

AGENDA
JENKS BOARD OF ADJUSTMENT
6:00 P.M., THURSDAY, SEPTEMBER 16, 2021
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET
JENKS, OKLAHOMA 74037

- I. CALL TO ORDER
- II. ROLL CALL
- III. ELECTION OF CHAIR FOR THE JENKS BOARD OF ADJUSTMENT
- IV. APPROVE MINUTES OF MAY 13, 2021

Documents:

[2021.05.13 BOA MINUTES.PDF](#)

V. BUSINESS

- 1. JBOA 21-441: Request for a variance to the rear yard setback in an AG (Agriculture) zoned lot. General Location: 11117 S Douglas St
ITEM HAS BEEN PULLED BY STAFF
- 2. JBOA 21-440: Request by Theon Bliss for a Special Exception to allow for a pool in the side yard. General Location: 12704 S 4th St

Documents:

- 1. A. SR.JBOA 21-440 12704 S 4TH ST.PDF
- 1. B. JBOA_21-440.PDF
- 2. A. BLISS PERMIT DRAWING.PDF
- 2. B. BLISS PERMIT DRAWING.PDF

VI. OTHER BUSINESS

VII. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT
6:00 P.M. THURSDAY, MAY 13, 2021
JENKS CITY HALL, COUNCIL CHAMBERS, 211 N ELM ST

The Jenks Board of Adjustment was called to order at 6:02 p.m. on May 13, 2021, by Vice Chair Paul Greek. A roll call vote was taken as follows:

Present

Ricky Patel
Erik Enyart
Paul Greek

Absent

Gina Wilson
Chair Shari Keathley

Request to approve minutes of May 13, 2021. Erik Enyart made a motion to approve the minutes. Ricky Patel seconded the motion. A roll call vote of members was taken as follows:

YEA: Patel, Enyart, Greek

NAY: None

Business

1. Consideration and possible approval, denial, amendment, and/or revision of recommendation of JBOA 21-437: a request by Cozort Homes for relief from the front yard build line. General Location: 716 E 130th St S

Planning Director Marcaé Hilton presented her staff report and answered questions. Matt from Cozort Homes (applicant) addressed the Board about the application. Erik Enyart made a motion saying that the build line was not encroached in this case and did not require relief. Ricky Patel seconded the motion. A roll call vote of members was taken as follows:

YEA: Patel, Enyart, Greek

NAY: None

Motion carried.

2. Consideration and possible approval, denial, amendment, and/or revision of recommendation of JBOA 21-438: Request by Sean Rohrbacker to allow a pool in the side yard and for relief from the minimum side & rear yard setbacks. General Location: 736 W 110th Pl S

Planning Director Marcaé Hilton presented her staff report and answered questions. Sean Rohrbacker (applicant) addressed the Board. Erik Enyart made a motion to approve Item

2 per staff comments. Ricky Patel seconded the motion. A roll call vote of members was taken as follows:

YEA: Patel, Enyart, Greek

NAY: None

Motion carried.

Other Business:

1. Other Business. Planning Director Marcaé Hilton gave an update on the Unified Development Ordinance.

Adjournment. The Jenks Board of Adjustment adjourned at 6:29 p.m.

To	Board of Adjustment
Hearing Date	September 17, 2021
Case Number	JBOA 21-440
Request	Special Exception to allow for a pool in the side yard
Location	12704 S 4 th St
Applicant	Theon Bliss

Staff Report

Preparer | Marcaé Hilton | BM

Attachments

- ☐ CASE MAP
- ☐ SWIMMING POOL DOCUMENTS

Preparer

INCOG
Applicant

Background Information

STAFF COMMENTARY | This lot is located within Shelby at Yorktown Blocks 36-38. 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 the shape of the lot. Staff advised the applicant to seek a special exception due to the shape of the lot. The lot is at the end of a cul-de-sac and is a triangle-shaped lot. This causes the rear yard to be very shallow, slightly larger than the required easement. Due to the shape, though, the lot has ample side yards. With the pool installed they will still be able to meet the required side yard setbacks.

PLANNING DATA

Intended Use	Swimming Pool as an accessory use to a residence
Zoning	PUD 61C RS-2 Single-family Residential
Comprehensive Plan	Medium Intensity Single-family
General Location	12704 S 4 th St North of 131 st and east of Elm
Plat	Lot 14 Block 36 Shelby at Yorktown Blocks 36-38 Plat No. 6588

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

(3) Special exceptions. To grant upon appeal in specific cases a special exception after finding that the special exception will be in *harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental of the public welfare*. Provided that the board, in granting a special exception, shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bonds as it may deem necessary to enforce compliance with the conditions attached.

