

Notice of Meeting

BOARD OF ADJUSTMENT

TYPE OF MEETING

REGULAR MEETING	(X)	RESCHEDULED REGULAR MEETING	()
SPECIAL MEETING	()	CONTINUED OR RECONVENED MEETING	()

DATE:	TIME:	PLACE OF MEETING:
<u>12.18.2025</u>	<u>2:30 P.M.</u>	<u>Commission Chambers, City Hall</u> <u>16 W 9th Street,</u> <u>Shawnee, OK 74801</u>

To be completed by person filing notice:

NAME: Diana Hood

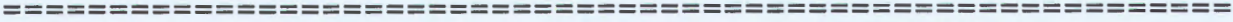
TITLE: City Planner

ADDRESS: 16 W. 9th St.
Shawnee, OK 74801

PHONE: (405) 878-1672

Filed in the office of the municipal clerk at 5:00 a.m. / (p.m.) on 12-11-2025

SIGNED: Lisa Lasypone
City Clerk/Deputy Clerk



FOR CITY CLERK'S OFFICE USE ONLY

DATE NOTICE RELEASED TO NEWS MEDIA: 12-11-2025

PERSON FILING NOTICE: Diana Hood

NOTICE VERIFIED BY: Lisa Lasypone

AGENDA
BOARD OF ADJUSTMENT
DECEMBER 18, 2025 AT 2:30 PM
COMMISSION CHAMBERS AT CITY HALL
16 WEST 9TH STREET
SHAWNEE, OKLAHOMA

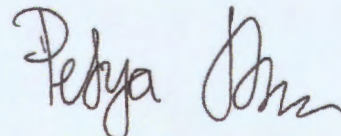
Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee 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 December 19, 2024 special call meeting.
2. Acknowledgment of the 2026 regular meeting schedule.
3. Public Hearing and Consideration of a request for a Variance to allow temporary housing for substance dependence recovery at the property addressed as 1302 E Fay Street.
Case No. BOA01-25 | Applicant: Ashley Brown, c/o Stuart and Clover Consultants
4. Community Development Department Updates
5. Board Comments
6. Adjournment

Respectfully submitted,



Petya Stefanoff, 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: December 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 December 19, 2024, at 2:30 PM, according to notice duly posted as prescribed by law.

Board Member Austin 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, Ausin, Nickerson

Absent: Gordon, Dyer

Item 1: Approval of Minutes – Regular meeting

Consideration of the minutes from the regular meeting of September 19, 2024.

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

Aye: Kelly, Austin, Nickerson

Nay: None

Abstain: None

Item 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

Community Development Director Rian Harkins presented the staff report and went over staff's recommendation. Board Member Austin opened the public hearing and asked if anyone attending wished to speak on the item. Mr. Brian Jones approached and voiced his support for the request. After his comments, and seeing no one else wishing to speak, Board Member Austin closed the public hearing and brought the discussion back to the board.

Board Member Austin made a motion to Approve the item, which Board Member Kelly seconded

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

AYE: Kelly, Austin, Nickerson

NAY: None

ABSTAIN: None

Item 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

Mr. Harkins presented the staff report and went over staff's recommendations. Board Member Nickerson asked if there had been any objections submitted to staff, to which Mr. Harkins responded that there were none. Mr. Harkins noted that the applicant was present, and Board Member Austin opened the public hearing.

Mr. David Hadley approached and described the process of attempting to comply with code to the best of his ability so that the variance request would indeed be the minimum necessary. Seeing no questions for the applicant, and no one else in attendance wishing to speak, Board Member Austin closed the public hearing and called for discussion.

Board Member Kelly moved to approve the request, which Board Member Nickerson

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

AYE: Kelly, Austin, Nickerson

NAY: None

ABSTAIN: None

Item 4: Study Session: Role of the Board of Adjustment

Deferred to next meeting.

Item 5: Community Development Department Updates

Deferred to next meeting.

Item 6: Board Members' Comments

Deferred to next meeting.

Item 7: Adjournment

The meeting was adjourned by the power of the Chair at 3:00 PM.

Chair/Vice-Chair

Date

Secretary/City Planner

Date

2026 CALENDAR YEAR

Schedule of Regular Meetings

BOARD OF ADJUSTMENT, SHAWNEE, OK

DATE	TIME	PLACE OF MEETING
January 15, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
February 19, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
March 19, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
April 16, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
May 21, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
June 18, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
July 16, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
August 20, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
September 17, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
October 15, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
November 19, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.
December 17, 2026	2:30 PM	Commission Chambers City Hall, 16 W 9 th St.

Diana Hood, City Planner
16 W. 9th St, Shawnee, OK 74801
405-878-1672

Filed in the office of the municipal clerk at 9:30am on October 8, 2025.


Clerk/Deputy Clerk

Date: December 18, 2025
To: Board of Adjustment
From: Diana Hood, City Planner
Subject: Public Hearing and Consideration of a request for a Variance to allow temporary housing for substance dependence recovery at the property addressed as 1302 E Fay Street. Case No. BOA01-25 | Applicant: Ashley Brown, c/o Stuart and Clover Consultants



Background:

The property addressed as 1302 E Fay St is located at the northeast corner of the intersection of North Draper Ave and East Fay Street, north of Highland Street and a block west of Pesotum Ave. It is currently zoned R-1 (Low Density Residential) with similar zoning to the north and south, some R-3 (High Density Residential) to the southeast, and some R-2 (Medium Density Residential) at the end of the block to the east. The owner and applicant are requesting a variance to the allowed uses in the R-1 zoning district to house individuals that are undergoing substance dependence recovery.

Discussion

Section 22-197 of the Shawnee Unified Development Code lists the allowed land uses in the R-1 zoning district, which are listed in the attachments to this report. The closest Land Uses defined in the UDC to the desired use would be under the 'Group Living' category, namely an Assisted Living Center, Community Group Home, or Residential Treatment Center. However, there are some differences between the desired use and these Land Uses that disqualify it from fitting into the category.

An Assisted Living Center is defined as a "...residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice and privacy..." and a Community Group Home is "a community-based group living use for elderly persons or persons with disabilities that allows independent living and that provides communal room and board, personal care, and habilitation services

in a household-like environment..." While both of these describe a similar service to the owner's description, these land uses pertain only to the elderly or people with disabilities.

A Residential Treatment Center is defined by the UDC as "a community-based residential facility that provides diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for persons receiving active treatment for alcoholism, drug abuse or behavioral disorders." This more accurately describes the exact type of treatment the owner seeks to provide, but the definition specifies that it is a long-term residence facility. The applicant is proposing a short-term stay for those receiving treatment.

In accordance with Section 22-255 of the UDC, the Board of Adjustment may approve variances only after determining that certain conditions exist, which are:

1. The application of the UDC 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: 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 constitute a hardship due to the proposed use not having a viable land use classification within the current code.
2. The conditions of the property are not specific or peculiar to this property in particular, but rather a restriction in the zoning code.
3. Granting the variance would not align with the intent and spirit of the Unified Development code because the adjacent land uses that were identified above are mostly not allowed in the R-1 zoning district. Only the 'Community Group Home' land use is allowed in the R-1 district, while both 'Assisted Living Center' and 'Residential Treatment Center' are only allowed in the R-3 district, and 'Residential Treatment Center' only with a Conditional Use Permit (CUP).
4. Granting the variance for the use would be the minimum amount of relief necessary, as the applicant is not proposing any change to the existing structures, except for interior remodeling.

