

AGENDA
BOARD OF ADJUSTMENT
OCTOBER 19, 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 July 20, 2023, regular meeting.
2. Staff Report | BOA12-23 -- Public hearing and consideration of a request for a variance to allow a reduction in street frontage for the property located at 16216 Patterson Road.
3. Staff Report | BOA13-23 -- Public hearing and consideration of a request for a variance to allow a storm shelter in the side yard of the property located at 18 Kiowa Street.
4. Community Development Department Updates
5. Board Comments
6. 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: July 20, 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 July 20, 2023, at 2:30 PM, according to notice duly posted as prescribed by law.

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

The following Commissioners were present:

Present: Kelly, Gordon, Dyer

Absent: Richardson, Austin

Item 1: Approval of Minutes – Regular meeting

Consideration of the minutes from the regular meeting of May 18, 2023. Chair Gordon asked for questions or corrections to the minutes.

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

Aye: Kelly, Gordon, Dyer

Nay: None

Abstain: None

Item 3. Case No. BOA10-23 Public hearing and consideration of a request for a variance to the Subdivision Regulations for a five-foot (5') reduction in the required street frontage for the property located at 611 S. Philadelphia Avenue.

Chair Gordon read Agenda Item 3 and asked for a staff report. City Planner, Rachel Clyne, reviewed the information on the staff report for BOA10-23 with the following information. The subject property is located at 806 E. Grant Street. The property is zoned C-1 (Neighborhood Commercial District). The request is a variance to the Zoning Code, **Sec. 22-333. - Dimensional standards.**, which references the density and dimensional standards for commercial zoning districts.

Planner Clyne reviewed **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 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.

Staff recommended **Approval** by the Board of Adjustment for **BOA10-23**, a **Variance** to allow a reduction of the rear yard setback by five feet (5') on the property located at 806 E. Grant Street.

- 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. 22-333. - Dimensional standards.
- Acknowledgment by the applicant that additional permits may be required and standard inspections will be conducted.

Options:

- Approval of Case No. BOA10-23, which allows a reduction of the rear yard setback by five feet (5') with the conditions presented by staff.
- Denial of the application for BOA10-23, thus requiring the removal of the on-site freezer.
- Deferral of Case No. BOA10-23 with a request for additional and specific information to a certain date.

The public hearing was opened. The applicant was present and available for questions. After no others came forward to speak, the public hearing was closed.

Following discussion amongst the BOA and staff, Board Member Kelly made a motion to Approve Case No. BOA10-23 with the conditions presented by staff, which Board Member Dyer seconded.

The motion passed 3-0-0.

AYE: Kelly, Gordon, Dyer

NAY: None

ABSTAIN: None

Item 4: Case No. **BOA11-23** Public hearing and consideration of a request for a variance to allow the continuation and expansion of an eight-foot (8') fence on the residential property located at 529 N. Kickapoo Ave.

Community Development Director Rian Harkins reviewed the staff report. The subject property is located at 529 N. Kickapoo Avenue. The property is zoned R-3 (Multifamily Residential District). The request is a variance to the Zoning Code, Sec. 22-395. - Fences and walls., which discusses fences, walls, and hedges in residential, commercial, and industrial zoning districts.

Section 22-395.b.(1) of the Shawnee Zoning Code states, "Residential. Fences, walls and hedges in residential districts may be permitted in any required yard or along the edge of any yard; provided that no fence, wall or hedge located in front of the front building line shall exceed three feet in height, and no other wall or fence shall exceed six feet in height. On corner lots, fencing shall not obstruct established building lines."

Director Harkins explained there are neighborhood concerns about the debris and storage in the rear yard of the subject property. Staff was also advised that people were living in the storage building, which must be brought to code and include all utilities for occupancy. Harkins further explained that this discussion started when the applicant began to move his fence. Code Enforcement advised him a variance was necessary because the maximum height of a fence in residential districts is six feet (6'). Harkins stated there was no hardship and recommended Denial of the variance request.

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

- 1) The application of the code to the subject property creates a hardship as the existing fence is non-conforming because it is eight feet (8') in height.

