

AGENDA
BOARD OF ADJUSTMENT
MAY 18, 2023 AT 2:30 PM
COMMISSION CHAMBERS AT CITY HALL
16 WEST 9TH STREET
SHAWNEE, OKLAHOMA

Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body. Under certain circumstances, items are deferred to a future date or stricken from the agenda entirely.

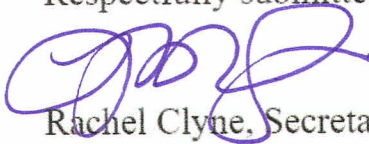
CALL TO ORDER

DECLARATION OF QUORUM

1. Consideration of approval of the Minutes from the March 16, 2023, regular meeting.
2. Board of Adjustment (BOA) Overview and Training
3. Case No. BOA02-23 -- Public hearing and consideration of a request for a variance to the Zoning Code for a five-foot (5') reduction in the required street frontage for the property located at 611 S. Philadelphia Avenue.
4. Case No. BOA03-23 -- Public hearing and consideration of a request for a variance to the Zoning Code to place an accessory structure (library kiosk) in the front yard of the property located at 2705 N. Harrison Avenue.
5. Case No. BOA04-23 -- Public hearing and consideration of a request for a variance to the Zoning Code for a five-inch (5") reduction in the required side yard setback for the properties located at 3923 and 3925 Maple Grove Avenue.
6. Case No. BOA05-23 -- Public hearing and consideration of a request for a variance to the Zoning Code to allow time to complete the repaving of the approach, driveway, and parking lot at the property located at 531 N. Pennsylvania Avenue.
7. Case No. BOA06-23 -- Public hearing and consideration of a request for a variance to the Zoning Code for a reduction in the required number of parking spaces for the property located at 323 W. 9th Street.

8. Case No. BOA07-23 -- Public hearing and consideration of a request for a variance to the Zoning Code for a reduction in the required number of parking spaces for the properties located at 502 – 510 S. Kickapoo Avenue.
9. Case No. BOA08-23 -- Public hearing and consideration of a request for a variance to the Zoning Code to allow the placement of a storm shelter in the front yard of the property located at 1909 E. Main Street.
10. Case No. BOA09-23 -- Public hearing and consideration of a request for a variance to the Zoning Code to allow a reduction in the required street frontage on the property located at 15350 Walker Road.
11. Community Development Department Updates
12. Board Comments
13. Adjournment

Respectfully submitted,



Rachel Clyne, Secretary

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting, and necessary accommodations will be made. (ADA 28 CFR 36)

SHAWNEE BOARD OF ADJUSTMENT

DATE: March 16, 2023

Regular meeting - *DRAFT Minutes*

The Board of Adjustment of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on March 16, 2023, at 2:30 p.m., according to notice duly posted as prescribed by law.

Chair Gordon called the meeting to order at 2:30 p.m. Community Development Director, Rian Harkins, called roll and stated a quorum was present.

The following Commissioners were present:

Present: Kelly, Austin, Gordon

Absent: Dyer, Richardson

Item 1. Approval of Minutes – Regular meeting

Consideration of approval of the minutes from the regular meeting of December 15, 2022. Chair Gordon asked for questions or corrections to the minutes.

Board Member Austin made a motion to **Approve** the minutes as presented, which Board Member Kelly seconded. Motion **passed 3-0-0**.

Aye: Kelly, Austin, Gordon

Nay: None

Abstain: None

Item 2. Case No. BOA1-23 – Public hearing and consideration of a request for a variance to the Zoning Code that requires sidewalks located at a property on the NW corner of the intersection of Garrett's Lake Rd. and N. Harrison Ave.

Chair Gordon read Agenda Item 2 and asked for a staff report. City Planner, Rachel Clyne, reviewed the information on the staff report for BO01-23 with the following information. The subject property is approximately 1.7168 acres and is located northwest of the intersection of Garrett's Lake Road and North Harrison Avenue. The property is zoned C-3 (Automotive Commercial District). The request is a variance to the Zoning Code and its Subdivision Regulations, Section 40.2.8. Sidewalks.

The applicant has applied for a building permit for a commercial structure. According to Section 40.28.8 of the Shawnee Subdivision Regulations, "Any street classified as a collector street or arterial street shall be provided with pedestrian sidewalks on each side of right-of-way (1) foot from the right-of-way line by the developer." The request asks for a variance to the requirement of building sidewalks along Garrett's Lake Road and N. Harrison Avenue.

In accordance with Oklahoma Statute 11 O.S. 44-107, Section 22-571 of the Shawnee Zoning Code (Code), the Board of Adjustment (Board) may approve variances only after determining that certain conditions exist.

- 1) The application of the code to the particular piece of property would create an unnecessary hardship;
- 2) Such conditions are peculiar to the particular piece of property involved;
- 3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the code or the comprehensive plan; and

- 4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Planner Clyne noted that *financial hardship* to the applicant is not a consideration in determining a variance request.

Relating to the four conditions for granting a variance, staff's comments were:

- 1) The placement of sidewalks on the subject property creates a hardship.
- 2) The subject property has existing stormwater drainage channels on both streets. The installation of a sidewalk would require several feet of fill dirt, which would eliminate the drainage ditches.
- 3) Granting the variance would not cause substantial detriment to the public good, nor would it impair the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Waiving the requirement of placing sidewalks along the south and east sides of the property would be the minimum necessary to alleviate the hardship if granted.

Staff recommended **Approval** by the Board of Adjustment for **BOA01-23**, a **Variance** allowing waiving the requirement for sidewalk construction of the property northwest of the intersection of Garrett's Lake Road and N. Harrison Avenue in Shawnee, Oklahoma, with the following conditions:

- Acknowledgment by the applicant that the Approval of a Variance does not negate or circumvent the other requirements of development as stated in the City Codes, which include the Zoning Code and the adopted Building Codes.
- Acknowledgment by the applicant that additional permits may be required and standard inspections will be conducted.

Staff provided the following Options to the Board of Adjustment:

- Approval of Case No. BOA01-23 to waive the requirement for the placement of sidewalks with the conditions presented by staff.
- Denial of the application for BOA01-23, thus requiring the placement of sidewalks.
- Deferral of Case No. BOA01-23 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA01-23 to waive the requirement for the placement of sidewalks with the conditions presented by staff plus additional conditions.

The public hearing was opened. Justin Dill, representing the applicant, DJD Realty, was present and available for questions. Rob Morris addressed the Board with concerns about the expansion of development on the north side of Shawnee. Specifically, Mr. Morris wanted to know how waiving the sidewalks requirement would affect future requests for the same. He asked for clarification on why the drainage issue could not be solved. He continued by stating that development patterns can change. Dill returned to the lectern and advised that his company is normally happy to provide sidewalks, but at this property, the technical issue surrounding drainage is the lack of room to regrade. With no other input, the public hearing was closed.

Community Development Director, Rian Harkins, addressed the Board Members with an additional alternative for their consideration. The alternative option was to approve the case for five (5) years and then revisit the matter to see if the hardship still applies.

Following discussion amongst the BOA and staff, Board Member Kelly made a motion to Approve Case No. BOA01-23 and waive the requirement for the placement of sidewalks with the conditions presented by staff plus a limit of five (5) years, at which time the case would be revisited to determine if the hardship remained, which was seconded by Board member Austin.

The motion passed 3-0-0.
AYE: Kelly, Austin, Gordon
NAY: None
ABSTAIN: None

Item 3: Community Development Department Updates

Community Development Director, Rian Harkins, updated the Board on the Unified Development Code stating the Subdivision Regulations were under the second review, and zoning districts and Engineering Design Criteria were in the creation stage. He advised that the consultants, Freese and Nichols, Inc. will be at the March 20, 2023 City Commission meeting.

Director Harkins reminded the Board that the next Twin Lakes Master Plan meeting was scheduled for March 28, 2023, from 5:30 – 7:30 PM. He stated that a community survey had been mailed to random households. The information gathered from the surveys would be used to generate a five-year strategic plan. Next, Harkins mentioned that staff had attended the OKAPA conference, and a staff member had presented a training session on the fundamentals of planning. He then provided information on the mini-grants of the Love Your Block (LYB) program. Round two (2) of the program has begun and the previous year's good efforts would springboard to a broader neighborhood. Lastly, Harkins stated that several City staff and community members had attended a conference of the Institute of Quality Communities at the University of Oklahoma's Norman campus.

Item 4: Board Members' Comments

Board Member Gordon commented that she was excited about the activity in the community and was encouraged when people work together.

Item 5: Adjournment

The meeting was adjourned by the power of the Chair at 2:53 PM.

