

**AGENDA**  
**JENKS BOARD OF ADJUSTMENT**  
**6:00 P.M., THURSDAY, NOVEMBER 14, 2019**  
**COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET**  
**JENKS, OKLAHOMA 74037**

- I. CALL TO ORDER
- II. ROLL CALL
- III. REQUEST TO APPROVE MINUTES OF SEPTEMBER 12, 2019

Documents:

[2019.09.12 BOA MINUTES.PDF](#)

IV. BUSINESS

- 1. JBOA 19-427: Request by Robert Bell for a variance of the required 25-foot side yard setback. General Location: 2791 E 129th Court S

Documents:

[STAFF REPORT JBOA-19-427.PDF](#)  
[CASE MAP.PDF](#)  
[SITE PLAN.PDF](#)  
[CC REPORT JZ601 PUD 104 - SETBACKS.PDF](#)

V. OTHER BUSINESS

- 1. Horizon Jenks - Comprehensive Plan Project Update

VI. ADJOURNMENT

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**6:00 P.M. THURSDAY, SEPTEMBER 12, 2019**  
**COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET**  
**JENKS, OKLAHOMA 74037**

The Jenks Board of Adjustment was called to order at 6:00 p.m. on August 16, 2019, at Jenks City Hall by Chair Shari Keathley. A roll call vote was taken as follows:

**Present**

Gina Wilson  
Paul Greek  
Erik Enyart  
Chair Shari Keathley

**Absent**

Larry Hengst

**Staff Present**

Jim Beach  
Brandon Macy

Request to approve minutes of August 15, 2019. Shari Keathley proposed changes to the minutes to make them more accurate. Erik Enyart made a motion to approve the minutes with the proposed corrections. Paul Greek seconded the motion. A roll call vote of members was taken as follows:

**YEA:** Enyart, Greek, Keathley

**NAY:** None

**ABSTAIN:** Wilson

**Business**

1. **JBOA 19-425: Request by Dylan Broadland for a special exception to build a 1200sf building on his property** **General Location: 532 N Elm St**

Jim Beach presented his staff report. Dylan Broadland (806 N Sycamore Pl) addressed the Board about the application. Charlotte Montgomery (10612 S Fir Ave) wanted to make sure that the building would not be used as a business or a living space. Paul Greek made a motion to approve Item 1. Gina Wilson seconded the motion. A roll call vote of members was taken as follows:

**YEA:** Wilson, Greek, Keathley

**NAY:** Enyart

Motion Carried.

**Other Business.**

1. **Update on Comprehensive Plan** Jim Beach gave an update on the Comprehensive Plan.

**Adjournment.** The Jenks Board of Adjustment adjourned at 6:33 p.m.



## Staff Report

**To:** Board of Adjustment Members  
**From:** Jim Beach, City Planner  
**Hearing Date:** November 14, 2019  
**Subject:** **JBOA 19-427**  
**Location:** 2791 E. 129<sup>th</sup> Ct S

**Exhibits:**

1. Location Map
2. Site Plan
3. Approved Setbacks from PUD

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**Applicant:** Robert Bell  
**Action Requested:** Variance of the platted 25-foot secondary street setback on a corner lot  
**Current Zoning:** RS-1 (Residential Single-Family Low Density) PUD 104  
**Applicable Regulations:** Chapter 4 Residential District provisions, Section 430.1 Table 3 Bulk and Area requirements in residential districts; PUD 104, Section 2.1, Planned Unit Development Standards

**Surrounding Zoning and Land Uses:** Surrounded by RS-1/PUD zoning and single-family residences under development

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### CRITERIA and CONSIDERATIONS FOR ACTION

The required tests for approval of a Variance are established by State Law and described in the Jenks Zoning Code. The Board must make a statement of finding on the record as to each of the following:

- a. That by the reasons of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure, or building involved, the literal enforcement of the terms of the code would result in unnecessary hardship.
- b. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district.
- c. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the code, or the comprehensive plan.
- d. In addition, any variance granted shall be the minimum amount needed to provide relief.

