

AGENDA  
BOARD OF ADJUSTMENT  
DECEMBER 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 October 17, 2024, regular meeting.
2. Public Hearing of a request for a variance to allow for a carport located in the rear of the property located at 430 N Tucker. Case No. BOA09-24, Applicant: Martin Nunez
3. Public hearing of a request for a variance to allow for an accessory structure at the property located at 1920 North Broadway Avenue Case No. BOA10-24, Applicant: David Hadley
4. Study Session: Role of the Board of Adjustment
5. Community Development Department Updates
6. Board Comments
7. 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: September 19, 2024

Regular meeting - *Minutes*

The Board of Adjustment of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on September 19, 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, Austin

Absent: Kelly, Gordon

## Item 1: Approval of Minutes – Regular meeting

Consideration of the minutes from the regular meeting of August 15, 2024. A correction under options within the minutes was made.

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

Aye: Dyer, Nickerson, Austin

Nay: None

Abstain: None

## Item 2: Case No. BOA08-24 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. 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 create 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.

Following discussion amongst the BOA and staff, acting Chair Dyer opened the public hearing. The applicant, Robert Shephard, supervisor for the Absentee Shawnee Housing Authority, approached the stand to speak on the variance request. The applicant asked if a permit was required to build a fence, with the answer being yes. The applicant explained the reason for going from 6 feet at the front corners to sloping down to 4 feet. The slope was due to the existing street and sidewalk, and the fence was for lot separation, safety, and privacy. Staff questioned if the height of the current fence was allowed: A maximum height of 3 feet is allowed, so 6 feet is not.

Board Member Dyer made a motion to Approve Case No. BOA08-24 allowing the fence to slope from 6 feet to 4 feet as constructed, whereas any future fence that exceeds 3 feet would have to come back to the Board of Adjustment for approval. Board Member Nickerson seconded.

The motion passed **3-0-0**.

AYE: Dyer, Nickerson, Austin

NAY: None

ABSTAIN: None

### Item 3: Community Development Department Updates

Community Development Director Rian Harkins notified the board that the Unified Development Code would take effect on the upcoming Friday, so future discussions would all utilize the updated Code. The updated zoning map had also been approved and would go online once official. Training for board members will be included within future Board of Adjustment schedules. Staff is working on a grant type database to be more proactive about CIP grant applications and research. It was noted that creating more housing opportunities in the community is a priority. Grants are being closed out to go to monetary. Staff in the field office in Oklahoma City for HUD are approving documents so the city can begin the next program year for CDBG funding.

### 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 3:00 PM.

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**Chair/Vice-Chair**

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**Date**

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**Secretary/City Planner**

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**Date**



**Board of Adjustment Meeting 12.19.2024 – City of Shawnee, Oklahoma**

**Staff Report | BOA09-24 | Accessory structure on the rear of the property | 430 North Tucker Avenue**

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**To:** Shawnee Board of Adjustment

**From:** Rian Harkins, Community Development Director

**Date:** December 5, 2024

**Subject:** Staff Report -- Public hearing and consideration of a request for a variance to the side yard setback to allow an accessory structure (a carport) on the rear of the property located at 430 North Tucker Avenue  
Case No.: BOA09-24 | Applicant: Martin Nunez

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Discussion

The subject property is located at 430 North Tucker Avenue and is zoned C-2 (Regional Commercial). The request is a variance to the Zoning Code, **Sec. 22-188. Regional Commercial (C-2) District. Table II.7: C-2 District Dimensional Standards** in **Section 22-188** indicates that in a C-2 (Regional Commercial) zone the minimum rear yard setback is 10 feet. This variance request is to allow for a rear yard setback of 3 feet to allow for an accessory structure (a carport) located on the rear of the property. **Section 2-205 – Accessory Uses** states that an accessory use is “incidental and customarily subordinate” to a principal use, and accessory buildings shall be set back at least five (5) feet from any side lot line and ten (10) feet from any rear lot line

The subject property sits on a lot at the corner of East Highland Street and North Tucker Avenue. It is adjacent to commercial properties to the north and east, residential to the south, and industrial to the west.

