

MINUTES
BOARD OF ADJUSTMENT
7:00 P.M., THURSDAY, JULY 6, 2017
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET
JENKS, OK 74037

Members Present

Steve Murtha
Larry Hengst
Paul Greek
Shari Keathley

Members Absent

Gina Wilson

Staff Present

Robert Bell

The Jenks Board of Adjustment was called to order at 7:01 p.m. on Thursday, July 6, 2017, at Jenks City Hall by Chairman Shari Keathley, and following a roll call a quorum was declared present.

Chairman Shari Keathley requested a review of the minutes from May 4, 2017, Board of Adjustment meeting and asked if there were any corrections or omissions. There were no comments of corrections to the minutes of May 4, 2017. Chairman Shari Keathley declared the minutes approved as written.

BOARD CASES

1. JBOA-393 (2382) Request by Gregory Dominguez for an approval of a Variance to Section 240.2 of the Jenks Zoning Code to allow placement of a swimming pool at a 5 foot setback from the east property line located in the side yard of property described as:

Lot 15, Block 4 "Gregory Circle Estates" Addition to the City of Jenks, Tulsa County

General Location: 715 W. 99th Street.

Robert Bell addressed the Board and gave his Staff report, which was included in the Agenda packet. Chairman Shari Keathley opened the floor for comment. Denise Graham of 734 West 98th Place addressed the Board and stated that her notice said this meeting would start at 7:30 p.m. Robert Bell apologized and gave an overview of the proceedings thus far. Robert Bell stated the applicant wants to put a privacy fence all the way around his property. Mark Burt of 725 West 99th Street addressed the Board and stated I'm the treasurer of the Neighborhood Association, and I'm representing not only my next door neighbor but also the Association. I spoke with the applicant's spouse to understand what they were wanting to do. I had the same

question which was were they going to put a privacy fence around it and they told me there would be a 6 foot privacy fence that would go around the property. I also inquired of them if they had reached out to the neighbor east of them, and they said they had had that discussion with the neighbor and that the neighbor was fine with that. Given the fact that the neighbors on either side of the property are in support of the proposal, and given the fact that you're willing to grant the variance, I see no reason to place a hardship on a neighbor that wants to upgrade their property by placing a pool there. Denise Graham addressed the Board again and stated my patio looks right in to this area that they want to put a pool in. Denise Graham showed a picture that was taken over the fence where the sewer line is. It's a huge sewer collection point. Denise Graham quoted part of Code and stated this particular piece of property has put a 6 foot board fence up right next to their patio so their dogs can be back there, their dogs that bark all day long. We have complained several times to them and it does no good. I cannot even mow my yard without the dogs out there barking. When I've said anything the point is "they're dogs, they're going to bark". I have dogs. My dogs do not bark. The whole point of this Code is to make it enjoyable and have harmony, not make a big mess. Denise Graham showed other pictures saying that it's the applicant's sprinkler system that has caused the hole in the applicant's back yard. Robert Bell said the applicant said there was a hole in the back and Public Works had been out and looked at it and Public Works is going to go out there and dig that up and find out what is going on. There's going to be some investigation from Public Works on that sewer line hole. Denise Graham said my sprinkler guy says it's their sprinkler system. Robert Bell said the City's going to make certain it's not the sewer line causing that problem. The other thing he mentioned is he told the Board that he has animals and that those animals are capable of jumping the smaller fence, so he put up a taller fence in the middle to keep them from jumping over into the neighbors' yards. With this pool scenario he's going to be required to put a 6 foot high privacy fence along his property line and that will eliminate that scenario. Denise Graham said if you all approve this I'm going to appeal because it's a violation of the Restrictive Covenants. Any homeowner has the right to enforce the Restrictive Covenants. Robert Bell stated you recognize being an attorney that the Board has the right to do a variance based upon their findings and that they find an exceptional or extraordinary circumstance exists. You have that right to appeal that, but it would have to be through District Court. Steve Murtha asked did I understand that you live behind this property? Robert Bell said her east property line is the same as the east property line of the neighbor's yard, and her west line is the same as the west line of the subject tract. Denise Graham said I think allowing this pool is just cramming everything on to this piece of property, and especially with that sewer system that's on the back of the property that touches their fence. The fenceline probably goes right over that sewer system. I shouldn't have to sit on my patio and watch people in the swimming pool or hear them yelling and screaming and whatever. That's not making life enjoyable. Larry Hengst said you said the people on the other of you have a swimming pool. Denise Graham said those people don't go out there more than once a week. Robert Bell said the question I'm having is the variance is to locate the pool on the side yard. Everybody's allowed to have a pool in their yard. If the put it in in compliance with Code it

would be closer to your house. If they put it in the ~~year~~^{rear} yard it's closer to your property line than if they put it in the side yard. It would be problematic to have the pool in the back yard. If they put the pool in the back yard it's going to be 10 feet from your property, and if they put it in the side yard it's going to be 25 to 30 feet from your property. Everybody's allowed to put a pool in their back yard. Denise Graham retorted if you have a big enough yard. I still am against it and I'm letting you know I think it's wrong. Mary Graham addressed the Board and said I built the house my daughter is in and the house I'm in, so I know a little bit about the subdivision. We have a subdivision that the City of Jenks is treating like a stepchild. Your infamous applicant here has 2 trailers sitting in the front yard with trash in them. You go across the street and you allow the guy to build a 2 story red building that his intent was to rent the upstairs. It's an ugly eyesore. He's got 2 trailers, one in the street and one in his yard. We're talking about trash trailers. Now when are you all going to take interest in Gregory Circle Estates, which is part of your city and enforce some of the should be rules on keeping it looking like a decent subdivision? It's beginning to look as bad as the old subdivision, and that's saying a lot. I'm not asking you to make a decision on it, I'm asking you to give your care, go get in your car, and look for yourself. I've called the City on it 2 or 3 times and I've written a letter. It's absolutely ignored. Mark Burt stated for the record, neither of the opponents of this have supported the neighborhood association for the beautification of the common areas at all since we put it in place about 6 years ago. It actually speaks to what Ms. Graham is saying about the aesthetics of the neighborhood. Robert Bell said we're not here to argue about that, and if you have a complaint you need to contact our new Code Enforcement Officer that started a few months ago. My guess is when you're talking about trailers if they're in the driveway there's nothing we can do. If they've got trash piled up on them then we can address the trash. If the trailer is on the grass we can address that. If they're on the street we can get the Police to write a ticket. I'll send somebody down there to take a look. Code Enforcement is not part of the Board of Adjustment. Chairman Shari Keathley closed discussion from the floor. Larry Henst made a motion to approve JBOA-393 with the Staff findings and modification of the setback from 7 feet to 5 feet as it goes from the front of the pool to the rear of the pool, with no diving board. Seconded by Paul Greek. A roll call vote of members was taken as follows:

Steve Murtha	Yes
Larry Hengst	Yes
Paul Greek	Yes
Chairman Shari Keathley	Yes

Motion carried.

Adjournment. A motion was made to adjourn. Meeting adjourned at 7:55 p.m.