

AGENDA
BOARD OF ADJUSTMENT
SEPTEMBER 19, 2024 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 August 15, 2024, regular meeting.
2. Public hearing and consideration of a request for a variance to allow a fence in the front yard in excess of the allowable three feet at the property located at 116 N Bryant.
Case No.: **BOA08-24** | Applicant: Absentee Shawnee Housing Authority
3. Community Development Department Updates
4. Board Comments
5. Adjournment

Respectfully submitted,

Rian Harkins, 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: August 15, 2024

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 18, 2024, 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: Nickerson, Dyer, Gordon, Kelly

Absent: Austin

Item 1: Approval of Minutes – Regular meeting

Consideration of the minutes from the regular meeting of July 18, 2024. 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 4-0-0**.

Aye: Dyer, Gordon, Kelly, Nickerson

Nay: None

Abstain: None

Item 2: Case No. BOA07-24 Public hearing and consideration of a request for a variance to allow a self storage facility in excess of the 30% maximum site coverage at the property located at 914 N Harrison Avenue. Applicant: Robert Woodmore (Craig Brackeen, Attorney)

The subject property is located at 1231 N. Beard Avenue and is zoned C-3 (Highway Commercial District.) The request is a variance to the Zoning Code, **Sec. 22-333. – Dimensional Standards.**, which discusses the density and dimensional standards such as minimum lot size, street frontage, maximum lot coverage, and yard setbacks. **Table 22-333. Density and Dimensional Standards by Zone** indicate in C-3 zoning that the maximum building coverage is thirty percent (30%) of the site. This variance request is to allow for up to 47.25% of the parcel to be built upon.

The property sits on the NW corner of Harrison and Darrow Street. The subject property is a corner lot with other commercial properties to the north, east, and south. Residential parcels abut the subject property to the west.

The applicant has been looking to develop this site for some time, as illustrated from their numerous meeting with staff at the pre-application stage of development. In those meetings, staff had outlined concerns about the locations of storage builds, vehicular turns on the site (especially for emergency vehicles), and the maximum coverage allowed per the zoning code.

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 DOES NOT creates a hardship since the allowed maximum lot coverage is not just limited to the subject property.
 - a. The subject property is similar to many corner lots in the community, including those within the C-3 zoning district.
 - b. The applicant notes that their hardship is that this is their livelihood. Siad business type can be conducted in other locations with similar zoning.
 - c. The applicant's attorney notes that Shawnee is the applicant's hometown. This is similar to a financial hardship, and cannot be a consideration under state statute.
- 2) The subject property is located at an intersection and my be a smaller parcel, but is no different than other parcels of land with the C-3 zoning classification. There are no unique features that make this property peculiar (and thus work to create a hardship).
- 3) Granting the variance would not align with the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Allowing the variance would only be the amount of coverage desired by the applicant to meet his desired cash flow for the subject property.

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 published in The County Democrat weekly newspaper.

This item was originally heard at the June 20, 2024 Board of Adjustment meeting, and was deferred a the request of the applicant to the July 18, 2024 meeting. At the July 18, 2024 meeting the attorney for the applicant noted there was a site plan proposed that did not exceed approximately 37 percent of the lot coverage, at which time the Board voted to defer the item to this meeting so that staff could review the revised site plan. In addition, the attorney for the applicant stated that, in their view, 1) the 30% limit on site coverage effectively did not allow for self storage as a use in the C-3 district, and 2) Others have been able to do this across the community, for whatever reason, and now the City should now choose to enforce code on one property owner only. Finally, the attorney for the applicant asked if staff or the Board would consider a variance for 36% maximum lot coverage per their revised site plan. As of 13 August 2024 staff has not seen a revised site plan.