In accordance with **Section 22-240** of the Shawnee Unified Development Code, the Board of Adjustment 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 would create a hardship due to:
  - a. The existing layout of the corner lot. Because it is small and rectangular, it makes it difficult to meet setback requirements in this district

- b. Outdoor vehicle storage. Storing vehicles out in the open during inclement weather could negatively impact the vehicles waiting for repair.
- 2) Granting the variance would align with the intent and spirit of the Unified Development Code.
- 3) Granting the variance would be the minimum amount of relief, because the accessory structure would be approximately flush with the south side of the building and a setback of 3 feet would be maintained.

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 **Approval** by the Board of Adjustment for BOA09-24, to allow an accessory structure (a carport) located on the rear of the property located at 430 North Tucker Avenue:

Options:

- Approval of Case No. BOA09-24 to allow an accessory structure (a carport) located on the rear of the property as requested by the applicant.
- Denial of the application for BOA09-24.
- Deferral of Case No. BOA09-24 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA09-24 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. BOA 09-24**

NAME OF PROPERTY OWNER: Martin Nunez

ADDRESS: 430 N Tucker ave

CITY: Shawnee STATE: OK ZIP CODE: 74801

TELEPHONE: (405) 7886849 EMAIL: no auto repair 123 @ G Mail.com

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**APPLICANT'S NAME:** Martin Nunez

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

APPLICANT'S ADDRESS: 1630 N beard ave

CITY: Shawnee STATE: OK ZIP CODE: 74804

TELEPHONE: (405) 7886849 EMAIL: \_\_\_\_\_

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

**PROPERTY LOCATION (ADDRESS):** 430 N Tucker Ave Shawnee

**LEGAL DESCRIPTION:** SUB-DIV PT BLOCK A BEARDS BLOCK 3  
LOT 1 NORTH 15' LOT 2

**(DIMENSIONS OF PROPERTY)** AREA: 9860 WIDTH: 68

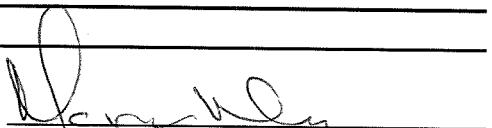
LENGTH: 145 FRONTAGE: \_\_\_\_\_

CURRENT ZONING: Commercial CURRENT USE: Mechanics shop

**VARIANCE REQUESTED:** \_\_\_\_\_

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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:** \_\_\_\_\_

**ZBOA DECISION:** \_\_\_\_\_

\_\_\_\_\_  
**ZONING BOARD OF ADJUSTMENT SECRETARY**

- 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

To Whom It May Concern,

My name is Martin Nunes. I am employed by Shawnee Public Schools as head of their bus fleet providing maintenance and service to over 40+ vehicles the past 15 years. I have dedicated myself to this profession and won many awards.

Recently, I have taken and offered my skillset to the community of Shawnee by opening a small business employing two others at 430 N. Tucker named M-D Auto.

As business has grown, the need to expand and use the property more efficiently has become a future concern. Space, not only for vehicles, but better working conditions for employees providing protection from the elements.

Therefore, I submit this proposal to erect a steel carport. Shannon Tarkington, of Tark-Engineering, has drawn plans for your overview.