Chair/Vice-Chair

Date



Board of Adjustment Meeting – 5.18.2023 – City of Shawnee, Oklahoma

Staff Report | BOA02-23 | Variance for Street Width | 611 S. Philadelphia Avenue

To: Shawnee Board of Adjustment

From: Rachel Clyne, City Planner

Date: May 4, 2023

Subject: Staff Report - Public hearing and consideration of a request for a variance to the Zoning Code that requires 80' street width at the property located at 611 S. Philadelphia Avenue.
Case No.: **BOA02-23** | Applicant: Ethan Acock

Discussion

The subject property is located at 611 S. Philadelphia Avenue. The property is zoned R-2 (Medium Density Residential District). The request is a variance to the Zoning Code, **Sec. 22-293. - Dimensional standards.**

Section 22-293 of the Shawnee Zoning Code states, "No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this article and for the district in which said lot is located." In the R-2 zoning district, the minimum street width required for a two (2) or three (3) unit structure is eighty feet (80'). The subject property has seventy-five feet (75') of street frontage. The request asks for a variance of five feet (5') from the minimum street width (frontage) at 611 S. Philadelphia Avenue.

In accordance with Oklahoma Statute 11 O.S. 44-107, Section 22-571 of the Shawnee Zoning Code (Code), the Board of Adjustment (Board) may approve variances only after determining that certain conditions exist.

- 1) The application of the code to the particular piece of property would create an unnecessary hardship;
- 2) Such conditions are peculiar to the particular piece of property involved;
- 3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the code or the comprehensive plan; and
- 4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Note that *financial hardship* to the applicant is not a consideration in determining a variance request.

Relating to the four conditions for granting a variance, staff's comments are:

- 1) The required eighty feet (80') street width on the subject property creates a hardship for constructing a duplex or a triplex.
- 2) The subject property is located on the east side of South Philadelphia. The lot is large enough to construct a two (2) or three (3) unit residential building but lacks five feet (5') of street frontage. The other lots along that block measure twenty-five feet (25') and fifty feet (50') in street width.
- 3) Granting the variance would not cause substantial detriment to the public good, nor would it impair the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Reducing the required street width by five feet (5') would be the minimum necessary to alleviate the hardship if granted.

Section 22-572 of the Code indicates that the *burden of truth* is on the applicant seeking a variance to explain what hardship exists and how granting the variance is necessary to relieve the hardship. In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions and safeguards.

Staff completed the required public hearing notifications for this application. All property owners within 300' from the perimeter of the subject property were mailed a public hearing notification letter. A public hearing notice was also published in The County Democrat weekly newspaper.

Recommendation

Staff recommends **Approval** by the Board of Adjustment for **BOA02-23**, a **Variance** reducing the required street width by five feet (5') at 611 S. Philadelphia Avenue to allow for the construction of a two (2) or three (3) unit residential building, with the following conditions:

- Acknowledgment by the applicant that the Approval of a Variance does not negate or circumvent the other requirements of development as stated in the City Codes, which include the Zoning Code and the adopted Building Codes.
- Acknowledgment by the applicant that additional permits may be required and standard inspections will be conducted.

Options:

- Approval of Case No. BOA02-23 to reduce the required street width by five feet (5') with the conditions presented by staff.
- Denial of the application for BOA02-23, thus allowing only one (1) single-family residential structure to be constructed on the subject property.
- Deferral of Case No. BOA02-23 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA02-23 to reduce the required street width by five feet (5') with the conditions presented by staff plus additional conditions.

PLANNING DEPARTMENT
222 N. BROADWAY
SHAWNEE, OK 74801



PHONE: (405) 878-1672

ZONING BOARD OF ADJUSTMENT

PROJECT NO. _____ **CASE NO.** BOA02-23

NAME OF PROPERTY OWNER: Acock Properties, LLC

ADDRESS: 611 S Philadelphia

CITY: Shawnee STATE: OK ZIP CODE: 74801

TELEPHONE: (405) 694-6075 EMAIL: Ethan.Acock@gmail.com

APPLICANT'S NAME: _____

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] **SAME** ☒ **AGENT** ☐

APPLICANT'S ADDRESS: PO BOX 426

CITY: Shawnee STATE: OK ZIP CODE: 74801

TELEPHONE: (405) 694-6075 EMAIL: Ethan.Acock@gmail.com

(PLEASE COMPLETE FOR THE PROPERTY THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 611 S Philadelphia Shawnee OK 74801

LEGAL DESCRIPTION: SEMINOLE BLK 16 LOTS 24 THRU 26

(DIMENSIONS OF PROPERTY) AREA: 10,500 SQFT WIDTH: 75 ft

LENGTH: 140ft FRONTAGE: 75 ft

CURRENT ZONING: R2 CURRENT USE: R2

VARIANCE REQUESTED: I request a variance to build a multifamily triplex on this lot.

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE
AGENDA.

APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this ____ day of, _____ 20____.

FILING FEE: \$90 + SIGN FEE: \$50

RECEIPT NO: _____

ZONING BOARD OF ADJUSTMENT SECRETARY

ZBOA DECISION: _____

Publish March 24, 2023
NOTICE OF PUBLIC HEARING
Variance Request (BOA02-23)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on April 20, 2023, at 2:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The Board of Adjustment (BOA) will consider a variance request (**BOA02-23**) to reduce the required street frontage by five feet (5') at the property located at 611 S. Philadelphia and described as:

LOTS 24 Thru 26, IN BLOCK 16, SEMINOLE ADDN, TO POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

The public hearing will be held at the above time and date. All residents and parties in interest shall have an opportunity to be heard regarding the request above.





Board of Adjustment Meeting – 5.18.2023 – City of Shawnee, Oklahoma

Staff Report | BOA03-23 | Variance for Accessory Use in Front Yard | 2705 N Harrison Avenue

To: Shawnee Board of Adjustment

From: Rachel Clyne, City Planner

Date: May 4, 2023

Subject: Staff Report - Public hearing and consideration of a request for a variance to the Zoning Code that requires an accessory use to be located in the rear yard of the property located at 2705 N. Harrison Avenue.
Case No.: **BOA03-23** | Applicant: Pioneer Library System

Discussion

The subject property is located at 2705 N. Harrison Avenue, which is the location of a Homeland grocery store. The property is zoned C-5 (General Commercial District). The request is a variance to the Zoning Code, **Sec. 22-333. - Dimensional standards.**

According to Section 22-333 of the Shawnee Zoning Code, "No building, structure, or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this article and for the district in which said lot is located." All accessory structures in the C-5 zoning district must be located in the rear yard. The rear yard of the subject property is for the loading and off-loading by various trucks, as well as the required perimeter landscaping. The request asks for a variance to allow an accessory structure (library kiosk) to be located in the property's front yard (parking lot).

In accordance with Oklahoma Statute 11 O.S. 44-107, Section 22-571 of the Shawnee Zoning Code (Code), the Board of Adjustment (Board) may approve variances only after determining that certain conditions exist.

- 1) The application of the code to the particular piece of property would create an unnecessary hardship;
- 2) Such conditions are peculiar to the particular piece of property involved;
- 3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the code or the comprehensive plan; and
- 4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Note that *financial hardship* to the applicant is not a consideration in determining a variance request.

Relating to the four conditions for granting a variance, staff's comments are:

- 1) The requirement of the placement of accessory structures in the rear yard only creates a hardship
- 2) The subject property is designed like many grocery stores. The rear yard is for the movement of commercial vehicles loading and off-loading goods for the business. Easy and safe access to the proposed library kiosk is not in the rear yard. The two parking spaces along the northern edge of the parking lot would allow easy and safe access to the kiosk.
- 3) Granting the variance would not cause substantial detriment to the public good, nor would it impair the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Allowing the accessory use (library kiosk) to be located in the subject property's front yard (parking lot) would be the minimum necessary to alleviate the hardship if granted.

Section 22-572 of the Code indicates that the *burden of truth* is on the applicant seeking a variance to explain what hardship exists and how granting the variance is necessary to relieve the hardship. In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions and safeguards.

Staff completed the required public hearing notifications for this application. All property owners within 300' from the perimeter of the subject property were mailed a public hearing notification letter. A public hearing notice was also published in The County Democrat weekly newspaper.

Recommendation

Staff recommends **Approval** by the Board of Adjustment for **BOA03-23**, a **Variance** allowing the accessory use (library kiosk) to be located in the front yard (parking lot) at 2705 N Harrison Avenue with the following conditions:

- Acknowledgment by the applicant that the Approval of a Variance does not negate or circumvent the other requirements of development as stated in the City Codes, which include the Zoning Code and the adopted Building Codes.
- Acknowledgment by the applicant that additional permits may be required and standard inspections will be conducted.

