

MINUTES
BOARD OF ADJUSTMENT
7:00 P.M., THURSDAY, JULY 7, 2016
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET
JENKS, OKLAHOMA

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 7:04 p.m. on Thursday, July 7, 2016, 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 June 2, 2016, Board of Adjustment meeting and asked if there were any corrections or omissions. There were no comments of corrections to the minutes of June 2, 2016. Chairman Shari Keathley declared the minutes approved as written.

BOARD CASES

1. JBOA-387 (0673) Request by Kyle Ray for an approval of a Variance to Section 430 of the Jenks Zoning Code and Section II of Planned Unit Development Number 44 that requires a 20 foot building line from the rear property line and allowing for a 2.5 foot encroachment of a portion of the primary residence on property described as:

Lot 24, Block 2, "Weston at Wakefield", an addition to the City of Jenks, Tulsa County, Oklahoma.

General Location: 12522 S. Date Place.

Robert Bell addressed the Board and gave his Staff report, which was contained in the Agenda packet. Robert Bell stated Staff recommends the variance be approved as submitted. Steve Murtha said there was nothing addressed here about the front building line. How is that house built on the lot with respect to the front building line? Robert Bell replied could have moved it up, but only a couple of feet. The front also has a 20 foot building line. The living area is built right on that line. The 3 car garage on the structure is set back from that building line less than a foot. Steve Murtha

said essentially that house is too big for the lot. Robert Bell said they're all too big. Steve Murtha asked isn't there a requirement of so much of it has to be left as green space? Robert Bell replied there's a 20 percent requirement that a rear yard has to be maintained as green space. That's not in violation. Chairman Shari Keathley asked is there anyone that would like to speak in opposition to this proposal? No one replied. Chairman Shari Keathley asked is there anyone that would like to speak in favor of this proposal? Yvonne Noble of 12525 S. Date Pl. addressed the Board and said I'm here because I want to know what is going on so I can understand. Robert Bell said in the Weston at Wakefield PUD it said front yards have to be 20 foot. The house has to be set back 20 feet from the front property line. Then it says it has to be set back 20 feet from the rear property line. On the sides it's 5 feet and 5 feet. When they were putting this in they are saying the footing guy ran into some soggy area and he avoided it by extending this out. It should have been caught by building inspectors and by the builder. One little section was expanded to 17.5 feet, which is 2.5 feet into the 20 foot required setback. We're going through a process to say we understand the problem, we understand why you did it, we look at it to make sure it's not affecting anybody and isn't having an impact on adjacent neighbors, and should we allow it to stay in place. My findings were that I understand their problem, I understand what they were trying to avoid, I don't think this 2.5 feet really affects the properties surrounding this. Whoever buys this house isn't going to have a very big rear yard. The ability to have any kind of an accessory building is really not there. My finding said that I didn't see it was an impact and I think it's appropriate that they avoided that area so the foundation of the house wouldn't have a problem in the future. Yvonne Noble asked what about the soggy area that was mentioned? Robert Bell replied that's the excuse they told me when they were building it. I don't think it exists now, because I went out and looked and I didn't see any soggy area. Yvonne Noble asked would a French drain have eliminated the soggy area? Robert Bell replied it could have eliminated the problem. I think just the development of the neighborhood eliminated the problem. I think it was an error on everybody's part that it wasn't caught. This discussion should have happened before the house was built. Yvonne Noble said it doesn't affect my view or anything of that nature. I just wanted to see what the conversation was about since I'm on the HOA Board in case anyone asks any questions. Thank you for explaining it to me. On another note, homeowner beware as far as French drains are concerned. Basically it's not the builder's responsibility. Robert Bell said this will be noted on this case, but it's not always noted. This builder could have built in that area and they would have never known until they had a problem in their foundation. Going back against the builder is always tough. It's always good to go to the City and ask are there any land use cases or Board of Adjustment cases on this property that I'm looking at buying. You can't always catch them all, but you can ask questions. A lot of times you can save yourself by being smart about your purchase. We try to address issues we're aware of through the planning and engineering functions of the City and make it visible. Some of those get by us, too. Some of it's not visible until it rains hard for 3 or 4 months. Yvonne Noble said the house is already built and you're not going to ask them to reconstruct it. Robert Bell said the Board has to decide if it can stay or if they have to tear it down. Chairman Shari Keathley said

in this instance the title company requires something from us so they can have a good title. That way it's in the public record. Chairman Shari Keathley closed the floor.

Steve Murtha made a motion to approve JBOA-387. Seconded by Paul Greek.

A roll call vote was as follows:

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| Steve Murtha | Yes |
| Paul Greek | Yes |
| Gina Wilson | Yes |
| Shari Keathley | Yes |

Motion carried.

Adjournment. A motion was made to adjourn. Meeting adjourned at 7:30 p.m.