The purposed pool is within the spirit and intent of the code. The applicant's rear yard is not able to fit a pool, but their side yard is large enough to accommodate the pool without interfering with the neighbors.

Staff Evaluation & Recommendation

Evaluation | Please see BOA action below

Sec. 1380. – Special Exceptions.

1370.1. General.

The Board of Adjustment, upon application, and after notice (when notice is required) and public hearing, subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

- a. Special Exception uses as designated and regulated within the permitted use provisions of the zoning districts.
- b. The change of a nonconforming use as provided in Section 1220(f), Chapter 12, Nonconformities.
- c. The restoration of a partially destroyed structure containing a nonconforming use as provided in Section 1220(g), Chapter 12, Nonconformities.
- d. The restoration of a partially destroyed nonconforming structure as provided in Section 1260, Chapter 12, Nonconformities.
- e. The modification of a screening requirement, as provided in Section 250, Chapter 2, District Provisions: General.
- f. Off-street parking use of property located within a residential district, when the property is abutting an office, commercial or industrial district and not considered special event parking.

1380.2. Application.

A request for a Special Exception 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.

1380.3. Board of Adjustment Action.

The Board of Adjustment shall hold the public hearing and, upon the concurring vote of three members, may grant the Special Exception after finding that the Special Exception will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting a Special Exception shall prescribe appropriate conditions and safeguards, and 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 | The swimming pool shall have a minimum setback of ten feet from any side or rear lot lines

Recommendation | Grant the Special Exception to allow for a pool in the side yard per staff comments