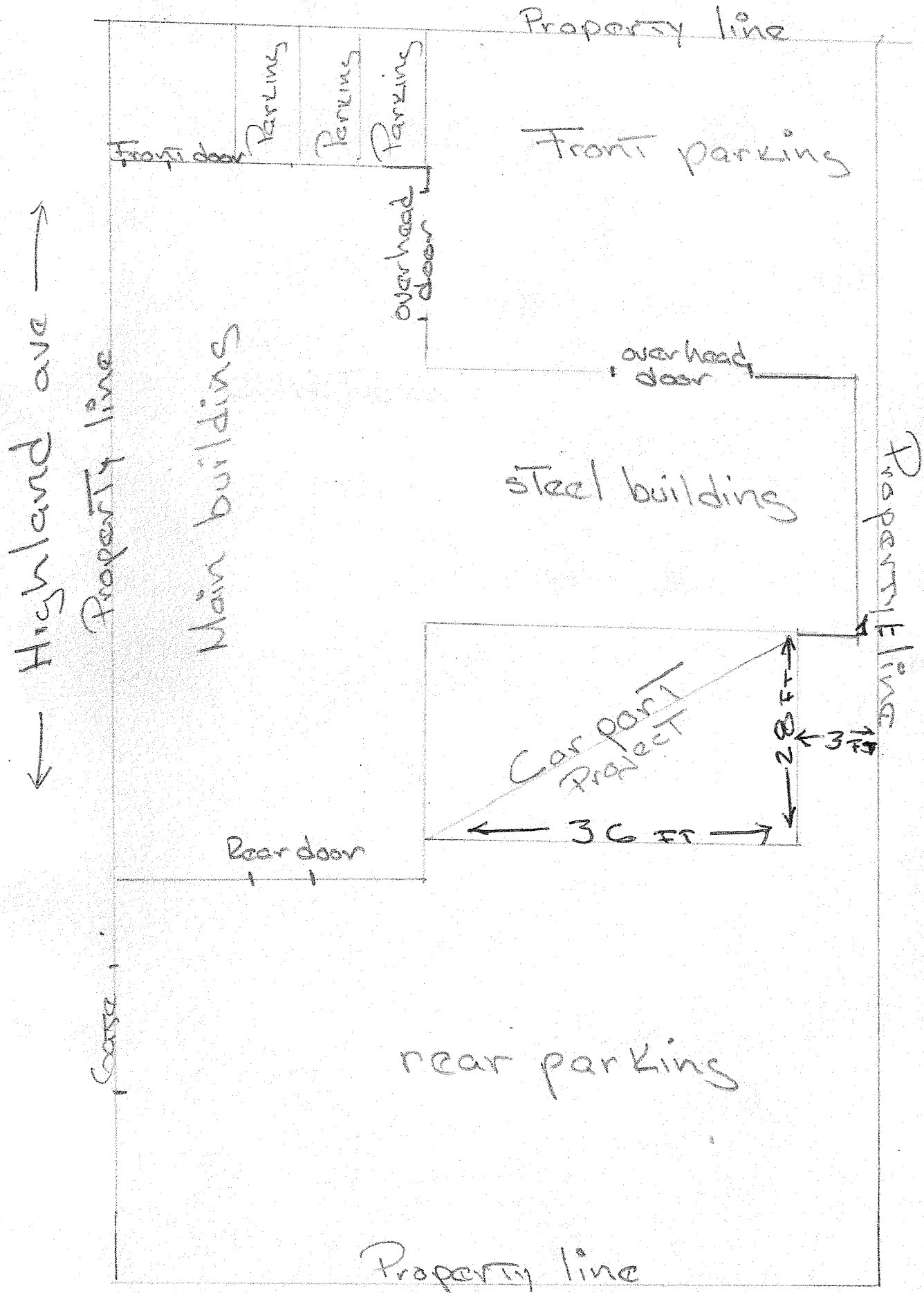
Thanks for your time and consideration.