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

Options:

- Approval of Case No. BOA01-25 to allow the short-term stay housing for people undergoing substance dependence recovery.
- Denial of request BOA01-25.
- Deferral of BOA01-25 with a request for additional and specific information to a certain date.
- Approval with conditions, specified and determined by the Board of Adjustment.

- Approval of a Special Exception for the property to allow the land use described.

Financial Impact: None

Attachments: Application Packet, Sec 22-239 - 240 Special Exception vs Variance, use table R-1 only

Staff Recommendation: Staff recommends the approval of a SPECIAL EXCEPTION to fulfil the owner and applicant's proposed land use, instead of a Variance.

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



PHONE: (405) 878-1672
FAX: (405) 878-1587
COSPlanning@shawneeok.org

ZONING BOARD OF ADJUSTMENT

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

NAME OF PROPERTY OWNER: Ashley Brown

ADDRESS: 1046 E. Fay Street

CITY: Shawnee STATE: OK ZIP CODE: 74801

TELEPHONE: (405) 273-4700 EMAIL: ajdott1212@gmail.com

APPLICANT'S NAME: _____

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): 1302 E. Fay Street, Shawnee, OK 74801

LEGAL DESCRIPTION: Madrox Park Block 6 Lots 45-48

(DIMENSIONS OF PROPERTY) AREA: 0.276 acres WIDTH: Approx 104 Feet

LENGTH: Approx 116 feet FRONTAGE: Approx 220 Feet

CURRENT ZONING: RA CURRENT USE: Single Family Residential

VARIANCE REQUESTED: See Attached

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

JB
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: _____

ZONING BOARD OF ADJUSTMENT SECRETARY

ZBOA DECISION: _____

- 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 Unified Development Code of the City of Shawnee, Oklahoma, the following Section (22-240) 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. 22-240. - 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.

VARIANCE Application Submittal Checklist

- Meeting with Community Development Department staff member
- Application – completed and signed
- Electronic Copy of Legal Description
- 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
- \$250 Fees – The cost of the application and applicable fees are due at the time of submittal

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

Community Development Department – 16 West 9th Street – 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 as an electronic document typed in Microsoft Word. Incomplete or unsigned applications will not be accepted or will be returned.

Deed or Affidavit

A copy of the deed of ownership and 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 foot 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 foot 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.

1302 E. Fay Street, Shawnee, OK Variance Application

Legal Description: Lots 45, 46, 47, and 48 of Block 6 in the Melrose Park Addition of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof. LESS AND EXCEPT ALL OIL, GAS, COAL AND OTHER MINERALS.

Applicant, Ashley Brown, requests that the Zoning Board of Adjustment grant a zoning variance for the above-styled property. The current designation of the property is R-1 low-density residential. The character of the surrounding neighborhood is low-intensity residential, with the subject property lying at the periphery of the development, adjacent to residential properties on three sides and vacant lots on the fourth side. Applicant wishes to obtain a variance more in accordance with the permissible uses afforded by an R-3 designation. It is the desire of Applicant to convert the subject property into a rehabilitative housing project, similar to a community group home. The goal is to provide restorative, temporary housing for six to eight at-need, individuals at a time who are recovering from substance dependence. However, because the State of Oklahoma does not qualify substance-dependence as a disability, the proposed use does not meet the city's definition of a community group home and would be more apt to be described as a boarding home. This proposal would require no changes to the existing structure beyond superficial renovation, and no additional construction is being proposed. Applicant resides in an adjacent property and plans to maintain active supervision and access to all facilities to ensure proper maintenance and upkeep.

Applicant believes that this request meets all four of the hardship qualifiers as described in Ch. 22 Art. VII, § 22-240 of the Shawnee Code of Ordinances. First, application of the UDC R-1 requirements would greatly limit the number of community members that could be helped by this project, as many of the target individuals are single, unrelated adults, and this is currently a single-family structure. Second, the subject property presents a unique opportunity for a project of this type, as it is currently unoccupied and is so situated as to have constant supervision by the Applicant and her family. Third, the variance would not cause substantial detriment or impair the purpose or intent of the UDC and the Comprehensive Plan, as the property will not significantly increase the number of persons living in the community compared to the continued R-1 use of the property. Lastly, allowing the property to be utilized as a rehabilitative boarding home in accordance with R-3 standards is the minimum amount of relief necessary to allow the project to move forward.

For these reasons, Applicant requests that the Zoning Board of Adjustment grant this variance, along with any changes that the Board recommends.

JOINT TENANCY QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

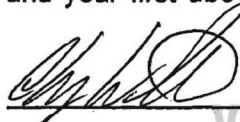
Made this 15th day of August, 2024, Charles Jeffrey Wilke and Serena Kay Wilke husband and wife, party of the first part, and Joshua D. Brown and Ashley R. Brown, husband and wife, whose address is: 1246 E. Fay Street, Shawnee, OK 74801 party of the second part, ^{ACT:}

WITNESSETH, that said party of the first part, in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to them in hand paid, the receipt of which is hereby acknowledged, do hereby quit claim, grant, bargain, sell and convey unto the parties of the second part as joint tenants and not as tenants in common with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all their right, title, interest, estate and every claim and demand, both at law and in equity, in and to all of the following described property situated in Pottawatomie County, State of Oklahoma, to-wit:

Lots 45, 46, 47 and 48 of Block 6 in the Melrose Park Addition of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.
LESS AND EXCEPT ALL OIL, GAS, COAL AND OTHER MINERALS.

TO HAVE AND TO HOLD said described premises unto the said grantee, their successors and assigns forever, so that neither she, the said grantor, nor any person in her name shall or will hereafter claim or demand any right or title to the said premises or any part thereof; but shall by these presents be excluded and forever barred.

IN WITNESS WHEREOF, the said parties of the first part have set their hands the date and year first above written.