The attorney for the applicant also provided data from other self-storage facilities in the community. Staff has added additional facilities found and noted other data per the county assessor where available. Across the community, the City does allow for this particular use in the C-3 zoning district. Any similar use built in excess of the current 30% maximum coverage would be considered a non-conforming use. This would be true under the new development code currently being considered by the city. Additionally,, staff provided some corrected information from the applicant regarding other self storage facilities

Recommendation

Staff recommends **Denial** by the Board of Adjustment for **BOA07-24**, a **Variance** to allow a self storage facility in excess of the 30% maximum site coverage at the property located at 914 N Harrison Avenue due to 1) A lack of hardship that is unique to this property and 2) No peculiar conditions associated with this property that are different from another property of the same zoning classification.

Options:

- Approval of Case No. BOA07-24 allow a self storage facility in excess of the 30% maximum site coverage at the property located at 914 N Harrison Avenue.
- Denial of the application for BOA07-24, thus preventing the placement of a self storage facility in excess of the 30% maximum lot coverage.
- Deferral of Case No. BOA07-24 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA07-24 with conditions determined by the Board of Adjustment.

Following discussion amongst the BOA and staff, Chair Gordon opened the public hearing. Stephen Landes, engineer for the applicant, shared an updated site plan. Chair Gordon asked if this was the revised site plan staff had been waiting for. Mr. Landes answered yes. Mr. Graig Brakeen, attorney for the applicant, restated their position that the 30% maximum lot coverage does not allow self-storage to exist in Shawnee. Seeing no other parties wishing to speak on this item, Chair Gordon closed the public hearing. Staff asked the engineer for the applicant if the revised submitted site plan presented at this meeting was accurate, to which the engineer replied yes. Staff noted that the site plan appears to be at approximately 36.1% site coverage.

Staff was asked if the variance was approved (per engineering and fire marshall review) and the actual lot coverage was beyond that percentage or if other issues remained would the item come back to the Board for further review, to which staff answered yes.

Board Member Dyer made a motion to Approve Case No. BOA07-24 at the 36.1 percent site coverage pending final site plan approval by the city, which Board Member Nickerson seconded.

The motion passed **4-0-0**.

AYE: Gordon, Dyer, Kelly, Nickerson

NAY: None

ABSTAIN: None

Item 3: Community Development Department Updates

Community Development Director Rian Harkins advised updated the Board on the Unified Development Code, stating that the consultant and staff had completed public engagement sessions as well as highlighting some differences in the proposed code.. The new code is going forward for adoption in August 2024. Director Harkins also noted upcoming work in the CDBG program, and events that staff will be speaking at this fall.

Item 5: Board Members' Comments

Members made various comments about the community's progress, and thanked staff for their efforts.

Item 6: 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 7.18.2024 – City of Shawnee, Oklahoma

Staff Report | BOA08-24 | Fence in excess of allowable 3 feet in the front yard | 116 N Bryant

To: Shawnee Board of Adjustment

From: Rian Harkins, Community Development Director

Date: September 4, 2024

Subject: Staff Report -- Public hearing and consideration of a request for a variance to allow a fence in the front yard in excess of the allowable three feet at the property located at 116 N Bryant.
Case No.: **BOA08-24** | Applicant: Absentee Shawnee Housing Authority

Discussion

The subject property is located at 116 N Bryant Street and is zoned R-1 Single Family Residential. The request is a variance to the Zoning Code, **Sec. 22-395. – General Use Restrictions, Fences and Walls.**, which discusses the height and location of fences. **Section 22-395(a)** indicates that no fence in the front yard shall be in excess of three feet (3 ft.). This variance request is to allow for a six (6) foot fence in the front yard along Bryant Street.

The property sits near the NW corner of Bryant and East Main. The subject property is adjacent to corner lot with other residential properties and R-1 Single Family Residential zoning surrounding the subject property. The owner has office space for some of their organization's programming in the vicinity, as well as housing for members of the Absentee Shawnee Tribe.

The applicant has utilized the single-family structure at the subject property and adjacent structures in their current form for some time and is seeking the variance for the fence only at this particular address. Additionally, the variance request comes to the Board of Adjustment after construction has been completed with a partial 6-foot fence that slopes down to a lower height as it approaches the driveway on the subject property.

