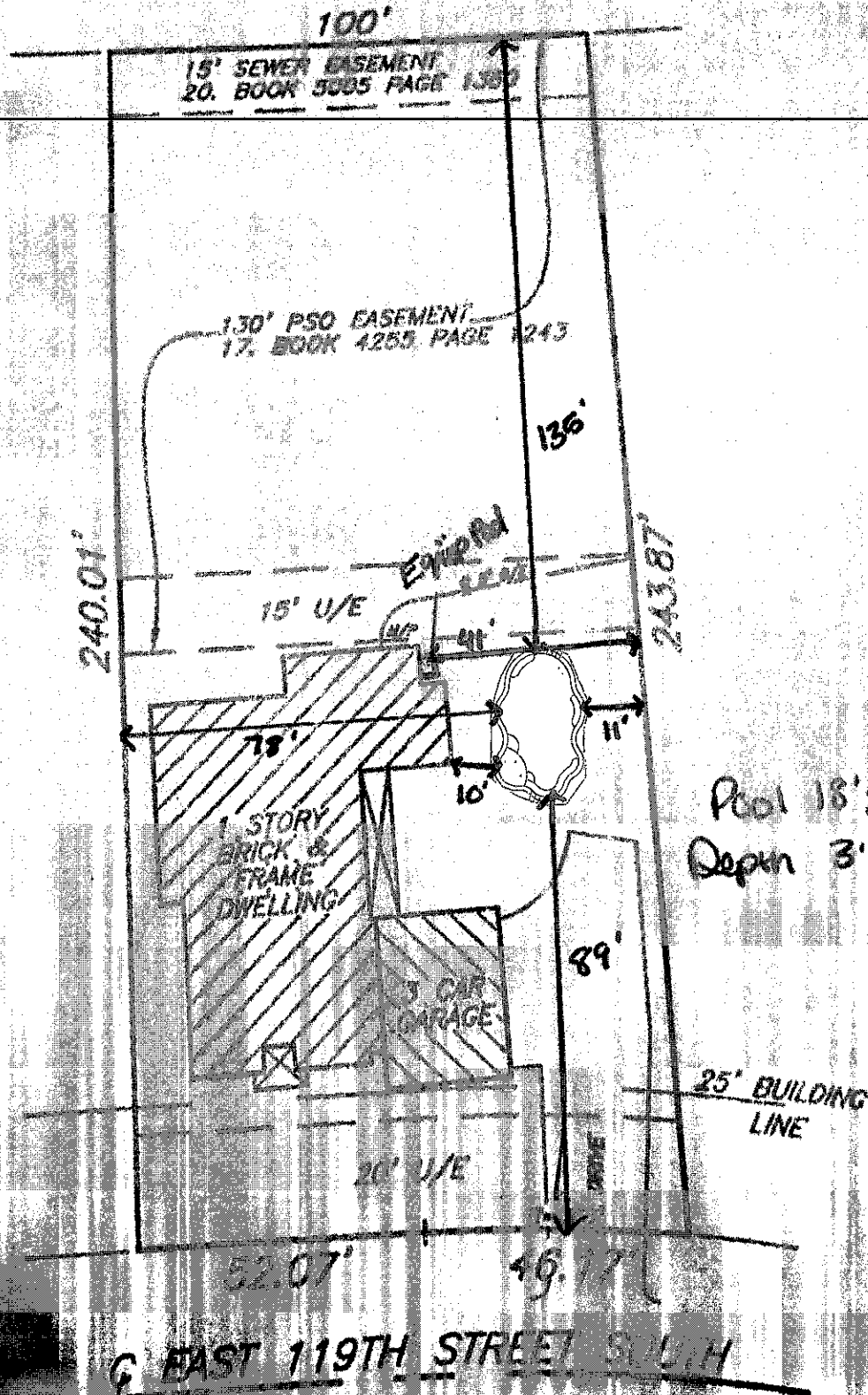
1370.4. *Time Limitation on Variances.*

A variance which has not been utilized within one year from the date of the order granting the variance 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.

THE FOLLOWING RECORDED DOCUMENT AFFECTS THIS ENTIRE PROPERTY:
EXACT SIZE AND/OR LOCATION ARE NOT SPECIFIED:
14. RIGHT OF WAY RECORDED IN BOOK 1389 PAGE 28.

THE FOLLOWING RECORDED DOCUMENTS DO NOT AFFECT THIS PROPERTY:
15. RIGHT OF WAY RECORDED IN BOOK 1418 PAGE 608.
16. DEED OF DEDICATION FOR PUBLIC HIGHWAY RECORDED IN BOOK 4091 PAGE 918.
18. SEWER EASEMENT RECORDED IN BOOK 5005 PAGE 1347.
19. SANITARY SEWER EASEMENT RECORDED IN BOOK 5005 PAGE 1349.
21. RIGHT OF WAY USE AND ENCROACHMENT CONTRACT RECORDED IN DOCUMENT
NO.2008Q39780.