Charles Jeffrey Wilke


Serena Kay Wilke



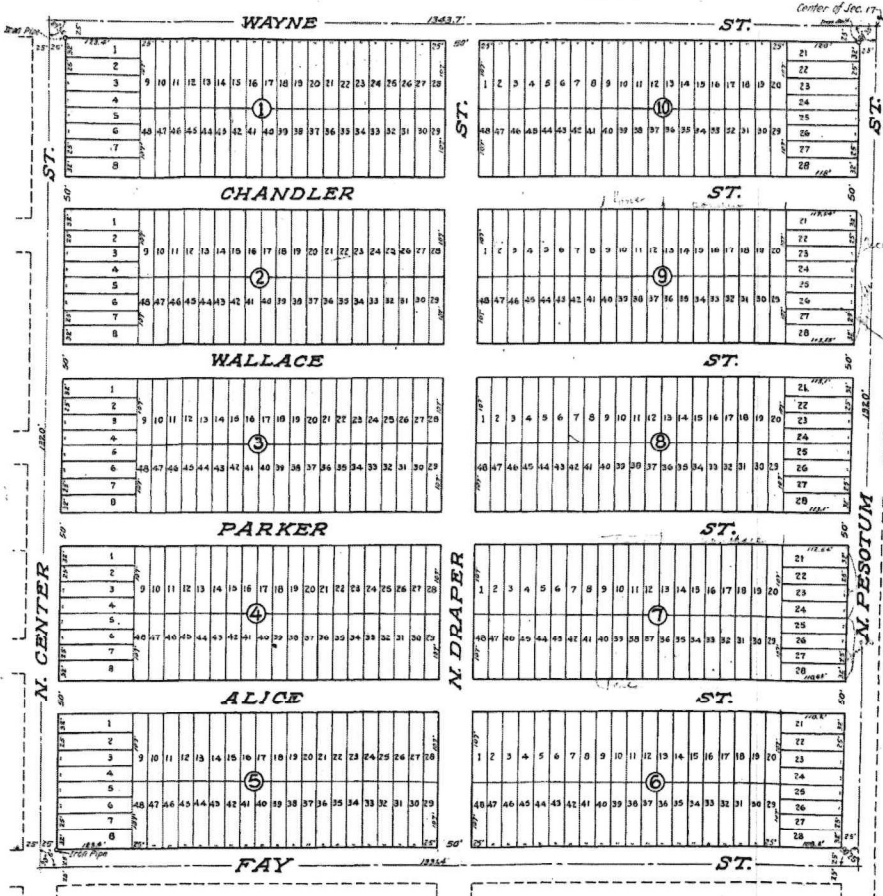
STATE OF OKLAHOMA
Pottawatomie County
Documentary Stamps: \$ 75.-

RETURN TO: 1246 E Fay St. Shawnee

MELROSE PARK

ADDITION TO
SHAWNEE,
POTTAWATOMIE COUNTY
OKLAHOMA.

SCALE: 1"=100'



15330

15 230 244 p

20 230 244 p

DESCRIPTION

A 20-acre plot of Lots 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20 of Section 17, Township 14 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, containing 20 acres, more or less, according to government survey.

DEDICATION

STATE OF OKLAHOMA }
POTTAWATOMIE COUNTY }
KNOW ALL MEN BY THESE PRESENTS:
That we, C.S. Battle and Rosa L. Battle, husband and wife, have caused the above described land to be surveyed and platted into lots, blocks and streets as is particularly shown and set forth in and by the annexed plat and the certificate thereof of W.C. Calvert, who surveyed, stated and platted the same to be known and called "Melrose Park Addition, to Shawnee, Oklahoma." All streets are of the free consent and desire of the owners and are hereby dedicated to and for the use of the public.
All lots and blocks are reserved for use and sale and that the subdivisions of said tract of land as shown by the annexed plat is with our free consent and in accordance with our desire as joint owners and proprietors thereof.
Dated and executed this 15th day of Sept, 1927.
C.S. Battle
Rosa L. Battle
BY W.C. Calvert
Their Attorney in Fact.

STATE OF OKLAHOMA }
POTTAWATOMIE COUNTY }
Be it remembered that on this 15th day of Sept, 1927, before me the undersigned, a Notary Public in and for Pottawatomie County, State of Oklahoma, personally appeared Albert G. Watkins, to me personally known to be the identical person and attorney in fact of C.S. Battle and Rosa L. Battle, husband and wife, who executed the above and foregoing dedication and who acknowledged the execution of the same to be his free act and deed, and the true act and deed of said C.S. Battle and Rosa L. Battle, husband and wife, for the uses and purposes above set forth.
My Commission Expires: 6-10-1930
J. H. Hume
Notary Public.

CERTIFICATE OF SURVEYOR

I, W.C. Calvert, a Surveyor, hereby certify that I have surveyed and platted the annexed plat of "Melrose Park Addition to Shawnee, Pottawatomie County, Oklahoma, into Lots, Blocks and Streets, and that the plat as the margin of which this is written is an accurate description thereof, the exterior boundaries of the above named addition are the distances marked upon the plat, all lots, blocks and streets are of the dimensions marked upon the plat.
Stakes are driven at the lot corners, and permanent monuments are driven in the ground at points indicated by the words "Iron Nail, Iron Pipe."
W.C. Calvert
Subscribed and sworn to before me this 15th day of Sept, 1927.
My Commission Expires: 11-3-28.
Laura C. Stephenson
Notary Public.

OWNERSHIP LIST

ORDER NO 2961901-OK99

DATE PREPARED: November 3, 2025

EFFECTIVE DATE: October 22, 2025 at 7:30 am

OWNER	LOT	BLK	ADDITION
SPC LLC P O BOX 624 SHAWNEE, OK 74802-0000	1-2	1	MELROSE PARK
CANNON RENTALS LLC 22 W MAIN STE A SHAWNEE, OK 74801	3-4	1	MELROSE PARK
COFFMAN HOLLIE 503 TURTLE CREEK TECUMSEH, OK 74873-	5-6	1	MELROSE PARK
TINY HOMES FOUNDATION 12104 NW 137TH ST PIEDMONT, OK 73708-	7-8	1	MELROSE PARK
TRINIDAD LAURENSIO 1203 E WAYNE ST SHAWNEE, OK 74801-5427	9-10	1	MELROSE PARK
SALAZAR CESAR 14700 LEGATE RD YUKON, OK 73099-0000	11 &; 12 & W 6.5' OF LOT 13	1	MELROSE PARK
JOHNSON CHARLES LIFE ESTATE 1207 E WAYNE SHAWNEE, OK 74801-0000	E18 1/2' LOT 13 & ALL LOT 14 & W1/2 LOT 15	1	MELROSE PARK
HOUSING AUTHORITY OF SAC & FOX ATTN: SHERMAN BROWN 201 N HARRISON SHAWNEE, OK 74801-0000	E1/2 LOT 15 &; ALL LOTS 16 &; 17	1	MELROSE PARK
HAZEL RENTAL PROPERTIES LLC P O BOX 1471 SHAWNEE, OK 74802-	18 & 19 & W12.5' OF LOT 20	1	MELROSE PARK
JONES CAVAN & ERIKA PO BOX 1471 SHAWNEE, OK 74802-1471	21 &; 22 &; E12.5' LOT 20	1	MELROSE PARK
SWANNER DARRELL C & DONNA 1237 E WAYNE SHAWNEE, OK 74801-	23-24	1	MELROSE PARK
PRYOR MONICA & ROBERT D ROBERT PRYOR 105280 S 3440 RD MEEKER, OK 74855-0000	25-28	1	MELROSE PARK
RAY GARY 1402 N DRAPER SHAWNEE, OK 74801-0000	29-30	1	MELROSE PARK
DOBRYNIN ALLEN & ORLENN 1228 E CHANDLER SHAWNEE, OK 74801	31-32	1	MELROSE PARK
SWANNER DARRELL C & DONNA 1237 E WAYNE SHAWNEE, OK 74801-	33-34	1	MELROSE PARK
SEETOT JUSTINE J 1220 E CHANDLER SHAWNEE, OK 74801-0000	35-36	1	MELROSE PARK
ACOCK PROPERTIES LLC P O BOX 426 SHAWNEE, OK 74802-0000	37-39	1	MELROSE PARK

