

MINUTES
BOARD OF ADJUSTMENT
7:00 P.M., THURSDAY, MARCH 5, 2015
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET
JENKS, OKLAHOMA 74037

Members Present

Steve Murtha

Paul Greek

Gina Wilson

Shari Keathley

Members Absent

Larry Hengst

Staff Present

Robert Bell

The Jenks Board of Adjustment was called to order at 7:00 p.m. on Thursday, March 5, 2015, at Jenks City Hall by Chairman Shari Keathley, and following a roll call a quorum was declared present.

Chairman Shari Keathley requested a review of the minutes from the February 5, 2015, Board of Adjustment meeting and asked if there were any corrections or omissions. There were no comments of corrections to the minutes of February 5, 2015. Chairman Shari Keathley declared the minutes approved as written.

BOARD CASES

1. JBOA-381 (0573) Request by Casey Criss for a Special Exception to construct a 1200 square foot detached accessory structure within an RS-1 Zoning District on property described as:

Lot 3, Block 2, "Ark Ridge Estates", an addition to the City of Jenks, Tulsa County, Oklahoma.

General Location: 12418 South Gary Avenue.

Robert Bell addressed the Board and stated the subject property is designated low intensity no specific land use by the Jenks Comprehensive Plan. It is currently zoned RS-1 and developed with one single family residence. The applicant is requesting a special exception to construct a 1,200 square foot accessory building located in the rear exterior side yard on the north side of the property. The structure will be utilized as a general accessory building to the existing single family dwelling. The adjacent properties are within the Ark Ridge development and have been developed for single family residential uses. The Staff report lists some criteria that required

anything above 600 to 1,200 square feet would be a special exception. The intent of the special exception process is to ensure that a proposed use will be in harmony with the spirit and the intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Structures with a total floor area between 600 and 1,200 square feet have been identified as uses that may be found injurious to neighborhoods by unauthorized use as a second single family dwelling or being used in conjunction with commercial or industrial use not permitted in a residential zone. A structure of this size is approved by the Board of Adjustment through this special exception process. The applicants are not proposing any commercial or industrial activities to be conducted within the structure. Staff is concerned with the impacts of a structure this large to the residential character of the neighborhood. Normally Staff would recommend that exterior design of the building should be tied to the façade of the neighborhood and utilize the same building materials as the principle residence. It is noted that that the Ark Ridge development is large lots that are heavily wooded. Staff was able to identify three existing accessory buildings located within the development. Two of these buildings were approximately 600 square feet in size. The larger of the existing accessory buildings is a brown building. It's wood siding. This structure would be comparable to the same size of the proposed building and is located across the street. It is set back from the road. The other building is all metal and red in color. It sits up close to the road. The Ark Ridge development does have Restrictive Covenants that state building exteriors must be brick, stone, rock, or rustic siding so as to blend with the character of existing surroundings. Outbuildings must coincide with the architectural design of the house. Single family structures within the development have been constructed to comply with this requirement. The three existing accessory buildings do not comply with these requirements. The single family dwelling on the subject property has exterior finishes of brick and cedar plank. An addition of an architectural feature of brick wainscot or addition of cedar plank to the proposed structure would assist in coinciding with the design of the house. At a minimum Staff would recommend the structure utilize a brown color that would coincide with the cedar planks of the residence. It does not appear that the original covenants of the development have been enforced. The property is a large lot and the outbuilding is consistent with the other outbuildings in the neighborhood. Staff recommends that Special Exception request JBOA-381 be approved subject to the conditions as listed and recommends that the exterior color at least be a brown color to fit in better with the neighborhood. Chairman Shari Keathley asked Mr. Criss to come forward and tell the Board about his application. Casey Criss addressed the Board and stated the proposed plan you see are not the actual colors we are going to use. It's going to be more of a rustic color offset with a burnished bronze or root beer kind of color. It's going to have cedar shutters on it and we'll put some windows in it. I didn't know there were covenants for the neighborhood that restricted the building. There are buildings there, and the building that's across the street from me is a metal building. Then on Florence there are two buildings in there that are side by side. One is fairly new and has the earth tone colors you're talking about. Robert Bell said that one came through this Board. Casey Criss said mine will be more dressed up than that a be a little nicer. It's been cut down into the property because we're on such a sloped hill,

