

# CITY OF JENKS

211 NORTH ELM STREET JENKS, OKLAHOMA 74037  
PHONE (918) 299-5883

## MEMORANDUM

**To: Mayor and City Council**  
**From: Bob Richards, City Planner** *BR*  
**Date: July 2, 1997**  
**Re: Request of Mike and Carlene Cooke for Street Encroachment**

Mr. and Mrs. Cooke, 11908 South Forest Place, have begun construction of a 6-foot solid screening fence to enlarge their rear yard. At the time Building Inspector Bill Heinen became aware of the fence construction on June 19, 1997, fence posts were installed.

Mr. Heinen's inspection of the fence revealed that not only does the fence violate the 25-foot platted Building Setback Line which extends along both the north and east sides of the Cooke's lot, it also encroaches into the 119th Street right-of-way approximately 3-feet plus.

Both the PUD zoning of Sunnybrook Estates Addition and the private restrictive covenants of the addition require structures, including fences, to be erected in compliance with the 25-foot Building Setback Line as depicted on the Final Plat and in zoning case approvals. The setback areas are reserved for open-space, and provide clear traffic visibility at street intersections, provide for adequate light and air to nearby residences, prevent the overcrowding of land, and are used to promote aesthetically pleasing surroundings in the neighborhood.

Following receipt of written notification from the City, Mrs. Cooke applied for relief in the form of a waiver of the Building Setback Line from 50-feet to 21'6", as measured from the centerline of 119th Street. Also requested is approval of the encroachment into the public right-of-way of 119th Street. She has been advised that in addition to Council approvals, she may also need to seek relief from the private deed restrictions.

The Council has previously granted relief for two rear yard fences in Sunnybrook Estates for homes which back up to the 121st Street right-of-way and have a 35-foot Building Line Setback abutting the right-of-way. Neither of these homes are on corner lots.

In staff's opinion, the request appears to lack a recognizable "hardship" and compliance would not impose an undue burden on the applicant. Therefore, staff is not supportive of the request.

Should the Council be supportive of the request, staff would recommend that any approval be conditioned as in past cases, with a Removal Contract and HoldHarmless Agreement executed by Mr. and Mrs. Cooke.

**POD 4  
MINOR AMENDMENT 6  
FENCE ENCROACHMENT ON A CORNER LOT  
11908 S FOREST PL**



July 1, 1997

Bob Richards,

I am requesting a waiver of the building line set back restriction on the North side of my property located 11908 S. Forest Pl. in the SunnyBrook addition. I would like to fence my backyard and want to use all the yard I can. I would only be fencing approximately 20' along the North side of the home.

Thanks

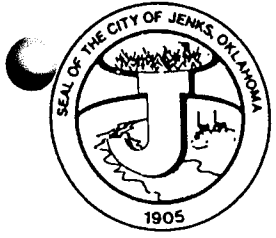
*Carlene Cooke*

**RECEIVED**

**JUL 02 1997**

**CITY OF JENKS**





PUD 4  
MINOR AMENDMENT 6  
FENCE ENCROACHMENT ON A CORNER LOT  
11908 S FOREST PL

## CITY OF JENKS

211 NORTH ELM STREET JENKS, OKLAHOMA 74037  
PHONE (918) 299-5883

June 19, 1997

Mike and Carleen Cooke  
11908 South Forest Place  
Jenks, OK 74037

Re: Construction of fence beyond the platted building line setback in Sunnybrook Estates subdivision.

Dear Mr. and Mrs. Cooke:

The wooden privacy fence under construction this date (wooden 4x4 post set at this time) are placed beyond required Twenty-five foot building line setback as platted in the Sunnybrook Estates subdivision.

Please cease construction until this matter can be resolved. The fence must be set back behind the building line or a variance must be granted by City Council. If you wish to apply for a variance please contact Bob Richards at 299-5883 to be placed on the City Council Agenda.

Sincerely,

*Bill Heinen*

Bill Heinen  
Building Inspector