AUSTIN JEANNE A 304 S OKLA SHAWNEE, OK 74801-0000	40,41 &; E/2 42	1	MELROSE PARK
BLANCHARD JOHN M 1210 E CHANDLER ST SHAWNEE, OK 74801-	W1/2 LOT 42 & ALL LOT 43 & E1/2 LOT 44	1	MELROSE PARK
HOUSING AUTH OF SAC & FOX NATION P O BOX 1252 SHAWNEE, OK 74802-1252	W1/2 LOT 44 & ALL LOTS 45 & 46	1	MELROSE PARK
RESTORATION PCG P O BOX 3741 SHAWNEE, OK 74802-	47-48	1	MELROSE PARK
POTTAWATOMIE COUNTY 309 N BROADWAY SHAWNEE, OK 74801-	1-4	2	MELROSE PARK
LANDRETH DANNY 1305 ANN HARBOR DR NORMAN, OK 73069-	5-6	2	MELROSE PARK
EFFINGER ANTHONY RAY 1301 N CENTER SHAWNEE, OK 74801-0000	7-8	2	MELROSE PARK
CRENSHAW COREY L 43808 HWY 3 SHAWNEE, OK 74801-0000	9-11	2	MELROSE PARK
WYNN NATHAN DEAN & MIA WYNN & KELLIE WYNN 1207 E CHANDLER ST SHAWNEE, OK 74801-	12 &; 13 & W1/2 LOT 14	2	MELROSE PARK
WEGMILLER CHRISTIAN & KELSEY 1214 E WALLACE SHAWNEE, OK 74801-0000	E1/2 LOT 14 & ALL LOT 15 & W1/2 LOT 16	2	MELROSE PARK
WEGMILLER CHRISTIAN & KELSEY 1214 E WALLACE SHAWNEE, OK 74801-0000	E1/2 1/2' LOT 16 & ALL LOT 17	2	MELROSE PARK
GEORGE ROSEANN DAVINA & CHRISTOPHER ROWE 1213 E CHANDLER SHAWNEE, OK 74801-0000	18-19	2	MELROSE PARK
RODRIGUEZ JUAN LEON & JOSEFINE HERNANDEZ 1221 E CHANDLER SHAWNEE, OK 74804-0000	20-21	2	MELROSE PARK
RODRIGUEZ JUAN ANTONIO LEON & JOSEFINA HERNANDEZ CAMACHO 1221 E CHANDLER SHAWNEE, OK 74801-0000	22-24	2	MELROSE PARK
HUNT STEPHEN & KACI 1223 E CHANDLER SHAWNEE, OK 74801-0000	25-26	2	MELROSE PARK
COOPER ROBERTA 1306 N DRAPER SHAWNEE, OK 74801-0000	27-28	2	MELROSE PARK
MAJKO DANIELLE 1302 N DRAPER SHAWNEE, OK 74801-	29-32	2	MELROSE PARK
FRANKLIN STEVEN EDWARD 1222 E WALLACE SHAWNEE, OK 74801-	33-35	2	MELROSE PARK
VILLEGAS SANDRA & AGUSTIN REYNA 1220 E WALLACE SHAWNEE, OK 74801- 0000	36-37	2	MELROSE PARK
VILLALOBOS LENA L 1218 E WALLACE SHAWNEE, OK 74801-0000	38-39	2	MELROSE PARK

WEGMILLER CHRISTIAN 1214 E WALLACE SHAWNEE, OK 74801-0000	40-41	2	MELROSE PARK
LS5 RESIDENTIAL LLC 1010 E MACARTHUR SHAWNEE, OK 74804-0000	42-43	2	MELROSE PARK
SMITH BEATRICE 1208 E WALLACE SHAWNEE, OK 74801-0000	44-45	2	MELROSE PARK
BULLOCK VALERIE 1206 E WALLACE SHAWNEE, OK 74801-	46-48	2	MELROSE PARK
GELINO JOYCE ANN & RUSSELL 1323 E ADA SHAWNEE, OK 74801-0000	1-5	3	MELROSE PARK
GRIFFIN LANDHOLDINGS LLC 9525 BERGAMO RD EDMOND, OK 73034-0000	6-8	3	MELROSE PARK
JORDAN PARKER LLC 1429 NW 39TH ST OKC, OK 73118-0000	9-10	3	MELROSE PARK
CORBIN CARY JR & CAREY SAMUEL 1207 E WALLACE SHAWNEE, OK 74801-0000	11-12	3	MELROSE PARK
HOPKINS IVAN G & VIOLA R 1211 E WALLACE SHAWNEE, OK 74801-0000	13-18	3	MELROSE PARK
LINCOLN CAPITAL LLC SERIES 1221 WALLACE 401 DANA LANE MCLLOUD, OK 74851-	19-20	3	MELROSE PARK
WASHBURN CHARLES KEITH & VICKI DENISE TRUSTEES OF WASHBURN FAMILY TR 18214 GADDY RD SHAWNEE, OK 74801	21-23	3	MELROSE PARK
LINCOLN CAPITAL LLC SERIES 1230 NORTH DRAPER 401 DANA LANE MCLLOUD, OK 74851-	N50' LOTS 24 THRU 28	3	MELROSE PARK
SCHAMIE AGENCY 5921 E. CENTRAL WICHITA KS, 67208	S57' LOTS 24 THRU 28	3	MELROSE PARK
THOMAS TARI A 1202 N DRAPER SHAWNEE, OK 74801-	29-32	3	MELROSE PARK
INSPIRA FINANCIAL TRUST 2001 SPRING RD. OAK BROOK FL 60523	33-34	3	MELROSE PARK
KORNMANN SEAN 1214 E PARKER SHAWNEE, OK 74801-0000	35-40	3	MELROSE PARK
COWAN FAMILY PROPERTIES LLC 18 FAIRVIEW SHAWNEE, OK 74804-0000	41-42	3	MELROSE PARK
ABSENTEE SHAWNEE HOUSING AUTH PO BOX 425 SHAWNEE, OK 74802-0425	43-44	3	MELROSE PARK
WILLYERD DWAYNE RAY SUBTRUST DANIEL D WILLYERD TRUSTEE 1208 E PARKER ST SHAWNEE, OK 74801-	45-46	3	MELROSE PARK
MURPHY CARL J JR 14 SPRINGBROOK RD SHAWNEE, OK 74801-0000	47-48	3	MELROSE PARK