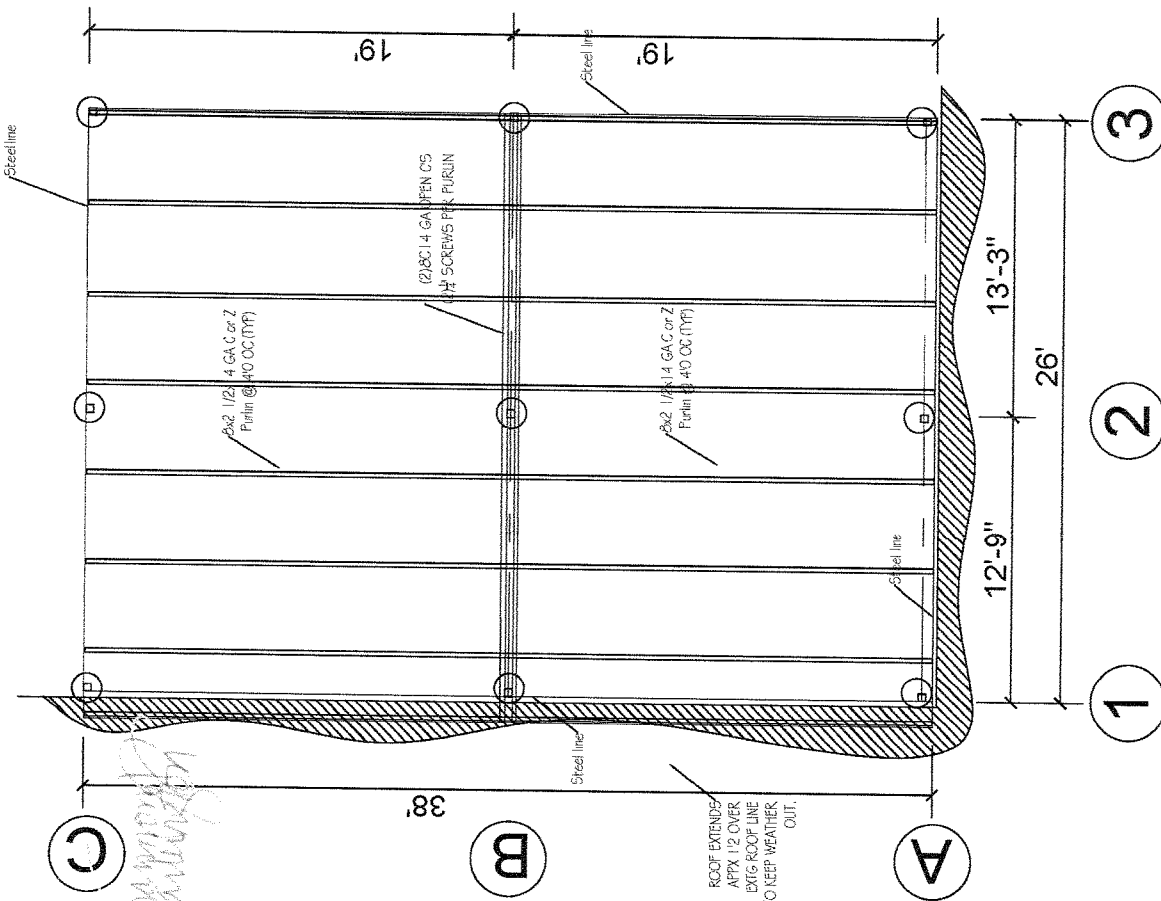
Martin Nunez

M—D Auto

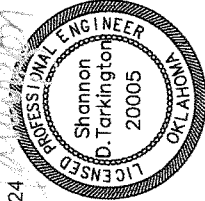
405—788--6849

Tucker





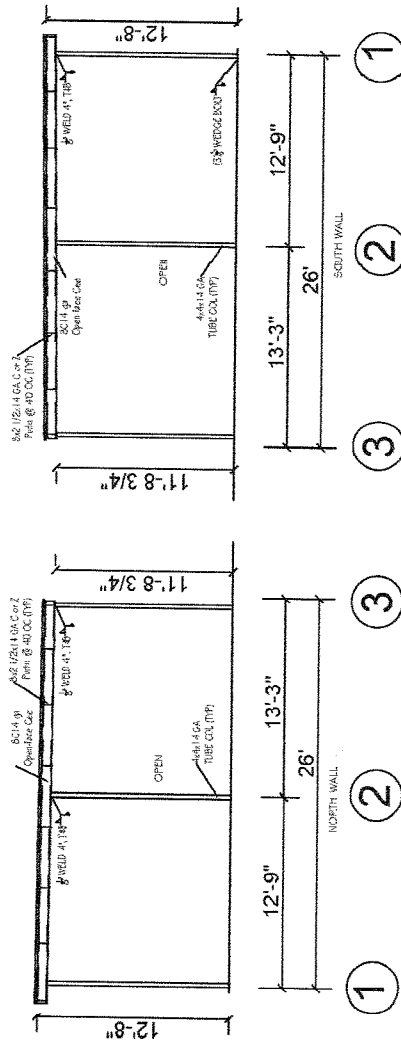
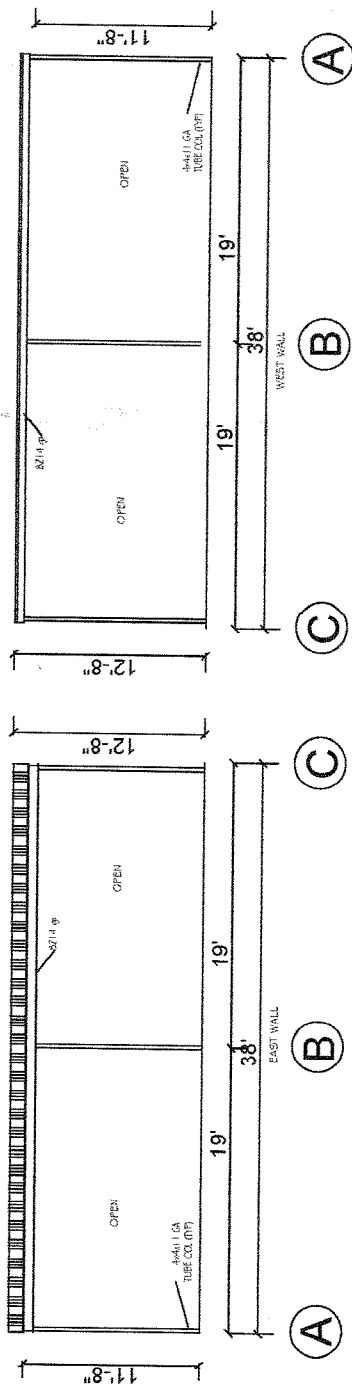
7-30-2024



# ROOF FRAMING PLAN

NOTE: SCALE 1/4" = 1'-0"

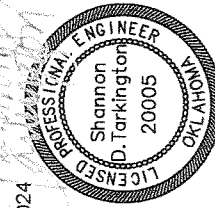
|                                                                                                                                                                                                                                                                         |                                                 |                                                                       |                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------|
|  <p>Tark Engineering, LLC<br/>Shannon Tarkington, P.E., SE<br/>6017 Fields St.<br/>OKC, OK 73150 BPE #225<br/>405-684-3139<br/>OK, PE#20005, OK, CA#6824<br/>tarkeng@tarkeng.com</p> | <p>MARTIN<br/>430 TUCKER RD<br/>SHAWNEE, OK</p> | <p>LOW OCCUPANCY-OPEN STR<br/>2.50 PSF<br/>110.00 MPH<br/>7/28/24</p> | <p>IBC 2018<br/>EXP. G.<br/>20.00 PSF<br/>10.00 PSF<br/>7/28/24</p> |
|                                                                                                                                                                                                                                                                         |                                                 |                                                                       |                                                                     |



# ELEVATIONS

NOTE: SCALE 3/16" = 1'-0"