so I've got two retaining walls that are built and the idea was to cut it down as far as I could so it lowers the building where it's tucked in the woods and be more hidden. After it's done we're going to put pine trees across the front of the property so it will be more hidden. I want to keep it where it's not noticeable, because people tend to break into them. It will be up to the quality of our house, and we've got a pretty nice home. Paul Greek asked what's the roof going to be? Casey Criss replied it's going to be metal. Paul Greek asked what color? Casey Criss showed where the building would be located on his property. Chairman Shari Keathley asked you have no plans of removing any of those trees from that area? Casey Criss replied no. When I was designing it I cut it down about four feet and keep the roof pitch down as low as possible so it doesn't stand out. I want it to be hidden. It is an all metal building. The colors will be very similar to the rustic colors of the new Rib Crib in Bixby, then it will have a burnished trim, and on the roof we were thinking about doing a steel finish or we'll do a brown. It will have full guttering on it that will drop off the back, and then I'll put in a French drain system and disperse it to the back of the property. It's not going to shed any more water than what the property's already doing. It stopped most of the water shed with the retaining walls anyway. Chairman Shari Keathley asked what's your plan to use this, is it just a building for storage? Casey Criss answered to store a boat and a trailer. About a year ago someone tried to steal one of my car haulers and messed with my boat, so the idea is to put those things away. It's just storage only. Steve Murtha said you're talking about a metal building when the covenant does not allow that, so if we approve a metal building we're going against the covenants. The Ordinance that allows you to put that building in there specifies in the rear yard. The layout that I saw, you're going to have 20 or 30 feet of that building up into the side yard of your house. It's not in the rear yard by definition. I'm a little bit concerned about that. If we approve it as is we're approving something in violation of the Ordinance as I understand it. Robert Bell said I looked at that and that's one of the reasons I drove out there. I was comfortable enough that it was setting back far enough from the front of the house. I would recognize it as a rear yard. It's a 2-1/2 acre lot. Casey Criss said the other two properties in this addition that are on Florence, those buildings are basically parallel with those homes. Steve Murtha said if they are 600 square feet or less we don't get involved in it. They can do anything they want. Casey Criss said it's a 30 by 40 that I'm asking for. Robert Bell said by definition in the Code this was far enough back on the side, and there's an acre and a half over on that side, and this building sets 85 feet back from the front property line and about 150 feet from the north property line. By those distances I was comfortable with recognizing it as a rear yard. I like that Mr. Criss is giving us some input about the color. I like the idea of the shutters and matching the cedar plank, the windows and cedar shutters, and the cupola on the roof, I think all of those elements are moving it towards the same design and materials of the main structure. The way the covenants read was that outbuildings would be designed as the principle structure, and it didn't say use the same building materials. Nobody in that development that has outbuildings is following anything like that. They've violated the covenants already. Casey Criss said if you're looking from the back of my house and looking across, that building will not start ahead of that. It is set back far beyond the required 65 foot setback from the street. Chairman

Shari Keathley said in the Code the restrictions are for it to compliment the residence. There's no problem with it being metal in the Code? Robert Bell replied there's no problem with it being metal. It was due to the covenants that this is written the way it is. If someone in ownership of one of the lots out there wanted to say you were in violation of the covenants, it's not through us but through District Court. I think that's a hard case to make for them when there are other buildings in the development that are already constructed that don't comply at all. The fact that it's meeting some design of the house I think we comply with that. The Board can make the finding that what he's telling us he's going to do is all meeting the design to comply with the covenants. Chairman Shari Keathley said in your application it says home dwelling only with portable shed. Will that still be in use? Casey Criss responded yes, it will stay back there. There's no way to get it out. Once this structure is passed and built then I will paint that building to match the new one. Chairman Shari Keathley asked is there anyone else present who would like to speak in favor of the proposal before the Board? Damon Stewart addressed the Board and said he and his wife Kay live on the property where the Morton building is. We moved out there in 1992 and the building was there then. I have no objection at all to Mr. Criss's proposal. As he pointed out there are several other buildings in the subdivision that wouldn't actually meet the covenants. I know Mr. Criss does quality work, so it won't detract from the neighborhood. Chairman Shari Keathley asked is there anyone here tonight that would like to speak in opposition to the proposal? Carolyn McDuffey addressed the Board and said there's a gulley right behind me and I thought it was going to be on the land straight up from the back of me. There was a building there that was torn down and I thought that's where this was. Robert Bell said the building that was torn down was a Code Enforcement issue because it was falling apart. Carolyn McDuffey said whatever he's building probably won't bother us. I guess I misunderstood. Chairman Shari Keathley closed the floor. Steve Murtha said recommendation number 4 is no longer appropriate because it requires cedar plant and brick wainscot. Obviously we're not requiring any of that. He's talking about putting in a screen of trees, decorative shutters, cupulas, and I'd like to see all of that in this as well. If we just take number 4 out of there we're just giving him a blank check with no requirements at all. I think the requirements need to appear in that number 4 item. Paul Greek said just change number 4 to say exterior characteristic with the shutters, color and cupulas added. Robert Bell said I wrote that down and said windows with cedar shutters, cupula on roof, brown trim with root beer colored sides, and tree screen in front. Casey Criss showed the colors to be used and said the proposed building did have a lean to on the side of it. Paul Greek made a motion to approve JBOA-381 as modified by Robert Bell. Seconded by Gina Wilson.

A roll call vote was as follows:

Steve Murtha	Yes
Paul Greek	Yes
Gina Wilson	Yes

Shari Keathley

Yes

Motion carried.

Meeting adjourned at 7:36 p.m.