CALLEN ANSON VICTOR JR 909 N CENTER AVE SHAWNEE, OK 74801	1-3	4	MELROSE PARK
FRANKLIN CALVIN 905 N CENTER SHAWNEE, OK 74801-0000	4-5	4	MELROSE PARK
SHILES GRACE F & JERRY E TRUST 10260 HWY 177 SHAWNEE, OK 74804-0000	6 & N1/2 LOT 7	4	MELROSE PARK
SHILES GRACE F & JERRY E TRUST 10260 HWY 177 SHAWNEE, OK 74804-0000	S1/2 LOT 7 & ALL LOT 8	4	MELROSE PARK
ROBISON TERRI 1205 E PARKER SHAWNEE, OK 74801-0000	9-12	4	MELROSE PARK
CITY OF SHAWNEE P O BOX 1448 SHAWNEE, OK 74802-1448	13-17	4	MELROSE PARK
CARPENTER GREGORY 1110 N DRAPER SHAWNEE, OK 74801-	18-22	4	MELROSE PARK
CARPENTER GREGORY 1110 N DRAPER SHAWNEE, OK 74801-	23-24	4	MELROSE PARK
CARPENTER GREGORY 1110 N DRAPER SHAWNEE, OK 74801-	25-28	4	MELROSE PARK
VILLARREAL ELUID & CHARLES CRENSHAW 1104 N DRAPER SHAWNEE, OK 74801-	29-32	4	MELROSE PARK
POTTAWATOMIE COUNTY 309 N BROADWAY SHAWNEE, OK 74801-	33-34	4	MELROSE PARK
MRZ LIZZIES HOME RENTALS LLC 2723 WOODLAWN CT SHAWNEE, OK 74804-0000	35-39	4	MELROSE PARK
POTTAWATOMIE COUNTY 309 N BROADWAY SHAWNEE, OK 74801-	40-42	4	MELROSE PARK
BALES JEREMY W 1206 E ALICE SHAWNEE, OK 74801-	43-44	4	MELROSE PARK
BAIRD HOWARD S & JENNIFER 1204 E ALICE SHAWNEE, OK 74801-0000	45-46	4	MELROSE PARK
SHILES GRACE F & JERRY E TRUST 10260 HWY 177 SHAWNEE, OK 74804-0000	N54' LOTS 47 & 48	4	MELROSE PARK
SHILES GRACE F & JERRY E TRUST 10260 HWY 177 SHAWNEE, OK 74804-0000	S44.5' LOTS 47 & 48	4	MELROSE PARK
GENERAL ASSEMBLY & CHURCH OF T FIRST BORN SHAWNEE, OK 74801-0000	1-4	5	MELROSE PARK
SHAWNEE 55 LLC 1206 FORT ST, BARLING AR, 72923	W120' OF 5-8 & 40-43 & E8.40' 44	5	MELROSE PARK
TABLETOP INVESTMENTS LLC 12608 ARROWHEAD DR OKC, OK 73120-0000	9-10	5	MELROSE PARK
POWELL JESSICA 1209 E ALICE SHAWNEE, OK 74801-0000	11-13	5	MELROSE PARK

STARNES EUGENE 1221 E ALICE SHAWNEE, OK 74801-0000	14-15	5	MELROSE PARK
MRZ LIZZIES HOME RENTALS LLC 2723 WOODLAWN CT SHAWNEE, OK 74804-0000	16-18	5	MELROSE PARK
JONES JOHN LEE 421 N FLORENCE SHAWNEE, OK 74801	19-21	5	MELROSE PARK
MILLER SOLUTIONS PROPERTY MANAGEMENT 1505 NW 179TH TERRACE EDMOND, OK 73012-	22-24	5	MELROSE PARK
DOCKREY GLENDA 40302 GARRETTS LAKE RD SHAWNEE, OK 74804-0000	S57' LOTS 25 THRU 28	5	MELROSE PARK
CANNON RENTALS LLC 22 WEST MAIN STREET SUITE A SHAWNEE, OK 74801-0000	N50' LOTS 25 THRU 28	5	MELROSE PARK
BROWN ASHLEY ROSE & JOSHUA D 1246 E FAYE ST SHAWNEE, OK 74801-	29-30	5	MELROSE PARK
MITCHELL BENNY DK & AMBER D 16807 ARCHERY RANGE RD SHAWNEE, OK 74801-0000	31-32	5	MELROSE PARK
SKILLERN PROPERTIES LLC 8425 TREELINE DR CHOCTAW, OK 73020-0000	33-34	5	MELROSE PARK
ONPOINTE EQUITY LLC 711 E MAIN SHAWNEE, OK 74801-0000	35-39	5	MELROSE PARK
HOUSING AUTH OF SAC & FOX 201 N HARRISON SHAWNEE, OK 74801-0000	W16.5' OF LOT 44 ALL LOT 45 & THE E18.4' OF LOT 46	5	MELROSE PARK
TAYLOR CYNDI LYNN 1218 E FAYE ST SHAWNEE, OK 74801-	EAST 3.4' LOTS 5-8 & THE WEST 6.6' OF LOT 46 &; ALL OF LOTS 47 & 48	5	MELROSE PARK
LINCOLN CAPITAL LLC SERIES 1301 EAST ALICE 401 DANA LANE MCLOUD, OK 74851	1-2	6	MELROSE PARK
3UP3DWN LLC 1910 KATIE RD SHAWNEE, OK 74804-0000	3-4	6	MELROSE PARK
MCGEHEE JASON 1309 E ALICE SHAWNEE, OK 74801	5-6	6	MELROSE PARK
MCGEHEE JASON 1309 E ALICE SHAWNEE, OK 74801	7-8	6	MELROSE PARK
HASBELL PATSY 1319 E ALICE SHAWNEE, OK 74801-0000	9-12	6	MELROSE PARK
ROBERSON JERRY LYNN 1317 E ALICE SHAWNEE, OK 74801-0000	13-16	6	MELROSE PARK
HASBELL WANDA S 1319 E ALICE SHAWNEE, OK 74801-0000	17-20	6	MELROSE PARK
BROWN RICKEY WAYNE 916 N PESOTUM SHAWNEE, OK 74801-0000	21-22	6	MELROSE PARK