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 DOES NOT creates a hardship since the allowed maximum front yard fence height is not just limited to the subject property.
 - a. The subject property is similar to many corner or near corner lots in the community, including those within the R-1 zoning district.
 - b. The applicant has noted that the desire for additional privacy is driving the variance request. However, convenience does not equate to a hardship that is unique to the property.
- 2) The subject property is located near an intersection and may be a smaller parcel but is no different than other parcels of land with the R-1 zoning classification. There are no unique features that make this property peculiar (and thus work to create a hardship).
- 3) Granting the variance would not align with the intent and spirit of the Zoning Code and Comprehensive Plan.
- 4) Allowing the variance would only be the amount of coverage desired by the applicant.

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 published in The County Democrat weekly newspaper.

Recommendation

Staff recommends **Denial** by the Board of Adjustment for **BOA08-24**, a **Variance** to allow a fence in the front yard in excess of the allowable three feet at the property located at 116 N Bryant:

- Lack of hardship
- Lack of peculiar aspects of the property that would contribute to a hardship

Options:

- Approval of Case No. BOA08-24 allow a front yard fence in excess of the 3 feet maximum height in the front yard at the property located at 116 N Bryant.
- Denial of the application for BOA08-24, thus preventing the placement of a front yard fence in excess of the 3 feet maximum height allowed.
- Deferral of Case No. BOA08-24 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA08-24 with conditions determined by the Board of Adjustment.

PLANNING DEPARTMENT
222 N. BROADWAY
SHAWNEE, OK 74801



PHONE: (405) 878-1672

ZONING BOARD OF ADJUSTMENT
PROJECT NO. _____ **CASE NO.** 08-24

Received
Comm Dev
7-31-24
RH

NAME OF PROPERTY OWNER: Absentee Shawnee Housing Authority

ADDRESS: 116 N. Bryan St

CITY: Shawnee STATE: Oklahoma ZIP CODE: 74801

TELEPHONE: (405) 765-8932 EMAIL: crystalragsdale@ashousingauthority.com

APPLICANT'S NAME: Crystal Ragsdale representing Absentee Shawnee Housing Authority

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

APPLICANT'S ADDRESS: 107 N. Kimberly Ave.

CITY: Shawnee STATE: Oklahoma ZIP CODE: 74801

TELEPHONE: (405) 765-8932 EMAIL: crystalragsdale@ashousingauthority.com

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

PROPERTY LOCATION (ADDRESS): 116 N. Bryan St Shawnee, OK 74801

LEGAL DESCRIPTION: TRACT BEG 282.64'S NE/C SE NE S95' W152.50' S282.36 W95' N377.36' E247.50' TO POB

(DIMENSIONS OF PROPERTY) AREA: 14,487.50 WIDTH: 95.00

LENGTH: 152.50 FRONTAGE: 95.00

CURRENT ZONING: Residential CURRENT USE: Rental home

VARIANCE REQUESTED: Exception to Sec. 22-395 (a) - We request modification to allow fencing for the property to exceed the currently allowed 3'. The home is located between two lots that ASHA is developing for new Futsal courts and other community resources. In addition, we have a satellite office located at 1922 E. Main. Our goal is to give the home privacy.

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

Crystal Ragsdale
APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 31 day of, July 2024.

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

RECEIPT NO: 5385

✓ #134572
ZBOA DECISION: _____

ZONING BOARD OF ADJUSTMENT SECRETARY

VARIANCE Application Submittal Guidelines – Shawnee Zoning Board of Adjustment (ZBOA)

Planning Department – 222 N. Broadway Ave. –405-878-1672

Applicants are strongly encouraged to speak with a member of the Planning Department staff **prior** to submitting an application. Please contact the Planning Department to schedule a time to discuss your application with a staff member. Initial meetings can be over the phone, virtual, or in-person. Follow-up phone calls and emails are welcomed.

Application packages shall be submitted to the Planning Department **at least 30 days** prior to the Zoning Board of Adjustment meeting. Attached to these guidelines are a current Zoning Board of Adjustment meetings calendar and the corresponding due dates for application submittal.