Options:

- Approval of Case No. BOA03-23 allows an accessory use (library kiosk) to be located in the front yard (parking lot) with the conditions presented by staff.
- Denial of the application for BOA03-23, thus preventing the placement of a library kiosk at the subject property.
- Deferral of Case No. BOA03-23 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA03-23 allows an accessory use (library kiosk) to be located in the front yard (parking lot) with the conditions presented by staff plus additional conditions.

COMMUNITY DEVELOPMENT DEPT.
16 W. 9th STREET
SHAWNEE, OK 74801



PHONE: (405) 878-1672

BOARD OF ADJUSTMENT

PROJECT NO. _____ **CASE NO.** _____

NAME OF PROPERTY OWNER: Shawnee Affiliates Limited Partnership

ADDRESS: 6010 N. Villa

CITY: OKC STATE: OK ZIP CODE: 73112

TELEPHONE: (405) 843-3868 EMAIL: tt56@ymail.com

APPLICANT'S NAME: Pioneer Library System

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] **SAME** ☐ **AGENT** ☒

APPLICANT'S ADDRESS: 300 Norman Center Court

CITY: Norman STATE: OK ZIP CODE: 73072

TELEPHONE: (405) 801-4502 EMAIL: Lwells@pioneerlibrarysystem.org

(PLEASE COMPLETE FOR THE PROPERTY THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 2705 N. Harrison Street

LEGAL DESCRIPTION: Sparkman Addition 0001/0002 2(4 lots) located in the SW/4 of Section 5

(DIMENSIONS OF PROPERTY) AREA: ~3.5 acres WIDTH: 237 feet

LENGTH: 1610 feet FRONTAGE: 237 feet

CURRENT ZONING: C-5 CURRENT USE: Grocery Store

VARIANCE REQUESTED: 200 square foot library kiosk to be located on the front of the property. T10N, R4B of the Indian Meridian, Pottawatomie County Oklahoma containing 6.47 acres more or less. N 79° 29' 34"E; N 01° 27' 40"E

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE AGENDA.

APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

Received this ____ day of, ____ 20 ____.

FILING FEE: \$90 + SIGN FEE: \$50

RECEIPT NO: _____

BOA DECISION: _____

BOARD OF ADJUSTMENT SECRETARY

PIONEER LIBRARY SYSTEM
300 Norman Center Court
Norman, OK 73072
405.801.4500

BLANCHARD PUBLIC LIBRARY
205 NE 10th St
Blanchard, OK 73010
405.485.2275

McLOUD PUBLIC LIBRARY
133 N Main St
McLoud, OK 74851
405.788.4132

MOORE PUBLIC LIBRARY
225 S Howard Ave
Moore, OK 73160
405.793.5100

NEWCASTLE PUBLIC LIBRARY
PO Box 780
705 NW 10th St
Newcastle, OK 73065
405.825.1965

NOBLE PUBLIC LIBRARY
PO Box 2120
204 N 5th St
Noble, OK 73068
405.872.5713

NORMAN PUBLIC LIBRARY CENTRAL
103 W Acres St
Norman, OK 73069
405.701.2600

NORMAN PUBLIC LIBRARY EAST
3501 E Alameda St
Norman, OK 73071
405.217.0770

NORMAN PUBLIC LIBRARY WEST
300 Norman Center Court
Norman, OK 73072
405.701.2644

PURCELL PUBLIC LIBRARY
919 N 9th Ave
Purcell, OK 73080
405.527.5546

SHAWNEE PUBLIC LIBRARY
101 N Philadelphia Ave
Shawnee, OK 74801
405.275.6353

**SOUTHWEST OKLAHOMA CITY
PUBLIC LIBRARY**
2201 SW 134th St
Oklahoma City, OK 73170
405.979.2200

TECUMSEH PUBLIC LIBRARY
114 N Broadway St
Tecumseh, OK 74873
405.598.5955

Pioneer Library System with the approval and support of the property owner, Shawnee Affiliates, and its current leasee, Homeland, are requesting a variance to locate a small 24 hour library kiosk in the parking area in front of the primary structure and not the rear of the structure.

Sec. 22-571. – Variances

1. The application of the code to the property at 2705 N. Harrison Street would create an unnecessary hardship.
 - Due to the location of the primary structure being set at the rear of the property, it is not conducive to have the kiosk located behind the primary structure where there is limited visibility and where it would interfere with the collection of refuse and the loading/unloading of trucks servicing the grocery store.
2. Such conditions are peculiar at this property.
 - These conditions are peculiar to this property due to the location of the primary structure being set at the rear of the property in order to provide ample customer parking at the front of the location.
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the code or the comprehensive plan.
 - Accessory Use and Library Services are permitted uses in C-5 and it will not cause substantial detriment to the public good or impair the purposes and intent of the code or the comprehensive plan. In fact it will provide substantial benefit to the public good by providing Shawnee residents a small browsable rotating collection of library materials (~375 items) and a location to pick up items placed on hold that is convenient and accessible 24/7
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.
 - The property is approximately 3.5 acres in size. 200 square feet is the minimum necessary to install the kiosk and safety bumpers and be ADA compliant. It will be located in an area on the edge of the property in the parking lot that is set back from the street and provides an adequate travel lane for vehicles and trucks entering the parking area. It also will not obstruct the view or signage of the existing business or neighboring businesses.