BURKE PROPERTIES LLC 18300 SE 38TH ST NEWALLA, OK 74857-	23-24	6	MELROSE PARK
YOUNGER DUSTIN COLE & RACHEL LYNN YOUNGER 906 N PESOTUM SHAWNEE, OK 74801-0000	25-26	6	MELROSE PARK
SMITH TONY & DARLENE LIVING TR 26510 US HWY 177 TECUMSEH, OK 74873-0000	27-28	6	MELROSE PARK
HOUSING AUTHORITY OF SAC & FOX P O BOX 1252 SHAWNEE, OK 74802-1252	29-30	6	MELROSE PARK
POTTAWATOMIE COUNTY 309 N BROADWAY SHAWNEE, OK 74801-	31-32	6	MELROSE PARK
BUILDING NEW FOUNDATION 10998 ROSEHILL RD, OVERLAND PARK KANSAS, 66210	33-34 & 37-38	6	MELROSE PARK
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE, OK 74802-0425	35-36	6	MELROSE PARK
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE, OK 74802-0425	39-40	6	MELROSE PARK
SPC LLC P O BOX 624 SHAWNEE, OK 74802-0000	41-42	6	MELROSE PARK
BOISE TREVOR CHASE 1218 N DRAPER SHAWNEE, OK 74801-0000	43-44	6	MELROSE PARK
BROWN JOSHUA D & ASHLEY R 1246 E FAY ST SHAWNEE, OK 74801-	45-48	6	MELROSE PARK
WHITE JANET G 1301 E PARKER SHAWNEE, OK 74801-0000	1-2	7	MELROSE PARK
DOCKREY GLENDA R & LARRY B 40302 GARRETS LAKE RD SHAWNEE, OK 74804-0000	3-4	7	MELROSE PARK
DUGGAN DONALD C/O ALFRED BRANNON 1313 E PARKER SHAWNEE, OK 74801-0000	5-6	7	MELROSE PARK
BRANNON ALFRED R & ROBBIE L SANDERS 1313 E PARKER SHAWNEE, OK 74801-0000	7-8	7	MELROSE PARK
BOURLON STEVEN & DAWN P O BOX 795 SHAWNEE, OK 74802-0000	9-12	7	MELROSE PARK
MANLEY JAYNE REVOCABLE LIVING TRUST 4124 NW 15TH ST OKLAHOMA CITY, OK 73107	13-15	7	MELROSE PARK
DOCKREY GLENDA R & LARRY B 40302 GARRETT'S LAKE RD SHAWNEE, OK 74804-0000	16-20	7	MELROSE PARK
RENCHEN TIMBERLYN D 1020 N PESOTUM AVE SHAWNEE, OK 74801-	21-22	7	MELROSE PARK
FLOWERS JON D REVOCABLE TRUST 1313 INVERNESS CIRCLE SHAWNEE, OK 74801-0000	23-24	7	MELROSE PARK

FLOWERS JON D REVOC TRUST 1313 INVERNESS CIR SHAWNEE, OK 74801-0000	25-28	7	MELROSE PARK
HAMMERS RUSSELL & MARY 1322 E ALICE SHAWNEE, OK 74801-0000	29-33	7	MELROSE PARK
SCHULTZ MICHAEL 604 N PENNSYLVANIA SHAWNEE, OK 74801-0000	34-36	7	MELROSE PARK
HOPE AND FAITH PROPERTIES LLC P O BOX 1671 CHOCTAW, OK 73020-	37-38	7	MELROSE PARK
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE, OK 74802-0425	39-40	7	MELROSE PARK
405 HOME SOLUTIONS LLC PO BOX 507 CHANDLER, OK 74834-0000	41-42	7	MELROSE PARK
405 HOME SOLUTIONS LLC PO BOX 507 CHANDLER, OK 74834-0000	43-44	7	MELROSE PARK
EXTREME HOME SERVICES LLC 1101 N DRAPER SHAWNEE, OK 74801-	45-48	7	MELROSE PARK
SWITCH VOGUEL O & BARBARA J 1221 N DRAPER SHAWNEE, OK 74801-0000	1-4	8	MELROSE PARK
NALLEY FAMILY TRUST A 1 CHOCTAW SHAWNEE, OK 74801-0000	5-8	8	MELROSE PARK
AVAILABLE FLOORS DECOR & CONSTRUCTION 3104 PINECREST ST BETHANY, OK 73162-	9-10	8	MELROSE PARK
ROSAMOND KONSWALLOWA & MARVIN WALKER 1309 E WALLACE SHAWNEE, OK 74801	11-12	8	MELROSE PARK
ACOCK PROPERTIES LLC C/O ETHAN JARED ACOCK PO BOX 426 SHAWNEE, OK 74802-	13-14	8	MELROSE PARK
ACEBO GERARDO 1313 E WALLACE SHAWNEE, OK 74801-0000	15 & 16 & W3' LOT 17	8	MELROSE PARK
YOUNG TIMOTHY D & ELIZEBETH M 1317 E WALLACE SHAWNEE, OK 74801-0000	17 THRU 20 LESS W3' LOT 17	8	MELROSE PARK
BAM ACQUISITIONS LLC SERIES Z PO BOX 3698 SHAWNEE, OK 74802-0000	21-22	8	MELROSE PARK
JONES CAVAN B & ERIKA H PO BOX 1471 SHAWNEE, OK 74802-0000	23-25	8	MELROSE PARK
SMITH CHARLES A 1102 N PESOTUM SHAWNEE, OK 74801-	26-28	8	MELROSE PARK
WARD JIMMY W & CAROLYN A 1322 E PARKER SHAWNEE, OK 74801-0000	29-32	8	MELROSE PARK
COLVIN MERLIN DUWAYNE & GRETA M 1314 E PARKER SHAWNEE, OK 74801-	33-36	8	MELROSE PARK

RUSSELL LINDA L 607 N OKLAHOMA SHAWNEE, OK 74801-0000	37-38	8	MELROSE PARK
SNIDER EARL & CARMIN 45204 GARRETTS LAKE RD SHAWNEE, OK 74804-9487	39-40	8	MELROSE PARK
DE LEON GEDALTI EFRAIN & REMIGIO 2705 N HARVARD AVE OKLAHOMA CITY, OK 73127-1941	41-44	8	MELROSE PARK
KRUEGER DLORAH 1304 E PARKER SHAWNEE, OK 74801-0000	45-46	8	MELROSE PARK
BURKE PROPERTIES LLC 18300 SE 38TH ST NEWALLA, OK 74857-	47-48	8	MELROSE PARK
HOUSING AUTH OF THE CITY OF SHAWNEE P O BOX 3427 SHAWNEE, OK 74802-	1-2	9	MELROSE PARK
CARROW PROPERTIES LLC 11 E MACARTHUR ST SHAWNEE, OK 74804-0000	3-4	9	MELROSE PARK
IAM MANAGEMENT LLC PO BOX 242 EDMOND, OK 73083-0000	5-6	9	MELROSE PARK
JERRON PROPERTIES LLC 17406 COKER RD SHAWNEE, OK 74801-	7-11	9	MELROSE PARK
ACOCK PROPERTIES LLC PO BOX 426 SHAWNEE, OK 74802-	12-15	9	MELROSE PARK
TROLLINGER HENRY 23127 LAURA DR TECUMSEH, OK 74873-0000	16-20	9	MELROSE PARK
JOHNSON DESTINI 1218 N PESOTUM SHAWNEE, OK 74801-	21-24	9	MELROSE PARK
BECKY & MELINDA RENTALS LLC 105 S RANGE LINE TECUMSEH, OK 74873-0000	25-28	9	MELROSE PARK
WEBB MARK D 1312 E WALLACE SHAWNEE, OK 74801-0000	29-32	9	MELROSE PARK
WEBB MARK D 1312 E WALLACE SHAWNEE, OK 74801-0000	33-35	9	MELROSE PARK
WEBB MARK D 1312 E WALLACE SHAWNEE, OK 74801-0000	36-38	9	MELROSE PARK
LS5 RESIDENTIAL LLC 1010 E MACARTHUR SHAWNEE, OK 74804-0000	39-40	9	MELROSE PARK
EWP PROPERTIES LLC P O BOX 1671 CHOCTAW, OK 73020-	41-42	9	MELROSE PARK
FOREMAN TIM C 1816 REMINGTON CIR SHAWNEE, OK 74801-0000	43-44	9	MELROSE PARK
ACOCK PROPERTIES LLC PO BOX 426 SHAWNEE, OK 74802-	45-48	9	MELROSE PARK