The submittal package shall include **Application – Deed or Affidavit – Mailing List – Fees**

Application

The completed and signed application. Include the full legal description of the subject property – attached by separate sheet if necessary. Incomplete or unsigned applications will not be accepted or will be returned.

Deed or Affidavit

A copy of the deed of ownership or a signed affidavit from the property owner explicitly giving permission for the public hearing for a Variance is allowed on the subject property.

Mailing List

A mailing address list of all property owners located within a 300' radius of the perimeter of the subject property lines.

The certified list **must be obtained** from a registered, bonded abstract company or a licensed title insurance company. The cost of obtaining the list is the applicant's responsibility.

Written Description

A written description of the variance request and the response to the four (4) hardship qualifiers. At minimum, the statement should provide the address of the subject property, an explanation of the variance (to the Zoning Code) that is being requested, and what existing hardship(s) make the variance request necessary. This statement may be typed or handwritten. Sections of the Zoning Code that cover hardships and the burden of proof are on the next page.

Fees

The fees are due at the time of application submittal. Calls or emails to confirm amount are welcomed.

=====

In compliance with Oklahoma State Statute the notifications of a public hearing must be mailed and published not less than 20 days prior to the public hearing meeting date

- A notification of a public hearing shall be mailed to all property owners located within a 300' radius of the perimeter of the subject property lines. City staff will generate and mail the notification letters.
- A legal notice of a public hearing shall be published in a newspaper of general circulation in Shawnee. City staff will arrange for the publication.

- The Zoning Board of Adjustment (ZBOA) will hold a public hearing at a regular scheduled meeting to review the Variance request.
- The applicant or a knowledgeable representative should plan to attend and be prepared to speak at the public hearing. Legal representation is not required.

Within the Zoning Code of the City of Shawnee, Oklahoma, the following Sections (22-571 and 572) explain the four factors that staff must address in the staff report. The review of these factors aid in determining hardship. Financial hardship is not a consideration. The applicant should include the four (4) factors in the written description and be prepared to discuss the factors during the public hearing.

- **Sec. 22-571. - Variances.**

A variance from the terms of the code may be granted, as provided in this section, only upon finding by the Board of Adjustment that:

- 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.

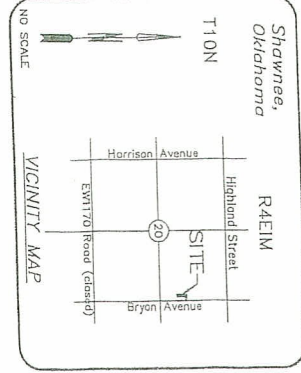
(Code 2002, § 22-200.7; Ord. No. 2545NS, § 1(Exh. 1), 6-2-2014)

- **Sec. 22-572. - Burden of proof.**

Applicant for variance has the burden of showing that granting of a variance will not be contrary to public interest, that literal enforcement of the zoning code will result in unnecessary hardship, that by granting the variance the spirit of the code will be observed, and that by granting the variance, substantial justice will be done. The Board of Adjustment shall have the right to establish conditions on any granted variance.

VARIANCE Application Submittal Checklist

- _____ Meeting with Planning Department staff member
- _____ • Application – completed and signed
- _____ • Deed or Affidavit – proof of ownership or signed permission for land use change application
- _____ • Certified list of property owners' addresses obtained from a licensed abstract or title company
- _____ • Written description of request and responses to four (4) hardship qualifiers
- _____ Fees – The cost of the application and applicable fees are due at the time of submittal



EXHIBIT

TRACT B

1922 E. MAIN STREET SHAWNEE, OKLAHOMA 74801

Return to: Absentee Shawnee
Housing Authority

20 Box 422
Shawnee OK
74801

NORTHEAST CORNER OF SE 1/4 NE 1/4
OF SECTION 20, T10N, R10E, S1E
POTTAWATOMIE COUNTY, OKLAHOMA

SUBJECT PROPERTY
WARRANTY DEED (INSTRUMENT NO. 2017000151-140)