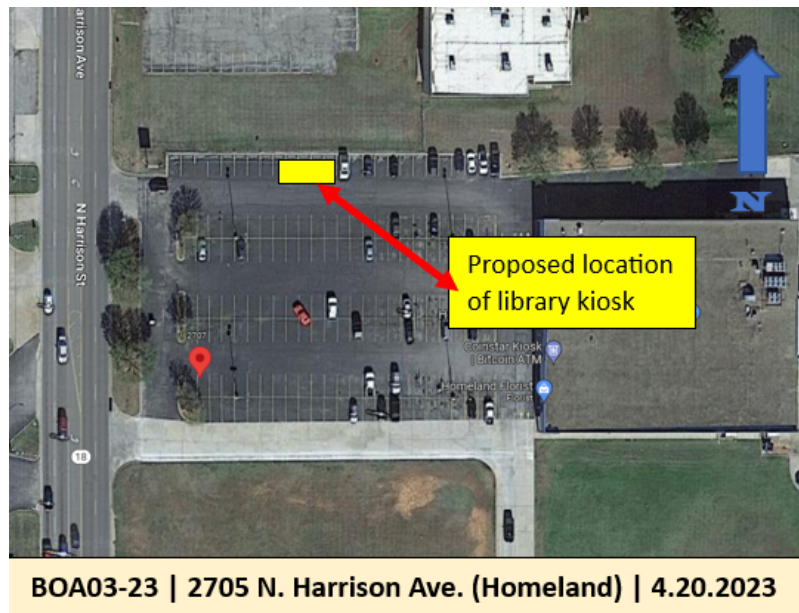
Publish April 28, 2023

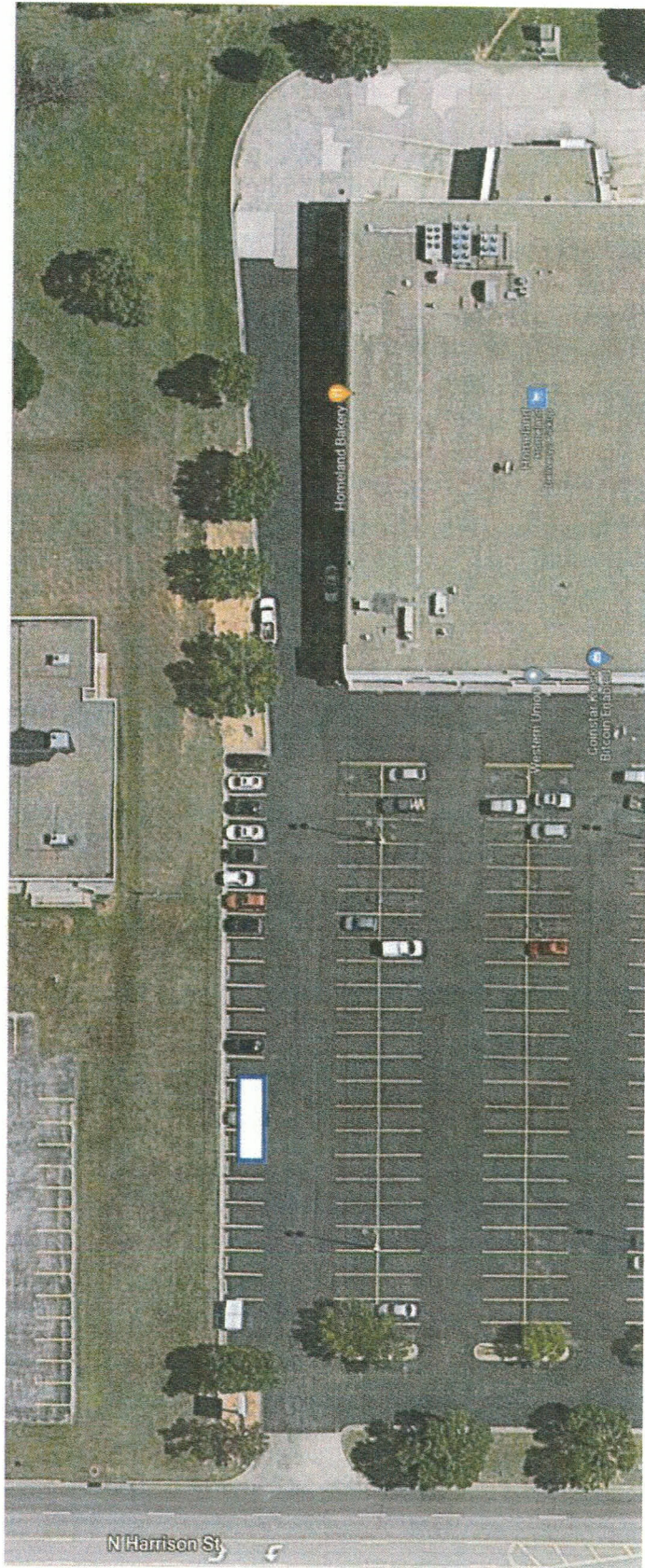
NOTICE OF PUBLIC HEARING - Rescheduled
Variance Request (BOA03-23)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on May 18, 2023, at 2:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The Board of Adjustment (BOA) will consider a variance request (**BOA03-23**) to locate an accessory structure (library kiosk) in the front yard of the property located at 2705 N. Harrison Avenue and described as:

Lot Two (2), SPARKMAN'S ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

The public hearing will be held at the above time and date. All residents and parties in interest shall have an opportunity to be heard regarding the request above.





Planned Location of Kiosk



Photo of Model 24L-235 24-Hour Library



EnvisionWare Canopy for 24L-235 24-Hour Library



Board of Adjustment Meeting – 5.18.2023 – City of Shawnee, Oklahoma

Staff Report | BOA04-23 | Variance of (5”) of Side Yard Setback | 3923 & 3925 Maple Grove Ave.

To: Shawnee Board of Adjustment

From: Rachel Clyne, City Planner

Date: May 17, 2023

Subject: **Amended** - Staff Report - Public hearing and consideration of a request for a variance to the Zoning Code to reduce by five inches (5”) the side yard setbacks of the properties located at 3923 & 3925 Maple Grove Avenue.
Case No.: **BOA04-23** | Applicant: SBZ Properties, LLC

Discussion

The subject properties are located at 3923 & 3925 Maple Grove Avenue. The property is zoned R-1 (Single-Family Residential District). The request is a variance to the Zoning Code, **Sec. 22-333. - Dimensional standards**.

According to The Zoning Code **Sec. 22-293. - Dimensional standards**, provides the density and dimensional standards for each zoning district. "No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this article and for the district in which said lot is located, except for nonconforming lots of record." In R-1 zoning, the side yard setbacks must be a minimum of five feet (5') from the property line to the structure.

During the construction of these two houses, the floorplan was used as the measurement. Once the construction was complete and the bricked was placed on the homes, a building inspector noticed that the space between the two (2) houses was not the required ten feet (10'). The brick encroached on the side yard setbacks by four inches (4") on both sides of each house. The variance request is for a reduction of five inches (5") from each side yard setback of both lots.

In accordance with Oklahoma Statute 11 O.S. 44-107, Section 22-571 of the Shawnee Zoning Code (Code), the Board of Adjustment (Board) may approve variances only after determining that certain conditions exist.

- 1) The application of the code to the particular piece of property would create an unnecessary hardship;
- 2) Such conditions are peculiar to the particular piece of property involved;

- 3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the code or the comprehensive plan; and
- 4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Note that *financial hardship* to the applicant is not a consideration in determining a variance request.

Relating to the four conditions for granting a variance, staff's comments are:

- 1) The enforcement of a five feet (5') side yard setback on each property creates a hardship
- 2) The subject properties were built on lots that met the minimum size for the zoning district, but the brick façade on the houses was not measured for the side yard setbacks. Each house is approximately eight (8") too wide for the lot. The request is to reduce the side yard setback on each side to four feet and seven inches (4'.7").
- 3) Granting the variance would not cause substantial detriment to the public good, nor would it impair the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Reducing the sideyard setbacks on both sides of both homes to four feet and seven inches (4'.7") would be the minimum necessary to alleviate the hardship if granted.

Section 22-572 of the Code indicates that the *burden of truth* is on the applicant seeking a variance to explain what hardship exists and how granting the variance is necessary to relieve the hardship. In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions and safeguards.

Staff completed the required public hearing notifications for this application. All property owners within 300' from the perimeter of the subject property were mailed a public hearing notification letter. A public hearing notice was also published in The County Democrat weekly newspaper.

Recommendation

Staff recommends **Approval** by the Board of Adjustment for **BOA04-23**, a **Variance** by reducing by five inches (5") the side yard setbacks of the properties located at 3923 & 3925 Maple Grove Avenue with the following conditions:

- Acknowledgment by the applicant that the Approval of a Variance does not negate or circumvent the other requirements of development as stated in the City Codes, which include the Zoning Code and the adopted Building Codes.
- Acknowledgment by the applicant that additional permits may be required and standard inspections will be conducted.

Options:

- Approval of Case No. BOA04-23 by reducing by five inches (5") the side yard setbacks of the subject properties with the conditions presented by staff.

- Denial of the application for BOA04-23, thus preventing the permanent occupancy of either subject property.
- Deferral of Case No. BOA04-23 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA04-23 by reducing by five inches (5”) the side yard setbacks of the subject properties with the conditions presented by staff plus additional conditions.

PLANNING DEPARTMENT
222 N. BROADWAY
SHAWNEE, OK 74801



PHONE: (405) 878-1672

ZONING BOARD OF ADJUSTMENT

PROJECT NO. _____ **CASE NO.** _____

NAME OF PROPERTY OWNER: 39th Street Project LLC

ADDRESS: P.O. Box 70

CITY: Eufaula STATE: OKla. ZIP CODE: 74432

TELEPHONE: (918) 452-2735 EMAIL: mcc@crasstel.net

APPLICANT'S NAME: SPZ Properties LLC (David Tomlinson)

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] **SAME** ☐ **AGENT** ☒

APPLICANT'S ADDRESS: 2319 Troon East

CITY: Shawnee STATE: OKLa. ZIP CODE: 74801

TELEPHONE: (405) 659-8448 EMAIL: dtomlinson62@gmail.com

(PLEASE COMPLETE FOR THE **PROPERTY** THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 3923 Maple Grove - lot 20, Blk 2
3925 Maple Grove Ave, Shawnee, OK 74804

LEGAL DESCRIPTION: Block 2 Lot 19 Maple Grove Addition
to City of Shawnee, Pott Co., OKLa.

(DIMENSIONS OF PROPERTY) AREA: 6000 sq. ft. WIDTH: 60'

LENGTH: 100' FRONTAGE: 60'

CURRENT ZONING: R1 CURRENT USE: Residential

VARIANCE REQUESTED: A variance of 5" to the 5' side yard set back.

The permits were issued and house built using the floor plan of house plans as I've always done.
When the house was bricked this put it over the line 4". A 5" variance will cure the problem & not affect the adjacent property

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE
AGENDA.

APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this ____ day of, _____ 20____.