JERRON PROPERTIES LLC 17406 COKER RD SHAWNEE, OK 74801-	1-12	10	MELROSE PARK
CANNON RENTALS LLC 22 W MAIN STE A SHAWNEE, OK 74801-	13-16	10	MELROSE PARK
MAKASEAH BETTY J 1325 E WAYNE SHAWNEE, OK 74801-0000	17-20	10	MELROSE PARK
PHILLIPS SETH M & CAITLIN C 1327 E WAYNE SHAWNEE, OK 74801-0000	21-23	10	MELROSE PARK
SECHRIST JO ANN 1326 E CHANDLER SHAWNEE, OK 74801-0000	24-28	10	MELROSE PARK
SAC & FOX HOUSING AUTHORITY PO BOX 1252 SHAWNEE, OK 74802-0000	E1/2 OF LOT 29	10	MELROSE PARK
TIGER JIMMIE CAROL 1324 E CHANDLER SHAWNEE, OK 74801-0000	W1/2 LOT 29 & ALL LOTS 30 THRU 32 & E1/2 LOT 33	10	MELROSE PARK
COFFMAN ENTERPRISES OF SHAWNEE LLC 1202 N HARRISON STE B SHAWNEE, OK 74804-	W1/2 OF LOT 33 & LOTS 34 THRU 36	10	MELROSE PARK
JERRON PROPERTIES LLC 17406 COKER RD SHAWNEE, OK 74801-	37-42	10	MELROSE PARK
JERRON PROPERTIES LLC 17406 COKER RD SHAWNEE, OK 74801	43-48	10	MELROSE PARK

Sec. 22-239. Special exception.

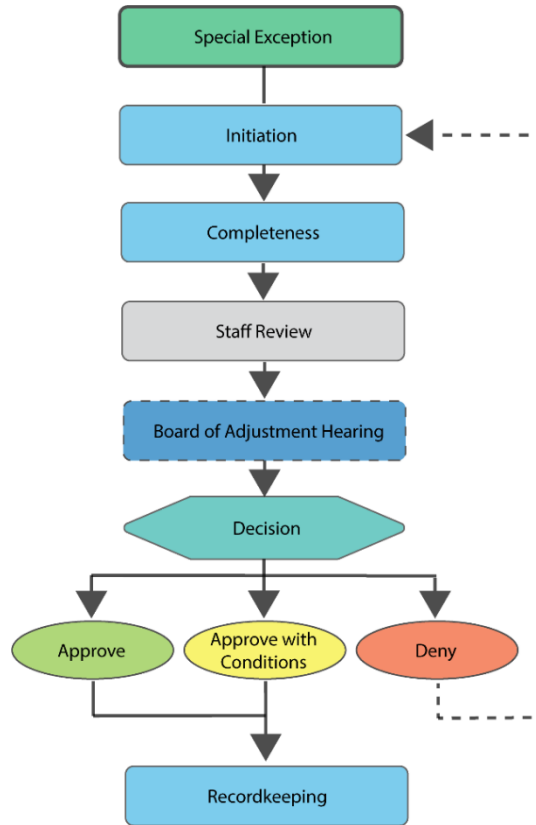


Figure VI-13: Special Exception Flowchart

A. Applicability.

1. The board of adjustment is authorized to hear and decide a special exception in accordance with this section.
2. A special exception is an allowed variation from the regulations of this UDC, but is differentiated from a variance in two ways as described below.
 - a. *No hardship required.* A special exception does not require a finding of an unnecessary hardship.
 - b. *Specifically allowed and pre-determined by the UDC.* Approval of a special exception by the board of adjustment is specifically provided for and defined in this UDC.

B. Initiation. The board of adjustment may grant a special exception upon receiving a written request from the applicant.

C. Completeness. See section 22-223.D.

D. Notice and hearing(s). Noticing shall comply with section 22-223.E. and state law, as applicable.

E. Decision.

1. The board of adjustment shall conduct a public hearing on the special exception and shall render its decision after the hearing is closed.

-
2. The board of adjustment may, in whole or in part:
 - a. Approve the special exception; or
 - b. Deny the special exception; or
 - c. Approve the special exception with conditions.
 3. In granting a special exception, the board of adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare, including, but not limited to, conditions specifying the period during which a nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this UDC.
- F. *Standards.* If the board of adjustment finds that the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the board of adjustment may authorize the following special exceptions to the regulations herein established:
1. *Nonconforming uses.* Permit the reconstruction, extension, or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use and permit the expansion of off-street parking or off-street loading for a nonconforming use.
 2. *Setbacks.* For existing buildings that were legally constructed prior to the effective date of this UDC, the board of adjustment may authorize a special exception to allow reconstruction of a building over a setback line or allow a building to be set back further than a build-to line established by this UDC.
 3. *Landscaping.* The board of adjustment may permit landscaping that varies by more than ten percent but less than 20 percent from the requirements of landscaping regulations.
 4. *Parking.* In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which that use is located, is other than by private automobile, required parking may be reduced up to 50 percent by the board of adjustment.
- G. *Subsequent applications.* No request for a special exception that has been denied shall be further considered by the board of adjustment under a subsequent request unless:
1. Six months have elapsed from the denial date; or
 2. Conditions relative to other property in the immediate vicinity, within the six-month period, have been changed or acted on by the board of adjustment so as to alter the facts and conditions on which the previous board of adjustment action was based.
- H. *Appeals.* See section 22-223.M.
- I. *Scope of approval.* After a final decision on the special exception is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.
- J. *Recordkeeping.* The director shall maintain a copy of any order of the board of adjustment pursuant to this section.

(Ord. No. 2806NS, § 1(Exh. A), 8-19-2024)

Sec. 22-240. Variances.