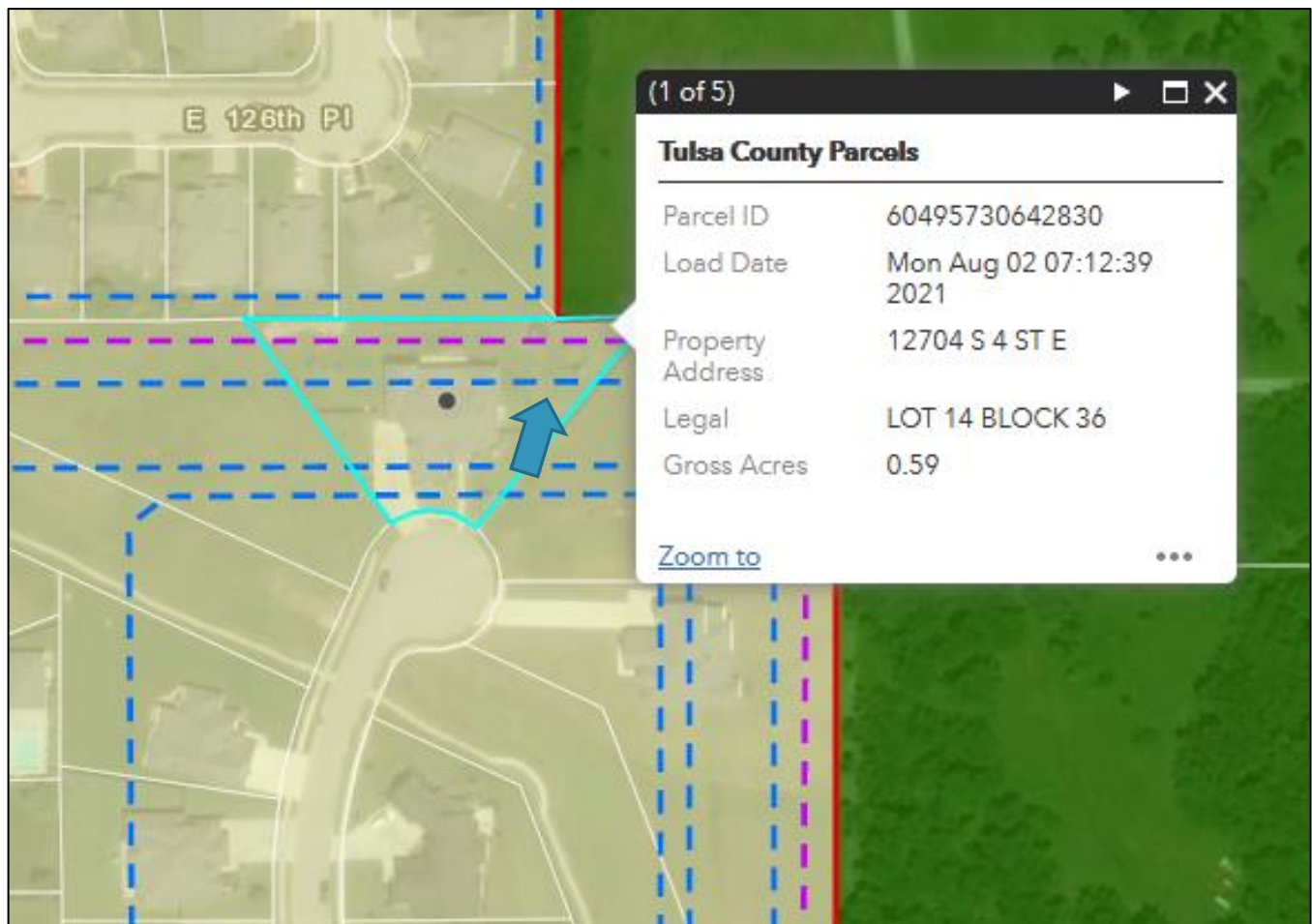


Figure 1: Zoning Map with Aerial View



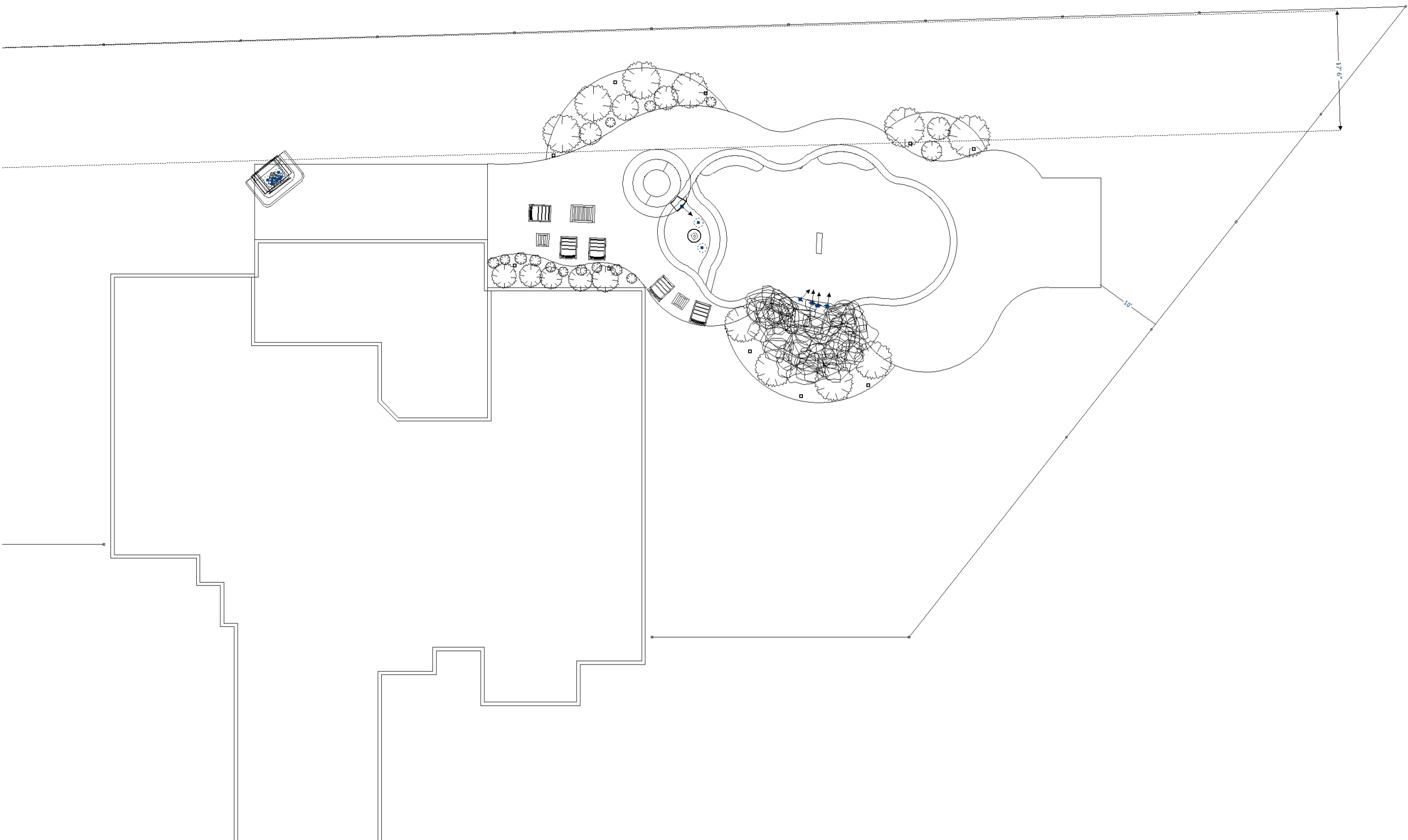
Figure 2: City Sewer Line over Google Earth



