

ZONING BOARD OF ADJUSTMENT

DATE: December 17th, 2020

Minutes

The Zoning Board of Adjustment met at a regularly scheduled meeting on Thursday, December 17th, 2020 at 2:30 p.m. in the Commission Chambers at City Hall, Shawnee, Oklahoma, Pottawatomie County, pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO. 1:

Roll Call

Upon roll call the following Board members were present: Brandon Dyer, Holly Gordon, and Crystal Richardson.

Board members Tim Burg and Mark Cannon were noted as absent.

A quorum was declared present.

AGENDA ITEM NO. 2:

Case #ZBOA09-20- Public hearing and consideration of approval of a variance request to allow a mobile home on a one-acre lot located at 2124 W. Benedict Street. (*Deferred from October 15th, 2020 meeting per applicant's request.*)

Applicant: Kevin Hanna, Executive Home Rentals, LLC

Planning Director Rebecca Blaine presented the staff report. She stated the applicant was requesting a variance to allow a mobile home on a one-acre lot located at 2124 W. Benedict Street. This application was deferred at the applicant's request at the November Zoning Board of Adjustment meeting on November 19th, 2020. Director Blaine explained that variances were typically granted when a hardship was present. She gave the examples of saving a large, aged tree or topography as hardships; this case did not have a hardship.

Blaine advised the Board that photos of the requested mobile home to be placed on the subject property were included with the staff report. Blaine had concerns about the significant difference in the appearance of the proposed mobile home and the traditional residential construction that had been located at that address. She explained that the subject property was an illegal non-conforming lot as there are no records of a request for rezoning or lot split.

Director Blaine discussed the minimum requirements of the Zoning Code for a manufactured home. The land must be no less than 5-acres and a Conditional Use Permit (CUP) must be approved through the Planning and City Commissions. Blaine further explained that in the past two years the Planning Department had only received one (1) application for a Manufactured Home. That case had been on a tract of land no less than 5-acres and the home was new.

Chairwoman Gordon asked if the previous home had been a traditional residential construction.

Director Blaine confirmed the construction and advised that structure had been lost in a fire. Chairwoman Gordon opened the public hearing.

Applicant Kevin Hanna spoke and stated he was in the rental home business. He had rented the house on the subject property before it burned. Hanna stated he had originally decided to rebuild and sought a rezoning for medical marijuana. He explained that he had withdrawn that rezoning application after he heard of lot of dissenting opinion from the neighbors.

Hanna advised the Board that he had been offered the manufactured home seen in the photos for free. If the variance was approved, he intended to replace the siding, window dressings, doors, as well as a new deck. He stated he wanted the building to look respectable. The manufactured home was structurally sound; it just looks bad on the outside. He explained he could make the changes within one moth of moving. He stated this was a profitable opportunity for him as he wouldn't have to build an entirely new structure. Hanna opined the neighbors would be happier with this (option), and it was a win-win for everyone.

Board member ____ asked how soon the manufactured home be moved to the subject property.

Hanna explained that dirt work and coordination with the moving company would affect the timing. He provided a guess of late winter – late March (2021).

Board member ____ asked where the home would be located on the lot.

Hanna replied that it would be placed behind the existing structure, formerly a bait shop, approximately 50' – 100'.

Board member ____ asked if anything was preventing a different home on the property; Hanna replied the cost was preventative.

Director Blaine reminded the Board that every decision was important as granted variances may establish a precedent for future applications of a similar nature. She also stated that financial concerns were not appropriate criteria for determining if a hardship existed.

With no other speakers, the public hearing was closed.

Board member ____ asked if there were guidelines for rural areas.

Director Blaine stated the Zoning Code requires a minimum of 5-acres for the placement of a manufactured home. Each manufactured home requires a Conditional Use Permit (CUP), so specific units were reviewed by the Planning Commission and the City Commission. Blaine stated the most recent manufacture home was new and placed on 6-acres at Clear Lake. The other option was to locate it a Manufactured Home Park. If that was not an option, the feedback from the neighbors was noted to avoid setting a precedent in that area.