### BACKGROUND

The approved Frasier Lake Estates PUD established the required front setback at 25 feet and required side setback from a street at 15 feet, except for garages entered from the street which must be setback 20 feet. The subdivision plat indicates the required building line setback at 25 feet on all sides of this corner lot abutting the cul-de-sac.

## STAFF EVALUATION

The Restrictive Covenants with the Plat do not clearly recite the requirement about side setbacks on a street, and it is further confused by the 25-foot building line around this entire cul-de-sac. Arguably, a variance is not needed since the PUD record is clear about the 15-foot required setback. However, to be abundantly cautious, the applicant requests a variance from the platted 25-foot setback to 20 feet, which corresponds with a 20-foot utility easement.

Staff has no concerns with approval of the variance, considering the possibility that under these unusual circumstances, if the applicant were held to the 25-foot setback, an unnecessary hardship may be imposed because the plat and the PUD are inconsistent; that such conditions don't apply elsewhere in this use district; that a reduction down to a 20-foot setback would not seem to be a detriment to the public good or impair the Code or Comp Plan; and that 20 feet is the minimum amount of relief needed.

If the Board finds similarly, any motion to approve must state the findings for the record. Any motion to deny must also state findings as to how the request does not meet each of the four required tests.

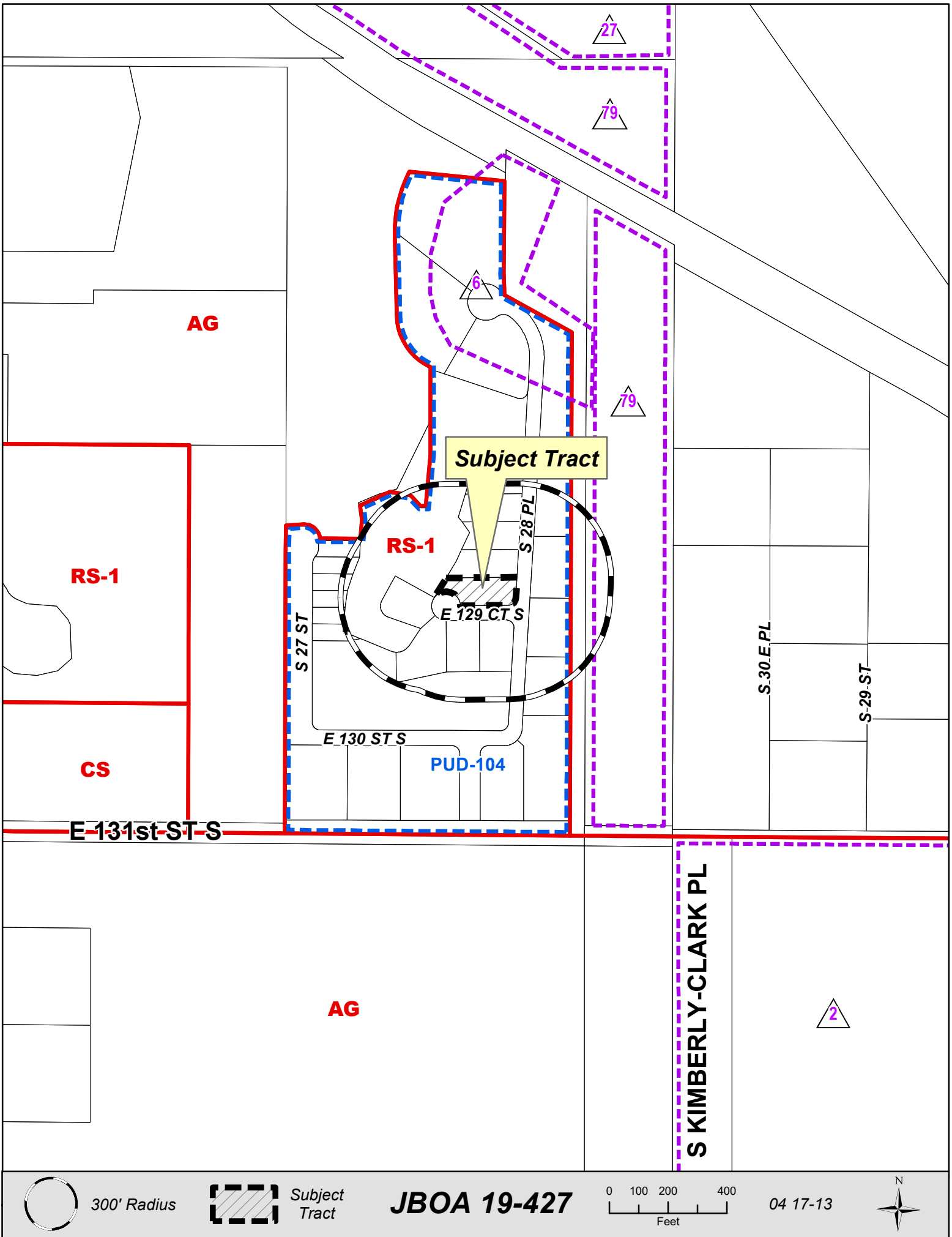
### **Below is a suggested outline you can use to fill in the blanks to help with a motion:**