FILING FEE: \$90 + SIGN FEE: \$50

RECEIPT NO: _____

ZONING BOARD OF ADJUSTMENT SECRETARY

ZBOA DECISION: _____

Publish April 28, 2023

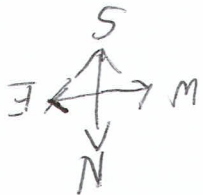
NOTICE OF PUBLIC HEARING - Rescheduled
Variance Request (BOA04-23)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on May 18, 2023, at 2:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The Board of Adjustment (BOA) will consider a variance request (**BOA04-23**) for a reduction of the sideyard setbacks on the properties located at 3925 and 3923 Maple Grove Avenue and described as:

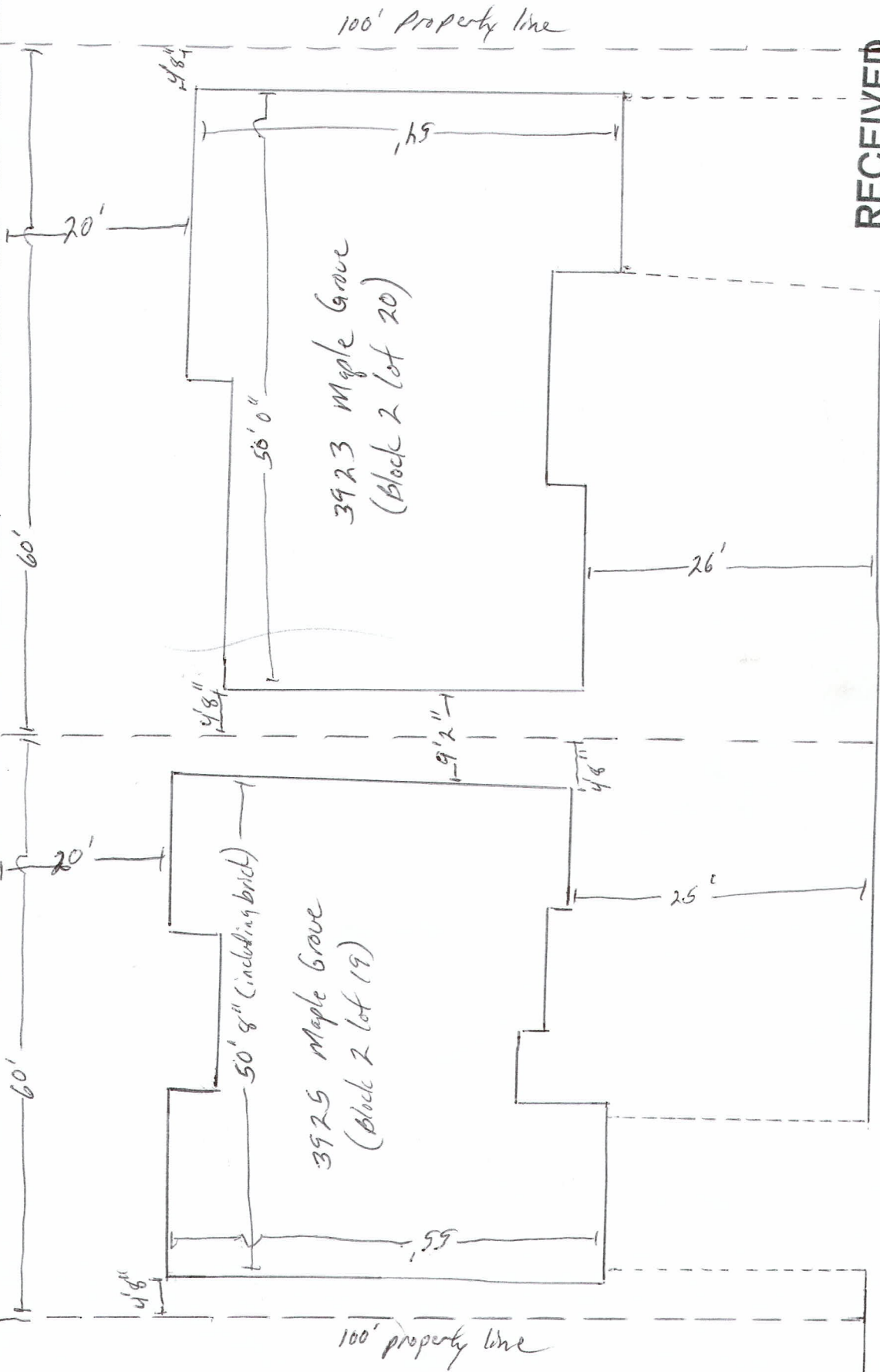
Lots Nineteen (19) and Twenty (20), Block Two (2), MAPLE GROVE ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

The public hearing will be held at the above time and date. All residents and parties in interest shall have an opportunity to be heard regarding the request above.





New Property line



Revised
3/2/2023

RECEIVED

MAR 24 2023

PLANNING / CODE

Maple Grove Ave.

9:24am
Km

BOA04-26



Board of Adjustment Meeting – 5.18.2023 – City of Shawnee, Oklahoma

Staff Report | BOA05-23 | Variance for Repaving Parking Lot | 531 N. Pennsylvania Avenue

To: Shawnee Board of Adjustment

From: Rachel Clyne, City Planner

Date: May 4, 2023

Subject: Staff Report -- Public hearing and consideration of a request for a variance to allow time to complete the repaving of the approach, driveway, and parking lot on the property located at 531 N. Pennsylvania Avenue.
Case No.: **BOA05-23** | Applicant: Richard Ellis

Discussion

The subject property is located at 531 N. Pennsylvania Avenue. The property is zoned R-1 (Single-Family Residential District). The request is a variance to the Zoning Code, **Sec. 22-476. - Parking lot construction and maintenance.**, which references the paving requirements for parking and driveway surfaces.

Sec. 22-476. - Parking lot construction and maintenance. "Off-street parking lots for commercial, industrial, or multiple-family complexes of more than two parking spaces shall comply with the following provisions:

(5) All of the lot used for parking and driveway purposes shall be paved as follows in a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use. Minimum pavement requirements shall be as follows:

- a.) 1½-inch asphaltic concrete hot mix with five-inch compacted base;
- b.) A double surface treatment with five-inch compacted base; or
- c.) Four-inch concrete slab."

The primary structure on the subject property has served as a religious facility for many years. The last organization ceased operations more than a year ago. The applicant, Richard Ellis, serves as the pastor of this Shawnee, Oklahoma location of The Church of God of the Firstborn. The variance request is for additional time to repave the approach, driveway, and parking lot. Without the variance, the church cannot obtain a Certificate of Occupancy to assemble for religious ceremonies and purposes. A temporary Certificate of Occupancy was issued to Pastor Ellis after receiving the application for this variance request.

In accordance with Oklahoma Statute 11 O.S. 44-107, Section 22-571 of the Shawnee Zoning Code (Code), the Board of Adjustment (Board) may approve variances only after determining that certain conditions exist.

- 1) The application of the code to the particular piece of property would create an unnecessary hardship;
- 2) Such conditions are peculiar to the particular piece of property involved;
- 3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the code or the comprehensive plan; and
- 4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Note that *financial hardship* to the applicant is not a consideration in determining a variance request.

Relating to the four conditions for granting a variance, staff's comments are:

- 1) The repaving of the approach, driveway, and parking lot on the subject property creates a hardship for a newly formed church to operate as a religious facility.
- 2) The subject property currently has a driveway that extends diagonally from N. Pennsylvania Ave to E. Ada Street. Some areas are compacted gravel, while other areas have broken pavement. The existing driveway is sufficient to accommodate the number of parking spaces required for its use.
- 3) Granting the variance would not cause substantial detriment to the public good, nor would it impair the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Allowing the church time to build its congregation before enforcing the repaving of the approach, driveway, and parking lot would be the minimum necessary to alleviate the hardship if granted.

Section 22-572 of the Code indicates that the *burden of truth* is on the applicant seeking a variance to explain what hardship exists and how granting the variance is necessary to relieve the hardship. In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions and safeguards.

Staff completed the required public hearing notifications for this application. All property owners within 300' from the perimeter of the subject property were mailed a public hearing notification letter. A public hearing notice was also published in The County Democrat weekly newspaper.

Recommendation

Staff recommends **Approval** by the Board of Adjustment for **BOA05-23**, a **Variance** allowing The Church of God of the Firstborn, located at 531 N. Pennsylvania, a period of time not to exceed five (5) years before enforcing the repaving of the approach, driveway, and parking lot with the following conditions.

- Acknowledgment by the applicant that areas of crumbling pavement should be clearly marked (e.g. orange construction cones) to alert drivers of unsafe parking during any time the facility is operating and open to the public.

- Acknowledgment by the applicant that the Approval of a Variance does not negate or circumvent the other requirements of development as stated in the City Codes, which include the Zoning Code and the adopted Building Codes.
- Acknowledgment by the applicant that additional permits may be required and standard inspections will be conducted.

Options:

- Approval of Case No. BOA05-23, which allows a maximum of five (5) years before enforcing the repaving of the approach, driveway, and parking lot with the conditions presented by staff.
- Denial of the application for BOA05-23, thus preventing the operation of a religious facility on the subject property.
- Deferral of Case No. BOA05-23 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA05-23 by establishing a specific date before enforcing the repaving of the approach, driveway, and parking lot with the conditions presented by staff.
- Approval of Case No. BOA05-23, which allows a maximum of five (5) years before enforcing the repaving of the approach, driveway, and parking lot with the conditions presented by staff plus additional conditions.