Chairwoman Gordon made the statement having one-acre of land was not a hardship and being most "profitable" was not a hardship.

Director Blain advised that if the applicant wanted to submit plans for a traditional built home, they would be submitted to the Planning Department. If all codes and regulations were followed, those house plans would not have to appear before the ZBOA, the Planning Commission, or the City Commission.

Board member Richardson made a motion to deny the variance as requested, which was seconded by Chairwoman Gordon.

The motion passed 3-0-0.

AYE: Richardson, Gordon, Dyer

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 3:

Case #ZBOA12-20- Public hearing and consideration of approval of variance request to grant relief from the façade requirement in the C-4 (Central Business District) for a 1.79-acre tract located on the southeast corner of 10th & N. Kickapoo.

Applicant: Tina Hanna, South Central Industries, Inc.

Planning Director Rebecca Blaine advised the Board to defer this application to a future meeting. One of the Board members lived within 300' of the request and legally cannot vote. With that abstention, there is not a quorum.

Board member Dyer made a motion to defer the application to a future meeting, which was seconded by Chairwoman Gordon.

The motion passed 3-0-0.

AYE: Dyer, Gordon, Richardson

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 4:

Case #ZBOA13-20 – Public hearing and consideration of approval of a variance request for a 1' lot frontage/width requirement for five .19 acre lots to be known as Bentley Oaks Addition on Hardesty Drive for single family residential lots.

Applicant: Justin Ramer, J. Bentley Investments, LLC

Planning Director Rebecca Blaine presented the staff report. She stated the applicant was requesting a variance to reduce the minimum lot width and street frontage by one-foot (1') for five (5) .19-acre lots

in the Bentley Oaks Addition. The minimum lot width and street frontage requirement for property zoned R-1 (Residential Single-Family District) is 60' per lot.

Blaine explained the proposed five (5) lots were infill lots. The total variance request was for five-feet (5'). In accordance with the 2040 Comprehensive Plan, residential units are encouraged. Staff recommended approval of **#ZBOA1-20**.

Chairwoman Gordon opened the public hearing.

Applicant Justin Ramer addressed the Board and explained the goal was to build five (5) new homes, which he believed would add value to the neighborhood. He stated the variance request became necessary when after the land purchase it was determined there was a five-feet (5') utility easement (U/E) on the east side. The hardship was created when the five-feet (5') is removed from the full length of the parcel, the lots are too narrow by one-foot (1') each. Instead of building on four (4) lots, the variance application was submitted.

At the request of Director Blaine, Ramer described the type of homes that would be built as new construction in a Craftsman style. The siding would be white with each home around 1,600 – 1,700 square feet. The estimated price was \$200,000 - \$210,000. He explained that each lot would exceed the minimum 6,000 square feet, but the street frontages each would be 59'.

A. Moore addressed the Board and explained that she lives across the street and had concerns about negative effect on property values. Additionally, there was only one road in and out, and the low concrete bridges that currently floods during a rain.

Director Blaine stated that in R-1 zoning there is a maximum of 35% of the lot may be covered with hard surface. That maximum was calculated to aid in the prevention of additional stormwater flooding to neighboring lots.

Applicant Ramer stated that there was no additional land for another street. The proposed new homes would mirror the homes in the area. Director Blaine stated those subdivisions were Irish Ridge Addition and Smoking Oaks 4 and 4.

Board member Dyer stated property values should increase with the construction and sale of the new homes.

With no other comments, the public hearing was closed.

Board member Gordon made a motion to approve the variance as requested, which was seconded by Board member Dyer.

The motion passed 3-0-0.

AYE: Gordon, Dyer, Richardson

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 5:

New Business

Director Blaine thank the Board members for their service to the Community and wished everyone a healthy and happy New Year.

AGENDA ITEM NO. 6:

Board Members' Comments

Chairwoman Gordon commented that more meetings mean we (Shawnee) were moving forward.

AGENDA ITEM NO. 7:

Adjournment

The meeting was adjourned at 3:17 p.m.

Approved 1/21/2021
Chairwoman/Vice-Chairman

Rebecca Blaine
Planning Director