Move to (*approve or deny*) a Variance from the platted 25-foot secondary street setback on a corner lot to 20 feet; finding that a hardship (*exists/does not exist*) due to \_\_\_\_\_, and subject to the following conditions (if any):

1. Per site plan submitted
2. \_\_\_\_\_
3. \_\_\_\_\_

The Board finds that the following facts have been established (*read aloud*):

- A. That by the reasons of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure, or building involved, the literal enforcement of the terms of the code would result in unnecessary hardship.
- B. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district.
- C. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the code, or the comprehensive plan.
- D. Any variance granted shall be the minimum amount needed to provide relief.



**AG**

**RS-1**

**CS**

**RS-1**

**PUD-104**

**AG**

**Subject Tract**

**E 131st ST S**

**S 27 ST**

**E 130 ST S**

**S 28 PL**

**E 129 CT S**

**S 30 E PL**

**S 29 ST**

**S KIMBERLY-CLARK PL**



300' Radius



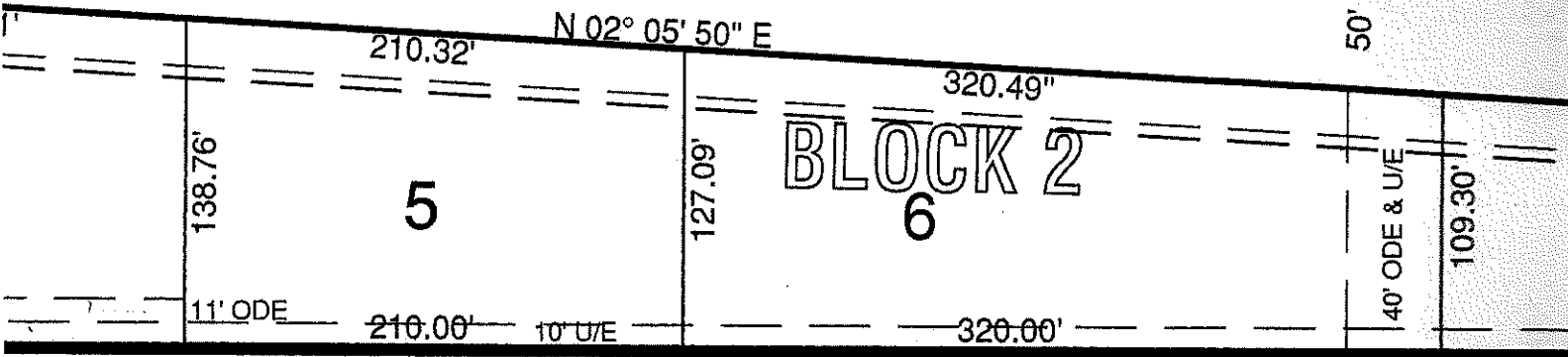
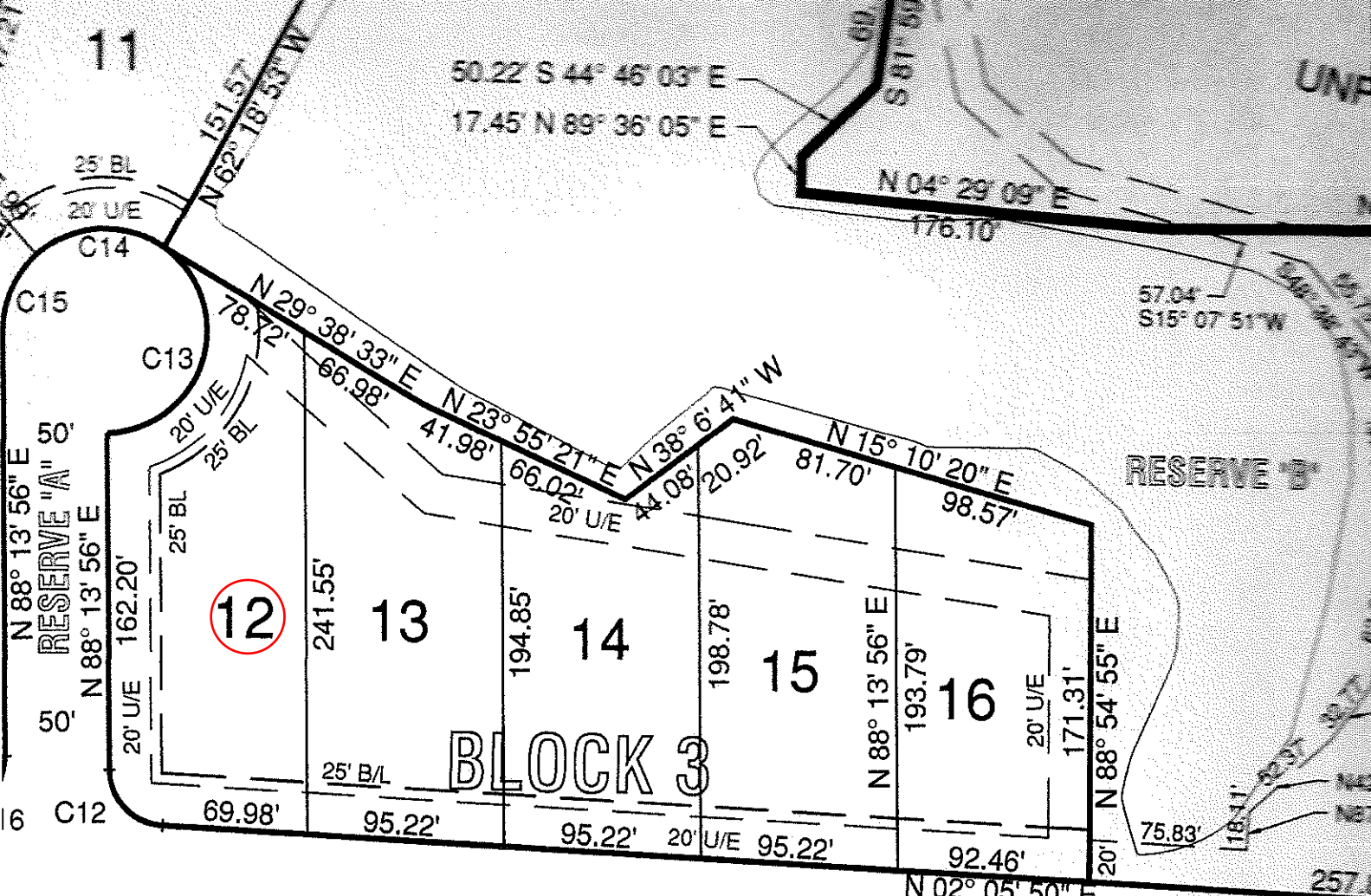
Subject Tract