- 2) The subject property is similar in size and use to its surrounding neighbors. All other residences have fences six feet (6') or shorter.
- 3) Granting the variance would cause substantial detriment to the public good and impair the intent and spirit of the Zoning Code and Comprehensive Plan to allow a non-conforming use to remain and be expanded, which is in direct conflict with the Zoning Code.
- 4) Allowing a non-conforming eight-foot (8') fence to remain would be the minimum necessary to alleviate the hardship if granted.

Discussion between the Board Members and staff confirmed the existing fence was out of compliance, and the request was to move a portion of the fence to be flush with the front edge of the house.

The public hearing was opened. The applicants were present and available for questions. The applicant stated that the neighbor next door was a problem and brought a criminal element into the neighborhood. The fence was constructed as a barrier to feel more safe. The applicant explained that the permit department had provided information on permits, materials, and the height of the fence. It was clear to the applicant that eight feet (8') was the maximum height allowed.

Board Member Kelly asked the applicants what was gained by the additional two feet (2'), and the applicant replied it provided privacy. She stated the fence could be taken down to six feet (6'). She explained that they lived in the garage in the backyard and had installed a motion light. Board Member Dyer asked about people entering the yard despite the fence. Chair Gordon confirmed they were staying in the garage. The applicant advised there was a full bath, a little kitchen, and a bed in the garage. With no others present to speak, the public hearing was closed.

Chair Gordon asked staff if living in the garage was allowed. Director Harkins stated that Accessory Dwelling Units (ADU) were allowed in the R-3 zoning district, but the occupied structure must be a residence with fully functioning plumbing and utilities. The Board Members asked additional questions about fence heights, alleys, and permits. Board Member Kelly restated the variance request as he understood it and asked if there was a hardship. Harkins replied there was not a hardship. Board Member Dyer confirmed that financial hardship was not to be considered.

Recommendation

In the Staff Report, staff recommended **Denial** by the Board of Adjustment for **BOA11-23**, a **Variance** to allow the continuation and expansion of an eight-foot (8') fence on the residential property located at 529 N. Kickapoo Avenue with the following requirements acknowledged by the applicant.

- Acknowledgment by the applicant that the height of all existing fences shall be altered to a maximum of six feet (6'). The alternatives are to replace all existing fences with a different fence, not to exceed six feet (6') in height, or to remove the fence entirely.
- Acknowledgment by the applicant that the required alteration, replacement, or removal shall begin within (thirty) 30 days of this Board of Adjustment meeting and that the alteration, replacement, or removal of the fence shall be completed within 120 days of this Board of Adjustment meeting.
- Acknowledgment by the applicant that this determination 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 may be conducted.

Options:

- Approval of Case No. BOA11-23 allows the continuation and expansion of an eight-foot (8') fence on the residential property located at 529 N. Kickapoo Ave.
- Denial of the application for BOA11-23, thus requiring the alteration or removal of the eight-foot (8') fence.
- Deferral of Case No. BOA11-23 with a request for additional and specific information to a certain date.
- Denial of the application for BOA11-23, thus requiring the alteration or removal of the eight-foot (8') fence with the requirements acknowledged by the applicant for compliance.

Board Member Dyer made a motion to **Approve** Case No. BOA11-23 to allow the existing fencing to remain and new fence construction was to be a maximum of six feet (6'), which Board Member Kelly seconded.

The motion passed 3-0-0.

AYE: Kelly, Gordon, Dyer

NAY: None

ABSTAIN: None

Item 5: Community Development Department Updates

Community Development Director Rian Harkins updated the Board on the Unified Development Code, stating that staff was reviewing the subdivision regulations and the sign code. The Twin Lakes Master Plan final draft was expected this month. He advised the front end of the construction documents for the Santa Fe Depot was underway, and the bid process would begin in the fall. The Love Your Block (LYB) program was finalizing mini-grant projects, and a new LYB fellow had been hired. Harkins reminded everyone the Big Day of Service for the community was scheduled for August 21. Lastly, Harkins advised the infill palettes project was in the initial stage, but prototypes had been received, and he anticipated more movement at the end of the year.

Item 6: Board Members' Comments

All Board Members expressed gratitude for staff's efforts.