A TRACT OF LAND BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER (SE 1/4 NE 1/4) OF SECTION TWENTY (20) TOWNSHIP TEN NORTH, RANGE FOUR EAST, OF THE
(4) EAST OF THE ROAD 40 RODS TO THE PLACE OF BEGINNING, LESS AND EXCEPT A TRACT OF LAND
BEGINNING AT THE NORTHEAST CORNER OF THE SE 1/4 NE 1/4, THENCE NORTH 175 FEET, THENCE SOUTH
25 FEET, THENCE EAST 175 FEET, THENCE NORTH 25 FEET TO THE PLACE OF BEGINNING.

LEGAL DESCRIPTION - TRACT B

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 NE 1/4)
(TRACT A), POTTAWATOMIE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EAST BOUNDARY OF SAID SE 1/4 NE 1/4, SAID POINT BEING 320.64 FEET
SOUTH (S 00°27'53" W) OF THE NORTHEAST CORNER OF SAID SE 1/4 NE 1/4, A THENCE WEST (S 89°43'31" E)
(S 00°27'53" W) ALONG SAID EAST BOUNDARY OF SAID SE 1/4 NE 1/4 A DISTANCE OF 152.50 FEET, THENCE
SOUTH (S 00°27'53" W) PARALLEL WITH THE EAST BOUNDARY OF SAID SE 1/4 NE 1/4 A DISTANCE OF
202.56 FEET TO A POINT ON THE NORTH BOUNDARY OF THE RELAT OF 30THINE ADDITION TO THE
CITY OF SHAWNEE, OKLAHOMA, THENCE WEST (S 89°43'31" W) ALONG SAID NORTH BOUNDARY OF
SAID RELAT OF 30THINE ADDITION TO THE CITY OF SHAWNEE, THENCE EAST (N 89°43'31" E) PARALLEL WITH THE
SAID BOUNDARY OF SAID SE 1/4 NE 1/4 A DISTANCE OF 247.50 FEET TO THE POINT OF BEGINNING.
SAID TRACT CONTAINING 1.16 ACRES.