**JBOA 19-427**



04 17-13

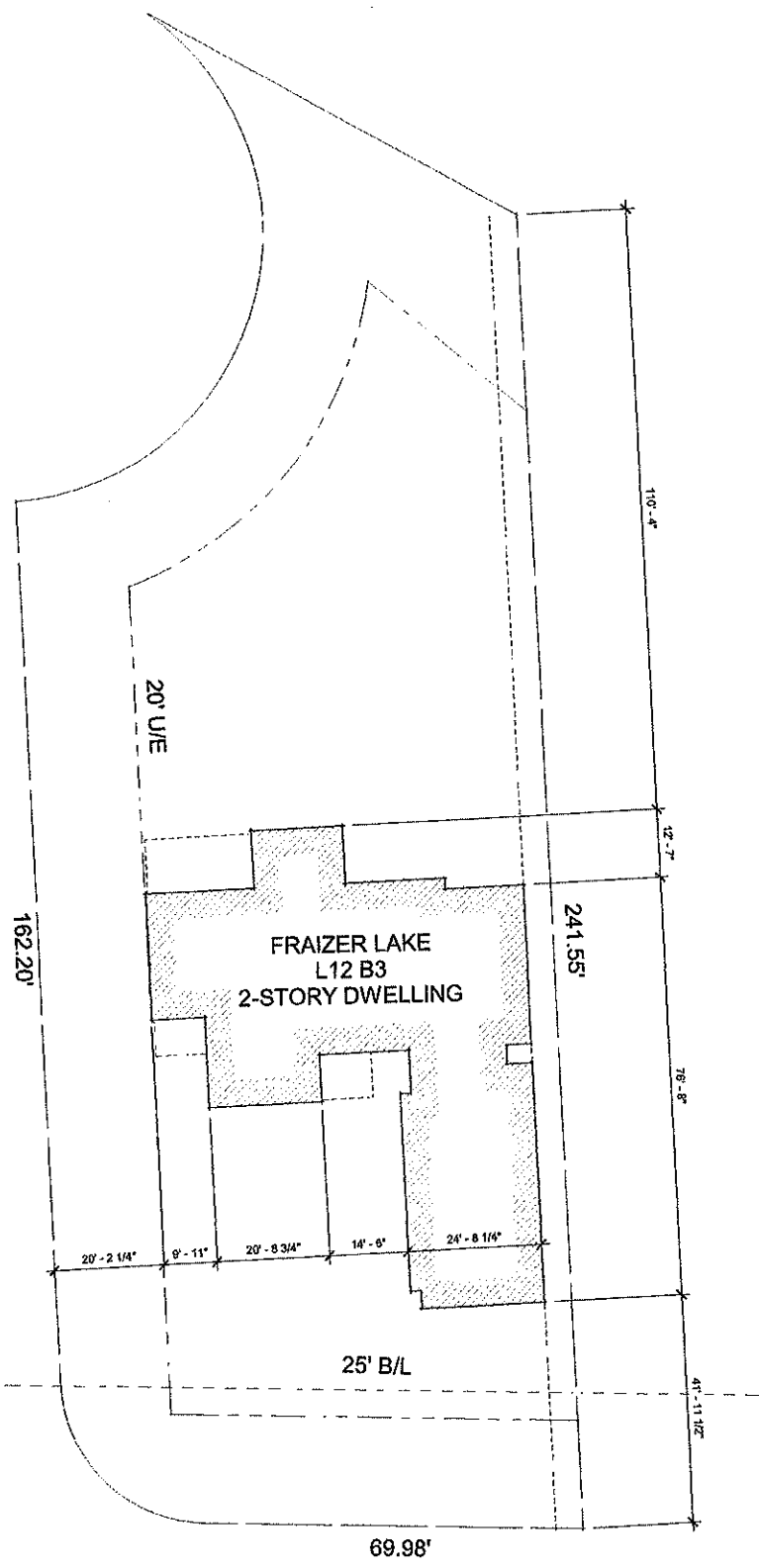




UNPLATTED



Zemanek Architecture + Design  
 412-A East B Street  
 Jenks, OK 74037  
 918.606.2090  
 zemanekad.com