Item 7: Adjournment

The meeting was adjourned by the power of the Chair at 3:23 PM.

Chair/Vice-Chair

Date

Secretary/City Planner

Date



Board of Adjustment Meeting – 10.19.2023 – City of Shawnee, Oklahoma

Staff Report | BOA12-23 | Variance to Street Frontage | 16216 Patterson Road

To: Shawnee Board of Adjustment

From: Rian Harkins, Community Development Director

Date: October 13, 2023

Subject: Staff Report -- Public hearing and consideration of a request for a variance to allow a reduction in street frontage for the property located at 16216 Patterson Road.
Case No.: **BOA12-23** | Applicant: Tom Ksor

Discussion

The subject property is located at 16216 Patterson 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 discusses the density and dimensional standards such as minimum lot size, minimum street frontage, and yard setbacks.

Table 22-262. Agricultural Dimensional Standards indicate the minimum street frontage for properties in A-1 zoning is 330'. This means in order to develop the A-1 land, there should be 330' of property on the adjacent street.

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 the street frontage of the property is 20'.
- 2) The subject property is different from the surrounding properties because the narrow, 20' strip of land prevents development.
- 3) Granting the variance would not cause substantial detriment to the public good and impair the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Allowing a reduction of street frontage from 330' to 20' 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 **BOA12-23**, a **Variance** to allow a reduction in street frontage for the property located at 16216 Patterson Road by 310' with the following requirements acknowledged by the applicant.

- Acknowledgment by the applicant that this determination 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 may be conducted.

Options:

- Approval of Case No. BOA12-23 allows a reduction in street frontage for the property located at 16216 Patterson Road.
- Denial of the application for BOA12-23, thus rendering the subject property unbuildable.
- Deferral of Case No. BOA12-23 with a request for additional and specific information to a certain date.

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



PHONE: (405) 878-1672

BOARD OF ADJUSTMENT
PROJECT NO. _____ **CASE NO.** BOA 12-23

NAME OF PROPERTY OWNER: WAVVVVVY INVESTMENTS LLC

ADDRESS: 25328 SH 76

CITY: BLANCHARD **STATE:** OKLAHOMA **ZIP CODE:** 73010

TELEPHONE: () 425-496-4824 **EMAIL:** OKREALESTATEHOLDINGS@GMAIL.COM

APPLICANT'S NAME: TOM KSOR

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

APPLICANT'S ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

TELEPHONE: () _____ **EMAIL:** _____

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

PROPERTY LOCATION (ADDRESS): _____

LEGAL DESCRIPTION: PLEASE SEE ATTACHMENT

(DIMENSIONS OF PROPERTY) **AREA:** _____ **WIDTH:** _____

LENGTH: _____ **FRONTAGE:** _____

CURRENT ZONING: AGRICULTURE **CURRENT USE:** VACANT LAND

VARIANCE REQUESTED: variance request to reduce the required street frontage to 310' (from 330') to allow development on property.

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

TOM KSOR
PRESIDENT

08/16/2023

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: _____

Publish September 29, 2023

NOTICE OF PUBLIC HEARING
Variance Request (BOA12-23)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on October 19, 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 (**BOA12-23**) to allow a reduction in street frontage for the property located at 16216 Patterson Road and described as:

Tract #8, containing 21.92 acres MOL, a part of the Northwest Quarter (NW/4) and the Northwest Quarter (NW/4) of Section Twenty-one (21), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma, Less all oil gas and minerals. A part of the Northeast Quarter (NE/4) and the Northwest Quarter (NW/4) of Section Twenty One (21), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma, being more particularly described as follows: COMMENCING at the Northeast corner of the NE/4 of said Section 21; Thence S0°38'05"E along the East line of said NE/4 a distance of 2615.16 feet to the POINT OF BEGINNING; Thence continuing S0°38'05"E along the East line of said NE/4 a distance of 20.00 feet to the Southeast corner of said NE/4; Thence S89°38'18"W along the South line of said NE/4 a distance of 3943.30 feet to the Northwest Quarter of said Section 21 to the Southwest corner of the SE/4-NW/4 of said Section 21; Thence N0°42'13"W along the West line of said SE/4-NW/4 a distance of 330.00 feet; Thence N89°38'18"E and parallel with the South line of said NW/4 and NE/4 a distance of 2826.09 feet; Thence S0°38'05"E and parallel with the East line of said NE/4 a distance of 310.00 feet; Thence N89°38'18"E and parallel with the South line of said NE/4 a distance of 1117.61 feet to a point on the East line of said NE/4 and the POINT OF BEGINNING; containing 21.92 Acres more or less,

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.