SURVEYOR

TO: BMR DESIGN GROUP, P.O. BOX 71732, EDMOND, OKLAHOMA 73003
NOVEMBER 1, 2022

SPENCER JUDEN, O.L.S. 1904



NOT A BOUNDARY SURVEY

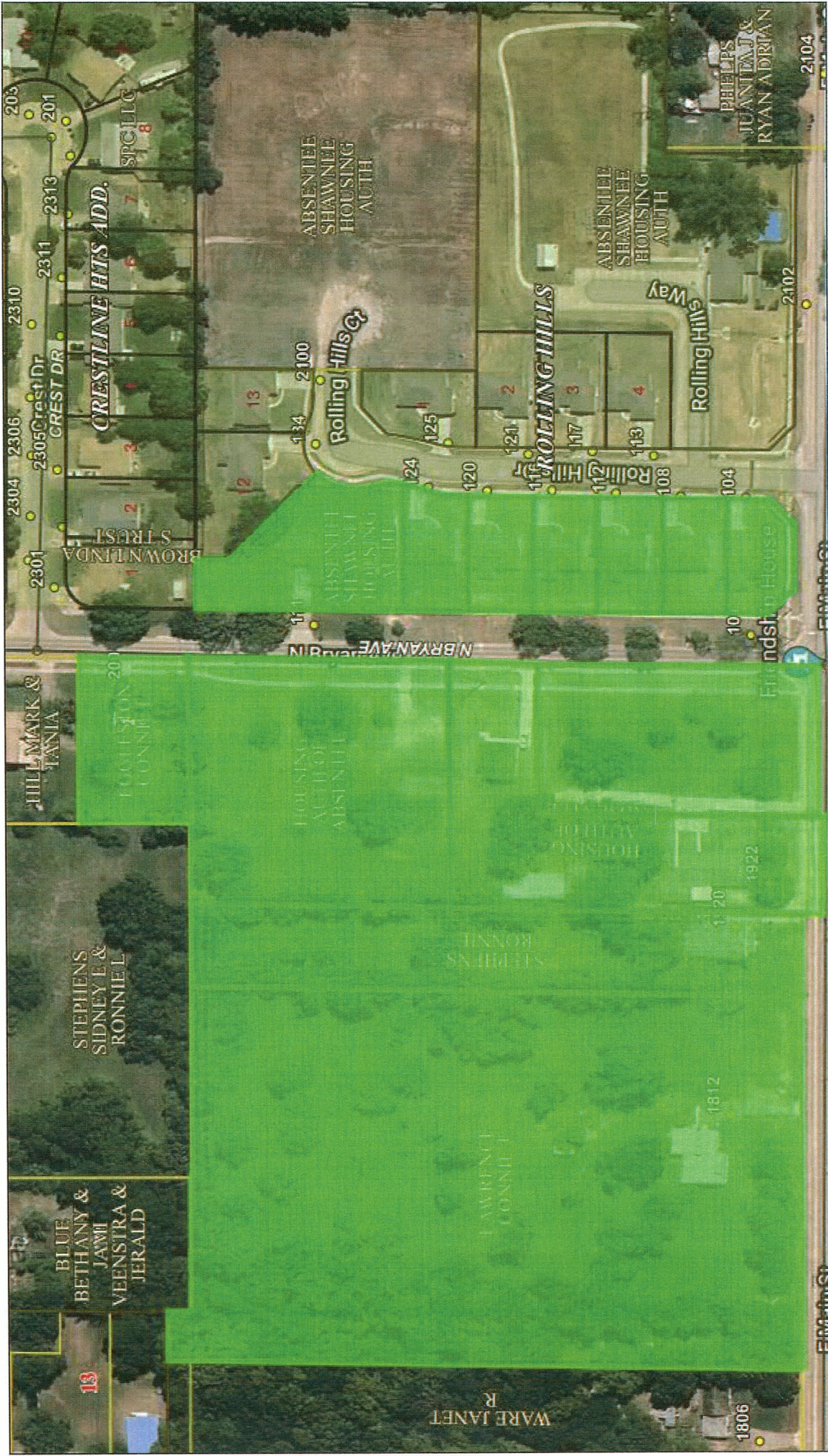
THIS SURVEY WAS MADE BY MEAT, HIS ORIGIN, SET, AND CONTAINING THE SURVEYOR'S PRESENT
SIGNATURE, AND NO OTHER SIGNATURE, AND IS SUBJECT TO CERTAIN PROVISIONS OF INDEMNITY AND OTHER
PROVISIONS OF THE OKLAHOMA SURVEYING ACT.



JVDEN AND COMPANY, P.L.L.C.
PROFESSIONAL SURVEYING SERVICES
3405 E. Memorial Road
Edmond, Oklahoma 73013
C.A. 4151 - Expire June 30, 2023
Office (405) 470-0772 Office (405) 250-7155
Fax (405) 470-2272
http://www.jvdsurvey.com

VERIFY SCALE
DATE DRAWN: OCTOBER 21, 2022
DRAWN BY: R. MOORE
PROJECT NO.: 18-22 - Shawnee Housing Authority
BMR DESIGN GROUP
P.O. BOX 71732
EDMOND, OKLAHOMA 73003

COPY



1 inch = 138 feet

Date Created: 7/10/2024
Created By: actDataScout

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www.actDataScout.com



1) LAWRENCE CONNIE J

Address: 1812 E MAIN

Legal: 29-SU BEG 330'W NE/C SE NE S660' W330' N660' E330' POB TOD TO TERESA DIANE WOLFE &; TYLER RYEN JOHNSON 2023-11375

Parcel: 0000-20-010-004-0-051-00

RPID: 630011062

Acres: 5

2) STEPHENS RONNIE

Address: 1920 E MAIN

Legal: 29-SU BEG 247.50'W NE/C SE NE S660' W82.5' N660' E82.5' POB.