PROJECT:

**LOT 12, BLOCK 3**  
**TJ ENTERPRISE**  
**FRAIZER LAKE**

PROJECT NUMBER:  
**19040**

CONSULTANT:

REVISIONS:


SEAL:

**BANK SET**  
**NOT FOR**  
**CONSTRUCTION**

09/9/19

ISSUE DATE:  
**09/9/19**

SHEET NUMBER:

**A2**

SITE PLAN

① SITE PLAN - OVERALL  
 1/16" = 1'-0"



The Planning Commission conducted a public hearing on JZ-601/PUD 104 a request by Frazier Lake Estates LLC for approval of a Zone Change from an AG (Agriculture) Zoning District to an RS1 (Single Family Residential)/Planned Unit Development Number 104 Zoning District for Residential Uses within the development criteria established in Planned Unit Development 104 on Thursday April 27, 2017.

The subject property is designated Low Intensity and medium Intensity by the Jenks Comprehensive Plan. The property is currently zoned AG (Agriculture). The applicant is requesting an RS-1/Planned Unit Development Number 104 Zoning District for the development of "Frazier Lake Estates" a residential addition to the City of Jenks. The requested single family residential uses are found to be in accordance with the Low and medium Intensity Plan Categories.

"Frazier Lake Estates" will be developed to the standards of the RS-1 Zoning Districts except as modified by the submitted development text and proposed restrictive covenants. Minimum Lot sizes shall be modified to 6000 square feet in Block 3 with a Livability space in block 3 to be reduced to 3000 square feet. These are the lots that surround the lake and the overall open space associated with these lots and the lake remain in compliance with the Comprehensive Plan and an RS1 development. This is recognized as a cluster type development for Block 3. Lot widths in Block 3 shall be established at 57 feet or greater. Building lines will be established at 25 feet. The PUD identified 20 feet and the plat showed 20 feet in Block 3 and 25 in the remaining blocks of the development. Since the utilities will be all in the front yard of the lots in Block 3 a utility easement of 20 feet will be required and therefore all front building lines shall be established at 25 feet. Rear yard setbacks have been modified to be not less than 20 feet in depth. Side yard setbacks have been modified to be five (5) feet for both sides maintaining a ten (10') separation between dwelling units. Side yards on corner lots shall have a 15 foot building line. If side entry garages from an exterior side yard the garage access is required to be 20 feet from the right of way. Maximum building height will remain at 35 feet. Other than the setbacks identified the remaining Blocks of the development are consistent with the Bulk and Area requirements of the RS-1 Zone.

In consistency with other new developments in the City of Jenks, structural requirements and restrictions will be imposed. The developer is required to include the dwelling size requirement and the masonry requirement in the PUD standards of the Plat and they are included in the PUD standards as a requirement:

1. No exposed stem walls.
2. The first floor of each dwelling will be 70% Masonry, not including windows and beneath covered porches. All other materials on the exterior of the Dwelling must be approved by the Architectural Committee.
3. In Lots 1-7 Block 3 all single family dwelling units shall have a minimum of 1800 square feet of finished heated living area. All other lots within the developments shall have a minimum of 2400 square feet of finished heated living area.
4. Roofing shall be self-sealing Gran manor composition shingles, metal or slate tile or equivalent with Architectural Committee allowed variance.
5. Roof Pitch shall be a minimum of 6/12 over 80% of roof area.
6. All lots shall be sodded and landscaped within 30 days of occupancy or 60 days of final inspection.