Written Description

To Whom It May Concern:

16216 PATTERSON RD

Tax District: (208) I3 Shawnee

- 1) Yes, this has created unnecessary hardship. Property was sold to me with only 20ft of frontage.
- 2) Due to being 20 ft of frontage I've reached out to the office and it was brought to my knowledge that 330' of variance was needed. I've sought every avenue possible prior to coming to the board. I've spoken to the neighbor WADE which is on WALKER ST and possibly see if they could sell me a small piece of Real Estate. WADE did not have a choice because he had already subdivided his parcels. South side of the property was another option but paving a new road would cost upwards of \$150,000.
- 3) No
- 4) Yes, this would alleviate the unnecessary hardship if I was granted the variance. I've tried to seek every possible avenue prior to coming to the board for the variance. If the board could kindly take this into consideration, I would greatly appreciate it so much.



Board of Adjustment Meeting – 10.19.2023 – City of Shawnee, Oklahoma

Staff Report | BOA13-23 | Variance to Street Frontage | 16216 Patterson Road

To: Shawnee Board of Adjustment

From: Rian Harkins, Community Development Director

Date: October 13, 2023

Subject: Staff Report -- Public hearing and consideration of a request for a variance to allow a storm shelter in the side yard of the property located at 18 Kiowa Street.
Case No.: **BOA13-23** | Applicant: Robert Branson

Discussion

The subject property is located at 18 Kiowa Street. The property is zoned R-1 (Single-Family Residential District.) The request is a variance to the Zoning Code, **Sec. 22-293.** – Dimensional Standards., which discusses the density and dimensional standards such as minimum lot size, street frontage, and yard setbacks.

Table 22-293. Density and Dimensional Standards by Zone indicate in R-1 zoning the minimum side yard setback is five feet (5'). For accessory uses, such as a storm shelter, the side and rear yard setbacks are ten feet (10'). That means no accessory structure is to be placed in the yard unless it is ten feet (10') from the side property line and ten feet (10') from the rear property line.

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 since the storm shelter cannot be located in the rear yard of the subject property.
- 2) The subject property is similar to the surrounding properties; however, a large, old tree grows near the gate into the rear yard. The storm shelter company's machinery could not navigate the yard.
- 3) Granting the variance would not cause substantial detriment to the public good and impair the intent and spirit of the Zoning Code and Comprehensive Plan.

- 4) Allowing a storm shelter to encroach on the minimum side yard setback 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 **BOA13-23**, a **Variance** to allow a storm shelter in the side yard of the property located at 18 Kiowa Street with the following requirements acknowledged by the applicant.

- Acknowledgment by the applicant that this determination 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 may be conducted.

Options:

- Approval of Case No. BOA13-23 allows a storm shelter to be placed in the side yard setback.
- Denial of the application for BOA13-23, thus preventing the installation of a storm shelter.
- Deferral of Case No. BOA13-23 with a request for additional and specific information to a certain date.

