ANYONE REQUIRING REASONABLE ACCOMMODATIONS TO ATTEND AND/OR FULLY PARTICIPATE IN THIS MEETING MUST CONTACT LORA GWARTNEY AT 739-1265 OR LGWARTNEY@MIDWESTCITYOK.ORG AT LEAST 24 HOURS PRIOR TO THE SCHEDULED STARTING TIME OF THE MEETING.

AGENDA FOR MIDWEST CITY
BOARD OF ADJUSTMENT
October 2, 2018 – 6:00 p.m.
City Council Chambers
City Hall
100 North Midwest Boulevard

A. CALL TO ORDER

B. MINUTES:
1. Discussion and consideration of approving the Minutes of the regular meeting of July 3, 2018.

C. NEW MATTERS:
1. (BA – 401) Discussion and consideration of an application for a variance to the required front building line for the property located at 10343 LeJean Dr., Lot 15, Block 10 of the Pointon City Addition.

D. BOARD DISCUSSION

E. PUBLIC DISCUSSION

F. FURTHER INFORMATION

G. ADJOURN
MINUTES OF MIDWEST CITY BOARD OF ADJUSTMENT MEETING
July 3, 2018 -- 6:00 P.M.

This meeting of the Midwest City Board of Adjustment was held in the City Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on July 3, 2018, with the following members present:

Present:                Jess Huskey  
                        Tammy Cook
                        Frank Young
                        Charles McDade

Staff present:          Kellie Gilles, Planning Manager
                        Lora Gwartney, Associate Current Planner

The meeting was called to order by Huskey at 6:00 P.M.

A.  MINUTES:

A motion was made by Young, seconded by McDade, to approve the minutes of the meeting of June 5, 2018 as presented. Voting aye: Young, Cook, McDade and Huskey. Nay: none. Motion carried.

B.  NEW MATTERS:
1.  (BA-399) Discussion and consideration of an application for a variance to the terms, standards and criteria for the masonry requirement for residential districts as outlined in Section 5.12(A)(2) of the Zoning Ordinance for the property located at 9317 Wonga Drive.

Staff made a brief presentation regarding this item. The applicant, Glen Kierstead of 9616 Rail Rd. was present. He believes that the product they are proposing is a masonry product. Jody Williams of Boulder Ridge spoke and stated that the product is a 50-year, strudy product and is popular for new homes today. Eric Sisemore of 9305 Wonga stated that other homes on Wonga do not meet the ordinance and that he is not in favor of the ordinance. Susie Byrne of 1202 Three Oaks Circle spoke and stated that the property has been a nuisance for years and is happy to have the new home there and that the new home will enhance the neighborhood. Eric Sisemore addressed the Board again and stated that approving this will not set a precedent as each case is different.

Board member McDade stated for the public record that he has known the applicant for many years.
The Board members addressed the following criteria for the variance as listed in Section 7.7.2 of the Zoning Ordinance:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship. Is there a motion to make a finding of such an unnecessary hardship? Cook made a motion that the application of the ordinance creates an unnecessary hardship. McDade seconded the motion. Voting aye: Cook, McDade and Huskey. Voting nay: Young.

2. Such conditions are peculiar to the particular piece of property. Is there a motion to make a finding of such peculiar condition? A motion was made by Young of a finding of such peculiar conditions, stating that the vacant property is a nuisance and of no value to the citizens or City. McDade seconded the motion. Voting aye: Young, Cook and McDade. Voting nay: Huskey.

3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan. Is there a motion to make such a finding? A motion was made by McDade, seconded by Cook, to make such a finding of no substantial detriment. Voting aye: Young, Cook and McDade. Voting nay: Huskey.

4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. Is there a motion to make such a finding? A motion was made by McDade, seconded by Cook. Voting aye: Cook and McDade. Voting nay: Huskey and Young.

A motion was made by Cook, seconded by McDade, approve the variance. Voting aye: Young, Cook and McDade. Voting nay: Huskey. Motion carried.

C. **BOARD DISCUSSION:** General discussion.

D. **PUBLIC DISCUSSION:** None

There being no further business, a motion was made by McDade, seconded by Young, to adjourn the meeting. Voting aye: Young, McDade, Cook and Huskey. Nay: none. Motion carried.

The meeting adjourned at 6:25 P.M.

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**JESS HUSKEY, Chairman**

**KG**
To: Chairman and Board of Adjustment  
From: Billy D. Harless, Community Development Director  
Date: October 2, 2018  

Subject: (BA-401) Discussion and consideration of an application for a variance to the required front building line for the property located at 10343 LeJean Dr., Lot 15, Block 10 of the Pointon City Addition.

Executive Summary: The applicant is requesting this variance to alleviate any future issues with the title as part of the structure is approximately 3’ in front of the 30’ platted front building line. The Pointon City Addition subdivision has a 30’ Building Line. The encroachment includes approximately 60 square feet of the structure. Included in this agenda packet are the applicant’s answers to the four questions that must be voted on for the variance as well as a survey showing the encroachment.

