

To	Board of Adjustment
Hearing Date	May 13, 2021
Case Number	JBOA 21-437
Request	Variance Relief from front yard buildline
Location	716 E 130 th ST S
Applicant	Cozort Homes

Staff Report	Preparer Marcaé Hilton; BM
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Attachments	Preparer
<input type="checkbox"/> INCOG Map	INCOG
<input type="checkbox"/> Site Plan and Supporting Documents	Fritz Land Surveying

Background Information

STAFF COMMENTARY | Cozort Companies, has submitting this application seeking a variance. After an “As Built” survey was submitted by Fritz Land Surveying showing a corner of the house was encroaching about 5 feet into the buildline and utility easement; the City of Jenks was made aware of the encroachment and started the process of a variance to the Build line and closure of part of the utility easement.

PLANNING DATA

Request	Relief through a Variance due to the encroachment of the buildline Buildline 20 feet Encroachment +-5 feet of NE corner of house <ul style="list-style-type: none">○ BOA Request relief through a variance due to the encroachment of the house into the 20 foot Front Yard Setback● <i>Future Action</i><ul style="list-style-type: none">○ City Council Request relief through an Easement Closure due to the encroachment of the house into the 15 Utility Easement<ul style="list-style-type: none">▪ 30-day notice to TAC▪ Public Hearing on June 1st City Council (Ordinance Required)
Intended Use	Single-family Residential
Appearance District	None

Zoning	PUD 106 & RS-1 Residential Single-Family
Comprehensive Plan	Medium Intensity Single-family
General Location	716 E 130th ST S, west of Lewis and North of 131 st
Plat	The Estates of Forest Hills No. 6796, 06/13/2018 20-foot Front Yard setback (Buildline) 15-foot Utility Easement
Parcel Data	Parcel ID 60662-82-25-68670
Legal	Lot 8, Block 19
Gross Acres	0.27
STR	Section: 24, Township: 18, Range: 12
Floodplain	NO
Easement	There is a 15-foot easement encroachment which requires closure



Figure 1: Utility Lines | Sewer-green, Water-blue, Storm water-yellow

Yorktown, Blocks 45-49



Figure 2: Plat drawing with adjacent Drainage Easement identified

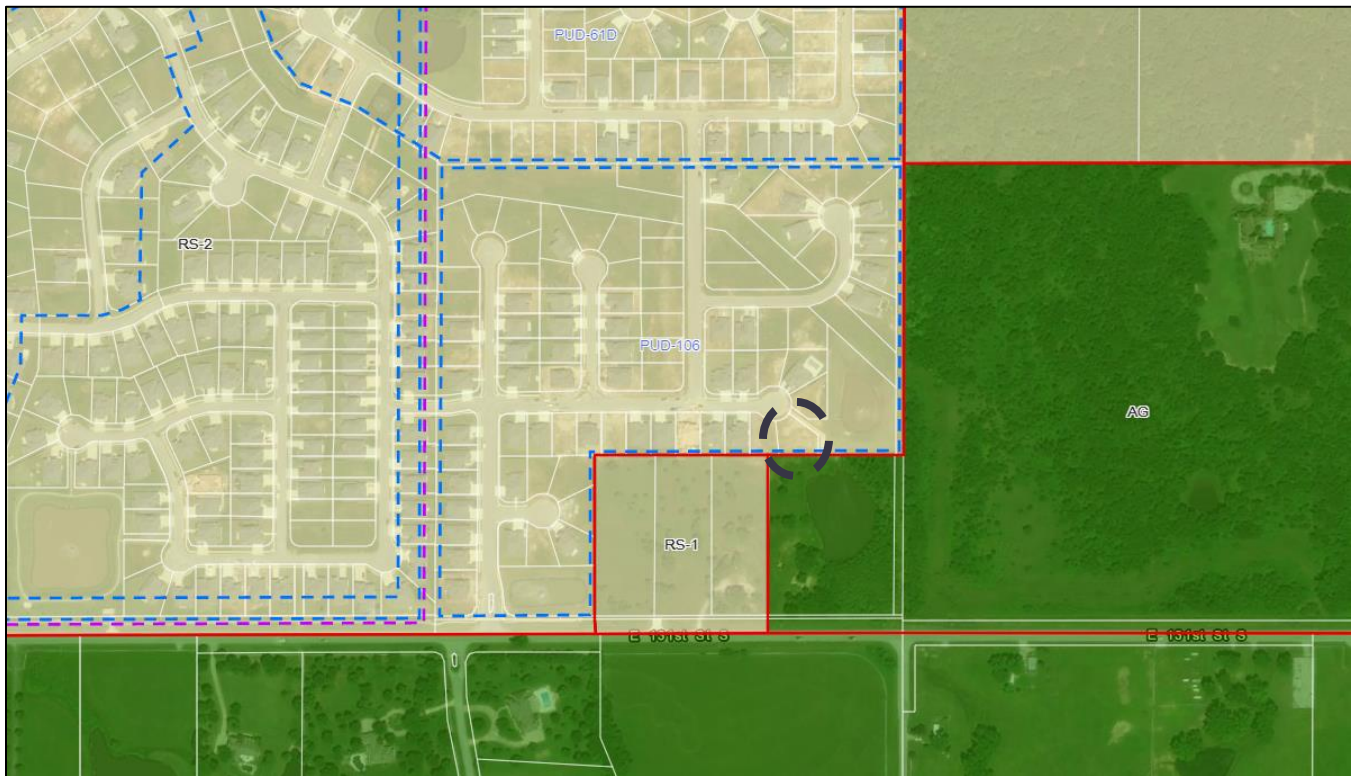


Figure 3: Zoning Map

North: PUD 61D-RS-2 | Single-family Residential
 South: Undeveloped
 East: Undeveloped
 West: PUD 106-RS-1 | Single-family Residential

Staff Evaluation & Recommendation

Evaluation | City Code | Criteria for consideration:

Sec. 1370. - Variances.

1370.3. Board of Adjustment Action.

The Board shall hold the public hearing and, upon the concurring vote of three members, may grant a variance after finding:

- 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. *(This parcel is found to be a lot of record, the RS-1 zoning allows for a single-family residential use, the home is already built, due to the peculiar plat dedication of the easement and building setback, a hardship has occurred.)*

- b. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district. *(The extraordinary condition can be seen as drawn on the face of the plat. The building setback and easement converge at an angle and only apply to this lot and this encroachment.)*
- 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. *(There is no risk of detriment to the public good, the City of Jenks has confirmed the public utilities will not be directly impacted by the Variance request for the encroachment. However, partial closure and ultimate vacation of the easement will be necessary in district Court. Staff does not believe there is any reason to expect the variance will impair the purposes, spirit or intent of the code or comp plan.)*

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

1370.4. Time Limitation on Variances.

A variance which has not been utilized within one year from the date of the order granting the variance shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

Staff Comments | The applicant must complete the Easement Vacation at District Court and any other engineering requirements as applicable. No Certificate of Occupancy will be granted until the Easement Vacation at District has taken place.

Recommendation | *Staff recommends conditional approval of JBOA 21-437 a variance from the front yard setback.*