PLANNING DEPARTMENT
222 N. BROADWAY
SHAWNEE, OK 74801



Mtg 10.19.2023
PHONE: (405) 878-1672
Due Sept 22nd

ZONING BOARD OF ADJUSTMENT
PROJECT NO. _____ **CASE NO.** BOA 12-23

Recd 9/22
237 pm

NAME OF PROPERTY OWNER: Robert E. Branson

ADDRESS: 18 Kiowa

CITY: Shawnee STATE: OK ZIP CODE: 74801

TELEPHONE: (405) 308-2122 EMAIL: smokecatcherfd52@yahoo.com

APPLICANT'S NAME: Robert E. Branson

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

APPLICANT'S ADDRESS: 18 Kiowa

CITY: Shawnee STATE: OK ZIP CODE: 74801

TELEPHONE: (405) 308-2122 EMAIL: smokecatcherfd52@yahoo.com

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

PROPERTY LOCATION (ADDRESS): 18 Kiowa

LEGAL DESCRIPTION: _____

RC (DIMENSIONS OF PROPERTY) AREA: _____ WIDTH: _____

LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: _____ CURRENT USE: _____

VARIANCE REQUESTED: Property Line distance variance to
install storm shelter

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

Robert E. Branson
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: _____

ZBOA DECISION: _____

ZONING BOARD OF ADJUSTMENT SECRETARY

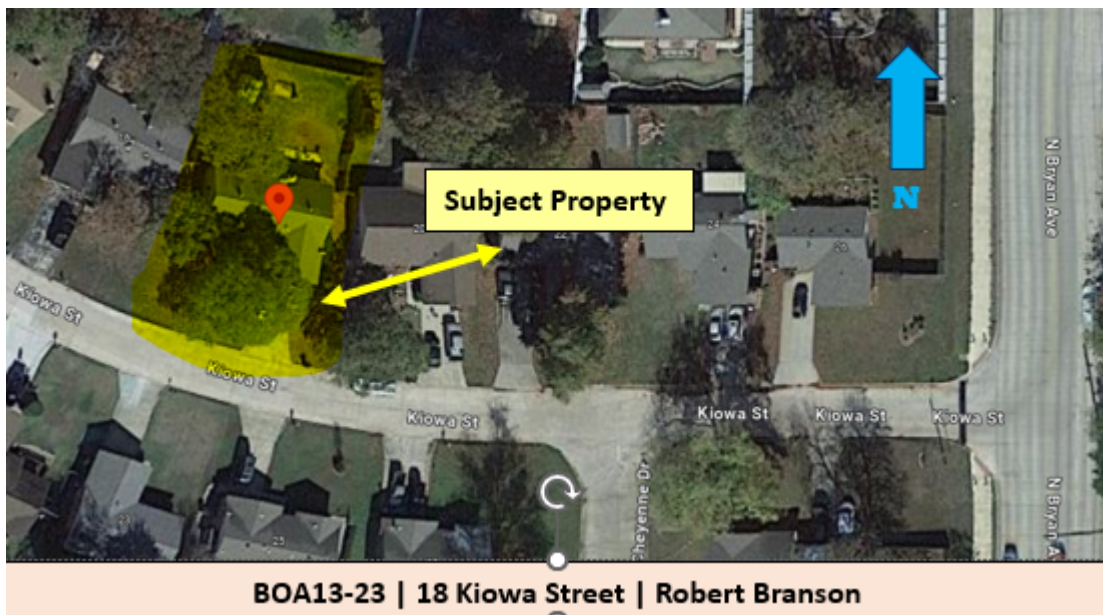
Publish September 29, 2023

NOTICE OF PUBLIC HEARING
Variance Request (BOA13-23)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on October 19, 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 (**BOA13-23**) to allow a storm shelter in the side yard of the property located at 18 Kiowa Street and described as:

Lot Nine (9), Block Twenty-nine (29), LARKINS MEADOW ADDITION, SECTION VI, 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.



Variance Request
18 Kiowa Shawnee, OK 74801

I am requesting a variance of the distance from the property line code in order to install an in-ground storm shelter. This would be installed on the west side of the house on 18 Kiowa, between 18 Kiowa and 20 Kiowa. I have discussed this variance with the property owner of 20 Kiowa, Dillon McCabe, and he has no objections to the storm shelter or extending the fence between our properties to visably conceal this stucture from the street.

I have tried to have the shelter installed in our back yard to avoid this situation, but were unable to do so as we cannot gain access to the backyard with the equipment needed to perform this task without the removal of at least one, possibly two, large oak trees and the removal and replacement of a double fence between the properties.

After installation of the storm shelter I will install a six foot (6') wooden privacy fence, that will not extend beyond the south edge of the residence, to visably conceal this structure from Kiowa Street.