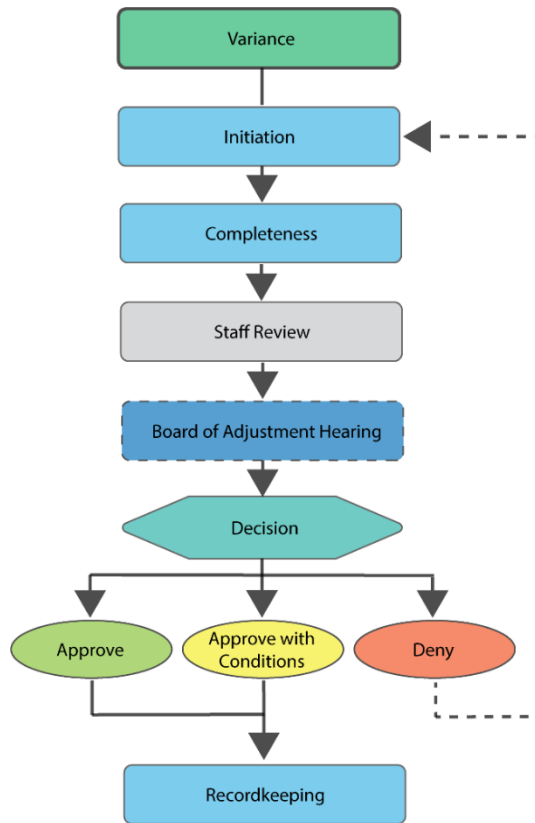


Figure VI-14: Variance Flowchart

- A. *Applicability.* The board of adjustment may authorize, in specific cases, a variance from the terms of this UDC.
- B. *Initiation.* An application for a zoning variance shall be filed with the director.
- C. *Completeness.* See section 22-223.D.
- D. *Notice and hearing(s).* Noticing shall comply with section 22-223.E. and state law, as applicable.
- E. *Decision.*
 - 1. The board of adjustment shall conduct a public hearing on the variance and shall render its decision after the hearing is closed.
 - 2. The board of adjustment may, in whole or in part:
 - a. Approve the variance; or
 - b. Deny the variance; or
 - c. Approve the variance with conditions.
 - 3. A concurring vote must be a majority of the members of the board of adjustment to authorize a variance.

-
- F. *Approval criteria.* The board of adjustment shall not approve a variance unless it finds that:
1. The application of this UDC to the subject property would create an unnecessary hardship;
 2. Such conditions are peculiar to the subject property involved;
 3. If granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the UDC or the comprehensive plan; and
 4. If granted, would be the minimum necessary to alleviate the unnecessary hardship.
- G. *Subsequent applications.* Not applicable.
- H. *Appeals.* See section 22-223.M.
- I. *Scope of approval.* After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.
- J. *Recordkeeping.* The director shall maintain a copy of any order of the board of adjustment pursuant to this section.

(Ord. No. 2806NS, § 1(Exh. A), 8-19-2024)

Land Use	District
	R-1
Residential Uses	
<i>Household Living</i>	
Detached Single-Family Dwelling	P
Townhouse	
Duplex	P
Triplex	P
Fourplex	C
Courtyard Apartment	
Bungalow Court	
Multiplex	
Manufactured Home	C
Mobile Home	
Modular Home	C
Tiny Home	C
Multi-Family Dwelling (Apartment)	
Live-Work Unit	
Mixed-Use Building	
Barndominium	C
Group Living	
Assisted Living Center	
Community Group Home	P
Dormitory	
Emergency and Protective Shelter	
Life Care Retirement Center	
Re-Entry Facility	
Residential Treatment Center	
Rooming/Boarding House	
Commercial Uses	

Afterlife Service	
Cemetery/Mausoleum	C
Funeral Services	
Animal Service	
Kennel	
Veterinary	
Assembly and Entertainment	
Assembly Hall	
Broadcast or Recording Studio	
Commercial Amusement (indoor)	
Commercial Amusement (outdoor)	
Nightclub	
Commercial Service	
Building Service	
Business Support Service	
Personal Services	
Research Service	
Heavy Equipment Services and Sales	
Financial Service	
Alternative Financial Services	
Pawnshop	
Bail Bond	
Financial Institution	
Lodging	
Bed and Breakfast	C
Hotel/Motel	
Recreational Vehicle Park/Campground	
Short Term Rental	C
Office	

Artist Studio	
Professional Office	
Medical Office	
Restaurants and Bar	
Bar	
Hookah Lounge	
Brewpub	
Restaurant	
Food Preparation and Sales	
Food Truck Park	
Retail Sale	
Convenience Store	
Retail Store	
Building Supplies and Equipment	
Grocery Store	
Adult Entertainment	
Sexually Oriented Business	
Vehicle Sales and Service	
Car Wash	
Commercial Vehicle Repair and Maintenance	
Commercial Vehicle Sales and Rentals	
Heavy Personal Vehicle Repair and Maintenance	
Light Personal Vehicle Repair and Maintenance	
Personal Vehicle Sales and Rentals	
Vehicle Equipment and Supplies Sales and Rentals	
Service Station	
Marijuana Uses	

Medical Marijuana Commercial Grower	
Medical Marijuana Dispensary	
Medical Marijuana Education Facility	
Medical Marijuana Processor	
Medical Marijuana Research Facility	
Medical Marijuana Testing Laboratory	
Industrial Uses	
Wholesale, Distribution, and Storage	
Contractor's Shop and Storage Yard	
Equipment and Materials Storage, Outdoor	
Freight Terminal	
Warehouse	
Warehouse, Distribution, and Wholesale	
Self-Service Storage Facility	
Wholesale Showroom Facility	
Low-Impact Manufacturing and Industry	
Craft Manufacturing	
Small Brewery	
Wine and Spirits Wholesaler/Distributor	
Industrial and Manufacturing, Light	
Moderate to High-Impact Manufacturing & Industry	

Industrial and Manufacturing, Heavy	
Large Brewery	
Mining or Mineral Processing	
Recycling	
Consumer Material Drop-off Station	
Recycling Facility	
Salvage Yard	
Solid Waste Facility	
Solid Waste Transfer Station	
Transportation Uses	
Airport	
Bus Terminal	
Parking Facility	
Railroad Station	
Transit Station	
Trucking and Transportation Terminals	
Public, Civic, and Institutional Uses	
Child Care Facilities	
Child Care Center	
Family Child Care Home	
Foster Family Home	P
Part-day Child Care Program	
Residential Child Care Facility	
Institutional	
College or University	

Correctional Facility	
Hospital	
Governmental Service	
Library, Museum, or Cultural Exhibit	C
Natural Resource Preservation	
Postal Service	
Religious Land Use	C
Safety Service	P
School	C
Technical School	
Infrastructure	
Utilities and Public Service Facility, Minor	C
Utilities and Public Service Facility, Major	
Wireless Communication Facility	P
Freestanding Towers	C
Building or Tower-Mounted Antennas	P
Recreation Uses	
Amphitheater	C
Civic Club or Lodge	
Community Center	P
Country Club	C
Health Club	
Firearm Range	
Marina	
Parks and Recreation	P
Agricultural Uses	
Animal Husbandry	
Community Garden	P
Farm, Market or Community-Supported	
Horticulture Nursery	
Feed and Farm Supply	
Agriculture	

Agritainment	
Feedlot	
Commercial Stable	
Small Farm Winery	
Oil or Gas Well	
Accessory Uses	
Accessory Building	P
Accessory Dwelling Unit	P
Apiary	C
Automatic Teller Machine (ATM)	
Carport	P
Donation and Collection Bin	C
Drive-thru	
Fuel Pump	
Home Occupation	P
Garage	P
Marina	
Outdoor Dining	
Outdoor Display	
Outdoor Storage	
Private Stable	
Personal Storage	
Personal Swimming Pool	P
Satellite Tasting Room	
Service Bay	
Storm Shelter	P
Transit Stop	P
Wind Energy System	P
Temporary Uses	
Batching Plant	P
Construction Yard	P
Field or Sales Office	P
Flea Market	
Itinerant Merchant/ Transient Street Vendor	
Seasonal Roadside Stand	