7-30-2024



|                                                                                                                                                                                  |                                                  |                               |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------|------------------|
| <p>Tark Engineering, LLC<br/>Shannon Tarkington, P.E., SE<br/>6017 Fields St.<br/>OKC, OK 73130<br/>OKC-EPH-3109 DFC 6/25<br/>OK PER20005, OK CA#6024<br/>tarkengrce@att.net</p> | <p>MARTIN<br/>4300 TUCKER RD<br/>SHAWNEE, OK</p> | <p>IBC 2018</p>               |                  |
|                                                                                                                                                                                  |                                                  | <p>LOW OCCUPANCY-OPEN STR</p> | <p>EXP C</p>     |
|                                                                                                                                                                                  |                                                  | <p>2.50 PSF</p>               | <p>20.00 PSF</p> |
|                                                                                                                                                                                  |                                                  | <p>10.00 MPH</p>              | <p>0.00 PSF</p>  |
|                                                                                                                                                                                  |                                                  | <p>7/28/24</p>                | <p>SS # 3</p>    |

## Board of Adjustment

December 19, 2024  
City Hall at 16 W. 9<sup>th</sup> Street, Commission  
Chambers  
2:30 PM



## For more information

Community Development Department  
Shawnee City Hall  
16 W. 9<sup>th</sup> Street  
Shawnee, OK 74801  
**405-878-1672**

## PUBLIC HEARING



December 19, 2024  
2:30 PM

City Hall at 16 W. 9<sup>th</sup> Street,  
Commission Chambers

## Project Information

**Request:** Request for a variance to allow for a carport located on the rear of the property.

**Applicant:** Martin Nunez

**Location:** 430 N Tucker Ave. Shawnee, OK 74801

### Legal Description:

SUB-DIV PT BLOCK A BEARDS BLOCK 3 LOT 1  
NORTH 15' LOT 2.



## Frequently Asked Questions

### 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](mailto: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.

NOTICE OF PUBLIC HEARING  
Variance Request (BOA09-24)

It is hereby noticed that the City of Shawnee Board of Adjustment will hold a public hearing on December 19, 2024, at 2:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The Board of Adjustment will consider a variance request (BOA09-24) to allow for a carport located on the rear of the property addressed as 430 N Tucker Ave. Shawnee, OK 74801 and described as:

SUB-DIV PT BLOCK A BEARDS BLOCK 3 LOT 1 NORTH 15' LOT 2.

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.



430 N Tucker Ave.



**Board of Adjustment Meeting 12.19.2024 – City of Shawnee, Oklahoma**

**Staff Report | BOA10-24 | Side yard setback for accessory structure | 1920 North Broadway**

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**To:** Shawnee Board of Adjustment

**From:** Rian Harkins, Community Development Director

**Date:** December 4, 2024

**Subject:** Staff Report -- Public hearing and consideration of a request for a variance to allow a side yard setback for an accessory structure at the property located at 1920 North Broadway Avenue  
Case No.: BOA10-24 | Applicant: David Hadley

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Discussion

The subject property is located at 1920 North Broadway Avenue and is zoned R-1 (Low Density Residential). The request is a variance to the Zoning Code, **Sec. 22-184. – Low Density Residential Dimensional Standards.**, which discusses the density and dimensional standards such as minimum lot size, street frontage, maximum lot coverage, and yard setbacks. **Table II.3: District Dimensional Standards in Section 22-184** indicates that in R-1 zoning the minimum side yard setback is 5 feet. This variance request is to allow for a side yard setback of 3 feet for an accessory structure. **Section 2-205 – Accessory Uses** states that an accessory use is “incidental and customarily subordinate” to a principal use.

The subject property sits on a lot along North Broadway Avenue, and is adjacent to other residential properties in each direction.

In accordance with **Section 22-240** of the Shawnee Unified Development Code, the Board of Adjustment 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 would create a hardship due to:
  - a. The existing site layout; in order to maintain separation from the house, the chosen location was the only feasible option.
  - b. The specific location on the site was also chosen to avoid HVAC units and a storage shed.