The installation of this storm shelter and the extension of the property line privacy fence will in no way interfere with any utilities or private services, i.e. cable, to the area.

The granting of this variance will allow me to provide life saving shelter for my family and myself during tornados, which seem to be becoming more frequent in our area.



Existing Double Fence

Existing Gate

Tree



18'

10'

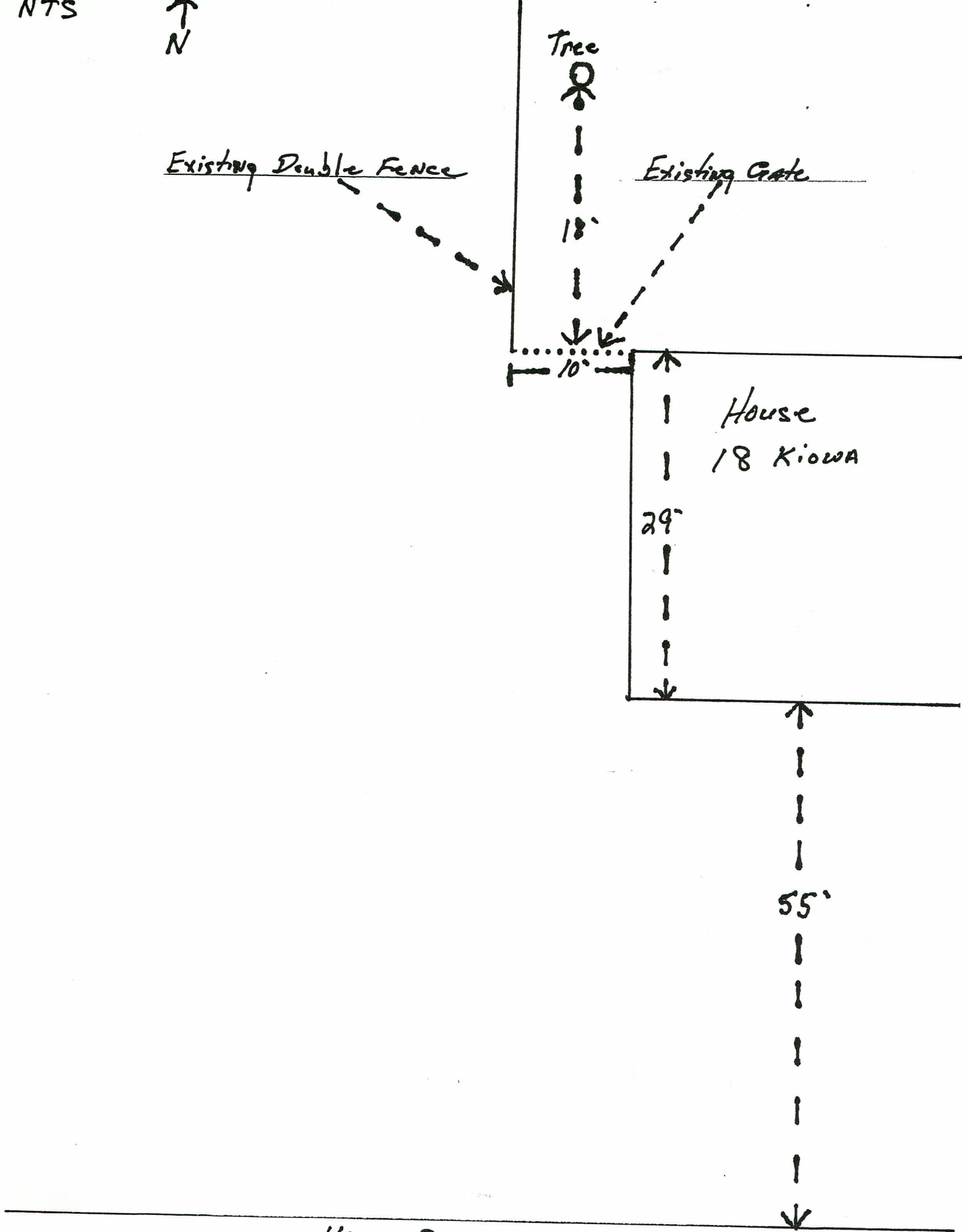
House

18 Kiowa

29'