6005 E 119 St
Lot 12 Block 1 Slate Creek





CITY OF JENKS

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

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

Board of Adjustment Case JBOA 20-433

Notice is hereby given that a public hearing will be held before the Jenks Board of Adjustment, in Jenks City Hall, Council Chambers, 211 North Elm Street, Jenks, Oklahoma¹, at 6:00 p.m. on 16 July 2020, in consideration of the following:

An application to approve Request by Robert Ward for a variance to allow for a pool in the side yard

Legal Description: Lot 12, Block 1, Slate Creek

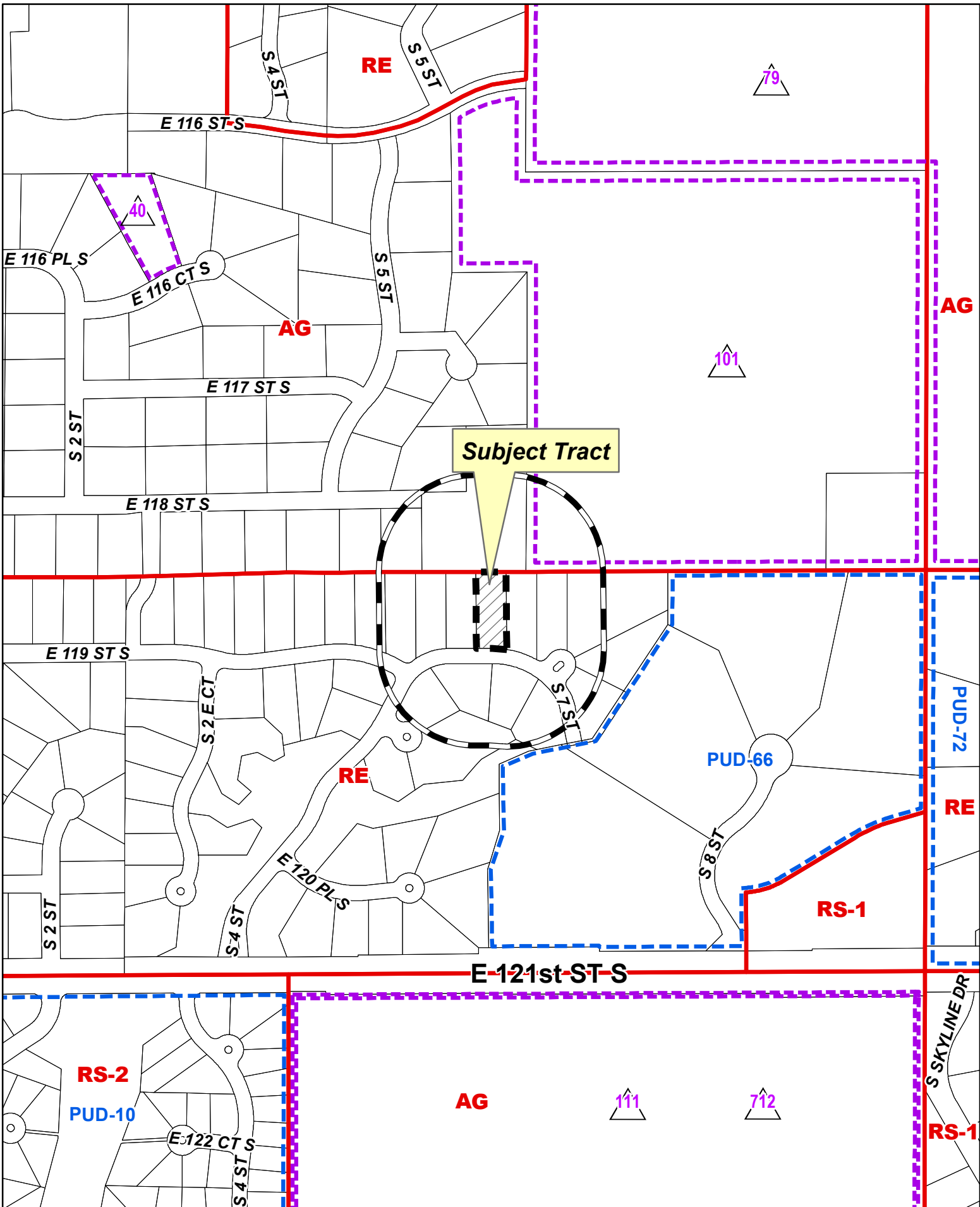
General Location: 605 E 119th St S

All persons interested in this matter may appear at these hearings and present their objections to or arguments for any of the above matters.

Dated at Jenks Oklahoma on 22 June 2020.

Marcaé Hilton, Secretary
Jenks Board of Adjustment

¹ As of writing this notice, City Hall will be open for public comments on the above date. However, due to COVID-19, that may change before the meeting is held. Should anything change a notice will be placed online at <https://www.jenks.com/235/Zoning-Notices>. You may also contact the City Clerk at 918-209-4903.

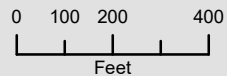


300' Radius



Subject
Tract

JBOA 20-433



31 18-13





To: Matt and Sarah Ward
605 E 119th St S
Jenks, OK 74037

July 7, 2020

Re: Swimming Pool Approval Request

Matt and Sarah,

I'm pleased to inform you that the Slate Creek Owners Association Board voted to approve the plans you submitted to build a new swimming pool on your property. The meeting and approval took place on July 3, 2020. If you make substantial changes to your plans for the swimming pool, please give me a call so we can ensure additional approvals are not required.

On behalf of the Slate Creek Board, we wish you many relaxing and leisurely days spent in and around your new swimming pool.

Sincerely,

Todd Bryant
On behalf of the Slate Creek Board