- 2) The contractor thought that they had the setback maintained, but as construction progressed, the line of development encroached setback requirements, and was realized very late in construction.
- 3) Approving the variance would allow the construction of the accessory structure to be completed, rather than the entire project being shut down and/or removed.
- 4) Granting the variance would align with the intent and spirit of the Unified Development Code.
- 5) Granting the variance would be the minimum amount of relief.

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 **Approval** by the Board of Adjustment for BOA10-24, a to allow a side yard setback of 3 feet for an accessory structure at the property located at 1920 North Broadway Avenue:

#### Options:

- Approval of Case No. BOA10-24 to allow for a side yard setback of 3 feet for an accessory structure as requested by the applicant.
- Denial of the application for BOA10-24, thus preventing the completion of construction for the accessory structure.
- Deferral of Case No. BOA10-24 with a request for additional and specific information to a certain date.
- Approval of Case No. BOA10-24 with conditions determined by the Board of Adjustment.

COMMUNITY DEVELOPMENT  
DEPARTMENT  
16 West 9th Street, Shawnee, OK 74801



PHONE: (405) 878-1672  
FAX: (405) 878-1587

**ZONING BOARD OF ADJUSTMENT**

**PROJECT NO.** \_\_\_\_\_ **CASE NO.** \_\_\_\_\_

NAME OF PROPERTY OWNER: David Hadley

ADDRESS: 1920 N. Broadway Ave.

CITY: Shawnee STATE: OK ZIP CODE: 74804

TELEPHONE: (405) 924-0938 EMAIL: hadley220@icloud.com

**APPLICANT'S NAME:** David Hadley

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

APPLICANT'S ADDRESS: 1920 N. Broadway Ave.

CITY: Shawnee STATE: OK ZIP CODE: 74804

TELEPHONE: (405) 924-0938 EMAIL: hadley220@icloud.com

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

**PROPERTY LOCATION (ADDRESS):** 1920 N. Broadway Ave., Shawnee, OK 74804

**LEGAL DESCRIPTION:** Lots Nine (9), Ten (10), Eleven (11), and Twelve (12) in Block Two, in Belmont Heights Addition, to the City of Shawnee, Pottawatomie County, Oklahoma.

**(DIMENSIONS OF PROPERTY)** AREA: 15,000 feet<sup>2</sup> WIDTH: 100 feet

LENGTH: 150 feet FRONTAGE: 49 feet x 100 feet; area of 49,000 feet<sup>2</sup>.

CURRENT ZONING: Residential CURRENT USE: Residential

**VARIANCE REQUESTED:** To allow planned structure/pool to encroach into building easement on the south side of the lot. Design options limited by size and layout of yard.

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

David Hadley

**APPLICANT'S SIGNATURE**

\*\*\*\*\*

*(OFFICE USE ONLY)*

Filed in the office of the Planning Department, 16 West 9th St. this \_\_\_\_ day of, \_\_\_\_ 20\_\_\_\_.

**APPEAL FILING FEE: \$ 250**

**RECEIPT NO:** \_\_\_\_\_

**ZBOA DECISION:** \_\_\_\_\_

\_\_\_\_\_  
**ZONING BOARD OF ADJUSTMENT SECRETARY**

## Board of Adjustment

December 19, 2024  
City Hall at 16 W. 9<sup>th</sup> Street, Commission  
Chambers  
2:30 PM



### For more information

Community Development Department  
Shawnee City Hall  
16 W. 9<sup>th</sup> Street  
Shawnee, OK 74801  
**405-878-1672**

