

ZONING BOARD OF ADJUSTMENT

DATE: July 16th, 2020

The Zoning Board of Adjustment met at a regularly scheduled meeting on Thursday, July 16th, 2020 at 2:30 p.m. in the Commission Chambers at City Hall, Shawnee, Oklahoma, Pottawatomie County, pursuant to notice duly posted as prescribed by law. Rebecca Blaine, Planning Director for the City of Shawnee, presented the staff reports. Staff reports are available upon request.

AGENDA ITEM NO. 1:

Roll Call

Upon roll call the following members were present: Mark Cannon, Tim Burg, Holly Gordon and Brandon Dyer.

A quorum was declared present.

NOTE: Mat Thomas and Crystal Richardson were absent.

AGENDA ITEM NO. 2:

Approval of the December 19th, 2019 Zoning Board of Adjustment Meeting Minutes

Deferred until next regular meeting. A quorum of members who attended the December 19th, 2019 were not present to approve minutes. Blaine mentioned if Commissioner Richardson showed up, they would have a quorum required to approve the meeting minutes of commissioners who were in attendance on Thursday, December 19th, 2019.

AGENDA ITEM NO. 3:

Case #Z01-20 – Public hearing and consideration of approval of a variance request for a 5' east side yard setback for an accessory structure for a property located at 639 W. Wood Street (Legal description: Lots 19, 20 and 21, Block 5, in Hillcrest 1 Addition).

Justin McKasson

Planning Director Rebecca Blaine presented staff report. She stated that this accessory structure had started construction before submitting for and obtaining approval for a building permit. The Zoning Codes states a 10' setback is required for an accessory structure from both the side yard setback as well as the rear yard setback in the R-1 District (Single Family Residential District). She noted the existing structure is 5' from the side property line, instead of the required 10'. Fifty-five notifications were mailed to surrounding property owners as well as publishing the public notice in the Shawnee News Star. She mentioned no written responses had been received at this time. She said that staff recommended approval of the variance, and that it would not cause substantial detriment to the neighborhood. She reminded the commissioners that denial of this variance request would result in the need to move the permeant structure over 5' to conform to minimum setback requirements.

No citizens came forward for the public hearing portion of this item. Commissioner Dyer asked for clarification on if the structure had already been constructed. Director Blaine confirmed it had in fact already been constructed.

Chairwoman Gordon asked for a motion. Commissioner Burg made a motion to grant the variance as requested; seconded by Commissioner Cannon.

Motion passed:

AYE: Burg, Cannon, Gordon, Dyer

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 4:

Case #Z02-20 – Public hearing and consideration of approval of a variance request for a 3' south side yard setback for an accessory structure for a property located at 1120 N. Louisa Avenue (legal description: Lots 14, 15, 16, 17 and 18, Block 1, in Plainview Addition)

Applicant: Brent and Amanda Newsom

Director Blaine described the application. She explained this was a historic accessory structure that had been there for quite some time. There were no records of a building permit within the city due to the age of this structure. There was also no reference of a construction year in the County Assessor's records. The purpose of this application was to bring into compliance with the Zoning Code's minimum setback requirements. Blaine explained the building had a 7' side yard setback and a 3' variance would be required to bring into legal, nonconforming status. If approved, the applicants would then apply for a Conditional Use Permit (CUP) through Planning Commission and City Commission to create a dwelling space for out-of-state family to stay while visiting. She declared the applicants had no intentions to sublet the space.

Commissioner Burg inquired if any responses were received from the letters sent out to surrounding property owners. Director Blaine stated no written responses had been received from the forty-one letters that were sent out. Commissioner Dyer asked if any neighbors had previously spoken up or complained about the location of the accessory structure. Blaine indicated to the best of her knowledge, no one had complained.

No one came forward and Chairwoman Gordon closed the public portion of the meeting.

Chairwoman Gordon asked for a motion. Commissioner Burg motioned to grant the variance as requested; seconded by Commissioner Cannon.

Motion passed:

AYE: Burg, Cannon, Gordon, Dyer

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 5:

Planning Director's Report

Planning Director Rebecca Blaine did not have a formal report, but she mentioned that this was their first meeting of 2020 and COVID-19 had made things look vastly different than last year. She talked about the Zoning Code and Subdivision Regulations that were budgeted to be updated in the fiscal year as both documents were roughly thirty years old.

AGENDA ITEM NO. 6:

Commissioners Comments and/or New Business

Commission Burg stated the agenda had the year '2019' instead of '2020' on it. Blaine made a note of this for correction. Burg welcomed Commissioner Dyer to the Zoning Board of Adjustment as it was his first meeting serving on the Zoning Board of Adjustment.

AGENDA ITEM NO. 7:

Adjournment

The meeting was adjourned at 2:42 p.m.

Approved 8/20/2020

Chairwoman/Vice-Chairman

Rebecca Blaine

Planning Director