PLANNING DEPARTMENT
222 N. BROADWAY
SHAWNEE, OK 74801



PHONE: (405) 878-1672

ZONING BOARD OF ADJUSTMENT
PROJECT NO. _____ CASE NO. _____

NAME OF PROPERTY OWNER: The General Conference of The Church of God of The Firstborn
ADDRESS: 720 S. Kansas Ave P.O. Box 1041
CITY: Newton STATE: KS ZIP CODE: 67114-1041
TELEPHONE: (956) 371-9828 EMAIL: jettkee@sbcglobal.net
APPLICANT'S NAME: Richard Eelen

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] **SAME** ☐ **AGENT** ☒

APPLICANT'S ADDRESS: 617 N. Hobson Ave.
CITY: Shawnee STATE: OK ZIP CODE: 74801
TELEPHONE: (806) 363-4337 EMAIL: richardellis554@yahoo.com

(PLEASE COMPLETE FOR THE PROPERTY THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 531 N Pennsylvania Ave.

LEGAL DESCRIPTION: Church

(DIMENSIONS OF PROPERTY) AREA: 1700 sf WIDTH: 25 ft

LENGTH: 70 ft FRONTAGE: _____

CURRENT ZONING: _____ CURRENT USE: _____

VARIANCE REQUESTED: time to complete concrete drive and approach, parking lot.

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE
AGENDA.

APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this _____ day of, _____ 20____.

FILING FEE: \$90 + SIGN FEE: \$50

RECEIPT NO: _____

ZONING BOARD OF ADJUSTMENT SECRETARY

ZBOA DECISION: _____

Richard Ellis
The Church of God of The Firstborn
531 N. Pennsylvania Ave.
Shawnee, OK. 74801
May 10, 2023

To: Shawnee Board of Adjustment,

- 1) As pertaining to the application of the code, yes, enforcing the code to have a paved driveway, approach, and parking lot, would create a hardship.
- 2) Since The 40's or 50's, the above address and establishment has been a church. My family and I moved to Shawnee in November 2022 from Amarillo, TX. To reopen this church. The driveway from Pennsylvania ave. to Ada St. has plenty of room to accommodate the number of parking spaces necessary for our occupancy load. Our desire is to remain in compliance with city ordinances and regulations and are asking for time to build a congregation. We've obtained temporary occupancy after other code requirements needed to be met. To gain full occupancy privileges we're requesting additional time to get the driveway to minimum code requirements.
- 3) If granted this temporary variance, the publics well being would not be affected, due to the extension of time to complete paving. If there are any current obstructions that impose potential damage to a vehicle, cones or other means of barriers will be installed.
- 4) Approving this variance would be the minimum necessary to alleviate this hardship.

Thank you for your time and consideration,

R. Ellis

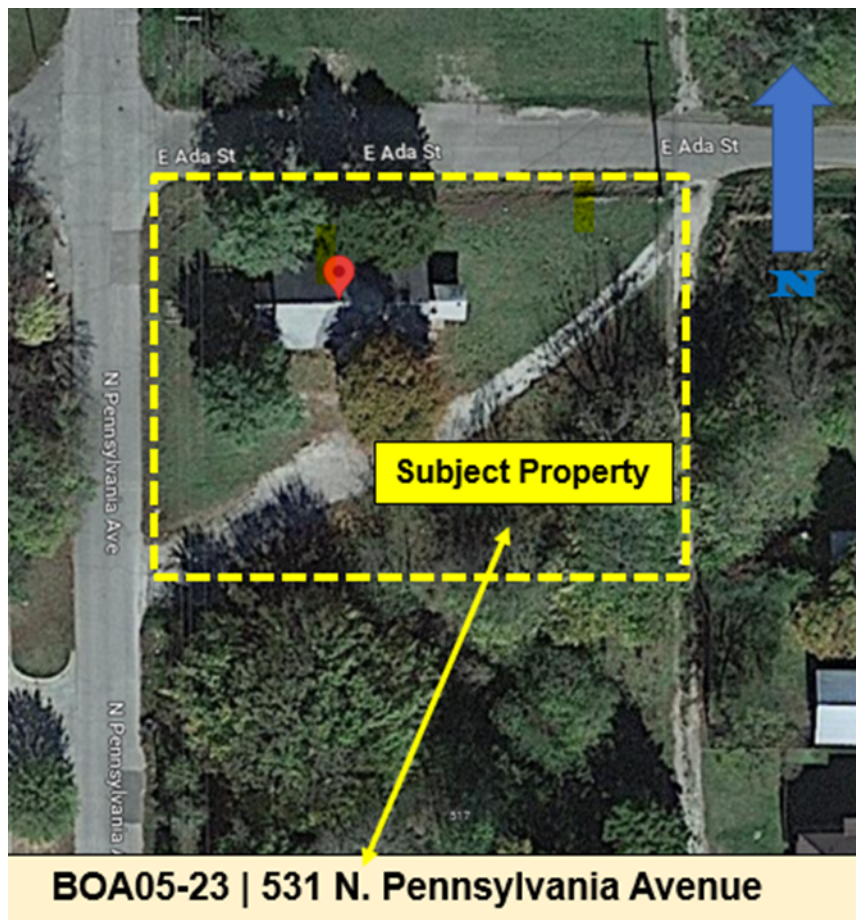
Publish April 28, 2023

NOTICE OF PUBLIC HEARING
Variance Request (BOA05-23)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on May 18, 2023, at 2:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The Board of Adjustment (BOA) will consider a variance request (**BOA05-23**) for additional time to pave the driveway and parking lot of the property located at 531 N. Pennsylvania Avenue and described as:

Lots Twenty-one (21) to Twenty-four (24), in the RE-SUBDIVISION OF BLOCK 16, RICHARD AND MARY'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

The public hearing will be held at the above time and date. All residents and parties in interest shall have an opportunity to be heard regarding the request above.





Board of Adjustment Meeting – 5.18.2023 – City of Shawnee, Oklahoma

Staff Report | BOA06-23 | Variance for a Reduction in Parking Spaces | 323 W. 9th Street

To: Shawnee Board of Adjustment

From: Rachel Clyne, City Planner

Date: May 4, 2023

Subject: Staff Report - Public hearing and consideration of a request for a variance to the Zoning Code for a reduction in the required number of parking spaces for the property located at 323 W. 9th Street.
Case No.: **BOA06-23** | Applicant: Mike Little

After additional review by staff, the applicant requested this application be withdrawn. Because notification was already completed, the item remains on the agenda. However, no action is required.



Board of Adjustment Meeting – 5.18.2023 – City of Shawnee, Oklahoma

Staff Report | BOA07-23 | Variance for a Reduction in Parking Spaces | 323 W. 9th Street

To: Shawnee Board of Adjustment

From: Rachel Clyne, City Planner

Date: May 5, 2023

Subject: Staff Report - Public hearing and consideration of a request for a variance to the Zoning Code for a reduction in the required number of parking spaces for the properties located at 502 – 510 S. Kickapoo Avenue.
Case No.: **BOA07-23** | Applicant: Mike Little

Discussion

The subject properties are located at 502 – 510 S. Kickapoo Avenue, which is currently vacant land. The properties are zoned R-2 (Medium Density Residential District). The request is a variance to the Zoning Code, **Sec. 22-475. - Amount of space required.**, which relates to the number of parking spaces required based on the use.

According to Section 22.475 of the Shawnee Zoning Code, residential uses must provide two (2) spaces per Dwelling Unit (DU) up to four (4) Dwelling Units, then one and one-half (1.5) spaces per DU in residential uses. The request asks for a variance to allow a reduced number of parking spaces to serve the residents of a two (2) four-unit group home to be operated by South Central Industries, Inc. in conjunction with Southern Pointe Community, LLC.

The Zoning Code **Sec. 22-293. - Dimensional standards.** provides the density and dimensional standards for each zoning district. "No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this article and for the district in which said lot is located, except for nonconforming lots of record." A setback is the distance between the property lines and the building line on which it is located. Building line means a line established beyond which no part of a building shall project. If the building is beyond that line, it encroaches into a setback. Setbacks are areas for yards; front, rear, and sides. These yards provide greenspace for the residents.