## PUBLIC HEARING



December 19, 2024  
2:30 PM

City Hall at 16 W. 9<sup>th</sup> Street,  
Commission Chambers



## Project Information

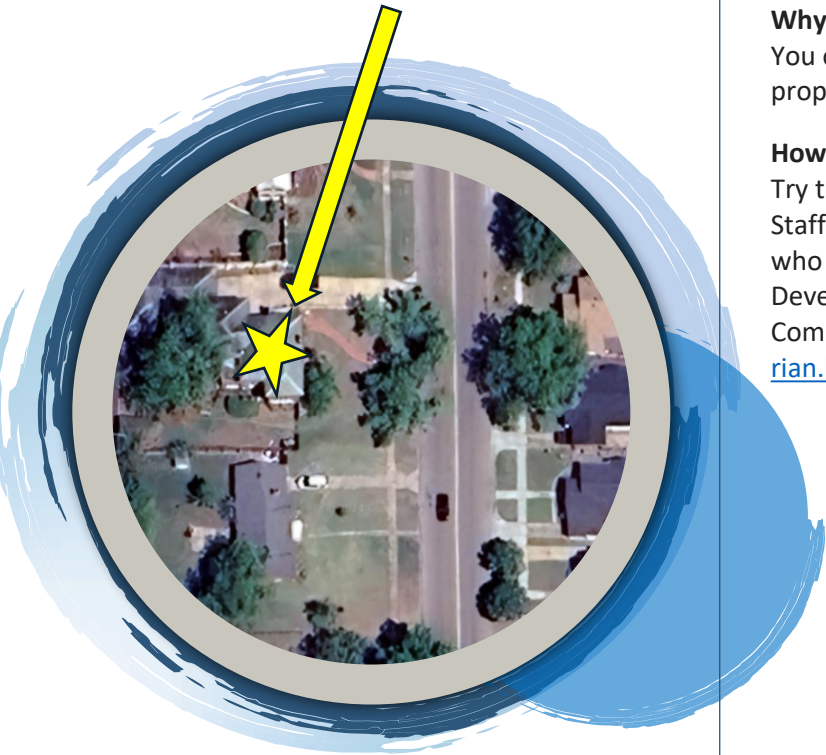
**Request:** Request for a variance to the side yard setback for an accessory structure.

**Applicant:** David Hadley

**Location:** 1920 N Broadway Shawnee, OK 74804

### Legal Description:

LOTS 9 THRU 12 BLOCK 2 BELLMONT HEIGHTS ADD.



## 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?

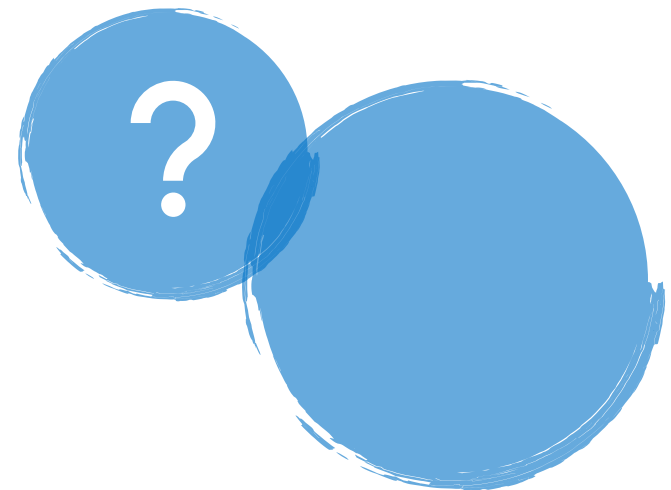
Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend. Call the Community Development at 405-878-1665 or contact the Community Development Director at [rian.harkins@shawneeok.org](mailto:rian.harkins@shawneeok.org).

### 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.



NOTICE OF PUBLIC HEARING  
Variance Request (BOA10-24)

It is hereby noticed that the City of Shawnee Planning Commission will hold a public hearing on December 19, 2024, at 2:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The Board of Adjustment will consider a variance request (**BOA10-24**) to the side yard setback for an accessory structure at property addressed as 1920 N Broadway and described as:

Lots 9 thru 12 block 2 Bellmont Heights add Addition to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

Public hearings will be held at the above times and dates. All residents and parties in interest shall have an opportunity to be heard regarding the request above.



BOA10-24 1920 N Broadway