55'

Kiowa St

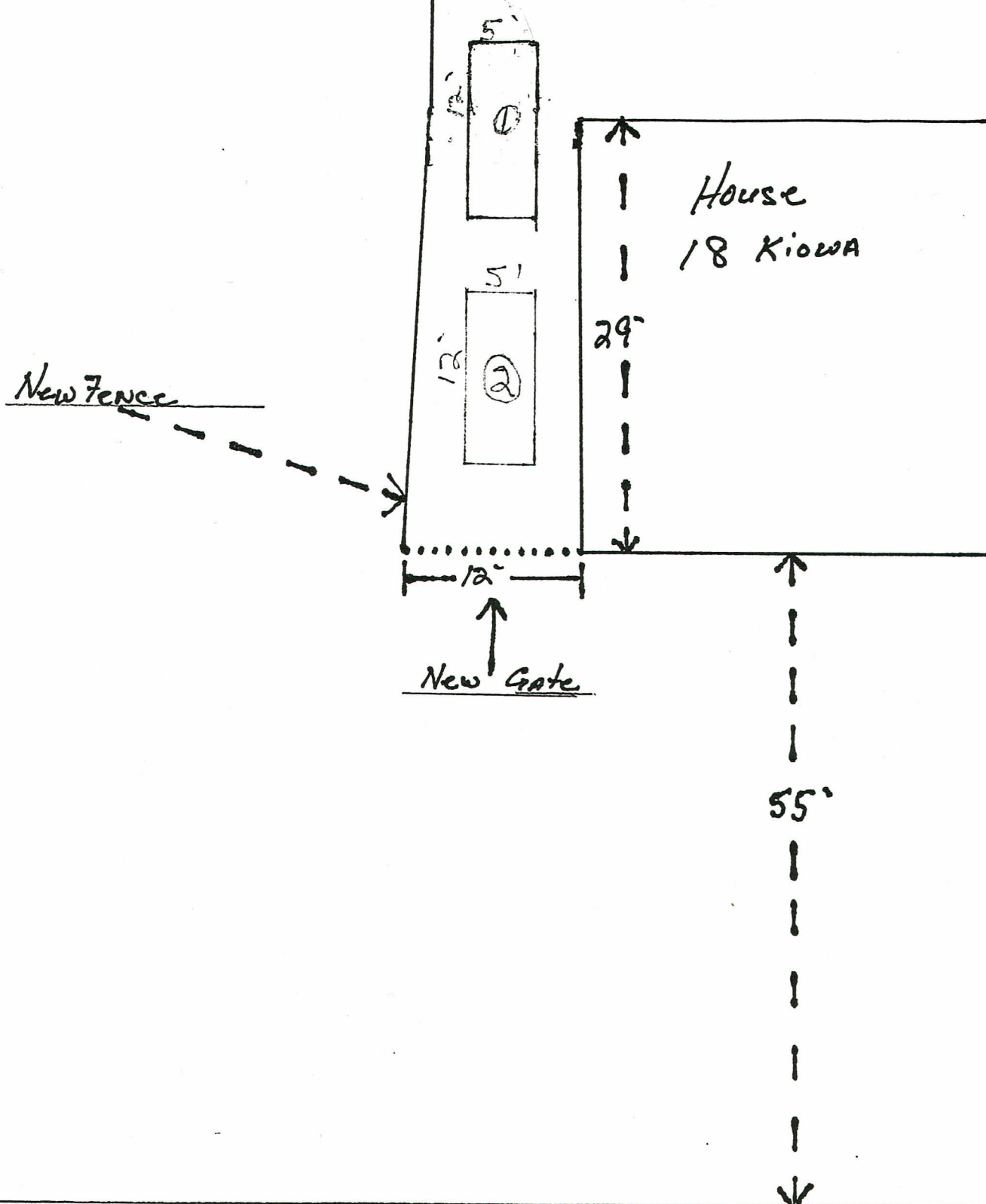


NTS

N
↑

BOA 13-23

Tree
Q



Kiowa St