Based upon preliminary sketches, the proposed residential group homes will be approximately 2,580 sq. ft. each. The size of a code-compliant parking lot with eight (8) is approximately 2,400 sq. ft. With nearly equal parts of pavement to residential structure, there is concern about excessive stormwater runoff and the lack of greenspace. The subject properties were selected for their proximity to other South Central

Industries campuses. The placement of the structures on the homes will be designed to provide maximum separation between the adjacent properties to the rear. Ideally, the structures will "face" each other and create a large but semi-private landscaped area to be enjoyed by all residents of both group homes.

South Central Industries, Inc. (SCI) provides to support individuals with developmental disabilities they also serve. Currently, only ten percent (10%) of the individuals SCI serves have a driver's license or the ability to drive. SCI anticipates the same percentage will occupy the proposed group homes.

In accordance with Oklahoma Statute 11 O.S. 44-107, Section 22-571 of the Shawnee Zoning Code (Code), the Board of Adjustment (Board) may approve variances only after determining that certain conditions exist.

- 1) The application of the code to the particular piece of property would create an unnecessary hardship;
- 2) Such conditions are peculiar to the particular piece of property involved;
- 3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the code or the comprehensive plan; and
- 4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Note that *financial hardship* to the applicant is not a consideration in determining a variance request.

Relating to the four conditions for granting a variance, staff's comments are:

- 1) The requirement of eight (8) parking space for each 4-unit residential group home creates a hardship.
- 2) The subject properties will contain two (2) residential 4-unit buildings designed to support individuals with developmental disabilities who are served by South Central Industries, Inc. (SCI). Currently, only ten percent (10%) of the individuals SCI serves have a driver's license or the ability to drive. SCI anticipates the same percentage will occupy the proposed group homes. This request is for a variance to reduce the required number of parking spaces to four (4) spaces per residential group home.
- 3) Granting the variance would not cause substantial detriment to the public good, nor would it impair the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Allowing a reduction of parking spaces would be the minimum necessary to alleviate the hardship if granted.

Section 22-572 of the Code indicates that the *burden of truth* is on the applicant seeking a variance to explain what hardship exists and how granting the variance is necessary to relieve the hardship. In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions and safeguards.

Staff completed the required public hearing notifications for this application. All property owners within 300' from the perimeter of the subject property were mailed a public hearing notification letter. A public hearing notice was also published in The County Democrat weekly newspaper.

Recommendation

Staff recommends **Approval** by the Board of Adjustment for **BOA07-23**, a **Variance** for a reduction in the required number of parking spaces to four (4) spaces at two (2) new 4-unit group homes with the following conditions:

- Acknowledgment by the applicant that the Approval of a Variance does not negate or circumvent the other requirements of development as stated in the City Codes, which include the Zoning Code and the adopted Building Codes.
- Acknowledgment by the applicant that additional permits may be required and standard inspections will be conducted.

Options:

- Approval of Case No. BOA07-23 reducing the required number of parking spaces to four (4) spaces per 4-unit group home with the conditions presented by staff.
- Denial of the application for BOA07-23, thus requiring the redesign of the proposed residential group home at the subject property.
- Deferral of Case No. BOA07-23 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA07-23 reducing the required number of parking spaces to four (4) spaces per 4-unit group home with the conditions presented by staff plus additional conditions.

COMMUNITY DEVELOPMENT DEPT.
16 W. 9th STREET
SHAWNEE, OK 74801



PHONE: (405) 878-1672

BOARD OF ADJUSTMENT

PROJECT NO. _____ CASE NO. BOA07-23

NAME OF PROPERTY OWNER: SOUTHERN POINTE COMMUNITY, LLC

ADDRESS: 204 N. LOUISA AVE.

CITY: SHAWNEE STATE: OK ZIP CODE: 74801

TELEPHONE: (405) 273-4018 EMAIL: westchester1901@aol.com

APPLICANT'S NAME: MIKE LITTLE

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] **SAME** ☐ **AGENT** ☒

APPLICANT'S ADDRESS: 1901 W. KICKAPOO AVE.

CITY: SHAWNEE STATE: OK ZIP CODE: 74801

TELEPHONE: (405) 273-4018 EMAIL: westchester1901@aol.com

(PLEASE COMPLETE FOR THE **PROPERTY** THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 502-510 S. KICKAPOO AVE.

LEGAL DESCRIPTION: Lots 1-6, less the east 7' of Lots 3 and 4,
Block 3, Injewood Addition

(DIMENSIONS OF PROPERTY) AREA: _____ WIDTH: _____

LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: R-2 CURRENT USE: undeveloped

VARIANCE REQUESTED: reduction in number of parking
spaces required for use at group homes. Eight (8)
spaces required - requesting four (4) spaces per building.

COMPLETE APPLICATION AND ALL CORRESPONDING DOCUMENTS
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE
AGENDA.

APPLICANT'S SIGNATURE

4/18/23
DATE

(OFFICE USE ONLY)

Received this _____ day of, _____ 20____.

FILING FEE: \$90 + SIGN FEE: \$50

RECEIPT NO: _____

BOARD OF ADJUSTMENT SECRETARY

BOA DECISION: _____



April 18, 2023

To: City of Shawnee Board of Adjusters
Rachel Clyne, City Planner

Re: South Central Industries, Inc's request for parking variances for new AHTC projects at 502, 504 & 510 S. Kickapoo

Respectfully, South Central Industries, Inc. in conjunction with Southern Pointe Community, LLC and SCI Southern Pointe, LLC are requesting a variance from the City of Shawnee recommendations on parking for our affordable housing project site that will support individuals with intellectual and developmental disabilities being served by South Central Industries and Housing.

SCI has been in existence since 1980 and has continuously increased our footprint in this four block radius. SCI currently has an additional 10 lots within half a mile radius that we intend to develop for special need client services. The structures being built are in no way intended to be sold off for regular housing use.

Currently, only 10% of the individuals SCI serves have drivers licenses and the ability to drive. SCI anticipates this percentage remaining constant for the new sites as well. Each unit in the 2 housing 4 unit complex is designed for ONE individual only. The contracts with OHFA & HUD will not allow for more than one resident per unit. Therefore, with only 10% of our clients driving and only one client per unit the code for 1.5 parking places per unit will be an overabundance of parking. Currently, SCI's campus already hosts over fifty parking spaces to accommodate thirty-five drivers (including staff and clients).

In addition, SCI believes that by reducing the number of required parking spaces it will have less impact on site drainage and allow us to have a larger covered shelter area and more landscaping which will create a better living environment for our tenants/clients. (See Angel's Acres' outdoor storm shelter with covered patio for outdoor events)

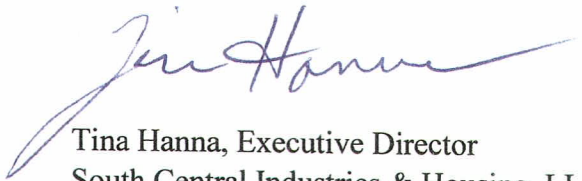
The reductions SCI is requesting are as follows:

- 1) Reduce the recommended 1.5 parking spaces per bedroom on the 4-unit site at 502 S. Kickapoo from 6 spaces to 4 spaces.

- 2) 1) Reduce the recommended 1.5 parking spaces per bedroom on the 4-unit site at 510 S. Kickapoo from 6 spaces to 4 spaces.

We thank you for your consideration of these requests and will be happy to answer any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tina Hanna", with a long, sweeping underline.

Tina Hanna, Executive Director
South Central Industries & Housing, LLC
SCI Southern Pointe, LLC
Southern Pointe Community, LLC
405-275-3851
tina@southcentralind.com

Publish April 28, 2023

NOTICE OF PUBLIC HEARING
Variance Request (BOA07-23)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on May 18, 2023, at 2:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The Board of Adjustment (BOA) will consider a variance request (**BOA07-23**) for a reduction in the required number of parking spaces at the property located at 502 – 510 S. Kickapoo Avenue and described as:

Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6), Block Three (3), INGLEWOOD ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof LESS AND EXCEPT a tract of land described as the East 7.00 feet of said Lots 3 and 4.

The public hearing will be held at the above time and date. All residents and parties in interest shall have an opportunity to be heard regarding the request above.





Board of Adjustment Meeting – 5.18.2023 – City of Shawnee, Oklahoma

Staff Report | BOA08-23 | Variance for Storm Shelter in Front Yard | 1909 E. Main St.

To: Shawnee Board of Adjustment

From: Rachel Clyne, City Planner

Date: May 8, 2023

Subject: Staff Report -- Public hearing and consideration of a request for a variance to allow an in-ground storm shelter in the front yard of the property located at 1909 E. Main Street.
Case No.: **BOA08-23** | Applicant: Stephanie Tiger

After additional review by staff, the applicant requested this application be withdrawn. Because notification was already completed, the item remains on the agenda. However, no action is required.