Parcel: 0000-20-010-004-0-055-00

RPID: 630011066

Acres: 1.25

3) ABSENTEE SHAWNEE HOUSING AUTH

Address: N/A

Legal: ROLLING HILLS ADDITION SECTION 1 LOT 5

Parcel: 0650-00-001-005-0-000-00

RPID: 630054900

Acres: 0

4) ABSENTEE SHAWNEE HOUSING AUTH

Address: N/A

Legal: ROLLING HILLS ADDITION SECTION 1 LOT 6

Parcel: 0650-00-001-006-0-000-00

RPID: 630054901

Acres: 0

5) EGGLESTON CONNIE L

Address: 200 N BRYAN

Legal: BEG SE/C NE NE N75' W140' S75' E140' POB &; BEG SE/C NE NE W175' S25' E175' N25' POB &; BEG 85'N SE/C NE NE W175' S85' E35' N75' E140' N10' POB

Parcel: 0000-20-010-004-0-047-00

RPID: 630011058

Acres: 0.45

6) ABSENTEE SHAWNEE HOUSING AUTH

Address: N/A

Legal: ROLLING HILLS ADDITION SECTION 1 LOT 11

Parcel: 0650-00-001-011-0-000-00

RPID: 630054906

Acres: 0

7) ABSENTEE SHAWNEE HOUSING AUTH

Address: N/A

Legal: ROLLING HILLS ADDITION SECTION 1 LOT 10

Parcel: 0650-00-001-010-0-000-00

RPID: 630054905

Acres: 0

8) ABSENTEE SHAWNEE HOUSING AUTH

Address: N/A

Legal: ROLLING HILLS ADDITION SECTION 1 LOT 9

Parcel: 0650-00-001-009-0-000-00

RPID: 630054904

Acres: 0

9) ABSENTEE SHAWNEE HOUSING AUTH

Address: N/A

Legal: ROLLING HILLS ADDITION SECTION 1 LOT 8

Parcel: 0650-00-001-008-0-000-00

RPID: 630054903

Acres: 0

10) ABSENTEE SHAWNEE HOUSING AUTH

Address: N/A

Legal: ROLLING HILLS ADDITION SECTION 1 LOT 7

Parcel: 0650-00-001-007-0-000-00

RPID: 630054902

Acres: 0

11) HOUSING AUTH OF ABSENTEE

Address: N/A

Legal: TRACT A BEG 25'S S257.64' W247.50' N282.64' E72.50' S25' E175' TO POB

Parcel: 0000-20-010-004-0-001-01

RPID: 630061250

Acres: 1.51

12) HOUSING AUTH OF ABSENTEE

Address: N/A

Legal: TRACT BEG 282.64'S NE/C SE NE S95' W152.50' S282.36' W95' N377.36' E247.50' TO POB

Parcel: 0000-20-010-004-0-001-02

RPID: 630061251

Acres: 1.16

13) N/A

Address: N/A

Legal: N/A

Parcel: 0000-20-010-004-0-001-03

RPID: 0

Acres: N/A



July 10th, 2024

City of Shawnee
Planning Department
Zoning Board
222 N. Broadway
Shawnee, OK 74801

To whom it may concern,

Absentee Shawnee Housing Authority (ASHA) recently constructed a rental property at 116 N. Bryan St. Shawnee, OK 74801. Part of that project included 6' privacy fencing around the property, including the front yard. Fencing included a double gate on the south end, tapered down fencing in the front, and an opening at the driveway. Our desire was to provide a nearly enclosed area, without obstructing line of site for drivers or persons leaving the driveway, due to upcoming projects and existing satellite office in close proximity.