Figure 3: Plat



Figure 5: Google Earth view of back yard and shared screening



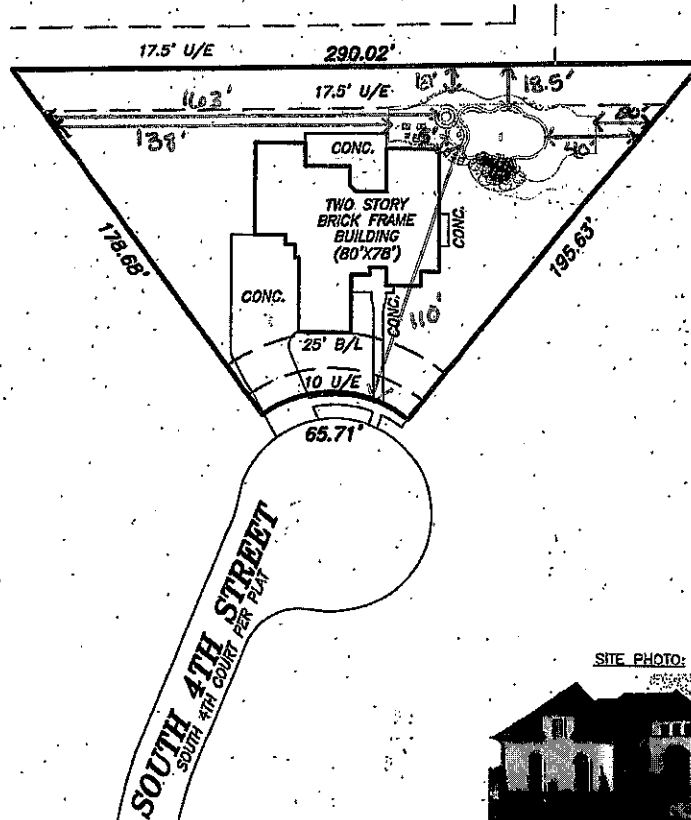
12704 S 4th St

Lot 14 Block 36

Shelby @ Yorktown Blocks 36-38

MORTGAGE INSPECTION REPORT

PROPERTY ADDRESS: 12704 SOUTH 4TH STREET, JENKS, OK 74037



Pool 23' x 42'
Depth 3'6" - 8'6"

SCALE: 1" = 50'



LINETYPE LEGEND

EASEMENT LINE. ROAD CENTERLINE. SUBJECT BOUNDARY LINE.

SITE PHOTO:



LEGAL DESCRIPTION:

LOT FOURTEEN (14), BLOCK THIRTY-SIX (36), SHELBY AT YORKTOWN BLOCKS 36-38, A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

SCHEDULE B ITEMS:

AS SHOWN WITHIN FIDELITY NATIONAL TITLE COMMITMENT No. 17105449 BEARING AN EFFECTIVE DATE OF JULY 10, 2017.

04) EASEMENTS PER PLAT, AFFECTS PROPERTY.

- 05) BOOK 580, PAGE 126. DOES NOT AFFECT PROPERTY.
- 07) DOC. NO. 2004105539. DOES NOT AFFECT PROPERTY.
- 08) DOC. NO. 2006121462. DOES NOT AFFECT PROPERTY.
- 10) DOC. NO. 2012043867. DOES NOT AFFECT PROPERTY.
- 11) DOC. NO. 2015032549. DOES NOT AFFECT PROPERTY.

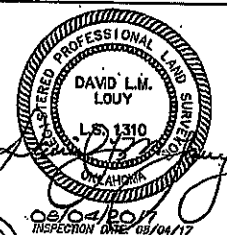
NOTES:

- 1) BUILDING FOOTPRINT SHOWN HEREON IS APPROXIMATE IN NATURE AND DOES NOT INCLUDE THE ARCHITECTURAL FEATURES, IF ANY, OF THE BUILDING.

CERTIFICATION:

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR APEX TITLE & CLOSING SERVICES, LLC. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE INSPECTION, AND THE LINEAR AND ANGULAR VALUES SHOWN ON THE SKETCH, IF ANY, ARE BASED ON THE RECORD OR DEED INFORMATION AND HAVE NOT BEEN VERIFIED UNLESS NOTED.

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE(S) "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 40143C 0427 L WHICH BEARS AN EFFECTIVE DATE OF 10/16/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.



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Oklahoma Coh No.: 7427, Expires 06/30/19

BUYER: THERON BLISS AND OLIVA BLISS

J.N. 20205M - DRAWN BY: L.S.