Board of Adjustment Meeting – 5.18.2023 – City of Shawnee, Oklahoma

Staff Report | BOA09-23 | Variance for Street Frontage | 15350 Walker Road

To: Shawnee Board of Adjustment

From: Rachel Clyne, City Planner

Date: May 10, 2023

Subject: Staff Report -- Public hearing and consideration of a request for a variance to allow a reduction of the required street frontage on the property located at 15350 Walker Road.
Case No.: **BOA09-23** | Applicant: Eddie & Kim Howard

Discussion

The subject property is located at 15350 Walker Road. The property is zoned A-1 (Rural Agricultural District). The request is a variance to the Zoning Code, **Sec. 22-262. - Dimensional standards., which references the density and dimensional standards for each zoning district.**

According to Section 22-262 of the Shawnee Zoning Code, “No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this article and for the district in which said lot is located, except for nonconforming lots of record.” In agriculturally zoned districts, the minimum street frontage is 330’. Anything less than the minimum is a non-conforming parcel (lot). Additionally, the minimum lot size in A-1 is five (5) acres.

The subject property is approximately 57.87 acres and is undeveloped. Along the frontage road, Walker Road, the property measures approximately 250’, which is eighty feet (80’) less than required for a buildable parcel. With the existing street frontage, the subject property is essentially an unbuildable parcel.

The applicants’ intent for the property is to build homes for themselves and their three (3) children. With nearly fifty-eight (58) acres, there is sufficient space to meet all of the other density and dimensional standards of A-1 zoning. The variance request is to allow a reduction of the required street frontage so the property may be utilized for use allowed in A-1 zoning. Specifically, the applicants request street frontages typical in single-family residential zoning, which is sixty feet (60’). This would further allow the family to split the property three (3) times, creating four (4) lots. The street frontage would be three (3) 60’ street frontage and one (1) 70’ street frontage.

In accordance with Oklahoma Statute 11 O.S. 44-107, Section 22-571 of the Shawnee Zoning Code (Code), the Board of Adjustment (Board) may approve variances only after determining that certain conditions exist.

- 1) The application of the code to the particular piece of property would create an unnecessary hardship;
- 2) Such conditions are peculiar to the particular piece of property involved;
- 3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the code or the comprehensive plan; and
- 4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Note that *financial hardship* to the applicant is not a consideration in determining a variance request.

Relating to the four conditions for granting a variance, staff's comments are:

- 1) The application of the code to the subject property creates a hardship as it is an oddly shaped, nonconforming, and unbuildable parcel.
- 2) The subject property currently has a street frontage that is significantly less than that required for building in the zoning district. The applicants did not create the lot's shape or dimensions.
- 3) Granting the variance would not cause substantial detriment to the public good, nor would it impair the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Allowing the applicants to reduce the required street frontage to three (3) sixty feet (60') street frontage and one (1) seventy feet (70') street frontage would be the minimum necessary to alleviate the hardship if granted.

Section 22-572 of the Code indicates that the *burden of truth* is on the applicant seeking a variance to explain what hardship exists and how granting the variance is necessary to relieve the hardship. In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions and safeguards.

Staff completed the required public hearing notifications for this application. All property owners within 300' from the perimeter of the subject property were mailed a public hearing notification letter. A public hearing notice was also published in The County Democrat weekly newspaper.

Recommendation

Staff recommends **Approval** by the Board of Adjustment for **BOA09-23**, a **Variance** to allow a reduction of the required street frontage to three (3) sixty feet (60') street frontage and one (1) seventy feet (70') street frontage on the property located at 15350 Walker Road.

- Acknowledgment by the applicant that the Approval of a Variance does not negate or circumvent the other requirements of development as stated in the City Codes, which include the Zoning Code and the adopted Building Codes and specifically Sec. 22-262. - Dimensional standards.

- Acknowledgment by the applicant that additional permits may be required and standard inspections will be conducted.
- Acknowledgment that the four (4) newly created lots must be surveyed to create new deeds, which will then be filed with Pottawatomie County.

Options:

- Approval of Case No. BOA09-23, which allows a reduction of the required street frontage to three (3) sixty feet (60') street frontage and one (1) seventy feet (70') street frontage with the conditions presented by staff.
- Denial of the application for BOA09-23, thus preventing the operation of a religious facility on the subject property.
- Deferral of Case No. BOA09-23 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA09-23, which allows a reduction of the required street frontage to three (3) sixty feet (60') street frontage and one (1) seventy feet (70') street frontage with the conditions presented by staff plus additional conditions.

COMMUNITY DEVELOPMENT DEPT.
16 W. 9th STREET
SHAWNEE, OK 74801



PHONE: (405) 878-1672

BOARD OF ADJUSTMENT

PROJECT NO. _____ **CASE NO.** _____

NAME OF PROPERTY OWNER: Eddie & Kim Howard

ADDRESS: 5915 Donna Lane

CITY: OKC STATE: OK ZIP CODE: 73150

TELEPHONE: (405) 326-9355 EMAIL: tymekeeper1234@gmail.com

APPLICANT'S NAME: Eddie & Kim Howard

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] **SAME** ☒ **AGENT** ☐

APPLICANT'S ADDRESS: 5915 Donna Lane

CITY: OKC STATE: OK ZIP CODE: 73150

TELEPHONE: (405) 326-9355 EMAIL: tymekeeper1234@gmail.com

(PLEASE COMPLETE FOR THE PROPERTY THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 15350 Walker Rd. Shawnee, OK
74801

LEGAL DESCRIPTION: (attached)

(DIMENSIONS OF PROPERTY) AREA: 57.87 acres WIDTH: (see plot)

LENGTH: (see plot) FRONTAGE: 250'

CURRENT ZONING: A1 CURRENT USE: Land

VARIANCE REQUESTED: (attached)

**COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE
AGENDA.**

APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

Received this _____ day of, _____ 20____.

FILING FEE: \$90 + SIGN FEE: \$50

RECEIPT NO: _____

BOARD OF ADJUSTMENT SECRETARY

BOA DECISION: _____

Howard- Written Description of Variance Request

Variance Requested: Change of current frontage requirement

Due to the odd shape of the land, the current frontage restriction of 330 feet per home does not allow for any homes to be built. Property was purchased with the intent that Eddie and Kim Howard, as well as their three children, would build homes on the family property. This would allow for future care of each other in close proximity if the need would arise, and fulfill the desires of the family, to live on family property.

Original property was split in such a way that it cannot be used to its fullest potential because of its unusual shape under the current restrictions.

Relief, if granted, would not cause detriment to the public good. The purposes of the code and comprehensive plan would not be impaired in any way.

The variance requested is three 60' frontages and one 70' frontage. If granted, this would be the minimum necessary to alleviate the unnecessary hardship and allow our family to live near one another on family property.

Publish April 28, 2023

NOTICE OF PUBLIC HEARING
Variance Request (BOA09-23)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on May 18, 2023, at 2:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The Board of Adjustment (BOA) will consider a variance request (**BOA09-23**) to allow a reduction of the required street frontage for the property located at 15350 Walker Road and described as:

A part of the Northeast Quarter (NE/4) and the Southeast Quarter (SE/4) of Section Seventeen (17), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma, being more particularly described as follows: Commencing at the Southeast corner of said NE/4; thence N 00°02'41" W along the East line of said NE/4 a distance of 440.00 feet to the POINT OF BEGINNING; thence N 89°56'31" W and parallel with the South line of the said NE/4 a distance of 495.00 feet; thence S 00°02'41" E and parallel with the East line of said NE/4 a distance of 440.00 feet to a point on the South line of said NE/4; thence N 89°56'31" W along the South line of said NE/4 a distance of 693.00 feet; thence S 00°02'43" E a distance of 1319.19 feet to a point on the South line of NW/4 of said SE/4; thence N 89°54'17" W along the South line of the NW/4 of said SE/4 a distance of 1453.28 feet to the Southwest corner of the NW/4 of said SE/4; thence N 00°18'30" W along the West line of SE/4 a distance of 1318.27 feet to the Southwest corner of said NE/4; thence S 89°56'31" E along the South line of said NE/4 a distance of 1293.37 feet; thence N 00°02'41" W and parallel with the East line of said NE/4 a distance of 452.98 feet; thence S 89°53'26" E a distance of 425.00 feet; thence N 46°39'23" E a distance of 348.96 feet ; thence S 89°53'26" E a distance of 675.00 feet to a point on the East line of said NE/4; thence S 00°02'41" E along the East line of said NE/4 a distance of 251.77 feet to the point of beginning.

The public hearing will be held at the above time and date. All residents and parties in interest shall have an opportunity to be heard regarding the request above.