Owner/Applicant: Portie Edwards  

Land use:  
Area of Request – single family residentialNorth, South, East and West – single family residences  

Municipal Code Citation:  
Section 3.2 of the Zoning Ordinance addresses the required front yard setback for residences located in the single family residential districts as a minimum depth of 25 feet, measured from the front property line. The Pointon City Addition Plat shows an additional 5 feet, making the platted front yard setback 30’.
Section 7.7 Variances of the Zoning Ordinance reads in part:

**Purpose**
The Board of Adjustment is authorized in specific cases to grant a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in an unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

**Variance Criteria**
A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part, or upon reasonable conditions, only upon a finding by the Board of Adjustment that:

**Unnecessary hardship**
The application of the ordinance to the particular piece of property would create an unnecessary hardship;

- With regard to this criteria, the applicant stated that “to come into compliance, three feet of the house would have to be cut off.”

**Unique property conditions**
Such conditions are peculiar to the particular piece of property involved;

- The applicant stated that he “purchased this house the way it was and had nothing to do with the placement of the house of the lot.”

**No substantial determine to the public good**
Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and

- The applicant stated that, “the house isn’t sticking out so much as to impact people’s vision driving down the street.”

**Minimum necessary to alleviate the unnecessary hardship**
The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

- The applicant stated that “a 3’ variance would suffice because the home is built 3’ in front of the building line.”

As noted above, this request is a variance and therefore the Board must address the criteria as noted above for the granting of such.

**Staff Comments:**
The variance request is in reference to the 30’ front building line. During construction of the house, the foundation was poured further to the south. Typically, single-family residences have a 25’ front building line. The Pointon City Addition requires an additional 5’.
The applicant's purpose for this appeal is: "to bring the home into compliance." When the applicant bought this property, the title was "clouded." He was allowed to purchase the home but was advised to bring the property into compliance with code for the future. Staff would point out that the encroachment is into a building line, not a utility easement.

Notices of this request were sent to all property owners within 300 ft of the area of request as well as published in the local newspaper. No protest regarding this matter has been voiced to staff at this time.

**Action Required:**
Approve or reject the variance to the front building line as approved in the Pointon City Addition as noted herein for the property located at 10343 LeJean Dr.

比利·哈里斯，AICP
社区发展主任

LG:kg
The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

BOARD OF ADJUSTMENT APPLICATION

Property Information
Location/Address of Property: 10343 LESEAN DR, MWC, OK 73130
Legal Description:

Applicant Information
Name: POCHIE D. EDWARDS
Company:
Mailing Address: 10343 LESEAN DR.
City: MIDWEST CITY State: OK Zip:
Phone: (719) 491-5822 Fax: Email: POCHIER24@GMAIL.COM

Owner Information
Name: SAME AS ABOVE
Company:
Mailing Address:
City: State: Zip:
Phone: Fax: Email:

Please check the type of appeal:
☐ Appeal of an administrative or interpretation decision by a City official
☒ Variance
☐ Special Exception
☐ Oil and gas well applications

Please describe how a variance from the terms, standards and criteria pertaining to an allowed use category within a zoning district would meet the criteria required for a variance:

A. Unnecessary hardship – The application of the ordinance to the particular piece of property would create an unnecessary hardship. The use of the property would have to be cut off 3 ft of my home.

100 N. Midwest Boulevard • Midwest City, Oklahoma 73110
Community Development Department (405) 739-1220 • FAX (405) 739-1399 • TDD (405) 739-1359
An Equal Opportunity Employer
Revision date 12/05/16
B. Unique property conditions – Such conditions are peculiar to the particular piece of property involved:

I purchased this house the way it was and nothing to do with the placement of the house on the lot.

C. No Substantial detriment to the public good – Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan:

The house isn’t sticking out so much as to appear to people’s vision down the street.

D. Minimum necessary to alleviate the unnecessary hardship – The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship:

 Helps for a 3 ft variance because the house is built 3 ft from the building line.

Please describe the purpose of this appeal: To bring my home into compliance.

Signature: ____________________________ Date: 08/30/18
Mortgage Inspection Report

I, Curtis Lee Hale, a Registered Land Surveyor, do hereby state that a careful inspection has been made under my supervision on the following described property, to wit:

Lot Fifteen (15), Block Ten (10), POINTON CITY, Oklahoma County, Oklahoma, according to the recorded plat thereof. Known as 10343 Le Jean Drive.

As shown on the annexed sketch hereon and there are no encroachments of dwelling structures except if shown hereon. This Mortgage inspection report has been prepared for identification purposes for the Mortgages in connection with a new loan and mortgage and is not intended or represented to be a land or property line survey. No corners were set. Do not use this sketch for establishing fence or building lines. The accompanying sketch is a true representation of the conditions that were found at the time of inspection, and the linear and angular values shown on the sketch, if any, are based on record or deed information and have not been verified unless noted. This inspection was made for loan purposes only and no other responsibility is hereby extended to the land owner or occupant. Dated at Oklahoma City, Oklahoma on this 23rd of June, 2018.

Inspection Number: 20185018
Title Company: PAJCKSON
File Number: 21.07/01-OKIV
Buyer: Edwards

Licensed Land Surveyor (Not Valid Without a Signature)

Land Surveying and Planning
1601 SW 89th Street, Building C Suite 200
Oklahoma City, Oklahoma 73119
Tel: (405) 667-0174 Fax: (405) 601-4881
C.A.: 819 - Exp: June 30, 2019
www.halesurvey.com

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