ASHA is currently in development to install a large futsal court on the plat to the north, which would include parking and lighting. This will bring in community and tribal members for entertainment. The plat to the south, owned by ASHA, will be used for additional community development in the future. ASHA partners with Community Renewal, which has storage space near the property in question. This will increase traffic around the property in question. Lastly, ASHA has provided space at 1922 E. Main (on the same plat as the property in question) for a satellite office for a tribal entity. These are all reasons it was determined to provide the 6' privacy fencing now in question.

We ask that our variance request be granted to insure privacy and security to anyone who calls 116 N. Bryan their home.

Sincerely,

Crystal Ragsdale, Procurement & Contracting Supervisor

"Among The Shawnee."

JUL 01 2024

Absentee Shawnee Housing Authority

Sec. 22-395. - Fences and walls.

- (a) Fences, walls and hedges 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. On corner lots, with the condition that appropriate sight line restrictions provided in section 22-399 are adhered to, fencing along the secondary frontage shall not exceed six feet in height.
- (b) Fences shall be constructed with customarily used fencing materials, and shall be designed and arranged to provide visual separation of uses irrespective of vegetation. Fences shall be kept in an attractive state, in good repair, and in safe and sanitary condition at all times by the property owner. Any required fence or screening which are damaged shall be repaired.
- (1) *Residential.* An opaque, ornamental fence, wall or dense evergreen hedge not less than six feet high shall be constructed and maintained in good condition alongside rear lot lines up to, but not beyond, the abutting building setback line, except where front yard is used for off-street parking, then the provisions of division 10 of this article, pertaining to off-street parking lots shall apply. 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.
- (2) *Commercial.* Whenever any commercial district or parking or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque, ornamental fence, wall or dense evergreen hedge of not less than six feet high and no greater than eight feet high shall be constructed and maintained in good condition alongside rear lot line up to, but not beyond, the abutting building setback line, except where the front yard is used for off-street parking, then the provisions of division 10 of this article, pertaining to off-street parking lots shall apply.
- (3) *Industrial.* Whenever any industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in any other zoning district, an opaque, ornamental fence, wall or dense evergreen hedge not less than six feet high shall be constructed and maintained in good condition and



PUBLIC HEARING

For more information

Community Development Department
Shawnee City Hall
16 W. 9th Street
Shawnee, OK 74801

405-878-1672

Board of Adjustment

September 19, 2024

City Hall at 16 W. 9th Street, Commission Chambers

2:30 PM

BOA08-24, 116 N Bryan St



Project Information

Request: Request to allow a variance to the fencing requirements according to Section 22-395

Applicant: Absentee Shawnee Housing Authority

Location: 116 N Bryan St

Case #: BOA08-24



Frequently Asked Questions

What is a Variance?

A variance is permission granted by the Board of Adjustment (BOA) to waive or alter a requirement of the zoning ordinance.

The Board of Adjustment can adjust the standards of the zoning ordinance where exceptional and extraordinary circumstances apply to a property. This exceptional and extraordinary circumstance is known as a hardship. The BOA can vary the strict application of height, area, setback, yard, parking, or density requirements of the zoning ordinance.

Why did I receive a letter?

You own property within 300 feet of the subject property.

How do I make comment on the request?

Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend. Call the Community Development at 405-878-1665 or contact the Community Development Director at rian.harkins@shawneeok.org.

What if I cannot attend the hearing?

Staff will accept written comments. You may also have a neighbor or friend attend the hearing to represent your interests at the meeting.

How will this request affect me?

Every property is different.

Contact the Community Development for more information if you have concerns about any impact on you.

Legal Description:

TRACT BEG 282.64'S NE/C SE NE S95' W152.50' S282.36'
W95' N377.36' E247.50' TO POB

BOA08-24

NOTICE OF PUBLIC HEARING
Variance Request (BOA08-24)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on September 19, 2024, 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 (**BOA08-24**) to allow for a change in the fencing requirements according to Section 22-395 of the Municipal Code more commonly addressed at 116 N Bryan St, described as:

TRACT BEG 282.64'S NE/C SE NE S95' W152.50' S282.36' W95' N377.36' E247.50' TO POB

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.



BOA08-24, 116 N Bryan Street